

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

**DOCUMENTS RECEIVED AFTER
PUBLISHED AGENDA**

ITEM #1 PH 26-033

**Eden Ranch: 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, Site Plan Review and Density Bonus Application No. TM-25-0006;
Applicant/Developer: Kian Malek of City Ventures;
Property Owner: Pristine Homes LLC**

PUBLIC COMMENT

From: Carl Gorringer
To: [CityClerk](#)
Subject: June 25th Planning Commission Agenda Item 1 (PH 26-033)
Date: Monday, June 22, 2026 1:00:01 AM

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Planning Commission:

My comment is also for the developer of the Eden Ranch housing project at 29312 Mission Blvd.

As a Hayward biking advocate and member of Bike Hayward, one big issue that I have about recent housing development along this strip of Mission Blvd is the lack of consideration for protected bike lanes, which should be built according to the Bike Master Plan. We currently have bike lanes along Mission that end just a short distance away at Industrial Pkwy. Extending these bike lanes would likely require removal of street parking along this block, however much of the new development seems to rely partially on street parking.

For example, the Paris Baguette and other ground-level retail right across the street relies on street parking because they hadn't allocated enough parking spots in their rear parking lot, where retail parking really should be placed as it's much safer.

Let's assume that street parking along Mission will be removed for protected bike lanes sometime in the future. If this housing developer wishes to retain such street parking, then they can do something about it now. They should plan to build their own protected bike lane along the sidewalk, which may involve modifying part of the "bioretention" area as shown in their plans in order to widen the sidewalk to include a bike lane area. Doing this now may allow their section of street parking to be exempt from removal once bike lanes are eventually built along the rest of Mission Blvd.

It'll benefit everyone to include bike lanes in the plan now.

Thank You,

Carl Gorringer,
Bike Hayward

From: [Kevin Dang](#)
To: [Planning Division](#)
Cc: [List-Mayor-Council](#); [Steve Kowalski](#)
Subject: Eden Ranch Development, Parking Concerns
Date: Saturday, June 20, 2026 9:36:35 AM

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Planning Commissioners,

I am concerned about the very limited number of guest parking spaces proposed for the Eden Ranch development in South Hayward. The project includes 74 3-bedroom units but only 6 guest parking spaces. Parking is already very challenging in that area of South Hayward, and additional spillover parking from this new development will negatively impact surrounding neighborhoods.

Additionally, South Hayward BART faces an uncertain future due to BART's ongoing financial challenges. The funding measure on this November's ballot will determine whether South Hayward BART shuts down or not. Even if the measure passes, South Hayward BART remains at the top of the list for closure if funding remains a challenge in the future. Parking is already very challenging in the area, and the closure of South Hayward BART will make things much worse. Given BART's uncertain future, I think it's important to proactively consider these risks when planning developments. If there's anything that can be done to increase the number of guest parking spaces, I think that would be greatly beneficial to the community. <https://hayward.legistar.com/Calendar.aspx#docaccess-f62360007ec37297d5a51e6e5851a2a1>

As a side note, I would have really liked to see this site incorporate some commercial or mixed-use elements. If the City's goal is to reduce car dependence, providing more amenities within walking distance would help support that. Given the site's proximity to the future La Vista Park, which has been promoted as a destination park, I think a complementary commercial component (like a public market) could help further activate the area, provide amenities for residents and visitors, and contribute to local economic development.

Thank you for your time,
Kevin

From: James Lloyd <[REDACTED]>

Sent: Thursday, June 25, 2026 3:56 PM

To: CityClerk <CityClerk@hayward-ca.gov>

Cc: Jeremy Lochirco <Jeremy.Lochirco@hayward-ca.gov>; Michael Lawson <Michael.Lawson@hayward-ca.gov>; Miriam Lens <Miriam.Lens@hayward-ca.gov>; Ana Alvarez <Ana.Alvarez@hayward-ca.gov>

Subject: public comment re item 1 for tonight's Planning Commission meeting

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Hayward Planning Commission,

The California Housing Defense Fund (CalHDF) submits the attached public comment re item 1 for tonight's Planning Commission meeting, the proposed 72-unit housing development project at 29312 Mission Boulevard, which includes 7 low-income units and one moderate-income unit.

Sincerely,

James M. Lloyd

Director of Planning and Investigations

California Housing Defense Fund

james@calhdf.org

CalHDF is grant & donation funded

Donate today - <https://calhdf.org/donate/>



Jun 25, 2026

City of Hayward
777 B Street
Hayward, CA 94541

Re: Proposed Housing Development Project at 29312 Mission Boulevard

By email: cityclerk@hayward-ca.gov

Cc: Jeremy.Lochirco@hayward-ca.gov; Michael.Lawson@hayward-ca.gov;
Miriam.Lens@hayward-ca.gov; Ana.Alvarez@hayward-ca.gov

Dear Hayward Planning Commission,

The California Housing Defense Fund (CalHDF) submits this letter to remind the City of its obligation to abide by all relevant state laws when evaluating the proposed 72-unit housing development project at 29312 Mission Boulevard, which includes 7 low-income units and one moderate income unit. These laws include the Housing Accountability Act (HAA), the Density Bonus Law (DBL), California Environmental Quality Act (CEQA) Guidelines, and AB 130.

