



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

RECOMMENDED ACTION

1. **PLN-22-00048 (Special Event)** Approve

Location: 11045 Downey Avenue

Request: A request by Bastards American Canteen to conduct a Memorial Day event on Monday, May 30, 2022, inclusive of a street closure of a private street (Second Street between Downey Avenue and New Street), on property zoned DDSP (Downtown Downey Specific Plan).

CEQA: Categorical Exemption – Section 15304 (Class 4, Minor Alterations to Land)

Staff: Principal Planner, Guillermo Arreola

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

2. **PLN-22-00001 (Conditional Use Permit)** Approve

Location: 8860 Apollo Way

Request: A request to revise PLN-19-00191, allowing live entertainment at an existing full-service restaurant zoned TLSP (Tierra Luna Specific Plan).

CEQA: Categorical Exemption – Section 15301 (Class 1, Existing Facilities)

Staff: Senior Planner, Alfonso Hernandez

Contact: ashernandez@downeyca.org
562-904-7154



3. **PLN-21-00087 (Planned Sign Program)**

Approve

Location: 12202 Paramount Blvd.

Request: A request for a Planned Sign Program to establish sign standards for the size, location, and appearance of signs on an existing multi-tenant commercial building on property zoned C-2 (General Commercial) Multi-Family Residential).

CEQA: Categorical Exemption – Section 15311 (Class 11, Accessory Structures)

Staff: Principal Planner, Guillermo Arreola

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

4. **PLN-22-00044 (Site Plan Review, Conditional Use Permit, Zone Change)**

Approve

Location: 10014 Paramount Blvd.

Request: A request to remodel the exterior of an existing fast food restaurant (Burger King), approval of an existing drive-thru, and approve a zone change from P-B (Parking Buffer) to C-2 (General Commercial) on property zoned C-2 (General Commercial).

CEQA: Categorical Exemption – Section 15301 (Class 1, Existing Facilities)

Staff: Senior Planner, Alfonso Hernandez

Contact: ashernandez@downeyca.org
562-904-7154

- VII. **NON-AGENDA PUBLIC COMMENTS:** This portion of the agenda provides an opportunity for the public to address the Planning Commission on non-agenda, consent and other business 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 for non-agenda items to no more than four (4) 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.
- IX. **OTHER BUSINESS:**
- X. **STAFF MEMBER COMMENTS:**
- XI. **ADJOURNMENT:** To Wednesday, June 1, 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 there from to the Council. Such appeal shall set forth specifically wherein it is claimed the Commission's findings were in error, and wherein the decision of the Commission is not supported by the evidence in the matter, and wherein the public necessity, convenience, and welfare require the Commission's decision to be reversed or modified

Supporting documents are available at: www.downeyca.org; City Hall-Planning Division, 11111 Brookshire Avenue, Monday – Friday, 7:30 a.m. – 5:30 p.m. Video streaming of the meeting is available on the City's website. In compliance with the Americans with Disabilities Act, if special assistance is needed to participate in this meeting, complete the City's Title II ADA Reasonable Accommodation Form located on the City's website and at City Hall - Planning Division, 11111 Brookshire Avenue, Monday – Friday, 7:30 a.m. – 5:30 p.m., and submit to the Planning Division or contact the Planning Division office at (562) 904-7154 or the California Relay Service at 7-1-1. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

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

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

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

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

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


Dated this 12th day of May, 2022


Mary Cavanagh

Mary Cavanagh
Secretary, Planning Commission

DATE: MAY 18, 2022

TO: PLANNING COMMISSION

**SUBMITTED/
REVIEWED BY:** CRYSTAL LANDVAZO, INTERIM DIRECTOR OF COMMUNITY DEVELOPMENT 

PREPARED BY: GUILLERMO ARREOLA, PRINCIPAL PLANNER 

SUBJECT: **PLN-22-00048 (SPECIAL EVENT) – A REQUEST BY BASTARD’S AMERICAN CANTEEN TO CONDUCT AN OUTDOOR MEMORIAL DAY EVENT ON MONDAY, MAY 30, 2022, INCLUSIVE OF A PRIVATE STREET CLOSURE OF 2ND STREET.**

LOCATION: 11045 DOWNEY AVENUE

ZONING: DDSP (DOWNTOWN DOWNEY SPECIFIC PLAN)

REPORT SUMMARY

Bastards American Canteen (hereinafter referred to as “Applicant”) is requesting the approval of a Special Event Permit that would allow Bastards American Canteen to hold their annual Memorial Day event on Monday, May 30, 2022. Pursuant to Code Section 9420.04(c), special events involving over five hundred (500) people shall require approval from the Planning Commission. Based on the analysis contained in this report, staff recommends that the Planning Commission adopt the following resolution:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING SPECIAL EVENT (PLN-22-00048), THEREBY ALLOWING THE OPERATION OF A MEMORIAL DAY EVENT ON MAY 30, 2022 IN THE PARKING LOT OF BASTARD’S AMERICAN CANTEEN, INCLUSIVE OF A PRIVATE STREET CLOSURE OF 2ND STREET, ON PROPERTY LOCATED AT 11045 DOWNEY AVENUE AND ZONED DOWNTOWN DOWNEY SPECIFIC PLAN

BACKGROUND

Bastard’s American Canteen is located on the northwest corner of Downey Avenue and 2nd Street on an 11,888 square-foot lot. This lot also includes the portion of 2nd Street directly adjacent to Bastards American Canteen, as this portion of 2nd Street is privately owned. The property owner of Porto’s Bakery and Café owns 2nd Street south of the centerline and the property owner of Bastards American Canteen owns 2nd Street north of the centerline. The site is located within the Downtown Downey Specific Plan and has a land use designation of Mixed Use. A parking lot is located behind the restaurant. The surrounding uses include Lock and Key

Social Drinkery to the north, Porto's Bakery & Café to the south, L.A. Buns to the west, and Ola Restaurant to the east.

On April 25, 2022, the Applicant submitted an application to request a special event permit to hold their annual Memorial Day Event. The notice of the pending public hearing was published in the *Downey Patriot* and mailed to all property owners within 500 feet of the subject site on May 5, 2022.

DISCUSSION

Bastard's Canteen has conducted this Memorial Day event, annually, since 2012. In previous years, the event was located entirely within the parking lot of the Bastard's property. However, the previous two events have included a private street closure in conjunction with this event. The Applicant is again requesting to close 2nd Street directly adjacent to the subject site, west of Downey Avenue and east of New Street.

The event will take place on Monday, May 30, 2022 from 12:00 p.m. to 10:00 p.m. According to the Applicant, the event will be free and open to the public. The event will include up to 15 vendors, each under an individual 10' x 10' canopy, and located on 2nd street adjacent to the stage. One of the two proposed beer trailers will be located beneath a 20' x 20' canopy within the west side of the alley, adjacent to the Epic Lounge building. The other beer trailer will be located within the restaurant's parking lot with no canopy.

Vendors will be selling merchandise from their specific organization, but they will not be allowed to sell drug paraphernalia, alcohol, or weapons. Live entertainment will take place from 1:00 p.m. to 8:00 p.m. on a stage, centrally located along the south side of 2nd Street, between New Avenue and Downey Avenue. All noise associated with this event must comply with the Municipal Code, however, the nearest residential structure is over 300 feet away and all the adjacent commercial businesses will be closed on Memorial Day. The Applicant will provide food and drink sales, alcoholic beverage sales, and live entertainment. A beer garden located on the subject property's parking lot will be separated from the rest of the event by crowd control barriers. The entrance to the beer garden will be staffed by a security guard, who will be checking for identification, as the beer garden is limited to patrons 21 years of age and over. All patrons who are of drinking age will receive a colored wristband. A total of 10 licensed and bonded security guards will be stationed throughout the event. The event will include perimeter crowd control barriers, and ten portable restroom facilities, of which three (3) will be ADA compliant.

Set up for the event in the parking lot area will begin on Sunday, May 29th at 12:00 p.m. Closure of 2nd Street will begin on Monday, May 30th at 6:00 a.m. while take down and clean-up after the event will be completed by 12:00 a.m., Tuesday, May 31st. This allows for the adjacent businesses to resume normal operating hours the following day. Conditions have been placed on the event to require the site be fully cleaned up of all waste prior to reopening 2nd Street immediately following the event.

The Applicant has received written approval from adjacent tenants and property owners, to close down this portion of 2nd street for this day. Since this is private property, the City Council does not act on this street closure. The Applicant will be responsible for posting signs to redirect traffic away from 2nd Street.

Parking for this event will be directed towards the public parking structure located on New Street, south of the movie theatre. Downey Avenue will remain open and available for parking, as well as the various public parking lots located within Downtown Downey.

DEVELOPMENT REVIEW COMMITTEE

This proposal was reviewed by the Development Review Committee. The Police Department had concerns regarding the amount of people that would attend this event, security, and the service of alcoholic beverages. Due to some unruly behavior at previous Memorial Day events, the Police Department is requiring that two (2) City of Downey Police Officers be posted at the event from 5:00 pm until the end of the event. The proposed Resolution includes conditions of approval to mitigate potential safety hazards due to the event and the private street closure.

CEQA

Staff has reviewed the proposed use for compliance with the California Environmental Quality Act (CEQA). Upon completion of this review, staff determined that this request is categorically exempt from CEQA, pursuant to Guideline Section No. 15304, Class 4 (Minor Alterations to Land). Categorical Exemptions are projects, which have been determined not to have a significant effect on the environment and are exempt from the requirements of the CEQA. Class 4 exemptions consist of minor alterations in the condition of land, including approval of temporary land uses that will have no permanent effect on the environment.

FINDINGS

A. The proposed activity or use will be consistent with the objectives, policies, and general land uses and programs specified in the City's General Plan.

It is a goal of the General Plan (8.4) to "Enhance Downey's Cultural Resources." This goal is implemented in part by General Plan Program 8.4.3.2, which states "Support and encourage community events, such as the Downey Street Faire, Holiday Lane Parade, and ARC walk." The annual Memorial Day event is a local resource that memorializes and pays tribute to those in the United States Military who have passed away. It is an opportunity for the community to gather on a day that is nationally recognized. As such, the special event is consistent with aforementioned General Plan goal.

B. The proposed activity or use is consistent with other provisions of this Article.

The subject site is located in the Downtown Downey Specific Plan (DDSP), which serves as the zoning regulation for the area. The development standards of the DDSP are designed to attract visitors to the downtown, who can then park and walk to their destination. This special event implements this vision by being a regional draw for visitors to the downtown. Additionally, there is sufficient parking within walking distance to accommodate the anticipated attendance.

C. The proposed activity or use will not result in conditions or circumstances contrary to the public health, safety, and general welfare.

This annual event is temporary and will not result in permanent injury to the public health, safety, or welfare. Additionally, this event will have security guards and will comply with all fire and safety codes imposed by the Fire and Police Departments. All potential impacts have been mitigated within the Conditions of Approval.

CORRESPONDENCE

Staff has not received any correspondence as of the date this report was prepared.

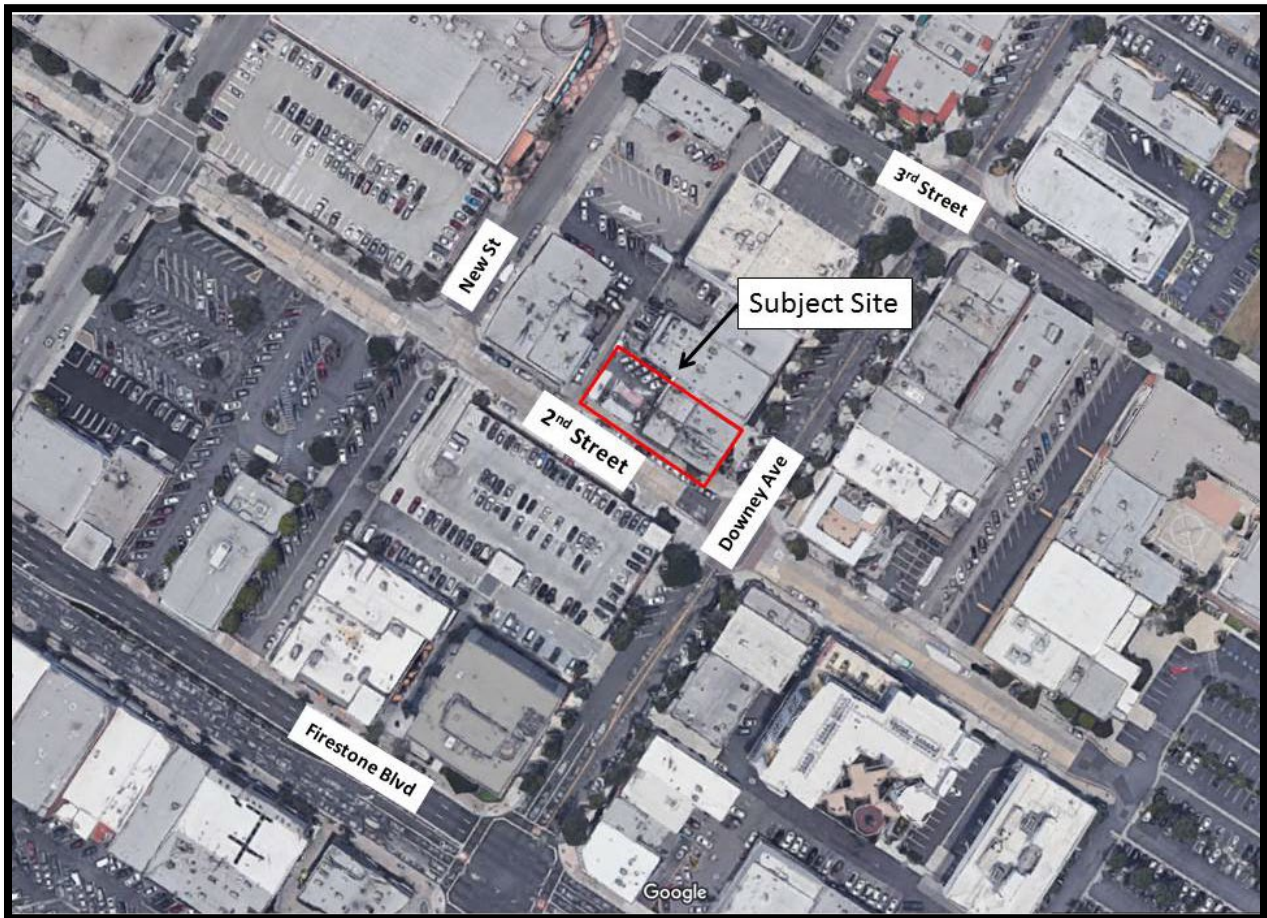
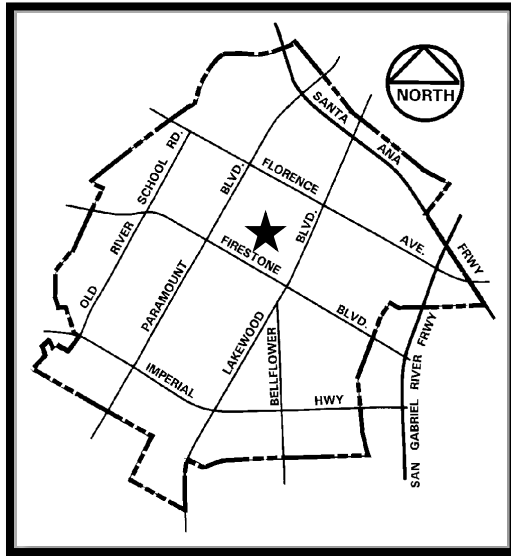
CONCLUSION

Bastard's American Canteen has been hosting a Memorial Day Event for five years. The event has generated more interest in the community, and so does the need to occupy a larger space, which is reflected in the closure of 2nd Street. The Applicant has produced a site plan that meets all emergency requirements and proposes to manage the event in a manner that the entire Downey community can enjoy. As such, Staff supports the proposal and recommends that the Planning Commission adopt a resolution approving the Special Event Permit, subject to the conditions of approval as stated in Exhibit "A" of the Planning Commission Resolution.

EXHIBITS

- A. Maps
- B. Site Plan
- C. Resolution

Exhibit 'A' – Maps

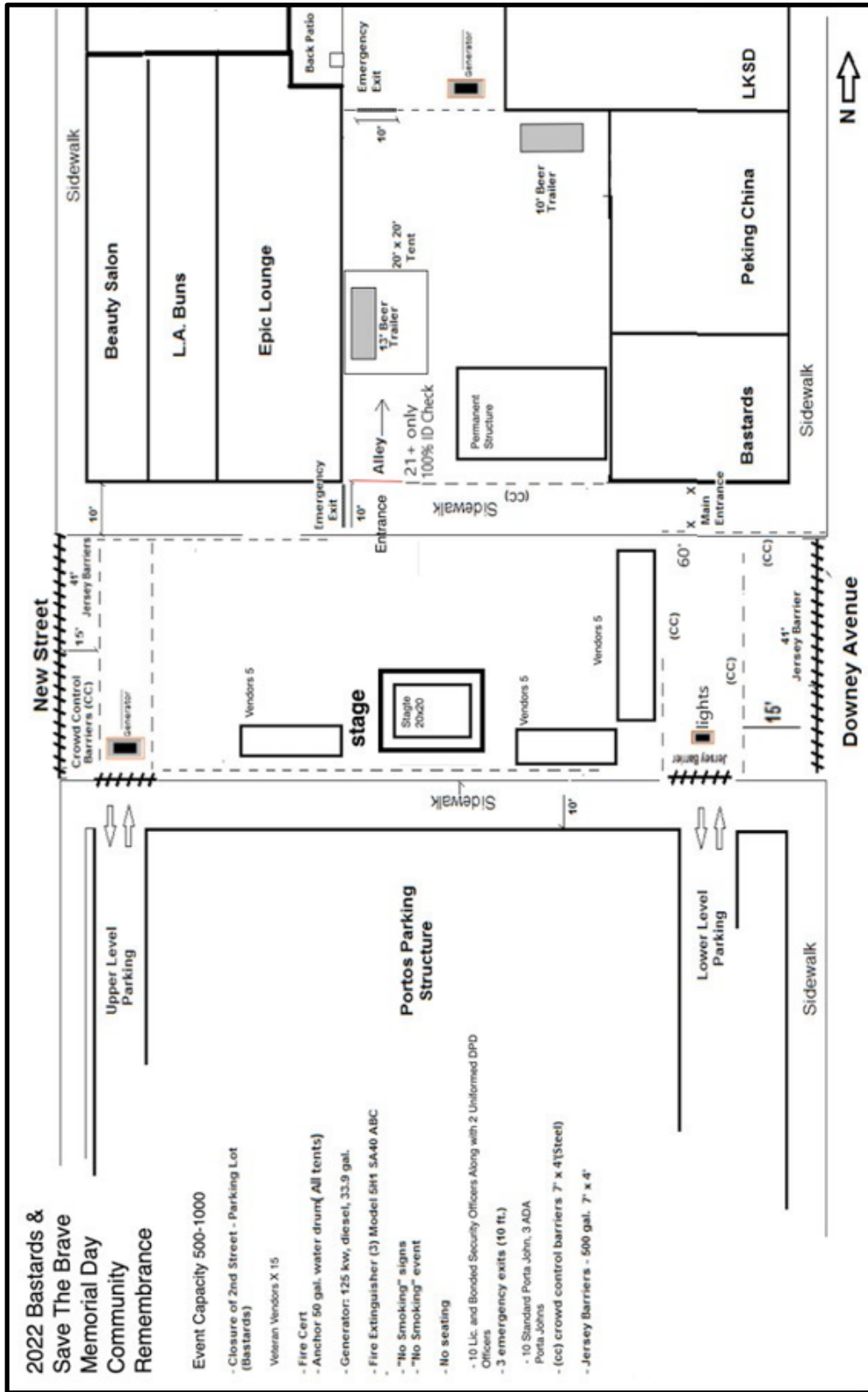


AERIAL PHOTOGRAPH



ZONING MAP

Exhibit 'B' – Site Plan



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING SPECIAL EVENT (PLN-22-00048) (SPECIAL EVENT) – A REQUEST BY BASTARD’S AMERICAN CANTEEN TO CONDUCT AN OUTDOOR MEMORIAL DAY EVENT ON MONDAY, MAY 30, 2022, INCLUSIVE OF A PRIVATE STREET CLOSURE OF 2ND STREET.

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. Bastard’s American Canteen filed an application on April 25, 2022 requesting approval of a Special Event Permit to allow the operation of a Memorial Day event on the property located at 11045 Downey Avenue and zoned DDSP (Downtown Downey Specific Plan); and,
- B. On May 5, 2022, notice of the pending public hearing was sent to all Downey property owners within 500 feet of the subject site and the notice was published in the *Downey Patriot*; and,
- C. The Planning Commission held a duly noticed public hearing on May 18, 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 No. 15301 (Class 4), Minor Alterations to Land.

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

- A. The proposed activity or use will be consistent with the objectives, policies, and general land uses and programs specified in the City’s General Plan. It is a goal of the General Plan (8.4) to “Enhance Downey’s Cultural Resources.” This goal is implemented in part by General Plan Program 8.4.3.2, which states “Support and encourage community events, such as the Downey Street Faire, Holiday Lane Parade, and ARC walk.” The annual Memorial Day event is a local resource that memorializes and pays tribute to those in the United States Military who have passed away. It is an opportunity for the community to gather on a day that is nationally recognized. As such, the special event is consistent with aforementioned General Plan goal.
- B. The proposed activity or use is consistent with other provisions of this Article. The subject site is located in the Downtown Downey Specific Plan (DDSP), which serves as the zoning regulation for the area. The development standards of the DDSP are designed to attract visitors to the downtown, who can then park and walk to their destination. This special event implements this vision by being a regional draw for visitors to the

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downtown. Additionally, there is sufficient parking within walking distance to accommodate the anticipated attendance.

- C. The proposed activity or use will not result in conditions or circumstances contrary to the public health, safety, and general welfare. This annual event is temporary and will not result in permanent injury to the public health, safety, or welfare. Additionally, this event will have security guards and will comply with all fire and safety codes imposed by the Fire and Police Departments. All potential impacts have been mitigated within the Conditions of Approval.

SECTION 4. Based upon the findings set forth in Sections 1 through 3 of this Resolution, the Planning Commission of the City of Downey hereby approves the Special Event Permit, subject to the Conditions of Approval attached hereto as Exhibit A – Conditions, which are necessary to preserve the health, safety and general welfare of the community and enable the Planning Commission to make the findings set forth in the previous sections. The conditions are fair and reasonable for the accomplishment of these purposes.

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

PASSED, APPROVED AND ADOPTED this 18th day of May, 2022.

Patrick Owens, 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 18th day of May, 2022, by the following vote, to wit:

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

Mary Cavanagh, Secretary
City Planning Commission

**CONDITIONS OF APPROVAL
PLN-22-00048
(SPECIAL EVENT PERMIT)**

PLANNING

- 1) This approval of PLN-22-00048 (Special Event Permit) allows Bastard's American Canteen to host a Memorial Day Event on Monday, May 30, 2022 from 12:00 p.m. to 10:00 p.m. This also includes a private street closure of 2nd Street, west of Downey Avenue and east of New Street, directly adjacent to Bastard's Canteen.
- 2) Approved activities for the Memorial Day Event shall consist of:
 - a) Fifteen (15) 10' x 10' vendor tents located on 2nd Street;
 - b) One (1) 13-foot beer trailer parked within the parking lot of Bastard's American Canteen;
 - c) One (1) 20' x 20' tent over the beer trailer, located within the parking lot of Bastard's American Canteen. Food, drink, and alcoholic beverage sales in the parking lot of Bastard's American Canteen;
 - d) One (1) 20' x 20' stage for live entertainment. Live entertainment will commence at 12:00 p.m. and end at 8:00 p.m.;
 - e) Ten (10) portable restrooms, of which three are ADA compliant;
 - f) Crowd control fencing will be installed around the event, including separating the beer garden from the rest of the event;
 - g) Ten (10) licensed and bonded security guards;
- 3) 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.
- 4) 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 the Applicant of the obligations of this condition.
- 5) The applicant shall sign an affidavit of Acceptance of Conditions no later than Wednesday, May 25, 2022, as provided by the City of Downey.
- 6) Set up for the event in the parking lot shall occur no earlier than Sunday, May 29, 2022 at 12:00 p.m. in the parking lot area. Clean-up activities, which include the removal of all tables and chairs, booths, trash receptacles, stage, electrical equipment, and garbage, shall be removed by Tuesday, May 31, 2022 at 12:00 a.m.

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- 7) Closure of 2nd Street shall not commence prior to Monday, May 30, 2022 at 6:00 a.m. and shall be reopened by Tuesday, May 31, 2022 at 12:00 a.m.
- 8) If a generator is to be used, it shall be located a minimum of 25 feet from any property line. Additionally, the generator shall not exceed a noise level of 65 dBA, as measured from the nearest property line.
- 9) The sale of drug paraphernalia or weapons is prohibited.
- 10) The Applicant shall ensure that all necessary lighting shall face the main event (booths and stage). The Applicant shall direct lighting away from Downey Avenue.
- 11) The Applicant shall obtain any necessary Health Department approvals required for the sale of food, on or before Thursday, May 26, 2022. The applicant shall provide proof of such approvals to the City Planner by the same day.
- 12) The alcohol area shall be contained within a fenced area where patrons may consume alcohol.
- 13) The owner/applicant shall utilize signage and volunteers to direct traffic to public parking areas nearby. Volunteers shall be responsible for cleaning the litter on adjoining streets.
- 14) All vendors must have a City of Downey business license by Thursday, May 26, 2022.

PUBLIC WORKS/ENGINEERING

- 15) The facility shall provide sufficient trash and recycling receptacles for the disposal of food and debris at the event.
- 16) The Applicant shall provide the necessary Changeable Message Sign (CMS) notifying the public of the road closure on 2nd Street at least one week prior to the event. Two CMS signs shall be placed on northbound and southbound Downey Avenue. The placement and design of the signs shall be approved by the Department of Public Works by Friday, May 20, 2022.
- 17) The sidewalk to the south of 2nd Street must remain clear at all times to allow pedestrian access.
- 18) The private street and parking areas shall be swept clean after the event; there shall be no hosing down of the parking areas.
- 19) The owner/applicant shall comply with the National Pollutant Discharge Elimination System (NPDES) requirements of the Federal Clean Water Act; the General Construction Activities Stormwater Permit (GCASP) of the State Water Resources Control Board; and Ordinance 1142 of the Downey Municipal Code (DMC).
- 20) The owner/applicant shall obtain all necessary plan approvals and permits by Friday, May 27, 2022.

BUILDING

- 21) All construction shall comply with the most recent adopted City and State building codes:
 - 2019 California Building Code

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- 2019 California Residential Code
- 2019 California Electrical Code
- 2019 California Mechanical Code
- 2019 California Plumbing Code
- 2019 California Fire Code
- 2019 California Green Code

22) The Title Sheet of the plans shall include:

- Occupancy Group
- Occupant Load
- Description of use
- Type of Construction
- Height of Building
- Floor area of building(s) and/or occupancy group(s)

23) All projects including food service or Public pools and/or spas shall be checked and approved by the County Health Department as part of the building department plan review process.

24) Temporary structures that cover an area greater than 120 square feet or used for the gathering of 10 or more persons require permits. The construction documents shall include a site plan indicating the location of the temporary structure and information delineating the means of egress and the occupant load. The temporary structure shall be located in accordance with the requirements of California Building Code Table 602 based on the fire-resistance rating of the exterior walls proposed type of construction (10 feet minimum from property line based on Type VB).

25) Temporary structures or facility shall meet the requirements of Chapter 11B 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 or facility. The design professional shall ensure that the site accessibility plan is compliance with the latest Federal and State regulations.

FIRE

26) All tents, fire protection equipment, cooking equipment, and electrical work (e.g. generator) must in place and ready for field inspection by 10:00 am on Monday, May 30th, 2022 to facilitate a fire-life safety inspection by the Downey Fire Department.

27) The applicant shall obtain a special event permit from the City of Downey Fire Department. Permit shall be obtained through the Fire Prevention Bureau no later than Friday, May 20th, 2022. If inspection is conducted after hours (or on the weekend/holiday) and additional inspection fee (4-hour minimum) shall be applied as per City of Downey fee schedule.

28) The applicant shall obtain a tent permit from the Fire Department. Tents and membrane structures having an area in excess of 400 square feet; or tents open on all sides having a

size of 700 square feet or more; or aggregate area of multiple tents placed side by side without a fire break clearance of 12 feet and exceeding 700 square feet shall require a separate tent permit [CA Fire Code 3103.2]. Applicant shall ensure a tent permit is obtained by no later than Friday, May 17th. The tent permit application shall provide a detailed site plan/map indicating additional detail on generator location and size, tent size and layout, seating/table plan, cooking equipment location / distance from tents, etc.

- 29) Tents shall comply with CA Fire Code, CA Code of Regulations, and State Fire Marshal for flame resistance standards of fabric [CA Fire Code § 3104.3; 3104.4; CCR Title 19 Division 1, §315(d); §335(a)].
- 30) Generator shall be properly grounded as per NFPA 70 and the Electrical Code.
- 31) Approved cable bridges shall be provided for electrical cables where subject to physical damage [CA Fire Code 605.5].
- 32) Physical barriers (e.g. fences) shall be provided to prevent unwanted access /contact with generator.
- 33) Generator shall not be located within ten (10) feet of a lot property line.
- 34) The applicant shall maintain occupant load in all structures, buildings, tents, canopies as per the California Fire Code. Occupant load shall be posted and clearly visible inside canopy/tents with side walls, assembly hall areas, etc.
- 35) The Applicant shall provide fire extinguishers on the subject property in accordance with California Fire Code. Currently serviced (tagged) 2A10BC fire extinguishers shall be provided and clearly visible at seating areas, beer garden tent, tents/stage area [CA Fire Code 906, CCR Title 19].
- 36) Tents shall not be located within 20 feet of parked vehicles, open flame or heating devices, BBQs, combustion engines (e.g. generators) [CA Fire Code 3104.7].
- 37) Smoking is not permitted in any tent. "No Smoking" signs shall be conspicuously posted in all tents.
- 38) Tents with occupant load in excess of 50 persons shall have required number of exits and illuminated exit signs and emergency lighting [CA Fire Code 3103.12.6.1].
- 39) Crowd managers (clearly identified as such via uniform, vests, shirts, etc.) shall be provided with duties to maintain egress, assist in evacuation, and maintain fire lanes and site access [CA Fire Code 403.12.3].
- 40) The applicant shall provide an updated site map which clearly identifies location of additional "emergency" pedestrian egress (exiting) on the east and west side of the event along 2nd Street.
- 41) The applicant shall clarify if lighting stands will be utilized. The applicant shall provide additional detail and information on lightings, including, but not limited to, how they are secured, grounded, protected from physical contact, etc.

