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Honorable Mayor and City Council  
City of Merced  
678 W. 18<sup>th</sup> Street  
Merced, CA 95340

August 11, 2016

Mayor Thurston and members of the Council:

The Chamber would like to thank the Focus Group, City staff, and the public for the massive effort that's been put forth to update our community's antiquated Zoning Code.

As you consider adoption of the update, however, we offer a strong objection to some of the special land use regulations that were proposed *after* the work of the Focus Group had been substantially completed.

Of particular concern are the proposed new restrictions on tobacco sales in proximity to schools and "other youth-oriented activities". Ambiguity aside, it's already illegal to sell tobacco to persons under the age of 21. Additionally, existing points of sale and stores over 20,000 square feet would be exempt.

In light of existing state law, the grandfather clause, and the size exemption, there is no reason to put a ban in place *that would immediately be rendered useless*.

We fear the addition of an impotent ban like this does nothing but establish a precedent that will be used to begin banning other items that various groups find objectionable: sodas, tanning, etc.

This issue is not about tobacco. It's about useless regulations that do nothing more than inhibit the ability to conduct commerce in our city.

Please show the business community that you mean business.

Respectfully,

A handwritten signature in black ink, appearing to read "Adam Cox".

Adam Cox  
President/CEO



## DEPARTMENT OF PUBLIC HEALTH

Kathleen Grassi, R.D., M.P.H.  
Director

January 21, 2015

City of Merced  
Planning Division  
Development Services Department

RE: Zoning Ordinance Update Focus Group Recommendation

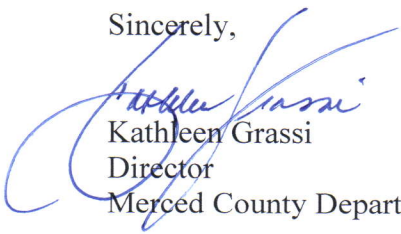
The Merced County Department of Public Health is aware that the City of Merced is currently updating the zoning ordinance and asks that the focus group and Planning Department explore ways the zoning code can be amended to reduce tobacco availability near schools in an effort to protect the health of youth in Merced. Specifically, a change to the zoning code placing restrictions on new businesses that sell tobacco near schools is recommended.

Tobacco is the leading preventable cause of death in the United States and causes cancer, heart disease, stroke, lung diseases and diabetes. Most smokers (nearly 9 out of 10) first try a cigarette by the age of 18 and each day in the United States more than 3,200 people younger than 18 years of age smoke their first cigarette. In Merced County smoking rates among youth are 14.2%, higher than the state average of 13.8%.

Local zoning and licensing regulations can be used to control the number, type, proximity, and density of tobacco retailers around schools. Reducing the density of tobacco outlets near schools is an effective strategy to reduce youth smoking based upon research that has shown that a higher density of tobacco retailers is associated with experimental smoking in high school students. In California, many jurisdictions have amended their zoning code and/or licensing regulations to restrict tobacco retailers including Santa Clara County and the City of Mountain View. Approaches that other jurisdictions have used include restricting new tobacco retailers near schools (e.g., within 1000 feet of schools) and/or requiring a conditional use permit for tobacco retailers.

The Merced County Department of Public Health staff is available to answer questions and provide examples of what other jurisdictions have done. The Department appreciates your consideration of this addition to the zoning code and your efforts to enhance the health of Merced youth.

Sincerely,



Kathleen Grassi  
Director

Merced County Department of Public Health

KG:sn

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