

ORDINANCE NO. _____

Interim Control Ordinance prohibiting the processing and issuance of any by-right land use permits related to the approval of Smoke & Vape Shops and/or tobacco retailer's permits in the geographic boundaries of the City's 15th Council District.

WHEREAS, the Interim Control Ordinance (ICO) is proposed to cover the geographic boundaries of Council District 15 (CD-15) including portions of Southeast Los Angeles, Harbor Gateway, Wilmington-Harbor City, San Pedro and the Port of Los Angeles, which are a part of the General Plan of the City of Los Angeles;

WHEREAS, the City does not currently have sufficient land use regulatory controls governing the establishment and operation of Smoke & Vape Shops, or similar related controls for tobacco retailer's permits, and most of CD-15 is not subject to development, operation or location standards for Smoke & Vape Shops particularly as it concerns sensitive uses;

WHEREAS, as of 2025, there are 117 active tobacco retailer's permits in CD-15 that are currently in operation, contributing to the widespread availability of tobacco products across Community Plan Areas (CPAs) within CD-15;

WHEREAS, tobacco retailer's permits are governed by Article 6.9 (Tobacco Retailer's Permit Required) of Chapter IV (Public Welfare) of the Los Angeles Municipal Code (LAMC), which requires each fixed location where tobacco, tobacco products, and tobacco paraphernalia are sold, to obtain and annually renew with the Office of Finance, a tobacco retailer's permit that is subject to enforcement by the City Attorney's Office, Tobacco Enforcement Operations Unit;

WHEREAS, the City of Los Angeles requires tobacco retailers to obtain and maintain a valid tobacco retailer's permit and comply with local, state, and federal laws regulating the sale of tobacco products, including prohibitions on sales to individuals under 21 years of age;

WHEREAS, violations of tobacco control laws, including sales to minors or other unlawful practices, may result in penalties including suspension or revocation of a tobacco retailer's permit;

WHEREAS, the City of Los Angeles maintains the authority to suspend or revoke a tobacco retailer's permit for violations such as sales to minors, highlighting the necessity for robust enforcement to protect public safety, health, and welfare;

WHEREAS, in CD-15, Smoke & Vape Shops are concentrated in certain neighborhoods, often those already experiencing economic and environmental strain, and the close proximity of some establishments to sensitive areas such as schools, churches, parks and daycare centers has raised concerns about youth exposure;

WHEREAS, an ICO for CD-15 is necessary to limit the widespread presence of Smoke & Vape Shops, first identified by the Wilmington community and now expanding across the plan areas, which often attract youth through flavored tobacco products, nitrous oxide, and snacks, and also carry high risk items (e.g. laughing gas, nitrous oxide, galaxy gas, or whippets), which are prone to misuse, highlighting the need for local oversight to protect community health, safety and well-being;

WHEREAS, within a three-year period from 2023 through 2025, CD-15 had a total of 551 tobacco retailer's permits, 55 new retailer permits, 7 permit suspensions, and 53 investigations;

WHEREAS, this past January, a tobacco retailer site located at 1403 N. Wilmington Boulevard received a 30-day suspension for not complying with Article 6.9 of the Los Angeles Municipal Code (LAMC);

WHEREAS, the current codified zoning regulations set forth in Chapter I of the LAMC do not define, distinguish, or regulate "Smoke & Vape Shops," and while certain areas in the Southeast Los Angeles (SELA) CPA regulate Smoke & Vape Shop uses under the SELA Community Planning Implementation Overlay (CPIO), such regulations are limited to Industrial CPIO Subareas, thereby leaving all other areas vulnerable to new uses;

WHEREAS, the City Council adopted an amended motion on March 24, 2026 (Council File No. 25-0916), (1) instructing the Department of City Planning, in consultation with the City Attorney, and with the assistance of the Department of Building and Safety, the Office of Finance, and the Department of Cannabis Regulation as needed, to prepare and process an ICO to prohibit the processing of any by-right land use permits for "smoke & vape shops" and the issuance of any related tobacco retailer's permits for these uses within the geographical boundaries of CD-15, and (2) instructing the Department of City Planning to report to the appropriate committee with the necessary findings to prohibit the processing of any by-right land use permits for "Smoke & Vape Shops" and the issuance of any related tobacco retailer's permits for these uses Citywide;

