



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

**RECOMMENDED ACTION**

- 2. **PLN-21-00111 (Site Plan Review) continued from December 1, 2021** **Approval**
  - Location: 10225 La Reina Avenue
  - Request: A request to construct a 3-unit multi-family development on property zoned R-3 (Multiple-Family Residential)
  - CEQA: Categorical Exemption – Section 15303 (Class 3, New construction or conversion of small structures)
  - Staff: Assistant Planner Gissel Enriquez
  - Contact: [genriquez@downeyca.org](mailto:genriquez@downeyca.org)  
562-904-7154
  
- 3. **PLN-19-00172 (Conditional Use Permit)** **Approval**
  - Location: 12002 Lakewood Boulevard
  - Request: A request to provide live entertainment in the form of a DJ, Monday through Sunday, at an existing restaurant, (El Pescador), on property zoned DLSP (Downey Landing Specific Plan)
  - CEQA: Categorical Exemption – Section 15301 (Class 1, Existing Facilities)
  - Staff: Principal Planner Guillermo Arreola
  - Contact: [garreola@downeyca.org](mailto: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 Commissioner requests separate actions. Anyone wishing to comment on 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.
4. September 15, 2021 Minutes
  5. December 1, 2021 Minutes
- IX. **OTHER BUSINESS:**
- X. **STAFF MEMBER COMMENTS:**
- XI. **ADJOURNMENT:** To Wednesday, January 5, 2022 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 therefrom 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](http://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](mailto: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 reunión 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 9<sup>th</sup> day of December, 2021

*Mary Cavanagh*

Mary Cavanagh  
Secretary, Planning Commission



**DATE:** DECEMBER 15, 2021

**TO:** PLANNING COMMISSION

**SUBMITTED BY:** ALDO E. SCHINDLER, DEPUTY CITY MANAGER/ COMMUNITY DEVELOPMENT

**REVIEWED BY:** CRYSTAL LANDAVAZO, CITY PLANNER

**PREPARED BY:** GISSEL ENRIQUEZ, ASSISTANT PLANNER

**SUBJECT:** **PLN-21-00111 (SITE PLAN REVIEW) – A REQUEST TO CONSTRUCT A 3-UNIT MULTI-FAMILY DEVELOPMENT ON PROPERTY ZONED R-3 (MULTIPLE-FAMILY RESIDENTIAL) LOCATED AT 10225 LA REINA AVENUE**

**LOCATION:** 10225 LA REINA AVENUE

**ZONING:** R-3 (MULTIPLE-FAMILY RESIDENTIAL)

**REPORT SUMMARY**

This is a request for a Site Plan Review (SPR) to construct a three-unit multifamily development. The applicant proposes to construct two-story residences, with the front building comprising of two attached residential units, each with a 2-car garage and the rear building consisting of one residential unit with a 2-car garage. The units vary in size with the smallest dwelling at 1,180 square feet and the largest at 1,457 square feet. The development is intended for rental use by a single owner and therefore, there is no parcel map associated with this request.

Based on the analysis contained in this report, staff is recommending the Planning Commission adopt the following titled resolutions:

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING A SITE PLAN REVIEW (PLN-21-00111), THEREBY ALLOWING THE CONSTRUCTION OF A MULTI-FAMILY DEVELOPMENT CONSISTING OF THREE RESIDENTIAL UNITS AND THREE TWO-CAR GARAGES LOCATED AT 10225 LA REINA AVENUE**

**BACKGROUND**

The subject site is currently developed with a single-family dwelling and a detached 2-car garage. All existing development is proposed to be demolished as a part of this project.

The subject site is 7,817 square feet, located within the R-3 zone (Multiple-Family Residential), and has a General Plan land use designation of Medium Density Residential. A majority of the surrounding neighborhood is developed as multi-family residential, however, the subject site

and its' adjacent properties are developed as single-family residential to the north, south, and west.

On August 12, 2021, the applicant filed a request for a Site Plan Review. Subsequently, the applicant was issued an incomplete letter on September 9, 2021. A complete letter was issued on November 16, 2021. On November 17, 2021, notice of the pending public hearing was published in the *Downey Patriot* and mailed to all property owners within 500 feet of the subject property.



Existing Front Elevation from La Reina Avenue

## **DISCUSSION**

The Site Plan Review process requires evaluations to the proposed site changes, landscaping, architecture, and compliance with the Downey Municipal Code. The proposed development includes demolition of the existing buildings onsite and the construction of two buildings proposed as residential rental units. There will be a total of three dwelling units, each with a two-car garage and private open space area of at least 224 square feet. The proposed development will mirror the same architectural style and composition as the property to the east at 10224 La Reina, a multi-family development approved on March 3<sup>rd</sup>, 2021. The project will reflect Spanish style of architecture and the units will be located within two separate two-story buildings. In addition to the three two-car garages, to serve the residences, the site will accommodate two guest parking spaces as required per the Downey Municipal Code. The driveway on site is designed with concrete and will have pavers within the front setback and then added throughout the driveway to break-up the monotony of the concrete.

The proposed three unit development will comply with all applicable development standards. As a point of reference, some major development standards for this project are as follows:

<b>Standard</b>	<b>Zoning Code Standards</b>	<b>Proposed</b>
Lot Coverage	50%	38.08%
Building Height	35 ft. / 3 stories	25'-10" / 2 stories

Setbacks: Front	15 ft. Min.	15 ft.
Rear (2 story building abutting an R-3)	15 ft. Min.	15 ft.
Side	5 ft. Min.	5 ft.
Parking	8 Spaces (6 covered, 2 guest parking)	8 spaces (6 covered, 2 guest parking)

All elements of the proposed Site Plan Review are in compliance, or are conditioned to comply, with the Downey Municipal Code.

*Architecture*

All buildings on the site are designed nearly identical in terms of material, colors and architectural elements layouts from adjacent property at 10224 La Reina. The mirroring of two adjacent developments will provide uniqueness and a sense of architectural authenticity to the neighborhood. The proposed design for all buildings is Spanish style architecture. The proposed development will continue to maintain a residential neighborhood appearance by orienting the front unit to face La Reina Avenue and include a walkway to the front unit. The other two units are oriented to the interior of the lot. To break up the massing of the structures, a front entry porch was incorporated to the entrances of the units as well as pop-outs on the second stories to add dimension.

The primary wall façade finish will be white smooth stucco. The colors and materials used for this project are commonly found throughout Spanish style architecture. The buildings will incorporate accent features such as clay tube vents to match the roof, wooden shutters, exposed rafter tails between the second and first floor, iron speakeasy window coverings, recessed windows, and wood header accents above and below the windows. Bougainvillea will be added on the façade, framing the garages, to further enhance a Spanish architectural style on the buildings and integrate modulation.

*Landscape*

The project will include 2,387 square feet of landscape area consisting mostly of drought tolerant landscape. The proposed landscaping will be colorful, full, and accent the design theme of the overall site. Landscaping will incorporate a tiered system consisting of grass, shrubs, and trees. The landscaping will include (5) five pacific madrone trees, flowering bougainvillea vines along some of the facades of the building, purple sage, hummingbird sage, purple trailing lantana, dwarf kangaroo paw, and dwarf bottlebrush.



Proposed Elevation from La Reina Avenue

### **DEVELOPMENT REVIEW COMMITTEE**

On September 2, 2021, the Development Review Committee (DRC) evaluated the project as it pertains to Planning, Police, Fire, Public Works, and Building and Safety matters and provided staff with comments and conditions. The Fire Department requires that the site install a fire hydrant with approved water supply capable of supplying the required fire flow for fire protection. The Public Works Department requires the construction of a new 4' wide and 4" thick concrete sidewalk along the property frontage. No additional departments expressed concerns or opposition over the project, and issued standard conditions. Recommended conditions of approval have been included in the attached Resolution to address potential impacts.

### **ENVIRONMENTAL ANALYSIS**

Staff has reviewed the proposed Site Plan Review for compliance with the California Environmental Quality Act (CEQA). Upon completion of this review, staff has determined that this request is categorically exempt from CEQA, pursuant to Guideline Section No. 15303 (Class 3 – New Construction or Conversion of small structures). Class 3 exemptions consist of projects up to 3 units in place of 1 single family residence.

### **FINDINGS**

Pursuant to Municipal Code Section 9820.08, there are seven (7) findings that must be adopted prior to approving a Site Plan Review. The findings are as follows:

- 1. The site plan is consistent with the goals and polices embodied in the General Plan and other applicable plans and policies adopted by the Council;**

The project's objective to revitalize the site helps achieve various long-term goals. Specifically, the following policies are promoted by the Site Plan Review:

*Policy 2.2. – Encourage infill development and recycling of land to provide adequate residential sites.*

*Policy 8.1.1 – Promote architectural design of the highest quality.*

*Policy 8.2.2 – Promote the upgrading of properties.*

The proposed architecture uses quality materials that provide different elements to achieve Spanish style architecture. The site is compatible in that the surrounding properties consist of a variety of architectural styles, however this development will be newer than most developments within its proximity. In efforts to maintain a neighborhood feel, the front unit is developed facing La Reina Avenue to conserve the neighborhood impression of that street. The site is also compatible with the zoning designation and the General Plan Land Use designation which both encourage multi-family residential. Additionally, the majority of the surrounding properties are also multi-family residential. This development will achieve a long-term goal of recycling land to providing more housing units as this development consists of two additional units than what currently exists on the site.

**2. The proposed development is in accordance with the purposes and objectives of this article and the zone in which the site is located;**

The purpose of the R-3 (Multiple-Family Residential) zone, as stated in the Downey Municipal Code, “is intended to provide for the development of multiple-family residential living areas compatible with the neighborhood environment and outdoor recreation potential of the community. Such areas are envisioned as being located and designed to be complementary to adjacent uses and at the same time provide suitable space for multiple-family living quarters.” The proposed application is in full conformance with the objectives stated above and the properties to the south, east, and west of the subject site are also developed as multiple-family residential.

**3. The proposed development’s site plan and its design features, including architecture and landscaping, will integrate harmoniously and enhance the character and design of the site, the immediate neighborhood, and the surrounding areas of the City;**

The proposed design of the project will integrate harmoniously with this area by providing aesthetically pleasing architecture and landscaping. The proposed development will be mirroring the architectural style and composition of an adjacent development and thus, enhance the character and uniqueness of the neighborhood. The proposed Spanish architectural style is compatible and integrated to the style of landscaping and the overall site. In addition, the streetscape will be enhanced as well as the transition from the street onto the site through the proposed landscaping, pedestrian access, and upgraded driveway and driveway approach.

**4. The site plan and location of the buildings, parking areas, signs, landscaping, luminaries, and other site features indicate that proper consideration has been given to both the functional aspects of the site development, such as automobile and pedestrian circulation, and the visual effects of the development from the view of the public streets;**

The site design and overall integration of the landscaping, building orientation, and driveway access was well-envisioned by the applicant. The landscaping around the front building façades creates a nice transitional buffer between the residences, the public right of way, and La Reina Avenue. The added walkway and sidewalk to the street frontage will maintain an inviting appearance to the site and enhance the residential character along that street. Exterior light lamps are carefully placed near the front porch entrances to ensure both vehicles and pedestrians are able to move around the site in a



safe manner. This project also incorporates a decorative paved driveway entrance to the subject site, thus preventing a long barren driveway with no visual appeal.

**5. The proposed development will improve the community appearance by preventing extremes of dissimilarity or monotony in new construction or in alterations of facilities;**

The proposed project reflects true Spanish style architecture, and reflects a high quality of architectural design. Though the proposed project will be mirroring an adjacent development, this concept is the first within City of Downey and unique to the overall site. The mirroring of development will upgrade the overall appearance of the site and, in turn, improve the community appearance. The other developments along La Reina Avenue consist of a variety of architectural styles from California ranch, craftsman, Dutch colonial and mid-century modern. Lastly, this proposed development will be keeping with the quality of design recently approved projects within the city.

**6. The site plan and design considerations shall tend to upgrade property in the immediate neighborhood and surrounding areas with an accompanying betterment of conditions affecting the public health, safety, comfort, and welfare;**

The proposed architecture is a significant upgrade to the immediate neighborhood and surrounding areas, in terms of use and density. In addition, the mirroring redevelopment of this site has the potential of serving as distinctiveness to the existing development in the city. Lastly, the operational procedures of the proposed development are also conditioned in an effort to ensure that any potential effects will not negatively harm or impact the surrounding sites and accompany the public health, safety, comfort and general welfare as much as possible.

**7. The proposed development's site plan and its design features will include graffiti-resistant features and materials in accordance with the requirements of Section 4960 of Chapter 10 of Article IV of this Code;**

The project has been conditioned to meet the requirements specified in Section 4960 of the Downey Municipal Code. Section 4960 discusses the installation of anti-graffiti materials and the appropriate allotted time limit for the removal of graffiti.

### **CORRESPONDENCE**

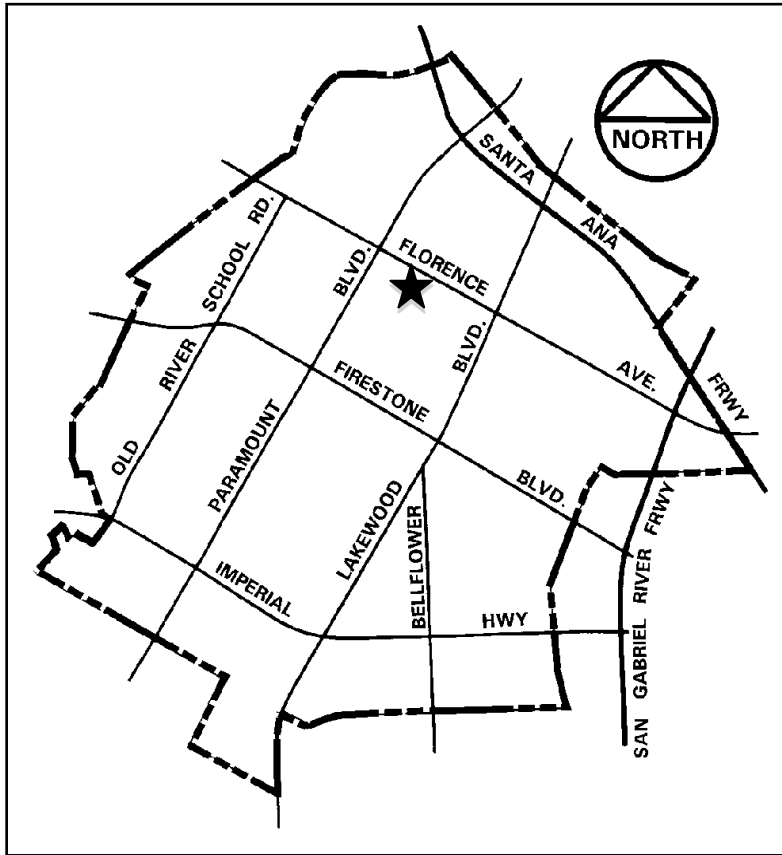
As of the date that this report was printed, staff has not received any correspondence regarding this application.

### **CONCLUSION**

Based on the analysis contained within this report, staff is concluding that all findings required for approval can be made in a positive manner. As such, staff is recommending that the Planning Commission approve the application (PLN-21-00111), thereby approving a three-unit multifamily development.

### **EXHIBITS**

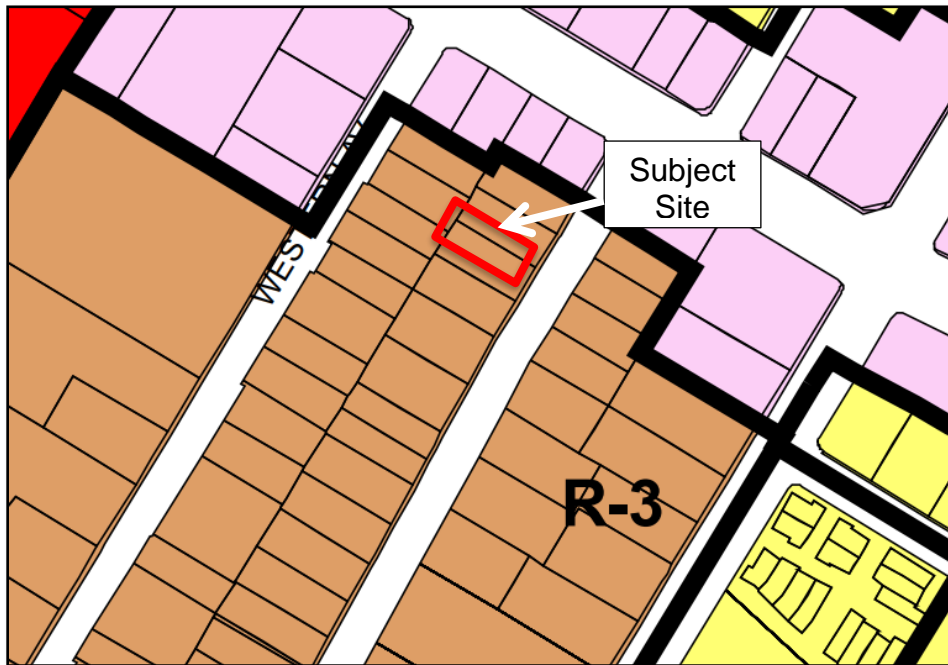
- A. Maps
- B. Draft Resolution
- C. Project Plans



Location



Aerial Photograph



Zoning Map

**RESOLUTION NO. 21-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING A SITE PLAN REVIEW (PLN-21-00111), THEREBY ALLOWING THE CONSTRUCTION OF THREE MULTI-FAMILY RESIDENTIAL UNITS LOCATED AT 10225 LA REINA 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 August 12, 2021, the application was filed by Willy Barrios (hereinafter referred to as the “applicant”) a request for Site Plan Review (PLN-21-00111) to construct three new dwelling units; and,
- B. The application was deemed incomplete due to missing information on September 9, 2021. The applicant resubmitted additional information and the application was deemed complete for further processing on November 16, 2021; and
- C. On November 17, 2021, a notice of the public hearing was sent to all property owners within 500’ of the subject site and the notice was published in Downey Patriot; and,
- D. The Planning Commission held a duly noticed public hearing on December 15, 2021, and after fully considering all oral and written testimony, facts, and opinions offered at the aforesaid public hearing adopted this resolution.

**SECTION 2.** The Planning Commission further finds, determines and declares that the proposed project was reviewed for compliance with the California Environmental Quality Act (CEQA), and is categorically exempt from CEQA, pursuant to Guideline Section 15303 (Class 3, New Construction or Conversion of small structures). Class 3 consists of projects up to 3 residential units in place of 1 single family residential unit.

**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. The site plan is consistent with the goals and polices embodied in the General Plan and other applicable plans and policies adopted by the Council. The project’s objective to revitalize the site helps achieve various long-term goals. Specifically, the following policies are promoted by the Site Plan Review: *Policy 2.2. – Encourage infill development and recycling of land to provide adequate residential sites, Policy 8.1.1 – Promote architectural design of the highest quality, Policy 8.2.2 – Promote the upgrading of properties.* The proposed architecture uses quality materials that provide different elements to achieve Spanish style architecture. The site is compatible in that the surrounding properties consist of a variety of architectural styles and will be mirroring an adjacent new development. In efforts to maintain a neighborhood feel, the front unit is also developed facing La Reina Avenue to conserve the neighborhood impression of that street. The site is also compatible with

- the zoning designation and the General Plan Land Use designation which both encourage multi-family residential. Additionally, the majority of the surrounding properties are also multi-family residential. This development will achieve a long-term goal of recycling land to providing more housing units as this development consists of two additional units than what currently exists on the site. The proposed development is in accordance with the purposes and objectives of this article and the zone in which the site is located. The purpose of the R-3 (Multiple-Family Residential) zone, as stated in the Downey Municipal Code, "is intended to provide for the development of multiple-family residential living areas compatible with the neighborhood environment and outdoor recreation potential of the community. Such areas are envisioned as being located and designed to be complementary to adjacent uses and at the same time provide suitable space for multiple-family living quarters." The proposed application is in full conformance with the objectives stated above and the properties to the south, east, and west of the subject site are also developed as multiple-family residential.
- B. The proposed development's site plan and its design features, including architecture and landscaping, will integrate harmoniously and enhance the character and design of the site, the immediate neighborhood, and the surrounding areas of the City. The proposed design of the project will integrate harmoniously with this area by providing aesthetically pleasing architecture and landscaping. The proposed development will enhance the character of the subject site by achieving a Spanish architectural style with compatible landscaping to that style. In addition, the streetscape will be enhanced as well as the transition from the street onto the site through the proposed landscaping, pedestrian access, and upgraded driveway and driveway approach.
- C. The site plan and location of the buildings, parking areas, signs, landscaping, luminaries, and other site features indicate that proper consideration has been given to both the functional aspects of the site development, such as automobile and pedestrian circulation, and the visual effects of the development from the view of the public streets. The site design and overall integration of the landscaping, building orientation, and driveway access was well-envisioned by the applicant. The landscaping around the front building façades creates a nice transitional buffer between the residences, the public right of way, and La Reina Avenue. The added walkway from the proposed sidewalk to the front unit will maintain an inviting appearance to the site and enhance the residential character along that street. This project also incorporates a decorative paved driveway entrance to the subject site, thus preventing a long barren driveway with no visual appeal.
- D. The proposed development will improve the community appearance by preventing extremes of dissimilarity or monotony in new construction or in alterations of facilities. Though the proposed project will be mirroring an adjacent development, this concept is the first within City of Downey and unique to the overall site. The mirroring of development will upgrade the overall appearance of the site and, in turn, improve the community appearance. The other developments along La Reina Avenue consist of a variety of architectural styles from California ranch, craftsman, Dutch colonial and mid-century modern. Lastly, this proposed development will be keeping with the quality of design recently approved projects within the city.
- E. The site plan and design considerations shall tend to upgrade property in the immediate neighborhood and surrounding areas with an accompanying betterment of

conditions affecting the public health, safety, comfort, and welfare. The proposed architecture is a significant upgrade to the immediate neighborhood and surrounding areas, in terms of use and density. In addition, the mirroring redevelopment of this site has the potential of serving as distinctiveness to the existing development in the city. Lastly, the operational procedures of the proposed development are also conditioned in an effort to ensure that any potential effects will not negatively harm or impact the surrounding sites and accompany the public health, safety, comfort and general welfare as much as possible.

- F. The proposed development's site plan and its design features will include graffiti-resistant features and materials in accordance with the requirements of Section 4960 of Chapter 10 of Article IV of this Code. Section 4960 discusses the installation of anti-graffiti materials and the appropriate allotted time limit for the removal of graffiti.

**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 a Site Plan Review (PLN-21-00111), 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 15<sup>th</sup> day of December 2021.

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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 15<sup>th</sup> day of December 2021, by the following vote, to wit:

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

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Mary Cavanagh, Secretary  
City Planning Commission

**PLN-21-00111  
(SITE PLAN REVIEW)  
EXHIBIT A - CONDITIONS**

**PLANNING**

1. The approval of this Site Plan Review (PLN-21-00111) allows for the construction of three two-story residential dwelling units, each designed with an attached 2-car garage located at 10225 La Reina Avenue.
2. No later than December 30, 2021, the applicant and the property owner shall sign and return an affidavit of Acceptance of Conditions, as provided by the City of Downey.
3. The site shall remain in substantial conformance with this request and the approved set of plans.
4. Approval of the Site Plan Review (PLN-21-00111) 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.
5. 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.
6. 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.
7. All buildings and walls must be finished with graffiti resistant materials pursuant to Downey Municipal Code Section 4960.
8. Any graffiti applied to the site shall be removed within 48 hours.
9. The approved Spanish architectural style, finish material, and colors shall remain in strict conformance with the approved elevations and materials board reflecting smooth stucco, tile roofing, wood accents, and all other finishes. Changes to the facades and/or colors shall be subject to the review and approval of the City Planner. At his/her discretion, the City Planner may refer changes to the facades and/or colors to the Planning Commission for consideration.

