



- 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. **REPORT ON CITY COUNCIL ACTIONS**
- VI. **PRESENTATIONS:**
- VII. **OTHER BUSINESS/NON-AGENDA/CONSENT CALENDAR/ PUBLIC COMMENTS:**

Persons wishing to address the Planning Commission on City business not listed on the agenda may do so at this time.

Persons wishing to address the Planning Commission on any item listed on the Agenda, other than public hearing items, may do so at this time. Persons wishing to address public hearing items shall do so at the time of the public hearing.

It is requested, but not required, that you state your name, address and subject matter upon which you wish to speak. Please limit your comments to no more than 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 that is not listed on the Agenda.

- VIII. **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.

1. **Minutes from May 3, 2023**

- IX. **OTHER BUSINESS:**

2. **PLN-23-00094 (Special Event Permit)**

Location: 11040 Brookshire Avenue

Request: A request to host a one day "Freedom Festival" to celebrate Independence Day. The event is hosted by Calvary Chapel and will take place on July 1, 2023.

CEQA: Categorical Exemption – Section 15323 (Class 23, Normal Operations of Facilities for Public Gatherings)

Staff: Assistant Planner Abraham Luna

Recommendation: Approve



X. PUBLIC HEARINGS:

3. **PLN-22-00092 (Conditional Use Permit)**

Location: 7375 Stewart and Gray Road

Request: A request to modify an existing building mounted wireless telecommunications facility.

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

Staff: Assistant Planner Abraham Luna

Recommendation: Continue to a date uncertain.

XI. ITEMS TO BE PLACED ON FUTURE AGENDAS:

XII. STAFF MEMBER COMMENTS:

XIII. **ADJOURNMENT:** To Wednesday, July 5, 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

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 16th day of June, 2023

Art Bashmakian
Art Bashmakian
Interim City Planner

**MINUTES
DOWNEY CITY PLANNING COMMISSION
WEDNESDAY, MAY 3, 2023
CITY COUNCIL CHAMBERS, 11111 BROOKSHIRE AVENUE
DOWNEY, CALIFORNIA
6:30 P.M.**

Chair Ortiz called the May 3, 2023, Regular Meeting of the Planning Commission to order at 6:36 p.m., at Downey City Hall, 11111 Brookshire Avenue, Downey, CA. After the flag salute, Associate Planner Anaya called roll.

COMMISSIONERS PRESENT: Horacio Ortiz, Jr., District 5, Chair
Miguel Duarte, District 1
Maria A. Guerra, District 2

COMMISSIONERS ABSENT: Carmela Uva, District 4, Vice Chair (excused)

OTHERS PRESENT: Gregory Pfost, Interim Director of Community Development
Melissa Crosthwaite, Interim Assistant City Attorney
Art Bashmakian, Interim City Planner
Gerardo Marquez, Senior Planner
Irving Anaya, Associate Planner
Abraham Luna, Assistant Planner

The Pledge of Allegiance was led by Commissioner Duarte.

**PLANNING COMMISSIONER ANNOUNCEMENTS; REQUEST FOR FUTURE AGENDA ITEMS;
AND CONFERENCE/MEETING REPORTS:** None.

REPORT ON CITY COUNCIL ACTIONS: None.

PRESENTATIONS: None.

NON-AGENDA PUBLIC COMMENTS:

Speaker, no name provided, commented that he was concerned about the lack of a posted Brown Act presentation this evening, no wall yet built on Meldar, as well as speakers not being on camera.

Speaker, no name provided, commented that he is concerned about the lack of a posted Brown Act presentation, as well as speakers not being on camera.

No correspondence received.

CONSENT CALENDAR ITEMS: None.

OTHER BUSINESS: None.

PUBLIC HEARINGS:

1. **PLN-22-00092 (Conditional Use Permit)**: Chair Ortiz opened the public hearing for PLN-22-00092, and Associate Planner Anaya affirmed proof of publication.

Chair Duarte stated that this item will be continued to date certain of May 17, 2023.

It was moved by Commissioner Duarte, seconded by Commissioner Guerra, and passed with a 3-0-1 vote, with Vice Chair Uva absent, to continue PLN-22-00092 to date certain of May 17, 2023.

2. PLN-22-00155 Accessory Dwelling Unit Ordinance (Zone Text Amendment): Chair Ortiz opened the public hearing for Accessory Dwelling Unit Ordinance (Zone Text Amendment), and Associate Planner Anaya affirmed proof of publication.

