



**PLEASE SEE ATTACHED SPECIAL NOTICE FOR INSTRUCTIONS ON VIRTUAL MEETING**

- I. **CALL TO ORDER: A REGULAR PLANNING COMMISSION MEETING - 6:30 P.M.**
- II. **ROLL CALL:** Commissioners Uva, Ortiz, 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-22-00034 (Site Plan Review, Conditional Use Permit, Variance)** **Approval**

Location: 11040 Downey Avenue

Request: A request to construct a 1<sup>st</sup> and 2<sup>nd</sup> floor addition (7,955 square feet) to an existing restaurant, including façade improvements, 1<sup>st</sup> and 2<sup>nd</sup> floor outdoor dining areas, live entertainment in the form of a DJ and Karaoke, off-site parking agreements, and valet service, and Variance to exceed the maximum height permitted within the required front step-back of the building, in conjunction with an existing restaurant with an ABC Type 47 (On-Sale General – Eating Place), on property located at 11040 Downey Avenue, and zoned DDSP (Downtown Downey Specific Plan).

CEQA: Categorical Exemption – Section 15332 (Class 32, Infill Development)

Staff: Principal Planner Guillermo Arreola

Contact: [garreola@downeyca.org](mailto:garreola@downeyca.org)  
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- 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. 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, August 17, 2022 at 6:30 pm, at Downey City Hall, 11111 Brookshire Avenue, Downey, CA. 90241.

**NOTICE: SECTION 9806 – APPEALS**

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

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

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

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



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

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

**I Guillermo Arreola, Principal Planner, 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 29<sup>th</sup> day of July, 2022

*Alfonso Hernandez*

Alfonso Hernandez  
Senior Planner



**DATE:** AUGUST 3, 2022

**TO:** PLANNING COMMISSION

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

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

**SUBJECT:** **PLN-22-00034 – SITE PLAN REVIEW, CONDITIONAL USE PERMIT, AND VARIANCE –FAÇADE IMPROVEMENTS, ADDITION, OUTDOOR SEATING AREAS, LIVE ENTERTAINMENT IN THE FORM OF A DISC JOCKEY AND KARAOKE, OFF-SITE PARKING AGREEMENT AND VALET SERVICE, AN ARCHITECTURAL FEATURE TO EXCEED THE MAXIMUM HEIGHT ALLOWED WITHIN THE FRONT STEPBACK, AND RESCIND RESOLUTION NO. 15-2953.**

**LOCATION:** 11040 DOWNEY AVENUE

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

**REPORT SUMMARY**

The applicant requests approval of a Site Plan Review Application to remodel an existing restaurant building, which includes façade improvements, a 2,603 square foot 1<sup>st</sup> floor addition with outdoor seating to the rear, and a 5,352 square foot, second-story addition with an outdoor seating area. The request also includes a Conditional Use Permit to allow live entertainment, in the form of a disc jockey and karaoke, in conjunction with the existing restaurant and Department of Alcoholic Beverage Control Type 47 license (On-Sale General - Eating Place). Lastly, the request includes a Variance request to exceed the maximum height of a building within the required front stepback to allow a 30-foot high glass elevator, that will become the focal architectural element of the building. As a matter of clear record keeping, Resolution 15-2953 will be rescinded as it reflects the operation of a prior restaurant that is not consistent with the new restaurant operations and includes conditions that would not be reflective of the current proposal. If approved, the proposed Resolution for PLN-22-00034 will incorporate appropriate conditions for the new proposed use and expansion.

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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING (PLN-22-00034), A SITE PLAN REVIEW, THEREBY ALLOWING FAÇADE IMPROVEMENTS, SECOND STORY**

**AND FIRST STORY ADDITIONS, AND FIRST AND SECOND FLOOR OUTDOOR SEATING AREAS, A CONDITIONAL USE PERMIT TO ALLOW LIVE ENTERTAINMENT IN THE FORM OF A DISC JOCKEY AND KARAOKE, AND A VARIANCE TO ALLOW A GLASS ELEVATOR TO EXCEED THE MAXIMUM ALLOWABLE HEIGHT WITHIN THE FRONT STEPPACK, AND RESCIND RESOLUTION NO. 15-2953 (PLN-22-00034), LOCATED AT 11040 DOWNEY AVENUE, ZONED DOWNTOWN DOWNEY SPECIFIC PLAN (DDSP)**

**BACKGROUND**

The subject site measures 8,716 square feet and is located at the northeast corner of Downey Avenue and 2nd Street. The site has a 67 ft. wide frontage on Downey Avenue and a 130ft. long frontage on 2nd Street. The subject site is improved with a 5,085 square foot building, which was originally used as a bank but was converted into a restaurant in 2015 through PC Resolution No. 15-2953. The building occupies the front half of the site, while the rear consists of an out-door seating area and on-site parking. The site has a General Plan Land Use Designation of Mixed Use and is within the Downtown Downey Specific Plan (DDSP) – Downtown Core District. The Specific Plan serves as the zoning regulations and standards for all properties within the boundaries of the plan area. Commercial buildings, including restaurants, retail, and offices, are located to the north, south east and west of the subject site, and are zoned. In addition, a 50-unit housing development, known as The Downey View, is located to the southeast of the subject site; it is also zoned DDSP.

On March 9, 2022, the applicant submitted the required land use entitlement applications for the project as described above. This application was deemed incomplete due to incomplete information on the project plans on April 7, 2022. The remaining information needed to complete the application was submitted to the City on July 13, 2022. Accordingly, staff deemed the application complete on July 19, 2022. Notice of the pending public hearing was published in the Downey Patriot and mailed to all property owners within 500' of the subject site on July 21, 2022.



Corner View of Existing Ola Restaurant

## DISCUSSION

### Site Improvements

The proposal entails the remodel and expansion of the existing building, which will include a 2,603 square foot 1st floor rear addition and a 5,352 square foot second story addition. The addition will expand the existing restaurant and reorganize the floor plan. The first-floor expansion will also include a trash enclosure area, a service elevator and three covered parking spaces, of which one is ADA accessible. Parking will be accessed by way of the existing alley. The front of the building will incorporate outdoor seating areas, on the first and second floor, the first floor seating area was issued an encroachment permit from the Public Works Department in 2015 which it will continue to utilize. The building expansion will include a landscape planter along the south property line to match the existing planter area.

### Floor Plan

The first floor addition will result in a reception area and stairwell at the front of the restaurant, along with a glass elevator at the southwest corner of the building. The existing kitchen area will be removed and relocated within the new addition area to the rear. The restrooms will also be relocated and located adjacent to one another along the north portion of the floor plan, whereas the current woman's and men's restrooms were located in different sections of the restaurant. The existing bar will be reconfigured to a rectilinear design. The first floor addition will also include additional seating areas, a second stairwell to the second floor, as well as a secondary service elevator, an electrical room, and a trash enclosure

The second floor will consist primarily of interior seating area, as well as an 853 square foot outdoor seating area terrace fronting Downey Avenue. The outdoor seating area will be separated from the indoor seating area by foldable doors. In addition, the second floor outdoor seating area is located so that it will be blocked by the building and prevent noises associated with the outdoor dining from emanating towards 2<sup>nd</sup> Street. Staff has added a condition of approval that requires the foldable doors to remain closed during live entertainment to further minimize the potential for noise impacts. The second floor will also include an additional reception area, women's and men's restroom facilities, a bar, and a secondary kitchen to provide quicker service to the second-floor dining area. The applicant has indicated that the second floor will provide a different menu than the first floor, however dining areas will operate as one restaurant.

### Façade Remodel



Front/West Elevation on Downey Avenue



Side/South Elevation on 2<sup>nd</sup> Street

The first-floor façade will retain the existing brick siding and include orange railing around the outdoor dining area. The proposed second floor, except for the glass elevator tower, will be set back 27-feet from the front property line. Within that space, an 853 square foot outdoor seating area is proposed. The second floor outdoor seating area will be surrounded by a glass panel railing. The second floor will include a gray stucco finish, with foldable glass doors separating interior dining area from the outdoor dining area. As with other projects that have included live entertainment and foldable windows/doors, staff has added a condition of approval that requires the foldable doors to remain closed during live entertainment. Highlighting the remodel/addition, will be a proposed 30-foot elevator tower, which will become a focal architectural element of the building, and will include glazing on all sides, with dark brown anodized framing. The south façade will retain the existing brick siding on the existing building and the addition will incorporate gray wood siding and two new windows, that will match the existing windows on this façade, and gray columns. The second floor includes windows flanked by gray stucco columns. Horizontal gray wood is proposed along the upper one-third of the windows, to match the proposed wood siding on the first floor. The east façade will include similar architectural elements proposed for the south elevation, which includes a gray stucco finish, horizontal wood siding, gray columns, and the rear service entry.

The Downtown Downey Specific Plan sets a maximum height for a building at 3-stories/45-feet. The proposed building restaurant building measures 30-feet in height. However, the code also requires that any portion of a building that exceeds 25-feet be setback at least 12-feet from the front property line. The second story will be setback approximately 27-feet from the front property line, except for the glass elevator tower and associated interior stairwell and landing, which will be built at the front property line, at a height of 30-feet, five feet higher than permitted. The General Plan seeks to promote the Downtown area as a destination point for entertainment, dining, civic, and other activities. It is anticipated that the glass elevator will become a unique, architectural feature of both the building and the Downtown area. The applicant is requesting a Variance to allow the elevator to exceed the maximum height of 25 feet, within 12 feet of the front property line. This requirement of the Specific Plan is intended to maintain a walkable scale within the downtown core as 25 ft. is the typical height of two-story structures. The requested Variance will remain consistent with the intent because the resulting structure will be a two-story building. The Variance will allow the elevator to exceed the height by 5 feet in order to allow clearance for mechanical equipment required at the top of the elevator tower along with decorative screening so that it can serve as an architectural element to compliment the overall building façade improvements.

### Parking

The DDSPP allows for off-site parking subject to the approval of a CUP by the Planning Commission. The applicant currently leases 28 parking spaces from Downey United Methodist Church, which is carried over from the previous restaurant use approved in 2015. The applicant proposes to continue utilizing these spaces through use of a valet system for guests. The Downey Municipal Code allows for attendant/valet parking subject to the approval of a CUP by the Planning Commission, and meeting the following requirements: 1) A parking space shall be permitted not less than 8 ft. in width nor less than 15 ft. in depth; 2) a 24 ft. driveway aisle shall be required to access 90-degree attendant/valet parking spaces; and 3) tandem parking may be permitted. The proposed valet system will utilize the leased spaces at the United Methodist Church parking lot which comply with the above stated parking requirements. A circulation plan has been included with the proposed plans and a proposed a turn-around time of approximately 3 minutes to and from the off-site parking lot and the subject site. The Valet Parking Route indicates that the pick-up/drop

area will be located on north side of 2nd Street, just east of the Downey Avenue. Valets will drive westbound on 2nd Street to New Avenue and will proceed to the Downey United Methodist Church parking lot. Staff has reviewed the proposed valet circulation plan and found it to be satisfactory.

The total new parking required for the restaurant, after the additional square footage and seating areas, will be 70 parking spaces. As noted, the applicant will provide 28 of these spaces through the off-site parking agreement, 3 covered spaces will be provided on-site, leaving 39 outstanding parking spaces required. The applicant has agreed to enter into a Parking Waiver Agreement with the City for those 39 parking spaces and will pay an annual fee for each of those spaces.

### Live Entertainment

The DDSP allows for live entertainment subject to approval of a CUP by the Planning Commission. The restaurant currently operates with an ABC Type 47 license, which allows the sale of alcohol for on-site consumption in conjunction with a restaurant. This type of ABC license does not require Planning Commission review; however, the applicant also proposes to provide live entertainment in form of a DJ and Karaoke, no dancing or live entertainment is proposed. The applicant has indicated that this music is meant to provide a lively ambiance to the restaurant. The applicant is not providing a fixed location for the proposed disc jockey, as the equipment associated with the DJ is reduced to a laptop. The disc jockey can set up the equipment anywhere in the restaurant; except in the outdoor seating areas. Additionally, singing karaoke will not require a stage, as the microphone will be passed from individual to individual at their respective tables. In order to reduce possible noise impacts, Staff has added a condition of approval that prohibits the playing of any music or allowing karaoke singers within the first and second floor outdoor seating areas, and the doors leading to the outdoor dining area are to remain closed during live entertainment and karaoke. The applicant has indicated that dancing will not be allowed, therefore staff has also added a condition of approval that prohibits dancing.

The applicant originally proposed hours of operation for the restaurant to be Monday - Friday, 7:00 am to 2:00 am, Saturday - Sunday, 8:00 a.m. to 2:00 a.m. with live entertainment proposed between 6:00 pm until 1:00 am, daily. However, staff recommends consistency with the hours of operation applied to other businesses within the downtown area. The attached Resolution sets the hours of operation as Sunday – Wednesday, 7:00 am to 12:00 am, and Thursday - Saturday, 8:00 am to 2:00 am. Live entertainment will be permitted from 6:00 pm to 30 minutes before closing daily. The Police Department reviewed and tentatively approved the proposed security plan. The proposed security plan provides the following security staff schedule:

- Sunday – Wednesday: 2 security guards from 6:00 p.m. to 12:00 a.m.
- Thursday – Saturday: 5 security guards from 6:00 p.m. to 2:00 a.m.

The applicant proposed 58 security cameras installed throughout the restaurant and readily accessible by the General Manager. The restaurant will operate per the security protocols outlined in the proposed Downey Police Department approved security plan. The Police Department has indicated that they would like to inspect the restaurant prior to a Certificate of Occupancy to confirm that the proposed security plan is adequate for the proposed restaurant expansion and live entertainment. This condition has been added to the proposed Resolution.



## **DEVELOPMENT REVIEW COMMITTEE**

On March 9, 2022, the Development Review Committee (DRC) discussed and evaluated the project as it pertains to Planning, Police, Fire, Public Works, and Building and Safety matters. The Police Department requested that the applicant provide a Security Plan, which the Department has tentatively approved, pending a final walk-through prior to the Certificate of Occupancy. The Fire Department required an elevator design sufficient to accommodate emergency medical transport equipment. The applicant has provided a secondary elevator that complies with this requirement. The Building and Public Works Departments provided standard conditions of approval. 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. 15332 (Class 32, Infill Development). 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 32 exemptions consist of projects that involve infill development within urban areas and have negligible environmental impacts.

## **FINDINGS**

Pursuant to Municipal Code Section 9820, there are seven (7) findings that must be adopted prior to approving a Site Plan review. The findings are as follows:

### **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 proposed expansion of the existing restaurant in the Downtown Downey area is consistent with the policies and programs established in the General Plan for the Downtown Downey area, as stated below:

*Policy 1.2.2.1. Promote the downtown area as a destination point for entertainment, dining, civic, and other activities.*

*Program 1.1.5.3. Promote Downtown Downey as a destination draw for entertainment and dining uses.*

*Goal 2.5. Minimize the impacts from the lack of parking.*

*Goal 8.1. Promote quality design for new, expanded and remodeled construction*

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

The proposed first and second story expansion will continue to promote the downtown area as a destination point for entertainment, dining, civic and other activities. The proposed remodel and façade improvements will contribute to the high-quality design in the downtown core and continue to promote high quality architectural design throughout the downtown. The proposed off-site vehicular circulation plans for off-site parking associated with the proposed valet service, as well as the parking waiver agreement, provide all required parking spaces required of the restaurant expansion.

**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 proposed restaurant expansion includes two outdoor dining areas, and maintenance of an existing Alcoholic Beverage Control (ABC) Type 47 (On-Sale General, Eating Place) license. The subject property is zoned Downtown Downey Specific Plan (DDSP) – Downtown Core. The DDSP - Downtown Core is intended to create a vibrant, pedestrian-oriented downtown with a mix of uses with unique walkable shopping, dining, and living experience. The project is in accordance with the purposes and objectives of the DDSP - Downtown Core because the proposed restaurant expansion complies with the development standards of the DDSP – Downtown Core, is appropriate for the zoning designation; the architectural design of the façade remodel and additions to the building will complement the existing building and area, as well as incorporate exterior building materials that are commonly used for commercial construction and on the existing building; and the expanded restaurant will create an attractive building and contribute to the revitalization of the downtown area.

**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 additions to the existing restaurant will maintain some of the buildings key features, such as the west façade prominent overhang and the brick siding. The addition to the building will incorporate complementary architectural features, such as gray stucco finish, horizontal fiber cement siding, orange railing along the first floor outdoor seating area to complement the orange window surrounds along the south elevation, and a significant number of windows along the second floor, to match the glass elevator tower. As such, the proposal, as conditioned, will integrate harmoniously and enhance the character and design of the site and the immediate downtown neighborhood.

**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 proposed restaurant expansion increases the required parking to 70 spaces. The proposed expansion will provide for three on-site parking spaces, of which one is ADA accessible. The Applicant previously entered into a lease agreement with Downey United Methodist Church for 28 off-site parking spaces, located at 10801 Downey Avenue. The drop-off/pick-up will be provided at the corner of Downey Avenue and Second Street, just east of Downey Avenue, using the valet service circulation plan. The circulation plan has been reviewed and approved by the Public Works Department. Off-site parking spaces are to be accessible by valet staff only. The Applicant will address the remaining 39 outstanding parking spaces by entering into a Parking Waiver Agreement with the City and pay the corresponding yearly fee.

As stated previously, the proposed expansion of the restaurant complies with the development standards of the DDSP – Downtown Core. The first-floor outdoor seating area will be enclosed by decorative, orange tubular railing, the placement of which will be required to maintain ADA accessibility for all surrounding public right-of-way areas.

The proposed façade remodel will improve the aesthetics by incorporating quality architectural materials to contribute to the enhancement of the Downtown Core.

