



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

RECOMMENDED ACTION

1. PLN-22-00155 (Code Amendment)

Continue

Location: Citywide – Residential Zones

Request: A Code Text Amendment to Article 9 regulating Accessory Dwelling Units

CEQA: Not subject to CEQA pursuant to Pubic Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h)

Staff: Assistant Planner Abraham Luna

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

RECOMMENDED ACTION

2. PLN-22-00133 (Conditional Use Permit)

Approve

Location: 7860 Florence Avenue

Request: A Conditional Use Permit request to allow on-site consumption for General Liquor (Type 47) license.

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

Staff: Assistant Planner Abraham Luna

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



- VIII. **NON-AGENDA/CONSENT CALENDAR/OTHER BUSINESS 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.
- IX. **CONSENT CALENDAR ITEMS:** Items in this section will be voted on in one motion unless a Commissioner requests separate actions. Further, any Consent Calendar items removed from the agenda will be considered by the Commission following the public hearing items.
- X. **OTHER BUSINESS:**
- XI. **STAFF MEMBER COMMENTS:**
- XII. **ADJOURNMENT:** To Wednesday, December 21, 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; City Hall-City Clerk's Department, 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 (ADA), 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 - City Clerk's Department, 11111 Brookshire Avenue, Monday – Friday, 7:30 a.m. – 5:30 p.m., and submit to the City Clerk's Department or contact **(562) 904-7280** or TTY 7-1-1, **48 business hours prior to the Planning Commission meeting.**

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

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



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

I Art Bashmakian, Interim City 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 1st day of December, 2022

Art Bashmakian

Art Bashmakian
Interim City Planner



DATE: DECEMBER 7, 2022

TO: PLANNING COMMISSION

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

PREPARED BY: ABRAHAM LUNA, ASSISTANT PLANNER *AL*

SUBJECT: PLN-22-00155 - CODE TEXT AMENDMENT TO ARTICLE 9 OF THE DOWNEY MUNICIPAL CODE REGULATING ACCESSORY DWELLING UNITS DEVELOPMENTS

**LOCATION/
ZONING:** CITY WIDE – RESIDENTIAL ZONES

REPORT SUMMARY

Currently, the city regulates Accessory Dwelling Units (ADU) within its zoning code per Section 9414, Article IX. Due to changes in state law, current municipal codes will become null and void and shall be amended to reflect the changes in Assembly Bill 2221 (AB 2221) and Senate Bill (SB 897). The proposed zone text amendment would bring the City's Municipal Code into compliance with new State of California Law, governing the construction of Accessory Dwelling Units and Junior Accessory Dwelling Units.

RECOMMENDATION

Continue item PLN-22-00155 to regular planning commission meeting of January 18, 2023.



STAFF REPORT

PLANNING DIVISION

DATE: DECEMBER 07, 2022

TO: PLANNING COMMISSION

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

PREPARED BY: ABRAHAM LUNA, ASSISTANT PLANNER *AL*

SUBJECT: PLN-22-00133 (CONDITIONAL USE PERMIT) – A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW ON-SITE CONSUMPTION OF GENERAL LIQUOR UNDER AN ALCOHOL BEVERAGE CONTROL (ABC) TYPE 47 (ON-SITE GENERAL LIQUOR – EATING PLACE) LICENSE

LOCATION: 7860 FLORENCE AVENUE

ZONING: C-1 (NEIGHBORHOOD COMMERCIAL)

REPORT SUMMARY

Ralph Verdugo (hereinafter “the applicant”) is requesting a Conditional Use Permit (CUP) to upgrade their existing liquor license (Type 41) to allow for consumption of general liquor (Type 47) as a bona fide eating place (Verdugo Steakhouse) at 7860 Florence Avenue. Pursuant to Downey Municipal Code (DMC) Section 9314.04, restaurants, cafes, and other eating establishments with alcohol sales are permitted with the approval of a CUP in the C-1 zone.

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING PLN-22-00133 (CONDITIONAL USE PERMIT), THEREBY ALLOWING THE ON-SITE CONSUMPTION OF GENERAL LIQUOR UNDER ALCOHOL BEVERAGE CONTROL (ABC) TYPE 47 (ON-SITE GENERAL LIQUOR - EATING PLACE) LICENSE FOR AN EATING PLACE LOCATED AT 7860 FLORENCE AVENUE, ZONED C-1 (NEIGHBORHOOD COMMERCIAL)

BACKGROUND

The subject site is improved with a single tenant commercial building located on the southern portion of Florence Avenue with the nearest cross street of Tweedy Lane. The site is zoned C-1 (Neighborhood Commercial) and has a General Plan Land Use designation of GC (General

Commercial). The site is accessible from one street frontage along Florence Avenue with majority of its parking to the rear of the site. The properties directly to the north have a zoning designation of C-2 (General Commercial) with similar uses such as restaurants, food fast service, and a variety of professional office uses and properties to the south are zoned R-1 (single family residential). The properties to the west and east are zoned C-1 (Neighborhood Commercial) with multiple small businesses. Previously, Marie Callenders had been in operation since November 1979, until sometime before December, 2019 and has been vacant until December 02, 2021 when the new business (Verdugo Steakhouse) pulled permits for their tenant improvements.



