

**NOTICE OF INTENT TO ADOPT/ AVAILABILITY
INITIAL STUDY/NEGATIVE DECLARATION FOR PLN – 13 - 00013**

This serves as the City of Downey's Notice of Availability for the Initial Study/Negative Declaration for Zone Text Amendment PLN – 13 - 00013. The City Planning Division will receive comments on this draft environmental document from April 5, 2013 through April 26, 2013. The City's Planning Commission is scheduled to hold a public hearing to consider the Initial Study/Negative Declaration and the proposed Zone Text Amendment at 6:30 p.m. on May 1, 2013, in the Council Chambers of Downey City Hall, located at 11111 Brookshire Avenue, Downey, California

Project Title: Zone Text Amendment PLN – 13 – 00013

Project Location: Properties zoned Professional Office (C-P) Citywide

Lead Agency: City of Downey
11111 Brookshire Avenue
Downey, CA 90241

Project Description: A Zone Text Amendment, PLN – 13 – 00013, to permit restaurants in the C-P zone to have live entertainment, subject to the approval of a conditional use permit.

Project Applicant: City of Downey
11111 Brookshire Avenue
Downey, Ca 90241

NOTICE IS HEREBY GIVEN THAT the City of Downey has completed a review of the Environmental Checklist for a Zone Text Amendment identified as PLN – 13 – 00030, the "project", in accordance with the City of Downey's guidelines implementing the California Environmental Quality Act (CEQA). This was undertaken for the purpose of deciding whether the project may have a significant adverse effect on the environment. The Planning Commission of the City of Downey will consider an Initial Study/Negative Declaration for the above-cited project. Such Negative Declaration is based on the finding that the proposed Zone Text Amendment will not create any significant adverse effects. Reasons to support this finding are documented in the Initial Study prepared by the City of Downey. Copies of the Initial Study and the proposed Negative Declaration may be obtained from the person at the address provided below.

FINDING: The City of Downey has determined that the proposed Zone Text Amendment, PLN – 13 – 00013, to permit restaurants in the C-P zone to have live entertainment, subject to the approval of a conditional use permit, will not degrade the quality of the environment. That said project will have no impact on long-term environmental goals, that said project will have no cumulative effect upon the environment; and that the proposed project will not cause adverse effects on human beings, either directly or indirectly. Further, any potential impact the project is anticipated to have will be less than significant and will not have a direct or indirect impact on natural resources.

PUBLIC COMMENTS: Any individual, group, or agency disagreeing with this determination or wanting to comment on the zone text amendment may submit written comments to the Planning Division of the City of Downey to the name and address listed above. All comments received by 5:30 p.m., Friday, April 26, 2013 will be considered by the Planning Commission.

NAME: Mark Sellheim

TITLE:
ADDRESS:

Principal Planner
City of Downey City Hall
11111 Brookshire Avenue

Date: April 2, 2013

Mark Sellheim, Principal Planner

INITIAL STUDY OF ENVIRONMENTAL IMPACTS AND PROPOSED NEGATIVE DECLARATION FOR ZONE TEXT AMENDMENT PLN – 13 – 00013

(Applicant: City of Downey)

1. INTRODUCTION

Zone Text Amendment PLN – 13 – 00013 is a request to permit restaurants in the Professional Office (C-P) zone to have live entertainment, subject to the approval of a condition use permit (CUP).

This Initial Study and proposed Negative Declaration were prepared in accordance with the provisions of the California Environmental Quality Act (CEQA), as amended. The environmental documents were prepared to determine whether allowing restaurants in the C-P zone to have live entertainment, through the CUP process, (i.e., also referred to as the “Project”) would produce any significant adverse impacts and to assess the extent of those impacts.

Organization and Content of Initial Study

The Initial Study contains analyses and other supportive evidence by which the Lead Agency, the City of Downey, can determine whether the approval of the proposed zone text amendment will create a significant adverse environmental effect(s). Its format and structure reflects the City’s Initial Study Checklist provided herein (Section 3). The following discussion outlines the contents of the Initial Study.

Section 1., Introduction, provides the procedural context surrounding the preparation of the Initial Study and insight into its composition.

Section 2., Project Location/Description, describes the proposed project, its location and the surrounding setting.

Section 3., Initial Study Checklist, is the form summarizing the contents of the two sections that follow, particularly with regard to the issue-by-issue determination of a significant impact. It also serves as the document in which the Lead Agency’s determination is formally declared and signed.

Section 4., Discussion of Environmental Evaluation describes the environmental effects that are anticipated to result from implementing the proposed zone text amendment.

Section 5., Mandatory Findings of Significance provides a discussion of how, or in what way, if any, the application/project may adversely impact one of the Checklist’s environmental areas.

2. PROJECT LOCATION/DESCRIPTION

The City of Downey is an urbanized community in southeast Los Angeles County, located about 12 miles southeast of downtown Los Angeles. The city is bounded by Telegraph Road and the San Gabriel River on the north and east, respectively, while the Rio Hondo River borders it on the west and Gardendale Street and Foster Road define its southerly boundary.

Cities bordering Downey include: Pico Rivera on the north, Santa Fe Springs on the northeast, Norwalk on the east, Bellflower and Paramount on the south, South Gate on the west and the City of Commerce on the northwest. In addition to the neighboring cities, Downey is bracketed by four freeways: Interstate 105 (Glenn Anderson freeway) and Interstate 710 (Long Beach freeway) on the

south and west, respectively, while Interstate 5 (Santa Ana freeway) borders it on the north and the San Gabriel River freeway (Interstate 605) roughly defines its easterly boundary.

2.1 PROJECT DESCRIPTION

The “Project” is a zone text amendment that contemplates permitting restaurants located in the C-P zone to have live entertainment, subject to the approval of a conditional use permit.

2.2 ENVIRONMENTAL SETTING

City of Downey. Downey is a built-out community that was developed primarily in the 1950s and 60s and is part of the greater Los Angeles area. Downey’s land area totals about 12.8 square miles and its topography is nearly level. Elevations range from approximately 90 feet above sea level in the southern part of the community to about 140 feet in the northernmost portion. Approximately 61% of the city is developed with residential uses, while commercial and manufacturing areas make up about 20%. Open space accounts for about 8%. The balance is devoted to schools and public uses (11%). In 2012, the California Department of Finance estimated Downey’s population was 111,000.

Affected Properties. The requested zone text amendment pertains to the properties that are zoned Professional Office, C-P. There are ten (10) locations in the City with that zoning (see attached map), ranging in size from individual properties to entire districts. Each location is briefly described below.