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- 42) The applicant shall provide a 3-foot minimum clearance around all fire hydrants. Tents, stages, generator, etc., shall not obstruct access to fire protection equipment [CA Fire Code 507.5.5].
- 43) The event shall not obstruct or impede egress from any neighboring occupancy, business, and/or building.

POLICE

- 44) The sale of alcoholic beverages shall comply with the requirements of the State Department of Alcoholic Beverage Control. The Applicant shall provide a copy of this approval to the Downey Police Department on or before Thursday, May 26, 2022.
- 45) On or before Monday, May 23rd, 2022, the Applicant shall obtain Downey Police Department approval of a security plan for the event and provide a map of the security locations. The security plan shall include the services of two (2) City of Downey Police Officers (at applicant's expense) patrolling the event from 5:00 p.m. until 10:00 p.m., or until the end of the event, whichever is later.
- 46) The Applicant shall provide ten (10) licensed and bonded security guards on-site for the duration of the event.
- 47) Security officers shall be easily identifiable in brightly colored security shirts. The security shirts shall not resemble the color of Downey Police officers; the shirts shall not be blue or black.
- 48) A security guard must be stationed at the entrance of the beer garden at all times. This security guard will maintain a head count and check IDs. The consumption of alcoholic beverages is restricted to the beer garden located within the rear parking lot of Bastard's American Canteen restaurant. No one under the age of 21 is allowed within the beer garden.
- 49) Crowd control barriers shall be placed along the perimeter of the event, on 2nd Street abutting Downey Avenue, along the western closure, and along the driveway of the Porto's parking structure on 2nd Street.
- 50) The business owner shall consent to and provide access to all areas of the subject premises without charge during normal business hours to any Police Department or City Official for purposes of verifying compliance with any of the Conditions of Approval of this permit, as well as with any Police Permit and approved security plan.
- 51) A clear line of sight on 2nd Street must be maintained throughout the duration of the event.

END OF CONDITIONS

DATE: MAY 18, 2022

TO: PLANNING COMMISSION

**SUBMITTED/
REVIEWED BY:** CRYSTAL LANDVAZO, INTERIM COMMUNITY DEVELOPMENT DIRECTOR *cf*

PREPARED BY: ALFONSO HERNANDEZ, SENIOR PLANNER *AH*

SUBJECT: PLN-22-00001 (CONDITIONAL USE PERMIT) – A REQUEST TO REVISE PLN-19-00191 ALLOWING LIVE ENTERTAINMENT AT AN EXISTING FULL SERVICE RESTAURANT.

LOCATION: 8860 APOLLO WAY

ZONING: TLSP (TIERRA LUNA SPECIFIC PLAN)

REPORT SUMMARY

This is a request for a Conditional Use Permit (CUP) to allow live entertainment within the expansion of the Bar Louie full service restaurant located within the Promenade shopping center. The application is prompted due to the modification of the plans previously approved by the Planning Commission for live entertainment on May 20, 2020. The live entertainment will continue to consist of a disc-jockey, karaoke, and open microphone. Open microphone means periods in which patrons are allowed to voluntarily perform in front of other patrons. Performances may include singing, playing acoustic instruments, sharing poetry, or stand-up comedy. The business began operation of the restaurant with incidental onsite alcohol sales (Type 47 ABC license) in October 2016 and has remained in operation since.

Based on the analysis contained in this report, staff is recommending the Planning Commission adopt the resolution listed below. As a matter of record keeping, resolution 20-3117 will be rescinded upon approval.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING CONDITIONAL USE PERMIT PLN-22-00001, THEREBY ALLOWING A FULL SERVICE RESTAURANT TO FUNCTION WITH LIVE ENTERTAINMENT IN THE FORM OF A DISC-JOCKEY, KARAOKE, AND OPEN-MICROPHONE

BACKGROUND

The subject site is a 5,786 square foot tenant space located at the “Promenade at Downey” within the Tierra Luna Specific Plan (TLSP), and has a General Plan land use designation of Mixed Use. Specifically, the Bar Louie restaurant space is located within the Tierra Luna Market

Place area as designated by the specific plan. This area is made up of similar restaurants, such as Gaucho Grill and The Olive, retail, and the Cinemark movie theater. The existing customer area currently consists of a dining area, bar, and outdoor patio. The restaurant is expanding into an abutting tenant space that will increase the restaurant size by an additional 1,412 sq. ft. The approval of the expansion and exterior remodel of the expansion space is allowed “by-right” and is being processed via a building permit. However, the live entertainment approval needs to be modified to reflect that the activity will be allowed and subject to the same conditions of approval in the expanded restaurant area.

The shopping center is located adjacent to the Downey Landing shopping center to the North. To the South is the Discovery Sports Complex and the Columbia Memorial Space Center. To the East are properties zoned General Manufacturing, M-2. To the West are single-family zoned properties, R-1. The R-1 properties are located approximately 850 feet from the Bar Louie tenant space.

On January 4, 2022 the applicant filed a request for a CUP. Subsequently, the applicant was issued incomplete letters on February 3, 2022 and March 23, 2022. After submitting all required documents the application was deemed complete on April 22, 2022. On May 5, 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.



Existing Frontage

DISCUSSION

The request is an application to continue to conduct live entertainment in the form of a disc-jockey, karaoke, and open-microphone at the existing full service restaurant “Bar Louie”. This request will allow the existing live entertainment activity within the expanded restaurant areas and require continued compliance with the existing conditions of approval. Unlike other applications for live entertainment, this application does not seek approval for the installation of a stage or dance floor/area.

Existing hours of operation are Monday – Friday 11:00 a.m. – 2:00 a.m., Saturday – Sunday 10:00 am – 2:00 am, with live entertainment from Thursday – Sunday 9:00 p.m. – 1:30 a.m. The

applicant plans to keep the same hours. Live entertainment will cease 30 minutes before closing, consistent with last call for alcohol purchases.

As previously stated, the land use designation will not change. Bar Louie will continue to operate as a full service restaurant use with incidental alcohol sales. The applicant and future operators are limited to alcohol sales consistent with ABC License Type 47 (On Sale – Eating Place). Thus, the project is conditioned to require the applicants to limit the sale of alcohol to no more than half (50%) of their total gross revenue.

Per the specific plan, the full service restaurant requires 24 parking spaces. A total of 95 parking spaces are located directly in front of the tenant space. These parking spaces service various other retail and food related uses. Within close proximity there is additional parking and the Tierra Luna Market Place area of the specific plan holds a total of 3,025 parking spaces. The request for live entertainment does not warrant any changes to the current parking demand. As a result the new total tenant space is allowed to continue with no additional parking accommodations.

Security will be conditioned to remain the same and require a total of four security guards Thursdays - Sunday. 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 an existing shopping center. 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 850 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. All departments recommended that conditions remain the same. Recommended conditions of approval have been included in the attached Resolution.

ENVIRONMENTAL ANALYSIS

Staff has reviewed the proposed Conditional Use Permit for compliance with the California Environmental Quality Act (CEQA). Upon completion of this review, it has been determined that this request is categorically exempt from CEQA, pursuant to Guideline Section No. 15301 (Class 1, Existing Facilities). Categorical Exemptions are projects, which have been determined not to have a significant effect on the environment and have been exempted from the requirements of CEQA. Class 1 exemptions consist of projects that involve no/negligible expansion of the existing use.

FINDINGS

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

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

The subject site is located within an active shopping center 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 850 feet away from residential properties, 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 continuing the availability of live entertainment which aims to complement the existing restaurant that it will serve. This will not only continue to provide, but will also expand, the type and amount of goods and services available to the nearby community and 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 continuation of live entertainment is intended to complement the existing restaurant use. The live entertainment component is occasionally found within similar shopping areas. 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 remain a restaurant and adverse impacts are not anticipated. The application does not call for any other changes to the tenant space, such as readjustment of tables and chairs or installation of a dance floor. 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 to the site. 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 Downey Landing 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 ongoing operation of an existing full service restaurant is not anticipated to generate additional traffic. Live entertainment is an incidental amenity to the existing primary restaurant use. The combination of uses is

common within active large shopping areas and the existing infrastructure is built to accommodate the type of use. The site is accessible via Lakewood Boulevard and Bellflower Boulevard. These street segments lead to similar nearby corridors such as Stewart & Gray Road and Imperial Highway. All four of 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 existing use.

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

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

The proposed live entertainment is permitted upon the granting of a Conditional Use Permit in accordance with Appendix A: Permitted and Conditional Uses of the Downey Landing Specific Plan. Aside, the project directly complies, or has been conditioned to comply, with all relevant development provisions within the Downey Landing Specific Plan. These provisions include, but are not limited to, review process, accessibility, amount of parking and noise.

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

The request is for a CUP to continue live entertainment within the existing restaurant space and allow for the same use within the expanded area. The restaurant operations and conditions of approval within will remain the same. Unlike other forms of live entertainment, this permit does not request readjustment of the dining layout or introduction of a dance floor/area. Patrons will partake in the same activities as before, with music produced by a disc-jockey, karaoke or live performances via open microphone events. Live playing of music, such as singing or instruments, will be performed voluntarily by patrons and not by booking of talent. Live entertainment as it pertains to this application is not considered a new use, but rather complimentary to the existing use. Due to the amount of time that Bar Louie has operated at the site as well as the determination that the proposed use is complimentary to existing functions, it is reasonable to consider the location, size, and operating characteristics of this application as compatible with and not adversely impactful to surrounding uses.

CORRESPONDENCE

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

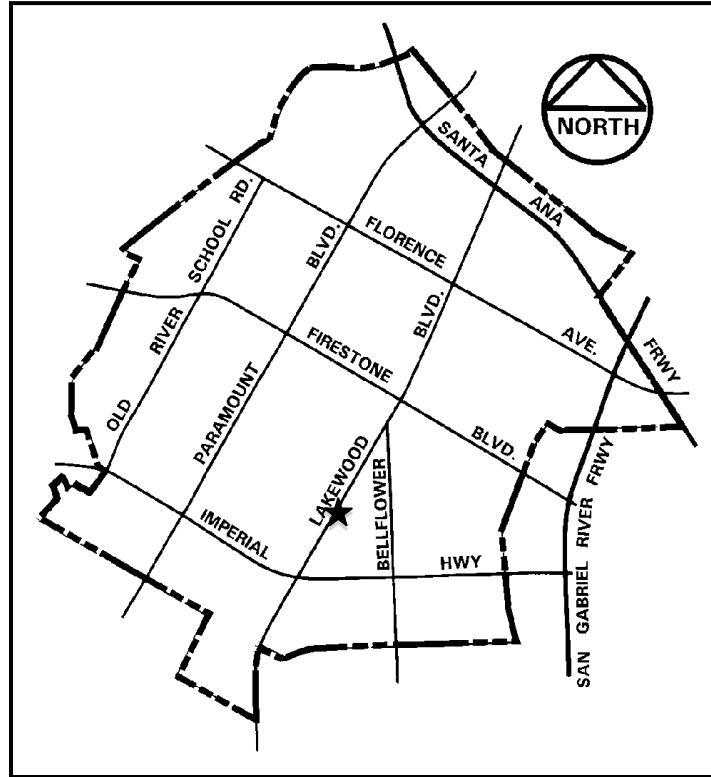
CONCLUSION

Based on the analysis contained within this report, it is concluded that all findings required for approval can be made in a positive manner. As such, it is recommended that the Planning Commission approve the Conditional Use Permit (PLN-22-00001), thereby allowing live entertainment at a full service restaurant.

EXHIBITS

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

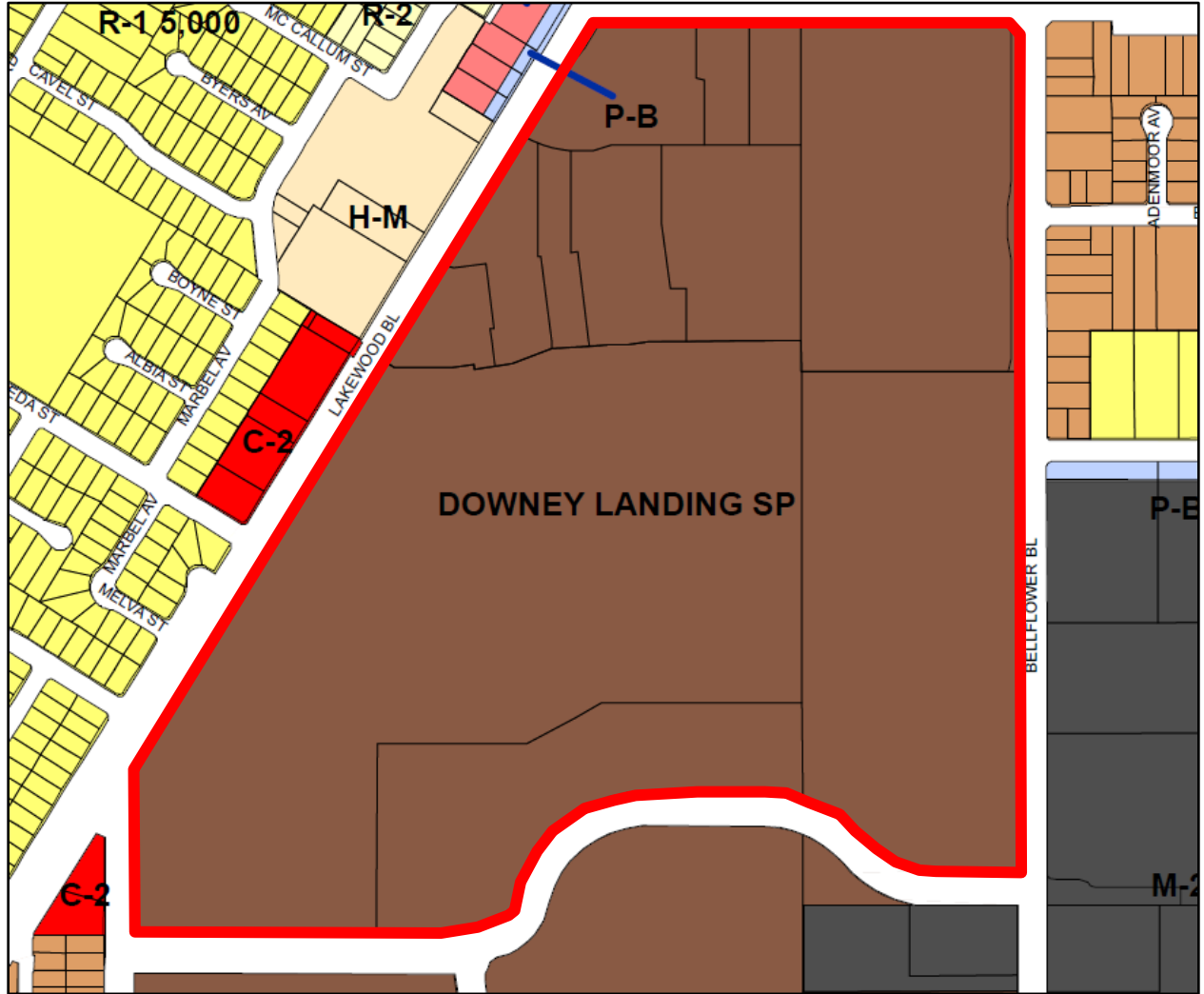
Exhibit A



Location



Aerial Photograph



Zoning

RESOLUTION NO. 22-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING CONDITIONAL USE PERMIT PLN-22-00001, THEREBY ALLOWING A FULL SERVICE RESTAURANT TO FUNCTION WITH LIVE ENTERTAINMENT IN THE FORM OF A DISC-JOCKEY, KARAOKE, AND OPEN-MICROPHONE

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

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

- A. On November 19, 2019, Tina Sohne (hereinafter “applicant”), submitted a request for a Condition Use Permit to allow for live entertainment at an existing full service restaurant; and,
- B. On December 19, 2019, the applicant was issued a letter deeming the application incomplete.
- C. On April 13, 2020, the application was deemed complete after all required documents were submitted and reviewed.
- E. The Planning Commission held a duly noticed public hearing on May 20, 2020, and after fully considering all oral and written testimony, facts, and opinions offered at the aforesaid public hearing approved PLN-19-00191 and Resolution 20-3117.
- F. On January 4, 2022, the applicant stated they will be expanding their current square footage and submitted a request to revise their existing Conditional Use Permit to continue live entertainment; and,
- G. On February 3, 2022, the applicant was issued a letter deeming the application incomplete; and,
- H. On March 23, 2022, after reviewing resubmitted materials the applicant was issued an additional letter deeming the applicant incomplete; and,
- I. On April 22, 2022, the application was deemed complete after all required documents were submitted and reviewed.
- J. On May 5, 2022, a notice of the public hearing was sent to all property owners within 500’ of the subject site and the notice was published in *Downey Patriot*, and,
- K. The Planning Commission held a duly noticed public hearing on May 18, 2022, and after fully considering all oral and written testimony, facts, and opinions offered at the aforesaid public hearing adopted this resolution for PLN-22-00001 and rescind Resolution No. 20-3117 for PLN-19-00191.

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 No. 15301 (Class 1), Existing Facilities.

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

- A. The requested Conditional Use Permit will not adversely affect the intent and purpose of this article or the City's General Plan or the public convenience or general welfare of persons residing or working in the neighborhood thereof. The subject site is located within an active shopping center 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 850 feet away from residential properties, 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 continuing the availability of live entertainment which aims to complement the existing restaurant that it will serve. This will not only continue to provide, but will also expand, the type and amount of goods and services available to the nearby community and 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 continuation of live entertainment is intended to complement the existing restaurant use. The live entertainment component is occasionally found within similar shopping areas. 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 remain a restaurant and adverse impacts are not anticipated. The application does not call for any other changes to the tenant space, such as readjustment of tables and chairs or installation of a dance floor. 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 to the site. 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 Downey Landing 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 ongoing operation of an existing full service restaurant is not anticipated to generate additional traffic. Live entertainment is an incidental amenity to the existing primary restaurant use. The combination of uses is common within active large shopping areas and the existing infrastructure is built to accommodate the type of use. The site is accessible via Lakewood Boulevard and Bellflower Boulevard. These street segments lead to similar nearby corridors such as Stewart & Gray Road and Imperial Highway. All four of 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 existing use.

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

- A. The proposed use is consistent with the Amended Downing Landing Specific Plan. The proposed live entertainment is permitted upon the granting of a Conditional Use Permit in accordance with Appendix A: Permitted and Conditional Uses of the Downey Landing Specific Plan. Aside, the project directly complies, or has been conditioned to comply, with all relevant development provisions within the Downey Landing Specific Plan. These provisions include, but are not limited to, review process, accessibility, amount of parking and noise.
- B. The Location, size and operating characteristics of the proposed land use are compatible with and will not adversely impact surrounding uses. The request is for a CUP to continue live entertainment within the existing restaurant space and allow for the same use within the expanded area. The restaurant operations and conditions of approval within will remain the same. Unlike other forms of live entertainment, this permit does not request readjustment of the dining layout or introduction of a dance floor/area. Patrons will partake in the same activities as before, with music produced by a disc-jockey, karaoke or live performances via open microphone events. Live playing of music, such as singing or instruments, will be performed voluntarily by patrons and not by booking of talent. Live entertainment as it pertains to this application is not considered a new use, but rather complimentary to the existing use. Due to the amount of time that Bar Louie has operated at the site as well as the determination that the proposed use is complimentary to existing functions, it is reasonable to consider the location, size, and operating characteristics of this application as compatible with and not adversely impactful to surrounding uses.

SECTION 5. Based upon the findings set forth in Sections 1 through 4 of this Resolution, the Planning Commission of the City of Downey hereby approves Conditional Use Permit PLN-22-00001, subject to conditions of approval attached hereto as Exhibit 'A', which are necessary to preserve the health, safety and general welfare of the community and enable the Planning Commission to make the findings set forth in the previous sections. The conditions are fair and reasonable for the accomplishment of these purposes.

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

PASSED, APPROVED AND ADOPTED this 18th day of May 2022.

Patrick Owens, 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 18th day of May, 2022, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mary Cavanagh, Secretary
City Planning Commission

**PLN-22-00001
(CONDITIONAL USE PERMIT)
EXHIBIT A - CONDITIONS**

PLANNING

- 1) The approval of this Conditional Use Permit allows for live entertainment at an existing restaurant with incidental alcohol sales.
- 2) Resolution No. 20-3117 is hereby rescinded with all approved conditions incorporated herein.
- 3) The form of live entertainment is limited to disc jockey, karaoke and open microphone. Open microphone permits patrons to voluntarily perform in front of other patrons through singing, playing acoustic instruments, sharing poetry, or stand-up comedy.
- 4) The permitted hours of operation for live entertainment are as follows:

Thursday – Sunday 9:00 p.m. – 1:30 a.m.
- 5) Live entertainment shall cease thirty (30) minutes prior to closing.
- 6) "Last call" for alcohol purchases shall occur thirty (30) minutes prior to closing.
- 7) 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.
- 8) The site shall remain in conformance with this request and the approved set of plans.
- 9) The Planning Commission reserves the right to revoke or modify this CUP if any violation of the approved conditions occurs, or any violation of the Downey Municipal Code occurs.
- 10) The Planning Commission reserves the right to revoke or modify this CUP if harm or operational problems such as criminal or anti-social behavior occur. Examples of harmful or operation behaviors include, but not limited to, violence, public drunkenness, vandalism, solicitation and/or litter.
- 11) Approval of Conditional Use Permit PLN-22-00001 shall not be construed to mean any waiver of applicable and appropriate zoning regulations, or any Federal, State, County, and City laws and regulations. Unless otherwise expressly specified, all other requirements of the City of Downey Municipal Code shall apply.
- 12) Applicant shall comply with all conditions of PLN-22-00001 before this Conditional Use Permit becomes valid.
- 13) The Owner/Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicant's expense, City and City's agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided in Government Code Section 66499.37 to attack, review, set aside, void or annul the approval of this resolution, to challenge the determination made by City

under the California Environmental Quality Act or to challenge the reasonableness, legality or validity of any condition attached hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which City receives notice, and City will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligations of this condition.

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

- 20) The following organizations have been identified by the State Department of Alcoholic Beverage Control as providing training programs which comply with the above criteria;
 - a) Department of Alcoholic Beverage Control L.E.A.D. Program Telephone (916) 419-2500.
- 21) All signs shall comply with Chapter 6 of the Downey Municipal Code.
- 22) All promotions of the business shall be conducted under direct control of the business owner. There shall be no outside promoters of live entertainment or night club activity at any time.
- 23) 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.
- 24) The subject property and surrounding area must be maintained free of trash, litter, and debris at all times.
- 25) 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.
- 26) The owner/applicant shall not permit any loitering on the subject site.
- 27) Customers shall not be within the business after the specified closing time.
- 28) The sale of alcohol shall be incidental to the sale of food.
- 29) 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.
- 30) 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.
- 31) 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.
- 32) 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.
- 33) The rear door shall only be accessible to employees (unless required for an emergency), and must remain shut when not in use.
- 34) Deliveries to the premises are prohibited between 10:00 P.M. and 7:00 A.M.

- 35) The Applicant shall incorporate a copy of this Exhibit A, Conditions of Approval for Conditional Use Permit PLN-19-00191, into the approved set of building plans.

BUILDING

- 36) All construction shall comply with the most recent version of the California Building Code, as adopted by the City of Downey.
- 37) Prior to the commencement of any construction, the applicant shall obtain all required permits. Once permits are issued, the applicant shall obtain all necessary inspections and permit final prior to occupancy of the business.
- 38) The Title Sheet of the plans shall include:
- a) Occupancy Group
 - b) Occupant Load
 - c) Description of use
 - d) Floor area of building(s) and/or occupancy group(s).

POLICE

- 39) Prior to selling alcoholic beverages, the owner/applicant shall obtain any and all required Police Department permits for this Conditional Use Permit.
- 40) The owner/applicant must provide a minimum of four (4) licensed and bonded, uniformed patrolmen or security guards on-site during the hours of 9:00 p.m. to 2:30 a.m. on Thursdays, Fridays, Saturdays and Sundays. The number of security guards may be increased or decreased as the Chief of Police determines is necessary.
- 41) 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.
- 42) The owner/applicant shall not permit any loitering in front of the business.
- 43) 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.
- 44) Payment for beverage services shall be made only after such services have been provided to the patrons by the business.
- 45) 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.
- 46) The Licensee shall be responsible for monitoring the business to prevent anyone under the age of 21 from purchasing or consuming alcohol.

- 47) 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.
- 48) 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

- 49) The applicant is responsible for obtaining all necessary permits prior to the commencement of construction.
- 50) Provide the City of Downey Fire Department with a final floor plan, schedule and specifications of all equipment.
- 51) If not already provided, install key boxes (e.g. Knox Boxes) to occupancy [CA Fire Code §506.1].
- 52) 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].
- 53) Provide occupancy load sign to the occupancy [CA Fire Code §1004].
- 54) 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, etc.
- 55) The establishment shall comply with all current code requirements for the occupancy use and type.

PUBLIC WORKS

- 56) The applicant is responsible for obtaining all necessary plan approvals and permits.
- 57) 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.
- 58) The owner/applicant must comply with all applicable Federal, State and local rules and regulations, American Disabilities Act (ADA), including compliance with South Coast Air Quality Management District (SCAQMD) regulations.

