

**PLANNING COMMISSION MEETING  
THURSDAY, JUNE 25, 2026**

**PRESENTATIONS**

## **STAFF PRESENTATION**

### **ITEM #1 PH 26-033**

**Proposal to Subdivide an Existing 4.8-Acre Site to Allow for the Construction of 72 Three-Story Townhouse-Style Condominiums, Including Eight Affordable Units, Requiring Approval of Vesting Tentative Tract Map for Condominium Purposes (Tract 8766), Site Plan Review and Density Bonus Application No. TM-25-0006; Applicant/Developer: Kian Malek of City Ventures; Property Owner: Pristine Homes LLC**

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*Eden Ranch by City Ventures*  
**Vesting Tentative Tract Map, Site Plan Review  
and Density Bonus Application No. TM-25-0006**

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Planning Commission Meeting  
June 25, 2026  
Steve Kowalski, Senior Planner



# Background

- **1950s through 2017:** Property occupied by various uses including two small warehouses, a single-family home, tavern and contractor's storage yard
- **December 2017:** City Council approves Application No. 201700782 for Mission Seniors Project (200 market-rate senior condos w/ three single-family lots along Overhill Drive)
- **2018:** All buildings on project site demolished under City permit
- **June 2024:** After multiple approval extensions are granted by City, entitlements for Mission Seniors project expire
- **October 2024:** Third party purchases portion of project site along Overhill Drive and completes approval process for 3-lot single-family subdivision
- **August 2025:** Applicant submits application for Eden Ranch project on remainder of Mission Seniors site

# Planning Commission's Purview Tonight

- Review proposed Vesting Tentative Tract Map, Site Plan Review & Density Bonus application for conformance to General Plan and compliance with Subdivision & Zoning Ordinances

## Important Reminder:

- *Some aspects of project design do not comply with applicable zoning standards; however, Applicant is able to utilize Concessions & Waivers afforded the project under City's Density Bonus Ordinance and State Density Bonus Law to waive those requirements*

# Project Site



## Site Details

- 4.8-acre site formerly occupied by mix of residential, commercial & industrial buildings
- Vacant except for two existing trees and foundations of former buildings
- Rear half slopes uphill to east
- Surrounded by multi-family, single-family, mixed-use & commercial uses
- Zoning: Mission Boulevard-Corridor Neighborhood: 17.5-35 Units/Acre (MB-CN)
- General Plan Land Use Designation: Sustainable Mixed Use (SMU)

# Project Details



- Nine three-story buildings containing between 6 & 9 units each
- All units feature 3 bedrooms & 3 full baths; 29 units can accommodate optional ground-floor 4<sup>th</sup> bedroom
- Floorplans range in size from 1,224 to 1,760 square feet
- All units feature 2-car garages w/ dedicated bike storage space
- 7 units affordable to low-income households in perpetuity & one affordable to moderate-income households
- Homeowners Association will be formed to maintain buildings & all shared improvements
- Two on-site trees to be removed

# Density Bonus Waivers & Concessions

## Waivers

- Minimum ground floor finished level of 12 inches above grade
- Front yard setback range of 6 feet minimum to 24 feet maximum
- Minimum amount of building footprint required to be within the front yard setback range
- Minimum 12-foot landscape buffer between new buildings that are at least 15 feet taller than existing buildings on adjoining properties
- Minimum score of 200-points for open space amenities using values from HMC Table 10-1.204.2
- Minimum # of façade breaks required to break up each building's massing
- Maximum of 1 parking space per unit for new developments with ½ mile of South Hayward BART
- Minimum 25-foot separation between driveways on the same property

## Concessions

- Provision of a looped water supply system for redundancy

# General Plan Conformance



- ✓ **Land Use Goal LU-1: Growth & Sustainable Development.** Promote local growth patterns and sustainable development practices that improve quality of life, protect open space and natural resources, and reduce resource consumption, traffic congestion, and related greenhouse gas emissions.
- ✓ **Land Use Goal LU-3: Complete Neighborhoods.** Create complete neighborhoods that provide a mix of housing options and convenient access to parks, schools, shopping, jobs and other community amenities.
- ✓ **Housing Policy H-3.1: Diversity of Housing Types.** The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including lower-density single-family uses, moderate-density townhomes, and higher density apartments, condominiums...
- ✓ **Housing Policy H-3.4: Residential Uses Close to Services.** The City shall encourage the development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.