Interim Community Development Director Pfof introduced Interim City Planner Art Bashmakian to present this item. Interim City Planner Bashmakian gave a PowerPoint presentation for the Zone Text Amendment to Update Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) Regulations.

Upon completion of the presentation, Interim City Planner Bashmakian stated that after conducting a public hearing, the recommendation is to adopt the attached resolution recommending that the City Council approve the Zone Text Amendment to the various sections of Article IX (Land Use) of the Municipal Code regarding Accessory Dwelling Units.

Commissioner Guerra expressed his concerns about state regulations that are imposed against the City's will. He asked how many permits we have in process for ADU's at this time. Interim City Planner Bashmakian stated that ADU's are processed as plan checks, and deferred the question to staff, and Associate Planner Luna stated that approximately 80 percent of our questions at the counter, as well as plan check submittals are for ADU's. Commissioner Guerra is concerned with the change this brings to our community with parking impacts. Interim City Planner Bashmakian also clarified that the state enacted ADU laws after adoption of the City's current version in 2018, and if a city's ordinance is in conflict with the state, the City has to apply the state standards. He goes on to state that the City has been applying the state's standards all along, and this request memorializes those standards with some additional controls on architecture and size.

Chair Ortiz asked about protest letters the City sent and if any response was received from the state, and Interim City Planner Bashmakian stated that cities are forced to comply, and that many cities protest regulations.

Commissioner Guerra asked if this is the most restrictive ordinance that we can do. Interim City Planner Bashmakian answered that there is not much opportunity left to make it more restrictive than it has already been made. Commissioner Guerra then asked about plan submissions for ADU vs. SFR additions, detached or attached, as well as other general questions about building ADU's either attached and/or detached. Interim City Planner Bashmakian stated that there are no separate reviews for ADU's for the permitting process. Commissioner Guerra continued, asking about parking requirements. Interim City Planner Bashmakian said the state requires a single parking space, which can be allowed on that property's driveway.

Commissioner Guerra then asked pointedly that if someone already has a 1-car garage with a driveway, can that one parking space in the driveway qualify for the one space for an ADU to be built on that lot. Interim City Planner Bashmakian stated that yes, it can. Commissioner Duarte echoed Commissioner Guerra's frustrations with parking restrictions with ADU's. Commissioner Guerra stated that unfortunately, CEQA requirements do not apply to ADU's.

Chair Ortiz asked if these units have to be owner-occupied, as he is also concerned about parking. Interim City Planner Bashmakian answered that they do not, but that future legislation is expected from the state to modify that criteria. At present, the exception is JADU's, whereby the owner has to live on the property. There was clarification for Chair Ortiz that it is always residents coming to the Planning counter asking about ADU's, and not developers. Vice Chair Ortiz echoed the same sentiments of his fellow Commissioners, that he, too, is also concerned.

Chair Ortiz then opened up the item for public comment:

Associate Planner Anaya confirmed that no correspondence had been received.

Speaker, no name provided, commented regarding his frustrations with local and state government.

Speaker, no name provided, commented regarding his frustrations with his time limit and density.

Speaker, no name provided, commented regarding his frustrations with state government and parking.

Having no one else, Chair Ortiz closed public comment.

Interim City Planner Bashmakian recommended that the Planning Commission adopt the attached resolution to the staff report, recommending that the City Council approve Zone Text Amendments to the various sections of Article IX (Land Use) of the Municipal Code regarding Accessory Dwelling Units.

It was moved by Commissioner Duarte, seconded by Chair Ortiz, and passed by a vote of 3-0-1, with Vice Chair Uva absent, to adopt PLN-22-00155, thereby recommending approval to City Council of a Zone Text Amendment to Amend Article IX of the Downey Municipal Code regarding Accessory Dwelling Units, in order to comply with state law.

Chair Ortiz stated that the action will now be forwarded to the City Council for their consideration.

No other business was reported by the Interim Community Development Director.

No additional comments were provided by the Interim Community Development Director.

Chair Ortiz asked for any last-minute comments by the Commissioners. Commissioner Guerra wants to be sure that the City Council will know the Commissioners' reluctance and displeasure of this item in the minutes of this meeting so they will know that the Commissioners objected to this. Interim Director of Community Development Pfof stated that we will provide the City Council with the minutes from this meeting, at his request.

Chair Ortiz closed the public hearing.

ADJOURNMENT: Chair Ortiz adjourned the meeting at 7:21 p.m., to Wednesday, May 17, 2023, at Downey City Hall, 11111 Brookshire Ave.

