REDEVELOPMENT CORPORATION
CHULA VISTA

DATE: April 12, 2007

TO: CVRC Board Directors

VIA: Jim Thomson, Interim Chief Executive Officer
Ann Hix, Acting Director of Community Development

FROM: Mary Ladiana, Planning Manager

SUBJECT: PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT PCC-07-047 FOR THE ESTABLISHMENT OF A LASER TAG FACILITY AT 510-520 BROADWAY

Project Area:	Merged Chula Vista Redevelopment Project Area
Developer/Applicant	RNL Adventures Inc.
Project Site:	510-520 Broadway
Project Type:	Conditional Use Permit
Project Description:	The applicant, RNL Adventures, Inc., has submitted a Conditional Use Permit (CUP) application for the re-use of an existing building located at 510-520 Broadway for an indoor laser tag arena, video game arcade and party rooms.

ENVIRONMENTAL DETERMINATION

The Environmental Review Coordinator has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (existing facilities) of the State CEQA Guidelines because the proposed use contains negligible or no expansion of an existing use. Thus, no further environmental review is necessary.

RECOMMENDATION:

Staff recommends that:

a. The Chula Vista Redevelopment Corporation (CVRC) adopt a resolution approving Conditional Use Permit PCC-07-047 for the re-use of an existing building located at 510-520 Broadway for an indoor laser tag arena, video game arcade and party rooms, subject to the list of conditions in the CVRC Resolution.

BOARDS/COMMISSIONS RECOMMENDATIONS

At its meeting of March 1, 2007, the Redevelopment Advisory Committee (RAC) reviewed and discussed the application for the proposed laser tag facility. The RAC considered that the site and the existing building are well suited for the laser tag facility. The RAC did not propose any modifications to the existing site plan and recommended approval of the project.

DECISION MAKER CONFLICTS

Staff has reviewed the property holdings of the CVRC Board members and has found no property holdings within 500-feet of the boundaries of the property which is the subject of this action.

DISCUSSION:

Project Location:

The subject building is within an existing retail center on a 2.63-acre parcel located on H Street, approximately 140 feet west of Broadway. The existing commercial center contains 170 parking spaces and approximately 15% of the site is landscaped with a variety of trees, shrubs and groundcovers. The existing use and land use and zoning designations adjacent to the subject site are shown on the table below:

	General Plan Designation	Zoning Designation	Existing Uses
Site	Mixed Use – Commercial (MUC)	Commercial Thoroughfare (CT)	Current retail space is vacant. Smaller retail uses occupy portions of the center.
North	Mixed Use – Commercial (MUC)	Commercial Thoroughfare – Design District (CTD)	Restaurant, gas station and various retail uses

East	Mixed Use – Commercial (MUC)	Commercial Thoroughfare (CT)	Restaurant and various retail uses
South	Mixed Use – Commercial (MUC)	Commercial Thoroughfare – Precise Plan (CTP)	Restaurants and various retail uses
West	Mixed Use - Residential (MUR)	Commercial Thoroughfare (CT)	Various retail uses and low-mid residential

Project Description:

The applicant, RNL Adventures, Inc., has submitted a Conditional Use Permit (CUP) application for the re-use of an existing building located at 510-520 Broadway for an indoor laser tag arena, video game arcade and party rooms. The proposed modifications to the building are limited to interior tenant improvements necessary to convert the existing building interior from a children's entertainment facility whose main business was hosting children's birthday parties to a facility with a laser tag arena, video arcade game area, snack bar and party rooms. The proposal does not include any exterior building improvements or changes to the existing landscape (see Attachment 1).

The existing building has a contemporary commercial design and consists of stucco and brick veneer. The building height is 19'-6" and covers approximately 24% of the lot area. The only proposed change to the building exterior is the addition of new doors and glass glazing on the eastern elevation to match the existing retail center.

CUP Requirement:

The proposed laser tag facility is considered commercial recreational facility use under section 19.58.040 of the Chula Vista Zoning Ordinance, and as such it requires the processing of a CUP to be reviewed and approved by the CVRC. CUP's are subject to the requirements of Section 19.14.060 et. seq., which states: *"The granting of a conditional use permit is an administrative act to authorize permitted uses subject to specific conditions because of the unusual characteristic or need to give special consideration to the proper location of said uses in relation to adjacent uses, the development of the community and to the various elements of the general plan."*
Section 19.14.080 requires that the approving body make certain findings. These draft findings and supporting evidence are included in the draft CVRC resolution that accompanies this report.

ANALYSIS:

Land Use Compatibility:

Because of the commercial nature of the use, it is considered compatible with the surrounding land uses of the retail center. The laser tag facility would also offer a healthy, safe and secure form of entertainment for children.

Traffic/Circulation/Access/Parking:

Existing traffic enters the commercial center from either Broadway next to the Blockbuster video store or from H Street by the entrances next to the Radio Shack retail store or the family dentist office. Access points are well established and traffic can easily maneuver around the building in order to access available parking.

The commercial center currently contains 170 parking spaces. Of the total parking, the previous commercial/recreational use allocated 61 parking spaces for peak time use. These parking spaces would continue to be available to the new commercial recreation use.

Security:

Because the use is a children's entertainment facility, child security must be addressed. The laser tag facility staff will take several security measures, and several policies will be implemented to ensure the security of the children during their visit. These measures and policies include:

- There will be seven to eight security cameras located on-site; several will be located outside the facility, one at the front counter, one in each family party room, one in the video arcade room and two inside the laser tag arena.
- A uniformed security guard or an off duty Police office will be located on-site from 6 p.m to 12 a.m. on weekends.

