



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

**PUBLIC HEARING:** July 23, 2013  
**SUBJECT:** Modification No. 1 to Conditional use Permit No. 232-83  
**APPLICANT:** Chuck E. Cheese Entertainment, Inc.  
 Attn: Deborah Shannon  
 4441 W. Airport Freeway  
 Irving, TX 75062  
**PROPERTY OWNER:** VCG SouthBay Pavilion, LLC  
 Attn: Jerry Garner  
 11611 San Vicente Boulevard, 10<sup>th</sup> Floor  
 Los Angeles, CA 90049  
**REQUEST:** Relocation of the Chuck E. Cheese's restaurant which was approved for a conditional use permit for arcade use and sale of alcoholic beverages on February 23, 1983  
**PROPERTY INVOLVED:** 20700 S. Avalon Boulevard

### COMMISSION ACTION

Concurred with staff  
 Did not concur with staff  
 Other

### COMMISSIONERS' VOTE

<u>AYE</u>	<u>NO</u>		<u>AYE</u>	<u>NO</u>	
		Chairman Faletogo			Gordon
		Vice-Chair Verrett			Piñon
		Brimmer			Saenz
		Diaz			Schaefer
		Goolsby			

*Item No. 12E*

## I. Introduction

The property owner, VCG SouthBay Pavilion, LLC, is proposing certain improvements to the mall which requires the relocation of the Chuck E. Cheese's restaurant from the northeastern entrance to the northwestern entrance. The new location would give Chuck E. Cheese's direct visibility from Avalon Boulevard. On February 23, 1983, the Planning Commission approved Conditional Use Permit (CUP) No. 232-83 for arcade use and sale of alcoholic beverages. The new location would increase the size of Chuck E. Cheese's from 12,493 square feet to approximately 14,000 square feet.

Chuck E. Cheese's has been operating at the SouthBay Pavilion for the past 30 years. The proposed project would modernize the restaurant with larger dining and gaming areas, including space for an estimated 85 gaming machines. The restaurant operates from 10 a.m. to 9 p.m. Sunday through Thursday and 10 a.m. to 10 p.m. Friday to Saturday.

### Background

On February 7, 1983, the City Council passed Urgency Ordinance No. 83-644U establishing development standards for video gaming and arcades due to much concern. The development standards were established in Section 9138.4 of the Carson Municipal Code (CMC) which requires a CUP for these activities. In accordance with the development standards, businesses are required to soundproof the interior walls of the arcade to a minimum rating of 50 STC (Sound Transmission Class) and provide a minimum of one bicycle rack for every three amusement machines.

#### *Chuck E. Cheese's*

Pizza Time Theatre, Inc. opened its first Chuck E. Cheese's in 1977 and markets itself as a restaurant and "family entertainment" center. The concept is to combine three elements: a quality pizza restaurant; video games and other amusements; and musical entertainment provided by computer-controlled robot characters. After a merger, unification, and redesign in the 1980s and 1990s, the company became known as CEC Entertainment, Inc. in 1998.

Currently, Chuck E. Cheese's operates 80 restaurants in California and over 500 restaurants nationwide. Most restaurants have some type of alcoholic beverage license to serve beer and wine to adult guests. However, beer and wine sales only provide for less than 5 percent of the average revenue nationwide.

Chuck E. Cheese's opened at the SouthBay Pavilion in 1983. It provides the sale of alcoholic beverages to adult guests and provides various arcade machines and other amusements to family members.

Chuck E. Cheese's does not allow anyone under the age of 18 years to enter unless accompanied by a parent or guardian. Chuck E. Cheese's establishes a "kid check" monitoring system in which the main entry, which is the only entry, is manned by an employee who monitors guests and hand stamps every individual in a party with a

sequence of identical numbers. Upon exiting, guests must present the hand stamps to ensure children are leaving with the correct party.

Security measures and management will remain the responsibility of mall management. Security guards regularly patrol the premises and surveillance cameras are installed throughout the mall to monitor activities.

#### *Previously Approved Discretionary Permits*

- On February 23, 1983, the Planning Commission adopted Resolution No. 83-690 approving Design Overlay Review (DOR) No. 210-83 and CUP No. 232-83 for Pizza Time Theatre, Inc. (now CEC Entertainment, Inc.). The CUP was for onsite sale of alcoholic beverages and the operation of a video game arcade with 40 amusement machines in association with a fast-food restaurant. The DOR was for exterior changes to the mall building and installation of signage. It should be noted that an individual monument sign was proposed but the location was not approved. Currently, Chuck E. Cheese's has no individual monument sign, but would be eligible to display signage on existing multi-tenant monument signs.

Also, the City passed Ordinance No. 82-621 on December 22, 1982, making alcohol sales for a bona fide restaurant automatically permitted. Since Chuck E. Cheese's is considered a bona fide restaurant as defined by code, the CUP requirement for alcohol sales is no longer applicable.

