



# CONTRA COSTA COUNTY

## AGENDA

### Contra Costa County Planning Commission

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**Wednesday, October 22, 2025**

**6:30 PM**

**30 Muir Road, Martinez, California**

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**Zoom: <https://cccouny-us.zoom.us/j/84769800896> | Call in: (888)278-0254 Access code: 198675**

CHAIR: Kevin Van Buskirk

VICE-CHAIR: Bhupen Amin

COMMISSIONERS: Jeffrey Wright, Donna Allen, Bob Mankin, Ross Hillesheim, Sanjiv Bhandari

The public may attend this meeting in person at the above location. The public may also attend this meeting remotely via Zoom or call-in. Login information and call-in information is provided below. Persons wishing to view the meeting but not participate may view the meeting live online at: <https://www.contracosta.ca.gov/4314/County-Planning-Commission>.

Persons who wish to address the Commission during public comment on matters within the Commission's jurisdiction that are not on the agenda, or who wish to comment with respect to an item on the agenda, may comment in person, via Zoom, or via call-in. Those participating in person should come to the podium when called upon. Those participating via Zoom should indicate they wish to speak by using the "raise your hand" feature in the Zoom app. Those calling in should indicate they wish to speak by pushing "#2" on their phone.

All public comments will be limited to 3 minutes per speaker. Public comments may also be submitted before the meeting by email at [planninghearing@dcd.cccounty.us](mailto:planninghearing@dcd.cccounty.us), or by voicemail at (925) 655-2860. Comments submitted by email or voicemail will be included in the record of the meeting but will not be read or played aloud during the meeting.

For assistance with remote access, please contact County staff at (925) 494-4516

Any disclosable public records related to an item on a regular meeting agenda and distributed by County staff to a majority of the Planning Commissioners less than 96 hours prior to the meeting are available for inspection at 30 Muir Road, Martinez, CA 94553, during normal business hours.

The Community Development Division of the Department of Conservation and Development will provide reasonable accommodations to those persons needing translation services and for persons with disabilities who wish to participate in County Planning Commission meetings. Please contact County staff at least 48 hours before the meeting at (925) 655-2860.

1. PLEDGE OF ALLEGIANCE

2. PUBLIC HEARINGS

- 2a MICHAEL MILANI (Appellant) – CHERYL RAYMA GREEN (Applicant and Owner), County File CDVR25-01012: This is an appeal of the Zoning Administrator's decision to deny a Variance and Small Lot Design Review to allow a 6-foot front yard setback (where 25 feet is the minimum required) for two, 8-foot tall columns to support an entry gate. The project site is located at 10000 Morgan Territory Road in the Livermore area of unincorporated Contra Costa County. (Zoning: A-40 Exclusive Agricultural District) (Assessor's Parcel Number: 006-110-016) (Continued from 09.10.2025) AS [25-4306](#)

**Attachments:** [Attachment A Findings and Conditions of Approval](#)

- 2b SMOKE DEPOT (Business) & MATTHEW POURABEDIN & ROYA IRANPOUR (Owner), AHMED DUBAI (Business Owner), County File #CDSE22-00009: A hearing for an appeal of the Zoning Administrator's decision to revoke the legal non-conforming status of a tobacco retailing business, currently operating under the business name Smoke Depot, located at 3770 San Pablo Dam Road, in the El Sobrante area of Contra Costa County. (Zoning: P-1) (Assessor's Parcel number: 420-140-035). EL [25-4307](#)

**Attachments:** [Attachment A - Revocation Findings CDSE22-00009](#)  
[Attachment B - CDSE22-00009 Determination Letter-signed](#)  
[Attachment C - Zoning Administrator Statement of Decision](#)  
[Attachment D - Contra Costa Health Notice of Suspension Hearing](#)  
[Attachment E - Contra Costa Health Notice of Decision](#)  
[Attachment F - Sheriff's Inspection Report](#)  
[Attachment G - Administrative Notice Of Fine](#)  
[Attachment H - County Health Department Timeline](#)  
[Attachment I- Zoning Administrator Staff Report and attachments](#)  
[Attachment J- CDSE22-00009 Appeal Letter](#)  
[Attachment K - CPC Staff Presentation](#)

3. PUBLIC COMMENTS

4. STAFF REPORT

5. COMMISSIONERS' COMMENTS

6. COMMUNICATIONS

THE NEXT MEETING OF THE CONTRA COSTA COUNTY PLANNING COMMISSION WILL BE HELD ON WEDNESDAY, NOVEMBER 12, 2025.



# CONTRA COSTA COUNTY

1025 ESCOBAR STREET  
MARTINEZ, CA 94553

## Staff Report

**File #:** 25-4306

**Agenda Date:** 10/22/2025

**Agenda #:** 2a

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**Project Title:** 10000 Morgan Territory Road Variance, Small Lot Design Review, and Tree Permit

**County File Number:** CDVR25-01012

**Appellant:** Michael Milani

**Applicant/Owner:** Cheryl Rayma Green (Applicant & Owner)

**Zoning/General Plan:** A-40 Exclusive Agricultural District / AL Agricultural Lands

**Site Address/Location:** 10000 Morgan Territory Road in the Livermore area of unincorporated Contra Costa County (Assessor's Parcel Number: 006-110-016)

**California Environmental Quality Act (CEQA) Status:** Exempt, CEQA Guidelines Section 15303(e)

**Project Planner:** Allison Seoane, Project Planner (925) 655-2871  
Allison.Seoane@dcd.cccounty.us

**Staff Recommendation:** Approve (See section II for full recommendation)

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### **I. PROJECT SUMMARY**

This is an appeal of the Zoning Administrator's decision to deny a Variance and Small Lot Design Review to allow a 6-foot front yard setback (where 25 feet is the minimum required) for two, 8-foot tall columns to support an entry gate.

The Zoning Administrator's decision to approve a Tree Permit to allow work within the dripline of one code-protected tree for the installation of the mechanical equipment for the entry gate is not being appealed.

### **II. RECOMMENDATION:**

The Department of Conservation and Development, Community Development Division (CDD) staff recommends that the County Planning Commission:

- A. APPROVE the appeal of the Zoning Administrator's decision to deny the Variance and Small Lot Design Review.
- B. FIND that the project is categorically exempt from CEQA under Section 15303(e) of the CEQA Guidelines.
- C. APPROVE County File CDVR25-01012 including a Variance to allow a 6-foot front yard setback (where 25 feet is the minimum required) for two, 8-foot tall columns to support an entry gate, Small Lot Design Review of the two columns, and a Tree Permit to allow work within the dripline of one code-protected Valley Oak tree for the installation of mechanical equipment for the entry gate, based on the attached findings and subject to the attached conditions of approval.
- D. DIRECT staff to file a Notice of Exemption with the County Clerk.

### **III. GENERAL INFORMATION**

- A. General Plan: AL - Agricultural Lands.
- B. Zoning: A-40 Exclusive Agricultural District.
- C. California Environmental Quality Act (CEQA): CEQA Guidelines Section 15303(e), New Construction of Small Structures, Class 3 exemption for construction of accessory structures such as columns and an entry gate.

### **IV. BACKGROUND**

The County Planning Commission (CPC) conducted a hearing on the CDVR25-01012 application at the September 10, 2025 CPC meeting. During the hearing, the CPC received public testimony including statements from the appellant and the property owner. The CPC closed the hearing and continued consideration of the application to the October 22, 2025 meeting, with a motion of intent to grant the appeal and approve the project, and requested staff to prepare findings for approval of the project, a CEQA determination, and conditions of approval.

### **V. CONCLUSION:**

CDD staff has prepared findings pursuant to County Code Sections 26-2.2006 and 82-10.002(c) for approval of a Variance to allow a 6-foot front yard setback (where 25 feet is the minimum



required) for two, 8-foot tall columns to support an entry gate and Small Lot Design Review of the two, 8-foot tall columns, along with findings pursuant to County Code Section 816-6.8010 for approval of a Tree Permit to allow work within the dripline of one code-protected Valley Oak tree for the installation of the mechanical equipment for the entry gate. Staff recommends approval of the appeal of the Zoning Administrator's decision to deny the Variance and the Small Lot Design Review, and approval of County File CDVR25-01012 including a Variance of the front yard setback (where 25 feet is the minimum required), Small Lot Design Review of the columns, and the a Tree Permit to allow work within the dripline of one code-protected tree, based on the attached findings and subject to the attached conditions of approval.

**FINDINGS AND CONDITIONS OF APPROVAL – COUNTY FILE CDVR25-01012;  
MICHAEL MILANI (APPELLANT) / CHERYL GREEN (APPLICANT AND OWNER)**

**FINDINGS**

A. Variance Findings:

County Code Section 26-2.2006 states that all of the following findings must be made to approve the Variance permit application.

1. *That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.*

Project Finding: The project is to legalize two previously constructed 8-foot tall columns supporting an entry gate within the 25-foot minimum front yard setback and work conducted within the dripline of one code-protected Valley Oak tree for installation of the mechanical equipment for the entry gate. Approval of the requested variance will allow a 6-foot front yard setback (where 25 feet is the minimum required) for the two existing 8-foot tall columns. Placement of entry gate support columns within the front yard setback is common along this portion of Morgan Territory Road as other properties along Morgan Territory Road in the project vicinity have such columns. The subject property and the parcel immediately to the north on the southwest side of Morgan Territory Road have identical stone fences with integrated stone columns supporting entry gates of the same design. Both the entry gate on the subject property and the adjacent Storybook Lane entry gate are supported by similar tall stone columns. Accordingly, granting of a variance to allow the columns on the subject property within the required front yard setback is not a grant of special privilege.

2. *That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of the rights enjoyed by other properties in the vicinity and within the identical land use district.*

Project Finding: The subject property is a 14.55-acre lot in the A-40 Exclusive Agricultural District that has been developed with a single-family residence and second single-family residence along the northwest property line that was legalized under Land Use Permit CDLP23-02055, an agricultural building in the

northern corner near the entry gate, and an stone fence with an entry gate and support columns along the northeastern Morgan Territory Road frontage. The property increases in elevation from the entry gate and agricultural building to the location of the two residences. Because the property is several acres in size and there is a significant slope leading onto the property from Morgan Territory Road, the 8-foot tall columns are appropriately in scale with the setting. Moreover, due to the remoteness of properties in the area from higher-density urban uses, the location of the entry gate within the front yard setback allows entry into the property to be readily accessible from the road, thereby reducing potential personal safety hazards. Given these special circumstances, strict application of the applicable zoning regulations of the A-40 District will to deprive the subject property of the rights enjoyed by other properties in the vicinity and within the identical land use district.

3. *That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the property is located.*

*Project Finding:* The purpose of the A-40 District is to provide for and maintain agricultural uses and low-density single-family residences. Properties in the A-40 District are subject to the allowed uses set forth in County Code Section 84-80.402, which include detached single-family residences and accessory structures and uses normally auxiliary to residences. The columns that support the entry gate are accessory structures that are auxiliary to the single-family residence on the property. Pursuant to County Code Section 84-80.1003, a front yard setback of 25 feet is required for any building or structure. The intent of the setback requirement is to maintain a certain scale of buildings and structures that are visible from the road to maintain the primarily agricultural and low density residential character of the zoning district. As described in the preceding finding, the 8-foot tall columns maintain the scale of the property in relation to its surroundings given the proximity of the agricultural building and the increase in elevation on the property from the road. Thus, placement of the two 8-foot tall columns within the front yard setback substantially meets the intent and purpose of the A-40 district.

B. Small Lot Design Review Findings:

County Code Section 82-10.002(c) states that all of the following findings must be made to approve the Small Lot Design Review application.

1. Location: The two 8-foot tall columns and entry gate are located near the entrance to the property from Morgan Territory Road. Given that the entry gate columns are located at the entry onto the property, as is typical of entry gates on other properties in the vicinity, the location of the columns is compatible with the surrounding neighborhood.
2. Size: The footprints of the columns are approximately 3 feet by 3 feet, which is within the size range for entry gate columns. Therefore, the size of the columns is compatible with the surrounding neighborhood.
3. Height: Many properties in the vicinity have entry-gate support columns, and the support columns for the adjacent entry gate for Storybook Lane is of a similar height to the columns on the subject property. Therefore, the height of the columns is consistent with the surrounding neighborhood.
4. Design: The neighborhood has columns on multiple properties that encompass a variety of architectural designs. Taller columns for entry gates that are in scale with the size of the agricultural properties and the local terrain are common throughout the area. In particular, the subject property and the parcel immediately to the north on the southwest side of Morgan Territory Road have stone fences with stone columns supporting entry gates that are of the same architectural design. Thus, the design is compatible with the surrounding neighborhood.

C. Tree Permit Findings:

1. Required Factors for Granting a Tree Permit: The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied:
  - *Reasonable development of the property will require the alteration or removal of code-protected trees, and this development could not be reasonably accommodated in another area of the lot.*

Installation of the mechanical equipment for the entry gate necessitates work within the drip line of one code-protected Valley Oak tree. Given the construction has occurred, work within the drip line was unavoidable and therefore cannot be reasonably accommodated on another area of the lot.

2. Required Factors for Denying a Tree Permit. The Zoning Administrator is satisfied that none of the factors for denying a tree permit as provided by County Code Section 816-6.8010 apply.

D. Environmental Findings:

County File CDVR25-01012 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(e), New Construction of Small Structures, which provides a Class 3 exemption for construction of accessory structures such as columns supporting entry gates. There is no substantial evidence that the project involves unusual circumstances, including future activities, resulting in, or which might reasonably result in, significant impacts which threaten the environment. None of the exceptions in CEQA Guidelines Section 15300.2 apply.

**CONDITIONS OF APPROVAL FOR COUNTY FILE CDVR25-01012**

Project Approvals

1. A Variance Permit to allow a 6-foot front yard setback (where 25-feet is the minimum required) for two, 8-foot tall columns to support an entry gate is APPROVED.
2. Small Lot Design Review of the two, 8-foot tall columns is APPROVED.
3. A Tree Permit to allow work under the dripline of one code-protected Valley Oak tree for installation of the mechanical equipment for the entry gate is APPROVED..
4. The approvals described above are based on the following documents:
  - Application materials accepted by the Department of Conservation and Development, Community Development Division (CDD) on February 12, 2025.
5. Any deviation from the approved plans stated above shall require review and approval by the CDD and may require the filing of a new application.

Required Building Permit

6. Within 90 days of the effective date of this permit, the property owner shall apply for a building permit for the two existing, 8-foot tall columns, as shown on the February 12, 2025 project plans. The applicant is responsible for payment of all fees associated

with the issuance of the building permit. The applicant may obtain current costs by contacting the Building Inspection Division. A final inspection for the building permit is required to complete this condition.

#### Application Costs

7. The Variance Permit application is subject to an initial application deposit of \$3,250.00, which was paid with the application submittal, plus time, and material costs if the application review expenses exceed 100% of the initial deposit. Any additional fee due must be paid prior to an application for a grading or building permit, or 60 days of the effective date of this permit, whichever occurs first. The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2019/553, where a fee payment is over 60 days past due, the Department of Conservation and Development may seek a court judgement against the applicant and will charge interest at a rate of ten percent (10%) from the date of judgement. The applicant may obtain current costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance in the event that additional fees are due.

#### Construction Restrictions

All construction activity shall comply with the following restrictions, which shall be included in the construction drawings.

8. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
9. The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.
10. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
11. A publicly visible sign shall be posted on the property with the telephone number and person to contact regarding construction-related complaints. This person shall respond and take corrective action within 24 hours. The CDD phone number shall also

be visible to ensure compliance with applicable regulations.

12. Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

- New Year's Day (State and Federal)
- Birthday of Martin Luther King, Jr. (State and Federal)
- Washington's Birthday (Federal)
- Lincoln's Birthday (State)
- President's Day (State)
- Cesar Chavez Day (State)
- Memorial Day (State and Federal)
- Juneteenth National Independence Holiday (Federal)
- Independence Day (State and Federal)
- Labor Day (State and Federal)
- Columbus Day (Federal)
- Veterans Day (State and Federal)
- Thanksgiving Day (State and Federal)
- Day after Thanksgiving (State)
- Christmas Day (State and Federal)

For specific details on the actual date the State and Federal holidays occur, please visit the following websites:

Federal Holidays: [Federal Holidays \(opm.gov\)](https://www.opm.gov)

California Holidays: [State Holidays \(ca.gov\)](https://www.ca.gov)

13. Large trucks and heavy equipment are subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.

**ADVISORY NOTES**

**PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE AND OTHER LEGAL REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.**

- A. NOTICE OF NINETY (90) DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et. seq, the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a ninety-day (90) period after the project is approved.

The 90-day period in which you may protest the amount of any fee or imposition of any dedication, reservation, or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the CDD within 90 days of the approval date of this permit.

- B. This project may be subject to the requirements of the following agencies:

- Contra Costa County Public Works Department
- Department of Conservation and Development, Building Inspection Division
- Contra Costa Health, Environmental Health Division
- San Ramon Valley Fire Protection District

The applicant is strongly encouraged to review these agencies' requirements prior to continuing with the project.





# CONTRA COSTA COUNTY

1025 ESCOBAR STREET  
MARTINEZ, CA 94553

## Staff Report

File #: 25-4307

Agenda Date: 10/22/2025

Agenda #: 2b

### STAFF REPORT

### Agenda Item # \_\_\_\_\_

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| <b>Project Title:</b>                                      | Appeal on the Revocation of Legal-Nonconforming Status of Tobacco Retailing use for Smoke Depot in El Sobrante                     |
| <b>County File Number:</b>                                 | CDSE22-00009   |
| <b>Appellants: Applicant:</b>                              | Ahmed Dubaih Ahmed Dubaih  |
| <b>Owner:</b>  | Matthew Pourabedin   |
| <b>Zoning/General Plan:</b>                                | Planned Unit District (P-1) / Mixed-Use Low Density (MUL)  |
| <b>Site Address/Location:</b>                              | 3770 San Pablo Dam Road, El Sobrante, CA 94803 APN: 420-140-035  |
| <b>California Environmental Quality Act (CEQA) Status:</b> | Categorical Exemption, CEQA Guidelines Section 15321, Categorical Exemptions, Class 21: Enforcement Actions by Regulatory Agencies |
| <b>Project Planner:</b>                                    | Everett Louie, Planner III - Phone: (925) 655-2873 Email: everett.louie@dcd.cccounty.us  |
| <b>Staff Recommendation:</b>                               | Deny the Appeal (See section II for full recommendation)   |

### **I. PROJECT SUMMARY**

This is a hearing on an appeal of the Zoning Administrator's decision to revoke the legal non-conforming status for a tobacco retailing use located at 3770 San Pablo Dam Road in El Sobrante ("Subject Property"), known as Smoke Depot. In accordance with Section 26-2.2022 of the County Ordinance Code, the causes for revocation are as follows:

- (a) A failure to comply with the terms, limitations and condition of the permit;
- (b) The property is being used or maintained in violation of the zoning code;
- (c) The use for which the permit was granted has been so exercised as to be detrimental to the public health or safety or as to constitute a nuisance; and
- (d) A license required for the conduct of the business on the premises covered by the permit has been suspended or revoked.

Revocation of the legal non-conforming status for tobacco retailing from the Subject Property would require any future tobacco retailing from the Subject Property to comply with the current provisions of the County Tobacco Retailing Businesses Ordinance (Chapter 88-26). Because the subject property is located within 500 feet from three other tobacco retailers (ARCO at 3753 San Pablo dam Road; Food Stop at 3800 San Pablo Dam Road, Suite A; Jay Vee Liquor at 3640 San Pablo Dam Road), the Subject Property does not comply with the location requirements of the Tobacco Retailing Businesses Ordinance. As a result, revocation of the legal non-conforming status would prevent Smoke Depot, or any other tobacco retailing business located at 3770 San Pablo Dam Road in El Sobrante, from obtaining zoning approval for a tobacco retailing business in accordance with the Tobacco Retailing Businesses Ordinance, and would preclude the issuance of a tobacco retailers license for this location from the County Health Department.

## II. RECOMMENDATION

The Department of Conservation and Development, Community Development Division (CDD) Staff recommends that the County Planning Commission:

- A. OPEN the public hearing, RECEIVE testimony, and CLOSE the public hearing.
- B. DENY the appeal by Ahmed Dubaih.
- C. DETERMINE that the revocation of the legal non-conforming status is categorically exempt under CEQA Guidelines Section 15321, of the CEQA Guidelines.
- D. REVOKE the legal non-conforming tobacco retailing use established under County File CDSE22-00009, based on the attached Findings.
- E. DIRECT the Department of Conservation and Development to file a Notice of Exemption with the County Clerk.

## III. PROCEDURAL BACKGROUND

On December 9, 2022, an application was submitted to the Department of Conservation and Development for a proposed tobacco retailing business to be located at the Subject Property. In a determination letter dated January 25, 2023, the County determined that the retailing of tobacco products at the subject property was considered a legal nonconforming use under Chapter 88-26.406 of the County's Tobacco Retailing Business Ordinance (Chapter 88-26). (See **Attachment B** - CDSE22-00009 Determination Letter). The legal nonconforming determination authorized the applicant to apply for a tobacco retailers license from the County Health Department, but a valid tobacco retailer's license was never obtained nor issued. See section VI

(History of Violations) below for more detail.

In conjunction with the County Health Department, the Department of Conservation and Development held a hearing on July 7, 2025, on the revocation of legal nonconforming status of tobacco retailing use previously reviewed under CDSE22-0009. At the hearing the Zoning Administrator opened the public hearing and received testimony from the property owner. The Zoning Administrator closed the public hearing and revoked the determination made in CDSE22-00009 and revoked the legal nonconforming status for the tobacco retailing use at the subject property. A statement of decision was mailed to the property owner and applicant on August 6, 2025 (See **Attachment C** - Zoning Administrator Statement of Decision).

Subsequent the Zoning Administrator's decision, a letter appealing the decision was filed by Ahmed Dubaih on August 15, 2025 (See **Attachment J** - CDSE22-00009 Appeal Letter). Staff's analysis and response to the appeal letter is discussed in Section VII (Appeal of Zoning Administrator's decision) of this Staff Report.

#### IV. GENERAL INFORMATION

1. General Plan: The subject property land use designation is Mixed-Use Low Density (MUL) General Plan Land Use designation.
2. Zoning: The subject property is zoned an area wide Planned Unit District (P-1) Downtown El Sobrante Planned Unit Development.
3. California Environmental Quality Act (CEQA) Compliance: The revocation of the legal non-conforming status is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321, Categorical Exemptions, Class 21: Enforcement Actions by Regulatory Agencies, of the State CEQA Guidelines, which applies to actions by regulatory agencies to revoke an entitlement for a use issued by the County. Section 15321 exempts actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered by the regulatory agency (County). Here, the County proposes to revoke a land use entitlement in the form of the legal non-conforming status for a tobacco retailing use at the Subject Property.
4. Previous Applications:
  - 1) CDSE22-00009: A determination letter dated January 25, 2023, from Contra Costa County, Department of Conservation and Development determining that the retailing of tobacco products at the Subject Property is considered a legal nonconforming use under Section 88-26.406 of the County's Tobacco Retailing Business Ordinance (Chapter 88-26). (**Attachment B**)

- 2) CDSE24-00006: An El Sobrante Administrative Permit to replace the copy/visual image of an existing roof mounted sign for "Smoke Depot" was approved on July 23, 2024.

## V. SITE/AREA DESCRIPTION

The nonconforming tobacco retailing business is located at 3770 San Pablo Dam Road in the El Sobrante area of Contra Costa County (Subject Property) and is currently being operated under the business name Smoke Depot. The building is single story retail structure located on a 0.71-acre parcel which fronts on San Pablo Dam Road. There are two other buildings located on the Subject Property including a church and restaurant. All the buildings are separated by a parking lot which provides parking for all three uses. The parcel is approximately 102 feet west of the San Pablo Dam and Hillcrest Road intersection. The parcel is located within 500 feet of three other tobacco retailers on San Pablo Dam Road.

## VI. FACTUAL BACKGROUND

Jasmine Gifts and Tobacco operated continuously at the Subject Property since 1986. According to a Business Bill of Sale (Purchase Agreement) submitted with County File CDSE22-00009, the Jasmine Gifts & Tobacco business was sold on May 20, 2022 and renamed Smoke Depot. Tobacco retailer's licenses are nontransferable. (Ordinance Code, Section 445-10.010(c).) Because tobacco retailer's licenses are nontransferable, Smoke Depot was required to apply for and obtain a new valid tobacco retailer's license.

On December 9, 2022, an application was submitted to the Department of Conservation and Development for a proposed tobacco retailing business to be located at the Subject Property. In a determination letter dated January 25, 2023, the County determined that the retailing of tobacco products at the subject property was considered a legal nonconforming use under Chapter 88-26.406 of the County's Tobacco Retailing Business Ordinance (Chapter 88-26). (See **Attachment B** - CDSE22-00009 Determination Letter). The legal nonconforming determination authorized the applicant to apply for a tobacco retailers license from the County Health Department, but a valid tobacco retailer's license was never obtained nor issued.

Nonetheless, Smoke Depot began to sell tobacco and tobacco products from the premises without having obtained a new and valid tobacco retailer's license from the County Health Department. In or around November 2022, the County began receiving complaints from community members alleging illegal activities occurring at Smoke Depot, including the sale of prohibited tobacco products and unlicensed cannabis sales. To verify these complaints, the Contra Costa County Sheriff's Department (Sheriff) conducted an inspection on November 9, 2022 and confirmed that (i) Smoke Depot was selling tobacco products despite not holding a valid County tobacco retailer's license, and (ii) Smoke Depot was selling illegal tobacco and other products. (See **Attachment F** - Sheriff's Inspection Report). Staff notes that the inspection reports incorrectly state that Smoke Depot had obtained a tobacco retailer's license; but that is

incorrect. The County Health Department has confirmed that no valid tobacco retailer's license was ever obtained or issued for Smoke Depot at the Subject Property. (See **Attachment E** - Contra Costa Health Notice of Decision).

Between 2023 and 2024, the County Health Department contacted Smoke Depot numerous times advising Smoke Depot on the County's Tobacco Retailing Ordinance and informing Smoke Depot of the need to obtain a new valid tobacco retail license. Smoke Depot applied for a tobacco retail license, but did not discontinue selling prohibited tobacco products while their application was processing. At no point did Smoke Depot receive a new valid tobacco retail license from the County Health Department. As a result of Smoke Depot's illegal tobacco sales, the County Health Department cited Smoke Depot for operating a tobacco retail business without a valid tobacco retail license and for selling prohibited tobacco products and other illegal contraband.

On January 26, 2023, the County Health Department issued an Administrative Penalty Notice of Fine to Smoke Depot for violations including operating without a valid tobacco retailer's license, for selling illegal tobacco products, and inadequate signage required to protect minors. See **Attachment G** - Administrative Notice of Penalty. The Notice of Fine became a final administrative order when it was not appealed by Smoke Depot.

