



PLEASE SEE ATTACHED SPECIAL NOTICE FOR INSTRUCTIONS ON VIRTUAL MEETING

- 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:**
- V. **REPORT ON CITY COUNCIL ACTION:**
- VI. **PUBLIC HEARINGS:**

	<u>RECOMMENDED ACTION</u>
<p>1. <b><u>PLN-21-00137 (Site Plan Review &amp; Conditional Use Permit)</u></b></p> <p>Location: 8350 Firestone Boulevard</p> <p>Request: A request to allow the construction of a new 8,947 sq. ft. restaurant, "Ojos Locos Sports Cantina" with live entertainment (DJ), on property zoned Downtown Downey Specific Plan (DDSP)</p> <p>CEQA: Categorical Exemption – Section 15332 (Class 32, In-fill Development)</p> <p>Staff: Senior Planner Alfonso Hernandez</p> <p>Contact: <a href="mailto:ashernandez@downeyca.org">ashernandez@downeyca.org</a> 562-904-7154</p>	Approval
- 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.
  - 2. **PC Bylaws Resolution Updating Planning Commission Meeting Rules and Regulations:** Amend the By-Laws in accordance with the recent changes made by the Downey City Council with respect to public participation at Council meetings.
  - 3. Minutes of December 15, 2021



- IX. **OTHER BUSINESS:** Election of Officers
  - 1. Chair
  - 2. Vice Chair
- X. **STAFF MEMBER COMMENTS:**
- XI. **ADJOURNMENT:** To Wednesday, February 16, 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 reunion de la ciudad, comuníquese con el (562) 299-6619 en el horario de atención comercial, 48 horas hábiles antes de la reunión.

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

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

Dated this 27<sup>th</sup> day of January, 2022

Mary Cavanagh  
Mary Cavanagh  
Secretary, Planning Commission



## SPECIAL NOTICE

### Public Participation and Accessibility for February 2, 2022 Downey Planning Commission Meeting

Pursuant to Downey City Council Resolution No. 22-8048, Authorizing the Use of Remote Teleconferencing Provision Pursuant to AB 361 (attached), adopted on January 12, 2022, the Regular Planning Commission Meeting scheduled for Wednesday, **February 2, 2022** at 6:30 p.m. will allow members of the public to view, listen and participate in the meetings virtually/remotely. Members of the public wishing to submit public comment to the Planning Commission regarding items on the agenda and non-agenda may do so in writing or telephonically.

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

**1. View the Planning Commission meeting live stream at:**

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

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

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

**Meeting ID:** **827 9969 3917**

**Passcode:** **362628**

**and press the # (pound) key**

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

**3. E-mail:** [pcpubliccomment@downeyca.org](mailto:pcpubliccomment@downeyca.org)

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

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

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

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

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


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


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

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

**DATE:** FEBRUARY 2, 2022

**TO:** PLANNING COMMISSION

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

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

**PREPARED BY:** ALFONSO HERNANDEZ, SENIOR PLANNER

**SUBJECT:** PLN-21-00137 (SITE PLAN REVIEW, CONDITIONAL USE PERMIT) – A  
REQUEST TO CONSTRUCT A NEW 8,947 SQUARE FOOT FULL  
SERVICE RESTAURANT AND LIVE ENTERTAINMENT IN THE FORM  
OF A DJ

**LOCATION:** 8350 FIRESTONE BOULEVARD

**ZONING:** DDSP (DOWNTOWN DOWNEY SPECIFIC PLAN)

### **REPORT SUMMARY**

This application includes a request for approval of both a Site Plan Review and Conditional Use Permit. A Site Plan Review (SPR) is required to evaluate the layout and architecture of the new 8,947 square foot full service restaurant. The restaurant is located within the Downtown Downey Specific Plan which allows the restaurant to operate with a Type 47 (beer, wine, and distilled spirits) by right. A Conditional Use Permit (CUP) is required to operate live entertainment; which has been proposed in the form of a disc jockey (DJ). The proposed restaurant at this location is named "Ojos Locos Sports Cantina."

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 A SITE PLAN REVIEW AND CONDITIONAL USE  
PERMIT (PLN-21-00137), THEREBY ALLOWING THE CONSTRUCTION OF  
AN 8,947 SQUARE FOOT RESTAURANT BUILDING WITH LIVE  
ENTERTAINMENT IN THE FORM OF A DISC JOCKEY.**

### **BACKGROUND**

The subject site is currently developed with a 9,056 square foot restaurant building. The building is currently vacant and was last occupied by a Denny's restaurant. Denny's operated from 1987 to 2020. No other major renovations have occurred throughout their occupancy. The new tenant and applicant is "Ojos Locos Sports Cantina" a chain who operates in Arizona, New Mexico, and Texas with a total of twenty-one restaurants. The proposed City of Downey location will be it's first in California.



*Existing Front Elevation (June 2020)*

Overall, the subject site is 41,717 square feet in size and located on a corner with two street frontages. The property is located on the Southwest corner of Firestone Boulevard and Dolan Avenue. The subject site is located within the city's Downtown Downey Specific Plan zone, and has a General Plan land use designation of Mixed Use. Directly to the rear, abutting the subject property, is a rail road track and a vacant M-2 zoned property. Adjacent properties to the north, east, and west are also zoned DDSP and are occupied with a City owned parking lot, the Wells Fargo building, the Embassy Suites, CVS, and Dollar Tree.

The application was deemed complete on January 20, 2022. On January 20, 2022, 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.

## **DISCUSSION**

The applicant has requested approval of a Site Plan Review to construct a new 8,947 square foot restaurant building, which includes the demolition of an existing 9,056 square foot building. A Conditional Use Permit is also requested by the applicant to allow live entertainment in the form of a Disc Jockey. The business will operate as a restaurant use with outdoor seating and a type 47 Alcoholic and Beverage Control (ABC) license. The outdoor dining and ABC license are allowed "by-right" in the City's downtown and do not require discretionary approvals beyond how the outdoor dining corresponds to the overall building elevations.

### **Site Plan Review**

The Site Plan Review is intended to evaluate the proposed building changes, parking, landscaping, and thorough compliance with the Downtown Downey Specific Plan and relevant sections of the Downey Municipal Code. The proposed project consists of the complete renovation of the site including new construction, parking area improvements, lighting, trash enclosure, and landscaping throughout.

Major development standards for this project are as follows:

Standard	Minimum/Maximums	Proposed
Floor Area Ratio	3.0	0.2145
Lot Coverage	100%	23.73%
Building Height	75 ft. / 6 stories	21ft. / 1 story
Minimum Required Landscaping for Parking Area	4,171 sq. ft. (10% of site)	4,200 sq. ft. (10.07% of site)
Setbacks:		
Front	18 in. maximum	0 ft. (front)
Rear	N/A	45 ft. (rear)
Sides	N/A	22 ft. 3 in. (North Side) 123 ft. 3 in. (South Side)
Parking	45 Stalls	59 Stalls

### Architecture

The subject site is located on a prominent corner within the Downtown Downey Specific Plan. As such, the City encouraged the use of innovative modern design to enhance architectural interest along Firestone Boulevard. The applicant insisted upon remaining consistent with their corporate branding but, did work with the City to upgrade the quality of materials for this location. The restaurant building materials include wood siding along the north, south, and east elevations (Wood Plank: 6” Teak). These elevations have the most visibility from the public right-of-way. These three elevations will also incorporate heavy glazing in the form of both windows and roll-up doors to make up the restaurants store fronts. Sand textured stucco finishes painted in two separate tones of grey will make up the remaining portions of the façade on all elevations. The building will also incorporate multiple points of modulation with wall depths ranging between four inches to twenty feet. Metal canopies are placed above all windows and outdoor seating area. Metal canopies on all windows, black metal storefront framing, landscaping, and light fixtures are used to further accent the building.



Building Street Frontage (View from Dolan Avenue)

Conditional Use Permit

The applicant seeks to conduct live entertainment in the form of a DJ. Unlike other applications for live entertainment in the downtown, this application does not seek approval for live entertainment in the form of a live band or dancing. The DJ will be located inside at the main entrance closest to Firestone Boulevard; the building itself is located 280 feet away from the nearest residential building. Therefore, through the analysis of this application, the request was found to have potentially less impacts than other live entertainment applications, and the activity compliments the main use of the full service dining restaurant.

Proposed Hours of Operation	
<b>**Restaurant:</b>	
Sunday – Wednesday: 11:00 a.m. – 12:00 a.m.	Thursday – Saturday: 10:00 a.m. – 2:00 a.m.
<b>*Live Entertainment:</b>	
Sunday: 6:00 p.m. – 11:30 p.m.	Thursday – Saturday: 6:00 p.m. – 1:30 a.m.
* Live entertainment shall cease thirty (30) minutes prior to closing.	
** “Last call” for alcohol purchases shall occur thirty (30) minutes prior to closing, and no patrons are allowed on the premises after the specified closing time.	

In order to ensure the business will remain operating as a full-service restaurant, the applicant and future operators are limited to alcohol sales consistent with ABC License Type 47 (On Sale – Eating Place) requirements. As such, the project is conditioned to limit the sale of alcohol to no more than half (50%) of the total gross revenue. This condition is standard among live entertainment CUPs in the downtown in an effort to prevent the use from transitioning into a bar or nightclub.

Security will be required in the form of four security guards Thursdays through Sundays. The security guards will be present between the hours of 9:00 p.m. to 2:30 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.

Noise is not anticipated to create additional impacts due to the business’ location within the City’s Downtown. In addition, the subject site is predominantly surrounded by commercial uses which limit potential impacts to surrounding uses. A nuisance to nearby residents is also not anticipated, with the closest residential property being located approximately 280 feet away. Lastly, conditions of approval 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 requested that four security guards be present when live entertainment is provided. No other departments expressed major 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 and Conditional Use Permit 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. 15332 (Class 32 – In-Fill Development Projects). Class 32 exemptions consist of projects: consistent with the city’s general plan and municipal code, on a site no greater than five (5) acres and surrounded by urban uses, with no value as a habitat for threatened species, in which an approval would not result in any significant impacts, and the site can be adequately served by all required utilities.

## **FINDINGS**

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

**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:

*Program 1.1.5.2. Promote Downtown Downey as a destination for entertainment and dining uses.*

*Policy 8.2.2 – Promote the upgrading of properties.*

*Program 9.1.1.5 – Continue the revitalization of commercial and industrial corridors.*

The proposed architecture is a significant upgrade to the existing facility on site, and is compatible with surrounding properties although it will be newer than most developments within its proximity. The site has remained relatively the same since 1987. More importantly, since becoming vacant the site has experience significant degradation. The new structure, site layout, and landscaping not only upgrade the subject property but the surrounding area as well.

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

The Downtown Downey Specific Plan intends, as stated in the specific plan, “... to guide growth and development in Downtown, encourage economic revitalization, and create a lively center of activity for the City. ... . Downtown Downey is envisioned as a vibrant urban center providing a wide array of dining, working, living, shopping, entertainment, and cultural opportunities all within a short walking distance.” The proposed application is in full conformance with the objectives stated above. Furthermore, the project is in compliance with all relevant Downtown Downey Specific Plan and Downey Municipal Code development standards.