North view of subject property along Florence Avenue (Formerly "Marie Callenders")

On September 26, 2022, the applicant submitted an application for a Conditional Use Permit requesting to upgrade their existing (Type 41 ABC License) on-site sale of beer and wine to the on-site consumption of general liquor (Type 47 ABC License) at an eating establishment which will allow the added sale of distilled spirits. Currently the tenant space is finalizing their tenant improvements and is due to open at the end of December. Staff deemed the application incomplete on October 26, 2022. Subsequently, after submittal of revised plans and additional information, staff deemed the application complete for further processing on November 04, 2022.

The notice of pending public hearing was published in the *Downey Patriot* and mailed to all property owners within 500' of the subject site on November 21, 2022.

DISCUSSION

Currently, the restaurant is permitted by a previous entitlement to serve beer and wine on-site with food sales. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). The subject site is improved with a single-tenant commercial building with an approximate 5,124 square feet of floor area. The subject site is approximately 73,600 square feet in size and is improved with 45 parking spaces including two ADA compliant stalls. The site is currently under parked with a deficit of 7 parking spaces. However, with

consideration of the continuation of use and a previous entitlement for the service of beer and wine, the use with the new conditional use permit will not intensify, therefore satisfying the City's requirement per Chapter 7 – Parking of DMC Section 9728 Miscellaneous Requirements.

The proposed request would allow the added sale of distilled spirits to the previously permitted sales of beer and wine for consumption on the licensed premise, which will enhance and compliment the restaurant's menu service. The approved tentative improvement shows a new bar area of 427 square feet and a dining area in the front of the restaurant of 1,635 square feet for patrons wishing to dine-in. Staff has included a condition that restricts alcohol beyond the interior tenant space and the sale of alcohol will be supplemented with food with exception of offering sealed containers with alcohol for off-site consumption. The permitted hours of operation of the business are as follows:

Sunday – Thursday, 10:00 a.m. to 12:00 a.m.

Friday – Saturday, 10:00 a.m. to 2:00 a.m.

As a reference, below is the California State Department of Alcoholic Beverage Control's classification of a Type 47 license:

“On-Sale General - Eating Place - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.”

Although the property is adjacent to residentially developed parcels, no impacts are anticipated related to noise levels. Conditions of approval have been incorporated in an effort to mitigate any potential nuisance. Conditions include prohibiting live entertainment, keeping the rear door only accessible to employees and shut when not in use, sign regulation related to noise in parking lot, and all activity shall be maintained inside the tenant space. In addition, the activities associated with a typical restaurant shall remain much the same even after incorporating the sale of alcoholic beverage.

Lastly, upon review of the application materials, staff supports the request for a Conditional Use Permit to allow on-site sale of beer, wine, and distilled spirits for the Verdugo Steakhouse eating establishment.

DEVELOPMENT REVIEW COMMITTEE

The project was reviewed by the Development Review Committee (DRC) and standard comments were provided. Staff included conditions in order to address the department's comments. Other departments had no other concerns and standard conditions were provided.

ENVIRONMENTAL ANALYSIS

Staff has reviewed the proposed use for compliance with the California Environmental Quality Act (CEQA). Upon completion of this review, it has been determined that this request is

categorically exempt from CEQA, pursuant to Guideline Section No. 15301 (Class 1, Existing Facilities). Categorical Exemptions are projects, which have been determined not to have a significant effect on the environment and have been exempted from the requirements of CEQA. Class 1 consists of projects that involve interior alterations to an existing structure. The proposed ABC Type 47 license for the sale of alcoholic beverages is ancillary service of the eating place.

FINDINGS

Pursuant to the requirements of DMC Section 9824.06 (Conditional Use Permit), staff recommends that the Planning Commission make the following findings to approve the overall request:

- 1. That the requested Conditional Use Permit will not adversely affect the intent and purpose of Article IX or the City's General Plan or the public convenience or general welfare of persons residing or working in the neighborhood thereof.***

An existing Conditional Use permit for the sale of beer and wine has been established for this site and has been operating from 1979 till late 2019 and has not adversely affected the public. The requested Conditional Use Permit for the sale of beer, wine and distilled spirits in conjunction with an eating place will not adversely affect the purpose and intent of the Downey Municipal Code. The subject site is located within the C-1 zone, which is intended for the development and/or uses of limited neighborhood shopping areas situated adjacent to, or surrounded by, residential neighborhoods. They are intended to serve only the limited need for convenience goods and services in their immediate locality. The requested Conditional Use Permit will allow a Type 47 (On Sale - General Liquor - Eating Place) alcohol license for the existing eating place but will not adversely affect the purpose and intent of the Zoning Code or the City's General Plan or the public convenience or general welfare of persons residing or working in the neighborhood in that this site has already been approved for commercial development to serve the surrounding neighborhood. The added sale of distilled spirits in addition to the already mitted sale of beer and wine will complement the use of the eating place.

- 2. 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 requested Conditional Use Permit will not adversely affect the adjoining land uses since the existing use conforms to the C-1 zone development standards. The alcohol license will complement the family restaurant establishment and surrounding commercial uses and will serve the public with a use that the Zoning Code deems appropriate for uses within the C-1 zone. In addition, conditions have been included to ensure that consumption of alcohol is conducted within the tenant space and no live entertainment is allowed on site.

- 3. 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 subject site is approximately 73,600 square feet in size. The existing tenant space is 5,124 square feet in size and is situated in a single-tenant commercial site along Florence Avenue with the nearest cross street of Tweedy Lane. A total of 45 parking spaces are provided for onsite parking. Based on the parking calculations, the commercial site is currently deficient of 7 parking spaces due to the existing size of the tenant space. However, pursuant to Chapter 7 – *Parking* of DMC Section 9728 Miscellaneous Requirements:

“Whenever the existing use of a structure is expanded or enlarged or the existing use of land is changed to another use or another occupancy with a greater parking and/or loading requirement, the additional required parking and loading facilities shall be provided and thereafter permanently maintained in accordance with the provisions of this chapter.”

