



**Community Development Department – Planning Division  
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**PLANNING COMMISSION STAFF REPORT  
SEPTEMBER 19, 2019**

**AGENDA ITEM 8.A File No. 18-0135 – POLVORA CARD ROOM**

**I. GENERAL INFORMATION**

**PROJECT SUMMARY:** An Ordinance amending Title 17 of the Napa Municipal Code to add “card rooms” as a conditionally allowable use within the Community Commercial Zoning District, and amending Chapter 5.16 (Card Rooms) to increase the maximum number of allowable card tables from 5 to 9, to increase the allowable number of patrons for each table from 10 to 15, and removing the restriction prohibiting the consumption of alcohol in a card room, and a Use Permit to operate a card room.

**LOCATION OF PROPERTY:** 505 Lincoln Avenue  
APN: 044-220-008

**GENERAL PLAN:** Community Commercial (CC-482)

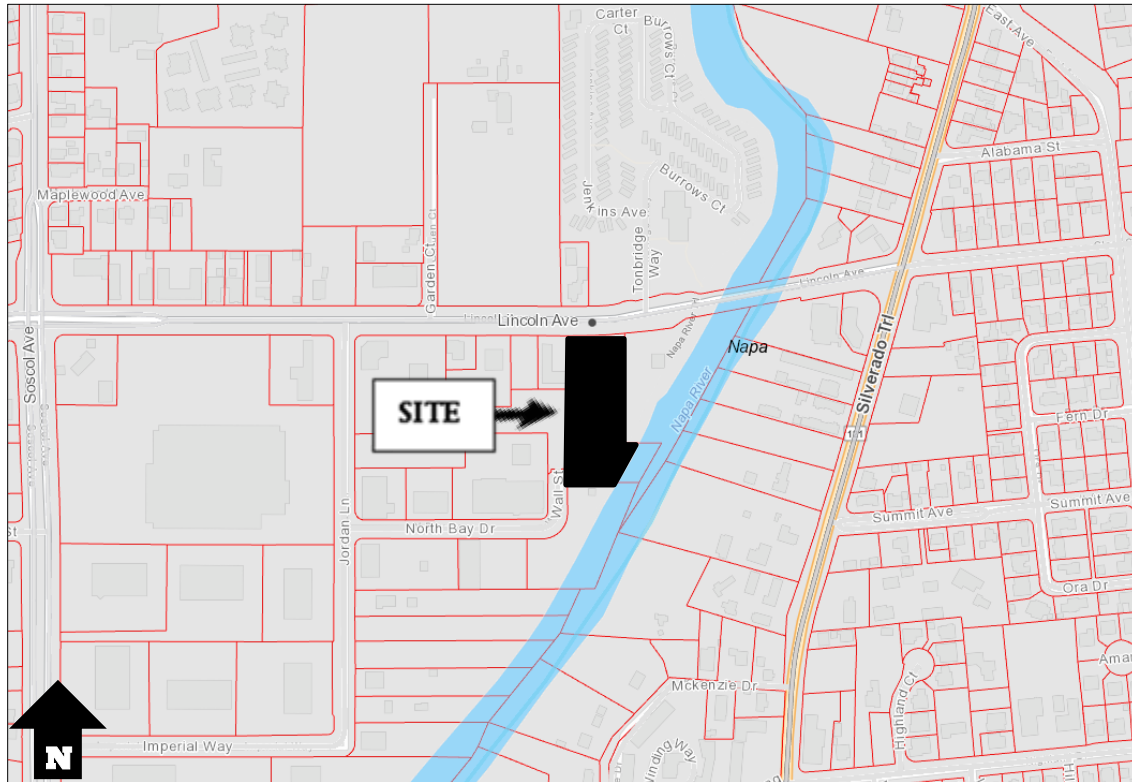
**ZONING:** Community Commercial (CC), Floodplain Overlay (FP)

**APPLICANT:** Polvora, Inc. (Gabe Pattee) Phone: (408) 605- 2560  
8141 E. Kaiser Boulevard #213  
Anaheim, CA 92870

**PROPERTY OWNER:** Assaad Barazi Phone: (707) 246- 1233  
70 Syar Drive  
Napa, CA 94558

**STAFF PLANNER:** Michael Allen, Senior Planner Phone: (707) 257-9530

## LOCATION MAP



## II. PROJECT DESCRIPTION

The Project Applicant, Polvora Inc., is proposing the operation of a card room/restaurant to provide a combined food and entertainment experience at the former Compadres Bar and Grill location at 505 Lincoln Avenue. The existing building would be divided up such that 4,715 square feet would be devoted to a restaurant use and 2,192 square feet to a card room use.

The card room component would offer card games such as pai-gow, poker, Texas hold'em, baccarat, and blackjack. The Applicant proposes a total of 12 card tables with a maximum of 9 seats and 1 dealer at each table. Not more than 9 tables would be in use at any one time, and the remaining 3 tables not in active operation would be covered, prominently labeled as being non-operational and under constant surveillance. The purpose of the additional tables is to allow for a variation of games requiring different tables. The card room and restaurant would employ up to 26 employees during peak operation. Of the 26 employees, food & beverage would account for 10 of the employees and the gaming operations would account for 16 employees, including 9 dealers and security personnel. Proposed hours of operation for the card room and restaurant would be 24 hours/day, 7 days/ week.

The Applicant seeks approval of text amendments to Napa Municipal Code (NMC) Chapter 5.16 (Card Rooms) to increase the maximum number of card tables from 5 to 9, to increase the allowable number of patrons for each table from 10 to 15, and to remove the restriction prohibiting the consumption of alcohol in a card room. In addition, the Applicant seeks approval of text amendments to amend Zoning Code Chapter 17.10 and 17.52 to allow

“card rooms” as a conditionally allowable use within the Community Commercial Zoning District. Lastly, a Use Permit is requested to operate a card room as required by NMC Chapter 5.16 and in accordance with NMC Sections 17.52.070 (as proposed to be amended) and 17.60.070.

The project approvals requested as a part of this application include:

1. An Ordinance amending NMC Chapters 5.16, 17.10 and 17.52 to conditionally allow card rooms in the Community Commercial Zoning District and to increase the maximum number of allowable card tables from 5 to 9, to increase the allowable number of patrons for each table from 10 to 15, and to remove the restriction prohibiting the consumption of alcohol in a card room.
2. Use permit to authorize the operation of a card room as required by NMC Section 5.16 and in accordance with NMC Sections 17.52.070 (as proposed to be amended) and 17.60.070.

## PROJECT CONTEXT

The project site is a 1.76-acre property on the south side of Lincoln Avenue. The property is improved with two existing buildings, a principal building of 6,283 square feet and an accessory building of 624 square feet for a total square footage of 6,595 square feet. The principal building formerly operated as Compadres Bar and Grill until its closure in February of 2019. A total of 130 parking spaces support the site. The site features landscape improvements at the site's Lincoln Avenue frontage and within the parking lot. Surrounding land uses include Lincoln Avenue to the north, the Napa River to the east, Silverado Towing Company to the south, and Wall Street to the west, with North Bay Plywood on the opposite side of Wall Street.

**FIGURE 1 – PROJECT SITE**



### III. PROJECT HISTORY

Only one cardroom, Hemphill's Card Room, has operated in the City of Napa over the last 35 years. The former Hemphill's Card Room was located at 3385 California Boulevard and operated from 1983 until 2005. Hemphill's was approved in May 1983 after the City Council approved a General Plan amendment and re-zoning to allow card room operations at 3385 California Boulevard, the Planning Commission approved issuance of a Use Permit to operate a card room at 3385 California Boulevard, consistent with the regulations in place at the time, and the Police Department approved a card room permit pursuant to NMC Chapter 5.16, allowing for up to 5 card tables.

Subsequently, in August 1983, the City Council adopted Ordinance 2838 eliminating card rooms as a permitted or conditionally permitted use within the City, thereby making the Hemphill's Card Room a legal non-conforming use only a few months after being approved. In July 1988 the card room received a Use Permit for a small expansion.

On October 6, 2005 the Planning Commission approved a Use Permit authorizing the relocation of Hemphill's to an existing building located at 1144 Jordan Lane. Following this approval, the state gambling permit holder passed away and the Hemphill's Card Room ceased operation. The relocation/use approved under the 2005 Use Permit never commenced and the permit expired. In 2014, the state gambling license(s) previously held by the licensee, Bill Long, were transferred to his son, Tim Long. Tim Long subsequently transferred the rights to the Hemphill's state gambling licenses to the Applicant, and such licenses will be formally issued by the State to Polvora if the Applicant secures City approval of the card room at the proposed Lincoln location.

NMC Chapter 5.16 prohibits the issuance of new card room permits. However, it allows for the transfer or previously issued permits. Therefore, in connection with the requested entitlements, the Applicant has submitted an application to the Police Department requesting the transfer of the former Hemphill's Card Room permit, which was issued by the Police Chief in 1983 in accordance with NMC Section 5.16.020, from the former Hemphill's owner to the Applicant. The Police Department has reviewed the transfer application and has indicated that it is ready to issue the card room permit if the requested entitlements are approved by the City Council.

In addition to obtaining the state gambling licenses and the City of Napa card room permit pursuant NMC Chapter 5.16, the Applicant must also obtain approval of a zoning text amendment to authorize a card room in the CC Zoning District since the City Council eliminated card rooms as a conditionally permitted use in the City in 1983, and obtain approval of a use permit allowing for the operation of said card room. For a more detailed background regarding the Hemphill's Ordinance and evolution of applicable regulations, please see (Attachment 4) which provides a synopsis of the legislative history.

## IV. ANALYSIS

### A. GENERAL PLAN

The property has a General Plan designation of CC-482, Community Commercial, which provides for commercial uses serving the entire community, including retail and service uses including restaurants, banks, entertainment, and service uses. The proposed zoning text amendments and proposed operation of one card room within the Community Commercial land use district appears to comply with the general intent of the District and would provide for entertainment/restaurant use which aligns with the mix of uses envisioned for the District. More specifically, the proposed project could be found to meet the following applicable General Plan Goals and Policies:

*Land Use Element Goal LU-5 encourages attractive, well-located commercial development to serve the needs of Napa residents, workers and visitors.*

The proposed project would strengthen and diversify recreational and entertainment opportunities for residents and visitors through the introduction of a cardroom/ restaurant use which would be a unique use within the current mix of commercial/recreational businesses in the City of Napa.

*Land Use Element Policy LU-5.1 states the City shall seek to improve the character and viability of commercial areas and allow for a range of goods and services convenient to Napa residents through planning and zoning incentives*

The proposed project would enhance the commercial viability of the property. According to the Applicant, with more restaurants and hotels concentrated in the Downtown area and little foot traffic along Lincoln Avenue, previous uses on the property have had challenges operating solely as a restaurant and attracting the level of local and visitor business that such a large property demands. Approval of the proposed project would allow for greater recreational and entertainment opportunities for the public by introducing a unique use within the city limits and would help to improve the viability of the commercial property.

*Land Use Element Policy LU-5.6 suggests free-standing or clustered tourist commercial uses (e.g., entertainment, commercial recreation, lodging, fuel) shall be located in areas where traffic patterns are oriented to major arterial streets and highways and/or where expansion or development will not adversely affect existing residential, office, or neighborhood commercial developments.*

The proposed project would be located proximate to Lincoln Avenue, which serves as a major arterial street. Given the surrounding land uses which are largely commercial/industrial in nature, there is no expectation that the proposed use would adversely affect existing residential, office, or neighborhood commercial developments within the City of Napa. It should be noted that input from the Police Department indicates that during the operation of the previous (Hemphill's) card room, neighbors never raised any complaints about the card room's operations or any adverse effects to its neighbors.

Police records do not indicate there ever being a high frequency of incident reports related to the card room use.

