



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Kim Welsh

SUBJECT: SAN JOSE AL FRESCO –
CARDROOMS

DATE: August 28, 2020

Approved

Date

8/31/20

COUNCIL DISTRICT: 3

SUPPLEMENTAL

BACKGROUND

An August 25, 2020 a memorandum from Councilmember Peralez asked the Rules Committee to add an item on the Council agenda to modify staff's recommendation on item 8.3 on the September 1, 2020 City Council Agenda to include cardrooms as a permissible use under the San José Al Fresco initiative, allowing expanded outdoor business operations on adjacent private parking lots. Councilmember Peralez's memo further requested that staff work with cardroom operators to determine the parameters of their outdoor operations while abiding with public health regulations. The Rules Committee approved the request to add the item for Council discussion.

ANALYSIS

Cardrooms can be added as a permissible use for outdoor operations on adjacent private property pursuant to the Declaration issued by the City Manager on June 4, 2020. The Declaration suspended enforcement of certain provisions in land use permits and approvals and zoning and encroachment requirements in the San José Municipal Code in order to allow many businesses without existing permits for outdoor operations or seating to expand their operations outside in privately-owned outdoor areas, such as parking lots, and use public sidewalks for certain limited purposes such as outdoor dining and public seating. Modifications to Sections 2 and 4 in Exhibit A of the Private Property and Sidewalk Declaration, as amended by City Council Resolution 79661, have been drafted for Council consideration and posted with the September 1, 2020 City Council meeting agenda.

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As outlined in Section 4c of the amended Declaration, use of adjacent private property by a Relocated Cardroom business, as identified in Table 20-90 of the City's Zoning Code, will require written approval from the City's Title 16 Administrator in advance of such use. Cardroom Regulations will be adopted by the Chief of Police and Title 16 Administrator and posted to the City's website. The Cardroom Regulations will govern outdoor gaming operations and will be in conformance with or more stringent than State gambling law and regulations. The Administrator's written approval will require conformance with the Cardroom Regulations. Except as exempted by the Administrator's written approval, all provisions of a Relocated Cardroom's existing cardroom permit shall remain in full force and effect and apply to any outdoor gaming operations. Relocated Cardrooms will be required to obtain any necessary approvals from State and County authorities prior to the City issuing its written approval to operate outdoors. Relocated Cardrooms will, at all times, be required to abide by the State and County's most current health orders and social distancing directives and protocols.

EVALUATION AND FOLLOW-UP

This item will be considered at the September 1, 2020 City Council meeting.

COORDINATION

This supplemental memorandum has been coordinated with the Police Department, the City Attorney's Office, and the City Manager's Budget Office.

/s/

KIM WALESH
Deputy City Manager

For questions please contact Blage Zelalich, Downtown Manager, at (408) 535-8172.