- **Florence Avenue District.** Properties that make up this district front on both sides of Florence Avenue, between Paramount and Lakewood Boulevards. One and two-story office buildings occupy most of the properties and it’s considered to be the principal office district in the community. Other uses in this district include a handful of churches and single-family residences.
- **Lakewood Boulevard District.** Properties that comprise this district line the west side of Lakewood Boulevard, between roughly Firestone Boulevard on the south and 5th Street on the north, across from Stonewood Center. Nine of the district’s 21 properties are developed with single-family dwellings, eight support office buildings, with service commercial uses and apartment buildings occupying the balance.
- **Paramount Boulevard District.** Properties in this district front on the west side of Paramount Boulevard, between 3rd Street on the south and Harper Avenue on the north. Its land uses include nine office buildings, two apartment complexes, two single-family dwellings and a hospice.
- **11610 Lakewood Boulevard.** This parcel is on the east of Lakewood, across from the Coca-Cola bottling plant. The site totals 2.65 acres and it supports a 2-story, 28,000 square foot building, that is home to the Desert Reign church, and a 9,000 square foot Davita dialysis clinic.
- **9701 Lakewood Boulevard.** This parcel is on the west side of Lakewood Boulevard, between Florence Avenue and Gallatin Road. The property measures 17,575 square feet and its improvements consist of a recently-remodeled 6,000 square foot medical office building.
- **7800 thru 7814 Florence Avenue** (westernmost seven tenant spaces of Rives Square). Rives Square is a neighborhood-serving retail center that occupies the south side of Florence Avenue between Rives and roughly Tweedy Avenue. The portion that’s zoned C-P encompasses eight tenant spaces whose addresses range from 7800 thru 7814 Florence Avenue. The balance of the center is zoned C-1 and that portion encompasses 19 spaces ranging from 7816 through 7852 Florence Avenue.
- **8607 Imperial Highway** is a single property located on the north side of Imperial, between



City of Downey



Legend:

 Professional (C-P) Zoned Properties

This is not the official zoning map. The official zoning map is on file with the City of Downey Planning Division. While every effort has been made to ensure the accuracy of this map, the data contained herein was compiled from various sources, which may contain inaccurate information. Furthermore, zoning designations are subject to periodic changes, which may not be reflected on this map. As such, this map should only be used as a general purpose map.

You are advised to confirm the zoning designation of any particular parcel prior to proceeding with a land use decision or development project.

The City of Downey Planning Division may be contacted at:

City of Downey - City Hall
First Floor
1111 Brookshire Avenue
Downey, CA 90241
Phone: (562) 904-7154

CP Zoning Map

Community Development Department - Planning Division



Lakewood Boulevard and Bellder Drive. It measures 16,670 square feet and supports a 2-story office building.

- Downey Avenue District. Eleven properties comprise this district. And they front both sides of Downey Avenue, between Iowa and Texas Streets; they also include the properties on the west side of Downey Avenue that occupy the northwest and southwest corners of Downey and Arnett Streets. Properties fronting the east side of Downey Avenue, include the addresses ranging from 11502 to 11560 Downey Avenue (even-numbered addresses only), while properties on the west side of Downey include 11509 and 11525 Downey Avenue, along with 8261 and 8268 Arnett Street. Land uses occupying these properties include a few single-family residences, 1- and 2-story office buildings and a parking lot.
- 12136 – 52 Downey Avenue. This parcel is located on the east side of Downey Avenue, just north of Alameda Street and it maintains two zoning classifications: the northerly portion, about 106 feet of Downey Avenue frontage, is zoned C-P and measures 10,700 square feet, while the southerly part is zoned C-2 and contains 7,437 square feet. A one-story, 10,700 square foot retail center with four tenant spaces occupies this property.
- 8321 Imperial/12564 Downey Avenue. Two adjoining properties make up this last location and together they occupy the northeast corner of the intersection of Imperial Highway and Downey Avenue. A dentist office sits on the corner property, while a church (Imperial Highway Church of Christ) occupies the other. According to the assessor's map book, the church site totals 59,580 square feet, or 1.4 acres, while the dentist property measures 7,450 square feet.

2.3 DISCRETIONARY APPROVAL AUTHORITY

The Initial Study and proposed Negative Declaration will be used in connection with the consideration of the requested zone text amendment. Approving the amendment involves the following process:

- The Planning Commission first considers the amendment. They serve as an advisory body and forward their recommendation to the City Council.
- City Council is the decision-making body that decides on the amendment.

2.4 ENVIRONMENTAL CHECKLIST

2.4.1. Background

2.4.2. Project Title: Zone Text Amendment PLN - 13 - 00013

2.4.3. Lead Agency Name and Address:

City of Downey
Community Development Department
11111 Brookshire Avenue, Downey, CA 90241

2.4.4. Contact Person and Phone Number:
Mark Sellheim, Principal Planner (562) 904-7154

2.4.5. Project Location:
All C-P (Professional Office) zoned properties throughout the Downey.

2.4.6. Project Sponsor’s Name and Address:
City of Downey
11111 Brookshire Avenue
Downey, CA 90241

2.4.7. General Plan Designation: “Office”.

2.4.8. Zoning District: Professional Office (C-P)

2.4.9 Description of Environmental Document and Project:
This Initial Study and proposed Negative Declaration were prepared in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended, and State CEQA Guidelines Section 15063.

Zone Text Amendment PLN – 13 – 00013 is a request to consider allowing restaurants in the C-P zone to have live entertainment, subject to the approval of a conditional use permit.

2.5.0 Environmental Determination: The City of Downey has determined a Negative Declaration will be prepared for Zone Text Amendment PLN – 13 – 00013.

2.5.1 Disposition of Initial Study

As indicated previously, the City of Downey, serving as the Lead Agency, has determined a Negative Declaration shall be prepared for the proposed zone text amendment, which is considered to be a project, pursuant to the Guidelines of CEQA. Certain projects or actions undertaken by a Lead Agency may require oversight, approvals, or permits from other public agencies. These agencies are referred to as “Responsible” and “Trustee” Agencies; and are defined, pursuant to Sections 15381 and 15386 of the state CEQA Guidelines as follows:

“**Responsible Agency** is a public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For purposes of CEQA, the term “Responsible Agency” includes all public agencies other than the Lead Agency which have discretionary approval over the project.”

“**Trustee Agency** is a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the state of California” (such as the California Department of Fish and Game).

3. INITIAL STUDY CHECKLIST OF POTENTIALLY AFFECTED AREAS:

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 on the following pages.

	Aesthetics		Land Use and Planning
	Agriculture and Forestry Resources		Mineral Resources

	Air Quality		Noise
	Biological Resources		Population and Housing
	Cultural Resources		Public Services
	Geology and Soils		Recreation
	Hazards & Hazardous Materials		Transportation/Traffic
	Hydrology & Water Quality		Utilities & Service Systems
	Greenhouse Gas Emissions		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, NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED 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 “potentially significant impact” or “potentially significant unless mitigated” impact 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. 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, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the project, nothing further is required.

