

CITY OF MERCED
Planning & Permitting Division

STAFF REPORT: #15-20

AGENDA ITEM: 4.1

FROM: Kim Espinosa,
Planning Manager

PLANNING COMMISSION
MEETING DATE: Nov. 4, 2015

PREPARED BY: Julie Nelson,
Associate Planner

SUBJECT: **Conditional Use Permit #1205**, initiated by Tongtoua Yang on behalf of Kajla Mahinder Singh, property owner. This application involves a request to allow the relocation of the 24-hour Merced Poker Room from 1445 Martin Luther King Jr., Way to 1459 Martin Luther King, Jr., Way, Suites, 4, 5, and 6, and to allow the sale of beer and wine for on-site consumption at the new location. The subject site has a General Plan Designation of Thoroughfare Commercial (CT) and is located within a Thoroughfare Commercial (C-T) zone. *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #15-28 (Categorical Exemption)
- 2) Conditional Use Permit #1205

SUMMARY

This request is to allow the existing Merced Poker Room to relocate from 1445 Martin Luther King, Jr. Way to 1459 Martin Luther King, Jr. Way (Attachment A) and to allow the sale of beer and wine for on-site consumption at the new location. The proposed cardroom would occupy 3 tenant spaces within the existing building (Suites 4, 5, & 6), totaling approximately 6,000 square feet (Attachment B).

A cardroom is a Conditional Use within a C-T zone and requires approval with the Conditional Use Permit (CUP) to be allowed to operate 24-hours a day. The existing cardroom is open 24 hours a day, 7 days a week as allowed by Conditional Use Permit #1137. The applicant is requesting to be allowed to operate with the same business hours at the new location.

The cardroom currently operates with four tables. The relocation would not allow additional tables under the City's current ordinance (more details regarding the ordinance are provided later in the report). The cardroom does not currently serve alcohol at their existing location. The addition of alcohol not only requires conditional use permit approval, but will also be subject to a Finding of Public Convenience or Necessity (PCN) made by the City Council (additional details provided later in the report).

Staff supports the relocation of the card room. However, after reviewing this request with the Police Department, it was determined that due to the high crime rate and the number of alcohol licenses issued in the area, the Police Department would only support the addition of alcohol sales

at this location if several specific provisions (included in Conditions #22 through #30) below are met. Without those provisions, the Police Department would be opposed to the alcohol sales. Therefore, staff has prepared recommended conditions of approval which would allow the sale of alcohol and include the provisions requested by the Police Department.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #15-28 (Categorical Exemption) and Conditional Use Permit #1205 (including the adoption of the Resolution at Attachment M) subject to the following conditions:

- *1) The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibit 2 (floor plan) -- Attachments B and C, except as modified by the conditions.
- *2) All conditions contained in Resolution #1249-Amended ("Standard Conditional Use Permit Conditions) shall apply.
- *3) The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
- *4) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
- *5) The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
- *6) The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.

- *7) The business owner shall obtain all necessary permits and approvals from the Merced City Fire Department. The business owner shall contact the Merced City Fire Department at 61 E. 16th Street to obtain all necessary approvals.
- *8) This approval is for four card tables. If in the future, any additional tables are allowed within the City of Merced, the business owner shall be required to obtain Conditional Use Permit approval to add additional tables.
- *9) The Merced Poker Room shall not operate at this location until it has vacated the existing location (1445 Martin Luther King, Jr. Way). Under no circumstances shall the Merced Poker Room operate at both locations.
- *10) No food shall be prepared on the premises without prior approval of the City's Inspection Services and Fire Departments and the Merced County Health Department. Prior to food being prepared on the premises, a commercial kitchen shall be installed.
- *11) All signing shall comply with the City's Sign Ordinance.
- 12) If the Merced Poker Room is closed at this location for six months or more, this Conditional Use Permit shall expire and will no longer be valid.
- 13) If the Merced Poker Room moves to another permitted location within the City of Merced, this approval shall no longer be valid and shall terminate upon vacation of the premises by the Merced Poker Room.
- 14) The card room is approved to operate 24 hours per day.
- 15) The City reserves the right to periodically review the area for potential problems. If problems, including, but not limited to, excessive harassment, malicious property damage, lewd and/or disorderly conduct, arise as a result of the cardroom, this conditional use permit may be subject to review and revocation by the City of Merced after a public hearing and following the procedures outlined in the Merced Municipal Code.
- 16) "No Loitering" signs shall be placed on the exterior of the building to deter non-patrons from gathering near the building.
- 17) Sufficient lighting shall be provided throughout the site to provide a safe environment for patrons of the cardroom.
- 18) The premises shall remain clean and free of debris at all times.
- 19) No one under the age of 21 shall be allowed to participate in card playing activities.
- 20) All participants in the card games shall play with their own money. No employees shall be allowed to participate in the game.
- 21) No owner or employee shall extend credit to card players.
- 22) The Merced Police Department reserves the right to conduct inspections of the cardroom during normal business hours to monitor compliance with all conditions of approval and state regulations.
- 23) The applicant shall install interior and exterior video surveillance cameras that continuously record both the inside and outside activities 24 hours a day, 7 days a week

(locations to be worked out with the Police Department). Any video related to criminal investigations must be accessible immediately for viewing by the Merced Police Department or any other law enforcement agency. A recorded copy of surveillance video, requested in connection with a criminal investigation, must be reasonably accessible and available within 24 hours when requested by law enforcement. The business owner is responsible for maintaining the video surveillance equipment in an operable manner at all times.

- 24) Smoking is not allowed within 25-feet of the entrance to the building and the owner shall designate an exterior area that is available for smoking that is at least 25 feet from all business entrances. Receptacles acceptable for the disposal of smoldering remnants and discarded debris associated with smoking tobacco products (such as ashes and cigarette butts) shall be made available within this smoking area. The business owner shall be responsible for ensuring all applicable laws are enforced and adhered to and that signage is posted advising patrons of those rules.
- 25) A minimum of one security guard shall be provided in the cardroom area during business hours. The Police Department reserves the right to request additional security guards if any problems arise. All security guards shall be hired from a company that has been approved by the Merced City Council and properly licensed through the City of Merced. All security guards are subject to approval of the Merced Police Department.
- 26) Beer and wine only may be sold for on-site consumption in the cardroom. The business shall also provide a variety of non-alcoholic beverages for sale to patrons.
- 27) The business must have food available to patrons during the hours of operation, which may include having food brought in from nearby restaurants if food cannot be prepared on-site. Details to be worked out with staff.
- *28) This approval is subject to the business owner being in good standing with all laws of the State of California, including the Alcohol Beverage Control (ABC), City of Merced, and other regulatory agencies.
- *29) In accordance with state law, no alcoholic beverages shall be sold between 2:00 a.m. and 6:00 a.m. of the same day.
- *30) Approval of the sale of beer and wine shall not become effective until such time as the City Council makes a Finding of Public Convenience or Necessity to allow the sale of alcoholic beverages at this location. If no such finding is made, the approval for alcohol sales becomes null and void.