APPROVED AND ADOPTED this 21st day of June, 2023.

Horatio Ortiz, Jr., Chair
City Planning Commission

I HEREBY CERTIFY that the foregoing Minutes were duly approved at a Regular meeting of the Planning Commission held on this 21st day of June, 2023, by the following vote:


| | | |
|----------|----------------|---------------------------|
| AYES: | COMMISSIONERS: | Ortiz, Duarte, and Guerra |
| NOES: | COMMISSIONERS: | None |
| ABSENT: | COMMISSIONERS: | Uva |
| ABSTAIN: | COMMISSIONERS: | None |

Kim Sodetani, Executive Secretary
Community Development Department




DATE: JUNE 21, 2023

TO: PLANNING COMMISSION

SUBMITTED BY: GREGORY PFOST, INTERIM DIRECTOR OF COMMUNITY DEVELOPMENT 

REVIEWED BY: ART BASHMAKIAN, AICP, INTERIM CITY PLANNER

PREPARED BY: ABRAHAM LUNA, ASSISTANT PLANNER 

SUBJECT: **PLN-23-00094 (SPECIAL EVENT) – A REQUEST BY CALVARY CHAPEL TO HOST A FREEDOM FESTIVAL FOR INDEPENDENCE DAY ON JULY 1, 2023**

LOCATION: 11040 BROOKSHIRE AVENUE

ZONING: R-2 (TWO-FAMILY RESIDENTIAL) AND R-3 (MULTIPLE FAMILY RESIDENTIAL)

REPORT SUMMARY

Pastor Cris Reyes and Rick Rodriguez submitted an application on behalf of Calvary Chapel Church (hereinafter referred to as "the Applicant") and is requesting approval of a special event permit that would allow the church to host an Independence Day festival on July 1st from 5:00p.m. to 10:00 p.m. Pursuant to Code Section 9420.04(c), special events involving over five hundred (500) people shall require approval from the Planning Commission.

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING SPECIAL EVENT (PLN-23-00094), THEREBY ALLOWING THE OPERATION OF THE FREEDOM FESTIVAL ON JULY 1, 2023 WITHIN THE OPEN FIELD OF DOWNEY HIGH SCHOOL, ON PROPERTY LOCATED AT 11040 BROOKSHIRE AVENUE, ZONED R-2 (TWO-FAMILY RESIDENTIAL) AND R-3 (MULTI-FAMILY RESIDENTIAL)

BACKGROUND

Calvary Chapel Church will be using Downey High School's sports field for a special event referred to as Freedom Festival in honor of Independence Day. For many years, Calvary Chapel has held this event at Downey High School up until 2014. Following 2014, firework shows were

still held at the high school, but not as a public event. However, residents in the vicinity were still able to view the firework show from the comfort of their home.

The school campus occupies 42 acres and is located on the northeast corner of Brookshire Avenue and Firestone Boulevard. The surrounding uses include single-family residential and apartment buildings to the north, single-family residential and office buildings to the east, the Downey Civic Center is to the west across Brookshire Avenue, and retail uses to the south across Firestone Boulevard. All parking for the event will be located on-site in the existing parking lots of the school.

On June 2, 2023, the Applicant submitted a Special Event Permit application (PLN-23-00094) to request the operation of a 4th of July freedom festival. A notice was mailed to all property owners within 100 feet of the subject site on June 9, 2023 notifying owners the City's receipt of the pending special event permit application.

DISCUSSION

According to the submitted site layout for the one-day event, the festival activities will take place within the school's football field where they will set up a kids play zone with inflatable jumpers, rock climbing attraction and games. The field will also hold seating areas to view the live music performances and firework show. The basketball courts will be the location of the food trucks, security tent and first aid station with merchandise booths and vendors located just east of the basketball courts. Portable restrooms and handwashing stations will be located in the southeast corner adjacent to the basketball court. Lastly, the baseball field will be where the firework setup will take place and is approximately 450 feet from the residential properties off of 3rd and 5th street. The remaining portions of the school will be closed off to the public and will be monitored by security personal, and volunteers.



West view of subject property along Brookshire Avenue

Patrons will have access to both parking lots which will provide sufficient parking areas and minimize impacts to adjacent residential neighborhoods. The first parking lot is located directly adjacent to the event, east of the football field. The second parking lot is located off of the corner of Brookshire Avenue and Firestone Boulevard. Between both lots, there is approximately 530 available parking spaces, 15 of those spaces being ADA accessible. This one-day event will have only one pedestrian access point north of the football field, adjacent to

the parking lot. All guest will have to pass through a security checkpoint before entry. Calvary Chapel will be providing 35 security guards which will be stationed throughout the stadium to monitor the event. A condition has been added by the Police Department requiring at least four Downey Police officers and two parking enforcement officers to be assigned to the event.