- On March 23, 2004, the Planning Commission approved TPM No. 60509 to facilitate a major remodel of the shopping center under DOR No. 831-03. On May 4, 2004, the Redevelopment Agency (RDA) approved DOR No. 831-03. Under the remodel, Chuck E. Cheese's lost direct entry into the mall and an exterior entry door was provided. The remodel resulted in the loss of a corridor and approximately 500 square feet, reducing the size of Chuck E. Cheese's from 13,000 to 12,493 square feet.
- On June 28, 2005, the Planning Commission recommended approval of Zone Change Case No. 148-05 to the City Council in order to apply the Mixed Use Residential standards to the site by changing the zone from CR-D to CR-MUR-D (Commercial, Regional – Mixed Use Residential – Design Overlay). On July 19, 2005, and August 2, 2005, the City Council approved the first and second reading for Ordinance No. 05-1338. The Ordinance became effective September 1, 2005.

#### *Location/Site Characteristics/Existing Development*

The SouthBay Pavilion shopping center is located in the center of the City of Carson between Del Amo Boulevard to the north, Leapwood Avenue to the east, Dominguez Street to the south, and Avalon Boulevard to the west. The properties included in the mall are part of a reciprocal easement agreement (REA) which covers the entire shopping center. The REA includes provisions for common driveways, parking, and maintenance requirements.

The properties to the north includes a park, a smaller shopping center, and single-family residences; to the east are apartments and light industrial uses; to the south are commercial businesses and a hotel; and to the west are offices and commercial uses.

*Zoning/General Plan/Redevelopment Area Designation*

The SouthBay Pavilion shopping center is zoned CR-MUR-D (Commercial, Regional – Mixed Use Residential – Design Overlay). The subject property is designated under the General Plan Land Use as Mixed Use-Residential. Properties to the south and west are designated Regional Commercial; Properties to the east are designated Light Industrial; and properties to the north are designated Regional Commercial, Recreational Open Space, and Low Density Residential.

In 2005, the MUR (Mixed Use Residential) overlay district was applied to the shopping center in anticipation of future residential development. The existing shopping center and proposed project are consistent with the Mixed Use-Residential land use designation and the CR-MUR-D zone.

*Public Safety Issues*

The South Bay Pavilion has its own security team that patrols the mall. Major code enforcement issues have not been reported by the City's Public Safety Division. The Sheriff's Department reports that crimes have been reported at the SouthBay Pavilion (mostly grand theft, petty theft, and auto burglary), but these crimes are not unusual for a shopping mall of this size. As a condition of approval staff recommends that security cameras be installed in coordination with the Los Angeles Sheriff's Department, and that fair share funding for a new retail enforcement car be paid.

**II. Analysis**

*Applicable Zoning Ordinance Regulations*

The proposed project requires a CUP and is subject to the requirements in Section 9172.21 of the CMC. This section requires the Planning Commission to make the following findings:

- a. The proposed use and development will be consistent with the General Plan.
- b. The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development.
- c. There will be adequate street access and traffic capacity.
- d. There will be adequate water supply for fire protection.

- e. The proposed use and development will be compatible with the intended character of the area.
- f. Such other criteria as are specified for the particular use in other sections of this chapter (Zoning Ordinance).

The proposed project meets the required findings described above as discussed in the proposed resolution with implementation of the conditions of approval.

#### *Issues of Concern*

- Issue – Number of Amusement Machines: According to Section 9138.4(4) of the CMC, there shall be a minimum of one bicycle rack space for every three amusement machines. On February 23, 1983, the Planning Commission approved the arcade with 40 amusement machines. In December 1983, the arcade was cited for having too many amusement machines and a warning notice was issued, but there appeared to be no follow-up. Over the past 30 years, there have not been major issues with the arcade use and it is staff's opinion that the limit on the number of amusement machines should be removed so long as the arcade area is clearly depicted on a floor plan. Of greater importance are the safety of customers and the elimination of nuisance activities, including loud noise to adjacent neighbors. The proposed location would distance the arcade from the closest residences, El Cordova Apartments, and is compatible with commercial activity proposed at the mall.
  - *Mitigation*: Pursuant to Section 9138.4 of the CMC, the arcade is required to be soundproofed to a minimum rating of 50 STC and bicycle parking must be provided at a ratio of 1 bicycle space for every 3 amusement machines.
- Issue – Security: As discussed above, Chuck E. Cheese's has its own "kid check" security policy and the mall management provides security guards and surveillance cameras throughout the mall. New restaurants have been required to provide remote Sheriff's Department access to surveillance cameras, including the newly developed Olive Garden restaurant. Remote access allows the Sheriff's Department to observe an incident prior to arriving at the scene.
  - *Mitigation*: Provide remote access of surveillance cameras for the Sheriff's Department.
- Issue- Signage: There is an approved sign program for the SouthBay Pavilion shopping center that limits the size of proposed signage. Since Chuck E. Cheese's will be an external tenant with no direct access to the interior mall, it would be appropriate for Chuck E. Cheese's to have an external wall sign visible from the parking lot facing Avalon Boulevard. Chuck E. Cheese's has recently changed their corporate logo and will be working with staff for

appropriate signage. The mall has multi-tenant monument signs along the roadways in which the restaurant would be eligible to have signage.