**C. 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 and compatible architecture. The architecture maintains a similar scale to other buildings within close proximity. The scale of the building is enhanced by multiple modulation, varying heights, and architectural features such as a large outdoor dining area oriented toward the street frontages. In addition, the streetscape along Dolan Avenue will be significantly enhanced due the proposed landscaping and upgraded infrastructure.

**D. 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 layout has five entries, one from Firestone Boulevard and the others from Dolan Avenue. Required parking is concentrated along the south portion of the property completely behind the proposed structure. Additional City owned parking is located on the parcel directly abutting the site to the North. This configuration allows for appropriate circulation within the site and ingress/egress to the site. There is pedestrian access onto the site via a walkway along Dolan Avenue. The proposed landscaping surrounding the property is intended to heavily compliment the aesthetics of the site. The landscaping and screening located at the rear property lines will act as an aesthetic barrier from the railroad tracks to the south of the site. Lastly, a condition of approval has been incorporated for all luminaries to provide coverage of no less than .5 foot candles.

**E. 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 the applicant's corporate branding but, has incorporated upgraded materials to better reflect the City's design standards. Monotony is avoided through choices in modulation, varying architectural features, varying heights, orientation towards both street frontages, and mix of building materials. The scale is also compatible to other buildings along the Firestone Boulevard Gateway District. Overall, the project will upgrade the overall appearance of the site and, in turn, improve the community appearance. The project contributes to the significant amount of development and revitalization occurring within the City's Downtown. This proposed development aims to keep with the quality of design of those other projects, but will not mimic those developments.

**F. 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 and site improvements are significant upgrades to the existing facility on site, and are compatible with surrounding properties. In addition to the improvements proposed for the new building, the site will also undergo major renovation to the flatwork and landscaping. This is a feature not common among most of the downtown due to lack of open spaces and legal nonconformities. The landscaping is intended to create a buffer from the rear railroad track right-of-way. Appropriate lighting is conditioned to provide adequate amounts of safety. The site is also anticipated to cause less impacts to Firestone Boulevard due to the majority of ingress and egress occurring along Dolan Avenue. Lastly, the operational procedures of the proposed

development are conditioned in an effort to ensure that any potential effects in public health, safety, comfort and general welfare are mitigated as much as possible.

**G. 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.

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 subject site is located within an active downtown that contains similar restaurant uses so the project should not cause a nuisance related to public convenience or general welfare to any nearby businesses. The restaurant is located approximately 280 feet away from residential properties and the disk jockey will be located inside the building, therefore nearby residents should not be burdened by the proposed use. Rather, the project aims to diversify the amount of goods and 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 CUP promotes the above policy by expanding the availability of live entertainment which aims to complement the 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 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 restaurant use. The specific form of live entertainment is viewed as a trend for many restaurants, and the proposed hours are viewed as common practice. The main use of the site will be a restaurant and adverse impacts are not anticipated. The application does not propose any other types of live entertainment, such as a live band or dance area. Security guards have been required as a part of this approval to ensure adequate safe guards are provided to prevent future impacts. Therefore, 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;**

Live entertainment and the proposed hours of operation do not warrant a need for additional accommodations outside of what is already proposed for the Site Plan Review. The proposed use will not restrict future permitted uses from occupying the site or an existing use located within the nearby area from altering their operations. In addition, the project is in full compliance with the Downtown Downey Specific Plan. Therefore, 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.

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

The type of live entertainment in conjunction with the operation of a full-service restaurant is not anticipated to generate additional traffic. Live entertainment is an ancillary amenity. The combination of uses is common within active downtown areas and the existing infrastructure is built to accommodate the type of use. The site is accessible via Firestone Boulevard and Dolan Avenue. Firestone Boulevard leads to nearby similar corridors, such as Lakewood Boulevard and Paramount Boulevard. These nearby roadways are considered major arterial corridors. 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 proposed use.

**CORRESPONDENCE**

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

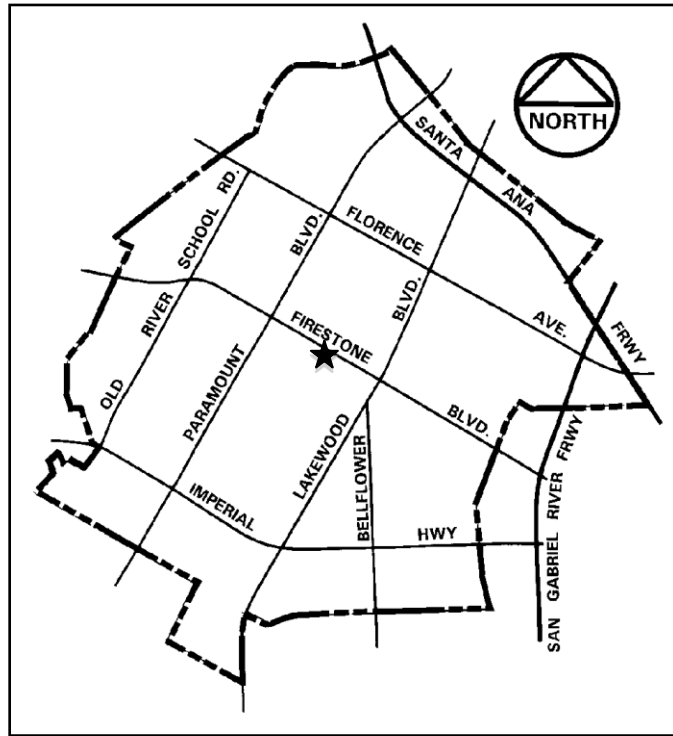
**CONCLUSION**

Based on the analysis contained within this report, 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-21-00137), thereby approving the construction of an 8,947 square foot restaurant building and live entertainment in the form of a DJ.

**EXHIBITS**

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

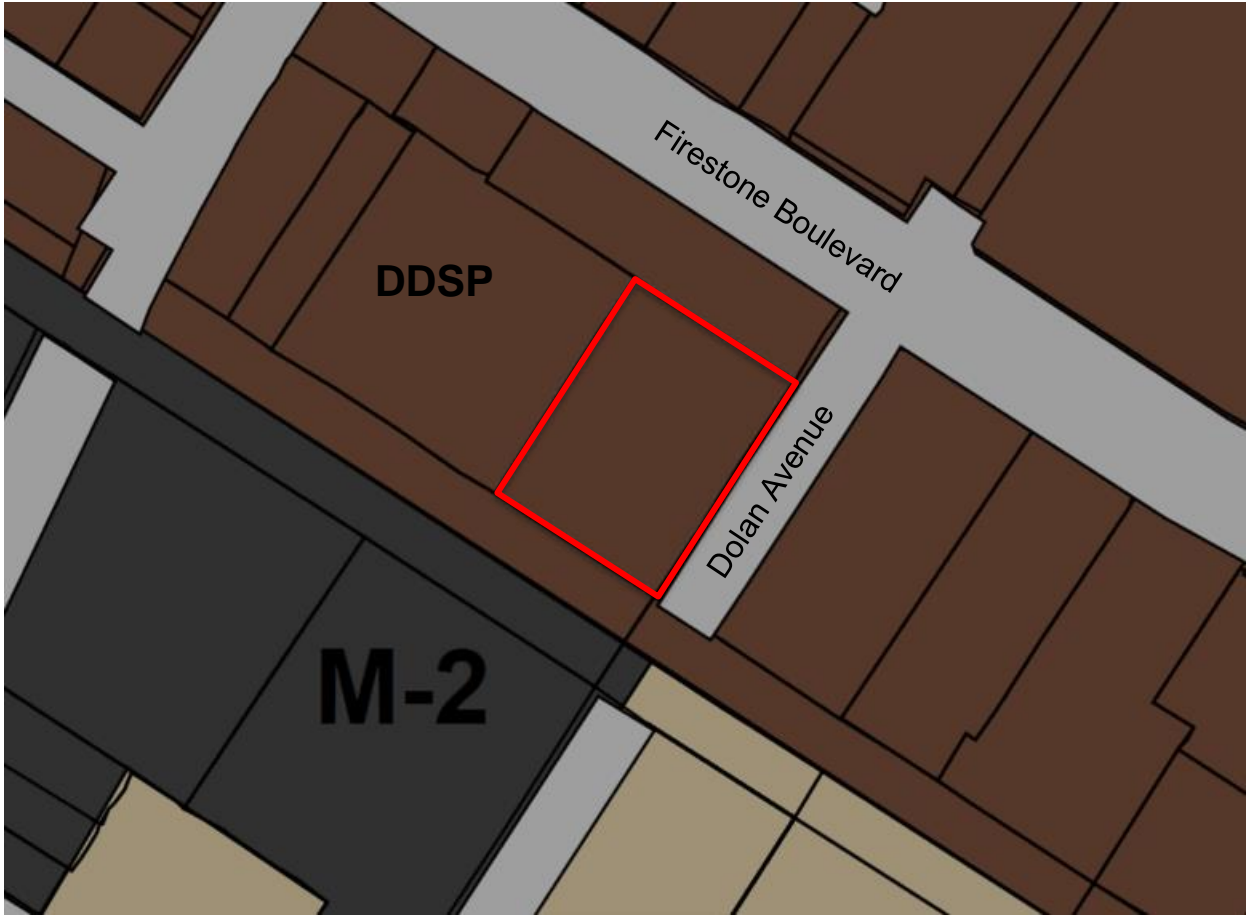
# EXHIBIT A



Location



Aerial Photograph



Zoning

**RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING A SITE PLAN REVIEW AND CONDITIONAL USE PERMIT (PLN-21-00137), THEREBY ALLOWING THE CONSTRUCTION OF A 8,947 SQUARE FOOT RESTAURANT BUILDING 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. An application was filed by Tyson Boiko (hereinafter referred to as “the Applicant”) on September 28, 2021, requesting approval of a Site Plan Review and Conditional Use Permit (PLN-21-00137) at 8350 Firestone Blvd., zoned Downtown Downey Specific Plan; and,
- B. The application was deemed incomplete on November 17, 2021; and,
- C. The application was deemed complete, after review of all resubmitted materials, on January 20, 2022; and,
- D. On January 20, 2022, notice of the pending public hearing was sent to all property owners within 500 feet of the subject site and the notice was published in the *Downey Patriot*; and,
- E. The Planning Commission held a duly noticed public hearing on February 2, 2022 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 environmental impact of the proposed development has been reviewed and has been found to be in compliance with the California Environmental Quality Act (CEQA) and is categorically exempt from CEQA, pursuant to Guideline Section 15332 (Class 32, In-Fill Development Projects). Class 32 consists of projects that are consistent with the General Plan and zoning, on a site that is less than five acres and does not have any protected habitat, and can be adequately served by utilities. The proposed project meets all of these requirements, thus qualifies for a Class 32 exemption.

**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:

*Program 1.1.5.2. Promote Downtown Downey as a destination for entertainment and dining uses.*

*Policy 8.2.2 – Promote the upgrading of properties.*

*Program 9.1.1.5 – Continue the revitalization of commercial and industrial corridors.*

The proposed architecture is a significant upgrade to the existing facility on site, and is compatible with surrounding properties although it will be newer than most developments within its proximity. The site has remained relatively the same since 1987. More importantly, since becoming vacant the site has experienced significant degradation. The new structure, site layout, and landscaping not only upgrade the subject property but the surrounding area as well.