*Economic Development Element Policy ED-1 seeks to maximize the use of Napa's limited non-residential land supply for employment-generating and revenue-generating uses.*

The proposed project would maximize the revenue generating uses of an underutilized commercially-zoned parcel. According to the Applicant, the parcel would be prohibitively expensive to redevelop or wholly repurpose (outside of recreational and entertainment uses) due to its location within the floodplain. In addition to the challenges of rebuilding on the site, commercial operations on the property have struggled generating enough revenue to offset the costs for operating within the existing building due its large size and the large size of the property, relative to other restaurants. However, the existing building's footprint and property layout is ideally-suited for the restaurant/card room use that the proposed project proposes. The project would expand the recreational opportunities on the property and its appeal to the greater public. In doing so, the operations would be expected to generate more tax revenue for the City compared with the previous restaurants that have operated on the property

*Economic Development Element Goal ED-4 seeks to help local businesses capture visitor dollars that are not currently finding their way to the City of Napa, thereby increasing revenue to local businesses and the City.*

The proposed project would diversify recreational and entertainment opportunities for residents and visitors through the creation of a modern restaurant/card room. Since Napa's previous card room closed its doors, locals and visitors have had to travel outside of the City (American Canyon, Rohnert Park, etc.) to play poker, blackjack, and other card games. Approval of the project would provide an opportunity for card room patrons to attend a local venue instead of traveling to nearby cities.

## B. ZONING

The property is located within the CC:FP:TI - Community Commercial: Floodplain Management District Overlay: Traffic Impact Overlay Zoning Districts. The CC zoning designation allows a broad range of community-serving commercial uses including retail and service uses, restaurants, banks, entertainment and offices. Within this Zoning District restaurant and entertainment uses may be allowed; however, card rooms are not explicitly addressed or permitted under this zoning designation. For that reason, the Applicant requests text amendments to NMC chapters 17.10 (Commercial Zoning District), and 17.52 (Site and Use Regulations). The proposed amendments would clarify that one (1) card room may be conditionally allowed within the Community Commercial Zoning District pending consistency with required findings and more explicitly acknowledge card rooms under Code Section 17.52 (Site and Use Regulations) which currently regulates, "cocktail lounges, bars, nightclubs, billiard parlors, pool halls, video arcades or any similar commercial place of entertainment," but which omits specific mention of "card rooms."

## FLOODPLAIN MANAGEMENT OVERLAY

The site is subject to the :FP, Floodplain Management Regulations, which require that the Floodplain Administrator review all on-site improvements. Pursuant to Code section 17.38.060, "new construction or substantial improvements" triggers the need for flood mitigations. However, as detailed in project plans (ATTACHMENT 3), the project does not necessitate any substantial improvements and building modifications are confined to the interior of the building. The Floodplain Administrator has reviewed the proposed plans and has determined that the proposed improvements are consistent with City policy and standards.

## TRAFFIC IMPACT OVERLAY

The site is also subject to the TI: Traffic Impact Overlay regulations, which limits the traffic intensity of uses adjacent to specific "crucial corridors" and establishes development standards designed to minimize traffic conflicts. The Public Works Department has reviewed the proposed project and determined that, amongst other things, it is not a high traffic generating use, would not constitute a drive through, and that the site design continues to be acceptable and would comply with the provisions of the :TI Overlay.

## C. ZONING AMENDMENT; COMMUNITY COMMERCIAL (CC) DISTRICT/SITE AND USE REGULATIONS

. As card rooms were eliminated from the list of permitted or conditionally permitted uses in the Zoning Code in 1983, a Zoning Amendment is necessary to authorize card rooms as a conditionally permitted use within the Community Commercial (CC) District of NMC 17.10. The following table depicts the proposed text amendments associated with the card room use:

The proposed amendments to NMC 17.10 are highlighted in red font, italicized and underlined:

### Chapter 17.10 COMMERCIAL DISTRICTS (CL, CT, CC, DCC, DMU, DN, OBC)

#### 17.10.020 Land use regulations.

Zoning Districts	CL	CT	CC	Added Use Regulations
<b>A. Commercial Uses</b>				
[A1 – A7 omitted]				
<b>8. Recreation facilities, commercial</b>				
Billiard/pool parlors*	CS	CS	CS	*See standards Section 17.52.070
Bowling alleys, skating rinks*			CS	
Campgrounds and RV parks		C		
Game arcades; video arcades*	CS	CS	CS	**C if open after 10 p.m. or if > 5,000 sf
Health clubs/gyms	C	C	C	
Health spas	P**	P	P	



Zoning Districts	CL	CT	CC	Added Use Regulations
Miniature golf		C	C	***C if retail sales not adjacent to front windows or door **** See standards Section 17.52.070 and Chapter 5.16 (card rooms)
<u><b>Card Room****</b></u>			<u><b>C</b></u>	
Other commercial recreation not listed herein	C	C	C	

The proposed amendments to NMC 17.52 are highlighted in red font, italicized and underlined:

### Chapter 17.52 SITE AND USE REGULATIONS

#### 17.52.070 Cocktail lounges, bars and commercial recreation facilities.

A. Purpose. To assure that cocktail lounges, bars, **card rooms** and commercial recreation facilities are appropriately sited and will be designed to operate with minimal impacts on the surrounding neighborhood.

B. Use Permit Review Criteria. The following items shall be taken into consideration in evaluating a use permit application for cocktail lounges, bars, nightclubs, billiard parlors, pool halls, video arcades, **card rooms** or any similar commercial place of entertainment.

1. Comments from the Napa Police Department;
2. Appropriate hours of operation;
3. Potential for loitering;
4. Adequate lighting for security purposes;
5. Distance to public/private schools;
6. Distance to areas used and zoned for residential use;
7. Potential for serving alcoholic beverages;
8. Potential need for annual review of use permit;
9. Other information deemed necessary on a case-by-case basis.

#### D. AMENDMENT TO NMC CHAPTER 5.16 (CARD ROOMS)

Card rooms are further governed by NMC Chapter 5.16 (Card Rooms). NMC subsection 5.16.020 (A), specifies that no new permits for card rooms shall be issued under this Chapter, but pursuant to NMC Section 5.16.030 permits previously used under this chapter may be transferred subject to the transferee complying with NMC Section 5.16.020. As stated above, the Applicant has submitted an application to transfer the original permit issued in 1983. The Police Department has indicated that the Applicant has complied with the requirements for transfer of the permit and is ready to approve the transfer. A condition of approval has been included in the draft resolution approving the



Use Permit for the card room requiring that the Applicant obtain approval of the permit transfer from the Police Chief prior to operating the card room. In addition, the Applicant is requesting amendments to NMC Chapter 5.16 to increase the maximum number of card tables from 5 to 9, increase the allowable number of patrons for each table from 10 to 15, and remove the restriction prohibiting the consumption of alcohol in a card room. The requested number of tables and patrons at each table is intended to align with those allowed under State Law.

The proposed amendments to NMC 5.16 are highlighted in red font, italicized and underlined with deletions struck through:

#### **5.16.050 Number of tables.**

~~It is unlawful for any person to maintain operate for use by at any time in any card room a greater number of tables than set forth in the application for a permit.~~ Any person conducting, carrying on or managing a card room shall not have more card tables in active operation in any room or combination of rooms than allowed under its use permit. Any card table not in active operation shall be covered and prominently labeled as being non-operational and under continuous recorded video surveillance. The cover and sign shall be approved in writing in advance by the Chief of Police.

#### **5.16.060 Intoxicants prohibited.**

~~A.— It is unlawful for the owner, operator, tenant or person in control of any room or enclosure where a card table or tables are maintained, or while any game is being played, or for any person within any room or enclosure where any such table or tables are maintained or used, whether or not a participant at such table or in any game placed there at, to consume any intoxicating liquor or alcoholic beverage.~~

~~B.— It is unlawful for any owner, operator, tenant, or other person to permit any person to consume any intoxicating liquor or alcoholic beverage within any card room or enclosure where any card tables are maintained, used or played at. It is unlawful for any owner, tenant, operator or other such person in charge or control of any such card room, enclosure, game or tables, to knowingly permit any person while under the influence of intoxicating liquor or alcoholic beverage to participate either directly or indirectly in any game played at any such table or within such room or enclosure.~~ to enter into a card room or play at any card table while such person is obviously intoxicated by alcoholic beverages, narcotics, or other drugs.

#### **5.16.070 Minors prohibited.**

~~No proprietor or person having charge of any card room shall suffer or permit any person under the age of 18 years to enter, be in, remain in or visit such establishment~~ knowingly permit or allow any person under the age of 21 years old to be within a card room or enclosure at any time; provided, however, persons under the age of 21 years old may be allowed in the restaurant section or related patio areas of a gambling establishment if the restaurant or patio areas are accessible from either the inside or outside of the building without requiring passage through a card room or enclosure, and the restaurant and access thereto are visually separate from the card room or enclosure.

### 5.16.090 Zoning compliance required.

The card room permit approved pursuant to this chapter may not be used unless and until the holder of the permit complies with any and all regulations of Title 17 of this code. In order to approve a card room permit, the decision-making body must make the following findings in addition to any other applicable findings required under Title 17:

A. Operational measures have been imposed to ensure that the card room will not adversely impact the city's ability to provide fire, police, and other city services to the card room and adjacent and nearby neighborhoods, businesses, and residences.

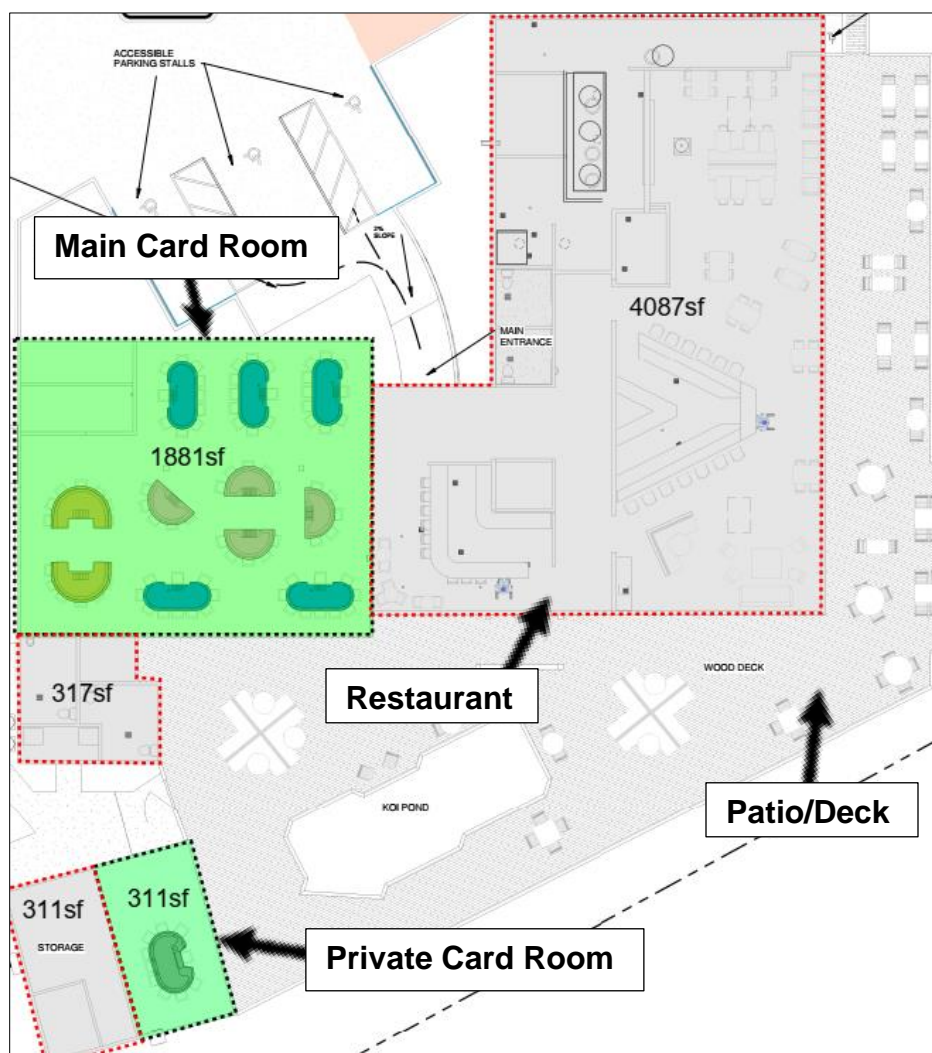
B. Long-term operations of the card room have been adequately addressed.

