

**PLANNING COMMISSION MEETING
THURSDAY, JUNE 11, 2026**

PRESENTATIONS

STAFF PRESENTATION

ITEM #1 ACT 26-028

**City Initiated Revocation Proceedings for Tobacco
Retailer Licenses for Commercial Properties Within the
City of Hayward Where License Holders Committed
Three or More Violations Within a Five-Year Period,
Pursuant to Hayward Municipal Code Section 10-1.2794**

Tobacco Retail License Review and Revocations Meeting

Planning Commission Hearing
June 11, 2026
Jesse Prins, Code Enforcement Inspector II



Swearing In

Do you solemnly affirm, under penalty of perjury, that the testimony you will give in this matter will be the truth, the whole truth, and nothing but the truth?

Purpose of TRL

- Protect public health by reducing tobacco use and its associated health impacts.
- Reduce youth access to tobacco and nicotine products.
- Prevent the initiation of tobacco use among young people.
- Restrict the sale of flavored tobacco products and electronic smoking devices that appeal to youth.
- Ensure tobacco retailers comply with local, state, and federal tobacco regulations.
- Regulate the location and concentration of tobacco retailers, particularly near schools and youth-sensitive areas.
- Provide a system of inspections, enforcement, and accountability for tobacco retailers.
- Hold retailers accountable for violations through penalty fees, special assessments, and potential license revocation for repeated noncompliance.

Tobacco Retail Ordinance Requirements

Requirements and Standards (HMC §10-1.2783)

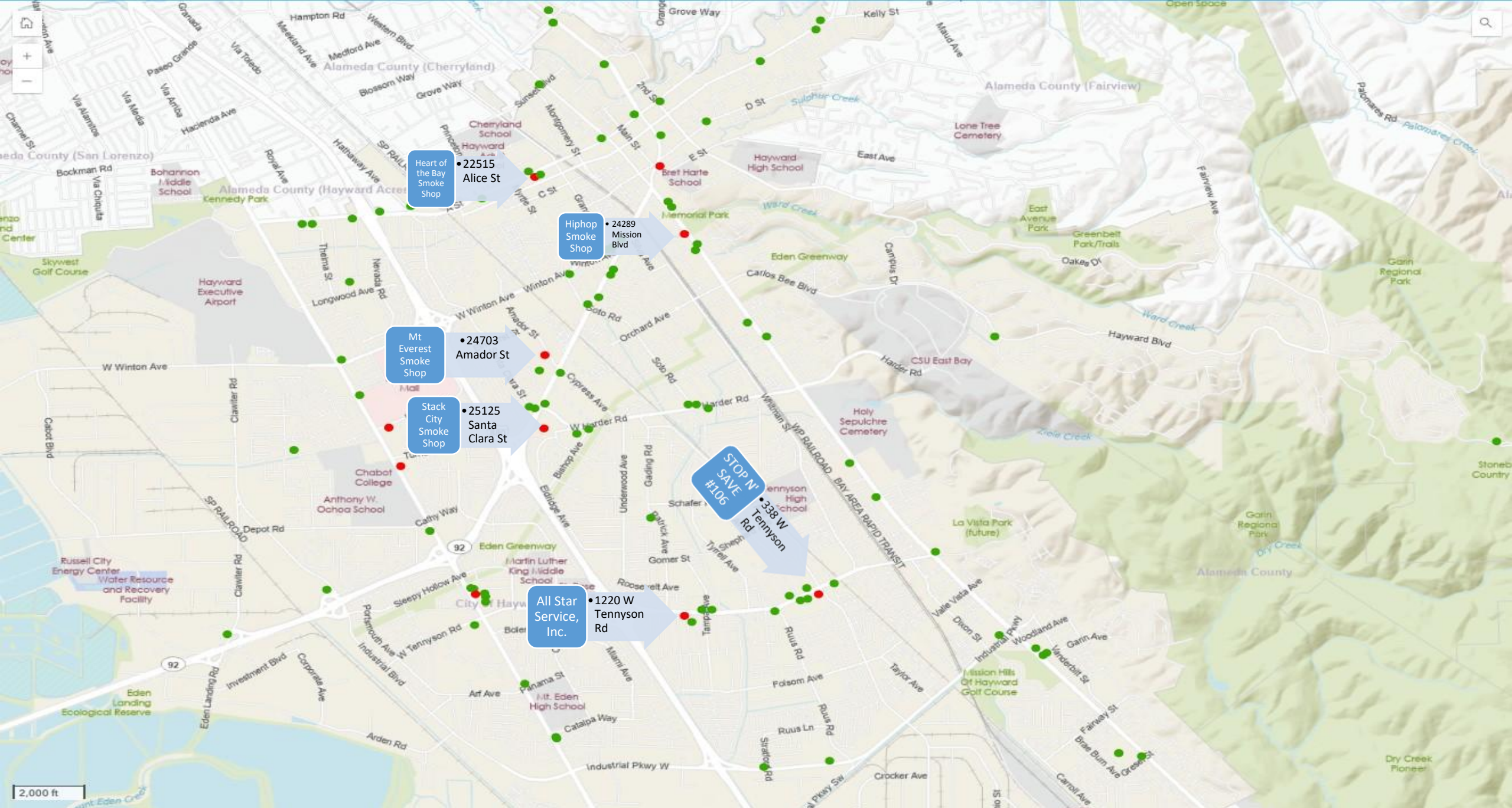
- Operational requirements for tobacco retailers
- Licensing requirements
- Product sales restrictions
- Packaging requirements
- Advertising regulations

