



1. CALL TO ORDER: A REGULAR PLANNING COMMISSION MEETING - 6:30 PM

2. FLAG SALUTE

3. ROLL CALL: Lujan, Saikaly, Morales, Vice Chair Guerra, Chair Uva

4. PLANNING COMMISSIONER ANNOUNCEMENTS; REQUEST FOR FUTURE AGENDA ITEMS; AND CONFERENCE/MEETING REPORTS:

5. PRESENTATIONS: None

6. REPORT ON CITY COUNCIL ACTIONS

7. PUBLIC HEARINGS:

A. PLN-23-00104 (CONDITIONAL USE PERMIT)

Location: 8659 Florence Avenue

Request: A request for a Conditional Use Permit to allow on-site consumption of general liquor under an Alcohol Beverage Control (ABC Type 41 (On-Site General Liquor – Eating Place) License

CEQA: categorically exempt - Section 15301 (Class 1–Existing Facilities) of the CEQA Guidelines.

Staff: Associate Planner, Jerry Clemente

Recommendation: That the Planning Commission:

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING CONDITIONAL USE PERMIT (PLN-23-00104), THEREBY ALLOWING AN EXISTING RESTAURANT TO OPERATE WITH A TYPE 41 (ON SALE BEER AND WINE – EATING PLACE) ALCOHOLIC BEVERAGE CONTROL LICENSE LOCATED AT 8659 FLORENCE AVENUE AND ZONED C-2 (GENERAL COMMERCIAL)

B. PLN-24-00159 (Zoning Text Amendment)

Location: City Wide

Request: A request to amend Article IX of the Downey Municipal Code to regulate the location of businesses that sell Tobacco and Tobacco products.

CEQA: Exemption – Section No. 15060(c)(2)

Staff: Planning Consultant, Lindsay Ortega

Recommendation: That the Planning Commission:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY RECOMMENDING THE CITY COUNCIL OF THE CITY OF DOWNEY ADOPT A ZONING TEXT AMENDMENT (PLN-24-00159), THEREBY AMENDING SECTIONS 9128, 9158 AND 9314.04 OF ARTICLE IX OF THE DOWNEY MUNICIPAL CODE TO ESTABLISH A NEW USE OF TOBACCO RETAILERS



8. PUBLIC COMMENTS: CONSENT CALENDAR/ OTHER BUSINESS/ NON-AGENDA

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.

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.

9. CONSENT CALENDAR ITEMS:

C. Final Tract Map No. 84168 – PLN-23-00035 – 7360 Foster Bridge Boulevard– A Request to Subdivide One Parcel for Establishing 33 Townhomes

10. OTHER BUSINESS:

11. STAFF MEMBER COMMENTS

12. ADJOURNMENT

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, Ria Ioannidis, Planning Secretary, 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 11th day of October, 2024

Ria Ioannidis

Ria Ioannidis
Planning Secretary



DATE: OCTOBER 16, 2024

TO: PLANNING COMMISSION

SUBMITTED BY: IRMA HUITRON, DIRECTOR OF COMMUNITY DEVELOPMENT

REVIEWED BY: ALFONSO HERNANDEZ, PRINCIPAL PLANNER

PREPARED BY: JERRY CLEMENTE, ASSOCIATE PLANNER

SUBJECT: **PLN-23-00104 (CONDITIONAL USE PERMIT) – A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW ON-SITE CONSUMPTION OF GENERAL LIQUOR UNDER AN ALCOHOL BEVERAGE CONTROL (ABC) TYPE 41 (ON-SITE GENERAL LIQUOR – EATING PLACE) LICENSE**

LOCATION: 8659 FLORENCE AVENUE

ZONING: C-2 (GENERAL COMMERCIAL)

REPORT SUMMARY

This is a request for a Conditional Use Permit to allow an existing restaurant, “Taco Downey Factory”, to operate under a California Department of Alcoholic Beverage Control (ABC) Type 41 alcohol license (On-site beer and wine – Eating place). A Type 41 alcohol license permits the sale of beer and wine. The application request limits the sale of beer and wine to on-site consumption only. The property is located at 8659 Florence Avenue, and zoned C-2 (General Commercial).

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

- 1. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING CONDITIONAL USE PERMIT (PLN-23-00104), THEREBY ALLOWING AN EXISTING RESTAURANT TO OPERATE WITH A TYPE 41 (ON SALE BEER AND WINE – EATING PLACE) ALCOHOLIC BEVERAGE CONTROL LICENSE LOCATED AT 8659 FLORENCE AVENUE AND ZONED C-2 (GENERAL COMMERCIAL)**

APPROVAL AUTHORITY

Conditional Use Permit: Downey Municipal Code (DMC) Section 9824 requires all proposed restaurants in conjunction with alcohol sales to be processed and heard by the Planning Commission to review the location, operation, or design of use.

BACKGROUND

The subject property is currently developed with a 2,340 square foot restaurant and barbershop, and is part of a larger commercial center with an additional 8,903 square foot of building space, for a combined building square footage of 11,033 square feet. The restaurant is identified on the site as Taco Downey Factory and consists of a 1,360 square foot full-service restaurant. The restaurant has been in operation since January 1, 2024, however, the owners previously operated a full service restaurant in the same tenant space by the name of El Muelle 8. The subject tenant space is located at the east end of the overall building and only abuts one other tenant on site. In total, the overall building is comprised of eight tenant spaces. The structure was constructed in 1954, and no major renovations have been made since the original building permits were issued.



Figure A - Aerial and Surrounding Uses

Overall, the subject property is an 8,567 square-foot parcel located on the Northeast corner of Florence Avenue and Tristan Drive. The parcel appears to be a part of a larger 11,033 square foot commercial center. The site is within the city's C-2 zone, and has a General Plan Land Use designation of "General Commercial." The site is accessible from two street frontages; along Florence Avenue moving westbound and Tristan Drive moving Northbound. The property is developed with commercial uses, such as restaurants and personal services. The properties to the north are zoned R-3. The properties directly east, west, and south are zoned C-2, developed with a drive-thru fast food restaurant to the east, offices to the west, and multiple commercial uses to the south, including the historic McDonald's drive thru fast food restaurant.



Figure B - North view of subject property along Florence Avenue

On June 29, 2023, the applicant submitted an application for a Conditional Use Permit to allow the on-site sale and consumption of beer and wine under a Type 41 ABC license for an existing full-service restaurant. Staff completed a review of the submitted materials on July 21, 2023, and deemed the application incomplete. After receiving all the required information, the application was deemed complete on September 25, 2024. The application was paused for a period of time while the business transitioned to its current operations. On October 2, 2024, staff mailed notice of the pending public hearing to all property owners within 500 feet of the subject site, and the notice was also published in the *Downey Patriot*.

DISCUSSION

The applicant requests permission for a Conditional Use Permit (CUP) to allow Taco Downey Factory, an existing full-service restaurant, to operate under a Type 41 ABC license. Currently, the restaurant offers food and non-alcoholic beverages for dining in, takeout, and delivery. Approval of this application will now also allow the applicant to sell beer and wine for on-site consumption only. As a standard condition of approval in conjunction with ABC licenses specifically for Type 41, the restaurant must limit the sale of beer and wine to no more than half (50%) of their total gross revenue. In addition, all alcohol sales must be accompanied with food sales.

Operating Hours and Capacity

The proposed hours of operation for the business are 9:00 a.m. – 8:00 p.m., daily. The applicant anticipates up to a maximum of 30 patrons at any given time. The restaurant also has 3 employees, and 3 employees will be present at any given time.

Table 1 Hours of Operation	
Monday - Sunday	9:00 am – 8:00 pm

Pursuant to Code Section 9314.04, alcohol sales within a restaurant are permitted with the approval of a Conditional Use Permit in the C-2 zone. This requires the applicant to obtain a Type 41 Alcoholic Beverage Control (ABC) license. According to the California State Department of Alcoholic Beverage Control (ABC), a Type 41 license is classified by the following:

“On-Sale Beer and Wine – Eating Place – (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, and liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.”

The property is adjacent to a residentially developed properties, no impacts are anticipated related to noise levels. Conditions of approval have been incorporated in an effort to mitigate any potential nuisance. Conditions include prohibiting live entertainment, keeping the rear door shut when not in use, sign regulations related to noise in the parking lot, and all activity shall be maintained inside the tenant space. In addition, the applicant has indicated that the existing activities associated with the restaurant shall remain the same even after incorporating the sale of alcoholic beverages. The sale of alcohol would be complementary to the restaurant use. Finally, a condition of approval has been incorporated requiring restaurant staff to undergo responsible beverage service training and certification to ensure that there is responsible alcohol beverage serve.

Parking and Circulation

The site's parking lot is accessible from both Florence Avenue and Tristan Drive. The subject site is 8,567 square feet and developed with 11 parking stalls (ten (10) standard parking stalls and one (1) ADA parking stall.) The subject property is required a total of nine (9) spaces to accommodate both uses on site, and therefore exceeds parking requirements by two (2) parking spaces. The table below further illustrates the parking requirements for the site.

Table 2 Parking Standards			
	Standard	Proposed	Compliance
Parking	<u>9 Spaces</u> 1/300 sq. ft. (Barbershop) 1/100 sq. ft. (Restaurant)	10 Standard 1 ADA	Yes

ENVIRONMENTAL ANALYSIS

Staff has reviewed the proposed use for compliance with the California Environmental Quality Act (CEQA). Upon completion of this review, it has been determined that this request is categorically exempt from CEQA, pursuant to Guideline Section No. 15301 (Class 1, Existing Facilities). Categorical Exemptions are projects, which have been determined not to have a significant effect on the environment. Class 1 exemptions consist of projects that involve no/negligible expansion of the existing use. The proposed ABC Type 41 license for the sale of beer and wine will not prompt an expansion or substantial alteration to the interior of the proposed tenant space and therefore will not have a significant effect on the environment.

DEVELOPMENT REVIEW COMMITTEE

The Development Review Committee (DRC) discussed and evaluated the project as it pertains to Planning, Police, Fire, Public Works, and Building and Safety matters. The departments expressed no concerns or opposition to the project and issued standard conditions of approval. Recommended conditions of approval have been included in the attached Project Resolution, Attachment A.

PUBLIC OUTREACH & CORRESPONDENCE

On October 3, 2024, the notice of the pending public hearing was published in the Downey Patriot and mailed to property owners within 500' of the subject site.

As of the date that this report was published, staff has received no correspondence in response to the public hearing notice.

CONCLUSION

Based on the analysis contained within this report, staff is concluding that all required findings can be made in a positive manner. As such, staff recommends that the Planning Commission approve the application (PLN-23-00104) to the on-sale of beer and wine at an existing restaurant.

ATTACHMENTS

- A. Draft Resolution No. 24-4038
- B. Aerial Photograph, Location Map & Zoning Map
- C. Project Plans

Attachment A

RESOLUTION NO. 24-4038

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING CONDITIONAL USE PERMIT (PLN-24-00104), THEREBY ALLOWING AN EXISTING RESTAURANT TO OPERATE WITH A TYPE 41 (ON SALE BEER AND WINE – EATING PLACE) ALCOHOLIC BEVERAGE CONTROL LICENSE LOCATED AT 8659 FLORENCE AVENUE

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

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

- A. On June 29, 2023, an application was filed by Victor Pelayo, owner of Taco Downey Factory, requesting approval of a Conditional Use Permit (PLN-23-00104), to allow an existing full-service restaurant to operate under an ABC Type 41 license, on the property located at 8659 Florence Avenue, Downey, and zoned C-2 (General Commercial); and,
- B. On July 21, 2023, after careful review of the submitted information, City staff deemed the application incomplete; and,
- C. On September 1, 2024, the Applicant resubmitted required documents and materials for review; and,
- D. On September 25, 2024, after careful review of the submitted information, staff deemed the application complete; and,
- E. On October 2, 2024, a notice of public hearing was sent to all Downey property owners within 500 feet of the subject site and the notice was published in the Downey Patriot;
- F. The Planning Commission held a duly noticed public hearing on October 16, 2024, and after fully considering all oral and written testimony, facts, and opinions offered at the aforesaid public hearing, adopted this resolution.

SECTION 2. In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, this project is categorically exempt from further review under Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines. Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The project proposes to allow the sale of beer and wine for on-premises consumption at an existing eating establishment.