These findings may be satisfied through the permit holder entering into a long-term agreement with the City, as approved by the City Manager or its designee.

### 5.16.140 Limitations on authorized tables.

No more than ~~five~~ **nine** card tables shall be permitted to be in operation at any one time in a card room ~~in each card room. No more than five 13 card tables shall be permitted or~~ in the City of Napa. Any card tables in excess of the maximum prescribed in this section shall be prominently labeled as being non-operational. The total number of card tables permitted on the premise shall be as approved by Use Permit. No card table shall accommodate in excess of ~~40~~ **15** patrons at one time.

The average number of seats per table is nine, but the Applicant requests amending the regulations to allow a maximum of 15 patrons as it is anticipated in the future that one Baccarat table with the capacity for 15 patrons will replace one of the 9 seat tables.

**FIGURE 2 – CARD ROOM/RESTAURANT FLOOR PLAN**

To inform this analysis, Staff reached out to the City of American Canyon, the City of Petaluma and the City of Citrus Heights to inquire about their experience with the operation of card rooms in their respective jurisdictions. The City of American Canyon did not identify any issues with the operation of the Napa Valley Casino. Neither the Planning Director nor Code Enforcement officer noted any issues or concerns, or major code enforcement violations, related to the card rooms operations. Likewise, the City of Petaluma did not cite any issues or concerns regarding their card room, Parkwest Casino. They noted that the cardroom is in a relatively removed location outside of the principal commercial area which may contribute to the lack of issues or concerns. Neither Petaluma Planning Dept. nor Code Enforcement highlighted any issues. The City of Citrus Heights mirrored the other two cities' comments and cited no concerns with its card room (Stone's Gambling Hall).

It is also worth noting that the City of Napa Code Enforcement/ Police Department have not highlighted any issues or noted any complaints regarding the operations of the former Hemphill's Card Room. In addition, during the Police Department's review of the requested transfer of the local card room permit to the Applicant, the Department investigated other municipalities with card rooms and found no negative information relating to card room

operations within these cities. The various municipal law enforcement agencies cited no negative impacts or high volume of calls for service generated by their local card rooms.

#### E. USE PERMIT

The purpose of the Use Permit requirement in the CC district is to ensure compatibility with adjacent uses given this district's intent to provide a broad range of community-serving commercial uses including retail and service uses, restaurants, banks and entertainment uses. The card room provides a recreational and entertainment activity for locals and visitors alike. Given the project's location which is sited a great distance away from the street frontage, adjacency to heavy commercial uses and the Napa River, with substantial distance to any residential uses, the proposed use appears to be compatible with surrounding uses.

Should the requested Zoning and Municipal Code text amendments be approved, one card room would be conditionally allowed within the City of Napa CC Zoning District insofar as the use is found consistent with Use Permit Findings enumerated in NMC Section 17.60.070 and Section 17.52.070. If Zoning Text Amendments are approved, the following additional items would be required to be taken into consideration in evaluating a Use Permit application for a card room:

##### 1. Comments from the Napa Police Department;

The Police Department has reviewed the card room application and is in receipt of the application for the transfer of ownership of the card room permit previously issued by the Police Chief to Hemphill's. It is prepared to approve the transfer of the permit should the amendments to NMC Chapter 15.16 and Title 17 and Use Permit be approved. The Police Department has indicated it is satisfied with the security plan provided with the application and has provided provisional conditions which have been incorporated into the Use Permit resolution.

##### 2. Appropriate hours of operation;

The Community Commercial district allows 24 hour operation for most uses by right. The card room and restaurant propose to provide 24 hour operation. Given the site's slightly remote location and proximity to surrounding land uses which are largely commercial/industrial in nature, there is no expectation that the 24 hour operation would adversely affect existing residential, office, or neighborhood commercial developments within the vicinity.

##### 3. Potential for loitering;

The security plan submitted with the application identifies 5 to 10 trained California registered security guards would patrol inside and outside the building 24 hours a day and would be trained to address loitering issues. It should be noted that Staff's research of card rooms in other municipalities surfaced no loitering issues related to these card rooms.

4. Adequate lighting for security purposes;

The parking lot is adequately illuminated and although landscaped, provides good visibility.

5. Distance to public/private schools;

There are no schools in the immediate vicinity of the project site. The nearest school, Alta Heights Magnet School, is approximately 1 mile away.

6. Distance to areas used and zoned for residential use;

The project site is separated from any residential zones by the Napa River. There are a few small apartment complexes and rural residential properties separated by approximately 500 feet, along Silverado Trail.

7. Potential for serving alcoholic beverages;

Alcoholic beverages have historically been served by the previous restaurant and the card room intends to continue alcohol service. The project will be subject to the Department of Alcoholic Beverage Control (ABC) and has been conditioned to comply with ABC's "Responsible Service of Alcoholic Beverages" criteria as well as requiring employees who serve alcohol to receive "Responsible Beverage Service" training.

8. Potential need for annual review of use permit;

A condition is recommended that if in the future it is determined by the Planning Division that a nuisance is being created as a result of the card room use, this Use Permit can be brought back before the Planning Commission for consideration of new or modified conditions of approval, or if necessary, revocation of the Use Permit.

9. Other information deemed necessary on a case-by-case basis.  
No other information has been deemed necessary.

As detailed in the Draft Use Permit Resolution (ATTACHMENT 2), the application appears to reasonably meet the Use Permit findings. The Police Department has not identified any concerns or reservations regarding the use, the hours of operation are not expected to impact the neighborhood given the location removed from residential/other sensitive uses, lighting and security would be provided in an approved security plan and the use would not be proximate to any schools. The Applicant has requested that alcohol be served both in the restaurant and card room. Any potential issues related to the consumption of alcohol in the card room area would be addressed both by the security plan provisions and the Conditions of Approval. The City may impose a condition requiring the annual review of the Use Permit if deemed necessary, which has been included in the Use Permit resolution. Staff did not identify any concerns when considering the project against the additional criteria prescribed by NMC Section 17.52.070.

## F. PARKING

No site modifications or expansion of the subject building is proposed under this application. The Site currently provides 130 parking spaces. If the application is approved, the subject site would include 2,192 square feet of card room area and 4,719 square feet of restaurant area. Per NMC Section 17.54.040, food and beverage service establishments (restaurants) require 1 parking space per 100 square feet for the first 3,000 square feet plus 1 parking space per 150 square feet over 3,000 square feet. Therefore, the parking demand for the restaurant portion would be **41 spaces**. There is no use classification in the Parking Requirements section for a card room, but the closest classification would be a “commercial recreation facility.” Parking for a commercial recreation facility is to be determined by the Planning Commission. Since the card room has a fixed number of seats with no additional room for any other activities, Staff recommends requiring one parking space per seat. The card room would have 12 tables, each with 5 to 9 seats. However, no more than 9 tables could be in use at any one time. Assuming maximum occupancy and considering 6 tables with 9 seats, 2 tables with 7 seats and 1 table with 5 seats, the total number of parking spaces per seat would be **73 spaces**. Combined with the 41 spaces for the restaurant, the total parking demand would be **114 spaces**. Therefore, the parking demand would continue to be met by the 130 spaces on site.

## VI. ENVIRONMENTAL REVIEW

Staff recommends that the Planning Commission determine that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with Section 15301 of the CEQA Guidelines (Categorical Exemptions; Class 1), which exempts the operations of existing private structures which involves negligible or no expansion of the existing or former use; and in accordance with Section 15061(b)(3) of the CEQA Guidelines which exempts an activity that does not have the potential to cause a significant effect on the environment.

The Planning Commission further determines that the exceptions to categorical exemptions identified in Section 15300.2 of the CEQA Guidelines are inapplicable because the land is in an urbanized area with no environmentally sensitive habitats or species of concern on the property, there has been no successive effort to intensify land uses in the area, and no unusual circumstances exist that would pose a reasonable possibility of having a significant effect on the environment. Based on this analysis, no significant environmental effects would result from this project and the exemptions are appropriate.

The proposed use would operate within an existing structure which formerly housed a similar use (a restaurant) that exhibited a similar level of intensity and function. No expansion of the building footprint is proposed. In addition, the amendments to the NMC proposed by the project would merely clarify that a card room is a conditionally allowed use within the Community Commercial District and slightly expand operational characteristics to be consistent with State Law. Under the project, the number of card rooms allowed within the City would continue to be limited to one and no additional card room permits would be issued beyond the existing permit which would be transferred to the Applicant.

## **VII. REQUIRED FINDINGS**

The Planning Commission's recommendation on this application is subject to the required findings enumerated in NMC Section 17.66.080 relating to zoning ordinance amendments, and NMC Sections 17.52.070 and 17.60.070 relating to use permits. These findings are provided in the draft ordinance and draft resolution attached hereto.

## **VIII. PUBLIC NOTICE**

Notice that this application was received was provided by the City on October 15, 2018 and notice of the scheduled public hearing was provided on September 4, 2019 by US Postal Service to all property owners within a 500-foot radius of the subject property. Notice of the public hearing was also published in the Napa Valley Register on September 6, 2019 and provided to people previously requesting notice on the matter at the same time notice was provided to the newspaper for publication. Legal notice included a general explanation of the matter to be considered and any related permits, identification of the location of the property involved where site specific, a description of the date, time and place of the public hearing, the identity of the hearing body, and a statement consistent with the Code of Civil Procedure regarding the time limit to commence any legal challenge and matters that may be raised by such challenge. The Applicant was also provided a copy of the report and attachments prior to the meeting.

## **IX. STAFF RECOMMENDATION**

Staff recommends approval of the proposed amendments to Chapter 5.16 and Title 17 of the City of Napa Municipal Code and approval of a Use Permit based on a determination that the application is consistent with the City's General Plan and Zoning Ordinance.

## **X. ALTERNATIVES TO RECOMMENDATION**

1. Continue the application with direction for project modifications.
2. Direct Staff to return to the Planning Commission with a resolution documenting findings from the record of the hearing to support denial of the proposed project.

## **X. REQUIRED ACTIONS**

Make the findings set forth in the attached draft ordinance and resolution and forward a recommendation to the City Council to:

1. Adopt an ordinance determining that the project is exempt from CEQA and approving text amendments to NMC Chapters 5.16, 17.10, and 17.52; and
2. Adopt a resolution determining that the project is exempt from CEQA and approving a Use Permit for the Polvora Card Room at 505 Lincoln Avenue.



## **XII. DOCUMENTS ATTACHED**

1. Draft City Council Ordinance approving text amendments to Napa Municipal Code
2. Draft City Council Resolution approving a Use Permit for the operation of a card room
3. Project Description and Plans
4. Zoning and Municipal Code text with proposed amendments
5. Legislative history of Napa's card room regulations

c: Applicant

# ATTACHMENT 1

## ORDINANCE 02019-XX

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AMENDING NAPA MUNICIPAL CODE CHAPTERS 5.16, 17.10, AND 17.52 AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS ORDINANCE ARE EXEMPT PURSUANT TO CEQA SECTIONS 15301 AND 15061(b)(3).

