

Final Spm 8/22

CONDITIONS OF APPROVAL**Site Plan Review & Conditional Use Permits****7575 Carson Boulevard****Application No. 1901-17 (MOD19-003, CUP19-004 & CUP19-006)****August 22, 2019**

1. This approval is for a modification to an approved Site Plan Review for the demolition of approximately 29,667 S.F. of building area to construct a 41,394 S.F. restaurant and a 1,554 S.F. tenant space for a total of 42,948 S.F. of new building area. Two Conditional Use Permits to allow the restaurant (Dave & Buster's) to include: 1) an amusement arcade; and 2) the on-site sale and consumption of alcoholic beverages (beer, wine and distilled spirits) within the Long Beach Town Center located at 7575 Carson Boulevard in the Community-Automobile Oriented (CCA) zoning district (Council District 5)
2. This permit and all development rights hereunder shall terminate two years from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written request submitted to and approved by the Zoning Administrator prior to the expiration of the two-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
3. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).

Special Conditions:

4. All work shall be carried out in substantial conformance with the activities shown on architectural and landscape plans received by the Department of Development Services, Planning Bureau, dated January 30, 2019, including any subsequent conditions of generated from Planning Commission on August 22, 2019.
5. The City is in the process of amending the Long Beach Municipal Code in a way that will allow all aspects of Dave & Buster's operations to take place at these premises for which this Conditional Use Permit is issued. Dave & Buster's shall cooperate in good faith, if necessary, in that effort by the City to enact such amendments to Code.
6. The sale of alcoholic beverages for consumption off-premises is strictly prohibited.
7. Loading for this approved project shall not be conducted during normal operating business hour for the commercial center.

8. All signage shall be reviewed for a separate permit/entitlement. All signage must comply with the existing Long Beach Towne Center's Sign Program and the Long Beach Municipal Code.
9. The applicant shall incorporate additional landscaping along the north elevation. This landscaping shall be subject to the review and approval of the Director of Development Services or designated staff.
10. The operator of the approved use shall prevent loitering immediately adjacent to all points of ingress and egress to the Dave & Buster's during hours of operation. The operator must clean the areas immediately adjacent to said points of ingress and egress of trash and debris on a daily basis. Failure to comply with this condition shall be grounds for permit revocation. If loitering and/or noise problems develop, the Director of Development Services may require the operator to engage in good faith discussions relative to whether or not additional preventative measures such as, but not limited to, private security guards would be prudent and should be provided by the operator.
11. On-site landscaping shall be subject to LBMC Section 21.42.035 – Special Requirements for Water Efficient Landscaping. Landscaped areas shall be planted primarily with drought tolerant plant materials and shall be provided with water-conserving, automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.
12. The Department of Development Services and the Long Beach Police Department shall have the authority to review the site for security problems, and said departments may require the operator to engage in good faith discussions relative to whether or not additional security measures including, but not limited to, security guards, fencing, and additional security lighting would be prudent and should be provided by the operator, if problems develop at the site. Continued security problems may lead to the imposition of additional conditions or revocation pursuant to Condition #38.
13. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
14. Noise levels emanating from the project's common open space areas shall not exceed applicable noise standards specified in Long Beach Municipal Code.
15. Any request to modify this ABC license shall require approval of the Planning Commission.

16. The primary use of the premises shall be for a restaurant (as defined in LBMC Section 21.15.2310) with sit-down meal service to patrons. The establishment shall at all times maintain a kitchen or food service area in which a variety of food is prepared or cooked on the premises for immediate consumption. Applicant shall maintain records of gross revenue sources which shall be submitted to the Department of Development Services for review, upon request, but no more frequently than once per year. The first submission shall be due to the City no later than one calendar year from the issuance of the CUP.
17. Within thirty (30) days from the approval of and acceptance the CUP and associated Conditions of Approval, the Applicant shall provide a copy of the CUP together with the Conditions of Approval to the local (or regional) office of the State Alcoholic Beverage Control Department.
18. This permit and all development rights hereunder shall terminate two years from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the two year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
19. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgement Form* supplied by the Planning Bureau. This acknowledgment form must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).

