



- I. **CALL TO ORDER: A REGULAR PLANNING COMMISSION MEETING - 6:30 P.M.**
- II. **FLAG SALUTE**
- III. **ROLL CALL:** Chair Ortiz, Vice Chair Uva, Duarte, and Guerra
- IV. **PLANNING COMMISSIONER ANNOUNCEMENTS; REQUEST FOR FUTURE AGENDA ITEMS; AND CONFERENCE/MEETING REPORTS:**
- V. **PRESENTATIONS:**
- VI. **REPORT ON CITY COUNCIL ACTIONS:**
- VII. **PUBLIC HEARINGS:**
  1. **Accessory Dwelling Unit Ordinance (Zone Text Amendment)**

Location: City Wide

Request: A Code Text Amendment to Article 9 regulating Accessory Dwelling Units. The proposed code amendment will replace and repeal section 9414 of the City's Zoning Code in order to comply with recent state law changes.

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

Staff: Assistant Planner Abraham Luna

Contact: [aluna@downeyca.org](mailto:aluna@downeyca.org)

Recommendation: Continue to date certain – 4/19/2023
- 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:

2. PLN-23-00028 (Special Event Permit)

Location: 251 Stonewood Street
Request: A request to hold a fifteen (15) day Circus Vargas at the Stonewood Mall
CEQA: Categorical Exemption – Section 15304 (Class 4, Minor Alterations to Land)
Staff: Principal Planner Alfonso Hernandez
Contact: ashernandez@downeyca.org
Recommendation: Approve

XI. ITEMS TO BE PLACED ON FUTURE AGENDAS:

- a. Amendments to the Accessory Dwelling Units (ADU) Ordinance
b. Carnival – 10441 Downey Ave.
c. Wireless Telecommunications Facility – 7375 Stewart & Gray Rd.

XII. STAFF MEMBER COMMENTS:

XIII. ADJOURNMENT: To Wednesday, April 19, 2023 at 6:30 pm, at Downey City Hall, 11111 Brookshire Avenue, Downey, CA. 90241.

NOTICE: SECTION 9806 – APPEALS

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

Supporting documents are available at: www.downeyca.org; City Hall-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 reunion 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 30<sup>th</sup> day of March, 2023

Art Bashmakian

Art Bashmakian  
Interim City Planner



**STAFF REPORT**  
PLANNING DIVISION

**DATE:** APRIL 5, 2023

**TO:** PLANNING COMMISSION

**SUBMITTED BY:** GREGORY PFOST, INTERIM DIRECTOR OF COMMUNITY DEVELOPMENT *GP*

**REVIEWED BY:** ART BASKMAKIAN, INTERIM CITY PLANNER *AB*

**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**

Over the past four years, the California Legislature approved and the Governor signed into law a number of bills regulating Accessory Dwelling Units which are now codified primarily in Government Code Sections 65852.2 and 65852.22. The proposed zoning code amendment will repeal and replace Section 9414 (Accessory Dwelling Unit Developments) of the City's Zoning Code to comply with aforementioned Government Code Sections. Staff is working with the City Attorney's office to fine tune the draft ordinance and expects to complete this effort in time for the April 19<sup>th</sup>, 2023 meeting.

**RECOMMENDATION**

Continue item PLN-22-00155 to regular planning commission meeting of April 19, 2023.



**DATE:** APRIL 5, 2023

**TO:** PLANNING COMMISSION

**SUBMITTED BY:** GREGORY PFOST, INTERIM COMMUNITY DEVELOPMENT DIRECTOR

**REVIEWED BY:** ART BASHMAKIAN, INTERIM CITY PLANNER

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

**SUBJECT:** **PLN-23-00028 (SPECIAL EVENT PERMIT) – A REQUEST TO OPERATE A CIRCUS FOR FIFTEEN (15) DAYS (APRIL 14<sup>TH</sup> – May 1<sup>ST</sup>)**

**LOCATION:** 251 STONEWOOD STREET

**ZONING:** SP 89-1 (STONEWOOD SPECIFIC PLAN)

**REPORT SUMMARY**

Circus Vargas is requesting the approval of a Special Event Permit that would allow them to conduct a circus in the parking lot of the Stonewood Mall from April 14<sup>TH</sup> to May 1<sup>ST</sup>, 2023. Pursuant to Downey Municipal Code Section 9420.04(c), special events involving over five hundred (500) people shall require approval from the Planning Commission. Based on the analysis contained in this report, staff recommends that the Planning Commission adopt the following resolution:

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING SPECIAL EVENT PERMIT (PLN-23-00028), A REQUEST TO PERMIT THE OPERATION OF A CIRCUS FOR FIFTEEN (15) DAYS (APRIL 14TH – May 1ST), ON PROPERTY LOCATED AT 251 STONEWOOD STREET, ZONED SP 89-1 (STONEWOOD SPECIFIC PLAN)**

**BACKGROUND**

Circus Vargas held circus events at the Stonewood Mall in 2019, 2021, and 2022. The applicants have submitted an identical request due to the success of the previous events. No calls for service were received during the 2019, 2021, and 2022 event dates, nor did the City’s Planning Division receive complaints.

The Stonewood Mall occupies 63 acres and is located on the north side of Firestone Boulevard between Lakewood Boulevard and Woodruff Avenue. The subject site is zoned SP 89-1 (Stonewood Specific Plan). The surrounding uses include single-family residential to the north, single-family residential and multiple-family to the east, a Toyota dealership to the south across Firestone Boulevard and commercial retail uses to the west across Lakewood Boulevard.

On March 8, 2023, Katya Quiroga submitted a Special Event Permit (PLN-23-00028) application on behalf of Circus Vargas, requesting the Planning Commission's approval to conduct a fifteen-day circus within the parking lot of the Stonewood Mall.

On March 23, 2023, staff mailed notice of the pending special event (circus) to all property owners within 100 feet of the subject site.

## **DISCUSSION**

The special event will occupy the southeast parking lot of the Stonewood Mall facing Lakewood Boulevard, west of the BJ's restaurant, and will consist of a 17,000 square foot tent for the main performance, portable restrooms, food booths, and a merchandise stand.

### **Hours of Operation**

Aside from the dates of performance, set up of the carnival will occur no sooner than 1:00 p.m. on Tuesday, April 11<sup>th</sup> and set up will be finished by Thursday, April 13<sup>th</sup> at 5:00 p.m., prior to the beginning of the circus. The proposed circus site is located approximately 188 feet from residential properties on the west and 850 feet from residential properties to the north. Removal of all circus apparatus will be completed by 6:00pm on Tuesday, May 2<sup>nd</sup>. Staff is recommending Conditions of Approval to ensure the clean-up area be extended to also include the sidewalks and public areas adjacent to the circus site.

