



# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** Chris Burton

**SUBJECT:** See Below

**DATE:** May 28, 2025

Approved

Date:

5/28/2025

**SUBJECT: Update to the January-June 2025 Neighborhood Services and Education Committee Work Plan**

## **RECOMMENDATION**

Approve an amendment to the January-June 2025 Neighborhood Services and Education (NSE) Committee Work Plan to drop the following item scheduled for the June 12, 2025 NSE Committee meeting.

### **Flavored Tobacco Ban, Nitrous Oxide, and Regulation of Vape and Smoke Shops Status Report.**

**Purpose:** Provide a status report on the Flavored Tobacco Ban and Nitrous Oxide work plan and on establishing vape and smoke shops as an enumerated use within the City's land use tables and creating related regulatory programs to reduce illegal cannabis sales. (Planning, Building and Code Enforcement)

## **BACKGROUND**

Staff requests to drop the Flavored Tobacco Ban, Nitrous Oxide, and Regulation of Vape and Smoke Shops Status Report from the June 12, 2025 NSE Committee meeting to consolidate and align both existing and recent City Council direction and streamline staff work across these related initiatives to ensure effective implementation and efficient use of City resources.

The Planning, Building, and Code Enforcement Department (PBCE) has provided multiple updates regarding these initiatives over the past fiscal year at City Council and Council Committees meetings. As part of the PBCE Citywide Planning Activities Semi-Annual Status Report to the Community and Economic Development Committee on September 23, 2024, and to the full City Council on October 22, 2024, staff provided an update on the zoning ordinance changes to regulate vape and smoke shops as part of its' ongoing work plan. The Police Department and PBCE also provided a status report

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to the Public Safety, Finance, and Strategic Support Committee on April 17, 2025 regarding the regulation of illegal hemp products at vape and smoke shops and/or Tobacco Retail License businesses.

As part of Manager's Budget Addendum (MBA) #3 *Balancing the Budget and Prioritizing Our Work*, two remaining Tobacco Retail License Ordinance Council Referral items 1) exploring increased Tobacco Retail License fine amounts, and 2) providing an information memorandum on cross training and streamlining service delivery, have been proposed to be dropped. MBA #3 also recommends deferring direction to amend Title 20 of the San José Municipal Code to define and establish vape and smoke shops as an enumerated use requiring a permit.

More recently, on May 28, 2025, the Rules and Open Government Committee accepted a memorandum from Councilmembers Ortiz, Campos, Candelas, Cohen, and Casey proposing a temporary moratorium on new smoke shops. Staff was directed to return to the Rules and Open Government Committee on June 11, 2025, with a proposed work plan and an analysis of the resources needed to implement the goals outlined in the memorandum.

To ensure a coordinated and efficient approach, staff plans to evaluate the recent Rules and Open Government Committee direction to enact a temporary moratorium alongside existing City Council directives. Dropping this item from the NSE Committee agenda will allow staff to develop a more cohesive and strategic work plan, which will be brought back to the Rules and Open Government Committee on June 11.

/s/

Chris Burton

Director, Planning, Building, and Code  
Enforcement

For questions, please contact Rachel Roberts, Deputy Director, Planning, Building, and Code Enforcement, at [rachel.roberts@sanjoseca.gov](mailto:rachel.roberts@sanjoseca.gov) .