On April 24, 2024, the County Health Department issued a Notice of Suspension Hearing for Smoke Depot's pending tobacco retail license application. (**Attachment D**.) On June 11, 2024, Contra Costa Health Department held the Suspension Hearing. At the Suspension Hearing, Dr. Sefanit Mekuria, the Contra Costa County Medical Director and the Deputy Health Officer, determined that Smoke Depot had been operating without obtaining a new, valid tobacco retailer's license and that illegal tobacco products were being sold from the Subject Property. As a result, the Public Health Director suspended the processing of Smoke Depot's current tobacco retail license application and prohibited all tobacco retailing at the Subject Property. On June 26, 2024, a written Notice of Decision was sent to the Smoke Depot informing them of the decision and appeal instructions. (See **Attachment E** - Contra Costa Health Notice of Decision). No appeal was filed within 30 days of the Contra Costa Health Department's decision, and the decision became final. A detailed timeline of the County Health Department's communications with and enforcement actions related to Smoke Depot is attached as **Attachment H** - County Health Department Timeline.

## **VII. APPEAL OF ZONING ADMINISTRATOR'S AUGUST 6, 2026, STATEMENT OF DECISION**

During the appeal period following the approval by the Zoning Administrator, one appeal was received from Ahmed Dubaih on August 15, 2025 (**See Attachment J - Appeal Letter**). The concerns raised in the appeal letter, and staff's responses, are summarized as follows:

1. Summary of Appeal Point #1: *The Zoning Administrator misapplied the zoning code in regard to revocation of a legal-nonconforming use.*

Staff Response: The Contra Costa County Ordinance Code, Section 26-2.2022 (Variance, conditional uses, and special permits - modification, suspension, and revocation) allows the County to revoke a permit if certain conditions are met. The Zoning Administrator determined that the County's determination in CDSE22-00009 and Smoke Depot's entitlement to operate as legal nonconforming use was subject to revocation based on the following grounds:

- Failure to comply with any term, limitation or condition of the permit.
- The property or portion thereof subject to the permit is used or maintained in violation of any requirement of this code.
- The use for which the permit was granted has been so exercised as to be detrimental to the public health or safety or as to constitute a nuisance.
- A license required for the conduct of the business on the premises covered by the permit has been suspended or revoked.

The Zoning Administrator in their Statement of Decision dated August 6, 2025 determined that the operation of a tobacco retailing business in unincorporated Contra Costa County without a valid tobacco retailer's license directly violates County ordinances enacted to protect health and safety and, therefore, is detrimental to public health and safety, and is cause for revocation of the legal nonconforming status for a tobacco retailing use. A further analysis of the revocation findings can be found in Findings ( **Attachment A**). Ordinance Code, Section 26-2.2022, allows the Zoning Administrator to revoke an entitlement so long as the appropriate findings can be made. Therefore, the Zoning Administrator did not misapply the zoning code.

2. Summary of Appeal Point #2: *The Zoning Administrator did not consider corrective measures performed by the property/business owner which bring Smoke Depot in compliance with Contra Costa County Code 84-38.200 and 84-38.400.*

Staff Response: The appellant states that Smoke Depot has performed corrective measures to comply with Contra Costa County Code 84-38.200 and 84-38.400. However, these two code sections do not exist within the Contra Costa County Zoning Code. County Code 84-38 regulates the A-2 General Agricultural District and is inapplicable here. Pursuant to the County's Tobacco Retailing ordinance, which is applicable to the applicant's use of the Subject Property, Smoke Depot is required to obtain and maintain a valid tobacco retailer's license. (County Code, § 88-26.406.) However, based on the June 26, 2024 Notice of Decision issued by the Sefanit Mekuria, Deputy Health Officer of Contra Costa Health, Smoke Depot has been found to be operating without ever obtaining a valid tobacco retailer's license (See **Attachment E**). The Zoning

Administrator's Statement of Decision also cites other violations and circumstances (e.g., the retailing of illegal products, operations resulting in a nuisance to the neighborhood) for which no corrective measures are cited. Therefore, staff does not believe that Smoke Depot has performed appropriate corrective measures, and Smoke Depot has not complied with Chapter 88-26 of the Zoning Code by obtaining a valid tobacco retailer's license.

3. Summary of Appeal Point #3: *The decision imposes penalties disproportionate to the alleged violations, contrary to fairness and administrative proportionality and negatively impacts the community and economic value.*

Staff Response: As mentioned in the response to appeal point #1, County Code Section 26-6.2022 (Revocation) authorizes the County to revoke an entitlement upon making the required findings. As supported in the attachments and detailed in the Findings included as **Attachment A** - Revocation Findings, the legal nonconforming tobacco retailing use may be revoked on any of the following grounds:

- Failure to comply with any term, limitation or condition of the permit.
- The property or portion thereof subject to the permit is used or maintained in violation of any requirement of this code.
- The use for which the permit was granted has been so exercised as to be detrimental to the public health or safety or as to constitute a nuisance.
- A license required for the conduct of the business on the premises covered by the permit has been suspended or revoked.

As authorized by the County Ordinance Code, revocation of an entitlement is an appropriate enforcement measure upon these findings. Moreover, contrary to the appellant's assertion, it is the operations of Smoke Depot that negatively impacts the neighborhood; not the revocation. The Zoning Administrator found, based on the evidence presented including evidence of the unlicensed sale of illegal products, that the operation of Smoke Depot has been so exercised as to be detrimental to the public health or safety or as to constitute a nuisance. Therefore, staff does not believe that revocation is disproportionate to the cited violations or that revocation will negatively affect the community.

## **VIII. CONCLUSION**

Based on the evidence provided in this Staff Report and associated attachments, revocation findings, and evidence discovered during inspections by County Staff, the Department of Conservation and Development Staff recommends that the Contra Costa County Planning Commission deny the appeal and revoke the nonconforming tobacco retailing use located at

3770 San Pablo Dam Road in El Sobrante pursuant to the findings in **Attachment A**.

Attachments:

- A. Attachment A- Revocation Findings
- B. Attachment B - CDSE22-00009 Determination Letter
- C. Attachment C - Zoning Administrator Statement of Decision
- D. Attachment D - Contra Costa Health Notice of Suspension Hearing
- E. Attachment E - Contra Costa Health Notice of Decision
- F. Attachment F - Sheriff's Inspection Report
- G. Attachment G - County Health Department Administrative Penalty Notice of Fine
- H. Attachment H - County Health Department's detailed timeline
- I. Attachment I - Zoning Administrator Staff Report
- J. Attachment J - Appeal Letter
- K. Attachment K - CPC Staff Presentation



**FINDINGS FOR REVOCATION FOR COUNTY FILE #CDSE22-00009; AHMED DUBAIH  
(BUSINESS OWNER) AND MATTHEW POURABEDIN & ROYA IRANPOUR (OWNER)**

**FINDINGS**

**A. Revocation Findings:**

1. The subject property is located at 3 770 San Pablo Dam Road in the unincorporated El Sobrante area ("Subject Property") and is located within a planned unit (P-1) zoning district.
2. The County's Tobacco Retailer's License Ordinance, Chapter 445-J0 of the County's Ordinance Code requires tobacco retailers to obtain from the County and maintain a tobacco retailer's license and enumerates other regulations and standards applicable to the retailing of tobacco products.
3. The County's Tobacco Retailing Businesses Ordinance, Chapter 88-26 of the County's Ordinance Code, (the "Ordinance") was adopted in 2017 to prohibit the concentration and location of tobacco retailing businesses near sensitive receptors. The Ordinance prohibits the establishment or maintenance of a tobacco retailing business within 500 feet of another tobacco retailing business, or within 1,000 feet of a school, park, and playground. (Ord. Code, § 88-26.402(a) and (b).) Under the Ordinance, a tobacco retailing business that was established prior to 2017 and that does not conform to the location restrictions does not violate the Ordinance if all applicable permits and licenses, including a tobacco retailer's license, are maintained in full force and effect, and the nonconforming tobacco retailing is not increased, enlarged, or expanded. (Ord. Code § 88-26.406.)
4. Smoke Depot is a tobacco retailing business operating on the Subject Property and is located within 500 feet of another tobacco retailing business, and within 1,000 feet of a school, park, and playground. Accordingly, Smoke Depot does not conform with the location requirements of the County's Tobacco Retailing Businesses Ordinance.
5. Prior to Smoke Depot's operation at the Subject Property, and since approximately 1986, Jasmine Gifts and Tobacco had operated continuously at the Subject Property as a tobacco retailing business.
6. On or around May 20, 2022, Jasmine Gifts and Tobacco was sold to the current owners and renamed to Smoke Depot. Upon the change in ownership, Smoke Depot was required to apply for an obtain a new valid tobacco retailer's license. (Ord. Code, § 445-10.10(c) [tobacco retailer's license is non-transferable].) Smoke Depot did not apply for or obtain a new valid tobacco retailer's license at that time.

7. In January 2023, Smoke Depot applied for and obtained a tobacco retailer's license from the Contra Costa County Health Services Department ("HSD" or "Health Services Department") and Business Licensing Office, subject to zoning verification by the Contra Costa County Department of Conservation and Development ("DCD") that Smoke Depot complied with the County's Tobacco Retailing Business Ordinance. The issued tobacco retailer's license was valid for the remainder of its annual term, through June 30, 2022, at which time Smoke Depot would be required to renew the license.
8. On January 25, 2023, DCD issued a determination letter finding that the retail sale of tobacco products at the Subject Property was considered a legal nonconforming use under Section 88-26.4061 , and cited the conditions necessary to maintain the legal nonconforming status. DCD' s legal nonconforming determination ("CDSE22-00009") authorized Smoke Depot to operate at the current location, in accordance with the listed conditions and requirements of Section 88-26.496, despite Smoke Depot's nonconformance with the County's Tobacco Retailing Businesses Ordinance location restrictions.
9. The issued tobacco retailer's license was valid for the remainder of its annual term, through June 30, 2023, at which time Smoke Depot was required to renew the license. (Ord. Code, § 445-10.008(b).) Smoke Depot did not renew its tobacco retail's license after it expired on June 30, 2023, and Smoke Depot has been operating as a tobacco retailer without a valid tobacco retailer's license since July 1, 2023.
10. Ordinance Code, Section 26-2.022 [Variance, conditional use, and special permits - modification, suspension, and revocation], provides that a permit may be modified, suspended, or revoked on any of the following grounds:

a) Required Finding: *The failure to comply with any term, limitation or condition of the permit.*

Project Finding: Ordinance Code, Section 88-26.406(b) requires all nonconforming tobacco retailing uses to maintain a valid tobacco retailer's license and prohibits the nonconforming tobacco retailing use from being increased, enlarged, or expanded.

Smoke Depot failed to initially obtain, and then failed to maintain, a tobacco retailer's license. In January 2023, the County Health Services Department issued an Administrative Penalty Notice of Fine, dated January 27, 2023, for Smoke Depot's failure to obtain a new valid tobacco retailer's license following the transfer of ownership of the tobacco retailing business at the Subject Property. The Health Services Department also issued a Notice of Decision, dated June 26, 2024, following a suspension hearing, in which it found that Smoke Depot had failed to renew and maintain a valid tobacco retailer's license. Smoke Depot does not currently maintain a valid tobacco retailer's license. Failure to obtain and maintain a valid tobacco retailer's

license is a failure to comply with the conditions of maintaining a legal nonconforming status for a tobacco retailing use under CDSE22-00009 and Ordinance Code, Section 88—26.406(b).

Additionally, Smoke Depot actively expanded the tobacco products\_ sold onsite to include prohibited items, such as flavored tobacco products, other prohibited tobacco products, and illegal contraband. The Contra Costa County Sheriff's Office ("Sheriff's Office") citations from November 9, 2022, April 18, 2024, March 7, 2025, and April 29, 2025, and the Health Services Department's site inspection records from April 18, 2024, all cite the following violations by Smoke Depot related to products sold at the Subject Property:

- i. Selling flavored tobacco products, including menthol cigarettes, in violation of County Ordinance Code, Section 445-6.006.
- ii. Selling small pack of cigars in violation of County Ordinance Code, Section 445-6.010.
- iii. Selling single cigars in violation of County Ordinance Code, Section 445-6.010.
- iv. Selling electronic smoking devices in violation of County Ordinance Code, Section 445-6.014.
- v. Selling drug paraphernalia, including mushrooms and cannabis in violation of County Ordinance Code, Section 445-10.018(a); 21 U.S. Code, Section 863; Cal. Health and Saf. Code, Sections 11364.5 and 11377.

Each of these violations constitutes a failure to comply with the conditions listed in CDSE22-00009 and Ordinance Code, Section 88-26.406(b), which prohibits expansion of the legal nonconforming tobacco retailing use, and each such failure to comply is cause for revocation of the legal nonconforming status for tobacco retailing use at the Subject Property.

b) *Required Finding: The property or portion thereof subject to the permit is used or maintained in violation of any requirement of this code.*

Project Finding: CDSE22-00009 and Ordinance Code, Section 88-26.406(b), require Smoke Depot to maintain a valid tobacco retailer's license in order to maintain its legal nonconforming status. Evidence submitted by the Health Services Department and the Sheriff's Office indicate that Smoke Depot is operating without a valid tobacco retailer's license and conducting sales of prohibited or illegal tobacco and cannabis products. Smoke Depot, therefore, is in direct violation of Ordinance Code, Section 88-26.406(b).

Additionally, the Health Services Department and the Sheriff's Office cited Smoke Depot on multiple occasions for violations of the County's Secondhand Smoke and Tobacco Product Control Ordinance (Ordinance Code, Division 445). Specifically, Smoke Depot has been cited for the following violations:

- i. Selling flavored tobacco products, including menthol cigarettes, in violation of County Ordinance Code, Section 445-6.006.
- ii. Selling small pack of cigars in violation of County Ordinance Code, Section 445-6.010.
- iii. Selling single cigars in violation of County Ordinance Code, Section 445-6.010.
- iv. Selling electronic smoking devices in violation of County Ordinance Code, Section 445-6.014.
- v. Selling drug paraphernalia, including mushrooms and cannabis in violation of County Ordinance Code, Section 445-10.018(a); 21 U.S. Code, Section 863; Cal. Health and Saf. Code, Sections 11364.5 and 11377.

Each of these violations constitutes a violation of the cited Ordinance Code sections, and each such violation is cause for revocation of the legal nonconforming status for tobacco retailing use at the Subject Property.

- c) Required Finding: *The use for which the permit was granted has been so exercised as to be detrimental to the public health or safety as to constitute a nuisance.*

Project Finding: Violations of the Ordinance Code may be detrimental to public health and safety, as the Ordinance Code exists to maintain public health and safety by requiring compliance with relevant regulations. Failure to comply with the Ordinance Code may create unsafe situations or public nuisances for members of the public. Smoke Depot was cited numerous times for the following violations of Ordinance Code, Division 445 (the County's Tobacco Retail Sales Ordinance):

- o Retailing tobacco without a valid tobacco retailer's license – Violation of 445-10.010(c) and 88-26.406(b).
- o Flavored Tobacco Products on display and offered for sale – Violation of 445-6.006.
- o Menthol Cigarettes on display and offered for sale – Violation of 445.6.006.
- o Electronic smoking devices on display and offered for sale – violation of 445-6.014.

Each of the above violations of the County Ordinance Code is detrimental to the public health and safety. The Division 445 of the County Ordinance Code was enacted to maintain the public health and safety and, therefore, each of the above violations of that division is detrimental to public health and safety, and each violation is cause for revocation of the legal nonconforming status for a tobacco retailing use at the Subject Property.

- d) Required Finding: *A license required for the conduct of the business on the premises covered by the permit has been suspended or revoked.*

Project Finding: For a retailer, individual, or entity to conduct tobacco retailing in the unincorporated area of Contra Costa County, the retailer, individual, or entity must first obtain and maintain a valid tobacco retailer's license from the Health Services Department for the location where tobacco retailing is conducted. On April 24, 2024, the Health Services Department issued a Notice of Suspension Hearing for Smoke Depot. The Notice cited multiple violations of the Tobacco Retail Sales Ordinance and informed Smoke Depot that on June 11, 2024, the Health Services Director would hold a license suspension hearing. At the June 11, 2024, license suspension hearing, the Health Services Director and Deputy Health Services Officer determined that Smoke Depot was operating without a new, valid tobacco retailer's license, in direct violation of Ordinance Code, Section 445-10. 002. Accordingly, the Health Services Director suspended Smoke Depot's application for a new tobacco retailer's license and ordered immediate cessation of all retailing of tobacco products at the Subject Property. Despite the Health Services Director's order, Smoke Depot continued selling tobacco products at the Subject Property.

Operation of a tobacco retailing business in unincorporated Contra Costa County without a valid tobacco retailer's license directly violates County ordinances enacted to protect health and safety and, therefore, is detrimental to public health and safety, and is cause for revocation of the legal nonconforming status for a tobacco retailing use at the Subject Property.

**B. California Environmental Quality Act (CEQA) Findings:**

The project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act §15321, Class 21, Enforcement Actions by Regulatory Agencies. Section 15321 exempts actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered by the regulatory agency (County). The County will revoke a land use entitlement in the form of the legal non-conforming status for a tobacco retailing use at the Subject Property.

**Department of  
Conservation and  
Development**

30 Muir Road  
Martinez, CA 94553

Phone: 1-855-323-2626

**Contra  
Costa  
County**



**John Kopchik**  
Director

**Aruna Bhat**  
Deputy Director

**Jason Crapo**  
Deputy Director

**Maureen Toms**  
Deputy Director

**Deidra Dingman**  
Deputy Director

**Gabriel Lemus**  
Asst. Deputy Director

January 25, 2023

Smoke Depot  
3770 San Pablo Dam Road  
El Sobrante, CA 94803

**RE: Updated Zoning Determination for Tobacco Retailer (Smoke Depot)**  
**Site Address: 3770 San Pablo Dam Road, El Sobrante, CA 94803**  
**County File #CDSE22-00009 APN: 420-140-035 (Zoning: P-1/GP: M-13)**

Dear Smoke Depot:

This letter is in response to an El-Sobrante P-1 administrative review request submitted to the Department of Conservation and Development on December 9, 2022, for a proposed tobacco retailing business to be located at 3770 San Pablo Dam Road in the El Sobrante area.

The establishment of a proposed tobacco retailing business (Smoke Depot) at the property identified above has been reviewed for compliance with County zoning regulations. The zoning determination of the Department of Conservation & Development is provided below.

**El Sobrante P-1 (Planned Unit) District Zoning Consistency**

The Department of Conservation and Development, Community Development Division (CDD), has determined that, based on the application materials submitted on December 9, 2022, the proposed retail business (Smoke Depot) is a permitted use within the San Pablo Dam Road Mixed Use (M-13) Land Use District and is consistent with the intent and purpose of the El Sobrante P-1.

**Tobacco Retailing Businesses Ordinance (Ord. 88-26)**

Based on additional information submitted to CDD on January 24, 2023, it has been shown that the subject property, 3770 San Pablo Dam Road in El Sobrante, was established as a tobacco retailer since at least December 1, 1986, operating as Jasmine Gifts & Tobacco. Historical business license and tobacco retail licenses for Jasmine Gifts & Tobacco were provided as evidence showing that both licenses have been maintained for the site up to the current date. Thus, the retailing of

tobacco products at the subject property is considered a nonconforming use under Chapter 88-26.406 of the County's Tobacco Retailing Businesses Ordinance (Chapter 88-26).

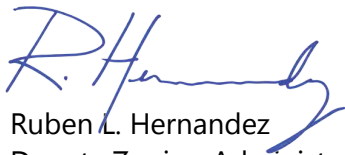
Please note that no evidence has been submitted to the Department of Conservation and Development that indicate that 3770 San Pablo Dam Road was operating as a *"significant tobacco retailing business"*. Therefore, the establishment of a significant tobacco retailing business is not allowed at this location. County Ordinance Code 88-26.204 defines a significant tobacco retailing business as follows: *"...any tobacco retailing business for which twenty percent or more of floor or display area is devoted to tobacco products, tobacco paraphernalia, or both."*

Additionally, no signage was reviewed or approved within this determination letter. Any proposed signage will be subject to the review and approval by the Department of Conservation and Development.

Please be aware that this determination letter does not constitute a building permit for any tenant improvements. Additionally, this approval does not constitute a business license. It is the responsibility of the business owner to obtain a business license from the County prior to engaging in commercial activities at the subject property. Attached hereto is a property use verification form needed to obtain your business license from the County Tax Collector.

If you have any additional questions, you may contact the project planner, Everett Louie at [everett.louie@dcd.cccounty.us](mailto:everett.louie@dcd.cccounty.us) or at (925) 655-2873.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Hernandez', is written over the printed name.

Ruben L. Hernandez  
Deputy Zoning Administrator

Cc: County File #CDSE22-00009  
Monica Marquez [monica.marquez@cchealth.org](mailto:monica.marquez@cchealth.org)

Attach: Property Use Verification Form

**Department of  
Conservation and  
Development**

30 Muir Road  
Martinez, CA 94553

Phone: 1-855-323-2626

**Contra  
Costa  
County**



**John Kopchik**  
Director

**Jason Crapo**  
Deputy Director

**Deidra Dingman**  
Deputy Director

**Ruben Hernandez**  
Deputy Director

**Gabriel Lemus**  
Deputy Director

**STATEMENT OF DECISION**

August 6, 2025

Matthew Pourabedin  
2849 Doige Avenue  
Pinole, CA 94564

Ahmed Dubaih  
c/o Smoke Depot  
3770 San Pablo Dam Road  
El Sobrante, CA 94803

**IN THE MATTER OF:**

**SITE:** Smoke Depot  
3770 San Pablo Dam Road  
El Sobrante, CA 94803  
**APN:** 420-140-035  
**REF:** CDSE22-00009

**STATEMENT OF DECISION  
FOLLOWING HEARING ON  
REVOCATION OF LEGAL  
NONCONFORMING STATUS OF  
TOBACCO RETAILING USE**

This matter came for hearing before William R. Nelson, Deputy County Zoning Administrator, on July 7, 2025, at 30 Muir Road, Martinez, California. The purpose of the hearing was to determine whether cause existed to revoke the legal nonconforming status of a tobacco retailing use pursuant to the Contra Costa County Ordinance Code ("Ordinance Code"), Section 26-2.2022.

The following individuals testified on behalf of the responsible party:

- Matthew Pourabedin, owner of the above-referenced real property.

No other individuals testified on the matter.



The following evidence was submitted on the matter:

1. Written statement from Ahmed Dubaih, owner of Smoke Depot, received July 7, 2025.
2. County Staff Report, including Attachments A through H, dated July 7, 2025.

After considering the testimony and evidence, the County Zoning Administrator makes the following findings:

1. The subject property is located at 3770 San Pablo Dam Road in the unincorporated El Sobrante area (“Subject Property”) and is located within a planned unit (P-1) zoning district.
2. The County’s Tobacco Retailer’s License Ordinance, Chapter 445-10 of the County’s Ordinance Code requires tobacco retailers to obtain from the County and maintain a tobacco retailer’s license and enumerates other regulations and standards applicable to the retailing of tobacco products.
3. The County’s Tobacco Retailing Businesses Ordinance, Chapter 88-26 of the County’s Ordinance Code, (the “Ordinance”) was adopted in 2017 to prohibit the concentration and location of tobacco retailing businesses near sensitive receptors. The Ordinance prohibits the establishment or maintenance of a tobacco retailing business within 500 feet of another tobacco retailing business, or within 1,000 feet of a school, park, and playground. (Ord. Code, § 88-26.402(a) and (b).) Under the Ordinance, a tobacco retailing business that was established prior to 2017 and that does not conform to the location restrictions does not violate the Ordinance if all applicable permits and licenses, including a tobacco retailer's license, are maintained in full force and effect, and the nonconforming tobacco retailing is not increased, enlarged, or expanded. (Ord. Code, § 88-26.406.)
4. Smoke Depot is a tobacco retailing business operating on the Subject Property and is located within 500 feet of another tobacco retailing business, and within 1,000 feet of a school, park, and playground. Accordingly, Smoke Depot does not conform with the location requirements of the County’s Tobacco Retailing Businesses Ordinance.

5. Prior to Smoke Depot's operation at the Subject Property, and since approximately 1986, Jasmine Gifts and Tobacco had operated continuously at the Subject Property as a tobacco retailing business.
6. On or around May 20, 2022, Jasmine Gifts and Tobacco was sold to the current owners and renamed to Smoke Depot. Upon the change in ownership, Smoke Depot was required to apply for an obtain a new valid tobacco retailer's license. (Ord. Code, § 445-10.010(c) [tobacco retailer's license is non-transferable].) Smoke Depot did not apply for or obtain a new valid tobacco retailer's license at that time.
7. In January 2023, Smoke Depot applied for and obtained a tobacco retailer's license from the Contra Costa County Health Services Department ("HSD" or "Health Services Department") and Business Licensing Office, subject to zoning verification by the Contra Costa County Department of Conservation and Development ("DCD") that Smoke Depot complied with the County's Tobacco Retailing Business Ordinance. The issued tobacco retailer's license was valid for the remainder of its annual term, through June 30, 2022, at which time Smoke Depot would be required to renew the license.
8. On January 25, 2023, DCD issued a determination letter finding that the retail sale of tobacco products at the Subject Property was considered a legal nonconforming use under Section 88-26.406<sup>1</sup>, and cited the conditions necessary to maintain the legal nonconforming status. DCD's legal nonconforming determination ("CDSE22-00009") authorized Smoke Depot to operate at the current location, in accordance with the listed conditions and requirements of Section 88-26.406, despite Smoke Depot's nonconformance with the County's Tobacco Retailing Businesses Ordinance location restrictions.
9. The issued tobacco retailer's license was valid for the remainder of its annual term, through June 30, 2023, at which time Smoke Depot was required to renew the license. (Ord. Code, § 445-10.008(b).) Smoke Depot did not renew its tobacco retail's license after it expired on June 30, 2023, and Smoke Depot has been operating as a tobacco

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<sup>1</sup> Unless otherwise noted, any reference to "Section" means a section of the County Ordinance Code.

retailer without a valid tobacco retailer's license since July 1, 2023.

10. Ordinance Code, Section 26-2.022 [Variance, conditional use, and special permits – modification, suspension, and revocation], provides that a permit may be modified, suspended, or revoked on any of the following grounds:

- (a) The failure to comply with any term, limitation, or condition of the permit.

