



SEE ATTACHED SPECIAL NOTICE REGARDING PUBLIC PARTICIPATION AND ACCESSIBILITY FOR THIS PLANNING COMMISSION MEETING

- I. CALL TO ORDER: A REGULAR PLANNING COMMISSION MEETING - 6:30 P.M.
- II. ROLL CALL: Commissioners Owens, Spathopoulos, Chair Duarte, Ortiz and Montoya
- III. PLANNING COMMISSIONER ANNOUNCEMENTS; REQUEST FOR FUTURE AGENDA ITEMS; AND CONFERENCE/MEETING REPORTS:
- IV. PRESENTATIONS:
- V. REPORT ON CITY COUNCIL ACTION:
- VI. PUBLIC HEARINGS:

RECOMMENDED ACTION

1. (PLN-20-00102) Variance

Approval

Location: 11720 Norlain Avenue

Request: A request to reduce the rear yard setback from 20 feet to 10 feet, to allow for a 491 square foot addition to the rear of the residence within the R-1 5,000 (Single Family Residential) zone

CEQA: Categorical Exemption – Section 15305 (Class 5, Minor Alterations in land use limitations)

Staff: Madalyn Welch, Assistant Planner

Contact: mwelch@downeyca.org
(562) 904-7154

2. (PLN-19-00192) Conditional Use Permit

Continue

Location: 8104 Firestone Boulevard

Request: A request to allow a 2,284 square foot expansion to an existing 945 sq. ft. restaurant, exterior façade remodel, outdoor seating area, and live entertainment, on property located within the Downtown Downey Specific Plan (DDSP)

CEQA: Categorical Exemption – Section 15332 (Class 32, In-fill developments)

Staff: Guillermo Arreola, Principal Planner

Contact: garreola@downeyca.org
(562) 904-7154



- VII. **NON-AGENDA PUBLIC COMMENTS:** This portion of the agenda provides an opportunity for the public to address the Planning Commission on items within the jurisdiction of the Planning Commission and not listed on the agenda. It is requested, but not required, that you state your name, address and subject matter upon which you wish to speak. Please limit your comments to no more than three (3) minutes. Pursuant to the Brown Act, no discussion or action, other than a brief response, referral to the City Planning staff or schedule for a subsequent agenda, shall be taken by the Planning Commission on any issue brought forth under this section.
- VIII. **CONSENT CALENDAR ITEMS:** Items in this section will be voted on in one motion unless a Commissioner or citizen requests separate actions. Anyone wishing to discuss a Consent Calendar item should be recognized by the chairman, state name, address and agenda item number. Further, any Consent Calendar items removed from the agenda will be considered by the commission following the public hearing items.
3. Resolution of Appreciation for Steven Dominguez
 4. Resolution of Appreciation for Nolveris Frometa
 5. Approval of the Minutes from July 1, 2020
 6. Approval of the Minutes from July 15, 2020
- IX. **OTHER BUSINESS:** Election of Officers
1. Chair
 2. Vice Chair
- X. **STAFF MEMBER COMMENTS:**
- XI. **ADJOURNMENT:** To Wednesday, February 17, 2021 at 6:30 pm, at Downey City Hall, 11111 Brookshire Avenue, Downey, CA. 90241.

NOTICE: SECTION 9806 – APPEALS

Any person aggrieved or affected by any final determinations of the Commission concerning an application for action of an administrative nature, including a variance or a permit, or any condition or requirement thereon, or upon the failure of the Commission to make its findings and determinations within thirty (30) days after the closure of the hearing thereon, no later than fifteen (15) calendar days, (Exception: subdivisions, no later than ten (10) calendar days) after the date of the decision or of the Commission's failure to make a determination, may file with the City Planner a written notice of appeal there from to the Council. Such appeal shall set forth specifically wherein it is claimed the Commission's findings were in error, and wherein the decision of the Commission is not supported by the evidence in the matter, and wherein the public necessity, convenience, and welfare require the Commission's decision to be reversed or modified

Supporting documents are available at: www.downeyca.org; City Hall-Planning Division, 11111 Brookshire Avenue, Monday – Friday, 7:30 a.m. – 5:30 p.m. Video streaming of the meeting is available on the City's website. In compliance with the Americans with Disabilities Act, if special assistance is needed to participate in this meeting, complete the City's Title II ADA Reasonable Accommodation Form located on the City's website and at City Hall - Planning Division, 11111 Brookshire Avenue, Monday – Friday, 7:30 a.m. – 5:30 p.m., and submit to the Planning Division or contact the Planning Division office



at (562) 904-7154 or the California Relay Service at 7-1-1. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting

The City of Downey prohibits discrimination on the basis of disability in any of its program and services. For questions, concerns, complaints, or for additional information regarding the ADA, contact the City's ADA/Section 504 Coordinator at ADACoordinator@downeyca.org; Phone: (562) 299-6619; or TTY at 7-1-1.

In compliance with Title VI of the Civil Rights Act, the City of Downey prohibits discrimination of any person in any of its program and services. If written language translation of City agendas or minutes, or for oral language interpretation at a City meeting is needed, contact (562) 299-6619, 48 business hours prior to the meeting.

En cumplimiento con el Título VI de la Ley de Derechos Civiles, la Ciudad de Downey prohíbe la discriminación de cualquier persona en todos sus programas y servicios. En caso de necesitar una traducción escrita de los órdenes del día o las actas de las reuniones de la ciudad, o para solicitar un intérprete oral para una reunion de la ciudad, comuníquese con el (562) 299-6619 en el horario de atención comercial, 48 horas hábiles antes de la reunión.

Supporting data for items included in this agenda is available for public review and inspection in the office of the Planning Division during regular workday hours between 8:00 a.m. and 5:00 p.m., and in the City Library during regular hours and on the City's website at <http://www.downeyca.org>.

I Mary Cavanagh, Secretary to the Planning Commission, City of Downey, do hereby certify, under penalty of perjury under the laws of the State of California that the foregoing notice was posted pursuant to Government Code Section 54950 Et. Seq. and City of Downey Ordinance at the following locations: Downey City Hall, Downey City Library, and Barbara J. Riley Senior Center.

Dated this 28th day of January, 2021

Mary Cavanagh

Mary Cavanagh
Secretary, Planning Commission



SPECIAL NOTICE

Public Participation and Accessibility for February 3, 2021 Downey Planning Commission Meeting

Pursuant to Paragraph 3 of Executive Order N-29-20 executed by the Governor of California on March 17, 2020, the County of Los Angeles Department of Public Health Officer Order Revised December 6, 2020 – Temporary Targeted Safer at Home Health Officer Order for Control of COVID-19: Tier 1 Substantial Surge Response, and the State of California Regional Stay at Home Order Triggered by ICU Capacity, this Regular Planning Commission Meeting scheduled for Wednesday, February 3, 2021 at 6:30 p.m. will allow members of the public to participate and address the Planning Commission during the public comment portion of the meetings via teleconference.

Below are the ways to participate in the Regular Meeting at 6:30 p.m.

1. View the Planning Commission meeting live stream at:

YouTube Channel: <https://www.youtube.com/channel/UCHJOzNYcnaDRUSax0sC0L9Q/live>

2. Planning Commission meeting Conference phone (audio only):

Call Toll-Free: (888) 788-0099 or (877) 853-5247

Enter Meeting ID: **917 5660 4953**

Enter Password: **182273** and press the # (pound) key

Members of the public wishing to address the Planning Commission, during public comments or for a specific agenda item, or both, may do so by the following methods:

3. E-mail: pcpubliccomment@downeyca.org

In order to effectively accommodate public participation, participants are asked to provide their public comments via e-mail by 4:00 p.m. on the day of the meeting.

Participants addressing the Planning Commission by email are encouraged to provide the following information:

- a) Full Name;
- b) City of Residence;
- c) Public Comment or Agenda Item No;
- d) Subject;
- e) Written Comments.

4. Teleconference phone number: (562) 299-6622

Calls will be placed on hold in queue and participants will provide their public comments via speaker phone. Persons speaking are limited to a maximum of three (3) minutes. Please be mindful that the teleconference call will be recorded as any other person is recorded when appearing before the Planning Commission, and all other rules of procedure and decorum will apply when addressing the Planning Commission by teleconference.

Participants addressing the Planning Commission by teleconference are encouraged to provide the following information:

- a) Full Name;
- b) City of Residence;
- c) Public Comment or Agenda Item No;
- d) Comments.

For any questions contact the Planning Division's Office at (562) 904-7154.



DATE: FEBRUARY 3, 2020

TO: PLANNING COMMISSION

SUBMITTED BY: ALDO E. SCHINDLER, DIRECTOR OF COMMUNITY DEVELOPMENT

REVIEWED BY: CRYSTAL LANDAVAZO, CITY PLANNER

PREPARED BY: MADALYN WELCH, ASSISTANT PLANNER

SUBJECT: **PLN-20-00102 (VARIANCE) REQUEST TO ALLOW FOR A REDUCED REAR YARD SETBACK FROM 20 FEET TO 10 FEET.**

LOCATION: 11720 NORLAIN AVENUE

ZONING: R-1 5,000 (SINGLE FAMILY RESIDENTIAL)

REPORT SUMMARY

This is a request for a Variance to deviate from the Downey Municipal Code in order to allow for a rear yard setback of 10 feet rather than the required 20 feet minimum. This deviation applies to a proposed 491 square foot rear addition on property located at 11720 Norlain Avenue, zoned R-1 5,000 (Single-Family Residential).

A Variance is defined in the Municipal Code as “a permit which grants a property owner relief from development standards contained in this article when strict compliance with this article would result in undue hardship on the owner due to special circumstances or conditions applicable to a property, including size, shape, topography, location, or surroundings.” A series of findings must be made in a positive manner in order for this permit to be granted. Mainly, as stated in the above definition, the property itself must experience unique physical circumstances not found among standard lots within the City.

Based on the analysis contained in this report, staff found that such findings can be made due to the unique dimensions of the property and recommends that the Planning Commission adopt the following resolution:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY TO APPROVE VARIANCE PLN-20-00102, A REQUEST FOR DEVIATION TO DOWNEY MUNICIPAL CODE SECTION 9312.08 (a) FOR A REDUCED REAR YARD SETBACK OF 10 FEET, RATHER THAN THE REQUIRED 20 FEET MINIMUM LOCATED AT 11720 NORLAIN AVENUE, AND ZONED R-1 5,000 (SINGLE FAMILY RESIDENTIAL).

BACKGROUND

The subject site is a 5,182 square foot irregularly shaped lot, with depth measurements of 70.21 feet along the northern portion of the property and 73.13 feet along the southern portion of the property. The same lot dimensions do not exist for all properties within this housing tract. The subject property is located on the east side of Norlain Avenue, between Luxor Street and Benares Street. The development standards for the zone is a minimum lot size of 5,000 square feet, with a minimum lot width of 50 feet and the lot depth shall conform to the average depth of adjacent lots. The average depth of lots adjacent to the subject site is approximately 103.9 feet. The property is zoned R-1 5,000 (Single Family Residential) and has a General Plan Land Use Designation of Low Density Residential. The property is currently developed with an 868 square foot single-family residence.