**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 façade improvement will add complementary architectural features, such as prominent glazing, outdoor seating areas along the first and second floors, decorative horizontal wood siding along the south and east elevations, and a unique glass elevator tower at the southwest corner of the building. The proposed improvements do not mimic other façades in the area that could lead to monotony. The proposed improvements are intended to complement and upgrade the architecture in the area.

**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 addition and façade improvements will improve the architectural landscape of the Downtown Core by adding complementary architectural features, while maintaining some of the prominent existing features, such as the decorative overhangs along Downey Avenue and the existing brick siding along the west and south elevations. The proposed glass elevator will create a focal architectural feature to the building. The mix of materials to be incorporated into the new facades will create additional interest and add a new focal element to the existing corner.

**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.**

Conditions have been included in the approval resolution for the proposed addition to require graffiti resistant coating or similar features to prevent the creation of nuisances in the Downtown area. This is a standard condition for all new development that the proposed additions and façade improvements will be required to comply with.

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 currently operates as a restaurant with live entertainment. The restaurant is located within an active downtown commercial area that contains similar alcohol and live entertainment uses. Therefore, the project should not introduce a nuisance related to public convenience or general welfare to any nearby persons residing or working in the area. The recommended hours of operation will provide consistency with other restaurants in the downtown area. The project aims to diversify the amount of goods and services available to residents and patrons of city businesses. The following policies are promoted by the proposed CUP:

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

*Policy 1.2.2.1 – Promote the downtown area as a destination point for entertainment, dining, civic, and other activities.*

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

The proposed project promotes the above policy by expanding and potentially improving upon the already available restaurants with outdoor seating, and live entertainment found within the Downtown area. The project is conditioned to reduce the possible impacts associated with the live entertainment use. This will not only continue to provide, but will also expand, the type and amount of goods and services available to the nearby community and general public.

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

The proposed conditional use permit will not adversely affect the adjoining land uses since the proposed use conforms to the DDSP – Downtown Core development standards and other uses in the vicinity currently exist with similar uses. The proposed scope of work includes an expansion of the existing restaurant, first and second floor outdoor seating, a façade remodel, off-site parking agreement, valet service, and live entertainment in the form of a DJ and Karaoke. The proposed building expansion and remodel will not create alterations that would restrict future permitted uses from occupying the site. Nor will this application prohibit an existing use located within the nearby area from altering their operations or redeveloping their site. Therefore, the request is not anticipated to adversely affect adjacent commercial businesses, nor hinder the area’s potential for future growth and development. Nevertheless, conditions of approval have been incorporated to mitigate any potential issues related to the approval of this conditional use permit.

**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 size and shape of the site is generally adequate to accommodate the first and second story expansion of the existing restaurant. As proposed, the building expansion complies with the development standards of the Downtown Downey Specific Plan, with the exception of the elevator tower, which is addressed in the Variance findings. Improvement of the site will allow for three on-site parking spaces, of which one is ADA accessible, thus the applicant has an existing off-site parking agreement with a surrounding property for 28 off-site parking spaces. In addition, the applicant will be required to enter into a Parking Waiver Agreement with the City for 39 parking spaces. Approval of the project will address on-site and off-site parking, valet, and vehicular circulation issues. The building expansion will include complementary architectural features that will create a consistent modern design. Security guards are required as a part of this approval to ensure adequate safeguards are provided. 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.**

Occupancy for the site will increase due to the additional square footage associated with the expansion of the restaurant and outdoor seating. While the additional seating area is anticipated to generate additional traffic and is not anticipated to significantly impact the existing roadway system. The proposal provides a delineated vehicular circulation plan for valet services and off-site parking and valet services associated with the expansion of the restaurant. In addition, the use is common within active downtown areas and the existing infrastructure is built to accommodate these types of downtown uses. The existing transportation infrastructure and available public parking facilities are adequate to support the type and quantity of traffic generated by the proposed use.

Pursuant to Municipal Code Section 9826.08, there are six (6) findings that must be adopted prior to approving the Variance. The findings are as follows:

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

The site is currently improved with a restaurant use, which was built approximately seven-feet from the front property line. The Downtown Downey Specific Plan (DDSP) sets the maximum height of a storefront on Downey Avenue at 25-feet, and anything above that height must be setback 12-feet from the front property line. This development standard is intended to promote a walkable scale of buildings along Downey Avenue to ensure that buildings of three or more stories have an additional distance from Downey Avenue. The setback requirement encourages walkable scales to buildings within the Downtown Core. The addition and façade improvements will meet this intent. The remodel will include a second floor setback, to generate this intended scaling. The proposed glass elevator tower, and associated landing area exceeds the maximum allowable height by 5-feet (30-feet), but only for the purposes of the glass elevator and associated interior stairs and landing area. The glass elevator would provide a prominent architectural feature that not only serves the restaurant, but the Downtown area as a whole, which seeks to promote *Program 1.1.5.3. - Promote Downtown Downey as a destination draw for entertainment and dining uses, and Program 1.1.5.3. Promote Downtown Downey as a destination draw for entertainment and dining uses.* The project will serve not only as a functional feature, but an architectural focal point in the Downtown area. The subject site is located within a prominent corner of the Downtown Core and a prominent architectural feature would further enhance a sense of place within the Downtown Core.

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

The proposed deviation is for the installation of a functional element, that will also serve as an architectural feature to benefit the Downtown area as a whole. The primary building complies with the required step-back required by the Downtown Downey Specific Plan, and only the glass elevator and associated interior stairwell and landing exceed the maximum allowable height by 5-feet. The prominent glass elevator is a decorative feature that should be located at the front of a building, where the building is

only setback 7-feet from the front property line. The development standards is intended to prevent building structures from locating three stories adjacent to the pedestrian realm. The glass elevator will not increase the mass and bulk of a structure along the public right-of-way. In contrast, the elevator will add an architectural feature to enhance the area. The additional five feet will allow for a functional elevator element with necessary mechanical and electrical appurtenances, as well as appropriate screening. The strict adherence to the 25 ft. height maximum would deprive the applicant of the ability to provide this functional focal feature as part of their Downtown Core façade improvement.

**C. That exceptional or extraordinary conditions or circumstances do not result from the actions of the applicant;**

The applicant is proposing to adaptively reuse and remodel an existing structure within the Downtown Core. They are working to find a balance between preserving the existing character of the Downtown and modernizing the design to revitalize and enhance the characteristics of Downtown Downey. The applicant did not create the existing condition, rather they are attempting to find resolutions within the existing building envelope on the subject site. The elevator, by its nature, requires accommodations for the mechanical equipment required for its basic functionality. The elevator will require five additional feet in height to provide clearance for the required equipment and landing area. This is not a condition that the applicant created.

**D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same vicinity and zone in which the property is located;**

The glass elevator will not only serve as a functional element of the building, but also as a prominent architectural feature that can also serve as a draw to the Downtown area. The site, as well as other properties on Downey Avenue are allowed a 0-foot setback at the front property line. The DDSP allows buildings up to 25-feet in height at the front property line, and any portion that exceeds that height must be set back at least 12-feet. As the building was constructed approximately 7-feet from the front property line, the 2<sup>nd</sup> floor addition respects the stepback requirement, with the second-floor setback 27-feet from the front property line, with only the glass elevator and associated stairwell and landing, exceeding the maximum height by only 5-feet. The additional five feet allow for functionality of the elevator feature and appropriate screening. This maintains the intent of the DDSP as the building itself will maintain the required stepback which only the architectural element, the elevator, will minimally exceed the height requirement.

**E. That the granting of such variance will be in harmony and not adversely affect the General Plan of the City; and**

The subject site has General Plan Land Use designation of Mixed Use. The proposed improvement of the site is consistent with the following General Plan Programs and Policies:

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

*Policy 1.2.2.1 – Promote the downtown area as a destination point for entertainment, dining, civic, and other activities;*

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

The project is designed to comply with the development standards of the DDSP, and while the glass elevator exceeds the maximum height limit allowed, the glass elevator is tastefully designed and not only becomes a unique, architectural feature on the building, but can become a catalyst to Downtown Downey becoming a destination point for entertainment and dining activities. The overall addition and façade improvements on the subject site comply with the DDSP development standards and meet the goals of the Downtown Core. The height deviation will not apply to the building structure, only the elevator feature which has been designed to act as a focal feature so the building is still in compliance with the goals of the DDSP.

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

The proposed improvements all comply with the required development standards set forth in the Downtown Downey Specific Plan, with the exception of the of the request to deviate from the height maximum to allow a glass elevator and associated interior stairwell and landing to exceed the maximum height allowed by 5-feet within the required 12-foot setback. Allowing the minor deviation would make possible the reasonable use of the land, existing building, or structure.

### **CORRESPONDENCE**

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

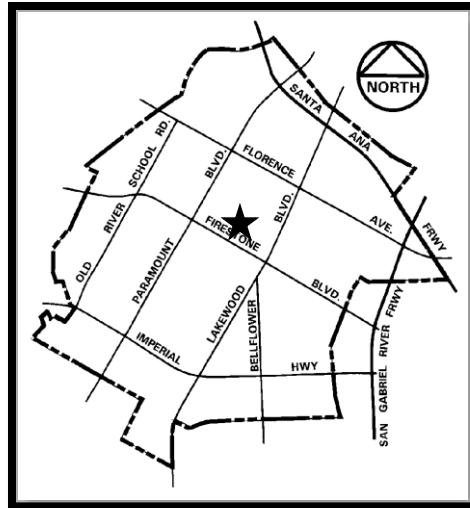
### **CONCLUSION**

Based on the analysis contained within this report, it is recommended that the Planning Commission approve Permit (PLN-22-00034), thereby allowing the 7,955 square foot, two-story expansion of the existing restaurant, two outdoor dining areas, live entertainment in the form of a disc jockey and karaoke, and off-site parking agreement and valet service.

### **EXHIBITS**

- A. Maps
- B. Draft Resolution
- C. Resolution No. 15-2953
- D. Project Plans

**EXHIBIT A**

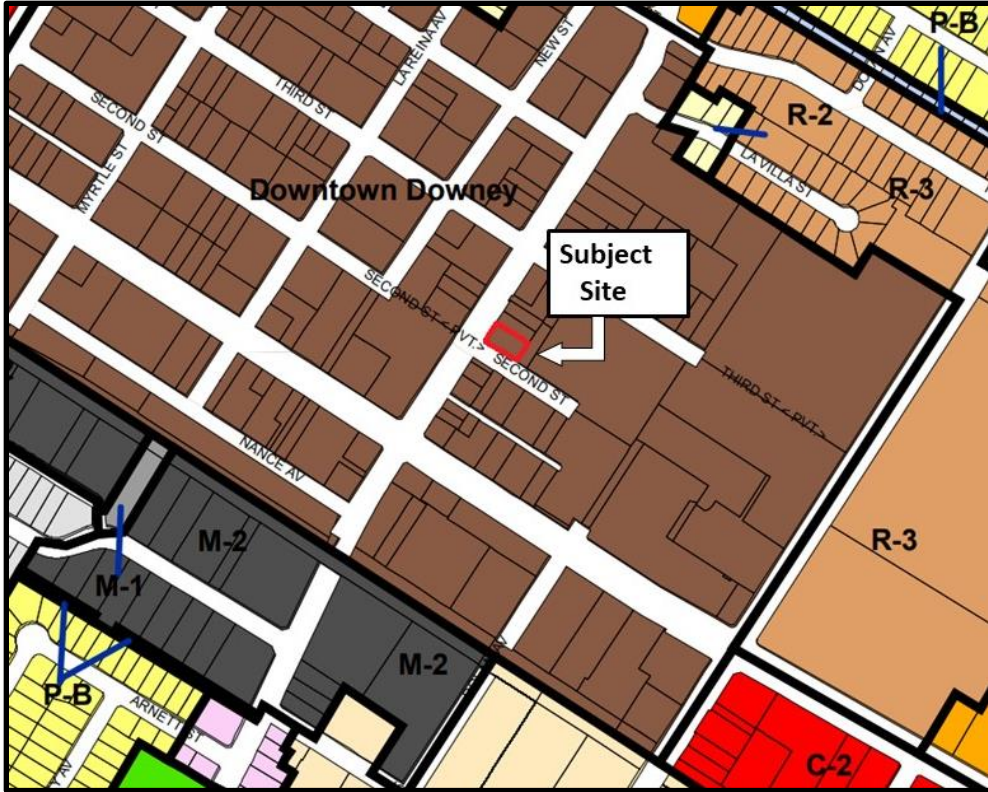


**LOCATION MAP**



**AERIAL PHOTOGRAPH**





ZONING MAP

**RESOLUTION NO. 22-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING (PLN-22-00034), A SITE PLAN REVIEW, THEREBY ALLOWING FAÇADE IMPROVEMENTS, SECOND STORY AND FIRST STORY ADDITIONS, AND FIRST AND SECOND FLOOR OUTDOOR SEATING AREAS, A CONDITIONAL USE PERMIT TO ALLOW LIVE ENTERTAINMENT IN THE FORM OF A DISC JOCKEY AND KARAOKE, AND A VARIANCE TO ALLOW A GLASS ELEVATOR TO EXCEED THE MAXIMUM ALLOWABLE HEIGHT WITHIN THE FRONT STEPBACK, AND RESCIND RESOLUTION NO. 15-2953 (PLN-22-00034), LOCATED AT 11040 DOWNEY AVENUE, ZONED DOWNTOWN DOWNEY SPECIFIC PLAN (DDSP)**

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 18, 2015, the Planning Commission adopted Resolution No. 15-2953, to convert an existing office building into a restaurant and lounge with an ABC Type 47 License (On-Sale General, Eating Place), with a new, 2,653 square foot roof-top bar/lounge area, including live entertainment, an off-street parking agreement and valet parking; and
- B. On October 23, 2020, business ownership changed, and the restaurant was renamed Ola Restobar, and
- C. On March 9, 2022 an application was filed by Alejandro Ortiz, (hereinafter referred to as “the Applicant”), requesting approval of a Conditional Use Permit, Site Plan Review, and Variance (PLN-22-00034) for façade improvements, an addition, outdoor seating areas, live entertainment in the form of a DJ and Karaoke, an off-site parking agreement and valet service, a Parking Waiver Agreement for 39 spaces, and a variance to deviate from the maximum height requirement within the front setback of a building, in conjunction with an existing restaurant with an ABC Type 47 license (On-Sale General Eating Place) located at 11002 Downey Avenue, and zoned DDSP (Downtown Downey Specific Plan); and,
- D. On April 7, 2022, the application was deemed incomplete due to incomplete information.
- E. On July 12, 2022, the applicant submitted the remaining information and the application was deemed complete on July 19, 2022; and,
- F. On July 21, 2022, a 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; and,
- G. On August 3, 2022, the Planning Commission held a duly noticed public hearing, and, after fully considering all oral and written testimony and facts and opinions offered at aforesaid public hearing, adopted this resolution.

**SECTION 2.** The proposed Conditional Use Permit, Site Plan Review, and Variance were reviewed for compliance with the California Environmental Quality Act (CEQA). Upon completion of this review, the proposed remodel and land use were determined to be exempt from CEQA pursuant to Section 15332 (Class 32, In-fill Development Projects), which have been determined not to have a significant effect on the environment. A Class 32 exemption consists of projects that involve infill development within urban areas, have a negligible environmental impact, and can be adequately served by all public utilities and services.

**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 proposed expansion of the existing restaurant in the Downtown Downey area is consistent with the policies and programs established in the General Plan for the Downtown Downey area, as stated below:

*Policy 1.2.2.1. Promote the downtown area as a destination point for entertainment, dining, civic, and other activities.*

*Program 1.1.5.3. Promote Downtown Downey as a destination draw for entertainment and dining uses.*

*Goal 2.5. Minimize the impacts from the lack of parking.*

*Goal 8.1. Promote quality design for new, expanded and remodeled construction*

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

The proposed first and second story expansion will continue to promote the downtown area as a destination point for entertainment, dining, civic and other activities. The proposed remodel and façade improvements will contribute to the high-quality design in the downtown core and continue to promote high quality architectural design throughout the downtown. The proposed off-site vehicular circulation plans for off-site parking associated with the proposed valet service, as well as the parking waiver agreement, provide all required parking spaces required of the restaurant expansion.

- 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 proposed restaurant expansion includes two outdoor dining areas, and maintenance of an existing Alcoholic Beverage Control (ABC) Type 47 (On-Sale General, Eating Place) license. The subject property is zoned Downtown Downey Specific Plan (DDSP) – Downtown Core. The DDSP - Downtown Core is intended to create a vibrant, pedestrian-oriented downtown with a mix of uses with unique walkable shopping, dining, and living experience. The project is in accordance with the purposes and objectives of the DDSP - Downtown Core because the proposed restaurant expansion complies with the development standards of the DDSP – Downtown Core, is appropriate for the zoning designation; the architectural design of the façade remodel and additions to the building will complement the existing building and area, as well as incorporate exterior building materials that are commonly used for commercial construction and on the existing building; and the expanded restaurant will create an attractive building and contribute to the revitalization of the downtown area.

- 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 additions to the existing restaurant will maintain some of the buildings key features, such as the west façade prominent overhang and the brick siding. The addition to the building will incorporate complementary architectural features, such as gray stucco finish, horizontal fiber cement siding, orange railing along the first floor outdoor seating area to complement the orange window surrounds along the south elevation, and a significant number of windows along the second floor, to match the glass elevator tower. As such, the proposal, as conditioned, will integrate harmoniously and enhance the character and design of the site and the immediate downtown neighborhood.
- 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 proposed restaurant expansion increases the required parking to 70 spaces. The proposed expansion will provide for three on-site parking spaces, of which one is ADA accessible. The Applicant previously entered into a lease agreement with Downey United Methodist Church for 28 off-site parking spaces, located at 10801 Downey Avenue. The drop-off/pick-up will be provided at the corner of Downey Avenue and Second Street, just east of Downey Avenue, using the valet service circulation plan. The circulation plan has been reviewed and approved by the Public Works Department. Off-site parking spaces are to be accessible by valet staff only. The Applicant will address the remaining 39 outstanding parking spaces by entering into a Parking Waiver Agreement with the City and pay the corresponding yearly fee.

