



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Councilmember Campos
Councilmember Ortiz
Councilmember Cohen
Councilmember Candelas
Councilmember Casey

SUBJECT: SEE BELOW

DATE: October 31, 2025

Approved:

Date: 10/31/2025

[Handwritten signatures: Domingo Candelas, George Casey, David Cohen]

SUBJECT: Temporary Moratorium on the Issuance of Tobacco Retail Licenses

RECOMMENDATION

1. Accept Staff Recommendations; and
2. Approve the staff-recommended workplan described on page 7 of the staff memorandum, including direction to amend the fine schedule to increase TRL fines. These should include, but not be limited to, penalties for the following violations:
 - a. Tobacco Retail License Required (6.87.200)
 - b. Operating Regulations and Conditions (6.87.300)
 - c. Limits on Location of Tobacco Retailing (6.87.370)

BACKGROUND

Over the past several years, the number of smoke shops and tobacco retailers operating within the City of San José has increased substantially, with the most pronounced concentration occurring in East San José and portions of South County. Residents and community organizations have repeatedly expressed concerns that this proliferation has heightened youth exposure to tobacco and vaping products, with shops even opening across the street from schools.

Recent data from the Santa Clara County Public Health Department's 2025 Latino Health Assessment underscores these concerns. The Assessment reports that East San José, a

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predominantly Latino and working-class community, has a tobacco retailer density of 6.7 outlets per square mile, more than double the countywide average of 3.0. This over-saturation exacerbates negative neighborhood health outcomes. The report links these disparities to broader social determinants of health, including historical disinvestment, redlining, and economic inequities that continue to shape the living conditions of our East San José residents.

Together, the moratorium and enhanced enforcement framework represent an immediate, equity-focused response to community health data, intended to curb the further expansion of tobacco retailers in vulnerable areas and build on efforts to reverse decades of growing health disparities in San José's most underserved 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.