In 2005, the Planning Commission approved a rear yard modification for a 10'-2" rear yard setback to allow for a 513 square foot addition to the residence. The applicant never proceeded with the construction and during the 2008 zone code update, rear yard modifications were removed. Since the addition was never built, the application became null and void. Therefore, the applicant is now seeking a Variance for a 10' rear yard setback to allow for a 491 square foot addition to the rear of the residence.



Front view of subject property from Norlain Avenue

On September 24, 2020, the applicant submitted the request for a Variance. The application was issued one incomplete letter, and after receiving all necessary documents the application was deemed complete on December 28, 2020. On January 21, 2021, the notice of the pending public hearing was published in the *Downey Patriot* and mailed to all property owners within 500 feet of the subject site.

DISCUSSION

The applicant is seeking a Variance from DMC Section 9312.08 (a) to reduce the rear yard setback to 10 feet rather than the required 20 feet required for an R-1 zoned property. As part of the review for this request, staff reviewed the application submittal and conducted an assessment of the subject property and surrounding area to determine if a special circumstance exists. Staff found that the subject property holds irregular lot dimensions for the corresponding R-1 zoning district. Below are the required development standards, as well as the existing characteristics of the subject property:

Development Standard	Required	Existing	Note
Lot area minimum	5,000 s.f.	5,182.46 s.f.	Conforming
Lot width minimum	50'	72.3'	Conforming
Lot depth	Conform to average depth of adjacent lots		Legal nonconforming
	103.9'	70'	
Floor area ratio maximum	0.60	0.238	Conforming
Setbacks			
Front	20'	15'-3"	Legal nonconforming
Rear	20'	31'-4"	Conforming
North side	5'	10'-5"	Conforming
South side	5'	8'-8"	Conforming
Minimum dwelling size (2 bdrm)	850 s.f.	868 s.f.	Conforming
Enclosed parking spaces	2	2	Conforming
Enclosed parking dimension (width x depth)	20' x 20'	17'-8" x 20'-2"	Legal nonconforming

The DMC sets a prevailing lot depth as the minimum lot depth required. As seen in the parcel map located on page 6, the majority of the surrounding properties have an average lot depth of 103.9 feet with a few properties with smaller depths of 78 feet and 80 feet. However, most parcels in the vicinity have a lot depth between 100 feet and 117 feet.

The DMC also sets a rear yard setback requirement of 20 feet. This setback area is required to be unoccupied and unobstructed from the ground upward and therefore required to serve as open space. The residence at the subject site is 31-feet and 4-inches from the rear property line. Therefore, due to this rear yard setback requirement of 20 feet, the subject site would only have 11-feet and 4-inches in depth for any new additions to the dwelling. In comparison to the surrounding properties have around 21 feet to construct because their lots are greater in depth.

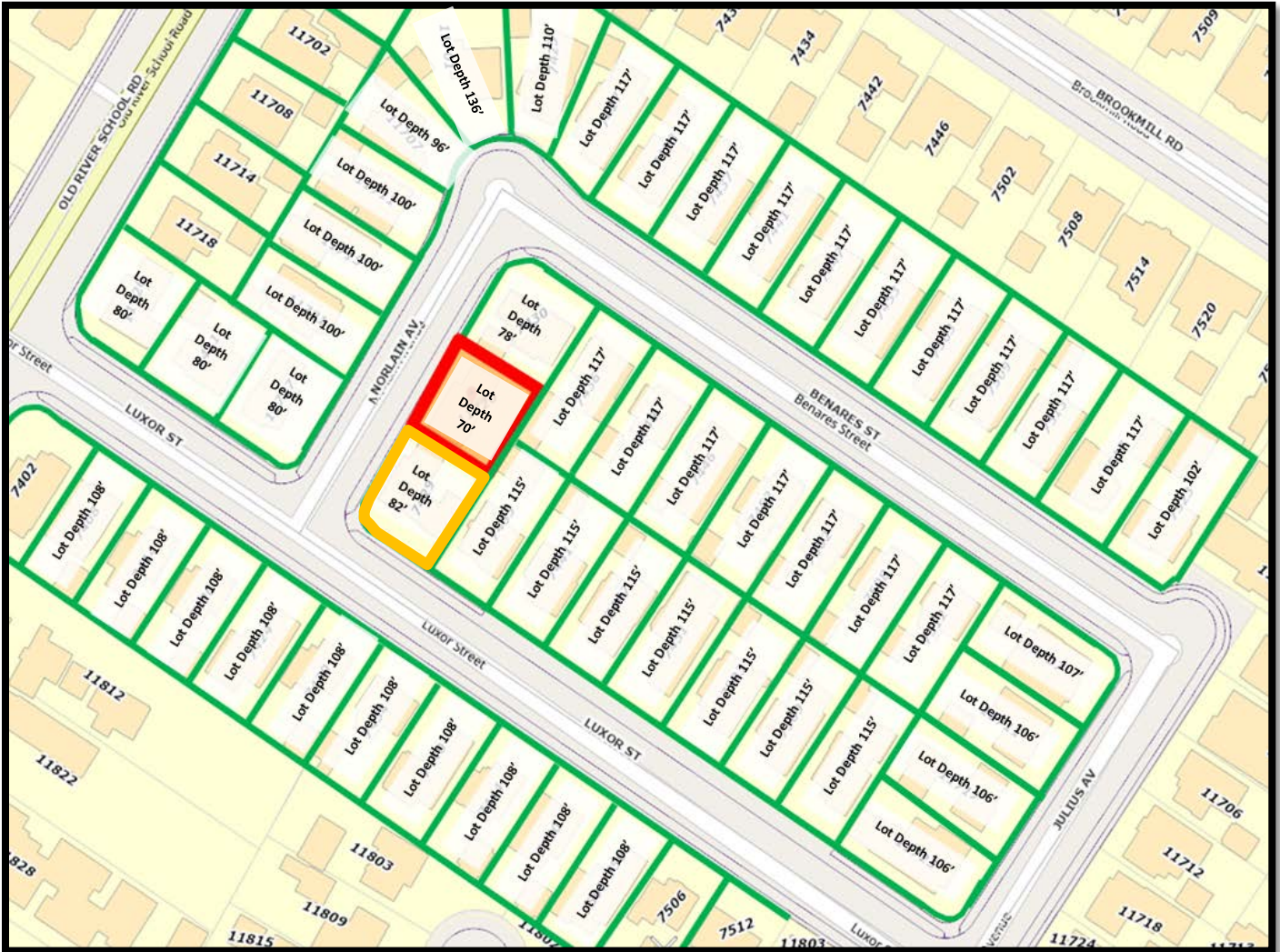
During staff's analysis of this request, staff also found that although most of the neighboring properties to the subject site have similar depths of 115 feet the properties directly to the north and south also have shorter depths. In 1986, the property to the south of the subject site was approved by the Planning Commission for a reduced rear yard setback of 4 feet to allow for the construction of an attached 2-car garage due to the irregularly shaped lot.

A reduced setback of 10 feet would allow for an expansion of the dwelling that would be consistent with the other parcels within close proximity. Staff has found that the subject site is significantly smaller than the surrounding properties. If required to abide by the 20 foot rear setback requirement, this substandard lot would have difficulty achieving development standards for a minor addition.

In addition, lots of the same size as the subject site that are shaped more regularly with a depth of at least 100 feet have the ability to construct more livable space than the subject site due to the larger depth. For reference, a standard rectangular lot with a depth of 100 feet has a buildable depth of 60 feet after subtracting the required 20 foot front yard setback and the required 20 foot rear yard setback. In comparison, the subject site would only have a buildable depth of 30 feet, half of what is available for most surrounding properties. The unique lot shape and dimensions create a limitation that prevents this owner from achieving the same opportunity available to neighboring properties.

The required findings can be made in a positive manner given that the scope of work may not be achieved alternatively elsewhere on the property due to the size and shape of the site. As described in the analysis above, there are unique circumstances that prevent compliance with the rear yard setback standard and cause a hardship to the subject site that does not exist for typical properties in the surrounding area.

Lot Depths Parcel Map



*Red outline indicates subject property.

*Green outline indicates adjacent properties (within the block)

*Orange outline indicated adjacent property with approval in 1986 for a 4 foot rear yard setback.

All measurements indicated in this figure represent lot depths.

DEVELOPMENT REVIEW COMMITTEE

On September 29, 2020, the Development Review Committee (DRC) received and evaluated the project as it pertains to Planning, Police, Fire, Public Works, and Building and Safety matters. No department expressed concerns or opposition over the project, and issued standard conditions. Recommended conditions of approval have been included in the attached Resolution.

ENVIRONMENTAL ANALYSIS

Staff has reviewed the proposed use for compliance with the California Environmental Quality Act (CEQA). Upon completion of this review, staff determined that this request is categorically exempt from CEQA, pursuant to Guideline Section No. 15305 (Class 5, Minor Alterations in Land Use Limitations). Categorical Exemptions are projects, which have been determined not to have a significant effect on the environment and have been exempted from the requirements of CEQA.

FINDINGS

Pursuant with Section 9814.08 of the Municipal Code, before a Variance may be granted, the Planning Commission shall make findings from the evidence, as submitted, that all six (6) of the following conditions exist in reference to the property being considered. Based on the evidence submitted in the application, the request can be supported with positive findings as described below:

- 1. Exceptional or extraordinary conditions or circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same vicinity and zone.**

The subject site is significantly smaller in depth compared to the majority of the surrounding properties which have an average depth of 103.9 feet and therefore this site is identified as exceptional or extraordinary. The subject site has a hardship due to its nonconforming lot depth of 70 feet. The site is best described as an irregularly square shaped lot compared to the rectangular shape of most of the adjacent lots. A rectangular shaped lot in this neighborhood typically has a buildable depth of 60 feet while this lot only has 30 feet due to setback standards. The shape and dimensions of the subject site are peculiar and unique compared to most lots in the surrounding area and throughout the City.

- 2. The literal interpretation of the provisions of this article would deprive the applicant of rights under the terms of this article commonly enjoyed by other properties in the same vicinity and zone in which the property is located.**

The project consists of a 491 square foot rear addition with a 10 foot rear setback. The proposed construction is not allowed without a Variance because it does not conform to a 20 foot rear yard setback set forth within the Downey Municipal Code. In terms of physical layout, the interior lot has an inability to construct the proposed addition in the same manner as the adjacent properties due to the shorter depth of said lot. This restriction is not applicable to other lots in the same vicinity as the other lots are greater in depth and therefore not restricted on buildable area or prevented from utilizing their property. The dimensions and lot shape are specific to the subject site and create a hardship for the site to accommodate new construction. An equal scope of work and square footage may not be

achieved elsewhere on the property due to the depth of the site. The subject site has a depth that is approximately 30 feet less than the average depth of surrounding properties. Therefore, the literal interpretation and application of this article deprives the applicant of rights commonly enjoyed by other properties in the same vicinity and zone in which the property is located.

