

RESOLUTION NO. 2017-\_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CHULA VISTA APPROVING AMENDMENTS TO THE CHULA  
VISTA GAMING PLAN TO ALLOW CITY COUNCIL WAIVER  
OF REQUIREMENTS FOR TEMPORARY REVERSION OF  
CLASS II LICENSES TO CLASS I LICENSES UPON TRANSFER

WHEREAS, the City of Chula Vista Gaming Plan ("Gaming Plan") currently requires a temporary three year reversion of "Class II" licenses to "Class I" licenses upon transfer; and

WHEREAS, in connection with the proposed transfer of a consolidated Class II cardroom license for the Seven Mile Casino from V C Cardroom, Inc. to Stones South Bay Corporation ("Stones Corp."), Stones Corp. has asked for a waiver of this requirement to avoid the interruption of "Class II" operations; and

WHEREAS, staff believes that such a waiver could be appropriate provided that the transferee demonstrate the necessary experience and expertise to operate a "Class II" operation; and

WHEREAS, to clarify and establish the terms for such a waiver, staff is recommending that the Gaming Plan be formally amended; and

WHEREAS, as required by the Chula Vista Municipal Code Section 5.20.001 and Gaming Plan Section 5.3, prior to City Council action on the proposed Gaming Plan amendment, a public hearing was properly noticed and held, and the City Council considered the proposed amendment and all testimony presented with respect thereto; and

WHEREAS, the City Attorney's office has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because the activity consists of a governmental administrative/fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. Therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is required.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Chula Vista as follows:

The Gaming Plan is hereby amended to add the following Section 2.5.6.4:

2.5.6.4 City may waive the requirements of Sections 2.5.6.1 and 2.5.6.2 upon the recommendation of the Chief of Police and with the approval of the City Council provided that the City determines, in its sole discretion, that the transferee has otherwise demonstrated to the City that he/she/it possesses the adequate experience and expertise to operate a "Class II" card room in accordance with state gaming laws, the terms and conditions of this Gaming Plan, and then existing best practices for such operations.

In connection with such waiver, the City may impose such additional terms and conditions on transferee's operations.

Presented by:

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Glen R. Googins  
City Attorney

Approved as to form by:

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Glen R. Googins  
City Attorney