10. The applicant shall comply with the art in public places requirements set forth in Downey Municipal Code 8950 et seq. This shall include payment of all required fees prior to the issuance of building permits. Should the applicant exercise their right to install public art on site, the public art application (including payment of all deposits) shall be submitted prior to the issuance of building permits.
11. The Applicant shall incorporate a copy of this Exhibit A - Conditions of Approval, into the approved set of building plans.
12. All driveway approaches shall be improved with radius returns.
13. Driveways and driveway approaches shall be improved with concrete and pavers throughout, as approved on the project plans. Any changes or modification to the approved driveway must be approved by the City Planner.
14. All landscaping must remain in compliance with the Downey Municipal Code, be composed of drought tolerant plants, and strictly conform to the approved set of plans. Any revisions to the proposed landscape plans will first require approval from the City Planner.
15. Open space requirements must comply with the provisions set forth in section 9312.08(b)(10)(iv) of the Downey Municipal Code. The private open space patio areas for each unit shall have no dimension less than eight (8) feet with a minimum area of two hundred (200) square feet.
16. Prior to the final of building permits, all landscaping and irrigation shall be installed. The type, size and number of landscaping shall be as noted on the final approved landscape plan. All landscape shall be installed and permanently maintained.
17. Prior to the final of building permits, all installed landscaping shall be certified by a licensed Landscape Architect. The licensed Landscape Architect shall be on-site during the delivery of all trees to certify that all trees and plants are the right species and size.
18. Project must be completed within one year of approval date.
19. All exterior lights on the property shall be LED and shall be directed, positioned, and/or shielded such that they do not illuminate surrounding properties and the public right-of-way.
20. All above grade back-flow preventers, check valves, shall be screened from view from the public right-of-way by a decorative metal-cut-out screen subject to approval of the City Planner.
21. All exterior mechanical and utility equipment shall be designed and located so as to not transmit noise or vibration to abutting properties. All utility equipment shall be located along the sides and/or rear of the buildings and shall be screened from public view through the use of landscape screens, walls, or other devices architecturally compatible with the buildings. Electrical panels and/or transformers are expressly prohibited from being located between the buildings and the public street.



**BUILDING**

22. All construction shall comply with the most recent adopted City and State building codes:
  - a) 2019 California Building Code
  - b) 2019 California Residential Code
  - c) 2019 California Electrical Code
  - d) 2019 California Mechanical Code
  - e) 2019 California Plumbing Code
  - f) 2019 California Fire Code
  - g) 2019 California Green Code
23. 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.
24. The Title Sheet of the plans shall include:
  - a) Occupancy Group
  - b) Occupant Load
  - c) Description of use
  - d) Type of Construction
  - e) Height of Building
  - f) Floor area of building(s) and/or occupancy group(s)
25. School impact fees shall be paid prior to permit issuance.
26. Dimensioned building setbacks and property lines, street centerlines and between buildings or other structures shall be designed on plot plan.
27. All property lines and easements must be shown on plot plan. A statement that such lines and easements are shown is required.
28. 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 consumption light fixtures, and insulation and shall use to the extent feasible draught landscaping.
29. A design professional will be required at time of construction drawings, to prepare plans for proposed improvements per the Business and Professions' Code.
30. Public and private site improvements shall be designed in accordance with the Americans with Disabilities Act and Chapter 11 of the California Building Code. Site plan shall include a site accessibility plan identifying exterior routes of travel and detailing running slope, cross slope, width, pedestrian ramp, curb ramps, handrails, signage and truncated domes. Path of travel shall be provided from the public right of way and accessible parking to building. The design professional shall ensure that the site accessibility plan is compliance with the latest Federal and State regulations.

## **FIRE**

The following comments pertain to a limited fire review of a design review plan submittal. The comments contained herein shall not be construed as complete or encompassing all fire-life safety code requirements set forth in local, State, and/or National local codes.

31. Deferred automatic fire sprinkler plan submittal required for new Residential Group R occupancy. Automatic fire sprinkler system design, installation, and testing shall be per NFPA 13D or 13R based on the building construction type, height, fire separation, etc. [CFC § 903.2.8; DMC 3318]
32. Provide street-side fire hydrant. Fire hydrant shall meet the current requirements of the City of Downey Public Works – Utilities Division (e.g. Jones 3700-R or Jones 3775-R) [CA Fire Code and DMC 3610(a)(2)]. (Note: Nearest fire hydrant is located approximately 300-feet north of residence at the southeast corner of La Reina and Florence Avenues. Next nearest on La Reina is located approximately 500-feet south to front of 10321 La Reina Ave).
33. Designation of NO PARKING (e.g. red curb) at street side hydrant shall be provided. Fire lane designation and stripping shall adhere to sign requirements set forth in Fire Code and Downey Municipal Code [CA Fire Code D103.6; DMC 3327].
34. Fire hydrants shall have a minimum of 3-feet of clear space around hydrant and be located on portion of fire apparatus road sized to 26 ft. in width [CA Fire Code §507.5.1; 507.5.5; 507.5.6]
35. Premises shall be appropriately addressed. An approved address identification shall be provided that is legible and placed in a position that is visible from the street/road. Sizing shall be approved and at a minimum meet requirement of CA Fire Code [CA Fire Code §505.1]
36. Smoke alarms shall be installed in Residential Group R occupancies on the ceiling or wall or each separate sleeping areas, rooms used for sleeping, in each story within the dwelling [CA Fire Code §907.2.11.2]
37. Carbon monoxide detection shall be installed in R-occupancies dwelling units in the following locations: (1) Outside each separate sleeping area in the immediate vicinity of bedroom, (2) On every occupiable level of the dwelling unit, (3) where fuel-burning equipment is located [915.2.1]
38. Project construction shall comply with requirements set forth in the CA Building and Residential Codes for egress, construction type and height, etc.

## **PUBLIC WORKS**

### **Streets**

39. All public utilities shall be installed underground.

40. Proposed public improvements shall comply with the latest edition of Standard Plans and Specifications for Public Works Construction, City of Downey standards and the Americans with Disabilities Act (ADA).
41. Obtain permits from the Public Works Department for all improvements within the public right of way at least two weeks prior to commencing work. Contact Brian Aleman, Assistant Civil Engineer I, at (562) 904-7110 for information.
42. Remove and replace damaged, uneven or sub-standard curb, gutter, sidewalk, driveway, disabled ramps, and pavement to the satisfaction of the Public Works Department. Contact the Public Works Inspector at (562) 904-7110 to identify the limits of the areas to be removed and replaced at least 48 hours prior to commencing work.
43. Owner/applicant shall construct new 4' wide, 4" thick concrete sidewalk along the property frontage per latest edition of Standard Plans and Specifications for Public Works Construction, City of Downey standards and the Americans with Disabilities Act (ADA).
44. Submit public improvement plan(s) for review and approval by Public Works Department.
45. Construct (1) parkway tree. 24-inch box street trees at the parkway on La Reina Avenue frontage. The species of any new street trees to be planted shall be in accordance with the City's Tree Master Plan (contact City arborist for tree species.)
46. Remove all Underground Service Alert (USA) temporary pavement markings immediately following the completion of the work / Final permit inspection.
47. Paint property address numbers (4" height) on the curb face in front of the proposed development to the City's satisfaction.
48. Driveway approaches shall match driveway width as specified in City Standard Drawing No. 19.
49. Any utilities that are in conflict with the development shall be relocated at the owner/applicant's expense. Owner/applicant shall coordinate the relocation of the utility in conflict with the public utility owner.

### **Water & Sewer**

50. The owner/applicant shall furnish and install separate water service lines, meters, and boxes for each tenant space. Connect new separate water service lines to existing 6-inch main located on La Reina Avenue.
51. The owner/applicant shall provide a fire sprinkler system(s) in accordance with Fire Department and Building and Safety standards. Should such fire sprinkler system(s) require the installation of dedicated fire service lateral(s), such lateral(s) shall be constructed in accordance with the latest Department of Public Works and Fire Department standards including backflow devices, fire department connections and other appurtenances as required. New fire service lateral(s) shall be connected to

existing 6-inch main located on La Reina Avenue and shall be dedicated for fire service only.

52. If required, the owner/applicant shall furnish and install irrigation, domestic, and fire water backflow devices in accordance with City of Downey standards and as required by State and LA County Department of Public Health. Backflow devices shall be located on private property, readily accessible for emergency and inspection purposes, and screened from view by providing sufficient landscaping.
  53. Backflow devices shall be certified in the field by a licensed LA County Department of Public Health certified tester prior to placing into service and such certification provided to City.
  54. Owner or tenant must establish accounts with the City Cashier prior to the City activating and the tenant using any fire and potable water service and meter.
  55. The owner/applicant shall provide separate off-site water improvement plan sets for review and approval from Public Works. The plan shall consist of the following:
    - a. Potable Water Improvement Plans (all City-owned potable water and fire service lateral improvements). Improvement plans for potable water main improvements shall be plan and profile.
- Final City approved potable water main improvement plans shall be submitted on mylars and shall be signed and stamped by a State of California licensed Civil Engineer.
56. The owner/applicant shall provide and record utility easement(s) for access to, and inspection and maintenance of, public water lines, meters, and appurtenances.
  57. The owner/applicant shall furnish and install a new 6 - inch sewer lateral(s) (from the 8" sewer main on La Reina Avenue to the front property line) for each house in the lot. New sewer laterals shall be constructed with Vitrified Clay Pipe (VCP). The existing sewer lateral can be used for one of the house. The design and improvements of sewers shall be in accordance with the latest standards of the Department of Public Works. Septic systems shall not be allowed.
  58. Utility plans for proposed new sewer lateral(s) shall be submitted to and approved by the Department of Public Works prior to the issuance of the grading plan permit.
  59. Submit a copy of the sewer plans to the City and to the Sanitation Districts of Los Angeles County for review and approval. Approval must be assured prior to the start of construction. Contact Los Angeles County Sanitation District for their requirement.
  60. The lot shall be served by adequately sized water supply facilities, which shall include fire hydrants of the size, type and location approved by the Fire Chief.
  61. The owner/applicant shall retrofit any existing fire hydrant(s) within the property frontage in accordance to latest Fire Department and Department of Public Works standards including but not limited to furnishing and installation of a new riser, fire hydrant head, and associated fittings.

62. Any deviation from the city standards in constructing the water and sewer lines shall be approved by the Los Angeles County Health Department.

### **Grading**

63. Submit an engineered grading plan and/or hydraulic calculations and site drainage plan for the site (prepared and sealed by a registered civil engineer in the State of California) accompanied by a soil and geology report for approval by the Engineering Division and Building and Safety Division. Lot(s) shall not have less than one (1%) percent gradient on any asphalt or non-paved surface, or less than one quarter (1/4%) percent gradient on any concrete surface. Provide the following information on plans: topographic site information, including all building pad and other elevations, dimensions/location of existing/proposed public improvements adjacent to project (i.e. street, sidewalk, parkway and driveway widths, catch basins, pedestrian ramps); the width and location of all existing and proposed easements, the dimensions and location of proposed dedications; (for alley dedications, show elevations of the four corners of the dedication and centerline of alley, existing and proposed underground utility connections); the location, depth and dimensions of potable water, reclaimed water and sanitary sewer lines; chemical and hazardous material storage, if any, including containment provisions; and the type of existing use, including the gross square footage of the building and its disposition; construction details of drainage devices and details of Low Impact Development (LID) plan.
64. Include any other applicable site-specific conditions.
65. The drainage plan must provide for each lot having an independent drainage system to the public street, to a public drainage facility, or by means of an approved drainage easement.

### **NPDES**

66. The owner/applicant shall comply with the National Pollutant Discharge Elimination System (NPDES); Ordinance 1142 of the Downey Municipal Code (DMC); and the Low Impact Development (LID) Plan. Furthermore, the applicant shall be required to Certify and append Public Works standard "Attachment A" to all construction and grading plans as required by the LACoDPW Stormwater Quality Management Plan (SQMP).
67. If any hazardous material is encountered on the site that has the potential to reach the ground water supply, the owner/applicant shall secure a permit for the State Regional Water Quality Control Board.
68. If any hazardous material is encountered on the site, the owner/applicant shall secure an ID number from the EPA.
69. The owner/applicant shall deploy Best Management Practices during and after construction.
70. Owner/applicant shall comply with the Low Impact Development requirements for small scale Residential LID Category. The owner/applicant shall incorporate one of the two options (Vegetated Bio swale or Cultec System) in the site plan with detail.

- a) Include the following statement into your plan:

*“As the designer/architect of the project, I have designed the LID System in accordance with the design criteria of the City of Downey’s LID Technical Guidance Manual for Small Site Developments.”*

**Assessment District**

71. The owner/applicant hereby consents to the annexation of the property into the Downey City Lighting Maintenance District in accordance with Division 15 of the Streets and Highways Code, and to incorporation or annexation into a new or existing Benefit Assessment or Municipal Improvement District in accordance with Division 10 and Division 12 of the Streets and Highways Code and/or Division 2 of the Government Code of the State of California.

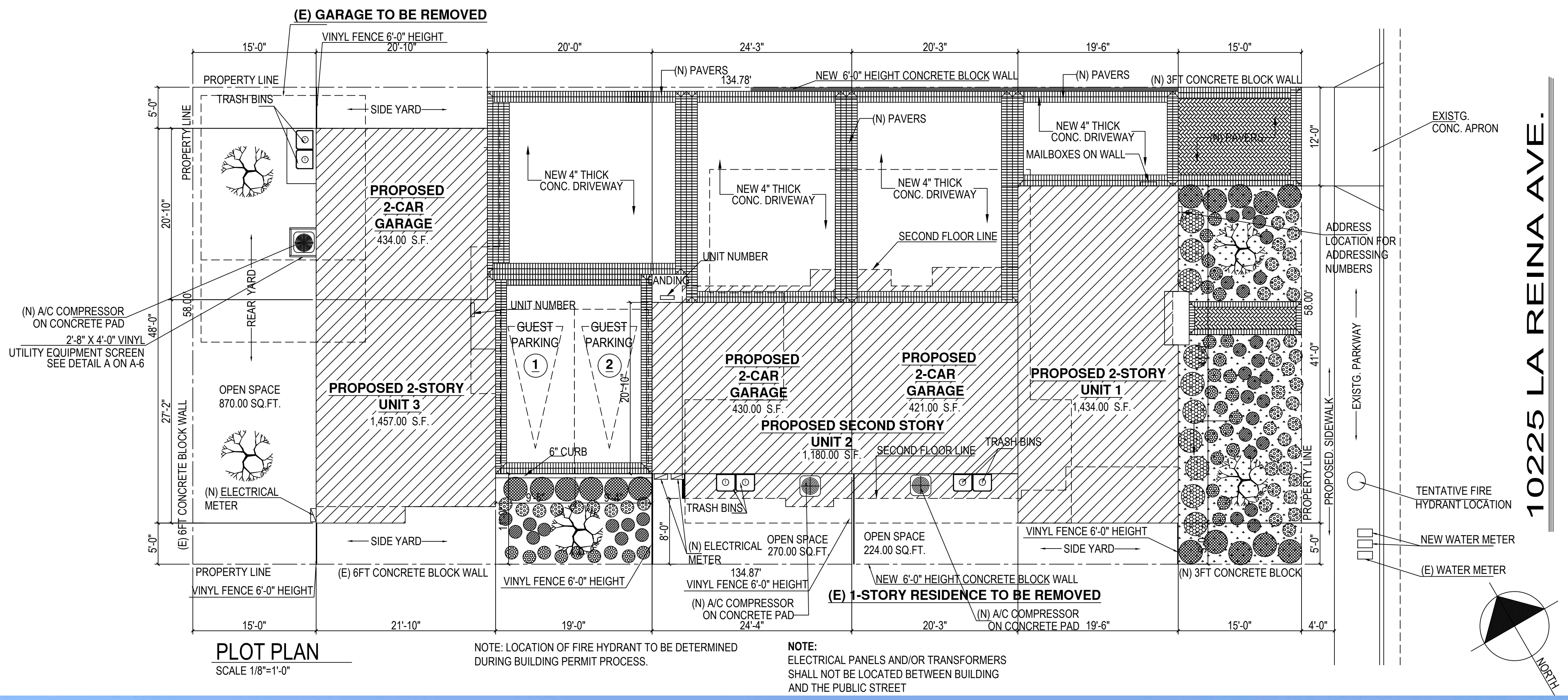
**Recycling**

72. Complete a construction & demolition (C&D) waste management plan per Article V, Chapter 8 of the Downey Municipal Code.

**General**

73. Remove all construction-related Underground Service Alert (USA) temporary pavement markings created as part of this project within the public-right-of-way in a timely manner.
74. The owner/applicant must comply with all applicable Federal, State and local rules and regulations, American Disabilities Act (ADA), including compliance with South Coast Air Quality Management District (SCAQMD) regulations.

**[End of Conditions]**



**PLOT PLAN**  
SCALE 1/8"=1'-0"

NOTE: LOCATION OF FIRE HYDRANT TO BE DETERMINED DURING BUILDING PERMIT PROCESS.

NOTE: ELECTRICAL PANELS AND/OR TRANSFORMERS SHALL NOT BE LOCATED BETWEEN BUILDING AND THE PUBLIC STREET

PROJECT INFORMATION	
ZONE	R-3 MULTIPLE FAMILY RESIDENCE
LOT AREA	7,817.24 SQ.FT.
MAXIMUM UNIT	
LOT AREA PER UNIT 1,980.00	2,406.00 SQ.FT.
MAX. UNITS	7,817.24 SQ.FT. / 1,980.00 SQ.FT. = 3.94 UNITS = 3 UNITS
PROPOSED AREA UNIT 1	FIRST FLOOR = 789.00 SQ.FT. SECOND FLOOR = 645.00 SQ.FT. TOTAL LIVING AREA UNIT 1 = 1,434.00 SQ.FT.
PROPOSED GARAGE AREA UNIT 1 =	421.00 SQ.FT.
PROPOSED AREA UNIT 2	FIRST FLOOR = 1,180.00 SQ.FT. SECOND FLOOR = 1,180.00 SQ.FT. TOTAL LIVING AREA UNIT 2 = 1,180.00 SQ.FT.
PROPOSED GARAGE AREA UNIT 2 =	430.00 SQ.FT.
PROPOSED AREA UNIT 3	FIRST FLOOR = 553.00 SQ.FT. SECOND FLOOR = 904.00 SQ.FT. TOTAL LIVING AREA UNIT 3 = 1,457.00 SQ.FT.
PROPOSED GARAGE AREA UNIT 3 =	434.00 SQ.FT.
<b>LOT COVERAGE:</b>	
LOT AREA	7,817.24 SQ.FT.
FIRST FLOOR FRONT UNIT 1 =	789.00 SQ.FT.
SECOND FLOOR UNIT 2 =	1,180.00 SQ.FT.
FIRST FLOOR UNIT 3 =	553.00 SQ.FT.
GARAGE UNIT 3 =	434.00 SQ.FT.
OVERHANG SECOND FLOOR UNIT 3 =	21.00 SQ.FT.
TOTAL BUILDING COVER AREA	2,977.00 SQ.FT.
TOTAL COVER AREA =	2,977.00 / 7,817.24 X 100 = 38.08 % < 50%
ZONING	R3
OCCUPANCY GROUP	R3
CONSTRUCTION TYPE:	TYPE VB-SPRINKLERED (NFPA 13R)
2-STORY	
BUILDING SIZE	SEE PLAN
BUILDING HEIGHT	25'-10"
EXTERIOR FINISH:	WOOD SIDING AND STUCCO
ROOFING:	SHINGLES ROOFING
FRAME:	WOOD FRAME
PARKING SPACES:	8 PARKING
TOTAL LANDSCAPE:	2,387.00 SQ FT

**PROPOSED 2-STORY  
3-UNITS  
APARTMENTS**

10225 LA REINA AVE.  
DOWNEY, CA. 90241

CONTACT:  
Mr. WILY BARRIOS  
Mobile: (323) 495 7208

OWNER:  
Mr. WILY BARRIOS  
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CONSULTANT



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Design | Ca. 92801  
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e\_mail: ccdraftingdesign@yahoo.com

**ISSUES AND REVISIONS**

NO.	DATE	BY	CHECK

**LEGAL DESCRIPTION**

TRACT # 16618 LOT 7  
APN. 6252-021-007

**SCOPE OF WORK**

DEMO OF (E) SFD AND (E) 2-CAR GARAGE.  
PROPOSED (3) 2-STORY APARTMENT UNITS  
WITH (3) 2-CAR GARAGES.

**FIRE DEPARTMENT NOTES**

An approved fire sprinkler system shall be installed. Plans must be submitted separately to the Downey Fire Department.  
DEFERRED SUBMITTAL : Fire Sprinklers  
BUILDING SHALL HAVE ADDRESS NUMBERS PLACED IN A POSITION THAT IS PLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. NUMBERS SHALL CONTRAST WITH BACKGROUND, BE ARABIC OR ALPHABETICAL LETTERS AND BE A MINIMUM OF 4" HIGH WITH A MINIMUM STROKE OF 1/2". (R319.1 CRC)

**CODES**

THIS PROJECT SHALL COMPLY WITH TITLE 24 AND 2019 CALIFORNIA BUILDING CODE (CBC), CALIFORNIA MECHANICAL CODE (CMC), CALIFORNIA PLUMBING CODE (CPC), CALIFORNIA ELECTRICAL CODE (CEC), AND CALIFORNIA ENERGY CODE, C.R.C. AND C.G.C., TYPE OF FIRE SPRINKLER INSTALLED (NFPA 13R) AS AMENDED BY CHAPTER 35

**SHEET INDEX**

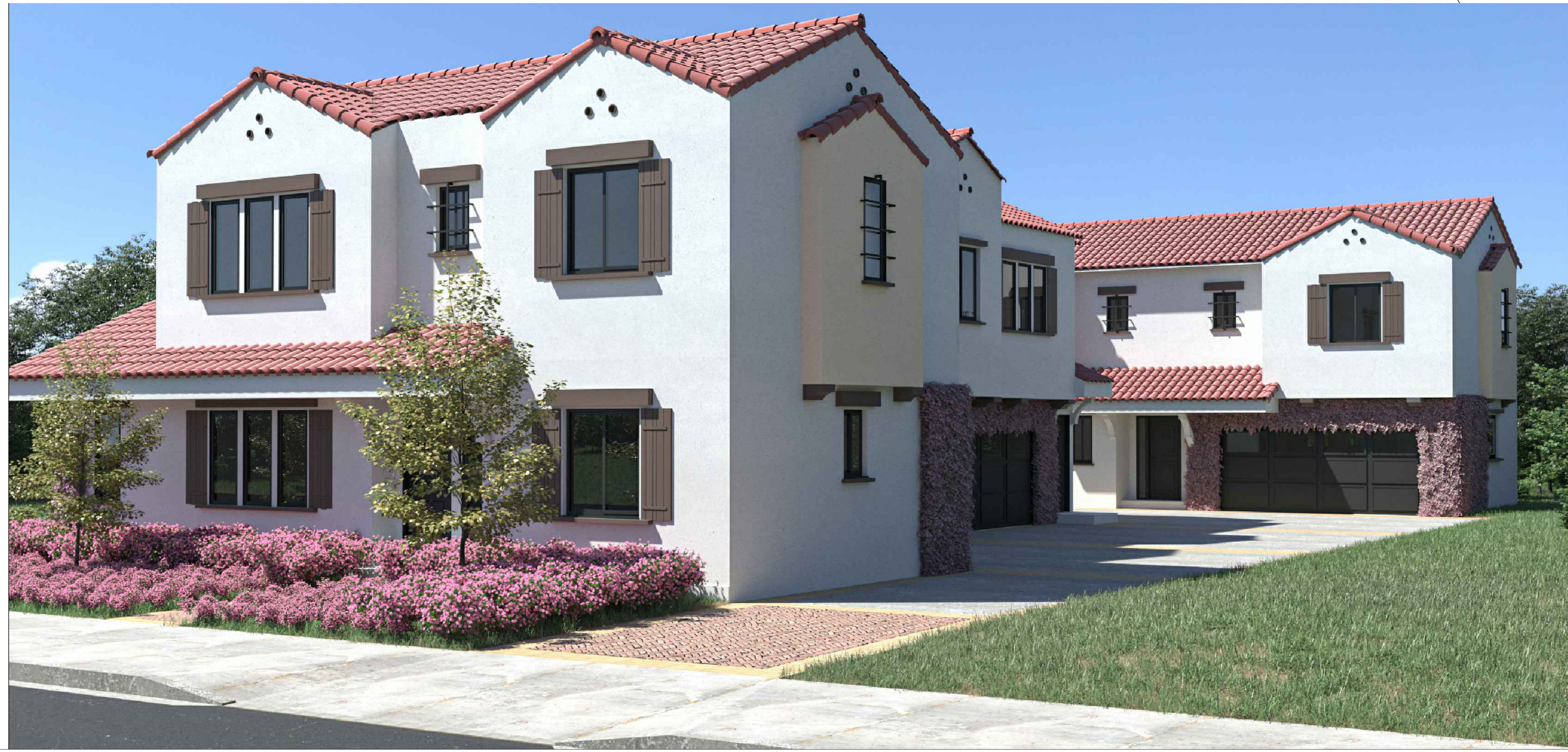
A-1	SITE PLAN, FLOOR PLAN AND ELEVATIONS
A-2	FIRST FLOOR PLANS
A-3	SECOND FLOOR PLANS
A-4	ELEVATIONS FRONT BUILDING
A-4.1	ELEVATIONS FRONT BUILDING AND MATERIAL SAMPLE BOARD
A-5	ELEVATIONS REAR BUILDING
A-6	LANDSCAPE PLAN CONCEPTUAL LID PLAN
A-7	COLORED PLOT PLAN
A-8	IRRIGATION PLAN AND EXISTING SITE PLAN

**SITE PLAN, GENERAL ELEVATIONS**

SEAL:

Project Name \_\_\_\_\_  
Project Number \_\_\_\_\_  
Description \_\_\_\_\_  
Computer File \_\_\_\_\_  
Scale \_\_\_\_\_

SHEET: **A-1**



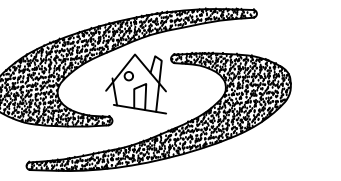
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CONSULTANT



**C&C**  
*Drafting Design*  
Edgar Cortes

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& Commercial | # 200w, Anaheim  
Design | Ca. 92801  
(562) 916 7505 | (714) 813 6555  
e\_mail: ccdraftingdesign@yahoo.com

**ISSUES AND REVISIONS**

NO.	DATE	BY	CHECK

1. VERIFY MEASUREMENTS WITH CORRESPONDING CONSTRUCTED OR EXISTING CONDITIONS PRIOR TO PROCEEDING WITH THE WORK, AND NOTIFY THE ARCHITECT IMMEDIATELY OF SIGNIFICANT DISCREPANCIES.
2. FINISH ELEVATIONS REFERENCED ON ARCHITECTURAL DRAWINGS ARE DATUM ELEVATIONS ABOVE THE FINISH FLOOR ELEVATION. THE CONTRACTOR MUST COORDINATE DATUM-BASED ARCHITECTURAL ELEVATIONS SHOWN WITH SITE-SPECIFIC ELEVATIONS SHOWN ON CIVIL DRAWINGS.
3. WALL DIMENSIONS SHOWN ARE TO FACE OF WALL FINISH UNLESS SPECIFICALLY NOTED OTHERWISE.