Licensing Requirements (HMC §10-1.2785)

- Requires a valid Tobacco Retail License
- Requires all licensing posted in a public and conspicuous place, including:
 - COH Tobacco Retail License, COH Business License, California Tobacco Retail License, California Seller's Permit
- Continued licensure dependent upon compliance

Compliance and Enforcement

- Education provided to business operators
- Regulatory materials distributed
- Annual inspections conducted by Code Enforcement
- Compliance monitoring and enforcement
- Opportunities provided to correct violations
- Revocation after three violations in five years



Heart of the Bay Smoke Shop

•22515 Alice St

Hiphop Smoke Shop

• 24289 Mission Blvd

Mt Everest Smoke Shop

•24703 Amador St

Stack City Smoke Shop

•25125 Santa Clara St

STOP N SAVE #106
338 W Tennyson Rd

All Star Service, Inc.

•1220 W Tennyson Rd

Recommendations for Revocation

Despite ongoing education and compliance assistance, the following retailers continued violations that meet or exceed the criteria for revocation under HMC §10-1.2794:

- Mt Everest Smoke Shop (Attachment III)
- Heart of The Bay Smoke Shop (Attachment IV)
- All Star Service Inc. (Attachment V)
- Hiphop Smoke Shop (Attachment VI)
- Stack City Smoke Shop (Attachment VII)
- Stop N' Save #106 (Attachment VIII)

Overview of Evidence Included in Staff Report

Compliance history

Documented violations

Inspection records

Photographic evidence

Order of Proceedings

- Each matter will be considered separately
 - Staff summary of evidence
 - Commissioners clarifying questions to staff
 - Retailer presentation (8 minutes)
 - Commissioners clarifying questions to retailer
 - Staff response to factual matters raised during the retailer's presentation
 - Commission Deliberation, Motion and Vote
- Process repeats for the next retailer

Burden of Proof

- **City bears the initial burden of proof**
 - Must show 3 or more violations within a 5-year period
- **Standard: Preponderance of the Evidence**
 - More likely than not (>50% probability) that violations occurred
- **If 3+ violations are established**
 - Planning Commission shall revoke the TRL/CUP unless a lesser penalty is justified
- **Retailer's burden shifts to "Clear and Convincing Evidence"**
 - Must demonstrate a lesser penalty is warranted
- **Possible lesser penalties**
 - Suspension
 - Abatement measures
 - Administrative citations and penalty fees
- **Clear and Convincing Evidence**
 - Higher standard requiring a firm belief that a lesser penalty is appropriate

Matter:

Mt Everest Smoke Shop - 24703 Amador Street
(Attachment III)

Summary of Cases

Mt Everest Smoke Shop -24703 Amador Street (Attachment III)