- *Mitigation:* Signage shall conform to the approved sign program for the SouthBay Pavilion shopping center.
- Issue – Trash and Recycling: The mall has a trash and recycling program for regular trash and recycling items, but currently does not have a recycling program for food wastes generated by restaurants. Food wastes are placed in regular trash bins at the end of the work day. There are programs that recycle food wastes rather than disposing them in a landfill.
  - *Mitigation:* The applicant could be directed to the South Bay Environmental Services Center (SBESC) for special programs. Waste Management or the County Sanitation Districts may also have programs.

### III. Environmental Review

Pursuant to Section 15301(a), Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines, the project site is developed with a regional mall and the project will be relocating an existing restaurant/arcade within the mall. Adequate public services and facilities are available and the project site is not considered environmentally sensitive. Therefore, the proposed project does not have the potential for causing a significant effect on the environment and is found to be categorically exempt.

### Recommendation

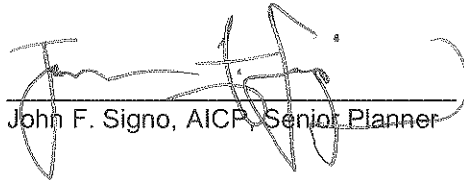
That the Planning Commission:

- **APPROVE** of Modification No. 1 to Conditional Use Permit No. 232-83 subject to the conditions attached as Exhibit "B" to the Resolution; and
- **WAIVE** further reading and **ADOPT** Resolution No. \_\_\_\_\_ entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 232-83 FOR THE CHUCK E. CHEESE'S RESTAURANT AND ARCADE AT THE SOUTHBAY PAVILION LOCATED AT 20700 S. AVALON BOULEVARD."

**IV. Exhibits**

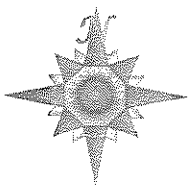
1. Zoning Map
2. Proposed Resolution
3. Resolution No. 83-690
4. Letter from CEC Entertainment, Inc., dated July 3, 2013
5. Development Plans (under separate cover)

**Prepared by:**

  
John F. Signo, AICP, Senior Planner

**Approved by:**

  
Sheri Repp Loadsmán, Planning Officer



*City of Carson*  
*500 Foot Radius Map*  
*20700 South Avalon Blvd.*

Exhibit 1





CITY OF CARSON

PLANNING COMMISSION

RESOLUTION NO. 13-\_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 232-83 FOR THE CHUCK E. CHEESE'S RESTAURANT AND ARCADE AT THE SOUTHBAY PAVILION LOCATED AT 20700 S. AVALON BOULEVARD

THE PLANNING COMMISSION OF THE CITY OF CARSON HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

**Section 1.** An application was duly filed by the applicant, CEC Entertainment, Inc., with respect to real property located at 20700 S. Avalon Boulevard and described in Exhibit "A" attached hereto, requesting approval of a modification to a Conditional Use Permit for the operation of an arcade as part of the Chuck E. Cheese's restaurant at the SouthBay Pavilion regional mall. The restaurant will be relocated from the northeastern portion to the northwestern portion of the mall, and the tenant size will increase from 12,493 square feet to approximately 14,000 square feet. The subject property is zoned CR-MUR-D (Commercial, Regional – Mixed Use Residential – Design Overlay).

On February 23, 1983, the Planning Commission held a public hearing and adopted Resolution No. 83-690 approving Conditional Use Permit No. 232-83 and Design Overlay Review No. 210-83 for the operation of a video game arcade in association with the Chuck E. Cheese's restaurant.

A public hearing was duly held on July 23, 2013, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California to consider the above-mentioned modification to a Conditional Use Permit. A notice of time, place and purpose of the aforesaid meeting was duly given.

**Section 2.** Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

**Section 3.** Pursuant to Section 9172.21(D), "Conditional Use Permit – Commission Findings and Decision", the Planning Commission finds that:

- a) The proposed use is appropriate for the area. The proposed use is consistent with the General Plan land use designation of Regional Commercial and the CR-MUR-D zone.
- b) The project site is adequate to support the proposed use and existing utilities are provided.

c) The proposed use will have adequate street access onto Avalon Boulevard and secondary access onto Del Amo Boulevard, Leapwood Avenue, and Dominguez Street and will not impact traffic capacity in the area.

d) The proposed use will provide adequate access to emergency vehicles, including the Fire Department to ensure adequate response and safety. There is also adequate water supply in the area for fire protection.

e) The proposed use is compatible with other uses at the regional mall. The proposed use is not anticipated to create any incompatibilities with any adjacent uses. Furthermore, the proposed use complies with the City's development standards, including Section 9138.4, Arcade Facilities, of the Carson Municipal Code.