Additionally, approximately 70 ushers will be assisting with the event in directing traffic, guests, and event operations. In preparation for the event, Calvary Chapel has conducted briefings and trainings to church staff and volunteers/ushers on June 7th and will do so again on June 21st, and July 1st to prepare for emergency protocol evacuations. An emergency action plan was submitted to Police & Fire that identifies where to evacuate participants in case of an emergency. Organizers will begin setup a day prior, on June 30th, from 10:00a.m. to 8:00p.m. Restoration and clean-up of the site including removal of all tents and equipment will be completed no later than 4:00p.m. Sunday, June 2nd. A condition has been included under the Conditions of Approval to ensure that sidewalks and adjacent public areas are to be cleaned up immediately after the event.

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 department's comments.

ENVIRONMENTAL ANALYSIS

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

FINDINGS

Pursuant to the requirements of the Municipal Code Section 9814.08 (Administrative Permit), the Planning Commission must 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 overall request is a special event which is consistent with all applicable objectives, policies, and programs specified in the City's General Plan. In addition, special events help achieve long-term goals as listed below:

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

Program 8.4.3.2 – Support and encourage community events, such as the Downey Street Faire, Holiday Lane Parade and ARC Walk.

The proposed event promotes a community gathering to celebrate a national holiday that includes food trucks, merchandise vendors, and live music/entertainment which will take place July 1, 2023 between 5:00p.m. to 10:00p.m. Such temporary events are not inconsistent with the general plan and such events typically occur on large sites such as the school's sports field.

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

Downey High School is located within the R-2 (Two-Family Residential) and R-3 (Multiple-Family Residential) zones, which allows for the establishment of public schools. Operation of a 4th of July festival will not alter the existing use of the site or create a need to deviate from any section of the Downey Municipal Code. Section 9420.20 of the Downey Municipal Code permits special outdoor events in residential zones, subject to the general requirements stated in Special Event's Code Section. The proposed event satisfies those requirements. In addition, both fireworks and entertainment aspects have been held at this school in previous years. The event will operate in accordance with limits and requirements outlined in the conditions of approval to ensure that the activity will not be detrimental to the surrounding area.

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

The one-day event will occur on the recreational fields of the school property. Approximately 530 parking spaces will be available to the public, with a total of 15 accessible parking spaces. The Applicant will provide restroom facilities on the southwest corner of the event area to accommodate visitors. Also, conditions of approval are incorporated to address any concerns related to the permitted hours of the event, parking, noise, security, trash receptacle requirements, restrooms, and site clean-up. Approving the special event, governed by the attached conditions of approval, will not result in conditions contrary to the public health, safety and general welfare.