(*) Denotes non-discretionary conditions.

PROJECT DESCRIPTION

The applicant is requesting approval to relocate the Merced Poker Room from 1445 Martin Luther King, Jr. Way to 1459 Martin Luther King, Jr. Way (Suites 4, 5, and 6) (Attachments A & B). The application also includes a request to allow the sale of beer and wine for on-site consumption within the cardroom and approval to operate 24-hours a day. There are no changes proposed to

the number of tables at this time. The cardroom currently has approval to operate 24 hours a day at its current location.

Surrounding Uses
(Attachment A)

Surrounding Land	Existing Use of Land	City Zoning Designation	City General Plan Land Use Designation
North	In 'N Out Burger (across 15 th Street)	General Commercial (C-G)	General Commercial (CG)
South	Highway 99	General Commercial (C-G)	General Commercial (CG)
East	Existing Merced Poker Room Location	Thoroughfare Commercial (C-T)	Thoroughfare Commercial (CT)
West	House of Furniture/ Smart & Final	Thoroughfare Commercial (C-T)	Thoroughfare Commercial (CT)

BACKGROUND

Cardroom Regulations

In 1997, the State of California passed the Gambling Control Act. The Act requires the Department of Justice, Division of Gambling Control, to issue a state gambling license to all operating and new card rooms in order for them to operate in the state. One of the requirements of the Act is that the jurisdiction in which the card room is located has in place an ordinance with specific criteria specified. The City has had such an ordinance in place since 1998.

In 2005, the City received a letter from the Department of Justice indicating that specific changes to our ordinance were necessary to comply with State law. The City's ordinance was subsequently amended to comply with state law. A copy of the ordinance is provided at Attachment C. It should be noted that the ordinance exempts cardrooms within a Thoroughfare Commercial (C-T) zone from the limitation on hours of operation and allows hours of operation to be specified by Conditional Use Permit. This allows the Planning Commission the authority to allow a 24 hour a day operation.

It should also be noted that the City of Merced currently allows only 8 card tables within the City limits. However, there are provisions in the Business and Professions Codes (Section 19961) that would allow additional tables to be added if the ordinance is amended. No such effort is currently underway, but the applicants have approached the City Council about possible modifications. If, in the future, additional tables are allowed, then the owner would be required to obtain Conditional Use Permit approval to expand the number of tables allowed in the cardroom or to modify this Conditional Use Permit if any regulations are changed which affect the conditions of approval.

History of Merced Poker Room

The Merced Poker Room was originally opened in 2006 at 2217 Yosemite Parkway. As a result of the Bradley Overpass Project and re-routing of Baker Drive, the poker room was forced to relocate in 2009. On September 9, 2009, the Planning Commission approved CUP #1137 which allowed the Merced Poker Room to move from 2217 Yosemite Parkway to 1445 Martin Luther

King, Jr. Way. In 2011, the Merced Poker Room was taken over by a new owner, Tangtoua Yang (the applicant).

There is one other cardroom located in the City of Merced. This cardroom, Poker Flats Casino, is located 1714-1720 Martin Luther King, Jr. Way within a Central Commercial (C-C) zone. This cardroom also has approval for 4 tables, but does not operate 24 hours a day (hours of operation are limited in a C-C zone).

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Thoroughfare Commercial (CT) and the zoning designation of Thoroughfare Commercial (C-T).

Land Use Policy L-2.8: “Encourage mixture of uses and activities that will maintain the vitality of the Downtown area.”

Implementing Actions:

- 2.8.c. Create a compact, walkable retail core with multi-cultural offerings and mixed-use development.

Land Use Policy L.1.a: “Promote balanced development which provides jobs, services, and housing.”

Implementing Actions:

- 1.1.a Promote mixed use development combining compatible employment, service and residential elements.

Land Use Compatibility

- B) Card rooms are a Conditional Use in the Central Commercial (C-C), General Commercial (C-G), and Thoroughfare Commercial (C-T) Zones. The C-T Zone is the only zone that allows a 24-hour operation. The applicant’s previous site and the proposed site are both within a C-T Zone. The poker room’s current location allows the business to be open 24 hours a day.

Traffic/Circulation

- C) The project site is located just south of the intersection of Martin Luther King Jr. Way and West 15th Street within the shopping center where House of Furniture and Smart and Final are located (the old K-Mart Shopping center). There are two driveways on 15th Street allowing access to the site and two driveways on 14th Street. The site can also be accessed from Martin Luther King, Jr. Way through the adjacent parcel where the cardroom is currently located.

Because the proposed new location of the cardroom is so close to the existing location (within approximately 200 feet), there should not be any change in the trip generation in the area. However, access to the site may shift from being primarily from Martin Luther King, Jr. Way to one of the two driveways on West 15th Street. Given the small number of tables within the cardroom, this shift would not significantly affect the traffic flow on West 15th Street.

Parking

- D) It has been past practice to use the same ratio for cardrooms as used for restaurants (1 spaces for each 2 ½ seats). Currently, the cardroom has 4 tables with 9 seats at each table totaling 36 seats. Based on the floor plan provided (Attachment C), in addition to the seats at the tables, there are an estimated 32 additional seats in the cardroom. Based on the total number of seats being 68, the cardroom use would require 27 parking spaces.

Based on Planning Department records, the shopping center provides 302 parking spaces. The House of Furniture and Smart and Final require 191 parking spaces. The other tenants approved for this building require 40 spaces, which leaves 71 spaces available within the shopping center. This is more than enough to meet the parking requirements for the cardroom.

Building Design

- E) The shell building where the poker room is proposing to relocate to was originally constructed in 2006. The building was not totally completed until recently and had been vacant for quite some time. Recently, the owner finished the necessary work to the building to make it ready for occupancy. The cardroom is not proposing any exterior renovations to the building. A picture of the exterior of the building is provided at Attachment F. Interior renovations would consist of constructing bathrooms, offices, a cash cage and storage (refer to the floor plan at Attachment C).

Site Design

- F) There are no changes proposed to the existing site design.