**Section 4.** The Planning Commission further finds that the proposed use will not have a significant effect on the environment. The proposed use will not alter the character of the regional mall and meets or exceeds all City standards for protection of the environment. Therefore, the proposed project is found to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines, Section 15301(a), Existing Facilities.

**Section 5.** Based on the aforementioned findings, the Commission hereby approves Modification No. 1 to Conditional Use Permit No. 232-83, with respect to the real property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

**Section 6.** The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

**Section 7.** This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

**PASSED, APPROVED AND ADOPTED THIS 23<sup>RD</sup> DAY OF JULY, 2013.**

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**CHAIRMAN**

**ATTEST:**

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**SECRETARY**

**CITY OF CARSON**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
**PLANNING DIVISION**  
**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 232-83**

Property Address: 20700 S. Avalon Boulevard

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL A:

PARCEL 5, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON A PARCEL NO. 2328 FILED IN BOOK 37 PAGES 4 TO 6 INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 7381-024-010

PARCEL B:

PARCEL 5 OF PARCEL MAP NO. 060509 IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK 328, PAGES 87 THROUGH 94, INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM, ALL (100 PERCENT) OF THE OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WHICH LIE BELOW A PLANE PARALLEL TO AND 500 FEET BELOW THE NATURAL SURFACE OF SAID LAND WITHOUT HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP, OR REMOVE SAID SUBSTANCES, RECORDED NOVEMBER 8, 1963 IN BOOK D-2250 PAGE 752, OFFICIAL RECORDS, AS INSTRUMENT NO. 5444.

APN: 7381-024-024

PARCEL C:

PARCELS 3 AND 5 OF PARCEL MAP NO. 062572, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 351 PAGES 94 TO 100 INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM, ALL (100 PERCENT) OF THE OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WHICH LIE BELOW A PLANE PARALLEL TO AND 500 FEET BELOW THE NATURAL SURFACE OF SAID LAND WITHOUT



HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP, OR REMOVE SAID SUBSTANCES, RECORDED NOVEMBER 8, 1963 IN BOOK D-2250 PAGE 752, OFFICIAL RECORDS, AS INSTRUMENT NO. 5444.

APN: 7381-024-028 (Pcl 3) and 7381-024-030 (Pcl 5)

PARCEL D:

PORTION OF PARCEL 1 OF PARCEL MAP NO. 062572, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 351 PAGES 94 TO 100 INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS PARCEL 1 AS SHOWN ON EXHIBIT "B" IN THAT CERTIFICATE OF COMPLIANCE NO. 226-08, RECORDED MARCH 4, 2008, INSTRUMENT NO. 08-375614, OFFICIAL RECORDS.

EXCEPT THEREFROM, ALL (100 PERCENT) OF THE OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WHICH LIE BELOW A PLANE PARALLEL TO AND 500 FEET BELOW THE NATURAL SURFACE OF SAID LAND WITHOUT HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP, OR REMOVE SAID SUBSTANCES, RECORDED NOVEMBER 8, 1963 IN BOOK D-2250 PAGE 752, OFFICIAL RECORDS, AS INSTRUMENT NO. 5444.

APN: (portion of) 7381-024-026 (aka 7381-024-032)

PARCEL E:

PORTION OF PARCEL 1 OF PARCEL MAP NO. 062572, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 351 PAGES 94 TO 100 INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS PARCEL 3 AS SHOWN ON EXHIBIT "B" IN THAT CERTIFICATE OF COMPLIANCE NO. 226-08, RECORDED MARCH 4, 2008, INSTRUMENT NO. 08-375614, OFFICIAL RECORDS.

EXCEPT THEREFROM, ALL (100 PERCENT) OF THE OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WHICH LIE BELOW A PLANE PARALLEL TO AND 500 FEET BELOW THE NATURAL SURFACE OF SAID LAND WITHOUT HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP, OR REMOVE SAID SUBSTANCES, RECORDED NOVEMBER 8, 1963 IN BOOK D-2250 PAGE 752, OFFICIAL RECORDS, AS INSTRUMENT NO. 5444.