WHEREAS, on December 28, 2018, Polvora Inc. ("Applicant") submitted an application (PL18-0135) to operate a card room at 505 Lincoln Avenue in Napa. The application requests amendments to Napa Municipal Code (NMC) Chapter 5.16 (Card Rooms) to increase the maximum number of card tables from 5 to 9, to increase the allowable number of patrons for each table from 10 to 15, and remove the restriction prohibiting the consumption of alcohol in a card room. In addition, the Applicant seeks approval of zoning text amendments to NMC Chapter 17.10 (Commercial District Regulations) and 17.52 (Site and Use Regulations) to add "card rooms" as a conditionally allowable use within the Community Commercial Zoning District; and

WHEREAS, on September 19, 2019, the Planning Commission held a noticed public hearing on the proposed text amendments in accordance with NMC Section 17.66.090 and recommended approval of the proposed Ordinance to the City Council; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Napa as follows:

**SECTION 1.** The City Council hereby determines that the Project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines (Categorical Exemptions; Class 1), which exempts operations of existing private structures involving no or negligible expansion of existing or former use; and in accordance with Section 15061(b)(3) of the CEQA Guidelines which exempts an activity that does not have the potential to cause a significant effect on the environment.

The proposed use would operate within an existing facility which formerly housed a similar use that exhibited a similar level of intensity and function. No expansion of the building footprint is proposed. In addition, the text amendments proposed by the Applicant would merely clarify that a card room is a conditionally allowed use within the Community Commercial District and slightly expand operational characteristics consistent with the maximum number of card tables permitted under State Law. Under the project, the number of card rooms allowed within the City would continue to be limited to one and no additional card

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room permits would be issued beyond the existing permit which would be transferred to the Applicant.

The exceptions to categorical exemptions identified in CEQA Guidelines Section 15300.2 are inapplicable because the land is in an urbanized area with no environmentally sensitive habitats or species of concern on the property, there has been no successive effort to intensify land uses in the area, and no unusual circumstances exist that would pose a reasonable possibility of having a significant effect on the environment, and the project does not involve or affect historic resources. Based on this analysis, no significant environmental effects would result from this project and the use of categorical exemptions is appropriate.

**SECTION 2.** The City Council hereby makes the following findings pursuant to NMC Section 17.66.080:

1. The proposed amendment is consistent in principle with the General Plan.

The proposed text zoning text amendments to Chapters 17.10 and 17.52 and operation of one card room within the Community Commercial land use district complies with the General Plan and aligns with the mix of uses envisioned for the Community Commercial Land Use District. More specifically, the proposed project would meet General Plan Goal LU-5 in that, the amendments would encourage a project which would strengthen and diversify recreational and entertainment opportunities for residents and visitors through the creation of a modern restaurant/lounge/card room. The text amendments would likewise be consistent with LU-5.1 in that it would allow for a use that would enhance the commercial viability of the property which has previously struggled to maintain consistent revenue streams. The text amendments would facilitate a project that would be appropriately located near a major arterial able to handle traffic generated by the use and thereby is consistent with GP Goal LU- 5.6. The amendments would encourage a revenue-generating use and therefore be consistent with Goal ED-1 and would provide the opportunity to capture visitor dollars that are not currently finding their way to Napa and thereby further encouraging local dollars to stay within the City.

2. The public health, safety and general welfare are served by the adoption of the proposed amendment.

The public health, safety, and general welfare of the community are served by the proposed text amendments in that the proposed amendments would strengthen and diversify recreational and entertainment opportunities for residents and visitors through the creation of a restaurant/lounge/card room with minimal impacts. The text amendments will not be detrimental to the public health, safety, or general welfare due to the fact that the use would be substantially similar to the previous uses located at the subject site and which have not caused issues and that the use would be appropriately regulated by Code limitations, conditions of approval and oversight by the Chief of Police, the Bureau of Gambling Control, and the California Gambling Control Commission.

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3. If a rezoning to a district with a larger minimum lot size is proposed, effectively reducing the planned residential density, the City shall also find that the remaining sites in the Housing Element are adequate to accommodate the jurisdiction's share of the regional housing need pursuant to California Government Code section 65584; or if not, that it has identified sufficient additional, adequate and available sites with an equal or greater residential density in the jurisdiction so that there is no net loss of residential unit capacity.

This finding is not applicable to this project because the project does not rezone land, include any proposal to increase a minimum lot size, nor does it eliminate any site designated in the Housing Element from future use as a housing site.

**SECTION 3.**      Amendment. NMC Section 5.16.050 " Number of Tables" is hereby amended by deleting the current text and replacing it with: " Any person conducting, carrying on or managing a card room, shall not have more card tables in active operation in any room or combination of rooms than allowed under its use permit. Any card table not in active operation shall be covered or prominently labeled as being non-operational. The cover and sign shall be approved in advance in writing by the Chief of Police."

**SECTION 4.**      Amendment. NMC Section 5.16.060 " Intoxicants Prohibited" is hereby amended by deleting the current text in subsections (A) and (B) and replacing it with: "Intoxicants Prohibited. It is unlawful for any owner, tenant, operator or other such person in charge or control of any such card room, enclosure, game or tables, to knowingly permit any person to enter into a card room or play at any card table while such person is obviously intoxicated by alcoholic beverages, narcotics, or other drugs."

**SECTION 5.**      Amendment. NMC Section 5.16.070 " Minors Prohibited" is hereby amended by deleting the current text and replacing it with: "No proprietor or person having charge of any card room shall knowingly permit or allow any person under the age of 21 years to be within a card room or enclosure at any time; provided, however, that persons under the age of 21 years may be allowed in the restaurant section of a gambling establishment if the restaurant is accessible from the outside without requiring passage through a card room or enclosure, and the restaurant and such access are visually separate from the card room or enclosure.

**SECTION 6.**      Amendment. NMC Section 5.16.090 "Zoning Compliance Required" is hereby amended by deleting the current text and replacing it with: "The card room permit approved pursuant to this chapter may not be used unless and until the holder of the permit complies with any and all regulations of Title 17 of this code. In order to approve a card room permit, the decision-making body must make the following findings in addition to any other applicable findings required under Title 17.

A.      Operational measures have been imposed to ensure that the card room will not adversely impact the city's ability to provide fire, police, and other city services to the card room and adjacent and nearby neighborhoods, businesses, and residences.

B.      Long-term operations of the card room have been adequately addressed.

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These findings may be satisfied through the permit holder entering into a long-term agreement with the City, as approved by the City Manager or its designee.

**SECTION 7.** Amendment. NMC Section 5.16.140 “ Limitations on Authorized Tables” is hereby amended by deleting the current text and replacing it with: “No more than nine card tables shall be permitted to be in operation at any one time in a card room or in the City of Napa. Any card tables in excess of the maximum prescribed in this Section 5.16.140 shall be prominently labeled as being non-operational. The total number of card tables permitted on the premises shall be as approved by a use permit. No card table shall accommodate in excess of 15 patrons at one time.

**SECTION 8.** Amendment. The Land Use Regulations Table set forth in NMC Subsection 17.10.020 A.8. “ Recreation facilities, Commercial” is hereby amended to add “ Card Room” in the appropriate alphabetical location within the table; with “conditionally permitted” or “C” under the column labeled “CC” and in the line corresponding to “Card Room” as depicted below and by adding “See standards Section 17.52.070 and Chapter 5.16 (card rooms)” in the column labeled “Added use regulations”:

17.10.020 Land use regulations.

Zoning Districts	CL	CT	CC	Added Use Regulations
<b>A. Commercial Uses</b>				
[A1 – A7 omitted]				
<b>8. Recreation facilities, commercial</b>				
Billiard/pool parlors*	CS	CS	CS	*See standards Section 17.52.070
Bowling alleys, skating rinks*			CS	
Campgrounds and RV parks		C		
Game arcades; video arcades*	CS	CS	CS	
Health clubs/gyms	C	C	C	**C if open after 10 p.m. or if > 5,000 sf
Health spas	P**	P	P	
Miniature golf		C	C	***C if retail sales not adjacent to front windows or door
<b>Card Room****</b>			<b>C</b>	
Other commercial recreation not listed herein	C	C	C	**** See standards Section 17.52.070 and Chapter 5.16 (card rooms)

**SECTION 9.** Amendment. NMC Subsection 17.52.070 (A) “Cocktail lounges, bars and commercial recreation facilities” is hereby amended to add the words “card rooms” to the first sentence to read as follows: “Purpose. To assure that cocktail lounges, bars, card rooms and commercial recreation facilities are appropriately sited and will be designed to operate with minimal impacts on the surrounding neighborhood.”

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**SECTION 10.**      Amendment. NMC Subsection 17.52.070 (B) "Cocktail lounges, bars and commercial recreation facilities" is hereby amended to add the words "card rooms" the first sentence to read as follows: "Use Permit Review Criteria. The following items shall be taken into consideration in evaluating a use permit application for cocktail lounges, bars, nightclubs, billiard parlors, pool halls, video arcades, card rooms or any similar commercial place of entertainment.

1.      Comments from the Napa Police Department;
2.      Appropriate hours of operation;
3.      Potential for loitering;
4.      Adequate lighting for security purposes;
5.      Distance to public/private schools;
6.      Distance to areas used and zoned for residential use;
7.      Potential for serving alcoholic beverages;
8.      Potential need for annual review of use permit;
9.      Other information deemed necessary on a case-by-case basis".

**SECTION 11.**      Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 12.**      Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

City of Napa, a municipal corporation

MAYOR: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK OF THE CITY OF NAPA

STATE OF CALIFORNIA }  
COUNTY OF NAPA      } SS:  
CITY OF NAPA            }

I, Tiffany Carranza, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the regular meeting of the City Council on the XX day of October, 2019, and had its second reading and was adopted and passed during the regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

**ATTACHMENT 1**

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
Tiffany Carranza  
City Clerk

Approved as to Form:

\_\_\_\_\_  
Michael W. Barrett  
City Attorney



## ATTACHMENT 2

### RESOLUTION NO. R2019-\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A USE PERMIT FOR POLVORA INCORPORATED TO OPERATE A CARD ROOM AT 505 LINCOLN AVENUE AND DETERMINING THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTIONS 15301 AND 15061(B)(3)

WHEREAS, on December 28, 2018, Polvora Inc. ("Applicant"), submitted an application (PL18-0135) for a use permit pursuant to Napa Municipal Code ("NMC") Chapter 17.60 ("Use Permit") to operate a card room at the property identified as 505 Lincoln Avenue ("Site") (APN: 044-220-008) (collectively, the "Project"); and

WHEREAS, the Planning Commission of the City of Napa, State of California, held a noticed public hearing on September 19, 2019 and has recommended approval of the subject application; and

WHEREAS, the City Council has considered all information related to the Use Permit Application, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Napa as follows:

**Section 1.** The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct and establish the factual basis for the City Council's adoption of this Resolution.

**Section 2.** The City Council hereby determines that the Project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines (Categorical Exemptions; Class 1), which exempts operations of existing structures involving no or negligible expansion of existing or former use; and in accordance with Section 15061(b)(3) of the CEQA Guidelines which exempts an activity that does not have the potential to cause a significant effect on the environment.

The proposed use would operate within an existing facility which formerly housed a similar use (restaurant) that exhibited a similar level of intensity and function. No expansion of the building footprint is proposed. In addition, the zoning text amendments requested by the Applicant would merely add a card room as a conditionally allowed use within the Community Commercial District and increase the number of permitted tables from 5 to 9. Under the project, the number of card rooms allowed within the City would continue to be limited to one and no additional card room permits would be issued beyond the existing permit that would be transferred to the Applicant.

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The exceptions to categorical exemptions identified in Section 15300.2 of the CEQA Guidelines are inapplicable because the Site is in an urbanized area with no environmentally sensitive habitats or species of concern on the Site, there has been no successive effort to intensify land uses in the area, and no unusual circumstances exist that would pose a reasonable possibility of having a significant effect on the environment, and the Project would not impact a historic resource. Based on this analysis, no significant environmental effects would result from the Project and the use of categorical exemptions is appropriate.

**Section 3.** The City Council hereby approves a Use Permit for the Polvora Card Room as defined on the plans dated August 28, 2019 and submitted as a part of the subject application and makes the following findings in support of the approval:

- A. *The proposed use is in accord with the General Plan, applicable specific plans, the objectives of the Zoning Ordinance and the purposes of the district and overlay district in which the site is located.*

The Site is located within the CC-482 – Community Commercial General Plan Designation which provides for commercial/retail establishments including entertainment uses. The operation of a card room within the CC Land Use District would be consistent with the mix of uses envisioned for the District and would comply with applicable development standards.