Neighborhood Impact/Interface

- G) The proposed relocation would move the cardroom approximately 200 feet to the west of its existing location. The site is surrounded by commercial uses (i.e., fast food restaurants, gas station, grocery and furniture stores). However, the State Parole Office is located northwest of the site and the relocation would bring the cardroom slightly closer to this building (Attachment A). This was brought up in staff's review of the project, but was not considered a major concern by the Police Department given the fact that the cardroom has not presented problems at its current location, which does not include alcohol sales.

Within the building, the adjacent tenants would be a hair salon to the east and the Smoke Shop to the west. There are residential uses to the east on 14th Street across Martin Luther King Jr. Way (refer to map at Attachment A).

The State of California, as well as the proposed conditions of approval, requires a minimum of one security guard be on duty during business hours.

According to Police Department statistics, this area is considered an area with a high number of Police Department incidents (refer to the map at Attachment I). However, the Police Department feels the relocation of the cardroom is desirable and is supportive of the alcohol sales as long as certain conditions are applied (see Finding I below).

The relocation of the cardroom would not have an impact on the neighborhood. However, the addition of alcohol sales could result in problems at the site and more police calls to the area.

- H) *Turlock Poker Room:* The applicant has indicated that their proposed operation is similar to the Turlock Poker Room (2321 W. Main St in Turlock) that has been open since 2009 but added an adjacent bar and lounge in 2014. The Merced Police Department contacted the Turlock Police Department regarding whether they have had any issues with their operation. The Turlock Police indicated that they did not have any problems with the cardroom, but it was pointed out that the area around the Turlock Poker Room was mainly commercial with no residential nearby and that the Turlock Poker Room is not in a high crime area.

Alcohol Sales

- I) As mentioned above, the Police Department is concerned about the addition of alcohol sales at this location. Chief Andrade has provided a memo indicating that they would not support the sale of alcohol unless certain conditions were met (Attachment G). The Police Department’s position is based on the high crime in the area and the number of alcohol licenses within the area. The map at Attachment H shows the number of on-sale alcohol licenses in this census tract and both on-sale and off-sale licenses within a 1,000-foot radius of the site. The map at Attachment I shows the area as having a high number of police incidents and also shows the crime rate in relation to the number of alcohol licenses in an area. The map at Attachment J shows that within the last 6 months, there have been 47 arrests within a 900-foot radius of the site. Based on the number of arrests over the last 6 months with the 900-foot radius of the site, the area is considered “moderate” as far as arrests are concerned (refer to the map at Attachment L).

During the same 6-month period (April 1, 2015 to October 14, 2015), there were 576 incidents within 900 feet of the site which is why the map at Attachment H shows the area as a “high” incident area. The largest number of incidents are traffic stops and the second highest are disturbance calls. The table below shows some of the types of incidents and the number of these incidents over this 6-month period.

Incident Type	Number of Incidents
Traffic Stop	145
Disturbance	53
Public Intoxication	11
DUI	9
Weapons Charges	3
Assaults	3
Robbery	2
Narcotics	1

While these incidents are not directly related to the cardroom, the Police Department feels the addition of alcohol could add to the existing problems in this area. Therefore, the Police Department would only recommend the addition of the alcohol sales if certain provisions regarding security, surveillance cameras, food, and smoking are included. Staff has prepared Conditions #22 through #30 to address those concerns.

Status of CUP for 1445 Martin Luther King, Jr. Way (existing location)

- J) The City of Merced currently authorizes 8 card tables to operate within the City. Conditional Use Permit #1137 for 1445 Martin Luther King, Jr. Way (the current location of the Merced Poker Room) authorizes 4 card tables to be operated at this location. Conditional Use Permit #1146 for 1720 Martin Luther King also allows 4 card tables. Although the approval of this request allowing the Merced Poker Room to relocate to 1459 Martin Luther King, Jr. Way would authorize more than 8 card tables within the City of Merced, there would not be more than 8 tables in active operation. Conditional Use Permit #1137 would still allow card tables to operate at 1445 Martin Luther King, Jr. Way if the state granted another license within the City of Merced. However, in order for an additional licensee to be able to operate within the City, the ordinance dealing with cardrooms and limiting the number of authorized tables would have to be changed to allow more than 8 tables. Although the applicant has approached the City Council regarding possible changes to the ordinance, City staff has not been directed to move forward with any changes as of the writing of this staff report.

In an effort to prevent having more tables authorized by CUP's than would be allowed under the City's cardroom ordinance, staff is recommending Conditions #12 and #13 which would limit the time for which the CUP for the new location at 1459 Martin Luther King, Jr. Way would be valid, if the business were to close. Normally, CUP's do not expire and run with the land indefinitely.

Signage

- K) All signing shall comply with the City's Zoning Ordinance. The primary frontage for this tenant space would be allowed signing at a ratio of 1 square foot of signing for each linear foot of building frontage (i.e., a 50 foot wide building would be allowed 50 square feet of signing). In addition, ½ square foot of signing is allowed for each linear foot of secondary building frontage (i.e., if the secondary frontage is 50 feet long, the tenant would be eligible for 25 s.f. of signing). For this site, the primary frontage would be considered the southern elevation where the entrance to the building is, and the secondary frontage would be the northern elevation facing 15th Street.

Environmental Clearance

- L) The Planning staff has conducted an environmental review (#15-28) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption (i.e., no significant adverse environmental effects have been found) is being recommended (Attachment L).

Attachments:

- A) Location Map
- B) Site Plan
- C) Floor Plan
- D) Cardroom Ordinance
- E) Site Access Map
- F) Photo of Building
- G) Memo from Police Chief

- H) Alcohol Licenses in the Area
- I) Police Department Incidents
- J) Map of Arrests within 900-Foot Radius
- K) Hotspot Map of Arrests Citywide
- L) Categorical Exemption
- M) Draft Planning Commission Resolution

