



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

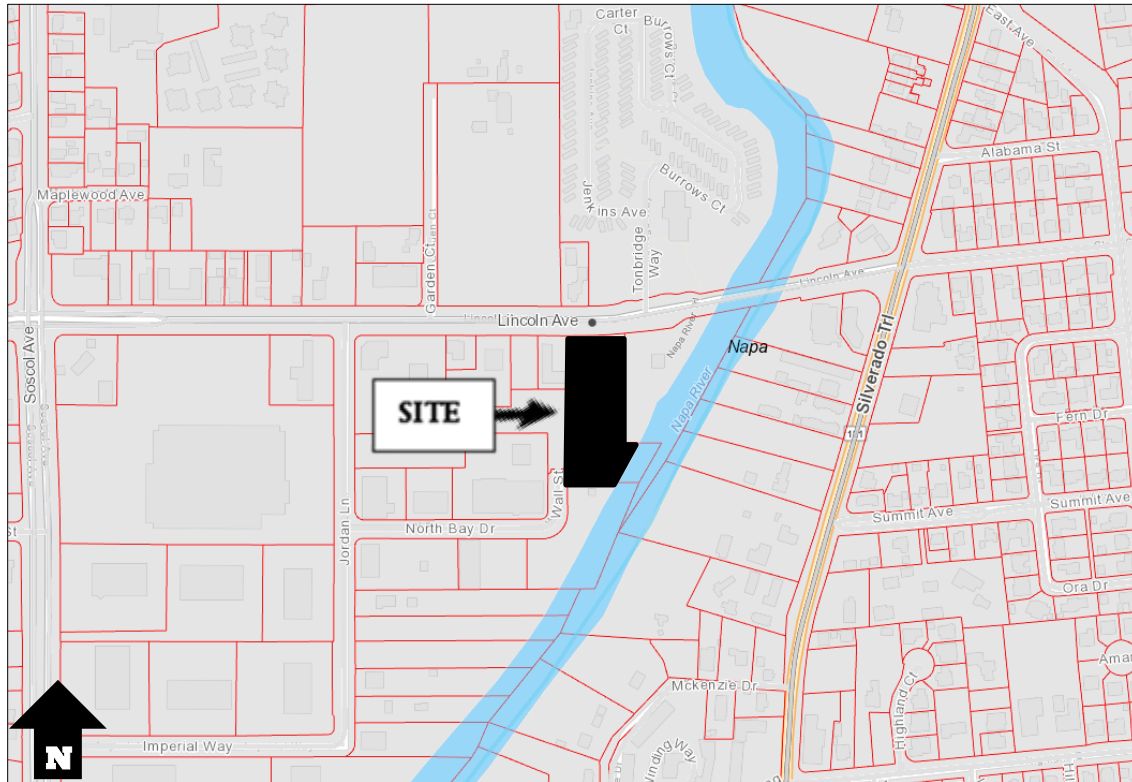
**GENERAL PLAN:** Community Commercial (CC-482)

**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.

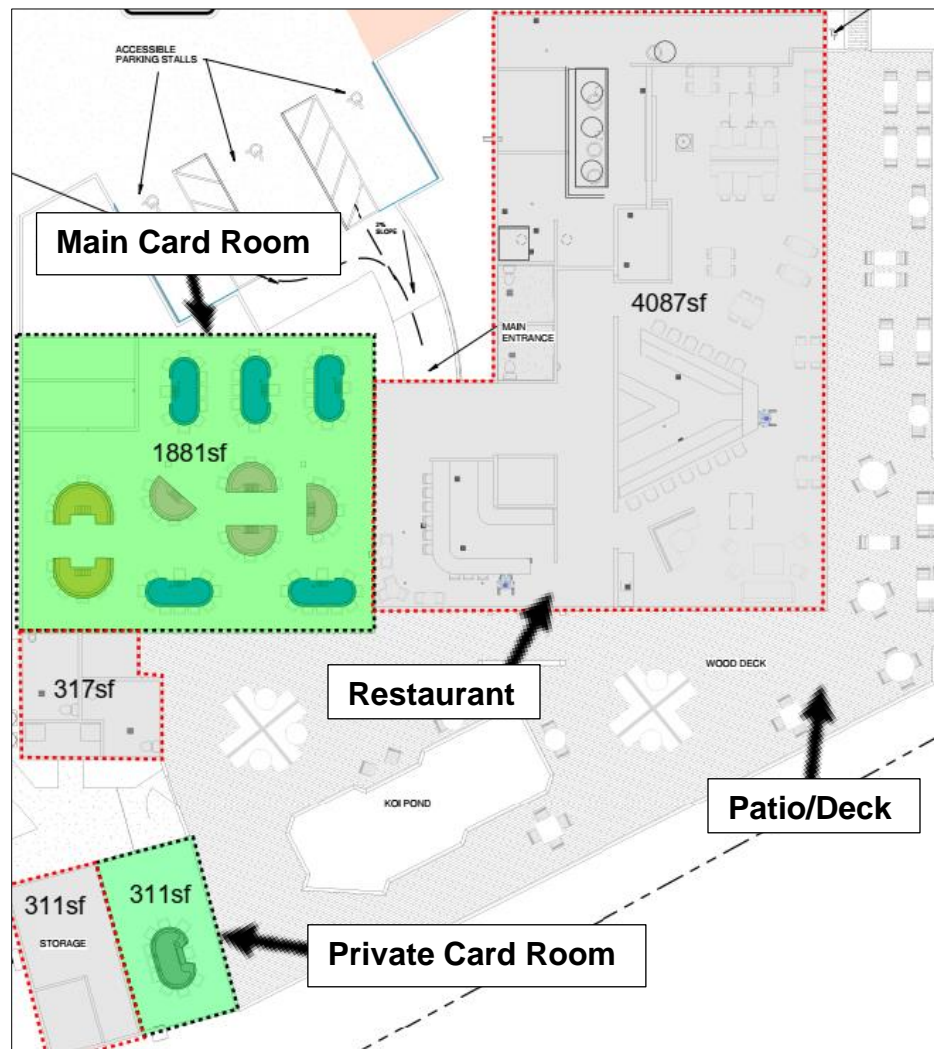
B. Long-term operations of the card room have been adequately addressed.

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

09 / 19 / 19

TMK Properties, LLC  
PO Box 4166  
Napa, California 94558

September 18, 2019

Via email

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

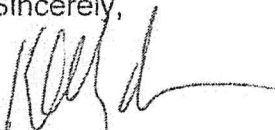
Dear Napa City Officials,

I am a Napa resident and a Managing Member of TMK Properties, LLC, owner of the property located at 592-598 Lincoln Ave in Napa. I am in support of the Ace & Vine card room and restaurant project located at 505 Lincoln Avenue in Napa. It will not only replace a long-standing restaurant that previously occupied the space but will also provide an entertainment option in Napa for locals who have had to travel outside of the City of Napa to spend their entertainment dollars.

Please approve the proposed Ace and Vine card room and restaurant.

Thank You.

Sincerely,



Ken Lydon  
Managing Member  
TMK Properties, LLC

**Lyons, Kasey**

**From:** Bruce Stevens [REDACTED]  
**Sent:** Wednesday, September 18, 2019 3:39 PM  
**To:** Allen, Michael  
**Subject:** Card Room

**Warning:**

The sender of this message could not be fully validated. The message may not be from the sender/domain displayed.