CVMC Section 19.58.040 Development Standards:

The Chula Vista Municipal Code contains development standards, which must be met by amusement and entertainment facilities. These standards are the following:

CVMC Standards	Proposed Project
All structures shall maintain a minimum setback of 20 feet from any residential zone.	The nearest residential zone is approximately 280 ft away.
Ingress and egress from the site shall be designed so as to minimize traffic congestion and hazards.	The project is proposed within an existing retail commercial center. There will be no alterations to the commercial shopping center access points or parking area.
Adequate controls or measures shall be taken to prevent offensive noise and vibration from any indoor or outdoor activity onto adjacent properties or uses.	The video arcade area will have a double firewall and common hallway to separate the use from the neighboring businesses. All walls, both existing and new, will be sealed to the deck. This is done to make sure that the fog from the laser tag arena does not transfer to other areas of the facility.
Amusement arcades or centers shall also be subject to the following: 1. Game play (except mechanical rides) by minors is prohibited during normal school hours, 7:30 a.m. and 3:00 p.m.,* and between the hours of 10:00 p.m. and 6:00 a.m. prior to a school day, except when accompanied by an adult 21 years of age or older;	1. Proposed hours of operation are the following: Mon-Thu: 4pm-10pm Fri: 3pm – 12am Sat: 10am – 12am Sun: 10am – 10pm The facility will not be open during school hours.
2. There shall be adult supervision (persons 18 years of age or older) at all times;	2. A staff of 14-20 persons consisting of local college students and young adults will be on hand at all times.
3. A bicycle rack for at least 10 bicycles shall be provided at or near the main entrance into the establishment;	3. A bicycle rack will be located near the front entrance.
4. No alcoholic beverages shall be sold or consumed on the premises, except in those instances where a restaurant in conjunction with said use has been approved through the conditional use permit process;	4. No alcohol will be served at any time.
5. At least one public restroom shall be provided on the premises;	5. A men's and women's restrooms will be located on site.

6. The license for the game(s) shall be displayed on the premises.	6. The licenses for all games will be located on site.
Note: Game play during normal school hours will be allowed if verification of holiday or year-around school schedule is presented to the operator.	

CONCLUSION:

Due to the re-use of an existing building, City staff has identified no issues regarding land use, traffic/circulation/access, parking, or security. The proposed project meets the conditional use permit findings required for the project as well as the development standards outlined in CVMC 19.58.040. Therefore, staff recommends that the CVRC adopt the resolution approving Conditional Use Permit PCC-07-047.

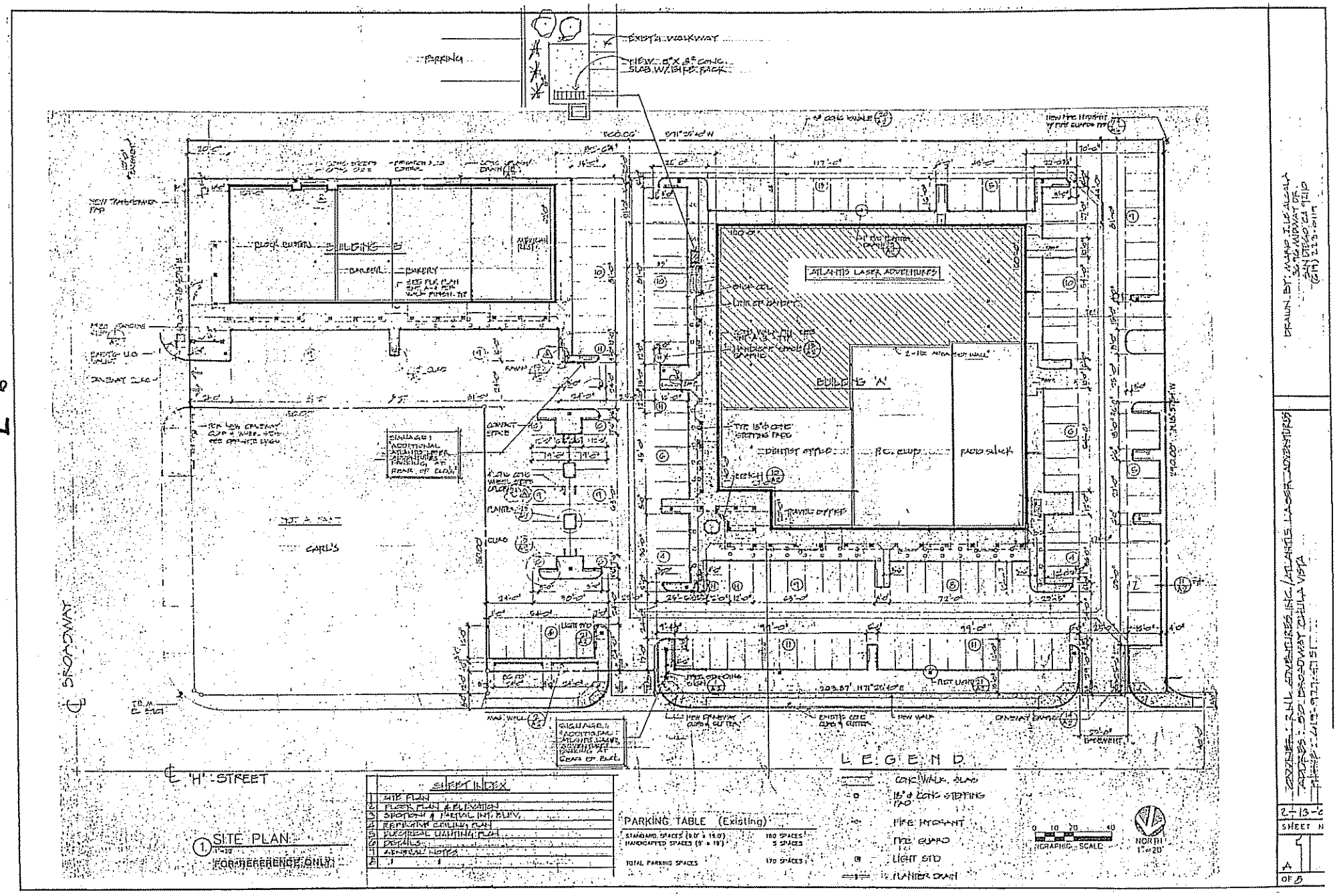
REDEVELOPMENT FISCAL IMPACT:

Issuance of Conditional Use Permit PCC-07-047 will have a neutral fiscal impact. The private property will continue to generate redevelopment tax increment for the Redevelopment Agency and other taxing entities.