Signature: _____ Date: April 3, 2012
 Printed Name: Mark Sellheim, Principal Planner

<u>ENVIRONMENTAL ISSUES ASSESSMENT</u>	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a. Have a substantial adverse effect on a scenic vista?				X
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c. Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X
II. AGRICULTURE AND FOREST 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. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- 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?				X
b. Conflict with existing zoning for agricultural use, or a Williamson act contract?				X
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d. Result in the loss of forest land or conversion of forest land to non-forest use?				X
e. Involve other changes in the existing environment				

<u>ENVIRONMENTAL ISSUES ASSESSMENT</u>	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X
III. 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?				X
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
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)?				X
d. Expose sensitive receptors to substantial pollutant concentrations?				X
e. Create objectionable odors affecting a substantial number of people?				X
IV. 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?				X
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
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,				X

<u>ENVIRONMENTAL ISSUES ASSESSMENT</u>	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
filling, hydrological interruption, or other means?				
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?				X
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
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?				X
V. CULTURAL RESOURCES. Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?				X
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?				X
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d. Disturb any human remains, including those interred outside of formal cemeteries?				X
VI. 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? Refer to Division of Mines and Geology Special Publication 42.			X	

<u>ENVIRONMENTAL ISSUES ASSESSMENT</u>	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
2) Strong seismic ground shaking?			X	
3) Seismic-related ground failure, including liquefaction?			X	
4) Landslides?				X
b. Result in substantial soil erosion or the loss of topsoil?				X
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?			X	
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
VII. GREENHOUSE GAS EMISSIONS: Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X
VIII. 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?				X
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?				X

c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
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?				X
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?				X
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?				X
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a. Violate any water quality standards or waste discharge requirements?				X
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)?				X
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?				X

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?				X
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?				X
f. Otherwise substantially degrade water quality?				X
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?				X
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
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?				X
j. Inundation by seiche, tsunami, or mudflow?				X
X. LAND USE AND PLANNING. Would the project:				
a. Physically divide an established community?				X
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?				X
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
XI. 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?				X
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?				X
XII. NOISE. Would the project result in:				
a. Exposure of persons to or generation of noise levels				X

in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
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?				X
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?				X
XIII. 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)?				X
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
XIV. 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?				X

2) Police protection?				X
3) Schools?				X
4) Parks?				X
5) Other public facilities?				X
XV. 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?				X
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?				X
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X
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?				X
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e. Result in inadequate emergency access?				X
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or				X

safety of such facilities?				
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
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?				X
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?				X
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g. Comply with federal, state, and local statutes and regulations related to solid waste?				X
XVIII. 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?				X
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)?				X
c. Does the project have environmental effects which will				

cause substantial adverse effects on human beings, either directly or indirectly?				X
---	--	--	--	---

4. DISCUSSION OF 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 (Section 3) are stated and answers are provided according to the analysis undertaken as part of the Initial Study. They include:

1. 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.
2. 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.
3. 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.
4. 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.

The following is a discussion of potential project impacts as identified in the Initial Study Checklist. Explanations are provided for each item.

4.1 AESTHETICS. *Would the project:*

- a) *Have a substantial adverse effect on a scenic vista?*

No Impact. The City’s General Plan does not designate any of the streets or highways in Downey as scenic highways. As a consequence, project implementation (which involves allowing restaurants in the C-P zone to have live entertainment, subject to the approval of a CUP) will not impact a scenic vista.

- b) *Substantially damage scenic resources, including, but not limited to trees, rock outcroppings and historic buildings within a state scenic highway?*

No Impact. Properties in Downey with the C-P zoning front on a handful of streets that are designated as either Major Arterials or a Secondary Arterial. The highways designated as Major Arterials include Lakewood and Paramount Boulevards, along with Florence Avenue and Imperial Highway. Downey Avenue is the Secondary Arterial. None of the streets mentioned, however, are listed as state “Scenic” highways. Moreover, no scenic resources, such as trees, rock outcroppings, or historic buildings are located on any C-P zoned property. Instead, the affected properties are part of the

built environment and were cleared when they were developed. As such, they don't feature any scenic resources. No mitigation measures are necessary.

- c) *Substantially degrade the existing visual character or quality of the site and its surroundings?*

No Impact. Implementing the zone text amendment will not impact the visual character of the affected C-P zoned properties. Rather, implementation, as discussed above, involves activities that will take place inside restaurants; the proposed amendment is a request to allow restaurants in the C-P zone to have live entertainment, subject to the approval of a CUP. As such, none of the activities will be conducted outdoors, hence the project will not impact the visual character of a site.

- d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

No Impact. Project implementation will not generate light or glare. Rather, it involves live entertainment which will be conducted entirely indoors.

- 4.2 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?*

No Impact. Project implementation does not involve converting farmland to non-agricultural uses. Rather, properties in Downey with the C-P zoning, including the rest of the city as well, are part of the built environment and the greater Los Angeles urban area and are not used nor are they slated to be used for agricultural purposes. Rather, properties with the C-P zoning classification support mostly 1- and 2-story office buildings, along with a variety of other uses such as single-family residences, apartment complexes, retail uses and churches. Moreover, the affected C-P zoned properties are not slated for cultivation, according to their General Plan designation, which outlines their long-term development plan. Most C-P zoned properties are designated "Office" on the General Plan, which envisions the development of medical, dental and other kinds of professional offices. Therefore, adopting the zone text amendment will not result in the conversion of Prime Farmland, Unique Farmland or Farmland of statewide importance. No significant impacts will occur and no mitigation measures are necessary.

- b) *Conflict with existing zoning for agricultural use, or a Williamson act contract?*

No Impact. The zone text amendment under consideration will not conflict with any type of zoning classification that's designed for agricultural use, or a Williamson act contract. Properties that are the subject of the proposed amendment are zoned C-P and the intent of this classification is to accommodate professional office uses.

- c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*

No Impact. Project implementation will not conflict with existing zoning for forest land or timberland zoned Timberland Production. The affected properties, as noted above, do not feature any forest resources. Rather they are zoned Professional Office and support office projects, as well as residential uses, churches and small retail centers.

- d) *Result in the loss of forest land or conversion of forest land to non-forest land?*

No Impact. Project implementation will not result in the loss of forest land or the conversion of forest land to non-forest land. The subject properties are part of the built environment and principally support office developments, along with small, neighborhood-serving retail developments, service commercial uses, and single-family and multi-family developments.

- e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use?*

No Impact. As mentioned above, C-P zoned properties are the subject of the project that's being contemplated and none of these properties are being farmed. Therefore, changes being discussed, permitting live entertainment in restaurants will not result in the conversion of farmland to non-agricultural uses.

- 4.3 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.

4.4 *Would the project:*

- a) *Conflict with or obstruct implementation of the applicable air quality plan?*

No Impact. The project site is within the South Coast Air Basin (SCAB). The basin is designated an "extreme" non-attainment area by the federal Environmental Protection Agency because it cannot meet federal ambient air quality standards for several criteria pollutants.

The Federal Clean Air Act (i.e., 1977 amendments) requires that the regional agency that's responsible for an airshed, in this case is the south coast air basin (SCAB), which fails to meet national ambient air standards, must prepare a clean air plan demonstrating the steps it will take to bring the basin into compliance with national standards. The South Coast Air Quality Management District (SCAQMD) is the regional agency in the south coast air basin that is responsible for developing clean air plans for the basin. The SCAMD is also responsible for bringing the basin into compliance through rules and regulations it formulates involving ambient air quality.