Ref: N:\SHARED\PLANNING\STAFFREP\SR2015\SR #15-20 - CUP #1205 (1459 MLK).docx



ATTACHMENT A

CANAL

State Parole Office

House of Furniture

In-N-Out Burger

Smart & Final

SUBJECT SITE

Current Location

MARTIN LUTHER KING JR

COLONY

14TH

15TH

Residential

99

99

99

99

13TH

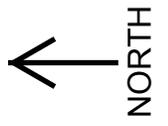
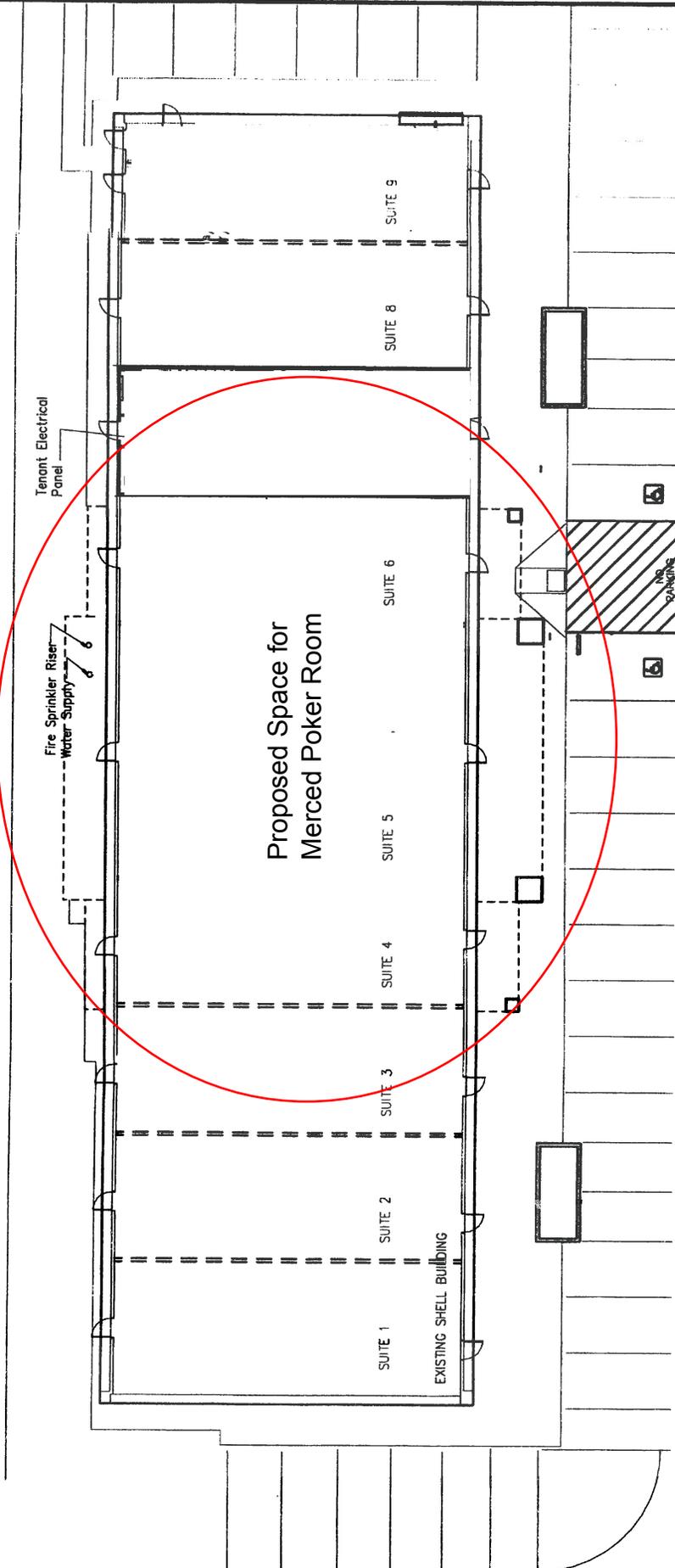
K

16TH

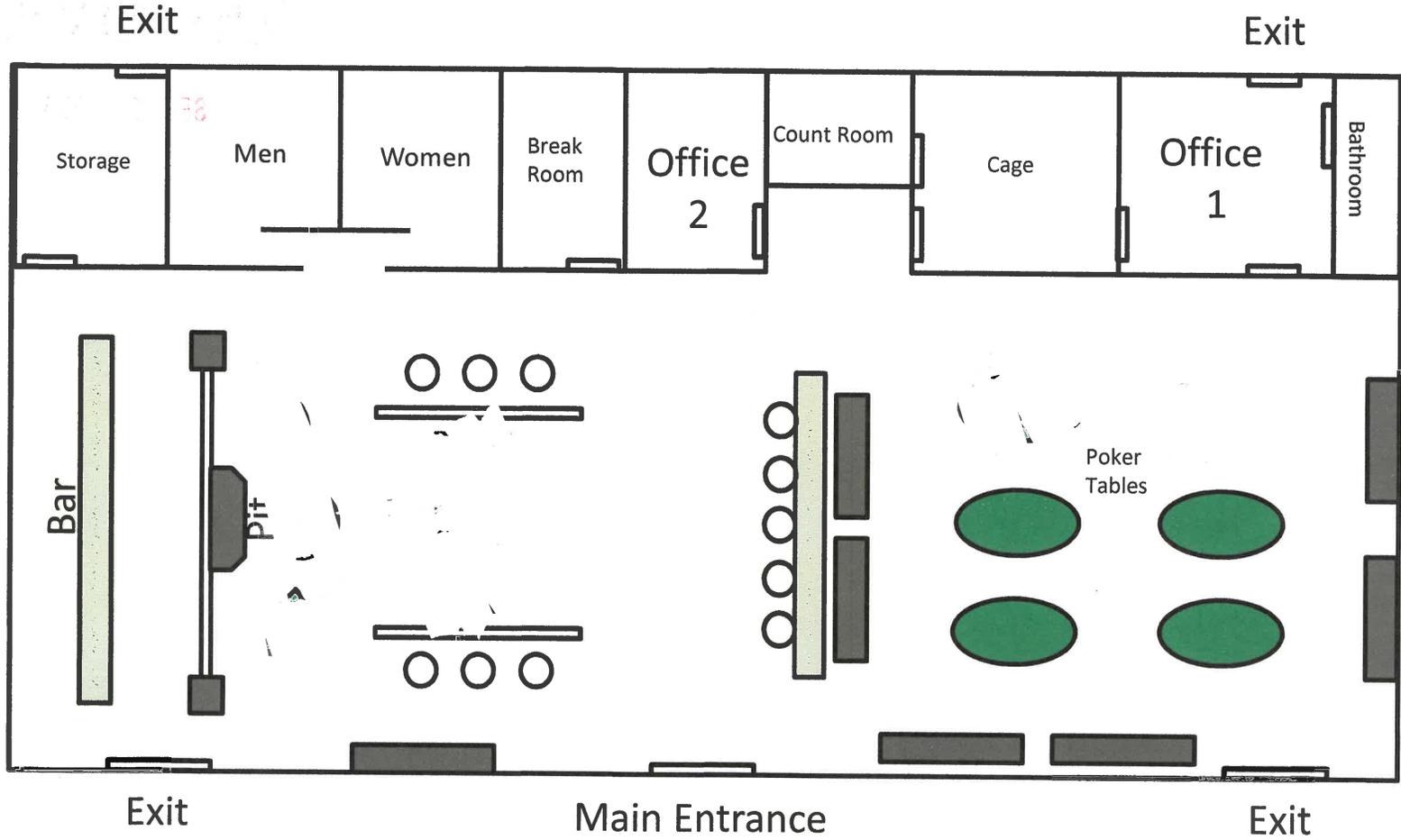


WEST 15TH STREET

WEST 14th STREET



15th Street



ATTACHMENT C

HOUSE OF FURNITURE

EXISTING LOCATION



Front Parking Lot

Exit

Main Entrance

Exit

Exit

Exit

9.08.020 - Cards.