APN: (portion of) 7381-024-026 (aka 7381-024-034)

PARCEL F:

NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS, THE PASSAGE AND PARKING OF VEHICLES, THE PASSAGE AND ACCOMMODATION OF PEDESTRIANS AND FOR THE INSTALLATION, OPERATION, MAINTENANCE, REPAIR, RELOCATION AND REMOVAL OF SEWERS, WATER, AND GAS MAINS, ELECTRICAL POWER LINES, TELEPHONE LINES AND OTHER UTILITY LINES, AND FOR FOOTINGS, SUPPORTS, CANOPIES, FLAG POLES, ROOF, BUILDING AND OTHER OVER-HANGS, AWNINGS, ALARM BELLS, SIGNS, LIGHTS AND LIGHTING DEVICES, AND OTHER SIMILAR APPURTENANCES OVER AND



ACROSS THOSE PORTIONS OF PARCELS 1, 3 AND 4 IN THE CITY OF CARSON, AS SHOWN ON PARCEL MAP NO. 2328 FILED IN BOOK 37, PAGES 4 TO 6 INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, INCLUDED WITHIN THE "COMMON AREA", ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT B OF THAT CERTAIN INSTRUMENT CAPTIONED "CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT" DATED FEBRUARY 25, 1972, EXECUTED BY DUNN CONSTRUCTION COMPANY, A CALIFORNIA PARTNERSHIP, BROADWAYHALE STORES, INC., A CALIFORNIA CORPORATION, NOW KNOWN AS CARTER HAWLEY HALE STORES, INC., A DELAWARE CORPORATION, J.C. PENNEY PROPERTIES, INC., A DELAWARE CORPORATION, AND SEARS, ROEBUCK AND CO., A NEW YORK CORPORATION, RECORDED MARCH 28, 1972, IN BOOK D-5407 PAGE 122, OFFICIAL RECORDS AS DOCUMENT NO. 2971 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND AS SET FORTH IN AND CREATED BY SAID INSTRUMENT, AND AS MODIFIED BY AN INSTRUMENT ENTITLED "FIRST AMENDMENT TO CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT" DATED FEBRUARY 6, 1992 AS INSTRUMENT NO. 92-206068, OFFICIAL RECORDS, AND AS AMENDED BY SECOND AMENDMENT RECORDED JANUARY 27, 2005 AS INSTRUMENT NO. 05-0197780 AND THIRD AMENDMENT RECORDED JANUARY 27, 2005 AS INSTRUMENT NO. 05-0197784 BOTH OF OFFICIAL RECORDS.

EXCEPT ANY PORTION THEREOF, INCLUDED WITHIN PARCELS A, B, C HERETOFORE MENTIONED.

APN: 7381-024-028,030,032,034,022,020,026



**CITY OF CARSON**  
**DEVELOPMENT SERVICES**  
**PLANNING DIVISION**  
**EXHIBIT "B"**

**MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 232-83**

GENERAL CONDITIONS

1. The conditions contained herein shall supersede the conditions described in Resolution No. 83-690 adopted by the Planning Commission on February 23, 1983.
2. If a business license permit for said use is not issued within one year of the date of approval of Conditional Use Permit No. 232-83, said permit shall be declared null and void unless an extension of time is requested prior to expiration and approved by the Planning Commission.
3. Upon activation, the Conditional Use Permit shall become automatically null and void if said use has been suspended or has ceased to exist for a period of one year, unless an extension of time is requested prior to expiration and approved by the Planning Commission.
4. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
5. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
6. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
7. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review by the Planning Commission.
8. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.
9. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.
10. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject



property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.

11. It is further made a condition of this approval that if any condition is violated or if any law, statute ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
12. Precedence of Conditions. If any of the Conditions of Approval alter a commitment made by the applicant in another document, the conditions enumerated herein shall take precedence unless superseded by a Development Agreement, which shall govern over any conflicting provisions of any other approval.
13. City Approvals. All approvals by City, unless otherwise specified, shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form approved by the City Attorney. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
14. Deposit Account. A trust deposit account shall be established for all deposits and fees required in all applicable conditions of approval of the project. The trust deposit shall be maintained with no deficits. The trust deposit shall be governed by a deposit agreement. The trust deposit account shall be maintained separate from other City funds and shall be non-interest bearing. City may make demands for additional deposits to cover all expenses over a period of 60 days and funds shall be deposited within 10 days of the request therefore, or work may cease on the Project.
15. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, or in any way related to the approval of the City, its advisory agencies, appeal boards, or legislative body concerning Modification No. 1 to Conditional Use Permit No. 232-83. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein. The applicant shall provide a deposit in the amount of 100 percent of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorney's fees, and shall make additional deposits as requested by the City to keep the deposit at such level. The City may ask for further security in the form of a deed of trust to land of equivalent value. If the applicant fails to provide or



maintain the deposit, the City may abandon the action and the applicant shall pay all costs resulting therefrom and the City shall have no liability to the applicant.