The previous tenant for this existing tenant space also accommodated an eating establishment with no additions proposed; therefore, the new business was approved as a continuation of similar use. As such, the site maintains its legal nonconforming status. The request to serve distilled spirits to the already permitted sale of beer and wine will not modify or affect the existing use, therefore, it will not be an adverse impact to the area.

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

The traffic generated by the existing use is not expected to significantly increase with the approval of the CUP, as the use is currently existing and on-site parking spaces are provided for customers. In addition, Florence Avenue is classified as a major arterial that can support high volume of vehicles. The added component of distilled spirits in addition to the permitted sale of beer and wine sales is not expected to generate significantly more traffic or impose an undue burden upon the streets and highways in the area because it is required to be served as a complement to the food menu. The alcohol sales will not be permitted without sale of food and the food establishment will continue to operate as part of the existing commercial site which has been adequately served by surrounding streets and highways.

CORRESPONDENCE

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

CONCLUSION

Based on the analysis contained in this report, staff recommends that the Planning Commission adopt the resolution approving the Conditional Use Permit (PLN-22-00133), subject to the conditions of approval as stated in the Planning Commission Resolution.

EXHIBITS

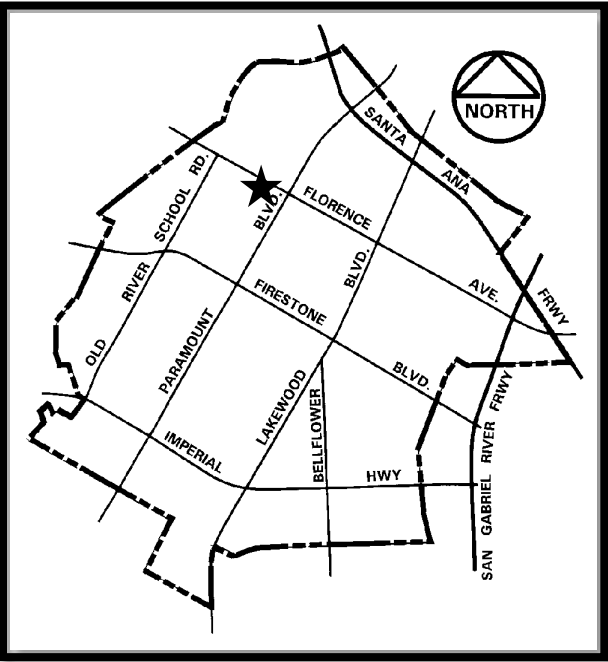
- A. Aerial Photograph, Location Map & Zoning Map
- B. Draft Resolution
- C. Project Plans

Exhibit 'A' – Maps

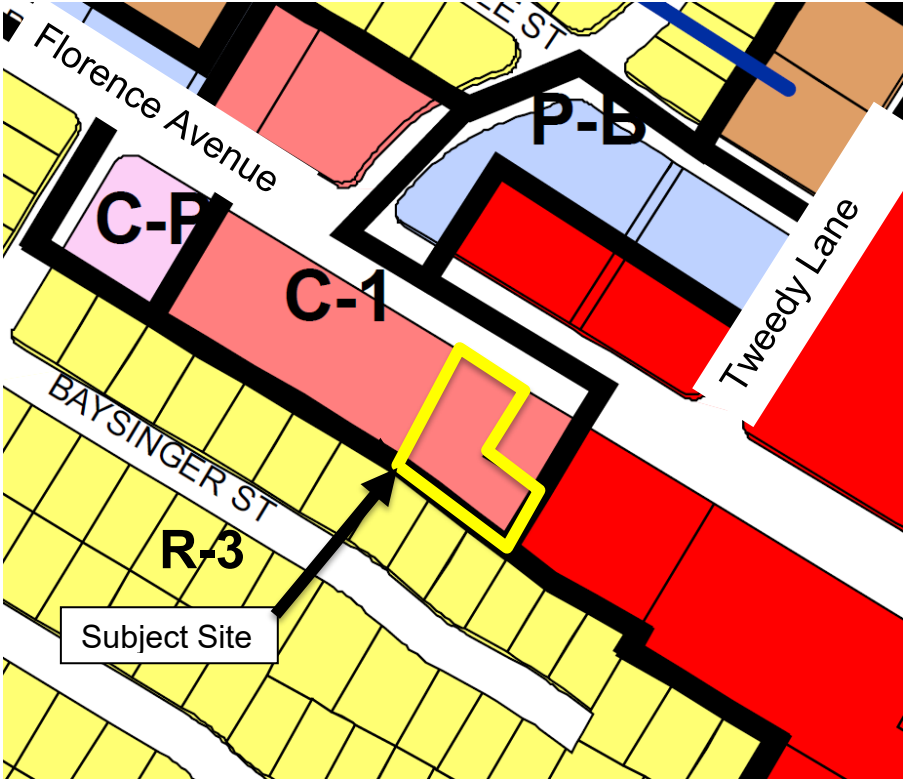
AERIAL PHOTOGRAPH



LOCATION MAP



ZONING MAP



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING PLN-22-00133 (CONDITIONAL USE PERMIT), THEREBY ALLOWING THE ON-SITE CONSUMPTION OF GENERAL LIQUOR UNDER ALCOHOL BEVERAGE CONTROL (ABC) TYPE 47 (ON-SITE GENERAL LIQUOR - EATING PLACE) LICENSE FOR AN EATING PLACE LOCATED AT 7860 FLORENCE AVENUE, ZONED C-1 (NEIGHBORHOOD COMMERCIAL)

