

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: 12/15/08

Reviewed by: BP

SUBJECT: Authorize the City Clerk to Schedule a Public Hearing of City Council for First Reading of an Ordinance to Amend the Municipal Code regarding Tobacco Retailing

FROM: Jackie Bucholz, City Clerk
Jeff Bond, Planning & Building Manager

STAFF RECOMMENDATION

Authorize the City Clerk to schedule a Public Hearing of City Council on January 21, 2009 for first reading of an ordinance to amend the Planning and Zoning Code for purposes of creating a Tobacco Retailer Licensing Program and land use regulations for tobacco retailers.

BACKGROUND

An individual approached the Community Development Department in the spring of 2008, inquiring about opening a tobacco-oriented retail business in an existing building on San Pablo Avenue. In researching the zoning ordinance, staff discovered that tobacco-oriented uses were not specifically mentioned, instead being considered as either a “neighborhood retail” or “community retail” use, both of which would be permitted on San Pablo Ave without discretionary review.

To allow the city to draft regulations for tobacco-oriented retail businesses, an interim urgency ordinance was approved by the City Council on May 19, 2008, establishing a 45-day moratorium on approval of tobacco related retail establishments. On July 3, 2008, the moratorium was extended for a period of 10 months and 15 days to allow staff to identify possible amendments to the municipal code.

On November 11, 2008, the Planning and Zoning Commission held a public hearing on the proposed regulations and approved a Resolution of Intention to consider an amendment to the Planning and Zoning Code.