- A. Cardrooms in the City of Merced may only be located in areas zoned as follows:
 - 1. Central Commercial (C-C);
 - 2. Commercial Thoroughfare (C-T);
 - 3. General Commercial (C-G).
- B. It is unlawful and a misdemeanor, subject to punishment in accordance with Chapter 1.12 of this code, for any person, either as principal, agent, employee, or otherwise, to play, conduct, or deal any game of cards in any cardroom, or in any other public place or place resorted to generally by the public, between the hours of two a.m. and six a.m. of any day, with the exception of a duly licensed cardroom operating in a Commercial Thoroughfare (C-T) zone pursuant to a conditional use permit which regulates the hours of operation.
- C. Any person operating a cardroom shall be responsible and liable for patron security and safety in and around the gaming establishment. Security guards shall be provided in such number and at such times as directed by the chief of police, or as may otherwise be required by conditional use permit.
- D. No person shall operate a cardroom with more than four card tables. There shall be no more than eight (8) card tables in the city. There shall be no increase in the existing number of cardrooms without the approval of a majority of the voters of the city as required by Business and Professions Code Section 19961. Except as authorized by Business and Professions Code Section 19961, there shall be no increase in the existing number of card tables without the approval of a majority of the voters of the city.
- E. Limits on Bets and Wagers. No card room licensee, owner, or employee shall allow any person playing in any game to make any single bet or wager in excess of three hundred dollars (\$300.00) or at any time during any game to permit an ante in excess of two hundred dollars (\$200.00) total sum anted by players participating in the game. Individual cardroom operators may set their own limits so long as the limit does not exceed the limits set forth in this section. The rules of each game and wagering limits shall be clearly posted at the gaming tables where the games are offered to provide the patrons adequate notice of such rules and limits.

(Ord. 2297 § 1, 2007: Ord. 2087 § 1, 2002: Ord. 2005 § 1, 1998: Ord. 1508 § 2, 1983: prior code § 17.13).



ATTACHMENT E

CANAL

15TH

14TH

99

99

MARTIN LUTHER KING JR

Driveway Locations 

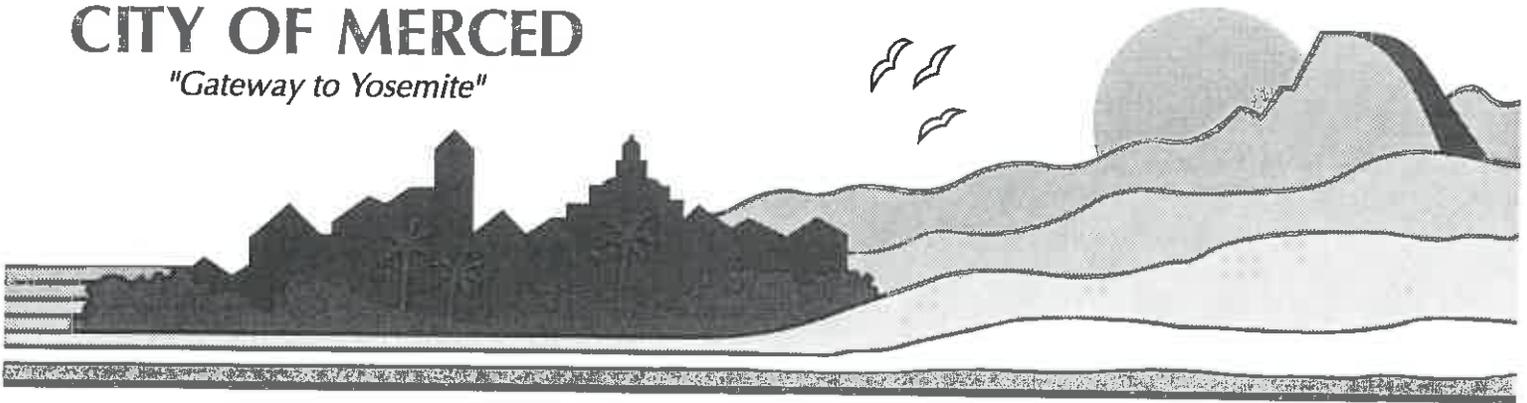




ATTACHMENT F

CITY OF MERCED

"Gateway to Yosemite"



POLICE DEPARTMENT • 611 West 22nd Street, Merced, California 95340

October 19, 2015

Members of the City of Merced Planning Commission:

Re: CUP #1205/ERC #15 – 28



The Merced Police Department has reviewed the request submitted by Singh Yang regarding the relocation of the Merced Poker Room and issuance of an On-Site Alcoholic Beverage Service license.

The Police Department does not oppose the relocation of the business from 1445 Martin Luther King Jr. Way to 1459 Martin Luther King Jr. Way.

However, we do not support the issuance of an On-Site Alcoholic Beverage Service (ABC) License unless the following provisions are met:

1. The business must also provide patrons a variety of non- alcoholic beverages.
2. The business must have food available to patrons during hours of business.
3. The applicant is required to install interior and exterior surveillance cameras that continuously record both inside and outside activities 24 hours a day.
 - a. Video related to criminal investigation must be immediately accessible for viewing by any law enforcement agency.
 - b. A recorded copy of surveillance video, requested in connection with a criminal investigation, must be reasonably accessible and available (within 24 hours) when requested by law enforcement.
4. The applicant must have a licensed security guard(s) on the premises whenever the business is open.
5. The business must provide signage advising patrons that smoking is not allowed within 25 feet of the entrance of the businesses in the complex.

ATTACHMENT G

- a. Applicant must designate an exterior area that is available for smoking tobacco and that is at least 25 feet away from all business entrances.
- b. The applicant must provide a receptacle(s) \ container(s) acceptable for disposal of smoldering remnants and discarded debris associated with smoking tobacco products.