As stated previously, the proposed expansion of the restaurant complies with the development standards of the DDSP – Downtown Core. The first-floor outdoor seating area will be enclosed by decorative, orange tubular railing, the placement of which will be required to maintain ADA accessibility for all surrounding public right-of-way areas. The proposed façade remodel will improve the aesthetics by incorporating quality architectural materials to contribute to the enhancement of the Downtown Core.

- 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 façade improvement will add complementary architectural features, such as prominent glazing, outdoor seating areas along the first and second floors, decorative horizontal wood siding along the south and east elevations, and a unique glass elevator tower at the southwest corner of the building. The proposed improvements do not mimic other façades in the area that could lead to monotony. The proposed improvements are intended to complement and upgrade the architecture in the area.
- 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 addition and façade improvements will improve the architectural landscape of the Downtown Core by adding complementary architectural features, while maintaining some of the prominent existing features, such as the decorative overhangs along Downey Avenue and the existing brick siding along the west and south elevations. The proposed glass elevator will create a focal architectural feature to the building. The mix of materials to be

incorporated into the new facades will create additional interest and add a new focal element to the existing corner.

- 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. Conditions have been included in the approval resolution for the proposed addition to require graffiti resistant coating or similar features to prevent the creation of nuisances in the Downtown area. This is a standard condition for all new development that the proposed additions and façade improvements will be required to comply with.

**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 Article IX of the Downey Municipal Code 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 currently operates as a restaurant with live entertainment. The restaurant is located within an active downtown commercial area that contains similar alcohol and live entertainment uses. Therefore, the project should not introduce a nuisance related to public convenience or general welfare to any nearby persons residing or working in the area. The recommended hours of operation will provide consistency with other restaurants in the downtown area. The project aims to diversify the amount of goods and services available to residents and patrons of city businesses. The following policies are promoted by the proposed CUP:

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

*Policy 1.2.2.1 – Promote the downtown area as a destination point for entertainment, dining, civic, and other activities.*

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

The proposed project promotes the above policy by expanding and potentially improving upon the already available restaurants with outdoor seating, and live entertainment found within the Downtown area. The project is conditioned to reduce the possible impacts associated with the live entertainment use. This will not only continue to provide, but will also expand, the type and amount of goods and services available to the nearby community and general public.

- B. The requested use will not adversely affect the adjoining land uses and the growth and development of the area in which it is proposed to be located. The proposed conditional use permit will not adversely affect the adjoining land uses since the proposed use conforms to the DDSP – Downtown Core development standards and other uses in the vicinity currently exist with similar uses. The proposed scope of work includes an expansion of the existing restaurant, first and second floor outdoor seating, a façade remodel, off-site parking agreement, valet service, and live entertainment in the form of a DJ and Karaoke. The proposed building expansion and remodel will not create alterations that would restrict future permitted uses from occupying the site. Nor will this application prohibit an existing use located within the nearby area from altering their operations or redeveloping their site. Therefore, the request is not anticipated to adversely affect adjacent commercial businesses, nor hinder the area's potential for future growth and development. Nevertheless, conditions of approval have been incorporated to mitigate any potential issues related to the approval of this conditional use permit.
- 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 size and shape of the site is generally adequate to accommodate the first and second story expansion of the existing restaurant. As proposed, the building expansion complies with the development standards of the Downtown Downey Specific Plan, with the exception of the elevator tower, which is addressed in the Variance findings. Improvement of the site will allow for three on-site parking spaces, of which one is ADA accessible, thus the applicant has an existing off-site parking agreement with a surrounding property for 28 off-site parking spaces. In addition, the applicant will be required to enter into a Parking Waiver Agreement with the City for 39 parking spaces. Approval of the project will address on-site and off-site parking, valet, and vehicular circulation issues. The building expansion will include complementary architectural features that will create a consistent modern design. Security guards are required as a part of this approval to ensure adequate safeguards are provided. 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. Occupancy for the site will increase due to the additional square footage associated with the expansion of the restaurant and outdoor seating. While the additional seating area is anticipated to generate additional traffic and is not anticipated to significantly impact the existing roadway system. The proposal provides a delineated vehicular circulation plan for valet services and off-site parking and valet services associated with the expansion of the restaurant. In addition, the use is common within active downtown areas and the existing infrastructure is built to accommodate these types of downtown uses. The existing transportation infrastructure and available public parking facilities are adequate to support the type and quantity of traffic generated by the proposed use.

**SECTION 5** Having considered all of the oral and written evidence presented to it at said public hearings regarding the Variance, the Planning Commission further finds, determines and declares that:

- A. That exceptional or extraordinary conditions or circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same vicinity and zone. The site is currently improved with a restaurant use, which was built approximately seven-feet from the front property line. The Downtown Downey Specific Plan (DDSP) sets the maximum height of a storefront on Downey Avenue at 25-feet, and anything above that height must be setback 12-feet from the front property line. This development standard is intended to promote a walkable scale of buildings along Downey Avenue to ensure that buildings of three or more stories have an additional distance from Downey Avenue. The stepback requirement encourages walkable scales to buildings within the Downtown Core. The addition and façade improvements will meet this intent. The remodel will include a second floor stepback, to generate this intended scaling. The proposed glass elevator tower, and associated landing area exceeds the maximum allowable height by 5-feet (30-feet), but only for the purposes of the glass elevator and associated interior stairs and landing area. The glass elevator would provide a prominent architectural feature that not only serves the restaurant, but the Downtown area as a whole, which seeks to promote *Program 1.1.5.3. - Promote Downtown Downey as a destination draw for entertainment and dining uses, and Program 1.1.5.3. Promote Downtown Downey as a destination draw for entertainment and dining uses.* The project will serve not only as a functional feature, but an architectural focal point in the Downtown area. The subject site is located within a prominent corner of the Downtown Core and a prominent architectural feature would further enhance a sense of place within the Downtown Core.
- B. That the literal interpretation of the provisions of this article would deprive the applicant of rights under the terms of this article commonly enjoyed by other properties in the same vicinity and zone in which the property is located. The proposed deviation is for the installation of a functional element, that will also serve as an architectural feature to benefit the Downtown area as a whole. The primary building complies with the required step-back required by the Downtown Downey Specific Plan, and only the glass elevator and associated interior stairwell and landing exceed the maximum allowable height by 5-feet. The prominent glass elevator is a decorative feature that should be located at the front of a building, where the building is only setback 7-feet from the front property line. The development standards is intended to prevent building structures from locating three stories adjacent to the pedestrian realm. The glass elevator will not increase the mass and bulk of a structure along the public right-of-way. In contrast, the elevator will add an architectural feature to enhance the area. The additional five feet will allow for a functional elevator element with necessary mechanical and electrical appurtenances, as well as appropriate screening. The strict adherence to the 25 ft. height maximum would deprive the applicant of the ability to provide this functional focal feature as part of their Downtown Core façade improvement.
- C. That exceptional or extraordinary conditions or circumstances do not result from the actions of the applicant. The applicant is proposing to adaptively reuse and remodel and existing structure within the Downtown Core. They are working to find a balance between preserving the existing character of the Downtown and modernizing the design to revitalize and enhance the characteristics of Downtown Downey. The applicant did not create the existing condition, rather they are attempting to find resolutions within the existing building envelope on the subject site. The elevator, by its nature, requires accommodations for the mechanical equipment required for its basic functionality. The

elevator will require five additional feet in height to provide clearance for the required equipment and landing area. This is not a condition that the applicant created.

- D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same vicinity and zone in which the property is located. The glass elevator will not only serve as a functional element of the building, but also as a prominent architectural feature that can also serve as a draw to the Downtown area. The site, as well as other properties on Downey Avenue are allowed a 0-foot setback at the front property line. The DDSP allows buildings up to 25-feet in height at the front property line, and any portion that exceeds that height must be set back at least 12-feet. As the building was constructed approximately 7-feet from the front property line, the 2<sup>nd</sup> floor addition respects the stepback requirement, with the second-floor setback 27-feet from the front property line, with only the glass elevator and associated stairwell and landing, exceeding the maximum height by only 5-feet. The additional five feet allow for functionality of the elevator feature and appropriate screening. This maintains the intent of the DDSP as the building itself will maintain the required stepback which only the architectural element, the elevator, will minimally exceed the height requirement.
- E. That the granting of such variance will be in harmony and not adversely affect the General Plan of the City. The subject site has General Plan Land Use designation of Mixed Use. The proposed improvement of the site is consistent with the following General Plan Programs and Policies:

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

*Policy 1.2.2.1 – Promote the downtown area as a destination point for entertainment, dining, civic, and other activities;*

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

The project is designed to comply with the development standards of the DDSP, and while the glass elevator exceeds the maximum height limit allowed, the glass elevator is tastefully designed and not only becomes a unique, architectural feature on the building, but can become a catalyst to Downtown Downey becoming a destination point for entertainment and dining activities. The overall addition and façade improvements on the subject site comply with the DDSP development standards and meet the goals of the Downtown Core. The height deviation will not apply to the building structure, only the elevator feature which has been designed to act as a focal feature so the building is still in compliance with the goals of the DDSP.

- F. That the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. The proposed improvements all comply with the required development standards set forth in the Downtown Downey Specific Plan, with the exception of the of the request to deviate from the height maximum to allow a glass elevator and associated interior stairwell and landing to exceed the maximum height allowed by 5-feet within the required 12-foot stepback. Allowing the minor deviation would make possible the reasonable use of the land, existing building, or structure.



**SECTION 6.** Based upon the findings set forth in Sections 1 and 5 of this Resolution, the Planning Commission of the City of Downey hereby approves the Conditional Use Permit, Site Plan Review and Variance (PLN-22-00034), 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 7.** The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 3<sup>rd</sup> day of August, 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 3<sup>rd</sup> day of August, 2022, by the following vote, to wit:

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

\_\_\_\_\_  
Linda \_\_\_\_\_,  
Deputy City Clerk

**SITE PLAN REVIEW AND CONDITIONAL USE PERMIT (PLN-22-00034)  
EXHIBIT A - CONDITIONS**

**PLANNING**

- 1) The approval of Site Plan Review, Conditional Use Permit and Variance (PLN-22-00034) allows façade improvements, a 2,603 square foot first story addition, a 5,352 square foot second story addition, two outdoor dining areas, live entertainment in the form of a DJ and Karaoke, an off-site parking agreement and valet service, and an elevator tower and associated interior stairwell and landing to exceed the maximum 25-foot height maximum within the front setback of the building, in conjunction with an existing restaurant and an ABC Type 47 license (On Sale General – Eating place).
- 2) Approval of PLN-22-00034 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) Resolution No. 15-2953 shall be rescinded in its entirety.
- 4) 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.
- 5) The subject site and restaurant operations shall remain in conformance with this application and the approved set of plans.
- 6) The City Planner is authorized to make minor modifications to the approved preliminary plans or any of the conditions if such modifications shall achieve substantially the same results as would strict compliance with said plans and conditions.
- 7) All conditions of approval set forth in this resolution shall be complied with before the Conditional Use Permit becomes valid.
- 8) The Planning Commission reserves the right to revoke or modify this CUP if any violation of the approved conditions occurs, or any violation of the Downey Municipal Code occurs.
- 9) The Planning Commission reserves the right to revoke or modify this CUP if harm or operational problems such as criminal or anti-social behavior occur. Examples of harmful or operation behaviors include, but not limited to, violence, public drunkenness, vandalism, solicitation and/or litter.
- 10) The 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.

- 11) 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.
- 12) 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.
- 13) 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.
- 14) 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.
- 15) The following organization has 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.
- 16) The permitted hours of operation shall be:  
Sunday – Wednesday: 7:00 a.m. to 12:00 a.m.  
Thursday – Saturday: 8:00 a.m. to 2:00 a.m.
- 17) Live entertainment hours of operation are permitted as follows:  
Sunday – Wednesday: 6:00 p.m. – 11:30 p.m.  
Thursday – Saturday: 6:00 p.m. – 1:30 p.m.

- 18) This establishment is also allowed to operate from 8:00 a.m. to 2:00 a.m. and provide live entertainment from 6:00 p.m. – 1:30 a.m. on the Sunday of a holiday weekend, where the holiday is on a Monday. These holidays are limited to Martin L. King’s Birthday, Presidents’ Day, Memorial Day, Labor Day, and Veteran’s Day.
- 19) Live entertainment shall cease thirty (30) minutes prior to closing.
- 20) “Last call” for alcohol purchases shall occur thirty (30) minutes prior to closing.
- 21) Customers shall not be within the business after the specified closing time.
- 22) 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 seating 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.
- 23) Food service shall be provided at all times alcohol is served.
- 24) Gross receipts for the establishment must reflect 50% of all sales is for food items.
- 25) All doors and windows shall be closed during live entertainment performances.
- 26) The business shall comply with the City of Downey’s noise ordinance, but in any case, no greater than 65 dBA as measured at the property line. Upon receiving complaints regarding noise levels, the Director of Community Development may order the preparation of a noise study. The City will hire a consultant to prepare a noise study, and said noise study shall be paid by the business owner. All mitigation measures identified in the noise study shall be implemented and become part of this Conditional Use Permit and shall have the force of conditions of approval.
- 27) Deliveries to the premises are prohibited between 10:00 P.M. and 7:00 A.M.
- 28) 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.
- 29) Cover charge for the admission to the business shall not be permitted at any time.
- 30) There shall be no hosted events or other form of pay-per-view events at this location.
- 31) The subject property, and adjacent 20 feet beyond each edge of the establishment on Downey Avenue and 2<sup>nd</sup> Street, must be maintained free of trash, litter, and debris at all times.
- 32) 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.

- 33) Any graffiti applied to the site shall be removed within 48 hours.
- 34) The owner/applicant shall not permit any loitering on the subject site.
- 35) All outdoor seating areas and encroachments into the public right-of-way must be in full compliance with Public Works ADA accessibility standards. Outdoor seating area must remain in compliance with active encroachment permit from the Department of Public Works.
- 36) A copy of this Resolution shall be maintained on the premises at all times. A copy of the Conditions of Approval 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.
- 37) All signs shall comply with the requirements set forth in the Downtown Downey Specific Plan and shall require separate permits.
- 38) Landscaping along the south property line shall be automatically irrigated and match the existing landscaping palette.
- 39) The applicant is required to participate in the Downtown Parking Credits Program to comply with the parking requirements of the restaurant use due to the lack of on-site parking. The agreement will be prepared by the City and must be signed and returned by the applicant prior to issuance of building permits.
- 40) A minimum of two (2) parking/valet attendants shall be located on the premises during business hours of the use on the subject site.

#### **BUILDING DEPARTMENT**

- 41) All construction shall comply with the most recent adopted City and State building codes:
  - a) 2019 California Building Code
  - b) 2019 California Electrical Code
  - c) 2019 California Mechanical Code
  - d) 2019 California Plumbing Code
  - e) 2019 California Fire Code
  - f) 2019 California Green Code
- 42) Special Inspections – As indicated by California Building Code Section 1704, the owner shall employ one or more special inspectors who shall provide special inspections when required by CBC section 1704. Please contact the Building Division at time of plan submittal to obtain application for special inspections.
- 43) The Title Sheet of the plans shall include:
  - a) Occupancy Group
  - b) Occupant Load

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- c) Description of Use
  - d) Type of Construction
  - e) Height of Building
  - f) Floor area of building(s) and/or occupancy group(s)
- 44) School impact fees shall be paid prior to permit issuance.
- 45) Dimensioned building setbacks and property lines, street centerlines and between buildings or other structures shall be designed on plot plan.
- 46) All property lines and easements must be shown on plot plan. A statement that such lines and easements are shown is required.
- 47) 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.
- 48) A design professional will be required at time of construction drawings, to prepare plans for proposed improvements per the Business and Professions' Code.
- 49) 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.
- 50) Restaurants and commercial kitchens shall have a grease trap or interceptor sized as required by the City of Downey's Public Works Department.
- 51) 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.

**POLICE**

- 52) Prior to selling alcoholic beverages, the owner/applicant shall obtain any and all required Police Department permits for this Conditional Use Permit.
- 53) 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 approval, as well as with any Police Permit and approved Security Plan.
- 54) Signs shall be posted at all entrances to the premises and business identifying a zero-tolerance policy for nuisance behavior at the premises. Signs shall also include verbiage prohibiting the possession and consumption of alcohol outside the premises.

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- 55) Signage on railing for outdoor seating area shall include a sign stating, "No alcohol beyond this point".
- 56) The owner/applicant shall not permit any loitering in front of the business.
- 57) A copy of this Resolution and any Police permit shall be prominently posted on the premises at all times. The applicant shall make available said copies upon request by any Police Officer or other City official charged with the enforcement of the City's laws, ordinances, or regulations.
- 58) The Licensee shall be responsible for monitoring the business to prevent anyone under the age of 21 from purchasing or consuming alcohol.
- 59) 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.
- 60) The restaurant shall not charge patrons a cover charge at any time.
- 61) Upon the determination by the Chief of Police that the operation of the business requires on-site security, the applicant shall submit and obtain approval of a 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 initial 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.
- 62) Phone numbers and/or websites for alternative transportation services (taxis, Uber and Lyft) shall be posted in a conspicuous location at all times in the area where alcohol is served to customers.
- 63) The business shall have security video cameras operating during all hours that the business is open. All cameras must record onto a videotape or similar recording device. The recordings of the security video cameras shall be maintained for a minimum period of 30 days, and the recordings must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras shall be located at the gas pump and parking lot areas and all areas of the cash register/cashier and where cash is stored. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the manager/owner of the business must comply with the request within 7 days. The Chief of Police can also require the position of the video cameras to be changed if it is determined that the position of the camera does not meet security needs. The manager/owner of the business must comply with the request within 7 days. The picture quality of the video cameras and recording devices installed on the complex must meet the approval of the Chief of Police.
- 64) The business shall be equipped with a panic/hold up alarm system. Employees shall have access to panic button(s) that will notify an alarm monitoring company of a robbery or other emergency at the location and who will in turn notify the Downey Police

Department of the emergency. The business manager/owner will obtain an alarm permit from the Downey Police Department.