*Zoning Administrator Finding: Ordinance Code, Section 88-26.406(b) requires all nonconforming tobacco retailing uses to maintain a valid tobacco retailer's license and prohibits the nonconforming tobacco retailing use from being increased, enlarged, or expanded.*

*Smoke Depot failed to initially obtain, and then failed to maintain, a tobacco retailer's license. In January 2023, the County Health Services Department issued an Administrative Penalty Notice of Fine, dated January 27, 2023, for Smoke Depot's failure to obtain a new, valid tobacco retailer's license following the transfer of ownership of the tobacco retailing business at the Subject Property. The Health Services Department also issued a Notice of Decision, dated June 26, 2024, following a suspension hearing, in which it found that Smoke Depot had failed to renew and maintain a valid tobacco retailer's license. Smoke Depot does not currently maintain a valid tobacco retailer's license. Failure to obtain and maintain a valid tobacco retailer's license is a failure to comply with the conditions of maintaining a legal nonconforming status for a tobacco retailing use under CDSE22-00009 and Ordinance Code, Section 88-26.406(b).*

*Additionally, Smoke Depot actively expanded the tobacco products sold onsite to include prohibited items, such as flavored tobacco products, other prohibited tobacco products, and illegal contraband. The Contra Costa County Sheriff's Office ("Sheriff's Office") citations from November 9, 2022, April 18, 2024, March 7, 2025, and April 29, 2025, and the Health Services Department's site inspection records from April 18, 2024, all cite the following violations by Smoke Depot related to products sold at the Subject Property:*

- i) *Selling flavored tobacco products, including menthol cigarettes, in violation of Ordinance Code, Section 445-6.006.*
- ii) *Selling small packs of cigars in violation of Ordinance Code, Section 445-6.010.*
- iii) *Selling single cigars in violation of Ordinance Code, Section 445-6.010.*
- iv) *Selling electronic smoking devices in violation of Ordinance Code, Section 445-6.014.*
- v) *Selling drug paraphernalia, including mushrooms, cannabis, and flavored cannabis vaping liquids, in violation of Ordinance Code, Section 445-10.018(a), Title 21, United States Code, Section 863, and California Health and Safety Code, Sections 11364.5 and 11377.*

*Each of these violations constitutes a failure to comply with the conditions listed in CDSE22-00009 and Ordinance Code, Section 88-26.406(b), which prohibits expansion of the legal nonconforming tobacco retailing use, and each such failure to comply is cause for revocation of the legal nonconforming status for tobacco retailing use at the Subject Property.*

- (b) The property or portion thereof subject to the permit is used or maintained in violation of any requirement of this code.

*Zoning Administrator Finding:* *CDSE22-00009 and Ordinance Code, Section 88-26.406(b), require Smoke Depot to maintain a valid tobacco retailer's license in order to maintain its legal nonconforming status. Evidence submitted by the Health Services Department and the Sheriff's Office indicate that Smoke Depot is operating without a valid tobacco retailer's license and conducting sales of prohibited or illegal tobacco and cannabis products. Smoke Depot, therefore, is in direct violation of Ordinance Code, Section 88-26.406(b).*

*Additionally, the Health Services Department and the Sheriff's Office cited Smoke Depot on multiple occasions for violations of the County's Secondhand Smoke*

*and Tobacco Product Control Ordinance (Ordinance Code, Division 445).*

*Specifically, Smoke Depot has been cited for the following violations:*

- i) Selling flavored tobacco products, including menthol cigarettes, in violation of Ordinance Code, Section 445-6.006.*
- ii) Selling small packs of cigars in violation of Ordinance Code, Section 445-6.010.*
- iii) Selling single cigars in violation of Ordinance Code, Section 445-6.010.*
- iv) Selling electronic smoking devices in violation of Ordinance Code, Section 445-6.014.*
- v) Selling drug paraphernalia, including mushrooms, cannabis, and flavored cannabis vaping liquids, violation of Ordinance Code, Section 445-10.018(a), Title 21, United States Code, Section 863, and California Health and Safety Code, Sections 11364.5 and 11377.*

*Each of these violations constitutes a violation of the cited Ordinance Code sections, and each such violation is cause for revocation of the legal nonconforming status for tobacco retailing use at the Subject Property.*

- (c) The use for which the permit was granted has been so exercised as to be detrimental to the public health or safety or as to constitute a nuisance.*

*Zoning Administrator Finding: Violations of the Ordinance Code may be detrimental to public health and safety, as the Ordinance Code exists to maintain public health and safety by requiring compliance with relevant regulations. Failure to comply with the Ordinance Code may create unsafe situations or public nuisances for members of the public. Smoke Depot was cited numerous times for the following violations of Ordinance Code, Division 445 (the County's Tobacco Retail Sales Ordinance):*

- i) Retailing tobacco without a valid tobacco retailer's license – violation of Ordinance Code, Sections 445-10.010(c) and 88-26.406(b).*

- ii) *Flavored Tobacco Products on display and offered for sale – violation of Ordinance Code, Section 445-6.006.*
- iii) *Menthol Cigarettes on display and offered for sale – violation of Ordinance Code, Section 445.6.006.*
- iv) *Electronic smoking devices on display and offered for sale – violation of Ordinance Code, Section 445-6.014.*

*Each of the above violations of the County Ordinance Code is detrimental to the public health and safety. The Division 445 of the County Ordinance Code was enacted to maintain the public health and safety and, therefore, each of the above violations of that division is detrimental to public health and safety, and each violation is cause for revocation of the legal nonconforming status for a tobacco retailing use at the Subject Property.*

- (d) A license required for the conduct of the business on the premises covered by the permit has been suspended or revoked.

*Zoning Administrator Finding:* *For a retailer, individual, or entity to conduct tobacco retailing in the unincorporated area of Contra Costa County, the retailer, individual, or entity must first obtain and maintain a valid tobacco retailer's license from the Health Services Department for the location where tobacco retailing is conducted. On April 24, 2024, the Health Services Department issued a Notice of Suspension Hearing for Smoke Depot. The Notice cited multiple violations of the Tobacco Retail Sales Ordinance and informed Smoke Depot that on June 11, 2024, the Health Services Director would hold a license suspension hearing. At the June 11, 2024, license suspension hearing, the Health Services Director and Deputy Health Services Officer determined that Smoke Depot was operating without a new, valid tobacco retailer's license, in direct violation of Ordinance Code, Section 445-10.002. Accordingly, the Health Services Director suspended Smoke Depot's application for a new tobacco retailer's license and ordered immediate cessation of all retailing of tobacco products at the Subject Property. Despite the Health Services Director's order, Smoke Depot continued*

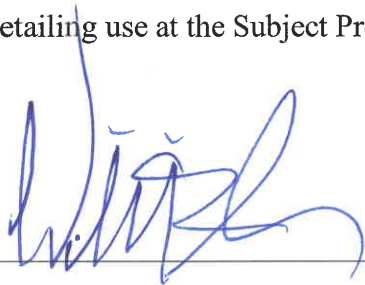


*selling tobacco products at the Subject Property.*

*Operation of a tobacco retailing business in unincorporated Contra Costa County without a valid tobacco retailer's license directly violates County ordinances enacted to protect health and safety and, therefore, is detrimental to public health and safety, and is cause for revocation of the legal nonconforming status for a tobacco retailing use at the Subject Property.*

### **ORDER**

Based on the foregoing, the County Zoning Administrator hereby revokes the determination made in CDSE22-00009 and revokes the legal nonconforming status for the tobacco retailing use at the Subject Property.



William R. Nelson  
Deputy Zoning Administrator  
Contra Costa County



2500 Bates Ave | Concord, CA, 94520 | Phone: (925) 608-5231  
cchealth.org

NOTICE OF SUSPENSION HEARING  
(Contra Costa County Ordinance Code, § 445-10.018)

April 24, 2024

Ahmed Dubaih  
3770 San Pablo Dam Road  
El Sobrante, CA 94803

RE: Smoke Depot  
SITE ADDRESS: 3770 San Pablo Dam Road, El Sobrante, CA, 94803  
APN: 420-140-035

Smoke Depot, located at 3770 San Pablo Dam Road, El Sobrante, California (the “Property”) operates pursuant to a tobacco retailer’s license regulated under Chapter 445-10 (Tobacco Retailer’s License Ordinance) of the Contra Costa County Ordinance Code. Our records indicate that you are the listed licensee for the above-referenced Property. Inspection of the Property was conducted on April 18, 2024, and the following violations of the Tobacco Retailer’s License Ordinance were observed:

April 18, 2024

1. Flavored tobacco products on display and offered for sale. (County Ordinance Code, Section 445-6.006.)
2. Menthol cigarettes on display and offered for sale. (County Ordinance Code, Section 445-6.006.)
3. Electronic smoking devices on display and offered for sale. (County Ordinance Code, Section 445-6.014.)
4. Drug paraphernalia, specifically mushrooms, cannabis flower, flavored cannabis vaping liquids, and blunts were on display and offered for sale, and offered for sale in a location that did not exclude unaccompanied persons under the age of 18. (County Ordinance Code, Section 445-10.018(a); 21 U.S. Code, Section 863; Cal. Health and Saf. Code, Section 11364.5; Cal. Health and Saf. Code, Section 11377.)
5. Single cigars on display and offered for sale. (County Ordinance Code, Section 445-6.010.)
6. Self-service displays. (County Ordinance Code, Section 445-6.002.)



Staff has also become aware that you purchased the above-referenced property in or around August 2023 and have been operating the subject business under the previous tobacco retailer's license without obtaining a new, valid tobacco retailer's license. A tobacco retailer's license is nontransferable. Accordingly, this is a violation of County Ordinance Code, Section 445-10.010(c).

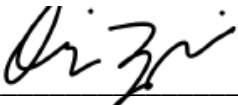
Due to the above-cited violations, the proposed time period of the tobacco retailer's license suspension is **90 days**.

The violations cited herein constitute the Smoke Depot's second violation of the Tobacco Retailer's License Ordinance. A Notice of Fine was issued and became a final administrative order on January 26, 2023, documenting Smoke Depot's first violation. A tobacco retailer's license may be suspended for up to 90 days for a second violation that occurs within five years after the first violation. (County Ordinance Code, Section 445-6.018.)

The processing of your current application for a new tobacco retailer's license for the above-referenced property will be placed on hold. If a suspension of the current tobacco retailer's license is ordered, your application may not be approved, and a new tobacco retailer's license will not be issued until the suspension period has concluded.

The Public Health Director will hold a license suspension hearing on **Tuesday, June 11, 2024, at 11:00am.**, at 597 Center Ave, Room 120, Martinez, CA 94553. At the hearing, you will be given the opportunity to testify and present any supporting evidence concerning the notice of suspension hearing. After consideration of the evidence and testimonies at the hearing, the Public Health Director will issue a written decision to suspend or not suspend the tobacco retailer's license. The written decision will include the reason or reasons for the decision and the time period of the tobacco retailer's license suspension.

Anna Roth  
Director, Department of Health Services  
Contra Costa County

By   
\_\_\_\_\_  
Dr. Ori Tzvieli  
Health Officer, Public Health Director



2500 Bates Ave | Concord, CA, 94520 | Phone: (925) 608-5231  
cchealth.org

## NOTICE OF DECISION

June 26, 2024

Ahmed Dubaih  
3770 San Pablo Dam Road  
El Sobrante, CA 94803

### IN THE MATTER OF:

NAME: Smoke Depot  
SITE: 3770 San Pablo Dam Road  
El Sobrante, CA 94803  
APN: 420-140-035

### WRITTEN DECISION FOLLOWING HEARING

This matter came on for hearing before Dr. Sefanit Mekuria, Contra Costa County Medical Director, Deputy Health Officer, on June 11, 2024, 11:00 a.m., at 597 Center Avenue, Suite 120, Martinez, CA 94553. The purpose of the hearing was to determine whether the above-referenced tobacco retailer committed violations of the County's Tobacco Product Control Ordinance (County Ordinance Code Division 445).

The following individuals testified on behalf of the County:

1. Monica Marquez, Senior Health Education Specialist, Contra Costa County  
Public Health

The following individuals testified on behalf of the retailer:

1. Ismail Mahyoub Abduljala

The following evidence was submitted:

1. Contra Costa County Sheriff Tobacco Retail Inspection Report, dated April 18, 2024
2. Contra Costa County Sheriff Citation #20-1602762, dated April 18, 2024
3. Photos taken by Public Health Department Staff during April 18, 2024 site inspection

After considering the testimony and evidence, the Director makes the following factual findings:

1. The above-named retailer purchased the Smoke Depot, located at 3770 San Pablo Dam Road, El Sobrante, CA, in or around August 2023 and has been operating the Smoke Depot without obtaining a new, valid tobacco retailer's license. It is unlawful for any retailer, individual, or entity to conduct tobacco retailing in the unincorporated area of the county without first obtaining and maintaining a valid tobacco retailer's license from Contra Costa County for each location where tobacco retailing is conducted. Accordingly, this is a violation of County Ordinance Code, Section 445-10.002.
2. Additional violations occurred at the above-referenced retail location and were observed on April 18, 2024.

3. The additional violations include:

April 18, 2024

- a. Flavored tobacco products on display and offered for sale. (County Ordinance Code, Section 445-6.006.)
  - b. Menthol cigarettes on display and offered for sale. (County Ordinance Code, Section 445-6.006.)
  - c. Electronic smoking devices on display and offered for sale. (County Ordinance Code, Section 445-6.014.)
  - d. Drug paraphernalia, specifically mushrooms, cannabis flower, flavored cannabis vaping liquids, and blunts were on display and offered for sale, and offered for sale in a location that did not exclude unaccompanied persons under the age of 18. (County Ordinance Code, Section 445-10.018(a); 21 U.S. Code, Section 863; Cal. Health and Saf. Code, Section 11364.5; Cal. Health and Saf. Code, Section 11377.)
  - e. Single cigars on display and offered for sale. (County Ordinance Code, Section 445-6.010.)
  - f. Self-service displays. (County Ordinance Code, Section 445-6.002.)
4. The Sheriff's Report, Citation, and photos include documentary evidence that each of the violations occurred.
  5. The herein cited violations constitute the second violation of the County's Tobacco Product Control Ordinance at the above-referenced Smoke Depot retail location within the past five years. A Notice of Fine was issued and became a final administrative order on January 26, 2023, documenting the first violation occurring at the Smoke Depot
  6. The above-named retailer, Mr. Dubaih, through his representative or agent, has acknowledged the violations.

### **ORDER**

The Public Health Director orders:

The above-referenced tobacco retailer does not have valid tobacco retailer's license from Contra Costa County to sell tobacco products at 3770 San Pablo Dam Road, El Sobrante, CA,

commonly known as Smoke Depot. **All retailing of tobacco products at this location must be discontinued immediately.** Tobacco products may not be retailed at this location until a valid tobacco retailer's license for this location has been issued.

The processing of the above-named retailer's application for a new tobacco retailer's license for the Smoke Depot will be placed on hold for a period of **90 days** from the date of this decision. The application may not be approved, and a new tobacco retailer's license for the Smoke Depot will not be issued, before **September 23, 2024**. Any additional violations of the County's Tobacco Product Control Ordinance during this period may further delay issuance of a tobacco retailer's license.

This decision may be appealed to the Board of Supervisors by filing a written notice of appeal with the Clerk of the Board of Supervisors, County Administration Building, 1025 Escobar Street, Martinez, California, within 30 days of the date this decision is served.

Date: 6/26/2024

Sefanit Mekuria  
Sefanit Mekuria, MD  
Medical Director,  
Deputy Health Officer  
Contra Costa County





Date of Inspection: 11/9/22  
DO 14M

The Tobacco Enforcement Unit is aimed to eliminate the illegal sale of tobacco products to minors within unincorporated Contra Costa County. The unit conducts periodic inspections of tobacco retailer establishments, responds to complaints, and partners with local, state and federal law enforcement agencies to address laws pertaining to the sale of tobacco to minors and tobacco related business activity. This checklist is intended to provide retailers a general understanding of what is reviewed during the inspection.

HAVEN'T GOT ONE  
APPLIED FOR ONE

### PERMITS AND LICENSE REQUIREMENTS

|   |                 |   |                 |
|---|-----------------|---|-----------------|
| Contra Costa County Business License?           | Yes / <u>No</u> | Is Business License Visible?                        | Yes / <u>No</u> |
| Contra Costa County Tobacco Retailer's License? | <u>Yes</u> / No | Is County Tobacco Retailer Permit Visible?          | <u>Yes</u> / No |
| California Cigarette & Tobacco Product License? | <u>Yes</u> / No | Is the California Tobacco Retailer License Visible? | <u>Yes</u> / No |
| California Tobacco Seller's Permit?             | <u>Yes</u> / No | Is Seller's Permit Visible?                         | <u>Yes</u> / No |
| Inventory List of Tobacco Products?             | Yes / <u>No</u> | Contra Costa County Health Permit                   | Yes / <u>No</u> |

### SIGNAGE AND DISPLAYS

Yes / No - **SIGN POSTING REQUIREMENT MET?**  
Every store that sells tobacco must post a boldly printed, contrasting-color sign in a conspicuous place at each point of purchase saying that tobacco products may not be sold to minors. The sign must include 1-800-5ASK-4-ID (STAKE Act signs). [Ca Business & Professions Code Sections 22952, 22956 (STAKE Act); CA Code of Regulations, Title 17, Section 6902(a), CA Penal Code Section 308(c).]

Yes / No - **ARE THERE SELF-SERVICE SALES?**  
It is unlawful to sell, offer for sale, or display any tobacco product or paraphernalia through a self-service display, which is accessible to the public without assistance of the clerk. For sale in packages of fewer than 20 cigarettes. [CA Business & Professions Code Section 22960, 22962 (STAKE Act), CCC Ord. 445-6.002]

Yes / No - **ARE THERE VENDING MACHINES?**  
Tobacco products may not be sold, offered for sale, or distributed from vending machines. [Ca Business & Professions Code 22960, 22958, 22957 (STAKE Act).]

Yes / No - **IS STOREFRONT ADVERTISING IN COMPLIANCE?**  
No more than 33% of the square footage of windows and clear glass doors of a business establishment may be covered. [CA Business & Professions Code Sections 25612]. - WARNED

Yes / No - **IS THERE BLUNT WRAP ADVERTISING DISPLAY?**

Yes / No - **DOES IT MEET MINIMUM REQUIREMENTS?**  
No person or business may place advertising for blunt wraps lower than four (4) feet above the floor. No person or business offering blunt wraps for sale may place blunt wrap advertising within two (2) feet of a candy, snack, or nonalcoholic beverage display. [CA Penal Code Section 308; CA Business & Professions Code Section 22962 (STAKE Act)].

Refusal of inspection is in violation of 22980(b) B&P and shall be punished by a fine not to exceed five thousand dollars (\$5,000), or imprisonment not exceeding one year in a county jail or both the fine and imprisonment.

### MERCHANDISE

Yes / No - **ARE SINGLE CIGARETTES PRESENT?**  
No person shall sell one or more cigarette other than in the sealed and properly labeled package of the manufacturer or importer, which conform to Federal labeling requirements, including the Federal warning labeling [CA Penal Code Sections 308.2]. - WARNED ABOUT SELLING PACKS OF 2 BUNSTER SWEETS / CIGARETTES

Yes / No - **IS MINIMUM CIGARETTE PACK SIZE MET?**  
Cigarettes may not be distributed, sold offered for sale in packages of fewer than 20 cigarettes. Roll-your-own tobacco may not be distributed, sold, or offered for sale in a package containing less than 0.60 Ounces of tobacco. [CA Penal Code Sections 308.3; 21 CFR 1140.14].

Yes / No - **DO CIGARETTES OR TOBACCO PRODUCTS MEET MINIMUM PACKAGE SIZE?**  
Unpackaged or packages of smokeless tobacco may not be distributed, sold, or offered for sale in packages that are smaller than those distributed by the manufacturer for individual use. [21 CFR 1140.14].

Yes / No - **ARE BIDIS PRESENT?**  
It is unlawful to sell, offer to sell, distribute, or import Bidis, defined as products containing tobacco wrapped temburni leaf or tendu leaf. [CA Penal Code 301.1].

Yes / No - **IS FLAVORED TOBACCO PRESENT?**  
It is unlawful for any type of flavored tobacco product (Menthol is permitted) to be sold in Contra Costa County within 1,000 feet of schools, parks, playgrounds, or libraries. [CCC Ord. 445-6.006]

Yes / No - **IS DRUG PARAPHERNALIA KEPT, DISPLAYED, OR OFFERED IN ANY MANNER?** Removed from counter  
"Drug Paraphernalia" means all equipment, products, and materials of any kind which are intended for use or designed for use in planting, cultivating, growing manufacturing, producing, processing, preparing, testing, analyzing, packaging, storing, concealing, injecting, ingesting, inhaling, or introducing into the human body a controlled substance as defined in Section 11364.5(d) H&S.

Business / Address: SMOKE DEROT  
3770 SAN ANTONIO RD. EL SOBRANTE, CA  
Clerk / Owner Name: PAWAN KUMAR  
Clerk / Owner Signature: \_\_\_\_\_ ID#: 76164





**TOBACCO RETAILER INSPECTION CHECKLIST**  
 CONTRA COSTA COUNTY OFFICE OF THE SHERIFF  
 TOBACCO ENFORCEMENT  
 1980 MUIR ROAD, MARTINEZ, CA 94555  
 925-313-2500

Date of inspection: 4, 18, 24

The Tobacco Enforcement Unit is aimed to eliminate the illegal sale of tobacco products to minors within unincorporated Contra Costa County. The unit conducts periodic inspections of tobacco retailer establishments, responds to complaints, and partners with local, state and federal law enforcement agencies to address laws pertaining to the sale of tobacco to minors and tobacco related business activity. This checklist is intended to provide retailers a general understanding of what is reviewed during the inspection.

**PERMITS AND LICENSE REQUIREMENTS**

|   |                         |   |                 |
|---|-------------------------|---|-----------------|
| Contra Costa County Business License?           | Yes / <u>No</u>         | Is Business License Visible?                        | Yes / <u>No</u> |
| Contra Costa County Tobacco Retailer's License? | <u>Yes</u> / No         | Is County Tobacco Retailer Permit Visible?          | <u>Yes</u> / No |
| California Cigarette & Tobacco Product License? | Yes / No                | Is the California Tobacco Retailer License Visible? | Yes / No        |
| California Tobacco Seller's Permit?             | <u>EXPIRED</u> Yes / No | Is Seller's Permit Visible?                         | <u>Yes</u> / No |
| Inventory List of Tobacco Products?             | <u>Yes</u> / No         | Contra Costa County Health Permit?                  | Yes / No        |

**SIGNAGE AND DISPLAYS**

**MERCHANDISE**

**Yes / No - SIGN POSTING REQUIREMENT MET?**

Every store that sells tobacco must post a boldly printed, contrasting-color sign in a conspicuous place at each point of purchase, stating that tobacco products may not be sold to minors. The sign must include 1-800-5A5OK-4-3D (STAKE Act signs) [CA Business & Professions Code Sections 22952, 22956 (Stake Act) CA Code of Regulations, Title 17, Section 6902(a), CA Penal Code 308(c)].

**No - DO CIGARILLOS/LITTLE CIGARS OR TOBACCO PRODUCTS MEET MINIMUM PACKAGE SIZE OF 10?**

Unpackaged or packages of smokeless tobacco may not be distributed, sold, or offered for sale in packages that are smaller than those distributed by the manufacturer for individual use [Contra Costa County Ordinance 445-6.010].

**Yes / No - ARE ELECTRONIC SMOKING DEVICES OR E-LIQUIDS SOLD?**

Only Vaping devices that have a premarket review order issued under Section 387(c)(1)(A)(i) of Title 21 of the U.S. Code [Contra Costa County Ordinance 445-6.014].

**Yes / No - ARE CIGARS A MINIMUM OF \$5.00 U.S. DOLLARS?**

[Contra Costa County Ordinance 445-6.010].

**Yes / No - IS STOREFRONT ADVERTISING IN COMPLIANCE?**

No more than 33% of the square footage of windows and clear glass doors of a business establishment may be covered [CA Business & Professions Code Sections 25612].

**Yes / No - ARE ANY FLAVORED TOBACCO PRODUCTS PRESENT?**

It is unlawful for any type of flavored tobacco product (fruity, liquor flavor, mint/menthol) to be sold in Contra Costa County, playgrounds, or libraries [Contra Costa County Ordinance 445-6.006].

**Yes / No - IS DRUG PARAPHERNALIA KEPT, DISPLAYED, OR OFFERED IN ANY MANNER?**

"Drug Paraphernalia" means all equipment, products, and materials of any kind which are intended for use or designed for use in planting, cultivating, growing, manufacturing, producing, processing, preparing, testing, analyzing, packaging, storing, concealing, injecting, ingesting, inhaling, or introducing into the human body a controlled substance as defined in Section 11364.5(d) Health & Safety Code.

**Yes / No - ARE CANNABIS PRODUCTS SOLD?**

A business that sells tobacco or alcohol cannot sell or offer to sell any cannabis products [Contra Costa County Ordinance 2018-18, § 3, 6-26-18].

**Yes / No - DOES IT MEET MINIMUM REQUIREMENTS?**

No person or business may place advertising for blunt wraps lower than four (4) feet above the floor. No person or business offering blunt wraps for sale may place blunt wrap advertising within (2) feet of a candy, snack, or nonalcoholic beverage display [CA Penal Code Section 308; CA Business & Professions Code Section 22962 (STAKE Act)].

Business Address: 3770 SAN PABLO DAM RD  
EL SOBRANTE, CA

Clerk Name:

Owner Name:

PAULOS YOHANNES  
ISMAEL ALTALAL

Signature (Job Title):

Officer / IDS:

DETECTIVE CESAR GUERRA

77161

Official Signature:

05:

osa13770@gmail.com

Business is responsible for amending

WHITE COPY: Contra Costa County  
REVENUE + TAXATION  
24061A1

have violated requirements by

YELLOW COPY: Business





**TOBACCO RETAIL INSPECTION CHECKLIST**  
CONTRA COSTA COUNTY OFFICE OF THE SHERIFF  
TOBACCO ENFORCEMENT  
1980 MUIR ROAD, MARTINEZ, CA 94553  
925-313-2500

Date of Inspection: 3, 7, 25

The Tobacco Enforcement Unit is aimed to eliminate the illegal sale of tobacco products to minors within unincorporated Contra Costa County. The unit conducts periodic inspections of tobacco retailer establishments, responds to complaints, and partners with local, state and federal law enforcement agencies to address laws pertaining to the sale of tobacco to minors and tobacco related business activity. This checklist is intended to provide retailers a general understanding of what is reviewed during the inspection.

| PERMITS AND LICENSE REQUIREMENTS                    |          |
|---|----------|
| Contra Costa County Business License?               | Yes / No |
| Contra Costa County Tobacco Retailer's License?     | Yes / No |
| California Cigarette & Tobacco Product License?     | Yes / No |
| California Tobacco Seller's Permit?                 | Yes / No |
| Inventory List of Tobacco Products?                 | Yes / No |
| Is Business License Visible?                        | Yes / No |
| Is County Tobacco Retailer Permit Visible?          | Yes / No |
| Is the California Tobacco Retailer License Visible? | Yes / No |
| Is Seller's Permit Visible?                         | Yes / No |
| Contra Costa County Health Permit?                  | Yes / No |

**SIGNAGE AND DISPLAYS**

**MERCHANDISE**

**Yes / No - SIGN POSTING REQUIREMENT MET?**  
Every store that sells tobacco must post a boldly printed, contrasting-color sign in a conspicuous place at each point of purchase, saying that tobacco products may not be sold to minors. The sign must include 1-800-5ASK-4-ID (STAKE Act signs). [CA Business & Professions Code Sections 22952, 22956 (Stake Act); CA Code of Regulations, Title 17, Section 6902(a), CA Penal Code 308(c)].

**Yes / No - DO CIGARILLOS/LITTLE CIGARS OR TOBACCO PRODUCTS MEET MINIMUM PACKAGE SIZE OF 10?**  
Unpackaged or packages of smokeless tobacco may not be distributed, sold, or offered for sale in packages that are smaller than those distributed by the manufacturer for individual use [Contra Costa County Ordinance 445-6.010]

**Yes / No - ARE ELECTRONIC SMOKING DEVICES OR E-LIQUIDS SOLD?**  
Only Vaping devices that have a premarket review order issued under Section 387(c)(1)(A)(i) of Title 21 of the U.S. Code. [Contra Costa County Ordinance 445-6.014]

**Yes / No - ARE CIGARS A MINIMUM OF \$5.00 U.S. DOLLARS?**  
[Contra Costa County Ordinance 445-6.010]

**Yes / No - IS STOREFRONT ADVERTISING IN COMPLIANCE?**  
No more than 33% of the square footage of windows and clear glass doors of a business establishment may be covered [CA Business & Professions Code Sections 25612].