- B. The proposed development is in accordance with the purposes and objectives of this article and the zone in which the site is located. The Downtown Downey Specific Plan intends, as stated in the specific plan, "... to guide growth and development in Downtown, encourage economic revitalization, and create a lively center of activity for the City. ... . Downtown Downey is envisioned as a vibrant urban center providing a wide array of dining, working, living, shopping, entertainment, and cultural opportunities all within a short walking distance." The proposed application is in full conformance with the objectives stated above. Furthermore, the project is in compliance with all relevant Downtown Downey Specific Plan and Downey Municipal Code development standards.
- C. 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 and compatible architecture. The architecture maintains a similar scale to other buildings within close proximity. The scale of the building is enhanced by multiple modulation, varying heights, and architectural features such as a large outdoor dining area oriented toward the street frontages. In addition, the streetscape along Dolan Avenue will be significantly enhanced due to the proposed landscaping and upgraded infrastructure.
- D. 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 layout has five entries, one from Firestone Boulevard and the others from Dolan Avenue. Required parking is concentrated along the south portion of the property completely behind the proposed structure. Additional City owned parking is located on the parcel directly abutting the site to the North. This configuration allows for appropriate circulation within the site and ingress/egress to the site. There is pedestrian access onto the site via a walkway along Dolan Avenue. The proposed landscaping surrounding the property is intended to heavily compliment the aesthetics of the site. The landscaping and screening located at the rear property lines will act as an aesthetic barrier from the railroad tracks to the south of the site. Lastly, a condition of approval has been incorporated for all luminaries to provide coverage of no less than .5 foot candles.
- E. 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 the applicant's corporate branding but, has incorporated upgraded materials to better reflect the City's design standards. Monotony is avoided through choices in modulation, varying architectural features, varying heights, orientation towards both street frontages, and mix of building

materials. The scale is also compatible to other buildings along the Firestone Boulevard Gateway District. Overall, the project will upgrade the overall appearance of the site and, in turn, improve the community appearance. The project contributes to the significant amount of development and revitalization occurring within the City's Downtown. This proposed development aims to keep with the quality of design of those other projects, but will not mimic those developments.

- F. 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 and site improvements are significant upgrades to the existing facility on site, and are compatible with surrounding properties. In addition to the improvements proposed for the new building, the site will also undergo major renovation to the flatwork and landscaping. This is a feature not common among most of the downtown due to lack of open spaces and legal nonconformities. The landscaping is intended to create a buffer from the rear railroad track right-of-way. Appropriate lighting is conditioned to provide adequate amounts of safety. The site is also anticipated to cause less impacts to Firestone Boulevard due to the majority of ingress and egress occurring along Dolan Avenue. Lastly, the operational procedures of the proposed development are conditioned in an effort to ensure that any potential effects in public health, safety, comfort and general welfare are mitigated as much as possible.
  
- G. 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.

**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 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 subject site is located within an active downtown that contains similar restaurant uses so the project should not cause a nuisance related to public convenience or general welfare to any nearby businesses. The restaurant is located approximately 280 feet away from residential properties and the disk jockey will be located inside the building, therefore nearby residents should not be burdened by the proposed use. Rather, the project aims to diversify the amount of goods and 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 CUP promotes the above policy by expanding the availability of live entertainment which aims to complement the 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 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 restaurant use. The specific form of live entertainment is viewed as a trend for many restaurants, and the proposed hours are viewed as common practice. The main use of the site will be a restaurant and adverse impacts are not anticipated. The application does not propose any other types of live entertainment, such as a live band or dance area. Security guards have been required as a part of this approval to ensure adequate safe guards are provided to prevent future impacts. Therefore, 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. Live entertainment and the proposed hours of operation do not warrant a need for additional accommodations outside of what is already proposed for the Site Plan Review. The proposed use will not restrict future permitted uses from occupying the site or an existing use located within the nearby area from altering their operations. In addition, the project is in full compliance with the Downtown Downey Specific Plan. Therefore, 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.
- D. The traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area. The type of live entertainment in conjunction with the operation of a full-service restaurant is not anticipated to generate additional traffic. Live entertainment is an ancillary amenity. The combination of uses is common within active downtown areas and the existing infrastructure is built to accommodate the type of use. The site is accessible via Firestone Boulevard and Dolan Avenue. Firestone Boulevard leads to nearby similar corridors, such as Lakewood Boulevard and Paramount Boulevard. These nearby roadways are considered major arterial corridors. 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 proposed 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 this Site Plan Review and Conditional Use Permit (PLN-21-00137), subject to the 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 6.** The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 2<sup>nd</sup> day of February, 2022.

\_\_\_\_\_  
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 2<sup>nd</sup> day of February, 2022, by the following vote, to wit:

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

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

**EXHIBIT A**  
**CONDITIONS OF APPROVAL**  
**SITE PLAN REVIEW & CONDITIONAL USE PERMIT (PLN-21-00137)**

**PLANNING**

- 1) The approval of this Site Plan Review and Conditional Use Permit (PLN-21-00137) allows for the construction of a one-story 8,947 square-foot restaurant building with live entertainment in the form of a disc jockey located at 8350 Firestone Boulevard, Downey, CA 90242
- 2) Live entertainment is only allowed in the form of a disc jockey. All other forms of live entertainment are prohibited.
- 3) Live Entertainment hours of operation shall be as follows:

Thursday – Saturday:	6:00 pm – 1:30 am
Sunday:	6:00 pm – 11:30 pm
- 4) Live entertainment shall cease thirty (30) minutes prior to closing.
- 5) "Last call" for alcohol purchases shall occur thirty (30) minutes prior to closing.
- 6) The site shall remain in conformance with this request and the approved set of plans.
- 7) Approval of this Conditional Use Permit 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.
- 8) 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.
- 9) 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.
- 10) 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.
- 11) 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.

- 12) 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 orders for social distancing and operational restrictions related to the COVID-19 coronavirus pandemic.
- 13) Prior to the submittal of plans into Building and Safety Plan Check or commencement of business, whichever occurs first, the applicant and the property owner shall sign an affidavit of Acceptance of Conditions, as provided by the City of Downey.
- 14) 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.
- 15) 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.
- 16) 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.
  - d) Methods for dealing with intoxicated customers and recognizing underage customers.
- 17) 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.
- 18) All signs shall comply with Chapter 6 of the Downey Municipal Code.
- 19) 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.

- 20) Cover charge for the admission to the business shall only be permitted during the display of pay-per-view sporting events. During such events TV monitors shall be blocked from or oriented away from the public right of way. There shall be no cover charge during any other time.
- 21) The subject property and surrounding area must be maintained free of trash, litter, and debris at all times.
- 22) The owner/applicant shall ensure that all entry and exit doors to and from the subject business remain closed during live entertainment hours of operation.
- 23) The owner/applicant shall ensure that all windows of the subject business remain closed during live entertainment hours of operation.
- 24) The owner/applicant shall not permit any loitering on the subject site.
- 25) Customers shall not be within the business after the specified closing time.
- 26) The sale of alcohol shall be incidental to the sale of food.
- 27) 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.
- 28) 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.
- 29) The sale of alcoholic beverages for off the premises consumption shall be prohibited. Consumption of alcoholic beverages shall be prohibited outside of the tenant space 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.
- 30) 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.
- 31) All activities associated with the business shall take place entirely within the building.
- 32) All doors open to the rear parking area must remain closed when not in use.
- 33) Deliveries to the premises are prohibited between 10:00 P.M. and 7:00 A.M.
- 34) The Applicant shall incorporate a copy of this Exhibit A, Conditions of Approval for Conditional Use Permit PLN-21-00137, into the approved set of building plans.
- 35) 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.
- 36) 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.

- 37) 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. All areas of the site shall be covered by a minimum of .5 foot-candles.
- 38) 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.
- 39) 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.
- 40) Project must be completed within one year of approval date.
- 41) Applicant shall comply with all conditions of PLN-21-00137 before this Conditional Use Permit becomes valid.

## **BUILDING**

- 42) All construction shall comply with the most recent adopted City and State building codes:
  - a) 2019 California Building Code
  - b) 2019 California Electrical Code
  - c) 2019 California Mechanical Code
  - d) 2019 California Plumbing Code
  - e) 2019 California Fire Code
  - f) 2019 California Green Code
- 43) 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)
- 44) The project design will conform with energy conservation measures articulated in Title 24 of the California Code of Regulations and address measures to reduce energy consumption such as flow restrictors for toilets, low consumptions light fixtures, and insulation and shall use to the extent feasible draught landscaping.
- 45) 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**

- 46) Prior to selling alcoholic beverages, the owner/applicant shall obtain any and all required Police Department permits for this Conditional Use Permit.
- 47) The owner/applicant must provide a minimum of four (4) licensed and bonded, uniformed patrolmen or security guards on-site during the hours of 6:00 p.m. to 2:30 a.m. on Thursdays, Fridays, and Saturdays; and 6:00 p.m. – 12:30 a.m on Sunday. The number of security guards may be increased or decreased as the Chief of Police determines is necessary.
- 48) 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.
- 49) The owner/applicant shall not permit any loitering in front of the business.
- 50) A copy of this conditional use permit 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.
- 51) Payment for beverage services shall be made only after such services have been provided to the patrons by the business.
- 52) 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.
- 53) The Licensee shall be responsible for monitoring the business to prevent anyone under the age of 21 from purchasing or consuming alcohol.
- 54) 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.
- 55) 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**

- 56) 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.

- 57) Design and construction to meet all conditions for Assembly Group occupancy as it relates to the occupant load, exiting, exit sizing, exit illumination, emergency lighting, etc.
- 58) An occupancy load sign shall be posted and be clearly visible [CA Fire Code §1004]
- 59) Establishment shall be equipped with an automatic sprinkler system. A deferred automatic fire sprinkler plan shall be submitted for Assembly Group A-2 occupancy. Automatic fire sprinkler system design, installation, and testing shall be per NFPA 13 [CFC § 903.2.1.2 #3; DMC 3318]
- 60) Establishment shall be equipped with a fire alarm and detection system. A deferred fire alarm and detection system plan submittal required for Assembly Group A-2 occupancy. Automatic fire alarm and detection system design, installation, and testing shall be per NFPA 72 [CFC § 907; DMC 3318]
- 61) Install approved key boxes (e.g. Knox Boxes) to occupancy [CA Fire Code §506.1].
- 62) Commercial cooking equipment that produce grease laden vapors shall be protected with a Type I Hood in accordance with CA Mechanical Code, and an automatic fire extinguishing system that is listed and labeled for its intended use [CA Fire Code § 904.12]
- 63) If wet chemical extinguisher system is used to protect commercial cooking equipment and hood, the automatic fire extinguishing system shall be UL 300 compliant and have the required semi-annual inspection and testing [CA Fire Code § 904.2.2; §904.5; §904.12; §609]
- 64) 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]
- 65) If applicable, establishment of hazardous materials business plan (HMBP) for handling of compressed and/or refrigerated beverage system gases (e.g. Carbon dioxide, Nitrogen) exceeding 1000 cubic feet at STP (standard temperature pressure) [HSC 25507(5)(C)]
- 66) Exit signs shall be properly illuminated and readily visible from any direction of egress travel [CA Fire Code §1013.1; 1013.31030.2; 1030.3]
- 67) If an insulated liquid carbon dioxide system is used for the beverage system, it shall adhere to requirements set forth in CA Fire Code Section 5307 for ventilation, gas detection, etc.
- 68) If storage of commercial kitchen cooking oil shall occur, it shall adhere to requirements of CA Fire Code Section 608.
- 69) Egress shall be designed to meet requirements of CA Building Code and Chapter 10 of the CA Fire Code for occupant load, number of egresses, egress sizing, door swing direction, etc.