- 65) The business shall be equipped with an alarm system that covers break-ins and robberies. The alarm must be monitored by an alarm monitoring company who will notify the Downey Police of any break-ins or robberies. Employees must have access to a hidden button that will trigger a silent alarm, notifying the alarm monitoring company that a robbery is taking place. The manager/owner will obtain an alarm permit from the Downey Police Department.

## **FIRE DEPARTMENT**

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

- 66) Deferred automatic fire sprinkler plan submittal required. Automatic fire sprinkler system design, installation, and testing shall be per NFPA 13D or 13R based on the building construction type, height, fire separation, etc., including elevator hoistway, if required. [CFC § 903.2; DMC 3317]
- 67) Project construction shall comply with requirements set forth in the CA Building Code for egress calculation, exit pathways, and discharge.
- 68) Elevator design shall be sufficient to accommodate emergency medical transport equipment. [DMC 3326] Elevator hoistway design and construction shall comply with requirements set forth on the California Building Code.

## **PUBLIC WORKS DEPARTMENT**

- 69) If applicable the owner/applicant shall install all new utilities underground.
- 70) 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.
- 71) 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.
- 72) 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).
- 73) The owner/applicant shall remove all Underground Service Alert (USA) temporary pavement markings immediately following the completion of the work / Final permit inspection.
- 74) The owner/applicant shall submit public improvement plan(s) of the outdoor dining area remodel in the public right-of-way for review and approval by Public Works Department prior to construction.



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- 75) The facility design must provide for refuse/recycle enclosure with roof cover (location, size). Grease interceptor with sewer and water hook-ups.
- 76) The owner/applicant shall provide that all construction graffiti created as part of this project in the public right of way to be removed.
- 77) 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.
- 78) 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.
- 79) If any hazardous material is encountered on the site, the owner/applicant shall secure an ID number from the EPA.
- 80) The owner/applicant shall deploy Best Management Practices during and after construction.
- 81) Paint property address numbers (4" height) on the curb face in front of the proposed development to the City's satisfaction.
- 82) The owner/applicant shall obtain all necessary plan approvals and permits.

**Utilities Division**

- 83) The owner/applicant shall provide that the standards of improvements, construction materials, and methods of construction shall be in conformance with the Standard Plans and Specification for Public Works Construction and as modified by the City of Downey's Standard Plans and Specifications.
- 84) The owner/applicant shall provide a fire sprinkler system(s) in accordance with Fires Department and Building and Safety standards. Should such update to the fire sprinkler system(s) require upgrade to the dedicated fire service lateral, such upgrade shall be constructed by the owner/applicant's appropriate licensed contractor in accordance with the latest Department of Public Works and Fire Department standards including upgrades to existing back flow devices, fire department connections and other appurtenances as required.
- 85) The owner/applicant shall upgrade and furnish domestic, and fire water backflow devices in accordance with the City of Downey standards and as required by the State and LA County Department of Public Health. Backflow devices shall be located on private property, and screened from view by providing sufficient landscaping.
- 86) Any upgrade to the existing backflow devices shall be certified in the field by a licensed LA County Department of Public Health certified tester prior to placing into service and such certification provided to City.

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- 87) The owner/applicant shall provide separate water improvement plan sets for review and approval consisting of the following:
  - a) Potable Water Improvement Plans (all City-owned potable water and fire service lateral improvements)
- 88) Final City approved potable water main improvement plans shall be submitted on mylars and shall be signed and stamped by a State of California licensed civil engineer. Improvement plans for potable main improvement shall be both plan and profile.
- 89) Obtain excavation permit from the Public Works Department for any utility improvements within the public right of way at least two weeks prior to commencing work. Contact Brian Aleman, Assistant Civil Engineer, at (562) 904-7110 for information.
- 90) If applicable, the owner/applicant is responsible for coordinating with and payment to the City and County Sanitation District of Los Angeles County for all new sanitary sewer connection and capacity charges.
- 91) Upon completion of public water and sewer improvements, owner/applicant shall submit red-lined (record drawings) construction plans to City of Downey noting all changes to the plan and profile of all water and sewer improvements installed. Such changes shall be incorporated into a final record drawing mylar(s) which shall be signed and stamped by the original engineer and/or architect of record and submitted to the City along with digital files (AutoCAD – latest edition).

**END OF CONDITIONS**

**Attachment A**

**Storm Water Pollution Control Requirements for Construction Activities  
Minimum Water Quality Protection Requirements for All Development Construction  
Projects/Certification Statement**

***The following is intended as an attachment for construction and grading plans and represent the minimum standards of good housekeeping which must be implemented on all construction sites regardless of size.***

- Eroded sediments and other pollutants must be retained on site and may not be transported from the site via sheetflow, swales, area drains, natural drainage courses or wind.
  - Stockpiles of earth and other construction related materials must be protected from being transported from the site by the forces of wind or water.
  - 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.
  - Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site.
  - 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.
  - Trash and construction related solid wastes must be deposited into a covered receptacle to prevent contamination of rainwater and dispersal by wind.
  - 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 swept up immediately and may not be washed down by rain or other means.
  - Any slopes with disturbed soils or denuded of vegetation must be stabilized so as to inhibit erosion by wind and water.
  - Other \_\_\_\_\_
- 

As the project owner or authorized agent of the owner, I have read and understand the requirements listed above, necessary to control storm water pollution from sediments, erosion, and construction materials, and I certify that I will comply with these requirements.

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

Project Address: \_\_\_\_\_

Print Name \_\_\_\_\_  
(Owner or authorized agent of the owner)

Signature \_\_\_\_\_ Date \_\_\_\_\_  
(Owner or authorized agent of the owner)

**RESOLUTION NO. 15-2953**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING PLN-15-00159 (SITE PLAN REVIEW AND CONDITIONAL USE PERMIT), TO CONVERT AN EXISTING 4,169 SQ. FT. OFFICE BUILDING INTO A RESTAURANT (CIELO RESTAURANT & LOUNGE), WITH AN ALCOHOLIC BEVERAGE CONTROL (ABC) TYPE 47 (ON-SALE GENERAL, EATING PLACE) LICENSE, ADDING A NEW 2,653 SQ. FT. ROOF-TOP BAR/LOUNGE AREA, A 408 SQ. FT. FRONT OUTDOOR DINING AREA, AND A 914 SQ. FT. REAR OUTDOOR DINING AREA. ADDITIONALLY, ALLOWING LIVE ENTERTAINMENT, OFF-SITE PARKING AND VALET PARKING AT PROPERTY LOCATED AT 11040 DOWNEY AVENUE, ZONED DDSP (DOWNTOWN SPECIFIC PLAN – DOWNTOWN CORE DISTRICT)**

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 July 22, 2015 the Applicant submitted a Land Use Permit Application (PLN-15-00159) to facilitate the conversion of an existing 4,169 sq. ft. office building into a restaurant (Cielo Restaurant & Lounge) with a Type 47 (on-sale general, eating place) Alcohol Beverage Control (ABC) license, outdoor dining, off-site parking, valet parking, and live entertainment all on property located at 11040 Downey Avenue.
- B. PLN-15-00159 involves the Planning Commission's consideration and approval of the following: 1) Site plan review to evaluate the proposal's compliance with the City's development standards, and 2) a conditional use permit for outdoor dining that encroaches into the public right-of-way, off-site parking, valet parking, and live entertainment.
- C. The subject property is zoned DDSP (Downtown Downey Specific Plan – Downtown Core District).
- D. The General Plan designation of the subject property is MU (Mixed Use).
- E. On November 5, 2015 notice of the pending public hearing for PLN-15-00159 was published in the Downey Patriot and was mailed to all property owners within 500 feet of the subject site.
- F. The Planning Commission held a duly noticed public hearing on November 18, 2015, and, after fully considering all oral and written testimony, facts, and opinions offered at the aforesaid public hearing, adopted Resolution No.15-2953, approving PLN 15-00159.

**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 comply with the California Environmental Quality Act (CEQA) and is categorically exempt from CEQA, pursuant to Guideline Section No. 15332 (Class 32, Infill Developments).

**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:

### Site Plan Review

- A. That 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.** Those goals and policies of the Downey General Plan (Vision 2025) are addressed as follows: Goal 2.5 of the Circulation Element is, "Address the impacts from the lack of parking," while Policy 2.5.1 seeks to provide for adequate parking to meet parking demands. The proposed site and circulation plans, in addition to the submitted off-site parking agreement, provide all required parking spaces for the subject site's conversion from an office to a restaurant use. Goal 8.1 of the Design Element is to "Promote quality design for new, expanded and remodeled construction" and Policy 8.1.1 seeks to promote architectural design of the highest quality. The applicant proposes to continue the existing building's architecture throughout the minor alterations to the building, which follows a clean and straight edge form. Goal 9.1 of the General Plan is "Attract and retain businesses" and Program 9.1.1.5 seeks to continue the revitalization of commercial and industrial corridors. The proposed reuse of the existing office building is attracting a new restaurant and continues the revitalization efforts of the Downtown Downey area.
- B. That the proposed development is in accordance with the purposes and objectives of this article and the zone in which the site is located.** PLN-15-00159 proposes to convert an existing 4,169 sq. ft. office building (which includes a 192 sq. ft. mezzanine), into a restaurant (Cielo Restaurant & Lounge), with an Alcoholic Beverage Control (ABC) Type 47 (On-Sale General, Eating Place) license. The proposed conversion also includes the addition of a new 2,653 sq. ft. roof-top bar/lounge area, a 408 sq. ft. front outdoor dining area, and a 914 sq. ft. rear outdoor dining area. The subject property is zoned Downtown Downey Specific Plan (DDSP) – Downtown Core. The DDSP - Downtown Core is intended to create a vibrant, pedestrian-oriented downtown with a mix of uses with unique walkable shopping, dining, and living experience. The project PLN-15-00159 proposes is in accordance with the purposes and objectives of the DDSP - Downtown Core for the following reasons: the proposed restaurant and lounge is a use that is appropriate for the zoning designation; the architectural design of the proposed minimal additions to the building will complement the existing building and area, as well as incorporate exterior building materials that are commonly used for commercial construction and on the existing building; and the proposed restaurant and lounge will create an attractive building and contribute to the revitalization of the downtown area.
- C. That 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 building changes that PLN-15-00159 proposes, follow the existing commercial architectural style. The project proposes to continue the existing features of the existing building in the minor additions to the restaurant. Yellow brick veneer and oatmeal-colored stucco, to match existing materials, will be continued into the proposed roof-top screening, bar/service and restroom walls as demonstrated on the proposed west elevation and roof elevations. The proposed open trellis patios are to be finished in the same oatmeal (off-white) color and are to architecturally match the existing first

floor, front patio cover. The roof-top lounge area also includes clear glass-panels for safety and to allow patron visibility onto Downey Avenue.

The ground floor is proposed to be opened-up with several new, smoked-glass windows and a doorway. Additionally, a faux window to match the new windows is proposed on the west elevation. Additionally, two new stairways to the roof-top lounge are proposed at the east elevation of the building. These stairways are also to be finished in an oatmeal paint to match the existing building's colors. Anodized bronze light fixtures are proposed at the west, south and east elevations. The proposed front, 408 sq. ft. outdoor dining area is to be enclosed by a 42 inch. anodized bronze wrought iron fence. The proposed rear, 914 sq. ft. outdoor dining area, is to be enclosed by an existing 5.5 ft. off-white, concrete fence to the south, and a new 6 ft. wrought iron fence with landscaping to the east.

Due to the proposed reuse of an existing building, the applicant is not required to provide new landscaping on-site, as such; existing landscape planters located to the south of the property will remain. New ivy is proposed adjacent to the east wrought iron fence that is to enclose the rear outdoor seating area. Since the applicant did not define the type of ivy that is to be used on this fence, staff has incorporated a condition of approval requiring *Macfadyena unguis cati*, also known as Cat's Claw, be used. As such, the proposal, with the addition of this condition of approval, will integrate harmoniously and enhance the character and design of the site and the immediate downtown neighborhood.

- D. That 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 proposed conversion of the subject site from an office use to a restaurant increases the required parking for the site from 12 parking spaces to 41 spaces. The applicant proposes to provide the remaining 29 required parking spaces both on-site and off-site. 13 on-site parking spaces are to be located on the east/rear side of the subject site. These spaces are proposed as tandem, valet-size spaces, being that the applicant is concurrently filing a CUP for valet-parking. These spaces are to be accessible via an adjacent public driveway and will be parked by valet attendants only, with the exception of one required ADA parking space as shown on the proposed site plan. Additionally, 28 off-site parking spaces, of which only 16 are required parking spaces for the restaurant, are proposed to be leased from Downey United Methodist Church located at 10801 Downey Avenue. As such, the on-site and off-site parking spaces total 41 parking spaces and all required parking is being met. Additionally, a circulation plan has been considered for the off-site and valet parking spaces and conditions of approval have been incorporated to mitigate any potential issues with the off-site valet station, drop-off/pick-up area, off-site valet parking and circulation plan.
- E. That the proposed development will improve the community appearance by preventing extremes of dissimilarity or monotony in new construction or in alterations of facilities.** The development PLN-15-00159 proposes reuses and converts an existing 4,169 sq. ft. office building, into a restaurant. The proposed conversion also includes the addition of a new 2,653 sq. ft. roof-top bar/lounge

area, a 408 sq. ft. front outdoor dining area, and a 914 sq. ft. rear outdoor dining area. Due to the reuse of the existing building and continuity of the architecture, the proposed development will improve the community appearance without permitting extreme dissimilarity or monotony in the alterations of building.

- F. That 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.** PLN-15-00159 proposes to upgrade the subject site by repurposing an existing 4,169 sq. ft. office building, into a restaurant. This proposal will improve property values in the vicinity, improve the streetscape of Downey Avenue, and result in a structure that complies with current Building and Fire Code regulations for structural integrity, and building and fire safety. It will result in an attractive project and should become an impetus for neighboring commercial property reuse and revitalization.
- G. That 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 Conditions of Approval for PLN-15-00159 will include a condition stating that the design features will incorporate graffiti resistant materials.

#### **Conditional Use Permit**

- A. That the requested conditional use permit will not adversely affect the purpose and intent of this chapter or the City's General Plan or the public convenience or general welfare of persons residing or working in the neighborhood thereof.** The requested conditional use permit for off-site parking, valet parking, outdoor dining, and live entertainment will not adversely affect the purpose and intent of the Downey Municipal Code, or the public convenience or general welfare of persons residing or working in the neighborhood nearby because the proposed use is compatible with the development patterns in the area, it is an appropriate use of land in the DDSP – Downtown Core zone, the existing size and shape of the subject property meet the City's development standards for the DDSP area, the use satisfies the parking requirements for a restaurant pursuant to the approval of this CUP, and it provides appropriate circulation and vehicular access.

The subject site has a General Plan Land Use Designation of MU (Mixed Use), which is being implemented by the DDSP – Downtown Core zone. The DDSP - Downtown Core is intended to create a vibrant, pedestrian-oriented downtown with a mix of uses with unique walkable shopping, dining, and living experience. The project PLN-15-00159 proposes is in accordance with the purposes and objectives of the DDSP - Downtown Core for the following reasons: the proposed restaurant and lounge is a use that is appropriate for the zoning designation; the architectural design of the proposed building's minimal additions will complement the existing building and area, as well as incorporate exterior building materials that are commonly used for commercial construction and on the existing building; and the proposed restaurant and lounge, will create an attractive building and contribute to the revitalization of the downtown area. Furthermore, the combined goals and policies of the General Plan are to ensure the City is developed in a harmonious manner that minimizes impacts to the public and environment.

Approval of this project will address on-site and off-site parking, valet and circulation issues, as well as live entertainment, thus making the project more harmonious with the surrounding uses, being that conditions of approval have been incorporated so as to avoid impacts to surrounding properties.

- B. That the requested use will not adversely affect the adjoining land uses and the growth and development of the area in which it is proposed to be located.** The proposed conditional use will not adversely affect the adjoining land uses since the proposed use conforms to its DDSP - Downtown Core development standards and other uses in the vicinity currently exist with similar uses. Nevertheless, conditions of approval have been incorporated to mitigate any potential issues related to the approval of this conditional use permit.
- C. That 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 size and shape of the subject property is generally adequate to allow for the reuse of the existing office building into a restaurant and lounge, because the project site exceeds the required minimum 2,500 square foot lot size for a development in the DDSP area:

DDSP (Downtown Downey Specific Plan – Downtown Core) Development Standards		
	Design Standard	Existing/Proposed
Lot Area	2,500 sq. ft. (Minimum)	8,826 sq. ft.
Floor Area Ratio	1.5 (Maximum)	0.47
Lot Coverage	100% (Maximum)	47%
Building Height	45 ft. or 3 stories (Maximum)	26.2 ft.
Front Setback	Minimum 0 inches, maximum 18 inches for new buildings	6 ft., 5 inches
Side - Interior Setback	0 inches/ft. (Minimum)	0 inches
Side - Street Setback	Minimum 0 inches, maximum 5 ft. for new buildings	2 ft., 9 inches
Rear Setback	0 inches/ft. (Minimum)	64 ft.
Max. Ground Floor	20,000 sq. ft. (Maximum)	3,977 sq. ft.
Parking	41	13 on-site/valet, 28 off-site/valet

- D. That the traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area.** The subject site is at the southeast corner of Downey Avenue and Second Street. Staff has reviewed the proposal and any potential increase in traffic caused by the proposed change of use, and it is staff's opinion that the surrounding streets and highways in the area have sufficient capacity to accommodate the increase in traffic that the use will generate. Additionally, the proposal has taken into consideration and delineated a circulation plan for off-site and valet parking associated with the development to the satisfaction of City Staff. Nevertheless, conditions of approval have been incorporated to mitigate any potential issues related to the approval of this conditional use permit.