CORRESPONDENCE

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

CONCLUSION

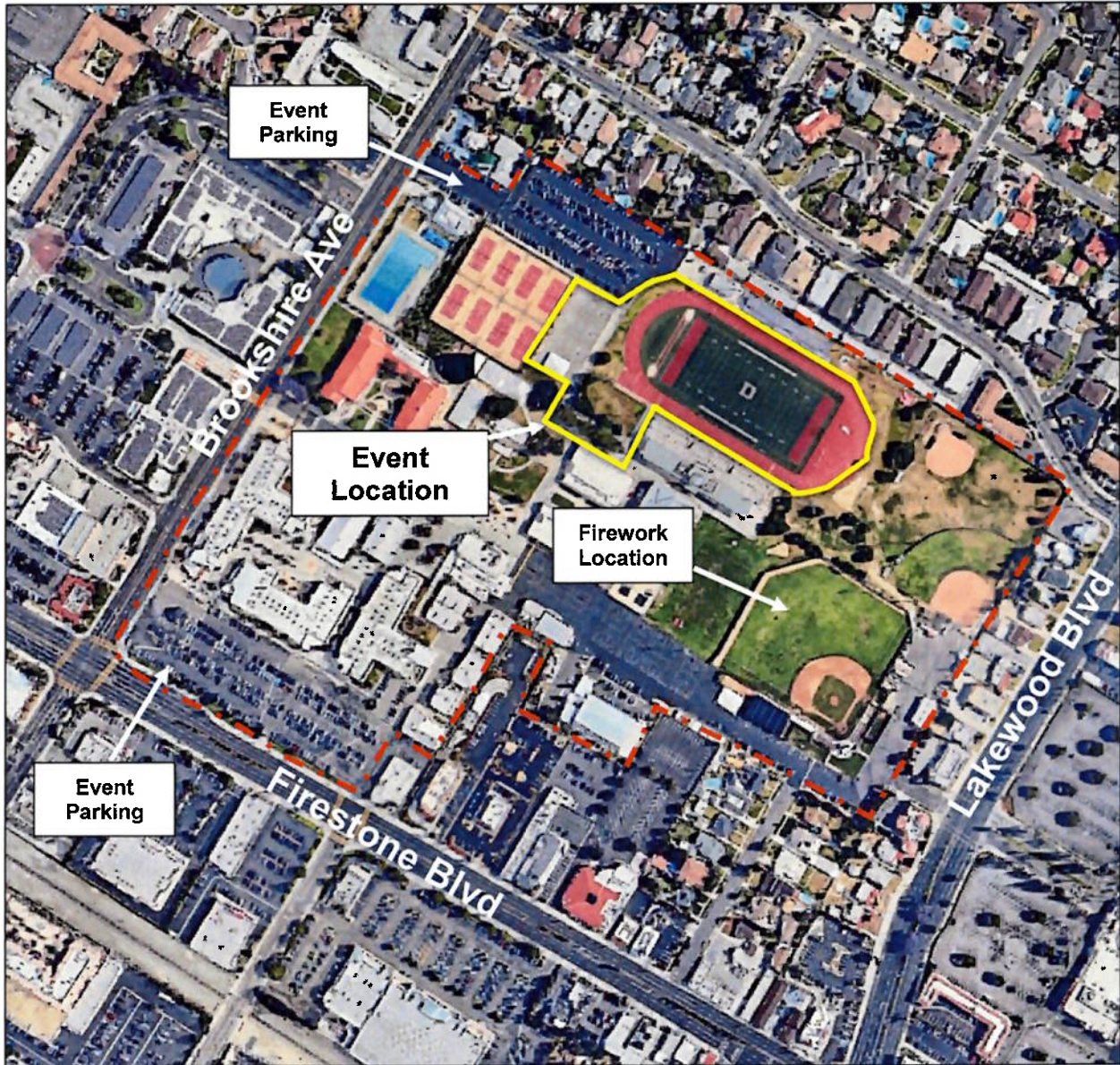
Based on the analysis contained in this report, staff recommends that the Planning Commission adopt the resolution approving the Special Event Permit (PLN-23-00094), subject to the conditions of approval as stated in the Planning Commission Resolution.