- B. *The proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City.*

As conditioned, the operation of the card room would not generate impacts that would be detrimental to the public health, safety, or welfare. The proposed use would be appropriately located in a commercial area that is not directly proximate to residential or other sensitive uses. The card room operation would be confined to the interior of the building with some restaurant seating located outdoors consistent with past restaurant operations. In addition, State and Local oversight of the gaming operation and the provision of an approved security plan will ensure that the card room operation would operate in a manner that limits any impacts. Accordingly, as conditioned, the project would not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City.

- C. *The proposed use complies with each of the applicable provisions of the Zoning Ordinance.*

The proposed use would comply with the applicable provisions of the Zoning Ordinance, as proposed to be amended. The proposed zoning text amendment to NMC Chapter 17.10 requested by the Applicant would add card rooms as a conditionally permitted use in the Community Commercial District. Staff has reviewed the application for compliance with the applicable provisions of the Zoning Code and found that it meets all applicable regulations.

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Special Findings from NMC 5.16.090 (Zoning Compliance Required):

- A. *Operational measures have been imposed to ensure that the card room will not adversely impact the city's ability to provide fire, police, and other city services to the card room and adjacent and nearby neighborhoods, businesses, and residences.*

The Card Room has been reviewed by the Police and Fire Departments and has been conditioned to ensure the safety of adjacent businesses and neighborhoods. The Police Department has performed background investigations of the Card Room operators and have found nothing of concern that would lead to the belief that the Card Room would be operated in a detrimental manner. The Card Room has been conditioned to perform the measures outlined in the security plan which was submitted, reviewed and approved by the Police Department.

- B. *Long-term operations of the card room have been adequately addressed. These findings may be satisfied through the permit holder entering into a long-term agreement with the City, as approved by the City Manager or its designee.*

The long term operations of the Card Room have been adequately addressed by the conditions of approval and with the required adherence to the approved security plan and also with the long term agreement with the City that will be executed prior to commencement of the Card Room use.

**Section 4.** The City Council's approval of the Use Permit for the Project is subject to the following conditions:

1. This Use Permit authorizes the Applicant to operate a 9-table card room on the Site in accordance with the plans dated August 28, 2019, and submitted as a part of the subject application, as amended by these conditions of approval.
2. The Applicant shall obtain a permit from the Police Chief to operate a card room in accordance with Section 5.16.020 of the Municipal Code prior to commencing card room operations on the Site.
3. The Applicant shall comply with all provisions of Section 5.16 of the Municipal Code governing card rooms, the card room permit issued by the Police Chief, the conditions of this Use Permit, the California Gambling Control Act, the regulations of the California Gambling Control Commission and all other applicable laws governing card rooms.
4. The card room is authorized to operate on the Site 24 hours a day, 7 days a week.
5. Consistent with NMC Section 5.16.140, the maximum number of card tables that may be in use on the Site at any one time is nine (9). The maximum number of tables allowed on the premise is twelve (12). The number of seats at each card table shall not exceed fifteen (15).

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6. Any card table not in active operation shall be covered and prominently labeled as being non-operational. The cover and sign shall be approved in writing in advance by the Chief of Police.
7. Tables not in use shall be under 24 hour video surveillance with IP based cameras. The Napa Police Department shall be given permission for remote viewing of the camera(s). Minimum requirements for the camera(s) are:
  - a. IP Based
  - b. Password protected
  - c. Accessed from the internet
  - d. Use File Transfer Protocol (FTP)
  - e. The system shall maintain recordings for 7 days
8. All gaming activities and card tables shall be confined to the interior of the building in the areas designated on the approved plans for gaming. No such activities shall be conducted outside on the deck/ outdoor seating areas or in any other area not designated for gaming on the approved plans.
9. Security shall be provided at all times when the business is in operation in accordance with the Ace & Vine Security Plan (dated December 2018) as submitted with the Use Permit application and on file with the Planning Division.
10. All persons engaged in or assisting with the sales or service of alcoholic beverages on the Site shall complete an approved course on Responsible Beverage Service (RBS) or LEAD (ABC certified) prior to engaging in or assisting in the sales of alcohol.
11. No alcoholic beverages shall be sold to any obviously intoxicated person or to a person under the age of 21.
12. All sellers/servers shall check the identification of any purchaser of alcoholic beverages suspected of being under the age of 25. Forms of government identification with photograph such as a driver's license or identification card are accepted forms of identification.
13. No alcoholic beverage may be served on the premises between 1:30 AM to 6:00AM, and no alcoholic beverages may be consumed on the premises after 2:00 AM.
14. The operator of the card room shall prohibit loitering in the parking lot and in front of the building entrance at all times.
15. The operator of the card room shall keep the parking lot and other outdoor areas free of litter and trash at all times.
16. The operator of the card room shall make every effort to assist patrons that are intoxicated in acquiring alternative safe transportation such as a cab or sober driver.

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17. The parking lot must be illuminated at night, and all parking lot lights must be in operable condition at all times during business operation. All lighting shall be downward lit.
18. Should the Planning Manager determine that the card room causes a nuisance, this Use Permit shall be reviewed for consideration of new conditions of approval, modified conditions of approval, or if necessary, revocation of the Use Permit consistent with Chapter 17.72 of the Napa Municipal Code.
19. All conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of Building Permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
20. All exterior lighting on the Site shall be properly shielded and directed downward to preclude glare conditions that might impact adjacent properties or public streets.
21. Prior to issuance of a Building Permit (if applicable), the Developer shall pay all applicable fees at the rates in effect at the time of payment for the Project involved, including but not limited to:
  - a. Affordable Housing Impact Fee; and
  - b. Public Art Contribution (or compliance with the public art installation pursuant to NMC Section 15.108), if applicable.
22. Additional Approvals Required:
  - a. Approval of this Use Permit is subject to the Napa Sanitation District approving any required sanitary sewer improvements.
  - b. Approval of this Use Permit is subject to the Environmental Health Division of the County of Napa approving any required food facility permits.

### City General Conditions:

23. Consistent with the City's Sign Ordinance, no portable (e.g. A-frame, portable, rotating, flashing, animated, moving or having the appearance of moving, inflatable) signs are permitted on the site.
24. No outdoor speakers are approved as a part of the Use Permit.
25. The plans submitted for a Building Permit shall identify the locations of all mechanical and utility equipment, including transformers and backflow devices.

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26. All mechanical and utility equipment, including transformers and backflow devices must be screened and/or integrated into a building structure. Screens shall not be used where they would disproportionately increase the mass of the building or introduce elements that are inconsistent with the high level of design quality reviewed as part of the Use Permit. Because transformers and backflow prevention devices are regularly maintained and tested, screening is required to meet certain criteria for the accessibility and visibility. Landscaping and screening of devices must be installed prior to issuance of a Certificate of Occupancy for the Project.
27. Construction activities shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 4:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. There will be: no start-up of machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials nor equipment prior to 7:30 a.m. nor past 5:00 p.m., Monday through Friday; and no servicing of equipment past 6:45 p.m., Monday through Friday.
28. Unless otherwise specifically provided, each condition of approval shall be satisfied prior to issuance of a building permit, or if a building permit is not required, prior to the commencement of use.
29. No use authorized by this Use Permit may commence until the Applicant has executed any agreement required by these conditions of approval.
30. Applicant shall pay all applicable fees and charges at the required time and at the rate in effect at time of payment (in accordance with the City's Master Fee Schedule; see individual departments regarding the timing of fee payment requirements).
31. Applicant shall design and construct all improvements and facilities shown on any approved tentative map, site plan, plans and specifications, or other approved documents, to comply with the General Plan, any applicable Specific Plan, the NMC, City ordinances and resolutions, the "Standard Specifications" of the Public Works and Fire Departments, and the approved tentative map, site plan, plans and specifications, and other approved documents.
32. The time limit within which to commence any lawsuit or legal challenge to this Use Permit is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.
33. To the full extent permitted by law, the Applicant shall indemnify, defend, release and hold City, its agents, officers, and employees harmless from and against any claims, suits, liabilities, actions, damages, penalties or causes of action by any person, including Applicant, for any injury (including death) or damage to person or property or to set aside, attack, void or annul any actions of City, its agents, officers

## ATTACHMENT 2

and employees, from any cause whatsoever in whole or in part arising out of or in connection with (1) the processing, conditioning or approval of the applications relating to the Site; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation or operation of Project improvements and regardless whether the actions or omissions are alleged to be caused by City or Applicant so long as City promptly notifies Applicant of any such claim, etc., and the City cooperates in the defense of same.

34. If the Applicant is not the owner of the Site, all agreements required to be executed by this Resolution must be executed by the Owner(s) as well as the Applicant.
35. The conditions of approval of this Use Permit set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions (and mitigations) constitute written notice of the statement of the amount of such fees and a description of the dedications, reservations, and other exactions. You are hereby notified that the 90-day period in which you may protest those fees, the amount of which has been identified herein, dedications, reservations and other exactions required in connection with this Use Permit has begun. If you fail to file a protest complying with all the requirements of Section 66020, you will be legally barred from later challenging such exaction.
36. Violation of any term, condition, mitigation measure or Project description relating to this Use Permit is unlawful, prohibited and a violation of the Napa Municipal Code and can result in revocation or modification of this Use Permit and/or the institution of civil and/or criminal enforcement and/or abatement proceedings.
37. This Use Permit would not have been granted but for the applicability and validity of each and every one of the specified mitigations and conditions, and if any one or more of such conditions and mitigations is found to be invalid by a court of law, this Use Permit would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the purpose and intent of such approval.
38. This resolution shall become effective on the day following Council's approval of this Resolution. The Use Permit shall be effective thirty (30) days after the City Council's adoption of an ordinance amending NMC Section 17.10 to add cardrooms as a conditionally permitted use in the Community Commercial District and amending NMC Chapter 5.16 to increase the maximum number of card tables from 5 to 9, to increase the allowable number of patrons for each table from 10 to 15, and remove the restriction prohibiting the consumption of alcohol in a card room. The Use Permit is subject to the expiration provisions of NMC Section 17.68.170 and may be extended in accordance with the requirements of NMC Section 17.68.130.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the \_\_\_\_ day of October, 2019, by the following vote:

AYES:



**ATTACHMENT 2**

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
Tiffany Carranza  
City Clerk

Approved as to form:

\_\_\_\_\_  
Michael W. Barrett  
City Attorney

December 28, 2018

Mr. Michael Allen  
Planning Division  
City of Napa  
1600 First Street  
Napa, CA 94559

**Re: File #18-0135 – Polvora Card Room – 505 Lincoln Avenue – APN: 044-220-008**

Dear Mr. Allen:

We submit this letter with enclosures as a revised application for Polvora's proposed restaurant and cardroom ("Project") at 505 Lincoln Ave in the City of Napa ("Property"). The revisions to the Project reflect the input we received from City staff and officials, who wanted to clarify the current rules pertaining to card rooms and give the City greater control over activities on the Property, while also allowing a viable business to succeed in what has been a challenging location to operate a restaurant.

The Project now includes text amendments to the Napa Municipal Code (NMC), specifically Chapters 17.10 (Commercial District Zoning), 17.52 (Site and Use Regulations), and 5.16 (Card Rooms). These proposed amendments clarify that a card room is allowed in the CC-Community Commercial Zoning District—an area where the General Plan encourages the project's restaurant and entertainment uses. The amendments also ensure that the card room is appropriately sited and designed to operate with minimal impacts to surrounding areas while still providing a fun recreational and entertainment activity for locals and visitors alike. The amendments, however, do not change the existing rule that only one card room is permitted within the City of Napa.

In light of the proposed NMC amendments, the Project revises its use permit application to operate with 9 tables at one time, as allowed under state law. The number of tables will continue to be enclosed within a demarcated gaming area, separate from the restaurant and lounge as noted in the Project's revised floor plan.