**Yes / No - ARE ANY FLAVORED TOBACCO PRODUCTS PRESENT?**  
It is unlawful for any type of flavored tobacco product (fruity, liquor flavor, mint/menthol) to be sold in Contra Costa County, playgrounds, or libraries [Contra Costa County Ordinance 445-6.006].

**Yes / No - IS DRUG PARAPHERNALIA KEPT, DISPLAYED, OR OFFERED IN ANY MANNER?**  
"Drug Paraphernalia" means all equipment, products, and materials of any kind which are intended for use or designed for use in planting, cultivating, growing manufacturing, producing, processing, preparing, testing, analyzing, packaging, storing, concealing, injecting, ingesting, inhaling, or introducing into the human body a controlled substance as defined in Section 11364.5(d) Health & Safety Code.

**Yes / No - ARE CANNABIS PRODUCTS SOLD?**  
A business that sells tobacco or alcohol cannot sell or offer to sell any cannabis products [Contra Costa County Ordinance 2018-18, § 3, 6-26-18].

**Yes / No - DOES IT MEET MINIMUM REQUIREMENTS?**  
No person or business may place advertising for blunt wraps lower than four (4) feet above the floor. No person or business offering blunt wraps for sale may place blunt wrap advertising within (2) feet of a candy, snack, or nonalcoholic beverage display [CA Penal Code Section 308; CA Business & Professions Code Section 22962 (STAKE Act)].

Business Address: 3770 SAN PABLO DAM RD  
EL SOBRANTE CA 94803  
Clerk Name: BAZEL ALQADHI  
Owner Name: AHMAD

Refusal of inspection is in violation of 22980(b) B&P and shall be punished by a fine not to exceed five thousand dollars (\$5,000), or imprisonment not exceeding one year in a county jail or both the fine and imprisonment.

Signature (Job Title): [Signature]  
Officer / ID#: CA 1 77482

Refusal Signature:

Notes:





# CONTRA COSTA, COUNTY OFFICE OF THE SHERIFF

## CA0070000

1850 Muir Road, Martinez, CA 94553

Report Number  
**250004345**

Sup. No.  
**ORIG**

Beat  
**3**

Arrest?  
**No**

Domestic Viol?  
**No**

### Incident

|  |                           |                                |                             |                           |                                      |                                  |                                  |               |               |
|--|---------------------------|--------------------------------|-----------------------------|---------------------------|--------------------------------------|----------------------------------|----------------------------------|---------------|---------------|
| Report No.<br><b>250004345</b>           | Supp. No.<br><b>ORIG</b>  | Rpt. Date<br><b>04/29/2025</b> | Rpt. Time<br><b>19:39</b>   | Assignment<br><b>VSU</b>  | Status<br><b>Report To Follow</b>    | Confidential?<br><b>No</b>       | Empl. No / ID<br><b>AHERN005</b> |               |               |
| From Date<br><b>04/29/2025</b>           | From Time<br><b>19:39</b> | To Date                        | To Time                     | Use Of Force<br><b>NA</b> | Call Type<br><b>11359</b>            | CAD Call No.<br><b>251191013</b> |                                  |               |               |
| Location<br><b>3770 SAN PABLO DAM RD</b> |                           |                                |                             |                           | City<br><b>EL SOBRANTE</b>           | Zip                              |                                  |               |               |
| Evidence<br><b>No</b>                    | Finger Print<br><b>No</b> | Body Camera<br><b>No</b>       | Vehicle Camera<br><b>No</b> | Elder Abuse<br><b>No</b>  | Strang. or Suffoc. SB40<br><b>No</b> | Victim Response<br><b>No</b>     | Marsy's Law<br><b>No</b>         | Missing Value | Damaged Value |

### Offense

|                         |  |  |
|-------------------------|--|--|
| Offense No.<br><b>1</b> | Offense<br><b>HS11359(B) M 35A 35451</b> | Description<br><b>POSS MRJN For Sale-Drug/NARC OFS</b> |
|-------------------------|--|--|

### Cross Reference

No Cross Reference found

### Synopsis

This report is regarding a Tobacco Retail Inspection conducted at Smoke Depot in El Sobrante.

### Person

|                         |                       |                                    |                           |                        |                       |                          |                       |        |
|-------------------------|-----------------------|------------------------------------|---------------------------|------------------------|-----------------------|--------------------------|-----------------------|--------|
| Suspect                 | Invl. No.<br><b>1</b> | Name<br><b>ALQADHI,BAZEL SADEQ</b> | Type<br><b>Individual</b> | Dom. Vol.<br><b>No</b> | Juvenile<br><b>No</b> | DOB<br><b>09/25/2005</b> | Age<br><b>19</b>      | To Age |
|                         | Race<br><b>Other</b>  |                                    | Sex<br><b>Male</b>        | Height<br><b>509</b>   | To Height             | Weight<br><b>199</b>     | To Weight             |        |
|                         | Hair<br><b>Black</b>  |                                    | Eye<br><b>Brown</b>       | Skin<br><b>Brown</b>   | General Appearance    |                          | Build<br><b>Heavy</b> |        |
|                         | Hair Description      |                                    | Facial Features           |                        |                       |                          |                       |        |
|                         | Deformity             |                                    | Speech                    | Demeanor               | Mask                  | Glasses                  |                       |        |
|                         | Body Clothing         |                                    | Further Description       |                        |                       |                          |                       |        |
|                         | <b>Address</b>        |                                    |                           |                        |                       |                          |                       |        |
|                         | Address Type          |                                    | Location                  |                        | City                  |                          | State                 | Zip    |
|                         |                       |                                    |                           |                        |                       |                          |                       |        |
|                         | <b>Phone Number</b>   |                                    |                           |                        |                       |                          |                       |        |
|                         | Phone Type            |                                    | Phone Number              |                        |                       |                          |                       |        |
|                         |                       |                                    |                           |                        |                       |                          |                       |        |
|                         | <b>Email</b>          |                                    |                           |                        |                       |                          |                       |        |
|                         | Email Type            |                                    | Email Address             |                        |                       |                          |                       |        |
|                         |                       |                                    |                           |                        |                       |                          |                       |        |
| <b>ID Number</b>        |                       |                                    |                           |                        |                       |                          |                       |        |
| ID Number Type          |                       | ID Number                          |                           | License State          |                       |                          |                       |        |
| <b>Operator License</b> |                       | <b>Y2030561</b>                    |                           | <b>California</b>      |                       |                          |                       |        |

Distribution List  
**INVESTIGATION CAPTAIN**

Additional Routing

|  |   |   |
|--|---|---|
| Reporting Deputy (Print)<br><b>HERNANDEZ,AL</b>    | Date/Time Written<br><b>05/12/2025 15:50:08</b> | Disposition<br><b>Case Active</b>       |
| Approving Supervisor (Print)<br><b>RODIER,JEFF</b> | Supervisor ID.<br><b>68559</b>                  | Date/Time<br><b>05/13/2025 09:18:20</b> |

**CONTRA COSTA, COUNTY OFFICE OF THE SHERIFF**Report Number  
**250004345**Sup. No.  
**ORIG**

Page 2 of 3

Suspect

**SMT**

| Type | Code | Description |
|------|------|-------------|
|      |      |             |

**Alias**

| Alias Name | Race | DOB |
|------------|------|-----|
|            |      |     |

**Employment or School**

| Employer/School    | Position | Location | City | Phone Number |
|--------------------|----------|----------|------|--------------|
| <b>SMOKE DEPOT</b> |          |          |      |              |

**Offense Link**

| Link | Offense No. | Offense | Description |
|------|-------------|---------|-------------|
|      |             |         |             |

**Vehicle**

No Vehicle Found

**Vessel**

No Vessel Found

**Property**

No Property Found

**Modus Operandi**

No Modus Operandi found

**Narrative**

On 04/29/2025 at approximately, 1910 hours, I was on duty, employed by the California Highway Patrol, assigned to the Contra Costa County Sheriff's Violence Suppression Unit (VSU). I, along with my VSU partners, were conducting Tobacco Retail Inspections within Contra Costa County. We were in plain clothes, identified by departmental badges hanging from a chain around our necks.

We conducted an inspection at Smoke Depot, located at 3770 San Pablo Dam Road, El Sobrante, CA 94803. Based on previous conversations with VSU detectives, I know Smoke Depot to consistently be in violation of County ordinances regarding the sale of Tobacco. Additionally, on 03/07/2025, Detective Ward issued a citation to Bazel Alqadhi for 11359(b) H&S.

Upon contacting the worker, later identified as Bazel Sadeq Alqadhi, Alqadhi was uncooperative and became increasingly aggressive towards detectives. Alqadhi was advised by VSU Detectives of the Tobacco Inspection, and reminded him that he was cited during the previous inspection VSU Detectives conducted. Alqadhi attempted to retreat into the back room of the shop, and was asked to reposition to the front of the shop. Alqadhi continued to be disrespectful and aggressive towards Detectives and was uncompliant. He used several profanities toward law enforcement and refused to answer any questions regarding the tobacco sales in the store.

While searching for the proper licenses, multiple individual packages of Marijuana were located behind the counter. Below the packages, a box of U.S. Currency, totaling \$285 was located. In the backroom, a white backpack was located on the floor. Inside the backpack additional individual packaged Marijuana was located, along with a large plastic bag containing processed Marijuana buds. During my inspection, I was unable to locate all of the appropriate

Distribution List

**INVESTIGATION CAPTAIN**

Additional Routing

Reporting Deputy (Print)  
**HERNANDEZ,AL**Date/Time Written  
**05/12/2025 15:50:08**Disposition  
**Case Active**Approving Supervisor (Print)  
**RODIER,JEFF**Supervisor ID.  
**68559**Date/Time  
**05/13/2025 09:18:20**



license's required to sell tobacco and/or marijuana products.

Additionally, while searching the backroom, a previous Tobacco Retail Inspection Checklist was located. The checklist showed Smoke Depot had multiple violations, including drug paraphernalia and the selling of Cannabis Products.

During a search of the backroom, a hidden compartment was located behind shelving affixed to the wall. Inside the hidden compartment, additional banned products were located, including Vapes and other flavored tobacco.

In the front of the store, I observed glass pipes, which based on my training and experience, I know to be commonly used as drug paraphernalia, which Smoke Depot was previously provided warnings about.

Based on my observation of the individual packaged Marijuana, the U.S. Currency separated from the cash register, and Alqadhi being cited previously for 11359(b) H&S, I determined that Bazel Sadeq Alqadhi was again in violation of 11359(b) H&S.

The prohibited products were seized, including Marijuana. All of the products were later booked into Sheriff's evidence.

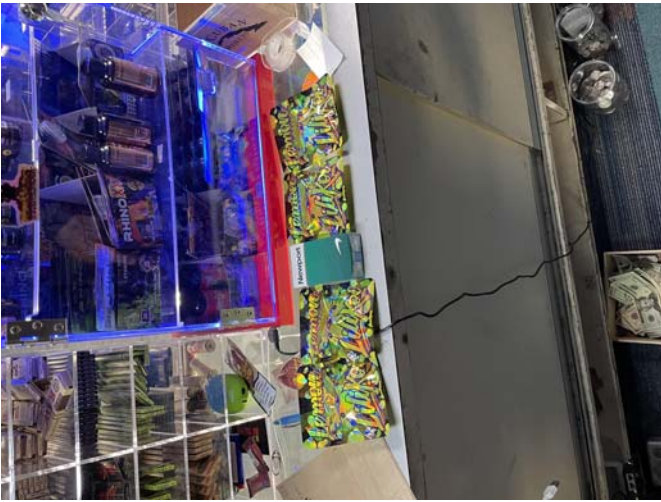
## Distribution List

**INVESTIGATION CAPTAIN**

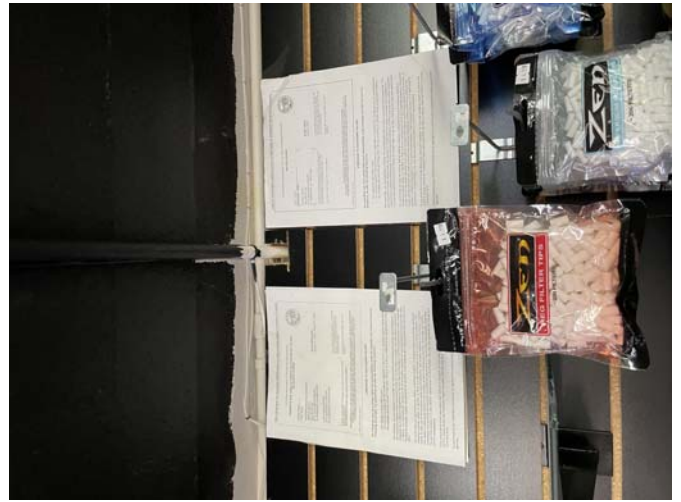
## Additional Routing

Reporting Deputy (Print)  
**HERNANDEZ,AL**Date/Time Written  
**05/12/2025 15:50:08**Disposition  
**Case Active**Approving Supervisor (Print)  
**RODIER,JEFF**Supervisor ID.  
**68559**Date/Time  
**05/13/2025 09:18:20**

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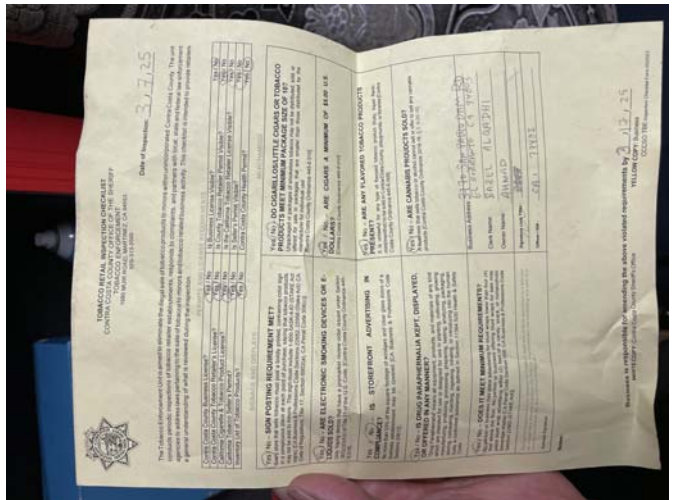
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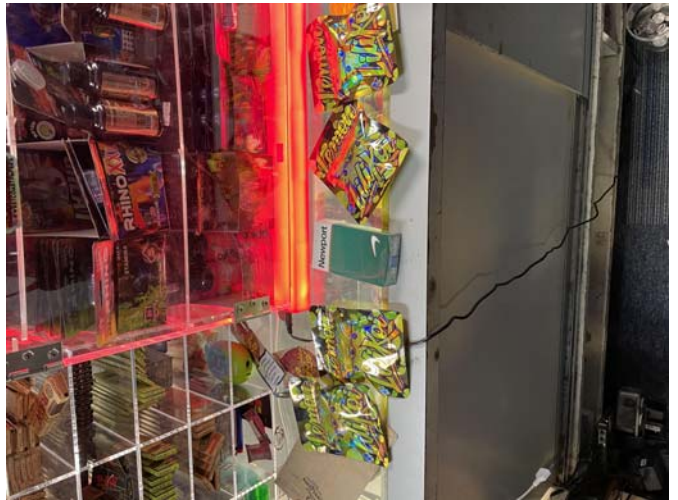
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ADMINISTRATIVE PENALTY NOTICE OF FINE  
(Contra Costa County Ordinance Code, § 14-12.006)

January 27, 2023

Goma Kafle  
3770 San Pablo Dam Road  
El Sobrante, CA

RE: Smoke Depot  
SITE ADDRESS: 3770 San Pablo Dam Road, El Sobrante, CA  
APN: 420-140-035

Our records indicate that you are the responsible party of record of the above-referenced property. Inspections of the property were conducted on 11/09/2022 and 12/16/2022, and the following violation(s) of the Tobacco Retailer's License Ordinance were observed:

11/09/2022

1. Selling small pack of cigars. This is a violation of Contra Costa County Ordinance Code, Section 445-6.010.
2. Selling electronic smoking devices. This is a violation of Contra Cost County Ordinance Code, Section 445-6.014.
3. No STAKE Act age of sale warning sign was posted. This is a violation of Contra Costa County Ordinance Code, Section 445-10.018(a); Cal. Code of Regs, Tit. 17, Section 6902.
4. Selling Drug paraphernalia. This is a violation of Contra Costa County Ordinance Code, Section 445-10.018(a); 21 U.S. Code, Section 863; Cal. Health and Saf. Code, Section 11364.5.
5. Retailing tobacco without a valid Tobacco Retailer's License. This is a violation of Contra Costa County Ordinance Code, Section 445-10.002.

12/16/2022

1. Selling electronic smoking devices. This is a violation of Contra Cost County Ordinance Code, Section 445-6.014.
2. Retailing tobacco without a valid Tobacco Retailer's License. This is a violation of Contra Costa County Ordinance Code, Section 445-10.002.





## Administrative Penalty Notice of Fine

Goma Kafle

Page 2

The fine amount for a first violation is \$100. The fine amount for a second violation within one year of the first violation is \$200. There is a \$500 fine for each additional violation that occurs within one year of the first violation. Because a separate violation occurred on two days and were observed during two different inspections, the Director has imposed on you a fine in the amount of \$300. (Contra Costa County Ordinance Code, Section 14-12.006.)

On 1/12/2023 and 1/13/2023, County staff informed you that a valid Tobacco Retailer's License is required to legally retail tobacco under County Ordinance Code, section 445-10.002. On 1/23/2023, County staff met and discussed with you the requirements for obtaining a Tobacco Retailer's License and provided you with additional information related to retailing tobacco in Contra Costa County. County staff will continue to assist you in the procurement of a valid Tobacco Retailer's License for this location. The payment of outstanding fines is required prior to the issuance of a Tobacco Retailer's License. (Contra Costa County Ordinance Code, Section 445-10.010.)

Payment must be sent to Contra Costa County, Department of Health Services, Public Health Division, 597 Center Ave, Suite 110, Martinez, CA 94553 within thirty (30) days of the date of this notification. The administrative penalty is a personal obligation, and failure to pay the penalty may result in the amount being made a lien and/or special assessment against your property, and other legal action may be taken to collect the penalty. If a judicial action is required to collect the penalty, the County will seek to recover its attorney fees and cost from you.

### RIGHT TO APPEAL

You may appeal this fine by filing a written appeal with the Contra Costa County, Department of Health Services, Public Health Division, at 597 Center Ave, Suite 110, Martinez, CA 94553, within 15 calendar days of the date of mailing of this notice. The written appeal must contain:

1. A brief statement setting forth the interest you have in the matter relating to the imposition of the penalty;
2. A brief statement of the material facts you claim support the contention that no fine should be imposed or that a fine of a different amount is warranted; and
3. An address at which you agree that notice of any additional proceedings or an order relating to imposition of the fine may be received by first class mail.

If you file an appeal, a notice of the appeal hearing will be mailed to you. The appeal hearing will be set no sooner than 20 days and no later than 45 days following the service date of the notice of appeal hearing. Failure to appear will cause this notice to become a final order. If you fail to request an appeal, this notice shall be final. Government Code section 53069.4 authorizes judicial review of a final administrative order.

The Director may record a copy of this Notice of Fine with the Contra Costa County Recorder.

Anna Roth

Director, Department of Health Services

Contra Costa County



By *Cedrita Claiborne*

Cedrita Claiborne, MPA, Director  
Community Wellness and Prevention Program





2500 Bates Ave, Suite B | Concord, CA 94520 | Phone: 925-608-5250 |  
cchealth.org

## **Smoke Depot 3770 San Pablo Dam Road Historical Timeline**

### **2021**

- **2/8/2021:** Pawan Kalwar, then-owner of Smoke Depot, applied to Public Health for a Tobacco Retail License (TRL) to retail tobacco products from Smoke Depot's original location at 4100 San Pablo Dam Road. Business Licensing Office (BLO) issued a TRL to Smoke Depot on 2/17/2021, with a term through 6/30/2021, for Smoke Depot's 4100 San Pablo Dam Road location. Note, TRLs expire each year on June 30, and must be renewed annually by application to Public Health and the BLO. Smoke Depot would operate from this location until approximately September 2022, when it was sold and relocated to its current location at 3770 San Pablo Dam Road.

### **2022**

- **Prior to 6/1/2022:** Prior to June 2022, the location at 3770 San Pablo Dam Road operated as a tobacco retailer Jasmine Gifts & Tobacco. On 6/1/2022, Jasmine owner contacted BLO of cessation of operations and closure of business license account. Tobacco retailing has occurred at this location since 1986.
- **9/16/2022:** Goma Kafle applied to BLO for a business license for Smoke Depot to operate at 3770 San Pablo Dam Rd. The application was placed on hold due to Goma Kafle having not applied for a TRL with Public Health.
- **11/9/2022:** Sheriff's Department conducted inspection (**EXHIBIT A**) at 3770 San Pablo Dam Road (previously Jasmine Gifts & Tobacco and now operating as Smoke Depot). Violations cited included:
  - No local tobacco business license
  - Sale of prohibited tobacco and cannabis products (small packs, vapes, and other drug paraphernalia)
  - Absence of a STAKE Act sign
- **11/12 and 13/2022:** Public Health staff contacted Smoke Depot owner, Goma Kafle, to advise of County's Tobacco Retailing Ordinance and TRL requirement for retailing tobacco products.

○

- **12/16/2022:** Public Health conducted follow-up inspection at 3770 San Pablo Dam Road and found Smoke Depot selling electronic smoking devices and tobacco products without a valid TRL.

#### 2023

- **1/11/2023:** Smoke Depot owner, Goma Kafle, contacted Public Health via email stating they had purchased the business at 3770 San Pablo Dam Road (formerly Jasmine Gifts & Tobacco) and was now operating the location as Smoke Depot). Kafle submitted a TRL application and requested assistance with obtaining and processing their TRL application.
- **1/13/2023:** Goma Kafle visited Public Health offices regarding their TRL application. Staff informed Kafle that a valid TRL is required to retail tobacco products, and that their application was under review. Follow-up email from Public Health to Kafle emphasized that no TRL had issued and that no tobacco could be retailed from the Smoke Depot location until a valid TRL had issued.
- **1/23/2023:** Public Health met with Goma Kafle, provided education on TRL requirements, and approved the TRL application for tobacco retailing as Smoke Depot at 3770 San Pablo Dam Road subject to Zoning Verification by DCD for compliance with County's tobacco retailing business ordinance. BLO issued the Smoke Depot TRL with a term through 6/30/2023.
- **1/25/2023:** DCD issued Determination Letter for Zoning Verification (**EXHIBIT B**), determining that a tobacco retailing business had been established at 3770 San Pablo Dam Road prior to the effective date of the County's tobacco retailing businesses ordinance, thus determining that a tobacco retailing business at that location is a legal non-conforming use despite not complying with the location requirements (e.g., no tobacco retailing business may be located within 1,000 feet of listed sensitive receptors or within 500 feet of another tobacco retailing business) of the ordinance.
- **1/27/2023:** Public Health issued a Notice of Fine (Fine amount \$300) for violations at Smoke Depot on 11/9/2022 and 12/16/2022, occurring prior to issuance of the TRL (**EXHIBIT C**)
  - Selling small pack sizes, electronic devices, drug paraphernalia
  - No STAKE Act sign
  - Retailing tobacco without a valid TRL
- **2/19/2023:** Goma Kafle submitted payment for \$300 fine.

#### 2024

- **4/18/2024:** Sheriff's Department conducted inspection of Smoke Depot location at 3770 San Pablo Dam Road (**EXHIBIT D**). Inspection resulted in a citation for:
  - Selling flavored tobacco, menthol cigarettes, e-smoking devices, drug paraphernalia, single cigars, and self-service displays

- Retailing without a valid TRL
- **5/1/2024:** Public Health received voicemail from Ahmed Dubaih, new owner of Smoke Depot, requesting TRL.
- **5/2/2024:** Ahmed Dubaih submitted ID and CA state license via email to apply for TRL.
- **5/14/2024:** Ahmed Dubaih emailed Public Health to check status of TRL application.
- **5/20/2024:** Public Health mailed Notice of Suspension Hearing (dated April 24, 2025) (**EXHIBIT E**) by regular and certified mail on 5/20/2024 (21 days before hearing) to Smoke Depot owner, Ahmed Dubaih, at business address 3770 San Pablo Dam Road, in accordance with Section 445-10.018 of the County Ordinance Code. The notice identified violation observed on 4/18/2024 as Smoke Depot's second violation within one year (following 1/27/2023 Notice of Fine). The notice proposed a 90-day suspension and that no new TRL for the location would issue until the suspension period had concluded.
- **5/31/2024:** Public Health received email stating Ahmed Dubaih is out of the country and unable to attend the hearing, and requested that a representative be allowed to attend in his absence. Request approved by Public Health staff via email.
- **6/9/2024:** Public Health received email with ID and information of representative who will attend the hearing, Ismail Abduljala.
- **6/11/2024:** Suspension Hearing held. Public Health presented evidence from 4/18/2024 inspection to support the recommended suspension period of 90 days. Hearing Officer Dr. Sefanit Mekuria ordered:
  - All tobacco retailing at Smoke Depot, 3770 San Pablo Dam Road, must stop immediately due to invalid TRL.
  - No tobacco products may be retailed at this location until a valid TRL has issued.
  - Processing of the Smoke Depot TRL application on hold for a period of 90 days. The application may not be approved, and a new TRL for Smoke Depot will not be issued, before September 23, 2024.
- **6/26/2024:** Written Notice of Decision (**EXHIBIT F**) sent by regular and certified mail. No appeal was filed within 30 days of decision.
- **6/26/2024- 01/06/2025:** Smoke Depot did not contact Public Health to reapply for a license.

## 2025

- **1/6/2025:** Public Health conducted audit and identified Smoke Depot as an unlicensed tobacco retailer.

- **2/7/2025:** Public Health contacted Ahmed Dubaih to advise of the County's TRL requirement and provide resources for the TRL process. No answer left voicemail.
- **2/11/2025:** Public Health sent follow-up email to Ahmed Dubaih regarding TRL requirement. Dubaih responded that they would like to proceed with TRL process.
- **2/24/2025:** Public Health emailed Dubaih to inform them that a new TRL application was required and that Dubaih must obtain an updated Zoning Verification letter from DCD regarding compliance with the County's tobacco retailing businesses ordinance.
- **3/5/2024:** DCD notifies Public Health that Smoke Depot continues to sell tobacco products.
- **3/7/2025:** Inspection conducted at Smoke Depot, 2770 San Pablo Dam Road, by Sheriff's Department, DCD, Environmental Health, and Public Health (**EXHIBIT G**). Violations cited include:
  - Selling out-of-state menthol cigarettes, flavored tobacco, small packs, vapes, and cannabis
  - No current, valid TRL for the business location
- **3/12/2025:** Public Health emailed Ahmed Dubaih to notify them that their application cannot be processed without a current and valid DCD Zoning Verification or Determination Letter for 2025.