**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 PLN-15-00159 (Conditional Use



Permit and Site Plan Review) 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 5.** The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 18th day of November, 2015.



Hector Lujan, 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 November 2015, by the following vote, to wit:

AYES:	COMMISSIONERS: Lujan, Flores, Morales, Rodriguez and Owens
NOES:	COMMISSIONERS: None.
ABSENT:	COMMISSIONERS: None.
ABSTAIN:	COMMISSIONERS: None.



Mary Cavanagh, Secretary  
City Planning Commission

**EXHIBIT A - CONDITIONS**  
**PLN-15-00159 (Site Plan Review and Conditional Use Permit)**

**PLANNING**

- 1) This approval of PLN-15-00159 (Conditional Use Permit and Site Plan Review) authorizes the conversion of an existing 4,169 sq. ft. office building (which includes a 192 sq. ft. mezzanine), into a restaurant (Cielo Restaurant & Lounge), with an Alcoholic Beverage Control (ABC) Type 47 (On-Sale General, Eating Place) license and the addition of a new 2,653 sq. ft. roof-top bar/dining area, a 408 sq. ft. front outdoor seating area, and a 914 sq. ft. rear outdoor seating area. Additionally this request is to allow live entertainment, off-site parking and valet parking on property located at 11040 Downey Avenue.
- 2) Approval of this PLN-15-00159 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) The Applicant shall comply with all conditions of approval set forth in this resolution before the Site Plan Review and Conditional Use Permit become valid.
- 6) Noise generated from the proposed use shall comply with Municipal Code Section 4600 et. seq. In any case, noise shall not exceed 65 dBA, as measured at the property line.
- 7) All signs shall comply with the requirements set forth in the Downtown Downey Specific Plan and Downey Municipal Code.
- 8) The applicant shall remove any graffiti applied on the site within 48 hours.
- 9) All roof-mounted mechanical equipment shall be screened from view. The working drawings shall include a cross-section detail to illustrate that the height of the building parapet is sufficient to screen all roof-mounted equipment from view.

- 10) The Applicant shall incorporate anti-graffiti elements into the building design, such as non-porous coatings on exterior wall surfaces, plant materials, and anti-graffiti film on windows, subject to the approval of the City Planner.
- 11) All developments in excess of \$500,000 valuation that involve the construction or reconstruction of light industrial, commercial or residential buildings (over 4 units) shall be subject to the Public Arts Program. The Applicant shall either install public art on their property or pay a cash payment equal to the public arts fee in accordance with the City of Downey Manual for Arts in Public Places.
- 12) Landscape areas shall be maintained permanently, which includes proper watering, pruning, mowing, weed abatement, removal of litter, fertilizing, and replacement of plants and other materials when necessary.
- 13) A parking agreement shall be completed for the use of 28 parking spaces for off-site and valet parking purposes, with the property located at 10801 Downey Avenue (a.k.a. Downey United Methodist Church, AIN: 6254-013-009). A copy of the agreement shall be provided to the City Planner prior to final occupancy issuance of the subject site.
- 14) The Applicant shall comply with Downey Municipal Code Section 9314.06 by enclosing outdoor eating areas with a decorative masonry wall or decorative ornamental wrought-iron fence, of not less than forty-two inches (42") in height.
- 15) A minimum of two (2) parking/valet attendant shall be located on the premises during business hours of the use on the subject site.
- 16) A minimum of two (2) parking/valet attendants shall remain on duty at the subject site until all those building visitors that have tandem parked cars shall have returned to pick up said cars.
- 17) A total of 13 tandem parking spaces, with minimum measurements of 8 ft. wide by 16 ft. deep/long shall be maintained at all times on the subject site, as shown on the approved site plan.
- 18) Live entertainment is limited to the following:
  - a) Live musical performances (amplified and acoustic); limited to up to seven (7) piece bands/group
  - b) Disc jockey
  - c) A maximum of one dance floor per floor is allowed, not to exceed the following areas and locations:
    - i) The first floor dance floor is not to exceed a 15 ft. by 15 ft. area within the center of the restaurant, as shown on the approved site plan.
    - ii) The second floor dance floor is not to exceed a 15 ft. by 15 ft. area within the center of the rooftop bar/dining area, as shown on the approved site plan.
- 19) Designated band/disc jockey areas on both the first and second floor of the subject site, are to be located to the westerly side of the building, as shown on the approved site plan. Said designated areas shall not exceed a 10 ft. by 10 ft. area.

- 20) All amplified sound on the second floor of the subject site, shall face west, towards Downey Avenue.
- 21) All lighting at the subject site, shall face west, towards Downey Avenue and shall adhere to DMC Section 9520.06 – Outdoor Lighting.
- 22) Live entertainment is limited to Sunday through Saturday, 7:00 a.m. to 1:30 a.m.
- 23) Hours of operation shall be limited to Sunday through Saturday, 7:00 a.m. to 2:00 a.m.
- 24) New landscape at the proposed east fence/wall, shall be planted with *Macfadyena unguis cati* (Cat's Claw).
- 25) The proposed faux window on the west elevation, shall match the new windows on both the west and south elevations in color, material, and architectural style.
- 26) The outdoor dining area that encroaches into the public right-of-way, must adhere to ADA requirements per 2013 California Building Code (CBC).

#### **BUILDING**

- 27) Owner/applicant must comply with applicable ADA requirements and provide all accessibility requirements per 2013 California Building Code (CBC) Chapter 11B.
- 28) Owner/applicant must provide means of egress per 2013 CBC Chapter 10.

#### **PUBLIC WORKS**

- 29) All public utilities shall be installed underground.
- 30) The facility must provide for recycling facilities, i.e., storage and handling areas for recycling facilities. Trash enclosure shall include floor drain connection to grease interceptor and water hose bib connection for maintenance.
- 31) Complete a construction & demolition (C&D) waste management plan per Article V, Chapter 8 of the Downey Municipal Code (DMC).
- 32) Provide appropriate onsite pedestrian landing for stairwell located at main entrance to the restaurant off Downey Avenue. City sidewalk shall not be used for public landing.
- 33) The owner/applicant hereby consents to the annexation of the property into the Downey City Lighting Maintenance District in accordance with Division 15 of the Streets and Highways Code, and to incorporation or annexation into a new or existing Benefit Assessment or Municipal Improvement District in accordance with Division 10 and Division 12 of the Streets and Highways Code and/or Division 2 of the Government Code of the State of California.
- 34) Proposed public improvements shall comply with the latest edition of Standard Plans and Specifications for Public Works Construction and City of Downey standards.
- 35) Submit public improvement plan(s) for review and approval by the Public Works Department.

- 36) Within 12 months of the approval of this application, PLN-15-00159, the owner/applicant shall restore the existing trees along the 2<sup>nd</sup> Street frontage to a healthy condition; otherwise, said trees shall be removed and replaced with trees of the same species with a minimum 48-inch box size.
- 37) Remove existing parkway trees along the 2<sup>nd</sup> Street frontage and replace. Contact Public Works Maintenance Division at (562) 904-7192 for the quantity, location and species of all street parkway trees to be planted along the site frontage. Street trees shall be a minimum of 36" (inch) box.
- 38) Obtain permits from Public Works Department for all public improvements within the public right of way.
- 39) All unused driveways shall be removed and reconstructed with full-height curb, gutter, and sidewalk.
- 40) Construct onsite pavement, consisting of a minimum section of 4" thick aggregate base, and a minimum 2-1/2" thick asphalt concrete pavement.
- 41) Comply with the National Pollutant Discharge Elimination System (NPDES); Ordinance 1142 of the DMC; and the Low Impact Development (LID). Furthermore, the applicant shall be required to Certify and append Public Works standard "Attachment A" to all construction and grading plans as required by the LACoDPW Stormwater Quality Management Plan (SQMP).
- 42) Remove all construction graffiti created as part of this project within the public right of way in a timely manner.
- 43) The existing circulation and parking conditions within the parking lot east of Downey Avenue between 2nd and 3rd Streets shall be maintained.
- 44) In the event the city-owned parking lot east of Downey Avenue between 2nd and 3rd Streets is sold, leased, or vacated in the future, the applicant shall provide an alternate access on 2nd Street in lieu of the proposed access from the parking lot.
- 45) Coordinate with the Public Works Department for the installation of parking restriction signs along the north side of 2nd Street between Downey Avenue and the church parking lot to facilitate the proposed valet parking operations.
- 46) The owner/applicant shall provide that the standards of improvements, construction materials, and methods of construction shall be in conformance with the Standard Plans and Specification for Public Works Construction and as modified by the City of Downey's Standard Plans and Specifications.
- 47) The owner/applicant shall furnish and install a new (min. 1-inch) dedicated potable water service line, meter, and meter box.
- 48) The owner/applicant shall furnish and install a (min. 1-inch) dedicated water service line, meter, and meter box for the landscaping irrigation system.

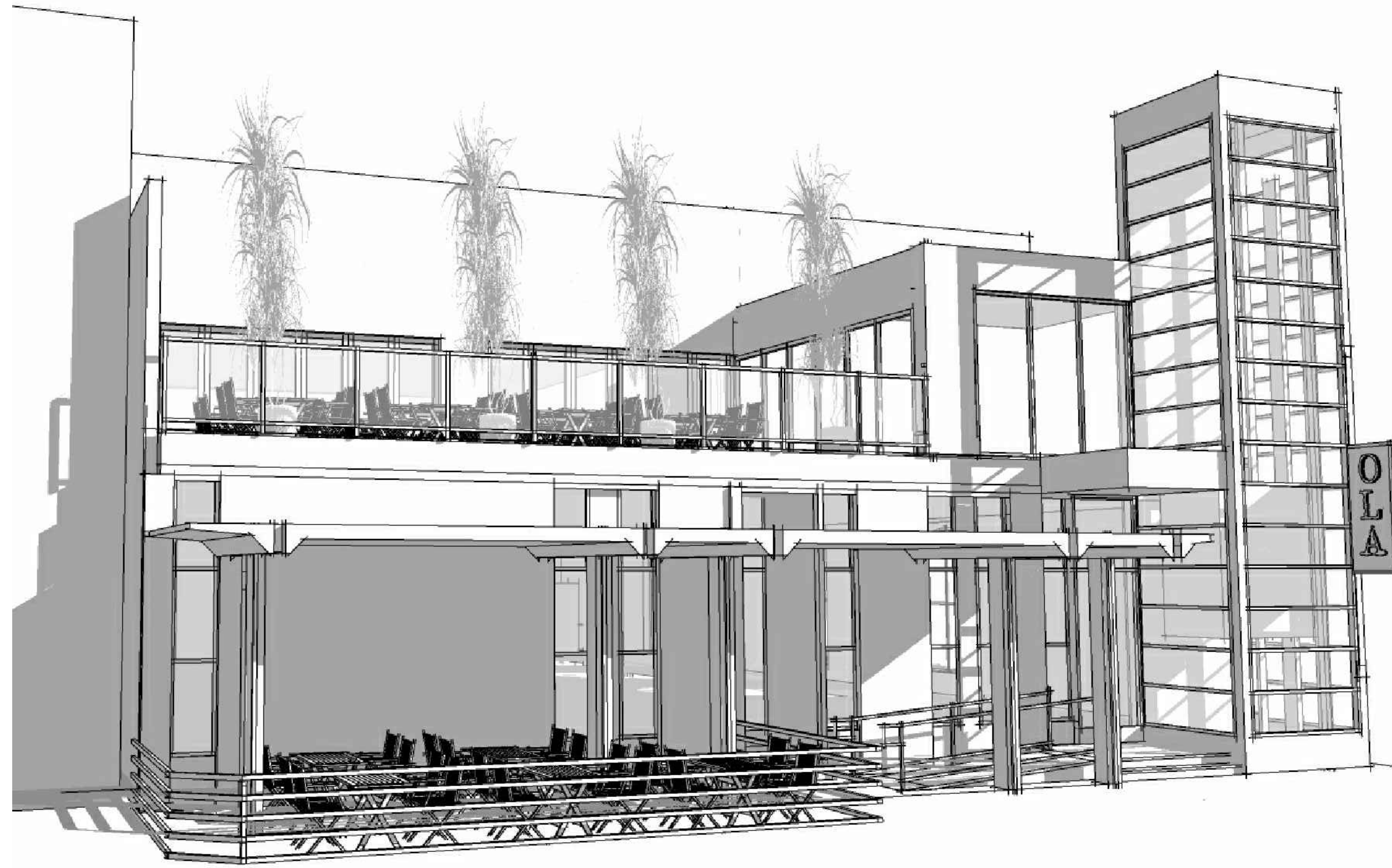
- 49) The owner/applicant shall furnish and install backflow device(s) in accordance with the Department of Public Works and the State and County Department of Health Services requirements.
- 50) The owner/applicant shall confirm availability of adequate fire flow and pressure in accordance with the Department of Public Works and Downey Fire Department requirements.
- 51) The owner/applicant shall furnish and install the public potable water improvements, including extension and/or replacement of existing mains and associated facilities, necessary to provide adequate fire flow and pressure to the site.
- 52) The owner/applicant may furnish and install fire hydrant(s) and dedicated fire protection lateral(s) including backflow devices, fire department connections and other appurtenances as required by the Department of Public Works and the Downey Fire Department. Such improvements may include removal and/or replacement of existing fire hydrants, laterals, backflow devices, and associated facilities with new facilities to current Downey standards and materials. Backflow devices, fire department connections, and associated appurtenances are to be located on private property and shall be readily accessible for emergency and inspection purposes. Backflow devices shall be screened from street view by providing sufficient landscaping to hide it.
- 53) The owner/applicant shall provide and record utility easement(s) for access to, and inspection and maintenance of, public water lines, meters and appurtenances, and backflow devices.
- 54) The owner/applicant shall identify the point(s) of connection for the sanitary sewer lateral(s) and confirm that sufficient capacity exists in the publicly owned facilities in conformance with the requirements of the Department of Public Works and the County Sanitation Districts of Los Angeles County (CSDLAC).
- 55) The owner/applicant shall furnish and install the public sanitary sewer improvements, including extension and/or replacement of existing mains and associated facilities, necessary to provide adequate capacity for the site as approved by the Department of Public Works and CSDLAC.
- 56) The owner/applicant is responsible for coordinating with and payment(s) to the City and CSDLAC for all sanitary sewer connection and capacity charges.
- 57) The owner/applicant shall obtain all necessary plan approvals and permits.
- 58) The owner/applicant shall provide improvement plan mylars, record drawing mylars, and record drawing digital (AutoCAD – latest edition) files in accordance with the requirements of the Department of Public Works that have been signed by a civil engineer licensed in the State of California. Final approval of new utilities shall be dependent upon submittal and approval of record drawing mylars and scanned, uncompressed TIFF images of record drawings on a CD/DVD-ROM media per City's GIS Requirements.
- 59) Utility plans shall be submitted to and approved by the Department of Public Works prior to the issuance of the building permit.

**FIRE**

- 60) The owner/applicant shall install fire sprinklers per 2013 California Fire Code (CFC), Section 903 and Downey Municipal Code 3318.
- 61) The owner/applicant shall install a fire alarm system per 2013 CFC, Section 907 and DMC 3316.
- 62) The owner/applicant shall install a fixed extinguishing system for all cooking areas that may create grease laden vapors per 2013 CFC, Section 904.
- 63) The owner/applicant shall install an approved key box on-site (e.g. Knox gate key entrance), per 2013 CFC Section 506.1.
- 64) The owner/applicant shall provide information on any CO2 beverage systems that will be installed prior to final occupancy issuance of the subject site.

**POLICE**

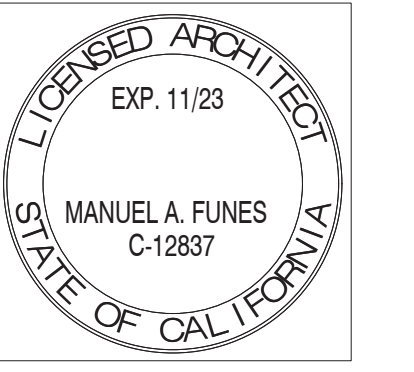
- 65) Pursuant to Article VI, Chapters 4 and 5 of the Downey Municipal Code, the owner/applicant shall obtain an "entertainment permit" from the Downey Police Chief prior to providing any entertainment at the subject property/premises, and shall adhere to all conditions imposed thereon. The conditions of the owner/applicant's entertainment permit shall constitute conditions of this conditional use permit.
- 66) The owner/applicant shall submit to and obtain approval from the Downey Police Chief of a "Security & Operations Plan" prior to commencing any business activities at the subject property/premises, and shall adhere to all conditions imposed thereon. The "security plan" shall address, at a minimum, the following:
  - a) Number of security guards to be provided, and times when security will be present;
  - b) Location where security guards will be stationed;
  - c) Location of queue and procedures for managing queues;
  - d) Procedures for verifying age of patrons for purposes of alcohol sales;
  - e) Procedures for identifying and handling obviously intoxicated persons;
  - f) Procedures for handling patrons involved in fighting, arguing, or loitering about the building and/or in the immediate adjacent area that is owned, leased, rented, or under the care or control of the owner/applicant; and
  - g) Any other such information as deemed necessary by the Chief of Police to safeguard the property, life, health, safety, and welfare of the employees and patrons of the business establishment and of the general public.
- 67) The conditions of the owner/applicant's approved security plan shall constitute conditions of this conditional use permit.
- 68) Signs shall be posted at all entrances to the premises and business identifying a zero-tolerance policy for nuisance behavior at the premises.
- 69) The owner/applicant shall comply with and strictly adhere to all conditions of any permit issued by the California Department of Alcohol and Beverage Control (ABC) to the applicant and any applicable regulations of ABC.



