



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Richard Doyle  
City Attorney

**SUBJECT:** Proposed Ordinance Amending  
Title 16 Regarding the Location  
of Gaming within a Cardroom

**DATE:** November 22 , 2011

## **RECOMMENDATION**

As recommended by the Public Safety, Finance and Strategic Support Committee on November 17, 2011, approve an ordinance amending Section 16.18.030 of Chapter 16.18 and Section 16.30.200 of Chapter 16.30 of Title 16, the Gaming Control Regulatory Program Ordinance, to: (1) confine gaming to the single ground floor level of a permitted cardroom or to such other areas of a permitted cardroom as may be approved pursuant to the cardroom permit amendment procedure, (2) make the location of gaming in a cardroom a term and condition of the cardroom permit, and (3) make the requirement to apply for a cardroom permit amendment in order to be allowed to have gaming outside the single ground floor level of a cardroom retroactive to any application for a cardroom permit amendment pending on or after April 1, 2011. (Public Safety, Finance and Strategic Support Committee -- 11-17-11, Item (d)(2)).

## **OUTCOME**

Adoption of the recommended amendments reflects the direction of the Public Safety, Finance and Strategic Support Committee meeting on November 17, 2011 regarding a staff recommendation requiring a cardroom permit amendment in order to have gambling anywhere other than the ground floor level of the cardroom premises.

## **BACKGROUND**

On November 17, 2011 the Public Safety, Finance and Strategic Support ("PSFSS") Committee heard a report from the City Attorney's Office regarding a number of amendments to Title 16 resulting from past Council directions and several staff recommendations for amendments to Title 16. The Committee decided, at this time, to forward for approval by the Council only the staff recommendations related to amendments to Title 16 that address the location of gaming on cardroom premises and the application of the cardroom permit amendment procedure to gaming on other than the ground floor of permitted cardrooms. The remaining proposed changes to Title 16 were deferred until the December PSFSS meeting.

## **ANALYSIS**

### **Cardroom Permit Amendment Procedure to Apply to Gaming on Other than Ground Floor Level**

As currently written, Section 16.18.030 of Chapter 16.18 requires that the playing of controlled games be limited to a single level or to such other areas as may be approved by the Administrator. Currently both Bay 101 and Garden City Casino have gaming on only the ground floor of their respective premises. Since the location where controlled games can be played is properly a term or condition of the cardroom permit, the proposed amendment to Section 16.18.030 will require that a cardroom permittee desiring to play controlled games any place other than on the ground floor of the cardroom premises will have to apply for a cardroom permit amendment under the procedures set out in Part 2 of Chapter 16.30 of Title 16. Neither cardroom in the past has sought to have gambling anywhere other than the ground level floor of its respective premises.

The proposed changes will take the discretion to approve cardroom requests to allow gaming anywhere other than on the ground floor level from the Administrator and place the decision with the Chief of Police within the context of a formal investigation and public hearing procedure for cardroom permit amendments where there will be the opportunity for public testimony. Under the Municipal Code, the Chief in approving the permit amendments is required to make formal findings that the permit amendments will not: adversely affect the public health, safety and welfare, violate applicable laws, adversely affect the ability of the Administrator and Chief of Police to effectively administer and enforce Title 16, or be inconsistent with the policies or purposes of Title 16.

Section 16.30.200 of Chapter 16.30 has also been amended to clarify that the location on the cardroom premises where controlled games can be played is a term and condition of the cardroom permit. The requirement to apply for a cardroom permit amendment is made applicable to any permit amendment application pending on or after April 1, 2011. This date was chosen because Garden City's application for a cardroom permit amendment to change its location and name was made at the end of March 2011. In its current request for a cardroom permit amendment, Garden City did not address the issue of being allowed to have gambling above the first floor of its proposed new building. The effect of this provision will be to require Garden City, if it desires to have gambling above the first floor, to amend its cardroom permit application so that the Chief of Police can decide this issue along with the change in the name and location of the cardroom.

Honorable Mayor and City Council  
November 22, 2011

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**CEQA**

Not a Project; File No. PP10-068(b), Municipal Code or Policy.

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