## EXHIBIT A

## TOBACCO ENFORCEMENT

Date of Inspection: 11/9/22  
DO PM

The Tobacco Enforcement Unit is aimed to eliminate the illegal sale of tobacco products to minors within unincorporated Contra Costa County. The unit conducts periodic inspections of tobacco retailer establishments, responds to complaints, and partners with local, state and federal law enforcement agencies to address laws pertaining to the sale of tobacco to minors and tobacco related business activity. This checklist is intended to provide retailers a general understanding of what is reviewed during the inspection.

HAVEN'T GOT ONE  
APPLIED FOR ONE

## PERMITS AND LICENSE REQUIREMENTS

|   |                 |   |                 |
|---|-----------------|---|-----------------|
| Contra Costa County Business License?           | Yes / <u>No</u> | Is Business License Visible?                        | Yes / <u>No</u> |
| Contra Costa County Tobacco Retailer's License? | <u>Yes</u> / No | Is County Tobacco Retailer Permit Visible?          | <u>Yes</u> / No |
| California Cigarette & Tobacco Product License? | <u>Yes</u> / No | Is the California Tobacco Retailer License Visible? | <u>Yes</u> / No |
| California Tobacco Seller's Permit?             | <u>Yes</u> / No | Is Seller's Permit Visible?                         | <u>Yes</u> / No |
| Inventory List of Tobacco Products?             | Yes / <u>No</u> | Contra Costa County Health Permit                   | Yes / <u>No</u> |

## SIGNAGE AND DISPLAYS

Yes / No - **SIGN POSTING REQUIREMENT MET?**  
Every store that sells tobacco must post a boldly printed, contrasting-color sign in a conspicuous place at each point of purchase saying that tobacco products may not be sold to minors. The sign must include 1-800-5ASK-4-ID (STAKE Act signs). [Ca Business & Professions Code Sections 22952, 22956 (STAKE Act); CA Code of Regulations, Title 17, Section 6902(a), CA Penal Code Section 308(c).]

Yes / No - **ARE THERE SELF-SERVICE SALES?**  
It is unlawful to sell, offer for sale, or display any tobacco product or paraphernalia through a self-service display, which is accessible to the public without assistance of the clerk. For sale in packages of fewer than 20 cigarettes. [CA Business & Professions Code Section 22960, 22962 (STAKE Act), CCC Ord. 445-6.002]

Yes / No - **ARE THERE VENDING MACHINES?**  
Tobacco products may not be sold, offered for sale, or distributed from vending machines. [Ca Business & Professions Code 22960, 22958, 22957 (STAKE Act).]

Yes / No - **IS STOREFRONT ADVERTISING IN COMPLIANCE?**  
No more than 33% of the square footage of windows and clear glass doors of a business establishment may be covered. [CA Business & Professions Code Sections 25612]. - WARNED

Yes / No - **IS THERE BLUNT WRAP ADVERTISING DISPLAY?**

Yes / No - **DOES IT MEET MINIMUM REQUIREMENTS?**  
No person or business may place advertising for blunt wraps lower than four (4) feet above the floor. No person or business offering blunt wraps for sale may place blunt wrap advertising within two (2) feet of a candy, snack, or nonalcoholic beverage display. [CA Penal Code Section 308; CA Business & Professions Code Section 22962 (STAKE Act)].

## MERCHANDISE

Yes / No - **ARE SINGLE CIGARETTES PRESENT?**  
No person shall sell one or more cigarette other than in the sealed and properly labeled package of the manufacturer or importer, which conform to Federal labeling requirements, including the Federal warning labeling [CA Penal Code Sections 308.2]. - WARNED ABOUT SELLING PACKS OF 2 BUNSTER SWEETS / CIGARETTES

Yes / No - **IS MINIMUM CIGARETTE PACK SIZE MET?**  
Cigarettes may not be distributed, sold offered for sale in packages of fewer than 20 cigarettes. Roll-your-own tobacco may not be distributed, sold, or offered for sale in a package containing less than 0.60 Ounces of tobacco. [CA Penal Code Sections 308.3; 21 CFR 1140.14].

Yes / No - **DO CIGARETTES OR TOBACCO PRODUCTS MEET MINIMUM PACKAGE SIZE?**  
Unpackaged or packages of smokeless tobacco may not be distributed, sold, or offered for sale in packages that are smaller than those distributed by the manufacturer for individual use. [21 CFR 1140.14].

Yes / No - **ARE BIDIS PRESENT?**  
It is unlawful to sell, offer to sell, distribute, or import Bidis, defined as products containing tobacco wrapped temburni leaf or tendu leaf. [CA Penal Code 301.1].

Yes / No - **IS FLAVORED TOBACCO PRESENT?**  
It is unlawful for any type of flavored tobacco product (Menthol is permitted) to be sold in Contra Costa County within 1,000 feet of schools, parks, playgrounds, or libraries. [CCC Ord. 445-6.006] DOCB FLAVORED?

Yes / No - **IS DRUG PARAPHERNALIA KEPT, DISPLAYED, OR OFFERED IN ANY MANNER?** Removed from counter  
"Drug Paraphernalia" means all equipment, products, and materials of any kind which are intended for use or designed for use in planting, cultivating, growing manufacturing, producing, processing, preparing, testing, analyzing, packaging, storing, concealing, injecting, ingesting, inhaling, or introducing into the human body a controlled substance as defined in Section 11364.5(d) H&S.

Business / Address: SMOKE DEROT  
3770 SAN ANTONIO DAM RD. EL SOBRANTE, CA  
Clerk / Owner Name: PAWAN KUMAR  
Clerk / Owner Signature: \_\_\_\_\_ ID#: 76164

Refusal of inspection is in violation of 22980(b) B&P and shall be punished by a fine not to exceed five thousand dollars (\$5,000), or imprisonment not exceeding one year in a county jail or both the fine and imprisonment.



## EXHIBIT B

### Department of Conservation and Development

30 Muir Road  
Martinez, CA 94553

Phone: 1-855-323-2626

### Contra Costa County



**John Kopchik**  
Director

**Aruna Bhat**  
Deputy Director

**Jason Crapo**  
Deputy Director

**Maureen Toms**  
Deputy Director

**Deidra Dingman**  
Deputy Director

**Gabriel Lemus**  
Asst. Deputy Director

January 25, 2023

Smoke Depot  
3770 San Pablo Dam Road  
El Sobrante, CA 94803

**RE: Updated Zoning Determination for Tobacco Retailer (Smoke Depot)**  
**Site Address: 3770 San Pablo Dam Road, El Sobrante, CA 94803**  
**County File #CDSE22-00009 APN: 420-140-035 (Zoning: P-1/GP: M-13)**

Dear Smoke Depot:

This letter is in response to an El-Sobrante P-1 administrative review request submitted to the Department of Conservation and Development on December 9, 2022, for a proposed tobacco retailing business to be located at 3770 San Pablo Dam Road in the El Sobrante area.

The establishment of a proposed tobacco retailing business (Smoke Depot) at the property identified above has been reviewed for compliance with County zoning regulations. The zoning determination of the Department of Conservation & Development is provided below.

#### **El Sobrante P-1 (Planned Unit) District Zoning Consistency**

The Department of Conservation and Development, Community Development Division (CDD), has determined that, based on the application materials submitted on December 9, 2022, the proposed retail business (Smoke Depot) is a permitted use within the San Pablo Dam Road Mixed Use (M-13) Land Use District and is consistent with the intent and purpose of the El Sobrante P-1.

#### **Tobacco Retailing Businesses Ordinance (Ord. 88-26)**

Based on additional information submitted to CDD on January 24, 2023, it has been shown that the subject property, 3770 San Pablo Dam Road in El Sobrante, was established as a tobacco retailer since at least December 1, 1986, operating as Jasmine Gifts & Tobacco. Historical business license and tobacco retail licenses for Jasmine Gifts & Tobacco were provided as evidence showing that both licenses have been maintained for the site up to the current date. Thus, the retailing of



tobacco products at the subject property is considered a nonconforming use under Chapter 88-26.406 of the County's Tobacco Retailing Businesses Ordinance (Chapter 88-26).

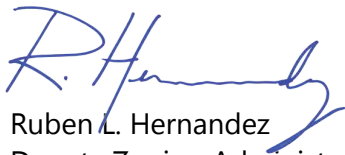
Please note that no evidence has been submitted to the Department of Conservation and Development that indicate that 3770 San Pablo Dam Road was operating as a *"significant tobacco retailing business"*. Therefore, the establishment of a significant tobacco retailing business is not allowed at this location. County Ordinance Code 88-26.204 defines a significant tobacco retailing business as follows: *"...any tobacco retailing business for which twenty percent or more of floor or display area is devoted to tobacco products, tobacco paraphernalia, or both."*

Additionally, no signage was reviewed or approved within this determination letter. Any proposed signage will be subject to the review and approval by the Department of Conservation and Development.

Please be aware that this determination letter does not constitute a building permit for any tenant improvements. Additionally, this approval does not constitute a business license. It is the responsibility of the business owner to obtain a business license from the County prior to engaging in commercial activities at the subject property. Attached hereto is a property use verification form needed to obtain your business license from the County Tax Collector.

If you have any additional questions, you may contact the project planner, Everett Louie at [everett.louie@dcd.cccounty.us](mailto:everett.louie@dcd.cccounty.us) or at (925) 655-2873.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Hernandez', is written over the printed name.

Ruben L. Hernandez  
Deputy Zoning Administrator

Cc: County File #CDSE22-00009  
Monica Marquez [monica.marquez@cchealth.org](mailto:monica.marquez@cchealth.org)

Attach: Property Use Verification Form



ADMINISTRATIVE PENALTY NOTICE OF FINE  
(Contra Costa County Ordinance Code, § 14-12.006)

January 27, 2023

Goma Kafle  
3770 San Pablo Dam Road  
El Sobrante, CA

RE: Smoke Depot  
SITE ADDRESS: 3770 San Pablo Dam Road, El Sobrante, CA  
APN: 420-140-035

Our records indicate that you are the responsible party of record of the above-referenced property. Inspections of the property were conducted on 11/09/2022 and 12/16/2022, and the following violation(s) of the Tobacco Retailer's License Ordinance were observed:

11/09/2022

1. Selling small pack of cigars. This is a violation of Contra Costa County Ordinance Code, Section 445-6.010.
2. Selling electronic smoking devices. This is a violation of Contra Cost County Ordinance Code, Section 445-6.014.
3. No STAKE Act age of sale warning sign was posted. This is a violation of Contra Costa County Ordinance Code, Section 445-10.018(a); Cal. Code of Regs, Tit. 17, Section 6902.
4. Selling Drug paraphernalia. This is a violation of Contra Costa County Ordinance Code, Section 445-10.018(a); 21 U.S. Code, Section 863; Cal. Health and Saf. Code, Section 11364.5.
5. Retailing tobacco without a valid Tobacco Retailer's License. This is a violation of Contra Costa County Ordinance Code, Section 445-10.002.

12/16/2022

1. Selling electronic smoking devices. This is a violation of Contra Cost County Ordinance Code, Section 445-6.014.
2. Retailing tobacco without a valid Tobacco Retailer's License. This is a violation of Contra Costa County Ordinance Code, Section 445-10.002.



## Administrative Penalty Notice of Fine

Goma Kafle

Page 2

The fine amount for a first violation is \$100. The fine amount for a second violation within one year of the first violation is \$200. There is a \$500 fine for each additional violation that occurs within one year of the first violation. Because a separate violation occurred on two days and were observed during two different inspections, the Director has imposed on you a fine in the amount of \$300. (Contra Costa County Ordinance Code, Section 14-12.006.)

On 1/12/2023 and 1/13/2023, County staff informed you that a valid Tobacco Retailer's License is required to legally retail tobacco under County Ordinance Code, section 445-10.002. On 1/23/2023, County staff met and discussed with you the requirements for obtaining a Tobacco Retailer's License and provided you with additional information related to retailing tobacco in Contra Costa County. County staff will continue to assist you in the procurement of a valid Tobacco Retailer's License for this location. The payment of outstanding fines is required prior to the issuance of a Tobacco Retailer's License. (Contra Costa County Ordinance Code, Section 445-10.010.)

Payment must be sent to Contra Costa County, Department of Health Services, Public Health Division, 597 Center Ave, Suite 110, Martinez, CA 94553 within thirty (30) days of the date of this notification. The administrative penalty is a personal obligation, and failure to pay the penalty may result in the amount being made a lien and/or special assessment against your property, and other legal action may be taken to collect the penalty. If a judicial action is required to collect the penalty, the County will seek to recover its attorney fees and cost from you.

### RIGHT TO APPEAL

You may appeal this fine by filing a written appeal with the Contra Costa County, Department of Health Services, Public Health Division, at 597 Center Ave, Suite 110, Martinez, CA 94553, within 15 calendar days of the date of mailing of this notice. The written appeal must contain:

1. A brief statement setting forth the interest you have in the matter relating to the imposition of the penalty;
2. A brief statement of the material facts you claim support the contention that no fine should be imposed or that a fine of a different amount is warranted; and
3. An address at which you agree that notice of any additional proceedings or an order relating to imposition of the fine may be received by first class mail.

If you file an appeal, a notice of the appeal hearing will be mailed to you. The appeal hearing will be set no sooner than 20 days and no later than 45 days following the service date of the notice of appeal hearing. Failure to appear will cause this notice to become a final order. If you fail to request an appeal, this notice shall be final. Government Code section 53069.4 authorizes judicial review of a final administrative order.

The Director may record a copy of this Notice of Fine with the Contra Costa County Recorder.

Anna Roth

Director, Department of Health Services

Contra Costa County



By *Cedrita Claiborne*

Cedrita Claiborne, MPA, Director  
Community Wellness and Prevention Program





**TOBACCO RETAILER INSPECTION CHECKLIST**  
 CONTRA COSTA COUNTY OFFICE OF THE SHERIFF  
 TOBACCO ENFORCEMENT  
 1880 MUIR ROAD, MARTINEZ, CA 94555  
 925-313-2500

**EXHIBIT D**

Date of inspection: 4, 18, 24

The Tobacco Enforcement Unit is aimed to eliminate the illegal sale of tobacco products to minors within unincorporated Contra Costa County. The unit conducts periodic inspections of tobacco retailer establishments, responds to complaints, and partners with local, state and federal law enforcement agencies to address laws pertaining to the sale of tobacco to minors and tobacco related business activity. This checklist is intended to provide retailers a general understanding of what is reviewed during the inspection.

**PERMITS AND LICENSE REQUIREMENTS**

|   |   |   |   |
|---|---|---|---|
| Contra Costa County Business License?           | Yes / <input checked="" type="radio"/> No | Is Business License Visible?                        | Yes / <input checked="" type="radio"/> No |
| Contra Costa County Tobacco Retailer's License? | <input checked="" type="radio"/> Yes / No | Is County Tobacco Retailer Permit Visible?          | <input checked="" type="radio"/> Yes / No |
| California Cigarette & Tobacco Product License? | Yes / No                                  | Is the California Tobacco Retailer License Visible? | Yes / No                                  |
| California Tobacco Seller's Permit?             | <input checked="" type="radio"/> Yes / No | Is Seller's Permit Visible?                         | <input checked="" type="radio"/> Yes / No |
| Inventory List of Tobacco Products?             | <input checked="" type="radio"/> Yes / No | Contra Costa County Health Permit?                  | Yes / No                                  |

**SIGNAGE AND DISPLAYS**

**MERCHANDISE**

|   |  |
|---|--|
| <p><b>Yes / <input checked="" type="radio"/> No - SIGN POSTING REQUIREMENT MET?</b><br/>                 Every sign that sells tobacco must post a boldly printed, contrasting-color sign in a conspicuous place at each point of purchase, stating that tobacco products may not be sold to minors. The sign must include 1-800-5A50K-4-3D (STAKE Act signs) [CA Business &amp; Professions Code Sections 22952, 22956 (Stake Act) CA Code of Regulations, Title 17, Section 6902(a), CA Penal Code 306(c)]</p>                        | <p><b><input checked="" type="radio"/> No - DO CIGARILLOS/LITTLE CIGARS OR TOBACCO PRODUCTS MEET MINIMUM PACKAGE SIZE OF 10?</b><br/>                 Unpackaged or packages of smokeless tobacco may not be distributed, sold, or offered for sale in packages that are smaller than those distributed by the manufacturer for individual use [Contra Costa County Ordinance 445-6.010]</p> |
| <p><b>Yes / No - ARE ELECTRONIC SMOKING DEVICES OR E-LIQUIDS SOLD?</b><br/>                 Only Vaping devices that have a premarket review order issued under Section 387(c)(1)(A)(i) of Title 21 of the U.S. Code [Contra Costa County Ordinance 445-6.014]</p>  | <p><b>Yes / <input checked="" type="radio"/> No - ARE CIGARS A MINIMUM OF \$5.00 U.S. DOLLARS?</b><br/>                 [Contra Costa County Ordinance 445-6.010]</p>  |
| <p><b>Yes / <input checked="" type="radio"/> No - IS STOREFRONT ADVERTISING IN COMPLIANCE?</b><br/>                 No more than 33% of the square footage of windows and clear glass doors of a business establishment may be covered [CA Business &amp; Professions Code Sections 25612]</p>  | <p><b>Yes / No - ARE ANY FLAVORED TOBACCO PRODUCTS PRESENT?</b><br/>                 It is unlawful for any type of flavored tobacco product (fruity, liquor flavor, mint/menthol) to be sold in Contra Costa County, playgrounds, or libraries [Contra Costa County Ordinance 445-6.006]</p>  |
| <p><b>Yes / No - IS DRUG PARAPHERNALIA KEPT, DISPLAYED, OR OFFERED IN ANY MANNER?</b><br/>                 "Drug Paraphernalia" means all equipment, products, and materials of any kind which are intended for use or designed for use in planting, cultivating, growing, manufacturing, producing, processing, preparing, testing, analyzing, packaging, storing, concealing, injecting, ingesting, inhaling, or introducing into the human body a controlled substance as defined in Section 11364.5(d) Health &amp; Safety Code</p> | <p><b>Yes / No - ARE CANNABIS PRODUCTS SOLD?</b><br/>                 A business that sells tobacco or alcohol cannot sell or offer to sell any cannabis products [Contra Costa County Ordinance 2018-18, § 3, 6-26-18]</p>  |
| <p><b>Yes / No - DOES IT MEET MINIMUM REQUIREMENTS?</b><br/>                 No person or business may place advertising for blunt wraps lower than four (4) feet above the floor. No person or business offering blunt wraps for sale may place blunt wrap advertising within (2) feet of a candy, snack, or nonalcoholic beverage display [CA Penal Code Section 308; CA Business &amp; Professions Code Section 22962 (STAKE Act)]</p>   | <p>Business Address: <u>2770 SAN PABLO DAM RD</u><br/> <u>EL SOBRANTE, CA</u><br/>                 Clerk Name: <u>PAULOS YOHANNES</u><br/>                 Owner Name: <u>ISMAEL ALTALAL</u><br/>                 Signature (Job Title): <u>DETECTIVE CESAR GUERRA</u><br/>                 Officer / IDS: <u>77161</u></p>  |

Refusal of inspection is in violation of 22962(c) B&P and shall be punished by a fine not to exceed five thousand dollars (\$5,000), or imprisonment not exceeding one year in a county jail or both the fine and imprisonment.

Officer Signature:

05:

osa13770@gmail.com

Business is responsible for amending

WHITE COPY: Contra Costa County  
 REVENUE & TAXATION  
 24061A1

have violated requirements by

YELLOW COPY: Business



2500 Bates Ave | Concord, CA, 94520 | Phone: (925) 608-5231  
cchealth.org

## NOTICE OF SUSPENSION HEARING (Contra Costa County Ordinance Code, § 445-10.018)

April 24, 2024

Ahmed Dubaih  
3770 San Pablo Dam Road  
El Sobrante, CA 94803

RE: Smoke Depot  
SITE ADDRESS: 3770 San Pablo Dam Road, El Sobrante, CA, 94803  
APN: 420-140-035

Smoke Depot, located at 3770 San Pablo Dam Road, El Sobrante, California (the "Property") operates pursuant to a tobacco retailer's license regulated under Chapter 445-10 (Tobacco Retailer's License Ordinance) of the Contra Costa County Ordinance Code. Our records indicate that you are the listed licensee for the above-referenced Property. Inspection of the Property was conducted on April 18, 2024, and the following violations of the Tobacco Retailer's License Ordinance were observed:

### April 18, 2024

1. Flavored tobacco products on display and offered for sale. (County Ordinance Code, Section 445-6.006.)
2. Menthol cigarettes on display and offered for sale. (County Ordinance Code, Section 445-6.006.)
3. Electronic smoking devices on display and offered for sale. (County Ordinance Code, Section 445-6.014.)
4. Drug paraphernalia, specifically mushrooms, cannabis flower, flavored cannabis vaping liquids, and blunts were on display and offered for sale, and offered for sale in a location that did not exclude unaccompanied persons under the age of 18. (County Ordinance Code, Section 445-10.018(a); 21 U.S. Code, Section 863; Cal. Health and Saf. Code, Section 11364.5; Cal. Health and Saf. Code, Section 11377.)
5. Single cigars on display and offered for sale. (County Ordinance Code, Section 445-6.010.)
6. Self-service displays. (County Ordinance Code, Section 445-6.002.)

Staff has also become aware that you purchased the above-referenced property in or around August 2023 and have been operating the subject business under the previous tobacco retailer's license without obtaining a new, valid tobacco retailer's license. A tobacco retailer's license is nontransferable. Accordingly, this is a violation of County Ordinance Code, Section 445-10.010(c).

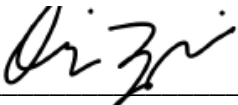
Due to the above-cited violations, the proposed time period of the tobacco retailer's license suspension is **90 days**.

The violations cited herein constitute the Smoke Depot's second violation of the Tobacco Retailer's License Ordinance. A Notice of Fine was issued and became a final administrative order on January 26, 2023, documenting Smoke Depot's first violation. A tobacco retailer's license may be suspended for up to 90 days for a second violation that occurs within five years after the first violation. (County Ordinance Code, Section 445-6.018.)

The processing of your current application for a new tobacco retailer's license for the above-referenced property will be placed on hold. If a suspension of the current tobacco retailer's license is ordered, your application may not be approved, and a new tobacco retailer's license will not be issued until the suspension period has concluded.

The Public Health Director will hold a license suspension hearing on **Tuesday, June 11, 2024, at 11:00am.**, at 597 Center Ave, Room 120, Martinez, CA 94553. At the hearing, you will be given the opportunity to testify and present any supporting evidence concerning the notice of suspension hearing. After consideration of the evidence and testimonies at the hearing, the Public Health Director will issue a written decision to suspend or not suspend the tobacco retailer's license. The written decision will include the reason or reasons for the decision and the time period of the tobacco retailer's license suspension.

Anna Roth  
Director, Department of Health Services  
Contra Costa County

By   
\_\_\_\_\_  
Dr. Ori Tzvieli  
Health Officer, Public Health Director





CONTRA COSTA  
Community Wellness & Prev. Prgm.  
2500 BATES AVE. SUITE B  
CONCORD CA. 94520  
Martinez, CA 94553

EXHIBIT E

Confidential — To be opened by addressee only

Ahmed Dubaih  
3770 San Pablo Dam Road  
El Sobrante, CA 94803

5756



CONTRA COSTA  
Community Wellness & Prev. Prgm.  
2500 BATES AVE. SUITE B  
CONCORD CA. 94520  
Martinez, CA 94553

Confidential — To be opened by addressee only

Ahmed Dubaih  
3770 San Pablo Dam Road  
El Sobrante, CA 94803

IF ENVELOPE TO THE RIGHT  
SS, FOLD AT DOTTED LINE

**ED MAIL**

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U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

|   |    |
|---|----|
| Certified Mail Fee  | \$ |
| Extra Services & Fees (check box, add fee as appropriate)   |    |
| <input type="checkbox"/> Return Receipt (hardcopy)          | \$ |
| <input type="checkbox"/> Return Receipt (electronic)        | \$ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ |

Postmark  
Here

Add a Caption

Monday • May 20, 2024 • 1:29 PM

Adjust

IMG\_9459

Apple iPhone 11 Pro

Wide Camera — 26 mm f1.8

12 MP • 3024 × 4032 • 1.7 MB

ISO 64 | 26 mm | 0 ev | f1.8 | 1/60 s



2500 Bates Ave | Concord, CA, 94520 | Phone: (925) 608-5231  
cchealth.org

NOTICE OF DECISION

June 26, 2024

Ahmed Dubaih  
3770 San Pablo Dam Road  
El Sobrante, CA 94803

IN THE MATTER OF:

NAME: Smoke Depot  
SITE: 3770 San Pablo Dam Road  
El Sobrante, CA 94803  
APN: 420-140-035

WRITTEN DECISION FOLLOWING  
HEARING

This matter came on for hearing before Dr. Sefanit Mekuria, Contra Costa County Medical Director, Deputy Health Officer, on June 11, 2024, 11:00 a.m., at 597 Center Avenue, Suite 120, Martinez, CA 94553. The purpose of the hearing was to determine whether the above-referenced tobacco retailer committed violations of the County’s Tobacco Product Control Ordinance (County Ordinance Code Division 445).

The following individuals testified on behalf of the County:

1. Monica Marquez, Senior Health Education Specialist, Contra Costa County  
Public Health

The following individuals testified on behalf of the retailer:

1. Ismail Mahyoub Abduljala

The following evidence was submitted:

1. Contra Costa County Sheriff Tobacco Retail Inspection Report, dated April 18, 2024
2. Contra Costa County Sheriff Citation #20-1602762, dated April 18, 2024
3. Photos taken by Public Health Department Staff during April 18, 2024 site inspection

After considering the testimony and evidence, the Director makes the following factual findings:

1. The above-named retailer purchased the Smoke Depot, located at 3770 San Pablo Dam Road, El Sobrante, CA, in or around August 2023 and has been operating the Smoke Depot without obtaining a new, valid tobacco retailer's license. It is unlawful for any retailer, individual, or entity to conduct tobacco retailing in the unincorporated area of the county without first obtaining and maintaining a valid tobacco retailer's license from Contra Costa County for each location where tobacco retailing is conducted. Accordingly, this is a violation of County Ordinance Code, Section 445-10.002.
2. Additional violations occurred at the above-referenced retail location and were observed on April 18, 2024.



3. The additional violations include:

April 18, 2024

- a. Flavored tobacco products on display and offered for sale. (County Ordinance Code, Section 445-6.006.)
  - b. Menthol cigarettes on display and offered for sale. (County Ordinance Code, Section 445-6.006.)
  - c. Electronic smoking devices on display and offered for sale. (County Ordinance Code, Section 445-6.014.)
  - d. Drug paraphernalia, specifically mushrooms, cannabis flower, flavored cannabis vaping liquids, and blunts were on display and offered for sale, and offered for sale in a location that did not exclude unaccompanied persons under the age of 18. (County Ordinance Code, Section 445-10.018(a); 21 U.S. Code, Section 863; Cal. Health and Saf. Code, Section 11364.5; Cal. Health and Saf. Code, Section 11377.)
  - e. Single cigars on display and offered for sale. (County Ordinance Code, Section 445-6.010.)
  - f. Self-service displays. (County Ordinance Code, Section 445-6.002.)
4. The Sheriff's Report, Citation, and photos include documentary evidence that each of the violations occurred.
  5. The herein cited violations constitute the second violation of the County's Tobacco Product Control Ordinance at the above-referenced Smoke Depot retail location within the past five years. A Notice of Fine was issued and became a final administrative order on January 26, 2023, documenting the first violation occurring at the Smoke Depot
  6. The above-named retailer, Mr. Dubaih, through his representative or agent, has acknowledged the violations.