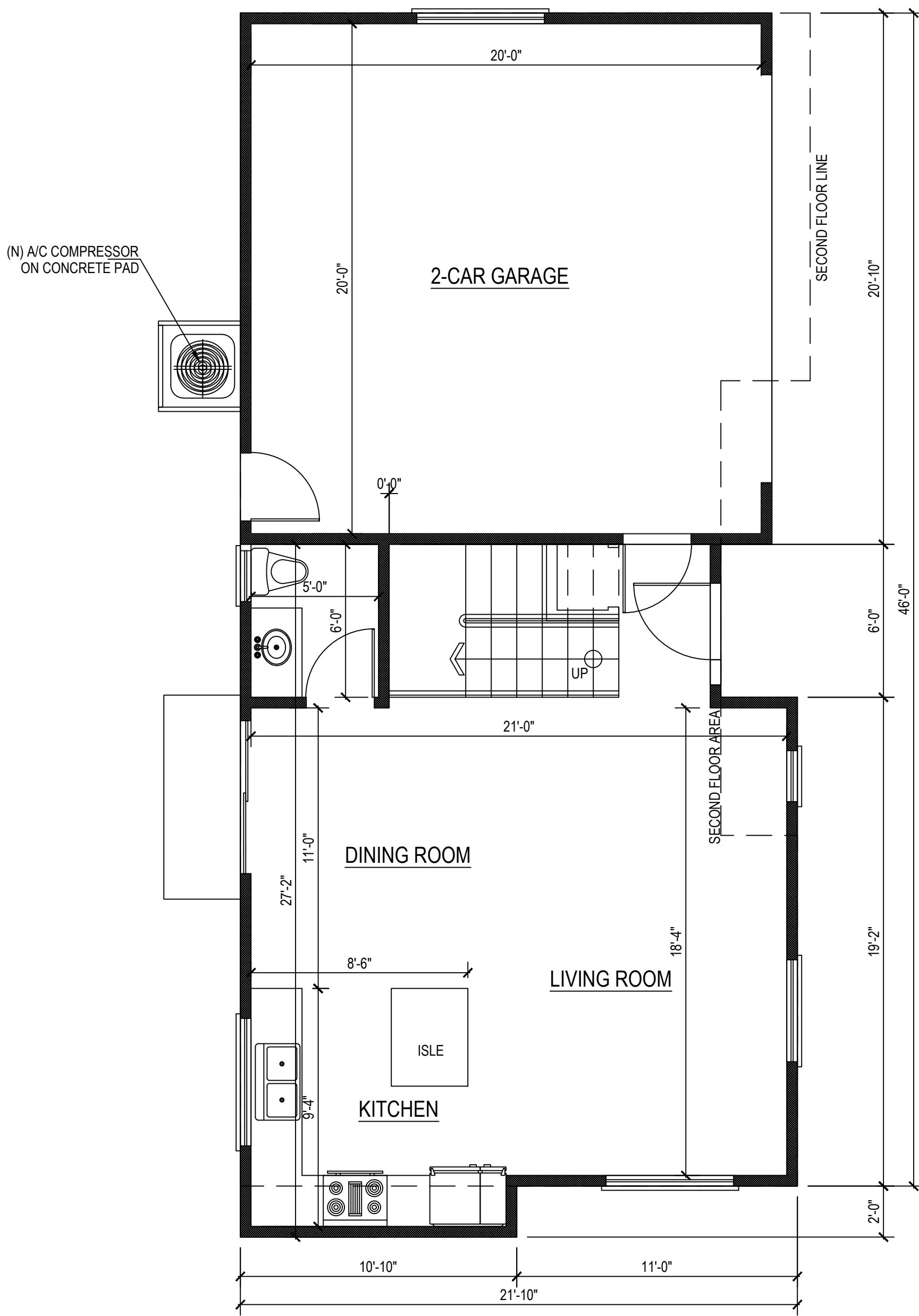
**FLOOR PLANS**

SEAL:

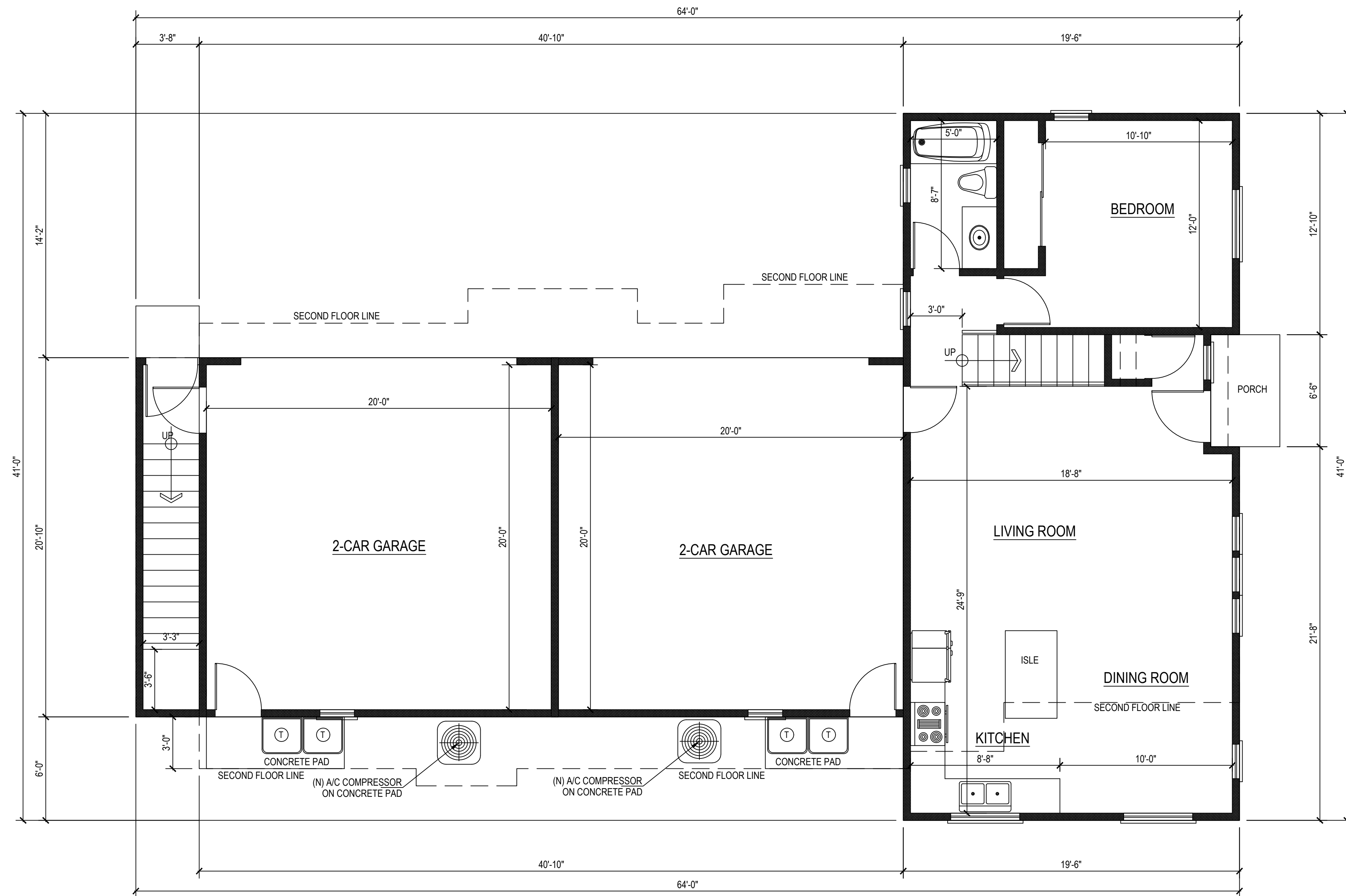
Project Name \_\_\_\_\_  
Project Number \_\_\_\_\_  
Description \_\_\_\_\_  
Computer File \_\_\_\_\_  
Scale \_\_\_\_\_

SHEET:

**A-2**



**UNIT 3**  
**FIRST FLOOR PLAN FLOOR AREA= 553.00 SQ.FT.**  
SCALE 1/4"=1'-0"



**UNIT 1 AND GARAGES**  
**FIRST FLOOR PLAN FLOOR AREA= 789.00 SQ.FT. GARAGE AREA= 851.00 SQ.FT.**  
SCALE 1/4"=1'-0"



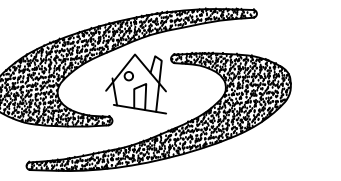
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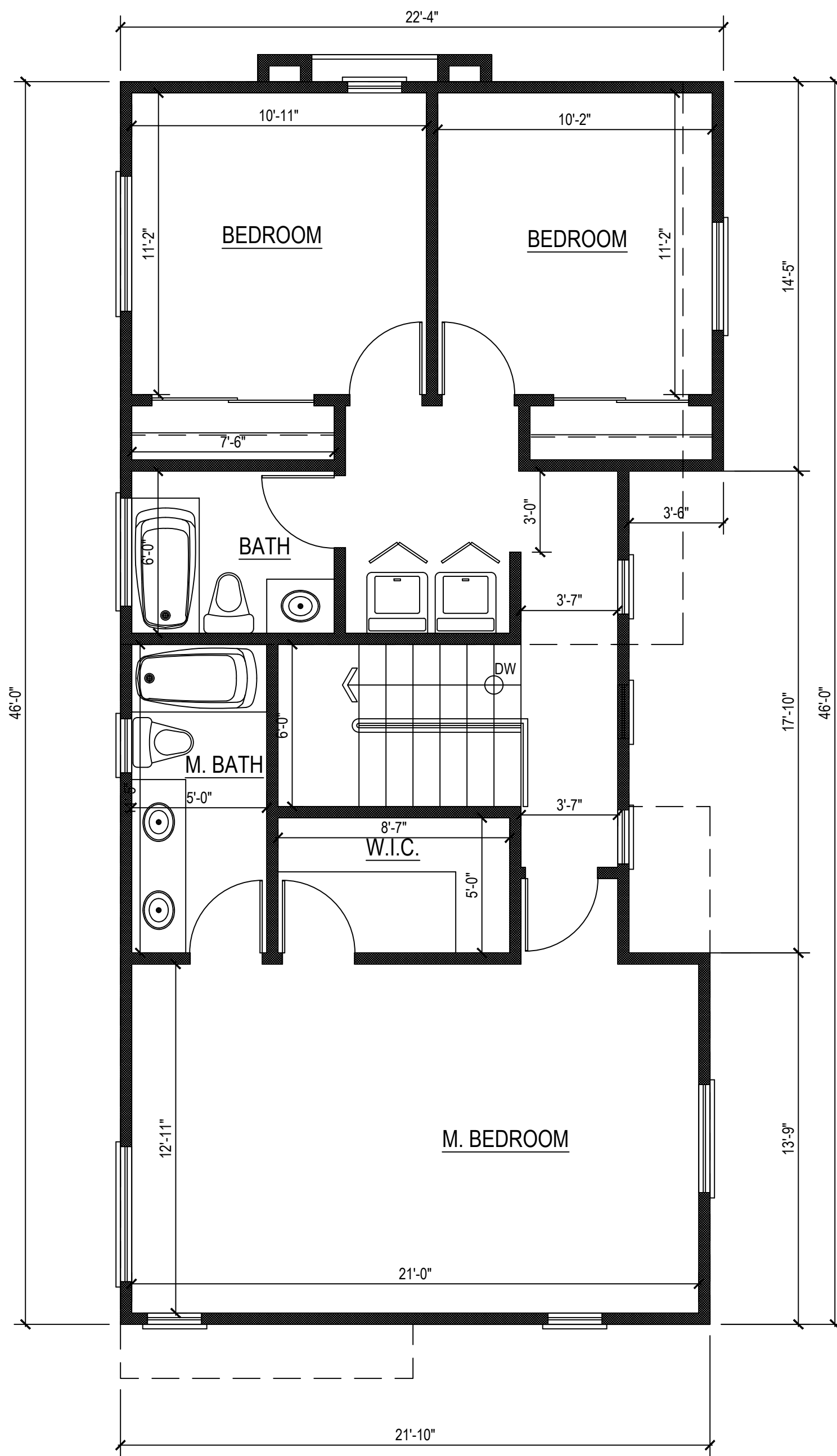
SECOND FLOOR PLANS

SEAL:

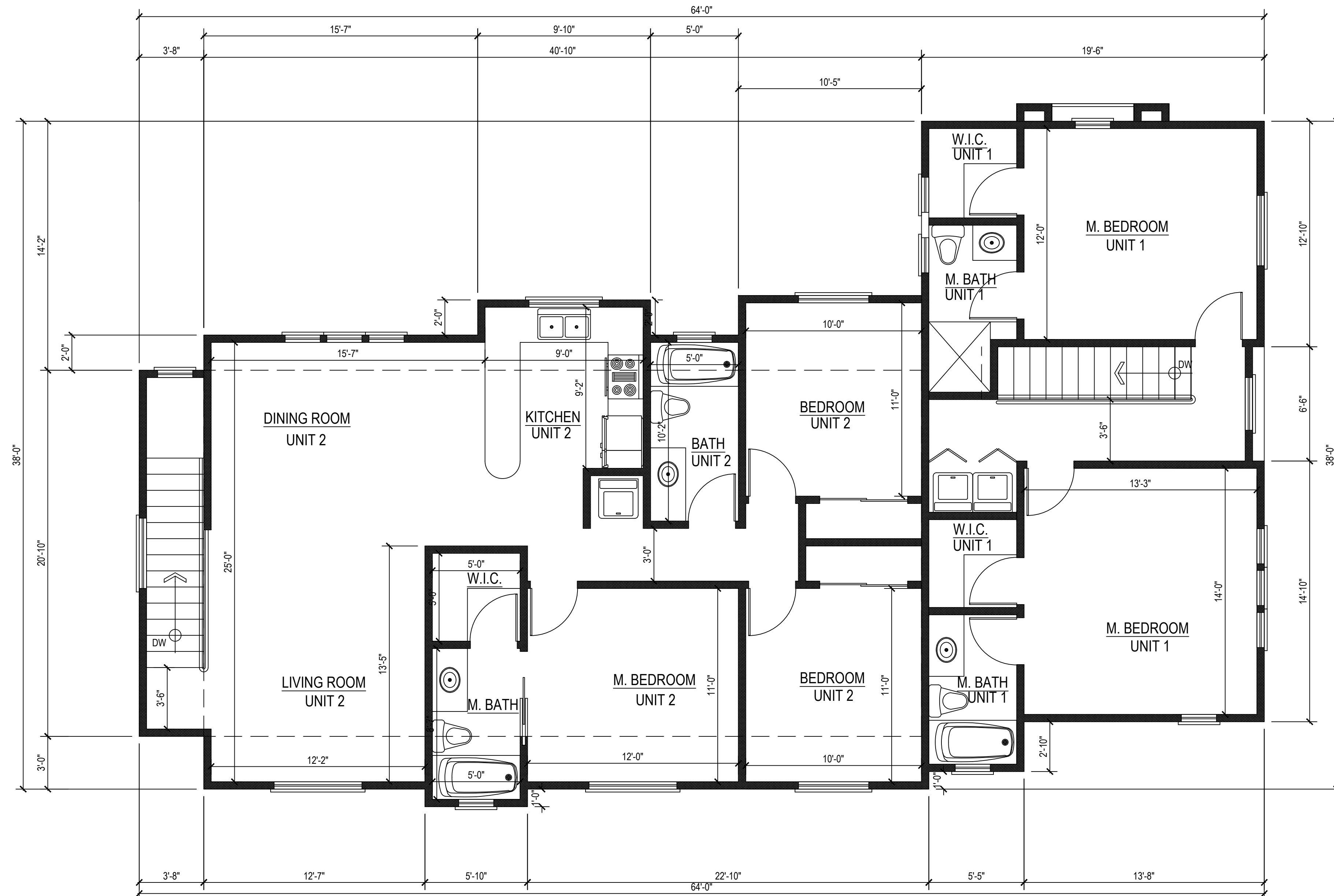
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Project Number \_\_\_\_\_  
Description \_\_\_\_\_  
Computer File \_\_\_\_\_  
Scale \_\_\_\_\_

SHEET:

**A-3**



FLOOR AREA= 904.00 SQ.FT.  
**UNIT 3**  
SECOND FLOOR PLAN  
SCALE 1/4"=1'-0"



**UNIT 2 AND UNIT 1**  
SECOND FLOOR PLAN  
SCALE 1/4"=1'-0"

FLOOR AREA= 1,180.00 SQ.FT.

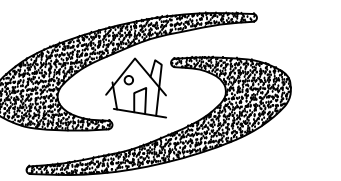
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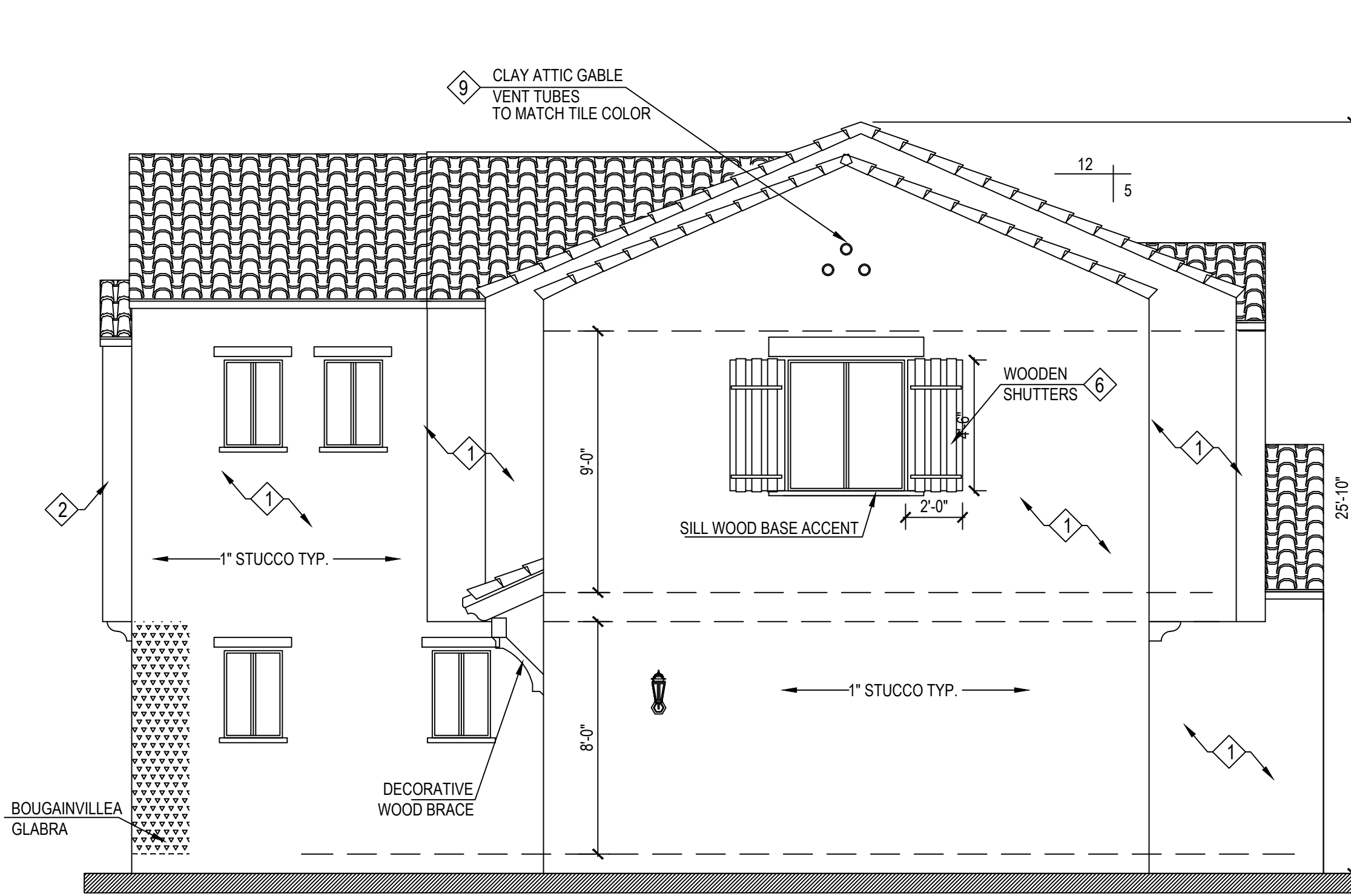
**ELEVATIONS FRONT  
BUILDING UNITS 1 AND 2**

SEAL:

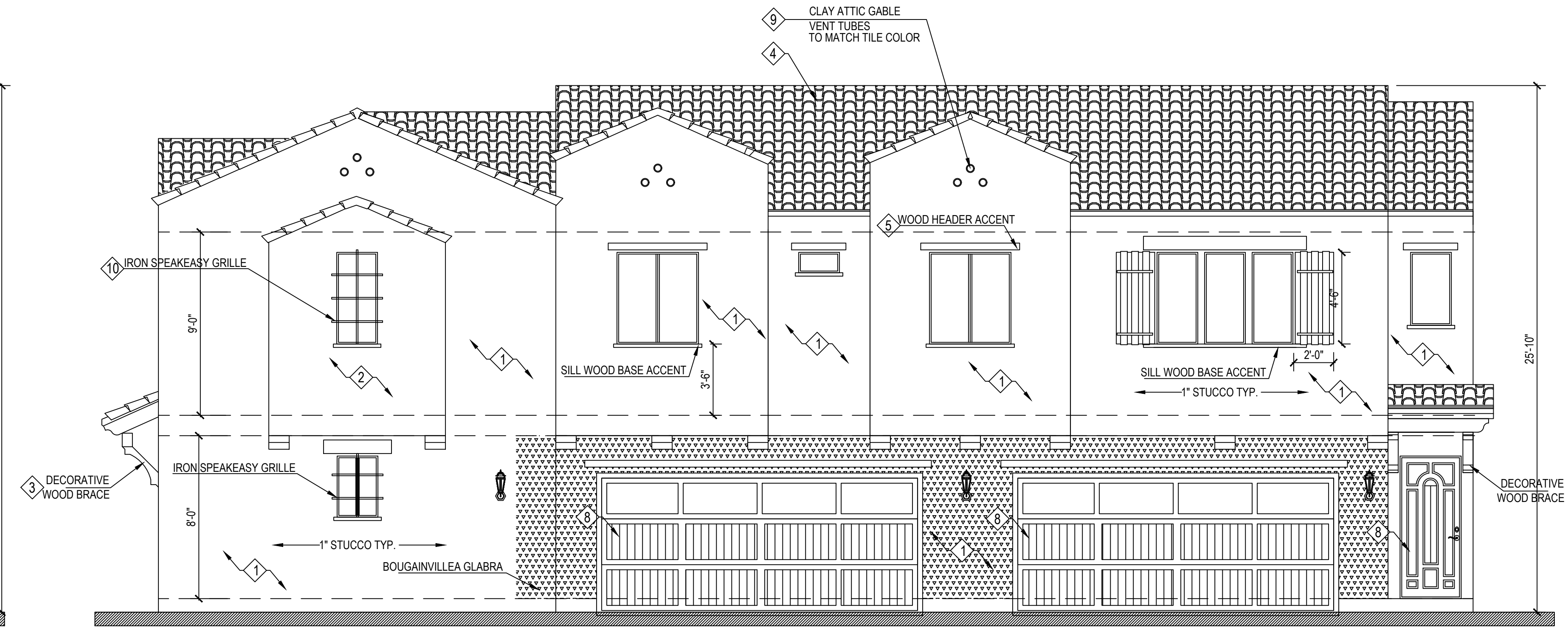
Project Name \_\_\_\_\_  
Project Number \_\_\_\_\_  
Description \_\_\_\_\_  
Computer File \_\_\_\_\_  
Scale \_\_\_\_\_

SHEET:

**A-4**



**WEST ELEVATION**  
SCALE 1/4"=1'-0"  
UNIT 1 AND UNIT 2



**NORTH ELEVATION**  
SCALE 1/4"=1'-0"  
UNIT 1 AND UNIT 2

**ROOFING:**

LIGHT WEIGHT TILE BY:  
"EAGLE" ROOFING PRODUCTS  
I.C.C. ESR-1900 OVER  
# 30 FELT USE GALV. ROOFING  
NAILS ( FIRE RETARDANT)  
MAX. WEIGHT SHALL BE 10 PSF

**NOTE:**

PROVIDE 44" MAX. SILL HGT.  
ABOVE FINISH FLOOR FOR  
EMERGENCY EXIT ON ALL  
BEDROOM WINDOWS.