**[EXTERNAL]**

I am strongly not in favor of the proposed card room.

We had one before at Trancas and Highway 29 years ago and there was always trouble. Fights, drinking and lots of police calls.

This is not something the city needs.

It will attract the wrong kind of people.

No card room.

There is one in American Canyon.

Bruce Stevens

Napa, Ca.

**Lyons, Kasey**

**From:** John Salmon [REDACTED]  
**Sent:** Thursday, September 19, 2019 5:56 AM  
**To:** Allen, Michael  
**Subject:** Ace & Vine Project

[EXTERNAL]

Michael:

*Please associate this letter of support with the current Ace & Vine Project Application.*

*Thanks.*

*Best, John*

City of Napa Planning Commission  
c/o Michael Allen, Associate Planner  
Napa Community Development Department

Dear Chair Kelly and Commission Members:

As a real estate developer familiar with gaming projects and the laws permitting them, I support the approval of the proposed Ace & Vine project before you.

I am fully aware of the valid emotional reactions that projects like this can arouse in many concerned citizens. However, this is an excellent location for this use and the project proponents have worked hard with City staff to address all of the complicated gaming concerns, including public safety issues through our Police Department and gaming license issues through the State of California.

I ask that you look only as far as American Canyon and the card club there for the minimal impact this land use will have on its surroundings.

Thanks.

Best, John Salmon  
**John F. Salmon**  
[REDACTED]



# ATTACHMENT 3

PLANNING COMMISSION MEETING

09 / 19 / 19  
COMMUNICATION 4  
AGENDA ITEM # 8. A.

People have been gambling for millennia and will continue to do so, regardless of any whether or not this card room is approved. A legal card room serves as a safe and regulated environment for this. Not only are local jobs and revenues generated from this venture, but also the train wreck left behind by Compadres has a viable business opportunity to turn the property back into a Napa staple. Visitors and locals alike are going to gamble, whether at home illegally or driving out of town. With Ace and Vine, Napans will have a new restaurant with a family friendly deck and patio to enjoy, and card players have a safe community to enjoy a long-standing human pastime.

Bob Gann

September 18, 2019



**Lyons, Kasey**

**From:** Reed Onate [REDACTED]  
**Sent:** Tuesday, September 17, 2019 8:25 PM  
**To:** Allen, Michael  
**Subject:** RE: Polvora Card Room - PL18-0135

[EXTERNAL]

Hello Michael,

I have some comments on this application, please forward this email to Planning Commission for their consideration before the Public Hearing this Thursday.

Dear Commissioners:

I live across the street from the proposed card room and I wanted to share with the commissioners that I am not fond of the idea of a 24-hour card club across the street from my residence. I believe it will be 24-hours of people dropping trash in the parking lot, speeding out of the parking lot, increased security issues in a corridor frequented by homeless, and in my opinion the under utilization of a nice riverside property.

While I am not advocating the card club, in the event it were approved, I would like to request the Planning Commission consider the following in some form of conditions of approval:

- Special police district solely funded by the club for a policeman for this side of town;
- A Landscape district funded by the club to re-plant / maintain and clean up the Lincoln street frontage;
- Special Sound Ordinance requirements for a 24-hour operation (Unless the city has a standard for a 24-hour entertainment use, this should be a consideration under CEQA)
- A masonry wall along Lincoln Ave, and/or other property lines to contain the 24-hour party .

Frankly, I was surprised that the proposed new card room operator has never approached his neighbors to discuss his plans. Thank you for your consideration on Thursday evening.

Best,

Reed Onate  
[REDACTED]

Sent from Mail for Windows 10

---

**From:** Allen, Michael  
**Sent:** Tuesday, August 6, 2019 12:55 PM  
**To:** Reed Onate  
**Subject:** RE: Polvora Card Room

Lyons, Kasey

**From:** jayjacobson [REDACTED]  
**Sent:** Tuesday, September 17, 2019 5:36 PM  
**To:** Allen, Michael  
**Subject:** Re: Ace & Vine: Public Support for 9/19 Planning Commission Hearing

**Warning:**

The sender of this message could not be fully validated. The message may not be from the sender/domain displayed.

[EXTERNAL]

Mr. Michael Allen -

I was asked to write a memo of support for the 'Ace & Vine' project. The people seem sincere. I would like to see this site flourish. As opposed to the opposite. Let them demonstrate they can do that.

I appreciate the difficulty with a planners task to officiate an out-of-the-box use for this structure. This is a matter of both physical and perceptual compatibility with the community. But the counter perception, from your standpoint, might be that it gives the planning department the opportunity to actually effect planning. Possibly in a direction that can be for the most good. For the highest and best purpose. That includes all the conditions that 'best planning practice' could/should provide.

Why not give yourself, and by extension the Napa Valley, a creative aspect with the controls that you can employ. Incentivise the applicant to provide a project that will be an asset to the hospitality in the valley. The project will be most successful if the applicant takes on the task of making this project a 'black bow-tie' '5 diamond' showcase.

Make them prove it. That will be best for everybody including the applicant.

Thanks

--

Jay

Jay Jacobson Architect  
55 Enterprise Court Ste 1B  
Napa, CA 94558  
(707) 255-0110  
[REDACTED]

[www.jjwinearchitect.net](http://www.jjwinearchitect.net)

**Lyons, Kasey**

---

**From:** alicia garcia [REDACTED]  
**Sent:** Tuesday, September 17, 2019 8:17 PM  
**To:** Allen, Michael  
**Subject:** Approval for Ace & Vine Card Room

---

[EXTERNAL]

To Mr. Allen:

I am writing you to urge the Planning Commission and City Council to vote to approve Ace & Vine card room and restaurant. My family and I live in the Lake Park neighborhood, that is a block away from this project; so I have been following this project closely. I know the new owners are committed to creating a family-friendly and safe business on the river and the card room is what makes it all economically feasible.

The card room is also a great opportunity for new recreation in Napa for locals and visitors. I would love to bring my visiting friends to some place new, other than a tasting room.

Please don't let this property sit vacant and support the project. Thank you for your consideration.

Warmly,  
Alicia Garcia

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident and business owner here in wine country. I support the Ace & Vine card room and restaurant project in Napa. It will not only deliver a riverfront restaurant, but finally provide a good entertainment option in Napa for locals who like to play cards. Having been in the hospitality business here for almost 25 years, I get asked on a regular basis what activities clients can do in the evenings. Truth is, very little. Having traveled all over the world it surprises me how far we are behind in late night activities compared to other wine destinations of the world. This is an opportunity for us to start filling in those hospitality gaps that we have here in Napa. Having spent time speaking with the founder, I know he shares in the same vision many of us locals have to elevate our community and continue to push the boundaries of what we can become.

Please approve it. Thank You.

Timothy Martin  
TimTusk Inc.



## ATTACHMENT 3

PLANNING COMMISSION MEETING

09 / 19 / 19

COMMUNICATION 9

AGENDA ITEM # 8.A.

