

ITEM 5.6

CITY MANAGER'S REPORT OCTOBER 9, 2023 CITY COUNCIL REGULAR MEETING

ITEM: CITY COUNCIL DISCUSSION REGARDING
REGULATION AND PERMIT OPTIONS FOR HOOKAH
LOUNGE

RECOMMENDATION: City Council to Discuss and Provide Staff Direction as to Whether to Prepare an Ordinance for Review by the Planning Commission and Subsequent Consideration of the City Council, for Regulation and Permit Options for Hookah Lounge Establishments.

SUMMARY:

The Lathrop Municipal Code (LMC) currently doesn't list or have any regulations for Hookah Lounge within the city limits. On September 11, 2023, the City Council directed staff to research permitting requirements in surrounding jurisdictions.

The purpose of this discussion item is to obtain input and direction from City Council related to the potential options for regulation and permit requirements for Hookah Lounge establishments.

ANALYSIS:

"Hookah Lounge" is defined as:

- An establishment holding a valid Tobacco Retail License that exclusively occupies an indoor space and is primarily engaged in the retail sale of hookah tobacco for consumption by customers on site.
- Hookah is a device used to smoke tobacco (called shisha).
- A typical hookah has a head, a metal body, a water bowl, and a flexible hose with a mouthpiece that is used to inhale the smoke. In most hookah, hot charcoal is placed on top of the tobacco to heat it.

State Regulations pertaining to hookah lounge:

- Hookah lounges (that meet the definition of a "retail or wholesale tobacco shop" per CA Labor Code 6404.5) are exempt from California's Smoke-free Workplace Law, allowing smoking indoors legal.
- Hookah lounges are exempt from California's ban on flavored tobacco products (Senate Bill 793).

- The minimum age of sale for tobacco products in CA is 21 (18 for active duty military personnel). There is no minimum age requirement to enter a hookah lounge.
- Tobacco shops are not allowed to sell alcoholic beverages or food for consumption on the premises (BPC 22962 (a) (f)).

The list below identifies the permitting requirements for Hookah Lounge Establishments in surrounding jurisdictions:

- San Joaquin County
 - Permitted in Commercial Zoning Districts
- City of Manteca
 - Conditional Use Permit – Mixed Use and General Commercial Zoning.
- City of Modesto
 - Permitted – Commercial and Industrial Zoning Districts. Conditional Use Permit if associated with on-site alcohol consumption.
- City of Riverbank
 - Conditional Use Permit - Neighborhood Commercial with distance requirements – 1,000 ft. from other hookah, 500 ft. from residential, and 600 ft. from schools and parks.
- Not permitted in Tracy, Lodi, and Stockton.

RECOMMENDATION:

Staff recommends that the City Council discuss the information contained in the presentation and provide direction.

FISCAL IMPACT:

There is no fiscal impact to the City of Lathrop, only staff time to prepare this report.


**CITY MANAGERS REPORT
OCTOBER 9, 2023 CITY COUNCIL REGULAR MEETING
HOOKAH LOUNGE**

APPROVALS:



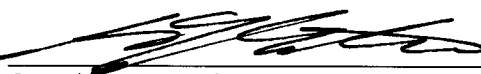
Rick Caguiat
Community Development Director

9/22/23
Date



Salvador Navarrete
City Attorney

9.25.2023
Date



Stephen J. Salvatore
City Manager

9.27.23
Date

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