A nighttime photograph of a city and a bridge over water. The city lights are visible in the foreground and middle ground, with a bridge spanning across the water in the background. The sky is dark with some light trails from the bridge.

## **STAFF RECOMMENDATION:**

That the Planning Commission approve Vesting Tentative Tract Map, Site Plan Review & Density Bonus Application No. TM-25-0006 as shown in Attachment IV, based on the findings in Attachment II and subject to the conditions in Attachment III.

**STAFF PRESENTATION**

**ITEM #2 ACT 26-034**

**City Initiated Revocation Proceedings of 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**

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# Tobacco Retail License Review and Revocations Meeting

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Planning Commission Hearing  
June 25, 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)**

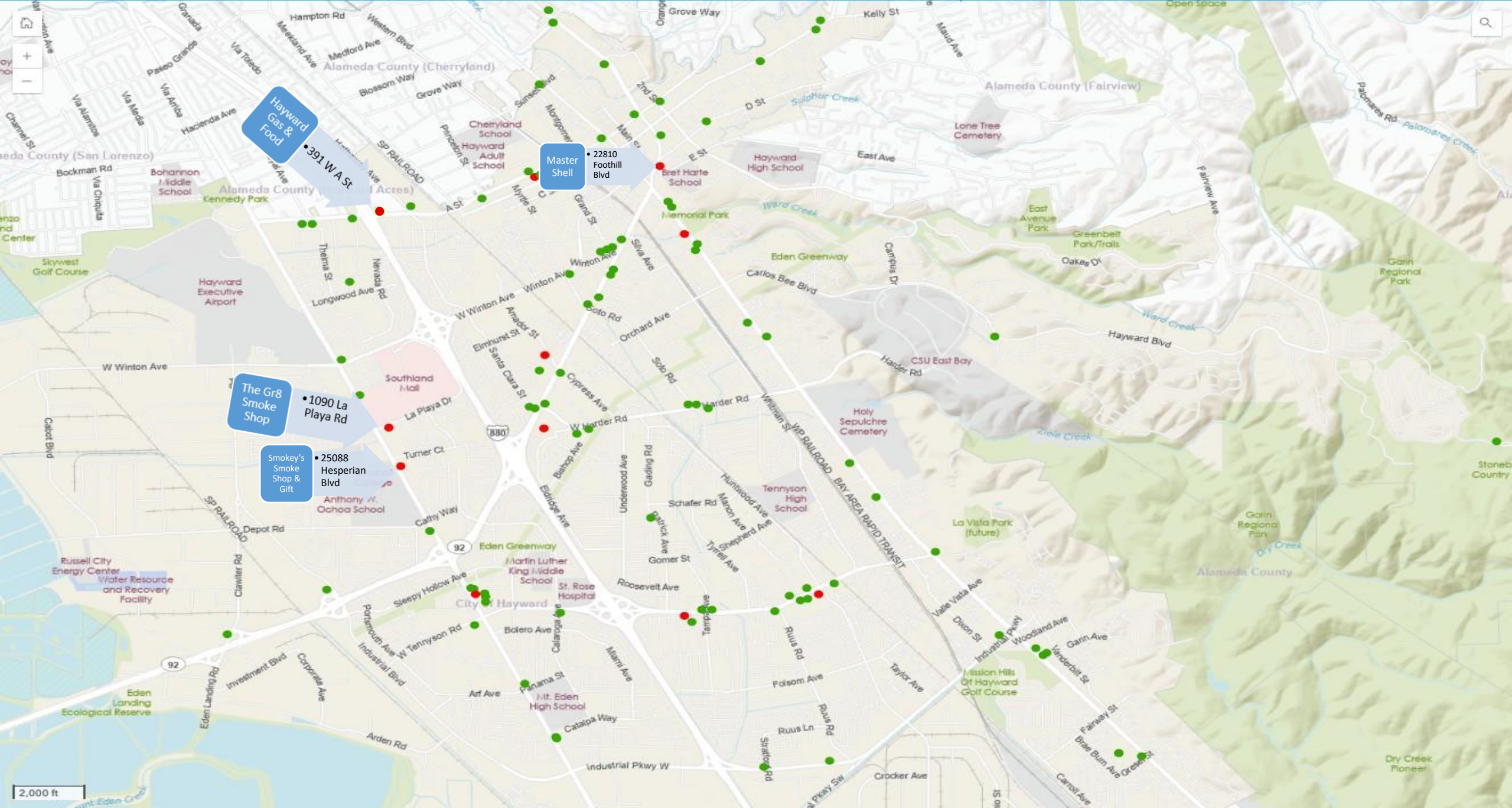
- Operational requirements for tobacco retailers
- Licensing requirements
- Product sales restrictions
- Packaging requirements
- Advertising regulations

