

Policy 1.1.8 Video Game Uses in Commercial Businesses

POLICY PURPOSE:

The purpose of this policy is to define incidental and entertainment uses of video games, and to establish location and operation standards for the uses. The policy is intended to: (1) protect public safety by ensuring that the building and use comply with applicable provisions of the Municipal Code, and (2) protect the public welfare by minimizing potential impacts of the use on the site and its surroundings.

POLICY STATEMENT:

The following standards will be used to regulate incidental and entertainment uses of video games.

Standards derived from code requirements will apply to incidental and entertainment uses that are allowed by right. Additional standards, of a discretionary nature, will establish a basis for evaluating entertainment uses that need a Use Permit or Special Development Permit, including decisions about the allowable number of games.

Definitions

1. Video Game Machine: Coin-operated amusement device or game of skill with an electronic-based console and screen, available for use by the public.
2. Incidental Use: Less than four video games in a commercial business, allowed as a matter of right.
3. Entertainment Use: Four or more video games in a commercial business, as permitted by the zoning code.

Standards for Incidental Uses

1. Maximum Number of Games: Three
2. Location Standards: Allowed in any commercial or industrial zone
3. Operation Standards (as required by code):
 - A. Provide one electrical outlet per video game machine. Do not permit the use of external adapters to increase the number of connections.
 - B. Maintain an unobstructed aisle width of at least 36 inches in front of each machine and player. Also, avoid blocking exits.

Comply with fire, building, electrical and plumbing codes.

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Standards for Entertainment Uses Allowed by Right

1. Maximum Number of Games: Determined by extent of compliance with operation standards)
2. Location Standards: Allowed in C-3 zone, as specified in Municipal Code
3. Operation Standards: Conform with code requirements listed for incidental uses

Standards for Entertainment Uses Allowed with a Use Permit or Special Development Permit

1. Maximum Number of Games: Determined by the City, using location and operating standards below as a guide in evaluating the ability of a business and its surroundings to accommodate the use. The City recognizes a general correlation between policy compliance and the allowable number of video games.
2. Location Standards:
 - A. Permitted with conditional approval in zones specified in Municipal Code.
 - B. Provide a minimum separation of 1,000 feet between each video game entertainment use.
 - C. Provide a minimum separation of 1,000 feet between the use and any elementary, junior high or senior high school.
 - D. Assess the proximity of the use to residences, and determine the potential for impacts.
 - E. Consider impacts of the use on nearby businesses.
 - F. Consider the impacts of nearby businesses on the use. In particular, note any businesses which may contribute to an environment conducive to loitering, and businesses which may be incompatible with youth-oriented activities.
3. Operation Standards:
 - A. Standards to Ensure the Safety of the Building and Its Occupants (code requirements unless otherwise noted)
 - (1) Provide one electrical outlet per video game machine. Do not permit the use of external adapters to increase the number of connections.

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- (2) Maintain an unobstructed aisle width of at least 36 inches in front of each machine. In addition, provide a minimum 18-inch deep area for the player in front of each machine (policy). Also, avoid blocking exits.
 - (3) Comply with fire, building, electrical and plumbing codes.
- B. Standards to Reduce the Impacts to Surrounding Businesses and Residences
- (1) Consider limits on the hours and days of operation.
 - (2) Evaluate the supervision plan, if any: operating rules, regulations and codes of conduct; total number of employees per shift; number of adult supervisory personnel per shift; methods of handling currency, and notices to be posted in and around the building.
 - (3) Consider methods of litter control.
 - (4) Consider methods of noise control.
- C. Standards to Minimize On-Site Congestion and Security Problems -
- (1) When the entertainment use is carried out in conjunction with an incidental to a primary use, the floor area devoted to the entertainment use will be limited to an amount that will not change the character of, nor interfere with the operation of the primary use, or cause any of the operating problems identified in the policy.
 - (2) Provide bicycle racks at the rate of one space per machine, in close proximity to the business. Avoid interfering with pedestrian circulation and landscaped areas.
 - (3) Provide vehicle parking at the standard ratio specified for the business.
 - (4) Adequately illuminate the buildings interior.
 - (5) Install the games within view of the cashier or other personnel.
 - (6) Illuminate entrances, sidewalks and parking areas.

The above are not an exclusive list of items that may be considered in the evaluation of Use Permit or Special Development Permit requests for video game entertainment uses.

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Lead Department: Community Development