## **Public Works**

- 70) 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.
- 71) The owner/applicant shall install all utilities underground.
- 72) The owner/applicant shall be required to complete a construction & demolition (C&D) waste management plan per Article V, Chapter 8 of the Downey Municipal Code.
- 73) Broken, uneven, or sub-standard sidewalk, driveway, pavement, curb and gutter along the property frontage shall be replaced to the satisfaction of the Department of Public Works. Contact the Public Works Inspection Office at (562) 904-7110 to have these areas identified just prior to applying for a Public Works Excavation Permit. The owner/applicant shall obtain all necessary plan approvals and permits and shall provide that the standards of improvements, construction materials, and methods of construction shall be in conformance with the Standard Plans and Specification for Public Works Construction and as modified by the City of Downey's Standard Plans and Specifications.
- 74) 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).
- 75) The owner/applicant shall 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, at (562) 904-7110 for information.
- 76) The owner/applicant shall remove all Underground Service Alert (USA) temporary pavement markings immediately following the completion of the work / Final permit inspection.
- 77) The owner/applicant shall submit public improvement plan(s) for review and approval by Public Works Department.
- 78) The owner /applicant shall reconstruct all driveway approaches to 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).
- 79) The facility design must provide for refuse/recycle enclosure with roof cover (location, size). Grease interceptor with sewer and water hook-ups.
- 80) The owner/applicant shall provide that all construction graffiti created as part of this project in the public right of way to be removed.

- 81) The owner/applicant shall 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) for approval by the Engineering Division and Building and Safety Division. All 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 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.
- 82) The owner/applicant shall install pavement, which consists of a minimum section of 4" thick aggregate base, and a minimum 2-1/2" thick asphalt concrete pavement.
- 83) Any utilities and/or above ground utility structures that are in conflict with the development shall be relocated at the owner/applicant's expense. Owner/applicant shall coordinate the relocation with the utility owner and proper Public Works permit will need to be pulled.
- 84) The owner/applicant shall furnish and install a (min. 1-inch) dedicated water service line, meter, and meter box for the landscaping irrigation system.
- 85) The owner/applicant shall furnish and install the public potable water improvements, including extension and/or replacement of existing mains and associated facilities, necessary to provide adequate fire flow and pressure to the site.
- 86) The owner/applicant is responsible for coordinating with and payment to the City and County Sanitation District of Los Angeles County for all sanitary sewer connection and capacity charges.
- 87) The owner/applicant shall provide separate sewer improvement plan sets for review and approval from the City of Downey Engineering Division, if owner/applicant decides to connect to existing sewer main through a new connect instead of the existing.
- 88) The owner/applicant shall furnish and install dedicated fire protection lateral(s) including backflow devices, fire department connections and other appurtenances as required by the Department of Public Works and the Downey Fire Department. Such improvements may include removal and/or replacement of existing fire hydrants, laterals, backflow devices, and associated facilities with new facilities to current Downey standards and materials. Backflow devices, fire department connections, and associated appurtenances are to be located on private property and shall be readily accessible for emergency and inspection purposes. Backflow devices shall be screened from street view by providing sufficient landscaping to hide it.

- 89) The owner/applicant shall provide a fire sprinkler system(s) in accordance with Fire Department and Building and Safety standards
- 90) The owner/ applicant shall confirm availability of adequate fire flow and pressure in accordance with the Department of Public Works and Downey Fire Department requirements.
- 91) The owner/applicant shall retrofit existing fire hydrant(s) 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.
- 92) The owner/ applicant shall furnish and install backflow device(s) in accordance with the Department of Public Works and the State and County Department of Health Services requirements.
- 93) The owner/applicant shall provide and record utility easement(s) for access to, and inspection and maintenance of, public water lines, meters and appurtenances, and backflow devices.
- 94) 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.
- 95) The owner/applicant shall provide separate water improvement plan sets for review and approval from the City of Downey Utilities Division consisting of the following:
  - a) Potable Water Improvement Plans (all City-owned potable water and fire service lateral improvements)

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. Improvement plans for potable main improvement shall be both plan and profile.

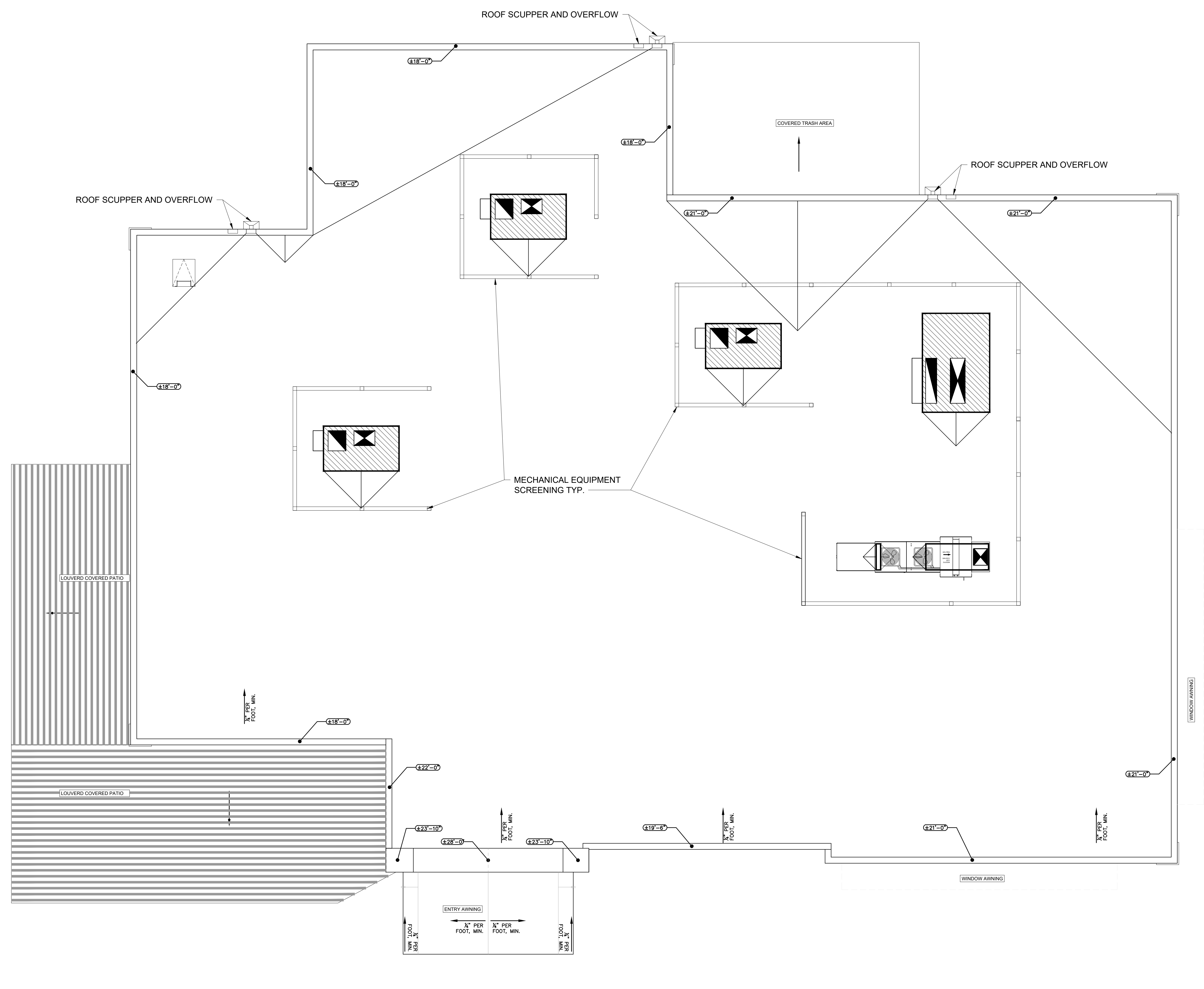
- 96) Upon completion of water improvements, owner/applicant shall submit red-lined construction plans to City noting all changes to the plan and profile of all water improvements installed. Such changes shall be incorporated into a final record drawing mylar which shall be signed and stamped by the original engineer and/or architect of record and submitted to the City along with digital files (AutoCAD – latest edition).
- 97) The 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 Storm Water Quality Management Plan (SQMP).
- 98) Owner/applicant shall comply with the Low Impact Development requirements. The owner/applicant shall provide separate Low Impact Development plan and report for review and approval from the City of Downey Engineering Division. Low Impact Development design shall comply with Attachment H of the City of Downey’s MS4 Permit per the design criteria set by the County Regional Board.

- 99) 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.
- 100) If any hazardous material is encountered on the site, the owner/applicant shall secure an ID number from the EPA.
- 101) Paint property address numbers (4" height) on the curb face in front of the proposed development to the City's satisfaction.
- 102) The owner/applicant shall obtain all necessary plan approvals and permits.

**END OF CONDITIONS**







ROOF PLAN

3/16" = 1'-0" 1

SEAL/SIGNATURE  
I hereby specify that the documents intended to this sheet, and I hereby disclaim any responsibility for all other Drawings, Specifications, Estimates, Reports or other documents or instruments relating to or intended to be used for any part or parts of the architectural or engineer project or survey.