## **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



Hayward Gas & Food  
• 391 W A St

Master Shell  
• 22810 Foothill Blvd

The Gr8 Smoke Shop  
• 1090 La Playa Rd

Smokey's Smoke Shop & Gift  
• 25088 Hesperian Blvd

2,000 ft

# 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:

- Mobile/Hayward Gas & Food (Attachment III)
- Smokey's Smoke Shop & Gifts (Attachment IV)
- Master Shell (Attachment V)
- The Gr8 Smoke Shop(Attachment VI)

# 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:

Mobile/Hayward Gas & Food- 391 W A St  
(Attachment III)

# Summary of Cases

## Mobile/Hayward Gas & Food- 391 W A St (Attachment III)

- 4 Violations within 5 years
- Sale of prohibited items
- Cited by the U.S. Food and Drug Administration for 2 violations:
  - Selling a flavored vape product to a minor during a compliance check in Aug 2025
  - Selling cigarettes to a minor during a compliance check in Feb 2026
- Demonstrated ongoing pattern of non-compliance
- Appeals- None



# Summary of Violations

## Mobile/Hayward Gas & Food- 391 W A St (Attachment III)

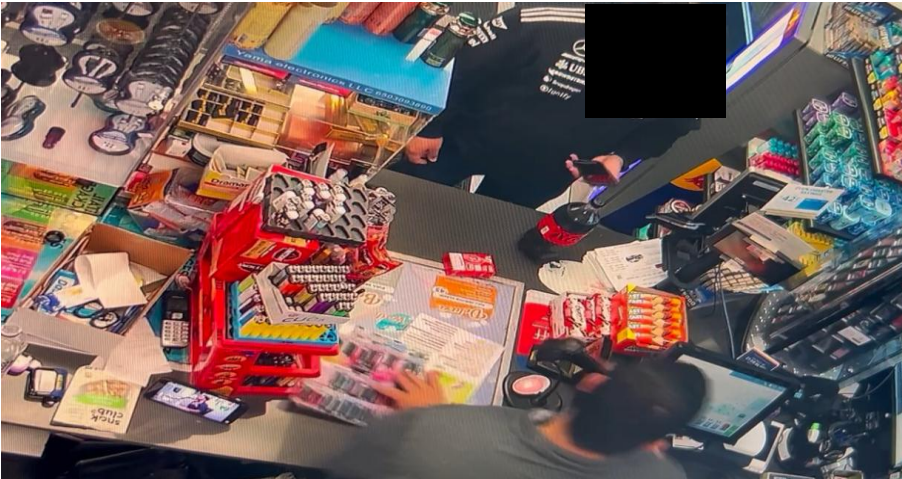
Date	Nature of Violation	Municipal Code Violation
04/30/2026	Vape devices sold from vehicles outside of the store.	SEC. 10-1.2783
04/20/2026	Vape devices, expired/not posted licenses.	SEC. 10-1.2783, SEC. 10-1.2785
02/24/2026	FDA: Sold cigarettes to a person under 21 years of age during an FDA compliance check.	SEC. 10-1.2783
08/19/2025	FDA: Sold a flavored vape product to a person under 21 years of age and failed to verify age identification during an FDA compliance check.	SEC. 10-1.2783
04/09/2024	Vape devices, electronic cigarettes, flavored tobacco products, discounted tobacco products, expired/not posted licenses.	SEC. 10-1.2783, SEC. 10-1.2785
05/25/2023	Flavored tobacco products, hemp products, expired/not posted licenses.	SEC. 10-1.2783, SEC. 10-1.2785





# Mobile/Hayward Gas & Food- 391 W A St (Attachment III)

Photos Continued



# Recommendation

## Mobile/Hayward Gas & Food- 391 W A St (Attachment III)

- The business owner of Mobile/Hayward Gas & Food - 391 W A St has accumulated 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 finds that Mobile/Hayward Gas & Food located at 391 W A St has committed at least three (3) violations in a five (5) year period and revoke the Tobacco Retailer Licenses for Mobile/Hayward Gas & Food.