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

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

- A. On September 26, 2022, an application was filed by Ralph Verdugo (Verdugo Steakhouse), requesting approval of a Conditional Use Permit (PLN-22-00133), to allow a full service restaurant to operate under an ABC Type 47 license, on the property located at 7860 Florence Avenue, Downey, and zoned C-1 (Neighborhood Commercial); and,
- B. Staff deemed the application complete on November 04, 2022; and,
- C. On November 21, 2022, notice of the pending public hearing was sent to all Downey property owners within 500 feet of the subject site and the notice was published in the *Downey Patriot*; and,
- D. The Planning Commission held a duly noticed public hearing on December 7, 2022 and after fully considering all oral and written testimony, facts, and opinions offered at the aforesaid public hearing adopted this resolution.

SECTION 2. The Planning Commission further finds, determines and declares the environmental impact of the proposed development has been reviewed and has been found to be in compliance with the California Environmental Quality Act (CEQA) and is categorically exempt from CEQA, pursuant to Guideline Section No. 15301 (Class 1), Existing Facilities.

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

- A. The request 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. An existing Conditional Use permit for the sale of beer and wine has been established for this site and has been operating from 1979 till late 2019 and has not adversely affected the public. The requested Conditional Use Permit for the sale of beer, wine and distilled spirits in conjunction with an eating place will not adversely affect the purpose and intent of the Downey Municipal Code. The subject site is located within the C-1 zone, which is intended for the development and/or uses of limited neighborhood shopping areas situated adjacent to, or surrounded by, residential neighborhoods. They are intended to serve only the limited need for convenience goods and services in their immediate locality. The requested Conditional Use Permit will allow a Type 47 (On Sale - General Liquor - Eating Place) alcohol license for the existing eating place but will not adversely affect the purpose and intent of the Zoning Code or the City's General Plan or the public convenience or general welfare of persons residing or working in the neighborhood in

that this site has already been approved for commercial development to serve the surrounding neighborhood. The added sale of distilled spirits in addition to the already permitted sale of beer and wine will complement the use of the eating place.

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

The CUP promotes the above policy by introducing a new component that aims to complement the restaurant that it will serve. This will not only continue to provide, but will also expand, the type and amount of goods and services available to the nearby community and general public. The restaurant and proposed use will also primarily serve and help draw the nearby neighborhood as it is a neighborhood restaurant within the C-1 (neighborhood commercial) zone. This ultimately contributes to the intent and purpose of the zone.

- 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 requested Conditional Use Permit will not adversely affect the adjoining land uses since the existing use conforms to the C-1 zone development standards. The alcohol license will complement the family restaurant establishment and surrounding commercial uses and will serve the public with a use that the Zoning Code deems appropriate for uses within the C-1 zone. In addition, conditions have been included to ensure that consumption of alcohol is conducted within the tenant space and no live entertainment is allowed on site.
- 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 subject site is approximately 73,600 square feet in size. The existing tenant space is 5,124 square feet in size and is situated in a single-tenant commercial site along Florence avenue with the nearest cross street of Tweedy Lane. A total of 45 parking spaces are provide for onsite parking. Based on the parking calculations, the commercial site is currently deficient of 7 parking due to the existing size of the tenant space. However, pursuant to Chapter 7 – Parking of DMC Section 9728 Miscellaneous Requirements:

“Whenever the existing use of a structure is expanded or enlarged or the existing use of land is changed to another use or another occupancy with a greater parking and/or loading requirement, the additional required parking and loading facilities shall be provided and thereafter permanently maintained in accordance with the provisions of this chapter.”

The previous tenant for this existing tenant space also accommodated an eating establishment with no additions proposed; therefore, the new business was approved as a continuation of similar use. As such, the site maintains its legal nonconforming status. The request to serve distilled spirits to the already permitted sale of beer and wine will not modify or affect the existing use, therefore, it will not be an adverse impact to the area.

- D. The traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area. The traffic generated by the existing use is not expected to significantly increase with the approval of the CUP, as the use is currently existing and on-site parking spaces are provided for customers. In addition, Florence Avenue is

classified as a major arterial that can support high volume of vehicles. The added component of distilled spirits in addition to the permitted sale of beer and wine sales is not expected to generate significantly more traffic or impose an undue burden upon the streets and highways in the area because it is required to be served as a complement to the food menu. The alcohol sales will not be permitted without sale of food and the food establishment will continue to operate as part of the existing commercial site which has been adequately served by surrounding streets and highways.

SECTION 4. Based upon the findings set forth in Sections 1 through 3 of this Resolution, the Planning Commission of the City of Downey hereby approves the Conditional Use Permit (PLN-22-00133), subject to the Conditions of Approval attached hereto as Exhibit A – Conditions, which are necessary to preserve the health, safety and general welfare of the community and enable the Planning Commission to make the findings set forth in the previous sections. The conditions are fair and reasonable for the accomplishment of these purposes.