### **ORDER**

The Public Health Director orders:

The above-referenced tobacco retailer does not have valid tobacco retailer's license from Contra Costa County to sell tobacco products at 3770 San Pablo Dam Road, El Sobrante, CA,

commonly known as Smoke Depot. **All retailing of tobacco products at this location must be discontinued immediately.** Tobacco products may not be retailed at this location until a valid tobacco retailer's license for this location has been issued.

The processing of the above-named retailer's application for a new tobacco retailer's license for the Smoke Depot will be placed on hold for a period of **90 days** from the date of this decision. The application may not be approved, and a new tobacco retailer's license for the Smoke Depot will not be issued, before **September 23, 2024**. Any additional violations of the County's Tobacco Product Control Ordinance during this period may further delay issuance of a tobacco retailer's license.

This decision may be appealed to the Board of Supervisors by filing a written notice of appeal with the Clerk of the Board of Supervisors, County Administration Building, 1025 Escobar Street, Martinez, California, within 30 days of the date this decision is served.

Date: 6/26/2024

Sefanit Mekuria  
Sefanit Mekuria, MD  
Medical Director,  
Deputy Health Officer  
Contra Costa County





EXHIBIT G

**TOBACCO RETAIL INSPECTION CHECKLIST**  
CONTRA COSTA COUNTY OFFICE OF THE SHERIFF  
TOBACCO ENFORCEMENT  
1980 MUIR ROAD, MARTINEZ, CA 94553  
925-313-2500

Date of Inspection: 3, 7, 25

The Tobacco Enforcement Unit is aimed to eliminate the illegal sale of tobacco products to minors within unincorporated Contra Costa County. The unit conducts periodic inspections of tobacco retailer establishments, responds to complaints, and partners with local, state and federal law enforcement agencies to address laws pertaining to the sale of tobacco to minors and tobacco related business activity. This checklist is intended to provide retailers a general understanding of what is reviewed during the inspection.

**PERMITS AND LICENSE REQUIREMENTS**

|   |          |   |          |
|---|----------|---|----------|
| Contra Costa County Business License?           | Yes / No | Is Business License Visible?                        | Yes / No |
| Contra Costa County Tobacco Retailer's License? | Yes / No | Is County Tobacco Retailer Permit Visible?          | Yes / No |
| California Cigarette & Tobacco Product License? | Yes / No | Is the California Tobacco Retailer License Visible? | Yes / No |
| California Tobacco Seller's Permit?             | Yes / No | Is Seller's Permit Visible?                         | Yes / No |
| Inventory List of Tobacco Products?             | Yes / No | Contra Costa County Health Permit?                  | Yes / No |

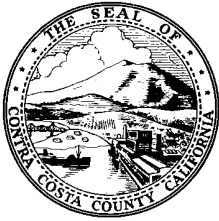
**SIGNAGE AND DISPLAYS****MERCHANDISE**

|  |  |
|--|--|
| <b>Yes / No - SIGN POSTING REQUIREMENT MET?</b><br>Every store that sells tobacco must post a boldly printed, contrasting-color sign in a conspicuous place at each point of purchase, saying that tobacco products may not be sold to minors. The sign must include 1-800-5ASK-4-ID (STAKE Act signs). [CA Business & Professions Code Sections 22952, 22956 (Stake Act); CA Code of Regulations, Title 17, Section 6902(a), CA Penal Code 308(c)].   | <b>Yes / No - DO CIGARILLOS/LITTLE CIGARS OR TOBACCO PRODUCTS MEET MINIMUM PACKAGE SIZE OF 10?</b><br>Unpackaged or packages of smokeless tobacco may not be distributed, sold, or offered for sale in packages that are smaller than those distributed by the manufacturer for individual use [Contra Costa County Ordinance 445-6.010] |
| <b>Yes / No - ARE ELECTRONIC SMOKING DEVICES OR E-LIQUIDS SOLD?</b><br>Only Vaping devices that have a premarket review order issued under Section 387(c)(1)(A)(i) of Title 21 of the U.S. Code. [Contra Costa County Ordinance 445-6.014]   | <b>Yes / No - ARE CIGARS A MINIMUM OF \$5.00 U.S. DOLLARS?</b><br>[Contra Costa County Ordinance 445-6.010]  |
| <b>Yes / No - IS STOREFRONT ADVERTISING IN COMPLIANCE?</b><br>No more than 33% of the square footage of windows and clear glass doors of a business establishment may be covered [CA Business & Professions Code Sections 25612].  | <b>Yes / No - ARE ANY FLAVORED TOBACCO PRODUCTS PRESENT?</b><br>It is unlawful for any type of flavored tobacco product (fruity, liquor flavor, mint/menthol) to be sold in Contra Costa County, playgrounds, or libraries [Contra Costa County Ordinance 445-6.006].  |
| <b>Yes / No - IS DRUG PARAPHERNALIA KEPT, DISPLAYED, OR OFFERED IN ANY MANNER?</b><br>"Drug Paraphernalia" means all equipment, products, and materials of any kind which are intended for use or designed for use in planting, cultivating, growing manufacturing, producing, processing, preparing, testing, analyzing, packaging, storing, concealing, injecting, ingesting, inhaling, or introducing into the human body a controlled substance as defined in Section 11364.5(d) Health & Safety Code. | <b>Yes / No - ARE CANNABIS PRODUCTS SOLD?</b><br>A business that sells tobacco or alcohol cannot sell or offer to sell any cannabis products [Contra Costa County Ordinance 2018-18, § 3, 6-26-18].  |
| <b>Yes / No - DOES IT MEET MINIMUM REQUIREMENTS?</b><br>No person or business may place advertising for blunt wraps lower than four (4) feet above the floor. No person or business offering blunt wraps for sale may place blunt wrap advertising within (2) feet of a candy, snack, or nonalcoholic beverage display [CA Penal Code Section 308; CA Business & Professions Code Section 22962 (STAKE Act)].  | Business Address: <u>3770 SAN PABLO DAM RD</u><br><u>EL SOBRANTE CA 94803</u><br>Clerk Name: <u>BAZEL ALQADHI</u><br>Owner Name: <u>AHMAD</u>  |
| Refusal of inspection is in violation of 22980(b) B&P and shall be punished by a fine not to exceed five thousand dollars (\$5,000), or imprisonment not exceeding one year in a county jail or both the fine and imprisonment.<br>Refusal Signature: _____  | Signature (Job Title): <u>[Signature]</u><br>Officer / ID#: <u>CA 1 77482</u>  |

Notes:

Business is responsible for amending the above violated requirements by 3, 17, 25  
WHITE COPY: Contra Costa County Sheriff's Office  
YELLOW COPY: Business  
CCCSO TBE Inspection Checklist Form 03/2023





# Department of Conservation and Development

## County Zoning Administrator

**Monday, July 7, 2025 – 1:30 P.M.**

### STAFF REPORT

Agenda Item # \_\_\_\_\_

|  |  |
|--|--|
| <b>Project Title:</b>                                      | Revocation of Legal-Nonconforming Status of Tobacco Retailing Use for Smoke Depot in El Sobrante                                   |
| <b>County File:</b>  | CDSE22-00009   |
| <b>Applicant:</b>  | Ahmed Dubaih   |
| <b>Owner:</b>  | Matthew Pourabedin   |
| <b>Zoning/General Plan:</b>                                | Planned Unit District (P-1) / Mixed-Use Low Density (MUL)  |
| <b>Site Address/Location:</b>                              | 3770 San Pablo Dam Road, El Sobrante, CA 94803<br>APN: 420-140-035   |
| <b>California Environmental Quality Act (CEQA) Status:</b> | Categorical Exemption, CEQA Guidelines Section 15321, Categorical Exemptions, Class 21: Enforcement Actions by Regulatory Agencies |
| <b>Project Planner:</b>                                    | Everett Louie, Planner III (925) 655-2873 and<br>email: Everett.louie@dcd.cccounty.us  |
| <b>Staff Recommendation:</b>                               | Revoke legal nonconforming status of tobacco retailing use (See Section II for Full Recommendation)                                |

### **I. PROJECT SUMMARY**

A hearing to consider if cause exists to revoke the legal non-conforming status for a tobacco retailing use located at 3770 San Pablo Dam Road in El Sobrante ("Subject Property"), known as Smoke Depot. In accordance with Section 26-2.2022 of the County Ordinance Code, the causes for revocation are as follows:

- (a) A failure to comply with the terms, limitations and condition of the permit;
- (b) The property is being used or maintained in violation of the zoning code;



- (c) The use for which the permit was granted has been so exercised as to be detrimental to the public health or safety or as to constitute a nuisance; and
- (d) A license required for the conduct of the business on the premises covered by the permit has been suspended or revoked.

Revocation of the legal non-conforming status for tobacco retailing from the Subject Property would require any future tobacco retailing from the Subject Property to comply with the current provisions of the County Tobacco Retailing Businesses Ordinance (Chapter 88-26). Because the subject property is located within 500 feet from three other tobacco retailers (ARCO at 3753 San Pablo dam Road; Food Stop at 3800 San Pablo Dam Road, Suite A; Jay Vee Liquor at 3640 San Pablo Dam Road.[school/park/other tobacco retailer], the Subject Property does not comply with the location requirements of the Tobacco Retailing Businesses Ordinance. As a result, revocation of the legal non-conforming status would prevent Smoke Depot, or any other tobacco retailing business located at 3770 San Pablo Dam Road in El Sobrante, from obtaining zoning approval for a tobacco retailing business in accordance with the Tobacco Retailing Businesses Ordinance, and would preclude the issuance of a tobacco retailers license from the County Health Department.

## **II. RECOMMENDATION**

The Department of Conservation and Development, Community Development Division (CDD) staff recommends that the Zoning Administrator:

- A. OPEN the public hearing on the revocation of the legal non-conforming status for tobacco retailing use at the Subject Property RECEIVE testimony, and CLOSE the public hearing.
- B. REVOKE the legal non-conforming tobacco retailing use established under County File CDSE22-00009, based on the attached Findings.
- C. DETERMINE that the revocation of the legal non-conforming status is categorically exempt from CEQA under Section 15321, of the CEQA Guidelines.
- D. DIRECT staff to file a Notice of Exemption with the County Clerk.

## **III. GENERAL INFORMATION**

- A. General Plan – The subject property land use designation is Mixed-Use Low Density (MUL) General Plan Land Use designation.
- B. Zoning District – The Subject Property is zoned Planned Unit District (P-1).

C. California Environmental Quality Act (CEQA) – The revocation of the legal non-conforming status is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321, Categorical Exemptions, Class 21: Enforcement Actions by Regulatory Agencies, of the State CEQA Guidelines, which applies to actions by regulatory agencies to revoke an entitlement for a use issued by the County. Section 15321 exempts actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered by the regulatory agency (County). Here, the County proposes to revoke a land use entitlement in the form of the legal non-conforming status for a tobacco retailing use at the Subject Property.

D. Prior DCD Files Related to the Property:

1. CDSE22-00009: A determination letter dated January 25, 2023, from Contra Costa County, Department of Conservation and Development determining that the retailing of tobacco products at the Subject Property is considered a legal nonconforming use under Section 88-26.406 of the County's Tobacco Retailing Business Ordinance (Chapter 88-26). (**Attachment B**.)
2. CDSE24-00006: An El Sobrante Administrative Permit to replace the copy/visual image of an existing roof mounted sign for "Smoke Depot" was approved on July 23, 2024.

**IV. SITE/ AREA DESCRIPTION**

The nonconforming tobacco retailing business is located at 3770 San Pablo Dam Road in the El Sobrante area of Contra Costa County (Subject Property) and is currently being operated under the business name Smoke Depot. The building is single story retail structure located on a 0.71-acre parcel which fronts on San Pablo Dam Road. There are two other buildings located on the Subject Property including a church and restaurant. All the buildings are separated by a parking lot which provides parking for all three uses. The parcel is approximately 102 feet west of the San Pablo Dam and Hillcrest Road intersection. The parcel is located within 500 feet of three other tobacco retailers on San Pablo Dam Road.

**V. BACKGROUND**

Jasmine Gifts and Tobacco operated continuously at the property since 1986. According to a Business Bill of Sale (Purchase Agreement) submitted with County File CDSE22-00009, the Jasmine Gifts & Tobacco business, was sold on May 20, 2022 and renamed Smoke Depot. Tobacco retailer's licenses are nontransferable. (Ordinance Code, Section

445-10.010(c).) Because tobacco retailer's licenses are nontransferable, Smoke Depot was required to apply for and obtain a new valid tobacco retailer's license.

On December 9, 2022, an application was submitted to the Department of Conservation and Development for a proposed tobacco retailing business to be located at the Subject Property. In a determination letter dated January 25, 2023, the County determined that the retailing of tobacco products at the subject property was considered a legal nonconforming use under Chapter 88-26.406 of the County's Tobacco Retailing Business Ordinance (Chapter 88-26). (See **Attachment B** - CDSE22-00009 Determination Letter). The legal nonconforming determination authorized the applicant to apply for a tobacco retailers license from the County Health Department, but a valid tobacco retailer's license was never obtained nor issued.

Nonetheless, Smoke Depot began to sell tobacco and tobacco products from the premises without having obtained a new and valid tobacco retailer's license from the County Health Department. In or around November 2022, the County began receiving complaints from community members alleging illegal activities occurring at Smoke Depot, including the sale of prohibited tobacco products and unlicensed cannabis sales. To verify these complaints, the Contra Costa County Sheriff's Department (Sheriff) conducted an inspection on November 9, 2022 and confirmed that (i) Smoke Depot was selling tobacco products despite not holding a valid County tobacco retailer's license, and (ii) Smoke Depot was selling illegal tobacco and other products. (See **Attachment C** – Sheriff's Inspection Report ). Staff notes that the inspection reports incorrectly state that Smoke Depot had obtained a tobacco retailer's license; but that is incorrect. The County Health Department has confirmed that no valid tobacco retailer's license was ever obtained or issued for Smoke Depot at the Subject Property. See **Attachment E**.

Between 2023 and 2024, the County Health Department contacted Smoke Depot numerous times advising Smoke Depot on the County's Tobacco Retailing Ordinance and informing Smoke Depot of the need to obtain a new valid tobacco retail license. Smoke Depot applied for a tobacco retail license, but did not discontinue selling prohibited tobacco products while their application was processing. At no point did Smoke Depot receive a new valid tobacco retail license from the County Health Department. As a result of Smoke Depot's illegal tobacco sales, the County Health Department cited Smoke Depot for operating a tobacco retail business without a valid tobacco retail license and for selling prohibited tobacco products and other illegal contraband.

On January 27, 2023, the County Health Department issued an Administrative Penalty Notice of Fine to Smoke Depot for violations including operating without a valid tobacco retailer's license, for selling illegal tobacco products, and inadequate signage required to protect minors. See **Attachment G**. The Notice of Fine became a final administrative order when it was not appealed by Smoke Depot.

On April 24, 2024, the County Health Department issued Smoke Depot a Notice of Suspension Hearing for Smoke Depot's pending tobacco retail license application. (**Attachment D**.) On June 11, 2024, Contra Costa Health Department held the Suspension Hearing. At the Suspension Hearing, Dr. Sefanit Mekuria, the Contra Costa County Medical Director and the Deputy Health Officer, determined that Smoke Depot had been operating without obtaining a new, valid tobacco retailer's license and that illegal tobacco products were being sold from the Subject Property. As a result, the Public Health Director suspended the processing of Smoke Depot's current tobacco retail license application and prohibited all tobacco retailing at the Subject Property. On June 26, 2024, a written Notice of Decision was sent to the Smoke Depot informing them of the decision and appeal instructions. (See **Attachment E**). No appeal was filed within 30 days of the Contra Costa Health Department's decision, and the decision became final. A detailed timeline of the County Health Department's communications with and enforcement actions related to Smoke Depot is attached as **Attachment H**.

## **VI. STAFF ANALYSIS:**

When cause can be shown, Chapter 26-2 of the County Ordinance Code allows the Department of Conservation and Development to revoke a land use entitlement, with issuance of written findings, following a public hearing. County Ordinance Code, Section 26-2.2022, provides that a land use entitlement may be revoked based on specific grounds provided in the code. The grounds for revocation along with the required findings are provided below.

Required Finding #1: Failure to comply with any term, limitation or condition of the permit.

Finding #1: County File #CDSE22-00009 determined that the retailing of tobacco products at the Subject Property was considered a legal non-conforming use and established that Smoke Depot would need to abide by County Ordinance Code Section 88-26.406(b), which governs nonconforming tobacco retailing uses. Section 88-26.406(b) requires all nonconforming tobacco retailing uses to maintain a valid tobacco retailer's license and that the nonconforming tobacco retailing use may not be increased, enlarged, or expanded.

First, Smoke Depot failed to obtain a tobacco retailer's license and as such, did not comply with the requirement. Since January 2023, the Health Department has issued multiple notices determining that Smoke Depot was operating without obtaining a new, valid tobacco retailer's license, including a Administrative Penalty Notice of Fine dated January 27, 2023, and a Notice of Decision dated June 26, 2024 following a suspension hearing. (See **Attachment G** – Notice of Fine; see also

**Attachment D** - Contra Costa Health Notice of Suspension Hearing, April 24, 2024; see also **Attachment E** - Contra Costa Health Notice Of Decision, June 26, 2024). Failure to obtain and maintain a valid tobacco retailer's license is a failure to comply with the conditions of maintaining a legal non-conforming status for a tobacco retailing use under CDSE22-0009 and Ordinance Code, Section 88-26.406(b).

Second, Smoke Depot actively expanded the tobacco products sold onsite to include prohibited items such as flavored tobacco products, other prohibited Tobacco products, and illegal contraband. Sheriff department citations from November 9, 2022, April 18, 2024, March 7, 2025, and April 29, 2025 (**Attachment C**) and Health Department site inspection records from April 18, 2024 (**Attachment F**) cite the following violations by Smoke Depot related to products sold at the Subject Property:

- a. Selling flavored tobacco products, including menthol cigarettes, in violation of County Ordinance Code, Section 445-6.006.
- b. Selling small pack of cigars in violation of County Ordinance Code, Section 445-6.010.
- c. Selling single cigars in violation of County Ordinance Code, Section 445-6.010.
- d. Selling electronic smoking devices in violation of County Ordinance Code, Section 445-6.014.
- e. Selling drug paraphernalia, including mushrooms and cannabis in violation of County Ordinance Code, Section 445-10.018(a); 21 U.S. Code, Section 863; Cal. Health and Saf. Code, Sections 11364.5 and 11377.

Each of these violations is in direct violation of CDSE22-0009 and Ordinance Code, Section 88-26.406(b) which prohibits the expansion of the nonconforming tobacco retailing use. Therefore, County Staff recommends the Zoning Administrator revoke the legal non-conforming status for tobacco retailing use at the Subject Property.

Required Finding #2: The property or portion thereof subject to the permit is used or maintained in violation of any requirement of this code.

Finding #2: CDSE22-00009 and County Ordinance Code Section 88-26.406(b) require Smoke Depot to maintain a valid tobacco retailer's license in order to maintain its legal non-conforming status. Evidence submitted by the Health Department (**Attachment D**, **Attachment E**, and **Attachment F**) and Sheriff's Department (**Attachment C**) indicate that Smoke Depot was operating without a valid tobacco retailer's license and conducting the sale of prohibited or illegal tobacco and cannabis products. Thus, Smoke Depot was in direct violation of County Code 88-26.406(b). Additionally, the Health Department and Sheriff cited Smoke Depot on multiple occasions for violations of the County's Secondhand

Smoke and Tobacco Product Control Ordinance (Division 445 of the County Ordinance Code). Specifically, Smoke Depot has been cited for the following violations:

- a. Selling flavored tobacco products, including menthol cigarettes, in violation of County Ordinance Code, Section 445-6.006.
- b. Selling small pack of cigars in violation of County Ordinance Code, Section 445-6.010.
- c. Selling single cigars in violation of County Ordinance Code, Section 445-6.010.
- d. Selling electronic smoking devices in violation of County Ordinance Code, Section 445-6.014.
- e. Selling drug paraphernalia, including mushrooms and cannabis in violation of County Ordinance Code, Section 445-10.018(a); 21 U.S. Code, Section 863; Cal. Health and Saf. Code, Sections 11364.5 and 11377.

Therefore, County Staff recommends the Zoning Administrator revoke the nonconforming tobacco retailing status for Smoke Depot.

Required Finding #3: The use for which the permit was granted has been so exercised as to be detrimental to the public health or safety or as to constitute a nuisance.

Finding #3: Violations of the County Code may be detrimental to public health and safety as the Ordinance Code exists to maintain public health and safety by requiring compliance with relevant regulations. Failure to abide by the Ordinance Code may create unsafe situations or public nuisances for members of the public. Smoke Depot was cited numerous times for violations to County Ordinance Code 445-6 (County's Tobacco Retail Sales Ordinance) for the following:

- Retailing tobacco without a valid tobacco retailer's license – Violation of 445-10.010(c) and 88-26.406(b). (See **Attachments D and E**).
- Flavored Tobacco Products on display and offered for sale – Violation of 445-6.006. (See **Attachment F** – Health Department Site Visit Photos for photo evidence and **Attachment C** – Sheriff's Inspection Report).
- Menthol Cigarettes on display and offered for sale – Violation of 445.6.006. (See **Attachment F** – Health Department Site Visit Photos for photo evidence).
- Electronic smoking devices on display and offered for sale – violation of 445-6.014. (See **Attachment C** and **Attachment F** – Health Department Site Visit Photos for photo evidence).

The operation of a tobacco business without a tobacco retailer's license in Contra Costa County directly violates all ordinances put in place to maintain the health

and safety of the public and therefore is considered to be detrimental to the public health and safety. Thus, County Staff recommends the Zoning Administrator revoke the nonconforming tobacco retailing use for Smoke Depot.

Required Finding #4: A license required for the conduct of the business on the premises covered by the permit has been suspended or revoked.

Finding #4: In order for a retailer, individual, or entity to conduct tobacco retailing in the unincorporated area of Contra Costa County, the retailer, individual, or entity must first obtain and maintain a valid tobacco retailer's license from Contra Costa County for the location where tobacco retailing is being conducted. On April 24, 2024, Contra Costa Health issued a Notice of Suspension Hearing for Smoke Depot. (**Attachment D**). The Notice cited multiple violations of the tobacco retailer's license ordinance and informed Smoke Depot that the Public Health Director will hold a License Suspension Hearing on June 11, 2024. At the June 11, 2024, License Suspension Hearing, the Contra Costa County Medical Director and Deputy Health Officer determined that Smoke Depot was operating without a new, valid tobacco retailer's license, in direct violation of the County Ordinance Code, Section 445-10.002. Accordingly, the Public Health Director suspended Smoke Depot's application for a new tobacco retailer's license and ordered the immediate cessation of all retailing of tobacco products at the Subject Property. (**Attachment E**.) Despite the Public Health Director's order, Smoke Depot has continued to sell tobacco products at the Subject Property. (**Attachment C**.) Therefore, County Staff recommends the Zoning Administrator revoke the nonconforming tobacco retailing use for Smoke Depot.

#### **A. Violation of Chapter 88-26 – Tobacco Retailing Businesses**

Smoke Depot, located at 3770 San Pablo Dam Road in El Sobrante, California, is a tobacco retailing business located within 500 feet of another tobacco retailing business, and within 1,000 feet of a school, park and playground, contrary to the provisions of Sections 88-26.402(a) and (b). However, because Smoke Depot existed under a different name and ownership (Jasmine Gifts & Tobacco), as a lawful tobacco retailing business prior to 2017 when the relevant Ordinance Code chapter became effective, DCD previously determined, under County File CDSE22-00009, that the retailing of tobacco products at the subject property was considered a legal nonconforming use where tobacco retailing of normal tobacco products were sold. Smoke Depot's legal nonconforming status is considered a form of special permit as it allows it to operate at the current location despite its nonconformance with the County Ordinance Code's tobacco retailing business location restrictions.

Nonconforming tobacco retailing use is subject to the County Ordinance Code, Section 88-26.406(b), which requires a nonconforming tobacco retailer to "maintain in full force



and effect all applicable permits and licenses, including a County tobacco retailer's license." Smoke Depot violated County Ordinance Code, Section 88-26.406(b) because Smoke Depot was operating the establishment without obtaining a new, valid tobacco retailer's license. Evidence of non-compliance include **Attachment D** (Contra Costa Health Notice of Suspension Hearing) which identified that the Subject Property does not have a valid County tobacco retailer's license. Furthermore, Smoke Depot was also identified as operating without a new, valid County tobacco retailer's license in **Attachment E** (– Contra Costa Health Notice of Decision). Staff included the relevant section from the Notice of Decision below (Box 1.1) which states that Smoke Depot has not maintained in full force and effect a valid tobacco retailer's license with the Contra Costa County Health Services.

**Box 1.1**

After considering the testimony and evidence, the Director makes the following factual findings:

1. The above-named retailer purchased the Smoke Depot, located at 3770 San Pablo Dam Road, El Sobrante, CA, in or around August 2023 and has been operating the Smoke Depot without obtaining a new, valid tobacco retailer's license. It is

Smoke Depot also violated County Ordinance Code, Section 88-26.406(b), which states "the nonconforming tobacco retailing use may not be increased, enlarged or expanded." As stated in CDSE22-00009, Smoke Depot was determined to only be allowed to retail tobacco products as defined under 445-2.006(u). However, Smoke Depot increased, enlarged and expanded the tobacco products sold at the business to exceed the definition of "tobacco product" as listed in the County Ordinance Code. In the April 18, 2024, site visit performed by the Health Department, Health Department Staff identified that Smoke Depot had expanded its retail sales to include the following tobacco related items: (Photos can be found in **Attachment F** – Health Department Site Visit Photos 4.18.2024).

- Flavored tobacco products. (not allowed under County Ordinance Code, Section 445-6.006);
- Menthol Cigarettes. (not allowed under County Ordinance Code, Section 445-6.006);
- Electronic smoking devices and e-liquids. (not allowed under County Ordinance Code, Section 445-6.014).

Because Smoke Depot is in direct violation with County Code Section 88-26.406(b) (requiring retailers to maintain a valid County tobacco retailer's license with the Contra Costa County Health Services) and because Smoke Depot has increased, enlarged and

expanded the tobacco retailing use including selling flavored tobacco products, menthol cigarettes and electronic tobacco smoking devices, Smoke Depot no longer qualifies as a nonconforming tobacco retailing use.

## **VII. CONCLUSION**

Based on the evidence provided in this Staff Report and associated attachments, revocation findings, and evidence discovered during inspections by County Staff, the Department of Conservation and Development Staff recommends that the Zoning Administrator revoke the nonconforming tobacco retailing use located at 3770 San Pablo Dam Road in El Sobrante pursuant to the findings in **Attachment A**. Furthermore, Staff has determined that the use has been exercised as to be detrimental to the public health, safety, and welfare, and the manner of operation is creating a public nuisance.

