



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Councilmember Peter Ortiz
Councilmember Pamela Campos
Councilmember Domingo Candelas
Councilmember David Cohen
Councilmember George Casey

SUBJECT: SEE BELOW

DATE: May 22, 2025

Approved:

Date: May 22, 2025

SUBJECT: Temporary Moratorium on Smoke Shops

RECOMMENDATION

1. Direct the City Attorney and Planning, Building, and Code Enforcement staff to draft an ordinance enacting a **temporary moratorium** on approving and establishing new smoke shops citywide, focusing on addressing the **overconcentration** of such businesses in neighborhoods such as East San José.

DISCUSSION

Over the past several years, the number of smoke shops operating within the City of San José has significantly increased. This trend is especially pronounced in East San José, where certain neighborhoods now have a disproportionate concentration of smoke shops within close proximity to schools, youth-serving facilities, and residential communities.

Residents and community leaders have expressed growing concerns about the public health impacts, youth access to tobacco and vaping products, and the potential for these businesses to contribute to neighborhood blight or crime.

The 2025 Latino Health Assessment released by Santa Clara County reveals troubling disparities in the availability of tobacco products in East San José. In 2023, the tobacco retailer density in the East San José region was 6.7 retailer outlets per square mile, two times higher compared to 3.0 for the county overall.¹

¹ **Santa Clara County Public Health Department.** 2025 Latino Health Assessment. May 2025.
<https://files.santaclaracounty.gov/exjcpb1751/2025-05/lhareport-5-05-2025.pdf?VersionId=x29kOMOkTjA3JoztYS5K8tbKUKkgFQrs>

Density of tobacco and alcohol retailers by county region, Santa Clara County, 2023

Count region	Density of tobacco retailers (Count per square mile)	Density of alcohol retailers (Count per square mile)
East San José	6.7	13.0
South County	0.2	0.6
Rest of the county	3.3	17.5
Santa Clara County	3.0	9.2

Source: California Department of Tax and Fee Administration, California Cigarette & Tobacco Products Licensees, 2023 active tobacco retailers; California Department of Alcoholic Beverage Control, 2023 active alcohol retailers

Note: Countywide retailer density calculation excluded unincorporated areas of the county.

This disproportionate concentration of smoke shops in a predominantly Latino and underserved community raises serious public health concerns. Increased exposure to tobacco products contributes to higher rates of smoking-related illnesses and undermines community well-being.

Currently, the city does not have adequate regulatory controls in place to manage the location or density of smoke shops. Without intervention, new shops may continue opening in oversaturated areas, undermining community well-being and equitable business development.

The moratorium would allow existing businesses to continue operating without disruption.

Therefore, these findings underscore the urgent need for a temporary moratorium on new smoke shops in East San José to prevent further public health harms, and advance health equity in one of our county's most impacted communities.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.