

# Tobacco Permit Density Reduction Ordinance

## Elements of Formula to Reduce Density through Attrition

**Maximum of 45 permits** desired per Supervisorial District.

- a. **No new** permits will be issued in districts with more than 45 permits
- b. No current permit will be **taken away**

As of effective date of this ordinance, **no new permits will be issued:**

- a. In **new locations**
- b. To **restaurants or bars\***
- c. If business is within **500 feet of a school**
- d. If business is within **500 feet of another tobacco retailer**

## Exemptions: One Time Permits

### First Time

- Current owner must hold tobacco permit and has been in business for 5 years as of the effective date of this ordinance
- Current owner must submit affidavit to Director of Health attesting to ownership at same location/permit for 5 consecutive years immediately before submission of affidavit
- Must be in negotiations with a specific buyer and must be one of the following:
  - ✓ Retail food store establishment
  - ✓ Tobacco shop
  - ✓ Child of the owner of the retail food store/tobacco shop
  - ✓ Owner of a bar/tavern (cigar/smoking bar) already qualified for an exemption under section 1009.23(d)
  - ✓ Owner of retail food store or tobacco shop who must relocate under 34B of building code

### Second time

For the new buyer of a store that has received the one-time permit: Requirements are the same as "first time" for **retail food store, tobacco shop or cigar/smoking bar only** and current owner must hold current tobacco permit for 10 consecutive years

### Death or Divorce

If the new owner obtained the business through divorce/death of a spouse, they are eligible for a one time permit.

## Other

1. No permit will be issued if permit holder is in violation of Health, Police, or CA Labor Code
2. No Permit will be issued if an active BoE Tobacco Retail Permit is not in place

See reverse side for Definition of Terms

For more information visit: [www.sftobaccofree.org/density](http://www.sftobaccofree.org/density)



# Definition of Terms

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**Bar** - An area, whether a separate, stand-alone business or part of a larger business which is devoted to the serving of alcoholic beverages for consumption by patrons on the premises and in which the serving of food is incidental to the consumption of such beverages.

**Cap** - The figure set forth in Section 19H.5 and represents the total number of permitted Establishments that may operate in each supervisorial district.

**Change of Ownership** - A change of 50 percent or more of the ownership of the business within a 12-month period; provided, however, that if the permittee is a corporation, transfer of 25 percent of the stock ownership of the permittee shall be deemed to be a Change of Ownership. "Density Cap" has the same meaning as "Cap."

**Establishment** - Any store, stand, booth, concession, or any other enterprise that engages in the retail sale of tobacco products, and including stores engaging in the retail sale of food items.

**New Location**- Not previously occupied by a permitted establishment.

**Restaurant** - A business retail food establishment that primarily stores, packages, serves, vends, or otherwise prepares food for human consumption on the premises. "Restaurant" includes, but is not limited to business establishments primarily engaged in providing (1) food services to patrons who order and are served while seated on the premises, and pay after eating, and (2) food services where patrons generally order and pay before eating on the premises., or (3) take-out food services where patrons order ready-to-eat food generally intended for consumption off the premises. "Restaurant" also includes separately owned food facilities that are located in a grocery store but does not include the grocery store. *\*No new permit should be issued to any Applicant whose main purpose is offering food or alcoholic beverages for sale for consumption on the premises, including Bars and Restaurants.*

**Retail Food Store Establishment** - Defined in the Planning Code as: Grocery, Grocery Specialty or Liquor Store.

**School** - A public or private kindergarten, elementary, middle, junior high, high school, or a school combining some or all of the above school grades.

**Tobacco Products** - Tobacco and any substance containing tobacco leaf, including but not limited to cigarettes, electronic cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, or any other preparation of tobacco, including the cigarettes commonly known as *bidis*.

**Tobacco Shop** - Any tobacco retailer whose principal business is selling Tobacco Products, tobacco paraphernalia, or both, as evidenced by any of the following: 50% or more of floor area and display area is devoted to the sale or exchange of Tobacco Products, tobacco paraphernalia, or both; 70% or more of gross sales receipts are derived from the sale or exchange of Tobacco Products, tobacco paraphernalia, or both; or 50% or more of completed sales transactions include a Tobacco Product or tobacco paraphernalia.