In 1979, the SCAQMD adopted the first air quality management plan (AQMP), or clean air plan and its been revised several times since. The current plan for the SCAB is the 2012 AQMP. It provides a detailed blueprint to achieve the federal health standard for

fine particulate air pollution (PM2.5) in the southland by 2015. The plan provides a scientific demonstration of how specific control measures will enable the region to meet the federal health based standard for PM2.5. It also includes an update on progress towards reducing ground-level ozone to meet the ozone standard by 2024. Also included is a comprehensive analysis of strategies and challenges involved in meeting future air quality goals.

In terms of the relationship between the contemplated zone text amendment and the region's clean air plan, implementing the amendment will not affect the plan's clean air strategies since the properties' existing "Office" General Plan designation was in effect when the plan was prepared. The plan recognizes the sites' existing land use classifications and project approval and implementation will not impact it. No mitigation measures are required.

- b) *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?*

No Impact. The estimated daily levels of emissions from the project's short- and long-term activities will not violate any air quality standard because they will not exceed the thresholds established by the state and federal governments.

- 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)?*

No Impact. Please refer to the response in Section 4.3 (a).

- d) *Expose sensitive receptors to substantial pollutant concentrations?*

No Impact. See the response for Section 4.3 (b).

- e) *Create objectionable odors affecting a substantial number of people?*

No Impact. As noted above, the affected properties' existing improvements consist mostly 1- and 2-story office buildings, along with a mix of other uses such as one-family residences, apartment complexes, churches and retail centers and objectionable odors typically are not associated with these kinds of uses. Further, the proposal under consideration involves permitting restaurants in the C-P zone, that are located within office buildings, to have live entertainment and these kinds of uses do not create objectionable odors. No mitigation measures are required.

4.4 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, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

No Impact. No special status species or species identified as a candidate in a local or regional plan or by the California Department of Fish and Game inhabit the properties that are zoned Professional Office, or C-P. All affected properties were cleared of

natural habitat to make way for their existing improvements, which are part of the built environment. As such, no candidate or special status species inhabit the sites as their existing condition indicate.

- b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

No Impact. Affected properties are part of the community's built environment. And improvements, as noted above, consist of low-scale office buildings, single- and multiple-family residences, churches and small retail centers. As such, the properties supporting these improvements do not contain riparian habitats, or other sensitive natural community, as identified on any local, regional, state or federal plan. Therefore, project development will not impact riparian habitats or natural communities and mitigation measures are unnecessary.

- 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?*

No Impact. Properties under consideration don't have protected wetlands, as defined by Section 404 of the Clean Water Act. Instead, they are part of the community's built environment and support a variety of uses, such as office buildings and dwelling units. Thus, allowing restaurants that occupy C-P zoned properties to have live entertainment, through the CUP process, will not impact any federally protected wetlands. No mitigation measures are required.

- 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?*

No Impact. The subject properties are part of a built community, i.e., City of Downey, which is part of the larger Los Angeles metropolitan area, and none of them feature wildlife corridors or wildlife nursery sites. Instead, they support a variety of building types that house a mix of uses such as offices, residences and churches. Thus, approving the contemplated zone text amendment, which will allow live entertainment in restaurants, will not interfere or block the movement of any native resident or migratory fish or wildlife species. Nor will implementation of the amendment interfere with any kind of established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, since none exist on-site or nearby. No mitigation measures are necessary.

- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

No Impact. The city does not have a Tree Preservation Ordinance. However, in 2005, city staff compiled a "Significant Tree Survey" for the Conservation Chapter of the General Plan Update. Trees included in the survey were added on the basis of their age, size and historical and cultural importance. None of the affected properties have trees that are listed on the survey, however. Still, exclusion from the survey does not necessarily mean that a tree is not significant. In the event the owner of an affected

property has a tree that is contemplated as significant, the CUP process that's linked to the zone text amendment will provide the opportunity to assess the tree's significance. However, the possibility of the contemplated zone text amendment impacting a tree is remote since the amendment involves an activity that is conducted within an enclosed building (i.e. live entertainment) and not outdoors.

- 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?*

No Impact. The city's C-P zoned properties are not under the jurisdiction of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other habitat conservation plan and no draft plan exists nor is one proposed for these properties. Instead, they are part of the community's built environment. And adopting the requested zone text amendment, which will permit live entertainment, subject to a conditional use permit, will have no impact in this regard.

4.5 CULTURAL RESOURCES. *Would the project:*

- a) *Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?*

No Impact. Section 15064.5 defines historic resources as resources listed or determined to be eligible for listing by the State Historical Resources Commission, a local register of historical resources, or the lead agency. Generally, a resource is considered to be historically significant if it meets one of the following criteria:

- i) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- ii) Is associated with the lives of persons important to our past;
- iii) Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- iv) Has yielded, or may likely to yield, information important to prehistory or history.

None of the improvements occupying the properties under consideration (i.e., C-P zoned properties throughout the City of Downey) are listed, or determined to be eligible for listing, by the State Historic Resources Commission, or a local register of historical resources. Furthermore, implementation of the requested zone text amendment is not expected to result in any physical change to a building, given that the scope of the amendment entails permitting live entertainment inside buildings.

- b) *Cause a substantial adverse change in the significance of an archaeological resource, pursuant to CEQA Guidelines Section 15064.5?*

No Impact. Given that the affected properties were cleared and graded to make way for their existing improvements, it's highly unlikely that implementation of the zoned text amendment will yield any archaeological resources. Therefore, approving and subsequently implementing the requested zone text amendment is not expected to result in significant impacts in regards to archaeological resources and no mitigation measures

are necessary.

- c) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

No Impact. No paleontological resources or unique geological features are known to exist on the affected properties. They were disturbed previously (i.e., grading activities) to make way for their existing improvements. In light of these events, it is unlikely that any paleontological resources or geological features would be uncovered if the sites are redeveloped. As such, no impacts are anticipated with respect to paleontological resources or unique geological features due to the implementation of the proposed zone text amendment. Moreover, the nature and extent of the requested zone text amendment further insures the likelihood that its implementation will not directly or indirectly destroy a unique paleontological resource or unique geological feature. The requested amendment consists of allowing restaurants that occupy C-P zoned properties to have live entertainment, subject to the approval of a CUP. Live entertainment as a general rule occurs inside a building and does not involve physically altering a site. No mitigation measures are necessary.

- d) *Disturb any human remains, including those interred outside of formal cemeteries?*

No Impact. Implementation of the requested zone text amendment is not expected to alter a property physically. Rather, the amendment, as not noted above, will permit restaurants within buildings that occupy C-P zoned properties to have live entertainment, subject to the approval of a CUP. Allowing a restaurant to have live entertainment encompasses an activity that occurs inside a building and does not involve disturbing the surface of a site. No significant impacts are expected and no mitigation measures are necessary.

4.6 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? Refer to the Division of Mines and Geology Special Publication 42.*

Less Than Significant Impact. There are no known faults underlying the City of Downey, according to the Safety Chapter of the City's General Plan. Likewise, there are no Alquist- Priola zones in the City of Downey; therefore, no impacts would occur. Fault rupture impacts generally occur near the fault line where the fault shears or slips and the ground is offset in some way.