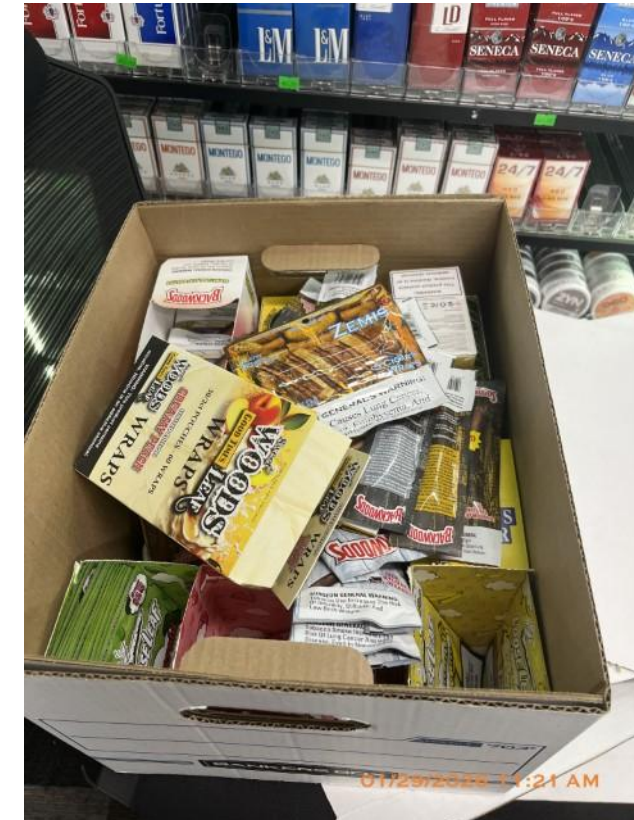
- 4 Violations within 5 years
- Sale of prohibited items
- Concealed storage containing prohibited items
- Demonstrated ongoing pattern of non-compliance
- Appeals- None
- \$4,500 owed in penalties/fees



Summary of Violations

Mt Everest Smoke Shop -24703 Amador Street (Attachment III)

Date	Nature of Violation	Municipal Code Violations
04/27/2026	Expired/not posted licensing.	SEC. 10-1.2785
01/29/2026	Flavored tobacco products, prohibited cigarillo packaging, flavored vapes, vape accessories, out-of-state stamped cigarettes, menthol cigarettes, cannabis, expired/not posted licensing. Observed concealed door containing prohibited products.	SEC. 10-1.2783, SEC. 10-1.2785
01/08/2025	Flavored tobacco products, hemp products, prohibited cigarillo packaging, expired/not posted licensing.	SEC. 10-1.2783, SEC. 10-1.2785
03/29/2024	Flavored tobacco products, vapes, vape accessories, hemp products, CBD products, THC products, prohibited cigarillo packaging. Expired/not posted licensing.	SEC. 10-1.2783, SEC. 10-1.2785





Mt Everest Smoke Shop
24703 Amador Street

Photos Continued



Recommendation

Mt Everest Smoke Shop -24703 Amador Street (Attachment III)

- The owner of Mt Everest Smoke Shop -24703 Amador Street has accumulated at least four violations within a five-year period, meeting the criteria for revocation of the Tobacco Retail License under Hayward Municipal Code Section 10-1.2794.
- Staff recommends that the Planning Commission revoke the Tobacco Retailer Licenses for Mt Everest Smoke Shop - 24703 Amador Street

Questions

Matter:

Heart of The Bay Smoke Shop – 22515 Alice
Street (Attachment IV)

Summary of Cases

Heart of The Bay Smoke Shop -22515 Alice Street (Attachment IV)

- 4 Violations within 5 years
- Sales of prohibited items
- Psilocybin mushrooms, cannabis and vape products sold
- Demonstrated ongoing pattern of non-compliance
- Appeals- None
- \$4,500 owed in penalties/fees from 2025 TRL case which has been closed as resolved.



Summary of Violations

Heart of The Bay Smoke Shop – 22515 Alice Street (Attachment IV)

Date	Nature of Violation	Municipal Code in Violation
01/28/2026	Cannabis products, mushrooms, flavored tobacco products, vape products, and vape accessories, expired/not posted licensing Cannabis, mushroom, vape and flavored tobacco products observed concealed within the business.	SEC. 10-1.2783
11/19/2025	Flavored tobacco products, expired/not posted licensing	SEC. 10-1.2783, SEC. 10-1.2785
04/10/2024	Expired/not posted licensing	SEC. 10-1.2785
04/13/2022	Window advertising over 33% of window, tobacco advertising under allowable height, expired/no posted licensing.	SEC. 10-1.2783, SEC. 10-1.2785



Attachment IV –
Heart of The Bay
Smoke Shop
22515 Alice Street
Photos Continued...



Recommendation

Heart of The Bay Smoke Shop – 22515 Alice Street (Attachment IV)

- The business owner of Heart of the Bay – Alice Street has accumulated at least four violations within a five-year period, meeting the criteria for revocation of the Tobacco Retail License under Hayward Municipal Code Section 10-1.2794.
- Staff recommends that the Planning Commission revoke the Tobacco Retailer Licenses for Heart of the Bay Smoke Shop - 22515 Alice St.