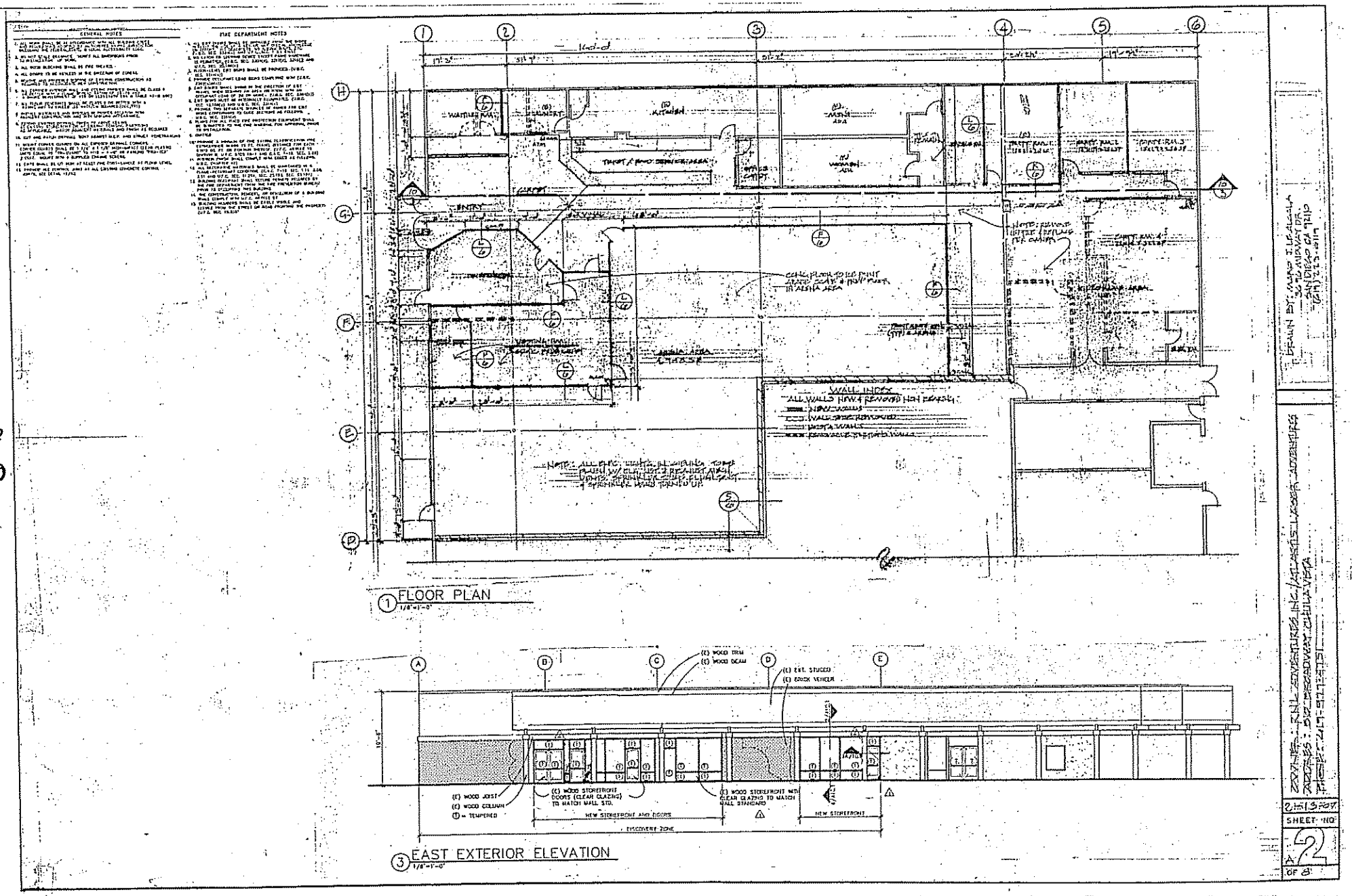
ATTACHMENTS:

Attachment 1: Site and Eastern Elevation (CVRC Board Members only – hard copy on file)
Attachment 2: Development Application with the following appendices:
Appendix A - Project Description and Justification
Appendix B - Ownership Disclosure Statement
Appendix C - Development Permit Processing Agreement

PREPARED BY: Frank R. Alvarez, Community Development Specialist II



Attachment 1


GENERAL NOTES
FIRE DEPARTMENT NOTES
WALL INDEX
ALL WALLS NEW & REMOVED NON BEARING
NEW WALLS
WALL TO BE REMOVED
NOTE: ALL ELEC. LIGHTS IN CEILING TO BE PLUG W/ ELEC. LIGHT & REMOVED ABOVE
1 FLOOR PLAN
1/8"=1'-0"
(E) WOOD TRIM
(E) WOOD BEAM
(E) EXT. STUCCO
(E) BRICK VENEER
(E) WOOD JOIST
(E) WOOD COLUMN
(T) = TEMPERED
(E) WOOD STOREFRONT DOORS (CLEAR GLAZING) TO MATCH MALL STD.
(E) WOOD STOREFRONT WITH CLEAR GLAZING TO MATCH MALL STANDARD
NEW STOREFRONT AND DOORS
NEW STOREFRONT
DISCOVERY ZONE
3 EAST EXTERIOR ELEVATION
1/8"=1'-0"
SHEET NO
2
OF 8

CITY OF CHULA VISTA

Planning & Building Department
Planning Division

APPLICATION ▪ DEVELOPMENT PROCESSING ▪ TYPE A
Part 1

Type of Review Requested

- [x] Conditional Use Permit
- [ ] Design Review
- [ ] Variance
- [ ] Special Use Permit (redevelopment area only)
- [ ] Misc. _____

STAFF USE ONLY

Case #: PCC-07-047
Filing Date: 1/25/07 By: SB
Assigned Planner: F. ALVAREZ
Project Account: BB-1473
Deposit Account: 1419
Related Cases: _____
[ ] Z.A. [x] Public Hearing

Application Information

Applicant Name: RNL Adventures Inc.
Applicant Address: 679 Canyon Drive Chula Vista CA 91913
Contact Name: Mitchell Sommers Phone: 619 863-5143
Applicant's Interest in Property (If applicant is not the owner, the owner's authorization signature at the end of this form is required to process this request.) [ ] Own [x] Rent [ ] Other: _____
Architect/Agent: Mario de Alcala Address: 3696 Midway Drive San Diego CA 92110
Contact Name: Mario de Alcala Phone: 619 223-0119
Primary contact is: [x] Applicant [ ] Architect/Agent Email of primary contact: _____