The closest active or potentially active faults include the Norwalk fault (five miles to the northeast), the Whittier-Elsinore fault (10 miles to the northeast) and the Newport-Inglewood fault (5 miles to the southeast). Given these distances, surface rupture is not considered to be a potential problem within Downey. Furthermore, all buildings constructed in Downey must meet current seismic safety and building code standards, which are designed to reduce impacts related to seismic activity.

2) *Strong seismic ground shaking?*

Less Than Significant Impact. Although the City of Downey does not have any earthquake faults or fault traces traversing it, it like most of Southern California, is located in a seismically-active area. Major active fault zones are located southwest and northeast of the city. Active and potentially active located close to Downey include the Newport-Inglewood Fault, the Compton-Los Alamitos Fault, the Whittier-Elsinore Fault, the Elysian Park Seismic Zone, the Palos Verdes Hills Fault. The two faults with the greatest potential to impact the City are the Newport-Inglewood and the Compton-Los Alamitos Faults, located about six and ten southwest of the City, respectively. Policies contained in the City of Downey General Plan will ensure that adverse effects caused by seismic and geologic hazards, such as strong seismic ground shaking are minimized. For example, Policy 5.5.1 requires the City to minimize damage in the event of a major earthquake. Programs affiliated with this policy include public education about earthquake safety and requiring geotechnical reports for developments to address soil liquefaction hazards.

To minimize the effect of ground shaking and help protect human life, the design and construction of future buildings must adhere to the seismic requirements of the latest edition of the building code so they withstand ground shaking to within an acceptable level of risk. As a consequence, impacts from potential ground shaking are expected to be less than significant.

3) *Seismic-related ground failure, including liquefaction?*

Less Than Significant Impact. According to figure 5.5-2 (Liquefaction Hazard Zone Map – State Division of Mines and Geology) of the General Plan Safety Chapter, the entire city is located within a liquefaction zone. Therefore, all C-P zoned properties have the potential to undergo soil liquefaction when a seismic event occurs. Soil liquefaction is a seismically-induced form of ground failure. Research and historical data indicate that loose granular materials situated at depths of less than 50 feet with fine silt and clay contents and saturated by a relatively shallow groundwater table, are most susceptible to liquefaction. It is likely that a moderate to strong earthquake nearby would damage buildings and infrastructure in the area. Liquefaction is a process by which water-saturated minerals (including soil, sediment, and types of volcanic deposits) lose strength and possibly fail when the ground shakes. According to the City's General Plan (*Downey Vision 2025*), liquefaction occurs when certain soil types and high groundwater levels combine with intense ground shaking and make soil react in a manner similar to the properties commonly associated with liquids. Although such effects are temporary during a quake, the potential for damage to structures is extreme. And Downey has the combination of silts and sands soil types, coupled with a relatively high water table, which are conducive to liquefaction occurring during intense ground shaking.

However, compliance with the standards set forth in the current California Building Code and policies in the Safety Chapter of the General Plan will minimize risk of property damage caused by an earthquake. Therefore, impacts to people and structures that result from seismically-related ground failure, including liquefaction are less than significant.

4) *Landslides?*

No Impact. The likelihood of landslides occurring in regards to the properties that are the subject of the requested zone text amendment are negligible. The topography of the affected C-P zoned properties, as well as that of adjoining properties is nearly flat. Furthermore, the project sites are not located near foothills or mountains so the possibility of landslides is very minimal. Given the nearly level topography, the project sites are not subject to landslides or mudflows. Therefore, no impacts are anticipated in this regard and no mitigation measures are required.

b) *Result in substantial soil erosion or the loss of topsoil?*

No Impact. Implementation of the proposed zone text amendment will not result in soil erosion or in a loss of topsoil. Project implementation does not involve construction or any kind of soil disturbance, such as grading activities. Rather it consists of permitting restaurants within buildings that occupy C-P zoned properties to have live entertainment. Buildings, hardscape and asphalt cover the subject sites and soils will not be exposed, which could result in erosion or the loss of topsoil.

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?*

Less Than Significant Impact. Properties with the C-P zoning classification, as well as the rest of Downey, are located in the south central portion of the Los Angeles Basin, generally between the San Gabriel and Rio Hondo Rivers. This land area is typically characterized by alluvium and associated deposits, which mainly belong to the Recent Alluvium, the Older Alluvium and other formations of Recent to Pleistocene Age. This alluvium is typically characterized by sedimentary deposits ranging in grain size from sand to silt to clay. According to Figure 5.5-2 in the Safety Chapter of the 2005 General Plan Update (Vision 2025), the entire city is located within a liquefaction zone. Therefore, the soil instability of the affected properties is the same as the rest of the community. In the city, development projects are constructed to the standards of the California Building Code. Moreover, compliance with General Plan goals and policies, as well as the building code, will ensure that potential impacts from unstable soils will be less than significant. Therefore, impacts involving soil instability and or suitability related to the requested zone text amendment would be less than significant. .

d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?*

Less Than Significant Impact. Soils covering the affected C-P zoned properties are the expansive type that shrink or swell, as the moisture content decreases or increases. Expansive soils are generally clay based and are found in low lying regions and flood plains. As noted above, the city's C-P zoned properties are located in the south central portion of the Los Angeles Basin, between the Rio Hondo and San Gabriel Rivers. This area is typically characterized by alluvium and associated deposits, which mainly belong to the Recent Alluvium, the Older Alluvium and other formations of the Recent to Pleistocene age. This alluvium is typically characterized by sedimentary deposits ranging in grain size from sand to silt and clay. More than likely, the alluvium underlying the affected properties has a low to moderate expansion potential. Project development will comply with established building codes that regulate grading and building construction. Compliance with the latest edition of the California Building Code will

reduce potential impacts to a negligible level. Further, all of the soil types in Downey can be compacted so as not to restrict site development. No mitigation measures are necessary. Any type of development would occur in accordance with City of Downey building and safety standards and impacts would be less than significant.

- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

No Impact. Project development does not involve the construction of septic tanks or alternative waste disposal systems. The project instead is a zone text amendment that will permit restaurants to have live entertainment with the approval of a CUP. Furthermore, nearly all of the properties in Downey use sewer lines to dispose of waste water. Therefore, no impacts are anticipated in regards to supporting septic tanks and alternative waste disposal systems and no mitigation measures are required.

4.7 GREENHOUSE GAS EMISSIONS. *Would the project:*

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*
- b) *Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?*

Explanation:

- a), b) **No Impact.** The following discussion addresses both a) and b) of the greenhouse gases discussion.

The project, which is a zone text amendment that will allow restaurants in the C-P zone to have live entertainment with the approval of a CUP, will not emit greenhouse gases. Consequently, it will not contribute to global climate change.

Gases that trap heat in the atmosphere are known as greenhouse gases (GHGs) because they capture heat radiating from the sun as it is reflected back into the atmosphere, similar to a greenhouse. Carbon dioxide is the most common and abundant greenhouse gas resulting from human activity, followed by methane and nitrous oxide. The accumulation of GHGs in the atmosphere has been implicated as a driving force for global climate change. Definitions of climate change vary between regulatory authorities and the scientific community, but in general it can be described as the changing of the earth's climate caused by the impact of human activities and natural fluctuations that alter the composition of the global atmosphere. Global climate change is a change in the average weather on earth that can be measured by wind patterns, precipitation and temperature. Although there is a disagreement as to the speed of global warming and the extent of the impacts attributable to human activities, the vast majority of the scientific community now agrees that there is a direct link between the increasing emissions of GHGs.

Since the proposed zone text amendment does not involve any kind of combustion and thus no emissions will result, it will not conflict with the implementation of the programs and regulations to achieve the statewide GHG emission reduction goals established

under Executive Order S 3-05 and Assembly Bill 32 (AB 32). Under AB 32, the state goal is to reduce GHG emissions to 1990 levels by 2020.

4.7 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?*

No Impact. As noted previously, project implementation will enable restaurants in the C-P zone to provide live entertainment, subject to a CUP; this type of activity does not involve handling, transporting or using hazardous materials. Therefore, there will be no impacts in this regard and no mitigation measures are required.

- 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?*

No Impact. The project is a zone text amendment whose intent is to allow restaurants occupying C-P zoned properties to feature live entertainment. Providing live entertainment inside a restaurant does not involve the use of hazardous materials and thus, it does not present a hazard to the public or the environment in regards to the accidental release of hazardous materials into the environment.

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

No Impact. The project, as noted above, pertains to permitting live entertainment in restaurants and does not involve the handling of hazardous or acutely hazardous materials. Therefore, project implementation does not involve emitting hazardous emissions or handling hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

- 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?*

No Impact. The City of Downey does not have any records involving hazardous materials or underground storage tanks associated with the affected properties (i.e., C-P zoned properties). City records In addition show no current outstanding violations for the subject properties. Furthermore, the County Department of Public Works has indicated that the C-P zoned properties have no records of underground tanks. Finally, checking the data base file at the California Water Quality Control Board indicated that there were no violations associated with the affected properties. Therefore, the live entertainment activities associated with the requested zone text amendment will not be located on properties included on a hazardous materials list, pursuant to Government Code Section 65962.5 and will not create a significant hazard to the public or the environment.

- 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?*

No Impact. The closest airport is the Compton/Woodley Airport, which is a 77-acre general aviation airport; it is located approximately 7 miles southwest of the City of Downey. Downey is not located within the boundaries of an Airport Environs Land Use Plan or within two miles of a public airport or public use airport. Therefore, no impacts will occur.

- 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?*

No Impact. As discussed above in Section e), the Compton/Woodley Airport is the nearest airport to Downey and is located about 7 miles southwest of the City. The City is not located within the vicinity of a private airstrip so approval of the requested zone text amendment and implementation of its associated activities will not result in any airport-related hazards for people residing or working in the area. Therefore, no impacts will occur.

- g) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

No Impact. Implementation of the requested zone text amendment and its resultant activities will not impair or physically interfere with any adopted emergency response plan or evacuation plan. The city's Emergency Operations Plan establishes safety procedures in the event of disasters and emergencies. Should parts of the city need to be evacuated, the Police Department will coordinate evacuation procedures, in accordance with the evacuation routes shown in the 2005 General Plan Update. Furthermore, implementation of the activities associated with the requested zone text amendment would not require the closure of any public or private streets, nor would they impede access of emergency vehicles to the affected properties or any surrounding areas in the event of a disaster or emergency. In addition, the project and its associated activities would provide, through the Fire Department plan review process, all required emergency access in accordance with the requirements of the Downey Fire Department. Therefore, no impacts would occur.

- h) *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

No Impact. Brush fires are a rare occurrence in Downey due to the lack of vacant, undeveloped areas overgrown with shrubbery. The affected C-P zone properties are part of the built environment and are mostly surrounded by residentially- and commercially-developed properties so they are not in the vicinity of wildlands. Therefore, no impacts will occur.

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

- a) *Violate any water quality standards or waste discharge requirements?*

No Impact. Project implementation will not violate water quality standards nor will it violate any wastewater discharge requirements. The project, as described above, is a zone text amendment, which is considered to be a minor regulatory change, whose

implementation does not involve construction. Rather it consists of permitting restaurants through the CUP process to have live entertainment. Live entertainment will take place within existing buildings and construction is not involved so the activities will not violate water quality standards, nor does implementation necessitate the need for a waste discharge permit.

- 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 well would drop to a level which would not support existing land uses or planned uses for which permits have been granted?)*

No Impact. Affected properties are located in an urban area that is covered over with buildings and other impervious surfaces (i.e., parking areas and walkways) and are not used as a source for groundwater recharge. The City of Downey is located in a highly urbanized setting that is mostly built out. Furthermore, implementing the zone text amendment and its associated activities does not involve development; hence it won't increase the amount of impervious surfaces. In addition, the project ultimately involves permitting live entertainment and not withdrawing groundwater, thus there won't be any impacts in this regard.

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?*

No Impact. Project approval and the implementation of its associated activities will not alter the drainage patterns of the C-P (Professional Office) zoned properties in the community. Implementation does not involve construction, but rather it's a zone text amendment that will allow restaurants in the C-P zone to have live entertainment, subject to a CUP.

- 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?*

No Impact. As discussed in Section c), project approval, i.e., a zone text amendment, and the implementation of its associated activities will not alter the existing drainage patterns of the properties that are the subject of the requested zone text amendment. Project implementation will enable restaurants occupying C-P zoned properties to offer live entertainment, subject to the approval of a conditional use permit. In the case of the requested amendment, live entertainment will be considered the restaurant's ancillary use, while serving meals is the primary activity, and neither of these activities involves development, hence the properties' drainage patterns will remain intact.

- e) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of pollutant runoff?*

No Impact. Permitting live entertainment in restaurants, which would be the result of the requested zone text amendment, will not produce runoff; hence it will not impact the stormwater networks that serve the affected C-P zoned properties.

- f) *Otherwise substantially degrade water quality?*

No Impact. The purpose of the requested zone text amendment is to permit live entertainment, which will take place inside restaurants and this kind of activity does not produce runoff that would degrade water quality.

- 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?*

No Impact. Project implementation does involve housing development, plus the entire City of Downey is outside the 100-year flood hazard area, according to FEMA's Flood Insurance Rate Map for the city.

- h) *Place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

No Impact. As the above section indicates, Section 4.8 (g), the affected C-P zoned properties, as well as the entire community, are not within a 100-year flood hazard area.

- 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?*

No Impact. Please refer to Item 4.8.(g).

- j) *Inundation by seiche, tsunami, or mudflow?*

No Impact. The City of Downey is not adjacent to a coastline or hillside so inundation resulting from seiches, tsunamis and mudflows is not expected. Therefore, no impacts would occur. .

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

- a) *Physically divide an established community?*

No Impact. Adopting the requested zone text amendment, as well as approving any subsequent applications to permit live entertainment will not physically divide an established community. The project, a zone text amendment, will allow restaurant owners to file CUP applications for live entertainment in restaurants with C-P zoning. Therefore, live entertainment would occur inside buildings and would not physically divide an established community.

- 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?*

No Impact. Approving the project, a zone text amendment titled PLN –13 – 00013, will not conflict with any plan, policy or regulation of the agency that has authority over the affected C-P zoned properties. The City of Downey has jurisdiction over the affected properties, which includes land use control. The project is essentially a minor regulatory

change that will permit restaurants to have live entertainment through the CUP process. The requested amendment satisfies the findings requirements that are necessary for approving a zone text amendment. In addition to the zoning ordinance, the project is consistent with the provisions of the affected properties' General Plan designation: "Office". The "Office" designation allows professional and medical offices uses and the C-P zone is the corresponding zone for this land use designation. The C-P zone also permits restaurants within professional office buildings and live entertainment is considered ancillary to restaurant use so there are no impacts in this regard.

Finally, properties impacted by the requested amendment, properties with the C-P zoning classification, are not located in a coastal zone and are not covered by a local coastal program.

- c) *Conflict with any applicable habitat conservation plan or natural community conservation plan?*

No Impact. The City of Downey is not subject to any habitat or natural community conservation plans. Therefore, the requested zone text amendment will not conflict with any habitat conservation plan or natural community conservation plan, so no impacts regarding this topic will occur.

4.10 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 residents of the state?*

No Impact. Buildings occupy the affected properties (i.e., properties zoned Professional Office, or C-P), along with asphalt-covered parking lots and concrete walkways. No classified or designated mineral deposits of statewide or regional significance are known to exist on the affected properties or in the City of Downey. Furthermore, the City is not designated as an area of mineral potential or production. Therefore, project implementation is not expected to 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, and no impacts would occur.

- 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?*

No Impact. The affected properties are not delineated on the City's General Plan or on any specific or land use plan as locally important mineral resource recovery sites; therefore, no impacts would occur.

4.11 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?*

No Impact. Project implementation is not expected to expose people to noise impacts, or generate noise impacts, that exceed the established noise standard in the City of Downey's Noise Ordinance. The city standard regarding the maximum permissible noise impact prohibits a noise impact/single noise event that exceeds 5 decibels

[5db(A)] above the ambient noise level at any time during the course of a 24-hour day to cross over an adjoining property [see Section 4606.3(a) of the Downey Municipal Code].

As noted above, project implementation consists of permitting restaurants that occupy C-P zoned properties to offer live entertainment, subject to the approval of a conditional use permit. In most cases here in Downey, the C-P zoned properties front on arterial streets, such as Lakewood, Florence, Paramount Boulevards, and back-up to residentially-zoned and developed properties. According to the provisions of the Zoning Ordinance, office complexes will house the restaurants that offer live entertainment and in most situations the parking areas for these complexes are located behind the buildings – which is the area that separates the office complexes and residentially-developed properties.

Noise that restaurants with live entertainment is expected to generate includes parking lot-generated noise and noise that's typically associated with live entertainment in restaurants. Measures that will be employed to insure that the anticipated noise impacts don't exceed the established standard include the proposed 100-foot building separation requirement and the conditional use permit process. Through the CUP process, Planning Division staff will evaluate each application for live entertainment and recommend noise abatement measures as needed.

- b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

No Impact. Project implementation is not expected to generate groundborne vibrations or excessive groundborne noise levels. As a general rule, it is uncharacteristic for restaurants with live entertainment to generate groundborne vibrations or groundborne noise.

- c) *A substantial permanent increase in ambient noise levels in the project vicinity above levels without the project?*

No Impact. Project implementation is not expected to generate a substantial permanent increase in ambient noise levels above existing levels in the project vicinity. As noted in Section 4.11 a), the first step in the review process for live entertainment involves the applicant applying for a CUP. And it is during the CUP process, that Planning Division staff will evaluate each application's potential noise impacts. Moreover, the City's Noise Ordinance prohibits activities from transmitting noise impacts across property lines that exceeds by five decibels above the area's ambient noise levels.

- d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels without the project?*

Less Than Significant. See the responses in Sections 4.11 a) and c).

- 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?*

No Impact. The City of Downey is not located within an airport land use plan nor is there a public airport within two miles of it. As such, people affiliated with project implementation will not be subject to excessive noise levels in this regard.

- 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?*

No Impact. The City of Downey is not is not located near a private airstrip.

4.12 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)?*

No Impact. Approving the requested zone text amendment, which involves allowing restaurants in the C-P zone to have live entertainment, subject to obtaining a CUP, will not directly or indirectly increase the area's population.

- b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

No Impact. Project implementation, which as noted above involves allowing restaurants in the C-P zone to offer live entertainment, will not displace any existing housing units.

- c) *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

No Impact. Implementing the requested zone text amendment does not involve the displacement of existing housing units nor does it involve or displacing any people. As noted previously, the project consists of allowing restaurants with the C-P zoning designation to offer live entertainment.

4.13 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*

No Impact. Project implementation in terms of its effects on fire fighting resources is expected to be negligible. Implementing the project, as noted previously, will take the form of allowing restaurants that occupy C-P zoned properties to have live entertainment, subject to CUP approval. The project as described is not expected to increase the demand for fire services within the City of Downey. Impacts would be less than significant.

- 2) *Police Protection?*

No Impact. Police protection for the site is provided by the City of Downey Police Department. Permitting restaurants in the C-P to have live entertainment may result in a slight increase in the number of service calls to the Police Department. However, the impact is forecast to be minimal and it's not expected to impact staffing levels or the department's equipment and resources.

3) *Schools?*

No Impact. Properties designated C-P are located within the boundaries of the Downey Unified School District. However, due to the nature of the requested zone text amendment, permitting live entertainment in restaurants, project implementation will not affect student enrollments so there won't be an impact to the school district.

4) *Parks?*

No Impact. Approving the zone text amendment, then subsequently permitting restaurants occupying C-P designated properties to have live entertainment through the CUP process will not impact the City's park facilities.

5) *Other public facilities?*

No Impact. Due to the nature of the requested zone text amendment, project implementation will not impact other public facilities within the city, such that the need would not arise for new or physically altered facilities.

4.14 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?*

a-b) No Impact. This zone text amendment does not propose any actions that would directly or indirectly result in development of a specific site or fundamentally change an area within the City so it would not impact the availability of recreation facilities or parks. As previously noted, project implementation consists of permitting restaurants to have live entertainment, after obtaining a CUP. Given the characteristics of the amendment, approving it would not result in greater demand for recreational facilities and parks. In addition, the amendment will not conflict with the City's Open Space Chapter, which includes a list of parks and recreation areas and provides goals and policies to ensure that parks are protected and preserved. .