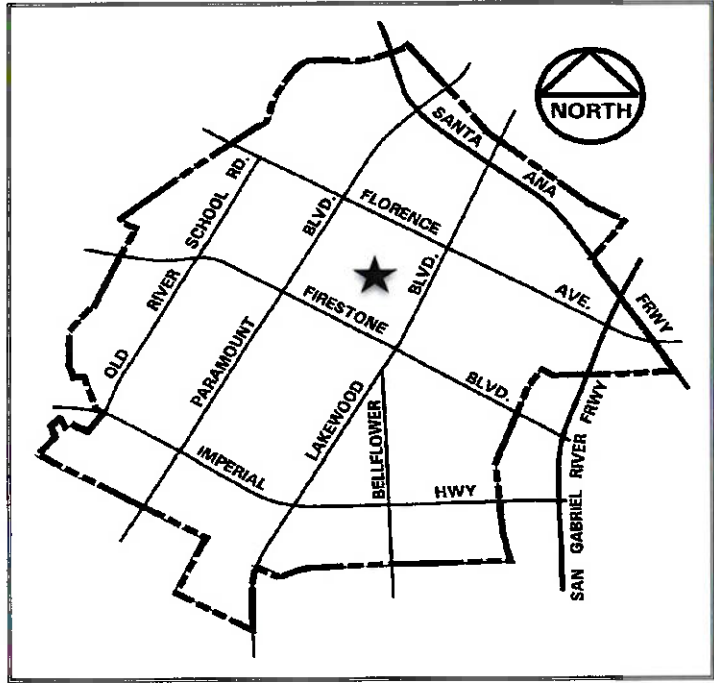
EXHIBITS

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

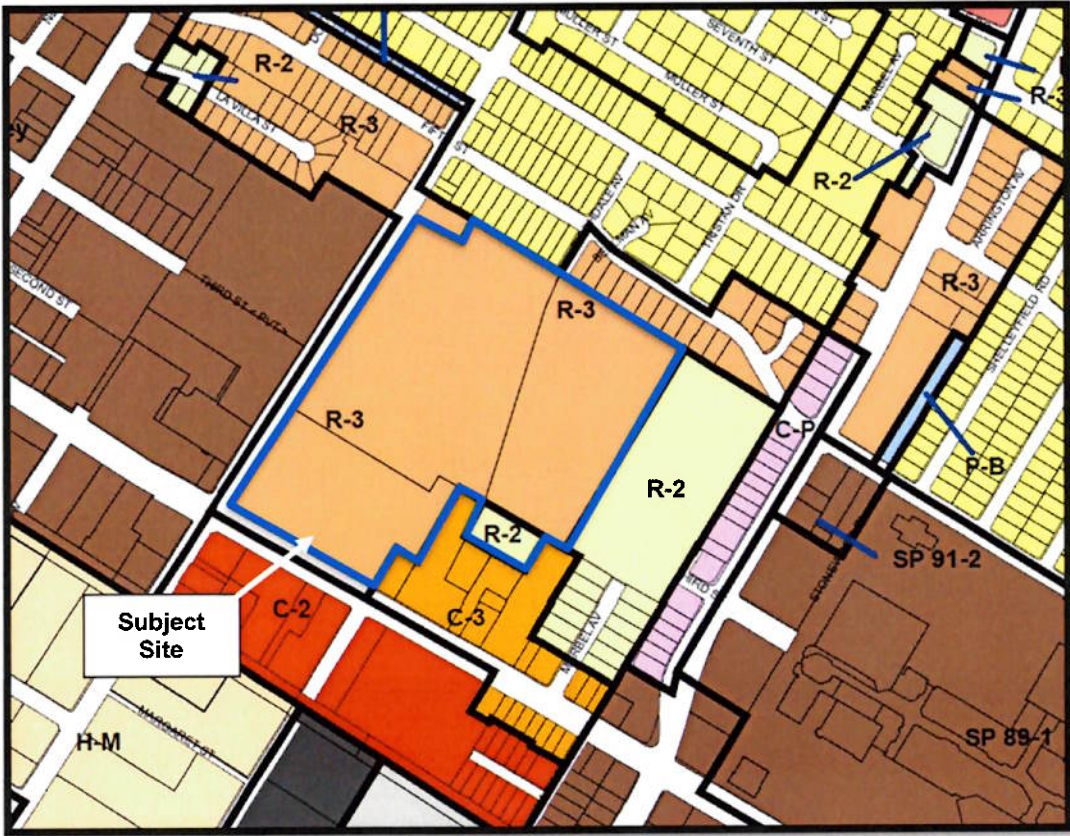
Exhibit 'A' – Maps

AERIAL PHOTOGRAPH





VICINITY MAP



ZONING MAP

RESOLUTION NO. 23-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING SPECIAL EVENT (PLN-23-00094), THEREBY ALLOWING THE OPERATION OF THE FREEDOM FESTIVAL ON JULY 1, 2023 WITHIN THE OPEN FIELD OF DOWNEY HIGH SCHOOL, ON PROPERTY LOCATED AT 11040 BROOKSHIRE AVENUE, ZONED R-2 (TWO-FAMILY RESIDENTIAL) AND R-3 (MULTI-FAMILY RESIDENTIAL)

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. Pastor Cris Reyes and Rick Rodriguez submitted an application on behalf of Calvary Chapel Church on June 2, 2023, requesting approval of a Special Event Permit (PLN-23-00094) to allow the operation of a freedom festival in honor of 4th of July on the property located at 11040 Brookshire Avenue, zoned R-2) two-family residential) and R-3 (multi-family residential); and,
- B. On June 9, 2023, notice of the special event application was sent to all Downey property owners within 100 feet of the subject site, and
- C. The Planning Commission held a special meeting on June 21, 2023, and after fully considering all oral and written testimony, facts, and opinions offered at the aforesaid public meeting 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 will be consistent with the objectives, policies, and general land uses and programs specified in the City's General Plan. The overall request is a special event is consistent with all applicable objectives, policies, and programs specified in the City's General Plan. In addition, special events helps achieve long-term goals as listed below:

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

Program 8.4.3.2 – Support and encourage community events, such as the Downey Street Faire, Holiday Lane Parade and ARC Walk.