### AESTHETICS

16. There shall be no deviation of architectural design or details from the approved set of plans. Any alteration shall be first approved by the Planning Division.
17. All trash and inoperable vehicles shall be removed prior to the issuance of a building permit. The subject property shall be maintained at all times to present an attractive appearance to the satisfaction of the Planning Division.
18. Building materials shall be of matte finish in order to reduce glare and match the design of the main mall building.
19. Pedestrian amenities, including trash bins, seating, bike racks, landscaping, etc. shall be provided along the northwestern entrance to the mall next to the main entrance into Chuck E. Cheese's.

### ARCADE

20. Hours of operation shall be limited to between 10:00 a.m. to 10 p.m. The Planning Commission may consider extended hours of operation based upon guidance from the Sheriff's Department.
21. No minor under the age of 18 shall be admitted to the premises without a parent, guardian or supervising adult.
22. There shall be at least one (1) adult employee, eighteen (18) years of age or older, for each twenty (20) amusement machines available to the public. At least one (1) adult attendant or supervisor shall be present within the arcade area at all times during business hours.
23. The applicant shall provide one (1) bicycle rack space for every three (3) amusement machines on the premises, located in proximity to the main entrance to the arcade area and throughout the mall premises as determined by the Planning Division. The mall management shall be responsible for ensuring that bicycles are parked only in the bicycle racks and are not left in such a manner that they present a hazard to passers-by or persons entering or leaving the arcade.
24. All interior walls abutting neighboring businesses shall be sound proofed to a rating of 50 STC (Sound Transmission Class).
25. The operator shall demonstrate an ability to prevent problems related to potential noise, litter, loitering, crowd control and parking, including, but not limited to, the provision of a uniformed security guard at the site to the satisfaction of the Sheriff's Department if the Sheriff's Department determines it to be necessary due to increased police activity or calls for service at the site.





26. Maximum number of amusement machines available to the public shall not exceed one (1) per thirty-five (35) square feet of net floor area.
27. Computer or video games of an adult nature depicting "specified anatomical areas" or "specified sexual activities", as these terms are defined in Sections 9191.620-621 and 9191.621 of the Carson Municipal Code (CMC), shall not be installed on computer terminals or played by customers.
28. Provide interior lighting levels similar to commercial office standards during operating hours.
29. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions.
30. An interior waiting area for customers, not less than fifty (50) square feet, shall be provided near the entrance to the satisfaction of the Planning Division.
31. Headphones shall be provided for each amusement machine, in lieu of open speakers, to control noise at the site, if determined necessary by the Planning Division.
32. The operator shall provide adequate parking that meets the parking requirements as described in Section 9162.21 of the CMC, and the reciprocal easement agreement (REA) of the SouthBay Pavilion.

#### GRAFFITI

33. The applicant shall incorporate additional landscaping to screen and block specific project areas that could be subject to graffiti, as determined by the Planning Division.
34. Graffiti shall be removed from all project areas within three (3) days of written notification by the City of Carson. Should the graffiti problem persist more than twice in any calendar year, the matter may be brought before the Planning Commission for review and further consideration of site modifications (i.e., fencing, landscaping, chemical treatment, etc.).

#### LIGHTING

35. Onsite lighting shall conform to the requirements of the Carson Municipal Code and shall be directed downward and inward so as not to cause light and glare impacts onto adjacent properties and motorists.
36. Per Section 9138.17(D) of the Carson Municipal Code, the applicant shall provide illumination for all storefront entries.

#### PARKING

37. The required parking shall meet all applicable standards as outlined in the Carson Municipal Code.



38. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
39. Compact spaces shall be properly designated pursuant to Section 9162.43 of the Zoning Ordinance.
40. Parking spaces shall be provided with perimeter guards as provided in Section 9162.55 of the Zoning Ordinance.
41. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
42. All areas used for the movement parking, loading, repair or storage of vehicles shall be paved with either:
  - a. Concrete or asphaltic concrete to a minimum thickness of three and one-half inches over four inches of crushed aggregate base; or
  - b. Other surfacing material which, in the opinion of the Director of Engineering Services, provides equivalent life, service and appearance.
43. Parking for the handicapped shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.

SIGNS

44. A primary wall sign shall be permitted along Avalon Boulevard. Secondary wall signs may be permitted in accordance with the approved sign program.
45. All signage shall comply with the requirements of the Carson Municipal Code and the approved sign program for the SouthBay Pavilion. Signs shall be reviewed and approved by the Planning Division and the SouthBay Pavilion management prior to installation.

TRASH

46. Trash enclosure design shall be approved by the Planning Division prior to issuance of any building permit(s).

BUILDING AND SAFETY - COUNTY OF LOS ANGELES

47. Appropriate permits shall be obtained for work that has been done on the property without required permits, or said work shall be removed. All work shall be brought into compliance with applicable codes.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

48. Per Section 6310 of the Carson Municipal Code, all parties involved in the construction project, including but not limited to contractors and subcontractors, shall obtain a City Business License.