NOT FOR CONSTRUCTION

PROJECT INFORMATION:	
PROJECT NUMBER:	0000-21
DRAWN BY:	
REVIEWED BY:	
TOTAL SQ. FT.:	6,940 SQFT
DATE:	09/24/2021

DRAWING TITLE:  
**ROOF PLAN**

DRAWING NUMBER:  
**A3.04**











DOLLAR TREE

PROPERTY LINE

PROPERTY LINE

ROOT BARRIER

NEW ACCESSIBLE PARKING STALL

NEW ACCESSIBLE PARKING STALL

PROPERTY LINE

ROOT BARRIER

ROOT BARRIER

ROOT BARRIER

ROOT BARRIER

EXISTING LIGHT

LOADING ZONE

OJOS LOCOS SPORT CANTINA  
8350 FIRESTONE BLVD.  
DOWNEY, CA 90241

FIRE / ELECTRICAL BOX

PROPERTY LINE

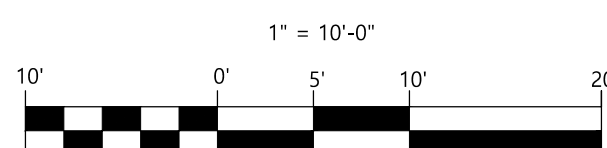
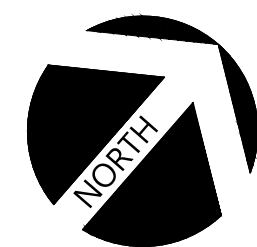
SOUTHERN PACIFIC RAILROAD RIGHT OF WAY

ROOT BARRIER

EXISTING PALMS TO REMAIN

EXISTING PALMS TO REMAIN

DOLAN STREET



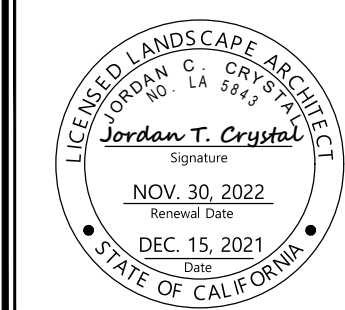
CVA  
DESIGN CONSULTANTS  
COLLABORATION  
VISION  
ARTISTRY  
2815 PORTER LANE  
VENTURA, CA 93003



OJOS LOCOS SPORTS CANTINA  
8350 FIRESTONE BLVD.  
DOWNEY, CALIFORNIA 90241  
APN: 6255-002-013  
PREPARED FOR: OJOS LOCOS SPORTS CANTINA  
PREPARED BY: JORDAN T. CRYSTAL

REVISION	DATE	NOTES
	12/15/2021	
	12/15/2021	

PLAN TITLE:  
PLANTING  
PLAN



DATE: 12/15/2021  
SCALE: 1" = 10'-0"  
DRAWN BY: PL  
JOB NUMBER: 21050401  
SHEET: L-3.01

SHEET 7 OF 9



# STAFF REPORT

PLANNING DIVISION

**DATE:** FEBRUARY 2, 2022

**TO:** PLANNING COMMISSION

**SUBMITTED BY:** ALDO E. SCHINDLER, DIRECTOR OF COMMUNITY DEVELOPMENT  
YVETTE M. ABICH GARCIA, CITY ATTORNEY

**SUBJECT:** **ADOPTION OF RESOLUTION UPDATING PLANNING COMMISSION MEETING RULES AND REGULATIONS**

A handwritten signature in blue ink, appearing to be 'Aldo E. Schindler', located to the right of the 'SUBMITTED BY' field.

## REPORT SUMMARY

In 2020, the City Council amended its meeting rules to require 3 minutes per speaker for matters on the City Council agenda (non-agenda public comment, public hearings, consent calendar and administrative reports).

On December 14, 2021, the Downey City Council adopted an ordinance to further amend and clarify its meeting rules. The Ordinance became effective January 13, 2021 and establish that speakers are allowed 3 minutes per speaker for public hearing items and one public comment period will be held for Non-Agenda public comment to hear comments for agenda items listed under "consent calendar" and "administrative reports."

Pursuant to Downey City Charter Section 904, the Planning Commission may adopt meeting rules and procedures, subject to approval by the City Council. Section 904 states in relevant part:

" ...

*Each board or commission may prescribe its own rules and regulations, which shall be consistent with this Charter and shall be subject to the approval of the City Council. Copies of such rules shall be kept on file in the office of the City Clerk where they shall be available for public inspection."*

The Planning Commission has adopted meeting rules and regulations ("By-Laws") which have been amended over the years. The By-Laws and the conduct of the Planning Commission's meetings have remained consistent with the City Council meeting rules as contained in the Downey Municipal Code. The last amendment of the Planning Commission By-Laws was in 2020 to remain consistent with changes made to City Council meeting rules.

This item is presented to the Planning Commission to amend the By-Laws in accordance with the recent changes made by the Downey City Council with respect to public participation at Council meetings. Those changes are as follows:

1. Public Hearings will have a 3-minute per speaker rule, except the applicant, with discretion to allow the Planning Commission to extend the time for good cause.

2. The Commission will hold one public comment period for Non-Agenda items and agenda items listed under “Other Business” and “Consent Calendar.” Individuals wishing to address the Planning Commission on Non-Agenda items or items listed under “Other Business” or the “Consent Calendar” shall approach the podium. Each person speaking shall be limited to four (4) minutes.

3. Language was added that would allow the Commission to default to the City’s meeting rules in the Downey Municipal Code for any matters not addressed in the By-Laws.

If the Resolution presented herein is approved by the Planning Commission, the Resolution will be presented to the City Council for approval.

**CONCLUSION**

Staff is recommending that the Planning Commission adopt the proposed Resolution recommending that the City Council adopt the proposed changes to the Planning Commission By-Laws.

**EXHIBITS**

- A. Resolution – “Redline” showing changes to By-Laws
- B. Resolution – “Clean” showing changes incorporated

RESOLUTION NO. 20-3122

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY  
UPDATING RULES AND REGULATIONS OF THE PLANNING COMMISSION IN  
ACCORDANCE WITH SECTION 904 OF THE DOWNEY CITY CHARTER**

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

**SECTION 1.** The Planning Commission of the City of Downey does hereby adopt the following rules and regulations pursuant to Section 904 of the Downey City Charter:

DOWNEY PLANNING COMMISSION BY-LAWS

ARTICLE I

MEMBERS

Section 1. The Officers of the Planning Commission shall consist of a Chairman and Vice-Chairman, and all Commissioners shall be appointed members from their respective Council districts.

Section 2. The Chairman shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally conferred by parliamentary usage on such an officer. The Chairman shall have the privilege of discussing all matters before the Planning Commission and to vote thereon.

Section 3. The Vice-Chairman shall act for the Chairman in his absence.

Section 4. In the absence of both the Chairman and Vice-Chairman, the members present at such meeting may elect a Chairman pro-tem who shall serve only for the duration of the meeting in which he is appointed and shall have all powers of the Chairman for that meeting.

Section 5. The Secretary to the Commission shall be the Secretary of the Planning Division or that person designated by the City Manager, and is not a member of the Planning Commission. The Secretary shall keep minutes of Planning Commission proceedings and transactions, prepare the agenda of regular and special meetings, arrange proper and legal notice of hearings, attend to correspondence, and perform such other duties for the Planning Commission as are normally carried out by a Secretary.

ARTICLE II

ELECTION OF OFFICERS

Section 1. The Chairman and Vice-Chairman shall be elected by and from the members of the Planning Commission. Election of Chairman and Vice-Chairman shall be held at the second meeting of January of each year with the newly elected officers to take their seats on the first regular meeting in February.

Section 2. The terms of office for Chairman and Vice-Chairman shall be for one year, and thereafter until their respective successors are elected and qualified.

Section 3. Vacancies in offices shall be filled immediately by regular election procedure, but for the unexpired term only.

### ARTICLE III

#### MEETINGS

##### Section 1. MEETING TIMES

The regular meetings of the Planning Commission of the City of Downey shall be on the first and third Wednesdays of the month at 6:30 p.m., in the City Hall, 11111 Brookshire Avenue, Downey, California, provided that whenever the time for holding any of the meetings falls on a holiday, the meeting shall be held on the next business day unless otherwise ordered by the Commission.

##### Section 2. AGENDA

- A. A written agenda shall be prepared for each regular and adjourned regular meeting of the Commission.
- B. The agenda must contain a brief general description of each item of business to be transacted or discussed at that meeting.
- C. Each agenda shall contain a clear statement of the time and location of the meeting as well as a statement that reports and documents relating to each agenda item are on file in the office of the Director of Community Development and are available for public inspection.
- D. The agenda shall be posted not less than 72 hours in advance of the regular or adjourned regular meeting to which it relates.
- E. The agenda shall be posted in a location freely accessible to the public on the City Hall Bulletin Board, Downey Public Library and Barbara J. Riley Community and Senior Center. The person posting the agenda shall complete and sign a certificate of posting.
- F. In addition to other notice requirements, the call and notice of a special meeting shall be posted at the locations specified in subparagraph E. Where feasible, an agenda shall be prepared for the special meeting in accordance with the procedures described in this paragraph.
- G. Emergency meetings pursuant to Government Code Section 54956.5 and other applicable law can be held without complying with the agenda requirements of this paragraph.
- H. The Commission shall not take any action on any item which does not appear on the posted agenda except as follows in accordance with the Governmental Code Section 54956.5

##### 1. Emergency Situation

An emergency situation is defined as a work stoppage or other activity which severely impairs public health, safety, or both. Before proceeding to act upon an emergency item not appearing on the agenda, the Commission must, by a majority vote, determine that an emergency situation exists and



that prompt action is required by the Commission. The Commission shall include in the minutes of its meeting the facts upon which it relied in finding the existence of an emergency situation.

2. "Subsequent Need" Item

The Commission may act upon an item not appearing on the agenda if it finds, by a two-thirds vote or by a unanimous vote if less than two-thirds but more than a quorum of its members are present, that the need to take action on the non-agenda item is required because the need to act arose after the posting of the agenda. If such a determination is to be made, a statement of facts upon which the determination is based shall be included in the minutes supporting the action taken.

3. Held Over Item

Items not appearing on the posted agenda may be acted upon at a meeting if:

- (a) the item appeared on a properly posted agenda for a previous meeting; and
- (b) the previous meeting occurred not more than five calendar days prior to the date of the meeting at which the item is proposed to be considered; and
- (c) the item was continued from the previous meeting to the meeting at which action is proposed to be taken.

Section 3. Special Meetings may be called at any time by the Chairman or by a majority of the Planning Commission by appropriate notice to the members of the Commission and to the media. The call and notice of the meeting shall provide the time, place and date of such meeting and the business to be transacted. The Secretary shall post an agenda of the Special Meeting at least 24 hours prior to said meeting.

Section 4. If, for any reason, the business to be considered at any regular or adjourned regular, special or adjourned special meeting cannot then be completed, the Commission may at such meeting designate the time for an adjourned meeting to consider any matter than can properly be considered at such meeting, and the notice of an adjourned meeting shall be posted in the manner required by Article III, Section 1 and 2 of these By-Laws. With respect to members not present, it shall be the duty of the Secretary to employ such reasonable means as may be necessary to notify the absent members.

Section 5. All meetings of the Commission shall be public meetings open to the public at all times, except as otherwise required by State law under declared state of emergencies, and all persons shall be permitted to attend such meetings. The provisions of this Section shall not apply to those matters that occur in closed sessions as outlined by the Brown Act.

Section 6. Appearance of a Commissioner before the Planning Commission. After a Commissioner has disqualified him or herself as a result of a potential conflict of interest, he or she may appear before the Commission during the hearing on the matter and present testimony regarding the matter, provided it is done in the following manner:

- A. Appears in the same manner as a member of the general public may appear, solely to represent him or herself in a manner relating to his or her personal interest. The official's "personal interests" would include, but not limited to, an interest in real property wholly owned by the official or his facility, a business wholly owned by the official or his family or a business entity which the official controls.

