

CITY OF ALAMEDA  
COMMUNITY DEVELOPMENT DEPARTMENT

ADMINISTRATIVE USE PERMIT

ITEM NO:	3-D
APPLICATION NO:	PLN13-0154 – Shawn and Megan Livernoche – 1414 Park Street
PROJECT DESCRIPTION:	The applicant requests a Use Permit for the "High Scores Interactive Arcade Museum," which consists of a showroom for the sale of classic arcade machines and individual console games where visitors may also operate the machines upon payment of an entrance fee. No coins or tokens of any kind are used to activate the games. The proposal also includes making the premises available for birthday parties and other private events.
GENERAL PLAN:	Community Commercial
ZONING:	CCT, Community Commercial Theatre District
ENVIRONMENTAL DETERMINATION:	Categorically Exempt from State CEQA Guidelines, Section 15301 – Existing Facilities.
PROJECT PLANNER:	Allen Tai, AICP – Supervising Planner
PUBLIC NOTICE:	A notice for this hearing was mailed to property owners and residents within 300 feet of the site, published in local newspapers and posted in public areas near the subject property. Staff has not received any public comments on this proposed project.
ATTACHMENTS:	1. Applicant's business plan 2. Floor Plan
ACRONYMS:	AMC – Alameda Municipal Code CCT – Community Commercial Theatre District
RECOMMENDATION:	Find that the project will not cause significant adverse effects to the physical environment, is Categorically Exempt from environmental review and approve the project with conditions based on the following findings:

## **Background**

The proposed use will occupy a vacant, +/-900 square foot retail space at 1414 Park Street. The location is one of three tenant spaces at 1412-1416 Park Street, a single story commercial building built in 1957. The retail space was formerly occupied by a psychic services establishment. Existing businesses in the building include the Bank of Alameda and Silk Road, a small crafts store.

The applicant is requesting a use permit to allow an indoor showroom for classic video arcades from the 1970 to 1990 era, a period when arcade games were popular cultural phenomenon. The applicant collects and restores old, classic arcade cabinets and plans to exhibit them on the premises as a gallery or museum. The games will be available for free play upon payment of an entrance fee, but the arcade cabinets will be made available for sale along with other video game collectibles and accessories that will also be on display. The premises will also be available for rental and hosting of birthday parties and other private events where visitors are allowed to bring food and non-alcoholic beverages. The proposed hours of operation fall within the regular permitted hours in the CCT district.

AMC Section 30-10 prohibits arcade uses and places strict limitations on coin-operated Game Machines as accessory uses. The proposed use does not meet the definition of Game Machines because no coins or tokens of any kind are used to activate the games. Visitors will be charged an entrance fee and the games will be permanently set on free play mode. In addition, because the arcade cabinets and other video game accessories are displayed for sale as collectible items, they are further distinguished from game machines and arcade uses described in the AMC. Rather, the nature of the proposed use is similar to that of a showroom, art gallery, and social club when the premises are used for private events. The Pacific Pin Ball Museum at 1510 Webster Street is an example of a similar use within the city.

## **Findings for Use Permit Approval:**

- 1. The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.**

The proposed use is compatible with the other entertainment, retail and restaurant uses within the Park Street commercial district. The proposed business will be open during normal business hours and will add an additional attraction to the district. Patrons of this new entertainment venue may choose to support other businesses on the street, especially the restaurants, some of which are on the same block and across the street. The re-occupation of a vacant retail space on Park Street with an entertainment use should help to activate and support the Park Street commercial district.

- 2. The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle and transit facilities.**

Historically, the building has been occupied by a variety of different retail uses, none of which were able to provide any off-street parking. However, a public parking lot is located immediately behind the property in addition to the Civic Center Garage within walking distance to the site. There is also on-street parking located in front of the building on Park Street. In terms of other modes of transportation, the site and Park Street is well served by AC Transit, and there are two existing bike racks immediately adjacent to the building. The use permit approval is conditioned upon the applicant contributing funds to the City for installation of a bike rack in the immediate vicinity of the premises.

**3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have deleterious effects on existing business districts or the local economy.**

The proposed use is compatible with the retail, restaurant and other entertainment uses in the Park Street commercial district and does not pose any competition to existing businesses on Park Street.

**4. The proposed use relates favorably to the General Plan.**

The proposed use relates favorably to the General Plan policies to support Alameda's historic downtown shopping districts with entertainment uses and support reuse and redevelopment of Alameda Historic Districts.

**CONDITIONS:**

1. No coins or tokens of any kind may be used to operate the games on the premises.
2. The applicant shall install a video surveillance system inside the premises for security purposes.
3. There shall be no sale or distribution of alcoholic beverages on the premises.
4. Upon approval of the Use Permit, the applicant shall pay the City of Alameda Three Hundred Dollars (\$300) toward the City's Bike Rack Fund for purposes of installing one bike rack within the immediate vicinity of the premises.
5. The applicant shall comply with Alameda Municipal Code 30-10.11 Hours of Operation for Minors under Eighteen (18) Years of Age: No proprietor, employee thereof, or person in charge, shall allow any minor under the age of eighteen (18) years of age to play or use any such game machine or occupy a game machine area during the academic year for Alameda public schools between the hours of 7:00 a.m. and 3:00 p.m., except during school holidays and on Saturday and Sunday, nor between the hours of 10:00 p.m. and 7:00 a.m. on all days preceding school days, and between midnight and 7:00 a.m. on all other days. Preschool children accompanied by an adult shall be exempt from the restrictions of this subsection.
6. Revocation: This Use Permit may be modified or revoked by the Zoning Administrator, pursuant to Alameda Municipal Code Section 30-21.3d should the Zoning Administrator determine that: 1) the use or conditions under which it is being operated or maintained

is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance; or 3) the use is operated in violation of the conditions of the Use Permit.

7. Vesting: The Use Permit approval shall expire two (2) years after the date of approval or by **June 4, 2015** unless authorized construction or use of the property has commenced. The applicant may apply for a time extension, not to exceed two (2) years. An extension request will be subject to approval by the Zoning Administrator and must be filed prior to the date of expiration.
8. Indemnification: The Applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board, and their respective agents, officers, or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, the City of or City Council related to this project. The City shall promptly notify the Applicant of any claim, action, or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6

#### **DECISION:**

##### Environmental Determination

The Zoning Administrator has determined that this project is Categorically Exempt from environmental review, pursuant to the CEQA Guidelines Section 15301.

##### Use Permit

The Zoning Administrator approves the Use Permit with conditions.

The decision of the Zoning Administrator shall be final unless appealed to the Planning Board, in writing and within ten (10) days of the decision.

Approved by: 

Date: June 4, 2013

Andrew Thomas  
Zoning Administrator