WHEREAS, the sale of tobacco and tobacco products are generally permitted by-right within the City's designated commercial zones, including within CD-15;

WHEREAS, such Smoke & Vape Shop establishments are often located within close proximity to residential neighborhoods, schools, churches, and daycare centers, raising concerns about public health, safety, and community well-being;

WHEREAS, in the United States, tobacco use remains the leading cause of preventable death, resulting in more than 490,000 deaths annually and imposing a significant burden on the nation's health care system, with costs exceeding \$241 billion each year in direct medical expenses and related losses;

WHEREAS, tobacco use constitutes a significant public health concern, disproportionately impacting vulnerable populations, substantially diminishing quality of life, and posing a high risk of addiction that contributes to chronic and life-threatening health conditions including cardiovascular and respiratory disease, various forms of cancer, periodontal disease, and premature aging;

WHEREAS, in 2025, the California Department of Public Health reported youth use of tobacco products including 5 percent using vapes, 1.5 percent using oral nicotine pouches, and 1.3 percent using cigarettes, with vapes and oral nicotine identified as leading products among high school;

WHEREAS, despite public health initiatives to reduce tobacco use, accessibility and targeted advertising, particularly at convenience stores and gas stations where nearly half of California youth reported exposure to tobacco marketing, continue to contribute to ongoing public health concerns;

WHEREAS, further study is needed by the City to determine the appropriate clarifications within the City's land use regulatory system to address these concerns, and ensure an effective and long-term strategy;

WHEREAS, the adoption of an ICO is necessary to temporarily prohibit the establishment of new Smoke and Vape Shops and the issuance of new tobacco retailer's permits in CD-15 while the City prepares appropriate long-term regulatory controls; and

WHEREAS, it is imperative to safeguard public safety, health, and welfare by immediately halting the processing and issuance of all by-right land use permits for Smoke & Vape Shops, as well as tobacco retailer's permits, within CD-15, until the new zoning regulations take effect.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section. 1. **RECITALS.** The foregoing recitals are true and correct and incorporated herein by reference.

Sec. 2. **FINDINGS.** Based upon the above recitals and the record the City Council finds:

- a. The interim measure is essential to prevent further adverse impacts resulting from an increase of Smoke & Vape Shop uses which if unregulated can degrade the quality of life for residents within the Southeast Los Angeles, Harbor Gateway, Wilmington-Harbor City and San Pedro Community Plan Areas (CPAs).

The proliferation of Smoke & Vape Shops has raised significant community concerns, particularly in Wilmington and surrounding areas. These establishments often serve as youth gathering spots, offering tobacco products, snacks, and flavored nitrous oxide, alongside unauthorized cannabis sales and high-risk household supplies (i.e. oven cleaners). The lack of oversight creates regulatory challenges and poses a public health crisis that disproportionately harms vulnerable residents through addiction and serious illness. In CD-15, the concentration of these shops in economically strained neighborhoods and near schools emphasizes the urgent need for local regulatory action to protect the public health, safety, and welfare.

- b. The ICO will temporarily protect the public health, safety, and welfare for several communities within Council District 15, as shown within the ICO Boundary Map on the attached map of this ordinance.
- c. The ICO will prevent the introduction of more Smoke & Vape Shops or the expansion of existing Smoke & Vape Shops on a ministerial basis.
- d. The City Council finds this ordinance is not subject to the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15061, Subdivision (b)(3), because adoption of the ordinance will not result in a directly or reasonably foreseeable indirect physical change in the environment and has no potential for resulting in a significant effect on the environment as the ordinance will maintain the status quo. Additionally, this ordinance is exempt from the City's CEQA Guidelines pursuant to Article II Section 2 (m) in that it is only a temporary measure until appropriate land use regulatory controls are established and will not result in any impacts on the physical environment.