# Questions

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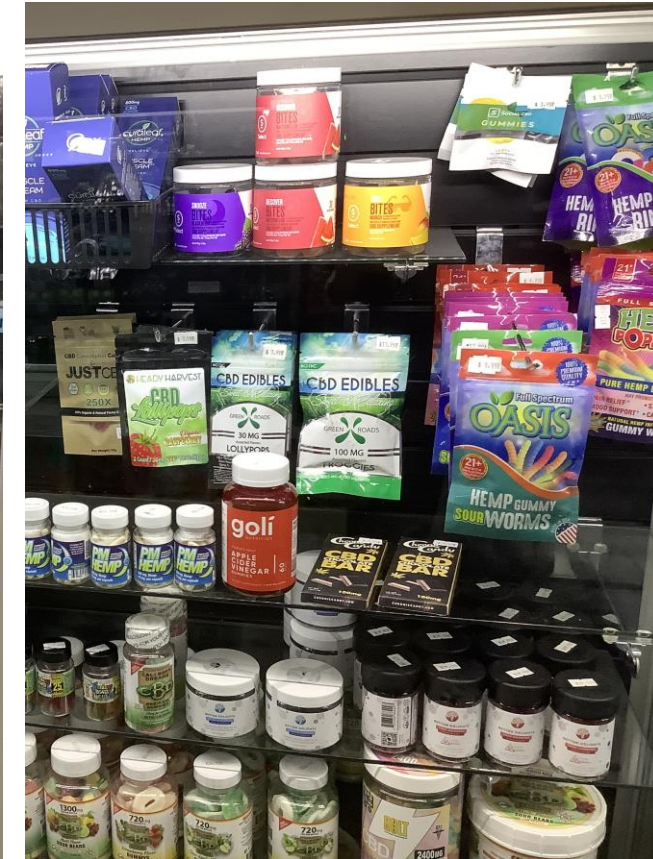
# Matter:

Smokey's Smoke Shop & Gifts – 25088 Hesperian  
Blvd (Attachment IV)

# Summary of Cases

## Smokey's Smoke Shop & Gifts – 25088 Hesperian Blvd (Attachment IV)

- 5 Violations within 5 years
- Sales of prohibited items
- Electronic smoking devices, vapes
- Demonstrated ongoing pattern of non-compliance
- Appeals- one (Hearing officer's decision sided with city)
- \$1,500 owed in penalties/fees from 2025 TRL case which has been closed as resolved.



# Summary of Violations

## Smokey's Smoke Shop & Gifts – 25088 Hesperian Blvd (Attachment IV)

Date	Nature of Violation	Municipal Code Violation
11/17/2025	Flavored tobacco products, prohibited cigarillo packaging and mushroom gummies.	SEC. 10-1.2783
02/09/2023	Flavored tobacco products, vape products/ electronic smoking devices, hemp products and CBD products.	SEC. 10-1.2783
11/17/2022	Flavored tobacco products, vape products/ electronic smoking devices, hemp products and CBD products.	SEC. 10-1.2783
08/15/2022	Flavored tobacco products, vape products/ electronic smoking devices, hemp products and CBD products.	SEC. 10-1.2783
07/06/2022	Flavored tobacco products, vape products/ electronic smoking devices, hemp products and CBD products.	SEC. 10-1.2783



Smokey's Smoke Shop  
& Gifts –  
25088 Hesperian Blvd  
(Attachment IV)

Photos Continued...



# Recommendation

## Smokey's Smoke Shop & Gifts – 25088 Hesperian Blvd (Attachment IV)

- The business owner Smokey's Smoke Shop & Gifts – 25088 Hesperian Blvd has accumulated 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 finds that Smokey's Smoke Shop & Gifts located at 25088 Hesperian Blvd has committed at least three (3) violations in a five (5) year period and revoke the Tobacco Retailer Licenses for Smokey's Smoke Shop & Gifts.