City Council and Planning Commission  
City of Napa  
955 School St.  
Napa, CA 94559

Dear Napa City Officials,

I would like to voice my support for the Ace & Vine Card Room. I have had the pleasure of working with Mike Leblanc and his team on this project. We are excited to be involved in the food and beverage portion of this venture. I truly believe this will be a great addition to the city of Napa. From what I've seen, the design and environment will be like nothing this city has seen before. The food will be a mix of all Asian style cuisine which is something that the city of Napa doesn't have at the moment.

I've found the people involved to be respectful of the community and it's history. As a local and a family man, we would not be involved if it was something that wouldn't be a benefit to this community. I hope that it gets the council's approval.

Thank you.



Michael Galyen  
Owner  
NapaSport SteakHouse

September 18, 2019

Dear Mayor Techel, Napa City Council and Planning Commission:

I am writing to urge you to support of the Ace & Vine restaurant and card room. The property is in terrible condition and it is bad for our community if it sits vacant for an extended period of time. I appreciate that the owners want to invest in it and create a family-friendly restaurant on the Napa River. Napa needs more riverfront dining opportunities that highlight our beautiful river.

I have a young family, and many friends with young families who live walking distance from the project, and we all look forward to spending time on the patio at Ace & Vine.

Please approve this project. Thank you for your time.

Sincerely,  
Morgan Honings

  
Napa, CA 94558

09/19/19COMMUNICATION 11AGENDA ITEM # B.A.

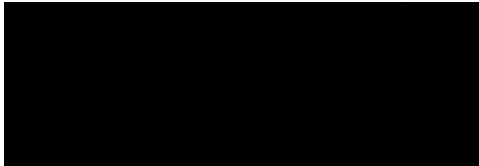
City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will finally provide a good entertainment option in Napa for locals who like to play cards as well as a restaurant on the river.

Please approve it. Thank You.

*Stephen J. Middleton*



*NAPA CA 94559*

*[Signature]*

# ATTACHMENT 3

PLANNING COMMISSION MEETING

09/19/19  
COMMUNICATION 12  
AGENDA ITEM # B.A

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will finally provide a good entertainment option in Napa for locals who like to play cards as well as a restaurant on the river.

Please approve it. Thank You.

 9/18/19

Ricky Souza

09/19/19COMMUNICATION 13AGENDA ITEM # B. A.

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am an avid supporter of this restaurant and card room project. I work in the tourism industry locally, and think this is a huge opportunity to provide something new, fun and unique. Not only for guests who are looking for something to do in town after wine tasting hours close at 5PM, but also locals looking for late night food and entertainment.

Please approve it. Thank You.

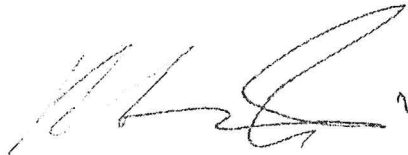
Gabriella Seran  


City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will finally provide a good entertainment option in Napa for locals who like to play cards as well as a restaurant on the river.

Please approve it. Thank You.



Marco Hernandez

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

My first thought when I heard there might be a restaurant with a card room replacing Compadres was skeptical. I have frequented Compadres with my family over the years and have many fond memories. That being said, I was fortunate enough to view the property presently. There is a lot of work that needs to be done from replacing large portions of the deck and the inside is a whole other mess. The building being empty and removed from the street seems to attract problems as well. It is going to be a large task getting the deck and building up to par and the right business to sustain that lease long term. I also think there is a Frankly, we need something like a card room to be a viable option to take over that lease.

Tamra Brown  


City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will not only deliver a riverfront restaurant, but also finally provide a good entertainment option in Napa for locals who like to play cards.

Robert Trumble  


Please approve it. Thank You.



City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will finally provide a good entertainment option in Napa for locals who like to play cards as well as a restaurant on the river.

Please approve it. Thank You.



Craig Brock

9/18/19

## ATTACHMENT 3

PLANNING COMMISSION MEETING  
09 / 19 / 19  
COMMUNICATION 18  
AGENDA ITEM # 8. A

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident and firefighter. I support the Ace & Vine card room and restaurant project in Napa.

Please approve it. Thank You.

Nicolas Pruett  


City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

9/18/2019

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will finally provide a good entertainment option in Napa for locals who like to play cards as well as a restaurant on the river.

Please approve it. Thank You.




Liz Spole

09/19/19COMMUNICATION 20AGENDA ITEM # B.A.

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will not only deliver a riverfront restaurant, but also finally provide a good entertainment option in Napa for locals who like to play cards.

Bridget Hickman  


Please approve it. Thank You.

PLANNING COMMISSION MEETING  
09/19/19  
COMMUNICATION 21  
AGENDA ITEM # B.A.

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will finally provide a good entertainment option in Napa for locals who like to play cards as well as a restaurant on the river.

Please approve it. Thank You.

Steven Martinley  
*[Signature]*  
9/17/19

09/10/10COMMUNICATION 22AGENDA ITEM # B.A.

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will not only deliver a riverfront restaurant, but also finally provide a good entertainment option in Napa for locals who like to play cards.

Steven Frank Arrambide  


Please approve it. Thank You.

## ATTACHMENT 3

PLANNING COMMISSION MEETING

09/19/19

COMMUNICATION 23

AGENDA ITEM # B. A.

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will not only deliver a riverfront restaurant, but also finally provide a good entertainment option in Napa for locals who like to play cards.

John Arrambide  


Please approve it. Thank You.

PLANNING COMMISSION MEETING

09/19/19COMMUNICATION 24AGENDA ITEM # B.A.

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will finally provide a good entertainment option in Napa for locals who like to play cards as well as a restaurant on the river.

Please approve it. Thank You.



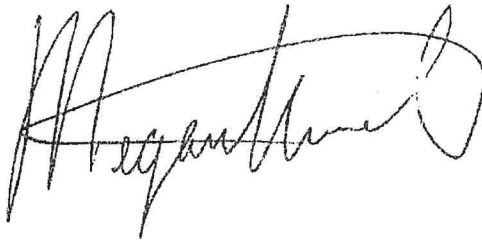


City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will finally provide a good entertainment option in Napa for locals who like to play cards as well as a restaurant on the river.

Please approve it. Thank You.

A handwritten signature in black ink, appearing to read "Margaret Hume", with a large, sweeping loop at the end.

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will finally provide a good entertainment option in Napa for locals who like to play cards as well as a restaurant on the river.

Please approve it. Thank You.

*Karla Ayala B.*

# ATTACHMENT 3

PLANNING COMMISSION MEETING

09/19/19

COMMUNICATION 27

AGENDA ITEM # B.A

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will finally provide a good entertainment option in Napa for locals who like to play cards as well as a restaurant on the river.

Please approve it. Thank You.

Anneliese  
Cartwright

# ATTACHMENT 3

PLANNING COMMISSION MEETING

09/19/19  
COMMUNICATION 38  
AGENDA ITEM # B.A.

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will finally provide a good entertainment option in Napa for locals who like to play cards as well as a restaurant on the river.

Please approve it. Thank You.

A handwritten signature in black ink, appearing to be 'M. Smith' or similar, written in a cursive style.

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will not only deliver a riverfront restaurant, but also finally provide a good entertainment option in Napa for locals who like to play cards.