Questions

Matter:

All Star Service, Inc. – 1220 W Tennyson Rd
(Attachment V)

Summary of Cases

All Star Service, Inc. – 1220 W Tennyson Rd (Attachment V)

- 5 Violations within 5 years
- Sale of prohibited items
- Repeated expired or not posted licensing
- Demonstrated ongoing pattern of non-compliance
- Appeals - None
- All penalty fees have either been paid in full or transferred to the property as a Special Assessment



Summary of Violations

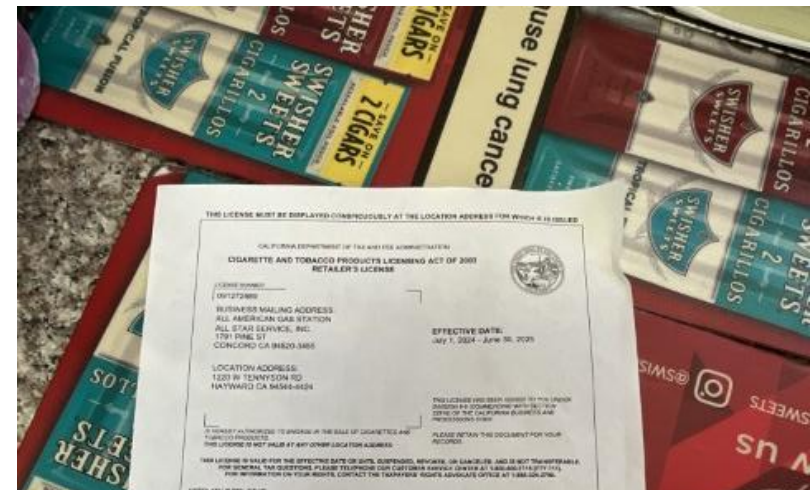
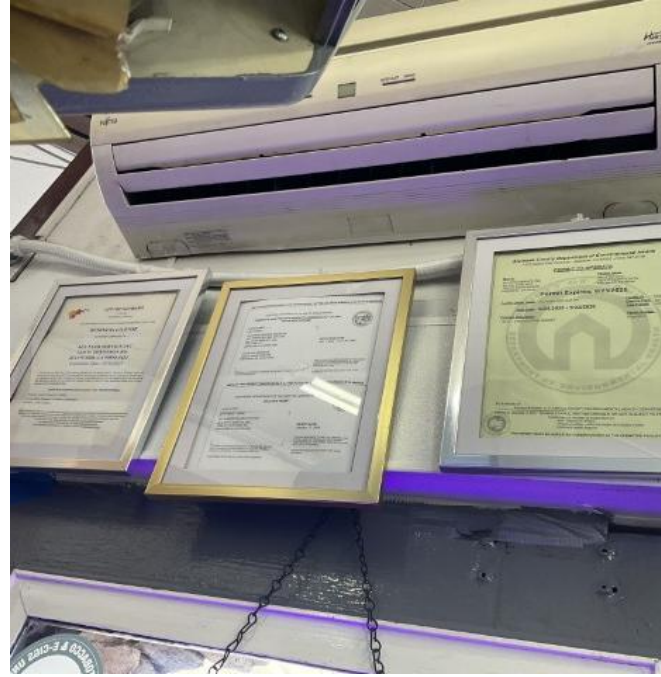
All Star Service, Inc. – 1220 W Tennyson Rd (Attachment V)

Date	Nature of Violation	Municipal Code Violations
01/05/2026	Licensing expired/not posted, flavored tobacco products, prohibited cigarillo packaging	SEC. 10-1.2783, SEC. 10-1.2785
12/15/2025	Licensing expired/not posted, flavored tobacco products, prohibited cigarillo packaging	SEC. 10-1.2783, SEC. 10-1.2785
11/19/2025	Licensing expired/not posted, flavored tobacco products, prohibited cigarillo packaging	SEC. 10-1.2783, SEC. 10-1.2785
05/08/2024	Licensing expired/not posted, flavored tobacco products	SEC. 10-1.2783, SEC. 10-1.2785
04/03/2024	Licensing expired/not posted, flavored tobacco products	SEC. 10-1.2783, SEC. 10-1.2785



**Attachment V -
All Star Service Inc.
1220 W. Tennyson Road**

Photos Continued...