The proposed event promotes a community gathering to celebrate a national holiday that

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Downey Planning Commission

includes food trucks, merchandise vendors, and live music/entertainment which will take place July 1, 2023 between 5:00p.m. to 10:00p.m. Such temporary events are not inconsistent with the general plan and such events typically occur on large sites such as the school's sports field.

- B. That the proposed activity or use will be consistent with other provisions of this Article. Downey High School is located within the R-2 (Two-Family Residential) and R-3 (Multiple-Family Residential) zones, which allows for the establishment of public schools. Operation of a 4th of July festival will not alter the existing use of the site or create a need to deviate from any section of the Downey Municipal Code. Section 9420.20 of the Downey Municipal Code permits special outdoor events in residential zones, subject to the general requirements stated in Special Event's Code Section. The proposed event satisfies those requirements. In addition, both fireworks and entertainment aspects have been held at this school in previous years. The event will operate in accordance with limits and requirements outlined in the conditions of approval to ensure that the activity will not be detrimental to the surrounding area.
- C. That the proposed activity or use will not result in conditions or circumstances contrary to the public health, safety, and general welfare. The one-day event will occur on the recreational fields of the school property. Approximately 530 parking spaces will be available to the public, with a total of 15 accessible parking spaces. The Applicant will provide restroom facilities on the southwest corner of the event area to accommodate visitors. Also, conditions of approval are incorporated to address any concerns related to the permitted hours of the event, parking, noise, security, trash receptacle requirements, restrooms, and site clean-up. Approving the special event, governed by the attached conditions of approval, will not result in conditions contrary to the public health, safety and general welfare.

SECTION 4. Based upon the findings set forth in Sections 1 through 3 of this Resolution, the Planning Commission of the City of Downey hereby approves PLN-23-00094, 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 21st day of June, 2023.

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 21st day of June, 2023, by the following vote, to wit:

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

Alfonso Hernandez, Principal Planner
City Planning Commission

**CONDITIONS OF APPROVAL
PLN-23-00094 (SPECIAL EVENT PERMIT)**

PLANNING

- 1) This approval of PLN-23-00094 (Special Event Permit) allows Calvary Chapel to host a one-day event at Downey High School on Saturday, July 1, 2023 beginning at 5:00 p.m. and ending at 10:00 p.m.
- 2) Approved activities for the Freedom Festival shall consist of:
 - a) Live music entertainment
 - b) Firework show
 - c) Kids zone with rock climbing attraction and inflatable jumpers
 - d) (10) food truck vendors
 - e) (5) vendor booths
- 3) The City Planner is authorized to make minor modifications to the approved preliminary plans or any of the conditions if such modifications shall achieve substantially the same results as would strict compliance with said plans and conditions.
- 4) The applicant and the property owner shall sign an affidavit of Acceptance of Conditions, as provided by the City of Downey, on or before Friday, June 30th, 2023.
- 5) 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.
- 6) Set up for the event shall occur no earlier than Friday June 30, 2023. Clean-up activities, which include the removal of all tables and chairs, booths, trash receptacles, stage, electrical equipment, and garbage, shall be removed by Sunday, July 2, 2023, by 10:00 a.m.
- 7) If a generator is to be used, it shall be located a minimum of 25 feet from any property line. Additionally, the generator shall not exceed a noise level of 65 dBA, as measured from the nearest property line.
- 8) The Applicant shall ensure that all necessary lighting shall face the main event (booths and stage). The Applicant shall direct lighting away from La Villa Street and away from any residential uses nearby.

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- 9) The Applicant shall obtain any necessary Health Department approvals required for the sale of food at the Freedom Festival, on or before Thursday, June 29, 2023.
- 10) The Applicant shall obtain all required Building Department, Police Department and Fire Department permits on or before Thursday, June 29, 2023.
- 11) The owner/applicant shall utilize signage and volunteers to direct traffic to public parking areas nearby. Volunteers shall be responsible for cleaning the litter on adjoining streets and sidewalks during the event and after.