General Project Description (all types)

Project Name: Atlantis Laser Tag Adventures Proposed Use: Laser Tag / Arcade
General Description of Proposed Project: Build Laser tag Arena, Video game Arcade, Party/meeting rooms and resupply kitchen and snack bar.
Has this project received pre-application review comments? [x] Yes (Date:) 11-17-06 [ ] No

Subject Property Information (all types)

Location/Street Address: 510-520 Broadway Chula Vista CA 91910
Assessor's Parcel #: 571-050-22-00 Total Acreage: _____ Redevelopment Area (if applicable): Town center 2
General Plan Designation: MVC Zone Designation: CT
Planned Community (if applicable): _____
Current Land Use: Discovery Zone Within Montgomery Specific Plan? [ ] Yes [x] No

Proposed Project (all types)

Type of use proposed: [ ] Residential [x] Commercial [ ] Industrial [ ] Other: _____
Landscape Coverage (% of lot): _____ Building Coverage (% of lot): _____

Residential Project Summary

Type of dwelling unit(s): _____ Number of lots: _____

Dwelling units:

	PROPOSED	EXISTING
1 Bedroom		
2 Bedroom		
3+ Bedroom		
TOTAL		

Density (DU/acre): _____ Maximum building height: _____ Minimum lot size: _____ Average lot size: _____

Parking Spaces:

Required by code: _____ Provided: _____

Type of parking (i.e. size; whether covered, etc.): _____

Open space description (acres each of private, common, and landscaping): _____

Non-Residential Project Summary

Gross floor area: 12,276 Proposed: 12,276 Existing: 12,276 Building Height: 54'8

Hours of operation (days & hours): M-Thu 4-10PM Fri 3-12 SAT 10AM-12 SUN 10AM-10PM

Anticipated number of employees: 20 Maximum number of employees at any one time: 8

Number and ages of students/children (if applicable): _____ Seating capacity: 70

Parking Spaces:

Required by code: _____ Provided: 155

Type of parking (i.e. size; whether covered, etc.): 150 + 5 handicapped in common

Authorization

Print applicant name: R N L Adventures Inc.

Applicant Signature: [signature] **Date:** 1/12/07

Print owner name*: Abliz Unincorporated Association

Owner Signature*: [signature] **Date:** 1/18/2007

*Note: Proof of ownership may be required. Letter of consent may be provided in lieu of signature.

8-10

APPLICATION APPENDIX A

Project Description & Justification

Project Name: Atlantis Laser Tag Adventures

Applicant Name: RNL Adventures Inc.

Please fully describe the proposed project, any and all construction that may be accomplished as a result of approval of this project, and the project's benefits to yourself, the property, the neighborhood, and the City of Chula vista. Include any details necessary to adequately explain the scope and/or operation of the proposed project. You may include any background information and supporting statements regarding the reasons for, or appropriateness of, the application. Use an addendum sheet if necessary.

For all Conditional Use Permits or Variances, please address the required "findings" as listed in the Application Procedural Guide.

See Attached.

Construction:

RNL Adventures Inc. DBA Atlantis Laser Tag Adventures proposes to make no changes to the outside of 510-520 Broadway, Chula Vista CA. with the exception of adding the required bicycle rack, discrete security cameras and allowable signage.
Inside: A 5,639 sq. ft. Laser Tag arena will be constructed, the exterior of which will be made of sheet rock with metal studs and the interior of which will be made of plywood. Special lighting including, but not limited to black light, a water based fog machine and sound system will be installed for special effects. Creative works the industry leader, who has done over 70 laser tag facilities, will do the themeing. (Making the interior and extirior of the arena look like the Lost City of Atlantis) There will be 4 party rooms approximately 15' x 15' that can accommodate up to 16 people each for children's birthday parties, sports team outings, scouting events, school campus promotions, church groups and corporate team building. Each room will have its own entrance. There will be an accordian door between rooms 1 &2 as well as between rooms3&4 giving us the ability to combine 2 rooms to accomadate larger groups. There will be a game room/arcade opposite the party rooms and behind the arena. It will be approximately 50'x 40' and will house 35 games including ski ball, air hockey and a wide selection of video games. We will re-supply the kitchen and snack counter. (There previously was a kitchen with stove, pizza oven and deep fryer and a snack counter with soda fountain and ice machine) These items will be re-installed and hooked up to the existing vent for the oven and stove, grease trap for the deep fryer and drains for the soda fountain and ice machine. We will feature a menu consisting of the usual types of party food. (Pizza, hamburgers, hot dogs, French fries ECT.)
Beverages served will consist of soda, sports drinks, milk, milkshakes, juice, coffee and hot chocolate. There will be NO alcohol served at any time.

Benefits

This property has sat vacant for the past two years. We will turn it into a first class, high tech, unique destination for the young as well as the young at heart. It will be a drug free, alcohol free and smoke free environment. We will not be open during school hours. We anticipate having a staff of 14-20 and will hire local college students and young adults.
It will be a place where children will want to have their birthday parties and a place their parents will feel very comfortable with. There are very few places in Chula Vista to host a party for a child over 7 years old. Though this is a game where child, parent and grandparent can play together, the bulk of our business will come from the 7-21 year old age group. Memberships will be available and there will be special team games for members. This will give children a sense of belonging to something and a place to be with their friends as well as make new friends with similar interests.
Our facility will be a natural tie in with one of San Diego's biggest and best tourist attractions, Sea World. Our theme will be the Lost City of Atlantis and we intend to make Chula Vistas Atlantis Laser Tag Adventure not only a destination for the people of Chula Vista but a destination for the tourist in search of a unique experience while on vacation in San Diego. There will be nothing like it in San Diego.