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 requested Conditional Use Permit will not adversely affect the intent and purpose of Article IX of the Downey Municipal Code (Land Use) or the City's General Plan or the public convenience or general welfare of persons residing or working in the neighborhood thereof. Furthermore, the project should not generate a nuisance related to public convenience or general welfare to any nearby persons because the activities performed by the existing

Attachment A

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Downey Planning Commission

restaurant shall remain largely the same as they were performed prior to the approval of on-site sales of beer and wine. The project will also allow the existing restaurant to continue to, and provide additional, goods and services available to nearby residents and patrons of city businesses. In addition, the following policies are promoted by the proposed Conditional Use Permit (CUP):

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

The CUP promotes the above policy by introducing a new component that aims to complement the existing restaurant that it will serve. By permitting alcohol sales the restaurant enhances its ability to provide additional services to the nearby community and general public. The proposed operational restrictions, including limited hours and revenue restrictions, ensure that the focus remains on food service while addressing any potential impacts.

- B. The requested use will not adversely affect the adjoining land uses and the growth and development of the area in which it is proposed to be located. The proposed sale of beer and wine is intended to complement the existing use of a full service restaurant. The proposed use is common within commercial areas such as the proposed project site. Staff views the use as a common practice among restaurants, and does not anticipate adverse impacts as a result of approval. This is specifically because the main use of the site will remain the same. Therefore, the request will not adversely affect the nearby residential areas or adjacent commercial businesses, nor will it hinder the area's potential for future growth and development.
- C. The size and shape of the site proposed for the use is adequate to allow the full development of the proposed use in a manner not detrimental to the particular area. The proposed scope of work does not involve any changes to the building's square footage, and the ancillary sale of beer and wine does not demand additional site accommodations. The proposed activities will not impose any alterations that would limit future permitted uses on the site or affect existing operations in the surrounding area. Furthermore, the project complies fully with the Downey Municipal Code. Therefore, the dimensions and configuration of the site are sufficient to support the proposed use without negatively impacting the surrounding area.
- D. The traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area. The traffic generated by the existing use is not expected to significantly increase with the approval of the CUP, as the main use is currently existing and sufficient on-site parking spaces are provided for customers. In addition, Florence Avenue is classified as a major arterial that can support a high volume of vehicles, including the traffic generated by the proposed use.

The parking lot of the project site satisfies the parking requirements for both the tenant spaces on the subject parcel. The site accommodates a total of eleven (11) parking spaces. The uses for both tenants require nine (9) parking stalls, therefore the parcel has a surplus of two (2) additional parking stalls. Overall, with sufficient parking at the project site staff does not anticipate that alcohol use will generate an undue burden upon streets and highways.

SECTION 4. Based upon the findings set forth in Sections 1 through 3 of this Resolution, the Planning Commission of the City of Downey hereby approves PLN-23-00104, 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

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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 16th day of October 2024.

Carmela Uva, Chairwoman
City Planning Commission

APPROVED AS TO FORM:

John M. Funk
City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

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 16th day of October 2024, by the following vote, to wit:

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

Ria Ioannidis
Recording Secretary

Attachment A

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CONDITIONS OF APPROVAL CONDITIONAL USE PERMIT (PLN-23-00104)

PLANNING

- 1) The approval of Conditional Use Permit (PLN-23-00104) allows an existing restaurant to operate with a Type 41 (On Sale Beer and Wine – Eating Place) ABC license for On-site consumption, on the property located at 8659 Florence Ave.
- 2) Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning regulations, or any Federal, State, County, and City laws and regulations. Unless otherwise expressly specified, all other requirements of the City of Downey Municipal Code shall apply.
- 3) The Director of Community Development is authorized to make minor modifications to the approved preliminary plans or any of the conditions if such modifications shall achieve substantially the same results as would strict compliance with said plans and conditions.
- 4) All conditions of approval set forth in this resolution shall be complied with before the Conditional Use Permit becomes valid.
- 5) The 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) Prior to November 1, 2024 the applicant and the property owner shall sign an affidavit of Acceptance of Conditions, as provided by the City of Downey.
- 7) The permitted hours of operation shall be from 9:00 a.m. to 8:00 p.m., seven (7) days a week.
- 8) Customers shall not be within the business after the specified closing time.
- 9) There shall be no live entertainment within the business at any time.
- 10) Deliveries to the premises are prohibited between 12:00 A.M. and 7:00 A.M.
- 11) "Last call" for alcohol purchases shall occur thirty (30) minutes prior to closing.
- 12) The sale of alcohol shall be incidental to the sale of food. The gross sales of alcohol shall not exceed the gross sales of food. At the request of the Director of Community

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- Development, the applicant shall provide evidence that the gross sales of food exceed the gross sale of alcohol.
- 13) The kitchen shall remain open to serve a full menu at all times the business is open. The service/sale of prepackaged foods, salads, or sandwiches is not considered to be in compliance with this condition.
 - 14) Noise generated from the business shall comply with Municipal Code Section 4600 et. seq. In any case, noise shall not exceed 65 dBA, as measured at the property line.
 - 15) The rear door shall remain shut when not in use.
 - 16) All signs shall comply with the requirements set forth in the Downey Municipal Code and shall require separate permits.
 - 17) All alcohol shall only be consumed within the designated dining area.
 - 18) All Department of Alcoholic Beverage Control rules and regulations shall be enforced and complied with. The applicant shall submit to the Director of Community Development a copy of the Department of Alcoholic Beverage Control license, including any and all conditions imposed, which will be kept on file in the Planning Division office.
 - 19) It shall be the responsibility of the applicant/licensee to provide all employees that sell or serve alcoholic beverages with the knowledge and skills that will enable them to comply with their responsibilities under State law.
 - 20) The knowledge and skills deemed necessary for responsible alcoholic beverage service shall include, but not be limited to the following topics and skills development:
 - a) State laws relating to alcoholic beverages, particularly ABC and penal provisions concerning sales to minors and intoxicated persons, driving under the influence, hours of legal operations and penalties for violations of these laws.
 - b) The potential legal liabilities of owners and employees of businesses dispensing alcoholic beverages to patrons who may subsequently injure, kill, or harm themselves or innocent victims as a result of the excessive consumption of alcoholic beverages.
 - c) Alcohol as a drug and its effects on the body and behavior, including the operation of motor vehicles.
 - d) Methods for dealing with intoxicated customers and recognizing underage customers.
 - 21) The following organizations have been identified by the State Department of Alcoholic Beverage Control as providing training programs which comply with the above criteria;
 - a) Department of Alcoholic Beverage Control L.E.A.D. Program, Telephone (916) 419-2500.

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BUILDING

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

POLICE

- 24) Prior to selling alcoholic beverages, the owner/applicant shall obtain any and all required Police Department permits prior to exercising this Conditional Use Permit. A Police Permit Application is applicable to, but not limited to, the following activities juke box, televisions, and pool tables.
- 25) The business owner shall consent to and provide access to all areas of the subject premises without charge during normal business hours to any Police Department or City Official for purposes of verifying compliance with any of the Conditions of Approval of this approval, as well as with any Police Permit.
- 26) Signs shall be posted at all entrances to the premises and business identifying a zero-tolerance policy for nuisance behavior at the premises (including the parking lot). Signs shall be posted along the entry/ exit ways and shall also include verbiage prohibiting the possession and consumption of alcohol outside the premises.
- 27) The owner/applicant shall not permit any loitering in front of the business.
- 28) A copy of this conditional use permit and any Police permit shall be prominently posted on the premises at all times. The applicant shall make available said copies upon request by any Police Officer or other City official charged with the enforcement of the City's laws, ordinances, or regulations.
- 29) The Licensee shall be responsible for monitoring the business to prevent anyone under the age of 21 from purchasing or consuming alcohol.
- 30) The owner/applicant shall comply with and strictly adhere to all conditions of any permit issued by the Alcohol Beverage Control ("ABC") to the applicant and any applicable regulations of ABC.
- 31) The restaurant shall not charge patrons a cover charge at any time.
- 32) Upon the determination by the Chief of Police that the operation of the business requires on-site security, the applicant shall submit and obtain approval of a security plan to the Chief of Police. The number of security guards shall be determined by the Chief of Police and may be increased or decreased as the Chief of Police determines is necessary. The initial security plan shall be submitted to the Police Department within fourteen (14) days of being requested. Should the Police Department request any additional information or modifications, the business owner/permittee shall submit said revisions within forty-eight (48) hours of notification.

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FIRE

- 33) Obtain all necessary permits prior to the commencement of any construction.
- 34) Provide the City of Downey Fire Department with a floor plan, schedule and specifications of all equipment.
- 35) If applicable, storage of commercial kitchen cooking oil shall adhere to current Fire Code requirements.

PUBLIC WORKS

- 36) The owner/applicant shall obtain all necessary plan approvals and permits
- 37) If any hazardous material is encountered on the site that has the potential to reach the ground water supply, the owner/applicant shall secure a permit for the State Regional Water Quality Control Board
- 38) The owner/applicant must comply with all applicable Federal, State and local rules and regulations, American Disabilities Act (ADA), including compliance with South Coast Air Quality Management District (SCAQMD) regulations.

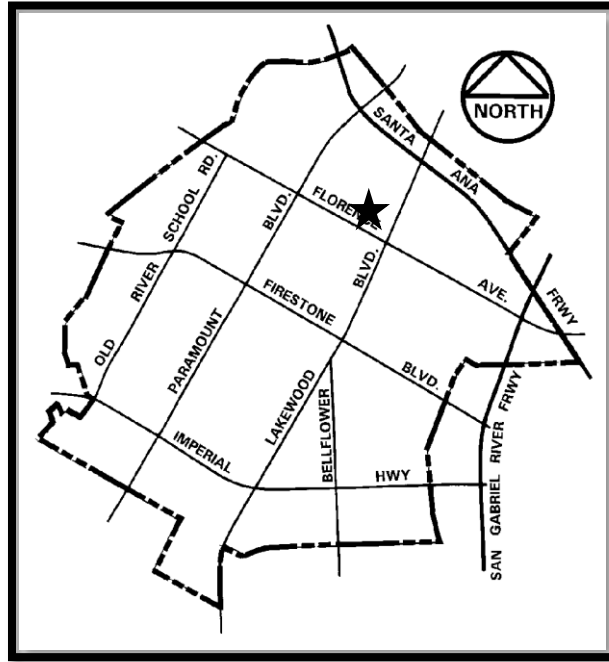
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Attachment 'B' – Maps