Recommendation

All Star Service, Inc. – 1220 W Tennyson Rd (Attachment V)

- The business owner of All Star Service, Inc. – 1220 W Tennyson Rd has accumulated at least five violations within a five-year period, meeting the criteria for revocation of the Tobacco Retail License under Hayward Municipal Code Section 10-1.2794.
- Staff recommends that the Planning Commission revoke the Tobacco Retailer Licenses for All Star Service, Inc. – 1220 W Tennyson Rd.

Questions

Matter:

Hiphop Smoke Shop – 24289 Mission Blvd
(Attachment VI)

Summary of Cases

Hiphop Smoke Shop – 24289 Mission Blvd (Attachment VI)

- 4 Violations within 5 years
- Sale of prohibited items
- Concealed storage containing prohibited items
- Demonstrated ongoing pattern of non-compliance
- Appeals - None
- \$1,500 owed in penalties/fees from 2025 case

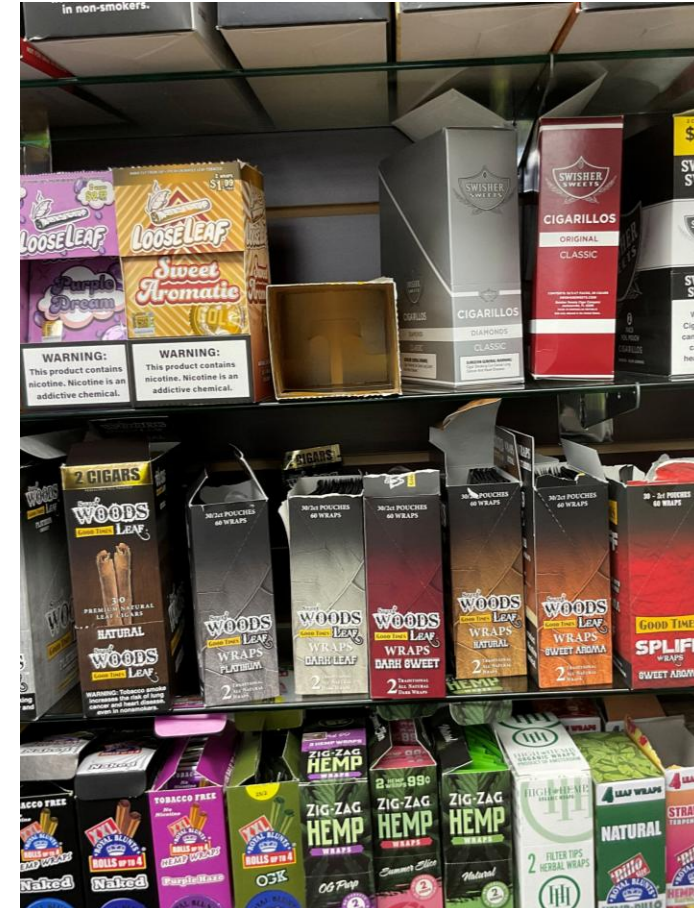


Summary of Violations

Hiphop Smoke Shop – 24289 Mission Blvd

(Attachment VI)

Date	Nature of Violation	Municipal Code in Violation
01/29/2026	Flavored tobacco products, flavored vape products, vape accessories, prohibited cigarillo packaging, unregistered firearm, flavored nicotine products. Observed a concealed, hidden compartment and false bookcase in rear storage room containing prohibited products.	SEC. 10-1.2783
11/24/2025	Flavored tobacco products, CBD products, hemp products, tobacco advertising posted at prohibited height, prohibited cigarillo packaging.	SEC. 10-1.2783
03/25/2024	Flavored tobacco products, hemp products, expired/not posted licensing.	SEC. 10-1.2783, SEC. 10-1.2785
02/06/2023	Flavored tobacco products, prohibited cigarillo packaging, vaping devices, hemp products, CBD products.	SEC. 10-1.2783



Attachment VI -
Hiphop Smoke Shop
24289 Mission Boulevard

Photos Continued...



Recommendation

Hiphop Smoke Shop – 24289 Mission Blvd (Attachment VI)

- The business owner of Hiphop Smoke Shop – 24289 Mission Blvd has accumulated at least four violations within a five-year period, meeting the criteria for revocation of the Tobacco Retail License under Hayward Municipal Code Section 10-1.2794.
- Staff recommends that the Planning Commission revoke the Tobacco Retailer Licenses for Hiphop Smoke Shop – 24289 Mission Blvd.