The HAA provides the project legal protections. It requires approval of zoning and general plan compliant housing development projects unless findings can be made regarding specific, objective, written health and safety hazards. (Gov. Code, § 65589.5, subd. (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would or reduce the project's density unless, again, such written findings are made. (*Ibid.*) As a development with at least two-thirds of its area devoted to residential uses, the project falls within the HAA's ambit, and it complies with local zoning code and the City's general plan. Increased density, concessions, and waivers that a project is entitled to under the DBL (Gov. Code, § 65915) do not render the project noncompliant with the zoning code or general plan, for purposes of the HAA (Gov. Code, § 65589.5, subd. (j)(3)). The HAA's protections therefore apply, and the City may not reject the project except based on health and safety standards, as outlined above. Furthermore, if the City rejects the project or impairs its feasibility, it must conduct "a thorough analysis of the economic, social, and environmental effects of the action." (*Id.* at subd. (b).)

CalHDF also writes to emphasize that the DBL offers the proposed development certain protections. The City must respect these protections. In addition to granting the increase in residential units allowed by the DBL, the City must not deny the project the proposed waivers and concessions with respect to ground floor finish level, front setback, footprint in facade zone, landscape buffer, open space amenities, facade breaks, parking, driveway separation, and looped water system. If the City wishes to deny requested waivers, Government Code section 65915, subdivision (e)(1) requires findings that the waivers would have a specific, adverse impact upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. If the City wishes to deny requested concessions, Government Code section 65915, subdivision (d)(1) requires findings that the concessions would not result in identifiable and actual cost reductions, that the concessions would have a specific, adverse impact on public health or safety, or that the concessions are contrary to state or federal law. The City, if it makes any such findings, bears the burden of proof. (Gov. Code, § 65915, subd. (d)(4).) Of note, the DBL specifically allows for a reduction in required accessory parking in addition to the allowable waivers and concessions. (*Id.* at subd. (p).) Additionally, the California Court of Appeal has ruled that when an applicant has requested one or more waivers and/or concessions pursuant to the DBL, the City “may not apply any development standard that would physically preclude construction of that project as designed, even if the building includes ‘amenities’ beyond the bare minimum of building components.” (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 775.)

Furthermore, the project is exempt from environmental review pursuant to CEQA Guidelines section 15332. Additionally, the project is eligible for a statutory exemption from CEQA pursuant to AB 130. (Pub. Res. Code, § 21080.66.) Caselaw from the California Court of Appeal affirms that local governments err, and may be sued, when they improperly refuse to grant a project a CEQA exemption or streamlined CEQA review to which it is entitled. (*Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890, 911.)

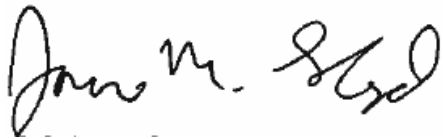
As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: by providing affordable housing, it will mitigate the state’s homelessness crisis; it will increase the city’s tax base; it will bring new customers to local businesses; and it will reduce displacement of existing residents by reducing competition for existing housing. It will also help cut down on transportation-related greenhouse gas emissions by providing housing in denser, more urban areas, as opposed to farther-flung regions in the state (and out of state). While no one project will solve the statewide housing crisis, the proposed development is a step in the right direction. CalHDF urges the City to approve it, consistent with its obligations under state law.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,



Dylan Casey
CalHDF Executive Director



James M. Lloyd
CalHDF Director of Planning and Investigations

**CITY OF HAYWARD PLANNING COMMISSION
VESTING TENTATIVE TRACT MAP, SITE PLAN REVIEW & DENSITY BONUS
APPLICATION NO. TM-25-0006
EDEN RANCH - 29312 MISSION BOULEVARD
CONDITIONS OF APPROVAL**

Through this Addendum, Condition of Approval #72 is hereby modified to read as follows, with added text shown as underlined. All other conditions of approval in Attachment III to the Planning Commission Staff Report remain unchanged.

Hazardous Materials

72. The Developer shall provide clearance documentation from either the Regional Water Quality Control Board (RWQCB), the Department of Toxic Substance Control (DTSC), or the Alameda County Department of Environmental Health's Local Oversight Program (LOP) ensuring that the property meets residential investigation and cleanup standards. The LOP's director, Paresh Khatri, can be reached at 510-567-6700. Please contact Hugh Murphy, City of Hayward Hazardous Materials Program Manager, at 510-583-4924 prior to contacting the LOP. LOP clearance shall be submitted to the City's Hazardous Materials Office and Public Works Department-Engineering Division prior to issuance of any building and/or grading permits. Note: On June 21, 2025, Stephen A. Hill, Chief of Toxics Division at the Regional Water Quality Control Board – San Francisco Bay Region (Regional Board), countersigned the City of Hayward's concurrence letter from Hugh Murphy, City of Hayward Hazardous Materials Coordinator, dated May 27, 2005, as an environmental clearance for the project site.

ITEM #2 ACT 26-034

**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**

PUBLIC COMMENT

From: francis almeida <[REDACTED]>
Sent: Wednesday, June 24, 2026 11:21 AM
To: CityClerk <CityClerk@hayward-ca.gov>
Subject: Item#2, Smokeys Smoke Shop

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

To the city clerks office,

I write this letter not just as a resident of Hayward, but as someone deeply invested in the character, fairness, and integrity of our community. I am compelled to speak out regarding the City's apparent efforts to shut down Smokey's on Hesperian, a longstanding, family-owned business that has become an essential part of the fabric of our neighborhood.

Smokey's is not a faceless corporation or a transient storefront—it is a family-run establishment operated by people who have consistently gone above and beyond to treat customers with kindness, dignity, and respect. In an era where small, local businesses are steadily being replaced by impersonal chains, Smokey's stands out as a rare pillar of authenticity and human connection. The individuals behind this shop are not only business owners; they are community members who contribute to the social and economic health of Hayward every single day.