3. The exceptional or extraordinary conditions or circumstances do not result from the actions of the applicant.

The subject site is best described as a uniquely shaped lot, and is not able to meet all applicable development standards with a legal nonconforming lot depth of only 70 feet which is not in conformance with the average depths of adjacent lots. The 70 foot depth is an existing nonconformity and not a result from actions of the applicant. The applicant assumed the challenges of the nonconforming use upon purchase but did not take any action to create or exacerbate the unique condition of the subject site.

4. Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or building in the same vicinity and zone in which the property is located.

The granting of this Variance does not allow the applicant a special privilege that is denied to other properties. The applicant's request for a reduced rear yard setback of 10 feet is a modification that may be granted by the Commission per section 9534.20 of the Downey zoning code for lots having restricted depths. Granting of a Variance will allow the applicant to gain some of the rights automatically given to properties with standard shapes and lot dimensions. For point of reference, a reduced rear yard setback of 4 feet is found at the property directly to the southwest of the subject site with similar lot dimensions, which was approved by the Planning Commission in 1986. The subject site's irregular depth does not confer any special privilege that is denied by this chapter to other lands in this same zone. The granting of a Variance will restore the subject site's ability to develop in conformance with surrounding properties. Additionally, the subject site will be required to comply with all other development standards like floor area ratio, building height, and side setbacks.

5. The granting of such variance will be in harmony and not adversely affect the General Plan of the City.

The project will be in harmony with the City's General Plan. The General Plan Land Use designation for the subject site is Low Density Residential and is in compliance with Policy 1.4.2, which states "Promote residential construction that complements existing neighborhoods." Staff has analyzed the surrounding neighborhood and has found that this construction is consistent with the existing neighborhood in that the reduced setback has also been granted to similar properties within the neighborhood. Additionally, Staff has worked with the applicant to ensure that the architectural style and quality of the proposed addition will be compatible with the architecture of the existing home and the surrounding neighborhood. The proposed scope of work is within harmony and does not adversely affect the following policies:

Goal 8.1 – Promote quality design for new, expanded, and remodeled construction.
Policy 8.1.1 – Promote architectural design of the highest quality
Program 8.1.1.2 – Assist homeowners and builders by providing design guidelines to illustrate good design.

These goals are most typically achieved by allowing new construction that is consistent, compatible, and similar in character to the surrounding neighborhood.

6. The reasons set forth in the application justify the granting of the variance and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The lot depth of the subject site is at least 30 feet less in depth than most surrounding properties and therefore is a uniquely shaped lot. Most of the properties within this neighborhood have a buildable depth of 60 feet, while the subject site currently has 30 feet. This Variance, if approved, will allow 45 feet of buildable depth for the subject site instead of 30 feet. Although this buildable depth is not equivalent to the 60 feet of buildable depth that most of the surrounding properties have, it brings the subject site closer to compliance. With the approved addition, the property will maintain proportion to the size of the lot by complying with the Floor Area Ratio, side setbacks, and open space development standards for this land use designation.

CORRESPONDENCE

As of the date that this report was printed, staff has not received any correspondence regarding this application.

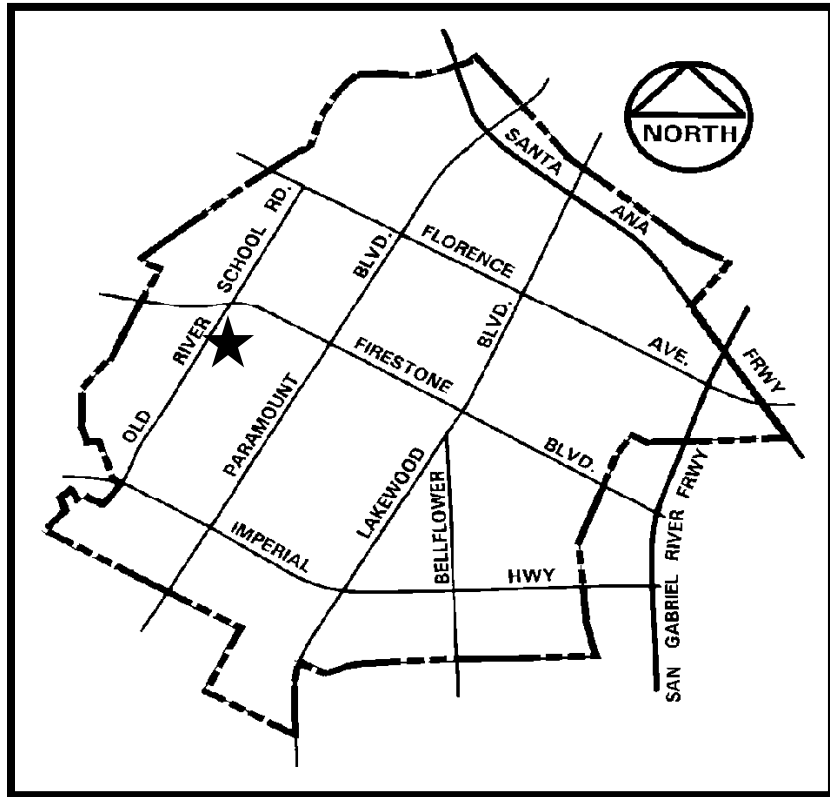
CONCLUSION

Based on the analysis contained within this report, all of the required findings can be made in a positive manner therefore staff recommends that the Planning Commission approve Variance (PLN-20-00102), subject to the recommended conditions of approval.

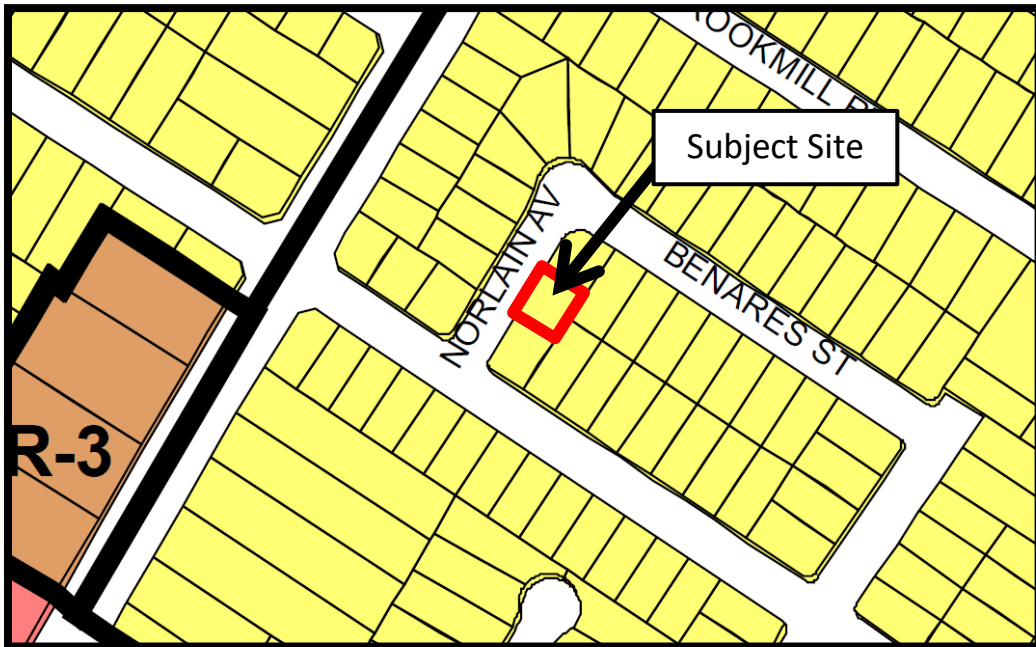
EXHIBITS

- A. Maps
- B. Draft Resolution
- C. Project Plans

EXHIBIT 'A'



Vicinity Map



Zoning Map



Subject Property

RESOLUTION NO. 21-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING VARIANCE (PLN-20-00102), THEREBY REDUCING THE REAR SETBACK REQUIREMENT FROM 20 FEET TO 10 FEET TO ALLOW FOR THE CONSTRUCTION OF A 491 SQUARE FOOT ADDITION TO A SINGLE FAMILY RESIDENCE ON PROPERTY LOCATED AT 11720 NORLAIN AVENUE.

THE PLANNING COMMISSION OF THE CITY OF DOWNEY DOES RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Downey does hereby find, determine and declare that:

- A. On September 24, 2020, the applicant submitted a request for a Variance to reduce the required setback of 20 feet to 10 feet to allow for an addition to the rear of the dwelling on the subject site. Due to missing information on the project plans, staff deemed the application incomplete; and,
- B. On December 14, 2020, the applicant submitted the remaining information needed to complete the application. Accordingly, staff deemed the application complete on December 28, 2020; and,
- C. On January 21, 2021, notice of the pending application published in the *Downey Patriot* and mailed to all property owners within 500' of the subject site; and,
- D. The Planning Commission held a duly noticed public hearing on February 3, 2021 and, after fully considering all oral and written testimony and facts and opinions offered at the aforesaid public hearing, adopted this resolution.

SECTION 2. The Planning Commission further finds, determines and declares the environmental impact of the proposed project has been reviewed and has been found to be in compliance with the California Environmental Quality Act (CEQA) and is categorically exempt from CEQA, pursuant to Guideline Section 15305 (Class 5, Minor Alterations in Land Use Limitations).

SECTION 3. Having considered all of the oral and written evidence presented to it at said public hearings regarding the Site Plan Review, the Planning Commission further finds, determines and declares that:

- A. Exceptional or extraordinary conditions or circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same vicinity and zone. The subject site is significantly smaller in depth compared to the majority of the surrounding properties which have an average depth of 103.9 feet and therefore this site is identified as exceptional or extraordinary. The subject site has a hardship due to its nonconforming lot depth of 70 feet. The site is best described as an irregularly square shaped lot compared to the rectangular shape of most of the adjacent lots. A rectangular shaped lot in this neighborhood typically has a buildable depth of 60 feet while this lot only has 30 feet due to setback standards. The shape and dimensions of the subject site are peculiar and unique compared to most lots in the

surrounding area and throughout the City.