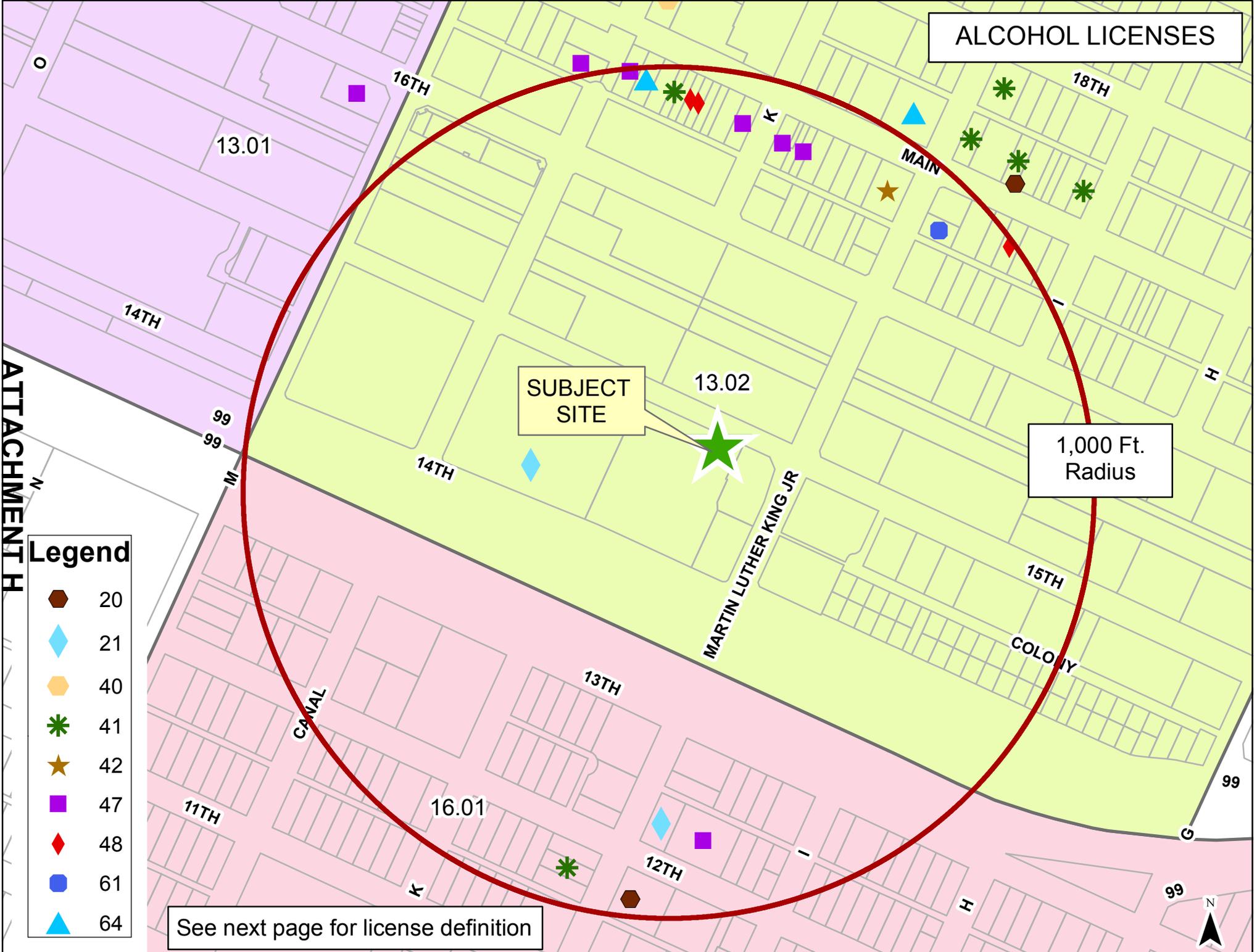
Sincerely,

Norman Andrade, Chief of Police
City of Merced Police Department
611 W 22nd Street
Merced, CA 95306

A handwritten signature in cursive script that reads "Andre Matthews". The signature is written in black ink and is positioned above the typed name.

By: Andre Matthews, Police Lieutenant

ALCOHOL LICENSES



SUBJECT SITE

13.02

1,000 Ft. Radius

ATTACHMENT H

- Legend**
-  20
 -  21
 -  40
 -  41
 -  42
 -  47
 -  48
 -  61
 -  64

See next page for license definition

COMMON ABC LICENSE TYPES AND THEIR BASIC PRIVILEGES

LICENSE TYPE	DESCRIPTION
01	BEER MANUFACTURER - (Large Brewery) Authorizes the sale of beer to any person holding a license authorizing the sale of beer, and to consumers for consumption on or off the manufacturer's licensed premises. Without any additional licenses, may sell beer and wine, regardless of source, to consumers for consumption at a bona fide public eating place on the manufacturer's licensed premises or at a bona fide eating place contiguous to the manufacturer's licensed premises. May conduct beer tastings under specified conditions (Section 23357.3). Minors are allowed on the premises.
02	WINEGROWER - (Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct winetastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises.
20	OFF SALE BEER & WINE - (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.
21	OFF SALE GENERAL - (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.
23	SMALL BEER MANUFACTURER - (Brew Pub or Micro-brewery) Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.
40	ON SALE BEER - (Bar, Tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
41	ON SALE BEER & WINE – EATING PLACE - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
42	ON SALE BEER & WINE – PUBLIC PREMISES - (Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
47	ON SALE GENERAL – EATING PLACE - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
48	ON SALE GENERAL – PUBLIC PREMISES - (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
49	ON SALE GENERAL – SEASONAL - Authorizes the same privileges and restrictions as provided for a Type 47 license except it is issued for a specific season. Inclusive dates of operation are listed on the license certificate.



