



Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. R26-0345
JUNE 16, 2026

REPORT RE:

**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 WITHIN
THE GEOGRAPHIC BOUNDARIES OF THE 15TH COUNCIL DISTRICT**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 25-0916

Honorable Members:

This Office transmits to you for your consideration, approved as to form and legality, a draft interim control ordinance (ICO) that would prohibit the processing and issuance of any by-right land use permits for smoke & vape shops and/or tobacco retailer's permits within the geographical boundaries of the 15th Council District.

Legislative Background

On October 28, 2025, the Planning and Land Use Management (PLUM) Committee considered a Motion (McOsker – Lee) that requested the Department of City Planning (DCP), in consultation with this Office, and with the assistance of the Department of Building and Safety (DBS) and Department of Cannabis Regulations (DCR) as needed, to prepare and process an ICO to prohibit the by-right establishment

or expansion of (1) any retail business that permits the sale or on-site use of tobacco or nicotine products; and (2) any "Tobacco Retailer" as defined in Los Angeles Municipal Code Section 46.90 (1), commonly referred to collectively as "smoke-shops" near sensitive uses within the geographical boundaries of Council District 15. As part of its deliberation, PLUM requested a report back from DCP to five questions related to tobacco and nicotine sales, enforcement concerns, and resource needs. The DCP was also instructed to report back on best practices from other jurisdictions on zoning, licensing, buffer zones, youth-access controls, and permitting related to tobacco and smoke-shop businesses.

On November 12, 2025, City Council approved the amended instruction. On February 10, 2026, DCP submitted its report back to the Council File as requested. On March 10, 2026, PLUM considered and filed the DCP report. Then PLUM instructed DCP in consultation with the City Attorney, and with the assistance of DBS, the Office of Finance, and the DCR as needed, to draft and present an ICO that prohibits 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 Council District 15.

DCP was also instructed to include an Urgency Clause, making the ICO effective upon publication. Consistent with California Government Code Section 65858, the ICO would run for 45 days, with an option for a 10-month and 15-day extension by Council Resolution, and can be further extended for an additional one year, or until the appropriate land use regulatory controls become effective, whichever occurs first.

On March 24, 2026, the City Council adopted the PLUM report and the Amending Motion (McOsker-Yaroslavsky) to instruct the DCP 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.

Summary of Ordinance Provisions

The draft ICO prohibits 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 for these uses within the geographic boundaries of Council District 15.

The draft ICO would be in effect for 45 days from its effective date with the possibility of a 10-month and 15-day extension, which may be further extended for an additional one year from the effective date of this ordinance.

The draft ICO contains an urgency clause for the immediate preservation of the public peace, health, and safety, and is effective upon publication; but for the urgency clause to take effect the ICO must be passed by a four-fifths vote.

Government Code Section 65858

Government Code Section 65858 authorizes a legislative body to adopt an ICO to protect the public safety, health, and welfare by prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body is considering or studying. The ICO may be adopted as an urgency measure, without following the procedures otherwise required by law prior to the adoption of the ordinance. The ICO must contain legislative findings specifying a current and immediate threat to the public health, safety, or welfare, and that approval of additional entitlements or building permits would result in that threat to public health, safety or welfare. The urgency measure requires a four-fifths vote and shall be of no further force and effect 45 days from the date of its adoption unless extended pursuant to statute, for a total period of not more than 24 months. Thereafter, another interim ordinance can only be adopted to protect the public safety, health, and welfare from an event, occurrence, or set of circumstances different from the event, occurrence, or set of circumstances that led to the adoption of the prior interim ordinances. (Gov't Code § 65858(f).)

CEQA Findings

Regarding the California Environmental Quality Act (CEQA), the DCP recommends that the City Council determine that the ICO is exempt from CEQA, pursuant to California Code of Regulations, Title 14, Section 15060(c)(2) and Section 15061(b)(3), because adoption of the ICO 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 ICO will maintain the status quo.

In addition, DCP recommends the City Council determine that the ICO is also exempt from the City's Environmental Quality Act Guidelines pursuant to Article II Section 2 (m), in that the ICO is only a temporary measure until appropriate permanent land use regulatory controls are established and it will not result in any impacts on the physical environment.

The City Council may rely on these findings or make its own findings.

Council Rule 38 Referral

A copy of the draft ICO was sent, pursuant to Council Rule 38, to DCP, DBS, and the City's Office of Finance. We requested the Departments report any comments directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Pariss A. Knox at 213-978-8191. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By 
JOHN W. HEATH
Chief Assistant City Attorney

JWH:PAK:cp
Transmittal