- B. The literal interpretation of the provisions of this article would deprive the applicant of rights under the terms of this article commonly enjoyed by other properties in the same vicinity and zone in which the property is located. The project consists of a 491 square foot rear addition with a 10 foot rear setback. The proposed construction is not allowed without a Variance because it does not conform to a 20 foot rear yard setback set forth within the Downey Municipal Code. In terms of physical layout, the interior lot has an inability to construct the proposed addition in the same manner as the adjacent properties due to the shorter depth of said lot. This restriction is not applicable to other lots in the same vicinity as the other lots are greater in depth and therefore not restricted on buildable area or prevented from utilizing their property. The dimensions and lot shape are specific to the subject site and create a hardship for the site to accommodate new construction. An equal scope of work and square footage may not be achieved elsewhere on the property due to the depth of the site. The subject site has a depth that is approximately 30 feet less than the average depth of surrounding properties. Therefore, the literal interpretation and application of this article deprives the applicant of rights commonly enjoyed by other properties in the same vicinity and zone in which the property is located.
- C. The exceptional or extraordinary conditions or circumstances do not result from the actions of the applicant. The subject site is best described as a uniquely shaped lot, and is not able to meet all applicable development standards with a legal nonconforming lot depth of only 70 feet which is not in conformance with the average depths of adjacent lots. The 70 foot depth is an existing nonconformity and not a result from actions of the applicant. The applicant assumed the challenges of the nonconforming use upon purchase but did not take any action to create or exacerbate the unique condition of the subject site.
- D. Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or building in the same vicinity and zone in which the property is located. The granting of this Variance does not allow the applicant a special privilege that is denied to other properties. The applicant's request for a reduced rear yard setback of 10 feet is a modification that may be granted by the Commission per section 9534.20 of the Downey zoning code for lots having restricted depths. Granting of a Variance will allow the applicant to gain some of the rights automatically given to properties with standard shapes and lot dimensions. For point of reference, a reduced rear yard setback of 4 feet is found at the property directly to the southwest of the subject site with similar lot dimensions, which was approved by the Planning Commission in 1986. The subject site's irregular depth does not confer any special privilege that is denied by this chapter to other lands in this same zone. The granting of a Variance will restore the subject site's ability to develop in conformance with surrounding properties. Additionally, the subject site will be required to comply with all other development standards like floor area ratio, building height, and side setbacks.
- E. The granting of such variance will be in harmony and not adversely affect the General Plan of the City. The project will be in harmony with the City's General Plan. The General Plan Land Use designation for the subject site is Low Density Residential and is in compliance with Policy 1.4.2, which states "Promote residential construction that complements existing neighborhoods." Staff has analyzed the surrounding neighborhood and has found that this construction is consistent with the existing neighborhood in that the reduced setback has also been granted to similar properties within the neighborhood. Additionally, Staff has

worked with the applicant to ensure that the architectural style and quality of the proposed addition will be compatible with the architecture of the existing home and the surrounding neighborhood. The proposed scope of work is within harmony and does not adversely affect the following policies: Goal 8.1 – Promote quality design for new, expanded, and remodeled construction. Policy 8.1.1 – Promote architectural design of the highest quality. Program 8.1.1.2 – Assist homeowners and builders by providing design guidelines to illustrate good design. These goals are most typically achieved by allowing new construction that is consistent, compatible, and similar in character to the surrounding neighborhood.

- F. The reasons set forth in the application justify the granting of the variance and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. The lot depth of the subject site is at least 30 feet less in depth than most surrounding properties and therefore is a uniquely shaped lot. Most of the properties within this neighborhood have a buildable depth of 60 feet, while the subject site currently has 30 feet. This Variance, if approved, will allow 45 feet of buildable depth for the subject site instead of 30 feet. Although this buildable depth is not equivalent to the 60 feet of buildable depth that most of the surrounding properties have, it brings the subject site closer to compliance. With the approved addition, the property will maintain proportion to the size of the lot by complying with the Floor Area Ratio, side setbacks, and open space development standards for this land use designation.

SECTION 4. Based upon the findings set forth in Sections 1 through 3 of this resolution, the Planning Commission of the City of Downey hereby approves Variance (PLN-20-00102) subject to conditions of approval attached hereto as Exhibit A, which are necessary to preserve the health, safety and general welfare of the community and enable the Planning Commission to make the findings set forth in the previous sections. The conditions are fair and reasonable for the accomplishment of these purposes.

SECTION 5. The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 3rd day of February, 2021

Miguel Duarte, Chairman
City Planning Commission

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Downey at a regular meeting thereof held on the 3rd day of February, 2021, by the following vote, to wit:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:

Mary Cavanagh, Secretary
City Planning Commission

VARIANCE (PLN-20-00102)
EXHIBIT A - CONDITIONS

PLANNING

- 1) The approval of this Variance (PLN-20-00102) allows for the reduction of a rear setback from 20 feet to 10 feet to allow for a 491 square foot addition to the rear of the dwelling as shown on the plans date stamped December 14, 2020.
- 2) This Variance (PLN-20-00102) shall not be construed to mean any waiver of applicable and appropriate zoning regulations, or any Federal, State, County, and City laws and regulations. Unless otherwise expressly specified, all other requirements of the City of Downey Municipal Code shall apply.
- 3) The use approved herein must be executed within one year of Planning Commission approval or shall be subject to revocation where this approval will be deemed null and void.
- 4) The Variance allowed for the reduction of the rear setback requirement from 20 feet to 10 feet. This 491 square foot rear addition shall be in complete compliance with all other development standards within the Downey Municipal Code that pertain to the subject site.
- 5) The Planning Commission reserves the right to revoke or modify this approval if the proposed use becomes a public nuisance, finds the permit was obtained by fraud, the approved use is not being exercised, the approved use is operated in violation of the terms and conditions contained herein, or the approved use ceased or was suspended for one year or more.
- 6) The Owner/Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicant's expense, City and City's agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided in Government Code Section 66499.37 to attack, review, set aside, void or annul the approval of this resolution, to challenge the determination made by City under the California Environmental Quality Act or to challenge the reasonableness, legality or validity of any condition attached hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which City receives notice, and City will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligations of this condition.
- 7) The City Planner is authorized to make minor modifications to the approved preliminary plans or any of the conditions if such modifications shall achieve substantially the same results as would strict compliance with said plans and conditions.
- 8) All exterior lights on the property shall be directed, positioned, and/or shielded such that they do not illuminate surrounding properties.

- 9) The approved architectural elements shall be as noted in the approved plans to be compatible with the existing structure at the subject site. Modifications to the facades and/or colors shall be subject to the review and approval of the City Planner if such modifications achieve substantially the same result as would strict compliance with said plans.

BUILDING

- 10) All construction shall comply with the most recent adopted City and State building codes:
2019 California Building Code
2019 California Residential Code
2019 California electrical Code
2019 California Mechanical Code
2019 California Plumbing Code
2019 California Fire Code
2019 California Green Code
- 11) Special Inspections – As indicated by California Building Code Section 1704, the owner shall employ one or more special inspectors who shall provide special inspections when required by CBC section 1704. Please contact the Building Division at time of plan submittal to obtain application for special inspections.
- 12) The Title Sheet of the plans shall include: Occupancy Group, Occupant Load, Description of use, Type of Construction, Height of Building, Floor area of building(s) and/or occupancy group(s)
- 13) School impact fees shall be paid prior to permit issuance.
- 14) Dimensioned building setbacks and property lines, street centerlines and between buildings or other structures shall be designed on plot plan.
- 15) All property lines and easements must be shown on plot plan. A statement that such lines and easements are shown is required.
- 16) The project design will conform with energy conservation measures articulated in Title 24 of the California Code of Regulations and address measures to reduce energy consumption such as flow restrictors for toilets, low consumptions light fixtures, and insulation and shall use to the extent feasible draught landscaping.

FIRE

- 17) The occupancy use, design, and construction shall comply with the most recently adopted code requirements set forth in the California Building and Fire Codes.

END OF CONDITIONS

Consultantes:

NOTES:

These plans are the sole property of *Drafttech Design Co.*, not be used in any other project except the one intended to. In the event these plans are used without permission you will be expected to pay full amount of plans plus legal fees.

Drafttech Design Co.
date

Notes:

It is the responsibility of the person working as the contractor to perform the following before starting construction.

- 1) Contractor must verify all dimensions prior to commencing construction.
- 2) Contractor must verify all details and conditions prior to commencing construction.
- 3) Contractor must verify compliance with all local BUILDING CODES in the City the home to be constructed.
- 4) Do not scale plans any discrepancies notify the Designer or the Engineer of record before constructing.

Revisions:

No.	Date	Description
△	12-9-20	Planning
△		

Project for:

Mr. & Mrs. M. Terrazas
(562) 965-7543

Project Address:

11720 Norlain Ave.
Downey, Ca. 90241

Title Sheet:

New FLOOR PLAN

Job No.:

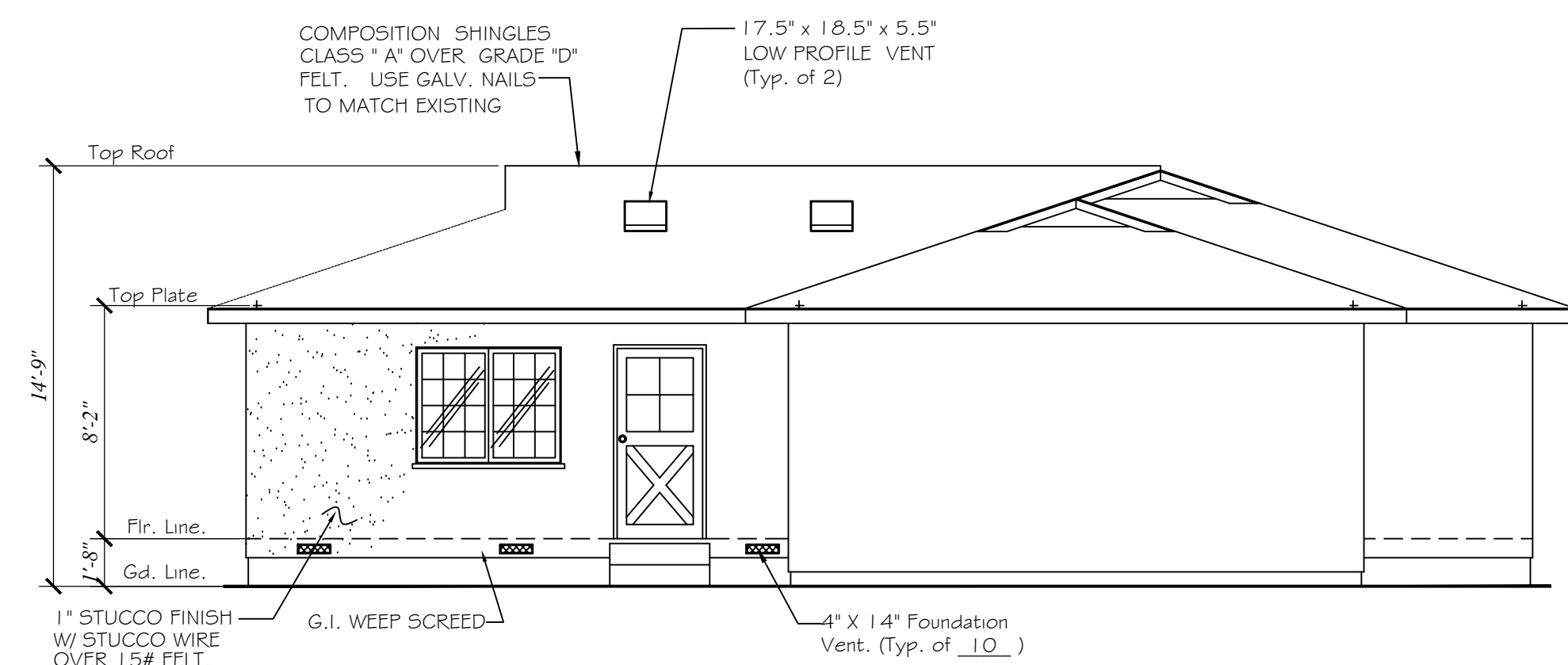
Date: 09/10/20

Scale: 1/4"=1'-0"