The Game

Laser Tag is a high tech game of computerized hide and seek, tag and "capture the flag" all rolled into one. The game is played in a maze called "the arena." Stepping into the arena is like walking through a life-sized video screen into a futuristic labyrinth filled with music, unique sound effects and intermittent flashes of light and color breaking through the foggy darkness stimulating the players' senses. It is an interactive adventure game set in a fantasy world. Our world will be Atlantis. Players are briefed on the game by game marshals who not only explain the game to all the players but make sure all the players have their equipment on correctly and then accompany the players into the arena to make sure all the rules are followed and everyone has a great time. The game is about 20 minutes from start to finish. This includes the briefing, vesting and 12 senses stimulating minutes in the arena. There is no running, jumping or physical contact allowed and scores are recorded by the computer and scorecards are given out to all players at the end of their game. While the players are waiting for their game or their next game they can visit the game room or watch the game being currently played on a closed circuit video feed on one of the lobby monitors. Refreshments will also be available from the snack bar.

Appropriateness:

This location was formally Discovery Zone for Kids. It was a child's entertainment facility with things for children to climb on and jump on. They featured party rooms to accommodate their main business which was children's birthday parties. They had video games and a kitchen for food prep with a snack bar.

We are proposing essentially the same thing. We are modernizing it and making it high tech and instead of targeting the pre schoolers, we are targeting pre-teens and teenagers. We plan the same kitchen, snack bar and rest rooms. Video games, the same number of party rooms and our game is actually safer because there is no physical contact.

APPLICATION APPENDIX B

Disclosure Statement

Pursuant to Council Policy 101-01, prior to any action upon matters that will require discretionary action by the Council, Planning Commission and all other official bodies of the City, a statement of disclosure of certain ownership or financial interests, payments, or campaign contributions for a City of Chula Vista election must be filed. The following information must be disclosed:

1. List the names of all persons having a financial interest in the property that is the subject of the application or the contract, e.g., owner, applicant, contractor, subcontractor, material supplier.

   Abliz Unincorporated Association - owners of building } see attached for individual names of all parties
   RNL Inc. Renters and owners of bussiness/Applicant

2. If any person* identified pursuant to (1) above is a corporation or partnership, list the names of all individuals with a $2000 investment in the business (corporation/partnership) entity.

   see same attached list

3. If any person* identified pursuant to (1) above is a non-profit organization or trust, list the names of any person serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

   see #3 attached list

4. Please identify every person, including any agents, employees, consultants, or independent contractors you have assigned to represent you before the City in this matter.

   Mitchell Sommers
   Scott Delgado
   Mario de Alcala

5. Has any person* associated with this contract had any financial dealings with an official** of the City of Chula Vista as it relates to this contract within the past 12 months. Yes_____ No ✓

   If Yes, briefly describe the nature of the financial interest the official** may have in this contract.

6. Have you made a contribution of more than $250 within the past twelve (12) months to a current member of the Chula Vista City Council? No ✓ Yes __ If yes, which Council member?

APPLICATION APPENDIX B

Disclosure Statement – Page 2

7. Have you provided more than $340 (or an item of equivalent value) to an official** of the City of Chula Vista in the past twelve (12) months? (This includes being a source of income, money to retire a legal debt, gift, loan, etc.)
Yes ___ No X

If Yes, which official** and what was the nature of item provided?

_____

_____

Date: 1-12-07

Signature of Contractor/Applicant

Mitchell Seymour Print or type name of Contractor/Applicant

* Person is defined as: any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, any other county, city, municipality, district, or other political subdivision, -or any other group or combination acting as a unit.

** Official includes, but is not limited to: Mayor, Council member, Planning Commissioner, Member of a board, commission, or committee of the City, employee, or staff members.

276 Fourth Avenue | Chula Vista | California | 91910 | (619) 691-5101

Disclosure Statement

1: Abliz Unincorporated Association- Harriet Stone, Lowell Gold, Della Gold, Melanie Gold, Marc Alan Gold, Leslie Gold Meakin, Audrey Sivan, Cynthia Schlunegger, Nancy Stevenson, Edward Stone and Emilie Stone Owners of Property

R.N.L. Inc.- Mitchell Sommers and Scott Delgado renters of property and owners of business applying for permit.

2: Same as above

3: Harriet Stone, Lowell Gold, Della Gold, Melanie Gold, Marc Alan Gold, Leslie Gold Meakin, Audrey Sivan, Cynthia Schlunegger, Nancy Stevenson, Edward Stone and Emilie Stone.

Development Permit Processing Agreement – Page 3

Applicant. At its sole discretion, the City may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition.

4.6 Administrative Claims Requirements and Procedures.

No suit or arbitration shall be brought arising out of this agreement against the City unless a claim has first been presented in writing and filed with the City of Chula Vista and acted upon by the City of Chula Vista in accordance with the procedures set forth in Chapter 1.34 of the Chula Vista Municipal Code, as same may from time to time be amended, the provisions of which are incorporated by this reference as if fully set forth herein, and such policies and procedures used by the City in the implementation of same. Upon request by City, Consultant shall meet and confer in good faith with City for the purpose of resolving any dispute over the terms of this Agreement.

Now therefore, the parties hereto, having read and understood the terms and conditions of this agreement, do hereby express their consent to the terms hereof by setting their hand hereto on the date set forth adjacent thereto.

Dated: _____

By: _____

City of Chula Vista
276 Fourth Avenue
Chula Vista, CA

Dated: 1-19-07

By: [signature]

510 - 520 Broadway
Chula Vista CA 91910

APPLICATION APPENDIX C

Development Permit Processing Agreement

Permit Applicant: R N L Adventures Inc.
Applicant's Address: 510 Broadway Chula Vista CA
Type of Permit: CUP
Agreement Date: 1/12/07
Deposit Amount: $ 4,420.-

This Agreement ("Agreement") between the City of Chula Vista, a chartered municipal corporation ("City") and the forenamed applicant for a development permit ("Applicant"), effective as of the Agreement Date set forth above, is made with reference to the following facts:

Whereas, Applicant has applied to the City for a permit of the type aforereferenced ("Permit") which the City has required to be obtained as a condition to permitting Applicant to develop a parcel of property; and,

Whereas, the City will incur expenses in order to process said permit through the various departments and before the various boards and commissions of the City ("Processing Services"); and,

Whereas the purpose of this agreement is to reimburse the City for all expenses it will incur in connection with providing the Processing Services;

Now, therefore, the parties do hereby agree, in exchange for the mutual promises herein contained, as follows:

1. Applicant's Duty to Pay.
Applicant shall pay all of City's expenses incurred in providing Processing Services related to Applicant's Permit, including all of City's direct and overhead costs related thereto. This duty of Applicant shall be referred to herein as "Applicant's Duty to Pay."