Per the City Planning Division's request, we submit the following in support of the requested NMC amendments and revised use permit application:

- Attachment A – Overview of proposed text amendments to NMC
- Attachment B – Verification of transfer of state card room license held by Hemphill's Card Room & Lounge to Polvora, Inc.
- Attachment C – Verification of transfer of local license held by Hemphill's Card Room & Lounge to Polvora, Inc.
- Attachment D – Floor plan and maps

- Attachment E – Safety, Security and Evacuation Plan (Preliminary plan was submitted to Napa Police Department and subject to change upon their review)

Please let us know if you have any questions on the materials. We will be happy to provide any additional information you need to process this development application, such as the benefits from this Project. Thank you

Sincerely,

Gabe Pattee  
Owner/Authorized Agent  
Polvora Inc.  
408-605-2560

Jeff Dodd  
D (415) 772-5724  
jdodd@coblenzlaw.com

August 9, 2019

**VIA E-MAIL (mallen@cityofnapa.org)**

Michael Allen  
Senior Planner  
City of Napa, Planning Division  
1600 First Street  
Napa, CA 94559

Re: File #18-0135 | 505 Lincoln Avenue (APN: 044-220-008)

Dear Mr. Allen:

On behalf of Polvora, Inc., this letter provides a revised project description for the proposed restaurant and cardroom at 505 Lincoln Ave in the City of Napa (the "Property"). In sum, this revised project description addresses text amendments to the Napa Municipal Code (NMC) relating to cardrooms, applicable fees, and number of card tables in operation.

**I. Text Amendments to NMC**

The project proposes text amendments to NMC Chapters 17.10 (Commercial Zoning), 17.52 (Site and Use Regulations), and 5.16 (Card Rooms) as provided in Attachment 1 to this letter. The amendments make clear that a card room is allowed in CC-Community Commercial zoning—an area where the General Plan encourages restaurant and entertainment uses. In addition to increasing the number of tables allowed within a card room, the amendments ensure that a card room will be appropriately sited and designed to operate with minimal impacts to neighbors. There is no change to the existing rule that only one card room is allowed in the City.

**II. Applicable Fees**

We understand that staff may propose an increase to the business license fees applied to a card room. Under Chapter 5.04 of the NMC (Business Licenses Generally), the City applies an annual \$500 fee per each table in operation pursuant to NMC Section 5.04.370, subd. (D). (See NMC § 5.16.020 ["a card room must pay the license fees required by Chapter 5.04 [which] shall be set by resolution."].) The applicant will discuss with the City Manager's office or its designee a fee appropriate for Napa that will be greater than comparable cities. Prior to any hearing on the matter, the applicant will include the fee discussed with staff or a range of fees if the parties have not come to an agreement to present to the City Council.

Coblentz  
Patch Duffy  
& Bass LLP

Michael Allen  
August 9, 2019  
Page 2

### III. Card Tables in Operation

The California Bureau of Gambling Control approved amending NMC Section 5.16.140 to increase the number of card tables that may be in operation at one time to 9. However, the applicant needs to have more than 9 card tables on-site to meet the daily and ever-changing demands of patrons on any given day. Visitors want to play a variety of games—whether its Texas Hold 'Em, Blackjack, or Baccarat—that are played on different types of tables. But, due to their weight and size, an operator cannot swap tables in-and-out in an efficient and timely manner, to meet customer expectations on that particular day.

State law allows a card room to have more tables on-site than what are authorized to be in operation based on certain conditions:

A licensee shall not have in any room or combination of rooms where controlled games or gaming activities are being conducted, more gaming tables than the total number of tables the licensee is authorized to operate, *unless all excess gaming tables are covered or prominently labeled as being non-operational and are under continuous recorded video surveillance.* (Cal. Code of Regs., Title 4, Section 12391, subd. (a)(3) [emphasis added].)

The proposed amendments to NMC Section 5.16.050 are consistent and, in fact, more restrictive than state law. As amended, Section 5.16.050 requires the card room operator to cover tables not in active operation *and* label them as such, as well as maintain continuous recorded video surveillance of those non-operational tables.

In addition, the site plans (enclosed in Attachment 2) show the 12 card tables that the applicant can physically fit—in consideration of Fire Code standards and ADA regulations—within the project's delineated card room area. The applicant appreciates your attention to this important issue so it can successfully compete against other card rooms in the region.

Thank you for your attention to the details and complexities of the project. Please do not hesitate to call with any questions at (707) 603-2722.

Sincerely,



Jeff Dodd



PATTEE CONSTRUCTION MANAGEMENT  
20000 San Ramon Rd  
San Ramon, Ca 94583  
(408) 605-2560

POLYORA INC.

844 East Kaiser 4243  
Antioch, Ca 94506  
(714) 572-8186

Lincoln Cardroom/Restaurant  
505 Lincoln, Napa Ca. 94558

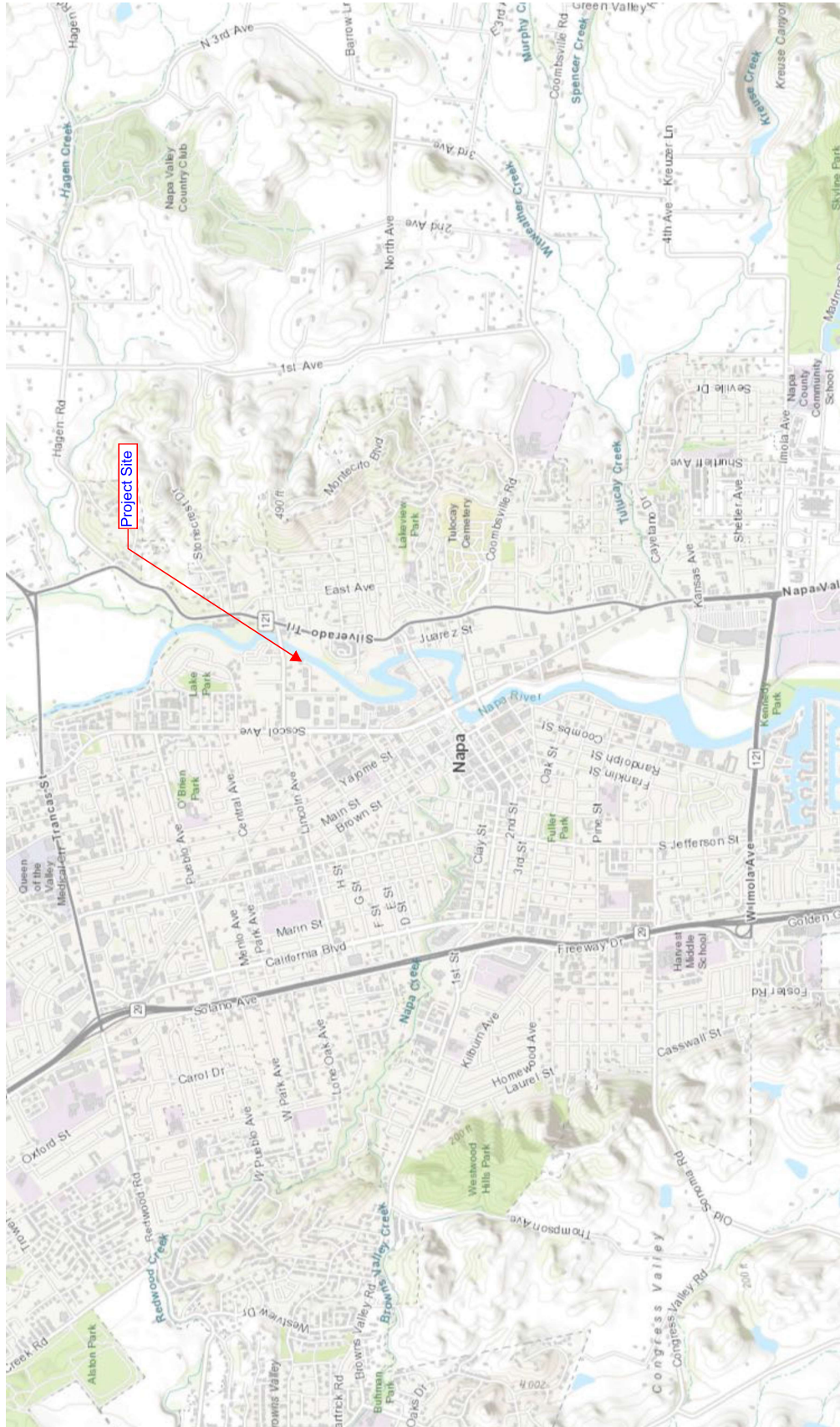
DRAWN BY  
GP

ISSUE  
07.07.18

Lincoln Cardroom  
Vicinity Map

ATTACHMENT 3

A0.1<sup>3</sup>





**PATTEE**  
CONSTRUCTION MANAGEMENT

PATTEE CONSTRUCTION MANAGEMENT  
20000 San Ramon Avenue  
San Mateo, Ca 94403  
(408) 605-2560

POLYORA, INC.

8441 East Kaiser 4213  
Antioch, Ca 94506  
(714) 572-8186

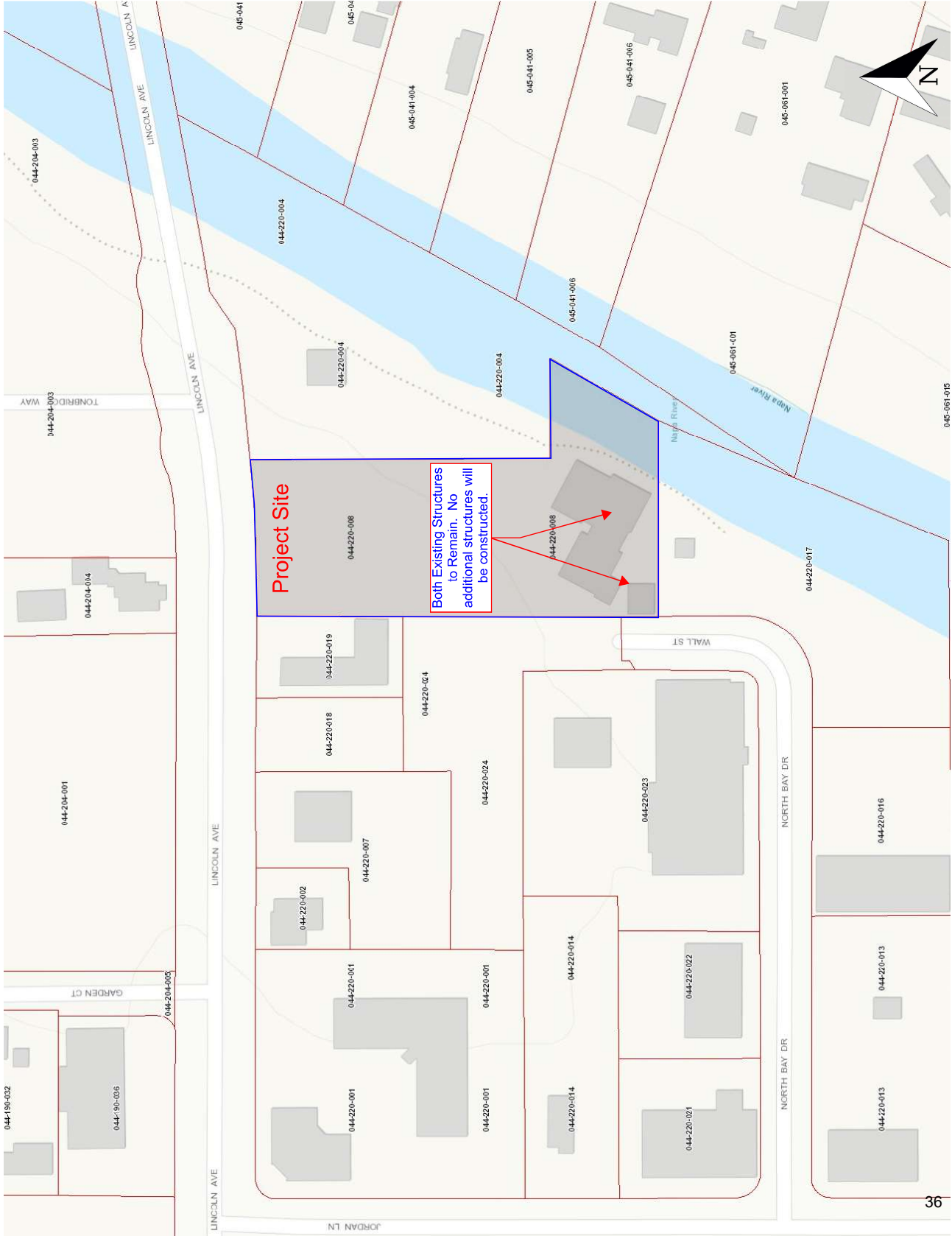
Lincoln Cardroom/Restaurant  
505 Lincoln, Napa Ca. 94558