Drawn by:

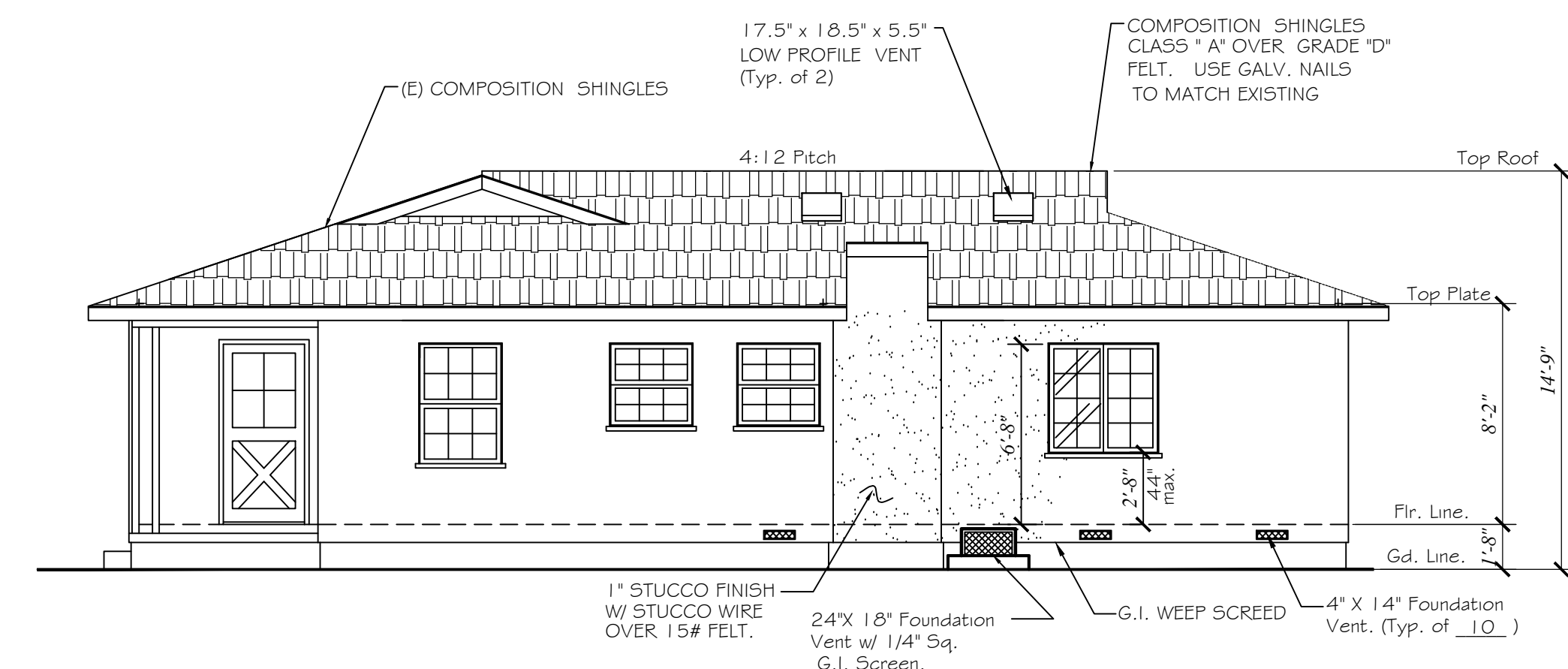
Checked by:

Sheet No.: **A-1.0**



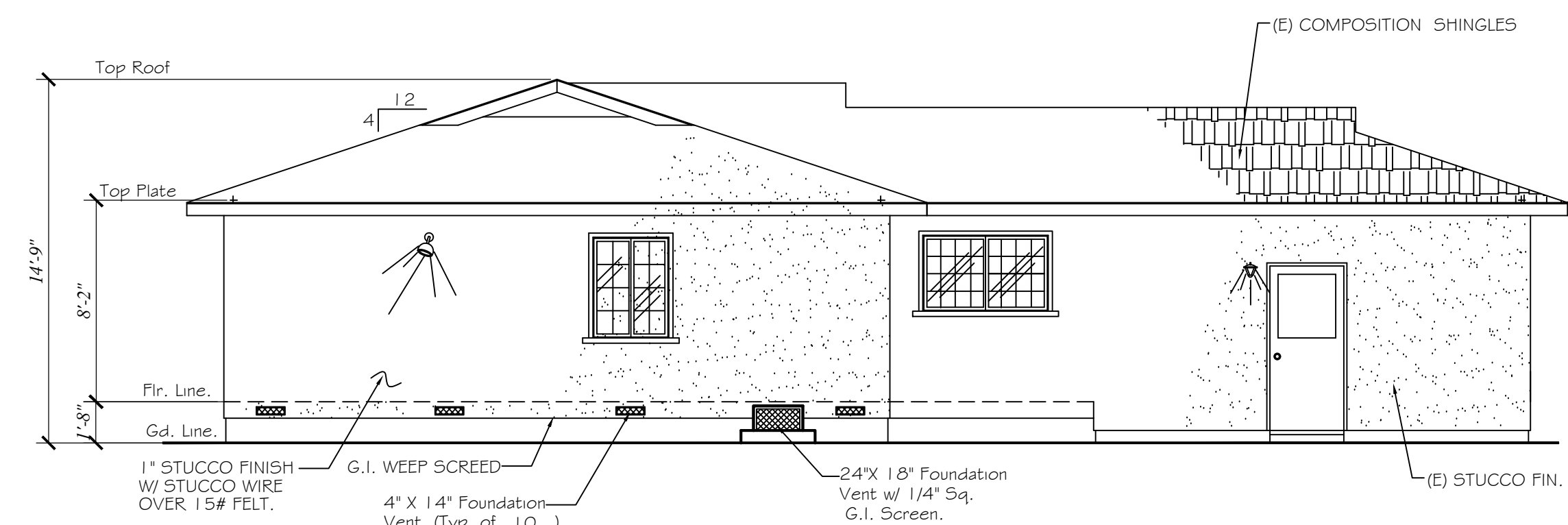
NORTH

SCALE: 1/4" = 1'-0"



SOUTH

SCALE: 3/16" = 1'-0"



EAST

SCALE: 1/4" = 1'-0"

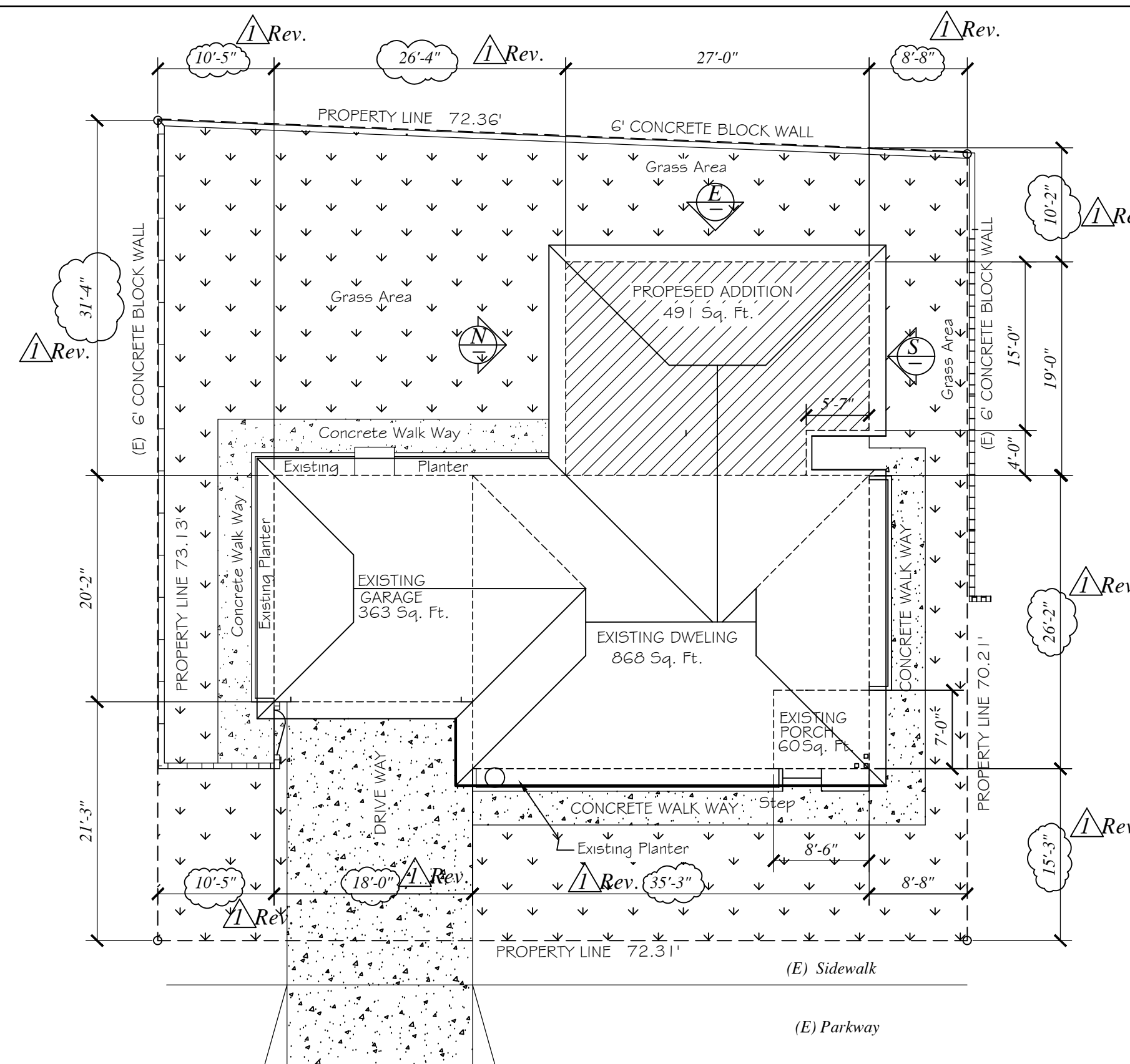
GENERAL NOTES

1. Concrete Strength: 2,500 psi @ 28 days. Use type V cement
2. Steel reinforcement: Grade 40, deformed.
3. Anchor bolts: 1/2"Ø X 10" long w/ 2-1/2" x 2-1/2" x 3/16" steel washers.
4. Lumber: Use Douglas Fir, Larch No. 2 or better unless otherwise on framing plans.
5. Stucco lath and drywall shall be nailed to all studs and top-bottom plates.
6. Use 2-15# felt backing when stucco is applied over plywood, UBC Sec. 2501.4.
7. Use 2-15# felt backing when stucco is applied over plywood, UBC Sec. 2501.4.
8. All work shall comply with the following codes including local amendments.