1.1. Applicant's Deposit Duty.
As partial performance of Applicant's Duty to Pay, Applicant shall deposit the amount aforereferenced ("Deposit").

1.1.1. City shall charge its lawful expenses incurred in providing Processing Services against Applicant's Deposit. If, after the conclusion of processing Applicant's Permit, any portion of the Deposit remains, City shall return said balance to Applicant without interest thereon. If, during the processing of Applicant's Permit, the amount of the Deposit becomes exhausted, or is imminently likely to become exhausted in the opinion of the e City, upon notice of same by City, Applicant shall forthwith provide such additional deposit as City shall calculate as reasonably necessary to continue Processing Services. The duty of Applicant to initially deposit and to supplement said deposit as herein required shall be known as "Applicant's Deposit Duty".

2. City's Duty.
City shall, upon the condition that Applicant is no in breach of Applicant's Duty to Pay or Applicant's Deposit Duty, use good faith to provide processing services in relation to Applicant's Permit application.

2.1. City shall have no liability hereunder to Applicant for the failure to process Applicant's Permit application, or for failure to process Applicant's Permit within the time frame requested by Applicant or estimated by City.

Development Permit Processing Agreement – Page 2

2.2. By execution of this agreement Applicant shall have no right to the Permit for which Applicant has applied. City shall use its discretion in valuating Applicant's Permit Application without regard to Applicant's promise to pay for the Processing Services, or the execution of the Agreement.

3. Remedies.

3.1. Suspension of Processing
In addition to all other rights and remedies which the City shall otherwise have at law or equity, the City has the right to suspend and/or withhold the processing of the Permit which is the subject matter of this Agreement, as well as the Permit which may be the subject matter of any other Permit which Applicant has before the City.

3.2. Civil Collection
In addition to all other rights and remedies which the City shall otherwise have at law or equity, the City has the right to collect all sums which are or may become due hereunder by civil action, and upon instituting litigation to collect same, the prevailing party shall be entitled to reasonable attorney's fees and costs.

4. Miscellaneous.

4.1 Notices.
All notices, demands or requests provided for or permitted to be given pursuant to this Agreement must be in writing. All notices, demands and requests to be sent to any party shall be deemed to have been properly given or served if personally served or deposited in the United States mail, addressed to such party, postage prepaid, registered or certified, with return receipt requested at the addresses identified adjacent to the signatures of the parties represented.

4.2 Governing Law/Venue.
This Agreement shall be governed by and construed in accordance with the laws of the State of California. Any action arising under or relating to this Agreement shall be brought only in the federal or state courts located in San Diego County, State of California, and if applicable, the City of Chula Vista, or as close thereto as possible. Venue for this Agreement, and performance hereunder, shall be the City of Chula Vista.

4.3. Multiple Signatories.
If there are multiple signatories to this agreement on behalf of Applicant, each of such signatories shall be jointly and severally liable for the performance of Applicant's duties herein set forth.

4.4. Signatory Authority.
This signatory to this agreement hereby warrants and represents that he is the duly designated agent for the Applicant and has been duly authorized by the Applicant to execute this Agreement on behalf of the Applicant. Signatory shall be personally liable for Applicant's Duty to Pay and Applicant's Duty to Deposit in the event he has not been authorized to execute this Agreement by Applicant.

4.5 Hold Harmless.
Applicant shall defend, indemnify and hold harmless the City, its elected and appointed officers and employees, from and against any claims, suits, actions or proceedings, judicial or administrative, for writs, orders, injunction or other relief, damages, liability, cost and expense (including without limitation attorneys' fees) arising out of City's actions in processing or issuing Applicant's Permit, or in exercising any discretion related thereto including but not limited to the giving of proper environmental review, the holding of public hearings, the extension of due process rights, except only for those claims, suits, actions or proceedings arising from the sole negligence or sole willful conduct of the City, its officers, or employees known to, but not objected to, by the Applicant. Applicant's indemnification shall include any and all costs, expenses, attorney's fees and liability incurred by the City, its officers, agents, or employees in defending against such claims, whether the same proceed to judgement or not. Further, Applicant, at its own expense, shall, upon written request by the City, defend any such suit or action brought against the City, its officers, agents, or employees. Applicant's indemnification of City shall not be limited by any prior or subsequent declaration by the

CVRC RESOLUTION NO. 2007-_____

RESOLUTION OF THE CHULA VISTA REDEVELOPMENT CORPORATION MAKING CERTAIN FINDINGS AND APPROVING CONDITIONAL USE PERMIT PCC-07-047 FOR THE RE-USE OF AN EXISTING BUILDING LOCATED AT 510-520 BROADWAY FOR AN INDOOR LASER TAG ARENA, VIDEO GAME ARCADE AND PARTY ROOMS, WITHIN THE MERGED CHULA VISTA REDEVELOPMENT PROJECT AREA

A. RECITALS

1. Project Site

WHEREAS, the parcel, which is the subject matter of this resolution, is represented in Exhibit A attached hereto and incorporated herein by this reference, and for the purpose of general description is located at 510-520 Broadway, Chula Vista; and

2. Project; Applications for Discretionary Approval

WHEREAS, on January 25, 2007 a duly verified application for a Conditional Use Permit was filed with the City of Chula Vista Planning and Building Department on behalf of the RNL Adventures Inc. ("Applicant") for the re-use of an existing building for an indoor laser tag arena, video game arcade and party rooms, within the Merged Chula Vista Redevelopment Project ("Project"); and

3. Chula Vista Redevelopment Corporation Record on Application

WHEREAS, a hearing time and place was set by the Chula Vista Redevelopment Corporation for consideration of the Project and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City, and its mailing to property owners and residents within 500 feet of the exterior boundaries of the property, at least ten (10) days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised, namely on April 12, 2007 at 6:00 p.m. in the City Council Chambers, 276 Fourth Avenue, before the Chula Vista Redevelopment Corporation and said hearing was thereafter closed; and

WHEREAS, the Chula Vista Redevelopment Corporation considered all reports, evidence, and testimony presented at the public hearing with respect to the application.