Questions

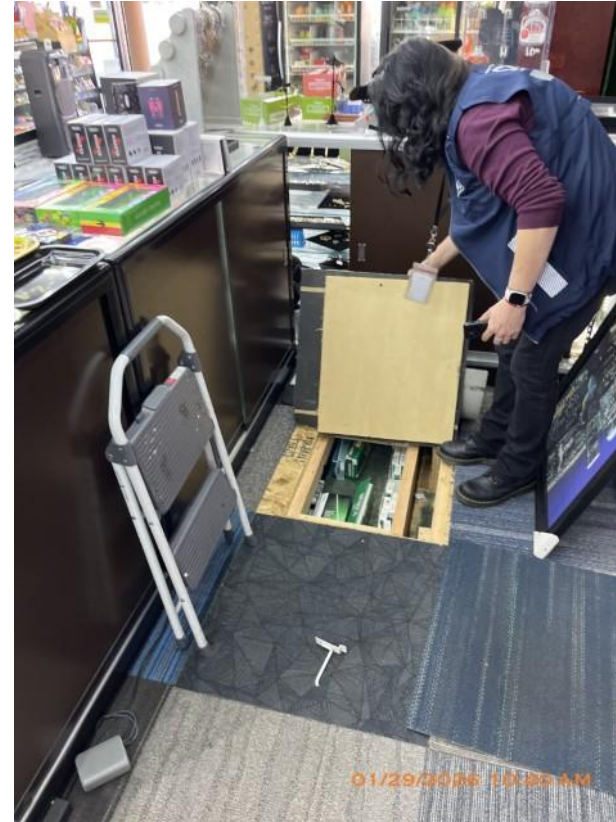
Matter:

Stack City Smoke Shop – 25125 Santa Clara St
(Attachment VII)

Summary of Cases

Stack City Smoke Shop - 25125 Santa Clara St
(Attachment VII)

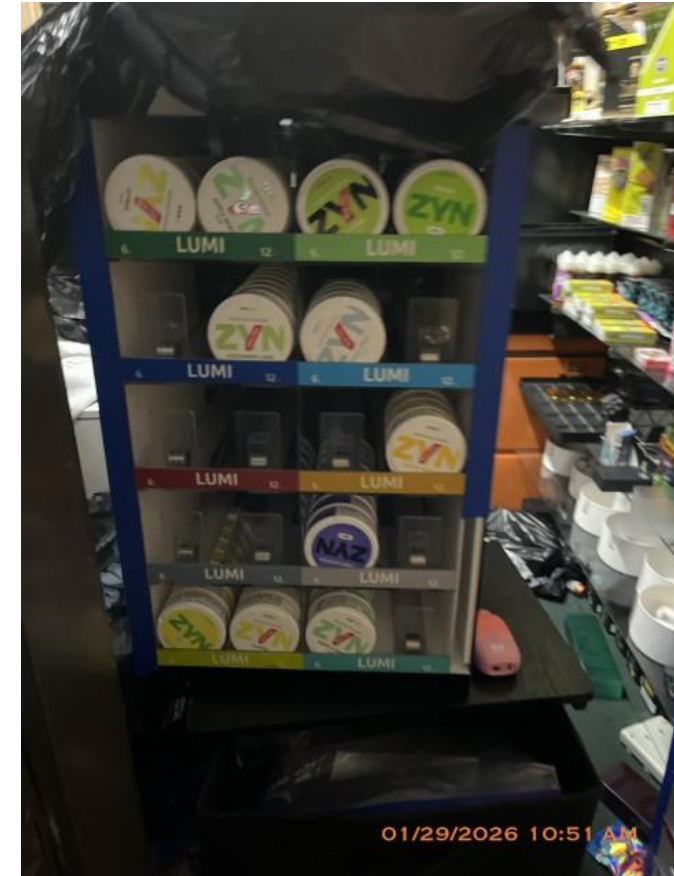
- 7 Violations within 5 years
- Sale of prohibited items
- Concealed storage containing prohibited items
- Demonstrated ongoing pattern of non-compliance
- Appeals- None
- \$18,588.00 owed in penalties/fees