**NOTE:**

PROVIDE TWO LAYERS OF GRADE "D" PAPER  
AS THE WEATHER-RESISTIVE BARRIER FOR  
PORTLAND CEMENT PLASTER (STUCCO)  
WHEN APPLIED OVER WOOD SHEATING  
(SUCH AS PLYWOOD).

**HOUSE STREET NUMBER NOTE:**

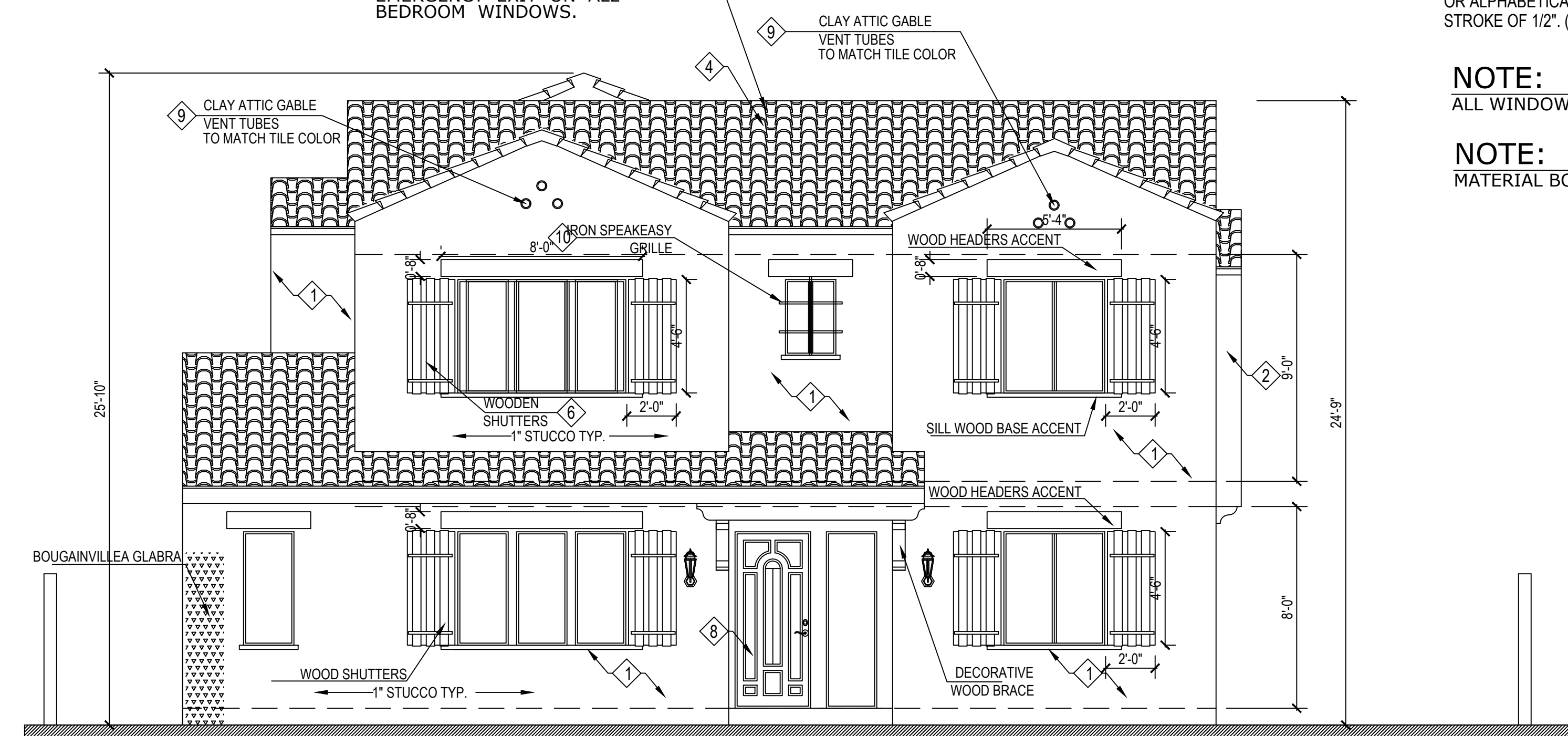
BUILDING SHALL HAVE ADDRESS NUMBERS PLACED IN A POSITION THAT IS  
PLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING  
THE PROPERTY. NUMBERS SHALL CONTRAST WITH BACKGROUND, BE ARABIC  
OR ALPHABETICAL LETTERS AND BE A MINIMUM OF 4" HIGH WITH A MINIMUM  
STROKE OF 1/2". (R319.1 CRC)

**NOTE:**

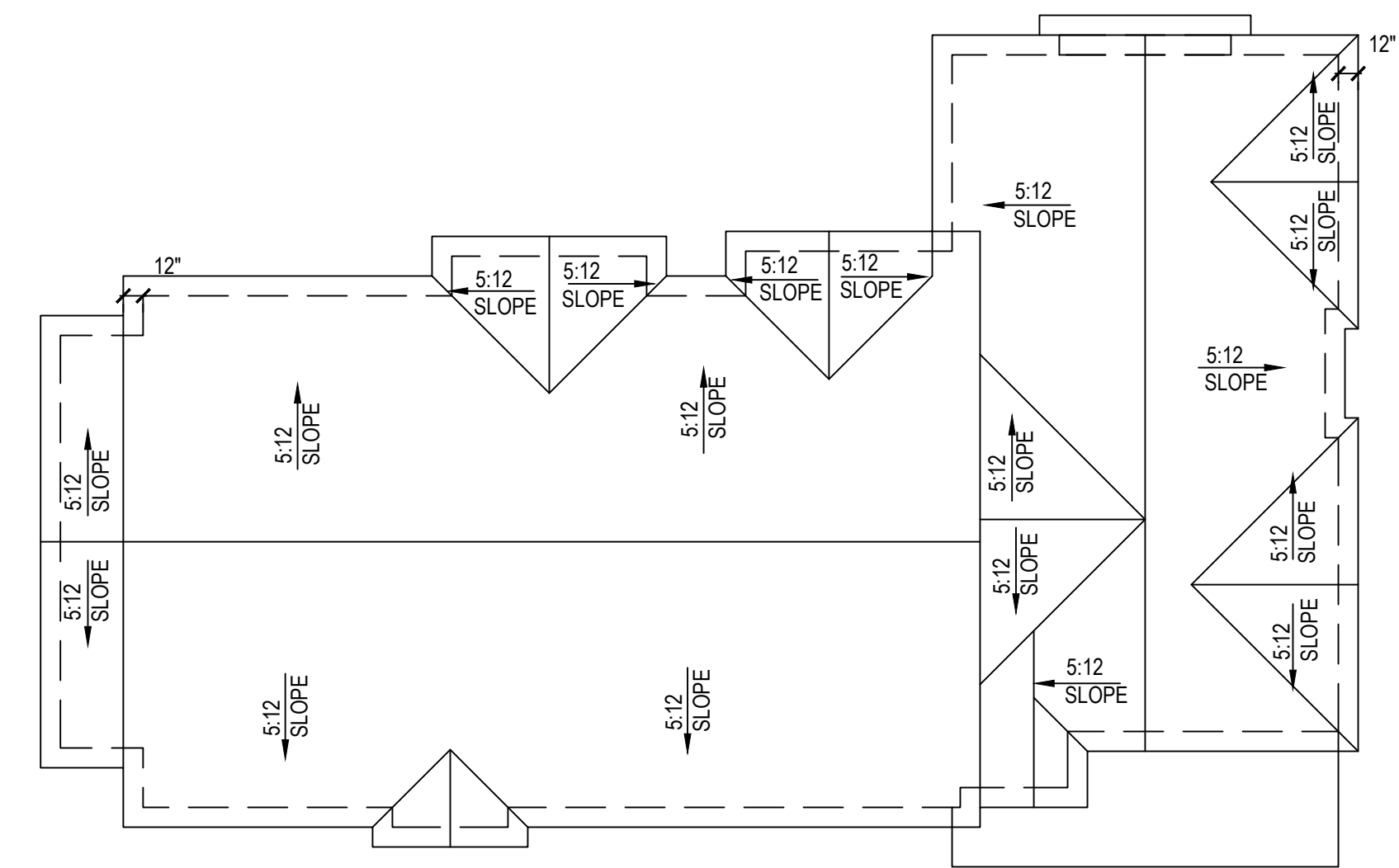
ALL WINDOWS TO BE RECESS

**NOTE:**

MATERIAL BOARD LOCATED ON PAGE A-7



**EAST ELEVATION**  
SCALE 1/4"=1'-0"  
UNIT 1



**FRONT UNIT ROOF PLAN**  
SCALE 1/8"=1'-0"

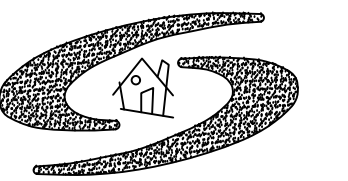
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APARTMENTS**

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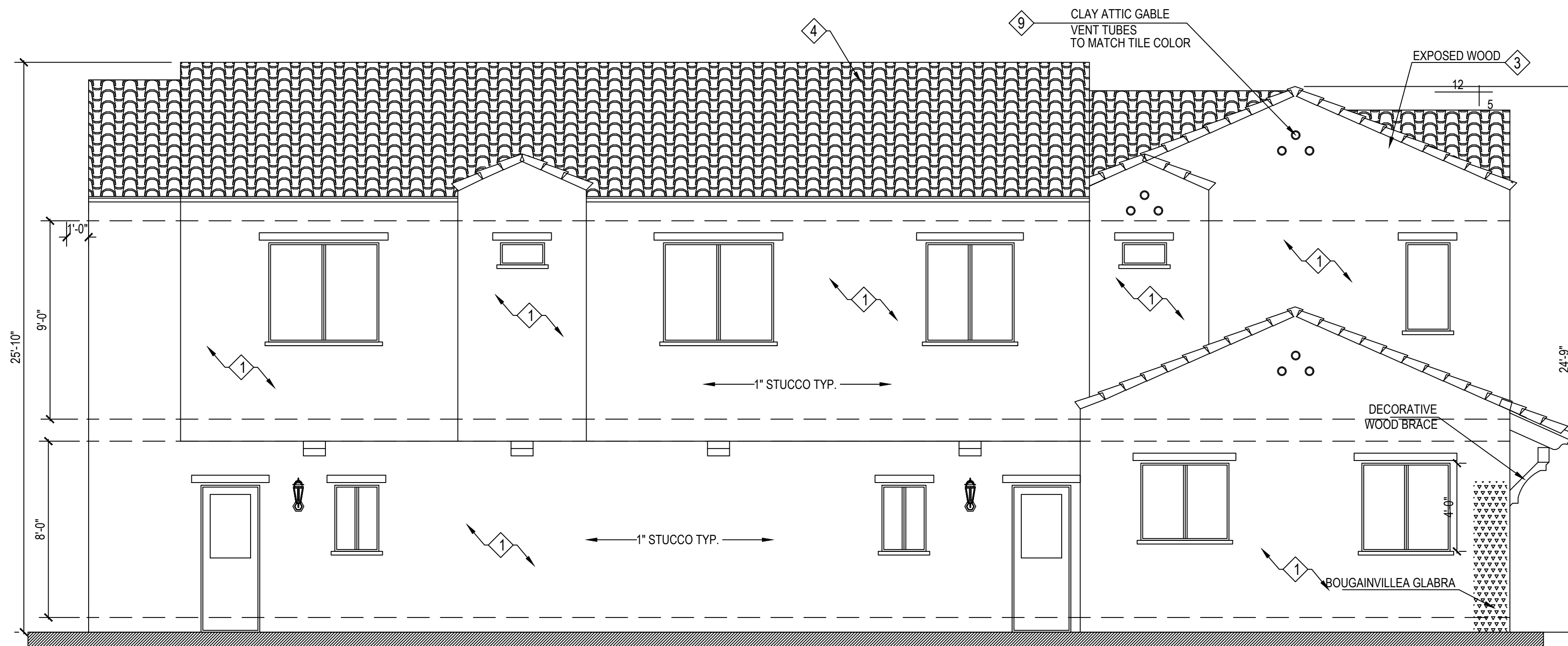
OWNER:  
Mr. WILY BARRIOS  
Mobile: (323) 495 7208  
10224 LA REINA AVE.  
DOWNEY, CA. 90241

CONSULTANT



**C&C**  
*Drafting Design*  
Edgar Cortes

Residential | 1100 Orangethorpe Ave.  
& Commercial | # 200w, Anaheim  
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**SOUTH ELEVATION**  
SCALE 1/4"=1'-0"  
UNIT 1 AND UNIT 2

**ISSUES AND REVISIONS**

NO.	DATE	BY	CHECK

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**ELEVATIONS FRONT  
BUILDING UNITS 1 AND 2**

SEAL:

Project Name \_\_\_\_\_  
Project Number \_\_\_\_\_  
Description \_\_\_\_\_  
Computer File \_\_\_\_\_  
Scale \_\_\_\_\_

SHEET:

**A-4.1**

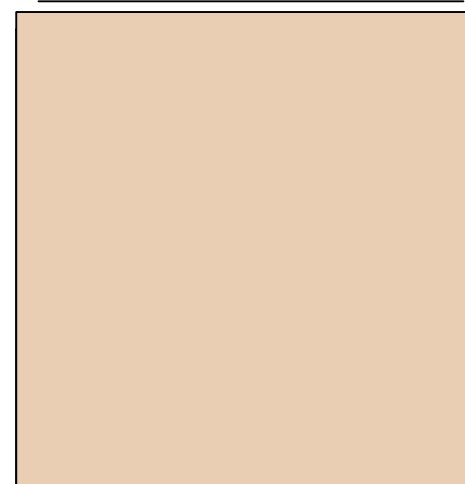
**MATERIAL SAMPLE BOARD**

**EXTERIOR WALL**



1 LAHABRA CYRSTAL  
WHITE STUCCO

**FACADE POP OUT**



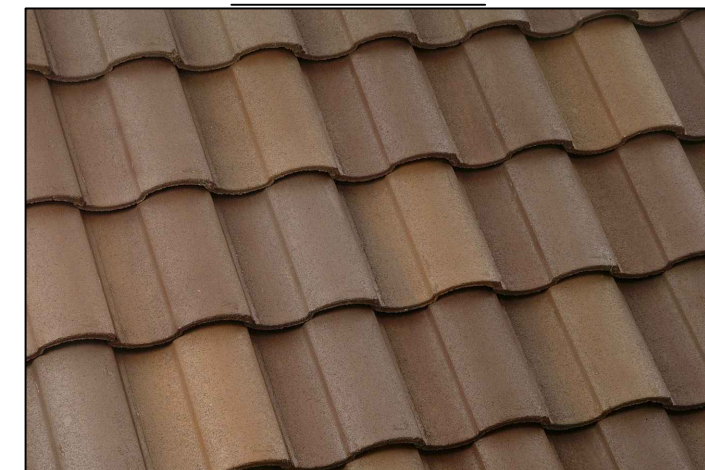
2 LAHABRA ALAMO  
(X-524) STUCCO

**EXPOSED WOOD BEAMS**



3 BEHR #PPU5-19  
DARK TRUFFLE

**ROOF TILE**



4 SPANISH CAPISTRANO TILE  
BY: EAGLE ROOF  
COLOR: MORADO BLEND  
9709

**WOOD ACCENT**



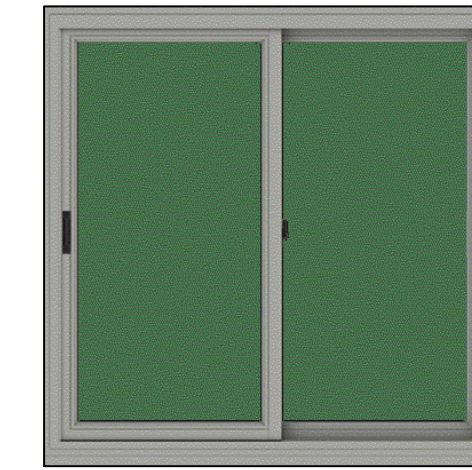
5 BEHR #PPU5-19  
DARK TRUFFLE

**WINDOW SHUTTERS**



6 BEHR #PPU5-19  
DARK TRUFFLE

**WINDOW**



7 ALUMINUM SLIDING  
WINDOW BY ANDERSON  
COLOR: BLACK

**DOOR/GARAGE DOOR**



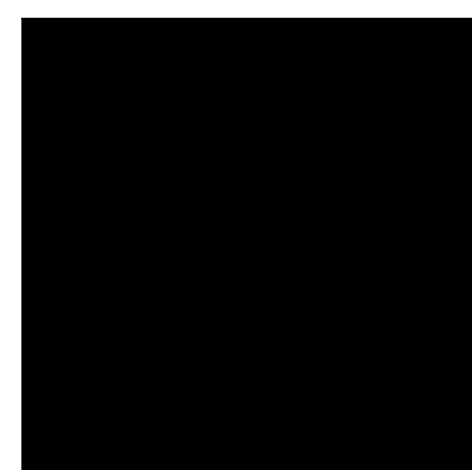
8 BEHR #PPU5-19  
DARK TRUFFLE

**CLAY VENT TUBES**



9 COLOR TO MATCH  
ROOF COLOR

**IRON SPEAKEASY**



10 COLOR: BLACK

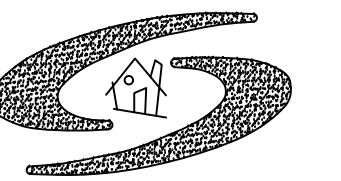
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3-UNITS  
APARTMENTS**

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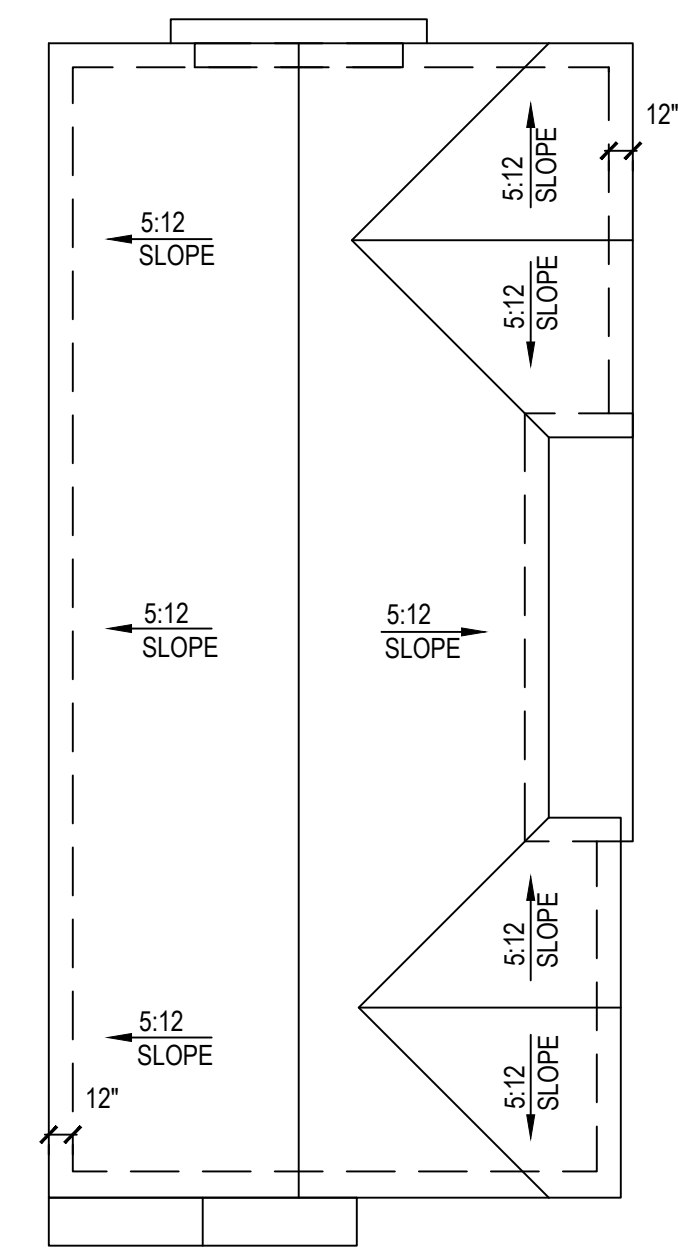
**ELEVATIONS REAR  
BUILDING UNIT 3**

SEAL:

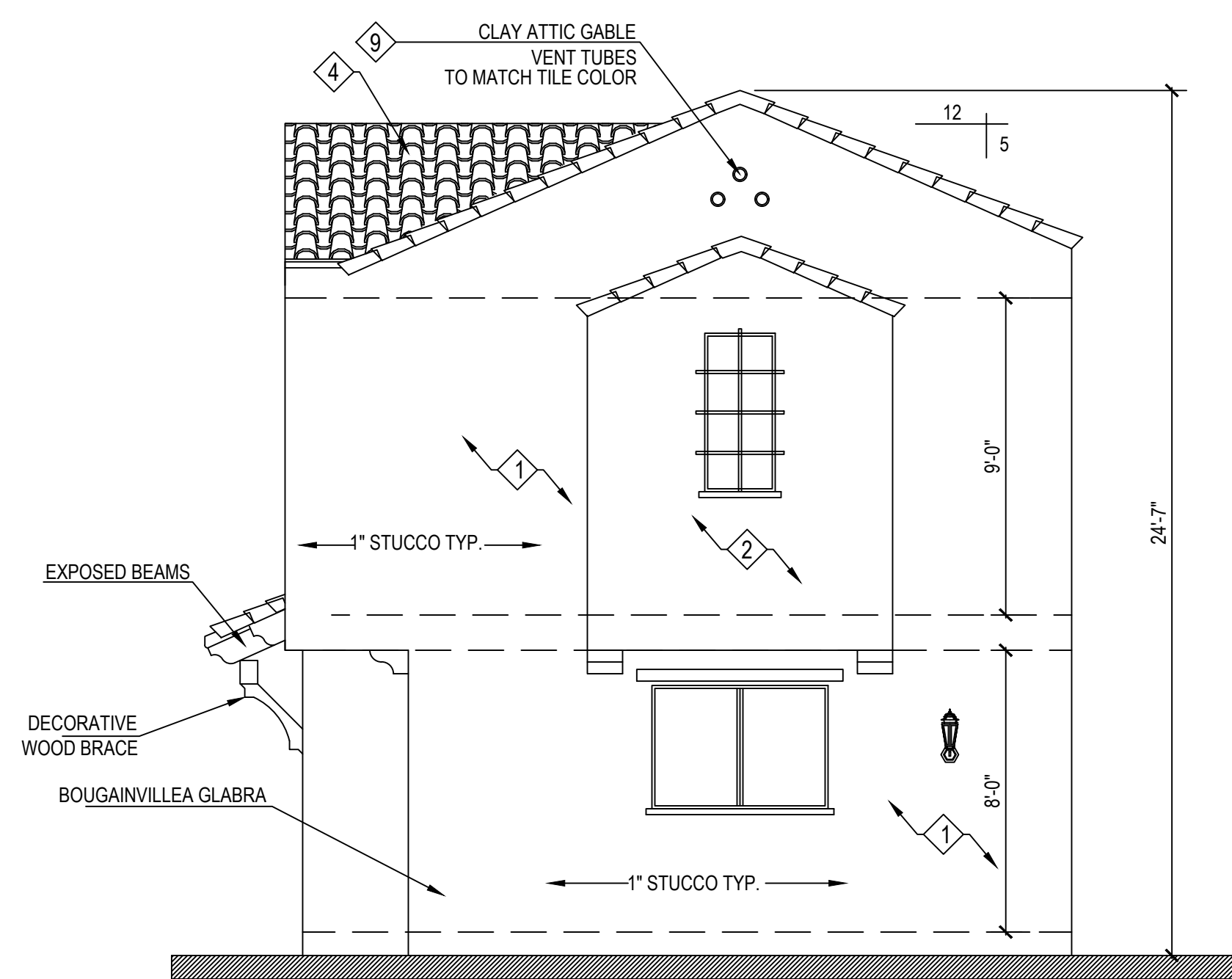
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Project Number \_\_\_\_\_  
Description \_\_\_\_\_  
Computer File \_\_\_\_\_  
Scale \_\_\_\_\_

SHEET:

**A-5**



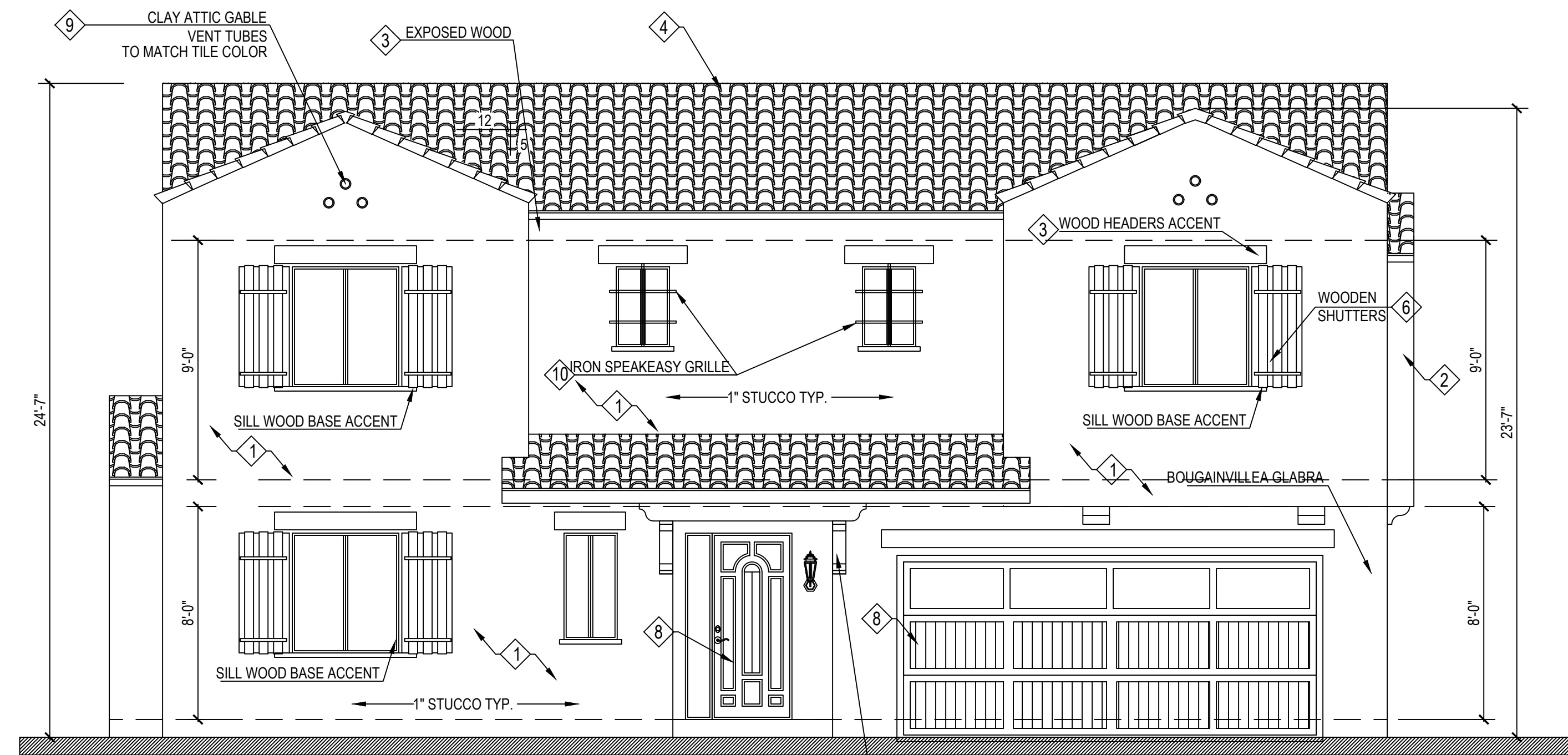
**BACK UNIT ROOF PLAN**  
SCALE 1/8"=1'-0"



**NORTH ELEVATION**  
SCALE 1/4"=1'-0"  
UNIT 3

**ROOFING:**  
LIGHT WEIGHT TILE BY:  
"EAGLE" ROOFING PRODUCTS  
I.C.C. ESR-1900 OVER  
# 30 FELT USE GALV. ROOFING  
NAILS ( FIRE RETARDANT)  
MAX. WEIGHT SHALL BE 10 PSF

**NOTE:**  
PROVIDE 44" MAX. SILL HGT.  
ABOVE FINISH FLOOR FOR  
EMERGENCY EXIT ON ALL  
BEDROOM WINDOWS.

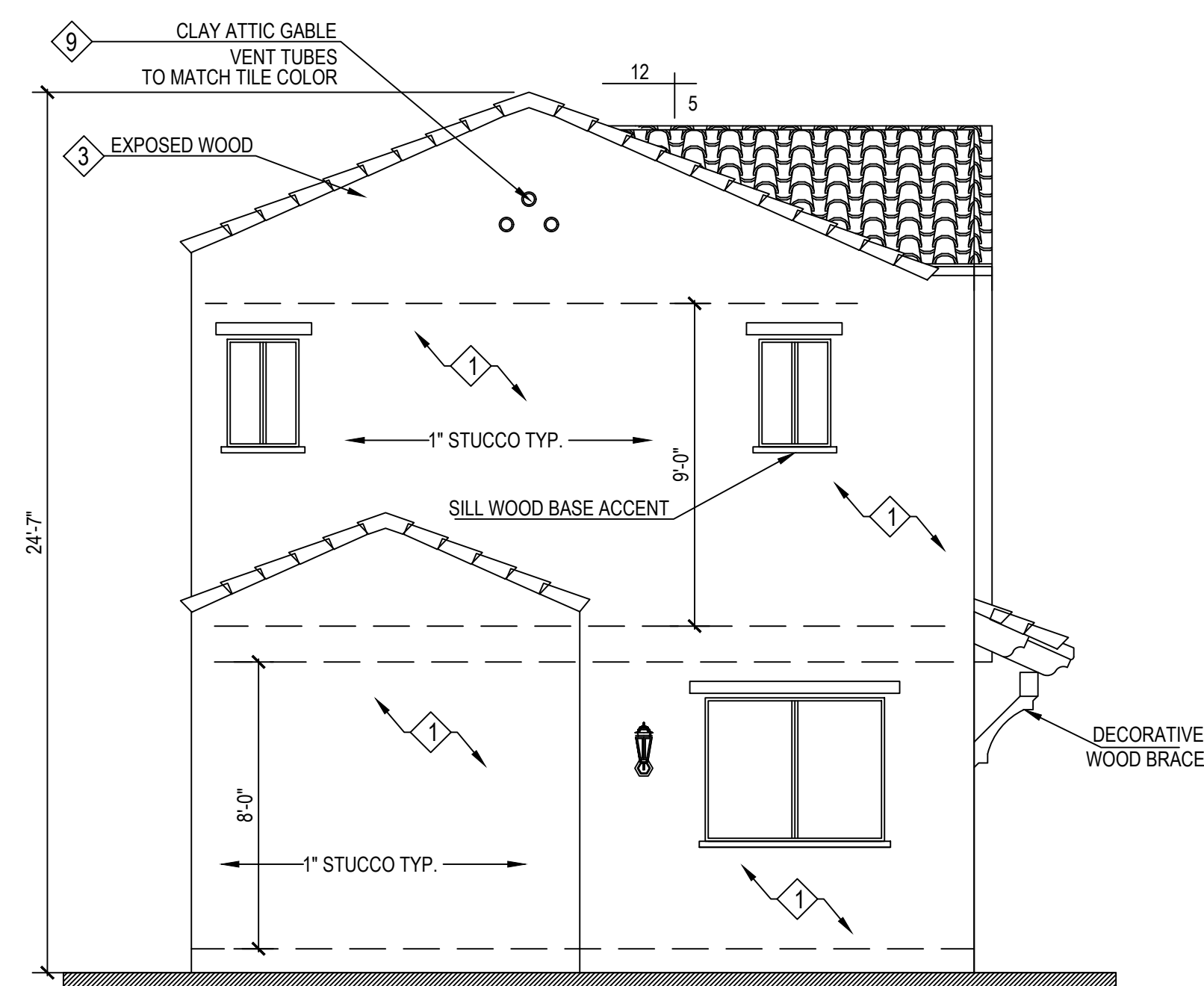


**EAST ELEVATION**  
SCALE 1/4"=1'-0"  
UNIT 3

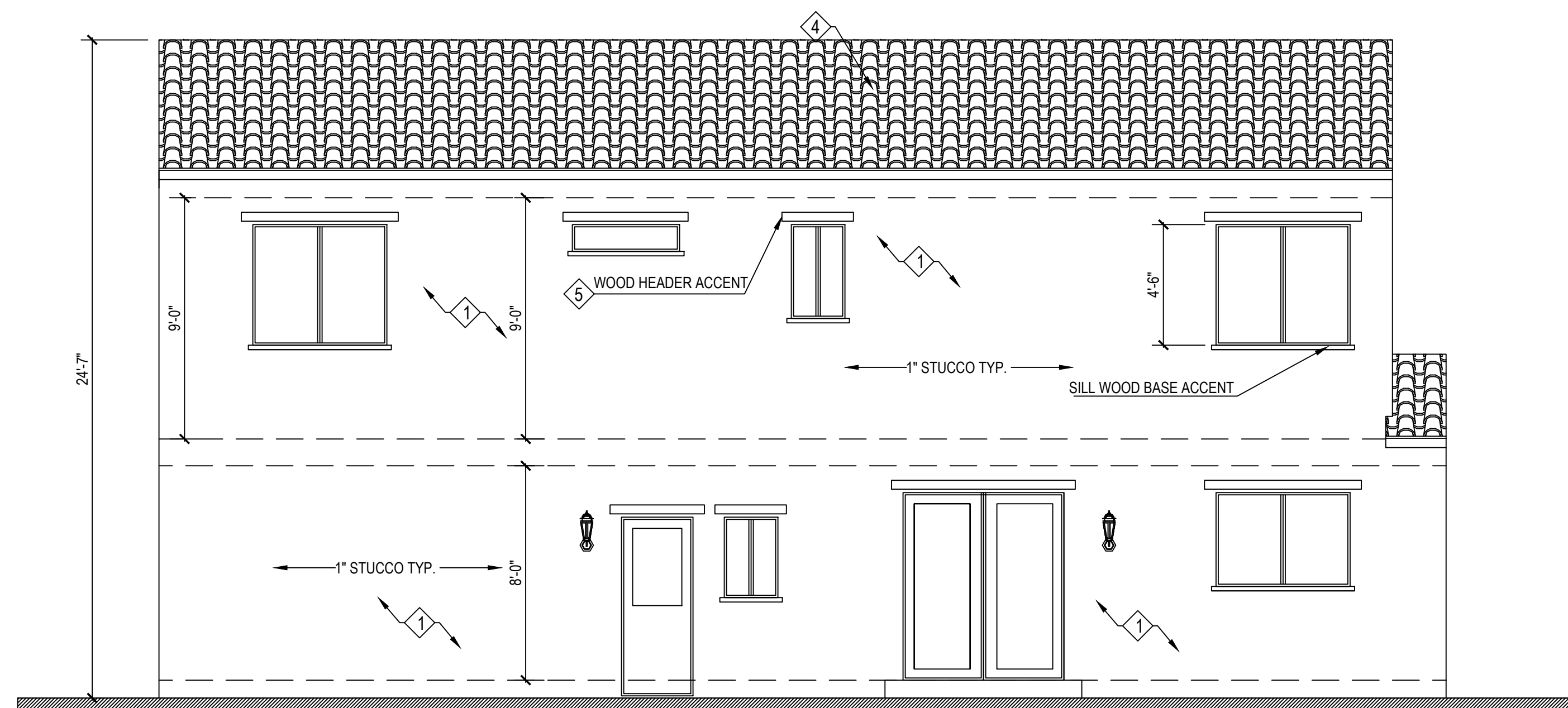
**NOTE:**  
PROVIDE TWO LAYERS OF GRADE "D" PAPER  
AS THE WEATHER-RESISTIVE BARRIER FOR  
PORTLAND CEMENT PLASTER (STUCCO)  
WHEN APPLIED OVER WOOD SHEATING  
(SUCH AS PLYWOOD).

**HOUSE STREET NUMBER NOTE:**

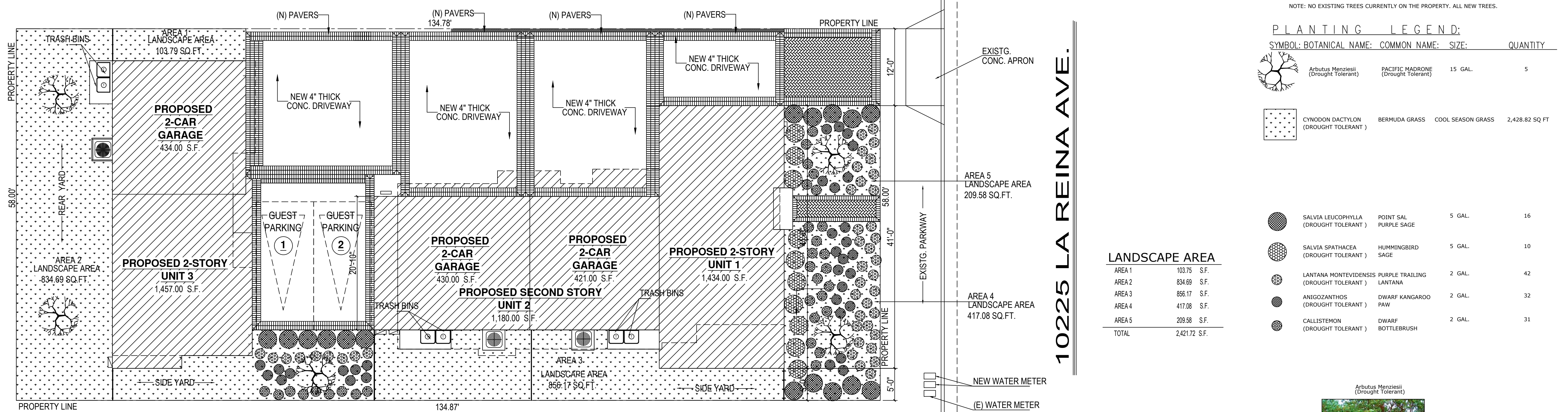
BUILDING SHALL HAVE ADDRESS NUMBERS PLACED IN A POSITION THAT IS PLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. NUMBERS SHALL CONTRAST WITH BACKGROUND, BE ARABIC OR ALPHABETICAL LETTERS AND BE A MINIMUM OF 4" HIGH WITH A MINIMUM



**SOUTH ELEVATION**  
SCALE 1/4"=1'-0"  
UNIT 3



**WEST ELEVATION**  
SCALE 1/4"=1'-0"  
UNIT 3



NOTE: NO EXISTING TREES CURRENTLY ON THE PROPERTY. ALL NEW TREES.

**PLANTING LEGEND:**

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
	Arbutus Menziesii (Drought Tolerant)	PACIFIC MADRONE (Drought Tolerant)	15 GAL.	5
	CYNODON DACTYLON (DROUGHT TOLERANT)	BERMUDA GRASS COOL SEASON GRASS		2,428.82 SQ. FT.
	SALVIA LEUCOPHYLLA (DROUGHT TOLERANT)	POINT SAL PURPLE SAGE	5 GAL.	16
	SALVIA SPATHACEA (DROUGHT TOLERANT)	HUMMINGBIRD SAGE	5 GAL.	10
	LANTANA MONTEVIDENSIS (DROUGHT TOLERANT)	PURPLE TRAILING LANTANA	2 GAL.	42
	ANIGOZANTHOS (DROUGHT TOLERANT)	DWARF KANGAROO PAW	2 GAL.	32
	CALLISTEMON (DROUGHT TOLERANT)	DWARF BOTTLEBRUSH	2 GAL.	31

**LANDSCAPE AREA**

AREA	SQ. FT.
AREA 1	103.75 S.F.
AREA 2	834.69 S.F.
AREA 3	856.17 S.F.
AREA 4	417.08 S.F.
AREA 5	209.58 S.F.
TOTAL	2,421.72 S.F.

**LANDSCAPE PLAN**  
SCALE 1/8"=1'-0"

**LANDSCAPE NOTE:**  
Landscaping Plan. A landscaping plan showing the location of all turf, plant materials, and irrigation systems shall be required for all uses that include landscaping projects. Landscaping plans for projects within the R-1, R-2, and R-3 Zones shall be reviewed by the City Planner. In lieu of City inspections, the installer shall sign a self-certification certificate. Landscaping projects for all other zones shall be approved by the Planning Commission during Site Plan Review. Plans submitted for the issuance of a building permit or a site plan may be used in lieu of a landscaping plan provided that compliance with all of the requirements of a landscaping plan is achieved to the satisfaction of the Commission during Site Plan Review. The Commission may reject such plans if they determine that they are not consistent with the purpose of this chapter. Landscaping plans shall demonstrate a recognizable pattern or theme for the overall development through conformance with the following:

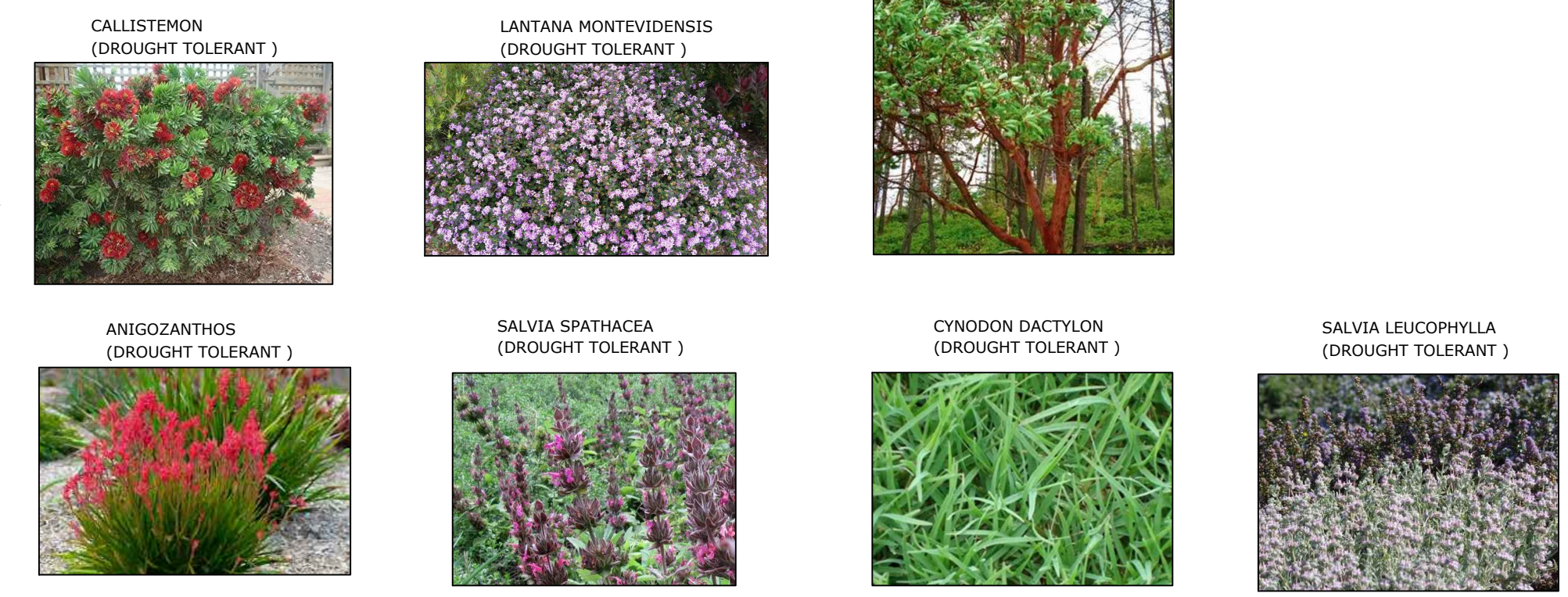


Table USA Tree Size Requirements

Minimum	Maximum	Minimum	Maximum
10'	12'	10'	12'
12'	14'	12'	14'
14'	16'	14'	16'
16'	18'	16'	18'
18'	20'	18'	20'
20'	22'	20'	22'
22'	24'	22'	24'
24'	26'	24'	26'
26'	28'	26'	28'
28'	30'	28'	30'
30'	32'	30'	32'
32'	34'	32'	34'
34'	36'	34'	36'
36'	38'	36'	38'
38'	40'	38'	40'
40'	42'	40'	42'
42'	44'	42'	44'
44'	46'	44'	46'
46'	48'	46'	48'
48'	50'	48'	50'
50'	52'	50'	52'
52'	54'	52'	54'
54'	56'	54'	56'
56'	58'	56'	58'
58'	60'	58'	60'
60'	62'	60'	62'
62'	64'	62'	64'
64'	66'	64'	66'
66'	68'	66'	68'
68'	70'	68'	70'
70'	72'	70'	72'
72'	74'	72'	74'
74'	76'	74'	76'
76'	78'	76'	78'
78'	80'	78'	80'
80'	82'	80'	82'
82'	84'	82'	84'
84'	86'	84'	86'
86'	88'	86'	88'
88'	90'	88'	90'
90'	92'	90'	92'
92'	94'	92'	94'
94'	96'	94'	96'
96'	98'	96'	98'
98'	100'	98'	100'

**PROPOSED 2-STORY 3-UNITS APARTMENTS**

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**LANDSCAPE PLAN CONCEPTUAL LID PLAN**