2019 California Residential Code (CRC)
2019 California Mechanical Code (CMC)
2019 California Plumbing Code (CPC)
2019 California Electrical Code (CEC)
2019 California Energy Efficiency Standards (CEES)
2019 California Green Building Standards (CGBS)
City of Downey Municipal Code

" LOT SCOPE "

Lot Area: =5182.46 Sq. Ft.
Existing Dwelling: 868 Sq. Ft.
Proposed Addition: 491 Sq. Ft.
Proposed Total Dwelling: 1,359 Sq. Ft.
(E) Garage: 363 Sq. Ft.
(E) Porch: 60 Sq. Ft.
Proposed Total Lot Coverage: 1,782 Sq. Ft / 5182.46 = 34%
Proposed F.A.R.: 1,419 Sq. Ft / 5182.46 = 27%



KEY TO ADDITION

- [Solid Line] = EXISTING DWELLING
- [Hatched Area] = NEW ADDITION

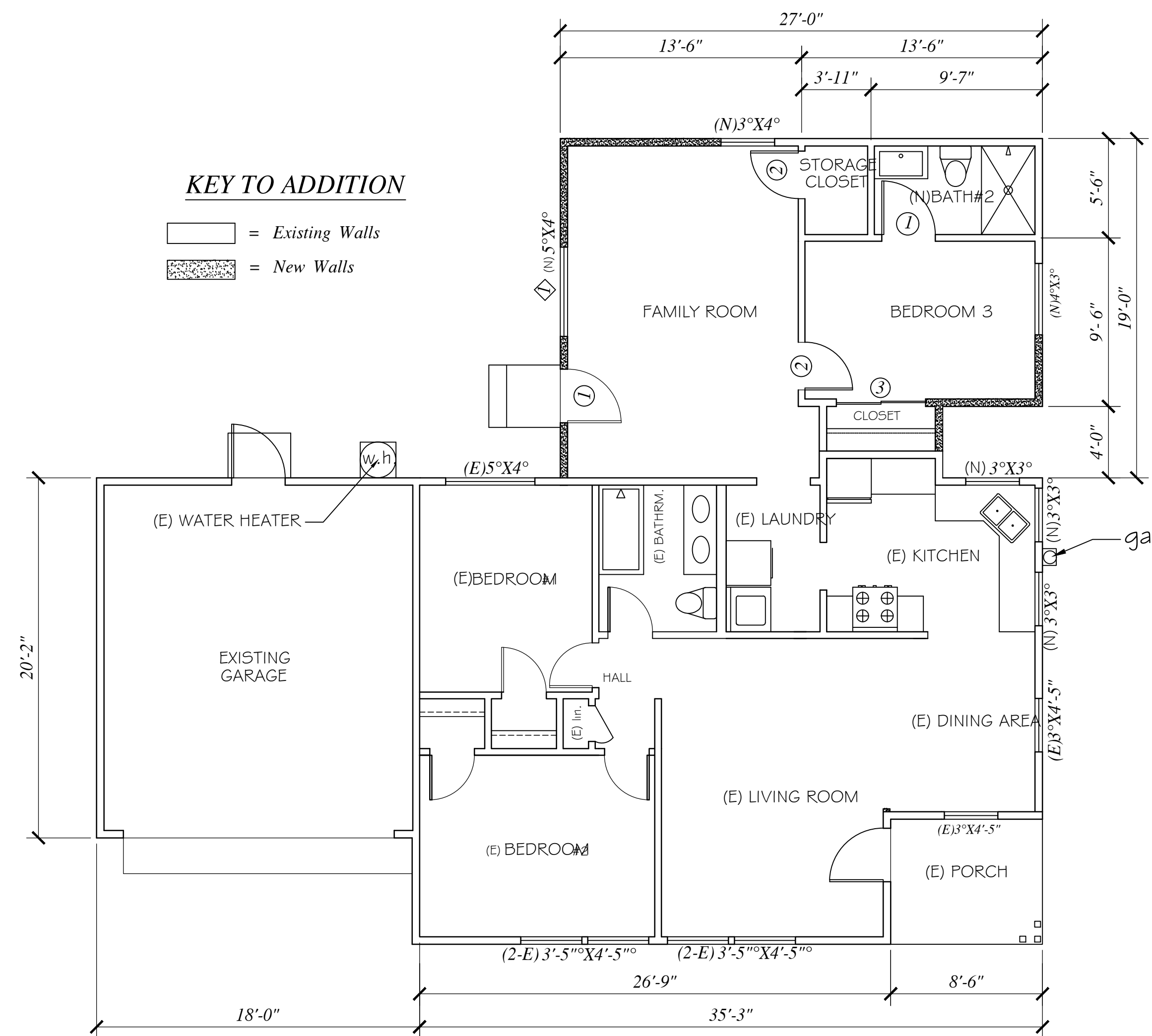
← 11720 Norlain Ave. →

PLOT PLAN

SCALE: 3/32" = 1'-0"

KEY TO ADDITION

- [Solid Line] = Existing Walls
- [Hatched Area] = New Walls



Floor Plan

Scale: 3/16" = 1'-0"

DATE: FEBRUARY 3, 2021

TO: PLANNING COMMISSION

SUBMITTED BY: ALDO E. SCHINDLER, DIRECTOR OF COMMUNITY DEVELOPMENT

REVIEWED BY: CRYSTAL LANDAVAZO, CITY PLANNER

PREPARED BY: GUILLERMO ARREOLA, PRINCIPAL PLANNER

SUBJECT: **PLN-19-00192 (RECIND PRIOR APPROVAL AND REPLACE WITH NEW APPROVAL INCORPORATING SAME CONDITIONS) – A REQUEST TO ALLOW A 2,284 SQUARE FOOT EXPANSION TO AN EXISTING 945 SQUARE FOOT RESTAURANT, EXTERIOR FAÇADE REMODEL, OUTDOOR SEATING AREA, AND LIVE ENTERTAINMENT.**

LOCATION: 8100-8104 FIRESTONE BOULEVARD

ZONING: DDSP (DOWNTOWN DOWNEY SPECIFIC PLAN)

REPORT SUMMARY

After scheduling this project for a public hearing, the applicant submitted revised plans and is requesting the public hearing be continued.

RECOMMENDATION

Staff recommends the Planning Commission continue the public hearing as requested by the applicant so they can complete their new proposed changes.

ATTACHMENT:

- January 21, 2021 – Applicant Letter – Request for Continuance

RESOLUTION NO. ____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY EXPRESSING ITS
APPRECIATION AND COMMENDATION TO**

Steven Dominguez

FOR HIS SERVICES AS A MEMBER OF THE DOWNEY PLANNING COMMISSION

WHEREAS, Steven Dominguez was appointed to the Planning Commission from District No. 3 on January 10, 2017 and served until January 12, 2021; and

WHEREAS, Steven Dominguez served in this capacity with dedication, giving freely of his time to continue to promote and assist in the orderly development of his community; and

WHEREAS, Steven Dominguez has continued to support and encourage modern City Planning concepts for the betterment and welfare of our community.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF DOWNEY:

The Planning Commission of the City of Downey extends its sincere gratitude to Steven Dominguez for the service he performed as Planning Commissioner, and the contribution of his experience during his 4 years of service to the community.

INTRODUCED, READ, AND ADOPTED by the Planning Commission of the City of Downey on the 3rd day of February, 2021 by a unanimous vote in favor of this resolution.

Miguel Duarte, Chairman, District 1

Patrick Owens, District 2

Jimmy Spathopoulos, District 4

Arturo Montoya, District 3

Horacio Ortiz Jr., District 5

ATTEST:

Mary Cavanagh, Secretary

RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY EXPRESSING ITS
APPRECIATION AND COMMENDATION TO**

Nolveris Frometa

FOR HIS SERVICES AS A MEMBER OF THE DOWNEY PLANNING COMMISSION

WHEREAS, Nolveris Frometa was appointed to the Planning Commission from District No. 5 on March 27, 2018 and served until January 12, 2021; and

WHEREAS, Nolveris Frometa served in this capacity with dedication, giving freely of his time to continue to promote and assist in the orderly development of his community; and

WHEREAS, Nolveris Frometa has continued to support and encourage modern City Planning concepts for the betterment and welfare of our community.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF DOWNEY:

The Planning Commission of the City of Downey extends its sincere gratitude to Nolveris Frometa for the service he performed as Planning Commissioner, and the contribution of his experience during his 1 year and 10 months of service to the community.

INTRODUCED, READ, AND ADOPTED by the Planning Commission of the City of Downey on the 3rd day of February, 2021 by a unanimous vote in favor of this resolution.

Miguel Duarte, Chairman, District 1

Patrick Owens, District 2

Jimmy Spathopoulos, District 4

Arturo Montoya, District 3

Horacio Ortiz Jr., District 5

ATTEST:

Mary Cavanagh, Secretary

**DRAFT MINUTES
DOWNEY CITY PLANNING COMMISSION
WEDNESDAY, JULY 1, 2020
CITY COUNCIL CHAMBERS, 11111 BROOKSHIRE AVENUE
DOWNEY, CALIFORNIA
6:30 P.M.**

Chair Duarte called the July 1, 2020, Regular Meeting of the Planning Commission to order at 6:41p.m., at Downey City Hall, 11111 Brookshire Avenue, Downey, CA. After the flag salute, Secretary Cavanagh called roll.

COMMISSIONERS PRESENT: Steven Dominguez, District 3
Patrick Owens, District 2
Dimitrios Spathopoulos, District 4
Miguel Duarte, District 1, Chair

COMMISSIONERS ABSENT: Nolveris Frometa, District 5, Vice Chair

OTHERS PRESENT: Aldo E. Schindler, Director of Community Development
Yvette Abich Garcia, City Attorney
Crystal Landavazo, City Planner
Guillermo Arreola, Principal Planner
Irving Anaya, Associate Planner
Mary Cavanagh, Secretary
Scott Loughner, Downey Police Department Lieutenant

PLANNING COMMISSIONER ANNOUNCEMENTS; REQUEST FOR FUTURE AGENDA ITEMS; AND CONFERENCE/MEETING REPORTS: None.

PRESENTATIONS: None.

REPORT ON CITY COUNCIL ACTION: None.