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

PASSED, APPROVED AND ADOPTED this 7th day of December 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 7th day of December 2022, by the following vote, to wit:

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

Linda Thai
Deputy City Clerk

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT (PLN-22-00133)**

PLANNING

- 1) The approval of Conditional Use Permit (PLN-22-00133 allows the restaurant “Verdugo Steakhouse” to operate with a Type 47 On Sale General – Eating Place) ABC license for on-site consumption, on property located at 7860 Florence Avenue.
- 2) Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning regulations, or any Federal, State, County, and City laws and regulations. Unless otherwise expressly specified, all other requirements of the City of Downey Municipal Code shall apply.
- 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) All conditions of approval set forth in this resolution shall be complied with before the Conditional Use Permit becomes valid.
- 5) The use approved herein must be executed within one year of approval or shall be subject to revocation where this approval will be deemed null and void.
- 6) The previous Condition Use Permit of (No. 94) and Resolution (No. 314) is now obsolete and shall be superseded by Conditional Use Permit (PLN-22-00133) and its conditions of approval.
- 7) 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.
- 8) Deliveries to the premises are prohibited between 12:00 A.M. and 7:00 A.M.
- 9) The permitted hours of operation of the business are as follows:
 - a. Sunday – Thursday, 10:00 a.m. to 12:00 a.m.
 - b. Friday – Saturday, 10:00 a.m. to 2:00 a.m.
- 10) Customers shall not be within the business after the specified closing time.

- 11) There shall be no live entertainment of any form, this includes, but is not limited to, a disc jockey, bands, musicians, and karaoke.
- 12) The subject property and surrounding area must be maintained free of trash, litter, and debris at all times.
- 13) Alcoholic beverages shall not be sold for off-site consumption unless packed in a sealed container.
- 14) The sale of alcohol shall be incidental to the sale of food. Gross sales of alcohol shall not exceed the gross sales of food. At the request of the Director of Community Development, the applicant shall provide evidence that the gross sales of food exceed 50% the gross sales of alcohol.
- 15) The kitchen shall remain open to serve a full menu at all times the business is open. The service/sale of prepackaged foods, salads, or sandwiches is not considered to be in compliance with this condition.
- 16) "Last call" for alcohol purchases shall occur thirty (30) minutes prior to closing.
- 17) 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.
- 18) All rear (South) doors shall only be used for employee ingress and egress (unless required for an emergency), and must remain closed at all other times.
- 19) All signs shall comply with the requirements set forth in the Downey Municipal Code and shall require separate permits.
- 20) Signs must be posted in parking lot notifying patrons to remain courteous of nearby residential properties.
- 21) 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.
- 22) 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.
- 23) The Licensee shall be responsible for monitoring the business to prevent anyone under the age of 21 from purchasing alcohol.

- 24) 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.

BUILDING

- 25) If new construction is proposed it shall comply with the most recent version of the California Building Code, as adopted by the City of Downey.
- 26) Prior to the commencement of any construction, the applicant shall obtain all required permits. Once permits are issued, the applicant shall obtain all necessary inspections and permit final prior to occupancy of the business.

POLICE

- 27) Prior to selling alcoholic beverages, the owner/applicant shall obtain any and all required Police Department permits for this Conditional Use Permit.
- 28) 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.
- 29) Signs shall be posted at all entrances to the premises and business identifying a zero-tolerance policy for nuisance behavior at the premises (including the parking lot). Signs shall be posted along the entry/ exit ways and shall also include verbiage prohibiting the possession and consumption of alcohol outside the premises.
- 30) The owner/applicant shall not permit any loitering on the property.
- 31) A copy of this conditional use permit and any Police permit shall be prominently posted on the premises at all times. The applicant shall make available said copies upon request by any Police Officer or other City official charged with the enforcement of the City’s laws, ordinances, or regulations.
- 32) The Licensee shall be responsible for monitoring the business to prevent anyone under the age of 21 from purchasing or consuming alcohol.
- 33) 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.
- 34) The restaurant shall not charge patrons a cover charge at any time.