There will be fifteen (15) performance days that will follow the schedule listed below. There will be a range of one (1) to three (3) shows per day, for a total of 28 shows throughout the entire special event. The proposed duration of each show will be one and a half hours. The schedule of show times will be as follows:

- Friday, April 14, 2023, (1 show) starting at 7:30pm.
- Saturday, April 15, 2023, (3 shows) starting at 1:00pm, 4:00pm and 7:30pm.
- Sunday, April 16, 2023, (3 shows) starting at 12:30pm, 3:30pm and 7:00pm.
- Monday, April 17, 2023, (1 show) starting at 6:30pm.
- Tuesday, April 18, 2023, **No Performances**
- Wednesday, April 19, 2023, (1 show) starting at 7:00pm.
- Thursday, April 20, 2023, (1 show) starting at 7:00pm.
- Friday, April 21, 2023, (1 show) starting at 7:30pm.
- Saturday, April 22, 2023, (3 shows) starting at 1:00pm, 4:00pm & 7:30pm.
- Sunday, April 23, 2023, (3 shows) starting at 12:30pm, 3:30pm & 7:00pm.
- Monday, April 24, 2023, **No Performances**
- Tuesday, April 25, 2023, **No Performances**
- Wednesday, April 26, 2023, (1 show) starting at 7:00pm.
- Thursday, April 27, 2023, (1 show) starting at 7:00pm.
- Friday, April 28, 2023, (1 show) starting at 7:30pm.
- Saturday, April 29, 2023, (3 shows) starting at 1:00pm, 4:00pm & 7:30pm.
- Sunday, April 30, 2023, (3 shows) starting at 12:30pm, 3:30pm & 7:00pm.
- Monday, May 1, 2023, (1 show) starting at 6:30 pm.

## Performance Details

The Circus will not have any rides, games of chance, performing animals, pyrotechnics or the use of open flame fire. The circus employees consist of 26 people including performers, managers, and event staff. There will be a total of 17 sleeping trailers that are proposed to be located in the east parking lot of the mall west of Olive Garden. The Applicant is expecting 300-500 people to attend each performance, however; the tent has a maximum occupancy of up to 1,250 people. All performance activity will take place entirely within the performance tent. The circus site will provide eight (8) portable restrooms. To ensure litter generated by the circus does not impact the surrounding area, a condition has been placed to confirm that trash receptacles will be placed throughout the site. Generator equipment will be placed on the north side of the tent. The proposed site plan shows a 26 foot Fire Lane will be provided surrounding the event site. The circus site will have two (2) pedestrian access points adjacent to one another and a third access point located to the southeast corner of the event site. Staff has placed a condition to ensure that there is a designated path of travel for the safety of attendees between the parking areas and the event.

## Parking

There is an abundance of parking throughout the mall site. Patrons for this event are expected to park at the northeast parking area directly north of the Sears. The spaces are located 170 feet away from nearby residential and also separated from the more active area of the shopping center. Additionally, there will be 5 ADA parking spaces to the north of the circus tent near the main entrance. The proposed parking area is not expected to create any conflict with other uses on the site as there is ample amount of parking throughout the shopping center. As noted earlier in this report, this is the fourth request for this event. The previous events did not present parking impacts.

## **DEVELOPMENT REVIEW COMMITTEE**

The request was reviewed by the Development Review Committee. The Downey Police Department stated that the security plan submitted by the applicant shows sufficient security measures will be taken and additional police personnel are not needed at the event. A condition has been included to ensure the applicant implements the approved security plan reviewed by the Downey Police Department. The Public Works Department identified that trash receptacles are required throughout the carnival area for trash generated from the event. Conditions of approval have been included in the attached Resolution to address these comments and concerns. Public Works also identified that there are no underground easements near the circus site. However, the Public Works Department has included a condition to require a 5-foot setback be maintained on either side of any above-ground utility easements.

## **ENVIRONMENTAL ANALYSIS**

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

## **FINDINGS**

Pursuant to the requirements of the Municipal Code, staff recommends that the Planning Commission make the following findings to approve the request:

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

The project is consistent with the City's General Plan in that the following policies are promoted by the Special Event Permit:

*Program 1.1.5.3 – Promote recreation and entertainment uses that serve the needs of the public.*

*Program 6.3.1.6 – Discourage the placement of air conditioning equipment, electric generators, or other noise-generating equipment in close proximity to adjacent properties.*

*Program 9.1.2.3 – Capitalize on the city's location within a region with an entertainment-related economic base.*

The event is open to the public, includes food booths and the entertainment tent for attendees to enjoy. The temporary circus event adds to the diversity of entertainment options available to the public. The event seating serves the needs of the public by accommodating for a maximum of 1,250 people, including accommodations for accessible seating. The food and novelty counters are also ADA accessible to meet the needs of the general public. The tent and event activity have been placed as far as feasible from surrounding residential uses to keep excessive noise to a minimum. The proposed special event is consistent with the aforementioned General Plan programs.

**B. The proposed activity or use is consistent with other provisions of Article IX of the Downey Municipal Code.**

Operation of a temporary circus will not alter the use of the site in a way that would deviate from the applicable specific plan. A condition has been placed to require that the parking lot, which is to be used for the event, will be restored back to the condition in which it was before the event. The proposed event location in the southwest parking lot is an area that has ample space for this use and therefore, would not create any inconsistencies or conflicts with other uses on site. The proposed event encourages large community gatherings in outdoor facilities. The proposed event will be located on private property out of the public right-of-way and the subject site is suited to provide ample amount of parking required for the size of the event. The proposed event satisfies the general requirements for a Special Event per the Downey Municipal Code.

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

The temporary event will occur on the southwest parking lot of the mall. The event will be served by an ample amount of parking spaces on the mall property. The circus will provide restroom facilities to the south of the proposed area for the event to



accommodate visitors. The entertainment tent meets ingress and egress with a detailed site plan showing where all emergency exits are located and by providing two (2) additional exits. The size of the entertainment tent requires five (5) exits and the Applicant will provide seven (7). The proposed event is in conformance with the requirements for ensuring safety and general welfare for the city. Conditions of approval have been incorporated to address and minimize potential concerns related to the permitted hours of event, parking, noise, security, trash receptacle requirements, restroom, and site clean-up.

### **CORRESPONDENCE**

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

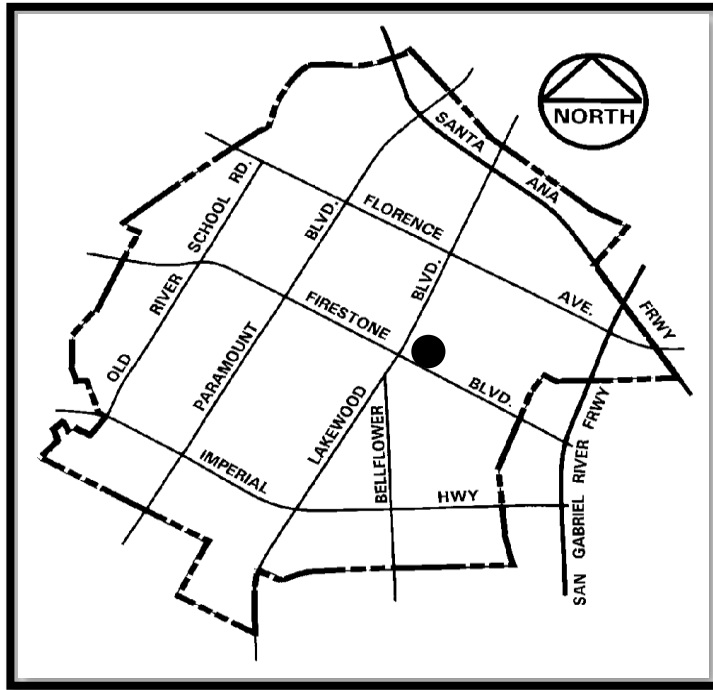
### **CONCLUSION**

Based on the analysis contained herein, staff is concluding this event can be a benefit to the community as encouraged through General Plan policies. Furthermore, staff concludes that all of the required findings can be made in a positive manner. Therefore, staff recommends that the Planning Commission adopt the attached resolution approving the Special Event Permit (PLN-22-00038), subject to the conditions of approval as stated in Exhibit A of the Planning Commission Resolution.

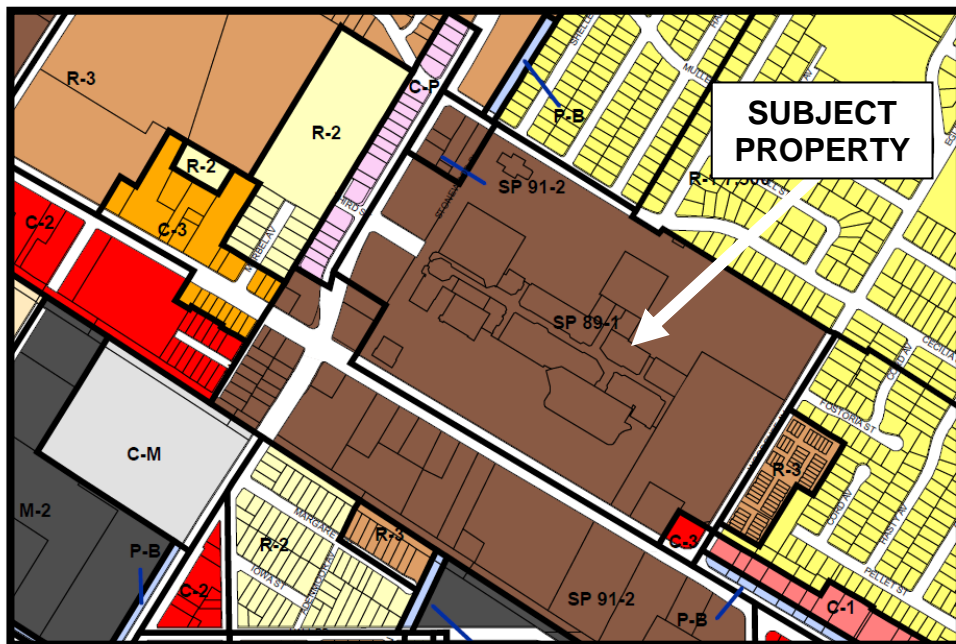
### **EXHIBITS**

- A. Maps
- B. Draft Resolution
- C. Circus Layout
- D. Circus Submittal Packet

**Exhibit 'A'**



**Vicinity Map**



**Zoning Map**



**Aerial Map**

**RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING SPECIAL EVENT PERMIT (PLN-23-00028), A REQUEST TO PERMIT THE OPERATION OF A CIRCUS FOR FIFTEEN (15) DAYS (APRIL 14TH – May 1ST), ON PROPERTY LOCATED AT 251 STONEWOOD STREET, ZONED SP 89-1 (STONEWOOD SPECIFIC PLAN)**

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

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

- A. An application was filed by Katya Quiroga (hereinafter "Applicant") on March 8, 2023, requesting approval of a Special Event Permit to allow the operation of a circus, on property at 251 Stonewood Street (Stonewood Mall) Downey, California (hereinafter "Subject Site"), zoned SP 89-1 (Stonewood Specific Plan); and,
- B. On March 23, 2023, notice of the pending public hearing was sent to all Downey property owners within 100 feet of the subject site; and,
- C. The Planning Commission held a duly noticed meeting on April 5, 2023, 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. 15304 (Class 4, Minor Alterations to Land). Categorical Exemptions are projects, which have been determined not to have a significant effect on the environment and have been exempted from the requirements of CEQA. Class 4 exemptions include temporary uses, such as a carnival, that will have no permanent effect on the environment.

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

- A. The proposed activity or use is consistent with the objectives, policies, and general land uses and programs specified in the City's General Plan. The project is consistent with the City's General Plan in that the following policies are promoted by the Special Event Permit:

*Program 1.1.5.3 – Promote recreation and entertainment uses that serve the needs of the public.*

*Program 6.3.1.6 – Discourage the placement of air conditioning equipment, electric generators, or other noise-generating equipment in close proximity to adjacent properties.*

*Program 9.1.2.3 – Capitalize on the city's location within a region with an entertainment-related economic base.*

The event is open to the public, includes food booths and the entertainment tent for attendees to enjoy. The temporary circus event adds to the diversity of entertainment options available to the public. The event seating serves the needs of the public by accommodating for a maximum of 1,250 people, including accommodations for accessible seating. The food and novelty counters are also ADA accessible to meet the needs of the general public. The tent and event activity have been placed as far as feasible from surrounding residential uses to keep excessive noise to a minimum. The proposed special event is consistent with the aforementioned General Plan programs.

- B. The proposed activity or use is consistent with other provisions of Article IX of the Downey Municipal Code. Operation of a temporary circus will not alter the use of the site in a way that would deviate from the applicable specific plan. A condition has been placed to require that the parking lot, which is to be used for the event, will be restored back to the condition in which it was before the event. The proposed event location in the southwest parking lot is an area that has ample space for this use and therefore, would not create any inconsistencies or conflicts with other uses on site. The proposed event encourages large community gatherings in outdoor facilities. The proposed event will be located on private property out of the public right-of-way and the subject site is suited to provide ample amount of parking required for the size of the event. The proposed event satisfies the general requirements for a Special Event per the Downey Municipal Code.
- C. The proposed activity or use does not result in conditions or circumstances contrary to the public health, safety, and general welfare. The temporary event will occur on the southwest parking lot of the mall. The event will be served by an ample amount of parking spaces on the mall property. The circus will provide restroom facilities to the south of the proposed area for the event to accommodate visitors. The entertainment tent meets ingress and egress with a detailed site plan showing where all emergency exits are located and by providing two (2) additional exits. The size of the entertainment tent requires five (5) exits and the Applicant will provide seven (7). The proposed event is in conformance with the requirements for ensuring safety and general welfare for the city. Conditions of approval have been incorporated to address and minimize potential concerns related to the permitted hours of event, parking, noise, security, trash receptacle requirements, restroom, and site clean-up.

**SECTION 4.** Based upon the findings set forth in Sections 1 through 3 of this Resolution, the Planning Commission of the City of Downey hereby approves the Special Event Permit (PLN-22-00038), 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.

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Downey Planning Commission

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

PASSED, APPROVED AND ADOPTED this 5<sup>th</sup> day of April, 2023.

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Horacio Ortiz 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 5<sup>th</sup> day of April, 2023, by the following vote, to wit:

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

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Abraham Luna  
Assistant Planner

**PLN-23-00028 (SPECIAL EVENT PERMIT)  
EXHIBIT A - CONDITIONS**

**PLANNING**

1. The approval of this Special Event Permit allows Circus Vargas to host a fifteen-day circus (April 14<sup>th</sup> – May 1<sup>st</sup>) on the southwestern parking lot of the Stonewood Mall, which consists of a large tent for the main performance, food booths, and merchandise booth located at 251 Stonewood Street.
2. Circus hours of operation shall be limited to the schedule outlined below:
  - Friday, April 14, 2023, (1 show) starting at 7:30pm.
  - Saturday, April 15, 2023, (3 shows) starting at 1:00pm, 4:00pm and 7:30pm.
  - Sunday, April 16, 2023, (3 shows) starting at 12:30pm, 3:30pm and 7:00pm.
  - Monday, April 17, 2023, (1 show) starting at 6:30pm.
  - Tuesday, April 18, 2023, **No Performances**
  - Wednesday, April 19, 2023, (1 show) starting at 7:00pm.
  - Thursday, April 20, 2023, (1 show) starting at 7:00pm.
  - Friday, April 21, 2023, (1 show) starting at 7:30pm.
  - Saturday, April 22, 2023, (3 shows) starting at 1:00pm, 4:00pm & 7:30pm.
  - Sunday, April 23, 2023, (3 shows) starting at 12:30pm, 3:30pm & 7:00pm.
  - Monday, April 24, 2023, **No Performances**
  - Tuesday, April 25, 2023, **No Performances**
  - Wednesday, April 26, 2023, (1 show) starting at 7:00pm.
  - Thursday, April 27, 2023, (1 show) starting at 7:00pm.
  - Friday, April 28, 2023, (1 show) starting at 7:30pm.
  - Saturday, April 29, 2023, (3 shows) starting at 1:00pm, 4:00pm & 7:30pm.
  - Sunday, April 30, 2023, (3 shows) starting at 12:30pm, 3:30pm & 7:00pm.
  - Monday, May 1, 2023, (1 show) starting at 6:30 pm.
3. 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.
4. 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.

Resolution No.  
Downey Planning Commission

5. Approval of this Special Event 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.
6. 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.
7. The approved activities for the special event shall consist of one performance tent, food booths and merchandise booth.
8. All accessory trailers, including sleeping areas, shall be placed no closer than 155' (feet) from the north property boundary closest to Cecilia Street and shall not abut residential properties.
9. Setup shall occur no sooner than 1:00 pm on Tuesday, April 11, 2023
10. Complete restoration of the site including any asphalt repair, tree repair, removal of garbage on site and the surrounding proximity of the mall must be completed no later than 11:59 p.m. on Tuesday, May 2, 2023.
11. Tree removal is not approved as part of this event, however should a tree be damaged due to event activity, set-up, or removal; a replacement tree must be installed, of equal maturity or equivalent box size, satisfactory to the City Planner.
12. All public sidewalks immediately surrounding the circus site must be monitored and removed of litter throughout the event and at time of final site restoration.
13. Site configuration and operations must remain in substantial conformance with the approved site plan. Modifications to the approved site plan must be approved by the City Planner.
14. All circus performances shall cease by 8:30 p.m. on Monday, May 1, 2023.
15. All necessary lighting shall be directed away from nearby residential uses. Additional telescope lighting shall be provided in parking area to provide illuminated pedestrian areas east of event site along Woodruff Avenue, directed away from residential properties.
16. Temporary directional signage shall be placed to guide visitors to the designated circus parking area on the northwest portion of the center, north of Sears.
17. All speakers associated with performances must be positioned to direct noise away from nearby residential uses. Event must comply with applicable Downey Municipal Code regulations related to noise.
18. Animals are prohibited from being a part of a performance or any part of this event.
19. There shall be no open fire flame or use of fire as any part of this event.



20. The sale and consumption of alcoholic beverages shall be prohibited at all times.
21. Any necessary Health Department approvals required for the sale of food shall be obtained no later than April 13, 2023. Appropriate documentation reflecting approval must be submitted to the City Planner by the same day.
22. The Applicant shall obtain all permits required by the City of Downey Building and Safety Division, Police Department and Fire Department for activities associated with the event no later than April 10, 2023. Appropriate documentation reflecting approval must be submitted to the City Planner by the same day.
23. Signs or banners advertising the event are not allowed outside of the proximity of the immediate circus area. Any proposed banners must be reviewed and approved by the City Planner prior to posting. In addition, hand held signs shall not be utilized on public or private property to advertise the event.
24. An additional three parking attendants shall be provided and dispersed throughout the southeast entrance of the mall site near the Raising Cane's restaurant.

#### **BUILDING AND SAFETY**

25. Temporary structures that cover an area greater than 120 square feet and used for the gathering of 10 or more persons require permits. The construction documents shall include a site plan indicating the location of the temporary structure and information delineating the means of egress and the occupant load. The temporary structure shall be located in accordance with the requirements of California Building Code Table 602 based on the fire-resistance rating of the exterior walls proposed type of construction (10 feet minimum from property line based on Type VB).
26. Temporary structures or facility shall meet the requirements of Chapter 11B of the California Building Code. Site plan shall include a site accessibility plan identifying exterior routes of travel and detailing running slope, cross slope, width, pedestrian ramp, curb ramps, handrails, signage and truncated domes. Path of travel shall be provided from the public right of way and accessible parking to building or facility. The design professional shall ensure that the site accessibility plan is compliance with the latest Federal and State regulations.

#### **PUBLIC WORKS**

27. The owner/applicant shall obtain all necessary plan approvals and permits.
28. The facility must provide trash receptacles (refuse/recycles) for the proper disposal of food items and trash generated from the event.
29. The owner/applicant shall comply with the National Pollutant Discharge Elimination System (NPDES) requirements of the Federal Clean Water Act; and Ordinance 1142 of the Downey Municipal Code (DMC). Watering down parking lot for maintenance purposes shall be prohibited at all times.

30. Parking lot maintenance by hosing down method shall be prohibited (See attached best management practices).
31. The owner/applicant shall call Underground Service Alert (USA) to have all utility within the vicinity of the event marked out. Removal of all utility-related Underground Service Alert (USA) temporary pavement markings created as part of this event within the property, 48 hours after the event.
32. No excavation shall be permitted within five feet of any utility easement.
33. Owner/applicant shall reconstruct onsite pavement that was excavated, consisting of a minimum section of 4" thick aggregate base, and a minimum 2-1/2" thick asphalt concrete pavement. Reconstruct pavement of the on-site parking that was excavated subject to the review and approval of the Public Works and/or Community Development Department.

### **FIRE DEPARTMENT**

34. The following comments pertain to a fire review of a submitted design review plan(s). The comments contained herein shall not be construed as complete or encompassing all fire-life safety code requirements as set forth in local, State, and/or National codes.
35. The applicant shall obtain a tent permit from the Fire Department by no later than Monday, April 10, 2023. Tents and membrane structures having an area in excess of 400 square feet shall require a separate tent permit [CA Fire Code §3103.2].
36. All tents, equipment, etc. shall be in place and ready for field inspection by 10:00 am on Friday, April 14, 2024.
37. A Fire Safety Officer (FSO) shall staff the event's performances to ensure public safety related to fire hazards, egress obstructions, remediation of hazards, extinguishment of fires, and assist in evacuation [CA Fire Code §403.12.1 - §403.12.2]
38. Crowd managers (clearly identified as such via uniform, vests, shirts, etc.) shall be provided with duties to maintain egress, assist in evacuation, and maintain fire lanes and site access [CA Fire Code 403.12.3]
39. Tents and other fabrics used for backdrop shall comply with CA Fire Code, CA Code of Regulations, and State Fire Marshal for flame resistance standards of fabric [CA Fire Code §3104.3; § 3104.4; CCR Title 19 Division 1, §315(d); §335(a)]
40. Tent shall be designed and installed to withstand the elements of weather and prevent collapsing. Documentation of structural stability shall be furnished to fire code official at time of special event application [CA Fire Code §3103.9]
41. Generators and other internal combustion power sources shall be separated from tent by not less than 20 feet and generators shall be isolated (e.g. protected by physical barriers such as fencing, enclosure, or other approved means) from contact with the public [CA Fire Code §3104.19]

42. Flammable and combustible liquids shall be stored outside in an approved manner not less than 50 feet from tents [CA Fire Code §3104.17.2]. Any refueling operations shall be performed in an approved location not less than 20 feet from tent [CA Fire Code §3104.17.3].
43. Approved cable bridges shall be provided for electrical cables where subject to physical damage [CA Fire Code §605.5].
44. Occupant load shall be maintained at all times and not exceeded. An occupant load sign shall be provided, conspicuous posted, and clearly visible at main entrance of tent [CA Fire Code §1004.3].
45. The Applicant shall provide fire extinguishers in accordance with California Fire Code. Currently serviced (e.g. tagged) 2A10BC fire extinguishers shall be provided and clearly visible [CA Fire Code 906, CCR Title 19]
46. Tents shall not be located within 20 feet of parked vehicles, open flame or heating devices, BBQs, combustion engines (e.g. generators) [CA Fire Code §3104.7]
47. Smoking is not permitted inside or adjacent to the tent. No smoking signs shall be conspicuously posted [CA Fire Code §310.3]
48. Tents with occupant load in excess of 50 persons shall have required number of exits and illuminated exit signs and emergency lighting [CA Fire Code §3103.12.6.1]. An emergency lighting field test shall be required and witnessed by the Downey Fire Department at time of field inspection.
49. Exits shall be clearly marked and egress shall remain unobstructed [CA Fire Code §1031.1; 1031.3]. The exit discharge shall provide direct and unobstructed access to a public way [CA Fire Code §1028.5]. Vehicle parking, fencing, or other potential obstructions to exit discharge shall not be allowed – additional clear space and NO PARKING at each exit discharge may be required based on site plan and field review.
50. Event shall not obstruct or impede egress from any neighboring occupancy, business, structures, and/or buildings at the Stonewood Mall.
51. Fire access shall be maintained. Fire access roads shall have an unobstructed width of not less than 26 feet to accommodate an aerial fire apparatus [CA Fire Code 503.2.1; D105.2] and extend to within 150 feet of all portions of tent structure [CA Fire Code 503.1.1].
52. Tent structure shall adhere to all other applicable requirements for an assembly occupancy as it pertains to egress, egress sizing, exit signs, emergency illumination, etc.
53. Floor surface inside the tent and the grounds outside and within 30-foot perimeter shall be kept free of combustible waste and other combustible materials that could create a

Resolution No.  
Downey Planning Commission

fire hazard. Such waste shall be stored in approved containers and removed from the premises not less than once a day during the period the structure is occupied by the public [CA Fire Code §3107.19]

**POLICE DEPARTMENT**

54. The applicant must adhere to the security plan submitted on March 8, 2023 as part of the Special Event (PLN-22-00038) application, which has been reviewed and approved by the Downey Police Department. Security plan shall be revised to provide security for one hour after each event.
55. As a part of the security plan for this event, there must be eight (8) uniformed security during all event hours.
56. Two traffic controllers, uniformed in highly visible or reflective clothing, must be provided at every entrance to the shopping center.

**END OF CONDITIONS**

# Attachment C



## Circus Vargas 2023 Event Permit Packet at Stonewood Center

### Circus Area Detail site plan close-up view 2



Tabares Entertainment, Inc. 7455 Arroyo Crossing Pkwy. Suite 220 Las Vegas, NV 89113  
Nelson R Quiroga - Phone: 702-513-9767 E-Mail: [Nqtabares@Circusvargas.com](mailto:Nqtabares@Circusvargas.com)  
Katya Quiroga - Phone: 702-466-4873 E-Mail: [kqtabares@circusvargas.com](mailto:kqtabares@circusvargas.com)



## Attachment D



### Circus Vargas 2023 Event Permit Packet at Stonewood Center

Location Contact Info.	Requested Dates	Event Organizer's Info.
<b>Deena Henry, CSM</b> <b>General Manager</b> <b>Lakewood Center, Direct:</b> <b>562-232-1900</b> <b>Stonewood Center, Direct:</b> <b>562-299-1155</b> <b>C: 714.403.9617</b> <a href="mailto:Deena.Henry@macerich.com">Deena.Henry@macerich.com</a>	Performing dates April – 11 <sup>th</sup> to May 1 <sup>st</sup> , 2023 3 Set up days. 15 Performing days. 1 Teardown day.	Katya Quiroga – 702-466-4873 <a href="mailto:kqtabares@circusvargas.com">kqtabares@circusvargas.com</a> Nelson Quiroga – 702-513-9767 <a href="mailto:Nqtabares@Circusvargas.com">Nqtabares@Circusvargas.com</a>

Day	Date	Schedule event @ Stonewood:	Showtimes
Tuesday	April 11 <sup>th</sup>	Will enter property at 1:00 p.m.	No Performance
Wednesday	April 12 <sup>th</sup>	Setup Day: 9:00 a.m. to 5:00 p.m.	No Performance
Thursday	April 13 <sup>th</sup>	Setup Day: 9:00 a.m. to 5:00 p.m.	No Performance
Friday	April 14 <sup>th</sup>	Opening Night	7:30 p.m.
Saturday	April 15 <sup>th</sup>		1:00 - 4:00 & 7:30 p.m.
Sunday	April 16 <sup>th</sup>		12:30–3:30 & 7:00 p.m.
Monday	April 17 <sup>th</sup>		6:30 p.m.
Tuesday	April 18 <sup>th</sup>	Day Off	No Performance
Wednesday	April 19 <sup>th</sup>		7:00 p.m.
Thursday	April 20 <sup>th</sup>		7:00 p.m.
Friday	April 21 <sup>st</sup>		7:30 p.m.
Saturday	April 22 <sup>nd</sup>		1:00–4:00 & 7:30 p.m.
Sunday	April 23 <sup>rd</sup>		12:30–3:30 & 7:00 p.m.
Monday	April 24 <sup>th</sup>	Day Off	No Performance
Tuesday	April 25 <sup>th</sup>	Day Off	No Performance
Wednesday	April 26 <sup>th</sup>		7:00 p.m.
Thursday	April 27 <sup>th</sup>		7:00 p.m.
Friday	April 28 <sup>th</sup>		7:30 p.m.
Saturday	April 29 <sup>th</sup>		1:00–4:00 & 7:30 p.m.
Sunday	April 30 <sup>th</sup>		12:30–3:30 & 7:00 p.m.
Monday	May 1 <sup>st</sup>		6:30 p.m.
Tuesday	May 2 <sup>nd</sup>	Tear Down: 9:00 a.m. to 5:00 a.m. Circus will vacate property by 8:00 p.m. All rented equipment, e.g., restrooms, fencing and dumpster, will be picked up by 6:00 p.m. Final trucks and trailers will be departing before 5:00 p.m.	No Performance

Tabares Entertainment, Inc. 7455 Arroyo Crossing Pkwy. Suite 220 Las Vegas, NV 89113  
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## Attachment D



### **Circus Vargas 2023 Event Permit Packet at Stonewood Center**

#### **Circus Vargas Covid-19 Response**

Circus Vargas takes the safety of its patrons as well as its performers and all employees very seriously. It is in the best interest of our production to ensure the safety of everyone who enters the Big Top.

Circus Vargas will adhere to all public capacities set forth by Covid-19 regulations.

- Use of face coverings is mandatory throughout the circus grounds, unless actively eating and/or drinking at a designated area.
- Performers actively performing in the ring will be fully vaccinated and keep a minimum distance of 6ft from all patrons seeing the show.
- There will be a minimum of one hour between events to allow ample time for disinfecting seating area and omit the crossing of attendees from previous performances.
- Assigned seating of at least 6 feet between people from different households for those patrons who do not provide proof of vaccination. All patron with proof of vaccination will be in a different seating area.
- Seating will be modified on our ticketing system to allow for social distancing.
- Information regarding Circus Vargas Covid-19 protocol for attendees will placed on our website and our ticketing system stating Requirements set forth by Local and State CDC Guidelines.
- Capacity levels will be controlled not only through our ticketing system, but we also have staff at the entrance with a clicker.
- Circus Vargas will have visual aids to direct the public as to path of flow, hand wash stations and have hand sanitizer readily available throughout.
- All personnel are required to wear face masks and face shield when the public is present and during working hours when social distancing is not possible.
- All personnel traveling with the show are encouraged to be fully vaccinated. For individuals who are not fully vaccinated will be required to test every 7days.
- Hand wash stations are available for public use in the midway area.

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Katya Quiroga – Phone: 702-466-4873 E-Mail: [kqtabares@circusvargas.com](mailto:kqtabares@circusvargas.com)

## Attachment D



### **Circus Vargas 2023 Event Permit Packet at Stonewood Center**

- Hand Sanitizer is readily available for public use throughout the Big Top.
- Added ventilation inside the Big Top, public areas and in the seating areas.
- Area for food consumption with social distancing will be provided and proper signage in place.

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## Attachment D



### **Circus Vargas 2023 Event Permit Packet at Stonewood Center Show Information**

**LENGTH OF SHOW:** Approximately one hour and forty-five minutes

**SET UP AND TEARDOWN:** All set up and teardown will be done between the hours of 8:00 a.m. and no later than 6:00 p.m.

**AMPLIFIED MUSIC:** Music will be played inside at the Circus Big Top to a max of 75 decibels and no later than 9:30 p.m. or earlier than 12:00 p.m.

**EXPECTED ATTENDANCE:** 300–500 per show.

**AVERAGE VEHICLE CAPACITY PER SHOW:** 125 vehicles (based on 500 people)

**SEATING CAPACITY OF TENT:** 998

- **NO GAME OF CHANCE**
- **NO MECHANICAL RIDES**
- **NO PERFORMING ANIMALS**
- **NO PYRO OR OPEN FLAME USED DURING THE SHOW**
- **NO ALCOHOL SOLD OR SERVED**
- **NO OUTSIDE CONTRACTED VENDORS**

Circus management provides in-house security guards. Management carries radios and cell phones in case of a 911 emergency.

Circus Vargas is completely self-contained. The show has a two-generator system with an emergency battery backup. If the main generator shuts down, the backup generator will be turned on, but all emergency lighting will remain running via the battery backup system.

A source of water is usually provided to the circus by the venue on which the circus conducts business; if not, the circus will rent a water meter from the city.

Circus Vargas rents restrooms from local sanitation companies.

Circus Vargas crew will perform daily cleanups to keep the circus area clean of any trash.

Circus Vargas rents a dumpster for all trash produced by the circus activities.

Circus Vargas is a family show and attracts primarily families; in-house security is normally sufficient to provide appropriate crowd control. The security personnel use radios to communicate with each other and can use cell phones to contact local law enforcement if the need exists.

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Attachment D



**Circus Vargas 2023 Event Permit Packet at Stonewood Center  
Circus Vargas Big Top**



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**Circus Vargas 2023 Event Permit Packet at Stonewood Center**



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Attachment D



Circus Vargas 2023 Event Permit Packet at Stonewood Center

Site Plan of Circus Vargas at Stonewood Center (far view)



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**Circus Vargas 2023 Event Permit Packet at Stonewood Center**  
**Circus Area Detail site plan close-up view 1**



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# Attachment D



## Circus Vargas 2023 Event Permit Packet at Stonewood Center

### Circus Area Detail site plan close-up view 2



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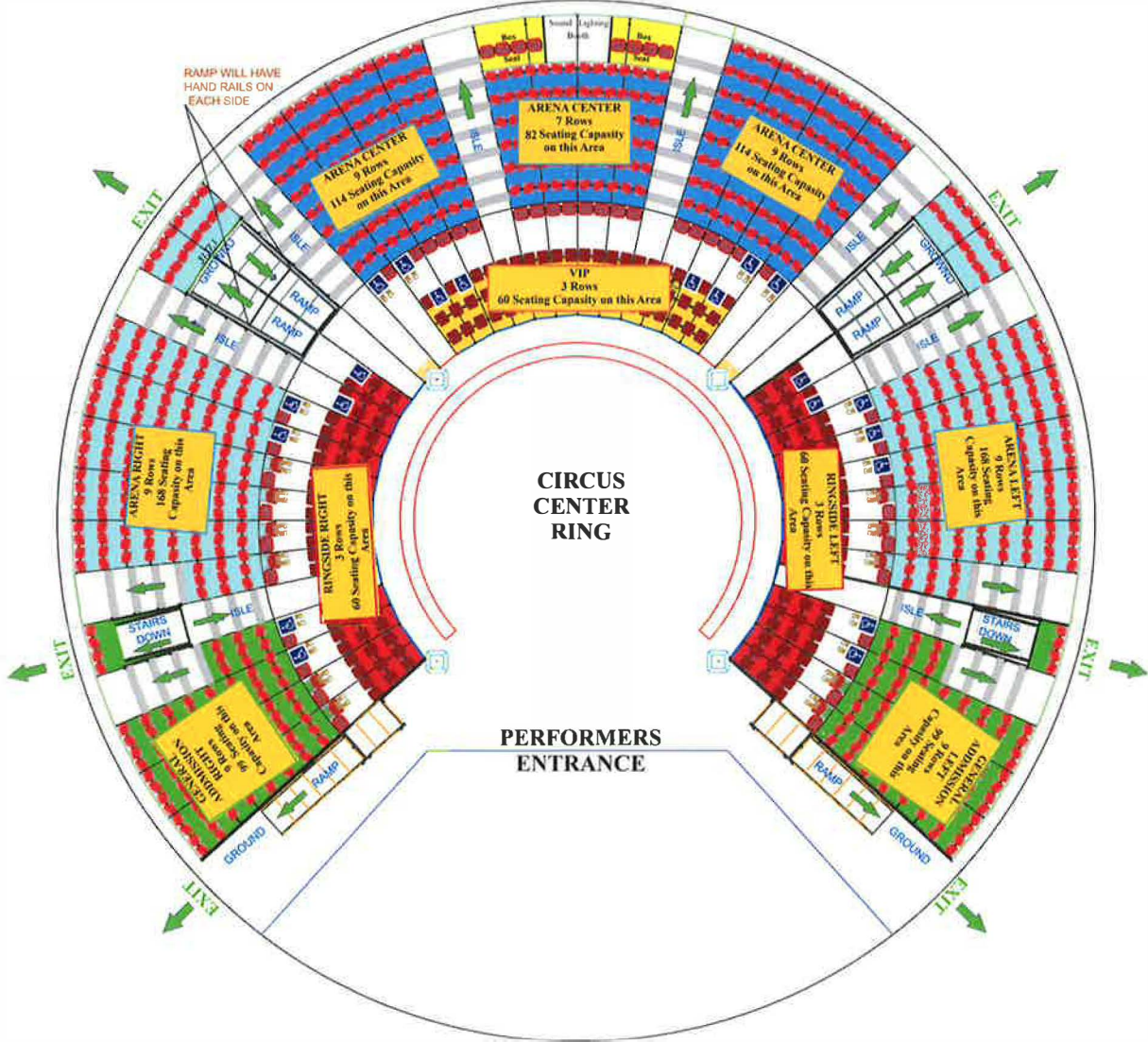
Attachment D



Circus Vargas 2023 Event Permit Packet at Stonewood Center

Circus Vargas Seating Chart & Egress and ADA Accessibility

CIRCUS VARGAS  
SEATING CHART AND EGRESS PLAN  
SEATING CAPACITY 1032

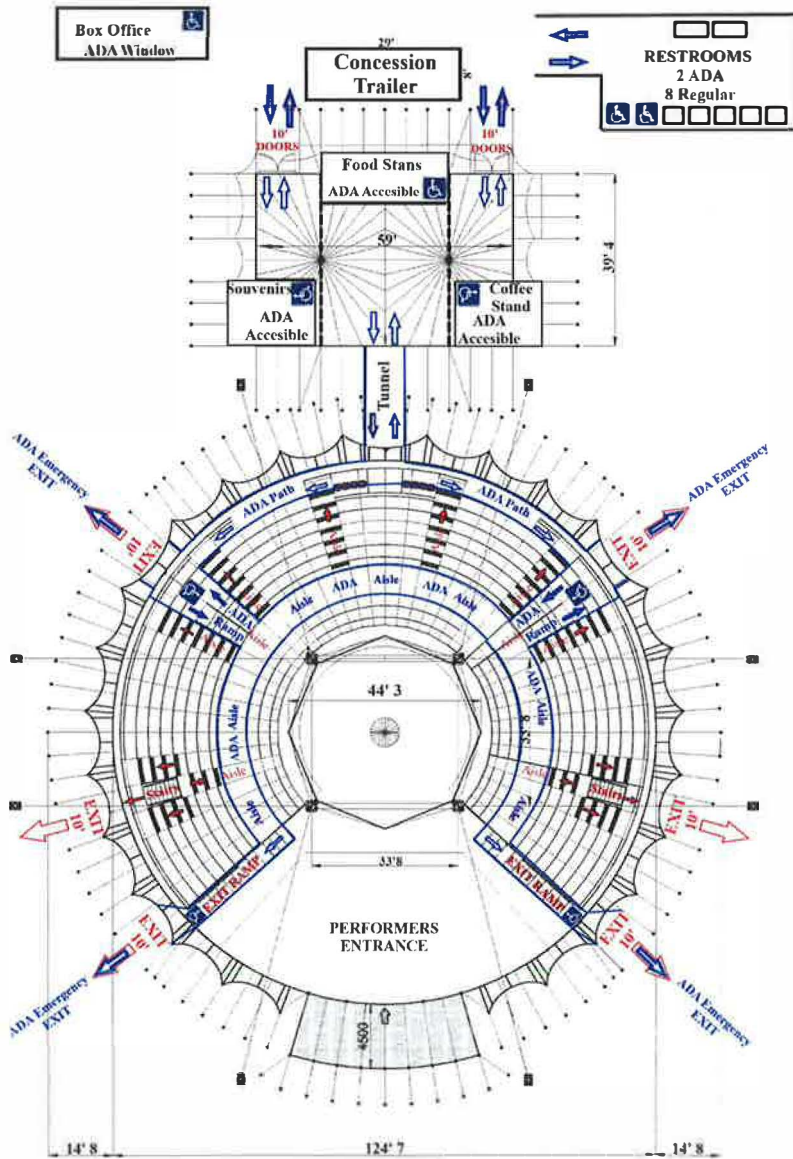


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# Attachment D



## Circus Vargas 2023 Event Permit Packet at Stonewood Center



**Circus Vargas ADA ACCESSIBILITY Layout and path**  
 Blue lines and Blue arrows are path for ADA Wheel Chairs  
 Every seating Section has ADA avilibility with a total of 20 available ADA  
 seating and 40 additional seats for ADA Companions.  
 Total Maximun Seating Capacity 1032

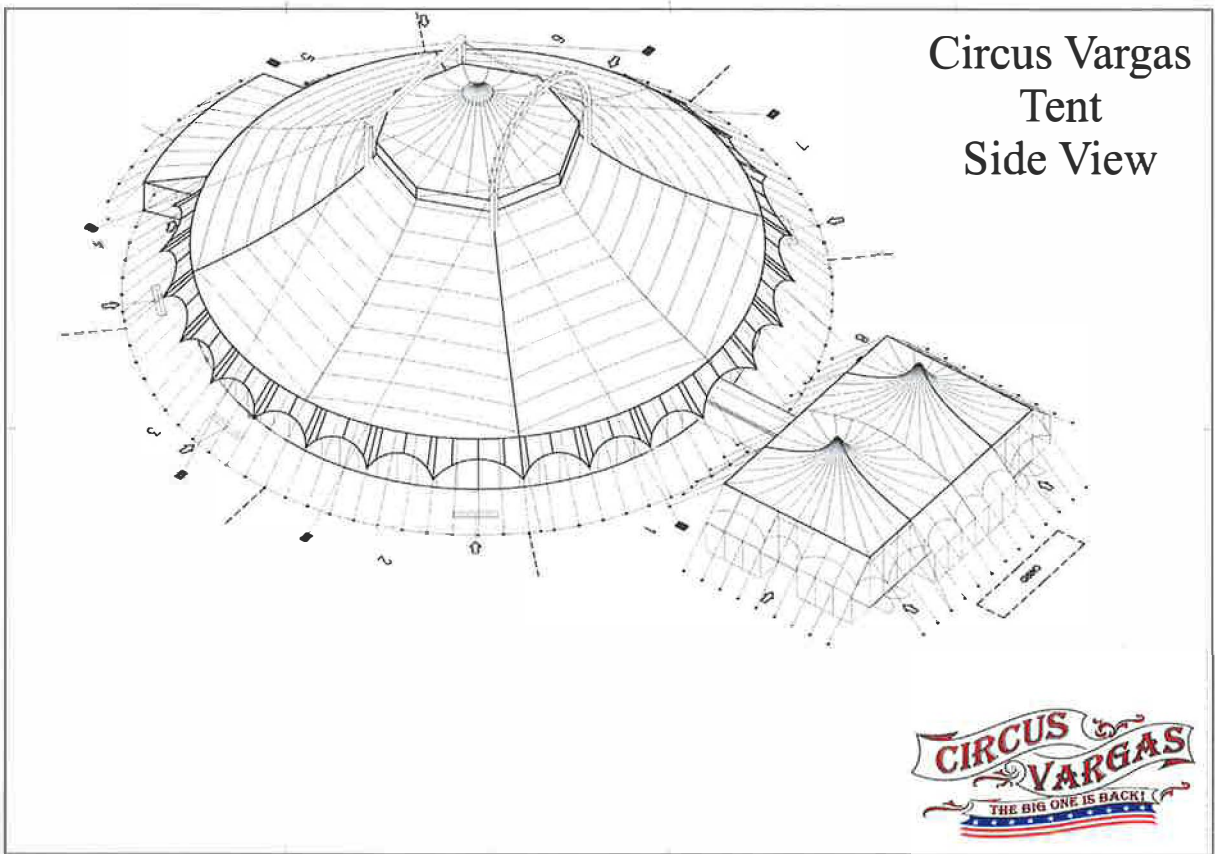
Tabares Entertainment, Inc. 7455 Arroyo Crossing Pkwy. Suite 220 Las Vegas, NV 89113  
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Attachment D



**Circus Vargas 2023 Event Permit Packet at Stonewood Center**



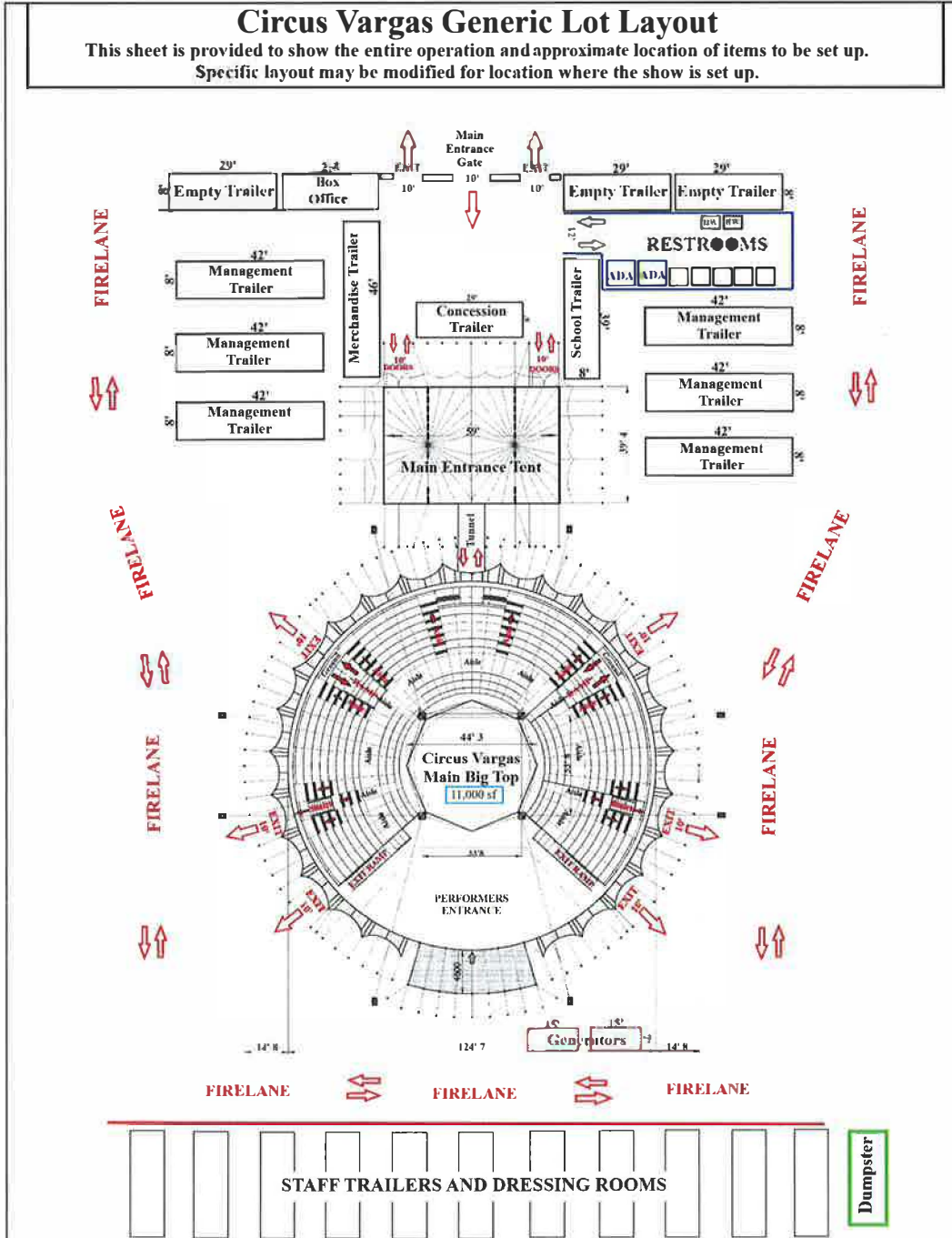
Circus Vargas  
Tent  
Side View



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## Attachment D



### **Circus Vargas 2023 Event Permit Packet at Stonewood Center** **Circus Vargas: Cleanup & Recycling Plan**

Circus Vargas does not hire or contract with outside vendors or temporary workers. All staffing is conducted internally with travelling personnel. The staff is trained on current proper sanitary and cleanup procedures. There is a staff of twenty-five people, and while some staff members are working throughout the day, all of them are present from one hour before the first show of the day until after the last show is over and cleanup is completed.

Since the nature of a circus limits the areas in which the public can access, majority of the cleanup will be confined to a limited area. Circus Vargas limited food options for consumption enables us to keep the rubbish that needs to be collected to a minimum.

Staff continuously cleans up the entrance area throughout the time the show is open to the public, so trash does not remain on the ground. Trash is cleaned up inside the tent after each performance; and once each day, trash will be picked up in the parking area, which is expected to be minimal, since most people consume items early in the show and are unlikely to bring trash back to their cars.

A trash dumpster will be contracted by an outside or local vendor. Several trash cans are available for public use in the circus entrance area as well place throughout the public areas for use. We will also have bins in which people can put recyclable items. However, due to the nature of our operation, most people buy their food products and take them immediately into the tent, where they sit down. They normally let their trash fall through the bleachers, where we clean it up after each show.

Since sodas and water are served in plastic bottles and cans, our staff will put those, along with appropriate paper products into the recycle bins. Recyclables will transport an appropriate recycling facility or arrangements with the dumpster company for their removal.

I hope that I have provided you with all the information needed to approve this plan. If you have any questions, please call me at 702-513-9767 and I will be happy to assist you.

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## Attachment D



### **Circus Vargas 2023 Event Permit Packet at Stonewood Center**

#### **Circus Vargas Security Plan**

Since Circus Vargas is a family show and attracts primarily families, in-house security has been sufficient to provide appropriate crowd control. As the only thing to see is the show itself, there are no people just loitering in the area. Crowds come at show time, enter the enclosed midway area, and take their seats. After the show, there is nothing else to see, so they exit to their cars.

Many of the things that attract or encourage trouble or the necessity for police intervention will not be present at Circus Vargas. Alcohol will not be sold or served, and there will be no games of chance or mechanical rides. While a carnival attracts ages 12 to 22, Circus Vargas primarily attracts children of elementary school ages or younger, along with their parents and grandparents.

Circus Vargas has its own security team comprising eight uniformed (unarmed) security. Personnel (includes one head of security). The uniforms consist of matching Circus Vargas shirts and pants. This low-key approach to security maintains the atmosphere of family fun.

All security personnel will be scheduled one hour before each performance and will stay thirty minutes after the performance. Security personnel will be stationed both inside and outside the tent as well as next to the ticket booth.

Security personnel have access to walkie-talkies for communication between themselves, in addition to cell phones that can be used to call additional personnel as well as local police or firefighters if it becomes necessary.

In addition to the security officers, a closed-circuit video security system monitors the inside of the ticket booth, where money is handled, as well as the midway area and the area in front of the ticket booth. This video system is attached to a recording device that can be used to keep a digital record of events.

Attachment D



**Circus Vargas 2023 Event Permit Packet at Stonewood Center**  
**Circus Vargas Main Big Top Flame-Resistant Certificate**



CALIFORNIA DEPARTMENT OF FORESTRY and FIRE PROTECTION  
OFFICE OF THE STATE FIRE MARSHAL

**REGISTERED FLAME RESISTANT PRODUCT**

**Product:**  
PRECONTRAIN 702, 392

**Registration No.**  
F-44402

**Product Marketed By:**  
SERGE FERRARI  
1460 SW 6TH COURTH  
POMPANO BEACH, FL 33069

This product meets the minimum requirements of flame resistance established by the California State Fire Marshal for products identified in Section 13115, California Health and Safety Code.

The scope of the approved use of this product is provided in the current edition of the CALIFORNIA APPROVED LIST OF FLAME RETARDANT CHEMICALS AND FABRICS, GENERAL AND LIMITED APPLICATIONS CONCERNS published by the California State Fire Marshal.

  
Deputy State Fire Marshal

Expire: 12/31/2023

FR-9

Tabares Entertainment, Inc. 7455 Arroyo Crossing Pkwy. Suite 220 Las Vegas, NV 89113  
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