LICENSE TYPE	DESCRIPTION
51	CLUB - Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. No off-sale privileges. Food service is not required. Minors are allowed on the premises.
52	VETERAN'S CLUB - Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guest only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
57	SPECIAL ON SALE GENERAL - Generally issued to certain organizations who cannot qualify for club licenses. Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guests only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
59	ON SALE BEER AND WINE – SEASONAL - Authorizes the same privileges as a Type 41. Issued for a specific season. Inclusive dates of operation are listed on the license certificate.
60	ON SALE BEER – SEASONAL - Authorizes the sale of beer only for consumption on or off the premises where sold. Issued for a specific season. Inclusive dates of operation are listed on the license certificate. Wine or distilled spirits may not be on the premises. Minors are allowed on the premises.
61	ON SALE BEER – PUBLIC PREMISES - (Bar, Tavern) Authorizes the sale of beer only for consumption on or off the licensed premises. Wine or distilled spirits may not be on the premises. Minors are not allowed to enter and remain (warning signs required). Food service is not required.
67	BED AND BREAKFAST INN - Authorizes the sale of wine purchased from a licensed winegrower or wine wholesaler only to registered guests of the establishment for consumption on the premises. No beer or distilled spirits may be on the premises. Wine shall not be given away to guests, but the price of the wine shall be included in the price of the overnight transient occupancy accommodation. Removal of wine from the grounds is not permitted. Minors are allowed on the premises.
70	ON SALE GENERAL – RESTRICTIVE SERVICE - Authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. This license is normally issued to "suite-type" hotels and motels, which exercise the license privileges for guests' "complimentary" happy hour. Minors are allowed on the premises.
75	ON SALE GENERAL – BREWPUB - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on a bona fide eating place plus a limited amount of brewing of beer. This license does not authorize the sale of alcoholic beverages for consumption off the premises where sold. Minors are allowed on the premises.
80	BED AND BREAKFAST INN – GENERAL - Authorizes the sale of beer, wine and distilled spirits purchased from a licensed wholesaler or winegrower only to registered guests of the establishment for consumption on the premises. Alcoholic beverages shall not be given away to guests, but the price of the alcoholic beverage shall be included in the price of the overnight transient occupancy accommodation. Removal of alcoholic beverages from the grounds is not permitted. Minors are allowed on the premises.
86	INSTRUCTIONAL TASTING LICENSE —Issued to the holder of and premises of a Type 20 or Type 21 licensee, authorizes the tasting of alcoholic beverages as authorized to be sold from the off-sale premises, on a limited basis. Requires physical separation from the off-sale premises while tasting is taking place and generally requires the participation of a specifically-authorized manufacturer or wholesaler licensee.

Hot Spots of Police Incidents 1/1/2015 - 10/14/2015

LE 10/12/2015

ATTACHMENT I
69

99

Legend

- ABC Licensees 09222015
- Hot Spots of Police Incidents**
- Concentration of Incidents**
- Very High
- High
- Moderate
- Low
- None
- Merced City Limits

Disclaimer: This document was prepared for general inquiries only. The City of Merced makes no warranty, representation, or guarantee regarding the accuracy of this map. The City of Merced is not responsible for errors or omissions that might occur. Official information regarding specific parcels should be obtained from official recorded or adopted City documents.

47 Arrests 900ft radius 4/1/15 - 10/14/15

LE 10/14/2015

ATTACHMENT J

Legend

- 47 Arrests
- ▭ Merced City Limits



1445 martin luther king jr way

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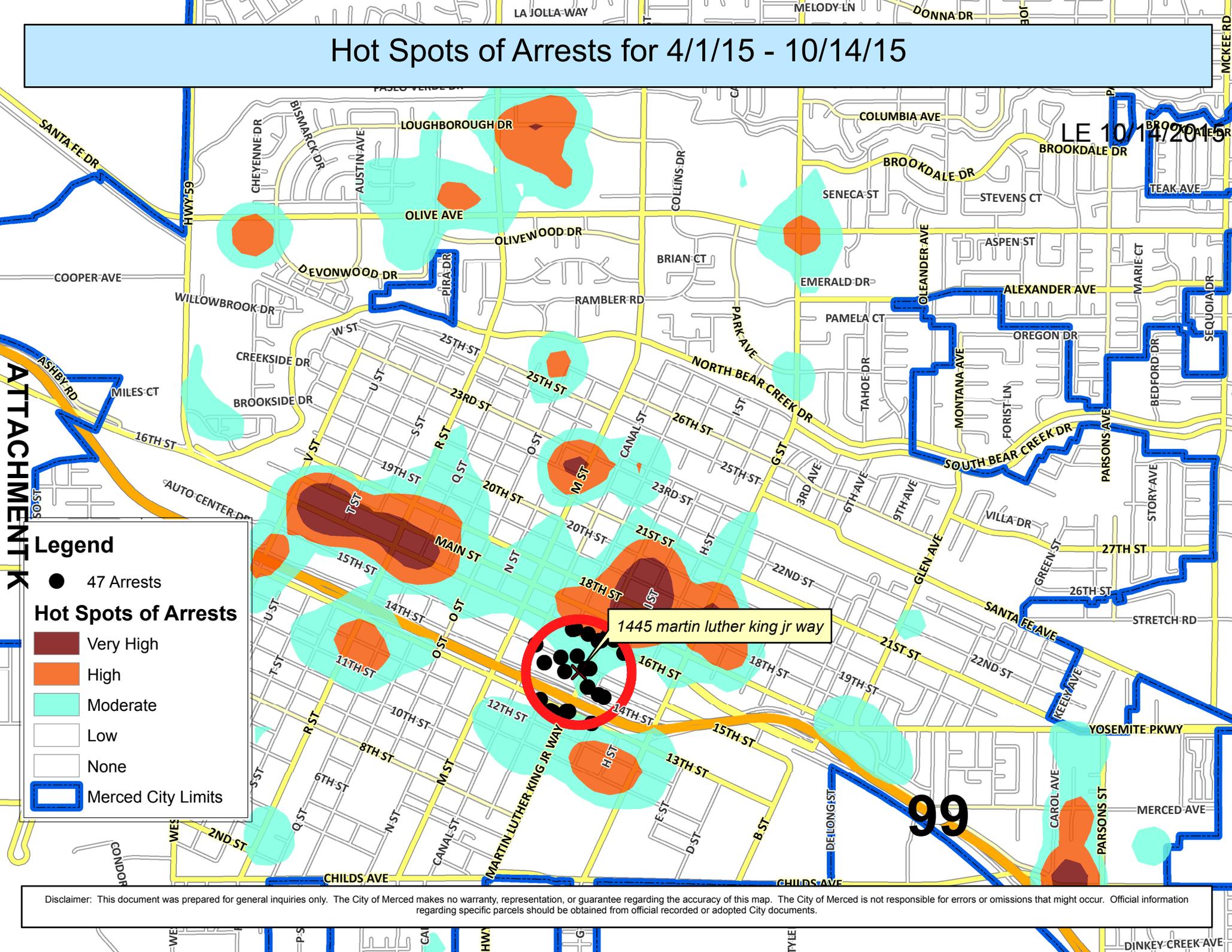
Hot Spots of Arrests for 4/1/15 - 10/14/15

LE 10/14/2015

ATTACHMENT K

Legend

- 47 Arrests
- Hot Spots of Arrests**
- Very High
- High
- Moderate
- Low
- None
- Merced City Limits



1445 martin luther king jr way

99

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NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

From: (Public Agency)
City of Merced
678 West 18th St.
Merced, CA 95340

X County Clerk
County of Merced
2222 M Street
Merced, CA 95340

Project Title: Conditional Use Permit #1205 (Environmental Review #15-28)

Project Applicant: Tongtoua Yan for Kajla Mahinder Singh.

