

ORDINANCE O2024-___

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AMENDING NAPA MUNICIPAL CODE SECTION 5.16.140 (LIMITATIONS ON AUTHORIZED TABLES) TO INCREASE THE NUMBER OF CARD TABLES PERMITTED TO BE IN OPERATION AT ONE TIME IN A CARD ROOM FROM NINE TO 11 AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS ORDINANCE ARE EXEMPT FROM CEQA

WHEREAS, on November 15, 2023, Polvora ("Applicant") submitted an application (PL23-0150) for a Use Permit to increase the number of tables in operation at one time from nine to 11 at the Ace & Vine Card Room at 505 Lincoln Avenue in Napa. The application includes an Amendment to Napa Municipal Code ("NMC") Section 5.16.140 to increase the number of tables permitted to be in operation at one time from nine to 11 in a card room;

WHEREAS, Assembly Bill 341 ("AB 341") added Section 19961.07 to the California Business and Professions Code. Effective as of January 1, 2024, under Section 19961.07, a city may amend its card room ordinance to allow an existing card room, operating fewer than 20 tables, to increase the number of tables operated by two within the first year following the effective date of the ordinance and up to two additional tables every subsequent 4 years not to exceed 10 additional tables;

WHEREAS, in accordance with California Business and Professions Code Section 19961.1, City Staff has submitted the proposed amendment to NMC Section 5.16.140 to the California Department of Justice, Bureau of Gambling Control (the "Bureau") for review and comment and the Bureau indicated in a letter dated March 12, 2024 that the proposed amendment appears permissible; and

WHEREAS, the Bureau indicated in its comments that under the Gambling Control Act, California Business and Professions Code Section 19800 et seq., (the "Act") the City Council is authorized to adopt an ordinance (without voter approval) to increase the number of card tables in the City from nine to 11; 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.

No expansion of the building footprint is proposed. There currently are 12 card tables within the cardroom but only nine can be used at any one time. The proposed Use Permit and this Ordinance would merely increase the number of card tables permitted to be in use at any one time from nine to 11 tables at the Ace & Vine Card Room.

The City Council further determines that 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 and all other information in the public record, including the staff reports submitted to the Planning Commission and the City Council for the project, no significant environmental effects would result from this project and the use of categorical exemptions is appropriate.

Section 2. Amendment. NMC Section 5.16.140 "Limitations on Authorized Tables" is hereby amended by adding "11" between "No more than" and "card tables" in the first and second sentences of the section, and deleting "nine" between "No more than" and "tables" in the first and second sentences of the section so that NMC section 5.16.140 will read as follows:

No more than 11 card tables shall be permitted to be in operation at any one time in a card room. No more than 11 card tables shall be permitted to be in operation at any one time 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 3. 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 4. 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 16th day of April, 2024, and had its second reading and was adopted and passed during the regular meeting of the City Council on the XX day of April, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to Form:

Michael W. Barrett
City Attorney