### Attachments:

- Attachment A – Revocation Findings
- Attachment B – CDSE22-00009 Determination Letter
- Attachment C – Sheriff’s Inspection Report
- Attachment D – Contra Costa Health Notice of Suspension Hearing, April 24, 2024
- Attachment E - Contra Costa Health Notice Of Decision, June 26, 2024
- Attachment F – Health Department Site Visit Photos 4.18.2024
- Attachment G – Administrative Notice Of Fine
- Attachment H – County Health Department Timeline

**Department of  
Conservation and  
Development**

30 Muir Road  
Martinez, CA 94553

Phone: 1-855-323-2626

**Contra  
Costa  
County**



**John Kopchik**  
Director

**Aruna Bhat**  
Deputy Director

**Jason Crapo**  
Deputy Director

**Maureen Toms**  
Deputy Director

**Deidra Dingman**  
Deputy Director

**Gabriel Lemus**  
Asst. Deputy Director

January 25, 2023

Smoke Depot  
3770 San Pablo Dam Road  
El Sobrante, CA 94803

**RE: Updated Zoning Determination for Tobacco Retailer (Smoke Depot)**  
**Site Address: 3770 San Pablo Dam Road, El Sobrante, CA 94803**  
**County File #CDSE22-00009 APN: 420-140-035 (Zoning: P-1/GP: M-13)**

Dear Smoke Depot:

This letter is in response to an El-Sobrante P-1 administrative review request submitted to the Department of Conservation and Development on December 9, 2022, for a proposed tobacco retailing business to be located at 3770 San Pablo Dam Road in the El Sobrante area.

The establishment of a proposed tobacco retailing business (Smoke Depot) at the property identified above has been reviewed for compliance with County zoning regulations. The zoning determination of the Department of Conservation & Development is provided below.

**El Sobrante P-1 (Planned Unit) District Zoning Consistency**

The Department of Conservation and Development, Community Development Division (CDD), has determined that, based on the application materials submitted on December 9, 2022, the proposed retail business (Smoke Depot) is a permitted use within the San Pablo Dam Road Mixed Use (M-13) Land Use District and is consistent with the intent and purpose of the El Sobrante P-1.

**Tobacco Retailing Businesses Ordinance (Ord. 88-26)**

Based on additional information submitted to CDD on January 24, 2023, it has been shown that the subject property, 3770 San Pablo Dam Road in El Sobrante, was established as a tobacco retailer since at least December 1, 1986, operating as Jasmine Gifts & Tobacco. Historical business license and tobacco retail licenses for Jasmine Gifts & Tobacco were provided as evidence showing that both licenses have been maintained for the site up to the current date. Thus, the retailing of

tobacco products at the subject property is considered a nonconforming use under Chapter 88-26.406 of the County's Tobacco Retailing Businesses Ordinance (Chapter 88-26).

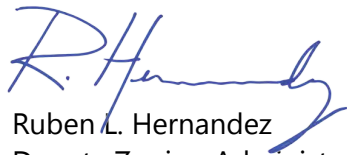
Please note that no evidence has been submitted to the Department of Conservation and Development that indicate that 3770 San Pablo Dam Road was operating as a *"significant tobacco retailing business"*. Therefore, the establishment of a significant tobacco retailing business is not allowed at this location. County Ordinance Code 88-26.204 defines a significant tobacco retailing business as follows: *"...any tobacco retailing business for which twenty percent or more of floor or display area is devoted to tobacco products, tobacco paraphernalia, or both."*

Additionally, no signage was reviewed or approved within this determination letter. Any proposed signage will be subject to the review and approval by the Department of Conservation and Development.

Please be aware that this determination letter does not constitute a building permit for any tenant improvements. Additionally, this approval does not constitute a business license. It is the responsibility of the business owner to obtain a business license from the County prior to engaging in commercial activities at the subject property. Attached hereto is a property use verification form needed to obtain your business license from the County Tax Collector.

If you have any additional questions, you may contact the project planner, Everett Louie at [everett.louie@dcd.cccounty.us](mailto:everett.louie@dcd.cccounty.us) or at (925) 655-2873.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Hernandez', is written over the printed name.

Ruben L. Hernandez  
Deputy Zoning Administrator

Cc: County File #CDSE22-00009  
Monica Marquez [monica.marquez@cchealth.org](mailto:monica.marquez@cchealth.org)

Attach: Property Use Verification Form





Date of Inspection: 11/9/22  
DO 14M

The Tobacco Enforcement Unit is aimed to eliminate the illegal sale of tobacco products to minors within unincorporated Contra Costa County. The unit conducts periodic inspections of tobacco retailer establishments, responds to complaints, and partners with local, state and federal law enforcement agencies to address laws pertaining to the sale of tobacco to minors and tobacco related business activity. This checklist is intended to provide retailers a general understanding of what is reviewed during the inspection.

HAVEN'T GOT ONE  
APPLIED FOR ONE

### PERMITS AND LICENSE REQUIREMENTS

|   |                 |   |                 |
|---|-----------------|---|-----------------|
| Contra Costa County Business License?           | Yes / <u>No</u> | Is Business License Visible?                        | Yes / <u>No</u> |
| Contra Costa County Tobacco Retailer's License? | <u>Yes</u> / No | Is County Tobacco Retailer Permit Visible?          | <u>Yes</u> / No |
| California Cigarette & Tobacco Product License? | <u>Yes</u> / No | Is the California Tobacco Retailer License Visible? | <u>Yes</u> / No |
| California Tobacco Seller's Permit?             | <u>Yes</u> / No | Is Seller's Permit Visible?                         | <u>Yes</u> / No |
| Inventory List of Tobacco Products?             | Yes / <u>No</u> | Contra Costa County Health Permit                   | Yes / <u>No</u> |

### SIGNAGE AND DISPLAYS

Yes / No - **SIGN POSTING REQUIREMENT MET?**  
Every store that sells tobacco must post a boldly printed, contrasting-color sign in a conspicuous place at each point of purchase saying that tobacco products may not be sold to minors. The sign must include 1-800-5ASK-4-ID (STAKE Act signs). [Ca Business & Professions Code Sections 22952, 22956 (STAKE Act); CA Code of Regulations, Title 17, Section 6902(a), CA Penal Code Section 308(c).]

Yes / No - **ARE THERE SELF-SERVICE SALES?**  
It is unlawful to sell, offer for sale, or display any tobacco product or paraphernalia through a self-service display, which is accessible to the public without assistance of the clerk. For sale in packages of fewer than 20 cigarettes. [CA Business & Professions Code Section 22960, 22962 (STAKE Act), CCC Ord. 445-6.002]

Yes / No - **ARE THERE VENDING MACHINES?**  
Tobacco products may not be sold, offered for sale, or distributed from vending machines. [Ca Business & Professions Code 22960, 22958, 22957 (STAKE Act).]

Yes / No - **IS STOREFRONT ADVERTISING IN COMPLIANCE?**  
No more than 33% of the square footage of windows and clear glass doors of a business establishment may be covered. [CA Business & Professions Code Sections 25612]. - WARNED

Yes / No - **IS THERE BLUNT WRAP ADVERTISING DISPLAY?**

Yes / No - **DOES IT MEET MINIMUM REQUIREMENTS?**  
No person or business may place advertising for blunt wraps lower than four (4) feet above the floor. No person or business offering blunt wraps for sale may place blunt wrap advertising within two (2) feet of a candy, snack, or nonalcoholic beverage display. [CA Penal Code Section 308; CA Business & Professions Code Section 22962 (STAKE Act)].

Refusal of inspection is in violation of 22980(b) B&P and shall be punished by a fine not to exceed five thousand dollars (\$5,000), or imprisonment not exceeding one year in a county jail or both the fine and imprisonment.

### MERCHANDISE

Yes / No - **ARE SINGLE CIGARETTES PRESENT?**  
No person shall sell one or more cigarette other than in the sealed and properly labeled package of the manufacturer or importer, which conform to Federal labeling requirements, including the Federal warning labeling [CA Penal Code Sections 308.2]. - WARNED ABOUT SELLING PACKS OF 2 BUSHER SWEETS / CIGARETTES

Yes / No - **IS MINIMUM CIGARETTE PACK SIZE MET?**  
Cigarettes may not be distributed, sold offered for sale in packages of fewer than 20 cigarettes. Roll-your-own tobacco may not be distributed, sold, or offered for sale in a package containing less than 0.60 Ounces of tobacco. [CA Penal Code Sections 308.3; 21 CFR 1140.14].

Yes / No - **DO CIGARETTES OR TOBACCO PRODUCTS MEET MINIMUM PACKAGE SIZE?**  
Unpackaged or packages of smokeless tobacco may not be distributed, sold, or offered for sale in packages that are smaller than those distributed by the manufacturer for individual use. [21 CFR 1140.14].

Yes / No - **ARE BIDIS PRESENT?**  
It is unlawful to sell, offer to sell, distribute, or import Bidis, defined as products containing tobacco wrapped temburni leaf or tendu leaf. [CA Penal Code 301.1].

Yes / No - **IS FLAVORED TOBACCO PRESENT?**  
It is unlawful for any type of flavored tobacco product (Menthol is permitted) to be sold in Contra Costa County within 1,000 feet of schools, parks, playgrounds, or libraries. [CCC Ord. 445-6.006] DOCB FLAVORED?

Yes / No - **IS DRUG PARAPHERNALIA KEPT, DISPLAYED, OR OFFERED IN ANY MANNER?** Removed from counter  
"Drug Paraphernalia" means all equipment, products, and materials of any kind which are intended for use or designed for use in planting, cultivating, growing manufacturing, producing, processing, preparing, testing, analyzing, packaging, storing, concealing, injecting, ingesting, inhaling, or introducing into the human body a controlled substance as defined in Section 11364.5(d) H&S.

Business / Address: SMOKE DEROT  
3770 SAN ANTONIO RD. EL SOBRANTE, CA  
Clerk / Owner Name: PAWAN KUMAR  
Clerk / Owner Signature: \_\_\_\_\_ ID#: 76164





**TOBACCO RETAILER INSPECTION CHECKLIST**  
 CONTRA COSTA COUNTY OFFICE OF THE SHERIFF  
 TOBACCO ENFORCEMENT  
 1880 MUIR ROAD, MARTINEZ, CA 94555  
 925-313-2500

Date of inspection: 4, 18, 24

The Tobacco Enforcement Unit is aimed to eliminate the illegal sale of tobacco products to minors within unincorporated Contra Costa County. The unit conducts periodic inspections of tobacco retailer establishments, responds to complaints, and partners with local, state and federal law enforcement agencies to address laws pertaining to the sale of tobacco to minors and tobacco related business activity. This checklist is intended to provide retailers a general understanding of what is reviewed during the inspection.

**PERMITS AND LICENSE REQUIREMENTS**

|   |                         |   |                 |
|---|-------------------------|---|-----------------|
| Contra Costa County Business License?           | Yes / <u>No</u>         | Is Business License Visible?                        | Yes / <u>No</u> |
| Contra Costa County Tobacco Retailer's License? | <u>Yes</u> / No         | Is County Tobacco Retailer Permit Visible?          | <u>Yes</u> / No |
| California Cigarette & Tobacco Product License? | Yes / No                | Is the California Tobacco Retailer License Visible? | Yes / No        |
| California Tobacco Seller's Permit?             | <u>EXPIRED</u> Yes / No | Is Seller's Permit Visible?                         | <u>Yes</u> / No |
| Inventory List of Tobacco Products?             | <u>Yes</u> / No         | Contra Costa County Health Permit?                  | Yes / No        |

**SIGNAGE AND DISPLAYS**

**MERCHANDISE**

**Yes / No - SIGN POSTING REQUIREMENT MET?**

Every store that sells tobacco must post a boldly printed, contrasting-color sign in a conspicuous place at each point of purchase, stating that tobacco products may not be sold to minors. The sign must include 1-800-5A50K-4-3D (STAKE Act signs) [CA Business & Professions Code Sections 22952, 22956 (Stake Act) CA Code of Regulations, Title 17, Section 6902(a), CA Penal Code 306(c)]

**No - DO CIGARILLOS/LITTLE CIGARS OR TOBACCO PRODUCTS MEET MINIMUM PACKAGE SIZE OF 10?**

Unpackaged or packages of smokeless tobacco may not be distributed, sold, or offered for sale in packages that are smaller than those distributed by the manufacturer for individual use [Contra Costa County Ordinance 445-6.010]

**Yes / No - ARE ELECTRONIC SMOKING DEVICES OR E-LIQUIDS SOLD?**

Only Vaping devices that have a premarket review order issued under Section 387(c)(1)(A)(i) of Title 21 of the U.S. Code [Contra Costa County Ordinance 445-6.014]

**Yes / No - ARE CIGARS A MINIMUM OF \$5.00 U.S. DOLLARS?**

[Contra Costa County Ordinance 445-6.010]

**Yes / No - IS STOREFRONT ADVERTISING IN COMPLIANCE?**

No more than 33% of the square footage of windows and clear glass doors of a business establishment may be covered [CA Business & Professions Code Sections 25612]

**Yes / No - ARE ANY FLAVORED TOBACCO PRODUCTS PRESENT?**

It is unlawful for any type of flavored tobacco product (fruity, liquor flavor, mint/menthol) to be sold in Contra Costa County, playgrounds, or libraries [Contra Costa County Ordinance 445-6.006]

**Yes / No - IS DRUG PARAPHERNALIA KEPT, DISPLAYED, OR OFFERED IN ANY MANNER?**

"Drug Paraphernalia" means all equipment, products, and materials of any kind which are intended for use or designed for use in planting, cultivating, growing, manufacturing, producing, processing, preparing, testing, analyzing, packaging, storing, concealing, injecting, ingesting, inhaling, or introducing into the human body a controlled substance as defined in Section 11364.5(d) Health & Safety Code

**Yes / No - ARE CANNABIS PRODUCTS SOLD?**

A business that sells tobacco or alcohol cannot sell or offer to sell any cannabis products [Contra Costa County Ordinance 2018-18, § 3, 6-26-18]

**Yes / No - DOES IT MEET MINIMUM REQUIREMENTS?**

No person or business may place advertising for blunt wraps lower than four (4) feet above the floor. No person or business offering blunt wraps for sale may place blunt wrap advertising within (2) feet of a candy, snack, or nonalcoholic beverage display [CA Penal Code Section 308; CA Business & Professions Code Section 22962 (STAKE Act)]

Business Address: 2770 SAN PABLO DAM RD  
EL SOBRANTE, CA

Clerk Name:

Owner Name:

PAULOS YOHANNES  
ISMAEL ALJALAL

Signature (Job Title):

DETECTIVE CESAR GUERRA

Officer / IDS:

77161

Official Signature:

05:

osa13770@gmail.com

Business is responsible for amending

WHITE COPY: Contra Costa County  
REVENUE & TAXATION  
24061A1

have violated requirements by

YELLOW COPY: Business





**TOBACCO RETAIL INSPECTION CHECKLIST**  
CONTRA COSTA COUNTY OFFICE OF THE SHERIFF  
TOBACCO ENFORCEMENT  
1980 MUIR ROAD, MARTINEZ, CA 94553  
925-313-2500

Date of Inspection: 3, 7, 25

The Tobacco Enforcement Unit is aimed to eliminate the illegal sale of tobacco products to minors within unincorporated Contra Costa County. The unit conducts periodic inspections of tobacco retailer establishments, responds to complaints, and partners with local, state and federal law enforcement agencies to address laws pertaining to the sale of tobacco to minors and tobacco related business activity. This checklist is intended to provide retailers a general understanding of what is reviewed during the inspection.

| PERMITS AND LICENSE REQUIREMENTS                    |          |
|---|----------|
| Contra Costa County Business License?               | Yes / No |
| Contra Costa County Tobacco Retailer's License?     | Yes / No |
| California Cigarette & Tobacco Product License?     | Yes / No |
| California Tobacco Seller's Permit?                 | Yes / No |
| Inventory List of Tobacco Products?                 | Yes / No |
| Is Business License Visible?                        | Yes / No |
| Is County Tobacco Retailer Permit Visible?          | Yes / No |
| Is the California Tobacco Retailer License Visible? | Yes / No |
| Is Seller's Permit Visible?                         | Yes / No |
| Contra Costa County Health Permit?                  | Yes / No |

**SIGNAGE AND DISPLAYS**

**MERCHANDISE**

☒ Yes / ☐ No – **SIGN POSTING REQUIREMENT MET?**  
Every store that sells tobacco must post a boldly printed, contrasting-color sign in a conspicuous place at each point of purchase, saying that tobacco products may not be sold to minors. The sign must include 1-800-5ASK-4-ID (STAKE Act signs). [CA Business & Professions Code Sections 22952, 22956 (Stake Act); CA Code of Regulations, Title 17, Section 6902(a), CA Penal Code 308(c)].

☒ Yes / ☐ No – **ARE ELECTRONIC SMOKING DEVICES OR E-LIQUIDS SOLD?**  
Only Vaping devices that have a premarket review order issued under Section 387(c)(1)(A)(i) of Title 21 of the U.S. Code. [Contra Costa County Ordinance 445-6.014]

Yes / ☒ No – **IS STOREFRONT ADVERTISING IN COMPLIANCE?**  
No more than 33% of the square footage of windows and clear glass doors of a business establishment may be covered [CA Business & Professions Code Sections 25612].

☒ Yes / ☐ No – **IS DRUG PARAPHERNALIA KEPT, DISPLAYED, OR OFFERED IN ANY MANNER?**  
"Drug Paraphernalia" means all equipment, products, and materials of any kind which are intended for use or designed for use in planting, cultivating, growing manufacturing, producing, processing, preparing, testing, analyzing, packaging, storing, concealing, injecting, ingesting, inhaling, or introducing into the human body a controlled substance as defined in Section 11364.5(d) Health & Safety Code.

☒ Yes / ☐ No – **DOES IT MEET MINIMUM REQUIREMENTS?**  
No person or business may place advertising for blunt wraps lower than four (4) feet above the floor. No person or business offering blunt wraps for sale may place blunt wrap advertising within (2) feet of a candy, snack, or nonalcoholic beverage display [CA Penal Code Section 308; CA Business & Professions Code Section 22962 (STAKE Act)].

☒ Yes / ☐ No – **DO CIGARILLOS/LITTLE CIGARS OR TOBACCO PRODUCTS MEET MINIMUM PACKAGE SIZE OF 10?**  
Unpackaged or packages of smokeless tobacco may not be distributed, sold, or offered for sale in packages that are smaller than those distributed by the manufacturer for individual use [Contra Costa County Ordinance 445-6.010]

☒ Yes / ☐ No – **ARE CIGARS A MINIMUM OF \$5.00 U.S. DOLLARS?**  
[Contra Costa County Ordinance 445-6.010]

☒ Yes / ☐ No – **ARE ANY FLAVORED TOBACCO PRODUCTS PRESENT?**  
It is unlawful for any type of flavored tobacco product (fruity, liquor flavor, mint/menthol) to be sold in Contra Costa County, playgrounds, or libraries [Contra Costa County Ordinance 445-6.006].

☒ Yes / ☐ No – **ARE CANNABIS PROUDCTS SOLD?**  
A business that sells tobacco or alcohol cannot sell or offer to sell any cannabis products [Contra Costa County Ordinance 2018-18, § 3, 6-26-18].

Business Address: 3770 SAN PABLO DAM RD  
EL SOBRANTE CA 94803

Clerk Name: BAZEL ALQADHI

Owner Name: AHMAD

Signature (Job Title): [Signature]

Officer / ID#: CA 1 77482

Refusal of inspection is in violation of 22980(b) B&P and shall be punished by a fine not to exceed five thousand dollars (\$5,000), or imprisonment not exceeding one year in a county jail or both the fine and imprisonment.

Refusal Signature:

Notes:





# CONTRA COSTA, COUNTY OFFICE OF THE SHERIFF

## CA0070000

1850 Muir Road, Martinez, CA 94553

Report Number  
**250004345**

Sup. No.  
**ORIG**

Beat  
**3**

Arrest?  
**No**

Domestic Viol?  
**No**

### Incident

|  |                           |                                |                             |                           |                                      |                                  |                                  |               |               |
|--|---------------------------|--------------------------------|-----------------------------|---------------------------|--------------------------------------|----------------------------------|----------------------------------|---------------|---------------|
| Report No.<br><b>250004345</b>           | Supp. No.<br><b>ORIG</b>  | Rpt. Date<br><b>04/29/2025</b> | Rpt. Time<br><b>19:39</b>   | Assignment<br><b>VSU</b>  | Status<br><b>Report To Follow</b>    | Confidential?<br><b>No</b>       | Empl. No / ID<br><b>AHERN005</b> |               |               |
| From Date<br><b>04/29/2025</b>           | From Time<br><b>19:39</b> | To Date                        | To Time                     | Use Of Force<br><b>NA</b> | Call Type<br><b>11359</b>            | CAD Call No.<br><b>251191013</b> |                                  |               |               |
| Location<br><b>3770 SAN PABLO DAM RD</b> |                           |                                |                             |                           | City<br><b>EL SOBRANTE</b>           | Zip                              |                                  |               |               |
| Evidence<br><b>No</b>                    | Finger Print<br><b>No</b> | Body Camera<br><b>No</b>       | Vehicle Camera<br><b>No</b> | Elder Abuse<br><b>No</b>  | Strang. or Suffoc. SB40<br><b>No</b> | Victim Response<br><b>No</b>     | Marsy's Law<br><b>No</b>         | Missing Value | Damaged Value |

### Offense

|                         |  |  |
|-------------------------|--|--|
| Offense No.<br><b>1</b> | Offense<br><b>HS11359(B) M 35A 35451</b> | Description<br><b>POSS MRJN For Sale-Drug/NARC OFS</b> |
|-------------------------|--|--|

### Cross Reference

No Cross Reference found

### Synopsis

This report is regarding a Tobacco Retail Inspection conducted at Smoke Depot in El Sobrante.

### Person

|                         |                       |                                    |                           |                        |                       |                          |                       |        |
|-------------------------|-----------------------|------------------------------------|---------------------------|------------------------|-----------------------|--------------------------|-----------------------|--------|
| Suspect                 | Invl. No.<br><b>1</b> | Name<br><b>ALQADHI,BAZEL SADEQ</b> | Type<br><b>Individual</b> | Dom. Vol.<br><b>No</b> | Juvenile<br><b>No</b> | DOB<br><b>09/25/2005</b> | Age<br><b>19</b>      | To Age |
|                         | Race<br><b>Other</b>  |                                    | Sex<br><b>Male</b>        | Height<br><b>509</b>   | To Height             | Weight<br><b>199</b>     | To Weight             |        |
|                         | Hair<br><b>Black</b>  |                                    | Eye<br><b>Brown</b>       | Skin<br><b>Brown</b>   | General Appearance    |                          | Build<br><b>Heavy</b> |        |
|                         | Hair Description      |                                    | Facial Features           |                        |                       |                          |                       |        |
|                         | Deformity             |                                    | Speech                    | Demeanor               | Mask                  | Glasses                  |                       |        |
|                         | Body Clothing         |                                    | Further Description       |                        |                       |                          |                       |        |
|                         | <b>Address</b>        |                                    |                           |                        |                       |                          |                       |        |
|                         | Address Type          |                                    | Location                  |                        | City                  |                          | State                 | Zip    |
|                         |                       |                                    |                           |                        |                       |                          |                       |        |
|                         | <b>Phone Number</b>   |                                    |                           |                        |                       |                          |                       |        |
|                         | Phone Type            |                                    | Phone Number              |                        |                       |                          |                       |        |
|                         |                       |                                    |                           |                        |                       |                          |                       |        |
|                         | <b>Email</b>          |                                    |                           |                        |                       |                          |                       |        |
|                         | Email Type            |                                    | Email Address             |                        |                       |                          |                       |        |
|                         |                       |                                    |                           |                        |                       |                          |                       |        |
| <b>ID Number</b>        |                       |                                    |                           |                        |                       |                          |                       |        |
| ID Number Type          |                       | ID Number                          |                           | License State          |                       |                          |                       |        |
| <b>Operator License</b> |                       | <b>Y2030561</b>                    |                           | <b>California</b>      |                       |                          |                       |        |

Distribution List  
**INVESTIGATION CAPTAIN**

Additional Routing

|  |   |   |
|--|---|---|
| Reporting Deputy (Print)<br><b>HERNANDEZ,AL</b>    | Date/Time Written<br><b>05/12/2025 15:50:08</b> | Disposition<br><b>Case Active</b>       |
| Approving Supervisor (Print)<br><b>RODIER,JEFF</b> | Supervisor ID.<br><b>68559</b>                  | Date/Time<br><b>05/13/2025 09:18:20</b> |



**CONTRA COSTA, COUNTY OFFICE OF THE SHERIFF**Report Number  
**250004345**Sup. No.  
**ORIG**

Page 2 of 3

Suspect

**SMT**

| Type | Code | Description |
|------|------|-------------|
|      |      |             |

**Alias**

| Alias Name | Race | DOB |
|------------|------|-----|
|            |      |     |

**Employment or School**

| Employer/School    | Position | Location | City | Phone Number |
|--------------------|----------|----------|------|--------------|
| <b>SMOKE DEPOT</b> |          |          |      |              |

**Offense Link**

| Link | Offense No. | Offense | Description |
|------|-------------|---------|-------------|
|      |             |         |             |

**Vehicle**

No Vehicle Found

**Vessel**

No Vessel Found

**Property**

No Property Found

**Modus Operandi**

No Modus Operandi found

**Narrative**

On 04/29/2025 at approximately, 1910 hours, I was on duty, employed by the California Highway Patrol, assigned to the Contra Costa County Sheriff's Violence Suppression Unit (VSU). I, along with my VSU partners, were conducting Tobacco Retail Inspections within Contra Costa County. We were in plain clothes, identified by departmental badges hanging from a chain around our necks.

We conducted an inspection at Smoke Depot, located at 3770 San Pablo Dam Road, El Sobrante, CA 94803. Based on previous conversations with VSU detectives, I know Smoke Depot to consistently be in violation of County ordinances regarding the sale of Tobacco. Additionally, on 03/07/2025, Detective Ward issued a citation to Bazel Alqadhi for 11359(b) H&S.

Upon contacting the worker, later identified as Bazel Sadeq Alqadhi, Alqadhi was uncooperative and became increasingly aggressive towards detectives. Alqadhi was advised by VSU Detectives of the Tobacco Inspection, and reminded him that he was cited during the previous inspection VSU Detectives conducted. Alqadhi attempted to retreat into the back room of the shop, and was asked to reposition to the front of the shop. Alqadhi continued to be disrespectful and aggressive towards Detectives and was uncompliant. He used several profanities toward law enforcement and refused to answer any questions regarding the tobacco sales in the store.

While searching for the proper licenses, multiple individual packages of Marijuana were located behind the counter. Below the packages, a box of U.S. Currency, totaling \$285 was located. In the backroom, a white backpack was located on the floor. Inside the backpack additional individual packaged Marijuana was located, along with a large plastic bag containing processed Marijuana buds. During my inspection, I was unable to locate all of the appropriate

Distribution List

**INVESTIGATION CAPTAIN**

Additional Routing

Reporting Deputy (Print)  
**HERNANDEZ,AL**Date/Time Written  
**05/12/2025 15:50:08**Disposition  
**Case Active**Approving Supervisor (Print)  
**RODIER,JEFF**Supervisor ID.  
**68559**Date/Time  
**05/13/2025 09:18:20**



license's required to sell tobacco and/or marijuana products.