Cole Hemingway  
[REDACTED]

# ATTACHMENT 3

PLANNING COMMISSION MEETING

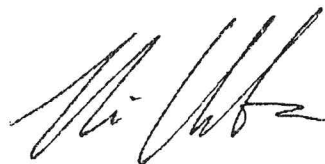
09/19/19  
COMMUNICATION 30  
AGENDA ITEM # 8.A.

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will finally provide a good entertainment option in Napa for locals who like to play cards as well as a restaurant on the river.

Please approve it. Thank You.



Nicolas Urban 9-17

PLANNING COMMISSION MEETING

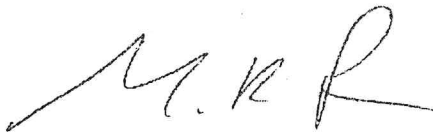
09/19/19  
COMMUNICATION 31  
AGENDA ITEM # 8.2

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will finally provide a good entertainment option in Napa for locals who like to play cards as well as a restaurant on the river.

Please approve it. Thank You.



Matthew K. Peck 9/17/19

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will finally provide a good entertainment option in Napa for locals who like to play cards as well as a restaurant on the river.

Please approve it. Thank You.



Nasser Alimusa

9/17/19



## ATTACHMENT 3

PLANNING COMMISSION MEETING  
09/19/19  
COMMUNICATION 33  
AGENDA ITEM # B.A

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will finally provide a good entertainment option in Napa for locals who like to play cards as well as a restaurant on the river.

Please approve it. Thank You.



James Crane

9/17/19

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will not only deliver a riverfront restaurant, but finally provide a good entertainment option in Napa for locals who like to play cards.

Please approve it. Thank You.

Alex G. Cali  


# ATTACHMENT 3

PLANNING COMMISSION MEETING

09 / 19 / 19

COMMUNICATION 35

AGENDA ITEM # B.A

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will finally provide a good entertainment option in Napa for locals who like to play cards as well as a restaurant on the river.

Please approve it. Thank You.

MICHELLE HERNANDEZ - 

## ATTACHMENT 3

PLANNING COMMISSION MEETING

09/19/19  
COMMUNICATION 36  
AGENDA ITEM # B.A

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will not only deliver a riverfront restaurant, but also finally provide a good entertainment option in Napa for locals who like to play cards.

Please approve it. Thank You.


Wayne Arthur Lockhart  


City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will finally provide a good entertainment option in Napa for locals who like to play cards as well as a restaurant on the river.

Please approve it. Thank You.

Adam Rusin  


PLANNING COMMISSION MEETING  
09/19/19  
COMMUNICATION 38  
AGENDA ITEM # B-A

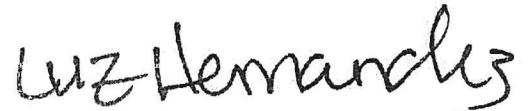
City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

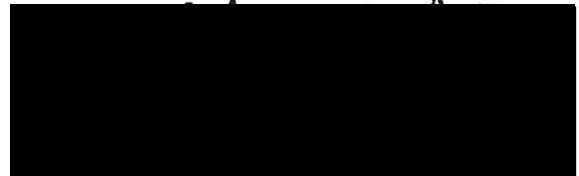
Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will finally provide a good entertainment option in Napa for locals who like to play cards as well as a restaurant on the river.

Please approve it. Thank You.





**Lyons, Kasey**

---

**From:** Paul Kelley <paul@paulkelleyarchitecture.com>  
**Sent:** Thursday, September 19, 2019 1:34 PM  
**To:** Lyons, Kasey; Walker, Michael  
**Cc:** paul@paulkelleyarchitecture.com  
**Subject:** Fwd: card room

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

[EXTERNAL]

Hi Kasey,

I received this communication.

Kind regards,

Paul Kelley  
Principal Architect

Paul Kelley Architecture  
541 Jefferson St.  
Napa, CA 94559  
707.257.1148  
[paulkelleyarchitecture.com](http://paulkelleyarchitecture.com)

Begin forwarded message:

**From:** Penny Pawl [REDACTED]  
**Subject:** card room  
**Date:** September 19, 2019 at 1:08:52 PM PDT  
**To:** Beth Painter <[beth@bpnapa.com](mailto:beth@bpnapa.com)>, Murray <[MikeM\\_NVIG@me.com](mailto:MikeM_NVIG@me.com)>, Paul Kelley <[paul@paulkelleyarchitecture.com](mailto:paul@paulkelleyarchitecture.com)>

I urge you to not NOT approve this in our beautiful town. It lowers the quality of what the valley offers and would bring in a group who are not necessarily of the quality person we want to visit Napa. Also the use of that beautiful setting is deplorable!

Penny Pawl

**Lyons, Kasey**

---

**From:** Baring, Patricia  
**Sent:** Thursday, September 19, 2019 2:08 PM  
**To:** Lyons, Kasey  
**Cc:** Allen, Michael  
**Subject:** Fwd: NO!! to the proposed card room

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Get [Outlook for Android](#)

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**From:** Janet C. [REDACTED]  
**Sent:** Thursday, September 19, 2019 1:58:22 PM  
**To:** beth@bpnapa.com <beth@bpnapa.com>; gh@gordonhuether.com <gh@gordonhuether.com>; mikem\_NVIG@me.com <mikem\_NVIG@me.com>; paul@paulkelleyarchetecture.com <paul@paulkelleyarchetecture.com>; Baring, Patricia <pbaring@cityofnapa.org>  
**Subject:** Re: NO!! to the proposed card room

[EXTERNAL]

Please pass this on to Paul Kelley also.  
If needed, my address is [REDACTED]

On Thu, Sep 19, 2019 at 1:37 PM Janet C. <jc.ondine@gmail.com> wrote:

Frankly I'm surprised our city is even discussing the possibility of a card room in town and on the river!  
This is blatant gambling, and lowers the quality of our city, does not serve local needs, and ruins a beautiful location where locals enjoy the river.  
Please REJECT this short-sided and backward proposal!!  
Sincerely,  
Janet Clare-Gotch



# ALDEA

## Children & Family Services

Improving Lives and Creating Bright Futures Since 1972

888-99-ALDEA

[www.aldeainc.org](http://www.aldeainc.org)

### Board of Directors

Sandra Re Sims (2015)

President

Vice President/Personal Banking Officer  
Bank of Napa

Dell Coats, CPA

Vice President (2010)

Certified Public Accountant  
G & J Seiberlich & Co. LLP

Frances Reyes (2019)

Treasurer

Vice President  
Bank of Marin

Linda Short (2016)

Secretary

Retired Human Resources Specialist

Michael Loubier (2019)

Owner

Loubier Gourmet

Adam Hersly (2019)

Owner

Hersly Wines

Alicia Hardy, LCSW (2017)

CEO

OLE' Health

Pat Wolfe, EdD (2014)

President

Mind Matters, Inc.

City Council and Planning Commission

City of Napa

955 School Street

Napa, California 94559

Dear Napa City Officials,


My name is Kerry Ahearn, the CEO of Aldea Children & Family Services, writing in support of Ace & Vine. This is a great opportunity for Napa to have a family friendly restaurant with a card room for adult entertainment.

We have met with Mike LeBlanc who has expressed interest in contributing to the community through nonprofit support. We rely on business partners for financial support to deliver crucial services to the residents of Napa. We have benefited from the Napa Valley Vintners which supports our drug and alcohol program for teens.