PUBLIC HEARINGS:

- 1. PLN-20-00032 and PLN-19-00198 (Conditional Use Permit and Minor Conditional Use Permit):**
Chair Duarte opened the public hearing for PLN-20-00032 and PLN-19-00198 and Ms. Cavanagh affirmed proof of publication.

Associate Planner Irving Anaya presented the request for a for a Minor Conditional Use Permit (MCUP), to allow a new restaurant, "Dirt Dog", to construct a 300 square foot outdoor dining area; and a Conditional Use Permit (CUP) to allow the new restaurant to operate with an Alcohol Beverage Control (ABC) Type 41 (On Sale Beer and Wine – Eating Place) license. The subject site is located within a commercial center at 9414 Firestone Boulevard, and zoned C-2 (General Commercial). The surrounding uses include C-2 (General Commercial) to the east, R-3 (Multi-Family Residential) to the south, SP 91 (Lakewood/Firestone Specific Plan) to the west, and properties to north, across Firestone Boulevard are zoned C-1 (Neighborhood Commercial) and P-B (Parking Buffer). The outdoor dining area shall be enclosed with 42" tall metal posts with a cable railing fence and hanging string lights to accommodate the new 300 square foot outdoor dining area. A new planter area will be landscaped and serve as a buffer between pedestrians and the dining area, including ADA access from both the interior and exterior, located within the new landscaped area. The request to sell beer and wine is for both the indoor and outdoor dining areas; therefore, Staff has included a condition of approval restricting alcohol

beyond the outdoor dining area. The hours of operation are daily, from 10:30 a.m. to 11:30 p.m. This application was presented to the Development Review Committee, at which time there were no expressed concerns and standard conditions of approval were applied.

The Commissioners discussed options to address safety concerns for the outdoor dining area that faces the heavily traveled street Firestone Boulevard.

Public Comments: None.

Applicant Kenny Dang, together with Gary & Associates Architects John Pangilinan and Miguel Topete, discussed the Commission's concerns and agreed to install bollards for safety purposes.

City Planner Landavazo proposed adding the following condition to address safety concerns pertaining to the outdoor dining area:

22) Provide appropriate vehicle safety improvements in the form of decorative bollards or similar items, subject to approval of the Deputy Director of Public Works and the City Planner.

It was moved by Commissioner Dominguez, seconded by Commissioner Owens, and passed by a 4-0-1 vote, with Vice Chair Frometa absent; to adopt Resolution No. 3124, thereby approving the request(s) for a Minor Conditional Use Permit (PLN-19-00198) and Conditional Use Permit (PLN-20-00032).

2. PLN-20-00029 (Site Plan Review and Conditional Use Permit): Chair Duarte opened the public hearing for PLN-20-00029 and Ms. Cavanagh affirmed proof of publication.

Principal Planner Guillermo Arreola presented the request for a Site Plan Review, to allow a vacant commercial property to be remodeled into a new bar/lounge, and a Conditional Use Permit to operate the establishment with live entertainment and an Alcohol Beverage Control (ABC) Type 48 (On-Sale General – Public Places) license. The subject site is located at 11002 Downey Avenue within the Downtown Downey Specific Plan (DDSP), surrounded by mixed commercial and residential uses. The proposed hours of operation are daily, from 4:00 p.m. to 2:00 a.m. with live entertainment hours from 9:00 p.m. to 1:00 a.m. (musicians and/or bands).

Principal Planner Arreola explained the proposed ABC Type 48 license is limited to bars and nightclubs and the service of food is not required. The bar/lounge proposes to operate without a kitchen, offering prepackaged food such as cheese dishes, olive plates and charcuterie platters. The proposed remodel includes foldable doors/windows along the north and west side and outdoor seating. The Downtown Downey Specific Plan (DDSP) does allow outdoor dining, but it is only allowed in conjunction with a restaurant or similar use.

Staff expressed concern that adding foldable doors/windows to the bar/lounge may lead to the placement of tables and chairs in the area in front of the planter thus creating an outdoor drinking area because meals are not provided by the proposed business.

This application was reviewed by the Development Review Committee; conditions were applied, including the Police Department's requirement to submit a security plan. The Police Department stated their concerns associated with the foldable doors/windows: 1) potential security and noise impacts, 2) issues related to the service of alcohol in close proximity to the public right-of-way; 3) lack of supervision of the north seating area; 4) need for a barrier to separate the activity in the exterior areas from the sidewalk.

Principal Planner Arreola stated Staff worked diligently with the applicant so that a positive recommendation could be made; however, they reached a stalemate and the applicant chose to present the project to the Planning Commission as proposed. He explained that based on the analysis provided, Staff was unable to make the required findings necessary to recommend approval of this project and recommended that the Planning Commission deny the request for a Conditional Use Permit and a Site Plan Review (PLN-20-00029).

The Commissioners discussed the following with Staff:

- The location and design of the project are ideal for the downtown area
- Foldable doors are noncompliant with the Downey Municipal Code (DMC) and concerns pertaining to spillage or expansion of the bar activity into the public right-of-way
- ABC regulations pertaining to open air Restaurants, bars and similar uses
- Police Department concerns with security, the number of guards needed, and potential for outdoor alcohol consumption
- Hours of operation for both the business and live entertainment
- Location of live entertainment (band/musician) and the potential noise impact to surrounding uses
- Options to add conditions to control potential spillage from blocking the public right-of-way in order to keep the foldable doors
- The seating area along 3rd street and live entertainment locations are not shown on the plans
- ADA accessibility; once tables, chairs and planters are installed there is no room in the public right-of-way to accommodate accessibility on the sidewalk.
- Former Mi Cielo roof top bar received noise complaints from residential neighbors
- Land uses must be considered for current and future uses and the potential impacts
- Clarification of the DDSP allowance for a bar in the downtown area, and the distinction between a restaurant and a bar.
- Staff's endeavors in working with the applicant to reach a positive recommendation and the applicant's commitment to the proposed design and decision to move forward with the project and have the Planning Commission make the final determination.
- Continuing the public hearing to give the applicant time to address insufficiencies in the proposal.

Applicant, Simon Simonian stated his intent for the bar/lounge is to enhance the downtown area by creating a lounge that is aesthetically pleasing, while providing an environment for a 30 and over crowd. He read the DMC regulations pertaining to outdoor dining and interpreted the term "similar uses" to mean "any uses that serve food". Being that the bar/lounge will serve prepackaged food and charcuterie platters, he concluded it would therefore be considered the same as a restaurant. He made note that his primary concern with the project is the design, and he will adhere to the decision of the Planning Commission.

The Commissioners spoke in favor of the design and location. They considered live entertainment to be an asset for the lounge with a limit to the number of musicians allowed and live entertainment, and stated signage is needed to inform the public there is no smoking and no drinking beyond a set perimeter.

Dial-in Public Comments:

Mr. Gabriel, residing on 5th Street in Downtown Downey, spoke highly of the applicant and the project. He expects it will be successful and a good fit for the downtown area.

Alma Padilla, a 22-year Downey resident spoke highly of the applicant and the project. She stated the City has been in need of a high end establishment and this will be a great place for networking and enjoying cocktails with background music that will allow a conversation.

Rebecca Reyes, a Downey Resident since 1994, spoke in favor of the project. She believes the project will provide a great atmosphere for the downtown area and a great place to hold community meetings.

Marisol Castillo, Downey business owner and 15-year Downey resident, spoke in favor of the project. She said it will benefit the community, as a quiet place for business owners to get together in a quiet and comfortable setting.

Email Correspondence(s) Public Comments:

Received: Wednesday 7/1/2020 4:03 p.m.

From: Family Reyes resident of Downey, stated support for the project as a resident for over 30 years. He stated new businesses in the downtown add value to the City.

Received: Wednesday 7/1/2020 at 4:03 p.m.

From: Stephanie Silva advocated for the project. Looks forward to the opening of the project and believes it will attract a tranquil environment.

Best Regards,
Stephanie Silva

In person Public Comments:

Susana Norris, 10216 Western Avenue spoke in favor of the project. She spoke highly of the design and location of the lounge and believes Downey would benefit from an elegant lounge that caters to business persons.

Alexandra Haynes, 30-year Downey Resident, spoke in favor of the project. She owns (2) two businesses in Downey, (1) one is in the Downtown area, and stated the project would benefit her business by having an upscale lounge to take her clients, or hold fund raisers without the disruption of a younger crowd.

Monica Vargas, Downey business owner spoke in favor of the project and commented that there are enough clubs and bars in the area. The lounge will be a good place to take clients and/or host fundraisers and will bring more business to the City of Downey.

Lilian Simonian spoke in favor of the project as both a Downey resident and the applicants' spouse. She was pleased to work with her husband in her trade as an LA County Dietician to create a menu that offers healthy food for the Bella Lounge. They are strong believers in giving back and believe the lounge would be a nice place for local charities to hold fundraisers.

Dr. Daniel Martinez, Downey resident, spoke in favor of the project and highly of the applicant. He said it is a new concept for Downey and believes the lounge will be a benefit to the community and a nice safe environment to enjoy cocktails and a meal.

Carlos J. Martinez, Downey resident and business owner, spoke in favor of the project. He stated the foldable doors would be a benefit during the COVID Pandemic and benefit the city. He said Downey is need of an upscale quiet place to meet and talk with clients and hopes the Planning Commission finds a way to make the project work and approve it.

David Gonzalez, Downey Resident and business owner in favor of the project and the applicant. He found the design to be a modern, progressive design and a concept that will cater to patrons 30 years

and over, will complement the downtown area, and be a source of pride for the city. He concluded, the foldable doors and outdoor seating would be an asset during the Covid-19 Pandemic and will become the norm.

George Cervantes, Downey resident and business owner spoke in support of the applicant and project. He said that he is over 40 and would love to have a nice place to relax, have cocktails and conversations. He approves of the design and believes the lounge will also beautify the downtown.

Jacquelyn Gamiz, spoke in favor of the project. She complimented the design and said it is a place where she can spend time with friends and it is needed in the city.

There being no further public comments, Chair Duarte closed the public hearing and called for a break at 8:41 p.m., and reconvened the meeting at 8:52 p.m.

Commissioner Dominquez asked if the Police Department can provide the number of noise related calls for service for the applicant's (3) three Downey businesses.

Lieutenant Scott Loughner informed the Commission that he did not have information pertaining to the former Palms Restaurant located at 8060 Florence Avenue because it was recently acquired by the applicant. Specific to the downtown businesses, there were 31 calls for service related to Joseph's Bar and Grill, 10 were for disturbances and 21 for assaults, suspicious events, vandalism and domestic disturbance. Similar establishments located on Downey Avenue received the following calls for service: BRB Restobar had 10 calls, Mambo Grill had 3 calls and the Mosaik Lounge, which Mr. Simonian took over in June of 2019, had 2 calls for service.