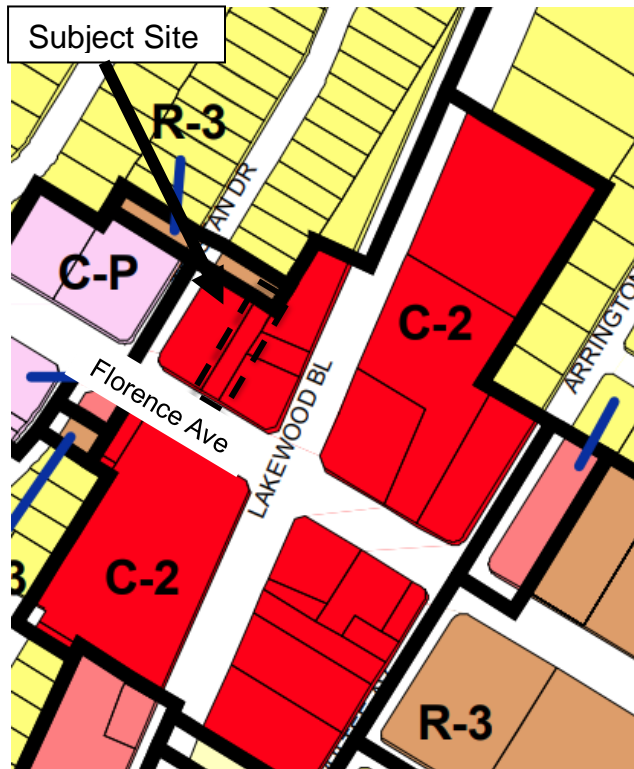
AERIAL PHOTOGRAPH



LOCATION MAP



ZONING MAP

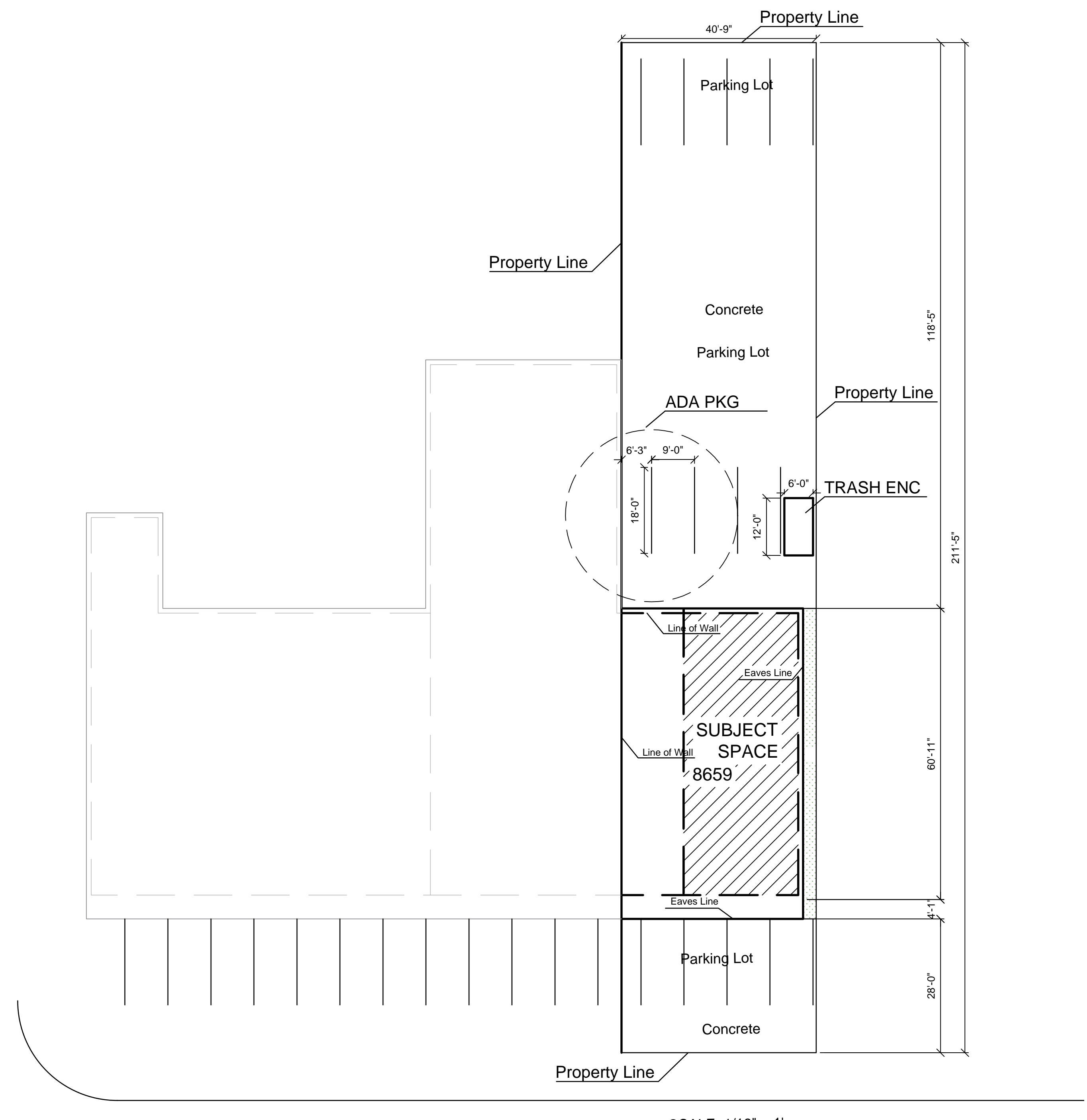
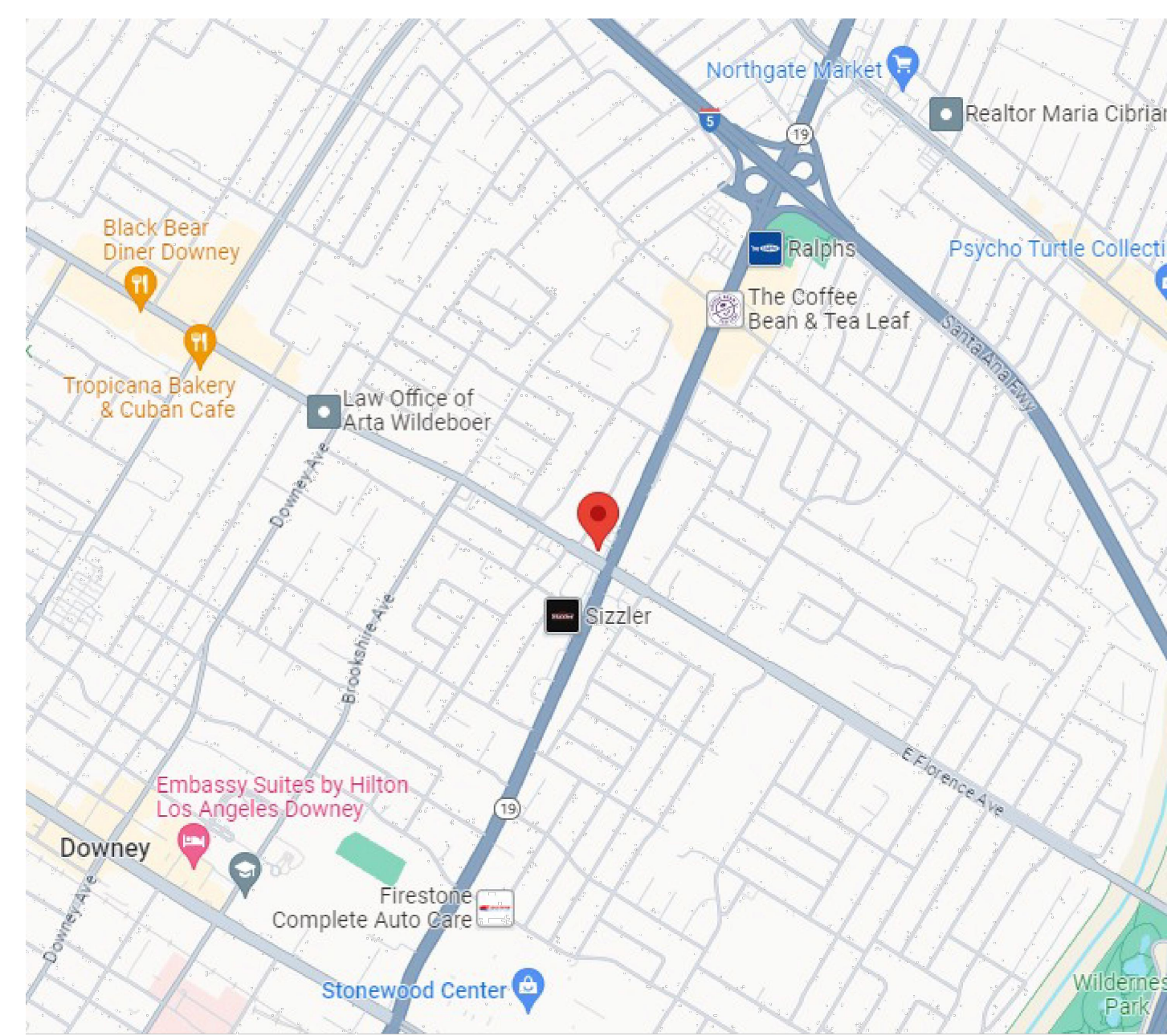


TACO DOWNEY FACTORY
8659 FLORENCE AVENUE
DOWNEY, CALIFORNIA 90240

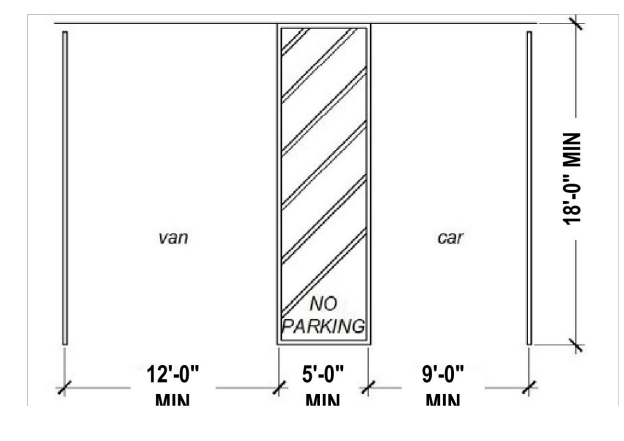
WORLDWIDE
DESIGN CONCEPTS
P.O. BOX 553, LA MIRADA, CALIFORNIA 90637 (562)756-7846

NO	DATE	REVISIONS	BY

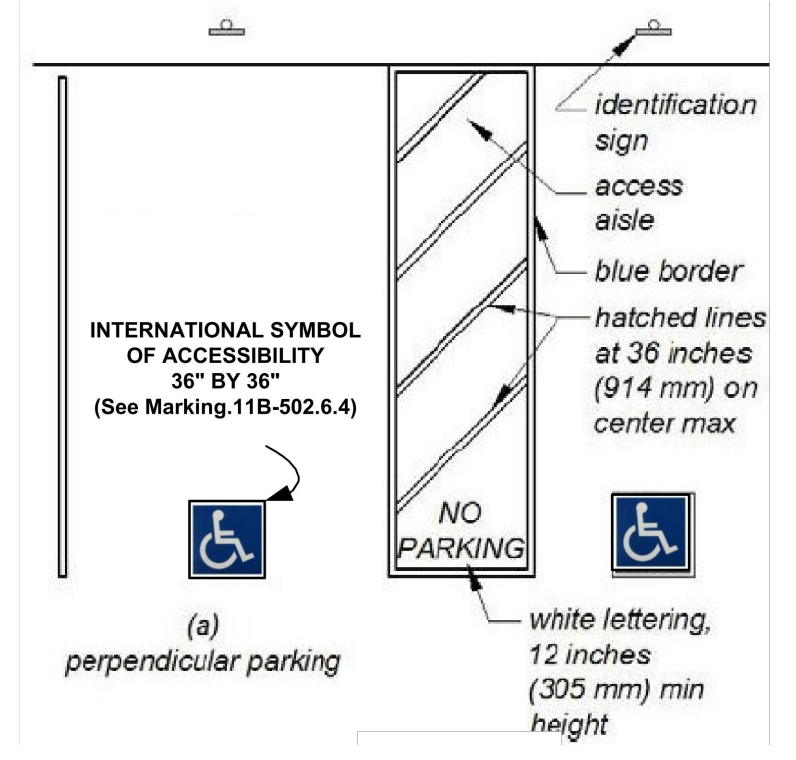
DATE 6/12/2024
SCALE NOTED
DRAWN BY V. PELAYO
SHEET A-1 OF SHEETS