[End of Conditions]

<p>GENERAL NOTES</p> <ol style="list-style-type: none"> ALL WORK SHALL COMPLY TO ALL LOCAL CODES AND ORDINANCES. NO WORK SHALL BE CONCEALED PRIOR TO INSPECTION BY GOVERNING AGENCIES. ALL WORKMANSHIP, METHODS, AND MATERIALS SHALL EXPLICITLY COMPLY WITH APPLICABLE INDUSTRY STANDARDS, INCLUDING, BUT NOT LIMITED TO AMI, USG, ETC. ANY DEVIATION FROM SUCH STANDARDS MUST BE APPROVED BY TENANT AND ARCHITECT. THE ABSENCE OF A DETAIL OR PARTICULAR METHOD OF CONSTRUCTION FROM THESE DOCUMENTS DOES NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY OF COMPLYING WITH THESE STANDARDS. NO CHANGES ARE TO BE MADE ON THESE PLANS WITHOUT THE KNOWLEDGE AND CONSENT OF THE TENANT AND ARCHITECT. CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND PROCEEDING WITH CONSTRUCTION AND SHALL NOTIFY ARCHITECT OF ANY DISCREPANCIES. ALL WORK SHOWN HEREIN IS "NEW" EXCEPT WORK SPECIFICALLY NOTED AS "EXISTING". G.C. TO PROVIDE A COMPREHENSIVE REDLINED SET OF "AS-BUILT" DRAWINGS OF ALL TRADES TO ARCHITECT & TENANT. G.C. TO FIELD-VERIFY THE EXISTING TENANT SPACE PRIOR TO CONSTRUCTION FOR ANY OBSTRUCTIONS OR DEVIATIONS FROM THE CONDITIONS ASSUMED IN THESE DRAWINGS AND NOTIFY ARCHITECT & OWNER IMMEDIATELY OF ANY DISCREPANCIES. FIRE PROTECTION IS DESIGN/PERMIT/BUILD BY CONTRACTOR. G.C. TO VERIFY ALL FOOD SERVICE EQUIPMENT, AUDIO/VISUAL, POINT OF SALE, BEER DELIVERY, SODA DELIVERY, & SECURITY SYSTEM REQUIREMENTS W/ TENANT & TENANT'S VENDORS PRIOR TO CONSTRUCTION. G.C. TO VERIFY ALL EXISTING & PROPOSED FINISHES TO COMPLY WITH THE HEALTH CODE REGULATIONS GOVERNING IN THE JURISDICTION. PRIOR TO CONSTRUCTION, G.C. TO CONDUCT A WALK-THRU WITH LOCAL FIRE & BUILDING DEPT. OFFICIALS TO VERIFY EXISTING REQUIREMENTS. G.C. SHALL UNDERTAKE ALL INDUSTRY STANDARD METHODS FOR THE DETECTION AND REMOVAL OF ANY HCM'S OR ACM'S ENCOUNTERED G.C. TO CONDUCT TESTING FOR LEAD, ASBESTOS, AND OTHER POTENTIAL TOXIC MATERIALS AND REMOVE AND DISPOSE AS PER JURISDICTIONAL REQUIREMENTS PRIOR TO DEMOLITION. 	<p>ARCHITECT'S CERTIFICATION</p> <p>I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY DIRECTION AND THAT TO THE BEST OF MY KNOWLEDGE COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES.</p> <p>_____ SIGNATURE ARCHITECT</p> <p>_____ CALIFORNIA LICENSE NO. DATE</p>	<p>CONVENTIONS</p> <p>X WALL TYPE INDICATOR</p> <p>ADXX SECTION INDICATOR. NUMBER DENOTES DRAWING REFERENCE. ORIENTATION ARROW INDICATES DIRECTION OF VIEW</p> <p>X KEYNOTE REFERENCE NUMBER. SEE SHEET KEYNOTES.</p> <p>F-X FURNITURE REFERENCE NUMBER. SEE FURNITURE SCHEDULE.</p> <p>X EQUIPMENT REFERENCE NUMBER. SEE EQUIPMENT SCHEDULE.</p> <p>X WINDOW REFERENCE NUMBER. SEE WINDOW SCHEDULE.</p> <p>X-X WINDOW OR STOREFRONT REFERENCE NUMBER. SEE WINDOW SCHEDULE.</p> <p>XX FINISH NOTE NUMBER. SEE FINISH SCHEDULE.</p> <p>XX PLUMBING FIXTURE REFERENCE NUMBER. SEE PLUMBING FIXTURE SCHEDULE.</p> <p>--- LEVEL CHANGE</p> <p>--- SPOT ELEVATION IN DECIMAL FEET</p> <p>U.N.O. UNLESS NOTED OTHERWISE</p> <p>A.F.F. ABOVE FINISHED FLOOR</p> <p>S.M. TYPICAL</p> <p>V.F. VERTICAL</p> <p>F.D. FLOOR DECK</p> <p>H.S. HUB SHANK</p> <p>C.R. CLEAR</p> <p>M.L. METAL</p> <p>F.P. FIBERGLASS REINFORCED PANEL</p> <p>M.E.C.H. MECHANICALLY</p> <p>S.T. STEEL</p> <p>C.C. CONCRETE</p> <p>S.T. SLATE TILE</p> <p>T.T. TILE</p> <p>S.E.M. STAINLESS STEEL</p> <p>C.P.S. CORE BOARD</p> <p>S.C. SOLID CORE WOOD</p> <p>Q.T. QUARRY TILE</p> <p>A.F. ALUMINUM FINISHED SURFACES</p> <p>M.T. METAL THRESHOLD</p> <p>W.T. WOOD THRESHOLD</p> <p>T.F. TILE THRESHOLD</p> <p>G.C. GENERAL CONTRACTOR</p> <p>L.L. LANDLORD</p> <p>P.C. PLUMBING CONTRACTOR</p> <p>E.C. ELECTRICAL CONTRACTOR</p> <p>M.C. MECHANICAL CONTRACTOR</p>	<p>PROJECT CONTACTS</p> <p>TENANT REPRESENTATIVES: TREY NOONAN BLH ACQUISITION CO., LLC 15950 N. DALLAS PARKWAY, SUITE 400 DALLAS, TX 75248 (814) 494-6785 EMAIL: TNOONAN@BLH.COM</p> <p>TENANT ARCHITECT REPRESENTATIVE: DORON DAVO BARKER NESTOR, INC. 600 W CERMAK RD. #3C, CHICAGO IL 60616 TEL: (847) 763-1692 FAX: (847) 763-1697 EMAIL: DDAVO@BARKERNESTOR.COM</p> <p>ARCHITECT OF RECORD: GEORGE KELLY KELLY ARCHITECTS 2404 WILSHIRE BOULEVARD, SUITE 1E LOS ANGELES, CA 90057 TEL: (213) 380-8498 FAX: (213) 380-8499 EMAIL: GEORGE@KELLY-ARCHITECTS.COM</p> <p>M.P. ENGINEERING REPRESENTATIVE: RICK MASS 17 12TH STREET NE, ROCHESTER, MN 55906 TEL: (507) 208-1483 EMAIL: RICK@MBCOOP.COM</p> <p>E. ENGINEERING REPRESENTATIVE: IGNSIO STUDIOS, LLC 15141 WOODLAWN AVENUE, TUSTIN, CA 92780 TEL: (657) 231-6247 EMAIL: IGNSIO@IGNSIOSTUDIOS.COM</p> <p>STRUCTURAL ENGINEERING REPRESENTATIVE: BRYAN BONNIVILLE J.S. HELD LLC 1701 QUAIL STREET, SUITE 200 NEWPORT BEACH, CA 92660 TEL: (657) 231-6247 EMAIL: BOB@JSHOLD.COM</p> <p>LANDLORD REPRESENTATIVE: MARK SENSTAD NORTHWOOD RETAIL, LLC 12214 LAKEWOOD BLVD. -MANAGEMENT OFFICE DOWNEY, CA 90242 TEL: (562) 368-4814 EMAIL: MARKSENSTAD@NORTHWOODRETAIL.COM</p>	<p>APPLICABLE CODES</p> <p>2016 CALIFORNIA BUILDING CODE 2016 CALIFORNIA PLUMBING CODE 2016 CALIFORNIA MECHANICAL CODE 2016 CALIFORNIA ELECTRIC CODE 2016 CALIFORNIA ENERGY CODE 2016 CALIFORNIA FIRE CODE</p> <p>BASIC EXISTING BUILDING CODE INFORMATION</p> <p>EXISTING BUILDING OCCUPANCY CLASSIFICATIONS: (M) MERCANTILE 16,770 S.F. (A-2) ASSEMBLY 8,957 S.F.</p> <p>EXISTING BUILDING NUMBER OF STORES: 1 STORY - ±26'-0" ± A.F.F.</p> <p>EXISTING BUILDING CONSTRUCTION TYPE: TYPE VB - FULLY SPRINKLERED</p> <p>AREA DEVELOPED, APPROX. 750 N.S.F., INSIDE THE EXISTING BUILDING</p> <p>AREA DEVELOPED, APPROX. 647 N.S.F. OUTDOOR PATIO, OUTSIDE THE EXISTING BUILDING</p>	<p>DRAWING INDEX</p> <p>ARCHITECTURAL</p> <p>TS PROJECT INFORMATION A1.1 SITE PLAN A1.2 EXISTING FLOOR PLAN A1.3 PROPOSED FLOOR PLAN</p> <p>A1.4 EXISTING COLORED ELEVATIONS A1.5 PROPOSED COLORED ELEVATIONS</p> <p>PROJECT DATA</p> <p>EXISTING SQ. FT. : ± 5,670 G.S.F. INDOOR ± 1,890 G.S.F. OUTDOOR</p> <p>HOURS OF OPERATION: MONDAY 11:00 AM - 2:00 AM TUESDAY 11:00 AM - 2:00 AM WEDNESDAY 11:00 AM - 2:00 AM THURSDAY 11:00 AM - 2:00 AM FRIDAY 11:00 AM - 2:00 AM SATURDAY 10:00 AM - 2:00 AM SUNDAY 10:00 AM - 2:00 AM</p>	<p>REVISION</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>01</td> <td>03 SEPTEMBER 2021</td> <td>ISSUED FOR ENGINEERING</td> </tr> <tr> <td>02</td> <td>01 NOVEMBER 2021</td> <td>ISSUED FOR OWNER REVIEW</td> </tr> <tr> <td>03</td> <td>08 NOVEMBER 2021</td> <td>ISSUED FOR PERMIT, BLD. & LL REVIEW</td> </tr> <tr> <td>04</td> <td>11 MARCH 2022</td> <td>ISSUED FOR PLANNING DEPT. CORRECTIONS</td> </tr> <tr> <td>05</td> <td>25 MARCH 2022</td> <td>ISSUED FOR PLANNING DEPT. CORRECTIONS</td> </tr> </table>	NO.	DATE	DESCRIPTION	01	03 SEPTEMBER 2021	ISSUED FOR ENGINEERING	02	01 NOVEMBER 2021	ISSUED FOR OWNER REVIEW	03	08 NOVEMBER 2021	ISSUED FOR PERMIT, BLD. & LL REVIEW	04	11 MARCH 2022	ISSUED FOR PLANNING DEPT. CORRECTIONS	05	25 MARCH 2022	ISSUED FOR PLANNING DEPT. CORRECTIONS
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05	25 MARCH 2022	ISSUED FOR PLANNING DEPT. CORRECTIONS																						

PROJECT OWNER:
BLH Acquisition Co. LLC
15950 N. Dallas Parkway, Suite 400
Dallas, TX 75248

PROJECT TITLE:
Proposed Expansion for: Bar Louie
The Promenade at Downey
8860 Apollo Way, Suite 304
Downey, CA 90242

RESTAURANT DESIGNER:
Barker Nestor, Inc.
600 W Cermak Rd. #3C
Chicago, IL 60616

ARCHITECT OF RECORD:
Kelly Architects
2404 Wilshire Boulevard, Suite 1E
Los Angeles, CA 90057

M.P. ENGINEER:
Dennis L. Matula
17 12th Street NE
Rochester, MN 55906

E. ENGINEER:
Tuan A. Vu
15141 Woodlawn Avenue
Tustin, CA 92780

STRUCTURAL ENGINEER:
J.S. Held LLC
1701 Quail Street, suite 22

CITY OF DOWNEY NOTES:
- SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) SHALL BE NOTIFIED IN ACCORDANCE WITH CALIFORNIA STATE LAW PRIOR TO START OF ANY DEMOLITION, ADDITION, AND/OR REMODEL WORK. THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT OFFICE IS LOCATED AT 21895 COPLEY DRIVE IN DIAMOND BAR, PHONE NO. (909) 396-2000. BE ADVISED, SCAQMD MAY REQUIRE A 10 DAY WAIT PERIOD PRIOR TO START OF WORK.
- SEDIMENTS AND OTHER MATERIALS MAY NOT BE TRACKED FROM THE SITE BY VEHICLE TRAFFIC. THE CONSTRUCTION ENTRANCE ROADWAYS MUST BE STABILIZED SO AS TO INHIBIT SEDIMENTS FROM BEING DEPOSITED INTO THE PUBLIC WAY. ACCIDENTAL DEPOSITIONS MUST BE SWEEP UP IMMEDIATELY AND MAN NOT BE WASHED BY RAIN OR OTHER MEANS.
- STOCKPILES OF EARTH AND OTHER CONSTRUCTION RELATED MATERIALS MUST BE PROTECTED FROM BEING TRANSPORTED FROM THE SITE BY THE FORCES OF WIND OR WATER.
- TRASH AND CONSTRUCTION RELATED SOLID WASTES MUST BE DEPOSITED INTO A COVERED RECEPTACLE TO PREVENT CONTAMINATION OF RAINWATER AND DISPERSAL BY WIND.
- FUELS, OILS, SOLVENTS AND OTHER TOXIC MATERIALS MUST BE STORED IN ACCORDANCE WITH THEIR LISTING AND ARE NOT TO CONTAMINATE THE SOIL AND SURFACE WATERS. ALL APPROVED STORAGE CONTAINERS ARE TO BE PROTECTED FROM THE WEATHER. SPILLS MUST BE CLEANED UP IMMEDIATELY AND DISPOSED OF IN A PROPER MANNER. SPILLS MAY NOT BE WASHED INTO THE DRAINAGE SYSTEM.
- THE ISSUANCE OF A PERMIT SHALL NOT PREVENT THE BUILDING OFFICIAL FROM REQUIRING THE CORRECTION OF ERRORS ON THESE PLANS OR FROM PREVENTING ANY VIOLATION OF THE CODES ADOPTED BY THE CITY.
- RELEVANT LAWS, ORDINANCES, RULES AND/OR REGULATIONS.
- SEPARATE PERMIT SHALL FIRST BE OBTAINED FROM THE CITY PUBLIC WORKS DEPARTMENT PRIOR TO PLACEMENT OF ANY CONSTRUCTION MATERIALS OR EQUIPMENT IN THE PUBLIC WAY.
- AT TIME OF PERMIT ISSUANCE, CONTRACTOR SHALL SHOW THEIR VALID WORKERS' COMPENSATION INSURANCE CERTIFICATE.
- ALL WORK SHALL CONFORM TO ALL REQUIREMENTS OF STATE OF CALIFORNIA TITLE 24 REGARDLESS OF THE INFORMATION INDICATED ON THESE PLANS. IT IS THE RESPONSIBILITY OF THE INDIVIDUAL SUPERVISING THE CONSTRUCTION TO ENSURE THAT THE WORK IS DONE IN ACCORDANCE WITH CODE REQUIREMENTS PRIOR TO REQUESTING INSPECTION.
- EXCESS OR WASTE CONCRETE MAY NOT BE WASHED INTO THE PUBLIC WAY OR ANY OTHER DRAINAGE SYSTEM. PROVISIONS SHALL BE MADE TO RETAIN CONCRETE WASTES ON SITE UNTIL THEY CAN BE DISPOSED OF AS SOLID WASTE.

NOTES:
- PLANS FOR MODIFICATIONS TO EXISTING FIRE PROTECTION EQUIPMENT SUCH AS STANDPIPES, SPRINKLER SYSTEMS AND FIRE ALARM SYSTEMS, SHALL BE SUBMITTED TO THE BUILDING DIVISION AND APPROVED BY THE FIRE DEPARTMENT BEFORE THIS EQUIPMENT IS ALTERED OR MODIFIED.
- AN APPROVED FIRE ALARM SYSTEM SHALL BE INSTALLED. PLANS MUST BE SUBMITTED SEPARATELY TO THE DOWNEY FIRE DEPARTMENT
- AN APPROVED FIRE SPRINKLER SYSTEM SHALL BE INSTALLED. PLANS MUST BE SUBMITTED SEPARATELY TO THE DOWNEY FIRE DEPARTMENT
- DEFERRED SUBMITTALS:
- FIRE SPRINKLERS, DESIGNED BY C-16.
- FIRE ALARM.

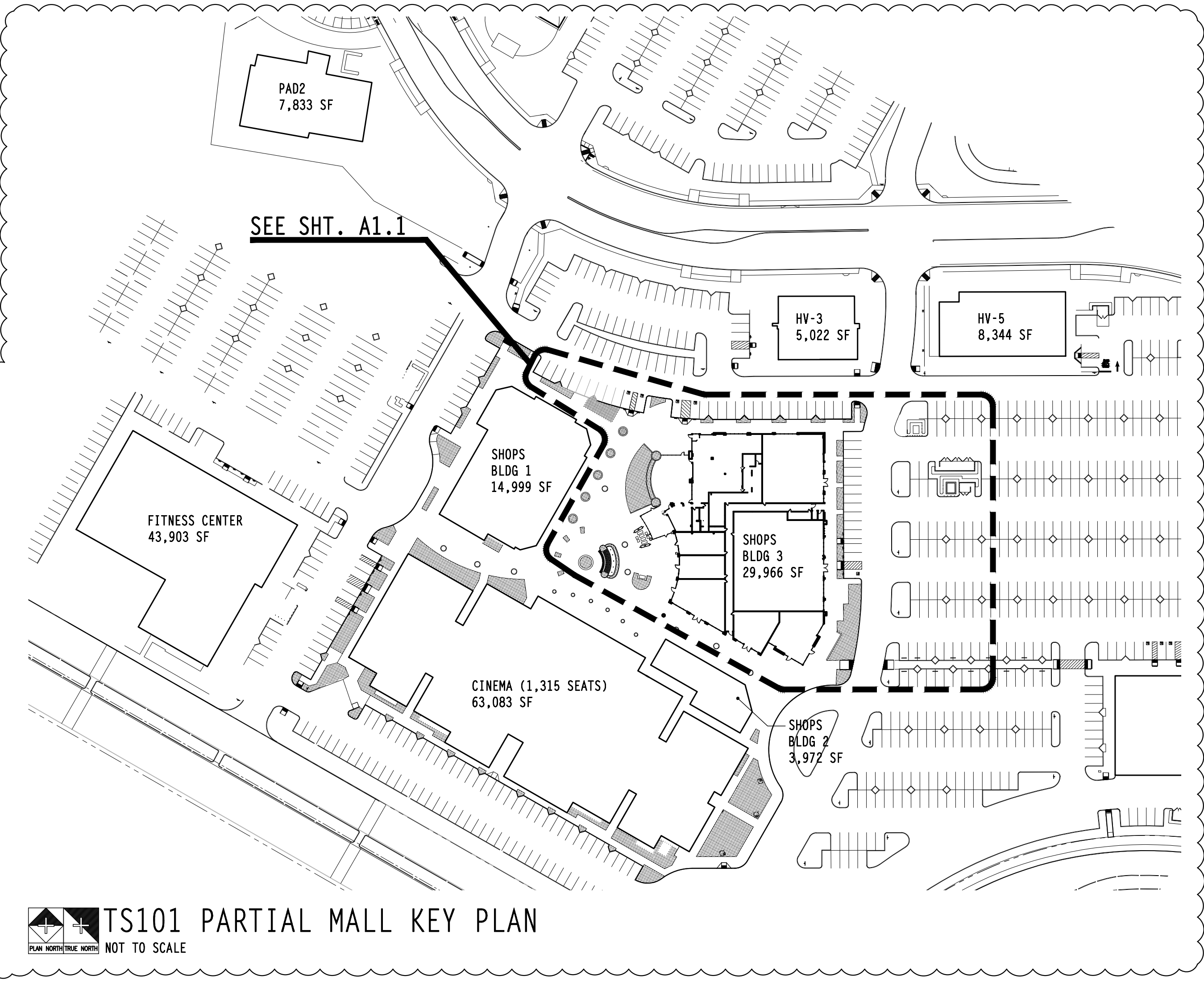
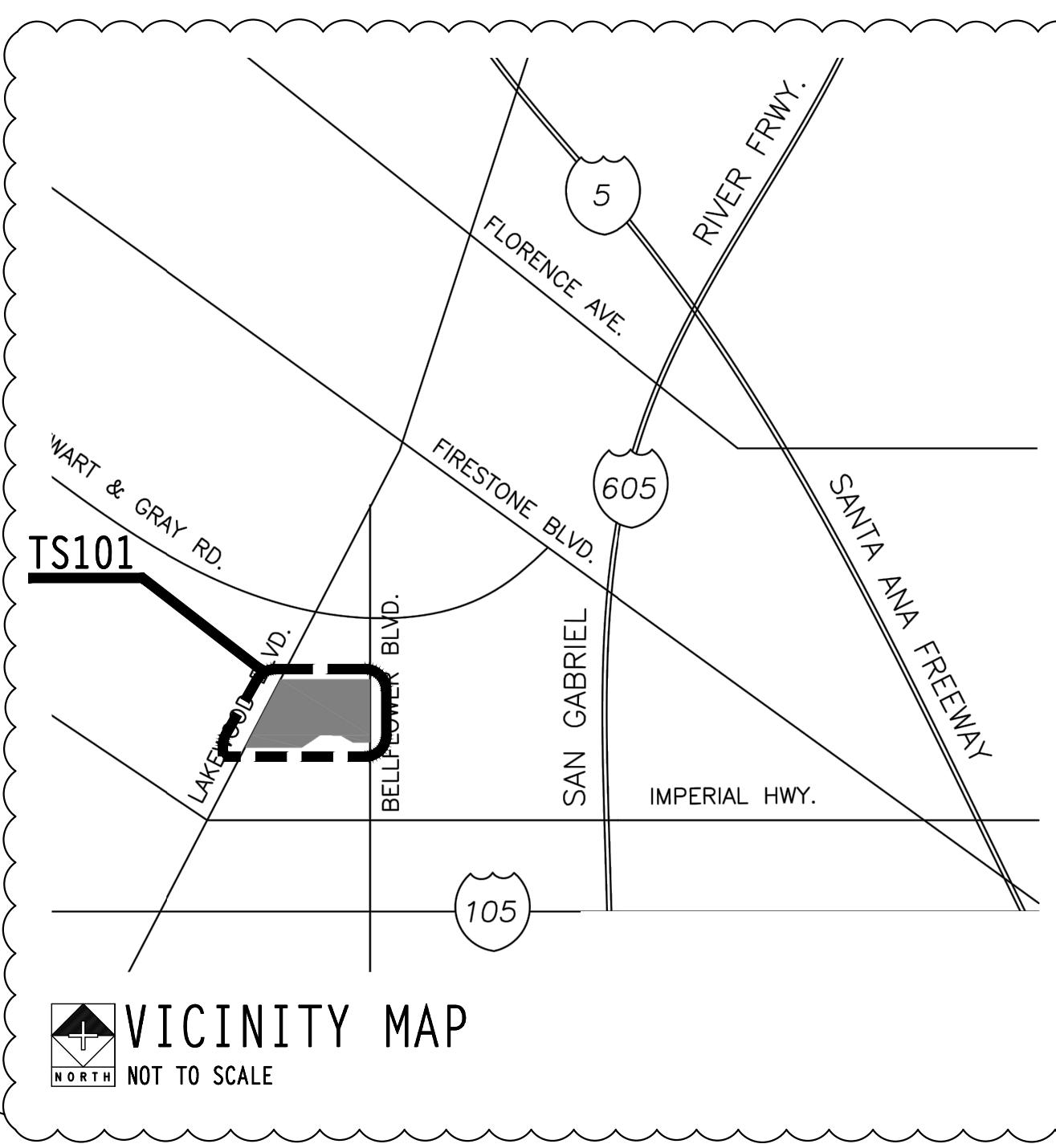
LANDLORD CONTACTS

LANDLORD:
NORTHWOOD RETAIL, LLC
12214 LAKEWOOD BLVD. -MANAGEMENT OFFICE, DOWNEY, CA 90242
TEL: (562) 368-4814
EMAIL: MARKSENSTAD@NORTHWOODRETAIL.COM

LANDLORD REQUIRED FIRE SPRINKLER CONTRACTOR:
NEPLANE FIRE PROTECTION
26072 MERIT CIRCLE, SUITE 113, LAGUNA HILLS, CA 92653
TEL: (949) 348-9118

LANDLORD REQUIRED FIRE ALARM CONTRACTOR:
SMART SYSTEMS TECHNOLOGIES, INC.
9 GOODFAR, IRVINE, CA
(949) 367-9375

LANDLORD REQUIRED ROOFING CONTRACTOR:
REYES SINGLE PLY ROOFING
516 W. RIALTO AVENUE, RIALTO, CA 92370
TEL: (909) 258-2857

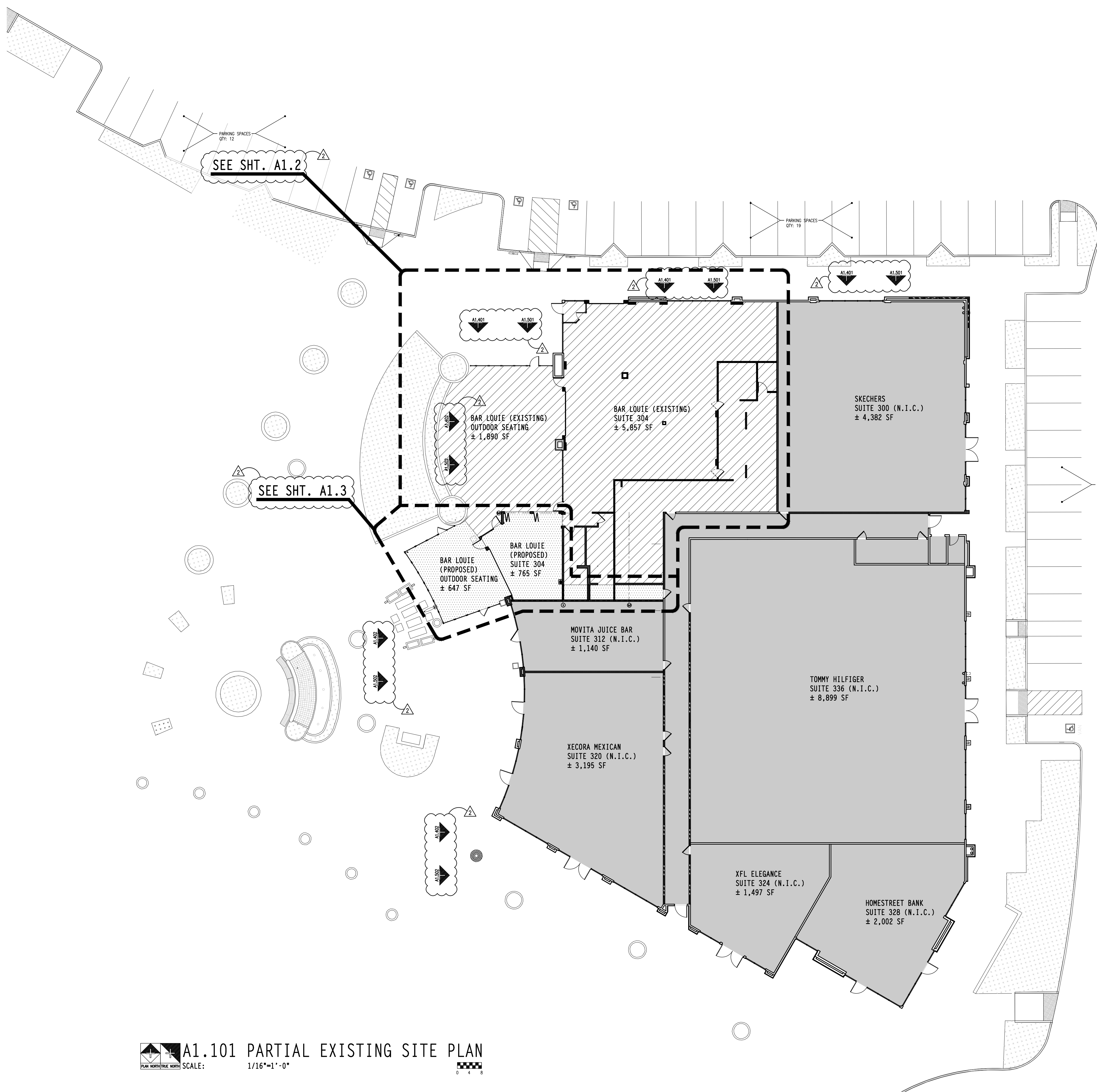


PREPARED FOR:
BLH ACQUISITION CO., LLC
15950 N. DALLAS PARKWAY, SUITE 400, DALLAS, TX 75248

ARCHITECTURE + DESIGN
BARKER NESTOR
600 W. CERMAK RD. CHICAGO, IL 60616
TEL: 847.763.1692 FAX: 847.763.1697

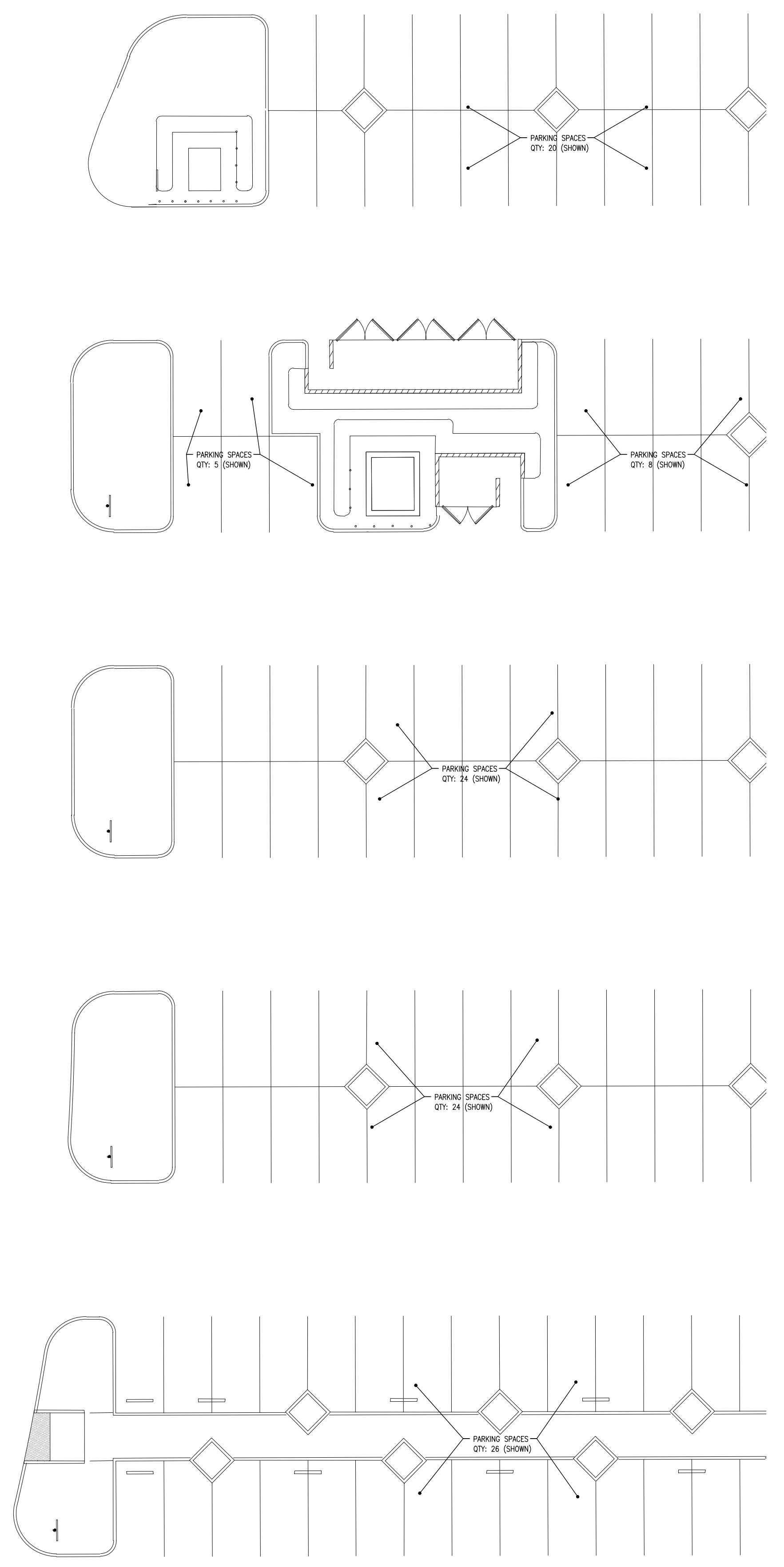
PROPOSED EXPANSION FOR:
BAR LOUIE
THE PROMENADE AT DOWNEY
8860 APOLLO WAY, SUITE 304
DOWNEY, CA 90242