We have a deep understanding of the effects of addiction of all kinds whether alcohol, drugs or gambling. We also recognize that the majority of the population is responsible when partaking in these activities. We were impressed with Mike LeBlanc's security plan and community engagement to ensure this new business will be plugged into the Napa scene and our traditions of supporting each other.

We support this new business in Napa.

Respectfully,



Kerry Ahearn, LCSW  
Chief Executive Officer

**Lyons, Kasey**

---

**From:** Dennis Rinehart [REDACTED]  
**Sent:** Thursday, September 19, 2019 2:44 PM  
**To:** Allen, Michael  
**Subject:** Review of the Ace and Vine Project (Lincoln Avenue)

[EXTERNAL]

Mr. Allen:

I have had the opportunity to walk the project on Lincoln Avenue at the old Compadres site, and from my past position as Chairman of the Technical Advisory Panel for Measure A, as well as my current position as a Board Member of the Friends of the Napa River, I would like to share the following observation and comments:

We have met with the proponents onsite and appreciate their openness in sharing project details and willingness to listen to public input. As the property is located directly on the Napa River banks, we would like to remain informed and offer our comments and suggestions according to our mission to advocate and support a healthy river environment.

If you have any questions, please feel free to contact me.

Respectfully submitted,  
Dennis Rinehart, past Chairman Measure A Technical Panel  
Board Member Friends of the Napa River

Sent from my iPad  
Dennis

Dear Mr. Allen,

I support the Ace & Vine restaurant and card room and hope you don't let this opportunity riverfront dining and recreational pass us by. I was apprehensive at first but appreciated community meetings they held to inform me of the high end, family friendly establishment they have planned. I'd hate to see this property sit vacant for an extended period of time and I hope you encourage City Council and Planning Commission to support the project. The property is large and the needed renovations expansive, which makes it hard for just a stand-alone restaurant to be successful. The card room will help to ensure the business can stand the test of time while being something fun for locals and visitors. And I'm confident the restaurant and riverfront patio will quickly become a local favorite. I also appreciate that the owners have brought on board a local restaurateur/chef team and are involved in multiple local charities.

Please support Ace & Vine--I'm looking forward to spending time there with my family.

Thank you,

*Jenny Gass*  
Jenny Gass

[REDACTED]  
Napa, CA

09/19/19

COMMUNICATION 40

AGENDA ITEM # 5.A

**Lyons, Kasey****Subject:** FW: Card room

---

**From:** Beth Painter <[beth@bpnapa.com](mailto:beth@bpnapa.com)>  
**Sent:** Thursday, September 19, 2019 3:04:56 PM  
**To:** Allen, Michael <[mallen@cityofnapa.org](mailto:mallen@cityofnapa.org)>  
**Cc:** Baring, Patricia <[pbaring@cityofnapa.org](mailto:pbaring@cityofnapa.org)>  
**Subject:** Fwd: Card room

**Warning:**

The sender of this message could not be fully validated. The message may not be from the sender/domain displayed.

---

[EXTERNAL]

Beth Painter  
Balanced Planning, Inc.  
(707) 337-3385  
[beth@bpnapa.com](mailto:beth@bpnapa.com)

Begin forwarded message:

**From:** Patricia Bardwell [REDACTED]  
**Subject:** Card room  
**Date:** September 19, 2019 at 2:53:43 PM PDT  
**To:** [beth@bpnapa.com](mailto:beth@bpnapa.com)

Please vote NO on a card room on the river!  
Sent from my iPhone

**Lyons, Kasey**

**From:** Beth Painter <beth@bpnapa.com>  
**Sent:** Thursday, September 19, 2019 3:04 PM  
**To:** Allen, Michael  
**Cc:** Baring, Patricia  
**Subject:** Fwd: Card room

**Warning:**

The sender of this message could not be fully validated. The message may not be from the sender/domain displayed.

[EXTERNAL]

Beth Painter  
Balanced Planning, Inc.  
(707) 337-3385  
[beth@bpnapa.com](mailto:beth@bpnapa.com)

Begin forwarded message:

**From:** Jackie Dollar Harrison [REDACTED]  
**Subject:** Card room  
**Date:** September 19, 2019 at 2:27:57 PM PDT  
**To:** "beth@bpnapa.com" <beth@bpnapa.com>

Please do not approve the card room. This is not an appropriate use of the space. Keep the card rooms on the outskirts of town not near residential areas please!

Lyons, Kasey

---

**From:** Beth Painter <beth@bpnapa.com>  
**Sent:** Thursday, September 19, 2019 3:40 PM  
**To:** Allen, Michael; Baring, Patricia; Lyons, Kasey  
**Subject:** Fwd: No to card room

**Warning:**

The sender of this message could not be fully validated. The message may not be from the sender/domain displayed.

[EXTERNAL]

Beth Painter  
Balanced Planning, Inc.  
(707) 337-3385  
[beth@bpnapa.com](mailto:beth@bpnapa.com)

Begin forwarded message:

**From:** Katharine Mawer [REDACTED]  
**Subject:** No to card room  
**Date:** September 19, 2019 at 3:38:08 PM PDT  
**To:** [beth@bpnapa.com](mailto:beth@bpnapa.com)

This is NOT what our valley should be!  
Katharine Mawer [REDACTED]

Sent from Yahoo Mail for iPhone

City Council and Planning Commission  
City of Napa  
955 School Street  
Napa, California 94559

Dear Napa City Officials,

I am a Napa resident. I support the Ace & Vine card room and restaurant project in Napa. It will not only deliver a riverfront restaurant, but finally provide a good entertainment option in Napa for locals who like to play cards.

Please approve it. Thank You.

*Logan Estrella-Hooten*

Logan Estrella-Hooten

**Patricia Baring**

---

**From:** KHLucier [REDACTED]  
**Sent:** Thursday, September 19, 2019 2:48 PM  
**To:** beth@bnapa.com; gh@gordonhuether.com; mikem\_NVIG@me.com; Baring, Patricia;  
paul@paulkelleyarchitecture.com  
**Subject:** No on the proposed card room!  
**Categories:** Urgent / Past Due

---

[EXTERNAL]

I was disappointed to read that you were even considering the possibility of a card room in town, and on our beautiful river to boot! Listen to the feedback you are receiving – a card room does not serve the needs of our community and will clearly ruin a beautiful spot where in the past locals have gone to enjoy the river. There is certainly another use for that location that is more in character with our lovely city.

Please REJECT this short-sided and backward proposal!!

Sincerely,  
Kathleen H. Lucier



**Patricia Baring**

---

**From:** Allen, Michael  
**Sent:** Thursday, September 19, 2019 2:54 PM  
**To:** Lyons, Kasey  
**Cc:** Morris, Erin; Baring, Patricia  
**Subject:** FW: Ace & vine

**Categories:** Urgent / Past Due

Kasey, here's another one.

Thanks,

Mike

**From:** Scott Elledge [REDACTED]  
**Sent:** Thursday, September 19, 2019 2:39 PM  
**To:** Allen, Michael <mallen@cityofnapa.org>  
**Subject:** Ace & vine

---

[EXTERNAL]

Mike,

Knowing there is a Planning Commission meeting soon regarding the Ace & Vine project I wanted to provide my input.