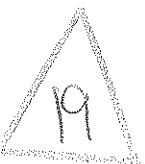
PUBLIC SAFETY - CITY OF CARSON

49. Ensure compliance with current seismic mitigation codes.



SHERIFF'S DEPARTMENT – COUNTY OF LOS ANGELES

50. Digital security cameras with remote internet access by the LA County Sheriff's Office shall be installed to monitor the premises. Cameras shall be maintained in working order and surveillance footage shall be maintained for a minimum of 30 days on digital media and shared with law enforcement upon request.
51. Prior to certificate of occupancy, the applicant shall pay fair share funding for a new retail enforcement car as determined by the Sheriff's Department and the City.



CITY OF CARSON  
PLANNING COMMISSION  
RESOLUTION NO. 83-690

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF CARSON GRANTING  
CONDITIONAL USE PERMIT NO. 232-83 AND  
APPROVING DESIGN OVERLAY REVIEW NO. 210-83

THE PLANNING COMMISSION OF THE CITY OF CARSON HEREBY FINDS,  
RESOLVES AND ORDERS AS FOLLOWS:

SECTION 1. An application was duly filed by Pizza Time Theatre, Inc., with respect to real property described in Exhibit "A" attached hereto, requesting a conditional use permit for the on-site sale of alcoholic beverages and the operation of a video game arcade with 40 amusement machines in association with a fast-food restaurant in the CR-D (Commercial, Regional - Design Overlay) zoned district and seeking approval of Design Overlay Review No. 210-83. A public hearing was duly held on February 23, 1983, at 7:00 p.m., in Council Chambers, City Hall, 701 East Carson Street, Carson, California. A notice of the time, date, place and purpose of the aforesaid hearing was duly given.

SECTION 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearing

SECTION 3. The Planning Commission finds, pursuant to Section 9172.21 of the Carson Municipal Code, that:

1. The proposed use and development is consistent with the General Plan of the City of Carson which designates the subject property for Regional Commercial uses.

2. The site is adequate in size, shape, topography, location, utilities and other factors to accommodate the proposed use. The land is 66.23 acres in size and is presently occupied by the Carson Mall, a regional enclosed shopping center.

3. There will be adequate street access and traffic capacity for the proposed use and development. The subject property is served by Avalon Boulevard, Del Amo Boulevard, Leapwood Avenue, and Dominguez Street, all of which are fully improved and dedicated streets with adequate capacity to serve the proposed use.

4. The properties to the north of the subject property are zoned CR-D (Commercial, Regional - Design Overlay), OS (Open Space), and RS (Residential, Single-family), and are developed with a shopping center, a City park, and single-family residences, respectively; to the east are RM-25-D (Residential, Multiple Dwelling - 25 units per acre) and ML (Manufacturing, Light) zoned properties, developed with an apartment complex and miscellaneous industrial and office uses, respectively; and to the south and west are CR-D properties developed with miscellaneous commercial and office uses. The predominant land use characteristic of the vicinity is regional commercial uses.

EXHIBIT NO. 3



SECTION 4. The Planning Commission further finds that the use permitted by the proposed Conditional Use Permit will not have a significant effect on the environment as indicated in the Initial Study and Negative Declaration prepared for this project. The proposed use will not alter the predominately commercial character of the surrounding area and meets or exceeds all city standards for protection of the environment.

SECTION 5. Based on the aforementioned findings, the Commission hereby grants Conditional Use Permit No. 232-83 and Design Overlay Review No. 210-83 with respect to the property described in Section I hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

SECTION 6. The Secretary shall certify to the adoption of this resolution and shall transmit copies of the same to the applicant and the City Clerk.

Passed, Approved and Adopted this 23rd day of February, 1983.

  
\_\_\_\_\_  
CHAIRMAN

ATTEST:

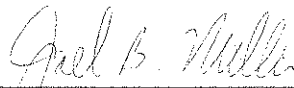
  
\_\_\_\_\_  
SECRETARY



EXHIBIT "A"

LEGAL DESCRIPTION

Parcel Map 7381, Book 37, pages 4-6.



EXHIBIT "B"

CONDITIONS:

1. The applicant shall conform to the approved elevations of the proposed signs and exterior modifications, as shown on Exhibit "D-1", except for the location proposed for the monument sign which must be located to the satisfaction of the Public Works's Department.
2. The applicant shall provide one (1) bicycle rack space for every three (3) amusement machines on the premises, located in proximity to the Main Entrance to the arcade area. The management shall be responsible for ensuring that bicycles are parked only in the bicycle rack and are not left in such a manner that they present a hazard to passers-by or persons entering or leaving the premises.
3. All interior walls abutting neighboring businesses shall be sound proofed to a rating of 50 STC (Sound Transmission Class).
4. At least one (1) adult attendant or supervisor shall be present within the arcade area at all times during business hours.
5. No minor under the age of 18 be admitted to the premises without a parent, guardian or supervising adult.
6. The applicant shall comply with all City, County, State and Federal regulations that directly relate to the applicant's request.
7. If any condition hereof is violated or if any law, statute, or ordinance is violated, the permit shall expire, provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
8. The applicant shall sign and have notarized a Resolution Agreement accepting the conditions contained in the resolution approving this conditional use permit. The conditions of approval and the notarized Resolution Agreement are to be recorded in the office of the Los Angeles County Recorder. Within thirty (30) days of receipt of the Resolution a certified copy of these documents bearing the stamp of the County Recorder must be returned to the Community Development Department.