OLA  
RESTOBAR

11040 DOWNEY AVE DOWNEY CA 90241





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1 2 3 3 2 1 7 5 8 9

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PROJECT  
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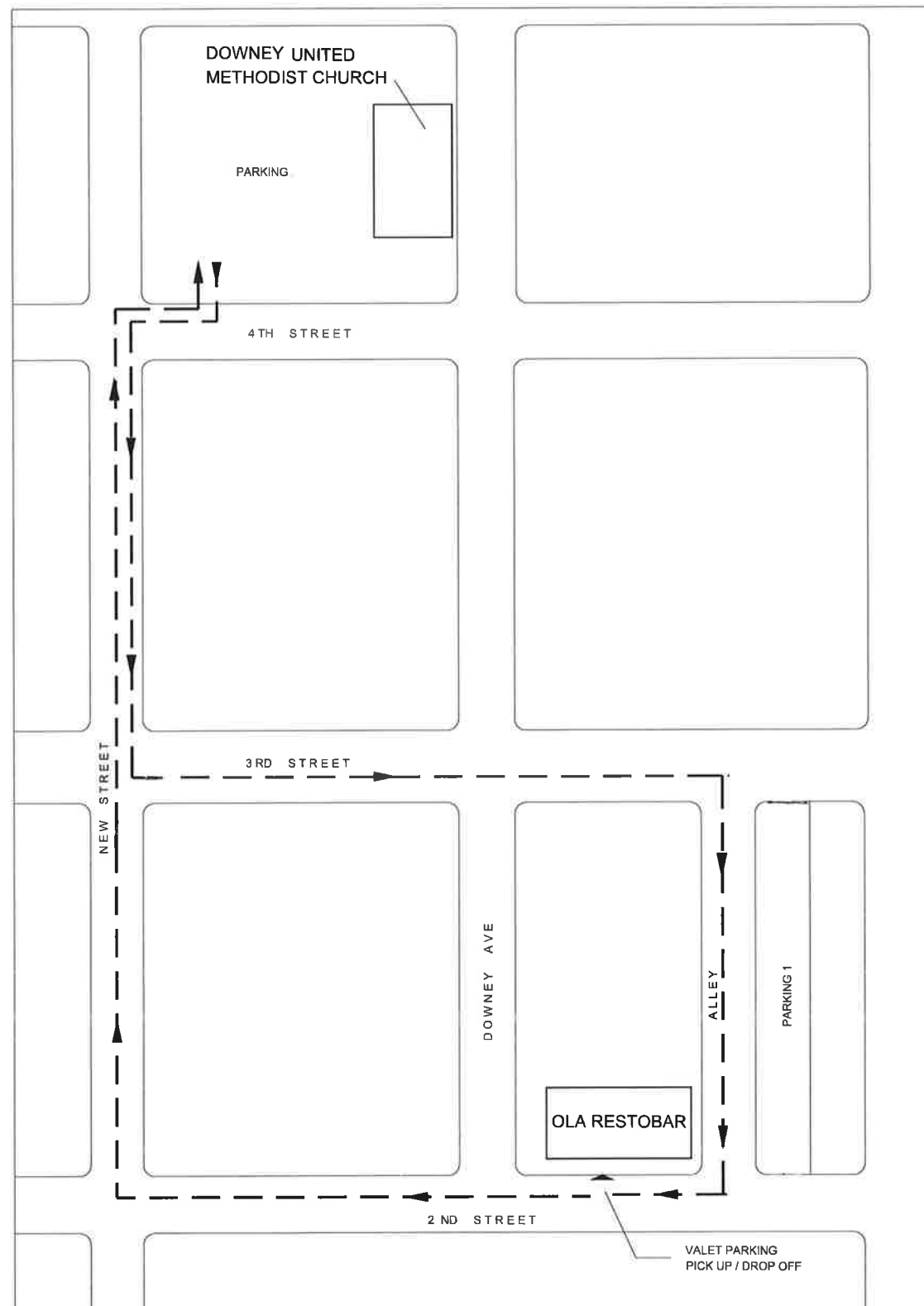
ISSUES

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SHEET  
RENDERINGS

SHEET NUMBER

**A01**



VALET PARKING ROUTE 



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ISSUES


SHEET  
DETAILS

SHEET NUMBER

PROJECT DATA

SITE AREA 8,716 SF

LEGAL DESCRIPTION

ASSESSOR'S PARCEL NO. 6254-019-027  
 BOUNDARY DESCRIPTION MR 60-40d  
 SEE DOC 1793344861223 FOR LOT 4, BLOCK 15

BUILDING AREA

	EXISTING	ADDITION (UNDER ROOF)	DEMO	TOTAL
FIRST STORY	4,001 SF	2,603 SF		6,604 SF
SECOND STORY	1,084 SF	5,352 SF	154 SF	6,282 SF
TOTAL				12,886 SF

F.A.R.

1.48

NUMBER OF STORIES

2

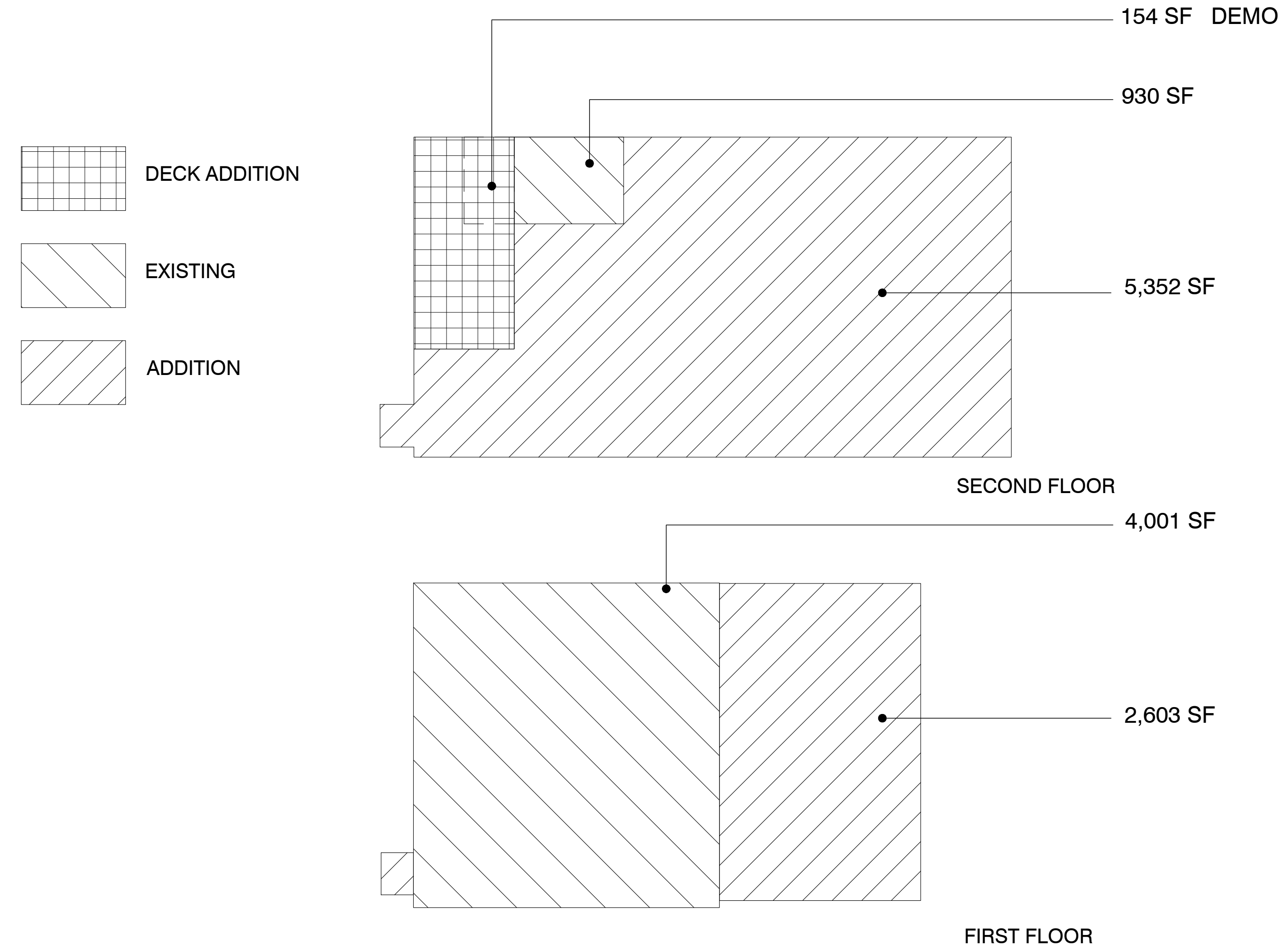
BUILDING HEIGHT

SEE DIAGRAM BELOW

PARKING

	AREAS FOR PARKING TABULATION		TOTAL
	INTERIOR	EXTERIOR DINING AREAS	
FIRST FLOOR	6,604 SF	268 SF	6,872 SF
SECOND FLOOR	6,282 SF	853 SF	7,135 SF
			14,007 SF

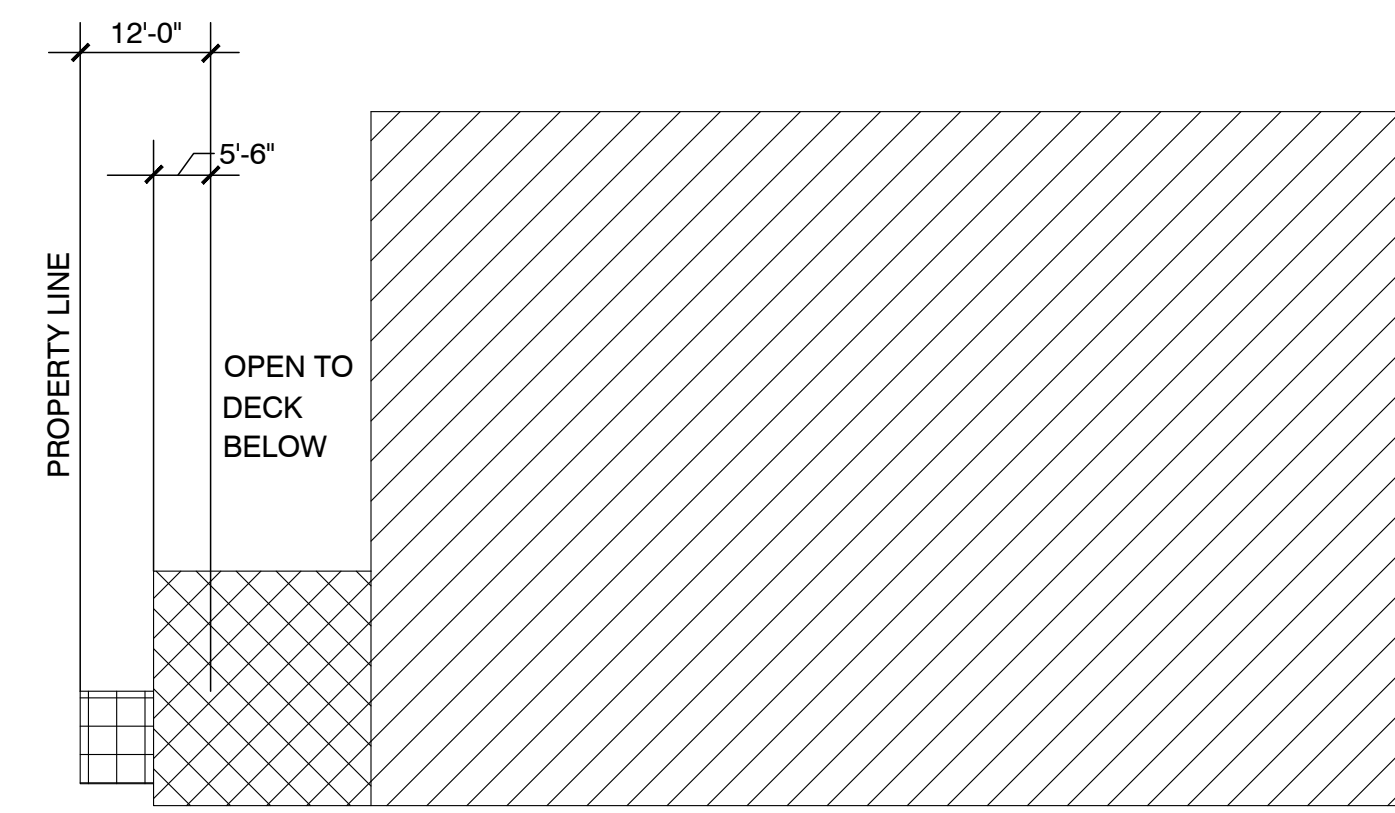
PARKING REQUIRED @ 1 SPACE / 200 SF : 70 PARKING SPACES  
 PARKING PROVIDED ONSITE : 3 PARKING SPACES  
 PARKING PROVIDED OFFSITE : 67 PARKING SPACES



ADDITION DIAGRAM  
NO SCALE

- ELEVATOR SHAFT +32'-0" FROM T.O.C.
- ACCESS FROM ELEV. TO 2nd FLR. RESTAURANT +28'-0" FROM T.O.C.
- BUILDING BEYOND 12' FROM FRONT PROP. LINE

T.O.C: TOP OF CURB AT DOWNEY AVE.



BUILDING HEIGHT DIAGRAM



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1 2 3 3 2 1 7 5 8 9

OWNER

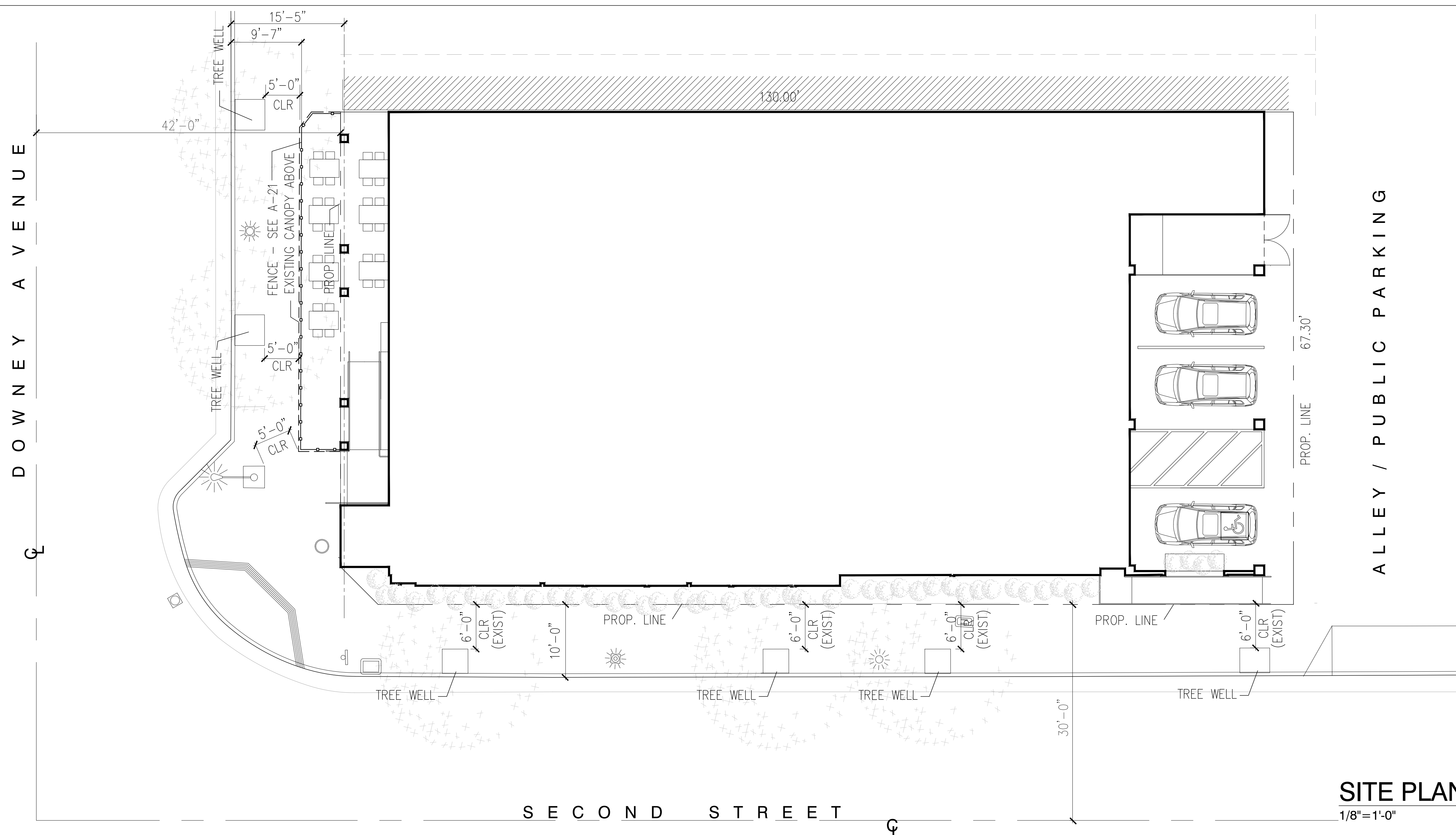
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PROJECT