The Commissioners spoke in favor of the design and location of the site for the downtown area. They discussed options to add conditions to reach a positive result. After much discussion, they were unable to support the project as presented and recommended continuing the public hearing. The Commission directed Staff to work with the applicant and include the Commission's recommendations to provide a detailed security plan; details pertaining to live entertainment location; and modify the hours of operation to be consistent with other establishments in the downtown area; and, return for approval.

City Planner Landavazo requested clarification as to the date of the continuation and advised the Commission that there is not enough time to prepare the item for the next meeting on July 15th because those deadlines had already passed. She suggested that in order to work with the applicant in resolving the stated issues and return with a Resolution to approve the application, the Commission continue to a date uncertain, and direct Staff to work with the applicant and return with a Resolution of approval.

Director of Community Development Aldo Schindler advised the applicant, if the item is continued, he must submit the documents that were not provided during this hearing in order to reach a positive outcome.

Chair Duarte reopened the public hearing at 9:30 p.m. and asked the applicant if he would agree to work with Staff to submit required items and return with a positive resolution.

Mr. Simonian was not agreeable to continue the public hearing to a date uncertain. He stated that he was ready to get his business started and did not want further delays.

Director Schindler explained the Commission has stated they don't have enough information to approve as presented and they will need additional information and revised plans. He stated that Staff can have the item ready for the August 5th meeting, provided he submitted his additional information quickly.

Mr. Simonian agreed to submit his items and agreed to the August 5th continuation.

It was moved by Commissioner Owens, seconded by Commissioner Spathopoulos, and passed by a 4-0-1 vote, with Vice Chair Frometa absent, to continue the public hearing for a Conditional Use Permit PLN-20-00029, to the August 5, 2020 Planning Commission Meeting and direct Staff to work with the applicant and return with a Resolution for approval.

NON-AGENDA PUBLIC COMMENTS: None.

CONSENT CALENDAR ITEMS:

3. Approval of the Minutes from March 4, 2020

It was moved by Commissioner Spathopoulos, seconded by Commissioner Dominguez, and passed by a 3-0-1-1 vote, with Commissioner Owens abstaining and Vice Chair Frometa absent; thereby approving the Consent Calendar.

OTHER BUSINESS: None.

STAFF MEMBER COMMENTS: Director Schindler informed the Commission, that the City of Downey has implemented two new programs related to the COVID 19 pandemic. 1) A Rental Assistance Program to assist residents who have been affected by the pandemic and are income eligible. He said the program is filling up quickly and urged the Commission to spread the word. The second is for Outdoor Dining. The program is to assist Downey restaurants to achieve 100% of their occupancy with outdoor dining. The programs were advertised on the City website, social media, the Downey Latino and Downey Patriot newspapers.

ADJOURNMENT: Chair Duarte adjourned the meeting at 9:53 p.m., to Wednesday, July 15, 2020, at 6:30p.m., at Downey City Hall, 11111 Brookshire Ave.

APPROVED AND ADOPTED this ___ day of _____, 2021.

Miguel Duarte, Chair
City Planning Commission

I HEREBY CERTIFY that the foregoing Minutes were duly approved at a Regular meeting of the Planning Commission held on this ___ day of _____, 2021, by the following vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

Mary Cavanagh, Secretary
City Planning Commission

**DRAFT MINUTES
DOWNEY CITY PLANNING COMMISSION
WEDNESDAY, JULY 15, 2020
CITY COUNCIL CHAMBERS, 11111 BROOKSHIRE AVENUE
DOWNEY, CALIFORNIA
6:30 P.M.**

Chair Duarte called the July 15, 2020, Regular Meeting of the Planning Commission to order at 6:35p.m., at Downey City Hall, 11111 Brookshire Avenue, Downey, CA. After the flag salute, Secretary Cavanagh called roll.

COMMISSIONERS PRESENT: Steven Dominguez, District 3
Patrick Owens, District 2
Dimitrios Spathopoulos, District 4
Nolveris Frometa, District 5, Vice Chair
Miguel Duarte, District 1, Chair

COMMISSIONERS ABSENT: None

OTHERS PRESENT: Aldo E. Schindler, Director of Community Development
Yvette Abich Garcia, City Attorney
Crystal Landavazo, City Planner
Guillermo Arreola, Principal Planner
Mary Cavanagh, Secretary

PLANNING COMMISSIONER ANNOUNCEMENTS; REQUEST FOR FUTURE AGENDA ITEMS; AND CONFERENCE/MEETING REPORTS: None

PRESENTATIONS: None

REPORT ON CITY COUNCIL ACTION: Director of Community Development Aldo reported the City Council approved: 1) a Zone Change to allow the construction of a medical office building at 9432 Telegraph Road, 2) reduced public speaking time from 5 minutes to 3 minutes to mirror that of the City Council, and 3) the Council received the Downtown Parking Study.

PUBLIC HEARINGS:

1. **PLN-20-00042 (Zone Code Amendment)**: Chair Duarte opened the public hearing for PLN-20-00042 and Ms. Cavanagh affirmed proof of publication.

City Planner Crystal Landavazo presented the request for a Zone Code Amendment of the Downey Municipal Code (DMC), to allow electrified fencing in manufacturing zones throughout the City. The applicant is seeking the Code Amendment to introduce installation standards that were adopted by the California Assembly Bill (SB) 582; however, the State bill did not require that all cities allow electrified security fencing. The current DMC explicitly prohibits the installation of electrified fencing, but allows barbed wire on a limited basis for security or safety purposes in the M-1 and M-2 Zones if not visible from any public right-of-way, subject to the approval of Site Plan Review.

City Planner Landavazo informed the Commission, the request is for two fences; fencing would be required in front of the electrified fencing with significant signage to warn the public of potential danger, and the electrified security fencing would surround the perimeter of a property at 10 feet in height.

Electrified security fencing requires visibility and significant signage as a safety precaution to warn the public of the danger from the electric fencing. City Planner Landavazo stated that safety is an important element of the general plan and reiterated that the code already provides provisions for crime prevention that are consistent with all elements of the general plan. She emphasized the existing regulations require appropriate screening and review from the Planning Commission; approving the amendment would remove the Planning Commission from this process and limits the ability to apply screening. City Planner Landavazo explained that the Planning Division spent a significant amount of time with applicants to improve the aesthetics and use of materials on projects throughout the City to achieve the General Plan goal of creating a welcoming community. She presented renderings representative of the quality and standards that are being set throughout all areas of the City. The proposed amendment in Staff's opinion would create a stark contrast to these efforts. She further stated that if approved, United Rentals, a business located at 9606 Firestone Boulevard, would be the first to seek installation of electrified security fencing.

As the primary concern for this request is safety, Staff requested calls for service from the Downey Police Department for all manufacturing type uses within the manufacturing zones for the last five years. As part of this analysis, 135 businesses were evaluated, of which 47 addresses showed calls for theft or burglary for the (5) five year period. United Rentals showed (1) one call for larceny in 2015 and (1) one in 2016, with (0) zero calls for service for theft, larceny or burglary in 2017, 2018, 2019 and (7) seven calls for larceny in 2020. The Development Review Committee (DRC) reviewed the proposed amendment and identified concerns over the proximity of electrified security fencing into public right-of-ways, and the need for signage to ensure public and officer safety as well as maintenance concerns. The Fire Department noted a potential hazard could result from the accumulation of combustible waste and vegetation near the electrified fencing. Therefore, Staff requests the Planning Commission approve the resolution recommending the City Council deny the request for a Zone Code Amendment PLN-20-00042.

The Commissioners discussed the following with Staff:

- The Code Amendment would be citywide and change the language of the current code
- Different avenues and items built into the code that can be explored with an applicant
- Other type of security systems set in place that can be set in place other than electric fencing
- The calls for service

Applicant Keith Kaneko, Amarok LLC, presented request to allow electric security fencing in the City. He provided a PowerPoint presentation and discussed the General Plan's Security Element. He discussed the importance of security. He considered the element of security and crime prevention to be foundational and more as it supports the businesses and community as a whole. He reviewed the various systems his company offers for robbery, deterrence, detection and deployment. He stated the electrified fence portion protects businesses with an outdoor yard from criminals who cut into a fence, steal equipment, and are gone before Police arrive. He concluded, the increase in crime is due to the pandemic which is causing commercial burglary to increase in every city and businesses are suffering. He stated the system is OSHA compliant in safety and effectiveness, powered by a 12 volt battery and solar power, with an emergency shut off. He presented photos of existing clients' electric fencing. He considered the signage for electric fencing is itself a deterrent and confirmed the electric fence will be behind the perimeter fence meaning thieves have to trespass and in doing so will come into contact with the electric fence and receive a small shock.

The Commissioners thanked the applicant for his presentation and discussed the following with the applicant:

- The number of amps used
- Lack of information regarding biomedical effects
- Questions about causing a heart to stop

- The increased calls for service
- Size of the warning signs
- Locations of existing installations.

PUBLIC COMMENTS: None

The Commissioners discussed the need for security and concluded there are other methods to be explored; as such, they supported Staff in recommending the City Council deny the request for a Zone Code Amendment.

It was moved by Commissioner Dominguez, seconded by Commissioner Owens, and passed by a 5-0 vote, to recommend the City Council deny the request for a Zone Code Amendment PLN-20-00042.

NON-AGENDA PUBLIC COMMENTS: None

CONSENT CALENDAR ITEMS: None

OTHER BUSINESS: None

STAFF MEMBER COMMENTS:

Commissioner Spathopoulos asked if there is a time limit on presentations. Director Schindler stated there are no time restrictions for the applicants' presentations; the applicant is vested in their project and thus allowed to present their side. City Attorney Garcia agreed and added, should the presentation become repetitive or redundant, the Chair has the discretion to step in and move the applicant along in the presentation.

Director Schindler informed the Commission, in spite of the pandemic and the challenges we are all facing, the City has some fun public art that will be installed in the downtown in the near future. The City Council approved a public art plaza located on the southwest corner of Downey Avenue and 2nd Street, adjacent to the Porto's parking lot, in the landscaped area. One of the trees and some landscaping will be removed, and replaced with outdoor furniture and a public art piece to allow people to gather on that corner and help to stimulate that area. There are two (2) other art pieces to be installed in the downtown area, one on the corner of 4th Street and Downey Avenue, and the other will be installed on Downey Avenue in front of the Hall of Fame Deli.

Commissioner Owens informed Staff of a group of that gathers regularly at the southwest corner of 2nd Street to smoke cigars; he said its blight and he is hoping the enhancement will deter the smokers from gathering there.

ADJOURNMENT: Chair Duarte adjourned the meeting at 7:53 p.m., to Wednesday, August 5, 2020, at 6:30p.m., at Downey City Hall, 11111 Brookshire Ave.

APPROVED AND ADOPTED this ___ day of _____, 2021.

Miguel Duarte, Chair
City Planning Commission

I HEREBY CERTIFY that the foregoing Minutes were duly approved at a Regular meeting of the Planning Commission held on this ____ day of _____, 2021, by the following vote:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:

Mary Cavanagh, Secretary
City Planning Commission