

BUSINESS SUPPORT ZONING AMENDMENT REFERRALS - AMUSEMENT DEVICE ARCADES

Planning Commission
February 3, 2021

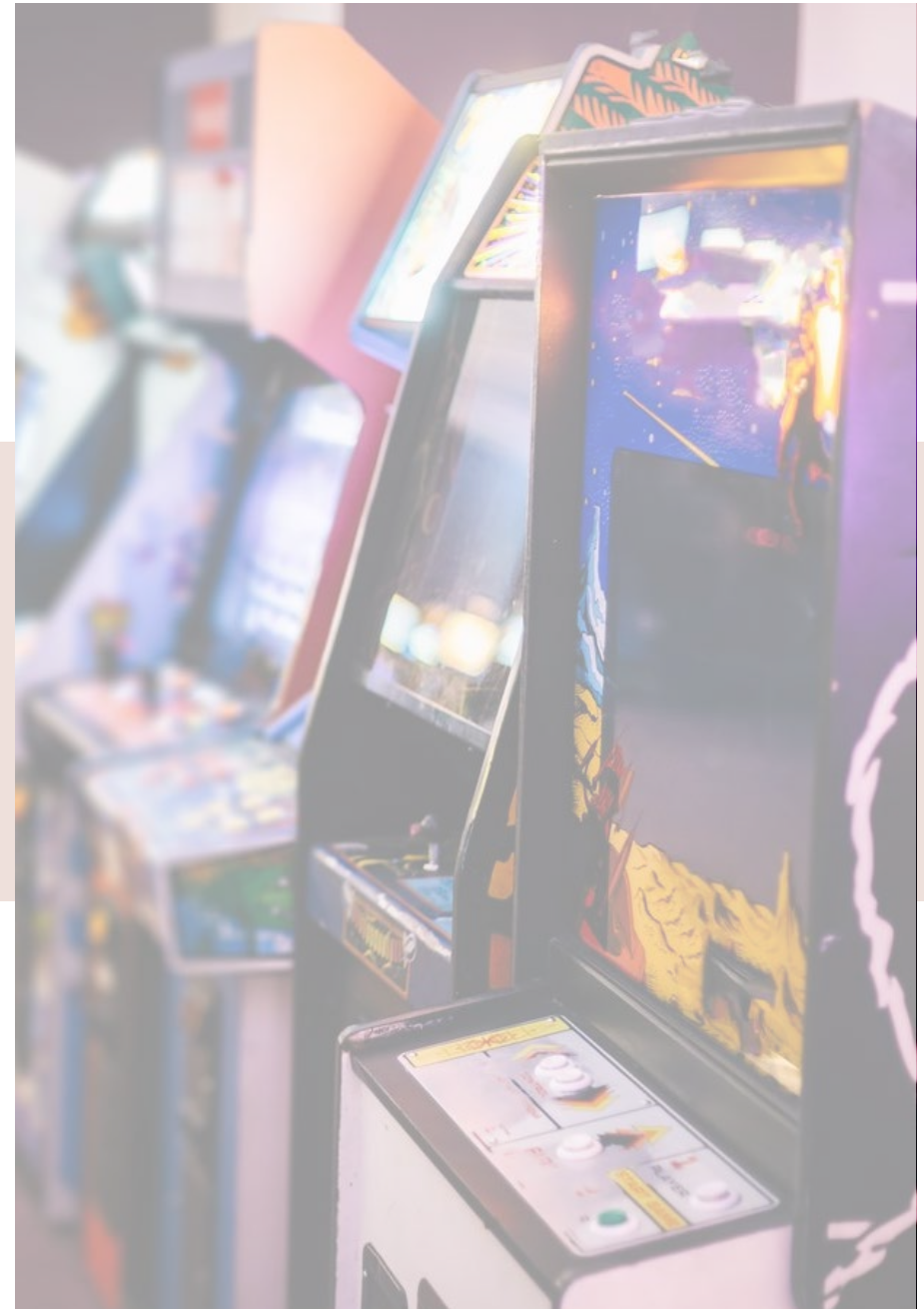
OVERVIEW

- ❖ Summary of Referral
- ❖ Existing Regulations
- ❖ Proposed Amendments
- ❖ Questions

DEFINING ARCADES

Zoning Ordinance Modification for Elmwood Commercial Districts (6/25/19)

This referral requests levels of discretion for arcades in the C-E district be re-examined and relaxed.



DEFINING ARCADES

Amusement Device:

Any machine or device which may be operated for use as a game, contest or amusement upon the insertion of a coin, slug or token in any slot or receptacle attached to such machine or connected therewith, which does not contain a payoff device for the return of slugs, money, coins, checks, tokens or merchandise

Amusement Device Arcade (Arcades):

An establishment which contains six (6) or more Amusement Devices. An Amusement Device Arcade is a Commercial Recreation Center irrespective of whether such machines are the principal commercial activity of an establishment.



EXISTING REGULATIONS FOR ARCADES

Districts	Arcades*	Up-to 3 Amusement Devices allowed as an Incidental Use
Neighborhood Commercial		
C-N Neighborhood	Prohibited	UP(PH)
C-E Elmwood	Prohibited	UP(PH)
C-NS North Shattuck	Prohibited	UP(PH)
C-SA South Area	UP (PH)	UP(PH)
C-SO Solano Avenue	Prohibited	UP(PH)
Avenue Commercial		
C-1 General	UP (PH)	AUP
C-T Telegraph Ave	Prohibited	AUP
C-W West Berkeley	UP (PH)	AUP
C-DMU	UP (PH)	AUP
Manufacturing Districts		
M Manufacturing	Prohibited	Prohibited
MM Mixed Manufacturing	Prohibited	Prohibited
MU-LI Mixed Light Industrial	Prohibited	AUP
MU-R Mixed Use Residential	Prohibited	AUP

*Arcades cannot locate within 600 feet of a primary or secondary school.