B. ENVIRONMENTAL DETERMINATION

The proposed project was reviewed for compliance with the California Environmental Quality Act (CEQA) and it has determined that the project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (existing facilities) of the State CEQA Guidelines because the proposed use contains negligible or no expansion of an existing use. Thus, no further environmental review is necessary.

C. CONDITIONAL USE PERMIT FINDINGS

The Chula Vista Redevelopment Corporation does hereby make the findings required by CVMC 19.14.080 for the issuance of conditional use permits, as herein below set forth, and sets forth, there under, the evidentiary basis that permits the stated findings to be made.

1. *That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community.*

The proposed use at this location is desirable in that it provides a healthy and safe form of entertainment for children, which will contribute to the general well being of the community. The stated purpose of the applicant to "give children a sense of belonging to something and a place to be with their friends as well as make new friends with similar interests." There are no similar types of laser tag facilities in the city for families to host parties for children. At the proposed facilities, families can host parties for their children as well as enjoy the laser tag facility as a family.

2. *That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.*

The proposed facility will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity in that adequate controls will be taken to ensure the security of children. The public health, safety, and welfare is adequately protected by the amount of supervision to ensure the safety of the children located on site. The proposed operation of a laser tag amusement center would in no way endanger members of the community.

3. *That the proposed use will comply with the regulations and conditions specified in this title for such use.*

The proposed use would be required to comply with the regulations of the Municipal Code, and in any case where it does not comply, the CUP is subject to modification or revocation.

4. *That the granting of this conditional use will not adversely affect the General Plan of the City or the adopted plan of any government agency.*

The proposed use will not adversely affect the General Plan of the City. This area of the City is designated the H St. Corridor District by the recently adopted General Plan and is envisioned to be a mix of commercial, office and residential uses. The project site is within the Merged Redevelopment Project Area. The Amended and Restated Redevelopment Plan (2004) for this Project Area defers to the City's General Plan and Zoning Ordinance for land use authority.

D. CONDITIONS OF APPROVAL

Prior to the issuance of Certificate of Occupancy by the City of Chula Vista for the use of the subject property in reliance upon this approval, the applicant shall satisfy the following requirements:

1. The subject property shall be maintained in substantial conformance with the approved application and plans.

2. Applicant shall submit all final interior and exterior design plans for review and approval prior to the issuance of building permits.

3. The Applicant/Owner shall comply with all applicable federal, state, and local requirements, and in any case where it does not comply, this permit is subject to modification or revocation.

4. This permit shall become void and ineffective if not used or extended within one year from the effective date thereof, in accordance with Section 19.14.600 of the Municipal Code.

5. The video arcade area will designed with a double firewall and common hallway that will separate the use from the neighboring businesses. All walls, both existing and new, will be sealed to the deck to prevent offensive noise and vibration from any indoor or outdoor activity onto adjacent properties or uses, as required by CVMC 19.58.040.

6. There shall be adult supervision (persons 18 years of age or older) at all times.

7. A bicycle rack for at least 10 bicycles shall be provided at or near the main entrance into the establishment.

8. No alcoholic beverages shall be sold or consumed on the premises.

9. The license for the games shall be displayed on the premises.

10. This permit shall be subject to any and all new, modified, or deleted conditions imposed after approval of this permit to protect the public from a specific condition dangerous to its health or safety or both due to the project, which condition(s) the City shall impose after advance written notice to the permittee and after the City has given the permittee the right to be heard with regard thereto. However, the City in exercising this reserved right/condition, may not impose a substantial expense or deprive permittee of a substantial revenue source which the permittee cannot, in the normal operation of the use permitted, be expected to economically recover.

11. The applicant shall and does hereby agree to indemnify, protect, defend, and hold harmless the City, its Council members, officers, employees, agents, and representatives from and against all liabilities, losses, damages, demands, claims, and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising directly or indirectly from a) City's approval and issuance of this permit, b) City's approval or issuance of any other permit or action, whether discretionary or non discretionary, in connection with the use contemplated herein, and without limitation, any and all liabilities arising from the operation of the facility. Applicant shall acknowledge their agreement to this provision by executing a copy of this permit where indicated below. The applicant's compliance with this provision is an express condition of this permit and this provision shall be binding on any and all of the applicant's successors and assigns.

_____ _____

Applicant's Signature Date

BUILDING DIVISION CONDITIONS

12. The project must comply with Title 24 (2005 Energy Conservation and 2001 Disabled Access Regulations), 2001 California Building Code (CBC), California Mechanical Code (CMC), California Plumbing Code (CPC) and 2004 California Electrical Code (CEC).

13. One-hour fire resistive construction is required between the A3 occupancy and the B and M occupancy. CBC Section 302.2., Table 3-B. (See exceptions in CBC Section 302).

14. Main and side exits in conformance with CBC Sections 1007.2.1 and 1007.2.2 of should be provided for the Group Division 2.1 Occupancies.

15. All doors and gates, within the exit path of group occupancies to a public way, shall not be provided with latches or locks unless they are equipped with panic hardware.

16. Provide tactile exit signs per CBC Section 1003.2.8.6.

17. Where exit signs are required by CBC Chapter 10, additional approved low-level exit signs which are internally or externally illuminated photo luminescent or self-luminous, shall be provided in all interior rated exit corridors of Group A Occupancies. 1007.2.8.

18. Light and ventilation should comply with CBC Sections 1202.1 and 1202.2.1. Where mechanical ventilation is provided, not less than 15 cubic feet per minute (7 L/s) of outside air per occupant should be provided.

19. A Chula Vista Fire Department approved fire alarm system should be installed as set forth in the Fire Code provisions for Group A, Division d 2.1 Occupancies per CBC Section 303.9.

20. At least one lavatory for each two restrooms for each sex should be provided and at least one drinking fountain should be provided in accordance with CBC Section 2902.2. All restrooms must be handicap accessible.