Sec. 3. **DEFINITIONS.** The following words and phrases, whenever used in this ordinance, shall be construed as defined in this section. Words and phrases not defined here shall be construed as defined in 12.03 or Section 46.90 of the LAMC. As used in this ICO, the following definition shall also apply:

- a. **Smoke & Vape Shop** is a retail establishment involving the primary sale of tobacco products, substances intended for smoking, or smoking accessories, including but not limited to cigars, pipes, vaporizing devices, or other smoking paraphernalia. The use may include an enclosed smokers' lounge that is solely dedicated to smoking tobacco products. The use does not include uses such as grocery stores, convenience stores, gas stations or similar retail establishments. This use does not include medicinal or recreational cannabis establishments; and for cannabis uses see the Department of Cannabis Regulation.

Sec. 4. **PROHIBITION.** Notwithstanding any provision of the LAMC, no tobacco retail permits, building or other by-right land use permits or certificates of occupancy shall be issued for the establishment or expansion of Smoke & Vape Shop uses within the area covered by this ordinance as shown on the map identified in Section 5.

Sec. 5. **INTERIM CONTROL AREA.** The provisions of this ordinance shall apply to the geographic boundaries of CD-15, generally bounded by portions of Southeast Los Angeles, Harbor Gateway, Wilmington-Harbor City, San Pedro Community Plan Areas and the Port of Los Angeles as shown on the attached map.

Sec. 6. **APPLICABILITY OF THE ZONING CODE.** The regulations of this ordinance are in addition to those set forth in the planning and zoning provisions of Chapter 1 of the LAMC and any other ordinances adopted by the City Council, and do not contain any rights not otherwise granted under the provisions and procedures contained in that Chapter or other ordinances.

Sec. 7. **EXTENSION OF REGULATIONS.** This ordinance will be in effect immediately and will remain in effect for 45 days. The City Council may by resolution, extend the provisions of this ordinance for a 10-month and 15-day period which can be further extended to an additional year from the effective date of this ordinance, so long as the City Council makes the findings required in Government Code Section 65858(c) . The ordinance will be of no further force and effect when appropriate land use regulatory controls are established and become operative subsequent to the adoption of this ordinance.

Sec. 8. **HARDSHIP EXEMPTION.** The City Council, acting in its legislative capacity and by resolution, may grant hardship exemptions from any or all of the provisions of this ordinance in cases of extreme hardship duly established to the satisfaction of the City Council. An application for hardship exemption shall be filed with the City Clerk on forms provided by the Department of City Planning.

Sec. 9. **SEVERABILITY.** If any portion, subsection, sentence, clause, or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause, and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses, or phrases be declared invalid.

Sec. 10. **SAVINGS CLAUSE.** The provisions of this ordinance do not apply to the extent that their application would result in a taking requiring compensation, would deprive any person of constitutional or statutory rights or privileges, or otherwise be inconsistent with federal or state law.

Sec. 11. **URGENCY CLAUSE.** The City finds that this ordinance is required for the immediate protection of the public safety, health, and welfare for the reasons set