# Questions

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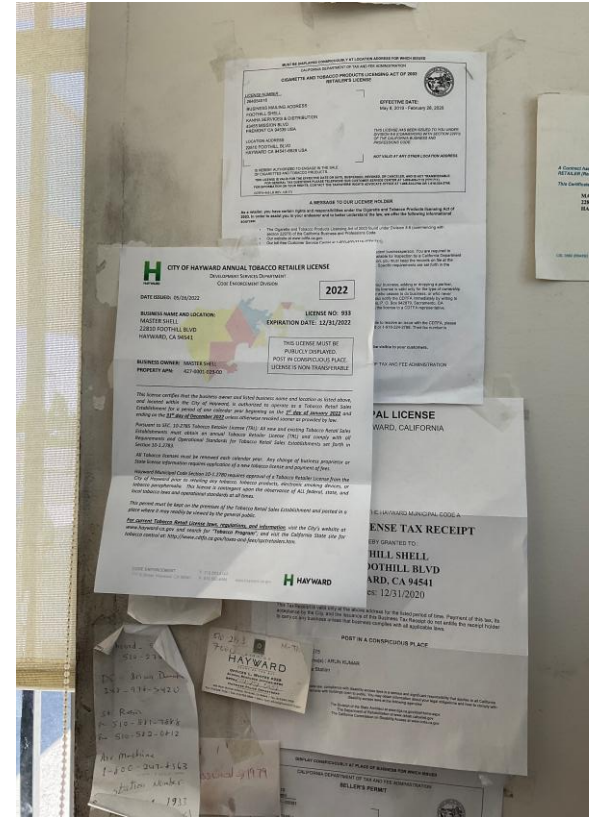
# Matter:

Master Shell – 22810 Foothill Blvd  
(Attachment V)

# Summary of Cases

## Master Shell – 22810 Foothill Blvd (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
- \$4500.00 due from resolved 2025 TRL case and 2024 penalty fee transferred to the property as a Special Assessment

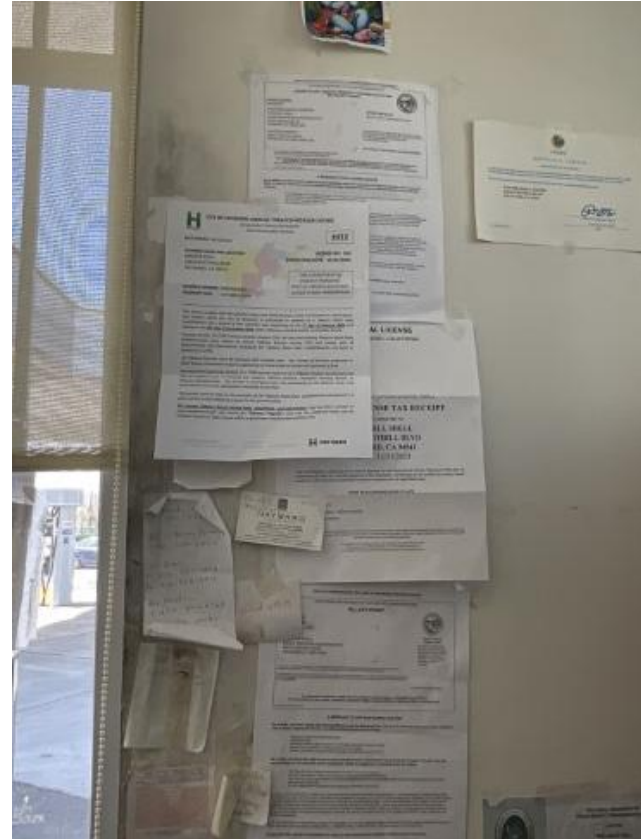


# Summary of Violations

## Master Shell – 22810 Foothill Blvd

### (Attachment V)

Date	Nature of Violation	Municipal Code Violation	Fees
01/21/2026	Expired/not posted licenses.	SEC. 10-1.2785	\$3000.00
11/17/2025	Expired/not posted licenses.	SEC. 10-1.2785	\$1500.00
05/15/2024	Flavored tobacco products, vape products, prohibited cigarillo packaging, expired/not posted licenses.	SEC. 10-1.2783, SEC. 10-1.2785	\$1500.00
04/10/2024	Expired/not posted licenses.	SEC. 10-1.2783	-
04/14/2022	Expired/not posted licenses.	SEC. 10-1.2785	-



# Recommendation

## Master Shell – 22810 Foothill Blvd (Attachment V)

- The business owner of Master Shell – 22810 Foothill Blvd 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 finds that Master Shell located at 22810 Foothill Blvd has committed at least three (3) violations in a five (5) year period and revoke the Tobacco Retailer Licenses for Master Shell.