Having participated in the design, drawing and specifications for the project I am consistently impressed with proposed design, materials and overall concept being implemented. When faced with the inevitable myriad of choices regarding the building and property infrastructure upgrades and level of finish, Mike and Gabe have made the appropriate determinations by doing it the right way.

While I am not a person who is inclined to partake in any gaming aspects, I do remember Hemphill's Card Room existing in my days growing up in Napa. The location of a card room on Lincoln Avenue seems uniquely appropriate given the building setback to street, the natural barrier of the river and the surrounding businesses along with the ample existing parking.

I feel this revitalization is an asset to locals, visitors and our community in general.

Regards,

Scott Elledge

**Patricia Baring**

---

**From:** Joel Breitigam [REDACTED]  
**Sent:** Thursday, September 19, 2019 5:46 PM  
**To:** beth@bpnapa.com; gh@gordonhuether.com; mikem\_NVIG@me.com; Baring, Patricia  
**Subject:** Reject Card Room in Napa

**Categories:** Urgent / Past Due

---

[EXTERNAL]

---

I am astounded that our city is even discussing the possibility of a card room in town and on the river!

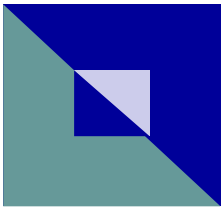
This is blatant gambling and lowers the quality of our city, does not serve local needs and ruins a beautiful location where locals enjoy the river.

Please REJECT this short-sided and backward proposal!

Sincerely,

Joel and Sherry Breitigam

[REDACTED]



# Edu-Safe Associates

## A.E. Bahn Investigations

### Goal:

The purpose of this analysis is to examine, based on objective evidence, whether there is a relationship between the existence of a card club and the rate of crime (or police resources). This is in response to potential concerns that a card room in Napa will increase crime and exhaust public safety resources.

### Overview:

The objective analysis reviews the police call logs for various California cities with card rooms that operate on a 24-hour basis versus other establishments that operate on a 24-hour basis, such as a convenience store or a hotel.

The analysis utilizes police call logs from the City of American Canyon, which is significant because its card room is the closest in proximity to Napa. It also utilizes police call logs from the Cities of Rancho Cordova and Gilroy, which have similar population sizes to Napa and the City of Hayward, which has a much larger population than Napa. The one thing in common is that these cities allow a similar number of card tables as Napa would for Ace & Vine upon approval: American Canyon allows 13 tables, Rancho Cordova has 11 tables, Gilroy has 10 tables, and Hayward has 13 tables. The proposed card room in the City of Napa would be limited to 9 tables.

### Analysis:

This analysis is primarily focused on the police logs from American Canyon, as the proposed card room is to be located in the City of Napa, in Napa County. The police log information from Rancho Cordova, Gilroy and Hayward were included to provide comparative figures for the volume of calls for service to the establishments in the respective communities.

Police Dispatch Logs for calls for service to three types of establishments were studied: Cardrooms or Cardroom/Restaurant combinations, convenience stores, and hotels. All of these establishments are located near each of the other businesses and operate on a 24-hour basis.

The figures from American Canyon are summarized in greater detail relative to the others. Those are attached to this document as attachments A, B, and C. The dispatch logs from American Canyon show call totals for the period from January 1, 2009 to June 17, 2019. During that period, calls for service to the Hilton Double Tree Inn totaled 692. Calls to the 7-Eleven totaled 468 and calls to the Napa Valley Casino totaled 87. The differences in call volume are plain to any objective observer. Moreover, the total of "Code 11" calls, which are

incomplete 911 calls, for the Hilton Double Tree Hotel was 124. This is important because these calls require a physical response from an officer to determine whether the call is a truly an emergency. In comparison there were 5 "Code 11" calls to the Napa Valley Casino, and one to the 7- Eleven store.

Another category that requires a physical response by an officer is a "Suspicious Circumstance" which is coded as "10-30" on the dispatch log. There were 7 calls of this nature to the Hilton Doubletree, 6 to the 7- Eleven Store, and 2 to the Napa Valley Casino. Disturbance Calls are coded as "415." The total number of disturbance calls to the Hilton Doubletree was 14, Napa Valley Casino 3, and the 7-Eleven store 2. The last category of special concern is the "Unwanted Person," which is an act of prevention, as these situations are often a prelude to a disturbance, physical altercation or an assault. Over a 10-year period, there were 4 of these calls at the Hilton Doubletree, 8 at the Napa Valley Casino, and 5 at the 7- Eleven Store.

The figures below show the comparison of call volume to the three types of establishments studied in this analysis in other cities. Call volume must always be considered in relation to the total population. The approximate population of American Canyon is 21,000, Rancho Cordova is 73,000, Gilroy is 57,000 and Hayward is 160,000 people. The dispatch logs from Rancho Cordova show that the total calls for service at the Parkwest Cardroom and Restaurant were less than 25% of the calls to the 7-Eleven store and less 10% of the calls to the Red Roof Inn. Similarly, in Gilroy, the total calls to the Garlic City Casino, were less than 1% of the calls to Wyndham Hotel, and the 7- Eleven store. Finally, The Palace Card Club in Hayward had about 10% call volume compared to the Wyndham Hotel and 30% of the call volume compared to the 7-Eleven store.

#### American Canyon:

- \*Napa Valley Casino @ 3466 Broadway = 87 logs
- DoubleTree Hotel @ 3600 Broadway = 692 logs
- 7-Eleven @ 218 American Canyon Rd = 468 logs

#### Rancho Cordova:

- \*Parkwest Cordova @ 2801 Prospect Park Dr = 150 logs
- 7-Eleven @ 10246 Mills Station Rd = 685 logs
- Red Roof Inn @ 10800 Olson Rd = 1975 logs

#### Gilroy:

- \*Garlic City Casino @ 8630 San Ysidro Ave = 4 logs
- Wyndham Hotel @ 8292 Murray Ave = 456 logs
- 7-Eleven Convenience Store @ 370 Leavesley Rd = 474 logs

#### Hayward:

- \*The Palace Card Club @ 22821 Mission Blvd = 56 logs
- 7-Eleven @ 24476 Mission Blvd = 520 logs
- Wyndham Hotel @ 24400 Mission Blvd = 162 logs

\* identifies card room

Conclusion:

The negative associations with gaming establishments and crime are not supported by objective evidence from the police call logs from the Cities of American Canyon, Rancho Cordova, Gilroy and Hayward. In a past bygone era when gangsters ran gambling establishments, those operations may have attracted an undesirable element. However, owners of legal card clubs licensed by the state have great incentives to abide by the law, maintain a safe and clean operation, and cooperate with law enforcement (as shown by the analysis above). The prospect of operating a successful business with return customers versus losing a valuable state and local license because of illegal activity encourages proprietors to discourage such activities or any nuisances on their premises.

The analysis clearly shows that there is no correlation between the existence of a card club and the rate of crime, or the draw on police services in a community. Based on the analysis above and the examination of police call logs in cities listed above, there should be little concern that a cardroom/restaurant combination would be anything other than another service business in the community.