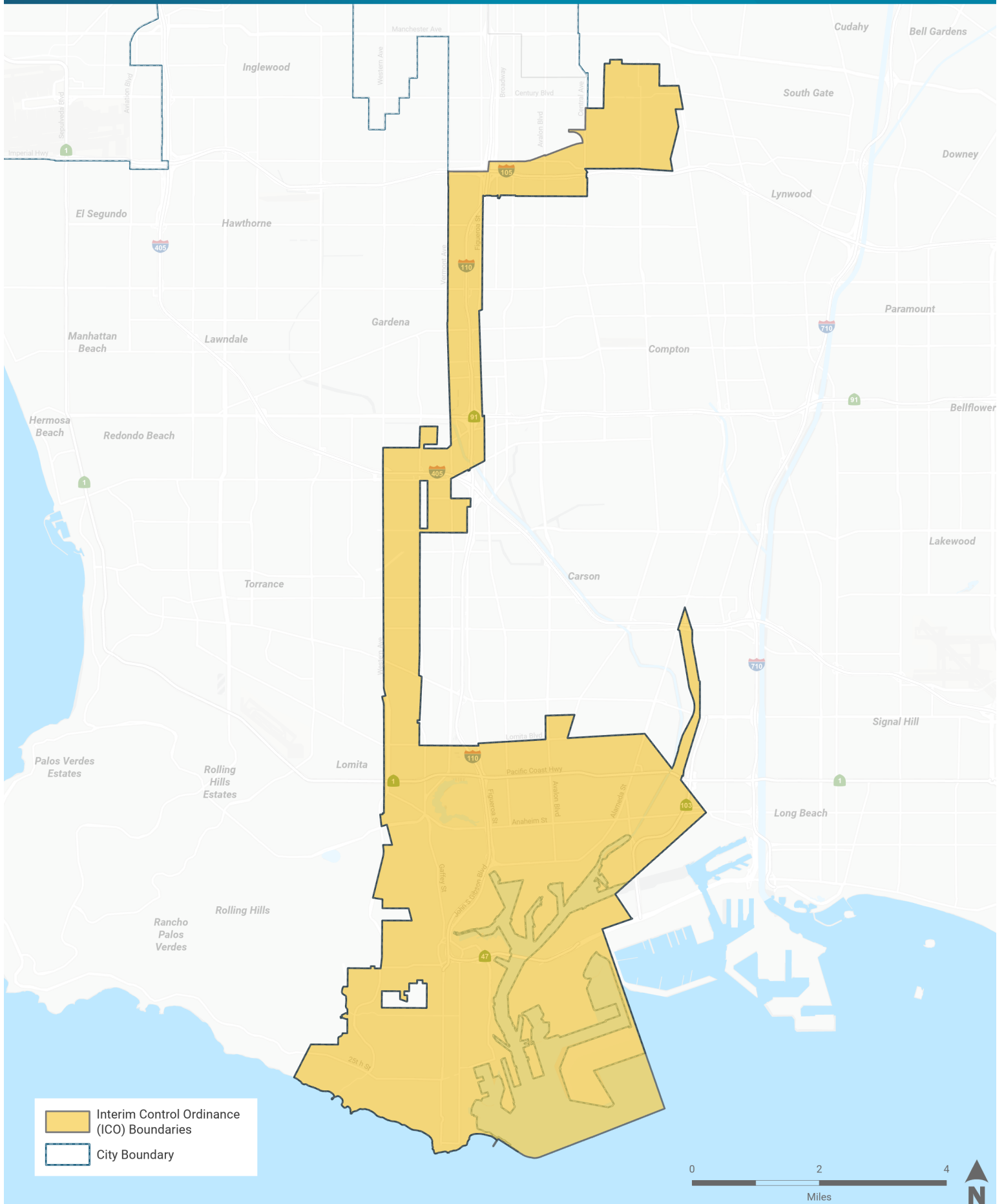
forth in this ordinance. Pursuant to Government Code Section 65858, this ordinance shall be effective upon the date of adoption.

Attachment

Attachment

Interim Control Ordinance Boundaries

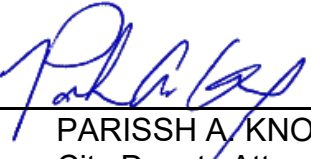
Council District 15



Sec. 12. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records

Approved as to Form and Legality

HYDEE FELDSTEIN SOTO, City Attorney

By  _____
PARISSH A. KNOX
City Deputy Attorney

Date June 16, 2026

File No. _____

m:\real_prop_env_land_use\land_use\parissh_knox\ordinances\smoke_shops_ico\2026.06.16_draft_ico_smoke_shops.docx

The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, by a vote of not less than four-fifths of all its members.

CITY CLERK

Ordinance Passed _____