- B. When the Commissioner appears before the Planning Commission as a member of the general public, the testimony given should address how the decision will affect his personal interest. The Commissioner should not present testimony in a manner as acting as a representative of other persons in the community and should not bring forth matters beyond these personal interests.
- C. The Commissioner may have a representative speak on his or her behalf; once again the testimony given should be limited to how the decision relates to the public official's personal interest.

#### ARTICLE IV

#### ORDER OF BUSINESS

Section 1. The order of business for regular meetings shall be:

1. CALL TO ORDER
2. FLAG SALUTE
3. ROLL CALL
4. PLANNING COMMISSIONER ANNOUNCEMENTS; REQUESTS FOR FUTURE AGENDA ITEMS; AND CONFERENCE/MEETING REPORTS
5. PRESENTATIONS
6. REPORT ON CITY COUNCIL ACTIONS
7. PUBLIC HEARINGS

~~8. 9:30 RECESS~~

~~9.8.~~ NON-AGENDA/CONSENT CALENDAR/OTHER BUSINESS PUBLIC COMMENTS

~~10.9.~~ CONSENT CALENDAR ITEMS --ITEMS IN THIS SECTION WILL BE VOTED ON IN ONE MOTION UNLESS A COMMISSIONER ~~OR CITIZEN~~ REQUESTS SEPARATE ACTIONS. ~~ANYONE WISHING TO DISCUSS A CONSENT CALENDAR ITEM SHOULD BE RECOGNIZED BY THE CHAIRMAN, STATE NAME, ADDRESS AND AGENDA ITEM NUMBER.~~ FURTHER, ANY CONSENT CALENDAR ITEMS REMOVED FROM THE AGENDA WILL BE CONSIDERED BY THE COMMISSION FOLLOWING THE PUBLIC HEARING ITEMS.

A. MINUTES

~~11.10.~~ OTHER BUSINESS

~~12.11.~~ STAFF MEMBER COMMENTS

~~13.12.~~ ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Planning Division office at (562)

904-7154 (voice) of the California Relay Service Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting. 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 website at <http://www.downeyca.org>.

Section 2. The order of business for special meetings shall be:

1. Roll Call
2. Hearings and Cases, if any
3. ~~Other Special~~ Business
4. Oral Communications
5. Adjournment

Section 3. The order of business of any meeting may be changed by the Chairman with the approval of a majority of a quorum of the Commission.

## ARTICLE V

### HEARINGS

Section 1. In order to expedite the hearings on any petition, application, or appeal, the time for such hearings shall be set by the Secretary at the time of the filing of the petition, application or appeal, and the Secretary shall cause notice thereof to be given as required by the applicable law. All hearings shall be set for 6:30 p.m., unless otherwise specified by the Chairman or the Commission.

Section 2. The procedure for public hearings shall conform as nearly as possible to the following outline:

1. Chairman declares the public hearing open and with the consent of a quorum of the Commission.
2. Planning Division presents the case and factual information of land use and zoning in the area.
3. Chairman calls on applicant and those favoring the application. Each person speaking shall state for the record his or her name and address.
4. Chairman calls on those protesting the application. Each person speaking shall state for the record his or her name and address.
5. Chairman gives applicant time for rebuttal of protests.
6. Chairman asks for Planning Division recommendation.
7. Chairman declares the public hearing closed when members of the Planning Commission indicate they have heard all pertinent testimony. After the public hearing is

closed, no additional substantive testimony may be given, however, the Commission may clarify information which has been received into the public record by directing questions to its staff or the public, provided further that such clarifications are made at the same meeting and immediately following the closure of the public hearing.

8. Planning Commission takes action.

### Section 3.

1. On the Planning Commission agenda we will note, that at 9:30 p.m. the Planning Commission ~~may~~ shall recess the regular meeting. At this time Staff will evaluate the agenda to see what items remain, to see if any new items will be heard beyond 10:30. If it is determined that the remaining items on the agenda will go beyond the 10:30 time period, Staff will confer with the various applicants as to the urgency of the items to be heard that "evening and will then give this information to the Chairman. The Commission will then determine which items need to be considered this evening and those items that could be continued to another meeting.
2. Upon the Chairman receiving information of those Planning Commission items that will go beyond the 10:30 time period, the Chairman of the Planning Commission ~~may~~ will take those requested items to be continued, out of sequence with the action to continue those items to the designated scheduled meeting date and shall be placed first on the agenda.
3. ~~At the discretion of the Planning Commission, the meeting may be recessed at 9:30 p.m. recess will be adhered to as closely as possible, however, if~~ there is a hearing in process, that hearing will be taken and the items 1 & 2 above ~~may~~ will be conducted by Staff and the Commission will proceed accordingly.
4. A hearing before the Planning Commission, which for any reason cannot be completed at the time and place originally advertised, may be continued to a later date and an announcement of the time, place, and date of such continued hearing shall constitute sufficient notice to all parties concerned.

Section 4. In addition to hearings required by law, the Planning Commission may, at its discretion, hold public hearings on any matters when the Commission decides that such hearings will be in the public interest.

### Section 5.

1. During Public Hearings, all interested parties will be allowed to address the Commission. The applicant shall speak after the staff report and shall have the opportunity for rebuttal. The applicant shall not be limited by the three (3) minute time limit, but shall not be repetitious or digress from the issues before the Commission. The Chairperson shall request persons wishing to address the Commission on a Public Hearing item to approach the podium. In the interest of facilitating the business of the Commission, all persons addressing the Commission shall be limited to three (3) minutes unless such time is extended by a quorum of the Commission for good cause. The Commission may establish a maximum period of time for public testimony before or during the hearing.
2. The Commission will ~~hold one accept~~ public comment ~~period for concerning Non-Agenda items and~~ agenda items listed under "Other Business" ~~and "Consent Calendar at~~

~~the time the item is considered by the Commission. Individuals wishing to address the Planning Commission on Non-Agenda items or items listed on "Other Business" or the "Consent Calendar" an agenda item shall approach the podium at the time the title of the item is announced by the Chairperson. Each person speaking shall be limited to four (4) minutes per agenda item.~~

~~3. At the time that the "Consent Calendar" is considered by the Commission, members of the public may address the Commission on any item on the Consent Calendar. Each person shall be limited to three (3) minutes. Once all public comments on Consent Calendar items are made, the Commission shall determine which items, if any, shall be removed from the Consent Calendar. All items that had been removed will be considered by the Commission after the Consent Calendar is approved. The Commission may, but is not required, to allow additional public comment on items removed from the Consent Calendar.~~

~~4.3. The Commission will accept public comments on non-agenda items during the "Non-Agenda Public Comment" portion of the meeting. Persons addressing the Planning Commission on Non-Agenda items under item 2 above may only address the Commission on items not on the agenda but pertaining to the subject matter under the jurisdiction of the Commission. A determination of whether an item is appropriate for discussion shall be made by the Chairperson with the consent of a quorum of the Commission. Persons addressing the Commission during the "Non-Agenda Public Comment" period of the meeting shall be limited to three (3) minutes, unless the time is extended by the Chairperson with the consent of a quorum of the Commission.~~

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## ARTICLE VI

### QUORUM

Section 1. Three members of the Commission shall constitute a quorum for the conduct of business, and the vote of a majority of the members at a meeting where a quorum is present shall determine the act of decision or other law except where three votes are required by applicable ordinance.

Section 2. In the event of the lack of quorum at a meeting, the Chairman or Vice-Chairman, or ~~Commission Secretary~~Chairman Pro-tem, in that order, shall adjourn the meeting to another time, place, and date, and such adjournment shall serve as sufficient notice thereof to all matters whether present at such meeting or not. With respect to members not present, it shall be the duty of the Secretary to employ such reasonable means as may be necessary to notify the absent members. The Secretary may adjourn a meeting where no Commissioners are present, provided that if the meeting is adjourned to a time other than the next regular meeting, notice of the meeting shall be given as if the meeting were a special meeting.

Section 3. The Chairman and every member of the Commission present shall vote upon every issue unless abstaining for a reason given; provided, that when a hearing has been held on an issue and testimony has been taken, no member not present at such hearing shall vote upon such issue unless he has first read a transcript or heard a tape recording of the testimony and proceedings during the hearing.

ARTICLE VII

PARLIAMENTARY PROCEDURE

Section 1. Robert's Rules of Order shall govern in the conduct of Commission Meetings in all cases to which they are applicable and in which they are not inconsistent with these By-Laws or any applicable statute or ordinance of the City.

ARTICLE VIII

AMENDMENTS AND SUSPENSIONS

Section 1. These By-Laws may be amended at any regular or special meeting by an affirmative vote of not less than three members of the Planning Commission.

Section 2. The Planning Commission may suspend any of these By-Law provisions only for the duration of the meeting at which time they are suspended by a unanimous vote of all members present at such meeting, unless local or state law prohibits suspension of these By-law provisions.

ARTICLE IX

COMMISSION AUTHORITY

Section 1. Any matters not addressed in these By-Laws shall be governed by the Downey City Council meeting rules contained in the Downey Municipal Code, as they may be amended from time to time. Failure of the Commission to follow the procedures established by this Resolution shall not invalidate or otherwise affect any action of the Commission.

Section 2. These By-Laws in no way modify, amend or suspend the Commission's or individual Commissioner's obligations pursuant to the Political Reform Act, Open Meeting Law or other applicable statute of statewide concern. These By-Laws shall be construed to remain consistent with such statutes, as they may be amended from time to time.

**SECTION 3.** Planning Commission Resolution No. ~~20-3122~~~~12-2804~~ is hereby repealed.

**SECTION 4.** This Resolution shall take effect on the effective date ~~of~~ ~~of Ordinance No. 20-~~~~1437~~ following approval by the Downey City Council.

APPROVED by the Planning Commission this ~~2nd~~~~17<sup>th</sup>~~ day of ~~February~~~~June~~, 202~~20~~

\_\_\_\_\_  
Miguel Duarte, Chairman  
~~City-Downey~~ Planning Commission

Resolution No. 20-3122  
Downey 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 2nd~~17<sup>th</sup>~~ day of February~~June~~, 20220 by the following vote, to wit:

AYES: COMMISSIONERS: Owens, Spathopoulos, Frometa and Duarte  
NOES: COMMISSIONERS: None  
ABSENT: COMMISSIONERS: Dominguez  
ABSTAIN: COMMISSIONERS: None

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

Approved by the Downey City Council during its regular meeting held on the 14<sup>th</sup> day of July, 20220, by the following vote, to wit:

AYES: COUNCIL MEMBERS:  
NOES: COUNCIL MEMBERS:  
ABSENT: COUNCIL MEMBERS:  
ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
Blanca Pacheco, Mayor

ATTEST:

\_\_\_\_\_  
Maria Alicia Duarte, CMC  
City Clerk

**RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY  
UPDATING RULES AND REGULATIONS OF THE PLANNING COMMISSION IN  
ACCORDANCE WITH SECTION 904 OF THE DOWNEY CITY CHARTER**

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

**SECTION 1.** The Planning Commission of the City of Downey does hereby adopt the following rules and regulations pursuant to Section 904 of the Downey City Charter:

DOWNEY PLANNING COMMISSION BY-LAWS

ARTICLE I

MEMBERS

Section 1. The Officers of the Planning Commission shall consist of a Chairman and Vice-Chairman, and all Commissioners shall be appointed members from their respective Council districts.

