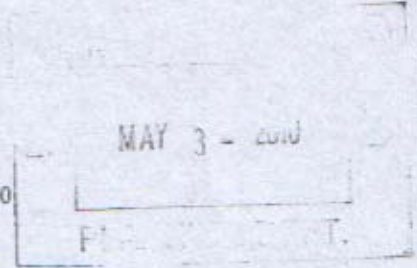


**LOZANO
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MEMORANDUM

ATTORNEY-CLIENT COMMUNICATION

DATE: April 29, 2010 **CLIENT/MATTER:** 1943-06
TO: Planning and Community Development Department
City of Lemoore
210 Fox Street
Lemoore, CA 93245
CC: Jeff Britz, City Manager
Holly Smyth, Planning Director
FROM: Jerome M. Behrens
RE: Hookah establishments

With regard to hookah establishments and a recommendation by the Planning Commission, please be advised that there is no statutory or constitutional right for such an establishment in a city zoning ordinance.

As a result, the Planning Commission could recommend an ordinance (1) to allow a maximum number of hookah establishments, which could be limited to one as in the Santa Cruz ordinance in a particular zone district or districts or (2) to ban hookah establishments in all zone districts based on findings that hookah establishments are detrimental to the health, safety and welfare of the citizens of Lemoore based on findings similar to findings made by the City of Santa Cruz in allowing only one hookah establishment.

Accordingly, the Planning Commission has flexibility in recommending the regulation of hookah establishments.