About the Author:

- Owner of Edu-Safe Associates and A.E. Bahn Investigations
- Retired Napa Police Department Sergeant, Investigator
- Former Dean of Students of Napa Unified School District
- Former Director of Campus Safety of Culinary Institute of American Greystone

**Attachment A****Dispatch Log Information Deciphered.**

American Canyon 7-11    1/1/09 to 6/17/19    Total Calls for Service 468

**Legend**

PEDCK= Pedestrian Check, TC=Traffic Collision, TS= Traffic Stop, 1030=Suspicious Circumstances PCK= Patrol Check, 211=Robbery, BIKE=Bicycle Stop, 1033=Alarm, Unwant=Unwanted Subject, MA=Motorist Assist, 23152=DUI, BCK=Back, 653M=Telephone Harassment, ASO=Animal Complaint, BREATH=Difficulty Breathing, Code 11=911 Hang up, 10851=Stolen Vehicle, 488=Theft, RECK=Reckless Driving, 415=Disturbance

Pedestrian Checks = 11

Traffic Collision= 1

Traffic Stops= 26

Suspicious Circumstances= 6

Patrol Checks= 5

Robbery=2

Bicycle Stop=1

Alarm=3

Unwanted Subject=5

Motorist Assist=1

DUI=1

Back=1

Harassing Telephone Call=1

ASO=1

Difficulty Breathing=1

911 Hang Up=1

Stolen Vehicle=1

Theft=488

Reckless Driver=1

Disturbance=2

## Attachment B

### Dispatch Log Information Deciphered.

Hilton Double Tree 1/1/09 to 6/17/19 Total Calls for Service 692

#### Legend

PEDCK= Pedestrian Check, TC=Traffic Collision, TS= Traffic Stop, VCK=Vehicle check 1030=Suspicious Circumstanced, Patrol=Information for patrol, PCK= Patrol Check, 211=Robbery, BIKE=Bicycle Stop, 1033=Alarm, Unwant=Unwanted Subject, MA=Motorist Assist, 23152=DUI, BCK=Back, 653M=Telephone Harassment, ASO=Animal Complaint, BREATH=Difficulty Breathing, Code 11=911 Hang up, 10851=Stolen Vehicle, 488=Theft, RECK=Reckless Driving, VDOG= Vicious Dog, UNCON=Unconscious Subject, BLEED=Person bleeding, AA=Agency Assist, CIVIL=Civil Matter, WCK=Welfare Check, EMBEZ=Embezzlement, Chest=Person with chest pain. ASSAU=Assault,415=disturbance,459=Burglary

Pedestrian Check=5

Traffic Collision=0

Traffic Stop=54

Vehicle Check=2

Suspicious Circumstances=3

Patrol Information=1

Patrol Check=2

Robbery =0

Bicycle Stop=1

Alarm=2

Unwanted Person=4

Motorist Assist=4

DUI=2

Back=0

Telephone Harassment=0

Animal Complaint=5

Difficulty Breathing=2

911 Hang up=124

Stolen Vehicle=3

Theft=7

Reckless Driver=2

Vicious Dog=1

Unconscious Person=2

Person Bleeding=1

Agency Assist=2

Civil Mater=0

Welfare check=3

Embezzlement=0

Assault=7

Disturbance=14

Burglary Vehicle=34



**Attachment C****Dispatch Log Information Deciphered.**

Napa Valley Casino 1/1/09 to 6/17/19 Total Calls for Service 87

**Legend**

PEDCK= Pedestrian Check, TC=Traffic Collision, TS= Traffic Stop, VCK Vehicle check 1030=Suspicious Circumstances, Patrol=Information for patrol PCK= Patrol Check, 211=Robbery, BIKE=Bicycle Stop, 1033=Alarm, Unwant=Unwanted Subject, MA=Motorist Assist, 23152=DUI, BCK=Back, 653M=Telephone Harassment, ASO=Animal Complaint, BREATH=Difficulty Breathing, Code 11=911 Hang up, 10851=Stolen Vehicle, 488=Theft, RECK=Reckless Driving, VDOG= Vicious Dog, UNCON=Unconscious Subject, BLEED=Person bleeding, AA=Agency Assist, CIVIL=Civil Matter, WCK=Welfare Check, EMBEZ=Embezzlement, Chest=Person with chest pain. ASSAU=Assault, 415=disturbance

Pedestrian Check=1

Traffic Collisions=4

Traffic Stop=8

Vehicle check=2

Suspicious Circumstances=2

Patrol Information=3

Patrol Check=0

Robbery=1

Bicycle Stop=1

Alarm=5

Unwanted Subject=8

Motorist Assist=0

DUI=3

Back=0

Harassing Telephone Calls=0

Animal Complaint=0

Difficulty Breathing=0

Code 11=5

Stolen Vehicle=0

Theft=0

Reckless Driving=1

Vicious Dog=1

Unconscious Subject=4

Bleeding Person=1

Agency Assist=1

Civil Matter=1

Welfare Check=1

Embezzlement=2

Chest Pain=1

Fraud=1

Assault=1

Disturbance =2

**Patricia Baring**

---

**From:** Debby Fortune [REDACTED]  
**Sent:** Thursday, September 19, 2019 3:26 PM  
**To:** Baring, Patricia; gh@gordonhuether.com; paul@paulkelleyarchitecture.com; MikeM\_NVIG@me.com; beth@bpnapa.com  
**Subject:** To the Napa Planning Commission/re: card room on agenda 9/19  
**Categories:** Urgent / Past Due

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[EXTERNAL]

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To the commission:

I am writing to express my strong opposition to the card room that is before you for approval. I believe it is detrimental to our community in many ways.

As a gambling business it preys upon the poor, those with addictive behaviors, and encourages irresponsible financial behavior. It is particularly potentially damaging to those who can least afford to lose assets, and puts families in jeopardy.

Though studies are mixed as to a relationship between card rooms and crime in California, the card rooms increase complications with poverty, which indeed does lead to desperation and crime.

Does gambling enhance the quality of life here in the city of Napa? I think not.

As residents here we are forced to deal with increasing tourism issues encroaching into our daily lives. Traffic, aggressive and drunk drivers, noise, pollution, more Vegas style hotels, loss of views of our hills, damage to our rivers and streams, even tourists wandering onto our properties searching for "wine experiences." I am very much opposed to yet another assault on our peaceful, once more rural lifestyle.

You may underestimate the level of dissatisfaction of the local population of Napa. The water here, is getting hot, so to speak. Folks are not happy.

We're taking our "Bedford Falls" and rapidly turning it into "Potterville." Please, consider the expectations and needs of those who live here who do not want a gambling room on our river. It's a sad sign for our town on the day that happens. Thank you for your time.

Sincerely,

Deborah Fortune Walton  
 [REDACTED]

PS The Napa city website is very unclear as to how to contact the planning commission regarding issues and agendas. I apologize if any of these emails are incorrect. I would encourage more accessibility for citizens on the site. Thank you!



