



Memorandum

Date: February 7, 2022
To: Honorable Planning Commissioners
Cc: Bill Dean, Interim Director of Development Services
Nancy Ashjian, Assistant City Attorney
Kenny Lipich, Assistant Planner
From: Scott Claar, Senior Planner
Subject: CUP21-0011 Stars Casino – Revisions to Recommended Draft Conditions of Approval

Upon request by the applicant and following consultation with the City's Police Department, the recommended draft conditions of approval for the requested Conditional Use Permit to allow a cardroom at 3170 Naglee Road have been revised. The revisions affect Condition of Approval E.2 regarding security requirements and E.5 regarding entertainment uses.

Draft Condition of Approval E.2 has been revised as follows:

Original Language

2. Security guards shall be provided at all times at a rate of two guards 24 hours a day plus one additional guard for every 50 patrons.

New Language

2. Every Friday and Saturday, the cardroom shall have a minimum of two guards from 8:00 p.m. to 4:00 a.m. During any special event that may attract more than 75 guests, the cardroom shall have a minimum of two guards for the entire duration of the event.

Draft Condition of Approval E.5 has been revised as follows:

Original Language

5. There shall be no live music or dancing on/or within the premises.

New Language

5. Entertainment (i.e. live music, disc jockeys, dancing, karaoke, comedy shows, modeling, or live performances) shall not be allowed after 11 p.m. without obtaining approval of a Conditional Use Permit for that use.

Attachment:

Revised Draft Conditions of Approval for CUP21-0011

City of Tracy
Conditional Use Permit
Conditions of Approval

Star Casino – A Cardroom
3170 Naglee Rd.
Application Number CUP21-0011
February 9, 2022

These Conditions of Approval shall apply to the Conditional Use Permit to allow a cardroom at 3170 Naglee Rd., Application Number CUP21-0011 (hereinafter “Project”), proposed by Emmanuel Macalino (hereinafter “Applicant”) and Guaranty Holdings od CA (hereinafter “Property Owners”).

1. The following definitions shall apply to these Conditions of Approval:
 - a. “Applicant” means any person, or other legal entity, defined as a “Developer”.
 - b. “City Engineer” means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
 - c. “City Regulations” mean all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City’s Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
 - d. “Conditions of Approval” shall mean these conditions of approval, applicable to Conditional Use Permit Application Number CUP21-0011.
 - e. “Developer” means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term “Developer” shall include all successors in interest.
 - f. “Development Services Director” means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
 - g. “Project” means the proposed cardroom at 3170 Naglee Rd., Application Number CUP21-0011.
2. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, building permit fees, plan check fees,

inspection fees, or any other City or other agency fees or deposits that may be applicable to the project.

3. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:
 - a. Planning and Zoning Law (Government Code sections 65000, et seq.),
 - b. California Environmental Quality Act (Public Resources Code sections 21000, et seq., “CEQA”), and
 - c. Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., “CEQA Guidelines”).
4. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards.
5. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

B. Planning Division Conditions

1. The project shall be operated in substantial conformance with the project description received by the Development Services Department on November 16, 2021 and the site plan/floor plan received on January 5, 2022, except as modified herein, to the satisfaction of the Development Services Director.
2. No signs are approved as part of this applicant. All signs for the intended use shall be reviewed under a separate sign permit application in accordance with Tracy Municipal Code standards.
3. There shall be no outside gaming allowed. All cardroom use shall be conducted wholly inside the building at all times.

C. Building Division Conditions

1. At time of building permit application submittal, the applicant shall provide a detailed business plan in order to correctly identify the occupancy classification per CBC Chapter 3.
2. At time of building permit application submittal, applicant shall provide plans prepared by a registered design professional per California Building Code (CBC) 107.1.
3. Due to the change of use (from restaurant to casino) and higher density of occupants, the applicant shall submit construction documents, plans, specifications and/or calculations to the Building Safety Division, which meet all requirements of Title 24 California Code of Regulations and City of Tracy Municipal Codes, as applicable. The plans shall include, and not be limited to, the following:
 - i. Demo Plan
 - ii. Existing Floor Plan
 - iii. Proposed Floor Plan
 - iv. Electrical Plans
 - v. T-24 Energy Documentation (as applicable)
 - vi. Mechanical plans
 - vii. Plumbing plans
 - viii. Egress plan that complies with CBC Chapter 10