Even in the wake of restrictive policies such as the vape and flavor bans, Smokey's has demonstrated resilience and compliance. Instead of closing their doors or seeking ways to circumvent rules, they adapted. They remained present and welcoming, continuing to serve the community in lawful ways. Many of us, myself included, still frequent the shop—not out of necessity for restricted products, but out of genuine appreciation for the people who run it. That alone speaks volumes about the role they play in this community.

What is most troubling is the perception—one shared by many—that Smokey's is being disproportionately targeted while other similar establishments continue to operate without interference. This raises serious questions about fairness, equal enforcement, and the principles that guide City decision-making. If regulations exist, they must be applied consistently. Selective enforcement erodes public trust and creates the appearance of bias, whether intentional or not.

Why is this business being singled out?

Why are others allowed to continue operating under the same conditions?

What objective criteria are being used to justify this action?

These are not rhetorical questions—they deserve transparent, documented answers. The people of Hayward have a right to understand why a respected, compliant, family-run business is facing potential closure while others are seemingly left alone.

Furthermore, the closure of Smokey's would not just affect the owners—it would ripple outward into the community. It would eliminate jobs, reduce local economic activity, and remove a valuable social touchpoint where residents connect. Decisions like this should never be made lightly, and certainly not without clear evidence that such action is necessary, proportionate, and fairly applied.

I urge the City of Hayward to reconsider its approach. Work with businesses like Smokey's, not against them. Engage in open dialogue. Provide clear guidance, and ensure that enforcement actions are consistent across the board. Small businesses deserve support, not disproportionate scrutiny.

Smokey's on Hesperian embodies the spirit of local entrepreneurship and community connection that cities like ours should be proud to protect. To dismantle that without compelling, transparent justification sends a deeply troubling message about whose interests are truly being prioritized.

I respectfully but firmly call on the City to cease any unjustified efforts to shut down Smokey's and to instead uphold the principles of fairness, consistency, and community support that Hayward residents expect and deserve.

Sincerely

Frank Almeida

Hayward resident and loving consumer of Smokey's

Sent from iPhone

< [REDACTED] >

From: G.D. <[REDACTED]>
Sent: Tuesday, June 23, 2026 5:19 PM
To: CityClerk <CityClerk@hayward-ca.gov>
Subject: RE: Item #2, Smokey's Smoke Shop

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Good afternoon. I want to write an email regarding the upcoming hearing for Smokey's Smoke Shop in Hayward.

The shop has been a staple of the Hayward community for years. It is highly rated by members of Hayward because of how well it is run and operated.

When searching for the shop, the all knowing Google search result states and summarizes that: "Smokey's Smoke Shop & Gifts in Hayward, California, is a well-regarded tobacco and vape shop" along with "Customers frequently praise the friendly and helpful staff, good customer service and reasonable prices." The store has high ranking reviews on Google and Yelp with each being over 4/5 because of how well it serves it's customers.

I urge you to please consider the desires of the countless customers, the positive history and the store's long term good standing with the citizens and visitors of Hayward during the upcoming hearing.

We the people, are supporting a friend and member of the community in Smokey's Smoke Shop, and ask that you do the same.

From: Garry <[REDACTED]>

Sent: Wednesday, June 24, 2026 11:26 AM

To: CityClerk <CityClerk@hayward-ca.gov>

Subject: Item 2 smokeys smoke shop

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Been coming to Smokeys for many years.

Always open until 8pm always friendly, prices are reasonable good selection ,and they also do Christmas giveaways every year! Also came in clutch with essentials during COVID lockdown! Good people and vibe!

-----Original Message-----

From: GINNY ALMOND <[REDACTED]>

Sent: Tuesday, June 23, 2026 4:45 PM

To: CityClerk <CityClerk@hayward-ca.gov>

Subject: Smokies Smoke Shop

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hearing Date- 6/25/26

Time: 7:30pm

Item #2

Sent from my iPhone

I met the owners of Smokies Smoke Shop approximately 2011-2012 when I was moving to my new home and desperately needed boxes. I drove by their shop and saw them unloading lots of boxes as they were moving into their business. I pulled over and asked if I might have any boxes. They were so kind and generous and we were able to help each other out with the boxes. Since then (over 15 years)I have been a grateful friend and customer to the business and staff. They are a clean legal and helpful business.

I do not support the City of Hayward revoking their license.

Sincerely

Ginny S Almond

From: <[REDACTED]>
To: [CityClerk](#)
Subject: Item#2 Smokeys Smoke Shop
Date: Sunday, June 21, 2026 4:06:24 PM

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hello ,

I am a Hayward resident and do not support any revoke of license for Smokeys Smoke Shop. They are the best store in Hayward and I have been going there for over 10 years.

Regard
Gokul Pudasaini
Hayward Resident
Sent from my iPhone

From: David Ou <[REDACTED]>

Sent: Tuesday, June 23, 2026 9:22 AM

To: CityClerk <CityClerk@hayward-ca.gov> **Subject:**

Item#2, Smokeys Smoke Shop

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

To whom it may concern:

My name is Jing Ou. I am a deliver driver living at city of Stockton.

I support Smokeys Smoke Shop at city of Hayward to be open for business as a regular smoke shop. I have been a customer for Somkey Smoke Shop for almost 15 years since it is first open for business. It is a very clean, organized and friendly smoke shop. Parking is very easy. It is the best smoke shop in the area.

