

Ahmed Dubaih

Owner, Smoke Depot
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RECEIVED on 8/15/2025 CDSE22-00009
By Contra Costa County
Department of Conservation and Development

August 7, 2025

To:

Contra Costa County Planning Commission
Department of Conservation and Development
[Insert County Address]

Subject: Appeal of Zoning Administrator's Decision – *Smoke Depot*

Pursuant to the procedures set forth under the Contra Costa County Ordinance Code and applicable provisions of the California Government Code (§ 65850 et seq.), I hereby submit this formal appeal of the Zoning Administrator's decision concerning Smoke Depot.

This appeal is made on the following grounds:

1. **Misapplication of zoning authority** – The decision extends beyond what is necessary to address legitimate community concerns.
2. **Failure to consider corrective measures** – Steps already taken bring the business into full compliance with applicable County standards.
3. **Disproportionate impact** – The decision imposes penalties disproportionate to the alleged violations, contrary to fairness and administrative proportionality.

Grounds for Reconsideration

1. Full Legal Compliance

Smoke Depot operates strictly within the framework of the California Business and Professions Code §§ 22950–22963 (Stop Tobacco Access to Kids Enforcement Act) and applicable federal regulations. We maintain robust age verification protocols and prohibit sales to anyone under the legal purchasing age.

2. Immediate Corrective Actions

All issues identified by the Zoning Administrator — including signage adjustments, compliance procedure enhancements, and store layout modifications — have been fully addressed. These changes ensure compliance with Contra Costa County Code §§ 84-38.200 and 84-38.400 governing commercial signage, operations, and safety.

3. Community and Economic Value

Smoke Depot employs local residents, generates taxable revenue, and provides lawful access to regulated products for adult consumers. Closure would result in job losses, reduced tax revenue, and the displacement of lawful commerce to neighboring jurisdictions.

Corrective Measures Implemented

- Enhanced employee training in accordance with the California Department of Public Health's Tobacco Retailer Program.
- Adjusted store signage and layout to meet County design and visibility requirements.
- Installed additional security systems to deter loitering and enhance public safety.

Willingness to Operate Under Conditions

I am prepared to accept reasonable operational conditions under County Code § 26-2.202, including:

- Limited operating hours
- Periodic compliance inspections
- Any other measures the Commission deems appropriate to ensure public welfare

Relief Requested

For the reasons stated above, I respectfully request that the Planning Commission reverse or modify the Zoning Administrator's decision, allowing Smoke Depot to continue operations under a conditional approval that ensures ongoing compliance while preserving the business's contributions to the community and economy.

Thank you for your consideration and for your service to Contra Costa County.

Sincerely,

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