Section 2. The Chairman shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally conferred by parliamentary usage on such an officer. The Chairman shall have the privilege of discussing all matters before the Planning Commission and to vote thereon.

Section 3. The Vice-Chairman shall act for the Chairman in his absence.

Section 4. In the absence of both the Chairman and Vice-Chairman, the members present at such meeting may elect a Chairman pro-tem who shall serve only for the duration of the meeting in which he is appointed and shall have all powers of the Chairman for that meeting.

Section 5. The Secretary to the Commission shall be the Secretary of the Planning Division or that person designated by the City Manager, and is not a member of the Planning Commission. The Secretary shall keep minutes of Planning Commission proceedings and transactions, prepare the agenda of regular and special meetings, arrange proper and legal notice of hearings, attend to correspondence, and perform such other duties for the Planning Commission as are normally carried out by a Secretary.

ARTICLE II

ELECTION OF OFFICERS

Section 1. The Chairman and Vice-Chairman shall be elected by and from the members of the Planning Commission. Election of Chairman and Vice-Chairman shall be held at the second meeting of January of each year with the newly elected officers to take their seats on the first regular meeting in February.

Section 2. The terms of office for Chairman and Vice-Chairman shall be for one year, and thereafter until their respective successors are elected and qualified.



Section 3. Vacancies in offices shall be filled immediately by regular election procedure, but for the unexpired term only.

### ARTICLE III

#### MEETINGS

##### Section 1. MEETING TIMES

The regular meetings of the Planning Commission of the City of Downey shall be on the first and third Wednesdays of the month at 6:30 p.m., in the City Hall, 11111 Brookshire Avenue, Downey, California, provided that whenever the time for holding any of the meetings falls on a holiday, the meeting shall be held on the next business day unless otherwise ordered by the Commission.

##### Section 2. AGENDA

- A. A written agenda shall be prepared for each regular and adjourned regular meeting of the Commission.
- B. The agenda must contain a brief general description of each item of business to be transacted or discussed at that meeting.
- C. Each agenda shall contain a clear statement of the time and location of the meeting as well as a statement that reports and documents relating to each agenda item are on file in the office of the Director of Community Development and are available for public inspection.
- D. The agenda shall be posted not less than 72 hours in advance of the regular or adjourned regular meeting to which it relates.
- E. The agenda shall be posted in a location freely accessible to the public on the City Hall Bulletin Board, Downey Public Library and Barbara J. Riley Community and Senior Center. The person posting the agenda shall complete and sign a certificate of posting.
- F. In addition to other notice requirements, the call and notice of a special meeting shall be posted at the locations specified in subparagraph E. Where feasible, an agenda shall be prepared for the special meeting in accordance with the procedures described in this paragraph.
- G. Emergency meetings pursuant to Government Code Section 54956.5 and other applicable law can be held without complying with the agenda requirements of this paragraph.
- H. The Commission shall not take any action on any item which does not appear on the posted agenda except as follows in accordance with the Governmental Code Section 54956.5

##### 1. Emergency Situation

An emergency situation is defined as a work stoppage or other activity which severely impairs public health, safety, or both. Before proceeding to act upon an emergency item not appearing on the agenda, the Commission must, by a majority vote, determine that an emergency situation exists and

that prompt action is required by the Commission. The Commission shall include in the minutes of its meeting the facts upon which it relied in finding the existence of an emergency situation.

2. "Subsequent Need" Item

The Commission may act upon an item not appearing on the agenda if it finds, by a two-thirds vote or by a unanimous vote if less than two-thirds but more than a quorum of its members are present, that the need to take action on the non-agenda item is required because the need to act arose after the posting of the agenda. If such a determination is to be made, a statement of facts upon which the determination is based shall be included in the minutes supporting the action taken.

3. Held Over Item

Items not appearing on the posted agenda may be acted upon at a meeting if:

- (a) the item appeared on a properly posted agenda for a previous meeting; and
- (b) the previous meeting occurred not more than five calendar days prior to the date of the meeting at which the item is proposed to be considered; and
- (c) the item was continued from the previous meeting to the meeting at which action is proposed to be taken.

Section 3. Special Meetings may be called at any time by the Chairman or by a majority of the Planning Commission by appropriate notice to the members of the Commission and to the media. The call and notice of the meeting shall provide the time, place and date of such meeting and the business to be transacted. The Secretary shall post an agenda of the Special Meeting at least 24 hours prior to said meeting.

Section 4. If, for any reason, the business to be considered at any regular or adjourned regular, special or adjourned special meeting cannot then be completed, the Commission may at such meeting designate the time for an adjourned meeting to consider any matter than can properly be considered at such meeting, and the notice of an adjourned meeting shall be posted in the manner required by Article III, Section 1 and 2 of these By-Laws. With respect to members not present, it shall be the duty of the Secretary to employ such reasonable means as may be necessary to notify the absent members.

Section 5. All meetings of the Commission shall be public meetings open to the public at all times, except as otherwise required by State law under declared state of emergencies, and all persons shall be permitted to attend such meetings. The provisions of this Section shall not apply to those matters that occur in closed sessions as outlined by the Brown Act.

Section 6. Appearance of a Commissioner before the Planning Commission. After a Commissioner has disqualified him or herself as a result of a potential conflict of interest, he or she may appear before the Commission during the hearing on the matter and present testimony regarding the matter, provided it is done in the following manner:

- A. Appears in the same manner as a member of the general public may appear, solely to represent him or herself in a manner relating to his or her personal interest. The official's "personal interests" would include, but not limited to, an interest in real property wholly owned by the official or his facility, a business wholly owned by the official or his family or a business entity which the official controls.

- B. When the Commissioner appears before the Planning Commission as a member of the general public, the testimony given should address how the decision will affect his personal interest. The Commissioner should not present testimony in a manner as acting as a representative of other persons in the community and should not bring forth matters beyond these personal interests.
- C. The Commissioner may have a representative speak on his or her behalf; once again the testimony given should be limited to how the decision relates to the public official's personal interest.

#### ARTICLE IV

#### ORDER OF BUSINESS

Section 1. The order of business for regular meetings shall be:

1. CALL TO ORDER
2. FLAG SALUTE
3. ROLL CALL
4. PLANNING COMMISSIONER ANNOUNCEMENTS; REQUESTS FOR FUTURE AGENDA ITEMS; AND CONFERENCE/MEETING REPORTS
5. PRESENTATIONS
6. REPORT ON CITY COUNCIL ACTIONS
7. PUBLIC HEARINGS
8. NON-AGENDA/CONSENT CALENDAR/OTHER BUSINESS PUBLIC COMMENTS
9. CONSENT CALENDAR ITEMS --ITEMS IN THIS SECTION WILL BE VOTED ON IN ONE MOTION UNLESS A COMMISSIONER REQUESTS SEPARATE ACTIONS. FURTHER, ANY CONSENT CALENDAR ITEMS REMOVED FROM THE AGENDA WILL BE CONSIDERED BY THE COMMISSION FOLLOWING THE PUBLIC HEARING ITEMS.
  - A. MINUTES
10. OTHER BUSINESS
11. STAFF MEMBER COMMENTS
12. ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Planning Division office at (562) 904-7154 (voice) of the California Relay Service Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting. 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 website at <http://www.downeyca.org>.

Section 2. The order of business for special meetings shall be:

1. Roll Call
2. Hearings and Cases, if any
3. Other Business
4. Oral Communications
5. Adjournment

Section 3. The order of business of any meeting may be changed by the Chairman with the approval of a majority of a quorum of the Commission.

## ARTICLE V

### HEARINGS

Section 1. In order to expedite the hearings on any petition, application, or appeal, the time for such hearings shall be set by the Secretary at the time of the filing of the petition, application or appeal, and the Secretary shall cause notice thereof to be given as required by the applicable law. All hearings shall be set for 6:30 p.m., unless otherwise specified by the Chairman or the Commission.

Section 2. The procedure for public hearings shall conform as nearly as possible to the following outline:

1. Chairman declares the public hearing open and with the consent of a quorum of the Commission.
2. Planning Division presents the case and factual information of land use and zoning in the area.
3. Chairman calls on applicant and those favoring the application. Each person speaking shall state for the record his or her name and address.
4. Chairman calls on those protesting the application. Each person speaking shall state for the record his or her name and address.
5. Chairman gives applicant time for rebuttal of protests.
6. Chairman asks for Planning Division recommendation.
7. Chairman declares the public hearing closed when members of the Planning Commission indicate they have heard all pertinent testimony. After the public hearing is closed, no additional substantive testimony may be given, however, the Commission may clarify information which has been received into the public record by directing

questions to its staff or the public, provided further that such clarifications are made at the same meeting and immediately following the closure of the public hearing.

8. Planning Commission takes action.

### Section 3.

1. On the Planning Commission agenda we will note, that at 9:30 p.m. the Planning Commission may recess the regular meeting. At this time Staff will evaluate the agenda to see what items remain, to see if any new items will be heard beyond 10:30. If it is determined that the remaining items on the agenda will go beyond the 10:30 time period, Staff will confer with the various applicants as to the urgency of the items to be heard that "evening and will then give this information to the Chairman. The Commission will then determine which items need to be considered this evening and those items that could be continued to another meeting.
2. Upon the Chairman receiving information of those Planning Commission items that will go beyond the 10:30 time period, the Chairman of the Planning Commission may take those requested items to be continued, out of sequence with the action to continue those items to the designated scheduled meeting date and shall be placed first on the agenda.
3. At the discretion of the Planning Commission, the meeting may be recessed at 9:30 p.m. If there is a hearing in process, that hearing will be taken and the items 1 & 2 above may be conducted by Staff and the Commission will proceed accordingly.
4. A hearing before the Planning Commission, which for any reason cannot be completed at the time and place originally advertised, may be continued to a later date and an announcement of the time, place, and date of such continued hearing shall constitute sufficient notice to all parties concerned.

Section 4. In addition to hearings required by law, the Planning Commission may, at its discretion, hold public hearings on any matters when the Commission decides that such hearings will be in the public interest.

### Section 5.

1. During Public Hearings, all interested parties will be allowed to address the Commission. The applicant shall speak after the staff report and shall have the opportunity for rebuttal. The applicant shall not be limited by the three (3) minute time limit, but shall not be repetitious or digress from the issues before the Commission. The Chairperson shall request persons wishing to address the Commission on a Public Hearing item to approach the podium. In the interest of facilitating the business of the Commission, all persons addressing the Commission shall be limited to three (3) minutes unless such time is extended by a quorum of the Commission for good cause. The Commission may establish a maximum period of time for public testimony before or during the hearing.
2. The Commission will hold one public comment period for Non-Agenda items and agenda items listed under "Other Business" and "Consent Calendar". Individuals wishing to address the Planning Commission on Non-Agenda items or items listed on "Other Business" or the "Consent Calendar" shall approach the podium. Each person speaking shall be limited to four (4) minutes.

3. Persons addressing the Planning Commission on Non-Agenda items under item 2 above may only address the Commission on items not on the agenda but pertaining to the subject matter under the jurisdiction of the Commission. A determination of whether an item is appropriate for discussion shall be made by the Chairperson with the consent of a quorum of the Commission.