Florence Ave



ADA PARKING DETAIL



PARKING CALCULATION

1360sf/100=13.6

9 SPACES REQUIRED

10 STD STALLS PROVIDED

1 ADA STALL PROVIDED

TOTAL 11 STALLS PROVIDED

SHEET INDEX

A-1: SITE PLAN AND NOTES

K-1: FLOOR PLAN AND SCHEDULES

PROPERTY PROFILE

APN NO.: 6363-010-003

ADDRESS: 8659 FLORENCE AVE. DOWNEY, CA 90240

LOT SIZE: 8567 sf

BLDG SF: 2340 sf

SPACE SF: 1360 sf

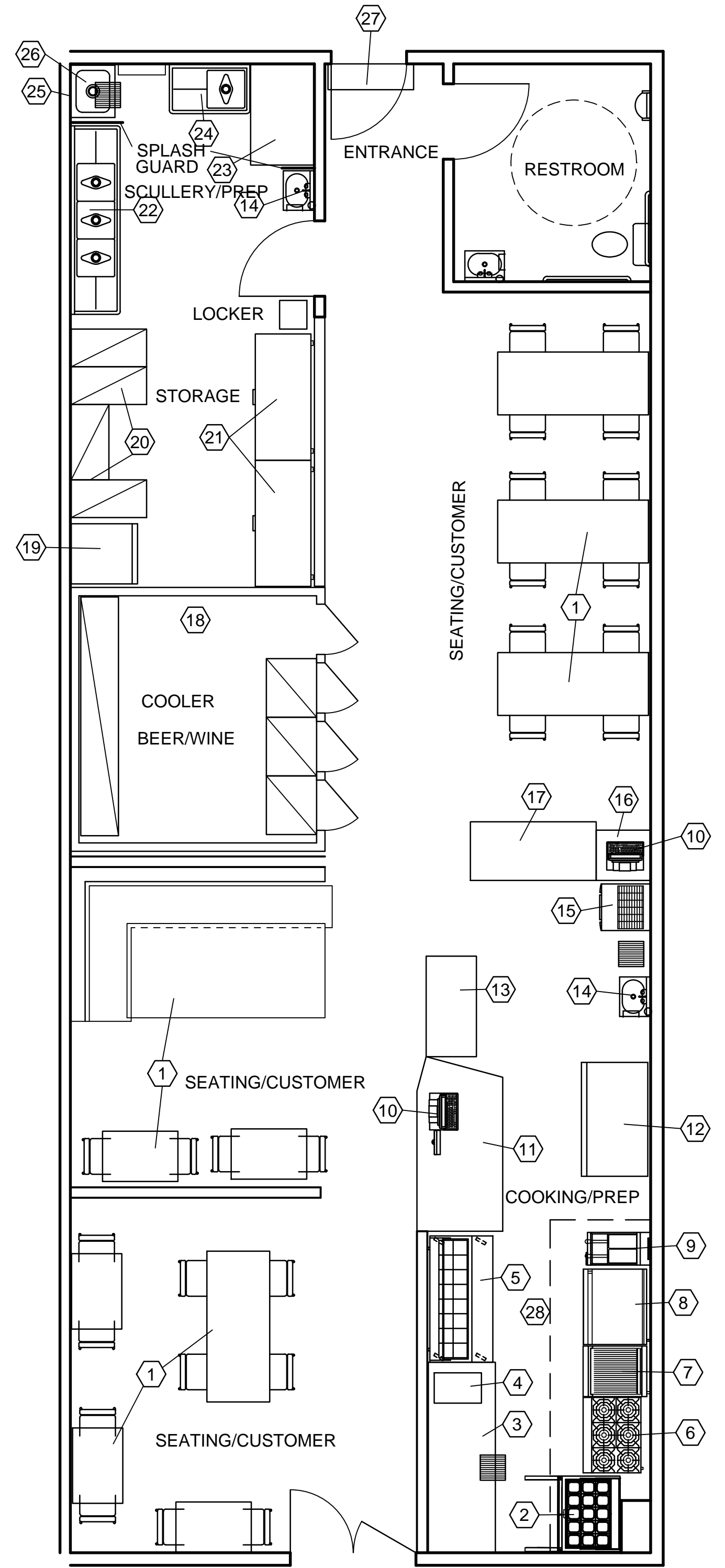
SCOPE OF WORK

CONDITIONAL USE PERMIT FOR TYPE 41 ABC LICENSE (ON SALE BEER AND WINE) AT AN EXISTING RESTAURANT.

HOURS:
TUES-THURS...9AM-8PM
FRI-SUN.....9AM-8PM

NOTES:

PLANS ARE FOR REFERENCE ONLY. NO NEW CONSTRUCTION TO BE DONE



FLOOR PLAN (PROPOSED)

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

SCHEDULE OF EQUIPMENT							ELECTRICAL			PLUMBING			
ITEM	QTY	DESCRIPTION	LOAD			REMARKS	WATER			GAS			
			V	HP	AMP		HOT	CLD	D	BTU	SZ	HT	
1	1LOT	TABLES AND CHAIRS											
2	1	36" PREP TABLE (ATOSA #MSF3615GR)	115	1/7	2.3	1	P						
3	1	7'7" S/S WORKTABLE WITH S/S UNDERSHELF (CUSTOM) (EXISTING)											
4	1	COUNTER TOP ELECTRIC FOOD WARMER (AVANTCO #177W50)	120	1.2KW	10	1	P			FS			
5	1	FOOD PREP TABLE (TRUE #TSSU-60-16D-4)(EXISTING)	115	1/3	6.5	1	P						
6	1	6 BURNER HOTPLATE (COOK RITE #ACHP-6)(EXISTING)									192K	3/4"	18"
7	1	24" RADIANT BROILER (CONNERTON #CRB-24)(EXISTING)									48K	3/4"	18"
8	1	36" GRIDDLE (STRATUS #SMG-36) (EXISTING)									50K	3/4"	18"
9	1	50# FRYER (COOK RITE #ATFS-50) (EXISTING)									34K	3/4"	18"
10	2	POS STATION											
11	1	CUSTOM COUNTER(EXISTING)											
12	1	2 DOOR REACH-IN REFRIGERATOR (ATOSA #MBF8507GR)	115	1/5	3.2	1	P						
13	1	2' x 4' S/S TABLE (CUSTOM) (EXISTING)											
14	2	S/S HANDSINK W/ SOAP & TOWEL DISPENSER (ALLSTRONG #S1B1310) (E)						1/2"	1/2"	2"			
15	1	ICE MACHINE & BIN (ICE-O-MATIC #CIMO520A)(EXISTING)	115	5.87KW	12.8	1	D			1/2"	FS		
16	1	20" X 26" S/S TABLE (CUSTOM) (EXISTING)											
17	1	60" X 28" S/S TABLE W/ OVER SHELF (CUSTOM) (EXISTING)											
18	1	9'10" x 9'6" WALK-IN COOLER WITH GLASS DOORS (RITE TEMP CUSTOM)									FS		
19	1	1 DOOR RECH-IN FREEZER (ATOSA #MBF8501GR(L))	115	1/2	6.3	1	P						
20	1LOT	WIRE STORAGE SHELVING 5 TIER (EAGLE OR EQ)											
21	2	CHEST FREEZER (ATOSA #MWF9016GR)	115	1/5	2.6	1	P						
22	1	18"x18" 3 TUB S/S SINK (GSW #18183D) (EXISTING)						1/2"	1/2"	2"			
23	1	4' x 30" S/S WORK TABLE (GSW #WT-E3048) (EXISTING)											
24	1	S/S PREP SINK (GSW SE18181) (EXISTING)						1/2"	1/2"	FS			
25	1	TANKLESS WATER HEATER (NAVIAN #NPE-240S2)											
26	1	24" MOP SINK W/ BACK FLOW PREVENTION (GSW #18181P)						1/2"	1/2"	2"			
27	1	AIR CURTAIN (MARS # LPV-36 (EXISTING))	115	1/6	2.4	1	D						
28	1	13' x4' UL LISTED HOOD (CAPTIVE-AIR) (EXISTING)											

FINISH SCHEDULE					
AREA	FLOOR	BASE	WALLS	CEILING	REMARKS
RESTROOMS	1	3	5	5	
COOK/PREP	1	3	5	5	METAL WALL FLASHING UNDER HOODS
SCULLERY/STORE	1	3	5	5	
CUSTOMER	2	2	8	8	
COOLER	1	10	9	9	

CODE	DESCRIPTION
1	APPROVED FLOOR TILE(CERAMIC)SEALED WITH ACRI-SHEEN
2	DECORATIVE FLOOR COVERING
3	6"H CERAMIC TILE COVED BASE W/3/8" JUNCTION W/FLOOR #S36I9TN
4	5"H VINYL "TOP SET" BASE W/3/8" RADIUS AT JUNCTION W/FLOOR
5	LIGHT COLOR GLOSS ENAMEL OVER GYPSUM BOARD TO BE SMOOTH & SCRUBABLE
6	OPEN CEILING TO ROOF
7	SUSPENDED CEILING W/DROP-IN TILES.LIGHT IN COLOR.SMOOTH & SCRUBABLE
8	PAINT OVER GYPSUM BOARD
9	GALV-ALUM COOLER PANELS
10	6" H S/S COVE BASE W/ 3/8" JUNCTION W/FLOOR

NOTE: WALL AND CEILING MATERIALS SHALL NOT EXCEED THE MAX. FLAME SPREAD RATINGS. (UBC CHAPTER 8) 4 EMPLOYEES MAX

HOOD EXHAUST NOTES

NO WORK SHALL BE STARTED UNTIL APPROVAL HAS BEEN RECEIVED FROM THE FIRE, HEALTH, BUILDING, AND SAFETY DEPARTMENTS.

EXHAUST DUCT SHAFT LOCATIONS SHALL BE DETERMINED AT THE JOB SITE, BY THE METAL FABRICATOR.

SPRINKLER FIRE CONTROLLED SYSTEMS SHALL BE SUPPLIED BY THE FIRE SUPPRESSION FABRICATOR.

PERMANENT ACCESS TO THE ROOF SHALL BE PROVIDED BY CONST. CONTRACTOR.

ELECTRICAL CONTRACTOR TO PROVIDE NEON PILOT SWITCH IN KITCHEN, WIRE EXHAUST BLOWER MOTOR AND ADJUST R.P.M.'S TO MOTOR RATED AMPS.

ELECTRICAL CONTRACTOR TO INTERCONNECT EXHAUST MOTOR WITH MAKEUP AIR SYSTEM MOTOR THROUGH KITCHEN SWITCH.

EXHUST MUST NOT DISCHRGH WITHIN TEN FEET OF ADJACENT PROPERTY, ANY INTAKE DUCT OR LESS THAN TEN FEET ABOVE ADJOINING GRADE.

ALL EXHAUST AND MAKEUP AIR SYSTEMS MUST BE FABRICATED AND INSTALLED IN ACCORDANCE WITH LOCAL CODES AND REGULATIONS.

ALL EXHAUST GREASE HOODS OVER TWELVE FEET IN LENGTH, MUST HAVE TWO SEPERATE DUCTS AND DUCT SHAFTS.

THE LAST DATED REVISION VOIDS ALL PREVIOUS DRAWINGS.

EXHAUST MAKE-UP AIR SCHEDULE						
NO.	HOOD SIZE	CFM	DUCT SIZE		% MAKE-UP AIR	HOOD TYPE
28	13'x4'	2600 (200/FT)	33" x 10"		80%	TYPE 2

SANITATION NOTES

MECHANICAL VENTILATION MUST BE PROVIDED IN RESTROOMS, ANTE ROOMS, AND DRESSING ROOMS WITH AN AIR EXCHANGE MINIMUM OF 12 PER HOUR. (BY THE HEATING/VENTILATION AND AIR CONDITIONING CONTRACTOR).

THE JANITORIAL SINK FAUCET MUST BE PROTECTED WITH AN APPROVED BACKFLOW PREVENTION DEVICE. (BY PLUMBER)

ALL LAVS OR HAND SINKS MUST HAVE A COMBINATION FAUCET OR PREMIXING FAUCET CAPABLE OF SUPPLYING WARM WATER FOR A MINIMUM OF 10 SECONDS. (BY PLUMBER).

FLOOR SINK FOR DISHWASHING MACHINE (IF PROVIDED) TO HAVE A 3" MINIMUM DRAIN PIPE. (PROVIDE AND INSTALLED BY PLUMBER)

ALL FOOD SERVICE EQUIPMENT TO BE MANUFACTURED TO COMPLY WITH ALL LOCAL BUILDING 7 HEALTH DEPARTMENT CODE REQUIREMENTS.

ALL FLOORS IN FOOD HANDLING AREAS,RESTROOMS AND ANTE-ROOMS SHALL HAVE SMOOTH, HARD, NON-ABSORBANT SURFACE EXTENDED UPWARDS ONTO WALLS FIVE INCHES WHERE REQUIRED BY CODE OR SIX INCHES TOP SET WHERE ACCEPTABLE BY CODE.

WALLS IN WATER CLOSET COMPARTMENT AND WITHIN TWO FEET OF FRONT AND SIDES OF URINALS SHALL BE OF NON-ABSORBANT MATERIAL, FINISHED TO A HEIGHT OF FOUR FEET.

ALL EXTERIOR, ANTE-ROOMS, DRESSING ROOMS, AND RESTROOM DOORS ARE REQUIRED TO BE SELF-CLOSING.

INSTALL THE HOT WATER HEATER ON A FOUR INCH HIGH COVED PLATFORM OR CURB OR ON AT LEAST SIX INCH HIGH ROUND METAL STATIONARY LEGS.

SINKS, UNLESS OTHERWISE SPECIFIED, ARE NOT TO BE USED FOR FOOD PREPERATION.

HOT WATER HEATER TO BE A MINIMUM OF 30 GALLONS.