FIRE

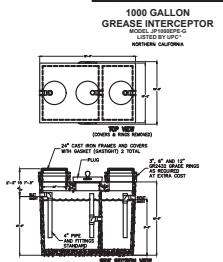
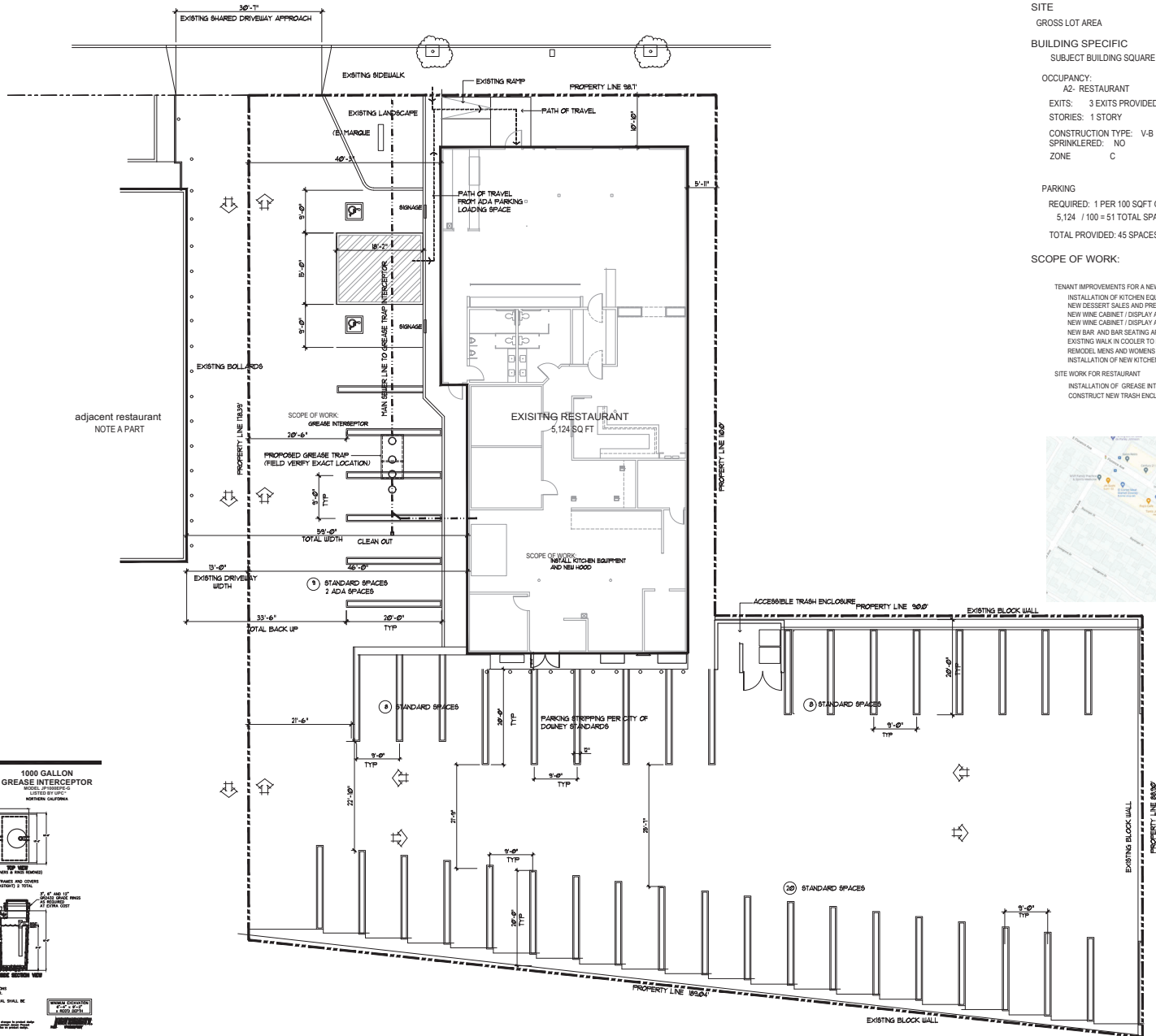
- 35) Deferred plan submittal for commercial cooking hood/exhaust automatic fire extinguishing system. Automatic fire extinguishing system design, installation, and testing shall be per NFPA 96 and be UL 300 complainant. [CFC § 904.2.2; §904.12; §609]

- 36) Clearance around kitchen hood exhaust shall adhere to CA Mechanical Code.
- 37) If applicable, storage of commercial kitchen cooking oil shall adhere to current Fire Code requirements. [CFC § 610]
- 38) Provide key boxes (e.g. Knox Boxes) to occupancy [CA Fire Code §506.1]
- 39) Approved fire lanes identification/markings shall be provided. [CA Fire Code §503.1.1]
- 40) Premises shall be appropriately addressed. An approved address identification shall be provided that is legible and placed in a position that is visible from the street/road. Sizing shall be approved and at a minimum meet requirement of CA Fire Code. [CA Fire Code §505.1]
- 41) Egress shall be designed to meet requirements of CA Building Code and Chapter 10 of the CA Fire Code for number of egress, egress sizing, means of egress, etc.
- 42) The establishment shall comply with all current code requirements for the occupancy use and type.

PUBLIC WORKS

- 43) 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.
- 44) The owner/applicant must comply with all applicable Federal, State and local rules and regulations, American Disabilities Act (ADA), including compliance with South Coast Air Quality Management District (SCAQMD) regulations.

END OF CONDITIONS



SITE
GROSS LOT AREA approx. 73,600 SQ FT

BUILDING SPECIFIC
SUBJECT BUILDING SQUARE FOOTAGE 5,124 SQ FT

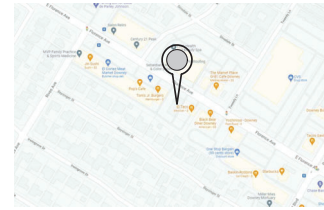
OCCUPANCY:
A2- RESTAURANT
EXITS: 3 EXITS PROVIDED
STORIES: 1 STORY
CONSTRUCTION TYPE: V-B
SPRINKLERED: NO
ZONE C

PARKING
REQUIRED: 1 PER 100 SQFT GROSS FLOOR AREA
5,124 / 100 = 51 TOTAL SPACES
TOTAL PROVIDED: 45 SPACES (2 ADA SPACES)

SCOPE OF WORK:

TENANT IMPROVEMENTS FOR A NEW RESTAURANT
 INSTALLATION OF KITCHEN EQUIPMENT WITH COMMERCIAL TYPE I HOOD
 NEW DESSERT SALES AND PREPARATION AREA
 NEW WINE CABINET / DISPLAY AREA
 NEW WINE CABINET / DISPLAY AREA
 NEW BAR AND BAR SEATING AREA
 EXISTING WALK IN COOLER TO DRINK / ALCOHOL STORAGE
 REMODEL MEN'S AND WOMEN'S RESTROOMS
 INSTALLATION OF NEW KITCHEN WALL AND CEILING FINISHES