# PLANNING COMMISSION REGULAR MEETING MINUTES

September 19, 2019

## 1. CALL TO ORDER: 5:30 P.M.

**A. ROLL CALL:** Commissioners – Painter, Myers, Huether, Kelley, Murray

**ABSENT:** None

**STAFF:** Community Development – Erin Morris, Michael Allen, Kasey Lyons  
City Attorney's Office – Sabrina Wolfson

## 8. PUBLIC HEARINGS/Appeals

**A. POLVORA CARD ROOM – 505 LINCOLN AVENUE** (File No. PL18-0135) Application for (i) a Zoning Amendment amending Napa Municipal Code (NMC) Chapter 17.10 to add “card room” as a conditionally allowable use within the Community Commercial Zoning District, (ii) an ordinance amending Chapter 5.16 (Card Rooms) to increase the maximum number of allowable 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 and (iii) a Use Permit to operate a card room. The project site is located on the south-side of Lincoln Avenue, adjacent to the Napa River, approximately 750 feet east of Silverado Trail; within the (CC-482) Community Commercial General Plan Designation and (CC) Community Commercial Zoning District, including the (FP) Flood Plain Overlay as well as within the Floodway. (APN: 044-220-008) (Allen)

Commissioners provided disclosures.

Senior Planner Michael Allen presented the Staff Report and provided a recommendation.

The Commission asked questions of Staff and provided comments. Clarification was requested regarding:

- The names of the communities with card rooms that were studied for comparison.
- The difference between the City and State Licenses and their transferability.
- The Municipal Code interpretation of number of card rooms allowed in the city.
- Use Permit status if Gaming License is revoked.
- Restaurant Operations.
- Possibility of restaurant space conversion to card room space.
- Municipal Code update with a location change.
- Summary information from the Police Department regarding previous card room activity or incidents.

Mr. Allen responded to Commissioner questions:

- Communities with cardrooms studied for comparison: American Canyon, Petaluma, Colma and Citrus Heights.
- The State is not issuing new licenses.
- Per the Municipal Code, no new card room permits will be issued.
- The Use Permit contains provisions that the Applicant shall comply with all provisions of the State Department of Justice, Gambling Control Division.
- The card room would be allowed only in the areas delineated on by the plans. Expansion would require amending the Use Permit.

- Additional tables would require a zoning amendment of the Municipal Code, and require approval of the City and State.
- Background was provided regarding history of the card room and Use Permit relocation.
- In 2006, there were no Police Department records of major incidents at the operating card room.

Chair Painter invited the Applicant to speak.

Michael LeBlanc, the Applicant, briefed the Commission on background related to the project application, introduced the Applicant team and offered to answer Commissioner questions.

Jeff Dodd, the Applicant's Attorney, provided regulatory background related to the project application.

Gabe Pattee, Partner, provided background related to the design and construction of the project.

Chair Painter opened the item for public hearing.

Joseph Costa, BBK Gaming Inc. Attorney, spoke of his concern that the license held by the Applicant was conditional and informed the Commission of a pending lawsuit in regard to the license.

Von Alitizer, spoke about the pending lawsuit between Tim Lang, Polvora and herself as the license was sold without her knowledge after she had put a down payment. She asked the Commission to hold decisions until the lawsuit is settled.

James Hinton, 3574 Hunter Circle, asked about the types of licenses currently owned by the Applicant and spoke of his concern of the Applicant's knowledge in the operating elements of a cardroom.

Reed Oñate, 506 Lincoln Avenue, spoke of several concerns regarding the change of use, including CEQA, traffic noise during the night and additional police patrol for safety measures.

Debra Kircher, 776 Portola Way, spoke of her concern that the Spanish speaking community in the area were not notified about this project.

Bob Muh, Valley Club Circle, spoke of his concern of the type of guests the cardroom will attract to Napa.

Tito Fuentes, 21 year resident, spoke in support of the project, expressing appreciation for the opportunity to host other activities for locals and tourists.

Scott Williams, Resident, spoke in support of the project. He commented that although Poker seems to have a bad reputation, the industry has been changing for the better.

Michael Galyen, Resident, spoke in support of the project. He spoke about the Applicant's efforts to conceptualize and consult on the food and beverage program and their respect to the space and community.

Trish LeBlanc, Michael LeBlanc's Business Partner, spoke of the increased quality of life the proposed five star restaurant will bring to the City.

Eve Ryser, 19 year Resident, spoke in opposition to the project. She commented of her concern of the addiction effects of gambling.

Steve Shown, 30 year Resident, spoke in opposition to the project due to his concerns with gambling.

Julia Winiarski, Resident, spoke in opposition to the project. She commented of her concerns of the project location proximity to park and residential areas, the sensitivity of the river, and the change of use, history and regulations of the cardroom.

Peggy Ryan, York Street, asked about how proposed amendments to state legislation allowing sport betting will affect the cardroom, if applicable.

After receiving no further comments, the public hearing was closed.

The Commission asked the following questions of the Applicant and Staff and provided comments. Clarification was requested regarding:

- Safety and security plan and details
- Monitoring of habitual gambling
- Has the license been vested and issued?
- Alcohol consumption monitoring and control
- Ridesharing programs to prevent drinking and driving
- CEQA issues for the change in use
- Deck hours of operations
- How is the cardroom separated from the rest of the restaurant?
- How is cardroom access regulated?
- Status of the Ace and Vine License
- Chair and Table details
- Economic benefits
- Demographics of people that participate in the cardroom business
- Annual review of the project
- Parking lot re-pavement
- Building upgrades
- Restaurant and deck hours
- Effect of alcohol consumption hours if state legislation passes
- Effect of limitation of tables to client demographics
- Types of planned improvements to the site
- The Commission's ability to apply a condition that says the order restoration will be performed

Mr. Dodd and Mr. LeBlanc responded to Commissioner questions:

- For security, there will be two to three guards per shift
- Cardroom access will be granted by a security guard checking identifications
- State procedures will be followed to report necessary information to the State
- Fees are paid to the state to fund problem gaming
- Credits will be limited to help restrict problem gaming
- The license is already issued
- The increase in the number of chairs per table would be for specific games such as Baccarat with the limitation of one or two tables
- 125-150 Living wage jobs are expected to be generated
- Restaurant operation plan
- Review of demographics
- Overview of cardroom economics
- Planned improvements are intended for quality restoration that will be afforded by the ability to run the cardroom
- CEQA analysis

Commissioners discussed and began deliberation. They made the following final comments and asked the following questions of Staff:

- To obtain a state license, applicants must go through a lengthy and highly scrutinized process.

- To monitor safety and stay updated, the City should be notified of activity and progress of the project.
- A cardroom will provide a new entertainment activity.
- At night, the area of the deck that has the most audible impact on the neighbors should be considered for closure.
- The Police Department has thoroughly reviewed public safety.
- The proximity to youth oriented activities is a non-issue.
- The site needs a lot of upgrades.
- Clarification was requested regarding amplified music.

The Commission recommended the following conditions be included in the resolution:

- An annual review should be required for the first three years.
- Limit the request for up to 15 chairs to 2 tables only.
- Limit the hours that the eastern portion of the deck may be in use.
- Full restaurant service shall be provided at all times the card room is in operation.

Commissioners Myers and Huether moved and seconded to forward a recommendation to City Council to adopt (i) an ordinance amending NMC Chapter 17.10 to add “card rooms” as a conditionally allowable use, (ii) an ordinance amending NMC Chapter 5.16 to increase the maximum number of allowable 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 and (iii) a resolution approving a Use Permit for the Polvora Card Room and determining that the Recommended Action is exempt from CEQA in accordance with Sections 15301 and 15061(b)(3) with the modifications recommended by the Planning Commission.

Motion Carried:

AYES: Painter, Myers, Kelley, Huether, Murray  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSED: