

**INITIAL STUDY FOR  
NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT  
PLN-13-00056**

**PROJECT NAME:** Code Amendment for Cottage Food Businesses

**PROJECT LOCATION:** Citywide

**PROJECT APPLICANT:** City of Downey  
Community Development Department  
Planning Division  
11111 Brookshire Avenue  
Downey, CA 90241

**LEAD AGENCY:** City of Downey  
Community Development Department  
Planning Division  
11111 Brookshire Avenue  
Downey, CA 90241

Contact: David Blumenthal, Senior Planner  
(562) 904-7154  
dblumenthal@downeyca.org

**PUBLIC REVIEW PERIOD:** March 21, 2013 to April 17, 2013

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This Negative Declaration and Initial Study Checklist have been prepared pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000, et seq.) and the State CEQA Guidelines (California Code of Regulations, Section 15000, et seq.).

Written comments regarding this Negative Declaration shall be made to the Lead Agency listed above prior to 5:00 p.m. on the last day of the Public Review Period.

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**SECTION I. INTRODUCTION****1. Description of project:**

PLN-13-00056 (Code Amendment) – This code amendment is to amend Sections 9126 and 9408 of Article IX of the Downey Municipal Code to allow the operation of Cottage Food Businesses in compliance with the California Homemade Food Act (AB 1616). The specific code language changes are listed in Section V of this Initial Study.

**2. Description of project site (as it currently exists):**

The proposed code amendment will affect all residential properties throughout the City.

**3. Description of surrounding properties:**

The proposed code amendment will affect all residential properties throughout the City.

**4. City Characteristics:**

The City of Downey is 12.8 square mile community that is located in the southeastern part of Los Angeles County. The State of California Department of Finance estimated that City's population is 112,201, as of January 1, 2012. The City of Downey is located about 12 miles southeast of downtown Los Angeles and is bounded by: the Rio Hondo River on the west; Telegraph Road on the north; the San Gabriel River on the east; and Gardendale Street and Foster Road on the south. Cities bordering Downey include: Pico Rivera on the north and Santa Fe Springs on the northeast, Norwalk on the east, Bellflower and Paramount on the south, South Gate on the southwest and west and Commerce on the northwest.

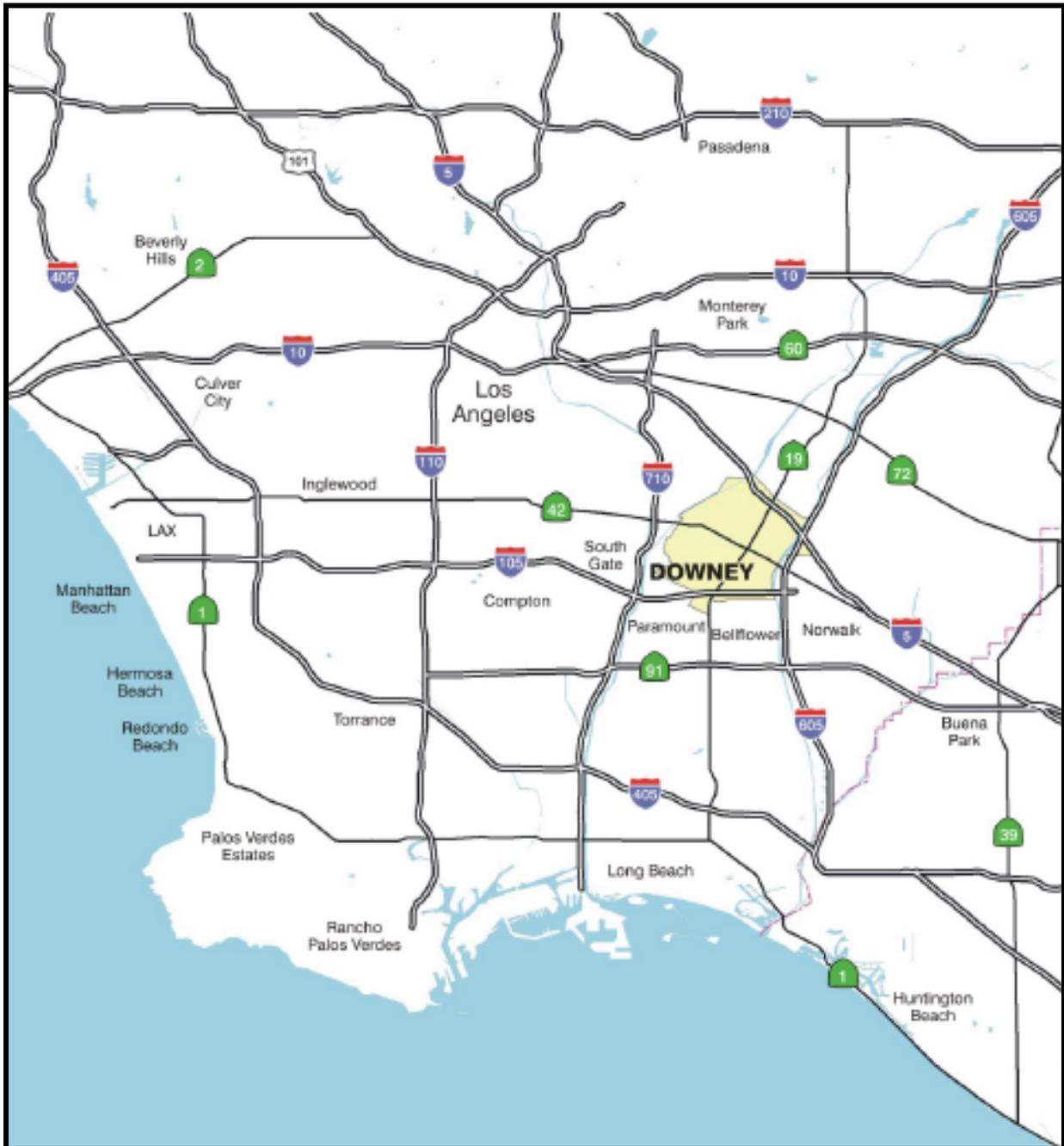
Regional access to and from the City of Downey is provided by the Santa Ana (I-5) Freeway; Glen Anderson Freeway (I-105) Freeway; the San Gabriel River Freeway (I-605) Freeways; and the Long Beach Freeway (I-710); MTA Green Line Light Rail passenger train services at the Lakewood Boulevard station, and various Metro Bus Lines that connect throughout the City.

The City of Downey is a Charter City with most municipal services being provided directly by the City. This includes City Police and Fire services, as well as, Planning, Building, Housing, Economic Development, Parks and Recreation, Library, and Public Works. Additionally, the City of Downey oversees operation of the Downey Civic Theater, the DowneyLINK Transit System, and the Farmer's Market.

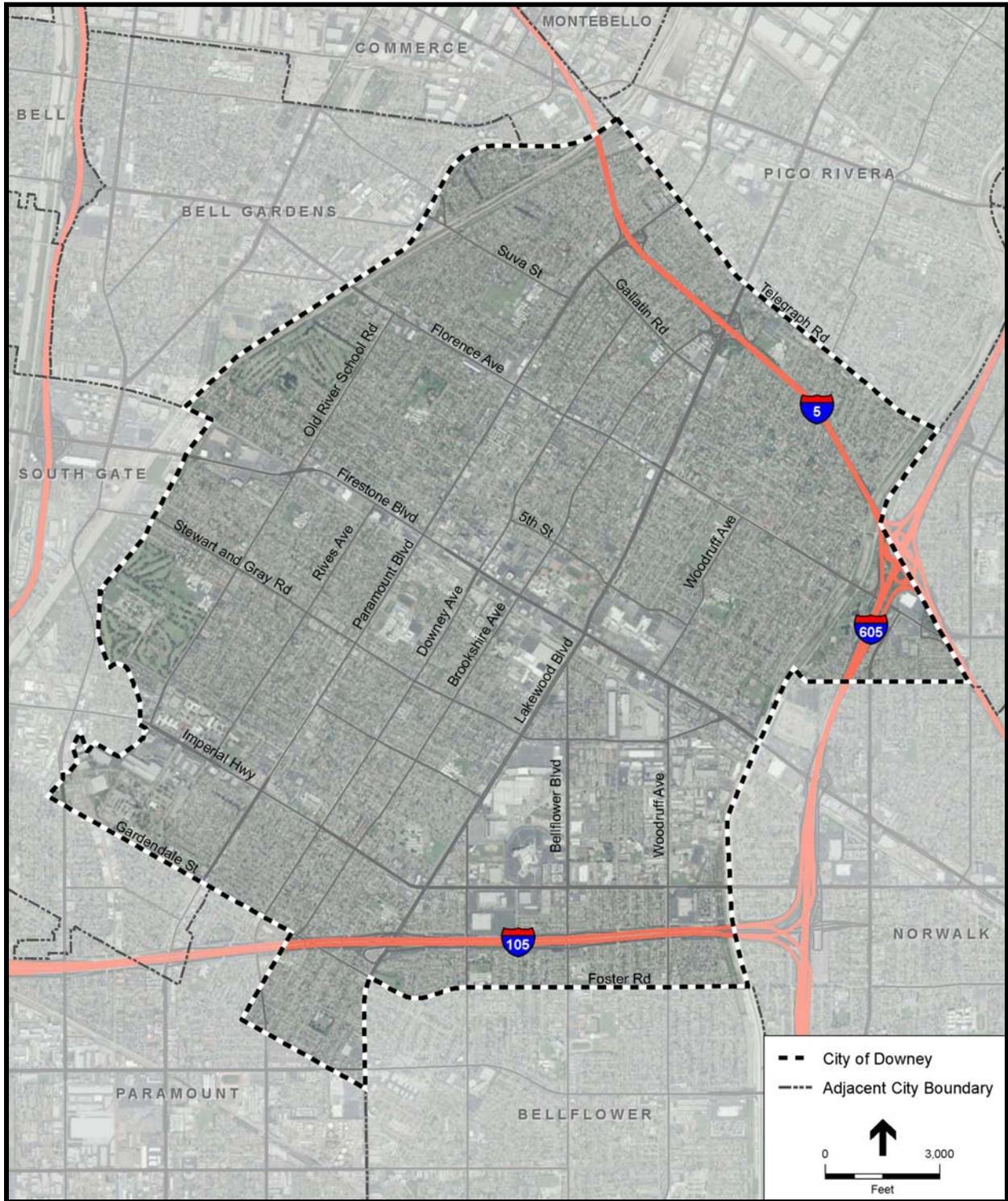
**5. Other public agencies whose approval is required: (e.g., permits, financing approval, or participation agreement.)**

None

6. Location Map:



City of Downey Location in Regional Context



City of Downey

**SECTION II. ENVIRONMENTAL FACTORS  
POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist in section III.

- |  |   |
|--|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Land Use and Planning              |
| <input type="checkbox"/> Agriculture Resources         | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Air Quality                   | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Population and Housing             |
| <input type="checkbox"/> Cultural Resources            | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Geology and Soils             | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Greenhouse Gas Emissions      | <input type="checkbox"/> Transportation/Traffic             |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Utilities & Service Systems        |
| <input type="checkbox"/> Hydrology & Water Quality     | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a “potentially significant impact” or “potentially significant unless mitigated”. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Signature: Original signed by David Blumenthal  
David Blumenthal, Senior Planner  
for the City of Downey

Date: March 21, 2013

**SECTION III. INITIAL STUDY CHECKLIST AND ENVIRONMENTAL EVALUATION**

This section analyzes the potential environmental impacts which may result from the proposed project. For the evaluation of potential impacts, the questions in the Initial Study Checklist are stated and answers are provided according to the analysis undertaken as part of the Initial Study. They outline the following issues:

- |                                    |  |
|------------------------------------|--|
| 1. Aesthetics                      | 10. Mineral Resources                  |
| 2. Agriculture Resources           | 11. Noise                              |
| 3. Air Quality                     | 12. Population and Housing             |
| 4. Biological Resources            | 13. Public Services                    |
| 5. Cultural Resources              | 14. Recreation                         |
| 6. Geology and Soils               | 15. Transportation and Traffic         |
| 7. Hazards and Hazardous Materials | 16. Utilities and Service Systems      |
| 8. Hydrology and Water Quality     | 17. Mandatory Findings of Significance |
| 9. Land Use and Planning           |  |

The analysis considers the project’s short-term impacts (construction-related), and its operational or day-to-day impacts. For each question, there are four possible responses. They include:

- No Impact.** Future development arising from the project’s implementation will not have any measurable environmental impact on the environment and no additional analysis is required.
- Less Than Significant Impact.** The development associated with project implementation will have the potential to impact the environment; these impacts, however, will be less than the levels or thresholds that are considered significant and no additional analysis is required.
- Potentially Significant Impact Unless Mitigated.** The development will have the potential to generate impacts which will have a significant effect on the environment; however, mitigation measures will be effective in reducing the impacts to levels that are less than significant.
- Potentially Significant Impact.** Future implementation will have impacts that are considered significant, and additional analysis is required to identify mitigation measures that could reduce these impacts to less than significant levels.

	Potentially Significant Impact - EIR Analysis Is required	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>1. AESTHETICS.</b> Would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact - EIR Analysis Is required	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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**Response:**

**(a through d):** The City of Downey is an urban environment with no scenic vistas or scenic highways. Allowing residents to operate a Cottage Food Business within there existing home is not expected to create new constructions or need additional light sources.

**2. AGRICULTURE RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with existing zoning for agricultural use or a Williamson act contract?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Response:**

**(a through c):** The City of Downey is an urbanized area that is mostly built out with only infill development potential. There are no agricultural lands within the City’s boundaries. Furthermore, the City’s General Plan (Vision 2025) does not include provisions for agricultural uses in the future. While the City has a variety of zoning districts, in which agricultural uses are only allowed in the Open Space (O-S) zone, which is not being altered by this amendment.

**3. AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Conflict with or obstruct implementation of the applicable air quality plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Create objectionable odors?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact - EIR Analysis Is required	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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**Response:**

**(a through e):** The proposed code amendment will expand home occupation permits to include Cottage Food Businesses. This type of business involves preparing food for sale within an existing residence, utilizing the residential kitchen. This type of use is not anticipated to create additional air pollution and objectionable odors, or conflict with existing air quality plans.

**4. BIOLOGICAL RESOURCES.** Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Conflict with any local policies or ordinances protecting biological resources? (i.e. tree preservation ordinance).   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Response:**

**(a through f):** The City of Downey is an urbanized area that is mostly built out with only infill development potential. According to the Final Environmental Impact Report (FEIR) that was prepared for the Downey Vision 2025 Comprehensive General Plan Update (SCH #2004031159), which was certified on January 25, 2005, there are no known species identified as a candidate, sensitive, or special status species; no known wetlands; and no known native resident or migratory fish or wildlife species or established native resident or migratory wildlife corridors, or native wildlife nursery sites within the City. Furthermore, the City of Downey does not have any local policies or ordinances protecting biological resources, nor is there any adopted Habitat Conservation, Natural Community Conservation, or other approved local, regional or state habitat conservation plans.

	Potentially Significant Impact - EIR Analysis Is required	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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**5. CULTURAL RESOURCES.** Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines 5064.85?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines 5064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Disturb any human remains, including those interred outside of formal cemeteries?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Response:**

**(a through c):** Historical, archaeological, and/or paleontological resources are not typically encountered within the City of Downey. The proposed code amendment will not result in new construction or development. Nevertheless, as with all construction in the City, should any be discovered on the site, the applicant is required to comply with the provisions set forth Section 15064.5 of Title 14, Chapter 3 of the California Code of Regulations (CEQA Guidelines).

**(d):** Since burials within the City of Downey have occurred in the Downey Cemetery since the late 1880's, human remains are not typically encountered during construction. The proposed code amendment will not result in new construction or development. Nevertheless, as with all construction in the City, should any be discovered on future construction sites, the applicant is required to comply with the provisions set forth Section 15064.5 of Title 14, Chapter 3 of the California Code of Regulations (CEQA Guidelines).

**6. GEOLOGY AND SOILS.** Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:  |                          |                          |                          |                                     |
| 1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2) Strong seismic ground shaking?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3) Seismic-related ground failure, including liquefaction?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4) Landslides?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Result in substantial soil erosion or the loss of topsoil?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact - EIR Analysis Is required	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d. Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2001), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Response:**

**(a1 though a3):** The City of Downey is not located within an Alquist-Priolo Earthquake Fault Zone. Nevertheless, the City, like much of Southern California, is located in an area that is considered seismically active. The nearest known fault to the City is the Whittier fault, which is approximately 5 miles from the City’s boundaries. According to the Southern California Earthquake Data Center, the maximum probable earthquake that can be generated by the Whittier Fault is a magnitude 7.2. No new construction is anticipated as a result of the amendment, so the will not alter existing exposure to these types of seismic hazards.

**(a4):** The City of Downey is relatively flat with no landslides being anticipated.

**(b):** The proposed code amendment will expand home occupation permits to include Cottage Food Businesses. This type of business involves preparing food for sale within an existing residence, utilizing the residential kitchen. This will not alter existing topsoil.

**(c and d):** The proposed code amendment will expand home occupation permits to include Cottage Food Businesses. This type of business involves preparing food for sale within an existing residence, utilizing the residential kitchen. No new construction is anticipated as a result of the amendment, so the will not alter existing exposure to these types of seismic hazards.

**(e):** The City of Downey is an urban area that is served by a sanitary sewer system. New septic tanks are prohibited within the City.

**7. GREENHOUSE GAS EMISSION.** Would the project:

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Response:**

**(a and b):** Atmospheric gases, which allow solar radiation into the atmosphere but prevent heat from escaping, thus warming the Earth’s atmosphere, are often referred to as greenhouse gases. Greenhouse gases (GHGs) are released into the atmosphere by both natural and anthropogenic (human) activity. The principal greenhouse gases resulting from anthropogenic activity that enter and accumulate in the atmosphere are carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), and fluorinated gases such as hydrofluorocarbons. The accumulation of these gases in the atmosphere at levels in excess of natural activity levels increases the Earth’s temperature result in changing climatic conditions in different parts of the planet, including California.

The proposed code amendment will expand home occupation permits to include Cottage Food Businesses. This type of business involves preparing food for sale within an existing residence, utilizing the residential kitchen. As

Potentially Significant Impact - EIR Analysis Is required	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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such, to proposed amendment will not create additional GHG. Nevertheless, review of future projects would continue to be carried out to ensure that the projects are consistent with all General Plan goals, objectives, and policies, including those that help the City contribute to regional GHG reduction efforts. The 2010 California Building Code regulations, adopted by Downey in January 2011, would further increase energy efficiency in new residential buildings, thus reducing total energy demand and thereby reducing the level of greenhouse gas emissions generated from coal, natural gas, and oil-based energy sources. Development of new housing would also be subject to all increasing development and energy efficiency standards, such as the 2010 California Building Code.

**8. HAZARDS AND HAZARDOUS MATERIALS:** Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Response:**

**(a through c and g):** The proposed code amendment will expand home occupation permits to include Cottage Food Businesses. This type of business involves preparing food for sale within an existing residence, utilizing

Potentially Significant Impact - EIR Analysis Is required	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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the residential kitchen. Residential businesses like this do not generate hazardous waste

(d): New construction will not occur as a result of this amendment.

(e and f): The City of Downey is not located within an airport land use plan nor is it within two miles of an airstrip.

(h): The City of Downey is within an urbanized area in the southeast portion of Los Angeles County. There are no wild lands within the vicinity.

**9. HYDROLOGY AND WATER QUALITY.** Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Violate any water quality standards or waste discharge requirements?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Otherwise substantially degrade water quality?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j. Inundation by seiche, tsunami, or mudflow?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact - EIR Analysis Is required	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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**Response:**

**(a through f):** The proposed code amendment will expand home occupation permits to include Cottage Food Businesses. This type of business involves preparing food for sale within an existing residence, utilizing the residential kitchen. This will not require new construction and, as such, will not impact water quality.

**(g through i):** Most of the City, is located between the San Gabriel River and the Rio Hondo Channel. According to the Final Environmental Impact Report (FEIR) that was prepared for the Downey Vision 2025 Comprehensive General Plan Update (SCH #2004031159), which was certified on January 25, 2005, both of these flood control channels have been designed to meet or exceed the discharge capacity for a 100-year flood. Furthermore, the FEIR notes that there are no concerns with a potential levee break on either channel. Notwithstanding this, pursuant to the Letter of Map Change (LOMC) issued by FEMA on September 27, 2008, the entire City (except for the aforementioned rivers) is within Flood Zone X in which impacts from a 100-year flood event are not anticipated.

**(j):** The City of Downey is relatively flat and is not located near a dam, lake, or ocean. As such, impacts from a seiche, tsunami, or mudflow are not anticipated.

**10. LAND USE AND PLANNING.** Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Physically divide an established community?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Conflict with any applicable habitat conservation plan or natural community conservation plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Response:**

**(a and b):** The proposed code amendment will expand home occupation permits to include Cottage Food Businesses. This type of business involves preparing food for sale within an existing residence, utilizing the residential kitchen. No new construction or development will occur as a result of adoption of these regulations. As such, there is no capability to divide an established community. Furthermore, expanding home occupations to include cottage food will not violate or alter any policy adopted for the purpose of avoiding or mitigating an environmental effect.

**(c):** The City of Downey is an urbanized area that is fully developed with only a few sites for infill development available. There are no habitat conservation plans or natural community conservation plans that have jurisdiction over the area.

**11. MINERAL RESOURCES.** Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact - EIR Analysis Is required	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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**Response:**

**(a and b):** Because the code amendment will not result in any physical alterations to the site, it will not result in the loss any mineral resources with local, regional, or State-wide importance.

**12. NOISE.** Would the project result in:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Response:**

**(a through d):** All residential uses, including home occupations, are required to comply with the noise requirements set forth in the Downey Municipal Code, No additional impacts are expected by allowing the additional uses.

**(e and f):** The City of Downey is not located within an airport land use plan, within two miles of a public airport or public use airport, or within the vicinity of a private airstrip.

**13. POPULATION AND HOUSING.** Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact - EIR Analysis Is required	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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**Response:**

**(a and b):** The proposed code amendment will expand home occupation permits to include Cottage Food Businesses. This type of business involves preparing food for sale within an existing residence, utilizing the residential kitchen. This will not induce growth, require new housing, or result in the displacement of persons.

**14. PUBLIC SERVICES.**

a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- |                             |                          |                          |                          |                                     |
|-----------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1) Fire protection?         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2) Police protection?       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3) Schools?                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4) Parks?                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Response:**

**(a):** The City of Downey is a full service city, with most of the municipal services being provided directly through the City. Since the code amendment will not induce growth, it will not result in an increase in demand for public services.

**15. RECREATION.**

- a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

**Response:**

**(a and b):** Since the code amendment will not induce growth, it will not result in an increase in the use of or the demand for recreational facilities.

**16. TRANSPORTATION/TRAFFIC.** Would the project:

- a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or

	Potentially Significant Impact - EIR Analysis Is required	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
congestion at intersections)?				
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Response:**

**(a and b):** One of the key changes for cottage food businesses is the allowance of one employee, which will bring additional traffic into the residential neighborhoods. Nevertheless, the amount of traffic that is anticipated is insignificant, with all streets and intersections having sufficient capacity to absorb this minimal increase.

**(c):** The code amendment will not alter existing air traffic patterns or create additional air traffic.

**(d through g):** It is not expected that the code amendment will create a hazard to pedestrians, emergency access, bicycles, alternative transportation, or impede on the existing parking.

**17. UTILITIES AND SERVICE SYSTEMS.** Would the project:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact - EIR Analysis Is required	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?				
f. Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Response:**

**(a and g):** Since the project will not induce growth, it will not result in an increase in demand for utility services. Nevertheless, the City of Downey is an urban environment with all utility systems in place.

**18. MANDATORY FINDINGS OF SIGNIFICANCE.**

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? “Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Response:**

**(a):** The City of Downey is an urbanized area that is mostly built out with only infill development potential. According to the Final Environmental Impact Report (FEIR) that was prepared for the Downey Vision 2025 Comprehensive General Plan Update (SCH #2004031159), which was certified on January 25, 2005, there are no known species identified as a candidate, sensitive, or special status species. Additionally, there are no known wetlands, as defined by Section 404 of the Clean Water Act, within the City. Furthermore, the proposed project will not result in the demolition of any existing structures. As such, the proposed project will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

**(b and c):** Based on the analysis contained within this initial study, the proposed project is not anticipated to create a significant impact. When considered with past, current, and other proposed projects in the City, it is unlikely that the project will contribute towards any cumulative impact. Therefore, the project will not cause a substantial adverse effects on human beings, either directly or indirectly

**SECTION IV. REFERENCES**

The following documents have been referenced in this Environmental Evaluation and are available for review of the City of Downey, Planning Division, 11111 Brookshire Ave, Downey, CA 90241

1. City of Downey General Plan, adopted January 25, 2005
2. City of Downey General Plan FEIR (SCH #2004031159), certified January 25, 2005
3. City of Downey Municipal Code
4. City of Downey Zoning Map
5. California Homemade Food Act (AB 1616)

## SECTION V. EXHIBITS

**Proposed Code Language****SECTION 9126 “C” DEFINITIONS**

**Cottage Food Business:** A home occupation business, as defined in Section 113758(a) of the Health and Safety Code and as amended from time to time, in which low-risk food products are prepared, packaged, or processed at a private residence for direct and/or indirect sale to consumers.

**Cottage Food Employee:** An individual, who is either paid or volunteer and works either full or part-time, that is involved in the preparation, packaging, handling, and storage of a cottage food product, or otherwise works for the cottage food business. This shall not mean a member or members of the family residing on the property who assists with the cottage food business.

**Cottage Food Operator:** An individual who operates a cottage food business in his or her private residence and is the owner of the cottage food business.

**Cottage Food Product:** Non-potentially hazardous foods that are prepared for sale in the kitchen of a cottage food business, as defined in Section 114365.5 of the Health and Safety Code, as may be amended from time to time.

**SECTION 9408. HOME OCCUPATIONS.****SECTION 9408.02. INTENT AND PURPOSE.**

The purpose of these regulations is to provide for the conduct of home occupation in the residential zones, and/or in mobile homes/manufactured home parks regardless of the zone, in such a manner as to be compatible with, and not disruptive to, residential neighborhoods.

**SECTION 9408.04. APPLICABILITY.**

The restrictions of this section shall not be applicable to a property owner selling his personal household goods from a residential property in conformance with garage sale requirements. See Section 9420.22 of this article.

**SECTION 9408.06. REQUIRED PERMITS.**

No person shall commence or carry on a home occupation in any residential zone, or mobile home/manufactured home park regardless of the zone, without first having procured a permit from the City Planner.

- (a) The City Planner may issue a permit in conformance with the requirements of Sections 9408.08, and 9814 of this article and impose such conditions as are deemed necessary to protect the best interests of the community.
- (b) No permit issued shall be transferred or assigned, nor shall the permit authorize any person, other than the person named therein, to commence or carry on the home occupation for which the permit was issued.
- (c) Any permit issued may be suspended or revoked by the City Planner when it appears that any condition imposed by the City Planner pursuant to this article has been or is being violated, or when it appears that the home occupation authorized by the permit has been or is being conducted in violation of any State statute or City law, or in a disorderly manner, or to the detriment of the public, or when the home occupation being carried on is different from that for which the permit was issued.
- (d) Permits shall be valid for one (1) calendar year and may be renewed annually.
- (e) No permit shall be issued or renewed unless the proper fee, as set by Council resolution, is paid.

**SECTION 9408.08. CONDITIONS.**

No person shall conduct a home occupation use unless such home occupation use is conducted in conformity with all the following criteria, with exception to Cottage Food Businesses governed by Section 9408.10:

- (a) Such use shall be conducted solely within the confines of the principal dwelling and shall not exceed ten (10) percent of the floor area.
- (b) The home occupation shall be conducted by a member or members of the family residing on the property and as an incidental use to the primary residential use. No other person shall be employed.
- (c) Garages or carports, whether attached or detached, shall not be used for a home occupation, other than for the storage of an automobile.
- (d) No sign associated with such a use shall be allowed.
- (e) No storage or display of materials, supplies, or equipment related directly or indirectly to a home occupation shall be permitted.
- (f) In conducting such home occupation, no mechanical equipment shall be used if such equipment makes a noise that is perceptible on any abutting property.
- (g) No motor vehicle shall be used or kept on the premises, except a vehicle of the passenger automobile variety, or a commercial vehicle not exceeding eight thousand five hundred (8,500) pounds (gross vehicle weight) in size, and such commercial vehicle shall be parked in an enclosed garage.
- (h) The home occupation use shall not have utility services other than those required for normal residence use.
- (i) There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of the home occupation thereon.
- (j) No customer shall be served on the premises, and no pedestrian or vehicular traffic shall be generated beyond that incidental to a residential use.
- (k) No mechanical equipment, material, or other substance or object shall be used which is not customarily used in a residence.

**SECTION 9408.10. COTTAGE FOOD BUSINESSES**

No person shall conduct a cottage food business unless such business is conducted in conformity with all the following criteria:

- (a) The cottage food business shall only be conducted by a member, or members, of the family residing on the property and a single cottage food employee. The cottage food business shall be an incidental use to the primary residential use. No other person shall be employed.
- (b) The cottage food operator shall maintain a current valid permit from the Los Angeles County Health Department.
- (c) Garages or carports, whether attached or detached, shall not be used for a home occupation, other than for the storage of an automobile.
- (d) No sign associated with such a use shall be allowed.

- (e) In conducting such cottage food business, no mechanical equipment shall be used if such equipment makes a noise that is perceptible on any abutting property.
- (g) No motor vehicle shall be used or kept on the premises, except a vehicle of the passenger automobile variety, or a commercial vehicle not exceeding eight thousand five hundred (8,500) pounds (gross vehicle weight) in size, and such commercial vehicle shall be parked in an enclosed garage.
- (h) The cottage food business shall not have utility services other than those required for normal residence use.
- (i) There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of the cottage food business thereon.
- (j) On-site parking for the residential unit in which the cottage food operation is located shall be maintained free and clear and available for parking and/or deliveries at all times to the extent such parking is necessary to mitigate the cottage food operations impact upon the traffic circulation
- (k) The cottage food operator shall only allow vehicular delivery or loading related to the cottage food operation between the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday. The cottage food operator shall not allow any vehicle making a delivery, being loaded, or being used by consumers or third party retailers in relation to the cottage food operation to block or impede the public right-of-way, a vehicular drive aisle, encroach into any required on-site parking space, or idle at any time.
- (l) Cottage food operations engaging in sales to consumers or third party retailers at the residence containing the cottage food operation shall also be subject to the following traffic control standards:
- (1) Visitation to the residence containing the cottage food business for the purpose of direct or indirect sales is limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday.
  - (2) Visitors shall not be allowed to queue outside of the residence containing the cottage food business at any time, either on foot or in vehicles.
  - (3) There shall be no outdoor sales at any time at the residence containing the cottage food business.