

Memorandum

TO: Dave Knopf
Acting Chief of Police

FROM: Kirill Yermanov
Gaming Administrator
Division of Gaming Control

SUBJECT: Report and Recommendation
Accept Request from Sutter's
Place, Inc. dba Bay 101 Casino to
Amend their Cardroom Permit to
Authorize Adding Fifteen (15) More
Card Tables for a Total of
Sixty-Four (64) Authorized Tables

DATE: January 8, 2021

SUMMARY AND RECOMMENDATION

By letter dated June 21, 2020, Sutter's Place Inc. dba Bay 101 Casino (Bay 101 Casino) applied for an amendment to its Cardroom Permit to change the number of Card Tables authorized under its Permit from forty-nine (49) to sixty-four (64) (Exhibit A). The Administrator recommends that the requested amendments be granted.

BACKGROUND

On August 4, 2020, the City Council adopted, Resolution No. 79657, which placed Measure H on the November 3, 2020 ballot. Among other things, Measure H proposed to increase the number of Card Tables by 30, resulting in an increase in the total number of authorized Card Tables from 98 to 128 so that each Cardroom can have a maximum of 64 tables. Measure H passed with 72.63% of the vote. On December 8, 2020 the City Council certified the election results and the increase in the number of authorized Card Tables under Title 16 took effect on December 18, 2020.

ANALYSIS

A. Required Findings

Measure H leaves intact the fundamental regulatory structure of Title 16 which is necessary to protect the public health, safety, and welfare. Increasing the number of tables by fifteen (15) at each cardroom will not by itself increase the regulatory burden on the Division of Gaming Control, provided that the cardrooms continue to cooperate with the Administrator in carrying out his duties. Therefore, the Administrator believes that the increase in the number of Card Tables will not have a negative impact on the ability of the Police Department to regulated legalized gaming in the City of San Jose.

Dave Knopf

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Tables from 49 to 64

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The Administrator has determined that the expansion in the number of Card Tables from ninety-eight (98) to one hundred twenty-eight (128), thereby allowing each cardroom to expand the maximum number of card tables per cardroom from forty-nine (49) to sixty-four (64) tables will not:

- a. Have an adverse effect on public health, safety, or welfare; or
- b. Have an adverse effect on the ability of the Administrator and the Chief of Police to effectively administer and enforce the requirements and policies of this Title; or
- c. Result in the violation of any City, State, or Federal law; or
- d. Be inconsistent with the policies, purposes and provisions of this Title and the public interest.

B. Cooperation by Bay 101 Casino

The Administrator finds that Bay 101 Casino has fully cooperated with the Administrator and the Chief of Police and have provided all information required by the Administrator and Chief of Police for the processing of the Permit Amendment application.

- A. As required pursuant to SJMC Section 16.30.230(B), the conditions here in are necessary in order to protect the public peace, health, safety, and welfare:
 - a. In order to provide adequate square footage for the additional gaming tables, Bay 101 Casino shall complete the conversion of the outdoor patio area to add it to the main gaming floor. This shall be completed before placing any gaming tables in the former patio area.



Kirill Yermanov
Gaming Administrator