PROJECT NUMBER: N1918	BLOCK/ITS	AS SHOWN
FILE NAME	HP	AS SHOWN
DRAWN BY:	APP'D:	DATE ISSUED:
APPROVED:	DRAWING TITLE:	DATE ISSUED:
PROFESSIONAL SEAL:		
SHEET NUMBER: 6 OF 6		



SHOPS @ BLDG 3			
NAME	BUILDING NAME/UNIT	USE	SQ. FT.
SKECHERS	SHOPS BLDG. B3/SUITE 300	RETAIL	± 4,382
TOMMY HILFIGER	SHOPS BLDG. B3/SUITE 336	RETAIL	± 8,899
HOMESTREET BANK	SHOPS BLDG. B3/SUITE 328	BANK	± 2,002
XFL ELEGANCE	SHOPS BLDG. B3/SUITE 324	RETAIL	± 1,497
XECORA MEXICAN	SHOPS BLDG. B3/SUITE 320	RESTAURANT	± 3,195
MOVITA JUICE BAR	SHOPS BLDG. B3/SUITE 312	RESTAURANT	± 1,140
BAR LOUIE	SHOPS BLDG. B3/SUITE 304	RESTAURANT	± 5,857

ISSUE DATE	ISSUE DESCRIPTION
03 SEPTEMBER 2021	ISSUED FOR ENGINEERING
01 NOVEMBER 2021	ISSUED FOR OWNER REVIEW
05 NOVEMBER 2021	ISSUED FOR PERMIT, BD. & LL REVIEW
11 MARCH 2022	ISSUED FOR PLANNING DEPT. CORRECTIONS
25 MARCH 2022	ISSUED FOR PLANNING DEPT. CORRECTIONS



+ barker/nesstor +
 ARCHITECTURE + DESIGN
 600 W. COWAY, F.C. CHICAGO, IL 60616
 TEL: 847.763.1892 FAX: 847.763.1897

PREPARED FOR:
BLH ACQUISITION CO., LLC
 15950 N. DALLAS PARKWAY, SUITE 400, DALLAS, TX 75248

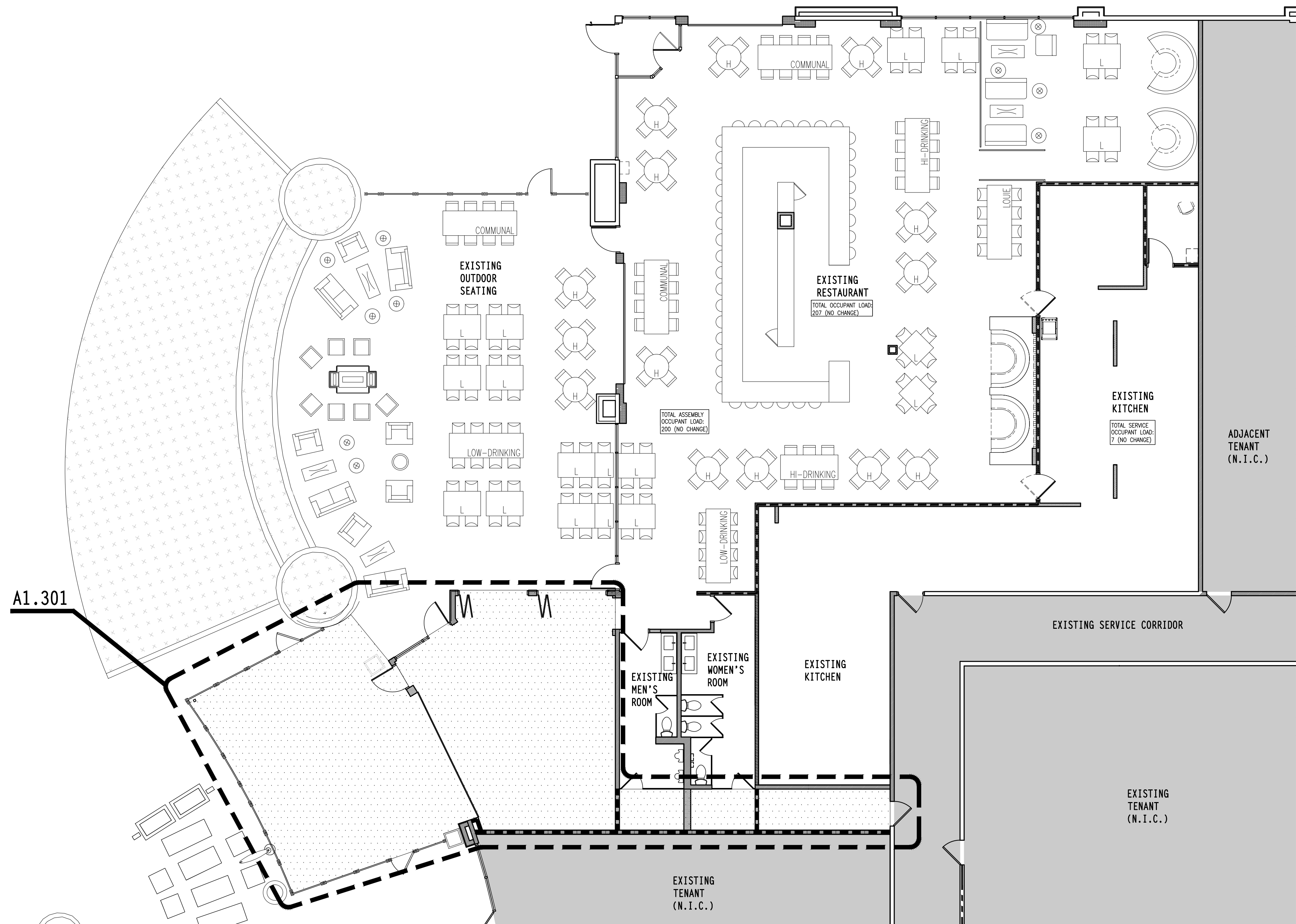
PROPOSED EXPANSION FOR:
BAR LOUIE
 THE PROMENADE AT DOWNEY
 8860 APOLLO WAY, SUITE 304
 DOWNEY, CA 90242

PROJECT NUMBER:	N1915B
FILE NAME:	BLDCA-A1.1
DRAWN BY:	HP
APPROVED:	
DRAWING TITLE:	
DRAWING SCALE:	AS SHOWN
DATE ISSUED:	AS SHOWN

PROFESSIONAL SEAL:

SHEET NUMBER:
A1.1 OF 6

A1.101 PARTIAL EXISTING SITE PLAN
 SCALE: 1/16"=1'-0"



A1.201 EXISTING FLOOR PLAN
 SCALE: 1/8"=1'-0"
 PLAN NORTH/TRUE NORTH

EXISTING RESTAURANT:		PROPOSED EXPANSION ACCESSIBLE SEATING COUNT	
TOTAL INTERIOR	186	SEMI P.D.R.	2 (5.0%)
TOTAL EXTERIOR	90	OUTDOOR SEATING	3 (10.7%)
TOTAL EXISTING SEATING	279		
PROPOSED EXPANSION:			
SEMI P.D.R.	36		
OUTDOOR SEATING	28		
TOTAL PROPOSED EXPANSION	68		
TOTAL EXISTING/ NEW SEATING:		TOTAL PROPOSED EXPANSION ACCESSIBLE SEATING:	
343		5 (7.3%)	

ISSUE DATE	ISSUE DESCRIPTION	REVISION
03 SEPTEMBER 2021	ISSUED FOR ENGINEERING	
01 NOVEMBER 2021	ISSUED FOR OWNER REVIEW	
05 NOVEMBER 2021	ISSUED FOR PERMIT, B.O. & L.L. REVIEW	
11 MARCH 2022	ISSUED FOR PLANNING DEPT. CORRECTIONS	1
25 MARCH 2022	ISSUED FOR PLANNING DEPT. CORRECTIONS	2

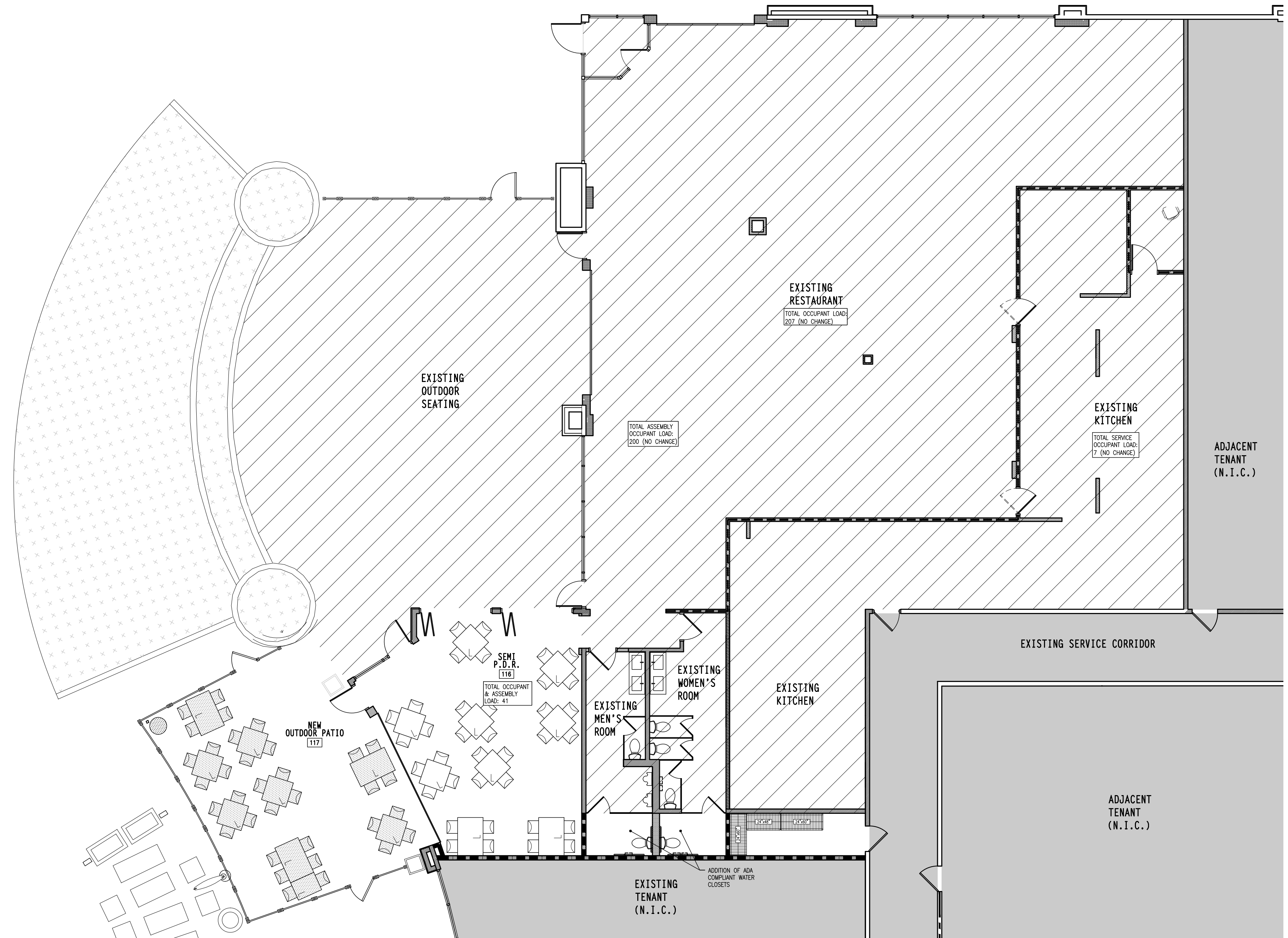
+ b a r k e r / n e s t o r +
 A R C H I T E C T U R E + D E S I G N
 600 W. CERMAK, S.C. CHICAGO, IL 60616 TEL: 847.763.1192 FAX: 847.763.1197
 PREPARED FOR:
BLH ACQUISITION CO., LLC
 15950 N. DALLAS PARKWAY, SUITE 400, DALLAS, TX 75248

PROPOSED EXPANSION FOR:
BAR LOUIE
 THE PROMENADE AT DOWNEY
 8860 APOLLO WAY, SUITE 304
 DOWNEY, CA 90242

PROJECT NUMBER:	N1915B
FILE NAME:	BLOCA-A1.2
DRAWN BY:	HP
APPROVED:	
DRAWING TITLE:	
DRAWING SCALE:	AS SHOWN
DATE ISSUED:	AS SHOWN

PROFESSIONAL SEAL:
 SHEET NUMBER:
A1.2 OF 6

SEATING COUNT SUMMARY		REVISION
EXISTING RESTAURANT:		ISSUE DESCRIPTION
TOTAL INTERIOR	186	ISSUED FOR ENGINEERING
TOTAL EXTERIOR	90	ISSUED FOR OWNER REVIEW
TOTAL EXISTING SEATING	279	ISSUED FOR PERMIT, BD, & LL REVIEW
PROPOSED EXPANSION:		ISSUED FOR PLANNING DEPT. CORRECTIONS
SEMI P.D.R.	36	ISSUED FOR PLANNING DEPT. CORRECTIONS
OUTDOOR SEATING	28	ISSUED FOR PLANNING DEPT. CORRECTIONS
TOTAL PROPOSED EXPANSION	68	
TOTAL EXISTING/ NEW SEATING:	343	TOTAL PROPOSED EXPANSION ACCESSIBLE SEATING: 5 (7.3%)
		ISSUE DATE
		03 SEPTEMBER 2021
		01 NOVEMBER 2021
		05 NOVEMBER 2021
		11 MARCH 2022
		25 MARCH 2022



A1.301 PROPOSED FLOOR PLAN
 SCALE: 1/8"=1'-0"
 PLAN NORTH/TRUE NORTH

+ b a r k e r / n e s t o r +
 A R C H I T E C T U R E + D E S I G N
 600 W. CERMAK, S.C. CHICAGO, IL 60616 TEL: 847.753.1892 FAX: 847.753.1897
 PREPARED FOR:
BLH ACQUISITION CO., LLC
 15950 N. DALLAS PARKWAY, SUITE 400, DALLAS, TX 75248

PROPOSED EXPANSION FOR:
BAR LOUIE
 THE PROMENADE AT DOWNEY
 8860 APOLLO WAY, SUITE 304
 DOWNEY, CA 90242

PROJECT NUMBER:	N19158
FILE NAME:	BLOCA-A1.2
DRAWN BY:	HP
APPROVED:	
DRAWING TITLE:	AS SHOWN
DRAWING SCALE:	AS SHOWN
DATE ISSUED:	AS SHOWN
PROFESSIONAL SEAL:	
SHEET NUMBER:	21



⊕ A1.402 EXISTING EXTERIOR ELEVATION - EAST
SCALE: 1/8"=1'-0"



⊕ A1.401 EXISTING EXTERIOR ELEVATION - SOUTH
SCALE: 1/8"=1'-0"

ISSUE DATE	ISSUE DESCRIPTION	REVISION
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01 NOVEMBER 2021	ISSUED FOR OWNER REVIEW	
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11 MARCH 2022	ISSUED FOR PLANNING DEPT. CORRECTIONS	1
25 MARCH 2022	ISSUED FOR PLANNING DEPT. CORRECTIONS	2

+ b a r k e r / n e s t o r +
 A R C H I T E C T U R E + D E S I G N
 600 W. CEMARY, F.C. CHANDLER, L.L.C.
 TEL: 817.753.1892 FAX: 817.753.1897
 PREPARED FOR:
BLH ACQUISITION CO., LLC
 15950 N. DALLAS PARKWAY, SUITE 400, DALLAS, TX 75248

PROPOSED EXPANSION FOR:
BAR LOUIE
 THE PROMENADE AT DOWNEY
 8860 APOLLO WAY, SUITE 304
 DOWNEY, CA 90242

PROJECT NUMBER:	N1919B
FILE NAME:	BLDCA-A1.3
DRAWN BY:	HP
APPROVED:	
DRAWING TITLE:	AS SHOWN
DRAWING SCALE:	AS SHOWN
DATE ISSUED:	AS SHOWN

PROFESSIONAL SEAL:
 SHEET NUMBER:
A1.4 OF 6



A1.502 PROPOSED EXTERIOR ELEVATION - EAST
 SCALE: 1/8"=1'-0"



A1.501 PROPOSED EXTERIOR ELEVATION - SOUTH
 SCALE: 1/8"=1'-0"

ISSUE DATE	ISSUE DESCRIPTION	REVISION
03 SEPTEMBER 2021	ISSUED FOR ENGINEERING	
01 NOVEMBER 2021	ISSUED FOR OWNER REVIEW	
05 NOVEMBER 2021	ISSUED FOR PERMIT, BID, & LL REVIEW	
11 MARCH 2022	ISSUED FOR PLANNING DEPT. CORRECTIONS	1
25 MARCH 2022	ISSUED FOR PLANNING DEPT. CORRECTIONS	2

+ b a r k e r / n e s t o r +
 A R C H I T E C T U R E + D E S I G N
 600 W. CEMARY, F.C. OKLAHOMA, L. 69616 TEL: 847.753.1192 FAX: 847.753.1897
 PREPARED FOR:
BLH ACQUISITION CO., LLC
 15950 N. DALLAS PARKWAY, SUITE 400, DALLAS, TX 75248


PROPOSED EXPANSION FOR:
BAR LOUIE
 THE PROMENADE AT DOWNEY
 8860 APOLLO WAY, SUITE 304
 DOWNEY, CA 90242


PROJECT NUMBER:	N1919
FILE NAME:	BLDCA-A1.4
DRAWN BY:	HP
APPROVED:	
DRAWING TITLE:	AS SHOWN
DRAWING SCALE:	AS SHOWN
DATE ISSUED:	AS SHOWN

PROFESSIONAL SEAL:
 SHEET NUMBER:
A1.5 OF 6

DATE: MAY 18, 2022

TO: PLANNING COMMISSION

**SUBMITTED/
REVIEWED BY:** CRYSTAL LANDAVAZO, INTERIM DIRECTOR OF COMMUNITY DEVELOPMENT 

PREPARED BY: GUILLERMO ARREOLA, PRINCIPAL PLANNER 

SUBJECT: **PLN-21-00087 (PLANNED SIGN PROGRAM) – A REQUEST FOR A PLANNED SIGN PROGRAM TO ESTABLISH SIGN STANDARDS FOR THE SIZE, LOCATION, AND APPEARANCE OF SIGNS ON AN EXISTING MULTI-TENANT COMMERCIAL BUILDING**

LOCATION: 12202 PARAMOUNT BOULEVARD

ZONING: C-2 (GENERAL COMMERCIAL)

REPORT SUMMARY

Ryan Ybarra (hereinafter “the applicant”) is requesting a Planned Sign Program to establish sign standards for a multi-tenant commercial building for the size, location, and appearance of new wall signs. Pursuant to Downey Municipal Code (DMC) Section 9610.04, a Planned Sign Program shall be required for a commercial site having three (3) or more. Based on the analysis contained in this report, staff is recommending that the Planning Commission adopt the following titled resolution:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING PLN-21-00087 (PLANNED SIGN PROGRAM), THEREBY REGULATING THE SIZE, LOCATION, AND APPEARANCE OF SIGNS FOR A MULTI-TENANT COMMERCIAL BUILDING, LOCATED AT 12202 PARAMOUNT BOULEVARD, ZONED C-2 (GENERAL COMMERCIAL)

BACKGROUND

The 38,307 square foot subject site is improved with a 10,690 square foot multi-tenant commercial building, located on the southeast corner of Alameda Street and Paramount Blvd. The site is zoned General Commercial (C-2) and has a General Plan Land Use designation of Office (O). The properties directly abutting from the north, east, south, and west have a zoning designation of C-2.

On June 23, 2021, the applicant submitted an application for a Planned Sign Program requesting to establish sign standards to regulate the size, location, and appearance for wall

signs on an existing multi-tenant commercial building. Due to missing information, staff deemed the application incomplete on July 7, 2021. After multiple revisions, on April 14, 2022 staff deemed the application complete for further processing.

The notice of pending public hearing was published in the *Downey Patriot* and mailed to all property owners within 500' of the subject site on May 5, 2022.

DISCUSSION

The Downey Municipal Code Section 9610.04 states that a Planned Sign Program must be approved by the Planning Commission before any sign permit is issued. The purpose of the proposed new Planned Sign Program is to allow for a total of three (3) primary wall signs and one (1) secondary sign with the potential of a fourth (4) primary future wall sign on the multi-tenant commercial building. Should Unit 1 be subdivided to create a separate tenant space fronting Alameda Street, the Planned Sign Program would allow for a fourth primary wall sign, as shown in the table below as Unit Number 4 (Optional Future Sign).

The sign program will allow one wall sign per tenant space facing Paramount Blvd, and a secondary sign facing Alameda Street for “Unit 1” identified in the submitted site plan (Exhibit C).

The combined maximum allowed sign area for the wall signs is 165.88 square feet with the propose 4 wall signs and up to 238.75 with the optional future fourth primary wall sign . All wall signs must be channel letter, may include logos in combination with channel letters, and must be internally illuminated. Signs will be centered above each tenant space’s entrance and shall have a maximum height of 36 inches, including two (2) lines of copy wall signs. The length of each sign will vary dependent upon each tenant space’s lineal frontage. The allowed wall sign area is calculated, per the Downey Municipal Code, as 1.5 square feet per lineal foot of tenant space frontage. The table provides detailed information on maximum allowed sign area for each proposed tenant sign, as detailed in attached sign program (Exhibit C).

Wall Sign Area Information				
Unit Number	Store Frontage Length:	Max. Sign Length (75%)	Max. Sign Height	Max Sign Area Total (1.5 sq. ft. per 1'-0" wall Frontage)
1 (primary)	41'-2"	20'-2"	36" (same for 2 lines of copy)	61.75 sq. ft.
1 (secondary)	26'-6"	10'-2"	36" (same for 2 lines of copy)	30.63 sq. ft (half-size of primary)
2	16'-6"	8'-0"	36" (same for 2 lines of copy)	24.75 sq. ft.
3	32'-6"	16'-3"	36" (same for 2 lines of copy)	48.75 sq. ft.
4 (Optional Future Sign)	48'-7"	24'-3"	36" (same for 2 lines of copy)	72.87 sq. ft.

DEVELOPMENT REVIEW COMMITTEE

The project did not require a review from the Development Review Committee (DRC). However, all proposed wall signs submitted at a later date will require all applicable departmental reviews during the plan check process to ensure sign program and code compliance.

ENVIRONMENTAL ANALYSIS

The proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA). Upon completion of this review, it has been determined that this request is categorically exempt from CEQA, pursuant to Guideline Section No. 15311 (Class 11, Accessory Structures). Categorical Exemptions are projects, which have been determined not to have a significant effect on the environment and have been exempted from the requirements of CEQA. Class 11 consists of projects that involve replacement of minor structures accessory to (appurtenant to) existing commercial including on-premise signs.

FINDINGS

Pursuant to the requirements of DMC Section 9610.06 (Planned Sign Program), staff recommends that the Planning Commission make the following findings to approve the overall request:

- 1. The proposed sign is permitted within the zone and it complies with all applicable provisions of this chapter, the General Plan, and any other applicable standards.***

The subject commercial site is located within the C-2 (General Commercial) zone, which permits a variety of signage. The proposed Planned Sign Program will regulate the appearance of signs and limits the number of wall signs for each tenant space. The total allowable wall sign area for each tenant space will be 1.5 square feet of sign area per lineal foot of tenant space frontage, with a maximum sign copy area of 75 percent of sign area. The width of each sign shall not exceed 75 percent of the tenant leasehold frontage. Logos shall not exceed 25 percent of sign copy area. All proposed wall sign square footage will comply with the maximum allowable sign area permitted by the Downey Municipal Code. Approval of this Planned Sign Program will comply with Policy 8.3.1. of the City's General Plan, which calls for the enhancement of the views of property from public streets to exhibit a positive image, in this case, enhanced signage. The proposed Planned Sign Program will also comply with all other applicable provisions included in Chapter 6 (Signs) of the Downey Municipal Code.

- 2. The sign is in proper proportion to the structure or site on which it is located.***

The proposed illuminated channel letter wall signs will be well spaced and in proper proportion to the building façades of the tenant space. The size of the wall signs will vary based on the lineal foot frontage for each tenant space, and only those tenant spaces with multiple frontages are allowed a secondary sign. The letter height of all wall signs shall be a maximum of 36 inches.

- 3. The sign materials, color, texture, shape, height, and placement are compatible with the design of the structure(s), property, and neighborhood of which is a part.***

The illuminated channel letter wall signs will be compatible with the building's current architectural style and will create a more uniform appearance to the building and site. The Planned Sign Program will allow flexibility for logo signs by allowing their nationally recognized trademark image and colors. The neighborhood is commercially developed, and both the height and placement of the proposed wall signs will not negatively impact surrounding businesses.

4. ***The sign's illumination is at the lowest reasonable level as determined by the City Planner, which ensures adequate identification and readability, and is directed solely at the sign or is internal to it.***

All new wall signs shall include LED internal illumination in order to reduce the brightness of the signs. The project has been conditioned to ensure that the LEDs and power supplies will be enclosed behind the channel letters attached to the wall. The conditions also include adjustments to the illumination of a sign if it is found that a nuisance is caused by any particular sign.

5. ***The sign is not detrimental to the public interest, health, safety, or welfare.***

The proposed illuminated wall signs will be mounted at a sufficient height and location and will not affect pedestrian/vehicle access. The individual letters will be affixed safely to the existing stucco façade. All new wall signs will be subject to review and approval by city departments ensuring conformance with the Building Code and local and state electrical standards. As proposed, the new signs will not create a detrimental impact to the public interest, health, safety, and or welfare.

6. ***The sign complies with Section 9624, Lighting and Design Standards.***

All proposed signs on the building will be internally illuminated using LED light units. The signs will not conflict with Downey Municipal Code Section 9624. The conditions include adjustments to the illumination of a sign if it is found that a nuisance is caused by any particular sign.

CORRESPONDENCE

Staff had not received any correspondence as of the date this report was prepared.

CONCLUSION

Based on the analysis contained within this report, staff concludes that all required findings can be made in a positive manner, therefore staff recommends that the Planning Commission approve Planned Sign Program (PLN-21-00087), subject to the recommended condition of approval.