BUILDING

- 12) All construction shall comply with the most recent adopted City and State building codes:
2022 California Building Code
2022 California Residential Code
2022 California electrical Code
2022 California Mechanical Code
2022 California Plumbing Code
2022 California Fire Code
2022 California Green Code
- 13) The Title Sheet of the plans shall include:
Occupancy Group
Occupant Load
Description of use
Type of Construction
Height of Building
Floor area of building(s) and/or occupancy group(s)
- 14) All projects including food service or Public pools and/or spas shall be checked and approved by the County Health Department as part of the building department plan review process.
- 15) Temporary structures that cover an area greater than 120 square feet or used for the gathering of 10 or more persons require permits. The construction documents shall include a site plan indicating the location of the temporary structure and information delineating the means of egress and the occupant load. The temporary structure shall be located in accordance with the requirements of California Building Code Table 602 based on the fire-resistance rating of the exterior walls proposed type of construction (10 feet minimum from property line based on Type VB).
- 16) Temporary structures or facility shall meet the requirements of Chapter 11B of the California Building Code. Site plan shall include a site accessibility plan identifying exterior routes of travel and detailing running slope, cross slope, width, pedestrian ramp, curb ramps, handrails, signage and truncated domes. Path of travel shall be provided from the public right of way and accessible parking to building or facility. The design professional shall ensure that the site accessibility plan is compliance with the latest Federal and State regulations.

FIRE

- 17) The following conditions 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. Failure to address the permit/EAP requirements requested below may result in future events being denied.
- 18) Obtain a special event permit from City of Downey Fire Department. Permit shall be obtained through the Fire Prevention Bureau no later than 2 weeks prior to event.
- 19) Obtain a tent permit from City of Downey Fire Department. Permit shall be obtained through the Fire Prevention Bureau at least 2 weeks before the event. Tents, membrane structures, and canopies having an area in excess of 400 square feet shall require a separate tent permit [CA Fire Code §3103.2].
- 20) Submit an application and site plan for proposed fireworks display including operator information and licensure to Downey Fire Department, Fire Prevention Bureau at least 2 weeks before the event. Additional requirements may arise from a review of Public Fireworks Display application.
- 21) Provide an Emergency Action Plan (EAP) to City of Downey Emergency Manager no later than 7 days prior to event.
- 22) Food trucks shall be maintained a minimum 10-feet away from buildings, other food trucks and vehicles in accordance with NFPA food truck safety requirements.
- 23) Tents/canopies 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)]
- 24) Tents shall not be located within 20 feet of parked vehicles, open flame or heating devices, combustion engines, and buildings [CA Fire Code § 3104.7]
- 25) Generators shall not be located within 10 feet of lot (property line) and 20 feet of tents/membrane structures [CA Fire Code § 3104.19]. An approved barrier (e.g. fencing) shall be provided around generator. At time of permit application, submit an updated site map/plot plan indicating the location of and size of generators.
- 26) SFM-tagged 4A-20BC rated extinguisher shall be provided at the generator as per NFPA 10 and CA Fire Code §906
- 27) All electrical cords shall be UL-listed and rated for heavy-duty, outdoor use and protected from physical damaged by cable bridges or other approved methods [CA Fire Code § 605.5].

POLICE


- 28) The Applicant shall obtain Downey Police Department approval of a security plan for the Freedom Festival and provide a map of the security locations no later than Thursday, June 29, 2023.
- 29) Applicant shall coordinate with Special operations sergeant to request four (4) Police & two (2) parking enforcement officers to monitor the event.
- 30) Festival security officers shall be easily identifiable in brightly colored security shirts. The security shirts shall not resemble the color of Downey Police Officers; the shirts shall not be blue or black.


END OF CONDITIONS




DATE: JUNE 21, 2023

TO: PLANNING COMMISSION

SUBMITTED BY: GREGORY PFOST, INTERIM DIRECTOR OF COMMUNITY DEVELOPMENT 

REVIEWED BY: ART BASHMAKIAN, AICP, INTERIM CITY PLANNER 

PREPARED BY: ABRAHAM LUNA, ASSISTANT PLANNER 

SUBJECT: **PLN-22-00092 (CONDITIONAL USE PERMIT) – A REQUEST TO MODIFY AN EXISTING BUILDING MOUNTED WIRELESS TELECOMMUNICATION FACILITY**

LOCATION: 7375 STEWART AND GRAY ROAD

ZONING: C-1 (NEIGHBORHOOD COMMERCIAL)

REPORT SUMMARY

On April 19th, 2023, the City Planning Commission held a noticed public hearing for the consideration of a modification to an existing wireless facility. At the Commission's request and applicant's concurrence, the item was continued to the May 3, 2023, and subsequently to May 17, 2023, and again to June 7, 2023 Planning Commission meeting. The applicant has again requested the item be continued to a date uncertain as they need more time to address the concerns raised by the Planning Commission. Once a date is established, the City will Publish a new hearing notice and will be published in the local newspaper and mailed to the surrounding property owners within a 500' radius.

RECOMMENDATION

Continue item PLN-22-00092 to a date uncertain.