SITE WORK FOR RESTAURANT
 INSTALLATION OF GREASE INTERCEPTOR
 CONSTRUCT NEW TRASH ENCLOSURE



consultant



owner information:
VERDUGO'S
 RALPH VERDUGO
 7860 FLORENCE BLVD
 DOWNEY, CA 90240

project location:
 7860 FLORENCE BLVD
 DOWNEY, CA 90240

issue / date:
 05/05/22- PLAN UPDATE
 07/26/22- BUILDING / CITY REVISION - PATIO
 10/28/22- PLANNING SUBMITTAL



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project no: 1212137
 phase: CD
 date: 01/01/2022
 scale: NOTED
 drawn by:
 sheet index:
 SITE PLAN

site plan
scale: 1=10'-0"

SP1

NOTE:

1. ALL FLOORS TILES SHALL BE SLIP RESISTANT SURFACE, EXCEPT SMOOTH TILE UNDER THE EQUIPMENT. PROVIDE 6" COVE BASE RADIUS AT WALL/FLOOR ANCTIONS. TILE FLOOR AREA TO HAVE CONTINUOUS SURFACE WITH SLOPE TO FLOOR DRAIN NOT TO EXCEED 1/4" PER FOOT.
2. ALL INTERIOR FINISHES SHALL COMPLY WITH 2009 C.B.C. CHAPTER 8 SECTION 807, 809 AND TABLES 8-A AND 8-B.
3. "ALL EXITS TO BE OPENABLE FROM THE INSIDE WITHOUT USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT." (LACBC 100813)
4. HEIGHT TO ACCESSIBLE WATER CLOSET WILL BE BETWEEN 11" AND 19" ABOVE FINISHED FLOOR. (CFC 562)
5. THE LAVATORY SHALL HAVE A MAXIMUM HEIGHT OF 34" WITH A MINIMUM KNEE CLEARANCE OF 21" AND THAT DRAIN PIPING SHALL BE NULATED. (CFC 804)
6. PROVIDE A BACKFLOW PREVENTION DEVICE FOR THE MOP SINK FAUCET.
7. EXISTING STORE FRONT UNDOORS ARE FIXED.
8. ALL EXIT / ENTRANCE DOORS SHALL BE ROCKET PROOF, TIGHT FITTING, SELF-CLOSING DOORS.
9. RESTROOM DOORS SHALL BE SELF-CLOSING AND RESTROOM VENTILATION SHALL BE LIGHT SWITCH ACTIVATED IF THE VENTILATION IS NOT CONTINUOUSLY ACTIVE.
10. POST A VISIBLE SIGN THAT THERE IS NO RESTROOM FOR CUSTOMERS. Customers cannot pass through food prep, food storage or utensil washing area to get to the restroom.
11. PROVIDE ADEQUATE DRY FOOD STORAGE SHELVING.
12. ALL EQUIPMENT INCLUDING WATER HEATER (IF NOT IN THE ATTIC) LOCKERS, ETC. MUST BE ON 6" LEGS OR ON CASTERS OR SEALED TO MINIMUM 4" SOLID MASONRY ISLAND WITH MINIMUM 3/8" COVERED RADIUS.
13. INCLUDE SHATTERPROOF LIGHT FIXTURES IN FOOD PREP AND UTENSIL WASHING AREAS, AND AT LEAST 30 FT. CANDLE LIGHTING IN FOOD PREP OR UTENSIL WASHING AREAS.

PARTITION PLAN NOTES:

1. CONTRACTOR SHALL PATCH ALL EXISTING DEFECTS AND REMOVE ALL EXISTING EXPOSED FASTENING DEVICES IN EXISTING DRYWALL PRIOR TO APPLYING NEW FINISH.
2. CONTRACTOR SHALL PROVIDE COMPLETE JANITORIAL SERVICE TO ENTIRE SPACE UPON COMPLETION OF CONSTRUCTION AND PRIOR TO TENANT OCCUPANCY.
3. ALTERATION, REPAIR, ADDITION AND CHANGE OF OCCUPANCY OF EXISTING STRUCTURES SHALL COMPLY WITH THE PROVISIONS OF CHAPTER 34 OF THE BUILDING CODE.

EMPLOYEE WORK AREA

1. EMPLOYEE AREAS SHALL COMPLY WITH THE ACCESSIBILITY REQUIREMENTS OF CHAPTER 1B (123B).
2. SPECIFIC WORKSTATIONS NEED ONLY COMPLY WITH AISLE WIDTH AND FLOOR AND LEVELS AND ENTRYSWAYS SHALL BE 32 INCHES CLEAR WIDTH AISLES SHALL NOT BE LESS THAN 36 INCHES IF SERVING ONLY ONE SIDE, AND NOT LESS THAN 44 INCHES WIDE IF SERVING BOTH SIDES. (123B3, 123B5.2)
3. EMPLOYEE WORK AREAS SHALL HAVE A MINIMUM OF 36 INCHES CLEAR WIDTH ACCESS. (109B3.23, 109B3.32)

STORAGE AREA NOTES:

- THERE WILL BE NO OPEN FOOD IN STORAGE ROOM
- THE DOOR BETWEEN STORAGE ROOM AND FOOD PREP AREAS ARE TO BE FULL HEIGHT, TIGHT FITTING AND ROCKET/VERMIN PROOF
- ORDER / SERVING / STORAGE AREA SEALED
- L.A. HEALTH DEPARTMENT APPROVED SEALER SPEC. ACCESS PANEL "TRAIL WALL" COMPANY" BAU TILE CO. 3/8"X1/8" (6" HIGH) OR EQUALLY APPROVED

OCCUPANT LOAD FACTOR:

DINING/SEATING AREA: 546 SQ. FT.
546/75 OCCUPANT LOAD: 36 PERSONS MAX.