EXHIBITS

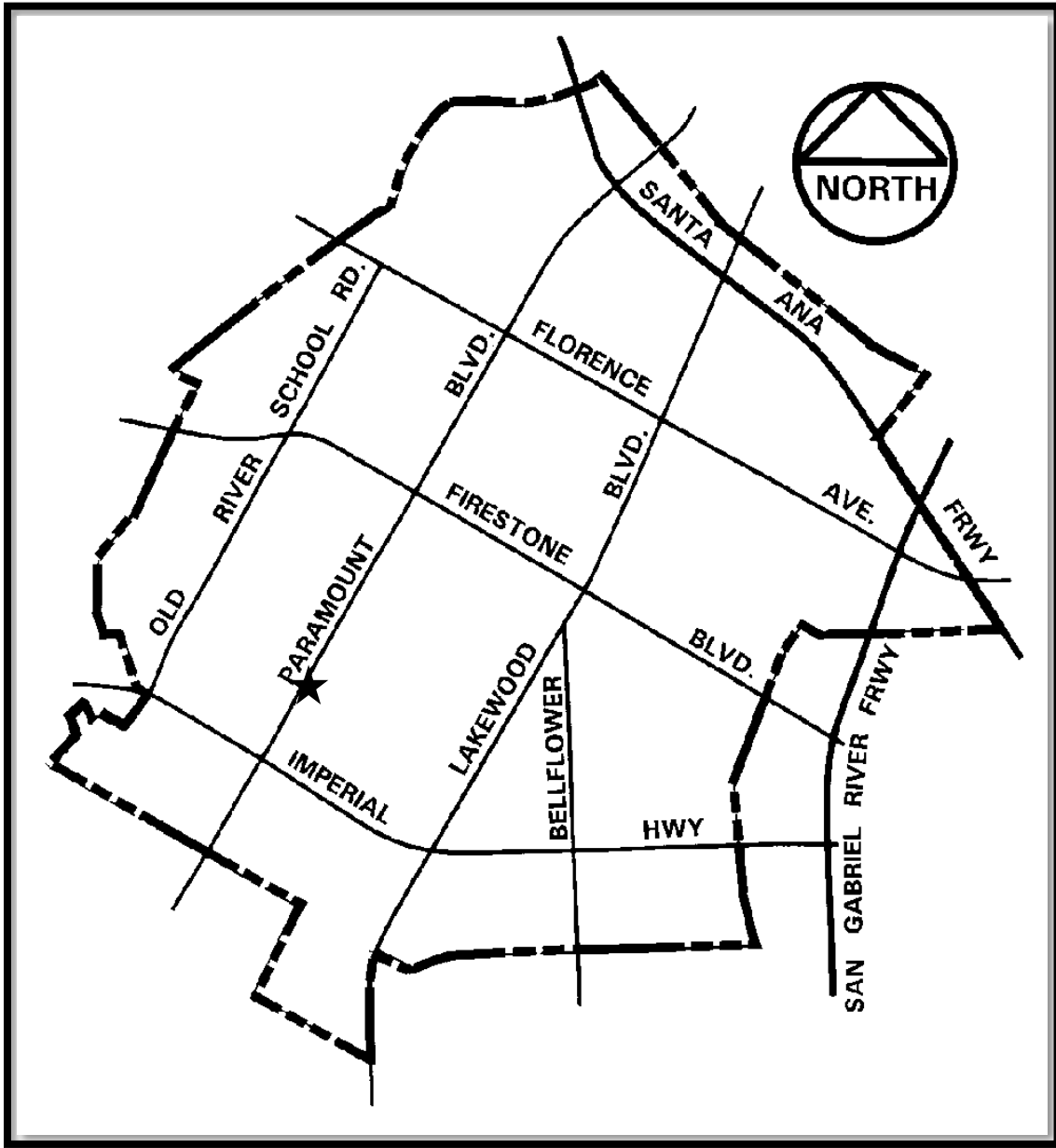
- A. Aerial Photograph, Location Map & Zoning Map
- B. Draft Resolution
- C. Planned Sign Program

Exhibit 'A' – Maps

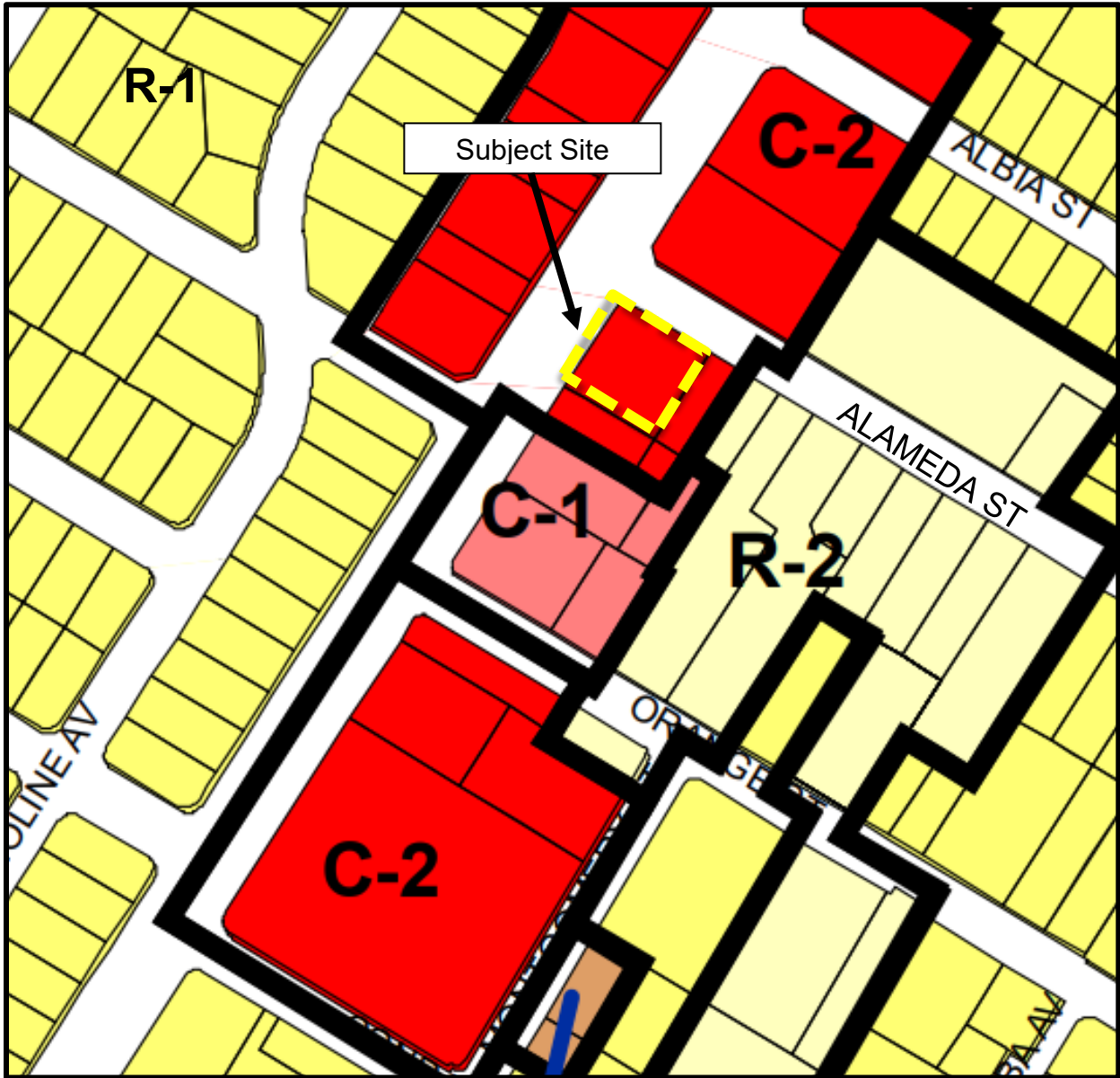
AERIAL PHOTOGRAPH



LOCATION MAP



ZONING MAP



RESOLUTION NO. 22-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING PLANNED SIGN PROGRAM (PLN-21-00087), REGULATING THE QUANTITY, SIZE, LOCATION, AND APPEARANCE OF SIGNS FOR A MULTI-TENANT COMMERCIAL PARCEL, LOCATED AT 12202 PARAMOUNT BLVD, AND ZONED C-2 (GENERAL COMMERCIAL)

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

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

- A. On June 23, 2021, Ryan Ybarra (hereinafter “applicant”), submitted a request for Planned Sign Program establishing the size, location, and appearance of all signs at the newly approved commercial development; and,
- B. On July, 7 2021, the application was deemed incomplete; and, on April 14, 2022, after receiving all necessary material and the application was deemed complete; and,
- C. On May 5, 2022, a notice of the public hearing was sent to all property owners within 500’ of the subject site and the notice was published in *Downey Patriot*; and,
- E. The Planning Commission held a duly noticed public hearing on May 18, 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 for compliance with the California Environmental Quality Act (CEQA). Upon completion of this review, it has been determined that this request is categorically exempt from CEQA, pursuant to Guideline Section No. 15311 (Class 11, Accessory Structures). Categorical Exemptions are projects, which have been determined not to have a significant effect on the environment and have been exempted from the requirements of CEQA. Class 11 consists of projects that involve replacement of minor structures accessory to (appurtenant to) existing commercial including on-premise signs.

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

- A. The proposed sign is permitted within the zone and it complies with all applicable provisions of this chapter, the General Plan, and any other applicable standards. The subject commercial site is located within the C-2 (General Commercial) zone, which permits a variety of signage. The proposed Planned Sign Program will regulate the appearance of signs and limits the number of wall signs for each tenant space. The total allowable wall sign area for each tenant space will be 1.5 square feet of sign area per lineal foot of tenant space frontage, with a maximum sign copy area of 75 percent of sign area. The width of each sign shall not exceed 75 percent of the tenant leasehold frontage. Logos shall not exceed 25 percent of sign copy area. All proposed wall sign square footage will comply with the maximum allowable sign area permitted by the Downey Municipal Code. Approval of this Planned Sign Program will comply with Policy 8.3.1. of the City’s General Plan, which calls for the enhancement of the views of property from public streets to exhibit a positive image, in this case, enhanced signage. The

proposed Planned Sign Program will also comply with all other applicable provisions included in Chapter 6 (Signs) of the Downey Municipal Code.

- B. The sign is in proper proportion to the structure or site on which it is located. The proposed illuminated channel letter wall signs will be well spaced and in proper proportion to the building façades of the tenant space. The size of the wall signs will vary based on the lineal foot frontage for each tenant space, and only those tenant spaces with multiple frontages are allowed a secondary sign. The letter height of all wall signs shall be a maximum of 36 inches.
- C. The sign materials, color, texture, shape, height, and placement are compatible with the design of the structure(s), property, and neighborhood of which is a part. The illuminated channel letter wall signs will be compatible with the building's current architectural style and will create a more uniform appearance to the building and site. The Planned Sign Program will allow flexibility for logo signs by allowing their nationally recognized trademark image and colors. The neighborhood is commercially developed, and both the height and placement of the proposed wall signs will not negatively impact surrounding businesses.
- D. The sign's illumination is at the lowest reasonable level as determined by the City Planner, which ensures adequate identification and readability, and is directed solely at the sign or is internal to it. All new wall signs shall include LED internal illumination in order to reduce the brightness of the signs. The project has been conditioned to ensure that the LEDs and power supplies will be enclosed behind the channel letters attached to the wall. The conditions also include adjustments to the illumination of a sign if it is found that a nuisance is caused by any particular sign.
- E. The sign is not detrimental to the public interest, health, safety, or welfare. The proposed illuminated wall signs will be mounted at a sufficient height and location and will not affect pedestrian/vehicle access. The individual letters will be affixed safely to the existing stucco façade. All new wall signs will be subject to review and approval by city departments ensuring conformance with the Building Code and local and state electrical standards. As proposed, the new signs will not create a detrimental impact to the public interest, health, safety, and or welfare.
- F. The sign complies with Section 9624, Lighting and Design Standards. All proposed signs on the building will be internally illuminated using LED light units. The signs will not conflict with Downey Municipal Code Section 9624. The conditions include adjustments to the illumination of a sign if it is found that a nuisance is caused by any particular sign.

SECTION 4. Based upon the findings set forth in Sections 1 through 3 of this Resolution, the Planning Commission of the City of Downey hereby approves the Planned Sign Program (PLN-21-00087), subject to conditions of approval attached hereto, which are necessary to preserve the health, safety and general welfare of the community and enable the Planning Commission to make the findings set forth in the previous sections. The conditions are fair and reasonable for the accomplishment of these purposes.

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

PASSED, APPROVED AND ADOPTED this 18th day of May, 2022

Patrick Owens, 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 18th day of May, 2022 by the following vote, to wit:

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

Mary Cavanagh, Secretary
City Planning Commission

**PLANNED SIGN PROGRAM (PLN-21-00087)
CONDITIONS OF APPROVAL**

- 1) The approval of this Planned Sign Program approves the size, location, appearance, and number of the signs for a multi-tenant commercial center located at 12202 Paramount Boulevard.
- 2) Approval of this Planned Sign Program shall not be construed to mean any waiver of applicable and appropriate zoning regulations, or any Federal, State, County, and City laws and regulations. Unless otherwise expressly specified, all other requirements of the City of Downey Municipal Code shall apply.
- 3) The 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.
- 4) 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.
- 5) An affidavit of Acceptance of Conditions, as provided by the City of Downey, shall be signed, notarized, and returned to the Planning Division within fifteen (15) days of approval. This approval will be considered invalid until this condition has been fulfilled.
- 6) Primary wall signs shall only be mounted on the store front façades (facing the parking lot) of the subject buildings. Secondary wall signs for specific tenant spaces shall be mounted as indicated in the Planned Sign Program.
- 7) Prior to the issuance of any building permit for a sign, said sign shall comply with this Planned Sign Program, with exception of window signs and exempt signs, which shall comply with the requirements of the Downey Municipal Code.
- 8) Prior to the installation of new wall signs, the applicant shall obtain all required Building permits. The applicant shall also obtain all required building inspection for all signs.
- 9) The property owner shall notify all tenants that all individual tenant signs shall be brought into compliance with the Planned Sign Program at such time that the tenant's lease is renewed or when any changes are proposed to the sign, whichever occurs first. In any case, the property owner shall bring all signage into compliance within one (1) year of this Planned Sign Program approval.

END OF CONDITIONS

Paramount Plaza

TENANT SIGN CRITERIA / PROGRAM

12202 Paramount Blvd

Created on:

5/11/2021

Design #: 21210 r11

Last Revised on 01/12/2022

PREPARED BY:



SIGNS & SERVICES

signsandservicesco.com

Paramount Plaza

TENANT SIGN CRITERIA / PROGRAM

12202 Paramount Blvd

OWNER:

Pico Rivera Equity LLC
10734 Lindbrook Drive
Los Angeles, CA 90024

ARCHITECT:

Farzin Maly
16200 Ventura Blvd. #321
Encino, CA 91364
(818) 770-0161

SIGN CONSULTANT:

Signs & Services CO., INC
10980 Boatman Avenue
Stanton, CA. 90680
CONTACT: Bill Henigsman
(562) 755-7553

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INTRODUCTION:

This Sign Criteria Program has been established for the purpose of ensuring a first-class retail center for the mutual benefit of all tenants. Conformance will be strictly enforced and any installation of non-conforming or unapproved signs shall be brought into conformance at the expense of the non-conforming tenant. Exception to these standards shall not be permitted without approval from the landlord or managing agent & will require approval of a modification to the sign program application by the city. No sign shall be installed without the written landlord or managing agent's approval & the required city approvals & permits.

LANDLORD/TENANT REQUIREMENTS:

1. Each tenant shall submit to landlord for written approval, three (3) copies of the detailed shop drawings of the proposed sign, indicating conformance with the sign criteria herein outlined. The detailed shop drawings shall be provided on minimum 11" (x) 17" sheets that indicate the location, size, design and/or graphics, intended for exterior signage.
2. The tenant shall pay for all signs, related materials and installation fees.
3. The tenant shall obtain all necessary permits and be responsible for payment of any and all permit-related fees.
4. The tenant shall be responsible for fulfillment of all requirements of the sign criteria.
5. It is the responsibility of the tenant's sign company to verify all conduit and transformer locations and service access prior to fabrication.
6. Should a sign be removed, it is the tenant's responsibility to patch all holes, paint surface to match the existing color and restore the surface texture to its original condition.

GENERAL REQUIREMENTS:

1. All permits for signs and their installation shall be obtained and comply with the local planning, building and electrical codes. These permits shall be obtained by the tenant or the tenant's representative prior to installation. A full set of plans must be approved and stamped by the landlord prior to permit application.
2. Tenant's sign contractor must submit to the City of Downey & will be responsible for all applications required for city approvals & permits fees.
3. Sign contractor to be fully licensed with the city and state and shall have full workman's compensation and general liability insurance.
4. No exposed lamps, raceway, crossovers, conduits, conductors, transformers, or similar devices shall be permitted and shall be hidden from public view.
5. All tenants must have installed approved signs before opening for business, but after city issues a city business license for new tenant.
6. Any damage to the building fascia or sign area resulting from the installation or removal of any sign by the tenant will be repaired by the landlord at the tenant's expense.
7. Tenant's sign contractor shall repair under landlord's supervision, any damage cause by the installation.
8. For any signs removed and replaced, the contractor shall clean and paint the surface to match the existing building color or texture before installing new signage.
9. All electrical signs shall be fabricated by a U.L. approved sign company, according to U.L. specification and bear U.L. labels out of public view.

GENERAL REQUIREMENTS (CONTINUED):

10. Tenant shall be responsible for the installation and maintenance of signs.
11. Tenant shall be responsible for the operations of the tenant's sign contractor.
12. In no case shall any manufacturer's labels be visible from the street or from normal viewing angles. U.L. approved stickers shall be accessible/visible without using ladder or special tools.
13. All penetrations of building exterior surfaces are to be sealed water-tight using clear industrial 100% silicone caulk.
14. Logo and letter heights shall be as specified and shall be determined by measuring the block capital letter of a type font exclusive of swashes, ascenders, and descenders.
15. All sign fabrication work shall be of excellent quality. All logo images and type-styles shall be accurately reproduced. Lettering that approximates type-styles will not be acceptable. The landlord reserves the right to reject any fabrication work deemed to be below quality standards.
16. All lighting must match the exact specifications of the approved working drawings. No exposed conduit will be allowed.
17. Signs must be made of durable, rust-inhibiting materials that are appropriate and complimentary to the building upon which, they are being installed.
18. Color coatings shall exactly match the colors specified on the approved plans.
19. Joining of materials (e.g., seams) shall be finished in a way as to be unnoticeable. Visible welds shall be continuous and ground smooth. Rivets, screws, and other fasteners that extend to visible surface shall be flush, filled, and finished so as to be unnoticeable.
20. Finish surfaces of metal shall be free from oil-canning and warping. All painted sign finishes shall be free from dust, peel, drips, and runs and shall have a uniform surface conforming to the highest standards of the industry.
21. Exposed junction boxes, lamps, tubing or neon crossovers of any type are not permitted.
22. All signs, together with all supports, braces, nuts and anchors shall be kept in good repair, including replacement of defective parts, repainting, cleaning and otherwise maintained in presentable and undamaged condition at all times.

WINDOW SIGNAGE:

Window sign area maximum 15% may be placed within each window with a maximum total area of all windows not to exceed 30%. Approval must be obtained by landlord and the City of Downey – Planning Division. Any and all window Signs must have landlord's approval.

PROHIBITED SIGNS:

1. Signs constituting a traffic hazard: No person shall install or maintain, or cause to be installed or maintained, any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal, or which makes use of words "STOP", "LOOK", "DANGER" or any words, phrases, symbols, or characters in such a manner as to interfere with, mislead or confuse traffic.
2. Signs in proximity to utility lines: Signs which have less horizontal or vertical clearance from authorized communication or energized electrical power lines that are prescribed by the law of the State of California are prohibited.
3. Signs painted directly on a building surface will not be permitted.
4. Wall signs may not project above the top of a parapet, the roof line at the wall, or roof line and must observe practical margins from wall edges.
5. No sign and/or other advertising shall be designed to be audible, flash and/or blink on or off or be design to rotate or revolve in such a manner so as to create the illusion of flashing or blinking on or off.
6. No sign shall project above or below the sign-able area. The sign-able area is defined in the attached exhibit for tenants.
7. Vehicle Signs: Signs on or affixed to trucks, truck beds, automobiles, trailers or any other vehicles which advertise, identify or provide direction to use or activity not related to its lawful making of deliveries of sales or merchandise or rendering of services from such vehicle is prohibited; however delivery trucks that have the company logo or name or are not considered vehicle signs, banners or other temporary promotional signage affixed to delivery trucks, are not permitted.
8. Immoral or Unlawful Advertising: Tenant shall not exhibit, post or display upon any sign, anything of an obscene, indecent or immoral nature or unlawful activity.
9. Roof-Mounted Signs, any type of balloon signs, air dancers, and any inflatable advertising is prohibited.
10. Billboard Signs are not permitted.
11. Except as provided herein, no advertising placards, banners, pennants, names, insignia trademark or other descriptive signs or materials shall be affixed or maintained upon the glass pane support of the exterior wall of the building, without the prior written approval of the landlord and the City of Downey.

ABANDONMENT OF SIGNS:

Any Tenant Sign left after thirty (30) days from vacating premises shall become the property of the landlord. The cost for removal of any such sign will be the sole responsibility of the former tenant.

MISC. REQUIREMENTS:

1. Tenants will be required to provide hours of operation, emergency telephone numbers, tenant identification and other similar identification on an 11" (x) 17" layout showing size colors, and type of application.
2. Identification address numbers shall be applied to buildings in compliance with local jurisdiction regulations and in accordance with the sign program to be supplied by the landlord or property owner.
3. Except as provided herein, no advertisement placards, banners, pennants, names, insignia trademarks or other descriptive signs or materials shall be affixed or maintained upon the glass pane supports of the show windows and doors, or upon the exterior walls of the building, without written consent of the landlord/property owner and the City of Downey Building & Planning Department.
4. No signage projections beyond the sign area will be allowed. The sign area is to be held to within the limits as indicated by the landlord or property owner and the sign criteria plan.
5. Tenant's sign contractor shall be liable for repairs and any work-damage caused by their activity.
6. The entire sign display shall be guaranteed for a period of one (1) year against defects in materials and workmanship. Defective parts shall be replaced at no charge.
7. Any signs not in conformance with the criteria and all local jurisdiction regulations are subject to rejection and removal at the tenant's expense.
8. Tenant signs installed without approval from the landlord/property owner and the City of Downey including the issuance of building permit(s) are subject to the rejection and removal at tenant's expense. Tenant is responsible for any fines or citations issued by the City of Downey and their code enforcement.
9. To provide consistency, the following standard letter fonts are suggested for any tenants who do not have a registered trademark or logo. This and other fonts will require landlord and City of Downey Planning Department approvals.

Font Name: Avenir 55 Bold

**Aa Bb Cc Dd Ee Ff Gg Hh Ii Jj Kk Ll Mm Nn Oo Pp Qq Rr Ss Tt Uu Vv Ww Xx Yy Zz
0 1 2 3 4 5 6 7 8 9 - , . : ; & ? ! \$ # % ? () ' " [] \ /**

Font Name: Archer Bold

**Aa Bb Cc Dd Ee Ff Gg Hh Ii Jj Kk Ll Mm Nn Oo Pp Qq Rr Ss Tt Uu Vv Ww Xx Yy Zz
0 1 2 3 4 5 6 7 8 9 - , . : ; & ? ! \$ # % ? () ' " [] \ /**

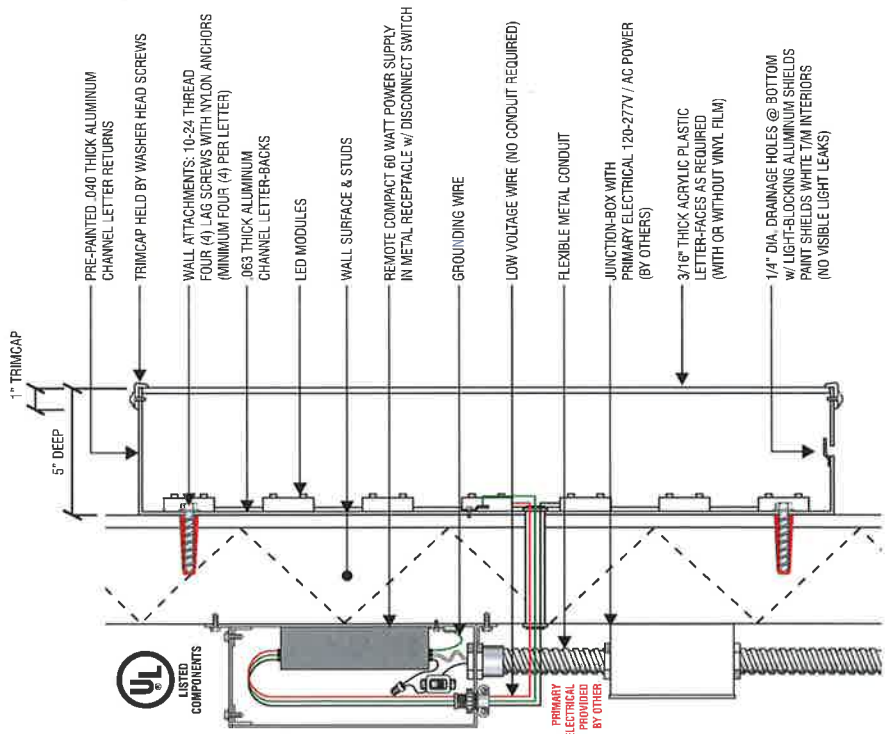
TENANT SIGNAGE SPECIFICATIONS:

The intent of this sign criteria is to encourage sign design creativity and to ensure the individuality of each tenant sign as opposed to sign designs that look very similar to each other in fonts, construction and colors. Signs should be uniquely interesting to provide distinctive nuance. Signs must also be architecturally compatible with the entire shopping center.

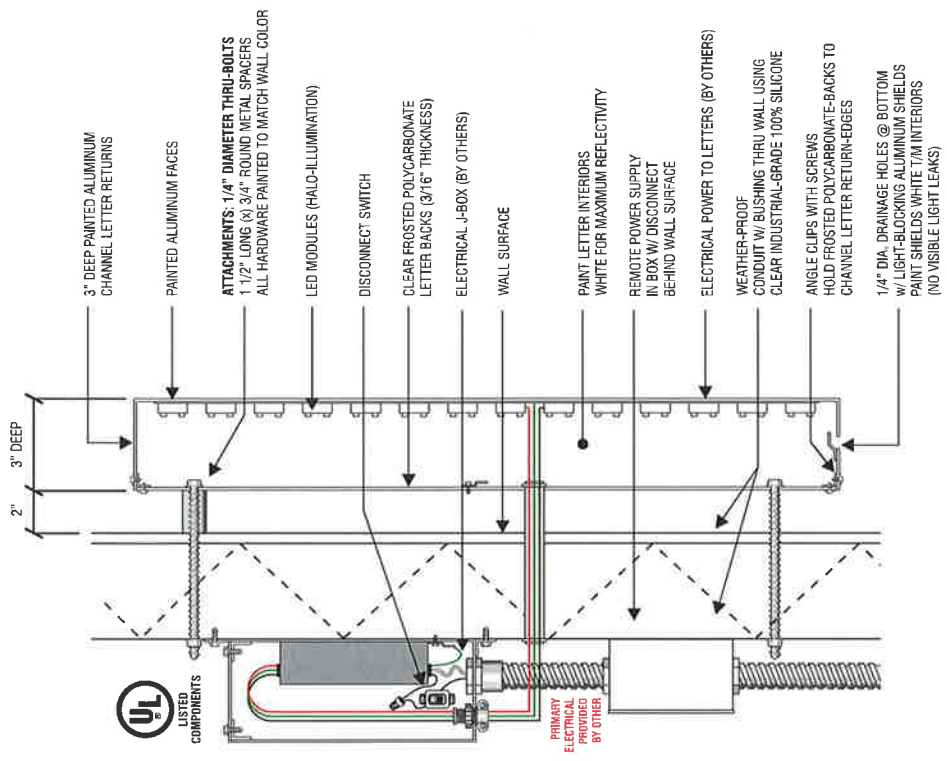
- 1). Tenant will be allowed to fabricate "Face-Lit" and "Halo-Lit" channel letters with the landlord's sole and absolute discretion.
- 2). Signs to be fabricated from minimum .063" aluminum pan channel construction.
- 3). Signs to have acrylic plastic faces with 3/4" wide trimcapped edges.
- 4). Letters to be painted with automotive quality enamel paint over primer undercoat.
- 5). Any electrical system to be contained in transformer box with flex conduit on inside of interior walls.
- 6). All signs shall be individually internally illuminated with LED light modules.
- 7). Signs must be centered vertically and horizontally within the tenant's designated sign space. Colors, letter style, and placement subject to landlord's approval, prior to City of Downey's review.
- 8). Channel letter interiors to have white reflective paint finish for even lighting.
- 9). No tenant's building identification signage shall encroach upon any other tenant's fascia or leasehold width.
- 10). Tenants with a nationally-recognized & registered trademarked logo will be allowed to utilize their logo image & colors, as approved by the landlord.



WALL SIGN ATTACHMENT DETAILS:



1 END SECTION VIEW / CHANNEL LETTER ATTACHMENT
TYPICAL FACE-ILLUMINATED CHANNEL LETTER TYPE



2 END SECTION VIEW / CHANNEL LETTER ATTACHMENT
TYPICAL HALO-ILLUMINATED CHANNEL LETTER TYPE

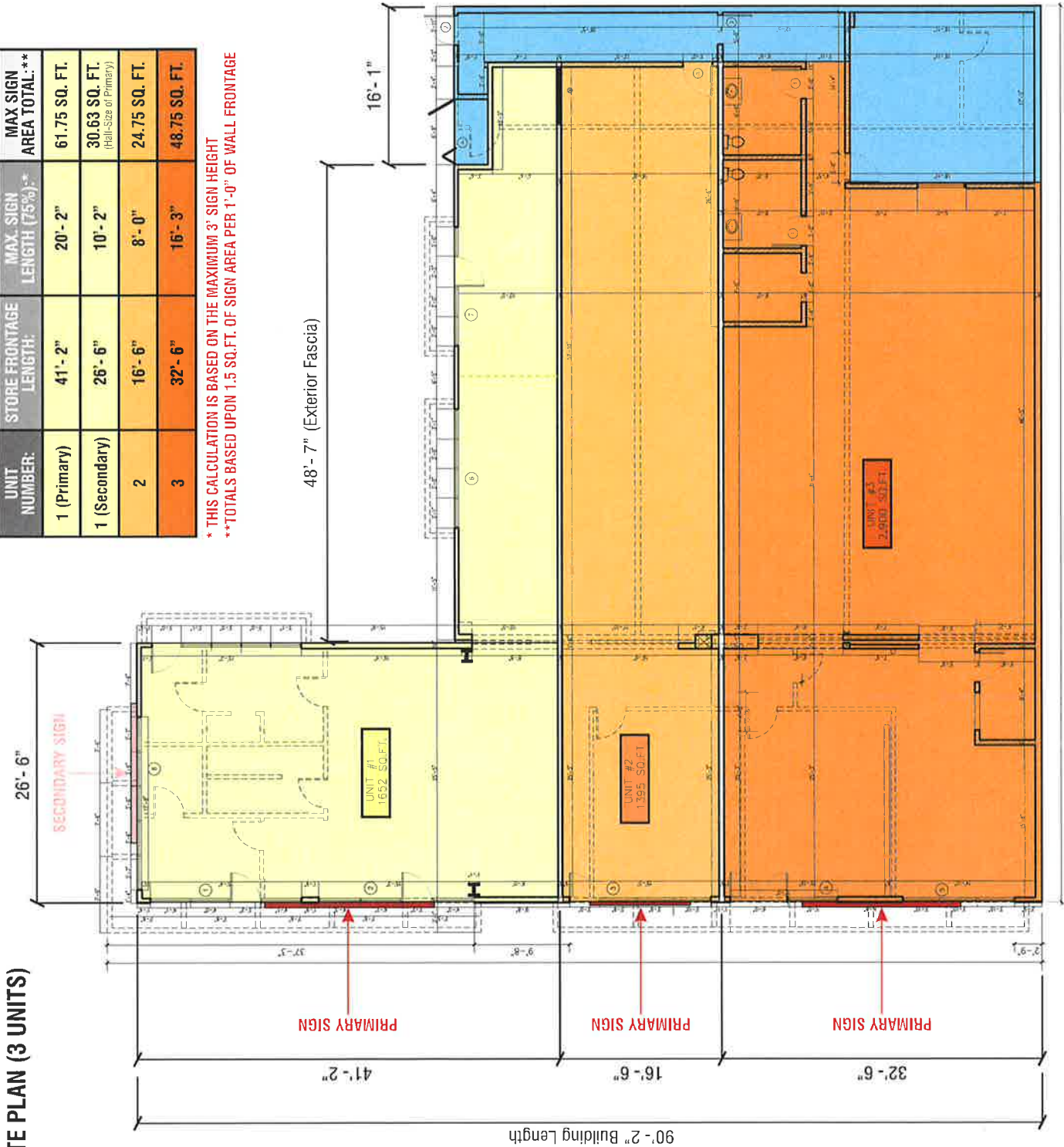
SITE PLAN (3 UNITS)

UNIT NUMBER:	STORE FRONTAGE LENGTH:	MAX. SIGN LENGTH (75%)*:	MAX SIGN AREA TOTAL:**
1 (Primary)	41'-2"	20'-2"	61.75 SQ. FT.
1 (Secondary)	26'-6"	10'-2"	30.63 SQ. FT. (Half-Size of Primary)
2	16'-6"	8'-0"	24.75 SQ. FT.
3	32'-6"	16'-3"	48.75 SQ. FT.