Additionally, while searching the backroom, a previous Tobacco Retail Inspection Checklist was located. The checklist showed Smoke Depot had multiple violations, including drug paraphernalia and the selling of Cannabis Products.

During a search of the backroom, a hidden compartment was located behind shelving affixed to the wall. Inside the hidden compartment, additional banned products were located, including Vapes and other flavored tobacco.

In the front of the store, I observed glass pipes, which based on my training and experience, I know to be commonly used as drug paraphernalia, which Smoke Depot was previously provided warnings about.

Based on my observation of the individual packaged Marijuana, the U.S. Currency separated from the cash register, and Alqadhi being cited previously for 11359(b) H&S, I determined that Bazel Sadeq Alqadhi was again in violation of 11359(b) H&S.

The prohibited products were seized, including Marijuana. All of the products were later booked into Sheriff's evidence.

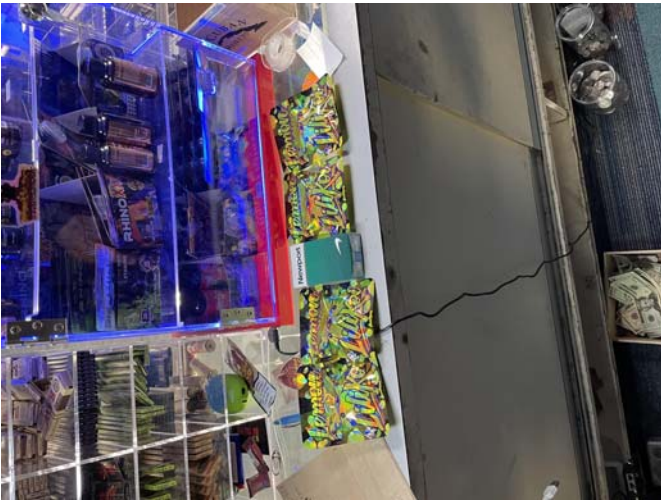
## Distribution List

**INVESTIGATION CAPTAIN**

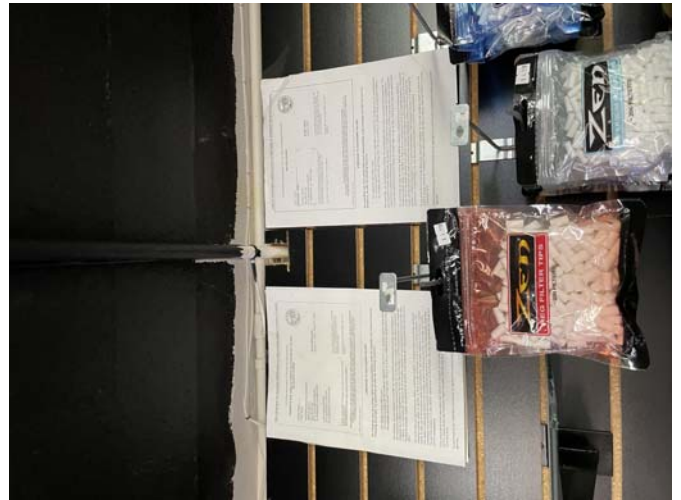
## Additional Routing

Reporting Deputy (Print)  
**HERNANDEZ,AL**Date/Time Written  
**05/12/2025 15:50:08**Disposition  
**Case Active**Approving Supervisor (Print)  
**RODIER,JEFF**Supervisor ID.  
**68559**Date/Time  
**05/13/2025 09:18:20**

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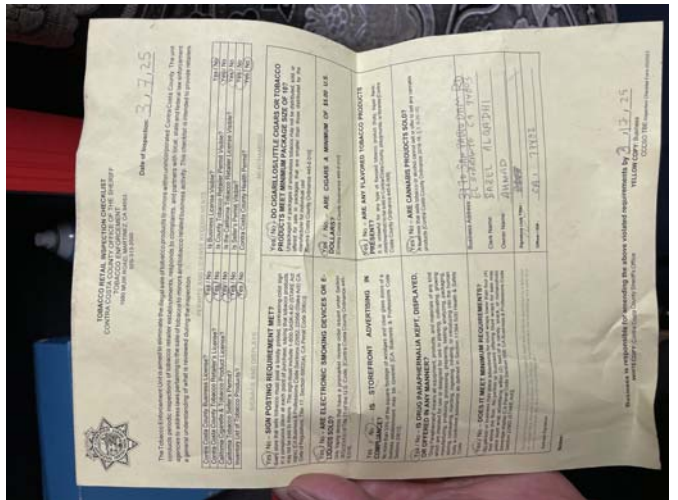
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2500 Bates Ave | Concord, CA, 94520 | Phone: (925) 608-5231  
cchealth.org

NOTICE OF SUSPENSION HEARING  
(Contra Costa County Ordinance Code, § 445-10.018)

April 24, 2024

Ahmed Dubaih  
3770 San Pablo Dam Road  
El Sobrante, CA 94803

RE: Smoke Depot  
SITE ADDRESS: 3770 San Pablo Dam Road, El Sobrante, CA, 94803  
APN: 420-140-035

Smoke Depot, located at 3770 San Pablo Dam Road, El Sobrante, California (the “Property”) operates pursuant to a tobacco retailer’s license regulated under Chapter 445-10 (Tobacco Retailer’s License Ordinance) of the Contra Costa County Ordinance Code. Our records indicate that you are the listed licensee for the above-referenced Property. Inspection of the Property was conducted on April 18, 2024, and the following violations of the Tobacco Retailer’s License Ordinance were observed:

April 18, 2024

1. Flavored tobacco products on display and offered for sale. (County Ordinance Code, Section 445-6.006.)
2. Menthol cigarettes on display and offered for sale. (County Ordinance Code, Section 445-6.006.)
3. Electronic smoking devices on display and offered for sale. (County Ordinance Code, Section 445-6.014.)
4. Drug paraphernalia, specifically mushrooms, cannabis flower, flavored cannabis vaping liquids, and blunts were on display and offered for sale, and offered for sale in a location that did not exclude unaccompanied persons under the age of 18. (County Ordinance Code, Section 445-10.018(a); 21 U.S. Code, Section 863; Cal. Health and Saf. Code, Section 11364.5; Cal. Health and Saf. Code, Section 11377.)
5. Single cigars on display and offered for sale. (County Ordinance Code, Section 445-6.010.)
6. Self-service displays. (County Ordinance Code, Section 445-6.002.)

Staff has also become aware that you purchased the above-referenced property in or around August 2023 and have been operating the subject business under the previous tobacco retailer's license without obtaining a new, valid tobacco retailer's license. A tobacco retailer's license is nontransferable. Accordingly, this is a violation of County Ordinance Code, Section 445-10.010(c).

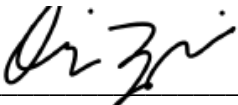
Due to the above-cited violations, the proposed time period of the tobacco retailer's license suspension is **90 days**.

The violations cited herein constitute the Smoke Depot's second violation of the Tobacco Retailer's License Ordinance. A Notice of Fine was issued and became a final administrative order on January 26, 2023, documenting Smoke Depot's first violation. A tobacco retailer's license may be suspended for up to 90 days for a second violation that occurs within five years after the first violation. (County Ordinance Code, Section 445-6.018.)

The processing of your current application for a new tobacco retailer's license for the above-referenced property will be placed on hold. If a suspension of the current tobacco retailer's license is ordered, your application may not be approved, and a new tobacco retailer's license will not be issued until the suspension period has concluded.

The Public Health Director will hold a license suspension hearing on **Tuesday, June 11, 2024, at 11:00am.**, at 597 Center Ave, Room 120, Martinez, CA 94553. At the hearing, you will be given the opportunity to testify and present any supporting evidence concerning the notice of suspension hearing. After consideration of the evidence and testimonies at the hearing, the Public Health Director will issue a written decision to suspend or not suspend the tobacco retailer's license. The written decision will include the reason or reasons for the decision and the time period of the tobacco retailer's license suspension.

Anna Roth  
Director, Department of Health Services  
Contra Costa County

By   
\_\_\_\_\_  
Dr. Ori Tzvieli  
Health Officer, Public Health Director





2500 Bates Ave | Concord, CA, 94520 | Phone: (925) 608-5231  
cchealth.org

## NOTICE OF DECISION

June 26, 2024

Ahmed Dubaih  
3770 San Pablo Dam Road  
El Sobrante, CA 94803

### IN THE MATTER OF:

NAME: Smoke Depot  
SITE: 3770 San Pablo Dam Road  
El Sobrante, CA 94803  
APN: 420-140-035

### WRITTEN DECISION FOLLOWING HEARING

This matter came on for hearing before Dr. Sefanit Mekuria, Contra Costa County Medical Director, Deputy Health Officer, on June 11, 2024, 11:00 a.m., at 597 Center Avenue, Suite 120, Martinez, CA 94553. The purpose of the hearing was to determine whether the above-referenced tobacco retailer committed violations of the County's Tobacco Product Control Ordinance (County Ordinance Code Division 445).

The following individuals testified on behalf of the County:

1. Monica Marquez, Senior Health Education Specialist, Contra Costa County  
Public Health

The following individuals testified on behalf of the retailer:

1. Ismail Mahyoub Abduljala

The following evidence was submitted:

1. Contra Costa County Sheriff Tobacco Retail Inspection Report, dated April 18, 2024
2. Contra Costa County Sheriff Citation #20-1602762, dated April 18, 2024
3. Photos taken by Public Health Department Staff during April 18, 2024 site inspection

After considering the testimony and evidence, the Director makes the following factual findings:

1. The above-named retailer purchased the Smoke Depot, located at 3770 San Pablo Dam Road, El Sobrante, CA, in or around August 2023 and has been operating the Smoke Depot without obtaining a new, valid tobacco retailer's license. It is unlawful for any retailer, individual, or entity to conduct tobacco retailing in the unincorporated area of the county without first obtaining and maintaining a valid tobacco retailer's license from Contra Costa County for each location where tobacco retailing is conducted. Accordingly, this is a violation of County Ordinance Code, Section 445-10.002.
2. Additional violations occurred at the above-referenced retail location and were observed on April 18, 2024.

3. The additional violations include:

April 18, 2024

- a. Flavored tobacco products on display and offered for sale. (County Ordinance Code, Section 445-6.006.)
  - b. Menthol cigarettes on display and offered for sale. (County Ordinance Code, Section 445-6.006.)
  - c. Electronic smoking devices on display and offered for sale. (County Ordinance Code, Section 445-6.014.)
  - d. Drug paraphernalia, specifically mushrooms, cannabis flower, flavored cannabis vaping liquids, and blunts were on display and offered for sale, and offered for sale in a location that did not exclude unaccompanied persons under the age of 18. (County Ordinance Code, Section 445-10.018(a); 21 U.S. Code, Section 863; Cal. Health and Saf. Code, Section 11364.5; Cal. Health and Saf. Code, Section 11377.)
  - e. Single cigars on display and offered for sale. (County Ordinance Code, Section 445-6.010.)
  - f. Self-service displays. (County Ordinance Code, Section 445-6.002.)
4. The Sheriff's Report, Citation, and photos include documentary evidence that each of the violations occurred.
  5. The herein cited violations constitute the second violation of the County's Tobacco Product Control Ordinance at the above-referenced Smoke Depot retail location within the past five years. A Notice of Fine was issued and became a final administrative order on January 26, 2023, documenting the first violation occurring at the Smoke Depot
  6. The above-named retailer, Mr. Dubaih, through his representative or agent, has acknowledged the violations.

### **ORDER**

The Public Health Director orders:

The above-referenced tobacco retailer does not have valid tobacco retailer's license from Contra Costa County to sell tobacco products at 3770 San Pablo Dam Road, El Sobrante, CA,

commonly known as Smoke Depot. **All retailing of tobacco products at this location must be discontinued immediately.** Tobacco products may not be retailed at this location until a valid tobacco retailer's license for this location has been issued.

The processing of the above-named retailer's application for a new tobacco retailer's license for the Smoke Depot will be placed on hold for a period of **90 days** from the date of this decision. The application may not be approved, and a new tobacco retailer's license for the Smoke Depot will not be issued, before **September 23, 2024**. Any additional violations of the County's Tobacco Product Control Ordinance during this period may further delay issuance of a tobacco retailer's license.

This decision may be appealed to the Board of Supervisors by filing a written notice of appeal with the Clerk of the Board of Supervisors, County Administration Building, 1025 Escobar Street, Martinez, California, within 30 days of the date this decision is served.

Date: 6/26/2024

Sefanit Mekuria  
Sefanit Mekuria, MD  
Medical Director,  
Deputy Health Officer  
Contra Costa County

## 1. Flavored tobacco products on display and offered for sale. (County Ordinance Code, Section 445-6.006.)



### **445-6.006 Flavored tobacco products**

No tobacco retailer may sell, offer for sale, or exchange or offer to exchange for any form of consideration, to a consumer any flavored tobacco product.

(Ord. No. 2019-34 , § VI, 11-19-19; Ord. No. 2017-01, § IV, 7-18-17)



## 2. Menthol cigarettes on display and offered for sale. (County Ordinance Code, Section 445-6.006.)



### **445-6.006 menthol cigarettes.**

No tobacco retailer may sell, offer for sale, or exchange or offer to exchange for any form of consideration, to a consumer menthol cigarettes.

(Ord. No. 2019-34 , § VI, 11-19-19; Ord. No. 2017-01, § IV, 7-18-17)



### 3. Electronic smoking devices on display and offered for sale. (County Ordinance Code, Section 445-6.014.)

#### 445-6.014 – Electronic smoking devices and e-liquids.

No tobacco retailer may sell, offer for sale, or exchange or offer to exchange for any form of consideration, to a consumer any electronic smoking device or e-liquid where the electronic smoking device or e-liquid:

- Is a new tobacco product as defined in Section 387j(a)(I) of Title 21 of the U.S. Code;
- Requires premarket review under Section 387j of Title 21 of the U.S. Code; and
- Does not have a premarket review order issued under Section 387j(c)(I)(A)(i) of Title 21 of the U.S. Code. (Ord. No. 2019-34, § III, 11-19-19)



*\*Photos taken by the Health Department  
Smoke Depot  
3770 San Pablo Dam Road  
El Sobrante, CA*





ADMINISTRATIVE PENALTY NOTICE OF FINE  
(Contra Costa County Ordinance Code, § 14-12.006)

January 27, 2023

Goma Kafle  
3770 San Pablo Dam Road  
El Sobrante, CA

RE: Smoke Depot  
SITE ADDRESS: 3770 San Pablo Dam Road, El Sobrante, CA  
APN: 420-140-035

Our records indicate that you are the responsible party of record of the above-referenced property. Inspections of the property were conducted on 11/09/2022 and 12/16/2022, and the following violation(s) of the Tobacco Retailer's License Ordinance were observed:

11/09/2022

1. Selling small pack of cigars. This is a violation of Contra Costa County Ordinance Code, Section 445-6.010.
2. Selling electronic smoking devices. This is a violation of Contra Cost County Ordinance Code, Section 445-6.014.
3. No STAKE Act age of sale warning sign was posted. This is a violation of Contra Costa County Ordinance Code, Section 445-10.018(a); Cal. Code of Regs, Tit. 17, Section 6902.
4. Selling Drug paraphernalia. This is a violation of Contra Costa County Ordinance Code, Section 445-10.018(a); 21 U.S. Code, Section 863; Cal. Health and Saf. Code, Section 11364.5.
5. Retailing tobacco without a valid Tobacco Retailer's License. This is a violation of Contra Costa County Ordinance Code, Section 445-10.002.

12/16/2022

1. Selling electronic smoking devices. This is a violation of Contra Cost County Ordinance Code, Section 445-6.014.
2. Retailing tobacco without a valid Tobacco Retailer's License. This is a violation of Contra Costa County Ordinance Code, Section 445-10.002.



## Administrative Penalty Notice of Fine

Goma Kafle

Page 2

The fine amount for a first violation is \$100. The fine amount for a second violation within one year of the first violation is \$200. There is a \$500 fine for each additional violation that occurs within one year of the first violation. Because a separate violation occurred on two days and were observed during two different inspections, the Director has imposed on you a fine in the amount of \$300. (Contra Costa County Ordinance Code, Section 14-12.006.)

On 1/12/2023 and 1/13/2023, County staff informed you that a valid Tobacco Retailer's License is required to legally retail tobacco under County Ordinance Code, section 445-10.002. On 1/23/2023, County staff met and discussed with you the requirements for obtaining a Tobacco Retailer's License and provided you with additional information related to retailing tobacco in Contra Costa County. County staff will continue to assist you in the procurement of a valid Tobacco Retailer's License for this location. The payment of outstanding fines is required prior to the issuance of a Tobacco Retailer's License. (Contra Costa County Ordinance Code, Section 445-10.010.)

Payment must be sent to Contra Costa County, Department of Health Services, Public Health Division, 597 Center Ave, Suite 110, Martinez, CA 94553 within thirty (30) days of the date of this notification. The administrative penalty is a personal obligation, and failure to pay the penalty may result in the amount being made a lien and/or special assessment against your property, and other legal action may be taken to collect the penalty. If a judicial action is required to collect the penalty, the County will seek to recover its attorney fees and cost from you.

### RIGHT TO APPEAL

You may appeal this fine by filing a written appeal with the Contra Costa County, Department of Health Services, Public Health Division, at 597 Center Ave, Suite 110, Martinez, CA 94553, within 15 calendar days of the date of mailing of this notice. The written appeal must contain:

1. A brief statement setting forth the interest you have in the matter relating to the imposition of the penalty;
2. A brief statement of the material facts you claim support the contention that no fine should be imposed or that a fine of a different amount is warranted; and
3. An address at which you agree that notice of any additional proceedings or an order relating to imposition of the fine may be received by first class mail.

If you file an appeal, a notice of the appeal hearing will be mailed to you. The appeal hearing will be set no sooner than 20 days and no later than 45 days following the service date of the notice of appeal hearing. Failure to appear will cause this notice to become a final order. If you fail to request an appeal, this notice shall be final. Government Code section 53069.4 authorizes judicial review of a final administrative order.

The Director may record a copy of this Notice of Fine with the Contra Costa County Recorder.

Anna Roth

Director, Department of Health Services

Contra Costa County



By *Cedrita Claiborne*

Cedrita Claiborne, MPA, Director  
Community Wellness and Prevention Program



**Ahmed Dubaih**

Owner, Smoke Depot  
3770 San Pablo Dam Rd  
El Sobrante, CA 94803  
Phone: 415-926-1518  
Email: osai3770@gmail.com

**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,

**Ahmed Dubaih**  
Owner, Smoke Depot

**Ahmed Dubaih**

Owner, Smoke Depot  
3770 San Pablo Dam Rd  
El Sobrante, CA 94803  
Phone: 415-926-1518  
Email: osai3770@gmail.com

August 7, 2025

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Contra Costa County Planning Commission  
Department of Conservation and Development  
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Thank you for your consideration and for your service to Contra Costa County.

Sincerely,

**Ahmed Dubaih**  
Owner, Smoke Depot



# APPEAL FOR REVOCATION OF A LEGAL NON-CONFORMING STATUS OF A TOBACCO RETAILING BUSINESS

County File #CDSE22-00009

COUNTY PLANNING COMMISSION

October 22, 2025

EVERETT LOUIE, PROJECT PLANNER

CONTACT: [EVERETT.LOUIE@DCD.CCCCOUNTY.US](mailto:EVERETT.LOUIE@DCD.CCCCOUNTY.US) 925-655-2873

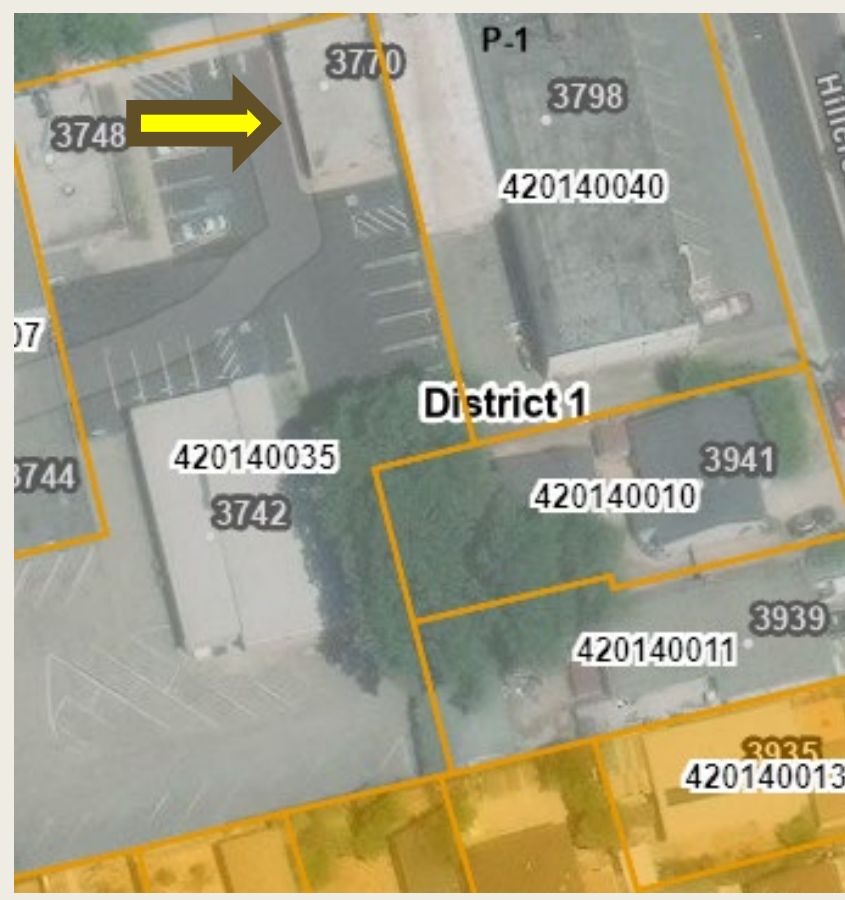
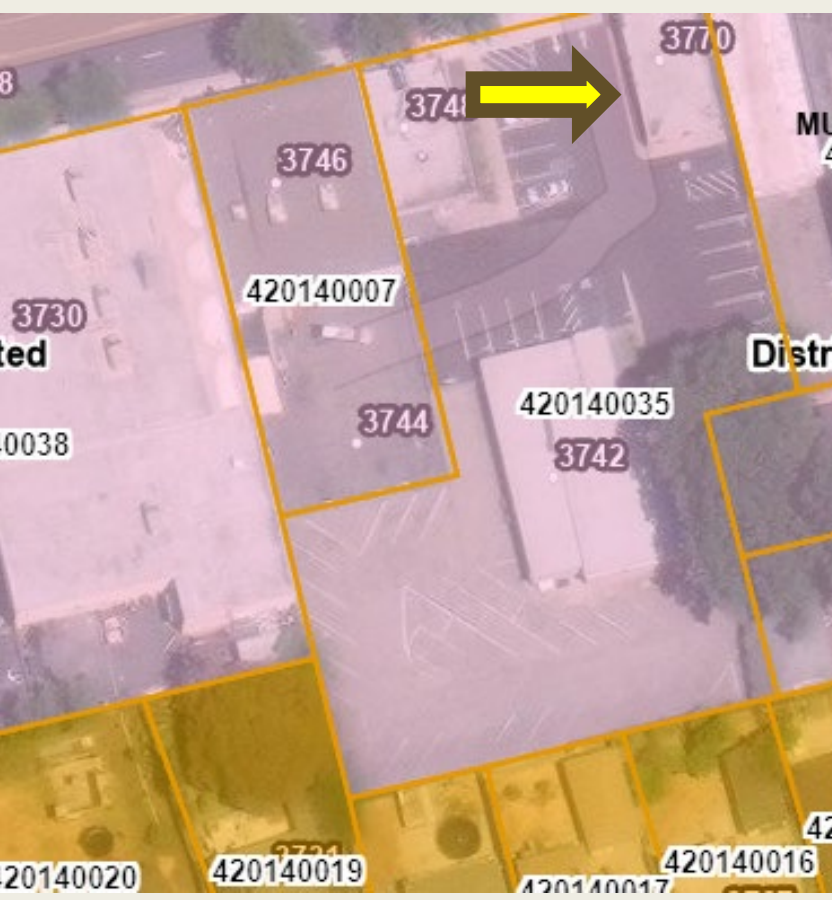


# Background

2

- December 9, 2022 – #CDSE22-00009 was submitted to DCD
- January 25, 2023 – Determination Letter, Legal nonconforming use
- January 27, 2023 – County Health Issued Administrative Penalty Notice of Fine
- June 11, 2024 – County Health had suspension hearing
- June 26, 2024 – County health issued a Notice of Decision prohibiting the sale of tobacco products
- July 7, 2025 – County Zoning Administrator revoked legal nonconforming status
- August 6, 2025 – Statement of decision from County Zoning Administrator





# PROJECT LOCATION

3

Zoning: P-1  
GP: MUL

3

114

# Project Summary

This is a hearing on an appeal of the Zoning Administrator's decision to revoke the legal non-conforming status for a tobacco retailing use at 3770 San Pablo Dam Road, El Sobrante

■ Cause for revocation are as follows:

- A. A failure to comply with the terms, limitations and condition of the permit;
- B. The property is being used or maintained in violation of the zoning code;
- C. The use for which the permit was granted has been so exercised as to be detrimental to the public health or safety or as to constitute a nuisance; and
- D. A license required for the conduct of the business on the premises covered by the permit has been suspended or revoked.

# California Environmental Quality Act (CEQA)

## CEQA Guidelines Section 15321 – Class 21

- **Project is exempt as the actions by regulatory agencies to revoke a use are exempt under 15321.**

## Appeal Points (summary)

As the basis for their appeal, the appellants mentioned various concerns such as:

- *Misapplied the Zoning Code*
- *Corrective measures were completed*
- *Decision is unfair and negatively impacts community and economic value*



# Appeal Points

## Misapplied Zoning Code

## Corrective Measures Were Completed

## Decision is unfair and negatively impacts community and economic value

- Zoning Code Section 26-6.2022 allows the Zoning Administrator to revoke a permit if any of the revocation findings can be supported. Four findings are found to apply.
- Smoke Depot does not currently maintain a valid tobacco retailer's license; therefore, they did not provide the corrective measure.
- Revocation is supported by the four findings. Revocation allows the County to revoke certain uses that are detrimental to the public health and safety to the community.

# Staff Conclusion

- The use as exercised is determined to be detrimental to the public health, safety, and welfare, and the manner of operation is creating a public nuisance.
- Smoke Depot has been operating as a tobacco retailer without a valid tobacco retailer's license.
- Evidence provided by Health Services and the Department of Conservation and Development support the revocation findings in 26-2.2022.

# Staff Recommendation

Staff recommends that the County Planning Commission:

- DENY the appeal by Ahmed Dubaih
- REVOKE the legal non-conforming tobacco retailing use established under County File CDSE22-00009



# QUESTIONS?