4441 W. AIRPORT FRWY.  
IRVING, TEXAS 75062  
(T) 972.258.8507

July 3, 2013

John F. Signo, AICP, Senior Planner  
City of Carson  
Community Development Department  
City Hall  
701 East Carson Street  
Carson, California 90749

RE: Chuck E. Cheese's  
SouthBay Pavilion  
20700 S. Avalon Blvd.  
Carson, CA.

Dear Mr. Signo and Planning Staff:

CEC Entertainment, Inc. dba Chuck E. Cheese's respectfully requests Planning approval of a modification to *Conditional Use Permit No. 232-83* to relocate the Chuck E. Cheese's currently located within SouthBay Pavilion to another existing tenant space within the mall. This would allow CEC to better serve our guests and the community with a better and more modernized restaurant. Please accept the following as response to your letter dated July 1, 2013. As this is an existing business of thirty (30) years and which has not and will not impair the character and integrity of the "CR-D-MUR" Zone, public convenience and necessity will continue to be met.

- The primary use of this facility will remain a restaurant designed for family entertainment with no change in existing operation. The additional square footage of space will allow for larger dining and game areas, providing space for an estimated eighty-five (85) game cabinets
- Construction of all walls will remain consistent with the space we currently occupy, which meet standards and comply with code. In operating over 500 locations nationwide, CEC has not received or been made aware of any complaints of sound penetration disturbing another tenant.
- Chuck E. Cheese's will remain a restaurant designed for family entertainment, there will be no change in existing hours of operation and staffing, unless determined necessary to adjust staffing based on demand of additional space and sales, to ensure all guests are accommodated appropriately. CEC currently operates eighty (80) corporate Chuck E. Cheese's in California, Carson guests would presume the concept to be consistent and expect to find the same quality in food service and family entertainment.
- Security measures and management thereof will remain a mall responsibility, Mall Management has assured CEC security measures are sufficient and no changes are anticipated, although monitored regularly for any necessary revisions.
- Chuck E. Cheese's restaurant is unique, as a "family entertainment" experience and no one under the age of 18 years is allowed entry to a Chuck E. Cheese's unless accompanied by a parent or guardian. This monitoring system is accomplished by our "Kid Check" system. The main (only) entrance is manned by a Cast Member who sees that all guests entering are accompanied appropriately. Every individual in a party is hand stamped with a sequence of like numbers, upon exiting all must present hand stamps to assure everyone is together and accounted for, providing an additional layer of security and peace of mind for parents.
- CEC Entertainment, Inc. owns and operates approximately 515 Chuck E. Cheese's in the United States and Canada, most of which hold some type of alcoholic beverage license. CEC offers beer and wine service as a convenience for our adult guests, while beer and wine sales only provide for less than 5% of revenue average nationwide. The Carson Mall Chuck E. Cheese's currently serves beer and wine, CEC anticipates transferring license to new location.

EXHIBIT NO. 4





- Please find attached Plan A1.1 for additional detail to explain the dash lines indicated on submitted Plan A1.0
- Bike racks and/or bike storage facilities are and will remain a mall responsibility, Mall Management states existing racks will remain and are sufficient for mall needs.
- Exterior (any area outside Chuck E. Cheese's tenant space) décor and furnishings are and will remain mall responsibility. Please see attached photo provided by Mall Management of existing and remaining furniture / decor.
- CEC would request signage to be removed from this approval process to allow Landlord the opportunity to revise approved sign program, if necessary.

It is our hopes that the proposed relocation will allow CEC to continue a successful operation of a Chuck E. Cheese's at SouthBay Pavilion. For thirty (30) years we have been without incident involving local residents or neighboring merchants. Current restaurant remains in compliance with all city codes and ordinances and will continue compliance at relocated restaurant. CEC has a strong tradition of being a responsible retailer; we attribute our commendable record to our extensive staff training programs and the quality of our guest.

In conclusion, the proposed relocation of our restaurant will not impose or interfere with any neighboring property, while remaining consistent with the standards expected by the city, fellow retailers and Police Department, continuing to meet the public's demand for convenience and necessity.

Your kind consideration is greatly appreciated.

Sincerely,



Deborah Shannon  
Director of Licensing / Assistant Secretary