* THIS CALCULATION IS BASED ON THE MAXIMUM 3' SIGN HEIGHT
 **TOTALS BASED UPON 1.5 SQ.FT. OF SIGN AREA PER 1'-0" OF WALL FRONTAGE

SITE PLAN LEGEND:

	Unit 1
	Unit 2
	Unit 3
	Utilities & Controls for Building
	Primary Tenant Wall Sign
	Secondary Tenant Wall Sign

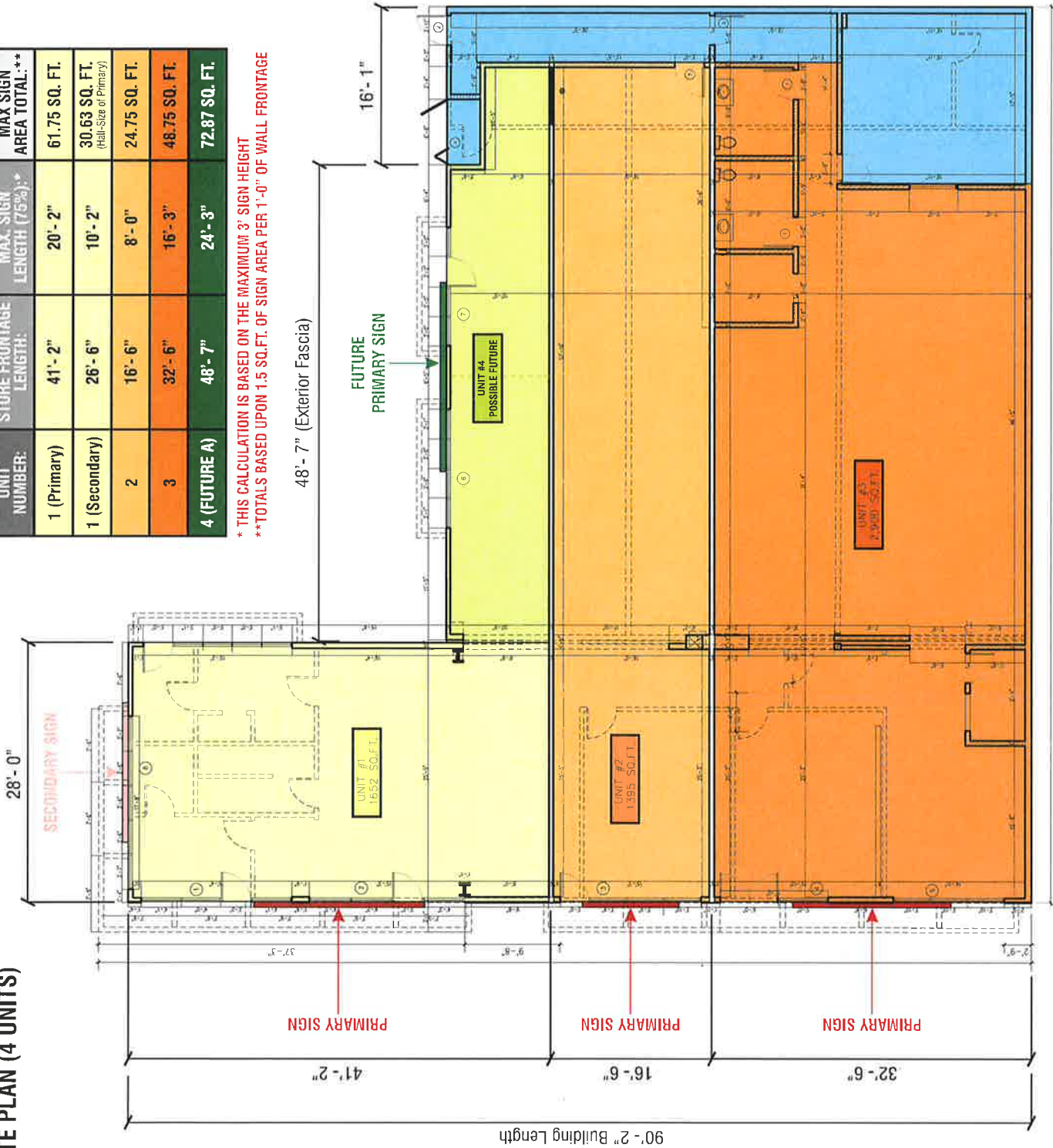


90'-2" Building Length



SCALE: NTS

SITE PLAN (4 UNITS)



UNIT NUMBER:	STORE FRONTAGE LENGTH:	MAX. SIGN LENGTH (75%):*	MAX SIGN AREA TOTAL:**
1 (Primary)	41'- 2"	20'- 2"	61.75 SQ. FT.
1 (Secondary)	26'- 6"	10'- 2"	30.63 SQ. FT. (Half-Size of Primary)
2	16'- 6"	8'- 0"	24.75 SQ. FT.
3	32'- 6"	16'- 3"	48.75 SQ. FT.
4 (FUTURE A)	48'- 7"	24'- 3"	72.87 SQ. FT.

* THIS CALCULATION IS BASED ON THE MAXIMUM 3' SIGN HEIGHT
 **TOTALS BASED UPON 1.5 SQ.FT. OF SIGN AREA PER 1'-0" OF WALL FRONTAGE

SITE PLAN LEGEND:


- Unit 1
- Unit 2
- Unit 3
- Utilities & Controls for Building
- Primary Tenant Wall Sign
- Secondary Tenant Wall Sign
- Future Primary Tenant Wall Sign





DATE: MAY 18, 2022

TO: PLANNING COMMISSION

**SUBMITTED/
REVIEWED BY:** CRYSTAL LANDAVAZO, INTERIM DIRECTOR OF COMMUNITY DEVELOPMENT 

PREPARED BY: ALFONSO HERNANDEZ, SENIOR PLANNER ^{Att}

SUBJECT: PLN-22-00044 (SITE PLAN REVIEW, CONDITIONAL USE PERMIT, ZONE CHANGE) – A REQUEST TO REMODEL THE EXTERIOR OF AN EXISTING FAST FOOD RESTAURANT (BURGER KING), APPROVAL OF AN EXISTING DRIVE-THRU, AND APPROVE A ZONE CHANGE FROM P-B (PARKING BUFFER) TO C-2 (GENERAL COMMERCIAL).

LOCATION: 10014 PARAMOUNT BLVD

ZONING: C-2 (GENERAL COMMERCIAL)

REPORT SUMMARY

This application includes three separate entitlement requests: Site Plan Review, Conditional Use Permit, and Zone Change. A Site Plan Review (SPR) is required to allow for the exterior modification of an existing commercial building. The project is also subject to a Conditional Use Permit (CUP) because the drive-thru was previously approved without a CUP, and is therefore legally non-conforming. Lastly, a Zone Change (ZC) is requested to remove the zoning designation of P-B (Parking Buffer) from the property so the entire lot has one zoning designation of C-2 (General Commercial).

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

1. **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING A SITE PLAN REVIEW AND CONDITIONAL USE PERMIT (PLN-22-00044) THEREBY ALLOWING THE EXTERIOR MODIFICATION OF AN EXISTING FAST FOOD RESTAURANT AND CONFORMITY OF AN EXISTING DRIVE-THRU LOCATED AT 10014 PARAMOUNT BOULEVARD.**

2. **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY RECOMMENDING THAT THE CITY COUNCIL APPROVE A ZONING MAP AMENDMENT (PLN-22-00044), THEREBY CHANGING THE ZONING DESIGNATION OF THE EAST PORTION OF THE PROPERTY FROM P-B (PARKING BUFFER) TO C-2 (GENERAL COMMERCIAL) LOCATED AT 10014 PARAMOUNT BOULEVARD.**

BACKGROUND

The site is currently developed with a 2,517 square foot Burger King restaurant building. The existing use on the property is full service restaurant with a drive thru. Burger King has been operating within the City of Downey since 1984. This is also the same year that the building was constructed. No other major renovations have occurred since that time.



Existing Front Elevation

Overall, the site is 18,896 square feet in size with one street frontage. The property is located on the east side of Paramount Boulevard north of the Florence Avenue and Paramount Boulevard intersection. The subject site is located within the city's C-2 zone, and has a General Plan land use designation of General Commercial. Directly to the rear, abutting the subject property, are three M-2 zoned properties all occupied with industrial uses. Adjacent to the north, south, and west are C-2 zoned properties developed with commercial uses.

On April 11, 2022 the applicant filed a request for a SPR, CUP, and Zone Change. On May 2 2022, the application was deemed complete. On May 5, 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

Site Plan Review

The SPR evaluates the proposed changes to the building's exterior. The proposed project features a Modern architectural design. The building façade will include varying architectural features as well as contrasting colors and materials. The existing building is located closer to the street line so the proposed façade updates are expected to enhance the commercial aesthetic along Paramount Boulevard. The reduced setback is common among the surrounding properties. The materials for the new façade will be a wood plank cement board siding along the

tower features of the building. The tower features include the drive thru pick-up window, the side entrance and a primary storefront window located at the front elevation. A brick wainscoting is incorporated throughout the building. There will also be a band located at the top of the building as a crown mold feature for the majority of the building and will be painted red. Red tiles can also be found on the front elevation surrounding one of the large window storefronts. The rest of the building material will be made of stucco in a beige color, called out on the set of plans as “Tanner Taupe.”



Conceptual Depiction

Conditional Use Permit

Per the Downey Municipal Code, a CUP is required for the operation of a drive thru. As previously stated, the site currently operates with an active drive thru. However, the restaurant and drive thru were developed in 1984. A CUP was not required at the time, thus making the site legally nonconforming per the City’s current zoning regulations. Conditions of approval will be applied to this site to ensure the operations are consistent with that of recently approved drive thrus. However, due to the existing nature of the development, the site will not be fully conforming to current zoning standards because the site is not being developed, it is only undergoing façade updates. Elements, such as setbacks and queue stacking, will remain the same and considered nonconforming. Although nonconformities may remain, these attributes are not expected to contribute negative impacts. The characteristics already exist on site and will not be increased. The proposed resolution includes a conditions that requires the drive thru layout and queuing to comply with current code standards at any time that fifty percent (50%) or more of the site is reconfigured.

The drive thru is 100 feet long as measured from the drive thru entrance to the pick-up window, and can accommodate five vehicles within the same distance. The drive thru is independent of on-site parking or drive aisles. In the case of overflow stacking, the site circulation is designed to capture all vehicles on site without disturbing street traffic. As a condition of approval, the site will be required to update striping in an effort to effectively differentiate drive aisles, parking spaces, arrows, and drive thru entrance. Additionally, a condition has been incorporated to update existing landscape areas to meet current landscaping standards.

Zone Change

The site currently consists of two zoning designations, C-2 and P-B. The P-B zoning is located along the eastern portion of the property 46 feet from the rea property line and throughout the

entire width of the parcel. The zone change is requested to eliminate the P-B zone and designate the entire lot as a C-2 zone. The C-2 designation is consistent with the adjacent lots along Paramount Boulevard. The proposed zoning is also consistent with the General Plan land use designation (General Commercial) for the site.

The P-B zone is identified as obsolete within the City's Zoning Code and holds no applicable provisions upon the subject property. Standards previously applicable to the P-B zone were eliminated as part of a previous comprehensive update to the Zoning Ordinance, on October 14, 2008. Although the zone was eliminated from the code, modifications were not made to the zoning map and the map still contains the P-B zones. This application is an effort to amend the City's Zoning Map to achieve consistency with the Downey Municipal Code and General Plan.

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. No departments expressed concerns or opposition over the project, and issued standard conditions. Recommended conditions of approval have been included in the attached Resolution to address potential impacts.

ENVIRONMENTAL ANALYSIS

Staff has reviewed the proposed Conditional Use Permit for compliance with the California Environmental Quality Act (CEQA). Upon completion of this review, it has been determined that this request is categorically exempt from CEQA, pursuant to Guideline Section No. 15301 (Class 1, Existing Facilities). Categorical Exemptions are projects, which have been determined not to have a significant effect on the environment and have been exempted from the requirements of CEQA. Class 1 exemptions consist of projects that involve no/negligible expansion of the existing use.

FINDINGS

Pursuant to Municipal Code Section 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 proposed development:

Policy 8.1.1 – Promote architectural design of the highest quality.

Policy 8.2.2 – Promote the upgrading of properties.

The proposed architecture is a significant upgrade to the existing facilities on site initially built in 1984, and is compatible with surrounding properties although it will be newer than most developments within its proximity. The redevelopment of this site can serve as an example of higher quality architecture for future developments within the city.

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

The site has remained relatively the same since 1984, and is surrounded by properties developed within the same time period. The quality of design 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 purpose of the C-2 (General Commercial) zone, as stated in the Downey Municipal Code, "is intended to provide for and encourage the orderly development of general commercial uses, with a wide variety of goods and services, for the residents of the entire City, with provisions designed to ensure that such commerce will be efficient, functionally related, and compatible with adjacent noncommercial development." The proposed application is in full conformance with the objectives stated above. The existing restaurant has provided goods to the community since 1984 and the proposed upgrades will allow for the continued functionality of the use. Furthermore, the restaurant use is appropriate for the General Commercial zone and is consistent with the uses found along Paramount Boulevard.

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 the surrounding area by providing aesthetically pleasing architecture and landscaping. The proposed exterior modifications will serve as a significant upgrade from the existing facility on the site and nearby lots. In addition, the streetscape will be enhanced as well as the transition from the street onto the site through the proposed landscaping conditioned for the project.

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 one entry, but additional points of egress due to shared access with abutting parcels. The main entry is off of Paramount Boulevard, and the potential points of egress lead to Paramount Boulevard, Florence Avenue, and Orizaba Avenue. Users of the drive-thru have an exclusive lane that can only exit Northbound on Paramount Boulevard. Parking is concentrated towards the rear of the property, while the drive-thru aisle abuts the north property line. There is pedestrian access onto the site via a walkway along Paramount Boulevard. The queuing, although noncompliant, has been observed to accommodate the current demands generated by the Burger King restaurant. Although it is not anticipated, a condition has been included to require the queue be contained on-site. A condition has also been included to update the landscaping on site. The future landscaping surrounding the property is intended to heavily compliment the aesthetics of the site. The project provides ADA compliant parking and pedestrian access onto the site. Lastly, the lighting on site will remain the same as has been observed to be well illuminated while simultaneously not causing any nuisance to the neighboring properties or public right-of-way. Therefore, it is determined that proper consideration has been given to the functional aspects and visual effects of the development.

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 contemporary style architecture and keeps with a scale consistent of commercial developments. It is staff's opinion that the proposed architectural style is neither dissimilar nor monotonous from other buildings in the area and this project will upgrade the overall appearance of the site and, in turn, improve the community appearance.

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 is a significant upgrade to the existing facilities on site, and is compatible with surrounding properties although it will be newer than most developments within its proximity. In addition, the redevelopment of this site has the potential to serve as an example of higher quality architecture for future industrial developments within the City of Downey. Lastly, the operational procedures of the proposed development are also 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 project's objective to revitalize the site helps achieve various long-term goals. Specifically, the following policies are promoted by the proposed development:

Policy 8.1.1 – Promote architectural design of the highest quality.

Policy 8.2.2 – Promote the upgrading of properties.

The proposed architecture is a significant upgrade to the existing facilities on site initially built in 1984, and is compatible with surrounding properties although it will be newer than most developments within its proximity. The redevelopment of this site can serve as an example of higher quality architecture for future developments within the city.

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

The site has remained relatively the same since 1984, and is surrounded by properties developed within the same time period. The quality of design and landscaping not only upgrade the subject property but the surrounding area as well.

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 use is common and appropriate within commercial areas and in urbanized areas occasionally found within proximity to residential zones. In addition, the use is existing and currently functions appropriately on the subject site. Historical records for calls of service reflect that the drive thru has provided no issues throughout the years. Allowing the existing drive thru to remain as is should not increase impacts to extent greater than what is already produced from the site. Lastly, the proposed conditions of approval are intended to mitigate any potential impacts.

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

The proposal does not include a scope of work for additional changes to the drive thru. Changes are also not proposed for the interior of the building or to the building's square footage. 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. Therefore, the size and shape of the site proposed for the use is adequate to allow the existing drive thru to remain functioning 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;

Due to the existing nature of the proposed use, it is not anticipated that the drive thru will generate additional traffic. Drive thru restaurants are common uses among major corridors and the existing infrastructure is built to accommodate this type of use. The site is accessible via Paramount Boulevard. This street segment leads to similar nearby corridors such as Florence Avenue. Both of these 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 existing use.

Pursuant to Municipal Code Section 9824.06, there are five (5) findings that must be adopted prior to approving the Zone Change. The findings are as follows:

A. The zone change is necessary and desirable for the development of the community in harmony with the objectives of the General Plan and this chapter and is in the interests or furtherance of the public health, safety, and general welfare.

The City Council adopted a comprehensive update to the Zoning Ordinance, on October 14, 2008, which eliminated the P-B (Parking Buffer) zoning category. The change of zone from P-B to C-2 (General Commercial) will make the zoning of the site not only consistent with the current Zoning Code but also with the General Plan, as the General Plan Land Use designation of the site is General Commercial. Furthermore, the change in zoning for this property does not grant the subject property any added liberties it did

not previously already have. Therefore, with this action there is no opportunity to negatively affect the public health, safety, or general welfare of the community.

B. The zone change will be compatible and complementary to existing conditions and adjoining property in the surrounding area.

The site is currently comprised of two separate zones, C-2 and P-B. The intent of the zone change is to remove the P-B and provide one consistent zoning designation of C-2 for the entire site. This is ultimately compatible with the existing and proposed use on the subject property. It is also compatible with the surrounding area, as nearby properties located to the north, south, and west are also zoned C-2 and developed with commercial uses.

C. The site is adequate in size to accommodate the uses permitted in the zone requested and that all applicable property development standards can be complied with.

The 18,896 square foot site is substantially greater than the minimum required lot size of 10,000 square feet for the C-2 zone. The minimum lot size is established in part to ensure sites can appropriately meet development standards and accommodate allowed uses. Furthermore, this existing structure and drive-thru will not be expanded.

D. The site properly relates to streets and highways designed and fully improved to carry the type and quantity of traffic that is expected to be generated in the area and that utilities exist or are planned which will adequately serve the property as rezoned.

The zone change does not alter the existing development potential of the site because the C-2 zone already exists for the vast majority of the lot. The C-2 zone is also present among adjacent properties. Therefore, the existing streets are already designed to accommodate the traffic generated by commercial developments. The same is true of existing utilities and other infrastructure.

E. The proposed zone change is in general conformance with the General Plan and General Plan land use designation for the parcel.

The zone change will eliminate the current inconstancy between the zoning code and the zoning map and General Plan. The entire property will now be zoned C-2 as it is intended per the General Plan.

CORRESPONDENCE

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

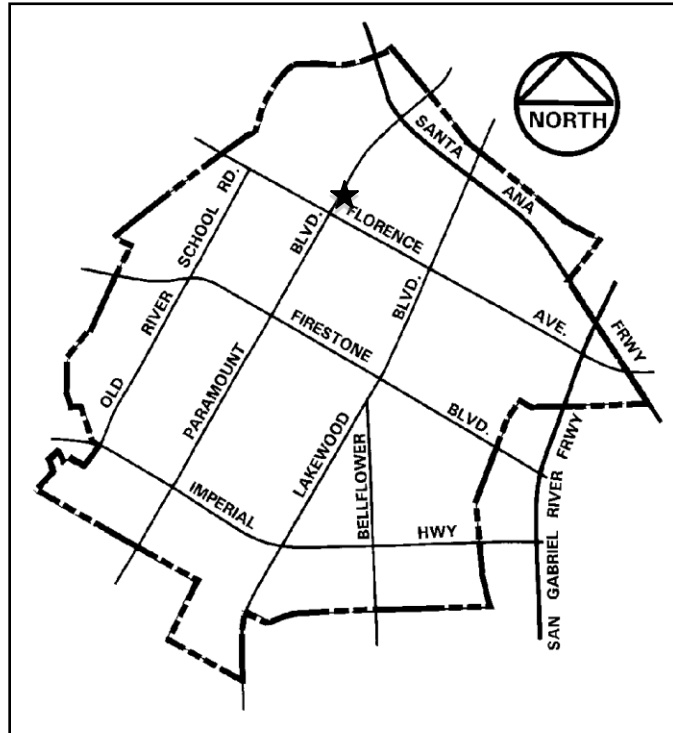
CONCLUSION

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.

EXHIBITS

- A. Maps
- B. Draft Resolution Approving – Site Plan Review and Conditional Use Permit
- C. Draft Resolution Recommending Approval to City Council – Zone Change
- D. Conceptual Rendering
- E. Project Plans

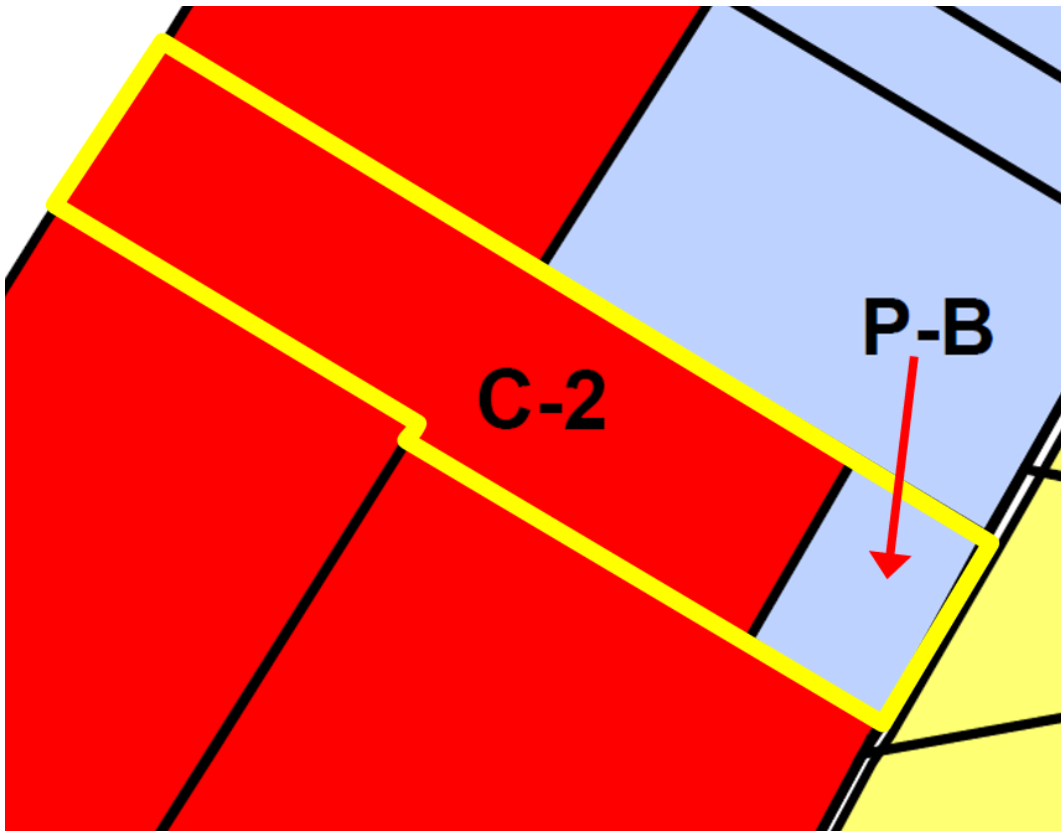
Exhibit A



Location



Aerial Photograph



Zoning

RESOLUTION NO. 22-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING A SITE PLAN REVIEW AND CONDITIONAL USE PERMIT (PLN-22-00044) THEREBY ALLOWING THE EXTERIOR MODIFICATION OF AN EXISTING FAST FOOD RESTAURANT AND CONFORMITY OF AN EXISTING DRIVE-THRU LOCATED AT 10014 PARAMOUNT BOULEVARD.

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 Jacob Brummel (hereinafter referred to as “the Applicant”) on April 11, 2022, requesting approval of a Site Plan Review and Conditional Use Permit (PLN-22-00044) at 10014 Paramount Boulevard, zoned C-2; and,
- B. On May 2, 2022, the applicant was issued a letter deeming the application complete; and,
- C. On May 5, 2022, a notice of the public hearing was sent to all property owners within 500’ of the subject site and the notice was published in Downey Patriot; and,
- D. The Planning Commission held a duly noticed public hearing on May 18, 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 No. 15301 (Class 1), Existing Facilities.

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 policies 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 proposed development:

Policy 8.1.1 – Promote architectural design of the highest quality.

Policy 8.2.2 – Promote the upgrading of properties.

The proposed architecture is a significant upgrade to the existing facilities on site initially built in 1984, and is compatible with surrounding properties although it will be newer than most developments within its proximity. The redevelopment of this site can serve as an example of higher quality architecture for future developments within the city.

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

The site has remained relatively the same since 1984, and is surrounded by properties developed within the same time period. The quality of design 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 purpose of the C-2 (General Commercial) zone, as stated in the Downey Municipal Code, "is intended to provide for and encourage the orderly development of general commercial uses, with a wide variety of goods and services, for the residents of the entire City, with provisions designed to ensure that such commerce will be efficient, functionally related, and compatible with adjacent noncommercial development." The proposed application is in full conformance with the objectives stated above. The existing restaurant has provided goods to the community since 1984 and the proposed upgrades will allow for the continued functionality of the use. Furthermore, the restaurant use is appropriate for the General Commercial zone and is consistent with the uses found along Paramount Boulevard.
- 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 the surrounding area by providing aesthetically pleasing architecture and landscaping. The proposed exterior modifications will serve as a significant upgrade from the existing facility on the site and nearby lots. In addition, the streetscape will be enhanced as well as the transition from the street onto the site through the proposed landscaping conditioned for the project.
- 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 one entry, but additional points of egress due to shared access with abutting parcels. The main entry is off of Paramount Boulevard, and the potential points of egress lead to Paramount Boulevard, Florence Avenue, and Orizaba Avenue. Users of the drive-thru have an exclusive lane that can only exit Northbound on Paramount Boulevard. Parking is concentrated towards the rear of the property, while the drive-thru aisle abuts the north property line. There is pedestrian access onto the site via a walkway along Paramount Boulevard. The queuing, although noncompliant, has been observed to accommodate the current demands generated by the Burger King restaurant. Although it is not anticipated, a condition has been included to require the queue be contained on-site. A condition has also been included to update the landscaping on site. The future landscaping surrounding the property is intended to heavily compliment the aesthetics of the site. The project provides ADA compliant parking and pedestrian access onto the site. Lastly, the lighting on site will remain the same as has been observed to be well illuminated while simultaneously not causing any nuisance to the neighboring properties or public right-of-way. Therefore, it is

determined that proper consideration has been given to the functional aspects and visual effects of the development.

- 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 contemporary style architecture and keeps with a scale consistent of commercial developments. It is staff's opinion that the proposed architectural style is neither dissimilar nor monotonous from other buildings in the area and this project will upgrade the overall appearance of the site and, in turn, improve the community appearance.
- 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 is a significant upgrade to the existing facilities on site, and is compatible with surrounding properties although it will be newer than most developments within its proximity. In addition, the redevelopment of this site has the potential to serve as an example of higher quality architecture for future industrial developments within the City of Downey. Lastly, the operational procedures of the proposed development are also 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 project's objective to revitalize the site helps achieve various long-term goals. Specifically, the following policies are promoted by the proposed development:

Policy 8.1.1 – Promote architectural design of the highest quality.

Policy 8.2.2 – Promote the upgrading of properties.

The proposed architecture is a significant upgrade to the existing facilities on site initially built in 1984, and is compatible with surrounding properties although it will be newer than most developments within its proximity. The redevelopment of this site can serve as an example of higher quality architecture for future developments within the city.

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

The site has remained relatively the same since 1984, and is surrounded by properties developed within the same time period. The quality of design and landscaping not only upgrade the subject property but the surrounding area as well.

- 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 use is common and appropriate within commercial areas and in urbanized areas occasionally found within proximity to residential zones. In addition, the use is existing and currently functions appropriately on the subject site. Historical records for calls of service reflect that the drive thru has provided no issues throughout the years. Allowing the existing drive thru to remain as is should not increase impacts to extent greater than what is already produced from the site. Lastly, the proposed conditions of approval are intended to mitigate any potential impacts.
- C. The size and shape of the site proposed for the use is adequate to allow the full development of the proposed use in a manner not detrimental to the particular area. The proposal does not include a scope of work for additional changes to the drive thru. Changes are also not proposed for the interior of the building or to the building's square footage. 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. Therefore, the size and shape of the site proposed for the use is adequate to allow the existing drive thru to remain functioning 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. Due to the existing nature of the proposed use, it is not anticipated that the drive thru will generate additional traffic. Drive thru restaurants are common uses among major corridors and the existing infrastructure is built to accommodate this type of use. The site is accessible via Paramount Boulevard. This street segment leads to similar nearby corridors such as Florence Avenue. Both of these 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 existing use.

SECTION 5. Based upon the findings set forth in Sections 1 through 4 of this Resolution, the Planning Commission of the City of Downey hereby approves this Site Plan Review and Conditional Use Permit (PLN-22-00044), 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 18th day of May, 2022.