DEFINING CRCs

Commercial Recreation Center:

Any establishment other than a theater at which recreation facilities are offered or amusement devices provided to the public as a principal commercial activity of such establishment. This may include, but is not limited to, bingo parlors, bowling alleys... and amusement device arcades.

- ❖ Escape Rooms
- ❖ Axe Throwing
- ❖ Billiards & Pool Halls



Albany Bowl, Albany CA



High Scores, Alameda CA



Plank, Oakland CA

EXISTING REGULATIONS FOR ARCADES

Districts	Arcades
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Neighborhood Commercial

C-N	Prohibited
C-E	Prohibited
C-NS	Prohibited
C-SA	UP (PH)
C-SO	Prohibited

Avenue Commercial

C-1	UP (PH)
C-T	Prohibited
C-W	UP (PH)
C-DMU	UP (PH)

Manufacturing Districts

MU-R	Prohibited
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EXISTING THRESHOLDS FOR CRCs

Neighborhood Commercial Permit Threshold for CRCs

Size Threshold (square feet)	Permit Required
Under 3,000	AUP
Over 3,000	UP(PH)

Avenue Commercial Permit Threshold for CRCs

Size Threshold (square feet)	Permit Required
Under 5,000	ZC
5,000 - 10,000	AUP
Over 10,000	UP(PH)

Outdoor uses require UP(PH)



PROPOSED AMENDMENTS

- ❖ Regulate Arcades as CRCs
- ❖ Modify Amusement Device Regulations

REGULATE ARCADES AS CRCs

Remove

Maintain

**Proposed
Amendments:**
Remove
Arcades from
Uses Permitted
Tables

Districts	Arcades	CRC Size Thresholds (sq. ft.)	Permit Required
Neighborhood Commercial			
C-N	Prohibited	Under 3,000 Over 3,000	AUP UP(PH)
C-E	Prohibited		
C-NS	Prohibited		
C-SA	UP (PH)		
C-SO	Prohibited		
Avenue Commercial			
C-1	UP (PH)	Under 5,000 5,000 – 10,000 Over 10,000	ZC AUP UP(PH)
C-T	Prohibited		
C-W	UP (PH)		
C-DMU	UP (PH)		
Manufacturing District			
MU-R	Prohibited	Prohibited	

Zoning Certificate (ZC) | Administrative Use Permit (AUP) | Use Permit, Public Hearing (UP(PH))

REMOVE BUFFER

Proposed Amendment:

Remove 600-foot buffer for Arcades.

~~**23E.16.050 Amusement Arcades**~~

~~No Amusement Device Arcade shall be established within a radius of six hundred (600) feet of any primary or secondary school.
(Ord. 6478-NS § 4 (part), 1999)~~



MODIFY AMUSEMENT DEVICE REGULATIONS

Districts Up-to ~~3~~ 5 Amusement Devices allowed as an Incidental Use

Neighborhood Commercial

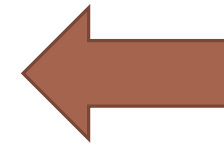
C-N Neighborhood	UP(PH)
C-E Elmwood	UP(PH)
C-NS North Shattuck	UP(PH)
C-SA South Area	UP(PH)
C-SO Solano Avenue	UP(PH)

Avenue Commercial

C-1 General	AUP
C-T Telegraph Ave	AUP
C-W West Berkeley	AUP
C-DMU	AUP

Manufacturing Districts

M Manufacturing	Prohibited
MM Mixed Manufacturing	Prohibited
MU-LI Mixed Light Industrial	AUP
MU-R Mixed Use Residential	AUP



Proposed Amendment:

Change the maximum number of Amusement Devices allowed as an incidental use to a permitted use from three to five.

Arcade:

An establishment which contains **six (6) or more Amusement Devices.**

MODIFY AMUSEMENT DEVICE REGULATIONS

	Current	Proposed
Districts	Up-to 3 Amusement Devices allowed as an Incidental Use	Up-to <u>5</u> Amusement Devices allowed as an Incidental Use
Neighborhood Commercial		
C-N Neighborhood	UP(PH)	<u>ZC</u>
C-E Elmwood	UP(PH)	<u>ZC</u>
C-NS North Shattuck	UP(PH)	<u>ZC</u>
C-SA South Area	UP(PH)	<u>ZC</u>
C-SO Solano Avenue	UP(PH)	<u>ZC</u>
Avenue Commercial		
C-1 General	AUP	<u>ZC</u>
C-T Telegraph Ave	AUP	<u>ZC</u>
C-W West Berkeley	AUP	<u>ZC</u>
C-DMU	AUP	<u>ZC</u>
Manufacturing Districts		
MU-LI Mixed Light Industrial	AUP	<u>ZC</u>
MU-R Mixed Use Residential	AUP	<u>ZC</u>

Proposed Amendment:
Revise level of discretion to allow up-to five Amusement Devices as an incidental use with a ZC for all Commercial Districts, the MU-LI and the MU-R

SUMMARY OF PROPOSED AMENDMENTS

Arcades

- ❖ Arcade ⇒ CRC;
- ❖ Remove 600-foot buffer;
- ❖ Change the maximum number of amusement devices allowed as an incidental use from 3 to 5; and
- ❖ Allow up-to five Amusement Devices as an incidental use with a Zoning Certificate.

