

LEGISLATIVE DIGEST

[Planning Code - Arcades in the Upper Market Street Neighborhood Commercial Transit District]

Ordinance amending the Planning Code to permit arcades in the Upper Market Street Neighborhood Commercial Transit District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

The Planning Code currently prohibits Arcades, defined as a retail use which provides 11 or more amusement game devices, from being located in the Upper Market Street Neighborhood Commercial Transit District.

Amendments to Current Law

The proposed ordinance would amend the Planning Code to make Arcades permitted as a principal use in the Upper Market Street Neighborhood Commercial Transit District.

Background Information

This ordinance is a companion piece to legislation introduced on July 15, 2014 that would amend the permitting requirements in the Police Code for mechanical amusement devices and Arcades (File No. 140776). Those Police Code provisions were enacted in 1982, at a time when the number of video game machines was rapidly increasing in the City, giving rise to public concern regarding the location of these machines, the number of machines permitted at any given location, creation of street and sidewalk congestion where these machines are concentrated, accessibility to the machines by minors during school hours, and the occurrence of public disturbances and petty crimes in the vicinity of these machines.

Since the Police Code provisions were first enacted, video games have become readily available through personal mobile devices and home-entertainment systems. Today, there are only two Arcades operating in the City permitted by the Entertainment Commission. Older-style arcade games such as pinball machines have become a niche novelty for an older demographic, diminishing public concerns about the secondary effects of such devices in neighborhoods and reducing the need for such stringent restrictions on the location and operation of arcades. Small businesses, including in the Upper Market Street Neighborhood Commercial Transit District, are experimenting with establishing pinball arcades and pinball leagues, which bring the community together and are an asset to the neighborhood.

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