Patrick Owens, 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 18th day of May, 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-22-00044)**

PLANNING

- 1) The approval of this Site Plan Review (PLN-22-00044) allows for the exterior modification of an existing Burger King fast food restaurant as indicated in the plans stamped with the date January 26, 2022.
- 2) The approval of the Conditional Use Permit (PLN-22-00044) bring the existing use of restaurant with drive-thru into further conformity with the Downey Municipal Code.
- 3) This Site Plan Review and Conditional Use Permit (PLN-22-00044) 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.
- 4) The use approved herein must be executed within one year of approval or shall be subject to revocation where this approval will be deemed null and void.
- 5) The Planning Commission reserves the right to revoke or modify this approval if the proposed use becomes a public nuisance, finds the permit was obtained by fraud, the approved use is not being exercised, the approved use is operated in violation of the terms and conditions contained herein, or the approved use ceased or was suspended for one year or more.
- 6) The Owner/Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicant's expense, City and City's agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided in Government Code Section 66499.37 to attack, review, set aside, void or annul the approval of this resolution, to challenge the determination made by City under the California Environmental Quality Act or to challenge the reasonableness, legality or validity of any condition attached hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which City receives notice, and City will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligations of this condition.
- 7) The City Planner is authorized to make minor modifications to the approved preliminary plans or any of the conditions if such modifications shall achieve substantially the same results as would strict compliance with said plans and conditions.
- 8) The entire site, including but not limited to setbacks, parking, and the drive thru dimensions, shall be brought into compliance with current development standards when fifty percent (50%) or more of the site and/or the building is reconfigured and/or demolished.

- 9) The parking lot shall be resurfaced, restriped and appropriately maintained.
- 10) In the event that spill over from the drive-thru does occur, all vehicle stacking must remain on site. The use of signs, employee monitoring and safety cones shall be used to ensure all drive-thru vehicles remain on site. Queuing of vehicles within the public right-of-way is strictly prohibited.
- 11) Prior to the installation of any exterior signs, the property owner must obtain approval of a separate sign permit. All signs shall comply with Chapter 6 of the Downey Municipal Code.
- 12) Advertisements, except for signs allowed within the Downey Municipal Code, such as product poster are prohibited.
- 13) 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.
- 14) Lighting in all parking areas shall have illumination as required by the Downey Municipal Code.
- 15) The approved architectural elements shall be as noted in the approved plans. Modifications to the facades and/or colors shall be subject to the review and approval of the City Planner if such modifications achieve substantially the same result as would strict compliance with said plans.
- 16) All buildings and walls shall be finished with graffiti resistant materials. Prior to the issuance of building permits, the applicant shall demonstrate to the satisfaction of the City Planner, that the finished materials will comply with this requirement.
- 17) Graffiti resistant products must be used in the construction of the building. Any graffiti applied to the site shall be removed within 48 hours.
- 18) The applicant shall comply with the art in public places requirements set forth in Downey Municipal Code 8950 et seq. This shall include payment of all required fees prior to the issuance of building permits. Should the applicant exercise their right to install public art on site, the public art application (including payment of all deposits) shall be submitted prior to the issuance of building permits.
- 19) All exterior mechanical, plumbing, fire and unfinished electrical equipment and materials (including but not limited to wiring and pipes) must be screened from the public's view. All screening materials must be approved by the City Planner.
- 20) Roof-mounted equipment shall be screened at all times by a material to be approved by the City Planner.
- 21) Deliveries made to all businesses on site shall occur between the hours of 7:00 a.m. and 9:00 p.m.

- 22) The applicant must post signs in the parking areas to remind customers to be courteous to the neighbors and keep noise to a minimum. The size, number, and wording of the signs shall be approved by the City Planner prior to occupancy of the business.
- 23) Noise generated from the site, including the drive-thru speaker shall comply with Municipal Code Section 4600 et. seq. In any case, noise shall not exceed 65 dBA, as measured at the property line. Volume on speaker to be lowered between the hours of 6:00 a.m. to 8:00 a.m. and 9:00 p.m. to 11:00 p.m.
- 24) The applicant must place delineating marks throughout the site to distinguish ingress and egress onto the site.
- 25) A landscaping plan shall be submitted to the Planning Division prior to the issuance of building permit. The site must comply with all current Downey Municipal Code regulation for landscaping, be composed of drought tolerant plants, and requires final approval from the City Planner prior to the issuance of Building Permits. This application does not grant final approval of the landscape design. Final approvals will be granted through the Building Permit process.
- 26) 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.
- 27) 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.
- 28) An original notarized signed approval from the property owner shall be provided to the City Planner prior to the issuance of a Building Permit.
- 29) The Applicant must incorporate a copy of this Exhibit A, Conditions of Approval, into the approved set of building plans.

BUILDING

- 30) All construction must 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.
- 31) 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).

- 32) All property lines and easements must be shown on plot plan. A statement that such lines and easements are shown is required.
- 33) The project design will conform with energy conservation measures articulated in Title 24 of the California Code of Regulations and address measures to reduce energy consumption such as flow restrictors for toilets, low consumption light fixtures, and insulation and shall use to the extent feasible draught landscaping.
- 34) A design professional will be required at time of construction drawings, to prepare plans for proposed improvements per the Business and Professions' Code.
- 35) 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.
- 36) Construction hours shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m., Saturdays. There shall be no construction on the site outside of these hours.
- 37) Prior to the commencement of construction, the applicant shall obtain all required permits. Additionally, the applicant shall obtain all necessary inspections and permit final prior to occupancy of the units.

POLICE

- 38) Address must be highly visible.

FIRE

- 39) 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]
- 40) Provide a locking key box (ie. Knox Box or similar) for use by fire department personnel when entry is required outside of business hours.
- 41) Project construction shall comply with requirements set forth in the CA Building and Fire Codes for egress, construction type and height, etc.

PUBLIC WORKS

- 42) If applicable the owner/applicant shall install all new utilities underground.
- 43) 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.
- 44) 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 I, at (562) 904-7110 for information.
- 45) All proposed improvements in the public right-of-way 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).
- 46) The owner/applicant shall remove all Underground Service Alert (USA) temporary pavement markings immediately following the completion of the work / Final permit inspection.
- 47) The facility design must provide for refuse/recycle enclosure with roof cover (location, size). Cover must be added to all existing enclosures. Grease interceptor with sewer and water hook-ups.
- 48) The owner/applicant shall provide that all construction graffiti created as part of this project in the public right of way to be removed.
- 49) 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.
- 50) 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.
- 51) If any hazardous material is encountered on the site, the owner/applicant shall secure an ID number from the EPA.
- 52) The owner/applicant shall deploy Best Management Practices during and after construction.
- 53) Paint property address numbers (4" height) on the curb face in front of the proposed development to the City's satisfaction.
- 54) The owner/applicant shall obtain all necessary plan approvals and permits.

END OF CONDITIONS

RESOLUTION NO. 22-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY RECOMMENDING THAT THE CITY COUNCIL APPROVE A ZONING MAP AMENDMENT (PLN-22-00044), THEREBY CHANGING THE ZONING DESIGNATION OF THE EAST PORTION OF THE PROPERTY FROM P-B (PARKING BUFFER) TO C-2 (GENERAL COMMERCIAL) LOCATED AT 10014 PARAMOUNT BOULEVARD.

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

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

- A. On April 11, 2022, the applicant filed a request for a Conditional Use Permit, Site Plan Review and Zone Change (PLN-22-00044) to modify the exterior of an existing drive thru restaurant, conformity of an existing driveway and change the zone from P-B (Parking Buffer) to C-2 (General Commercial); and,
- B. On May 2, 2022, the applicant was issued a letter deeming the application complete; and,
- C. On May 5, 2022, a notice of the public hearing was sent to all property owners within 500' of the subject site and the notice was published in Downey Patriot; and,
- D. The Planning Commission held a duly noticed public hearing on May 18, 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 that the proposed project was reviewed for compliance with the California Environmental Quality Act (CEQA), and is exempt from CEQA, pursuant to Guideline Section 15061 (b)(3). This CEQA section allows projects of a certain nature to be exempt when it is clear with certainty, using "common sense," that there is no possibility of a resulting significant effect on the environment.

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

- A. The zone change is necessary and desirable for the development of the community in harmony with the objectives of the General Plan and this chapter and is in the interests or furtherance of the public health, safety, and general welfare. The City Council adopted a comprehensive update to the Zoning Ordinance, on October 14, 2008, which eliminated the P-B (Parking Buffer) zoning category. The change of zone from P-B to C-2 (General Commercial) will make the zoning of the site not only consistent with the current Zoning Code but also with the General Plan, as the General Plan Land Use designation of the site is General Commercial. Furthermore, the change in zoning for this property does not grant the subject property any added liberties it did not previously already

have. Therefore, with this action there is no opportunity to negatively affect the public health, safety, or general welfare of the community.

- B. The zone change will be compatible and complementary to existing conditions and adjoining property in the surrounding area. The site is currently comprised of two separate zones, C-2 and P-B. The intent of the zone change is to remove the P-B and provide one consistent zoning designation of C-2 for the entire site. This is ultimately compatible with the existing and proposed use on the subject property. It is also compatible with the surrounding area, as nearby properties located to the north, south, and west are also zoned C-2 and developed with commercial uses.
- C. The site is adequate in size to accommodate the uses permitted in the zone requested and complies with all applicable property development standards. The 18,896 square foot site is substantially greater than the minimum required lot size of 10,000 square feet for the C-2 zone. The minimum lot size is established in part to ensure sites can appropriately meet development standards and accommodate allowed uses. Furthermore, this existing structure and drive-thru will not be expanded.
- D. The site properly relates to streets and highways designed and fully improved to carry the type and quantity of traffic that is expected to be generated in the area and that utilities exist or are planned which will adequately serve the property as rezoned. The zone change does not alter the existing development potential of the site because the C-2 zone already exists for the vast majority of the lot. The C-2 zone is also present among adjacent properties. Therefore, the existing streets are already designed to accommodate the traffic generated by commercial developments. The same is true of existing utilities and other infrastructure.
- E. The proposed zone change is in general conformance with the General Plan and General Plan land use designation for the parcel. The zone change will eliminate the current inconsistency between the zoning code and the zoning map and General Plan. The entire property will now be zoned C-2 as it is intended per the General Plan.

SECTION 4. Based upon the findings set forth in Sections 1 through 3 of this resolution, the Planning Commission of the City of Downey hereby recommends that the City Council approve a zone change (PLN-22-00044) and update the Comprehensive Zoning Map to rezone the subject property to C-2 (General Commercial), as outlined in Exhibit A of this resolution.

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

PASSED, APPROVED AND ADOPTED this 18th day of May, 2022.

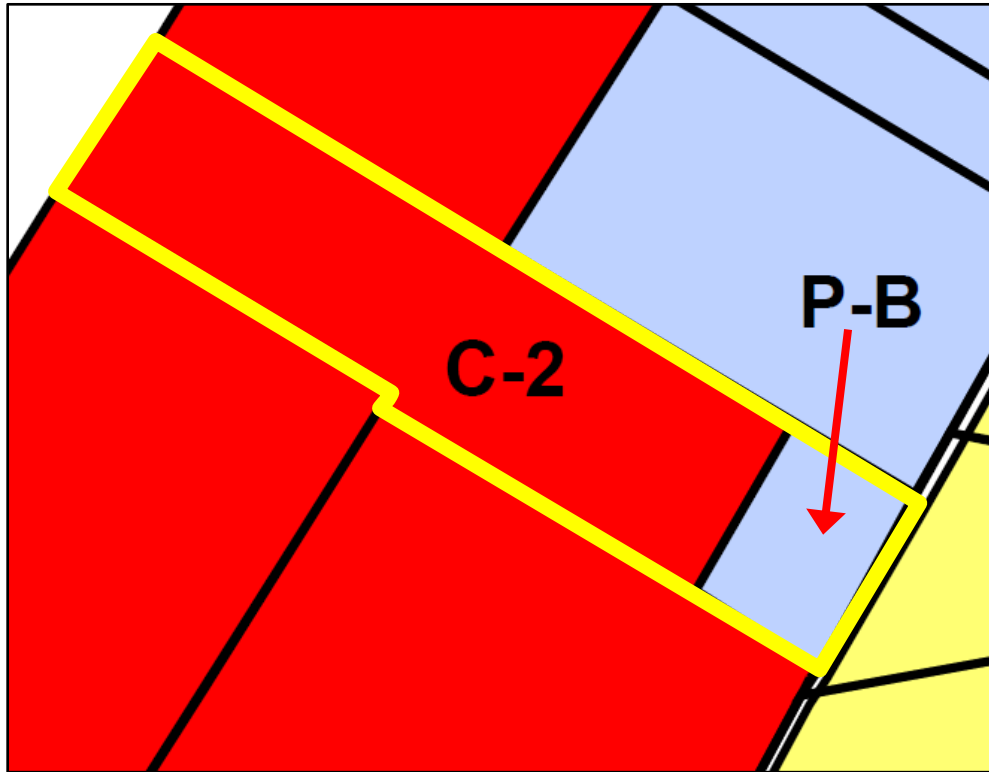
Patrick Owens, Chairman
City Planning Commission

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 18th day of May, 2022, by the following vote, to wit:

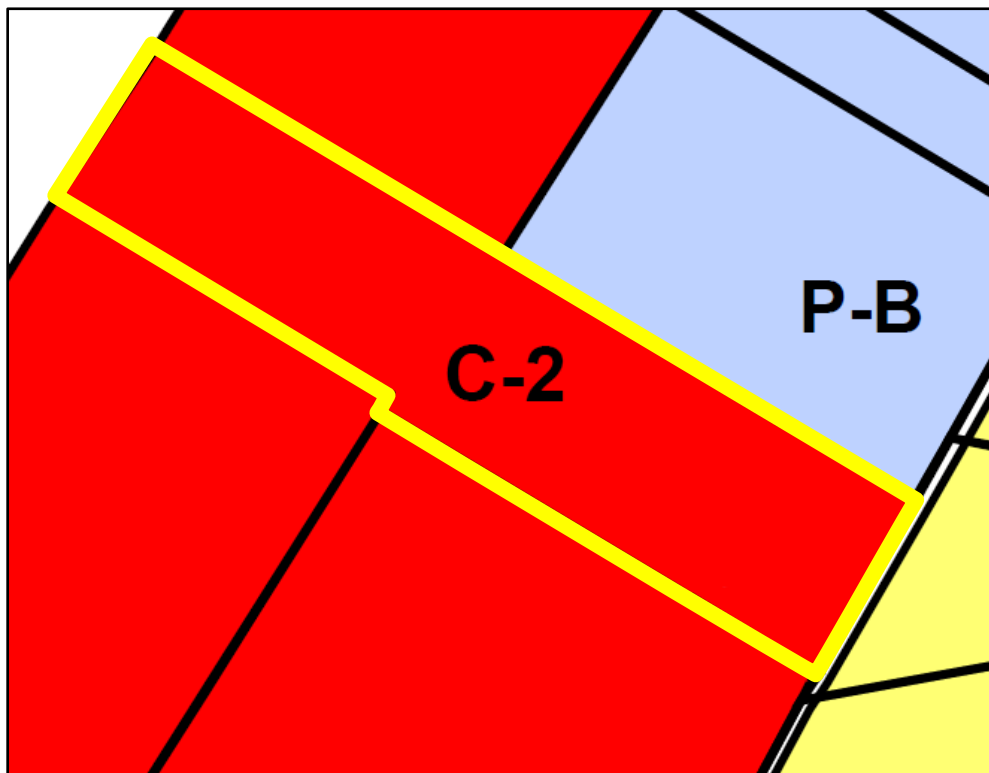
AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

Mary Cavanagh, Secretary
City Planning Commission

EXHIBIT A



Existing Zoning



Proposed Zoning

REMODEL OF EXISTING BURGER KING RESTAURANT



*Only a depiction of color and material and may not be exact building layout

CERAMIC TILE
"RED NATURAL"
"ECT-1G"

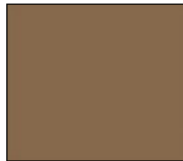


NACHIHA PANELS
"VINTAGE WOOD"
"EF-9G"



EF-9

EXTERIOR WAINSCOT
PAINT PGP "MONTEREY
CLIFFS "EP-4G"



PF-4G

"TAUPE TONE"
"EP-2G"



EP-2G

LIGHT BAND
"RED"



PF-2G

Thin Brick
"EB-1G"



SITE DATA:

ZONING: C-2
 PARCEL AREA: 29,289 SQ. FT.

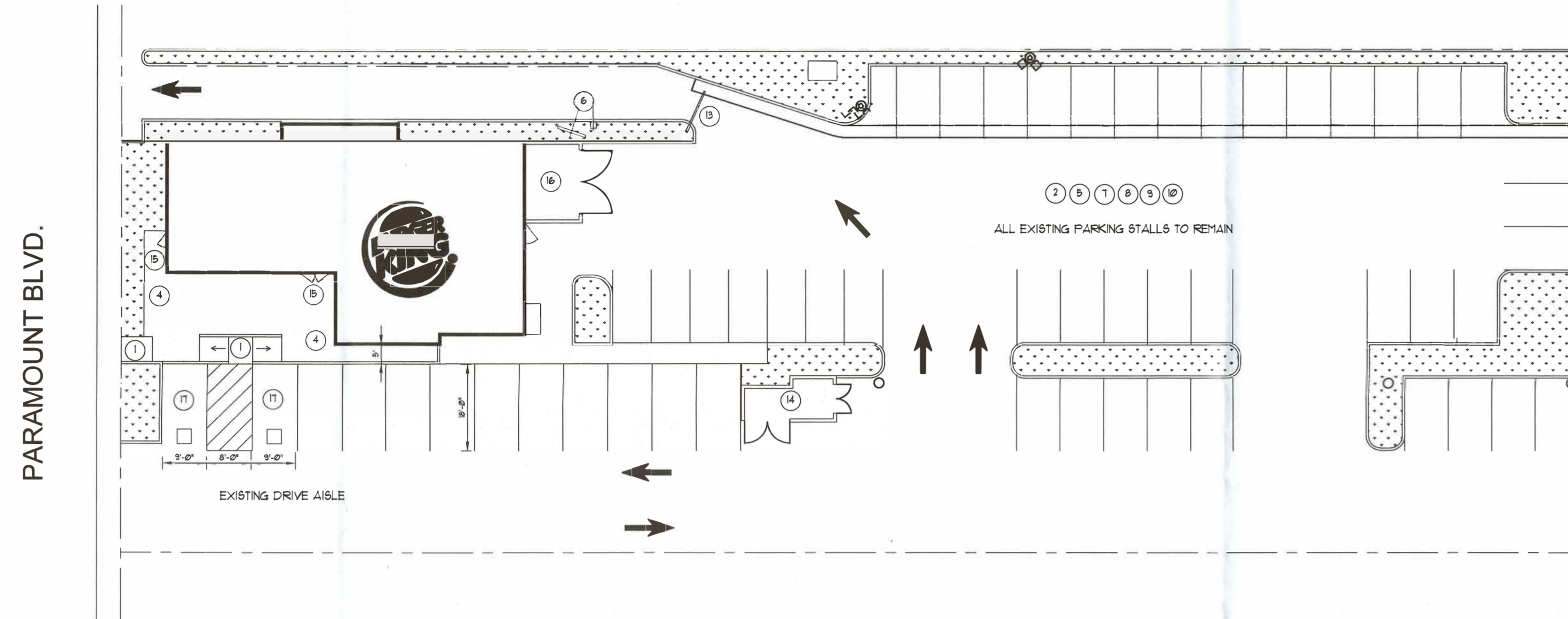
OWNER: TITANIUM RESTAURANT GROUP
 2551 W Woodland Drive
 Anaheim, CA, 92801



PO BOX 1664
 ANACORTES, WA 98221
 (714) 856-1105

KATRINA RIDDLE
 PROJECT MNGR
 KATRINA@MJCDESIGNINC.COM
 LANCE BROWN, AIA

STAMP:



PARAMOUNT BLVD.

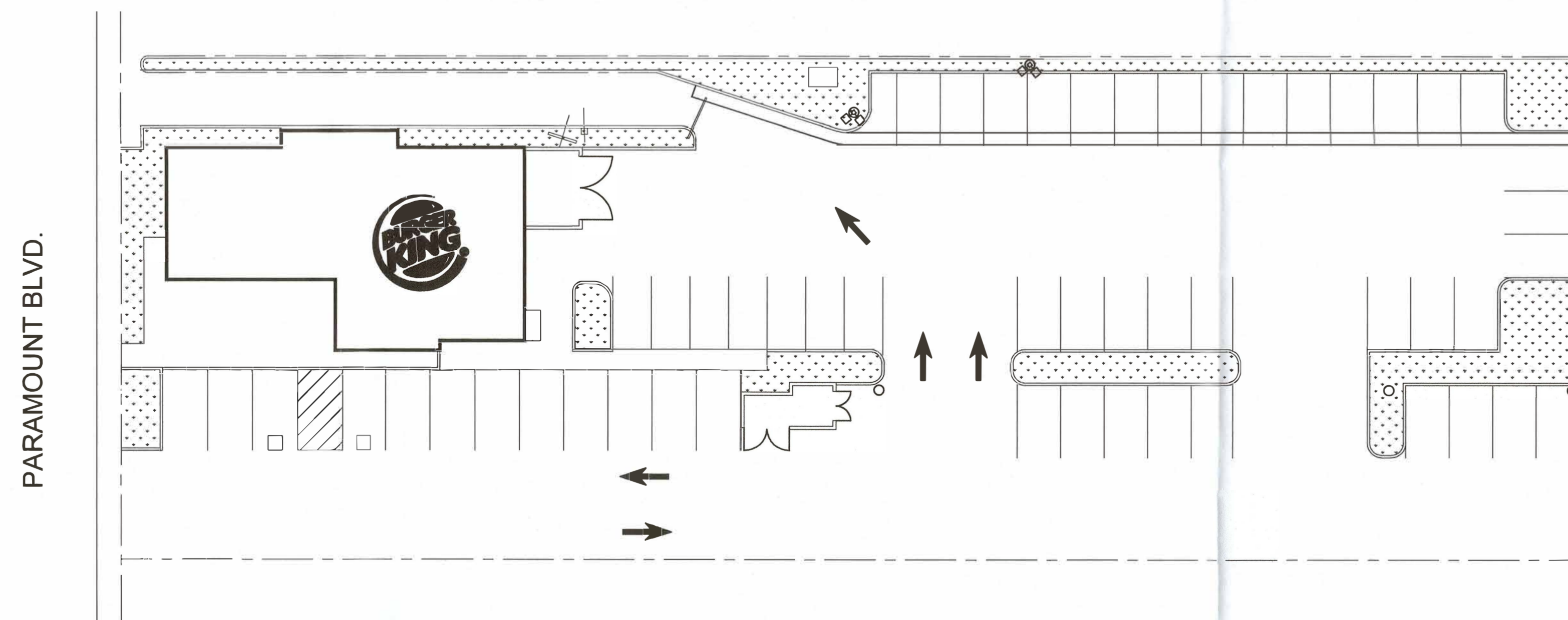
ALL EXISTING PARKING STALLS TO REMAIN

EXISTING DRIVE AISLE

SCOPE OF WORK - SITE:

- ① NEW ACCESSIBILITY RAMP: MAX SLOPE 8.33%
- ② RESLURRY AND RESTRIPE EXISTING PARKING LOT: PATCH AND REPAIR HOLES
- ③ NOT USED
- ④ EXISTING SIDEWALK: IF DOESN'T MEET ADA CODE DEMO AND RE-POUR
- ⑤ REPAINT ALL SIGN POLES
 SEE SIGN PLANS FOR ADDITIONAL SIGN WORK: UNDER SEPARATE PERMIT
- ⑥ REPLACE (E) MENU BOARD WITH NEW MENU BOARD
- ⑦ UPGRADE PARKING LOT LIGHTS TO LED
- ⑧ REPAINT LIGHT POLES
- ⑨ RESTRIPE (E) PARKING STALLS PER I/AD-1
- ⑩ REPLACE (E) ACCESSIBILITY SIGNS PER 2/AD-1
- ⑪ ISA SIGNAGE PER 8/AD-1
- ⑫ UPDATE EXISTING POLE SIGN FACE: UNDER SEPARATE PERMIT
- ⑬ REPLACE EXISTING CLEARANCE ARM WITH NEW CLEARANCE ARM
- ⑭ ADJACENT PROPERTY'S TRASH ENCLOSURE TO REMAIN: NOT A PART OF SCOPE
- ⑮ LANDINGS SHALL MEET ACCESSIBILITY CODES: IF NOT, THEN DEMO AND RE-POUR
- ⑯ PAINT EXISTING TRASH ENCLOSURE TO MATCH BUILDING
- ⑰ EXISTING ACCESSIBILITY PARKING TO REMAIN UNLESS IT DOESN'T MEET ACCESSIBILITY CODE: IN WHICH CASE DEMO AND RE-POUR PER DETAIL ON ADI

PROPOSED SITE PLAN



PARAMOUNT BLVD.

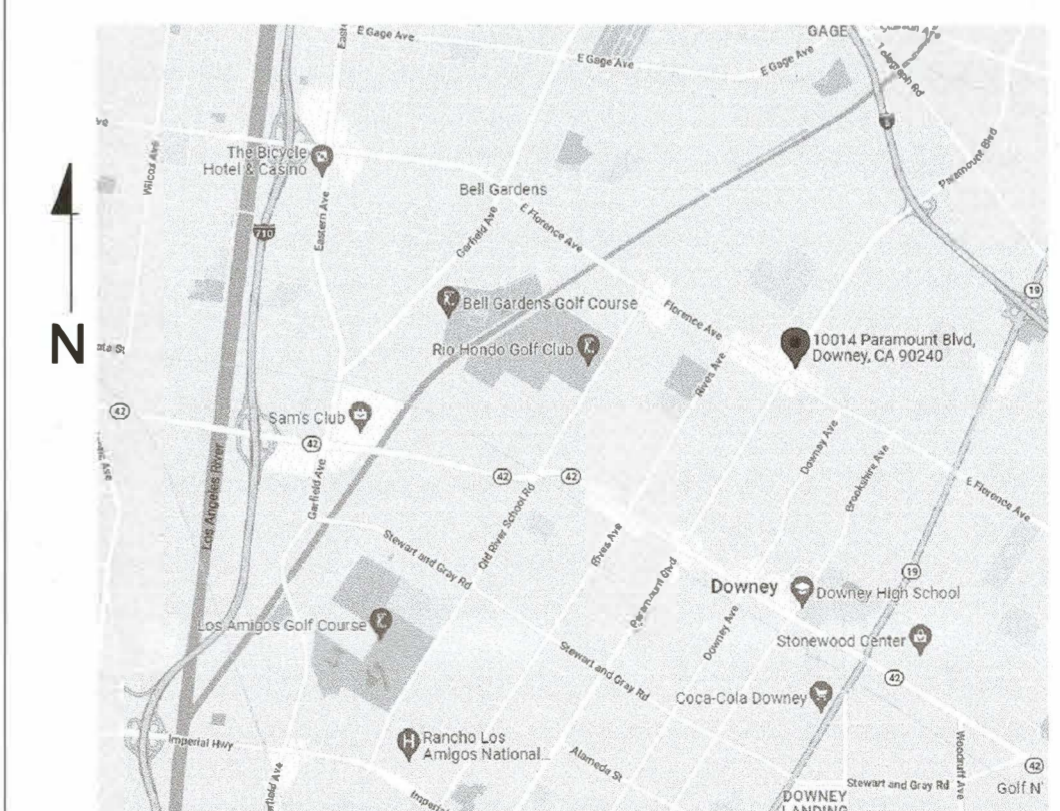
- LEGEND:**
- ACCESSIBLE PATH OF TRAVEL
 - ☐ EXISTING LIGHT POLES
 - ⊗ EXISTING PARKING STALLS
 - ▨ EXISTING LANDSCAPING
 - DEMO

NOTES:
 EXISTING SIDEWALKS ON LOT: MAX. RUNNING SLOPE OF 5%
 AND MAX CROSS SLOPE OF 2%
 IF NOT, THEN DEMO AND RE-POUR

RECEIVED
 APR 11 2022
 PLANNING

PLN - 22 - 00044

VACINITY MAP



SUBMITTAL DATE

PLANNING DEPT:
 BUILDING DEPT:
 ENGINEERING:
 SURVEY:

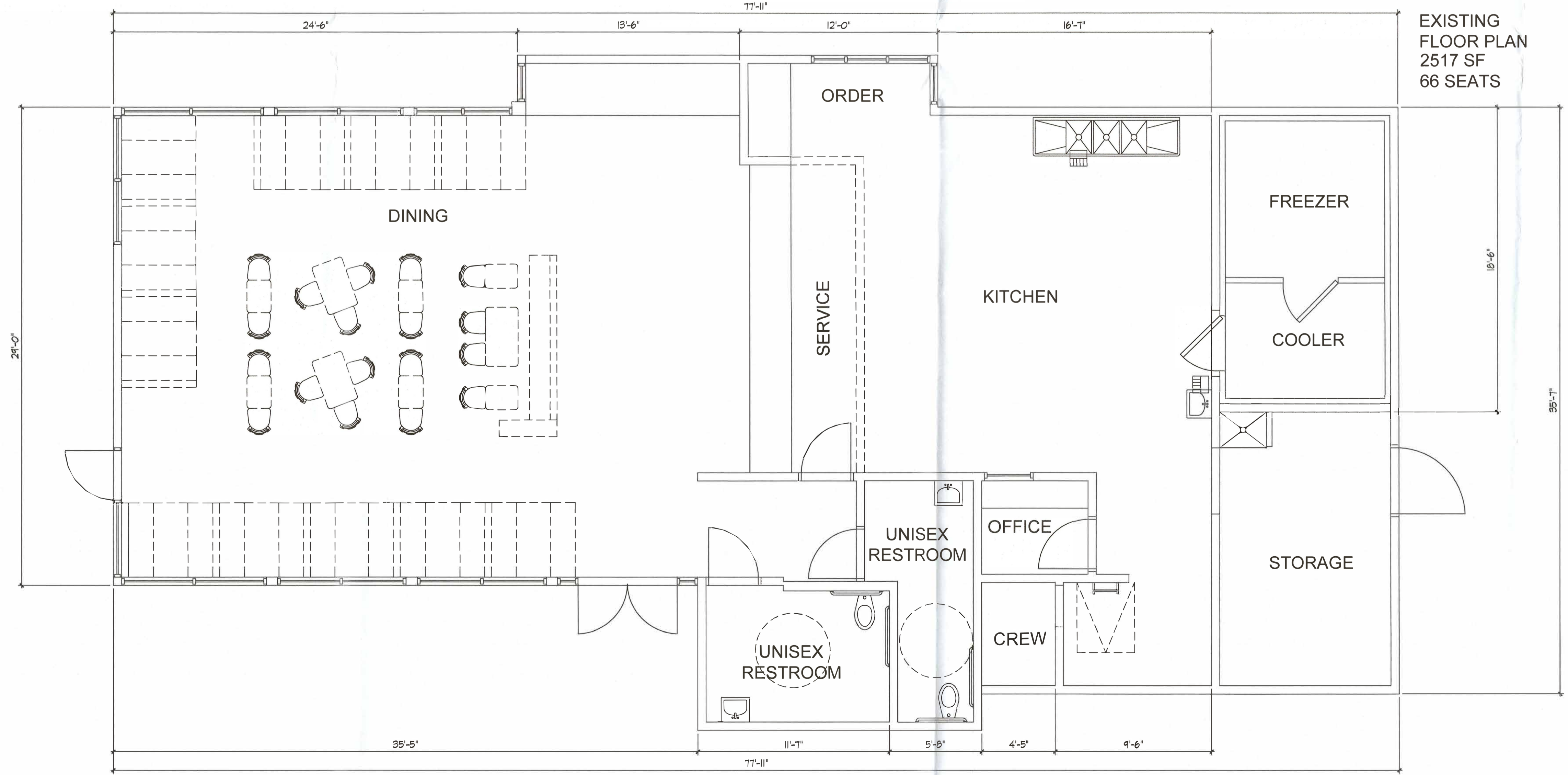
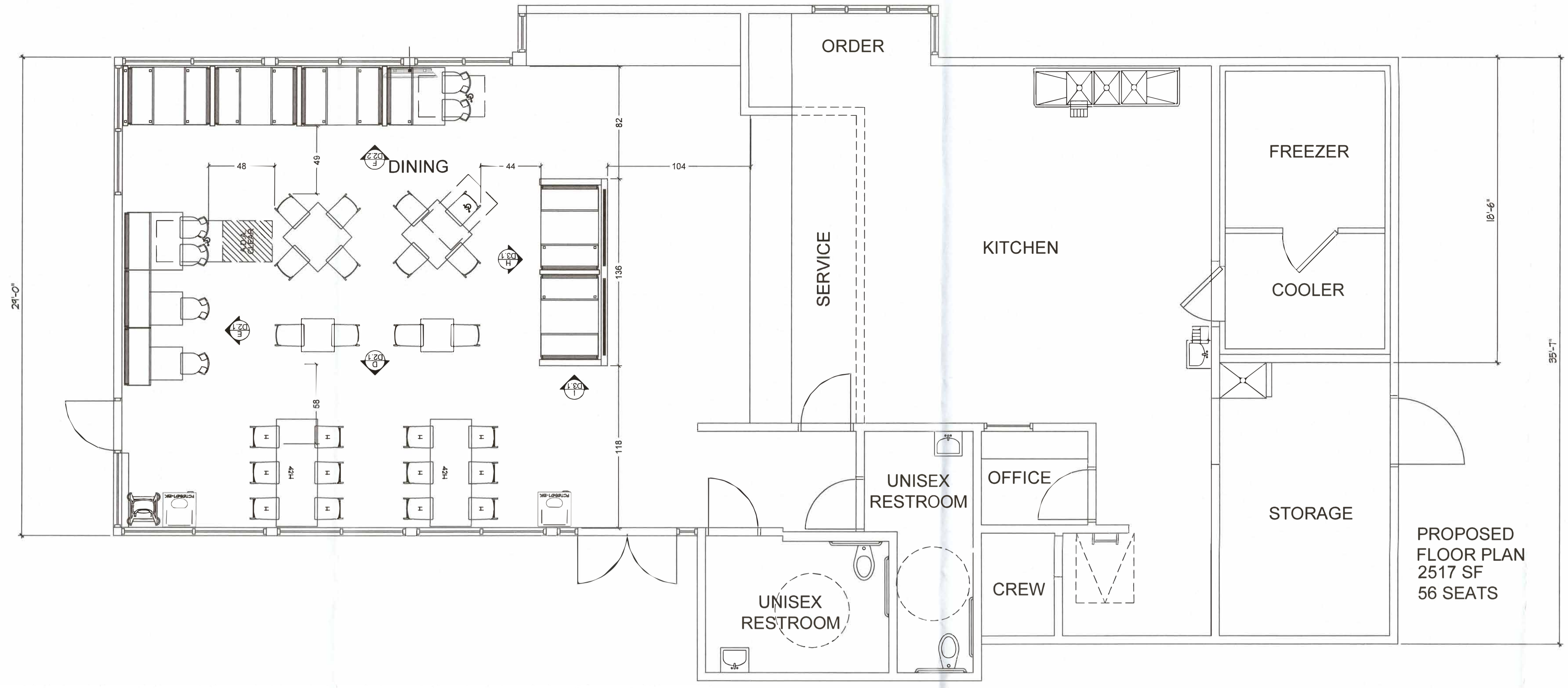
REVISIONS		
No.	Description	Date

SITE PLAN
BURGER KING RESTAURANT REMODEL
10014 PARAMOUNT BLVD.
DOWNEY, CA

DATE: **1-31-22**
 SCALE: _____
 JOB CAPTAIN: _____
 JOB NUMBER: _____

SHEET: **ST-1**
 PC Agenda Page 27

EXISTING SITE PLAN



PO BOX 1664
ANACORTES, WA 98221
(714) 856-1105

KATRINA RIDDLE
PROJECT MNGR
KATRINA@MJCDESIGNINC.COM

LANCE BROWN
ARCHITECT

STAMP:



SUBMITTAL DATE

PLANNING DEPT: .
BUILDING DEPT: .
ENGINEERING: .
SURVEY: .

REVISIONS		
No.	Description	Date

FLOOR PLAN
BURGER KING RESTAURANT REMODEL
10014 PARAMOUNT BLVD
DOWNEY, CA

DATE: **2-2-22**

SCALE: _____

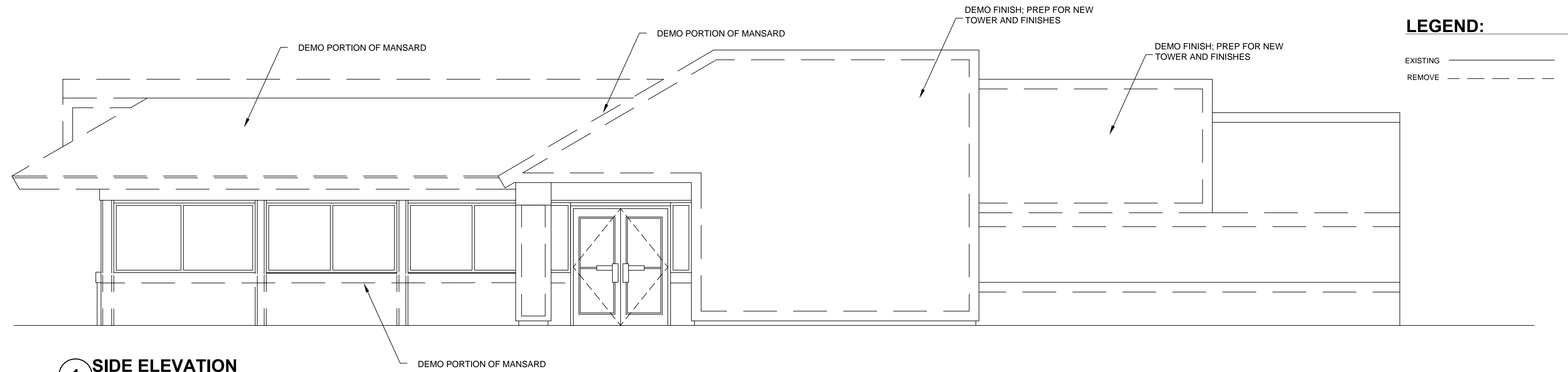
JOB CAPTAIN: _____

JOB NUMBER: _____

SHEET: _____

A-1





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



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(714) 856-1105

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PROJECT MGR
KATRINA@MJCDESIGNINC.COM

LANCE BROWN, AIA



SUBMITTAL DATE

PLANNING DEPT: _____
BUILDING DEPT: _____
ENGINEERING: _____
SURVEY: _____

REVISIONS		
No.	Description	Date

DEMO EXTERIOR ELEVATIONS
BURGER KING RESTAURANT REMODEL
10014 PARAMOUNT BLVD
DOWNEY, CA

DATE: **10-1-21**

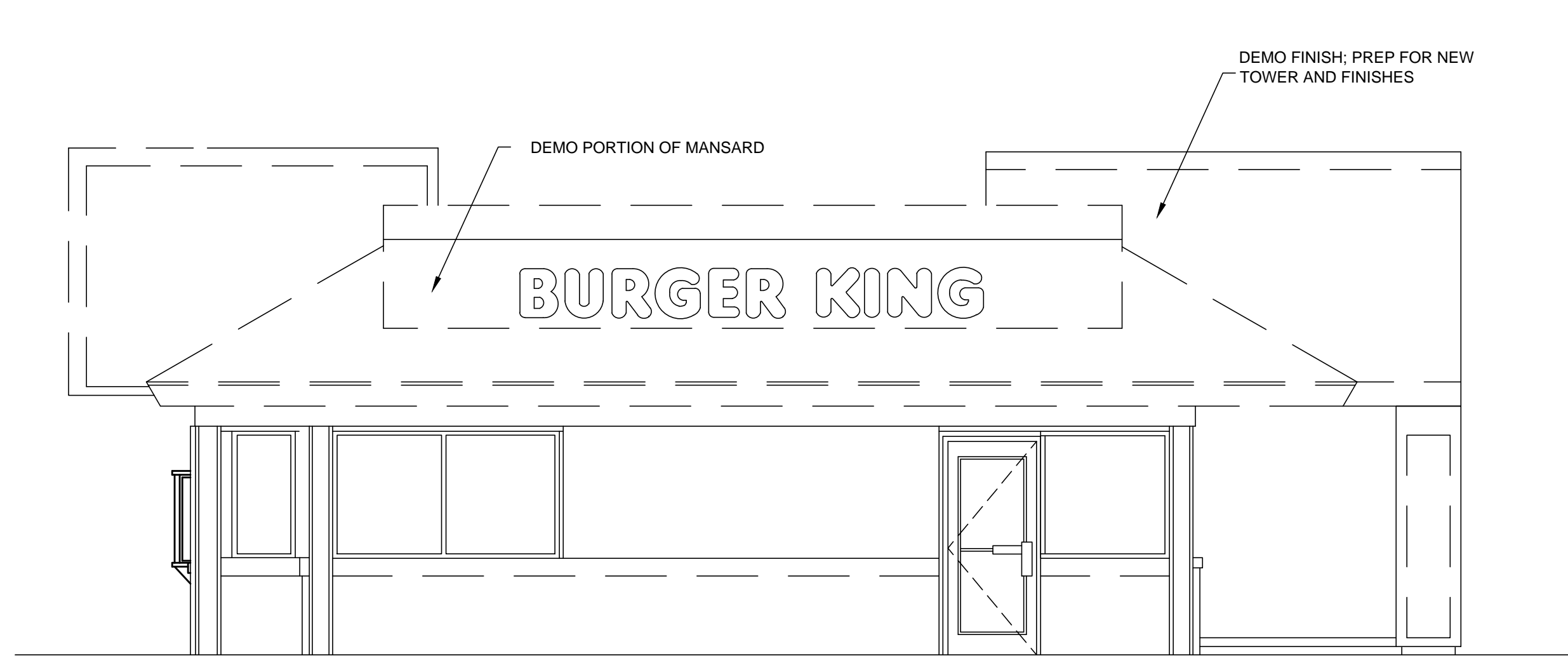
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JOB CAPTAIN: _____

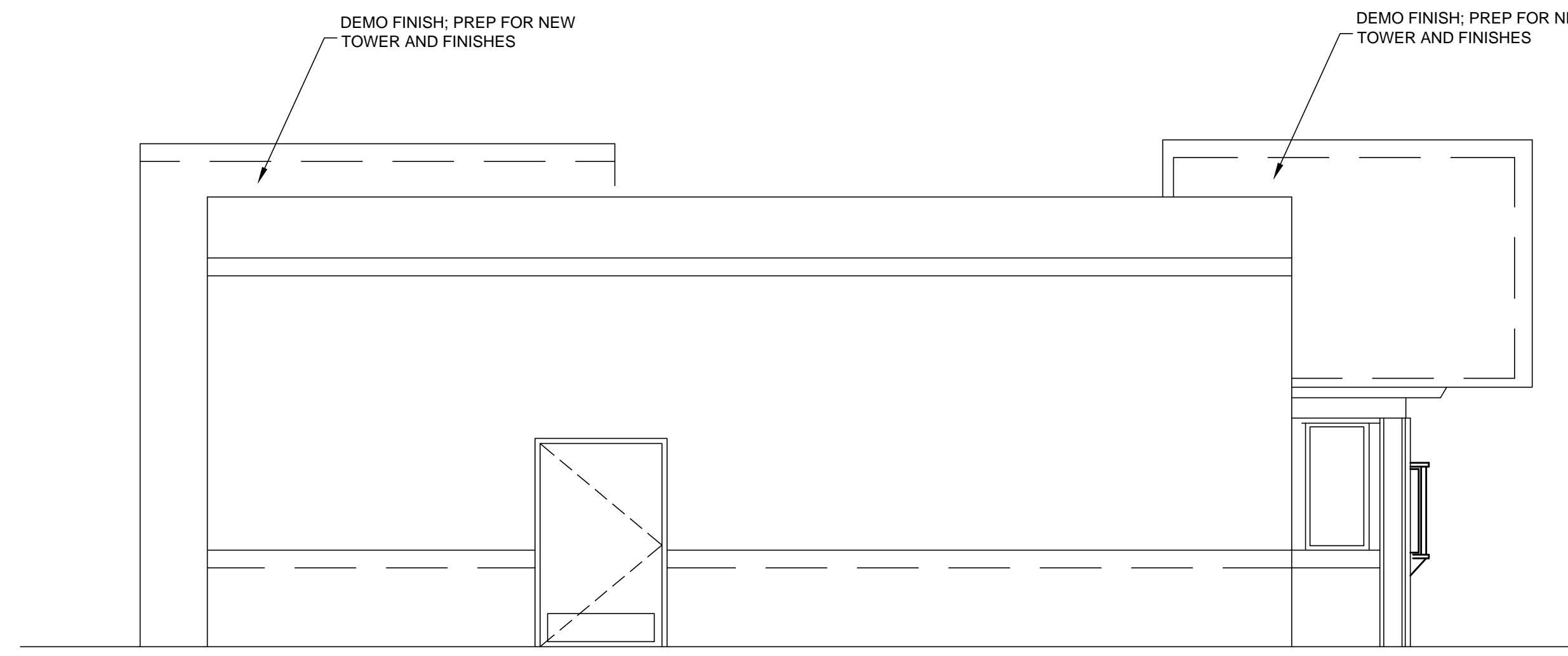
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SHEET:

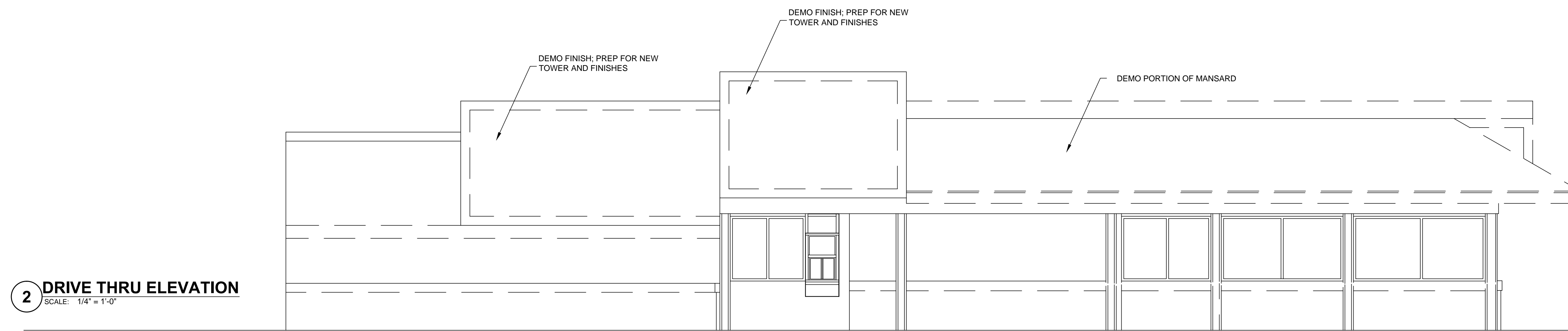
D-2



3 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



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



2 DRIVE THRU ELEVATION
SCALE: 1/4" = 1'-0"

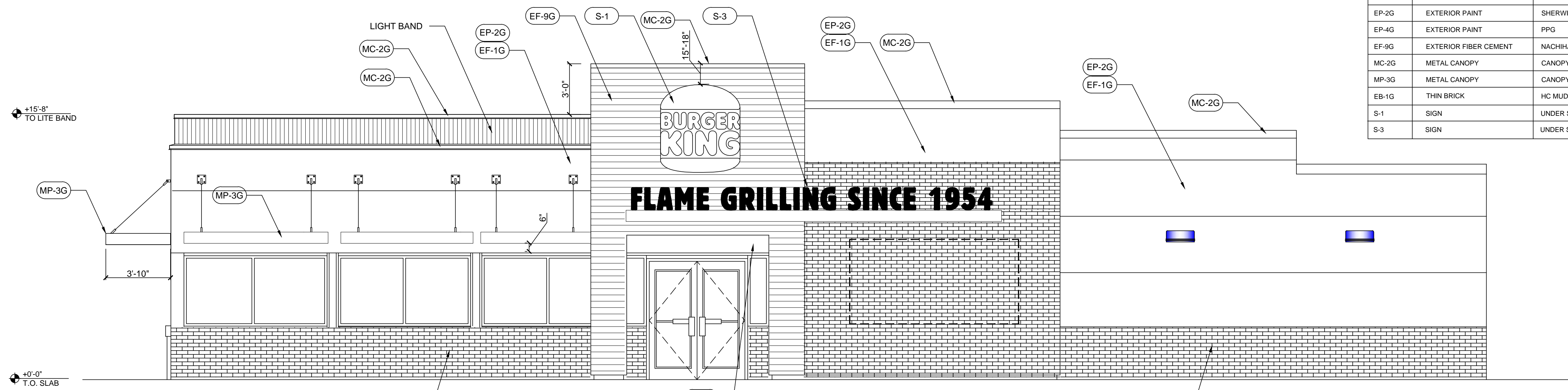


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STAMP:

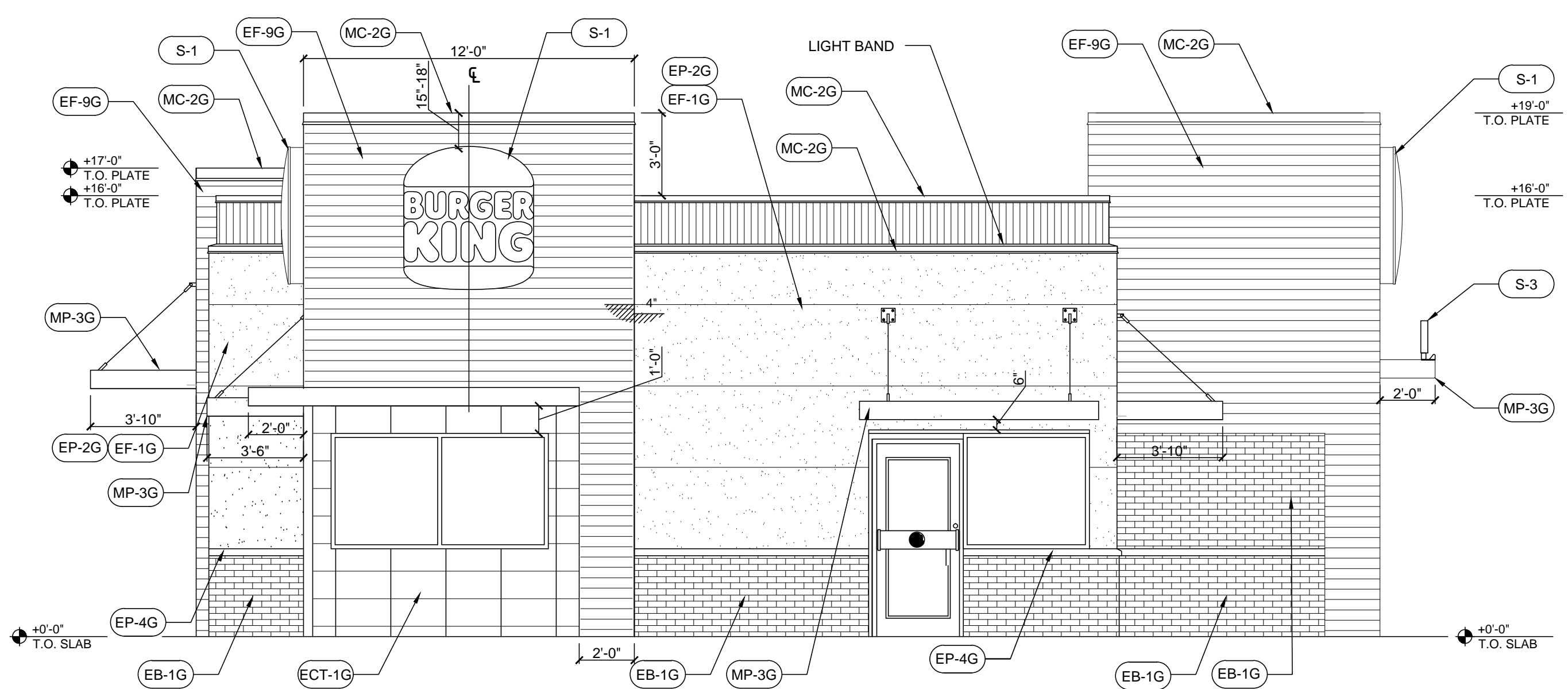
EXTERIOR FINISH SCHEDULE

CALLOUT	MATERIAL	MANUFACTURER	PRODUCT	COLOR
EF-1G	NEW STUCCO OVER (E) BRICK			
ECT-1G	CERAMIC TILE			NATURAL RED
EP-2G	EXTERIOR PAINT	SHERWIN WILLIAMS	SW 7633 LRV 36	TANNER TAUPE
EP-4G	EXTERIOR PAINT	PPG	6-2045KJ	MONTEREY CLIFFS
EF-9G	EXTERIOR FIBER CEMENT	NACHIHA FIBER CEMENT PANELS	VINTAGE WOOD EF762	CEDAR
MC-2G	METAL CANOPY	CANOPY SUPPLIER	WP HICKMAN SYSTEMS	SILVER
MP-3G	METAL CANOPY	CANOPY SUPPLIER	CUSTOM METAL CANOPY	CLEAR ANODIZED
EB-1G	THIN BRICK	HC MUDDOX BRICK		BK WEST COAST BLEND
S-1	SIGN	UNDER SEPARATE PERMIT		
S-3	SIGN	UNDER SEPARATE PERMIT		

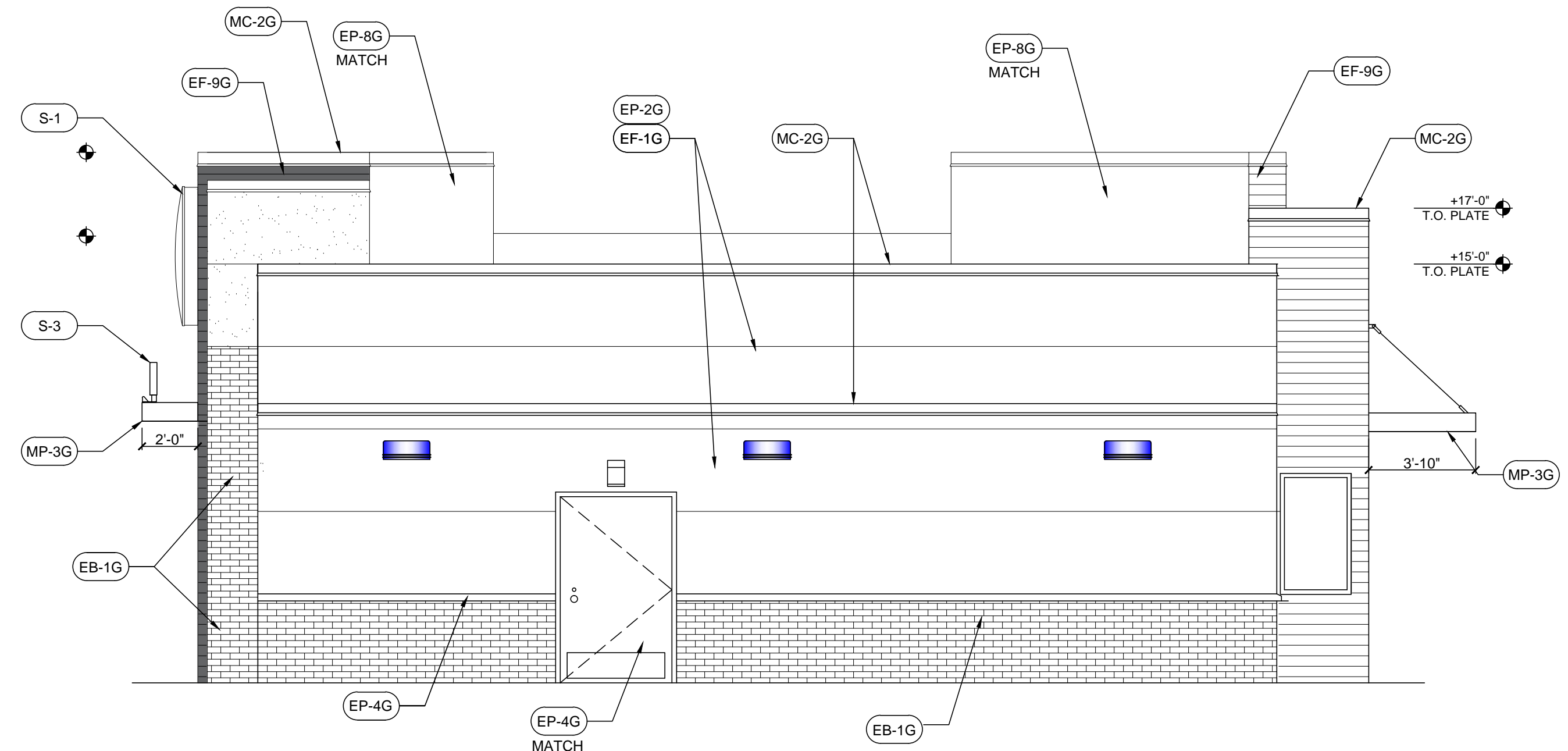


1 SIDE ELEVATION
SCALE: 3/16" = 1'-0"

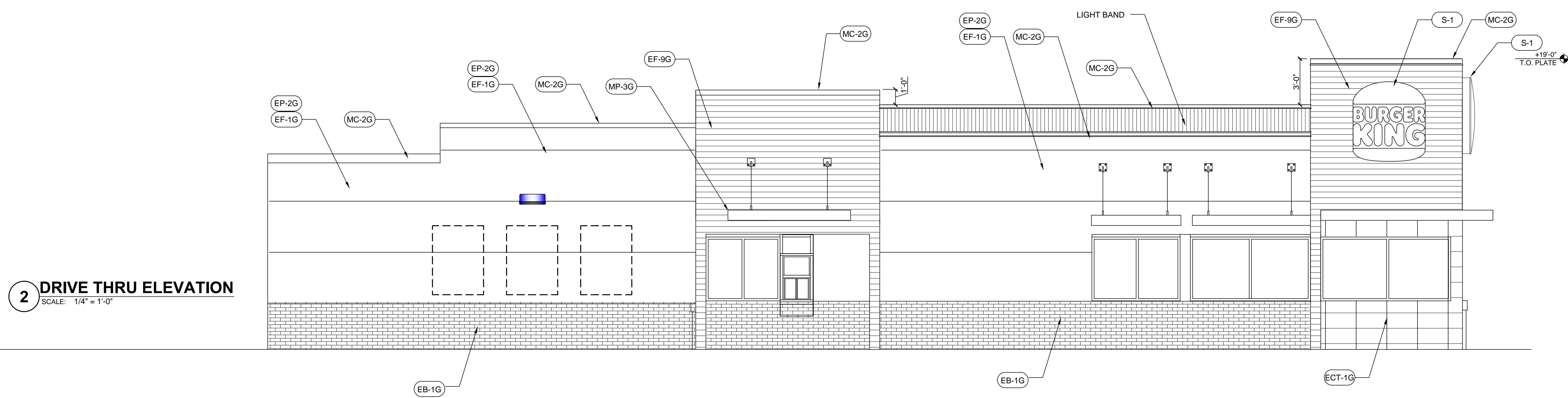
LEGEND:
EXISTING _____
REMOVE - - - - -



3 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



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



2 DRIVE THRU ELEVATION
SCALE: 1/4" = 1'-0"



SUBMITTAL DATE _____
PLANNING DEPT: _____
BUILDING DEPT: _____
ENGINEERING: _____
SURVEY: _____

REVISIONS		
No.	Description	Date

PROPOSED EXTERIOR ELEVATIONS
BURGER KING RESTAURANT REMODEL
10014 PARAMOUNT BLVD
DOWNEY, CA.

DATE: **10-1-21**
SCALE: _____
JOB CAPTAIN: _____
JOB NUMBER: _____

SHEET: **A-3**