DRAWN BY  
GP

ISSUE  
07.07.18

Lincoln Cardroom  
Site and Adjacent Properties Map

ATTACHMENT 3  
A0.2





# SITE PLAN ACT WITH AREA USE

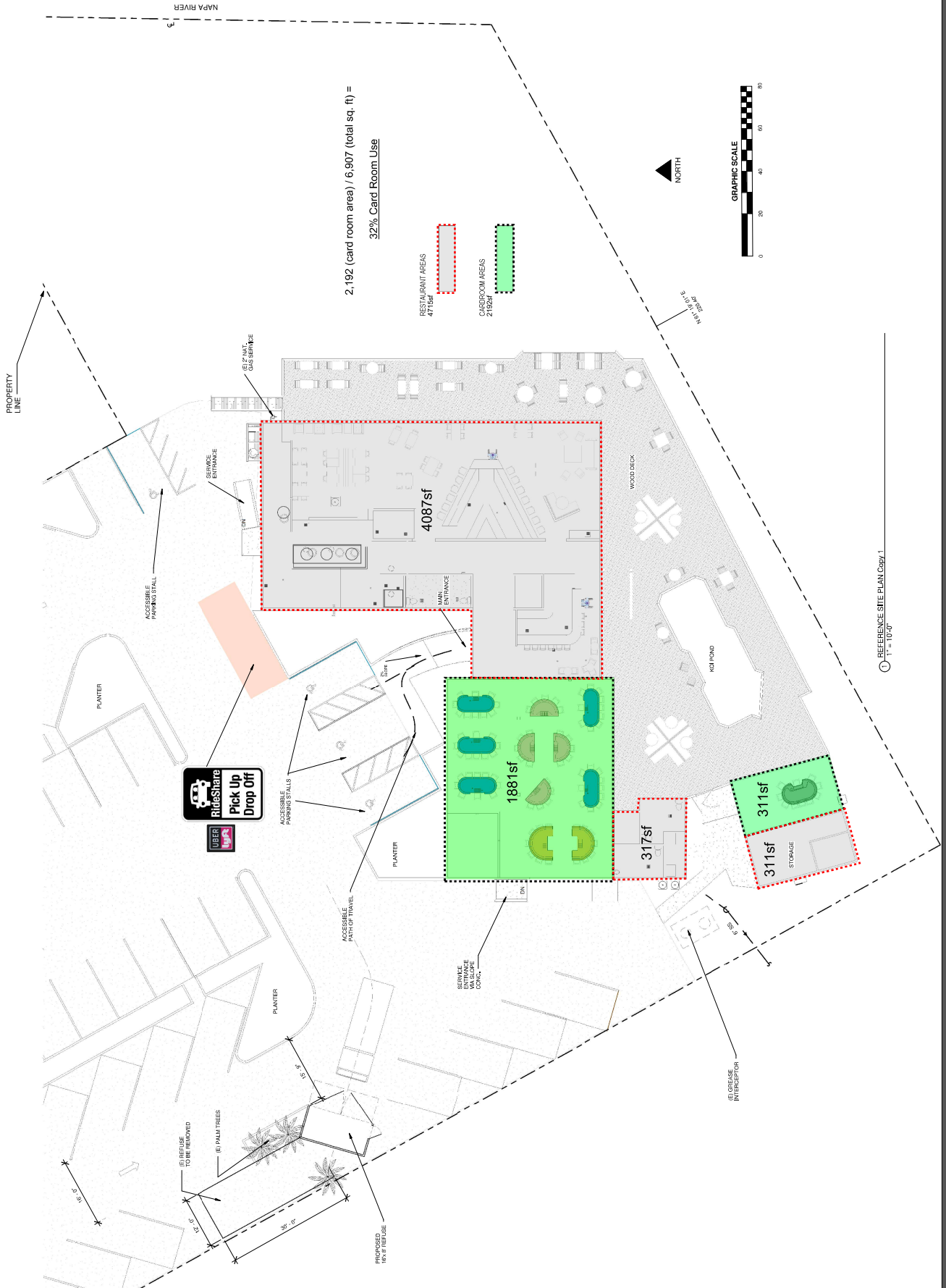
A1083

Scale 1" = 10'-0"

## ACE & VINE

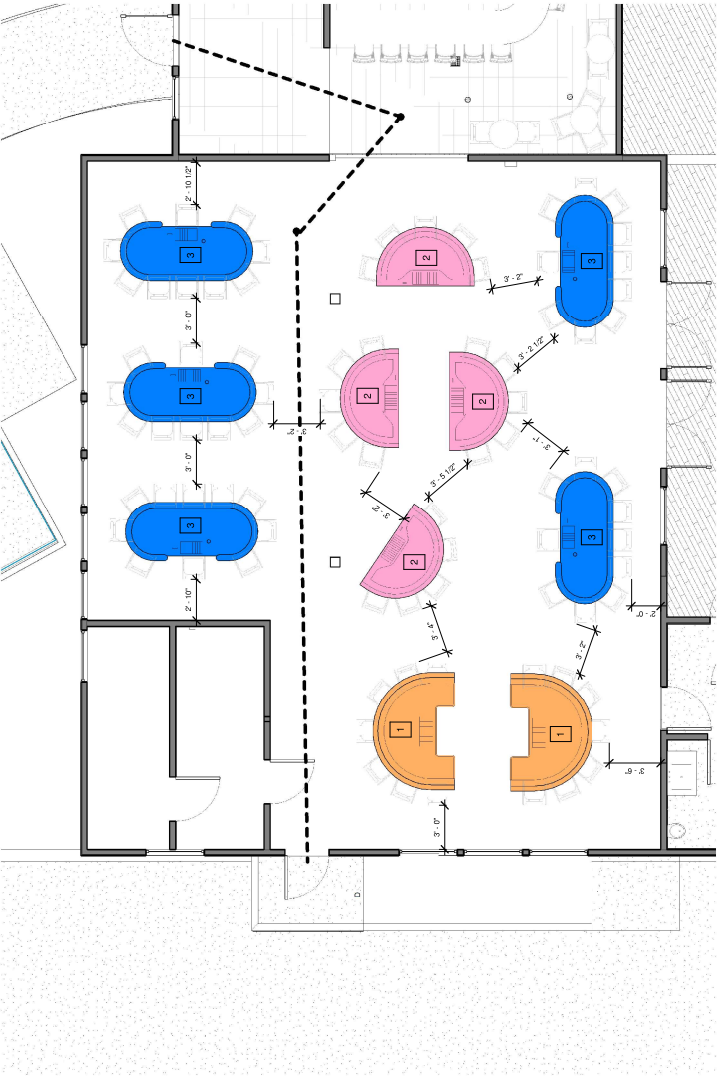
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Owner

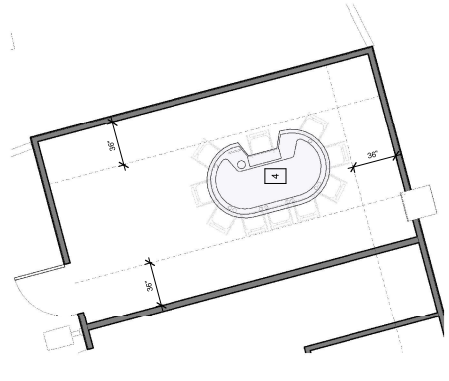
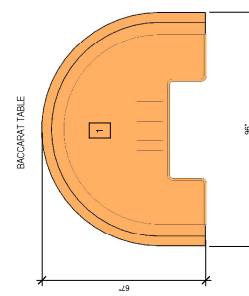
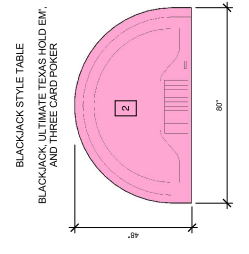
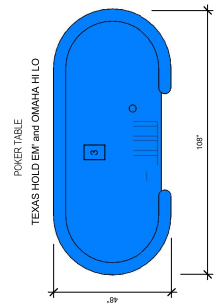
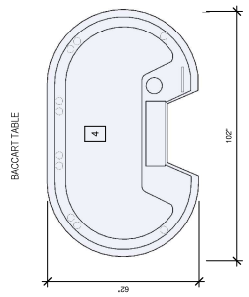


1 REFERENCE SITE PLAN COPY 1  
1" = 10'-0"





① Level 1 - Proposed Gaming - Callout 1  
1/4" = 1'-0"



② Level 1 - Proposed Gaming - Callout 2  
1/4" = 1'-0"

# ATTACHMENT 3

## GAMING TABLE PLAN

Project number	61234567
Owner	ACE & VINE
Drawn by	ACE & VINE

A107.3

Scale	As indicated
-------	--------------

## ACE & VINE

505 LINCOLN AVE. NAPA, CA 94559

No.	Description	Date

Owner

The following are proposed amendments to the Napa Municipal Code, in particular Chapter 5.16 [card rooms], Chapter 17.10 [commercial districts], and Chapter 17.52 [site and use regulations].

The proposed amendments are highlighted in red font, italicized and underlined, with deletions struck through.

## Chapter 17.10 COMMERCIAL DISTRICTS (CL, CT, CC, DCC, DMU, DN, OBC)

### 17.10.020 Land use regulations.

Zoning Districts	CL	CT	CC	Added Use Regulations
<b>A. Commercial Uses</b>				
[A1 – A7 omitted]				
<b>8. Recreation facilities, commercial</b>				
Billiard/pool parlors*	CS	CS	CS	*See standards Section 17.52.070
Bowling alleys, skating rinks*			CS	
Campgrounds and RV parks		C		
Game arcades; video arcades*	CS	CS	CS	**C if open after 10 p.m. or if > 5,000 sf
Health clubs/gyms	C	C	C	
Health spas	P**	P	P	
Miniature golf		C	C	***C if retail sales not adjacent to front windows or door ***** See standards Section 17.52.070 and Chapter 5.16
<b><u>Card Room *****</u></b>			<b><u>C</u></b>	
Other commercial recreation not listed herein	C	C	C	

## Chapter 17.52 SITE AND USE REGULATIONS

### 17.52.070 Cocktail lounges, bars and commercial recreation facilities. [Amend]

A. Purpose. To assure that cocktail lounges, bars, **card rooms** and commercial recreation facilities are appropriately sited and will be designed to operate with minimal impacts on the surrounding neighborhood.

B. Use Permit Review Criteria. The following items shall be taken into consideration in evaluating a use permit application for cocktail lounges, bars, nightclubs, billiard parlors, pool halls, video arcades, **card rooms** or any similar commercial place of entertainment.

1. Comments from the Napa Police Department;
2. Appropriate hours of operation;

3. Potential for loitering;
4. Adequate lighting for security purposes;
5. Distance to public/private schools;
6. Distance to areas used and zoned for residential use;
7. Potential for serving alcoholic beverages;
8. Potential need for annual review of use permit;
9. Other information deemed necessary on a case-by-case basis.