D. South County Fire Authority Conditions

1. Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.
 - i. Construction documents shall be designed to the current edition of the California Code of Regulations, Title 24, as amended by the City of Tracy Municipal Code.
 - ii. Deferred submittals shall be listed on the coversheet of each page. Each deferred submittal shall be submitted, reviewed, and approved by SSJCFA prior to installation.
 - iii. Fire protection water supply must be submitted separately from construction permit. All piping and installation shall be in accordance with CFC §507 & NFPA standards. Approval of grading and/or on-site improvements does not grant installation of underground fire service.
 - iv. Fire sprinklers shall be designed by a licensed fire protection contractor or engineer. Hydraulic calculations, specifications and plans shall be submitted prior to issuance of building permit.
 - v. A request for fire flow shall be submitted to the South San Joaquin County Fire Authority and results shall be approved by the Fire

Marshal prior to construction. Fire flow requirements shall be in accordance with CFC Appendix B.

2. Engineering and building permit applications received by our offices are subject to the current fee schedule for South San Joaquin County Fire Authority. Contact our offices for additional information.
 - i. Application processing fees and minimum plan review fees are due at time of submittal of construction documents.
 - ii. Additional plan review fees, minimum inspection fees and administrative fees are calculated on approval of project and shall be paid prior to issuance of permit.
 - iii. Permit holder is responsible for any additional inspection fees incurred, and shall be paid prior to final inspection.
3. Prior to occupancy of each new business, the tenant shall contact South San Joaquin County Fire Authority for a new business inspection. Additional fees may be required for New Business, Annual and Operational Fire Permits. All fees shall be paid prior to approval of inspections.
4. Prior to construction, all-weather fire apparatus access roads shall be installed. Fire apparatus access roads during construction shall have a minimum 20' unobstructed width in accordance with CFC §503.
5. All hydrants shall be installed, inspected, and tested prior to bringing combustible materials onsite, including storage.
6. Knox boxes shall be required. The operator of the building shall immediately notify the Fire Authority and provide the new key where a lock is changed or rekeyed. The key to such shall be secured in the key box.
7. Prior to final inspection, emergency radio responder coverage shall be tested to confirm coverage areas. It is beneficial for the applicant to conduct testing at foundation as retrofitting for the conduit is costly. If coverage is inadequate, a separate permit for emergency radio responder coverage shall be submitted to SSJCFA for review and approval prior to installation.
 - i. Additional improvements may warrant additional testing to be performed. Testing shall be the determination of the fire code official.

E. Police Department Conditions

1. Licensing requirements. The project shall also abide by the licensing requirements of CA Department of Justice, State of California Department of Alcoholic Beverage Control (ABC) and the City of Tracy Municipal Code card room regulations.
2. Every Friday and Saturday, the cardroom shall have a minimum of two guards from 8:00 p.m. to 4:00 a.m. During any special event that may attract

more than 75 guests, the cardroom shall have a minimum of two guards for the entire duration of the event.

- i. Security guards shall carry proof of valid registration through the California Department of Consumer Affairs, Bureau of Security, and Investigative Services (BSIS) in the form of a Security Guard Card.
 - ii. Security guards shall not consume alcohol while on premises.
 - iii. Security shall not be provided by persons performing dual roles, such as bartending, bussing, waiting, hosting, or other roles other than security.
3. Minors: No person under 21 years of age shall be permitted in the establishment. Signs indicating age restrictions shall be posted.
4. Video surveillance: The establishment shall keep continuous video surveillance inside and outside the establishment for a minimum 30 day retention period of stored video surveillance. Surveillance video shall be made available upon legal request.
5. Entertainment (i.e. live music, disc jockeys, dancing, karaoke, comedy shows, modeling, or live performances) shall not be allowed after 11 p.m. without obtaining approval of a Conditional Use Permit for that use.

F. San Joaquin Environmental Health Department

1. Prior to issuance of building permit, submit two (2) hardcopy sets, or one (1) electronic version, of food facility plans to Environmental Health Department for review and approval (California Retail Food Code, Article 1, 114380).
2. A valid permit from Environmental Health Department is required prior to operating food facility (California Retail Food Code, Chapter 13, Article 1, Section 14381).