ALL EQUIPMENT,SHELVING AND COUNTERS TO BE SUPPORTED BY SIX(6) INCH HIGH ROUND,S/S LEGS, CASTORS, OR COMPLETELY SEALED IN POSITION ON A FOUR(4) INCH HIGHCONTINUOUSLY COVED BASE OR CONCRETE CURB

HABITABLE AREAS SHALL BE PROVIDED WITH MECHANICAL VENTILATION EQUAL TO 15 MIN CFM OF OUTSIDE AIR. (UBS-1202)

TOILET ROOMS SHALL BE PROVIDED WITH AN EXHAUST SYSTEM CAPABLE OF PROVIDING A MIN. 4 AIR CHANGES PER HOUR. (UBC 1202.2.1) FAN TO BE CONNECTED TO LIGHT SWITCH

TACO DOWNEY FACTORY
8659 FLORENCE AVENUE
DOWNEY, CALIFORNIA 90240

WORLDWIDE DESIGN CONCEPTS
P.O. BOX 553, LA MIRADA, CALIFORNIA 90637 (562)756-7846

NO	DATE	BY	REVISIONS

DATE 6/12/2024
SCALE NOTED
DRAWN BY V. PELAYO
SHEET K-1 OF SHEETS
PC Agenda Page 16



DATE: OCTOBER 16, 2024

TO: PLANNING COMMISSION

**SUBMITTED/
REVIEWED BY:** IRMA HUITRON, DIRECTOR OF COMMUNITY DEVELOPMENT

PREPARED BY: LINDSAY ORTEGA, AICP, PLANNING CONSULTANT

SUBJECT: **PLN-24-00159 (ZONING TEXT AMENDMENT) – A REQUEST TO AMEND ARTICLE IX OF THE DOWNEY MUNICIPAL CODE TO REGULATE THE LOCATION OF BUSINESSES THAT SELL TOBACCO AND TOBACCO PRODUCTS**

LOCATION: CITYWIDE

REPORT SUMMARY

The Zoning Text Amendment proposes to establish a new land use category titled “Tobacco Retailer”, which would be permitted by-right in the C-1 (Neighborhood Commercial) and C-2 (General Commercial) zones. The Zoning Text Amendment would also require that new Tobacco Retailers be at least 1,000 feet from parks, child day care centers, or schools.

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY RECOMMENDING THE CITY COUNCIL OF THE CITY OF DOWNEY ADOPT A ZONING TEXT AMENDMENT (PLN-24-00159), THEREBY AMENDING SECTIONS 9128, 9158 AND 9314.04 OF ARTICLE IX OF THE DOWNEY MUNICIPAL CODE TO ESTABLISH A NEW USE OF TOBACCO RETAILERS

BACKGROUND

On March 12, 2024, the City Council directed staff to initiate a Zoning Text Amendment to regulate the location of businesses whose primary function is to sell tobacco and tobacco related products. The Council’s direction included amending the Downey Municipal Code (DMC) to require a minimum 1,000-foot buffer from retail business that focus on the retail sale of tobacco and tobacco products to parks, day care centers, and schools.

The City has recently seen an influx of retail businesses whose primary operations is dedicated to the sale of tobacco and tobacco products (this includes vape and vape related products). Currently, there are 16 such retail shops operating within the City (Table 1).

**Table 1
Retail Store Locations Selling Tobacco and Tobacco Products in the City
by City Council and Zoning District**

	Name of Business	Address	District	Zoning District
1	Downey Smoke and Vape Shop	10313 Lakewood Boulevard	4	C-1
2	M Tobacco	11113 Paramount Boulevard, Suite C	3	C-2
3	RC Smoke and Vape, Inc.	7352 Stewart and Gray Road	2	C-1
4	Smoky Headz	7828 Florence Avenue	3	C-1
5	Imperial Smoke and Vape Shop	9061 Imperial Highway	1	C-2
6	Beyond Vape	9455 Firestone Boulevard	4	C-1
7	Downey Vapes	10033 Tecum Road	3	C-2
8	Royal Tobacco	7946 Florence Avenue	3	C-2
9	Dr. Tobacconist	8013 Imperial Highway	2	C-2
10	Sweet Smoke	8530 Paramount Boulevard	4	C-2
11	Smoken Smoke Shop	8636 Imperial Highway	1	C-1
12	OJ Smoke Shop	8847 Imperial Highway, Suite C1	1	C-2
13	Smoken Smoke House, Inc.	13260 Woodruff Avenue	1	C-1
14	Smart Buy Smoke Shop	11836 Downey Avenue	2	C-1
15	Peak Smoke and Vape Shop	11913 Lakewood Boulevard	1	C-1
16	Biohazards Smoke Shop	12121 Paramount Boulevard	2	C-2

Source: City of Downey, January 9, 2024

According to the Center for Disease Control (CDC), more than 3,200 children begin smoking each day in the United States. The negative health effects of smoking on minors includes addiction to nicotine, reduced lung function, reduced lung growth, and early cardiovascular damage. “Exposure to nicotine can have lasting effects on adolescent brain development. Cigarette smoking also causes children and teens to be short of breath and to have less stamina, both of which can affect athletic performance and other physically active pursuits.”¹

The State of California has adopted the following statutes to make smoking less desirable to minors and to prevent minors from beginning to smoke.

- SB 7 (Chapter 8, Statutes of 2016), which raised the minimum age to purchase and/or possess tobacco and tobacco related products from 18 to 21.
- SB 793 (Chapter 34, Statutes of 2020) which prohibited the sale of flavored tobacco and tobacco related products. SB 793 was subject to a subsequent citizens referendum and placed on the ballot for the November 8, 2022 election as Proposition 31. SB 793 was upheld by the citizens of California with a 63.42% vote to approve. When looking at Los Angeles County, the vote to uphold Prop 31 increased to 66.76% (data is not available at the city level).
- AB 935 (Chapter 351, Statues of 2023), which provides additional enforcement and penalties for selling flavored tobacco and tobacco related products.

¹ https://www.cdc.gov/tobacco/data_statistics/sgr/50th-anniversary/pdfs/fs_smoking_yout_h_508.pdf

The City of Downey has enacted laws prohibiting smoking in parks (DMC 10128(a)) and at certain public events (DMC 10128 (b)). However, the City does not have any regulations that explicitly restrict and/or reduce access to tobacco products in the City. California Business and Professions Code Section 22971.3 reserves to cities the ability to enact local tobacco control laws, with the exception of laws related to the collection of state taxes.

At its March 12, 2024, City Council meeting, the City Council directed staff to initiate a zoning text amendment to create a 1,000-foot buffer zone around parks, day care centers, and schools, since these locations have high foot traffic by children/students, making this population vulnerable to the potential exposure to tobacco products, which can have serious health consequences.

DISCUSSION

Businesses that sell tobacco or tobacco related products are currently classified as “Retail sales, new” under the zoning code. Retail sales are permitted by-right uses in the C-1, C-2, C-3, C-M, and M-U Zones. A new business can be established by obtaining a business license from the City. The proposed Zoning Text Amendment would establish a new use classification titled, “Tobacco Retailer”, which would be defined as:

A retail store utilized primarily for the sale of tobacco, tobacco products and/or tobacco accessories and in which the sale of other products is merely incidental. This shall also include any vending machine, vehicle, mobile unit, booth, stand, or concession that conducts in-person sales of tobacco products directly to the public. For purposes of this definition, a retail establishment in which less than 50% of the gross sales does not include tobacco, tobacco products and/or tobacco accessories, shall not be considered a Tobacco Retailer.

The proposed definition includes any business whose sales of tobacco, tobacco products and/or tobacco accessories are 50% or more of their gross sales. Staff intends for this to capture businesses that primarily sell tobacco, while not limiting gas stations, liquor stores, convenience markets, grocery stores, etc.

The Zoning Text Amendment would update Table 9.3.5. Commercial Zones Use Regulations. Tobacco Retailers would be permitted as a by-right use in the C-1 and C-2 zones, which is consistent with the zones where existing Tobacco Retailers are located (Table 1).

Table 9.3.5. Commercial Zones Use Regulations (P = Permitted NP = Not Permitted C = Conditional Use Permit)							
Use	C-P	C-1	C-2	C-3	C-M	H-M	Notes and Exceptions
General Commercial Uses							
Tobacco Retailer	NP	P	P	NP	NP	NP	Shall be a minimum of 1,000-feet from any park, child day care center, or school, as measured from the property line of the park, child day care center, or school to the proposed

Table 9.3.5. Commercial Zones Use Regulations (P = Permitted NP = Not Permitted C = Conditional Use Permit)							
Use	C-P	C-1	C-2	C-3	C-M	H-M	Notes and Exceptions
							tenant space for the Tobacco Retailer.

The proposed Zoning Text Amendment also establishes an exception requiring any new tobacco retailer to be located a minimum of 1,000 feet from the property line of any park, child day care center, or school. As proposed, the distance would be measured from the property line of the park or school to the tenant space of the tobacco retailer. The proposed Zoning Text Amendment would reduce the ability to sell tobacco near locations where minors congregate, thus potentially limiting the use of tobacco products and furthering the interest of public health. The amendment serves to advance the well-documented public health objectives as detailed by the Center for Disease Control and multiple state legislation, such as Senate Bill 7, Senate Bill 793, and Assembly Bill 935.

Staff overlaid a 1,000-foot radius from existing Tobacco Retailers to parks, child day care centers, and schools onto the City’s zoning map (Exhibit B) to ensure that the proposed 1,000-foot buffer zone is large enough to achieve the City’s goal, but not so large that the amendment indirectly prohibits the use. Analysis of the overlaid zoning map shows there would be several properties on Telegraph Road, Firestone Boulevard, Imperial Highway, Paramount Boulevard, and Lakewood Boulevard where future tobacco retailers could be potentially established.

Further analysis of the overlaid zoning map shows that eight of the 16 existing Tobacco Retailer businesses would be classified as non-conforming uses should the City adopt the ordinance as written. As with all nonconforming uses, they would be subject to the provisions of DMC Section 9410, Non-conforming Uses, Buildings, and Structure. Per DMC 9410, Nonconforming uses are not permitted to expand the use, increase the size of the tenant space, or relocate to another tenant space (except if the new location meets the minimum separation requirements). As with all nonconforming uses, they are permitted to continue operations, provided they are not discontinued for 180 days or more.

ENVIRONMENTAL ANALYSIS

Staff has reviewed the proposed Zoning Text Amendment for compliance with the California Environmental Quality Act (CEQA). Upon completion of this review, it has been determined that this request is exempt pursuant to CEQA Guidelines Section 15060(c)(2), which states projects that do not result in a direct or reasonably foreseeable indirect physical change in the environment, are not subject to CEQA review. Amending the zoning code to establish a new use and require this use to be a minimum 1,000 feet from parks, child day care centers, and schools, is not a physical change to the environment.

PUBLIC NOTICE

On October 3, 2024, a notice of the public hearing was advertised in the Downey Patriot as a 1/8th page ad, consistent with DMC Section 9804.06(c)(2). Direct mailing of the notice to property owners is not required since the mailing list exceeds 1,000 owners.

PUBLIC COMMENTS

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

CONCLUSION

Based on the analysis contained within this report, staff is concluding that all required findings can be made in a positive manner. As such, staff recommends that the Planning Commission adopt Resolution No. 24-4039 recommending the City Council adopt an Ordinance for the proposed Zone Text Amendment.

EXHIBITS

- A. Draft Resolution No. 24-4039
- B. Zoning Map with 1,000-foot radius

Exhibit A

RESOLUTION NO. 24-4039

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY RECOMMENDING APPROVAL BY THE CITY COUNCIL OF THE CITY OF DOWNEY FOR A ZONING TEXT AMENDMENT (PLN-24-00159) TO SECTIONS 9128, 9158 AND 9314.04 OF ARTICLE IX OF THE DOWNEY MUNICIPAL CODE TO ESTABLISH A NEW USE OF TOBACCO RETAILERS

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

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

- A. On March 12, 2024, the City Council directed City staff to initiate a Zoning Text Amendment to regulate the location of businesses whose primary function is to sell tobacco and tobacco related products.
- B. The State of California has adopted regulations to reduce the desirability of tobacco and tobacco related products to minors. This includes SB 7 (Chapter 8, Statutes of 2016), which raised the minimum age to purchase and/or possess tobacco and tobacco related products from 18 to 21; SB 793 (Chapter 34, Statutes of 2020) which prohibited the sale of flavored tobacco and tobacco related products; and AB 935 (Chapter 351, Statutes of 2023), which provides additional enforcement and penalties for selling flavored tobacco and tobacco related products.
- C. It is the City's desire to further reduce the desirability of tobacco and tobacco related products to minors by limiting the location of businesses whose primary function is to sell tobacco and tobacco related products near parks, child day care centers, and schools.
- D. California Business and Professions Code Section 22971.3 provides the City the ability to enact local tobacco control laws with the exception of laws related to the collection of state taxes.
- E. On October 3, 2024, a notice of public hearing was published in *Downey Patriot* as a 1/8th page ad in accordance with the requirements of the Downey Municipal Code.
- F. The Planning Commission held a duly noticed public hearing on October 16, 2024, to consider this proposed Zoning Text Amendment 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 has determined that the proposed Zoning Text Amendment is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, as there is no possibility it will have a significant effect on the environment, and it is not a "project," as defined in Section 15378 of the CEQA Guidelines.