Operational Conditions:

20. Employees of the restaurant or property owner representatives shall walk a 100-foot radius from all points of ingress and egress to the Dave & Buster's every morning prior to opening for business and shall pick up and dispose of any discarded beverage containers or other trash left by patrons.
21. There shall not be any age limitation imposed restricting access to any portion of the restaurant.

Alcohol Related Conditions

22. Bottle service of distilled liquors shall be prohibited.
23. There shall be no exterior advertising or signage of any kind or type, including advertising directed to or visible from the exterior of the establishment, promoting or indicating explicitly the availability of specific brands of beer, wine or other alcoholic beverages.

24. Prior to commencement of alcohol service, the Applicant shall submit a plan for approval by the Director of Development Services regarding an employee alcohol awareness training program and policies. The plan shall outline a mandatory alcohol awareness training program for all employees having contact with the public and shall state management's policies addressing alcohol consumption and inebriation. The program shall require all employees having contact with the public to complete a California Department of Alcoholic Beverage Control (ABC) sponsored alcohol training program (e.g., "Leadership and Education in Alcohol and Drugs" (LEAD)), ABC RBS training, ServSafe, TIPS, or similar such program, within 90 days of the effective or date of the Conditional Use permit, or within 90 days of the opening of the operations of the premises, whichever is later. In the case of new employees, the employee shall attend and complete the alcohol awareness program within 90 days of hiring. The Applicant shall provide the City with a report regarding compliance with this condition upon request, but no more frequently than once per year. This project shall be subject to any future City-wide alcohol awareness training program condition affecting similar establishments, that is similar to the above mentioned programs.
25. The operator shall maintain full compliance with all applicable laws, Alcohol Beverage Control laws, ordinances, and stated conditions. In the event of a conflict between the requirements of this permit, Conditional Use Permit, or Alcoholic Beverage Control license, the more stringent regulation shall apply.

Security Conditions

26. There shall be provided exterior video security cameras of all entries and exits into the building and full camera coverage of all public rights-of-way and private parking areas provided by the business, if any. Cameras must record in color with output of at least four hundred eighty (480) lines resolution. Recordings shall be retained for no less than (30) days on an IP-configurable Digital Video Recorder (DVR) or digital storage setup with a public IP address. The surveillance system username, password, and VPN/Two factor identification access shall be provided to the Long Beach Police Department. Neither this Condition nor the installation, existence, or operation of such cameras shall impose, be the basis of, or cause to arise in favor of anyone, a legal duty of the operator or any person or entity to monitor, observe, report, or take any action of any kind regarding whatever activities, actions, or omissions, said cameras may or may not capture, monitor, observe, or record.

Standard Conditions

27. The restaurant shall be established and operate in accordance with the Site Plan submitted and approved by the Planning Commission as part of the CUP application and dated August 22, 2019.
28. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
29. Operator shall comply with the occupancy load and shall post and maintain Occupancy limit signs at all times within the restaurant.

30. The establishment shall at all times comply with the provisions of the City's Noise Ordinance as contained in Title 8 of the LBMC.
31. The operator of the approved use shall prevent loitering along the sidewalk area including landscaping areas serving the use during and after hours of operation.
32. The operator shall clean the sidewalk areas of trash and debris on a daily basis.
33. The operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking (if any) or other actions. Applicant shall prevent loitering in the parking area (if any) and shall control noisy patrons leaving the establishment.
34. Minor amendments to any Plans referenced in these Conditions of Approval shall be subject to the approval of the Director of Development Services. Any significant change, as determined in the sole discretion of the Director of Development Services, in the approved Plans or concept shall be subject to Planning Commission review. No expansion or reconfiguration in the number of seats, intensity of operation, or outdoor seating area shall occur without the prior approval of the City.
35. No exterior activity such as trash disposal, disposal of bottles or noise generating trash, deliveries, or other maintenance activity generating noise audible from the exterior of the building shall occur during the hours of 11:00 PM to 7:00 AM daily. In addition there shall be no outdoor cleaning of the property with pressurized or mechanical equipment during the hours of 9:00 PM to 7:00 AM daily. Trash containers shall be secured with locks.
36. Applicant shall defend, indemnify, and hold harmless, the City and its boards, commissions, agents, officers, and employees (collectively "City") from any claims, actions, or proceedings (individually referenced as "Claim" and collectively referred to as "Claims") filed against the City to attack, set aside, void, or annul the approval of the subject CUP or related entitlements, or any Claims brought against the City due to acts or omissions in any way connected to the Applicant's project. City shall promptly notify the Applicant of any Claim and shall cooperate in the defense of the Claim. Applicant shall be responsible to pay any and all costs of defending any claims brought against the City including any and all costs, including attorney's fees, incurred by the City in defense of the Claim or Claims.
37. Any graffiti found on site must be removed within 24 hours of its appearance.
38. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.

39. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
40. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
41. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of city officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
42. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
43. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.
44. The Director of Development Services is authorized to make minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change or alter the approved project. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
45. Any off-site improvements found to be damaged as a result of construction activities related to this project shall be replaced to the satisfaction of the Director of Public Works.
46. A permit from the Department of Public Works shall be required for any work to be performed in or over the public right-of-way.
47. Site development, including landscaping, shall conform to the approved plans on file with the Department of Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.

48. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways). Any graffiti found on site must be removed within 24 hours of its appearance.
49. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street. Furthermore, this equipment shall be properly screened by landscaping or any other screening method approved by the Director of Development Services.
50. All rooftop mechanical equipment shall be fully screened from public view. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment plan must be submitted showing screening and must be approved by the Director of Development Services prior to the issuance of a building permit.
51. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
52. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for review and approval prior to the issuance of a building permit.
53. Prior to the issuance of a building permit, the applicant shall submit architectural, landscaping and lighting drawings for the review and approval of the Police Department for their determination of compliance with Police Department security recommendations.
54. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
55. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
56. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.

57. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed
58. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
59. The applicant shall comply with all comments from the Long Beach Police, Gas & Oil (Energy Resources), Public Works, Water and Fire Departments, and Building Bureau.
60. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation
61. The applicant shall provide the following to the satisfaction of the Director of Public Works:

GENERAL REQUIREMENTS

62. Prior to the start of any demolition, excavation, or construction, the applicant shall submit all applicable plans and drawings for review and approval by the Department of Public Works (e.g. plans for pedestrian protection, grading, street lane closures, construction staging, traffic control, utilities, shoring, excavations, etc.). This is in addition to any plan check required by the Department of Development Services. Work, including hauling soils or other debris, is not allowed within the right-of-way without a valid Public Works permit.
63. Prior to ANY demolition, excavation, or construction, site perimeter fencing with custom-printed screen(s) shall be submitted to Public Works, approved, and installed in accordance with the latest version of the Public Works Development Guideline.
64. The applicant shall comply with all requirements outlined within the latest version of the Public Works Development Guideline and all referenced standards at the time of application submittal.
65. The applicant shall comply with all standards and guidelines in effect at the time of application submittal. The City's Public Works Engineering Standard Plans are available online at www.longbeach.gov/pw/resources/engineering/standard-plans.

66. The applicant shall construct all off-site improvements needed to provide full Americans with Disabilities Act (ADA) accessibility compliance within the public right-of-way adjacent to the project site. At this stage in the entitlement process the plans are conceptual in nature, and Public Works plan check is required for in-depth review of ADA compliancy. As determined during the plan check process, the applicant shall dedicate and improve additional right-of-way necessary to satisfy unfulfilled ADA requirements.
67. All conditions of approval, including cover letter signed by the Planning Officer and Case Planner, must be printed verbatim on all plans submitted for plan review.

CIVIL IMPROVEMENTS

68. The applicant proposes improvements that may impact existing underground/above ground utilities adjacent to the project site. The applicant is responsible for all design, applicable utility approval, permitting, relocation work, and commissioning as required by the interested agency and shall work with each utility directly.
69. The applicant shall be responsible for the maintenance, repair and replacement of off-site improvements abutting the project boundary during construction of the on-site improvements, until final inspection of the on-site improvements by the City. All off-site improvements found damaged as a result of construction activities shall be reconstructed or replaced.

TRAFFIC & TRANSPORTATION

70. The Operator or Property Owner Representative shall protect or replace/repaint all traffic signage, markings and colored curb within the public right-of-way adjacent to the project site.