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## ARTICLE VI

### QUORUM

Section 1. Three members of the Commission shall constitute a quorum for the conduct of business, and the vote of a majority of the members at a meeting where a quorum is present shall determine the act of decision or other law except where three votes are required by applicable ordinance.

Section 2. In the event of the lack of quorum at a meeting, the Chairman or Vice-Chairman, or Commission Secretary, in that order, shall adjourn the meeting to another time, place, and date, and such adjournment shall serve as sufficient notice thereof to all matters whether present at such meeting or not. With respect to members not present, it shall be the duty of the Secretary to employ such reasonable means as may be necessary to notify the absent members. The Secretary may adjourn a meeting where no Commissioners are present, provided that if the meeting is adjourned to a time other than the next regular meeting, notice of the meeting shall be given as if the meeting were a special meeting.

Section 3. The Chairman and every member of the Commission present shall vote upon every issue unless abstaining for a reason given; provided, that when a hearing has been held on an issue and testimony has been taken, no member not present at such hearing shall vote upon such issue unless he has first read a transcript or heard a tape recording of the testimony and proceedings during the hearing.

## ARTICLE VII

### PARLIAMENTARY PROCEDURE

Section 1. Robert's Rules of Order shall govern in the conduct of Commission Meetings in all cases to which they are applicable and in which they are not inconsistent with these By-Laws or any applicable statute or ordinance of the City.

## ARTICLE VIII

### AMENDMENTS AND SUSPENSIONS

Section 1. These By-Laws may be amended at any regular or special meeting by an affirmative vote of not less than three members of the Planning Commission.

Section 2. The Planning Commission may suspend any of these By-Law provisions only for the duration of the meeting at which time they are suspended by a unanimous vote of all members present at such meeting, unless local or state law prohibits suspension of these By-law provisions.

ARTICLE IX

COMMISSION AUTHORITY

Section 1. Any matters not addressed in these By-Laws shall be governed by the Downey City Council meeting rules contained in the Downey Municipal Code, as they may be amended from time to time. Failure of the Commission to follow the procedures established by this Resolution shall not invalidate or otherwise affect any action of the Commission.

Section 2. These By-Laws in no way modify, amend or suspend the Commission's or individual Commissioner's obligations pursuant to the Political Reform Act, Open Meeting Law or other applicable statute of statewide concern. These By-Laws shall be construed to remain consistent with such statutes, as they may be amended from time to time.

**SECTION 3.** Planning Commission Resolution No. 20-3122 is hereby repealed.

**SECTION 4.** This Resolution shall take effect on the effective date of approval by the Downey City Council.

APPROVED by the Planning Commission this 2nd day of February, 2022

\_\_\_\_\_  
Miguel Duarte, Chairman  
Downey 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 2nd day of February, 2022 by the following vote, to wit:

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

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

Resolution No. \_\_\_\_\_  
Downey Planning Commission

Approved by the Downey City Council during its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote, to wit:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

\_\_\_\_\_  
Blanca Pacheco, Mayor

ATTEST:

\_\_\_\_\_  
Maria Alicia Duarte, CMC  
City Clerk



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

Chair Duarte called the December 15, 2021, Regular Meeting of the Planning Commission to order at 6:34 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  
Arturo Montoya, District 3  
Horacio Ortiz, Jr., District 5  
Carmela Uva, District 4

**COMMISSIONERS ABSENT:** None

**OTHERS PRESENT:** Aldo E. Schindler, Deputy City Manager  
Crystal Landavazo, City Planner  
Yvette Abich Garcia, City Attorney  
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

**PRESENTATIONS:**

1. Housing Element Update

Deputy City Manager Aldo Schindler introduced Diana Gonzalez, with MIG Consulting to present an update on the Housing Element.

Diana Gonzalez presented an overview of the current Housing Element (2021-2029,) and upcoming changes to the City's General Plan as required by the State of California. The Southern California Association of Governments (SCAG) determined the Regional Housing Needs Assessment (RHNA) for the City of Downey is to allow for 6,525 residential units over the current cycle. The challenge is to modify the current Zoning regulations to allow for the increased residential units. The Community Development Department held two community workshops to inform the residents of the upcoming changes and present their concerns; the key issues presented were the need for more affordable and multifamily housing.

Deputy City Manager Aldo Schindler discussed strategies to address the Housing need, while protecting the Single-Family Residential Zone. Staff is proposing overlay zones and commercial corridors that include shopping centers and Rancho Los Amigos South Campus. The City of Downey has filed two written protests to reduce the State's required number of units.

The Planning Commission discussed the potential impacts the new laws will have on the city streets, parking and the overall City.

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

**PUBLIC HEARINGS:**

Commissioner Uva recused herself from public hearing item PLN-21-00111 due to the proximity of her property to the subject site.

2. **PLN-21-00111 (Site Plan Review) continued from December 1, 2021:** Chair Duarte opened the public hearing for PLN-21-00111.

Assistant Planner Gissel Enriquez presented a request to approve a Site Plan Review (SPR) to construct a two-story, three-unit multifamily residential development, on property located at 10225 La Reina Avenue. The front building shall be comprised of two residential units, and the rear building consisting of one residential unit; each unit includes a 2-car garage and private open space. The units vary in size with the smallest dwelling at 1,180 square feet and the largest at 1,457 square feet. The proposed development will mirror the same Spanish architectural style and composition as the property to the east at 10224 La Reina Avenue, which was approved by the Planning Commission on March 3, 2021.

The Commissioners discussed adding a new condition of approval that would require conduits for future EV charging stations within the garages and photo-voltaic panels throughout the development.

Correspondence: None

Public Comment: None

Chair Duarte closed the public hearing.

Staff recommended approval of the request for a Site Plan Review (PLN-21-00111).

The applicant was not present to agree to the added condition; therefore, the Planning Commission considered continuing the public hearing to the next meeting, January 5, 2022.

It was moved by Vice Chair Owens, second by Commissioner Montoya, and passed by a 4-0-1 vote, with Commissioner Uva abstaining, to continue the request for a Site Plan Review (PLN-21-00121), to the January 5, 2022 meeting.

Commissioner Uva re-entered the Council Chambers.

Commissioner Ortiz recused himself from public hearing item PLN-19-00172 due to his association with the El Pescador restaurant chain.

3. **PLN-19-00172 (Conditional Use Permit):** Chair Duarte opened the public hearing for PLN-19-00172 and Secretary Cavanagh affirmed proof of publication.

Principal Planner Guillermo Arreola presented a request to allow an existing full-service restaurant (El Pescador), to operate with live entertainment (disc jockey), on property located at 12002 Lakewood Boulevard, zoned DLSP (Downey Landing Specific Plan). The restaurant currently operates under an Alcoholic Beverage Control Type 47 license (On Sale General – Eating Place), Monday – Sunday from 7:00 a.m. – 2:00 a.m. The subject site is located within the Downey Landing Shopping Center, surrounded by multifamily residential uses to the north and east, with a mix of commercial and residential properties across Lakewood Boulevard. The proposed hours of live entertainment are Monday – Sunday from 7:00 p.m. – 1:00 a.m. with no dancing, or changes to the existing square footage of the restaurant. Although dancing is not included in the request, staff has added a condition of approval to prohibit dancing.

This application was presented to the Development Review Committee, at which time the Police Department reviewed the security plan and requested that increased security be provided on weekends from 6:00 p.m. to 2:00 a.m. The security plan was revised and resubmitted to the Police Department and there were no further concerns expressed.

The Commissioners discussed the hours of operation and the close proximity of the outdoor patio speakers and how it could affect the residents and Care Facility along Lakewood Boulevard.

Principal Planner Arreola stated, one of the conditions of approval 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 also requires that the applicant turn off all outdoor speakers by 10:00 p.m., Monday-Sunday. Additional conditions have been incorporated in an effort to mitigate any potential nuisance.

Disclosures: None

Applicant Luis Niebla, Regional Manager for El Pescador Restaurants, 211 N. Citrus Ave. Covina, CA, was present to address questions or concerns of the Planning Commission. Mr. Niebla explained, the restaurant is a family restaurant and the DJ is to provide music for the enjoyment of their patrons. The DJ will be connected to the house speakers only, therefore the noise level will not increase, and the patio speakers do get turned off. The DJ music is for the enjoyment of patrons.

The security provides a presence to maintain order and prevent already intoxicated and/or unruly persons from entering the establishment, in addition to checking ID's. The members of the security staff are dressed in suits and considered to be an extension of the management.

The Commissioners discussed the operations of their other locations and if they include ambient music.

Mr. Niebla confirmed, the other locations operate with ambient music. There will be no equipment other than the house speakers; the only exception would be Mariachi's on Mother's Day and Father's Day.

Correspondence: None

Public Comment: None.

Staff recommended approval of the request for a Conditional Use Permit (PLN-19-00172).

Chair Duarte closed the public hearing.

The Commissioners spoke in favor of the request to add music to the restaurant operations.

It was moved by Commissioner Montoya, seconded by Commissioner Uva and passed by a vote of 4-0-1, with Commissioner Ortiz abstaining, to approved the request for a Conditional Use Permit (PLN-19-00172).

Commissioner Ortiz re-entered the Chambers.

**NON-AGENDA PUBLIC COMMENTS:** None

**CONSENT CALENDAR ITEMS:**

4. September 15, 2021 Minutes
5. December 1, 2021 Minutes

Deputy City Manager Schindler informed the Commission that Commissioner Ortiz watched the September 15, 2021 Meeting and will be voting on item No. 4 of the Consent Calendar.

It was moved by Commissioner Uva, seconded by Vice Chair Owens, to approve the Consent Calendar, with Vice Chair Owens abstaining from the September 15, 2021 Minutes, and Commissioner Montoya abstaining from the December 1, 2021 Meeting.

**OTHER BUSINESS:** Commissioner Ortiz requested Staff provide him with a copy of the PowerPoint presentation(s) before the Planning Commission Meetings to help him prepare for the meetings. The Commissioners wished everyone a happy holiday.

**STAFF MEMBER COMMENTS:** Deputy City Manager Schindler stated a Community Meeting was held on Monday, December 13, 2021, regarding the draft Inclusionary Housing Ordinance to provide the information and obtain feedback from the Community. A second meeting will be held during the second week of January, 2022, to solicit additional information. Staff will present the information to the Planning Commission, and to the City Council Affordable Housing Committee at a later date as we move towards the City Council approval of an Inclusionary Housing Ordinance. Our City Housing staff, together with the State of California Housing staff held a workshop this evening for the COVID Residential Rent Relief program. The meeting was well attended and the State Housing staff will return tomorrow to assist our community.

**ADJOURNMENT:** Chair Duarte adjourned the meeting at 8:10 p.m., to Wednesday, January 5, 2022, at Downey City Hall, 11111 Brookshire Ave.

APPROVED AND ADOPTED this 2<sup>nd</sup> day of February, 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 2<sup>nd</sup> day of February, 2022, by the following vote:

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

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Mary Cavanagh, Secretary  
City Planning Commission