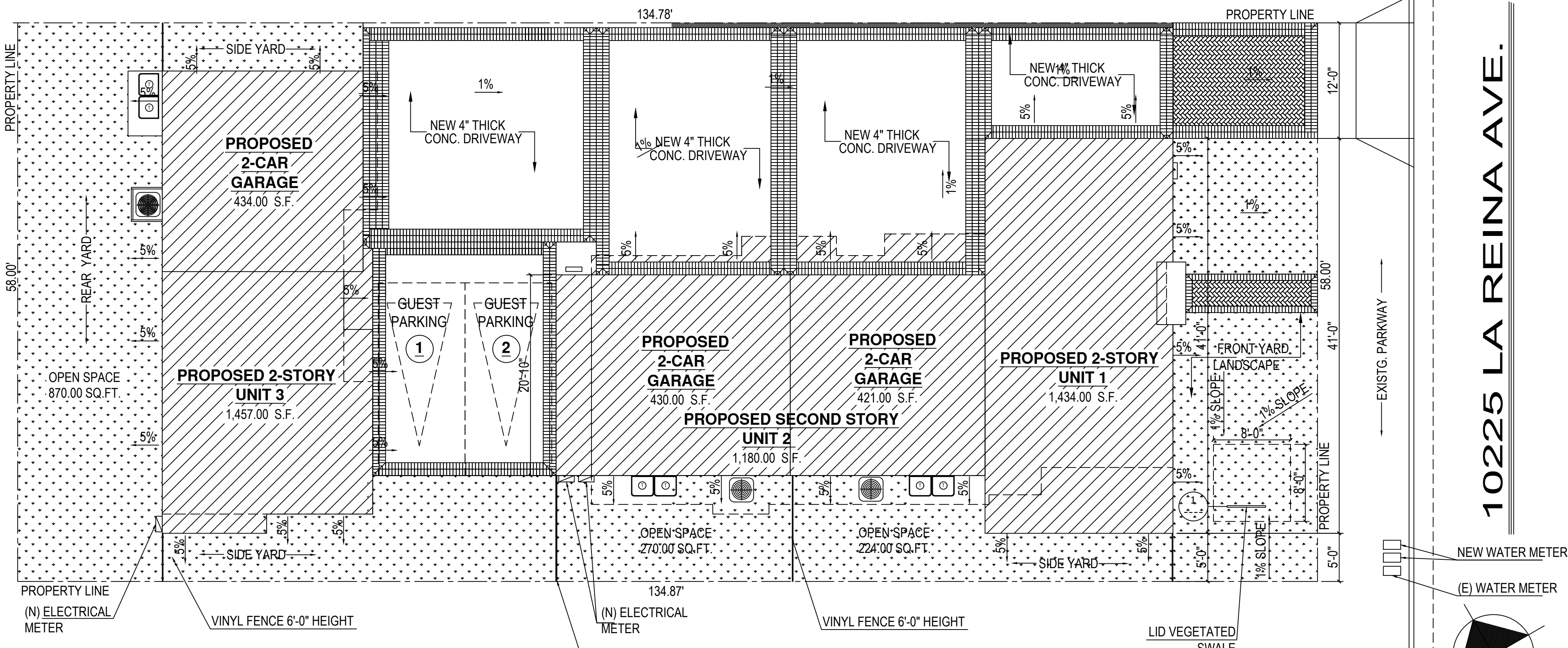
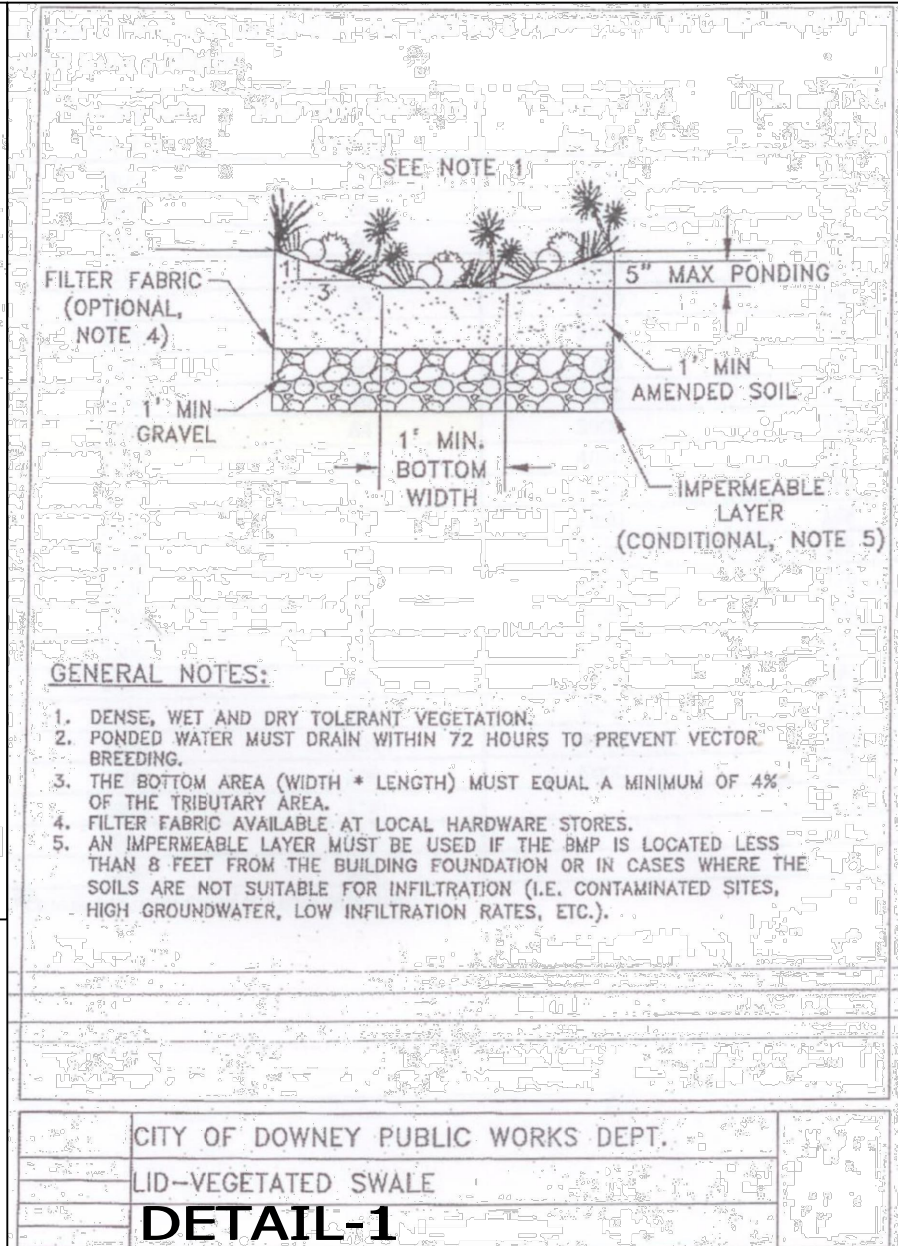
SEAL:

Project Name \_\_\_\_\_  
Project Number \_\_\_\_\_  
Description \_\_\_\_\_  
Computer File \_\_\_\_\_  
Scale \_\_\_\_\_  
SHEET: \_\_\_\_\_

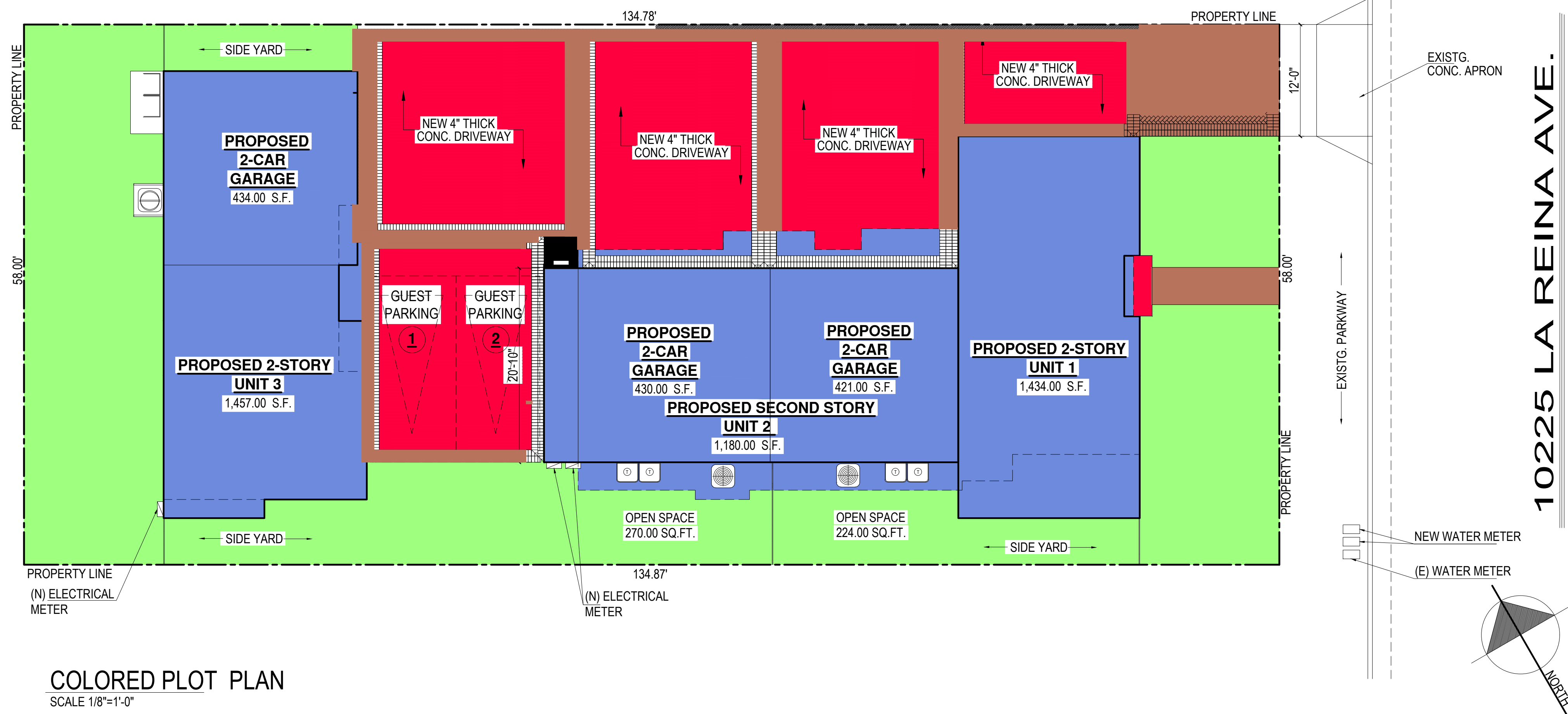
**LID INFORMATION AND DETAIL**

Tributary Area (sq. ft.)	Minimum BMP Size (sq. ft.)*	Tributary Area (sq. ft.)	Minimum BMP Size (sq. ft.)*
800	32	3100	124
900	36	3200	128
1000	40	3300	132
1100	44	3400	136
1200	48	3500	140
1300	52	3600	144
1400	56	3700	148
1500	60	3800	152
1600	64	3900	156
1700	68	4000	160
1800	72	4100	164
1900	76	4200	168
2000	80	4300	172
2100	84	4400	176
2200	88	4500	180
2300	92	4600	184
2400	96	4700	188
2500	100	4800	192
2600	104	4900	196
2700	108	5000	200
2800	112		
2900	116		
3000	120		

\*Calculated from 4% of the tributary area.



**CONCEPTUAL LID PLAN**  
SCALE 1/8"=1'-0"



**COLORED PLOT PLAN**  
SCALE 1/8"=1'-0"

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**COLORED PLOT PLAN**

SEAL:

Project Name \_\_\_\_\_  
 Project Number \_\_\_\_\_  
 Description \_\_\_\_\_  
 Computer File \_\_\_\_\_  
 Scale \_\_\_\_\_

SHEET:

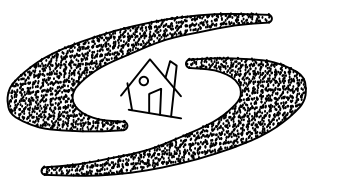
**A-7**

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**IRRIGATION PLAN  
EXISTING SITE PLAN**

SEAL:

Project Name \_\_\_\_\_

Project Number \_\_\_\_\_

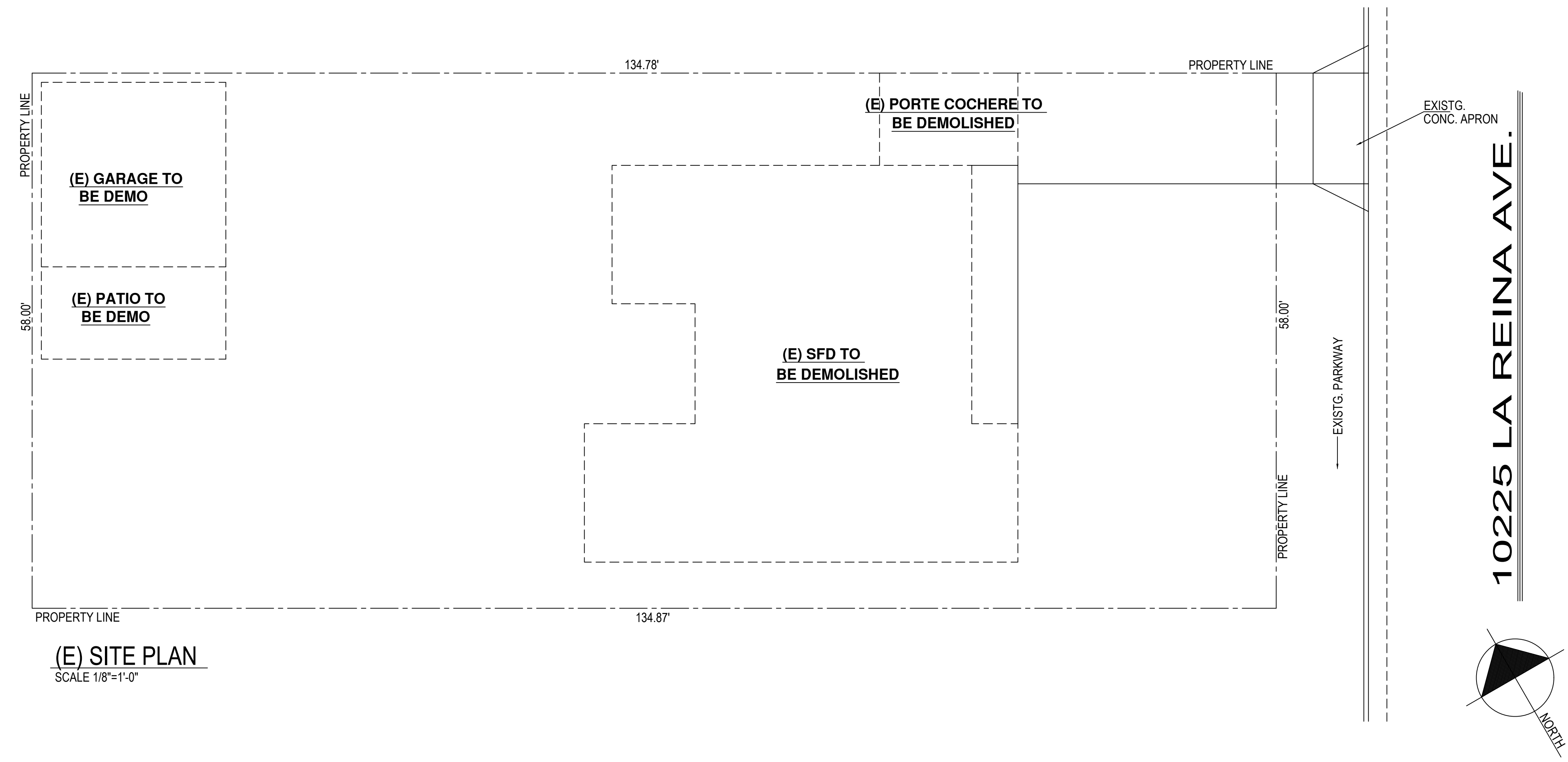
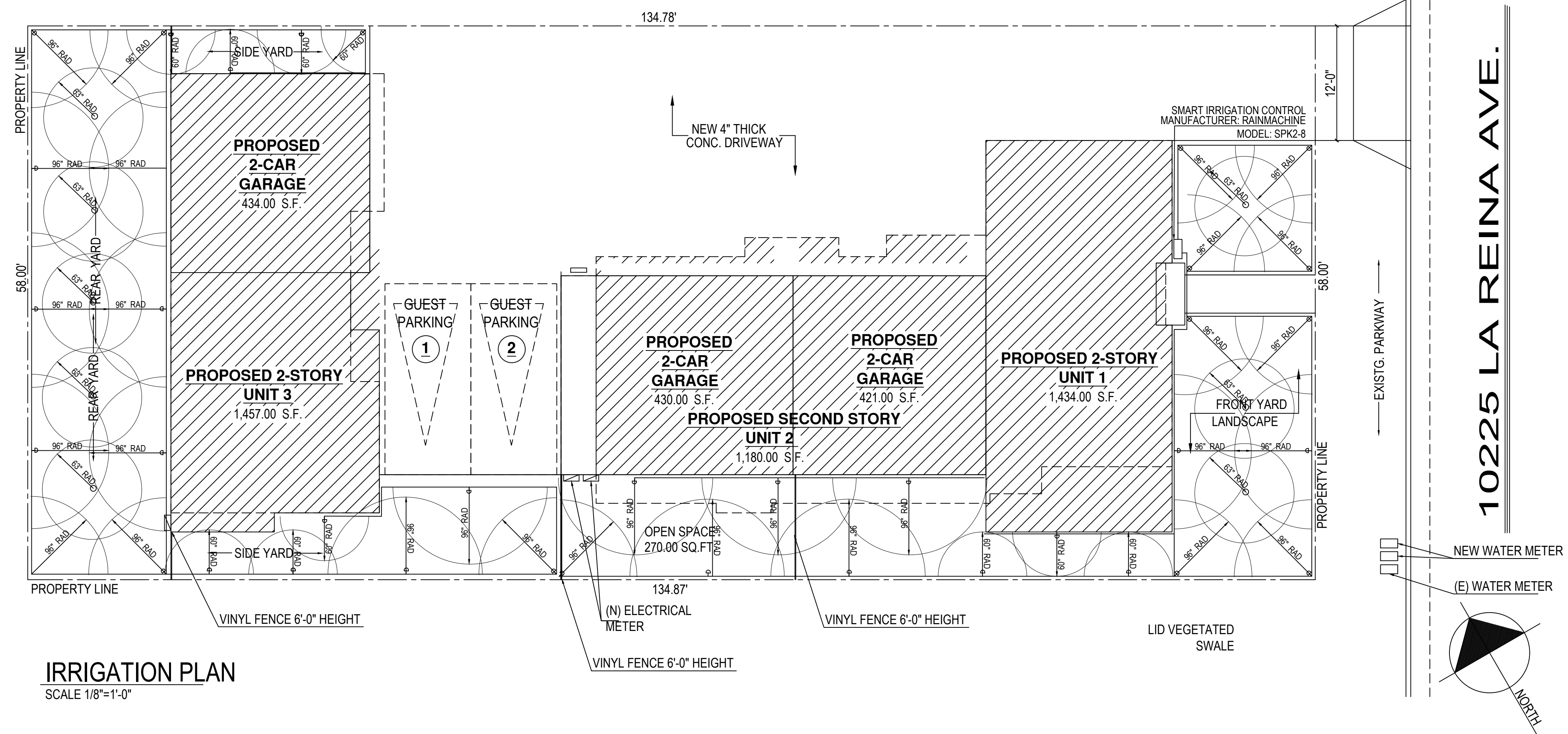
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Computer File \_\_\_\_\_

Scale \_\_\_\_\_

SHEET:

**A-8**



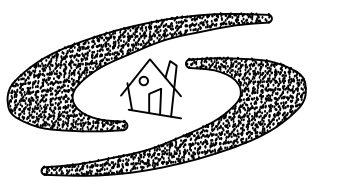
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RENDERING

SEAL:

Project Name \_\_\_\_\_

Project Number \_\_\_\_\_

Description \_\_\_\_\_

Computer File \_\_\_\_\_

Scale \_\_\_\_\_

SHEET:

**A-9**







**DATE:** DECEMBER 15, 2021

**TO:** PLANNING COMMISSION

**SUBMITTED BY:** ALDO E. SCHINDLER, DEPUTY CITY MANAGER/COMMUNITY DEVELOPMENT

**REVIEWED BY:** CRYSTAL LANDAVAZO, CITY PLANNER

**PREPARED BY:** GUILLERMO ARREOLA, PRINCIPAL PLANNER

**SUBJECT:** **PLN-19-00172 (CONDITIONAL USE PERMIT) – A REQUEST TO ALLOW LIVE ENTERTAINMENT AT AN EXISTING FULL-SERVICE RESTAURANT.**

**LOCATION:** 12002 LAKEWOOD BLVD.

**ZONING:** DOWNEY LANDING SPECIFIC PLAN

**REPORT SUMMARY**

This is a request for a Conditional Use Permit (CUP) to allow for live entertainment at a full-service restaurant, El Pescador, located within the Downey Landing Shopping center. The live entertainment will consist of a disc-jockey only, no dancing is proposed as part of this request. The business began operation of the restaurant with a Type 47 On-Sale General ABC license in October of 2019 and has remained in operation since.

Based on the analysis contained in this report, staff is recommending the Planning Commission adopt the following titled resolution:

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING CONDITIONAL USE PERMIT PLN-19-00172, THEREBY ALLOWING A FULL-SERVICE RESTAURANT TO FUNCTION WITH LIVE ENTERTAINMENT IN THE FORM OF A DISC-JOCKEY**

**BACKGROUND**

The subject site is a 9,052 square foot building located at the “Downey Landing” within the Downey Landing Specific Plan, and has a General Plan land use designation of Mixed Use. This area of the Downey Landing is made up primarily of similar restaurants, such as Chili’s, Carino’s Italian Grill, Starbucks, and Ono Hawaiian BBQ. The rest of the Downey Landing includes large retail establishments, such as Best Buy, Harbor Freight, Marshalls, and Petsmart. The restaurant’s existing customer area currently consists of a dining area, bar, and outdoor patio.

The Downey Landing stretches between Lakewood Boulevard and Bellflower Boulevard along Stewart and Gray Road. Primary vehicular access is by way of Lakewood Boulevard and Stewart and Gray Road, with a rear vehicular entrance from Bellflower Boulevard. The shopping center is located adjacent to the Promenade center to the South, zoned SP01-01. The properties to the north, across Stewart and Gray Road, are residentially developed, and zoned R-1 and R-3. The properties to the east, across Bellflower Boulevard are residentially developed and zoned R-3. The properties across Lakewood Boulevard are developed with commercial and residential uses, and zoned C-1 and H-M.

On October 30, 2019 the applicant filed a request for a CUP. Subsequently, the application was deemed incomplete November 30, 2019 to allow the applicant to address some minor revisions. On May 27, 2021, the applicant submitted revised plans, but were again deemed incomplete due to lack of information. On October 5, 2021, after submitting all required documents the application was deemed complete on November 4, 2021. On December 2, 2021, notice of the pending public hearing was published in the *Downey Patriot* and mailed to all property owners within 500 feet of the subject property.



*Existing Frontage – El Pescador Restaurant*

## **DISCUSSION**

The request is an application to conduct live entertainment in the form of a disc-jockey at the existing full-service restaurant “El Pescador”. Through the analysis of this application, the request was found to have potentially less impacts than other live entertainment applications, and the activities compliment the main use of the full-service dining restaurant.

Existing hours of operation are Monday – Sunday 7:00 a.m. – 2:00 a.m. The applicant seeks approval for live entertainment from Monday – Sunday 7:00 p.m. – 1:00 a.m. There are no proposed changes to the hours of operation in conjunction with this application. El Pescador will continue to operate as a full-service restaurant use with incidental alcohol sales. The applicant and future operators are limited to alcohol sales consistent with ABC License Type 47 (On Sale – Eating Place), which requires the applicant to limit the sale of alcohol to no more than half (50%) of their total gross revenue.

No changes are being proposed to alter the existing square footage of the restaurant and the request for live entertainment does not cause any changes to the current parking demand.

The applicant submitted a security plan that was reviewed and approved by the City of Downey Police Department. To accommodate the addition of live entertainment, security will be provided

through a total of two security guards Monday through Wednesday, 6:00 p.m. to 2 a.m., four security guards on Thursday, from 6:00 p.m. to 2:00 a.m., and 5 security guards, Friday through Sunday, from 6:00 p.m. to 2:00 a.m. The number of security guards was determined by the Downey Police Department in an effort to maintain a low amount of public nuisance incidents.

The DJ is proposed within the main dining area, an area measuring 4' x 13.5' (54 square feet) and will eliminate two dining tables. The DJ will provide ambient music nightly, between the hours of 7:00 p.m. to 1:00 a.m., and no dancing is proposed as part of this request. The applicant has indicated that he does not intend for this facility to become a night-club due to the potential negative impacts associated with those types of businesses.