Summary of Violations

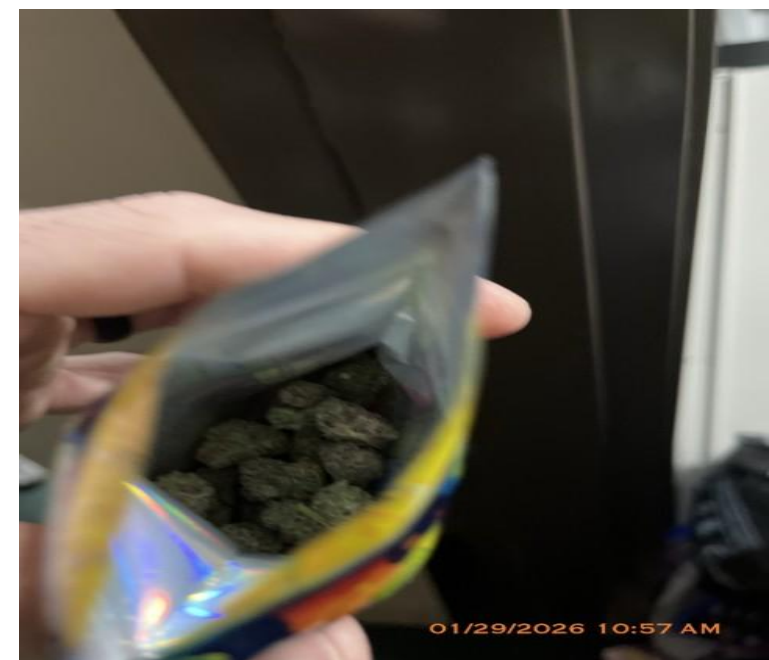
Stack City Smoke Shop - 25125 Santa Clara St (Attachment VII)

Date	Nature of Violation	Municipal Code Violations
5/18/2026	Prohibited cigarillo packaging, hemp products, expired/not posted licensing.	SEC. 10-1.2783, SEC. 10-1.2785
04/23/2026	Flavored tobacco products, hemp tobacco products, prohibited cigarillo packaging, expired/not posted licensing.	SEC. 10-1.2783, SEC. 10-1.2785
01/29/2026	Flavored cigars and nicotine pouches were observed, prohibited cigarillo packaging, electronic smoking devices, flavored vapes and vape accessories, menthol/out-of-state stamped cigarettes, menthol cigarettes, licensing expired/not posted. Observed trap door in floor containing prohibited products.	SEC. 10-1.2783, SEC. 10-1.2785
01/07/2026	Flavored tobacco products, menthol cigarettes, expired/not posted licensing.	SEC. 10-1.2783, SEC. 10-1.2785
12/17/2025	Flavored tobacco products, vapes, prohibited cigarillo packaging.	SEC. 10-1.2783
11/17/2025	Flavored tobacco products, self-serve cigar case not locked, hemp products, CBD products, flavored nicotine products, vapes, and vape accessories, expired/not posted licensing.	SEC. 10-1.2783, SEC. 10-1.2785
04/18/2022	Discounted tobacco products.	SEC. 10-1.2783



Attachment VII – Stack City
Smoke Shop
25125 Santa Clara St

Photos Continued...



Recommendation

Stack City Smoke Shop - 25125 Santa Clara St
(Attachment VII)

- The business owner of Stack City Smoke Shop - 25125 Santa Clara St accumulated at least seven violations within a five-year period, meeting the criteria for revocation of the Tobacco Retail License under Hayward Municipal Code Section 10-1.2794.
- Staff recommends that the Planning Commission revoke the Tobacco Retailer Licenses for Stack City Smoke Shop - 25125 Santa Clara St.

Questions

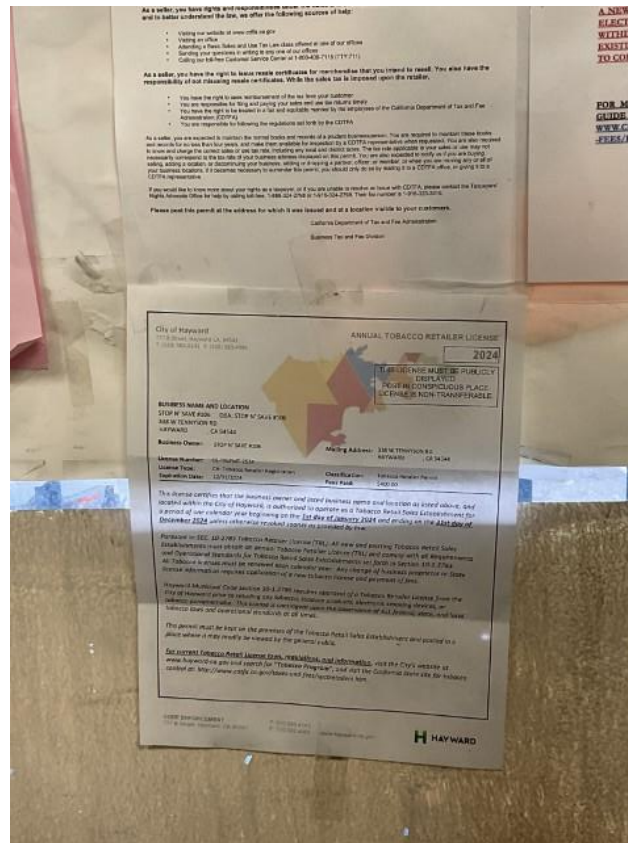
Matter:

Stop N' Save #106 - 338 W Tennyson Rd
(Attachment VIII)

Summary of Cases

Stop N' Save #106 - 338 W Tennyson Rd
(Attachment VIII)

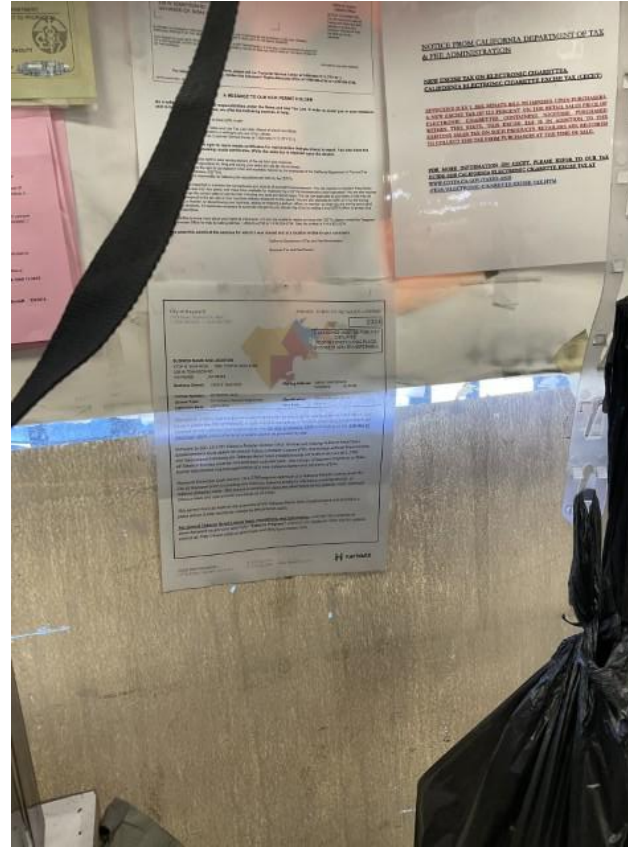
- 8 Violations within 5 years
- Demonstrated ongoing pattern of non-compliance
- Repeated licensing violations continued despite multiple inspections, notices, invoices, and opportunities to correct
- Business License and TRL are expired
- Appeals - None
- \$10,892.00 due from on-going 2025 TRL case



Summary of Violations

Stop N' Save #106 - 338 W Tennyson Rd (Attachment VIII)

Date	Nature of Violation	Municipal Code Violations
03/25/2026	Expired/not posted licenses	SEC. 10-1.2785
03/04/2026	Expired/not posted licenses	SEC. 10-1.2785
01/14/2026	Expired/not posted licenses	SEC. 10-1.2785
11/20/2025	Flavored tobacco products, prohibited cigarillo packaging, expired/not posted licenses	SEC. 10-1.2783, SEC. 10-1.2785
12/18/2024	Expired/not posted licenses	SEC. 10-1.2785
05/08/2024	Expired/not posted licenses	SEC. 10-1.2785
03/28/2024	Hemp products, prohibited cigarillo packaging, expired/not posted licenses	SEC. 10-1.2783, SEC. 10-1.2785
04/29/2022	Expired/not posted licenses	SEC. 10-1.2785



Recommendation

Stop N' Save #106 - 338 W Tennyson Rd
(Attachment VIII)

- The business owner of Stop N' Save #106 - 338 W Tennyson Rd has accumulated at least eight violations within a five-year period, meeting the criteria for revocation of the Tobacco Retail License under Hayward Municipal Code Section 10-1.2794.
- Staff recommends that the Planning Commission revoke the Tobacco Retailer Licenses for Stop N' Save #106 - 338 W Tennyson Rd.

Questions

Conclusion