

ORDINANCE NO. 4990

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CAJON
AMENDING CHAPTER 5.28 (CARD ROOMS) OF TITLE 5
(BUSINESS LICENSES AND REGULATIONS), AND AMENDING CHAPTERS
17.140, 17.145 AND 17.225, OF TITLE 17 (ZONING) OF THE
EL CAJON MUNICIPAL CODE RELATED TO CARD ROOMS.

WHEREAS, by Ordinance No. 4979, the El Cajon City Council adopted regulations for the establishment of card rooms without gambling activities in the City of El Cajon; and

WHEREAS, Ordinance No. 4979 modified Chapters 5.28, 17.140, 17.145 and 17.225, by establishing regulations and restrictions on the establishment of card rooms in the City of El Cajon; and

WHEREAS, by Resolution No. 106-12, the El Cajon City Council initiated amendments to the El Cajon Zoning Code (Title 17 of the El Cajon Municipal Code) in order to make card room regulations more flexible to accommodate the needs of organizations and restaurants, while ensuring that there is not created an overconcentration of card rooms in the downtown area; and

WHEREAS, the El Cajon Planning Commission, following properly noticed and conducted public hearings, adopted its Resolution No. 10723, recommending the amendment of Title 17 (Zoning) of the El Cajon Municipal Code, to modify the regulations relating to the playing of cards and similar games.

THE CITY COUNCIL OF THE CITY OF EL CAJON DOES ORDAIN AS FOLLOWS:

SECTION 1. This project is exempt pursuant to CEQA Guidelines Subsection 15061(b)(3), the "General Rule," which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The project regulates the time, place and manner in which the playing of cards and similar games may occur, but does not in itself, directly or indirectly, result in a physical change to the environment. The playing of cards and similar games may only occur as an accessory use to a primary use, so it is dependent on the activity of the primary use first before it can occur. The intensity of allowable development is not increased and there are no potentially significant environmental effects.

SECTION 2. Section 5.28.020 of Chapter 5.28 of Title 5 of the El Cajon Municipal Code is hereby repealed.

SECTION 3. Section 5.28.020 is hereby added to Chapter 5.28 of Title 5 of the El Cajon Municipal Code to read as follows:

5.28.020 Restrictions on ownership.

It is unlawful to own or operate a card room within the city, except as a use accessory to one of the two following primary uses: 1) a restaurant establishment, or 2) a bona fide club, society, professional organization, union hall, fraternal organization, and similar use, having adopted rules or bylaws, and having members selected by established criteria. Further, the primary use must either possess all applicable discretionary permits, or have nonconforming status pursuant to Chapter 17.120 of this code for the use.

SECTION 4. Section 17.140.210 of Title 17 of the El Cajon Municipal Code is hereby amended to delete the reference to Note 4 in the row to the "non-residential" sub-section of the residential land use table.

SECTION 5. Section 17.140.210 of Title 17 of the El Cajon Municipal Code is hereby amended to modify footnote 18 of the residential land use table, to read as follows:

18. May only be operated as an accessory use to a bona fide club, society, professional organization, union hall, fraternal organization, and similar use, with either all applicable discretionary permits, or nonconforming status pursuant to Chapter 17.120, for the primary use. Subject to additional card room regulations listed in Chapter 5.28 (Card Rooms) and Chapter 17.225 (Miscellaneous Special Uses and Regulations) of this Title.

SECTION 6. Section 17.145.150 of Title 17 of the El Cajon Municipal Code is hereby amended to modify footnote 27 of the commercial section of the commercial land use table, to read as follows:

27. May only be operated as an accessory use to one of the two following primary uses: 1) a restaurant establishment, or 2) a bona fide club, society, professional organization, union hall, fraternal organization, and similar use, having adopted rules or bylaws, and having members selected by established criteria. Further, the primary use must either possess all applicable discretionary permits for the primary use, or have nonconforming status pursuant to Chapter 17.120 of this code for the use. Subject to additional card room regulations listed in Chapter 5.28 (Card rooms) of Title 5 and Chapter 17.225 (Miscellaneous Special Uses and Regulations) of this Title.

SECTION 7. Section 17.225.024 of Chapter 17.225 of Title 17 of the El Cajon Municipal Code is hereby repealed.

SECTION 8. Section 17.225.024 is hereby added to Chapter 17.225 of the El Cajon Municipal Code to read as follows:

17.225.024 Card rooms – Non-gambling.

- A. Card room - non-gambling, may be permitted in the city as provided in Section 17.140.210 and Section 17.145.150 of this Title, subject to approval of a special operation license as provided in Chapter 5.16 of Title 5, compliance with Chapter 5.28 of Title 5, and compliance with the following development standards.
1. There shall be a minimum of 900 feet separating card room facilities, the distance to be measured from property lines of the parcel on which the card rooms are intended to be located.
 2. There shall be a maximum of eight card rooms permitted within the city.
 3. Within Specific Plan No. 182 a facility with a card room, whether restaurant or bona fide club, society, professional organization, union hall, fraternal organization, and similar use, must be a minimum of 5,000 square feet. Outside of Specific Plan No. 182 a facility with a card room must be a minimum of 2,500 square feet.
- B. The following operational performance standards shall apply to all card rooms in the city.
1. Windows in card rooms shall remain transparent/not obstructed during hours of operation.
 2. Operators shall enforce, post and maintain a sign(s) in the card room visible/legible to all patrons stating "Gambling and smoking are prohibited in this establishment".
 3. Operators shall voluntarily allow city staff right-of-entry into the card room during all hours of operation, for the purpose of monitoring compliance with and enforcing applicable city regulations, including taking photographs inside for evidentiary purposes.
 4. No charge shall be made for the use of any card room facility.
 5. No gambling of any sort shall be permitted at any card room facility.
 6. A card room may only be operated as an accessory use to a primary use that operates under any business model (profit or non-profit) or organization, provided that the primary use is either a bona fide club, society, professional organization, union hall, fraternal organization or a restaurant.

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7. Card room tables, accessory to a club, society, professional organization, union hall, fraternal organization, and similar use shall be for the exclusive use of members of such club, society, or organization, and their guests, and shall be located at the same address as the business address of the organization.
8. Card rooms may only operate during the same hours and frequency as the primary use.
9. Card playing may be restricted to membership, and guests of members, for clubs, but must be open and available to the general public when located in restaurants.

SECTION 9. This ordinance shall become effective thirty (30) days following its passage and adoption.

PASSED AND ADOPTED by the City Council of the City of El Cajon, California at a Regular Joint City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Meeting held this 11th day of June, 2013, by the following vote to wit:

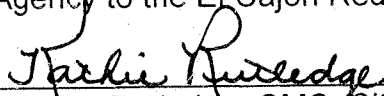
AYES	:	Lewis, Ambrose, Kendrick, McClellan, Wells
NOES	:	None
ABSENT	:	None
DISQUALIFY:	:	None

MARK LEWIS
Mayor of the City of El Cajon

ATTEST:

KATHIE RUTLEDGE, CMC
City Clerk

I hereby certify that the above and foregoing is a full and true copy of Ordinance No. 4990 of the Ordinances of the City of El Cajon, California, as adopted by the City Council at the Regular Joint Meeting of the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency on the 11th day of June, 2013.


Kathie Rutledge, CMC City Clerk