## Chapter 5.16 CARD ROOMS

### 5.16.010 Definitions. [no change]

“Card room” means any establishment open to the public wherein games of any kind are played with cards for which a fee of whatever nature is charged.

### 5.16.020 Permits required. [no change]

A. Any person conducting, carrying on or managing a card room, shall obtain a permit from the Police Chief prior to conducting, carrying on, or managing such business. No new permits for a card room shall be issued under this chapter.

B. No person shall be employed by any card room as an employee, nor serve as an independent agent or contractor for the card room, unless he or she has a valid work permit issued by the Chief of Police pursuant to this section. Copies of such work permits shall be available for inspection by the city’s law enforcement officials during the card room’s hours of operation. In addition to any other restrictions provided by law, no work permit shall be issued to anyone who is disqualified from holding a state gambling license for any of the reasons specified in Business and Professions Code Section 19850. Any application for a work permit shall be subject to objection by the State Division of Gambling Control. If the division objects to the issuance of a work permit, it shall be denied. Such a denial may be reviewed in accordance with the Gambling Control Act, Business and Professions Code Section 19801, et seq.

C. The application for each permit shall be accompanied by fingerprints of the applicant and shall contain all information deemed relevant by the Police Chief.

1. For each applicant, partner, corporate board of director and chief executive officer listed and all others determined to have a financial interest in the card room under application, there shall be an application fee as set by resolution.
2. For each dealer or employee involved in the operations of the card room facility, there shall be an application fee as set by resolution. This fee includes the first year license, if approved.

D. Each person managing, conducting or carrying on a card room must pay the license fees required by Chapter 5.04 of this title. In addition, each dealer or employee of a card room shall be required to have an annually renewable license to be employed by the card room facility. This license shall be a form prescribed by the city and shall include a standard size colored photograph provided by the applicant, and shall be displayed in a prominent place at the entrance of the card room facility at all times. License shall expire on December 31st of each year and may be renewed by the applicant. The annual license fee shall be set by resolution. License fee may be prorated to no less than one-half the annual fee after July 1st of each year.

**5.16.030 Permits—Transferability. [no change]**

Permits previously used under this chapter may be transferred subject to the transferee complying with Section 5.16.020 of this chapter in its entirety. Transferees are subject to the payment of a transfer fee in the amount of \$1,000.00 per individual, partner, stockholder or officer. Said transfer fee shall be paid at the time of application. In addition, the applicant shall pay the appropriate investigation fee.

**5.16.040 Permit revocation. [no change]**

Permits under this chapter may be suspended or revoked by the Council upon conviction for a violation of any of the provisions of this chapter or when in the opinion of the Council, the continued operation of such place or establishment will be injurious to the public health, safety, welfare or morals of the people.

**5.16.050 Number of tables. [Amend]**

~~It is unlawful for any person to maintain operate for use by at any time in any card room a greater number of tables than set forth in the application for a permit.~~ *Any person conducting, carrying on or managing a card room shall not have more card tables in active operation in any room or combination of rooms than allowed under its use permit. Any card table not in active operation shall be covered and prominently labeled as being non-operational and under continuous recorded video surveillance. The cover and sign shall be approved in writing in advance by the Chief of Police or the Community Development Director.*

**5.16.060 Intoxicants prohibited. [Amend]**

~~A.—It is unlawful for the owner, operator, tenant or person in control of any room or enclosure where a card table or tables are maintained, or while any game is being played, or for any person within any room or enclosure where any such table or tables are maintained or used, whether or not a participant at such table or in any game placed there at, to consume any intoxicating liquor or alcoholic beverage.~~

~~B.—It is unlawful for any owner, operator, tenant, or other person to permit any person to consume any intoxicating liquor or alcoholic beverage within any card room or enclosure where any card tables are maintained, used or played at. It is unlawful for any such owner, tenant, operator or other such person or other such person in charge or control of any such card room, enclosure, game or tables, to knowingly permit any person while under the influence of intoxicating liquor or alcoholic beverage to participate either directly or indirectly in any game played at any such table or within such room or enclosure.~~ *to enter into a card room or play at any card table while such person is obviously intoxicated by alcoholic beverages, narcotics, or other drugs.*

**5.16.070 Minors prohibited. [Amend]**

~~No proprietor or person having charge of any card room shall suffer or permit any person under the age of 18 years to enter, be in, remain in or visit such establishment~~ *knowingly permit or allow any person under the age of 21 years to be within a card room or enclosure at any time; provided, however, that minors may be allowed in the restaurant section or related patio areas of a gambling establishment if the restaurant or patio areas are accessible from either the inside or outside of the building without*

requiring passage through a card room or enclosure, and the restaurant and access thereto are visually separate from the card room or enclosure.

**5.16.080 Doors to be unlocked—Premises to be open to inspectors. [no change]**

No bagatelle table, card table, or devices at or upon which card games may be played by the general public, shall be maintained behind any closed, locked or barred door at any place or business in this city. The main entrance of any card room shall at all times remain unlocked and unbarred while any games are being played upon the said premises; and at all times all card room games are being played shall be kept in such condition as to be accessible for inspection to all Police Officers. No permit for the conduct of any card game shall be issued for any portion of any premises unless such portion is in close proximity to and readily accessible by all Police Officers from the main entrance of said premises.

**5.16.090 Zoning compliance required. [Amend]**

The card room permit approved pursuant to this chapter may not be used unless and until the holder of the permit complies with any and all regulations of Title 17 of this code. In order to approve a card room permit, the decision-making body must make the following findings in addition to any other applicable findings required under Title 17.

A. Operational measures have been imposed to ensure that the card room will not adversely impact the city's ability to provide fire, police, and other city services to the card room and adjacent and nearby neighborhoods, businesses, and residences.

B. Long-term operations of the card room have been adequately addressed.

These findings may be satisfied through the permit holder entering into a long-term agreement with the City, as approved by the City Manager or its designee.

**5.16.100 Games prohibited by state law. [no change]**

Nothing in this chapter shall be interpreted as authorizing, allowing, permitting, or granting authority, either directly or indirectly, to any person to carry on, conduct or cause to be carried on or conducted, any game or games prohibited by State Penal Code Section 330 as of the effective date of the ordinance codified in this chapter, or as it may be amended.

**5.16.110 Hours of operation. [no change]**

Before any card room shall be allowed to operate, each card room, and each owner, manager, and operator of a card room, shall adopt a schedule of hours of operation, which such schedule shall first be approved by the Police Chief. Each card room shall conspicuously post schedules of its hours of operation at all entrances and exits of the premises in which the card room is operating in order to give law enforcement officials and patrons adequate notice of the hours during which the card room will be opened for business. Card rooms which comply with all requirements of this chapter shall be authorized to operate 24 hours each day.

### **5.16.120 Disorderly conduct—Patron security and safety. [no change]**

No person or entity owning, managing, operating or controlling a card room shall allow, suffer or cause disorderly conduct or a breach of the peace in or around the premises at which a card room is operated. Each card room, and each owner, manager and operator of a card room, shall be responsible for and liable for the security and safety of its patrons' safety and security in and around the premises in which the card room is operating. Before it shall be allowed to operate, each card room, and each owner, manager and operator of a card room, shall adopt a plan to provide for the safety and security of patrons, which such plan shall be submitted to the Police Chief for review and approval prior to the operation of each card room. Each card room, and each owner, manager and operator of a card room, shall conspicuously post inside the premises in which the card room is operating the approved patron security and safety plan, in order to give law enforcement officials and patrons adequate notice of such plan.

### **5.16.130 Unlimited wagering. [no change]**

There are no mandatory limits on the amount wagered in any permitted games. A gambling establishment permittee may impose wagering limits on any game, at his or her discretion. Before a gambling establishment is allowed to operate, the rules for wagering limits shall be approved by the City Council. Such rules shall be clearly posted at the gambling tables where the games are offered during hours of operation to provide the patrons adequate notice of those rules.

### **5.16.140 Limitations on authorized tables. [Amend]**

No more than ~~five~~ *nine* card tables shall be permitted *to be in operation at any one time in a card room* in each card room. ~~No more than five card tables shall be permitted or in the City of Napa.~~ *Any card tables in excess of the maximum prescribed in Section 5.16.140 shall be prominently labeled as being non-operational. The total number of card tables permitted on the premise shall be as approved by Use Permit.* No card table shall accommodate in excess of ~~40~~ *15* patrons at one time.



## History of Card Room Regulations and Hemphill's Card Room Permits

DATE	ACTION
1950	Card room ordinance initially adopted in the 1950s or before. Regulations codified in Section 3-51 to 3-62 of NMC until the 1990s when it moved to Chapter 5.16.
Prior to 1982	Any person wishing to operate a card room had to apply for a permit from the City Council.
August 1982	Hemphill's Card Room requests amendment to Zoning Ordinance 30-697 to allow card rooms in the C-3 District.
Dec 7, 1982	City Council adopts Ordinance No. 2792 amending Sections 3-52, 3-53 and 3-55 of NMC. Amendment to NMC Section 3-52 requires that card room operator obtain a permit from the Police Chief instead of City Council.
Jan 18, 1983	City Council adopts an amendment to Zoning Ordinance 30-697 to allow card rooms in the C-3 District by use permit and requiring that "any person wishing to operate a card room in the City of Napa shall submit with an application for any permit required pursuant to this Chapter 30, evidence of the permit which has been issued to such person pursuant to Article IV of Chapter 3 of the Napa Municipal Code."
Jan 31, 1983	Hemphill files an application for a General Plan amendment, rezoning, and use permit to operate a card room with 5 tables at 3385 California Blvd.
Feb 8, 1983	City Council adopted new General Plan which eliminated need for GP amendment for Hemphill's.
March 1983	Police Chief appears to have approved card room permit for Hemphill's based on minutes from March 10, 1983 Planning Commission meeting and March 2, 1983 memorandum from Police Chief recommending approval of permit.
March 10, 1983	Planning Commission approves a use permit for Hemphill's.



May 3, 1983	City Council approves rezoning of Hemphill's property from C-1 to C-3, which allowed for card room use at 3385 California Blvd.
August 16, 1983	City Council adopts Ordinance No. 2838 eliminating card rooms as a permitted use with or without a use permit. Hemphill's becomes a non-conforming use.
May 6, 1986	City Council adopts Ordinance No. 3014 amending and restating card room provisions in Sections 3-51 to 3-62.
July 7, 1988	Planning Commission approved a use permit authorizing a 360 square foot expansion of Hemphill's card room as expansion of non-conforming use.
Prior to 1989	Up until this time card room permits are non-transferable
Jan 17, 1989	at the request of Hemphill, City Council adopts Ordinance No. 4078, allowing card room permits "previously issued under this Article" to be transferred provided transferee completes an application. In minutes, City Manager indicated that Ordinance would not allow owner to transfer business from one location to another.
1989	Hemphill's is sold to William Long.
Nov 16, 1999	Council adopts Ordinance No. O1999 30, amending Chapter 5.16 to impose limits on number of tables to 5
Oct 6, 2005	Planning Commission approves a use permit authorizing Anthony Pilotti to operate a card room at 1144 Jordan Lane. The meeting minutes indicate that Bill Long was still the State gambling permit holder at the time the approval was sought.
2005	Bill Long dies, Hemphill's ceases operation.
2006	Bill Long's son, Tim Long, applies to have Hemphill's state license transferred to him.
Dec 9, 2010	The State Gambling Licensure Commission rejects Tim Long's application due to concerns over his financial circumstances.

- April 22, 2014      The State and Tim Long enter into a Stipulated Settlement, which allows Tim Long to operate Hemphill's Lounge and Cardroom provided that he complies with the requirements of the Settlement, including obtaining a business license from the City of Napa.
- March 2019      Hemphill's Lounge and Card Room currently has two active State licenses (one for 3 tables and one for 2 tables). The owners listed on the licenses are Mark English, Michael LeBlanc, Gabriel Pattee, Polvora Inc. and Tim Long. The permit for 3 tables expires on October 31, 2018. The other permit expires on May 31, 2020.