Multi-family residences are located across Lakewood Boulevard, 105-feet from the subject site. The restaurant includes two outdoor dining areas, with one of those outdoor dining areas located along the west side of the restaurant, facing Lakewood Boulevard. Therefore, staff has added a condition of approval that prohibits the doors leading to the outdoor dining areas from being propped open between the hours of 7:00 p.m. to 1:00 a.m., and requires that the applicant turn off the all outdoor speakers by 10:00 p.m., Monday-Sunday. Additional conditions have been incorporated in an effort to mitigate any potential nuisance.

### **DEVELOPMENT REVIEW COMMITTEE**

The Development Review Committee (DRC) discussed and evaluated the project as it pertains to Planning, Police, Fire, Public Works, and Building and Safety matters. The Police Department reviewed the security plan and requested that a higher number of security guards be provided on the weekends, from 6:00 p.m. to 2:00 a.m. The applicant revised their security plan to meet this request and the Police Department is satisfied with the revisions. No other departments expressed concerns or opposition over the project, and issued standard conditions.

### **ENVIRONMENTAL ANALYSIS**

Staff has reviewed the proposed Conditional Use Permit for compliance with the California Environmental Quality Act (CEQA). Upon completion of this review, it has been determined that this request is categorically exempt from CEQA, pursuant to Guideline Section No. 15301 (Class 1, Existing Facilities). 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. Class 1 exemptions consist of projects that involve no/negligible expansion of the existing use.

### **FINDINGS**

Pursuant to Municipal Code Section 9824.06, there are four (4) findings that must be adopted prior to approving the Conditional Use Permit. The findings are as follows:

- A. The requested Conditional Use Permit will not adversely affect the intent and purpose of this article or the City's General Plan or the public convenience or general welfare of persons residing or working in the neighborhood thereof;**

The restaurant is a detached building located within an active shopping center that contains similar restaurant uses and retail establishments. The project has been conditioned to reduce the potential noise impacts associated with live entertainment, so the project is not expected to cause a nuisance to any nearby businesses or residences. The restaurant property line is located approximately 105 feet away from residentially

developed properties across Lakewood Boulevard. Conditions have been added that will reduce the potential for impacts to businesses and residents from the proposed use. The project aims to diversify the services available to residents and patrons of city businesses. The following General Plan policy is promoted by the proposed CUP:

*Policy 1.1.4 – Provide an appropriate amount of land use for people to acquire goods and services*

The proposed use promotes the above policy by expanding the availability of live entertainment which aims to complement the existing restaurant that it will serve. This will not only continue to provide, but will also expand, the type and amount of goods and services available to the nearby community and the general public.

**B. The requested use will not adversely affect the adjoining land uses and the growth and development of the area in which it is proposed to be located;**

The proposed live entertainment is intended to complement the existing restaurant use. A live entertainment component is found within similar shopping areas. The specific form of live entertainment reflects a newer trend for many restaurants where they provide music as background for diners. The application does not call for any other changes to the tenant space, such as readjustment of tables and chairs or installation of a dance floor. The configuration will remain the same, with the exception of a small space to accommodate the disk-jockey equipment. Security guards have been required as a part of this approval to ensure adequate safe guards are provided to prevent future impacts. As conditioned, the request is not anticipated to adversely affect the adjacent commercial businesses, nor hinder the area's potential for future growth and development.

**C. The size and shape of the site proposed for the use is adequate to allow the full development of the proposed use in a manner not detrimental to the particular area;**

The request does not include a proposal to significantly alter the interior floor plan or increase the building's square footage. The proposed use will not restrict future permitted uses from occupying the site or require an existing use to alter their operations as a result of the live entertainment request. In addition, the project is in full compliance with the Downey Landing Specific Plan.

**D. The traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area.**

The proposed disc-jockey as a complement to the ongoing operation of an existing full-service restaurant is not anticipated to generate additional traffic. The proposed background music is an incidental amenity to the existing primary restaurant use. The combination of uses is common within active large shopping areas and the existing infrastructure is built to accommodate the type of use. The site is accessible via Lakewood Boulevard and Bellflower Boulevard, both major arterials and Stewart and Gray Road, a secondary arterial. Therefore, the existing transportation infrastructure that provides access to and from the project site and the nearby area will remain adequate in supporting the type and quantity of traffic generated by the existing use.

Pursuant to Downey Landing Specific Plan Section 6(C), there are two (2) findings that must be adopted prior to approving the Conditional Use Permit. The findings are as follows:

**A. The proposed use is consistent with the Amended Downing Landing Specific Plan;**

The proposed live entertainment is permitted upon the granting of a Conditional Use Permit in accordance with Appendix A: Permitted and Conditional Uses within the Downey Landing Retail Center. The proposed use directly complies, or has been conditioned to comply, with all relevant development provisions within the Specific Plan. These provisions include, but are not limited to, review process, accessibility, amount of parking and noise. The proposed use is intended to provide an additional amenity to complement an existing restaurant which meets the goals of the Specific Plan.

**B. The Location, size and operating characteristics of the proposed land use are compatible with and will not adversely impact surrounding uses;**

The request is for a CUP to introduce live entertainment into the already existing restaurant land use. The restaurant operations will remain the same, including hours of operation. Accommodating the live entertainment will consist of removing a dining table and replacing it with the disc-jockey area. Unlike other forms of live entertainment, this permit does not request readjustment of the dining layout or introduction of a dance floor/area. Patrons will partake in the same activities as before, but now with music produced by a disc-jockey. Live entertainment as it pertains to this application is not considered a new use, but rather complimentary to the existing use.

**CORRESPONDENCE**

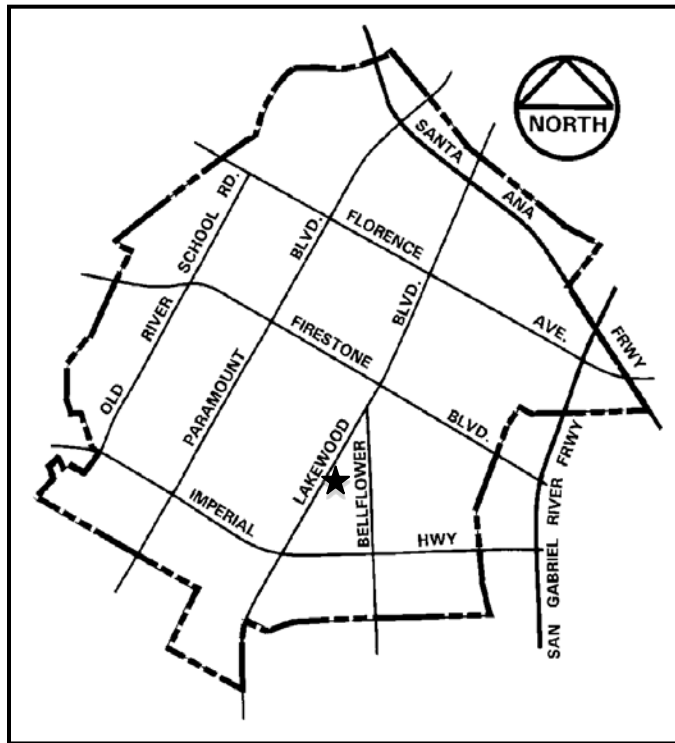
As of the date that this report was printed, staff has not received any correspondence regarding this application.

**CONCLUSION**

Based on the analysis contained within this report, all findings required for approval can be made in a positive manner. As such, it is recommended that the Planning Commission approve the Conditional Use Permit (PLN-19-00172).

**EXHIBITS**

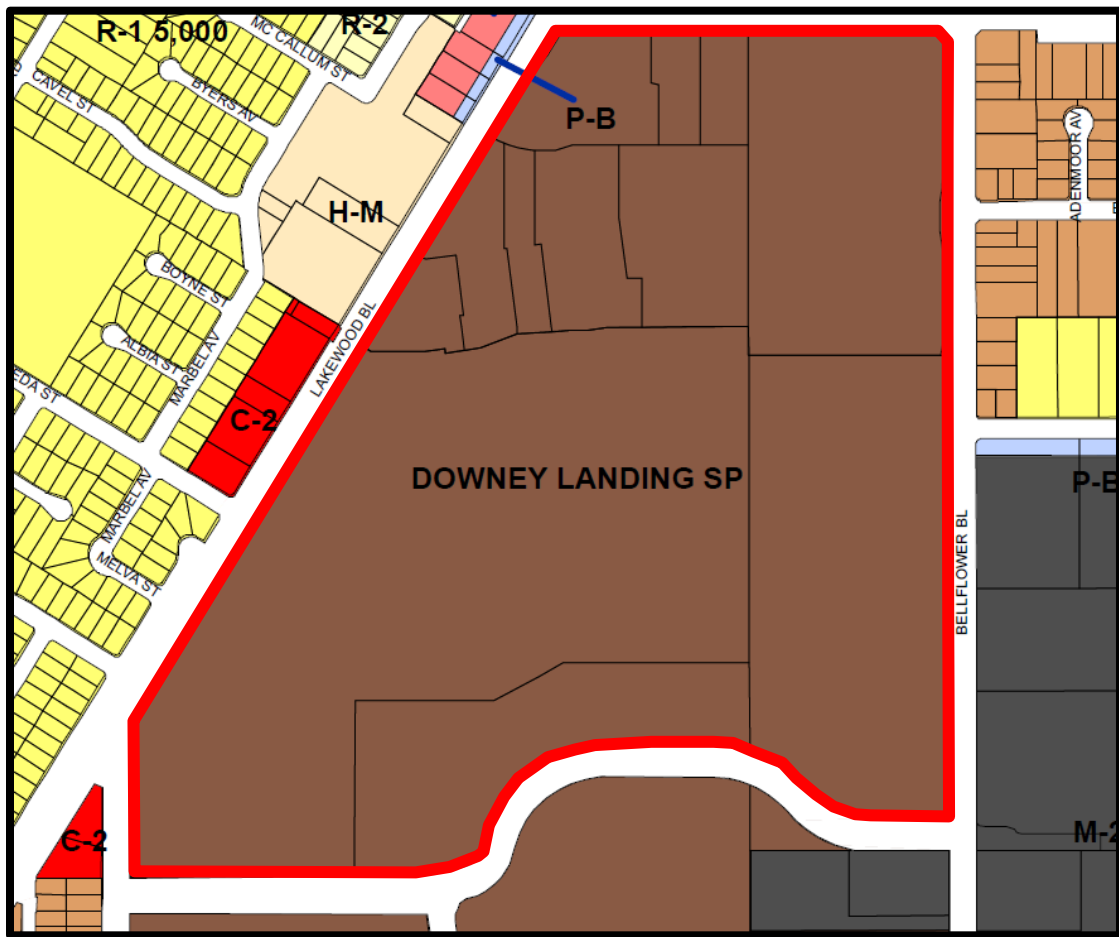
- A. Maps
- B. Draft Resolution
- C. Project Plans



Location



Aerial Photograph



Zoning

**RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING CONDITIONAL USE PERMIT PLN-19-00172, THEREBY ALLOWING A FULL-SERVICE RESTAURANT TO FUNCTION WITH LIVE ENTERTAINMENT IN THE FORM OF A DISC-JOCKEY**

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 October 30, 2019, Luis Niebla, on behalf of the Downey Hospitality Group (hereinafter “applicant”), submitted a request for a Conditional Use Permit to allow for live entertainment in the form of a disc-jockey at an existing full-service restaurant; and,
- B. On November 30, 2019, the applicant was issued a letter deeming the application incomplete to allow the applicant to address required revisions; and,
- C. On May 27, 2021, the application submitted revised plans, but the application was deemed incomplete on June 24, 2021 to allow the applicant to address required revisions; and,
- D. On October 5, 2021, the applicant submitted revised plans, and on November 4, 2021, the application was deemed complete; and,
- E. On November 30, 2021, a notice of the public hearing was sent to all property owners within 500’ of the subject site and the notice was published in *Downey Patriot*; and,
- F. The Planning Commission held a duly noticed public hearing on December 15, 2021, and after fully considering all oral and written testimony, facts, and opinions offered at the aforesaid public hearing adopted this resolution.

**SECTION 2.** The Planning Commission further finds, determines and declares the requested Conditional Use Permit is exempt from review under the California Environmental Quality Act, Public Resources Code § 21000 *et seq.* (“CEQA”) and the State CEQA Guidelines, 14 C.C.R. § 15000 *et seq.* The proposed live entertainment in the form of a disc-jockey would not have the potential to cause significant effects on the environment. It is therefore categorically exempt from further CEQA review under CEQA Guidelines Sections 15301 (Class 1, Existing Facilities) because the proposed live entertainment is ancillary to the eating establishment and involves no expansion of the existing use.

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

- A. The requested Conditional Use Permit will not adversely affect the intent and purpose of this article or the City’s General Plan or the public convenience or general welfare of persons residing or working in the neighborhood thereof. The



restaurant is a detached building located within an active shopping center that contains similar restaurant uses and retail establishments. The project has been conditioned to reduce the potential noise impacts associated with live entertainment, so the project is not expected to cause a nuisance to any nearby businesses or residences. The restaurant property line is located approximately 105 feet away from residentially developed properties across Lakewood Boulevard. Conditions have been added that will reduce the potential for impacts to businesses and residents from the proposed use. The project aims to diversify the services available to residents and patrons of city businesses. The following General Plan policy is promoted by the proposed CUP:

*Policy 1.1.4 – Provide an appropriate amount of land use for people to acquire goods and services*

The proposed use promotes the above policy by expanding the availability of live entertainment which aims to complement the existing restaurant that it will serve. This will not only continue to provide, but will also expand, the type and amount of goods and services available to the nearby community and the general public.

- B. The requested use will not adversely affect the adjoining land uses and the growth and development of the area in which it is proposed to be located. The proposed live entertainment is intended to complement the existing restaurant use. A live entertainment component is found within similar shopping areas. The specific form of live entertainment reflects a newer trend for many restaurants where they provide music as background for diners. The application does not call for any other changes to the tenant space, such as readjustment of tables and chairs or installation of a dance floor. The configuration will remain the same, with the exception of a small space to accommodate the disk-jockey equipment. Security guards have been required as a part of this approval to ensure adequate safe guards are provided to prevent future impacts. As conditioned, the request is not anticipated to adversely affect the adjacent commercial businesses, nor hinder the area's potential for future growth and development.
- C. The size and shape of the site proposed for the use is adequate to allow the full development of the proposed use in a manner not detrimental to the particular area. The request does not include a proposal to significantly alter the interior floor plan or increase the building's square footage. The proposed use will not restrict future permitted uses from occupying the site or require an existing use to alter their operations as a result of the live entertainment request. In addition, the project is in full compliance with the Downey Landing Specific Plan.
- D. The traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area. The proposed disc-jockey as a complement to the ongoing operation of an existing full-service restaurant is not anticipated to generate additional traffic. The proposed background music is an incidental amenity to the existing primary restaurant use. The combination of uses is common within active large shopping areas and the existing infrastructure is built to accommodate the type of use. The site is accessible via Lakewood Boulevard and Bellflower Boulevard, both major arterials and Stewart and Gray Road, a secondary arterial. Therefore, the existing transportation infrastructure that provides access to and from the project site and the nearby area will remain adequate in supporting the type and quantity of traffic generated by the existing use.

**SECTION 4.** Having considered all of the oral and written evidence presented to it at said public hearings regarding the Conditional Use Permit, the Planning Commission further finds, determines and declares that:

- A. The proposed use is consistent with the Amended Downing Landing Specific Plan. The proposed live entertainment is permitted upon the granting of a Conditional Use Permit in accordance with Appendix A: Permitted and Conditional Uses within the Downey Landing Retail Center. The proposed use directly complies, or has been conditioned to comply, with all relevant development provisions within the Specific Plan. These provisions include, but are not limited to, review process, accessibility, amount of parking and noise. The proposed use is intended to provide an additional amenity to complement an existing restaurant which meets the goals of the Specific Plan.
- B. The Location, size and operating characteristics of the proposed land use are compatible with and will not adversely impact surrounding uses. The request is for a CUP to introduce live entertainment into the already existing restaurant land use. The restaurant operations will remain the same, including hours of operation. Accommodating the live entertainment will consist of removing a dining table and replacing it with the disc-jockey area. Unlike other forms of live entertainment, this permit does not request readjustment of the dining layout or introduction of a dance floor/area. Patrons will partake in the same activities as before, but now with music produced by a disc-jockey. Live entertainment as it pertains to this application is not considered a new use, but rather complimentary to the existing use.

**SECTION 5.** Based upon the findings set forth in Sections 1 through 4 of this Resolution, the Planning Commission of the City of Downey hereby approves Conditional Use Permit PLN-19-00172, 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.

Resolution No.  
Downey Planning Commission

**SECTION 6.** The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 15<sup>th</sup> day of December 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 15<sup>th</sup> day of December 2021, by the following vote, to wit:

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

\_\_\_\_\_  
Mary Cavanagh, Secretary  
City Planning Commission

**PLN-19-00172  
(CONDITIONAL USE PERMIT)  
EXHIBIT A – CONDITIONS**

**PLANNING**

- 1) The approval of this Conditional Use Permit allows for live entertainment in the form of a disc-jockey at an existing restaurant with incidental alcohol sales.
- 2) The form of live entertainment is limited to disc jockey providing ambient music only. Dancing is prohibited.
- 3) The permitted hours of operation are Monday – Sunday, 7:00 a.m. to 2:00 a.m.
- 4) The permitted hours of operation for live entertainment are as follows:  

Monday – Sunday     7:00 p.m. – 1:00 a.m.
- 5) "Last call" for alcohol purchases shall occur thirty (30) minutes prior to closing.
- 6) The DJ Booth must be reviewed and approved by the Building Department prior to commencement of live entertainment.
- 7) The applicant shall sign and submit to the City of Downey, an Affidavit of Acceptance of Conditions, as provided by the City, by December 30, 2021. The proposed live entertainment may not commence prior to the submittal of the Affidavit of Acceptance of Conditions.
- 8) The site shall remain in conformance with this request and the approved set of plans, date stamped October 5, 2021.
- 9) The Planning Commission reserves the right to revoke or modify this CUP if any violation of the approved conditions occurs, or any violation of the Downey Municipal Code occurs.
- 10) The Planning Commission reserves the right to revoke or modify this CUP if harm or operational problems such as criminal or anti-social behavior occur. Examples of harmful or operation behaviors include, but not limited to, violence, public drunkenness, vandalism, solicitation and/or litter.
- 11) Approval of Conditional Use Permit PLN-19-00172 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.
- 12) Applicant shall comply with all conditions of PLN-19-00172 before this Conditional Use Permit becomes valid.

- 13) 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.
- 14) 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.
- 15) The business owner shall consent to and provide access to all areas of the subject premises without charge during normal business hours to any Police Department or other City Official for purposes of verifying compliance with any of the Conditions of Approval of this CUP, as well as with any Police Permit and approved Security Plan.
- 16) All rules and regulations set forth by the California Department of Public Health and the Los Angeles County Department of Public Health shall be enforced and complied with. The applicant shall be subject to any and all applicable orders issued by these agencies to protect the public health such as the most recent orders for social distancing and operational restrictions related to the COVID-19 coronavirus pandemic.
- 17) All Department of Alcoholic Beverage Control rules and regulations shall be enforced and complied with. The applicant shall submit to the City Planner a copy of the Department of Alcoholic Beverage Control license, including any and all conditions imposed, which will be kept on file in the Planning Division office.
- 18) It shall be the responsibility of the applicant/licensee to provide all employees that sell or serve alcoholic beverages with the knowledge and skills that will enable them to comply with their responsibilities under State law.
- 19) The knowledge and skills deemed necessary for responsible alcoholic beverage service shall include, but not be limited to the following topics and skills development:
  - a) State laws relating to alcoholic beverages, particularly ABC and penal provisions concerning sales to minors and intoxicated persons, driving under the influence, hours of legal operations and penalties for violations of these laws.
  - b) The potential legal liabilities of owners and employees of businesses dispensing alcoholic beverages to patrons who may subsequently injure, kill, or harm themselves or innocent victims as a result of the excessive consumption of alcoholic beverages.
  - c) Alcohol as a drug and its effects on the body and behavior, including the operation of motor vehicles.

- 20) Methods for dealing with intoxicated customers and recognizing underage customers. The following organizations have been identified by the State Department of Alcoholic Beverage Control as providing training programs which comply with the above criteria:
  - a) Department of Alcoholic Beverage Control L.E.A.D. Program Telephone (916) 419-2500.
- 21) All signs shall comply with Chapter 6 of the Downey Municipal Code.
- 22) All promotions of the business shall be conducted under direct control of the business owner. There shall be no outside promoters of live entertainment or night club activity at any time.
- 23) The subject property and surrounding area must be maintained free of trash, litter, and debris at all times.
- 24) The owner/applicant shall ensure that all entry and exit doors to and from the subject restaurant remain closed during live entertainment hours of operation.
- 25) The owner/applicant shall not permit any loitering on the subject site.
- 26) Customers shall not be within the business after the specified closing time.
- 27) The sale of alcohol shall be incidental to the sale of food.
- 28) The gross sales of alcohol shall not exceed the gross sales of food. At the request of the City Planner, the applicant shall provide evidence that the gross sales of food exceed 50% the gross sale of alcohol.
- 29) The kitchen shall remain open to serve a full menu at all times the business is open. The service/sale of prepackaged foods, salads, or sandwiches is not considered to be in compliance with this condition.
- 30) The sale of alcoholic beverages for off the premises consumption shall be prohibited. Consumption of alcoholic beverages shall be prohibited outside of the restaurant or designated outdoor dining area when in use. There shall be appropriate posting of signs both inside and outside the licensed premises indicating that drinking outside the licensed premises is prohibited by law.
- 31) Noise generated from the business shall comply with Municipal Code Section 4600 et. seq. In any case, noise shall not exceed 65 dBA, as measured at the property line. Upon receiving complaints regarding noise levels, the Director of Community Development may order the preparation of a noise study. The City will hire a consultant to prepare a noise study, and said noise study shall be paid by the business owner. All mitigation measures identified in the noise study shall be implemented and become part of this Conditional Use Permit and shall have the force of conditions of approval.
- 32) All doors leading to the main dining area shall not be left propped open between the hours of 7:00 p.m. and 1:00 a.m.
- 33) The noise associated with the live entertainment shall not exceed 65 db(A) at the subject site property lines.

- 34) All outdoor speakers must be turned off by 10:00 p.m., Monday – Sunday.
- 35) Deliveries to the premises are prohibited between 10:00 p.m. and 7:00 a.m.
- 36) The Applicant shall incorporate a copy of this Exhibit A, Conditions of Approval for Conditional Use Permit PLN-19-00172, into the approved set of building plans.

### **BUILDING**

- 37) All construction shall comply with the most recent adopted City and State building codes:
  - 2019 California Building Code
  - 2019 California Electrical Code
  - 2019 California Mechanical Code
  - 2019 California Plumbing Code
  - 2019 California Fire Code
  - 2019 California Green Code
- 38) 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)
- 39) A design professional will be required at time of construction drawings, to prepare plans for proposed improvements per the Business and Professions' Code.
- 40) Public and private site improvements shall be designed in accordance with the Americans with Disabilities Act and Chapter 11 of the California Building Code. Site plan shall include a site accessibility plan identifying exterior routes of travel and detailing running slope, cross slope, width, pedestrian ramp, curb ramps, handrails, signage and truncated domes. Path of travel shall be provided from the public right of way and accessible parking to building. The design professional shall ensure that the site accessibility plan is compliance with the latest Federal and State regulations.

### **POLICE**

- 41) Prior to selling alcoholic beverages, the owner/applicant shall obtain any and all required Police Department permits for this Conditional Use Permit.
- 42) The owner/applicant must provide a minimum of licensed and bonded, uniformed patrolmen or security guards on-site as follows:
  - Monday – Wednesday, 6:00 p.m. – 2:00 a.m. – Two security guards
  - Thursday, 6:00 p.m. – 2:00 a.m. – Four security guards
  - Friday – Sunday, 6:00 p.m. – 2:00 a.m. – Five security guards

The number of security guards may be increased or decreased as the Chief of Police determines is necessary.

- 43) Signs shall be posted at all entrances to the premises and business identifying a zero-

tolerance policy for nuisance behavior at the premises (including the parking lot). Signs shall be posted along the entry/ exit ways and shall also include verbiage prohibiting the possession and consumption of alcohol outside the premises.