21. Provide at least one drinking fountain in Group occupancies per CBC Section 2902.2.

22. Provide Posting of Room Capacity per CBC Section 1007.2.6.

23. The new proposed tenant improvement must fully comply with CBC Chapter 11B Handicap Accessible Requirement.

GENERAL SERVICES DEPARTMENT CONDITIONS

24. Each applicant for a land use or building permit shall develop a "Recycling and Solid Waste Management Plan" to the Environmental Services Program Manager for review and approval as a part of the permit process. The Plan shall demonstrate those steps the applicant will take to comply with Municipal Code, including but not limited to Sections 8.24, 8.25 and 19.58.340 and meet the State mandate to reduce or divert at least 50% of the waste generated by all residential, commercial and industrial developments (including demolition and construction phases).

25. The applicant shall contract with the City's franchise hauler throughout the construction and occupancy phases of the project. The "Recycling and Solid Waste Management Plan" features should be identified on the building plans.

E. GOVERNMENT CODE SECTION 66020(d)(1) NOTICE

Pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to follow timely this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition. The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project; and it does not apply to any fees, dedication, reservations, or other exactions which have been given notice similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

F. INVALIDITY; AUTOMATIC REVOCATION

It is the intention of the City Council that its adoption of this Resolution is dependent upon the enforceability of each and every term, provision, and condition herein stated; and that in the event that any one or more terms, provisions, or conditions are determined by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, this resolution and the permit shall be deemed to be automatically revoked and of no further force and effect ab initio.

NOW, THEREFORE, BE IT RESOLVED THAT THE CHULA VISTA REDEVELOPMENT CORPORATION does hereby approve a resolution approving Conditional Use Permit PCC-07-047, subject to the conditions listed above, for the re-use of an existing building located at 510-520 Broadway for an indoor laser tag arena, video game arcade and party rooms, within the Merged Chula Vista Redevelopment Project.

Presented by:

Ann Hix
Acting Director of Community Development

Approved as to form by

Ann Moore
General Counsel

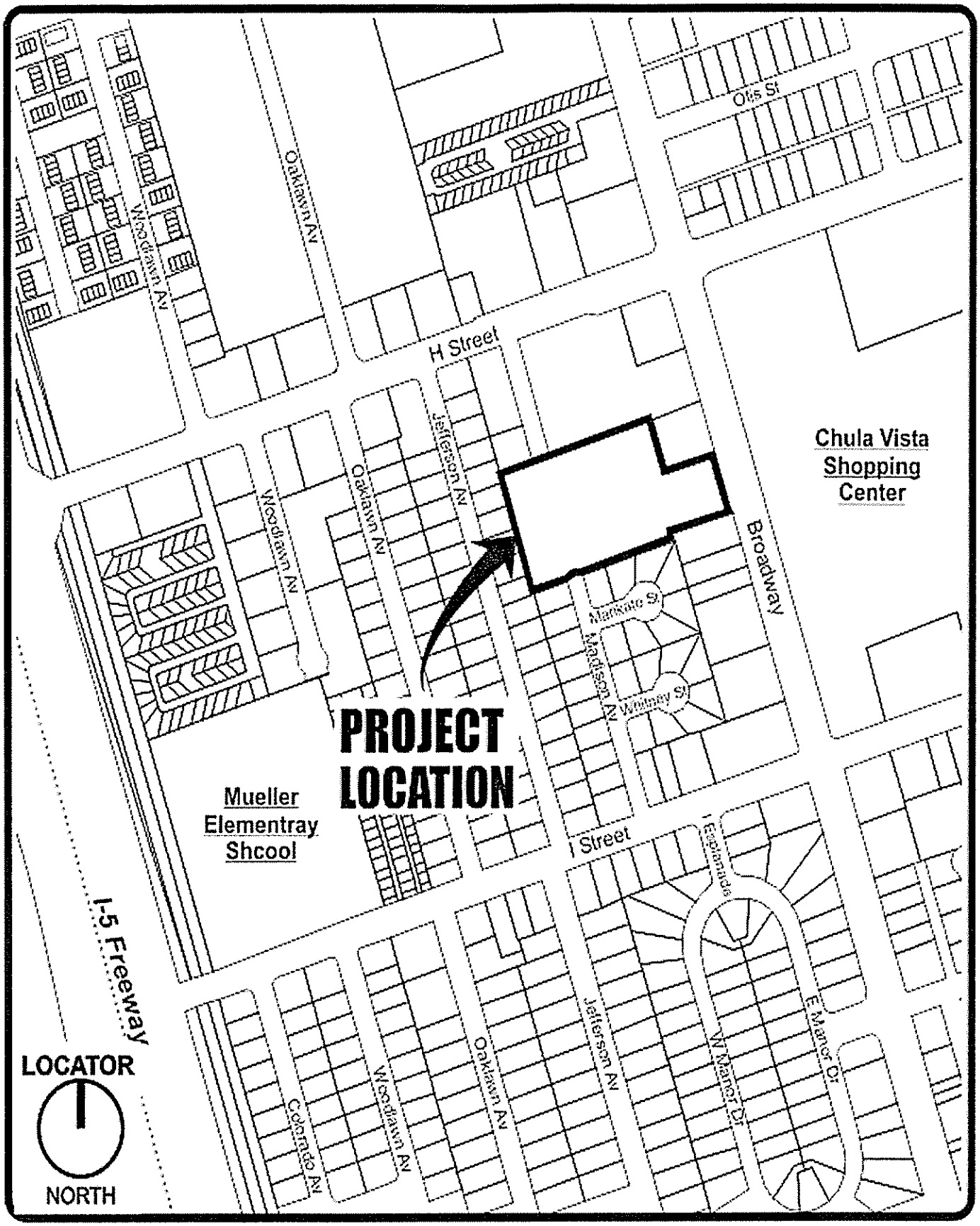

Otis St
Oaklawn Av
Woodlawn Av
H Street
Jefferson Av
Oaklawn Av
Woodlawn Av
Chula Vista
Shopping
Center
Broadway
Mankato St
Madison Av
Whitney St
PROJECT
LOCATION
Mueller
Elementray
Shcool
I Street
Esplanade
I-5 Freeway
Jefferson Av
W Manor Dr
E Manor Dr
Oaklawn Av
Woodlawn Av
Colorado Av
LOCATOR
NORTH

EXHIBIT A