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SITE PLAN  
1/8"=1'-0"

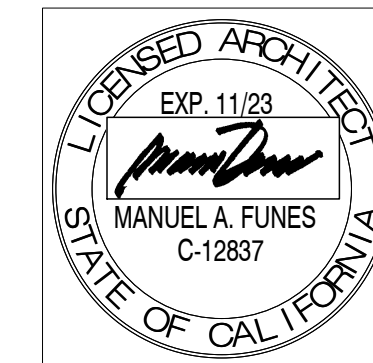
ISSUES

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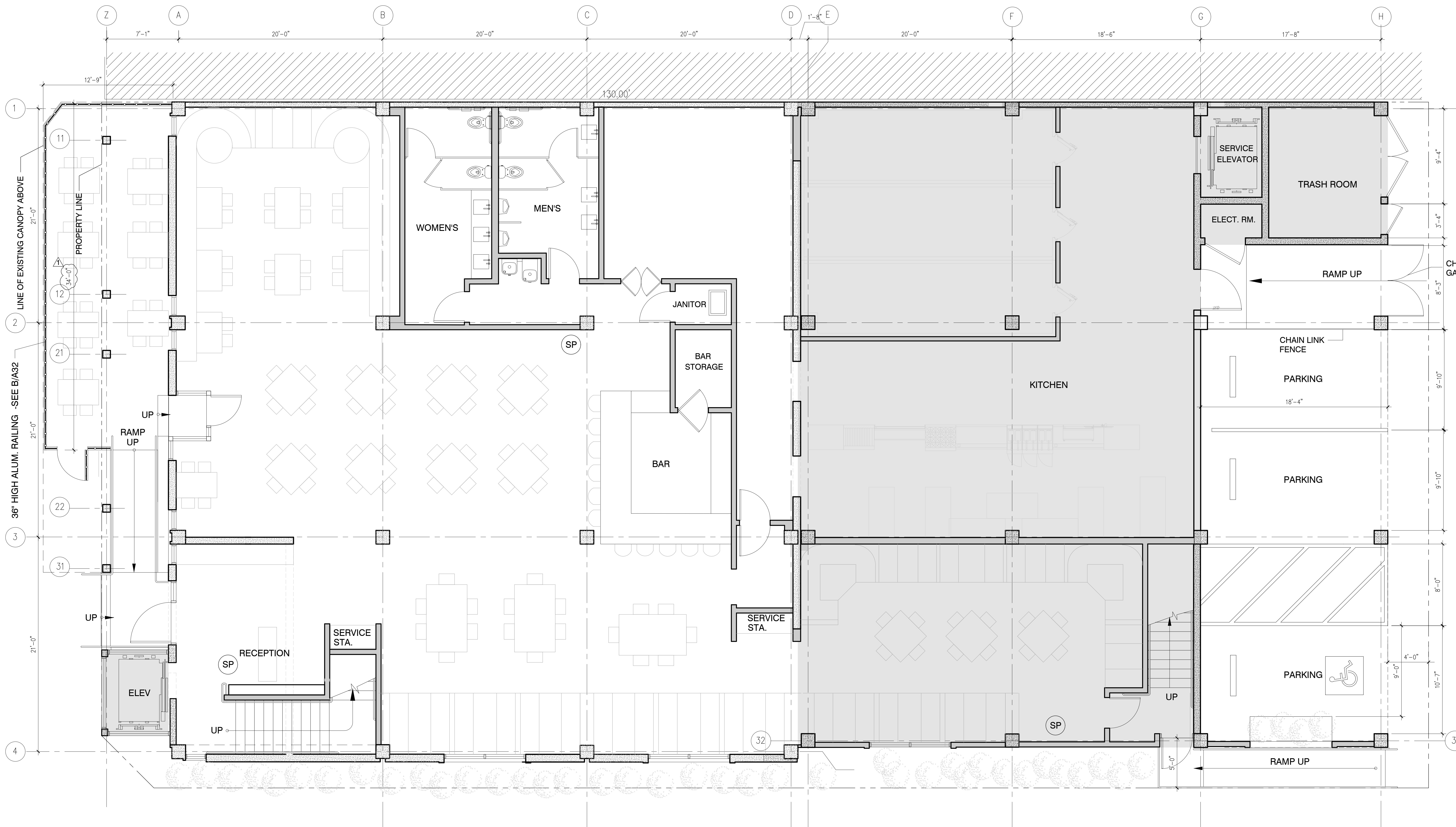
SHEET  
SITE PLAN

SHEET NUMBER

A11



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1 2 3 3 2 1 7 5 8 9



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ISSUES

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SHEET  
FIRST FLOOR PLAN

■ DENOTES ADDITION

○ SP DENOTES SECURITY PERSONNEL LOCATION

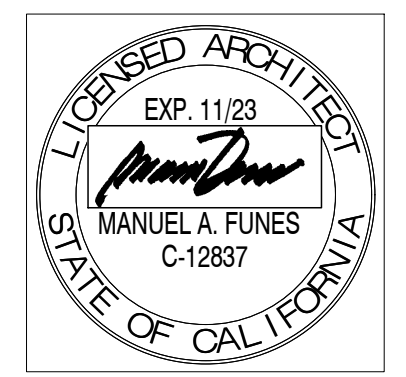
**FIRST FLOOR PLAN**  
1/4" = 1'-0"



SHEET NUMBER

**A21**

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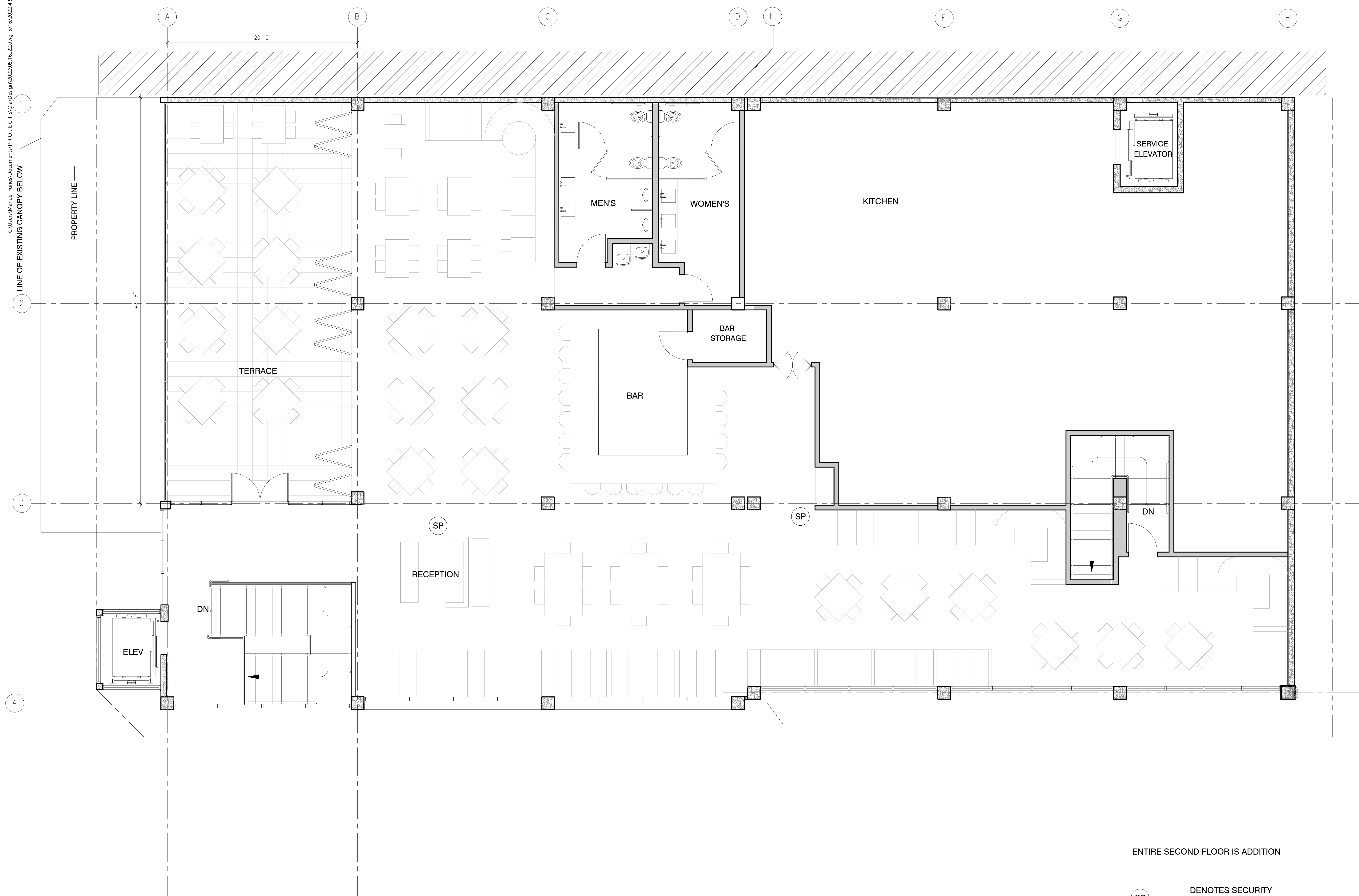


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ISSUES


ENTIRE SECOND FLOOR IS ADDITION

SP DENOTES SECURITY PERSONNEL LOCATION

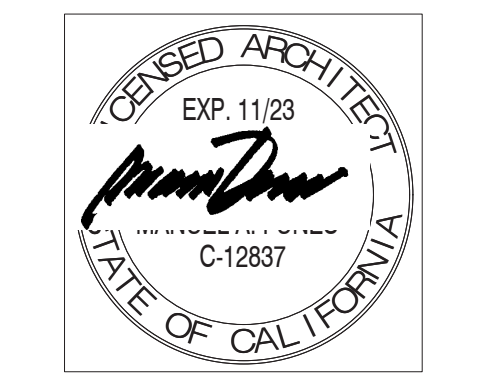
SECOND FLOOR PLAN  
1/4"=1'-0" N

SHEET  
SECOND FLOOR

SHEET NUMBER

A22

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11040 DOWNEY AVE  
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**W**  
1/8"=1'-0"

**S DET**



**S**  
1/8"=1'-0"



**S-DET**



**E**  
1/8"=1'-0"

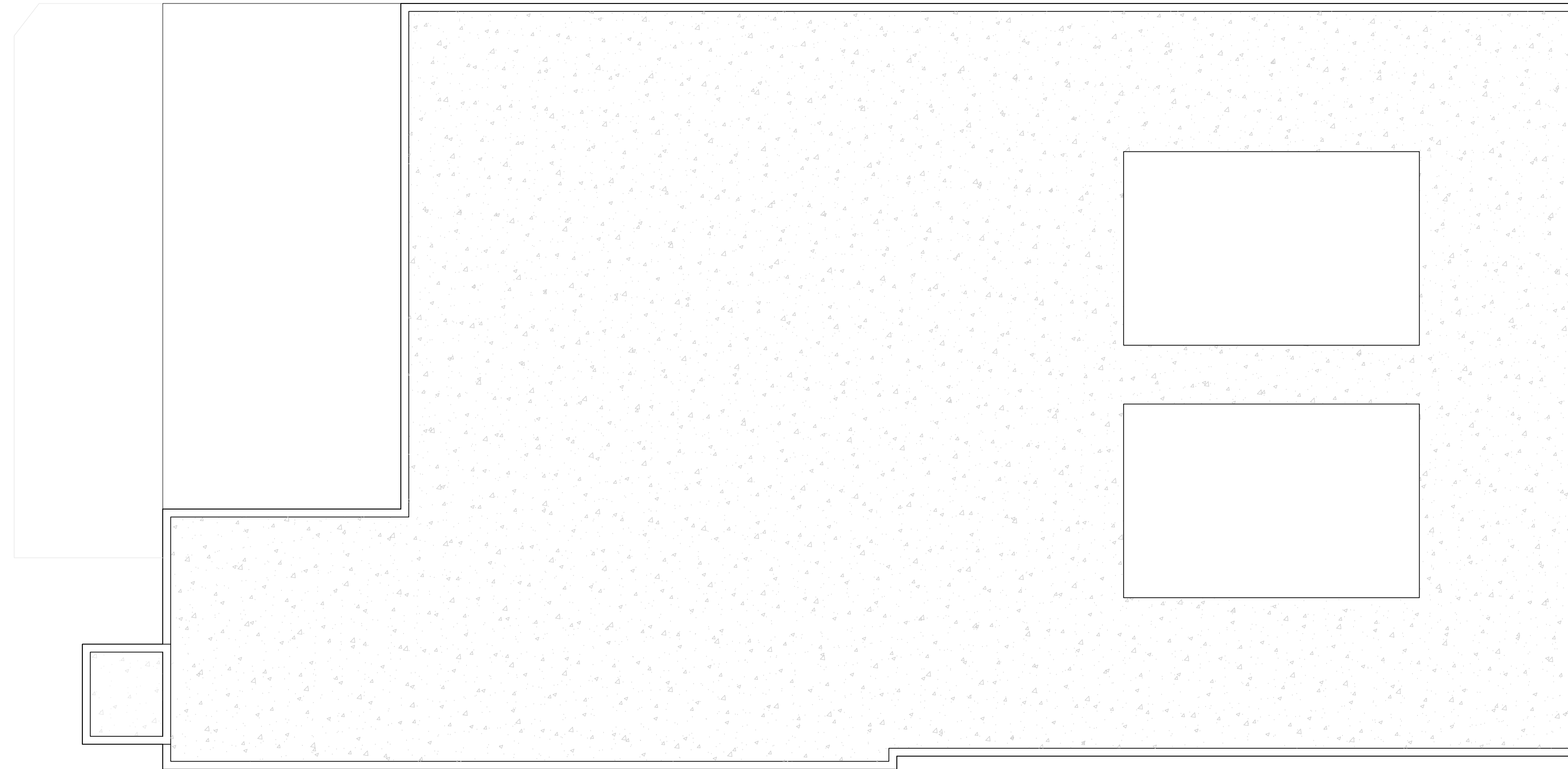
ISSUES

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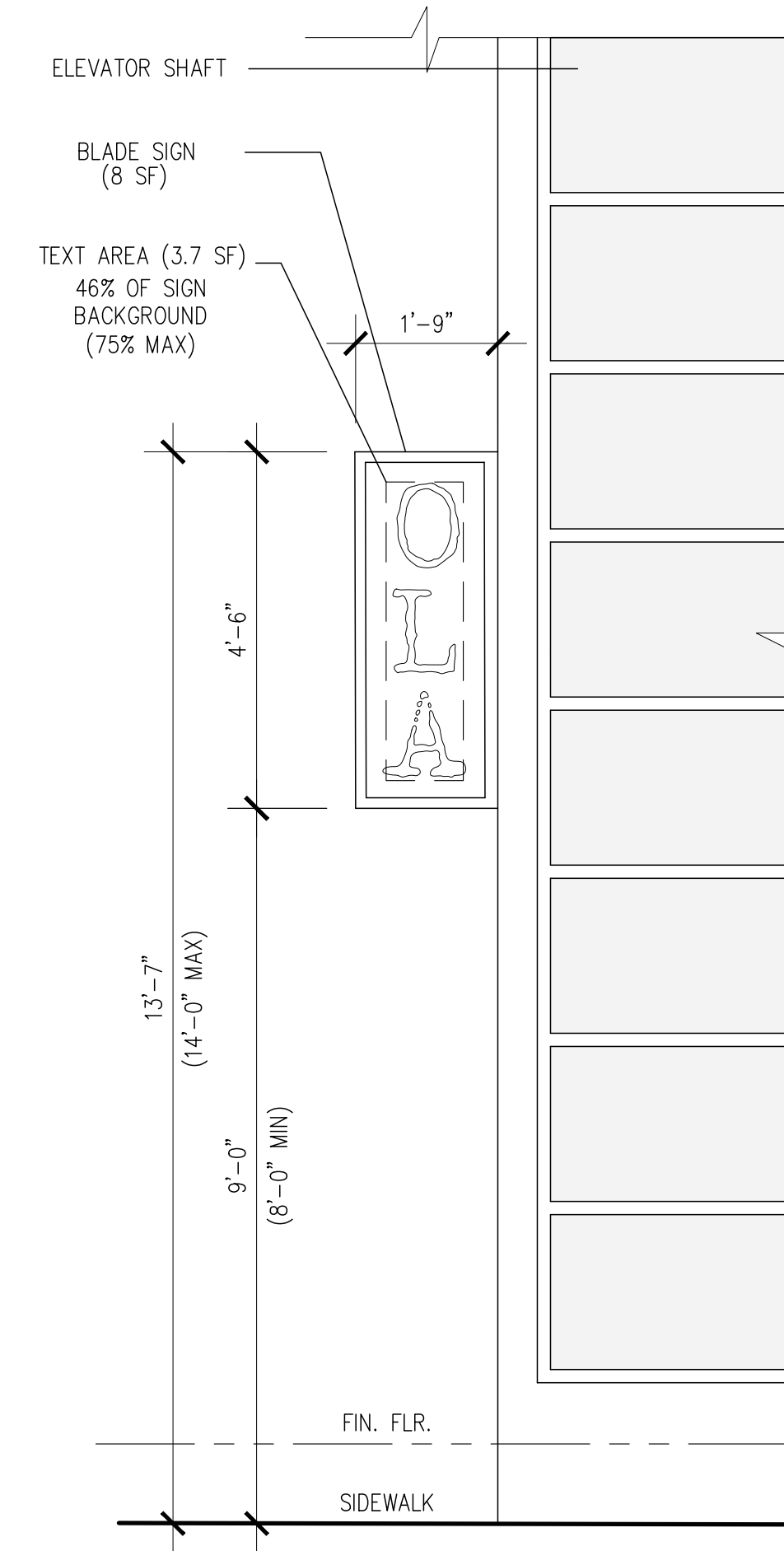
SHEET  
ELEVATIONS