Project Location (Specific): 1459 Martin Luther King, Jr. Way, Suites 4, 5, & 6

APN: 031-241-029

Project Location - City: Merced

Project Location - County: Merced

Description of Nature, Purpose, and Beneficiaries of Project:

Relocation of Merced Poker Room and approval to sell beer and wine for onsite consumption.

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Tongtoua Yang

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- X Categorical Exemption. State Type and Section Number: Section 15301 (a)
- Statutory Exemptions. State Code Number: _____.
- General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt: As defined under the above referenced Section, the proposed project consists of minor interior alterations to an existing structure which are considered to be exempt under the CEQA Guidelines per Section 15301 (a)

Lead Agency: City of Merced

Contact Person: Julie Nelson, Planner

Area Code/Telephone: (209) 385-6858

Signature:  **Date:** 10-9-15 **Title:** Associate Planner

X Signed by Lead Agency Date Received for Filing at OPR: _____
(If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code
Reference: Sections 21108, 21152, and 21152.1. Public Resources Code

**CITY OF MERCED
Planning Commission**

Resolution #3056

WHEREAS, the Merced City Planning Commission at its regular meeting of November 4, 2015, held a public hearing and considered **Conditional Use Permit #1205**, initiated by Tongtoua Yang on behalf of Kajla Mahinder Singh, property owner. This application involves a request to allow the relocation of the 24-hour Merced Poker Room from 1445 Martin Luther King Jr., Way to 1459 Martin Luther King, Jr., Way, Suites, 4, 5, and 6, and to allow the sale of beer and wine for on-site consumption at the new location. The subject site has a General Plan Designation of Thoroughfare Commercial (CT) and is located within a Thoroughfare Commercial (C-T) zone; also known as Assessor's Parcel No. 031-241-029; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through L of Staff Report #15-20; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #15-28, and approve Conditional Use Permit #1205, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner _____, seconded by Commissioner _____, and carried by the following vote:

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)

ATTACHMENT M

PLANNING COMMISSION RESOLUTION #3056

Page 2

November 4, 2015

Adopted this 4th day of November 2015

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Attachment:

Exhibit A – Conditions of Approval

n:shared:planning:PC Resolutions:CUP#1205 Merced Poker Room

Conditions of Approval
Planning Commission Resolution #3056
Conditional Use Permit #1205

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibit 2 (floor plan) -- Attachments B and C of Staff Report #15-20, except as modified by the conditions.
2. All conditions contained in Resolution #1249-Amended ("Standard Conditional Use Permit Conditions) shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

6. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
7. The business owner shall obtain all necessary permits and approvals from the Merced City Fire Department. The business owner shall contact the Merced City Fire Department at 61 E. 16th Street to obtain all necessary approvals.
8. This approval is for four card tables. If in the future, any additional tables are allowed within the City of Merced, the business owner shall be required to obtain Conditional Use Permit approval to add additional tables.
9. The Merced Poker Room shall not operate at this location until it has vacated the existing location (1445 Martin Luther King, Jr. Way). Under no circumstances shall the Merced Poker Room operate at both locations.
10. No food shall be prepared on the premises without prior approval of the City's Inspection Services and Fire Departments and the Merced County Health Department. Prior to food being prepared on the premises, a commercial kitchen shall be installed.
11. All signing shall comply with the City's Sign Ordinance.
12. If the Merced Poker Room is closed at this location for six months or more, this Conditional Use Permit shall expire and will no longer be valid.
13. If the Merced Poker Room moves to another permitted location within the City of Merced, this approval shall no longer be valid and shall terminate upon vacation of the premises by the Merced Poker Room.
14. The card room is approved to operate 24 hours per day.
15. The City reserves the right to periodically review the area for potential problems. If problems, including, but not limited to, excessive harassment, malicious property damage, lewd and/or disorderly conduct, arise as a result of the cardroom, this conditional use permit may be subject to review and revocation by the City of Merced after a public hearing and following the procedures outlined in the Merced Municipal Code.

16. “No Loitering” signs shall be placed on the exterior of the building to deter non-patrons from gathering near the building.
17. Sufficient lighting shall be provided throughout the site to provide a safe environment for patrons of the cardroom.
18. The premises shall remain clean and free of debris at all times.
19. No one under the age of 21 shall be allowed to participate in card playing activities.
20. All participants in the card games shall play with their own money. No employees shall be allowed to participate in the game.
21. No owner or employee shall extend credit to card players.
22. The Merced Police Department reserves the right to conduct inspections of the cardroom during normal business hours to monitor compliance with all conditions of approval and state regulations.
23. The applicant shall install interior and exterior video surveillance cameras that continuously record both the inside and outside activities 24 hours a day, 7 days a week (locations to be worked out with the Police Department). Any video related to criminal investigations must be accessible immediately for viewing by the Merced Police Department or any other law enforcement agency. A recorded copy of surveillance video, requested in connection with a criminal investigation, must be reasonably accessible and available within 24 hours when requested by law enforcement. The business owner is responsible for maintaining the video surveillance equipment in an operable manner at all times.
24. Smoking is not allowed within 25-feet of the entrance to the building and the owner shall designate an exterior area that is available for smoking that is at least 25 feet from all business entrances. Receptacles acceptable for the disposal of smoldering remnants and discarded debris associated with smoking tobacco products (such as ashes and cigarette butts) shall be made available within this smoking area. The business owner shall be responsible for ensuring all applicable laws are enforced and adhered to and that signage is posted advising patrons of those rules.
25. A minimum of one security guard shall be provided in the cardroom area during business hours. The Police Department reserves the right to request additional security guards if any problems arise. All security guards shall be hired from a company that has been approved by the Merced City Council and properly licensed through the City of Merced.

All security guards are subject to approval of the Merced Police Department.

26. Beer and wine only may be sold for on-site consumption in the cardroom. The business shall also provide a variety of non-alcoholic beverages for sale to patrons.
27. The business must have food available to patrons during the hours of operation, which may include having food brought in from nearby restaurants if food cannot be prepared on-site. Details to be worked out with staff.
28. This approval is subject to the business owner being in good standing with all laws of the State of California, including the Alcohol Beverage Control (ABC), City of Merced, and other regulatory agencies.
29. In accordance with state law, no alcoholic beverages shall be sold between 2:00 a.m. and 6:00 a.m. of the same day.
30. Approval of the sale of beer and wine shall not become effective until such time as the City Council makes a Finding of Public Convenience or Necessity to allow the sale of alcoholic beverages at this location. If no such finding is made, the approval for alcohol sales becomes null and void.

n:shared:planning:PC Resolutions: CUP#1205 Exhibit A