Please allow Smokey Smoke Shop to be in business. Please allow a regular customer like myself still have a good place to shop.

Your assistance will be greatly appreciated.

--Jing

From: [Joseph Lewis](#)
To: [CityClerk](#)
Subject: Smokey's
Date: Sunday, June 21, 2026 3:33:21 PM

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

To the city of Hayward,

Smokeys smoke shop has been a staple of the area doing their best to stay in business. The staff is friendly and caring they do their best to make sure the area has no issues. As laws have turned over and restrictions occur they have done their best to maintain within the law. With the popping up of new shops all over the bay that are trying to make money quick Smokey's has been a long standing business. I hope you to rethink this situation

[Sent from Yahoo Mail for iPhone](#)

From: K G <[REDACTED]>

Sent: Wednesday, June 24, 2026 11:52 AM

To: CityClerk <CityClerk@hayward-ca.gov>

Subject: Public Comment on Item 2 – Smokey’s Smoke Shop

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear City Clerk,

I’m writing about Item 2 regarding Smokey’s Smoke Shop. I’ve been a customer there for many years and wanted to share why this business matters.

They’ve always been consistent — open until 8pm, friendly staff, reasonable prices, and a good selection. They also do Christmas giveaways every year and helped the community by providing essentials during the COVID lockdown when other places were closed.

Smokey’s is a valued local store. Losing it would hurt our neighborhood. The great customer service and wonderful people who work there make it feel like more than just a shop.

I hope the Council will consider keeping this business open when they decide on Item 2.

Thank you for your time.

Best regards,

Kim Siani

From: [Lisa Mangano](#)
To: [CityClerk](#)
Subject: Item #2, Smokeys Smoke Shop
Date: Sunday, June 21, 2026 3:56:12 PM

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

This is my favorite and most professional smokeshop in the city and I do not support to revoke any license.

From: mariam ashfaque <[REDACTED]>
Sent: Tuesday, June 23, 2026 4:37 PM
To: CityClerk <CityClerk@hayward-ca.gov>
Subject: Statement of Support for Smokeys Smoke Shop

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

To Whom It May Concern:

I am writing to express my support for Smokeys Smoke Shop and to respectfully request that its contributions to the community be given due consideration in any proceedings concerning its business operations.

I have found the business to be professional, respectful, and responsibly managed. The staff have consistently demonstrated courtesy and professionalism in their interactions with customers.

As a locally operated business, Smokeys Smoke Shop contributes to the local economy, supports employment opportunities, and provides a convenient retail service to members of the community. Small businesses such as this play an important role in maintaining a vibrant commercial environment and supporting economic activity within the city.

I respectfully request decision-makers to consider the business's positive contributions, and the potential impact of any adverse action on its employees, customers, and surrounding businesses.

Thank you for your time, consideration.

kind regards

Mariam Ashfaque

From: Michael Evans <[REDACTED]>

Sent: Monday, June 22, 2026 12:19 PM

To: CityClerk <CityClerk@hayward-ca.gov> **Subject:**

Item#2, Smokrys Smoke Shop

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hi my name is Michael Evans and i have been a hayward resident since i was about 4 years old and have just turned 30 this month. I have spent my whole life in hayward and am currently finishing out my associates degree before applying to the hayward police department. I grew up around smokeys before they were even established. A majority of the businesses in this area are all corporate franchises with no life. Smokeys is not that. It is a small store owned by joe proudly established in hayward. It is not your average smoke shop with a big sign that says "cigarette, tobacco or even head shop in big bold letters out front. It's a store that is very community oriented and treats every customer that walks in like family. They get to know every body by name and even kids also. I know with a store like this if they ever seen my 4 year old daughter outside by herself now or when she grows up they will take care of her like she was theirs. I have a 9 year old autistic boy also who they know to keep an eye out for if he ever was to get out also. Smokeys is not like other smoke shops. Personally i don't even shop here as often as i use to because they no longer carry the products i like. I stop by for sodas and snacks for me and my kid because joe takes request and tries his best to please everyone even if it means he takes a loss at times. To whoever has taken the time to read this understand that if you get rid of smokeys you will be getting rid of a piece of hayward. We have already lost dairy belle this month. DO NOT LET CORPORATE STORES TAKE OVER OUR CITY. JOE AND THE EMPLOYEES OF SMOKEYS ARE THE TYPE OF PEOPLE WE WANT IN HAYWARD.

From: <[REDACTED]>
To: [CityClerk](#)
Subject: Item#2 smokeys smoke shop
Date: Sunday, June 21, 2026 4:13:30 PM

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

I have been a customer of Smokey's Smog Shop in Hayward for more than 10 years and have consistently received professional, honest, and reliable service. Throughout that time, the business has maintained a welcoming environment and has built a strong reputation within the community.

As a long-time customer, I have always found the staff to be respectful, knowledgeable, and committed to serving their customers. The shop has a positive atmosphere that makes people of all ages feel comfortable and valued.

Based on my personal experience over the past decade, I fully support Smokey's Smog Shop and do not support any action that would revoke or negatively impact its business license. I believe they are a responsible business that continues to provide an important service to the community.

Sincerely,

A Loyal Customer

Mike Muktar Buksh

From: Robin VanDorst <[REDACTED]>
Sent: Wednesday, June 24, 2026 11:56 AM
To: CityClerk <CityClerk@hayward-ca.gov>
Subject: Item 2 smokeys smoke shop

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Stop in every time I pass through Hayward to visit family. Great shop with a pleasant staff and good inventory!