SHEET NUMBER

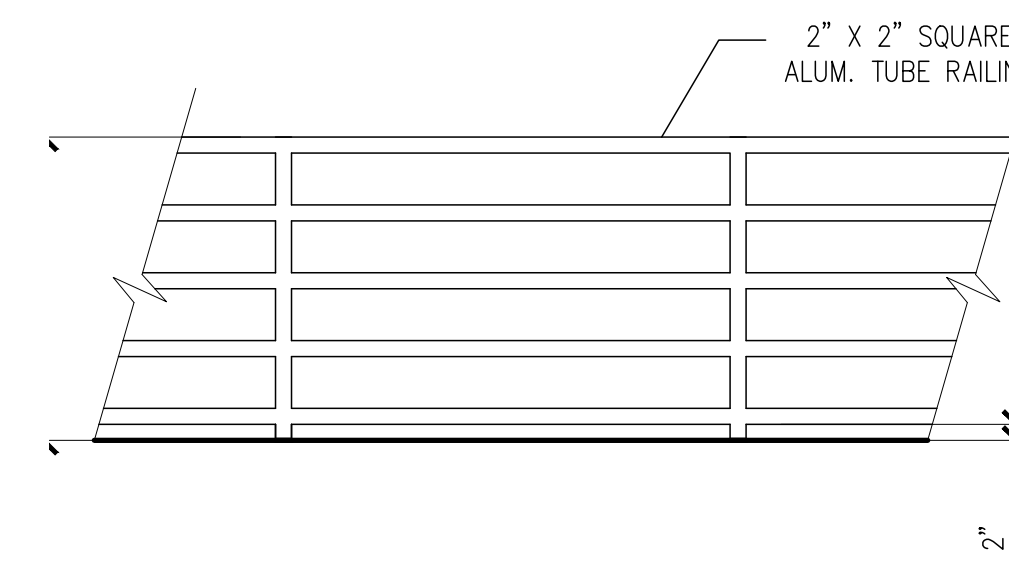
**A31**



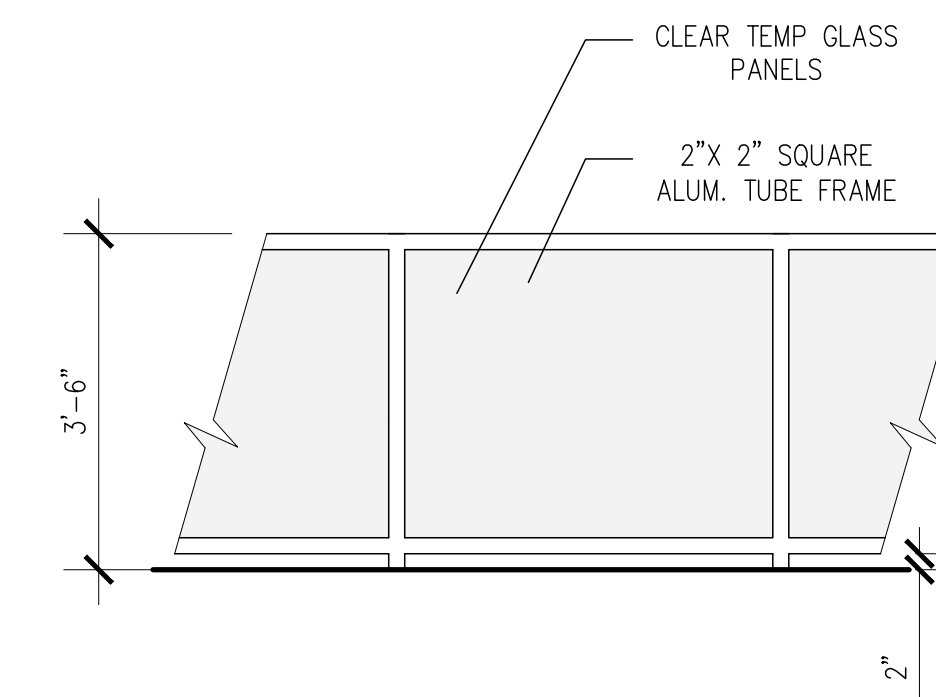
**ROOF PLAN**  
1/8"=1'-0"



**BLADE SIGN ELEVATION** (A)  
1/2"=1'-0"



**RAILING AT SIDEWALK** (B)  
1/2"=1'-0"



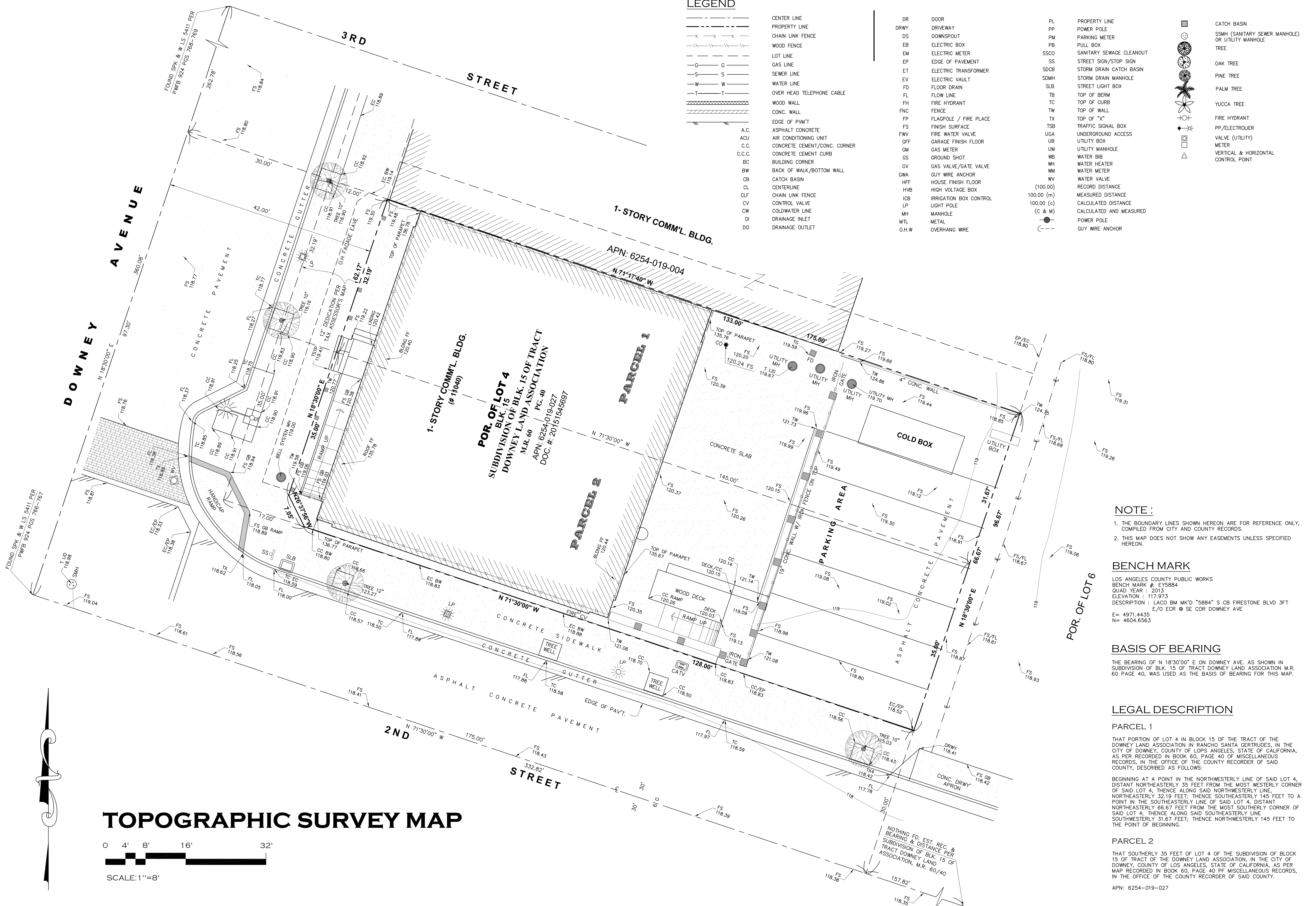
**GUARDRAIL AT SECOND-FLOOR TERRACE** (C)  
1/2"=1'-0"

ISSUES


SHEET  
DETAILS

SHEET NUMBER

**A32**



**LEGEND**

---	CENTER LINE	DR	DOOR	PL	PROPERTY LINE	□	CATCH BASIN
-x-x-x-	PROPERTY LINE	DRWY	DRIVEWAY	PP	POWER POLE	⊙	SSMH (SANITARY SEWER MANHOLE) OR UTILITY MANHOLE
---	CHAIN LINK FENCE	DS	DOWNSPOUT	PM	PARKING METER	⊙	TREE
---	WOOD FENCE	EM	ELECTRIC BOX	PB	PULL BOX	⊙	OAK TREE
---	LOT LINE	EP	ELECTRIC METER	SSCO	SANITARY SEWAGE CLEANOUT	⊙	PINE TREE
---	GAS LINE	EP	EDGE OF PAVEMENT	SS	STREET SIGN/STOP SIGN	⊙	PALM TREE
---	SEWER LINE	ET	ELECTRIC TRANSFORMER	SDCB	STORM DRAIN CATCH BASIN	⊙	YUCCA TREE
---	WATER LINE	EV	ELECTRIC VAULT	SDMH	STORM DRAIN MANHOLE	⊙	FIRE HYDRANT
---	OVER HEAD TELEPHONE CABLE	FD	FLOOR DRAIN	SLB	STREET LIGHT BOX	⊙	PP/ELECTROLIER
---	WOOD WALL	FL	FLOOR LINE	TB	TOP OF BERM	⊙	VALVE (UTILITY) METER
---	CONC. WALL	FL	FIRE HYDRANT	TC	TOP OF CURB	⊙	VERTICAL & HORIZONTAL CONTROL POINT
---	EDGE OF PAV'T	FNC	FENCE	TW	TOP OF WALL	⊙	
---	ASPHALT CONCRETE	FP	FLAGPOLE / FIRE PLACE	TX	TOP OF "X"	⊙	
---	AIR CONDITIONING UNIT	FS	FINISH SURFACE	TSB	TRAFFIC SIGNAL BOX	⊙	
---	CONCRETE CEMENT/CONC. CORNER	FWV	FIRE WATER VALVE	UGA	UNDERGROUND ACCESS	⊙	
---	CONCRETE CEMENT CURB	GFF	GARAGE FINISH FLOOR	UB	UTILITY BOX	⊙	
---	BUILDING CORNER	GM	GAS METER	UM	UTILITY MANHOLE	⊙	
---	BACK OF WALK/BOTTOM WALL	GS	GROUND SHOT	WB	WATER BIB	⊙	
---	CATCH BASIN	GV	GAS VALVE/GATE VALVE	WH	WATER HEATER	⊙	
---	CHAIN LINK FENCE	GWA	GUY WIRE ANCHOR	WM	WATER METER	⊙	
---	CONTROL VALVE	HFF	HOUSE FINISH FLOOR	WV	WATER VALVE	⊙	
---	COLDWATER LINE	HVB	HIGH VOLTAGE BOX	(100.00)	RECORD DISTANCE	⊙	
---	DRAINAGE INLET	ICB	IRRIGATION BOX CONTROL	100.00 (m)	MEASURED DISTANCE	⊙	
---	DRAINAGE OUTLET	LP	LIGHT POLE	100.00 (c)	CALCULATED DISTANCE	⊙	
		MH	MANHOLE	(C & M)	CALCULATED AND MEASURED	⊙	
		MTL	METAL	⊙	POWER POLE	⊙	
		O.H.W	OVERHANG WIRE	---	GUY WIRE ANCHOR	⊙	

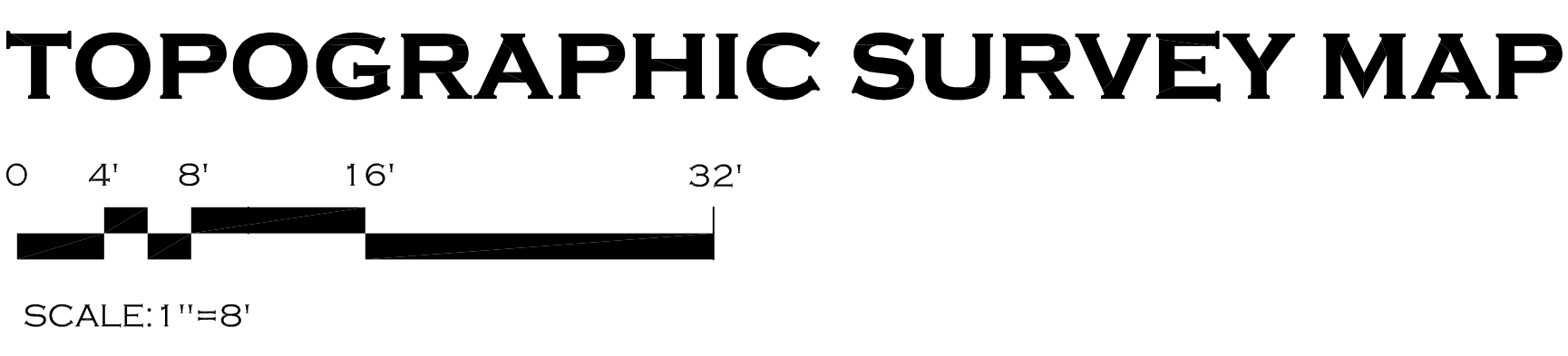
**NOTE:**  
 1. THE BOUNDARY LINES SHOWN HEREON ARE FOR REFERENCE ONLY, COMPILED FROM CITY AND COUNTY RECORDS.  
 2. THIS MAP DOES NOT SHOW ANY EASEMENTS UNLESS SPECIFIED HEREON.

**BENCH MARK**  
 LOS ANGELES COUNTY PUBLIC WORKS  
 BENCH MARK #: EY5884  
 QUAD YEAR: 2013  
 ELEVATION: 117.973  
 DESCRIPTION: LACO BM MK'D "5884" S CB FIRESTONE BLVD 3FT E/O ECR @ SE COR DOWNEY AVE  
 E= 4971.4435  
 N= 4604.6563

**BASIS OF BEARING**  
 THE BEARING OF N 18°30'00" E ON DOWNEY AVE. AS SHOWN IN SUBDIVISION OF BLK. 15 OF TRACT DOWNEY LAND ASSOCIATION M.R. 60 PAGE 40, WAS USED AS THE BASIS OF BEARING FOR THIS MAP.

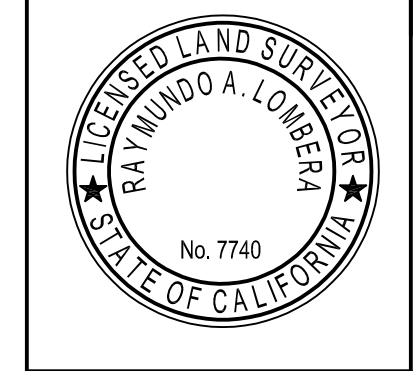
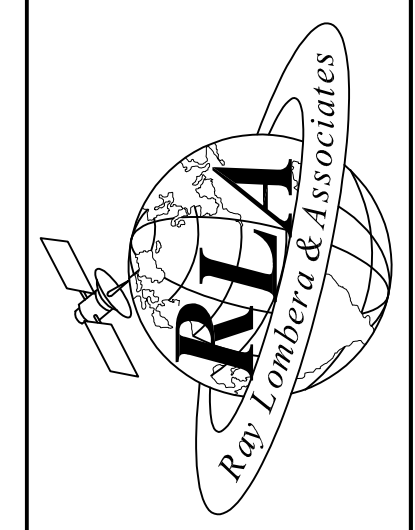
**LEGAL DESCRIPTION**  
**PARCEL 1**  
 THAT PORTION OF LOT 4 IN BLOCK 15 OF THE TRACT OF THE DOWNEY LAND ASSOCIATION IN RANCHO SANTA GERTRUDES, IN THE CITY OF DOWNEY, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER RECORDED IN BOOK 60, PAGE 40 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:  
 BEGINNING AT A POINT IN THE NORTHWESTERLY LINE OF SAID LOT 4, DISTANT NORTHEASTERLY 35 FEET FROM THE MOST WESTERLY CORNER OF SAID LOT 4, THENCE ALONG SAID NORTHWESTERLY LINE, NORTHEASTERLY 32.19 FEET; THENCE SOUTHEASTERLY 145 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF SAID LOT 4, DISTANT NORTHEASTERLY 66.67 FEET FROM THE MOST SOUTHERLY CORNER OF SAID LOT 4; THENCE ALONG SAID SOUTHEASTERLY LINE SOUTHWESTERLY 31.67 FEET; THENCE NORTHWESTERLY 145 FEET TO THE POINT OF BEGINNING.

**PARCEL 2**  
 THAT SOUTHERLY 35 FEET OF LOT 4 OF THE SUBDIVISION OF BLOCK 15 OF TRACT OF THE DOWNEY LAND ASSOCIATION, IN THE CITY OF DOWNEY, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 60, PAGE 40 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.  
 APN: 6254-019-027



**REVISIONS:**


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 135 S. JACKSON ST., STE. 202, GLENDALE, CALIFORNIA 91205  
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**JOB ADDRESS:**  
 11040 DOWNEY AVENUE  
 DOWNEY, CA. 90241

**REQUESTED BY:**  
 LUIS NIEBLA

**CHECKED BY:**  
 R.L.

**DRAWN BY:**  
 R.D.P.

**DATE:**  
 NOV. 16, 2021

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

**SHEET NO.**  
**C-1**  
 SHEET 1 OF 1