# Questions

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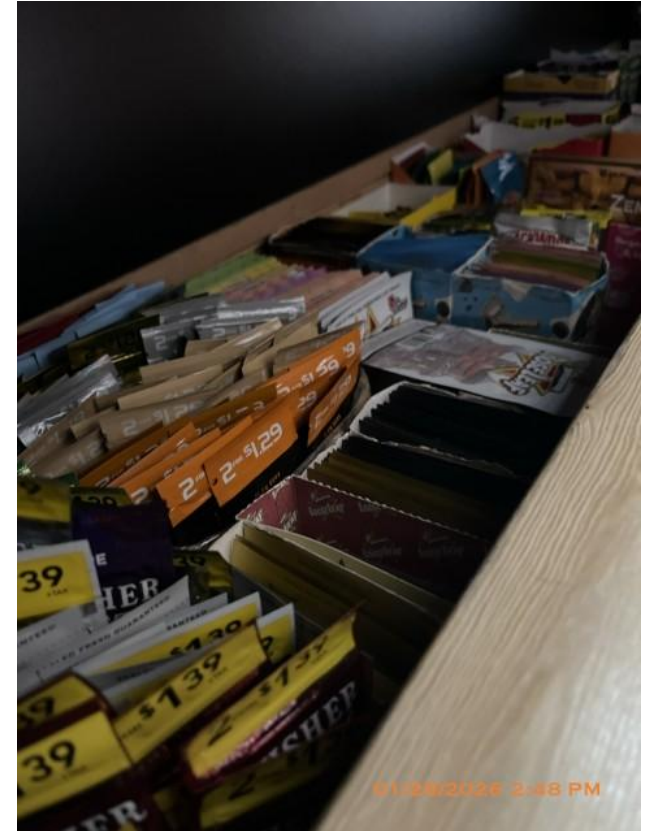
# Matter:

The Gr8 Smoke Shop – 1090 La Playa Dr  
(Attachment VI)

# Summary of Cases

## The Gr8 Smoke Shop – 1090 La Playa Dr (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 resolved 2025 case, another \$1500 owed in penalties/fees from resolved 2026 case.



# Summary of Violations

## The Gr8 Smoke Shop – 1090 La Playa Dr (Attachment VI)

Date	Nature of Violation	Municipal Code Violation
04/10/2026	Flavored tobacco products, out of state menthol cigarettes, edible products containing psilocybin, hemp products, vapes and vape liquid, cannabis pre-rolled joints, and expired/not posted licensing. Hidden compartments were found beneath the display counter that were accessible using an RFID card for unlocking. The compartments contained prohibited flavored tobacco products.	SEC. 10-1.2783
11/26/2025	Flavored tobacco products, hemp wraps, and mushroom gummies. Expired/not posted licensing.	SEC. 10-1.2783, SEC. 10-1.2785
04/10/2024	Hemp products, expired/not posted licensing.	SEC. 10-1.2783, SEC. 10-1.2785
01/25/2023	Flavored tobacco products, hemp products, vapes/electronic smoking devices.	SEC. 10-1.2783



Attachment VI -  
The Gr8 Smoke Shop –  
1090 La Playa Dr

Photos Continued...



## **Recommendation**

### **The Gr8 Smoke Shop – 1090 La Playa Dr (Attachment VI)**

- The business owner of The Gr8 Smoke Shop – 1090 La Playa Dr has accumulated 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 finds that The Gr8 Smoke Shop located at 1090 La Playa Dr has committed at least three (3) violations in a five (5) year period and revoke the Tobacco Retailer Licenses for The Gr8 Smoke Shop.

# Questions

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# Conclusion