From: Samantha Christiansen <[REDACTED]>
Sent: Wednesday, June 24, 2026 11:28 AM
To: CityClerk <CityClerk@hayward-ca.gov>
Subject: Item #2, Smokey's Smoke Shop

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

I want to reach out in support of Smokey's Smoke Shop on Hesperian. I come here a couple times a week as it is easy access and less busy than most stores around. I come here for the extremely friendly staff and wide selection of inventory. I use it as a convenience store as I live nearby and they always seem to have what I need. I would hate to see this store closed down.

Thank you for your time.

Samantha Christiansen

Hayward resident

<[REDACTED]>

-----Original Message-----

From: Tazzmann <[REDACTED]>

Sent: Tuesday, June 23, 2026 8:20 PM

To: CityClerk <CityClerk@hayward-ca.gov>

Subject: Smokeys smoke shop

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hello city clerk I'm writing in support of smokeys smoke shop address 25088 Hesperian blvd Hayward ca , it's been brought to our attention that the city of Hayward wants to revoke his license, and I don't understand why ? The shop has been established there for over a decade and has been serving the people in Our community with honesty and respect,I rely on smokeys shop to get what ever it is I need to continue doing what I do on a daily basis , not to mention the shop provides jobs for many people. I support smokeys smoke shop , please let this business continue. There are a great amount of people that depend on his services. Thank you .

Tazz

From: Anton Van Dorst <[REDACTED]>
Sent: Wednesday, June 24, 2026 3:18 PM
To: CityClerk <CityClerk@hayward-ca.gov>
Subject: Item 2 Smokey's smoke shop

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Smokey's is a wonderful place to purchase fine cigars. I come in there weekly. Always greeted by a friendly staff!

-----Original Message-----

From: Travis Van Dorst <[REDACTED]>

Sent: Wednesday, June 24, 2026 3:22 PM

To: CityClerk <CityClerk@hayward-ca.gov>

Subject: Item 2 Smokey Smoke Shop

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

As a community local staple I've always enjoyed stopping by with my dad and grabbing some never seen before snacks and drinks because at the time there were no other places that carried imported snacks. As the name entails "Smoke Shop" to me it is much more than that and to a lot more other people too likely. Joe the owner is very caring owner and always made you feel like a valued customer.

From: James Anthony <[REDACTED]>

Sent: Monday, June 22, 2026 10:34 AM

To: Jesse Prins <Jesse.Prins@hayward-ca.gov>; Miriam Lens <Miriam.Lens@hayward-ca.gov>; Michael Lawson <Michael.Lawson@hayward-ca.gov>; Jennifer Ott <Jennifer.Ott@hayward-ca.gov>; Sara Buizer <Sara.Buizer@hayward-ca.gov>; Community Preservation <Community.Preservation@hayward-ca.gov>; Planning Division <Planning.Division@hayward-ca.gov>

Cc: Haroon Ahmed <[REDACTED]>; amber@deltalegalsupport.com;

leah.schmidt@hayward-ca.gov; Heather Schafer <heather@deltalegalsupport.com>

Subject: URGENT: REQUEST FOR CONTINUANCE OF PLANNING COMMISSION 6/25/26
ITEM NO. 2

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hi Jessie, AND WHOMEVER ELSE IT MAY CONCERN:

Thanks for your help with this. I represent SNA Trading Inc. dba Smokey's Smoke Shop, whom you have threatened with summary execution (aka "revocation") with utterly inadequate (to the point of non-existence) procedural due process of law. I request to appear before Planning Commission in person on his behalf. For the reasons he gave, and others, this is an unfair and illegal revocation attempt.

Unfortunately, I am currently traveling to be with my 92-year-old father and I am not available until after the Fourth of July weekend. Please continue the hearing on this matter to a later Planning Commission meeting. I am also unavailable 8/16-30. Other than that, I am available. And no, I am never available by Zoom. I am highly paid TO APPEAR IN PERSON and plead a case to persuade the decision-makers to depart from the Staff Report(s) which so far they have blindly followed--due to inadequate representation and process.

Failure by the city to provide this continuance will be Immediately taken up in superior court by petition for writ of ordinary mandate (CCP 1085) as an illegal and unconstitutional failure to provide due process of law.

Please loop in the City Attorney's Office for this matter as I would like to discuss it with them.

Furthermore, I demand that the Planning Commission be advised by independent outside counsel; not by you, nor by the City Attorney, who no doubt is counseling you. Your staff report is rife with legal advice that you are not qualified to give, which constitutes the unlicensed practice of law. I urge you to amend your staff report to remove all your *illegal* legal counsel--and I urge the PC to obtain independent outside legal counsel so that they can maintain their independence.

I remind the PC, as will their independent outside counsel, that they are sitting *quasi-judicial*, as an administrative *judicial* body, not merely a *legislative* one. They have the same *high duties* of fair and independent decision-making as a JUDGE IN COURT. (I note that your "staff report" fails to raise this critical issue!) They cannot just "take Staff's word for it" and adopt the staff recommendation.

As staff in this matter, you and your entire department, your chain of command, and your inhouse city lawyers, all serve the same function as PROSECUTORS, and you are all inherently biased--and obligated by constitutional due process to provide any exculpatory evidence available, including in-person witness testimony, subject to cross-examination, of ALL inspectors responsible for ALL alleged "violations," including without limit Amber Green who must be produced, and subpoenaed if need be.

I remind you, and your lawyers, as I will remind the Planning Commission and their lawyers, that you are completely destroying a legal business property right, effecting a taking without compensation--and offering 8 minutes of process. That is woefully inadequate. It is an egregious deprivation of property without due process of law. This is exactly the sort of "star chamber" procedure--prosecution by anonymous witnesses without right of confrontation--prohibited as governmental abuse for at least the last 700 years of Anglo-American common law, since the time of the Magna Carta.

I look forward to your response at the earliest opportunity, continuing the hearing to a date of mutual convenience.

Be well.

Yours very truly,

James Anthony

James Anthony

PRINCIPAL

(510) 842-3553 *office*

<[REDACTED]> *cell*

james@anthonylaw.group

From: James Anthony <james@anthonylaw.group>

Sent: Wednesday, June 24, 2026 4:59 PM

To: Michael Vigilia <Michael.Vigilia@hayward-ca.gov>; Amy Rothman <Amy.Rothman@hayward-ca.gov>

Cc: Jesse Prins <Jesse.Prins@hayward-ca.gov>; Miriam Lens <Miriam.Lens@hayward-ca.gov>; Jennifer Ott <Jennifer.Ott@hayward-ca.gov>; Sara Buizer <Sara.Buizer@hayward-ca.gov>; Community Preservation <Community.Preservation@hayward-ca.gov>; Planning Division <Planning.Division@hayward-ca.gov>; Haroon Ahmed <[REDACTED]>; amber@deltalegalsupport.com; Heather Schafer <heather@deltalegalsupport.com>

Subject: Re: URGENT: REQUEST FOR CONTINUANCE OF PLANNING COMMISSION 6/25/26 ITEM NO. 2

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear, City Clerk, Planning Dept commission staff (and the city attorneys if you suddenly decide to actually facilitate communication and due process rather than frustrate it)--Ms. Schmidt I implore you on your honor as a public servant:

Please immediately forward this entire email thread to every member of the city planning commission, call them, especially the chair, and convey to them my urgent request that they grant this continuance in advance of the hearing set for the June 25 meeting.

Please ask each one of them to call me, especially the chair, at 510-207-6243.

Thank you for your public service.

Dear Planning Commission Chair and Commissioners:

When you sit and hear a revocation hearing to destroy a person's life work and business, You are sitting quasi-judicial.

This is different from deciding whether or not to give somebody a right like a new permit, when you are sitting quasi-legislative. In that case you are giving them something that they don't have, and if you don't give it to them, well they never had it in the first place.

But in the case of a revocation, such as these tobacco businesses that staff is asking you to destroy, you are taking away something that they already have. They already have a constitutionally protected property right to do business. And you are taking it away. That is a very, very different standard and I hope that your lawyer Mr. Virgilia has carefully advised you on it and that you have taken his counsel to heart.

Yes, they must follow the rules. But that means that you must independently and objectively consider all of the evidence as to whether they have broken the rules to the extent that destruction of the business is legally and morally required. That decision is yours and yours alone. You do not have to, and in fact, you should not, just follow along with whatever staff recommends.

You are the judges. Your lawyer should be reminding you that you have the power to decide these cases. And that it is your job to be impartial and independent and not to favor either side, particularly the government, which, in this case, you are acting as a separate and equal branch of, and it is your duty to provide checks and balances on executive branch abuses, in this case Code Enforcement and its lawyer, Ms. Rothman. I emphasize that she is the department's lawyer, she is emphatically not your lawyer, and she cannot advise you on what law you should apply.

For that advice, you must turn to Mr. Virgilia who might one would expect have a slightly different perspective than either Ms. Rothman or myself. Because he advises you the neutral judicial decision maker, and she and I are the prosecutor and the defense, Respectively.

Best,

James

James Anthony

PRINCIPAL

(510) 842-3553 *office*

<[REDACTED]> *cell*

james@anthonylaw.group

From: Freshta Habal <[REDACTED]>
Sent: Thursday, June 25, 2026 10:17 AM
To: CityClerk <CityClerk@hayward-ca.gov>
Subject: Smokey's Shop

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear City of Hayward Planning Commission and City Clerk,

I am writing this email to express my strong support for Smokeys Smoke Shop, located at 25088 Hesperian Blvd. As referenced in the notice IMG_2957.jpg, I understand there is an upcoming hearing regarding their license, and I want to share my perspective as a very happy and frequent customer.

Smokeys Smoke Shop is an excellent, well-run business in our community. Every time I visit, the staff is welcoming, professional, and helpful. They contribute positively to the local neighborhood, and it would be a true shame to see their license revoked. Local businesses like this deserve our support, not unnecessary hardships.

I strongly urge the Planning Commission to take the positive experiences of loyal community members into account and allow Smokeys Smoke Shop to keep their license and continue operating.

Thank you for your time and for considering my feedback.

Sincerely,

Freshta

From: Ishmael Ayesh <[REDACTED]>

Sent: Thursday, June 25, 2026 9:27 AM

To: CityClerk <CityClerk@hayward-ca.gov>

Subject: Item#2, Smokeys Smoke Shop) Hearing Date: - Thursday June 25* 2026

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

To the Honorable Mayor and Members of the Hayward City Council,

I am writing as a longtime customer of Smokey's Smoke Shop in Hayward to respectfully ask that you carefully consider the impact of revoking the business's license.

I have been a regular customer for years, and my experiences with the owners and staff have always been positive. They have consistently treated me with respect, operated professionally, and maintained a clean and welcoming business. From my perspective as a customer, they care about their business and the people they serve.

Smokey's fills an important role in our community by offering a wide variety of tobacco products and specialty items that are difficult to find elsewhere in the Hayward area. It has become my go-to shop because of its selection, knowledgeable staff, and reliable customer service. Rather than driving to other cities or ordering products online, I know I can find what I need locally.

As a customer, I have never witnessed behavior that made me feel the business was operating irresponsibly. Instead, I have seen owners who take pride in their store and work hard to provide a quality experience for their customers.

I understand that the City has a responsibility to enforce its laws and protect the public. If there have been concerns, I respectfully ask the Council to consider whether those concerns can be addressed through corrective actions or conditions rather than permanently revoking the business's license. Closing a locally owned business should be a last resort, particularly when the owners have invested their time, money, and effort into serving the Hayward community.

Small businesses are an important part of what makes Hayward unique. Smokey's has earned my loyalty through excellent customer service, a broad product selection, and consistent professionalism. Losing this business would be a loss not only for me but for many customers who rely on it.

I respectfully ask the City Council to give Smokey's Smoke Shop every reasonable opportunity to continue operating and serving our community.

Thank you for your time and thoughtful consideration

Thank you,

Ishmael Ayesh

< [REDACTED] >

< [REDACTED] >

From: Irfan Chaudhry <[REDACTED]>

Sent: Thursday, June 25, 2026 11:35 AM

To: CityClerk <CityClerk@hayward-ca.gov>

Subject: Item #2, Smokeys Smoke Shop – Please Retain Tobacco License

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Members of the Hayward Planning Commission,

I am writing in support of Smokeys Smoke Shop & Gifts, located at 25088 Hesperian Blvd, Hayward, ahead of the June 25th hearing regarding the potential revocation of their tobacco license.

Smokeys has been a long-standing, professional establishment in our community. With over 310 Google reviews and a 4.4-star rating, the business has built a well-documented reputation for being helpful, friendly, and professionally run. Reviewers consistently highlight knowledgeable staff, fair prices, and a welcoming environment. This is not the profile of a business that operates carelessly.

I would ask the Commission to consider a broader and more pressing concern: there are unlicensed tobacco retailers operating in our communities with no oversight, no accountability, and no one checking on them. These are the establishments that pose a genuine risk to public safety. Directing enforcement energy toward revoking the license of a legitimate, compliant business — one that is at least operating within the system and subject to scrutiny — sends the wrong message and leaves the real problem unaddressed.

Punishing businesses that are trying to do things the right way, while unlicensed operators face no consequences, undermines the very purpose of the licensing system. The goal should be to bring more businesses into compliance, not to eliminate the ones already in it.

Smokeys has a history, a reputation, and a loyal customer base that depends on them. I respectfully ask the Commission to allow them to continue serving our community.

Thank you for your time and consideration.

Sincerely,

Irfan Chaudhry

-----Original Message-----

From: SANDRA LUCAS-SANTOS <[REDACTED]>

Sent: Thursday, June 25, 2026 2:34 PM

To: CityClerk <CityClerk@hayward-ca.gov>

Cc: Haroon Ahmed <[REDACTED]>

Subject: Item#2, Smokeys Smoke Shop

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear City Clerk and Members of the City Council,

My name is Sandra Lucas-Santos, and I am the landlord for Haroon Ahmed of Smokeys Smoke Shop. I am writing regarding Item #2 on tonight's agenda.

I would like to speak to Haroon's character and conduct as a tenant and business owner. Haroon has always been upfront with us regarding any issues involving the City. Whenever a violation or concern has been brought to his attention, he has informed us and taken immediate steps to correct it.

To my understanding, some of the products that were previously identified as violations were products being sold legally at other establishments, and Haroon was not aware at the time that the City considered them to be violations. Once these concerns were brought to his attention during inspections, he promptly removed the products. On subsequent inspections, those items were no longer available for sale.

In 2022, Haroon complied throughout the hearing and appeal process and worked with City Code Inspector Amber Green to make his store compliant. He cooperated with the City, provided information as requested, and made the necessary changes to address the concerns raised at that time.

It is also important to note that there have been no violations for years after that process, which says a great deal about how Haroon operates his business. In my experience, he has been a responsible tenant, an honest businessman, and someone who takes care of his business obligations seriously.

As his landlord, I respectfully ask the City Council to consider his cooperation, his corrective actions, and his track record since 2022 when reviewing this matter.

Sincerely,

Sandra Lucas-Santos

From: Caroline <[REDACTED]>

Sent: Thursday, June 25, 2026 2:02 PM

To: CityClerk <CityClerk@hayward-ca.gov>

Subject: Agenda Item #2

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

I would like to express my support for Code Enforcement's recommendation to revoke the licenses of retailers with repeated violations. Hayward's Tobacco Retail License ordinance was adopted to hold retailers accountable for complying with regulations that protect the health and well-being of our community, especially our youth. Revoking licenses for businesses that repeatedly fail to follow these requirements is an appropriate and necessary step to uphold the intent of the ordinance and ensure accountability. This also enforces community safety and transparency in our community.

Sincerely,

Caroline

To – Hayward Planning Commission

From – Foothill 76

Dear Hayward Planning Commission, this is regarding the revocation of cigarette license we have received for the Foothill 76 business located at 22810 Foothill Blvd, Hayward.

Unfortunately, due to my father's hear surgery this week, I'm not able to present this in person.

Cigarette license for the above-mentioned location is currently still on the previous business owner's name, and this has caused lot of issues ranging from not receiving the renewal and license certification mails to not receiving mails all together as the mail was forwarded to the previous owner by postal service. We unsuccessfully tried previously to transfer the name on the license to the new name.