Exhibit A

Resolution No. 24-4039
Downey Planning Commission

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

- A. The requested amendment is necessary and desirable for the development of the community and is in the interests or furtherance of the public health, safety, and general welfare. The amendment to the Zoning Code would regulate businesses whose primary function is to sell tobacco and tobacco related products, such that they would not be permitted to locate within 1,000 feet of a park, child day care center, or school. This buffer further reduces the ability to sell tobacco near locations where minors congregate, thus potentially limiting the use of tobacco products and furthering the interest of public health. The ordinance serves to advance the well-documented public health objectives as detailed by the Center for Disease Control and multiple state legislation, such as Senate Bill 7, Senate Bill 793, and Assembly Bill 935.
- B. The proposed amendment is in general conformance with the General Plan. The amendment to the Zoning Code is consistent with the following goals and policies of the General Plan:

Policy 1.1.4 “Provide an appropriate amount of land area for people to acquire goods and services.” The amendment establishes a new land use titled, “Tobacco Retailer”, which is permitted in the C-1 and C-2 zones. Applying the 1,000-foot buffer to the City’s zoning map demonstrates there is an ample number of properties that would still be permitted for Tobacco Retailers.

Goal 5.9 “Promote the well-being and general health of those that live and work in Downey.” Providing a buffer between Tobacco Retailers and parks/child day care centers/schools would promote the well-being and general health of minors by limiting the availability of tobacco near locations where minors congregate.

SECTION 4. Based upon the findings set forth in Sections 1 through 3 of this Resolution, the Planning Commission of the City of Downey hereby recommends approval by the City Council of a zoning text amendment to Sections 9160 and 9314.04 of Article IX of the Downey Municipal Code to establish a new use of “Tobacco Retailers,” as outlined in the draft ordinance attached hereto as Attachment ‘A’.

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

PASSED, APPROVED AND ADOPTED this 16th day of October, 2024.

AYES:
NOES:
ABSENT:
ABSTAIN:

Carmela Uva, Chair
City Planning Commission

Exhibit A

Resolution No. 24-4039
Downey Planning Commission

APPROVED AS TO FORM:

John M. Funk
City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Ria Ioannidis, Recording Secretary, do hereby attest to and certify that the foregoing Resolution is the original resolution adopted by the Planning Commission of the City of Downey at a regular meeting held on October 16, 2024.

Ria Ioannidis
Recording Secretary

Exhibit A

Resolution No. 24-4039
Downey Planning Commission

ATTACHMENT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOWNEY APPROVING A ZONING TEXT AMENDMENT (PLN-24-00159) TO SECTIONS 9128, 9158 AND 9314.04 OF ARTICLE IX OF THE DOWNEY MUNICIPAL CODE TO ESTABLISH A NEW USE OF TOBACCO RETAILERS

WHEREAS, the City of Downey is a Municipal Corporation and Charter City, duly organized under the constitution and laws of the State of California; and

WHEREAS, on March 12, 2024, the City Council directed City Staff to initiate a Zoning Text Amendment to regulate the location of businesses whose primary function is to sell tobacco and tobacco related products; and

WHEREAS, the State of California has adopted regulations to reduce the desirability of tobacco and tobacco related products to minors. This includes SB 7 (Chapter 8, Statutes of 2016), which raised the minimum age to purchase and/or possess tobacco and tobacco related products from 18 to 21; SB 793 (Chapter 34, Statutes of 2020), which prohibited the sale of flavored tobacco and tobacco related products; and AB 935 (Chapter 351, Statutes of 2023), which provides additional enforcement and penalties for selling flavored tobacco and tobacco related products; and

WHEREAS, it is the City's desire to further reduce the desirability of tobacco and tobacco related products to minors by limiting the location of businesses whose primary function is to sell tobacco and tobacco related products near parks, child day care centers, and schools; and

WHEREAS, California Business and Professions Code Section 22971.3 provides the City the ability to enact local tobacco control laws with the exception of laws related to the collection of state taxes; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 16, 2024, where after fully considering all oral and written testimony, facts, and opinions offered at the aforesaid public hearing, voted to recommend approval by the City Council of a Zoning Text Amendment to Sections 9160 and 9314.04 of Article IX of the Downey Municipal Code to establish a new use of Tobacco Retailers.; and

WHEREAS, on _____, 2024, a notice of public hearing by the City Council was published in *Downey Patriot* as a 1/8th page ad in accordance with the requirements of the Downey Municipal Code; and

WHEREAS, the City Council held a duly noticed public hearing on _____, 2024, to consider this Ordinance approving the proposed Zoning Text Amendment, where all interested persons were given an opportunity to be heard.

Exhibit A

Resolution No. 24-4039
Downey Planning Commission

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DOWNEY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. The City Council finds and determines that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, as there is no possibility it will have a significant effect on the environment, and it is not a “project,” as defined in Section 15378 of the CEQA Guidelines.

SECTION 3. The City Council further finds and determines that:

A. The requested amendment is necessary and desirable for the development of the community and is in the interests or furtherance of the public health, safety, and general welfare. The amendment to the Zoning Code would regulate businesses whose primary function is to sell tobacco and tobacco related products, such that they would not be permitted to locate within 1,000 feet of a park, child day care center, or school. This buffer further reduces the ability to sell tobacco near locations where minors congregate, thus potentially limiting the use of tobacco products and furthering the interest of public health. The ordinance serves to advance the well-documented public health objectives as detailed by the Center for Disease Control and multiple state legislation, such as Senate Bill 7, Senate Bill 793, and Assembly Bill 935.

B. The Ordinance is in general conformance with the General Plan. The amendment to the Zoning Code is consistent with the following goals and policies of the General Plan:

Policy 1.1.4 “Provide an appropriate amount of land area for people to acquire goods and services.” The amendment establishes a new land use titled, “Tobacco Retailer”, which is permitted in the C-1 and C-2 zones. Applying the 1,000-foot buffer to the City’s zoning map demonstrates there is an ample number of properties that would still be permitted for Tobacco Retailers.

Goal 5.9 “Promote the well-being and general health of those that live and work in Downey.” Providing a buffer between Tobacco Retailers and parks/child day care centers/schools would promote the well-being and general health of minors by limiting the availability of tobacco near locations where minors congregate.

SECTION 4. Section 9158 of the Downey Municipal Code is hereby amended to add the following additional definitions:

“School (Private), Elementary, Middle or Junior High, and High School: A private business or nonprofit entity, including but not limited to denominational, sectarian, and boarding schools, that offers or conducts full-time instruction with a full complement of subjects at the elementary, middle, or high school level. Private schools function outside the jurisdiction of the California Department of Education (CDE) and most state education regulations. This definition shall does not include daycare centers as defined in Section

Exhibit A

Resolution No. 24-4039
Downey Planning Commission

9128 of this Chapter.”

“Tobacco Retailer: a retail store utilized primarily for the sale of tobacco, tobacco products and/or tobacco accessories and in which the sale of other products is merely incidental. This shall also include any vending machine, vehicle, mobile unit, booth, stand, or concession that conducts in-person sales of tobacco products directly to the public. For purposes of this definition, a retail establishment in which less than 50% of the gross sales does not include tobacco, tobacco products and/or tobacco accessories shall not be considered a Tobacco Retailer.

Tobacco Product: shall mean any of the following:

- (a) A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff.
- (b) An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.
- (c) Any component, part, or accessory of a tobacco product, whether or not sold separately.

For purposes of this definition, Tobacco Product shall not include a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such an approved purpose.”

SECTION 5. The following definition listing in Section 9128 of the Downey Municipal Code is amended to read as follows:

“Day Care Center, Child: An establishment or facility, other than a family daycare facility, that includes infant centers, preschools, extended daycare facilities, and school age child care centers, and also includes child care centers licensed pursuant to Section 1596.951 of the California Health and Safety Code. May also be referred to as a Commercial Day Care in this Article. Day care center does not include public or private schools and Family Day Care Home.”

SECTION 6. The following definitions listing in Section 9158 of the Downey Municipal Code are amended to read as follows:

“School (Public), Elementary, Middle or Junior High, and High School: An institution of learning which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California.” Public schools shall also include, but is not limited to, charter schools, boarding schools, and military academies.”

SECTION 7. Table 9.3.5. (“Commercial Zones Use Regulations”) within Section 9314.04 of the Downey Municipal Code is hereby amended to add the following new use:

Exhibit A

Resolution No. 24-4039
Downey Planning Commission

Table 9.3.5. Commercial Zones Use Regulations (P = Permitted NP = Not Permitted C = Conditional Use Permit)							
Use	C-P	C-1	C-2	C-3	C-M	H-M	Notes and Exceptions
General Commercial Uses							
Tobacco Retailer	NP	P	P	NP	NP	NP	Shall be a minimum of 1,000-feet from any park, child day care center, or school, as measured from the property line of the park, child day care center, or school to the proposed tenant space for the Tobacco Retailer.

SECTION 8. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase of portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

SECTION 9. The City Council hereby directs staff to prepare, execute, and file with the Los Angeles County Clerk a notice of exemption within five (5) working days of the adoption of this Ordinance.

SECTION 10. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published in the manner prescribed by law.

APPROVED AND ADOPTED this ____ day of November, 2024

MARIO TRUJILLO, Mayor

ATTEST:

MARIA ALICIA DUARTE, CMC
City Clerk

APPROVED AS TO FORM:

JOHN M. FUNK
City Attorney

Exhibit A

Resolution No. 24-4039
Downey Planning Commission

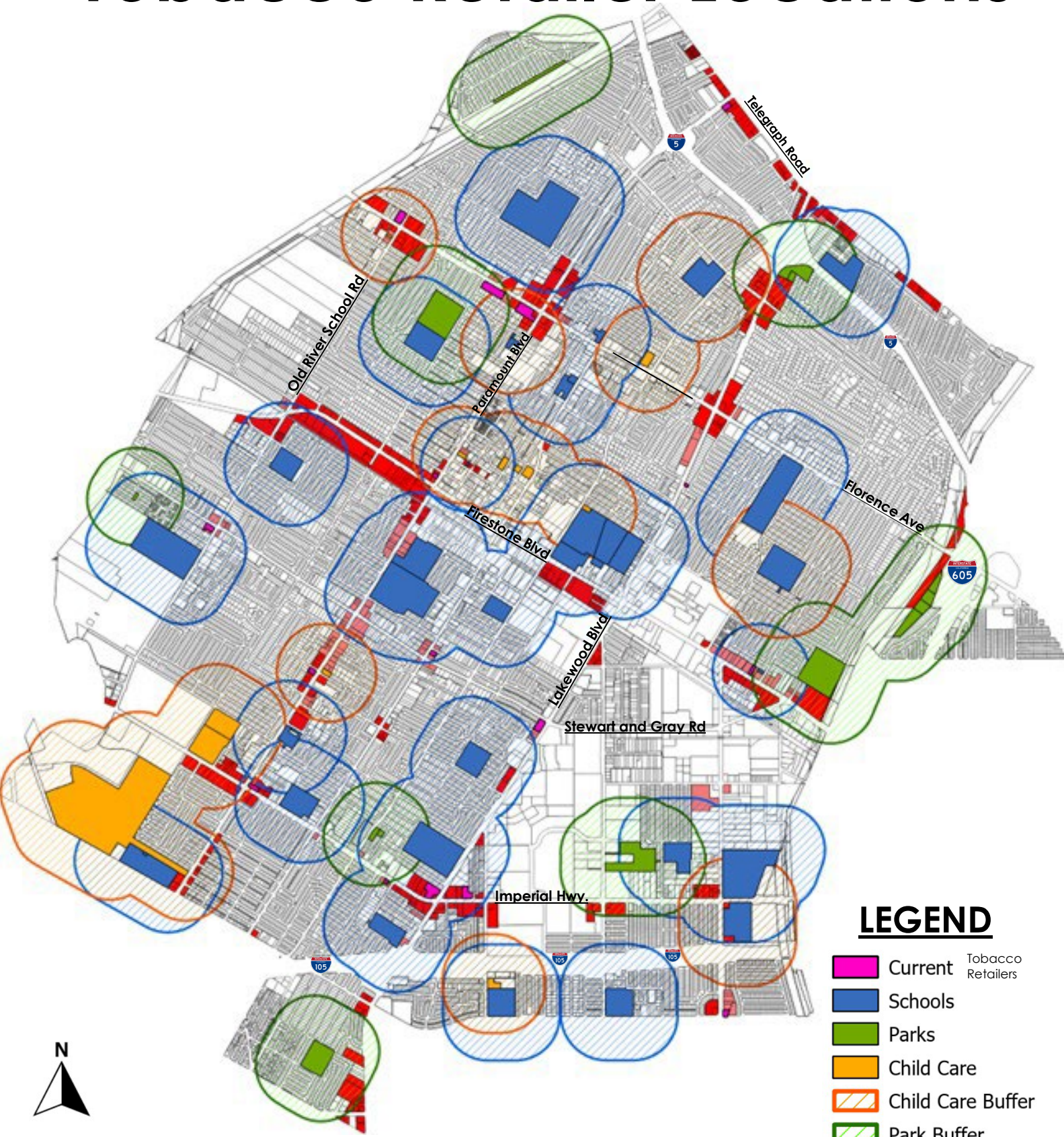
I HEREBY CERTIFY that the foregoing Ordinance No. _____ was presented at a public hearing at a regular meeting of the City Council held on the ____ day of _____, 2024, and adopted at a regular meeting of the City Council of the City of Downey held on the ____ day of _____, 2024, by the following vote, to wit:

AYES: Council Members:
NOES: Council Member:
ABSENT: Council Member:
ABSTAIN: Council Member:

I FURTHER CERTIFY that a Summary of the foregoing Ordinance No. _____, was published in the Downey Patriot, a newspaper of general circulation in the City of Downey, the ____ day of _____, 2024 (after adoption, including the vote thereon). It was also posted in the regular posting places in the City of Downey on the same dates.

MARIA ALICIA DUARTE, CMC
City Clerk

Tobacco Retailer Locations



LEGEND

- Current Tobacco Retailers
- Schools
- Parks
- Child Care
- Child Care Buffer
- Park Buffer
- School Buffer

Map Prepared By



ZONING

- C-1
- C-2



DATE: OCTOBER 16, 2024

TO: PLANNING COMMISSION

**SUBMITTED/
REVIEWED BY:** IRMA HUITRON, DIRECTOR OF COMMUNITY DEVELOPMENT

PREPARED BY: ALFONSO HERNANDEZ, PRINCIPAL PLANNER

SUBJECT: **PLN-23-00035 – TENTATIVE TRACT MAP NO. 84168 – A REQUEST TO SUBDIVIDE ONE PARCEL FOR ESTABLISHING 33 TOWNHOMES**

LOCATION: 7360 FOSTER BRIDGE BOULEVARD (APN NO: 6358-015-058)

ZONING: R-3-O (MULTIPLE FAMILY RESIDENTIAL - OWNERSHIP)

GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL

REPORT SUMMARY

On May 14, 2024, the City Council adopted Resolution 24-8242 thereby approving Tentative Tract Map No. 84168 to subdivide a parcel for the purpose of establishing 33 townhomes. The applicant caused the real property included within Tentative Tract Map No. 84168 to be surveyed and caused a final map to be prepared in accordance with the conditionally approved tentative map.

RECOMMENDATION

Section 9924 of the Downey Municipal Code states, “The Planning Commission and the City Council shall approve, conditionally approve, or disapprove a final map in accordance with Chapter 3, Article 4 of the Subdivision Map Act.” Section 66458 of the Subdivision Map Act says the legislative body shall approve a final map if it conforms with the Subdivision Map Act and any local subdivision ordinance and rulings thereafter. The City of Downey Engineering Division has checked the map and certified its conformance to the tentative map. Therefore, staff recommends that the Planning Commission recommend its approval of Final map No. 84168 (PLN-23-00035) to the City Council.

EXHIBITS

- A. Public Works Memorandum
- B. Tract Map No. 84168



MEMORANDUM
PUBLIC WORKS DEPARTMENT

Date: October 7, 2024
To: Irma Huitron, Director of Community Development
From: Edwin Norris, Deputy Director of Public Works
Subject: **Final Parcel Map 84168 – 7360 Foster Bridge Boulevard**

Attached herewith are ten (10) prints of the subject map, which has been completed and certified by Willdan Engineering. The Engineering Division has checked this map for conformance with the tentative map, as approved by the City Council Resolution No. 24-8242 on May 14, 2024.

Engineering Division offsite improvements have been guaranteed via Refundable Cash Deposit to the satisfaction of this office.

Should you have any questions, please contact, Brian Aleman, Associate Civil Engineer, at (562) 904-7110, ext. 6720.

1 LOT
AREA: 55,993 SF (GROSS)
53,244 SF (NET)

TRACT MAP NO. 84168

IN THE CITY OF DOWNEY, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BEING A SUBDIVISION OF A PORTION OF THE RANCHO SANTA ANTONIO, CONVEYED BY DEED RECORDED IN BOOK 2020 PAGE 190 OF DEEDS, AND ALSO THE MOST WESTERLY PORTION OF THE LAND CONVEYED BY DEED RECORDED IN BOOK 18 PAGE 680 OF DEEDS, IN THE OFFICE OF THE COUNTY REGISTER OF SAID COUNTY.

FOR CONDOMINIUM PURPOSES

OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF OR ARE INTERESTED IN THE LANDS INCLUDED WITHIN THE SUBDIVISION SHOWN ON THIS MAP WITHIN THE DISTINCTIVE BORDER LINES, AND WE CONSENT TO THE PREPARATION AND FILING OF SAID MAP AND SUBDIVISION.

WE HEREBY OFFER FOR DEDICATION TO THE CITY OF DOWNEY AN EASEMENT FOR ROAD, PUBLIC UTILITY, AND OTHER PUBLIC PURPOSES: FOSTER BRIDGE BOULEVARD.

AND DID ALSO DEDICATE TO THE CITY OF DOWNEY AN EASEMENT FOR PUBLIC UTILITY, INGRESS AND EGRESS AND EMERGENCY PURPOSES AS DESIGNATED ON SAID MAP.

OLSON URBAN V - DOWNEY 2, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: OLSON URBAN COMMUNITIES V, LLC, A DELAWARE LIMITED LIABILITY COMPANY
SOLE MEMBER

BY: OLSON URBAN VENTURES V, LLC, A DELAWARE LIMITED LIABILITY COMPANY
SOLE MEMBER

BY: OLSON URBAN HOUSING, LLC, A DELAWARE LIMITED LIABILITY COMPANY
OPERATING MEMBER

BY: IN TOWN LIVING, INC., A DELAWARE CORPORATION
MANAGING MEMBER

BY: [Signature] BY: [Signature]
NAME: WILLIAM HILFORD NAME: CHRISTOPHER CAMPBELL
TITLE: V. No - Resident TITLE: V. No - Resident

BENEFICIARY

WELLS FARGO BANK, NATIONAL ASSOCIATION, AS BENEFICIARY UNDER DEED OF TRUST, RECORDED JULY 2, 2024 INST. NO. 20240430810 OF OFFICIAL RECORDS.

BY: [Signature]
PRINT NAME: CYNTHIA HANSELMAN
TITLE: DIRECTOR

NOTARY ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF Orange

ON September 18, 2024 BEFORE ME, Valeria Weigel, Notary Public, PERSONALLY APPEARED William Hilford and Christopher Campbell WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND
SIGNATURE: [Signature]
PRINTED NAME: Valeria Weigel

MY PRINCIPAL PLACE OF BUSINESS IS IN LOS ANGELES COUNTY.
MY COMMISSION EXPIRES: June 23, 2026
MY COMMISSION NUMBER: 27612071

NOTARY ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF Orange

ON September 26, 2024 BEFORE ME, Frank Gilliam, Notary Public, PERSONALLY APPEARED Cynthia Hanselman WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

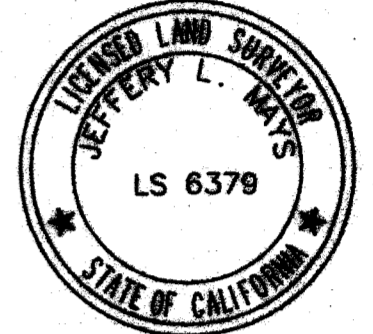
WITNESS MY HAND
SIGNATURE: [Signature]
PRINTED NAME: Frank Gilliam

MY PRINCIPAL PLACE OF BUSINESS IS IN LOS ANGELES COUNTY.
MY COMMISSION EXPIRES: Dec. 23, 2026
MY COMMISSION NUMBER: 2433214

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES AT THE REQUEST OF THE OLSON COMPANY IN OCTOBER 2022. I HEREBY STATE THAT THIS TRACT MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP; THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

[Signature] 9/13/2024
JEFFERY L. MEYERS DATE
P.L.S. NO. 6379
EXPIRATION DATE: 12/31/2024



CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP; THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; AND THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND OF ANY LOCAL SUBDIVISION ORDINANCES OF THE CITY OF DOWNEY APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH, AND THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT SECTION 66442(a)(1), (2) AND (3) HAVE BEEN COMPLIED WITH.

MATTHEW BAUMGARDNER, P.E. DATE
CITY OF DOWNEY PUBLIC WORKS DIRECTOR
R.C.E. NO. 71932 EXP. 12-31-2025

CONTRACT CITY SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND HAVE FOUND THAT IT CONFORMS WITH THE MAPPING PROVISIONS OF THE SUBDIVISION MAP ACT AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

[Signature] 10-9-2024
DAVID O. KNELL PLS 5301 DATE
CITY SURVEYOR, CITY OF DOWNEY



CITY CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT THE CITY COUNCIL OF THE CITY OF DOWNEY BY MOTION PASSED ON _____ APPROVED THIS MAP, AND DID ACCEPT ON BEHALF OF THE PUBLIC DID ACCEPT THE DEDICATION OF FOSTER BRIDGE BOULEVARD AS SHOWN ON SAID MAP.
AND DID ALSO ACCEPT THE EASEMENT FOR PUBLIC UTILITY, INGRESS AND EGRESS AND EMERGENCY PURPOSES AS DESIGNATED ON SAID MAP.

MARIA ALICIA DUARTE, C.M.C. DATE
CITY CLERK

LOS ANGELES COUNTY TAX CERTIFICATES

I HEREBY CERTIFY THAT ALL CERTIFICATES HAVE BEEN FILED AND DEPOSITS HAVE BEEN MADE THAT ARE REQUIRED UNDER THE PROVISIONS OF SECTIONS 66492 AND 66493 OF THE SUBDIVISION MAP ACT.

EXECUTIVE OFFICER, BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BY _____ DATE _____
DEPUTY

I HEREBY CERTIFY THAT SECURITY IN THE AMOUNT OF \$ _____ HAS BEEN FILED WITH THE EXECUTIVE OFFICER, BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES AS SECURITY FOR THE PAYMENT OF TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES ON THE LAND SHOWN ON MAP OF TRACT NO. 84168 AS REQUIRED BY LAW.

EXECUTIVE OFFICER, BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BY _____ DATE _____
DEPUTY

SIGNATURE OMISSIONS

THE SIGNATURES OF THE PARTIES NAMED HEREINAFTER AS OWNERS OF THE INTEREST SET FORTH, HAVE BEEN OMITTED UNDER PROVISIONS OF THE SUBDIVISION MAP ACT SECTION 66430(a)(3)(A)(i-viii), THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE, AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOCAL AGENCY.

AN EASEMENT FOR PIPE LINES AND INCIDENTAL PURPOSES TO SAN ANTONIO IRRIGATION COMPANY PER DEED RECORDED MARCH 21, 1918 IN BOOK 6550 PAGE 298, OF DEEDS.

Exhibit B

SCALE 1"=40'

TRACT MAP NO. 84168

SHEET 2 OF 3 SHEETS

IN THE CITY OF DOWNEY, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BEING A SUBDIVISION OF A PORTION OF THE RANCHO SANTA GERTRUDES, CONVEYED BY DEED RECORDED IN BOOK 2282 PAGE 196 OF DEEDS, AND ALSO THE MOST WESHERLY PORTION OF THE LAND CONVEYED BY DEED RECORDED IN BOOK 18 PAGE 688 OF DEEDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

FOR CONDOMINIUM PURPOSES

LEGEND

INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP

SURVEYOR'S NOTES

- INDICATES FOUND MONUMENT AS NOTED
- INDICATES 2" IRON PIPE TAGGED "P.L.S. 6379" TO BE SET, OR 8" GEAR SPIKE AND WASHER STAMPED "P.L.S. 6379" TO BE SET IN CONCRETE AND/OR IN BLOCK WALLS.
- () INDICATES RECORD DATA PER RECORD NOTED BELOW
- R1 PER RECORD OF SURVEY, RS 302/45
- R2 PER DGC NO. 2952, O.R. REC. 9/19/1951
- M&R MEASURED AND RECORD

BASIS OF BEARINGS

CENTERLINE OF SUVA STREET BEING N61°05'43"W AS SHOWN ON RECORD OF SURVEY 302-045 RECORDED IN BOOK 302 PAGES 45 OF RECORDS OF SURVEY OF LOS ANGELES COUNTY.

MONUMENT NOTES

- ① SEARCHED, FOUND NOTHING, ESTABLISHED BY INTERSECTION, ACCEPTED AS STATION 37+64.75 PER CS MAP NO. B-1496. (STATION 31+97.7' PER CS 7286)
- ② FOUND NAIL IN LEU OF SPIKE ACCEPTED AS INTERSECTION PER ROFB 0924/175 AND RS 302/45.
- ③ FOUND SPIKE AND WASHER, ILLEGIBLE, NO REF, ACCEPTED AS ANGLE POINT PER FWF 1024/2174 AND R1.
- ④ WESTERLY TERMINUS OF THE CENTERLINE OF THE 40' STRIP DESCRIBED IN BOOK 143, PAGE 91 AS SHOWN ON CS 7286; ESTABLISHED AT RECORD DISTANCE FROM POINT 4 (22.44') PER CEFB 1820/65 AND R1.
- ⑤ SEARCHED, FOUND NOTHING, ESTABLISHED AT RECORD DISTANCE (100.00') FROM POINT 3 PER FLOOD CONTROL FIELD BOOK 428/43.
- ⑥ FOUND SPIKE AND WASHER, ILLEGIBLE, ACCEPTED AS INTERSECTION PER ROFB 1024/76.
- ⑦ FOUND NAIL AND WASHER, LS5301, PER R1, ACCEPTED AS INTERSECTION.
- ⑧ SEARCHED, FOUND NOTHING, ESTABLISHED AT RECORD DISTANCE (320.00') FROM POINT 7 AS SHOWN ON R1.
- ⑨ FOUND SPIKE AND WASHER, ILLEGIBLE, ACCEPTED AS POINT PER ROFB 0924/175.
- ⑩ SEARCHED, FOUND NOTHING, ESTABLISHED BY INTERSECTION.
- ⑪ SEARCHED, FOUND NOTHING, ESTABLISHED BY INTERSECTION.
- ⑫ FOUND SPIKE AND WASHER, ILLEGIBLE, ACCEPTED AS POINT PER ROFB 0924/175.
- ⑬ SEARCHED, FOUND NOTHING, ESTABLISHED PER FLOOD CONTROL FIELD BOOK 428/43 AND RS 302/45.
- ⑭ FOUND LEAD AND TACK, PER CITY OF DOWNEY TIE SHEET CLT 0088, ACCEPTED AS EXTENSION OF THE CENTERLINE OF FOSTER BRIDGE BLVD.
- ⑮ SEARCHED, FOUND NOTHING, ESTABLISHED AT RECORD DISTANCE (297.82') FROM POINT 2 PER INST. NO. 92-1163497, O.R.

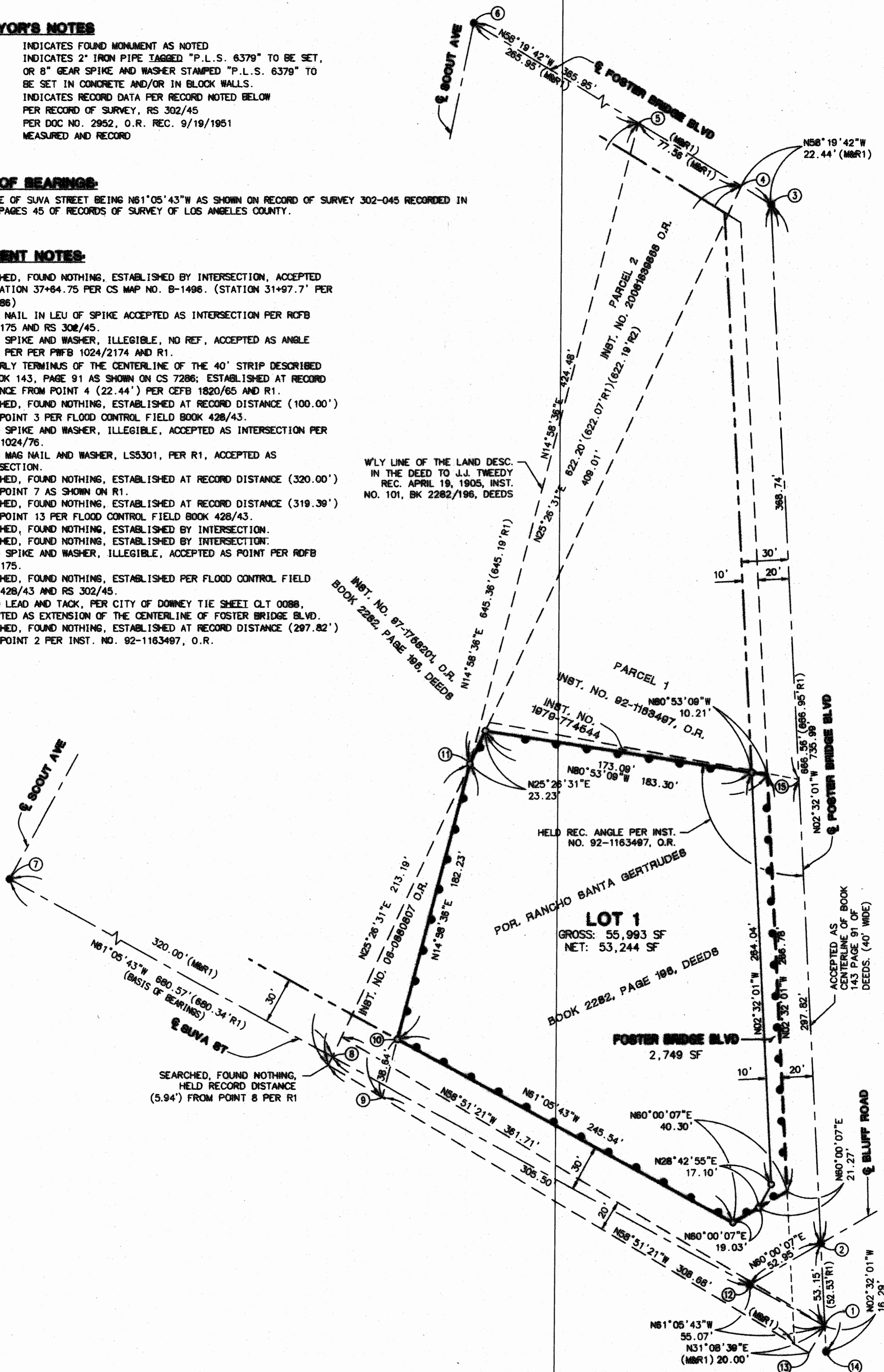


Exhibit B

TRACT MAP NO. 84168

IN THE CITY OF DOWNEY, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BEING A SUBDIVISION OF A PORTION OF THE RANCHO SANTA CATERINA, CONVEYED BY DEED RECORDED IN BOOK 2222 PAGE 186 OF RECORDS, AND ALSO THE WESTERN PORTION OF THE LAND CONVEYED BY DEED RECORDED IN BOOK 19 PAGE 688 OF RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

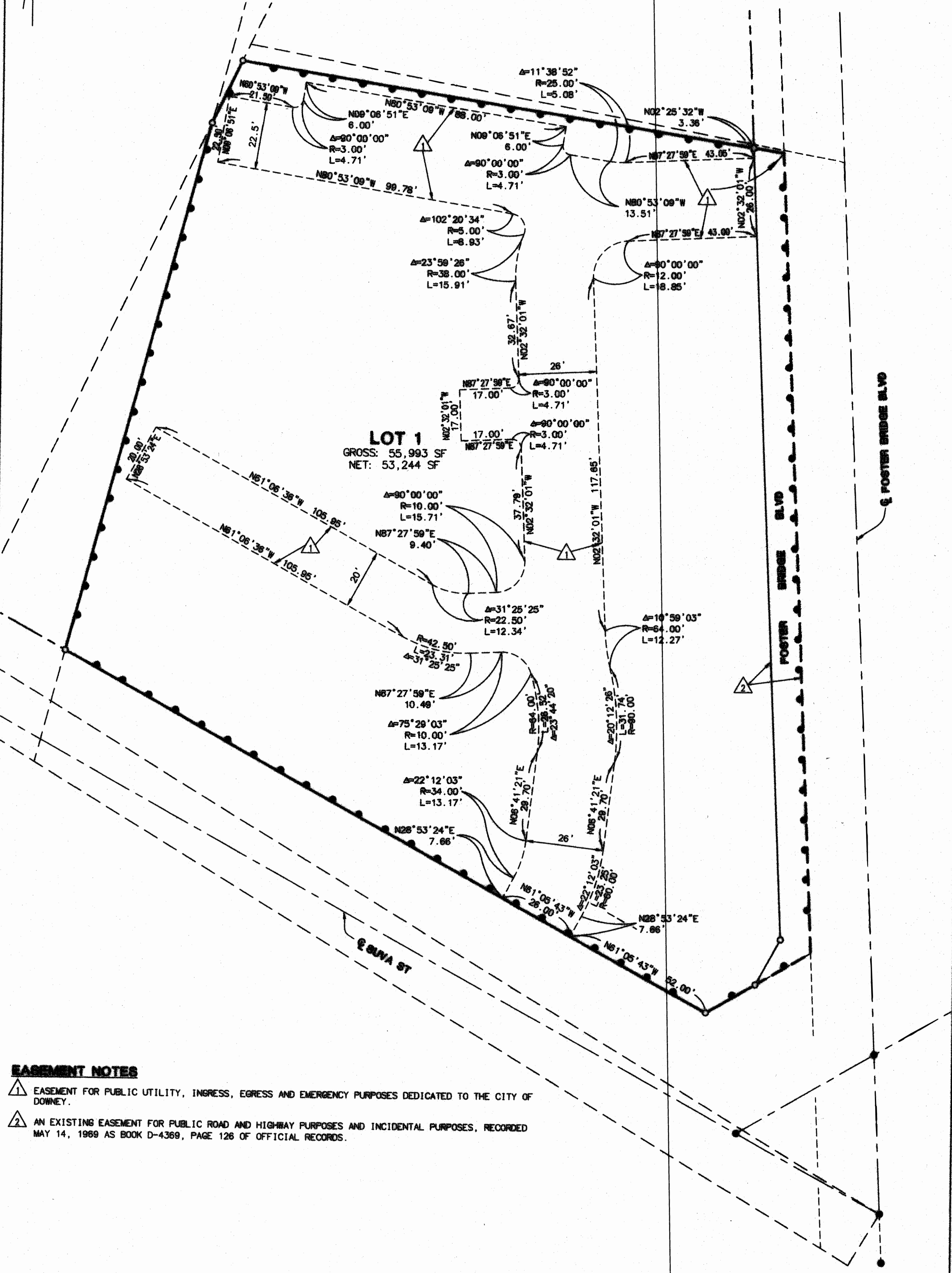
FOR CONDOMINIUM PURPOSES

SHEET 3 OF 3 SHEETS

SCALE 1"=20'

LEGEND

INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP



EASEMENT NOTES

- 1 EASEMENT FOR PUBLIC UTILITY, INGRESS, EGRESS AND EMERGENCY PURPOSES DEDICATED TO THE CITY OF DOWNEY.
- 2 AN EXISTING EASEMENT FOR PUBLIC ROAD AND HIGHWAY PURPOSES AND INCIDENTAL PURPOSES, RECORDED MAY 14, 1969 AS BOOK D-4369, PAGE 126 OF OFFICIAL RECORDS.