4.15 TRANSPORTATION/TRAFFIC. *Would the project:*

- a) *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance or the circulation system, taking into account all modes*

of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

No Impact. Adopting the requested zone text amendment will not conflict the City's Master Plan of Streets & Highways, a principal component of the General Plan's Circulation Chapter, or any of the policies or programs in the Circulation Chapter. The highway plan provides a hierarchy of roadways that are designated to meet the circulation needs of Downey. And it is made up of a series of roadway types designed to serve the transportation needs of the City, which form the skeletal framework of the City, by controlling block sizes and shapes, neighborhood boundaries, and providing utility easements and open areas. As noted above, the application under consideration is a zone text amendment to the City's zoning ordinance that addresses restaurants and live entertainment and does not involve a specific development proposal. Therefore, it does not propose any actions that would directly result in development of a specific site or fundamentally change an area within the City, and therefore would not have a negative impact on traffic. However, following the amendment's approval, applications accompanying CUP petitions for live entertainment may generate additional traffic, in particular during nighttime hours when live entertainment typically occurs. Yet the potential traffic impacts of each application will be evaluated during the CUP review process and its accompanying CEQA review.

- b) *Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*

No Impact. Project implementation, i.e., approving the requested zone text amendment, will not generate traffic. Therefore, it will not affect the level of service of an intersection or highway in the community, nor will it impact any of the roadways or intersections in the city that comprise the Congestion Management Program. Subsequent to the approval of the zone text amendment, a separate traffic review will be conducted for each CUP application for live entertainment, as part of the CEQA review; and the analysis will consider each application's impacts on the nearby intersections and roadways that serve the project site.

- 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?*

No Impact. Approving the requested zone text amendment, then subsequently approving requests for live entertainment will not impact air traffic flights. The scope and magnitude of any future application permitting restaurants to have live entertainment are site-specific, and as such, they will not affect air traffic patterns.

- d) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

No Impact. A site-specific proposal, as noted previously, did not accompany the requested zone text amendment. Rather the amendment proposes allowing restaurants in the C-P zone to have live entertainment, subject to the approval of a CUP. In the event the amendment is approved and live entertainment applications are submitted, access driveways to the restaurant that's under consideration, as well as its on-site

circulation will be designed and constructed, pursuant to the City of Downey's design and engineering standards. As such, implementation of a future project will not result in any hazards involving design features in regards to its parking areas and ingress/egress approaches.

- e) *Result in inadequate emergency access?*

No Impact. As noted above, a project is a zone text amendment and is not a site-specific development proposal. Nonetheless, all projects under consideration in Downey are designed in accordance with Fire Department provisions to ensure that all on-site project components are accessible to Fire Department personnel, fire-fighting equipment and emergency medical vehicles.

- f) *Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*

No Impact. A CUP application for live entertainment is always site specific and it will be confined to the boundaries of that site. Moreover, it will be limited in scope and magnitude; and is not expected to conflict with a plan, policy or program that supports alternative transportation modes.

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

- a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

No Impact. Since the application under consideration is a request to amend the zoning ordinance and is not a site-specific development proposal, there will not be an impact on the wastewater treatment requirements of the Regional Water Quality Control Board. Moreover, because most of the applications for live entertainment will involve existing restaurants, the impact of these activities on the wastewater mains and wastewater treatment facilities that serve them is expected to be negligible.

- 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?*

No Impact. The extent of the requested zone text amendment, as reported above, is limited to enabling restaurants in the C-P zone (Professional Office zone) to have live entertainment, through the CUP evaluation process. The amendment does not consist of a site-specific physical development proposal. A consequence, it will not result in the need to construct or expand a potable water facility or wastewater treatment facility.

- 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?*

No Impact. Approving the requested zone text amendment will not necessitate the construction or expansion of new stormwater drainage facilities or the expansion of an existing facility. Rather, the proposed amendment is not a development proposal, as noted above, but a regulatory change that will allow restaurants in the C-P zone to

provide live entertainment by first obtaining a CUP. The impact of restaurants with live entertainment on stormdrain facilities is also expected to be negligible.

- d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

No Impact. Project implementation will not impact the City's available water supply. Again, the zone text amendment under consideration is a minor regulatory change and does not involve physical development. Following the amendment's approval, petitioners will have the opportunity to submit CUP applications for live entertainment; and an environmental analysis will be prepared at the same time as part of the application process. One of the areas that will be evaluated is the application's impacts on available water supply. Potential impacts are expected to be negligible, however, given the nature and characteristics of live entertainment.

- e) *Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

No Impact. The volume of wastewater that restaurants with live entertainment in the C-P zone generate is expected to be negligible. Applications for future restaurants/live entertainment, however, could, result in the need to incrementally expand the sewerage system and the regional treatment facilities that serve the affected location. An application's impacts could be reduced to an acceptable level, however, by the applicant/developer paying the connection fees to the Sanitation Districts of Los Angeles County. A fee would be required, "as a condition of project approval", to incrementally expand the treatment systems in order to accommodate the new activity. The Sanitation Districts are empowered by the California Health and Safety Code to charge a fee to connect to their sewerage system to increase quantity of wastewater attributable to a particular parcel or operation that's already connected. Payment of the fee is required before a permit to connect to the sewer is issued.

- f) *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*

No Impact. The increase in solid waste that future applications' activities will generate is not expected to lead to a shortfall in landfill capacity. Thus, no adverse impact on solid waste disposal services is expected with the amendment and resulting applications. Solid waste disposal services in the City of Downey are provided by CalMet Services, Inc. Waste collected within the city is brought to the Downey Area Recycling and Transfer (DART) facility, which is owned by the Sanitation Districts of Los Angeles County. The DART facility is located at 9770 Washburn Road in Downey and has a disposal rate of 6,700 tons per month. Waste materials are separated from recyclables there, then the waste materials are taken to the Puente Hills Landfill, which is located in Whittier. Puente Hills is permitted to accept 13,400 ton per day and has a closing date of 2013. Additional landfills are available in Los Angeles County that could serve future applications once Puente Hills closes.

- g) *Comply with federal, state, and local statutes and regulations related to solid waste?*

No Impact. Future restaurants with live entertainment in the C-P zone would comply with all regulations related to solid waste, such as the California Integrated Waste Management Act and City of Downey recycling programs; therefore, no impacts would occur.

5.0 MANDATORY FINDINGS OF SIGNIFICANCE

The following findings have been made regarding the mandatory findings of significance set forth in Section 15065 of the CEQA Guidelines, based on the results of this environmental assessment.

- 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 rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

No Impact. Properties affected by the requested zone text amendment, i.e., C-P zoned parcels, along with their neighboring properties are urban in character and part of a builtout community and do not contain any biological resources that might be affected by implementing the requested amendment. Therefore, approving the zone text amendment and subsequently allowing restaurants to offer live entertainment does not 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 proceeds of California History or prehistory.

- 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)?*

No Impact. Project implementation, which consists of approving the proposed amendment, along with permitting restaurants to have live entertainment on C-P zoned properties is not expected to result in impacts that would be cumulatively considerable. The project’s incremental contributions to the various environmental areas are expected to be negligible and not cumulatively considerable. Further, there are no known proposed projects in the vicinity of the affected properties that would cause significant cumulative effects.

- c) *Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

No Impact. Project implementation is not anticipated to have any direct or indirect adverse effects on humans working or residing in the vicinity of the project’s affected properties.

A NEGATIVE DECLARATION SHALL BE PREPARED FOR ZONE TEXT AMENDMENT
PL—13—00013,

H:\msell\C-P ZoneRestaurantswLiveEntertainment /initialstudy