Jesse Prins has now provided clear instructions on applying for a new license with the permit center. We plan to do this as soon as next week when the permit center will be open.

We kindly request you not suspend the current cigarette license for couple of weeks to give us time to get the new under the new name. This will allow us to keep the business operating without interruption.

Thank you for your understanding and help on this matter.

Regards,

Arun Kumar

Owner – Foothill 76 @ 22810 Foothill Blvd, Hayward

Arun Kumar

Summary of Tobacco Retail Cases Referred to District Attorney

Business Name	Address	Referred to District Attorney
Hayward Food and Gas	391 W A St	No
Smokey's Smoke Shop & Gifts	25088 Hesperian Blvd	No
Master Shell	22810 Foothill Blvd	No
The Gr8 Smoke Shop	1090 La Playa Rd	Yes

Supplemental information provided by Hayward Police Department following the publication of the staff report.

Staff Responses to Commissioners' Questions



June 25, 2026 – Planning Commission Questions

ITEM #	QUESTION	STAFF RESPONSE
1	1. Who will be responsible for maintaining the open space at the back of the development on the portion of land where the Open Space Easement will be recorded.	This will ultimately depend on whether or not the project is required to annex into the City’s Geologic Hazard Abatement District (GHAD). GHADs are public agencies formed specifically to provide a management structure and funding source to protect communities from landslides, erosion, liquefaction and other geologic hazards. If the Hayward GHAD determines that the development must annex into its jurisdiction, then each homeowner will be assessed an annual fee as part of their property taxes that will go into the GHAD and pay for the maintenance of the open space. If the GHAD does not deem annexation necessary, then the Homeowners Association (HOA) will maintain the open space on its own, and a portion of the HOA members’ monthly dues will be used for the maintenance.
1	2. What is the purpose of the requirement for a minimum 12-inch ground floor finished elevation? If one of the waivers is being sought to avoid this requirement and make some of the units accessible, doesn’t that mean the requirement could contradict accessibility standards?	Staff believes the 12-inch minimum finished floor requirement was intended to provide units with walk-up stoops and/or raised front porches since these features are typically viewed as contributing to attractive architectural design. However, in this case the requirement does conflict with the ability of the developer to provide universally designed units with zero-inch thresholds for disabled and/or elderly residents. The Planning Division will address this conflict between the Zoning Code and Building Code at its earliest possible opportunity.
1	3. When considering if a requested concession could cause a specific adverse impact on public health and safety, did the City’s Utilities Division independently review the Water Supply Assessment provided by the applicant regarding the looped water system concession, and did they agree with its conclusions?	Yes, the Utilities Division was a party to the entire water study preparation and review process and concurred with its conclusions. The Utilities Division preferred to have the project’s water system connect to the systems in the adjacent developments, but this was determined not to be necessary from a life safety or public health standpoint. Furthermore, as a compromise, the Developer agreed to connect to both of the two existing water mains in Mission Boulevard

		to provide redundancy even though the water study did not deem it necessary for meeting any minimum pressure or flow standards.
1	4. Has the Fire Department also reviewed the proposed water supply system, and does it support the concession request?	Yes, the Fire Department also reviewed the water supply system design as well as the results of the water study and had no objections to the design or the concession request.
1	5. Will the proposed water supply system be publicly maintained or privately maintained, and does the non-looped design create any long-term maintenance or emergency-response concerns?	The on-site system will be owned and maintained by the City from Mission Boulevard all the way to each individual unit's water meter. Any repairs needed to an individual unit's lateral from their meter into their house would be the homeowner's and/or HOA's responsibility. And no, the non-looped system would not create any long-term maintenance challenges or emergency response concerns.
1	6. The development received 15 common open space amenity points for a courtyard with seating and/or a table for at least four people. Can staff or the applicant identify the courtyard on the plans and explain what furnishings are proposed?	Two benches are shown on Sheet L-1 at the entrance to the common open space at the back of the development, and a seat wall is provided along one edge of this space as well. The plans do not include a detail for the benches, but staff will ask the Developer if one can be shared with the Commission at the hearing.
1	7. Recognizing State Density Bonus Law likely requires approval of the waiver, has the applicant explored any additional amenities that could be incorporated voluntarily to improve the quality and usability of the common open spaces, even if the project cannot achieve the full 200-point requirement?	This is a question that the Commission can ask the Developer during the public hearing. The City does not have the ability to <i>require</i> more amenities due to State Density Bonus Law, but the Commission can ask if the Developer is willing to <i>voluntarily</i> provide additional amenities if there are opportunities to do so.
1	8. In accordance with the previous question, and in an effort to improve the number of open space amenities, would the developer consider adding any of the following amenities to the project? <ul style="list-style-type: none"> • Additional seating within the common open spaces without reducing the unit count • Additional tables • Benches • Adirondack-style chairs • Small conversation areas • Adding a pergola or shade structure to the common open space areas 	See response above.



	<ul style="list-style-type: none"> • Adding small-scale play features or natural play elements within the common open space areas (e.g., climbing logs, boulders, play structures, etc.) • A small picnic area with tables and a barbecue grill 	
2	1. If a business' TRL is revoked at a planning commission meeting, how long does a business have to cease operations as a tobacco retailer?	If the Planning Commission votes to revoke a business' Tobacco Retail License, the business must immediately cease all tobacco retail operations upon revocation. Effective immediately, the business may no longer sell tobacco products and must discontinue all tobacco sales. If the Planning Commission's decision is appealed, then the revocation would be put on hold until an appeal hearing with the City Council can be held.