NOTE

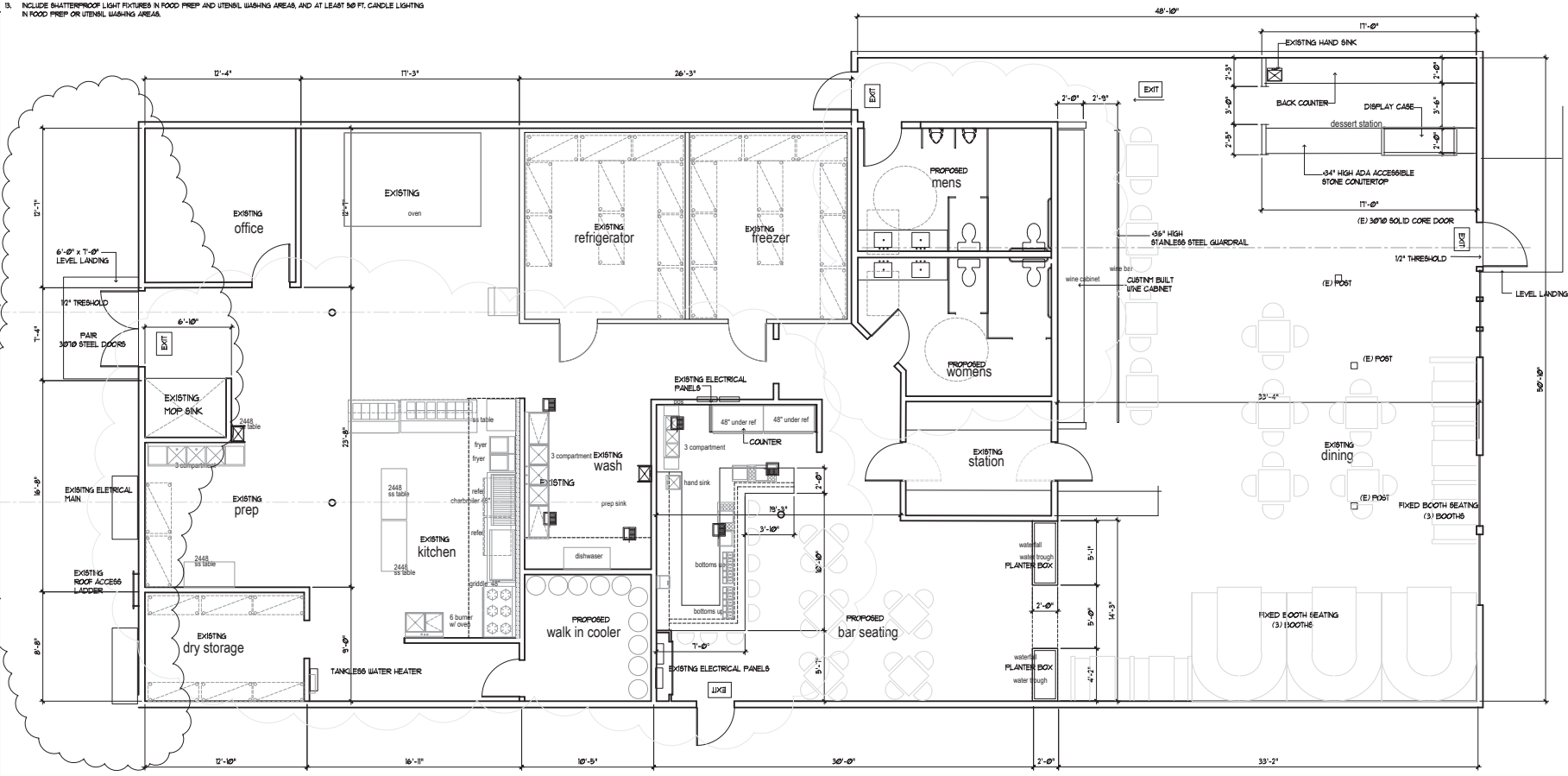
1. WALLS AND CEILING ARE SMOOTH AND WASHABLE IN SERVICE AREA, PREP AREA, TOILET RM AND WASH AREA
 2. PROVIDE "MAXIMUM OCCUPANCY" PERSONS" SIGN FOR ALL ASSEMBLY OCCUPANCY.
- NOTE: SIGN SUB CONTRACTOR SHALL PROVIDE SIGN SHOP DRAWINGS

WALL LEGEND

EXISTING WALLS
2-4 WALLS STUDS @ 16" OC
NO NEW WALLS PROPOSED

FIRE NOTE

EACH DOOR IN A MEANS OF EGRESS FROM A GROUP A OR ASSEMBLY AREA NOT CLASSIFIED AS AN ASSEMBLY OCCUPANCY HAVING AN OCCUPANT LOAD OF 50 OR MORE SHALL NOT BE PROVIDED WITH A LATCH OR LOCK UNLESS IT IS PLANC HARDWARE OR FIRE EXIT HARDWARE.
CURTAINS, DRAPES AND OTHER DECORATIVE MATERIALS SUSPENDED FROM THE WALLS OR CEILING SHALL MEET THE FLAME SPREAD PROPAGATION PERFORMANCE CRITERIA OF NFPA 101 IN ACCORDANCE WITH SECTION 806.2 OR BE NON COMBUSTIBLE.



floor plan
scale: 1/4" = 1'-0"



consultant:



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050822-PLAN UPDATE
072622-BUILDING / CITY REVISION - PATIO

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FLOOR PLAN

A1