- 44) The owner/applicant shall not permit any loitering in front of the business.
- 45) A copy of the Resolution and any Police permit shall be prominently posted on the premises at all times. The applicant shall make available said copies upon request by any Police Officer or other City official charged with the enforcement of the City's laws, ordinances, or regulations.
- 46) Payment for beverage services shall be made only after such services have been provided to the patrons by the business.
- 47) The owner/applicant shall impose a dress code that shall not permit patrons to wear the following: Gang attire/colors, baggy pants, bandanas, back packs, and/or caps that are worn backwards.
- 48) The Licensee shall be responsible for monitoring the business to prevent anyone under the age of 21 from purchasing or consuming alcohol.
- 49) The owner/applicant shall comply with and strictly adhere to all conditions of any permit issued by the Alcohol Beverage Control ("ABC") to the applicant and any applicable regulations of ABC.
- 50) Upon the determination by the Chief of Police that the operation of the business requires additional on-site security, the applicant shall submit and obtain approval of a revised security plan to the Chief of Police. The number of security guards shall be determined by the Chief of Police and may be increased or decreased as the Chief of Police determines is necessary. The security plan shall be submitted to the Police Department within fourteen (14) days of being requested. Should the Police Department request any additional information or modifications, the business owner/permittee shall submit said revisions within forty-eight (48) hours of notification.

## **FIRE**

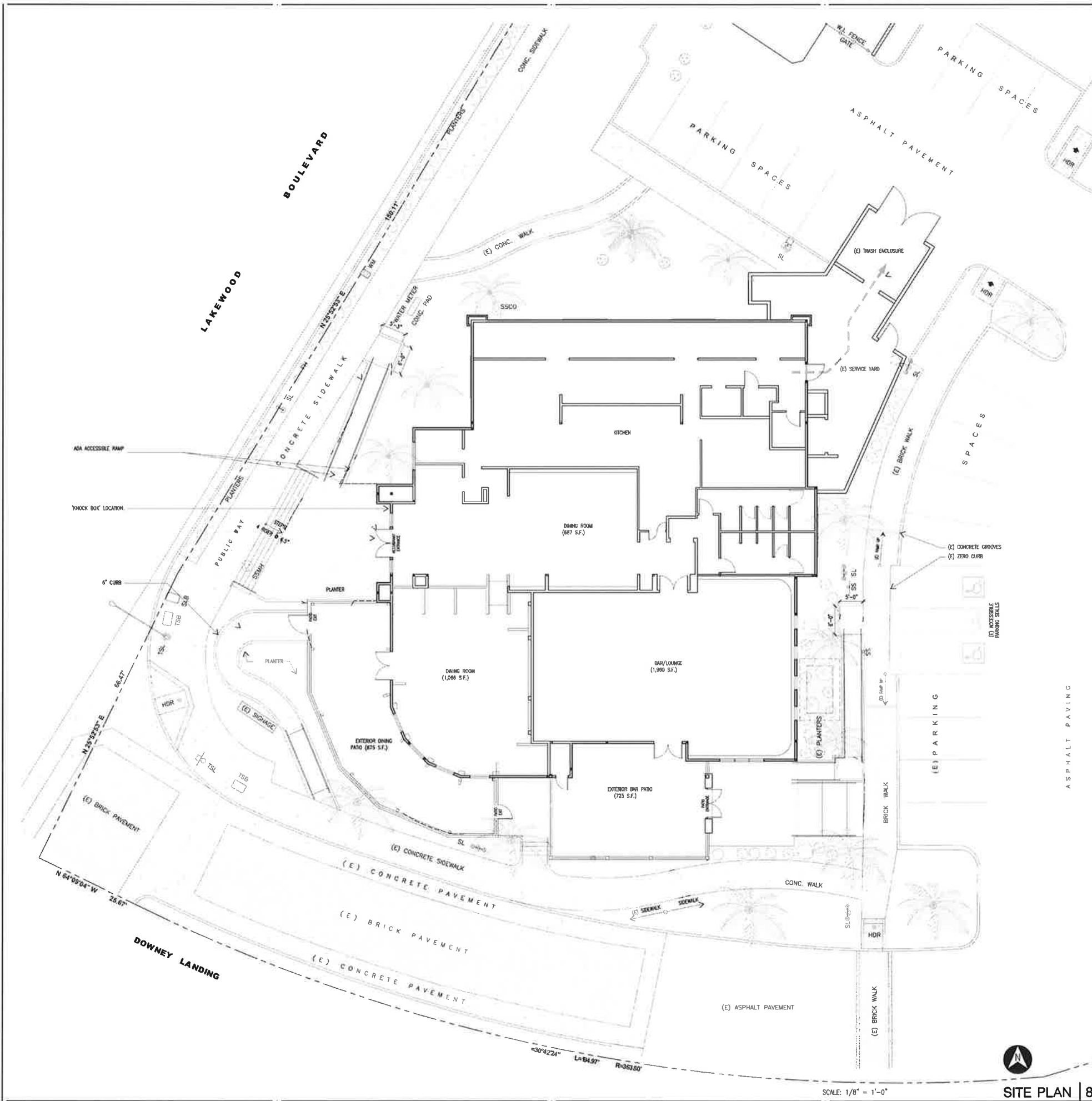
- 51) Design and construction of proposed project shall adhere to all conditions for Assembly Group A occupancy for occupant load, exiting, emergency lighting, egress illumination, etc.
- 52) Any electrical modifications to accommodate DJ booth and associated electronic equipment shall adhere to CA Electrical Code and NFPA 70.
- 53) DJ booth shall be free of electrical hazards to include overloading electrical outlets, open electrical, cover plates for outlets/switches, no use of extension cords for permanent wiring, etc. [CA Fire Code §605].
- 54) DJ booth shall not extend into or obstruct egress path of travel or otherwise obstruct egress from bar/lounge area of occupancy [CA Fire Code §1030.2; 1030.3].



**PUBLIC WORKS**

- 55) The applicant is responsible for obtaining all necessary plan approvals and permits.
- 56) If any hazardous material is encountered on the site that has the potential to reach the ground water supply, the owner/applicant shall secure a permit for the State Regional Water Quality Control Board.
- 57) The owner/applicant must comply with all applicable Federal, State and local rules and regulations, American Disabilities Act (ADA), including compliance with South Coast Air Quality Management District (SCAQMD) regulations.

**[End of Conditions]**



SCALE: 1/8" = 1'-0"



**SITE PLAN** | 8

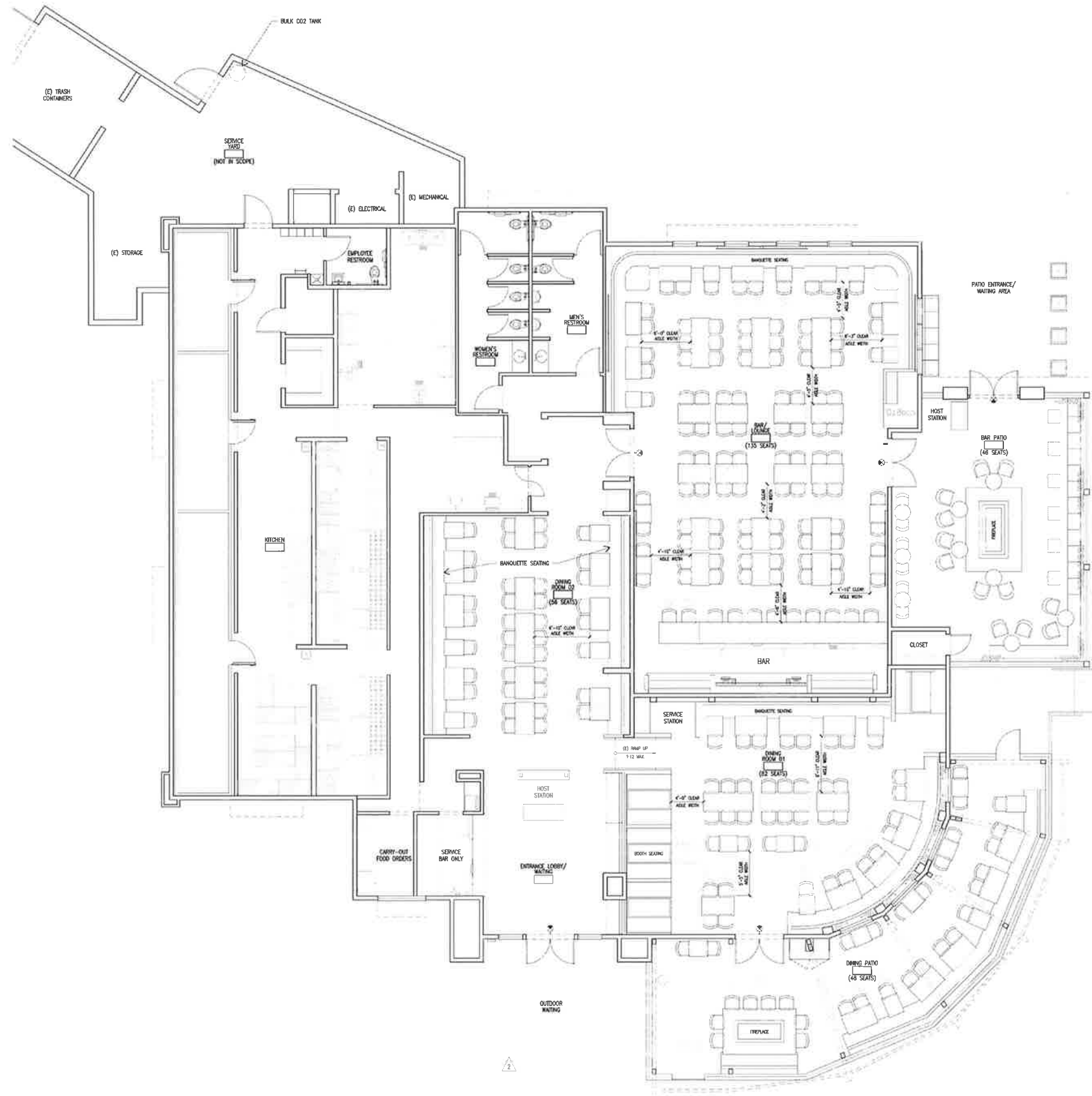
**LEGEND**

SCALE N.T.S.		

8

**NOTES**


<p>PROPERTY OWNER <b>EL PESCADOR</b></p> <p>PROJECT LOCATION 12002 LAKEWOOD BLVD. DOWNEY, CA 90241</p>																																	
<table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 30%;">NO.</th> <th style="width: 30%;">DATE</th> <th style="width: 40%;">ISSUE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	ISSUE																						<table style="width: 100%; font-size: small;"> <tr> <td>PROJECT NO.</td> <td>17032</td> </tr> <tr> <td>DATE</td> <td> </td> </tr> <tr> <td>DRAWING TITLE</td> <td style="text-align: center;"><b>SITE PLAN</b></td> </tr> <tr> <td>DRAWING NO.</td> <td style="text-align: center;"><b>A1</b></td> </tr> </table>	PROJECT NO.	17032	DATE		DRAWING TITLE	<b>SITE PLAN</b>	DRAWING NO.	<b>A1</b>
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SCALE: 3/16"=1'-0"

**LEGEND**

- ROOM REFERENCE
- DOOR REFERENCE
- FIRE RATING
- SYMBOL INDICATES ACCESSIBLE SEATING LOCATIONS & LOCATIONS FITTED WITH ACCESSIBLE FEATURES

**TABLE SCHEDULE**

DINING ROOMS 1 AND 2		NO.	SEATS	ADA
	SMALL TABLE (SEATS TWO) 24" x 28"	10	20	1
	MEDIUM TABLE (SEATS FOUR) 30" x 48"	21	84	4
	LARGE TABLE (SEATS SIX) 30" x 74"	6	36	-
	BOOTH TABLE (SEATS SIX) 66" x 75"	4	24	1
	DINING BANQUETTE (SEATS TWO) 30" x 24"	11	22	3
	DINING BANQUETTE (SEATS FOUR) 30" x 48"	18	72	3
	BAR BANQUETTE (SEATS TWO) 24" x 24"	4	8	1
	BAR BANQUETTE (SEATS FOUR) 24" x 48"	8	32	1
	BAR BANQUETTE (SEATS THREE) 36" x 36"	2	6	-
	BAR SEATING (SINGLE SEATS) *INCLUDES ADA	11	11	2
	DINING FIREPLACE (SEATS TEN)	1	10	3
	ROUND BAR TABLE (SEATS TWO) 24" DIAMETER	3	6	-
	BAR BENCH	1	20	-
	BAR FIREPLACE	1	20	-
<b>TOTAL DINING SEATS</b>			186	
<b>TOTAL BAR SEATS</b>			185	
<b>TOTAL COMBINED SEATING</b>			371	
<b>ACCESSIBLE SEATING (5% OF 371 SEATS)</b>			19	

**FLOOR PLAN NOTES**

1. ALL DIMENSIONS ARE TO FACE OF STUD UNLESS NOTED.
2. ALL DOOR OPENINGS OFFSET FROM PERPENDICULAR WALL 4" U.N.O.
3. THE CONTRACTOR SHALL REVIEW ALL DOCUMENTS AND VERIFY ALL DIMENSIONS AND FIELD CONDITIONS AND SHALL CONFIRM THAT WORK IS BUILDABLE AS SHOWN. ANY CONFLICTS OR OMISSIONS, ETC., SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT FOR CLARIFICATION PRIOR TO PERFORMANCE OF ANY WORK IN QUESTION.
4. "TYP." SHOULD MEAN THAT THE CONDITION IS REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, UNLESS OTHERWISE NOTED. DETAILS ARE USUALLY KEPT AND NOTED "TYP." ONLY WHEN THEY FIRST OCCUR.
5. "SM." SHALL MEAN COMPARABLE CHARACTERISTICS FOR THE CONDITION NOTED. VERIFY DIMENSIONS AND ORIENTATION ON PLANS AND ELEVATIONS.
6. "FINISH" MEANS ACCURATELY LOCATE FINISHED FACES IN SAME PLANE.
7. PROVIDE ALL PUBLIC SIGNAGE INCLUDING BUT NOT LIMITED TO RESTROOMS, EXIT SIGNS AND BUILDING ACCESSIBILITY SIGNS.
8. MOISTURE RESISTANT GYPSUM BOARD TO BE USED IN ALL BATHROOMS.
9. PLANS FOR THE FIRE PROTECTION EQUIPMENT SUCH AS STANDPIPES, SPRINKLER SYSTEMS AND FIRE ALARM SYSTEMS, SHALL BE SUBMITTED TO THE BUILDING DIVISION AND APPROVED BY THE FIRE DEPARTMENT BEFORE THIS EQUIPMENT IS INSTALLED.
10. A COPY OF ALL REFERENCED EVALUATION REPORTS AND/OR CONDITIONS OF LISTING SHALL BE MADE AVAILABLE AT THE JOB SITE.
11. THE MEANS OF EGRESS SHALL BE ILLUMINATED AT ALL TIMES THE BUILDING IS OCCUPIED. AN EMERGENCY ELECTRICAL SYSTEM CONSISTING OF STORAGE BATTERIES OR AN ON-SITE GENERATOR SHALL PROVIDE POWER TO THE MEANS OF EGRESS ILLUMINATION FOR A DURATION OF NOT LESS THAN 90 MINUTES. INSTALLATION OF THE EMERGENCY POWER SYSTEM SHALL BE IN ACCORDANCE WITH SECTION 2902, (1009 CBC).
12. FOR A COMPLETE LIST OF SPECIAL INSPECTIONS (PURSUANT TO CBC 1704) SEE STRUCTURAL SHEET SH-2.

PROPERTY OWNER  
**EL PESCADOR**

PROJECT LOCATION  
**12002 LAKEWOOD BLVD.  
DOWNEY, CA 90241**

NO.	DATE	ISSUE
1	08/14/18	CITY RESUBMITTAL
2	09/21/18	CITY RESUBMITTAL

PROJECT NO. 17032  
DATE  
DRAWING TITLE  
**FLOOR PLAN**  
DRAWING NO.

**A2.11**

**DRAFT MINUTES  
DOWNEY CITY PLANNING COMMISSION  
WEDNESDAY, SEPTEMBER 15, 2021  
CITY COUNCIL CHAMBERS, 11111 BROOKSHIRE AVENUE  
DOWNEY, CALIFORNIA  
6:30 P.M.**

Chair Duarte called the September 15, 2021, Regular Meeting of the Planning Commission to order at 6:30 p.m., at Downey City Hall, 11111 Brookshire Avenue, Downey, CA. After the flag salute, Secretary Cavanagh called roll.

**COMMISSIONERS PRESENT:** Miguel Duarte, District 1, Chair  
Arturo Montoya, District 3  
Carmela Uva, District 4

**COMMISSIONERS ABSENT:** Patrick Owens, District 2, Vice Chair  
Horacio Ortiz, Jr., District 5

**OTHERS PRESENT:** Deputy City Manager / Community Development Director  
Aldo E. Schindler  
Development Director  
Yvette Abich Garcia, City Attorney  
Crystal Landavazo, City Planner  
Alfonso Hernandez, Senior Planner  
Mary Cavanagh, Secretary

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

**PRESENTATIONS:**

**1. Resolution of Appreciation for Nolveris Frometa**

Mr. Frometa was unable to attend the Planning Commission meeting due to a scheduling conflict, and requested a continuing the presentation to a future Planning Commission meeting.

**REPORT ON CITY COUNCIL ACTION:** None.

**PUBLIC HEARINGS:**

**2. PLN-21-00058 (Conditional Use Permit):** Chair Duarte opened the public hearing for PLN-21-00058 and Ms. Cavanagh affirmed proof of publication.

Senior Planner Alfonso Hernandez presented the request for a Conditional Use Permit to allow for the off-site sale of alcohol at 9514 Firestone Boulevard, zoned C-2 (General Commercial). He explained that the applicant, Marc Shelton, proposes to operate the business as a consultation and logistics office under the business name "Allocated Liquor". The business will offer online and appointment based alcohol sales for off-site consumption provide home bar consulting and design services, stock private home bars for clients, and sell high end liquor to compliment this service. The applicant currently provides professional services for designing home bars and alcohol recommendations only. The proposed business will operate under a California Department of Alcoholic Beverage Control (ABC) Type 21 license (Off-Sale General), and function as an office showroom and distribution center, as opposed to a typical liquor store. Patrons can only visit the site by scheduling a consultation appointment or by making a purchase online and selecting to pick up their order.

The proposed hours of operation for the business are 9:00 a.m. – 5:00 p.m., Tuesday - Saturday. The applicant anticipates a maximum of four patrons at any given time. The business will be staffed with two employees at all times.

The applicant spoke in favor of his request.

The Commissioners commented on the uniqueness of the business and spoke in favor of the project.

It was moved by Commissioner Montoya, second by Commissioner Uva and passed by a vote of 3 in favor, and Vice Chair Owens and Commissioner Ortiz absent, to approve the request for a Conditional Use Permit PLN-21-00058.

**NON-AGENDA PUBLIC COMMENTS:** None.

**CONSENT CALENDAR ITEMS:** None.

**OTHER BUSINESS:** Chair Duarte reported a resident inquired as to the status of the previously approved 7-Eleven convenience store to be constructed at 13034 Downey Avenue at Gardendale St. The site has not begun construction and the resident commented on the property looking unmaintained.

Deputy City Manager / Director of Community Development Aldo Schindler advised the Commission that Staff will look into the complaint and will respond to the Planning Commission with current status of project. He stated the Code Enforcement Division will drive by the site and, if it looks unmaintained, they will have the owner clean it up.

**STAFF MEMBER COMMENTS:** Deputy City Manager / Community Development Director Schindler informed the Commission that the City of Downey will host a Housing Resource Fair on September 27, 2021 at 6:30 p.m. at the Barbara J. Riley Senior Center located at 7810 Quill Drive. Housing Service Providers will be in attendance to provide a multitude of Housing Services for our Community. The event will be posted on our City website and social media. Please spread the word and follow us on Instagram and Facebook for further information.

**ADJOURNMENT:** Chair Duarte adjourned the meeting at 6:48 p.m., to Wednesday, October 6, 2021, at 6:30p.m., at Downey City Hall, 11111 Brookshire Ave.

APPROVED AND ADOPTED this 15<sup>th</sup> day of December, 2021.

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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 15<sup>th</sup> day of December, by the following vote:

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

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Mary Cavanagh, Secretary  
City Planning Commission

**DRAFT MINUTES  
DOWNEY CITY PLANNING COMMISSION  
WEDNESDAY, DECEMBER 1, 2021  
CITY COUNCIL CHAMBERS, 11111 BROOKSHIRE AVENUE  
DOWNEY, CALIFORNIA  
6:30 P.M.**

Chair Duarte called the December 1, 2021, Regular Meeting of the Planning Commission to order at 6:30 p.m., at Downey City Hall, 11111 Brookshire Avenue, Downey, CA. After the flag salute, Secretary Cavanagh called roll.

**COMMISSIONERS PRESENT:** Miguel Duarte, District 1, Chair  
Patrick Owens, District 2, Vice Chair  
Carmela Uva, District 4

**COMMISSIONERS ABSENT:** Arturo Montoya, District 3  
Horacio Ortiz, Jr., District 5

**OTHERS PRESENT:** Aldo E. Schindler, Deputy City Manager / Community Development  
Crystal Landavazo, City Planner  
Guillermo Arreola, Principal Planner  
Alfonso Hernandez, Senior Planner  
Irving Anaya, Associate Planner  
Gissel Enriquez, Assistant Planner  
Mary Cavanagh, Secretary

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

Deputy City Manager Aldo Schindler informed the Commission that due to a lack of quorum, Agenda items 2 and 3 have been continued to the next Planning Commission Meeting on December 15, 2021.

**PRESENTATIONS:**

Deputy City Manager Schindler introduced City Planner Crystal Landavazo, presenting information on the new Senate Bill (SB 9) legislation and how it will impact our single-family residential areas. He commented on the number of new legislations that have passed, with most in respect to allow for affordable housing development by increasing density.

**1. Senate Bill 9 Legislation**

City Planner Crystal Landavazo presented an overview of the new SB 9 legislation that will be in effect as of January 1, 2022, impacting the (R-1) single-family residential neighborhoods. She explained that the presentation is intended to inform the Planning Commission of the changes and staff will return with a future meeting with a recommendation for an Ordinance.

City Planner Landavazo explained the new SB 9 legislation allows for duplexes (two residential units) on a single-family residential property and allows single-family properties to be separated into two lots. Property owners are allowed one lot split, and the same owner is not allowed to split an adjacent property. She further explained different aspects of the bill in regard to what is allowed, application, limitations, and applicable restrictions.

City Planner Landavazo explained that SB 9 preempted many of the city's local zoning ordinances and regulations, primarily density, minimum lot sizes, and setbacks. She stated that the city will adopt its own ordinance to formalize these regulations and incorporate additional standards to ensure compliance with state law and preserve the character of our single-family neighborhoods.

Vice Chair Owens asked what the expectation/timeline is in making a recommendation to the City Council. Deputy City Manager Schindler informed the Commission that the goal is the first meeting in January.

**REPORT ON CITY COUNCIL ACTION:** None

**PUBLIC HEARINGS:** (continued to December 15, 2021)

2. **PLN-21-00111 (Site Plan Review)**: Chair Duarte opened the public hearing for PLN-21-00111.

**NON AGENDA PUBLIC COMMENTS:** None

**CONSENT CALENDAR ITEMS:**

3. September 15, 2021 Minutes

4. November 17, 2021 Minutes

It was moved by Vice Chair Owens, second by Commissioner Uva, to continue item No. 3 of the Consent Calendar to the December 15, 2021 Meeting, and to approve item No. 4 (November 17, 2021 Minutes), and passed by a vote of 3-2 with Commissioners Ortiz and Montoya absent.

**OTHER BUSINESS:**

Commissioner Uva announced the Christmas parade will be held on Sunday December 5, 2021 and hopes to see everyone there.

**STAFF MEMBER COMMENTS:**

Deputy City Manager Schindler informed the Planning Commission of two upcoming Community Meetings. The first meeting on December 13, 2021 regarding an inclusionary housing ordinance that would mandate a percentage of affordable housing to be built with any new housing with any new housing development.

Deputy City Manager Schindler informed the Planning Commission that, to further assist our residents, staff has scheduled a Rent Relief Assistance workshop hosted by the State of California on December 15, 2021 at 6:30 p.m. at the Barbara J. Riley Center.

**ADJOURNMENT:**

Chair Duarte adjourned the meeting at 7:04 p.m., to Wednesday, December 15, 2021, at Downey City Hall, 11111 Brookshire Ave.

APPROVED AND ADOPTED this 15th day of December, 2022.

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Miguel Duarte, Chairman  
City Planning Commission

I HEREBY CERTIFY that the foregoing Minutes were duly approved at a Regular meeting of the Planning Commission held on this 15th day of December, 2022, by the following vote:

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

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Mary Cavanagh, Secretary  
City Planning Commission