

Section Six:
PROJECT
APPROVALS

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A. ADMINISTRATION

The City of Downey is the public agency responsible for the administration, implementation, and enforcement of both the Original and Amended Plans (collectively, the “Specific Plan”).

Administration of the Specific Plan includes subsequent application review, amendments, revisions, and compliance with California Environmental Quality Act (CEQA).

B. SPECIFIC PLAN APPROVAL

The Specific Plan includes land use regulations, design guidelines, and development standards specific enough to guide review of specific development plan proposals that are considered subsequent to approval of the Specific Plan.

Elements of the Specific Plan

- Vision, Objectives, and Principles
- Development Plans
- Development Standards
- Design Guidelines
- Implementation Measures

Steps for Specific Plan Approval

Planning Commission

The City of Downey Planning Commission reviewed the Specific Plan and forwarded its recommendation to City Council. The authority for the Planning Commission recommendation is found in the State Government Code, Section 65855.

City Council

The City Council received the recommendations of the Planning Commission and held a public hearing where the City Council certified the EIR and introduced the Specific Plan. The City Council then held a second reading and adopted the Specific Plan.

C. REVIEW OF DEVELOPMENT APPLICATIONS

The Specific Plan is sufficiently detailed to provide guidance to the Community Development Department of the City of Downey for review of any proposed development plan within the boundaries of the Site. Any new structure requires approval of a development plan. Approval or denial of development plans rests with the Community Development Department. If the development plan complies with the provisions of the Amended Specific Plan, no further review, except for changes or modifications provided for in the plan, is necessary.

Submission Requirements

While the Specific Plan includes land use diagrams, details regarding subsequent development are required with subsequent development application submittals. The City of Downey Community Development Department will review all development applications. If the project complies with the provisions of the Specific Plan, no further environmental or entitlement review is required.

Development Plans Requiring Approval

Any plan that requires exterior renovation, demolition of an existing structure, or construction or erection of a new structure requires development approval from the City of Downey Community Development Department.

As part of the Section 106 review, nineteen structures on-site — structures 1, 6, 10, 11, 25, 36, 39, 41, 42, 108, 120, 123, 125, 126, 127, 128/674/676 (1 structure), 130, 288, and 290 — were determined to be potentially eligible to the National Register of Historic Places (NRHP). Buildings 1 and 6/290 were determined to be the principal historical resources of the Site, and were potentially eligible on an individual basis, while the remaining structures have potential collective significance. None of these buildings have been listed on the National Register of Historic Places or the California Register of Historic Places, and since 2002, Buildings 10, 25, 41, 42, 120, and 288 have been documented pursuant to the Secretary of the Interior's Guidelines and subsequently demolished.

With the exception of a portion of Building 1, no interior modifications require review from the City Community Development Department. All interior renovations, on any structure, require the applicant to secure all applicable permits from the City. Any changes to Building 1 require approval from the City Community Development Department. The applicant must formally submit a plan and abide by the MOA between the City of Downey, SHPO, GSA and NASA.

Variances

A variance is a permit that grants an interested party relief from a development standard(s) contained in the Amended Specific Plan. An applicant seeking a variance will adhere to the procedures for processing a variance that are stipulated in Section 9826.06 of the City of Downey Zoning Ordinance (Zoning Ordinance). In order for the Planning Commission to approve a variance, it must make the finding that the requested variance is consistent with the Amended

Downey Landing Specific Plan, plus the six (6) findings that are necessary for the Planning Commission to grant a variance, as stated in Section 9826.08 of the Zoning Ordinance.

Interpretation and Ambiguities

The Community Development Department shall be responsible for the interpretation of the provisions of the Downey Landing Specific Plan unless otherwise provided, the Community Development Director shall resolve any ambiguity concerning the content or application of this specific plan. Any person aggrieved by such interpretation may request review by the Planning Commission in accordance with Section 9806.04 of the Downey Municipal Code.

Specific Plan Amendments

A detailed discussion of the process for a Specific Plan Amendment is found in item E, below in this section.

Conditional Use Permit

An applicant must file an application with the City's Community Development Department for a Conditional Use Permit (CUP) when a conditionally permitted use is proposed. In order for the Planning Commission to approve a CUP, the following findings must be made:

- That the proposed use is consistent with the Amended Downey Landing Specific Plan.
- That the location, size and operating characteristics of the proposed land use are compatible with and will not adversely impact surrounding uses, as per Section 9824.06 of the City of Downey Zoning Code.

Appeals

The appeal process may begin once the Community Development Department makes a determination on an applicant's request at the staff level. Staff decisions may be appealed to the Community Development Director by any aggrieved party. If any aggrieved party wishes to appeal the decision of the Community Development Director, the aggrieved party may appeal to the Planning Commission. If any aggrieved party wishes to appeal the decision of the Planning Commission, the aggrieved party may appeal to the City Council. Decisions of the City Council are final. The time periods for appeals shall be those included in Section 9806.04 of the Downey Municipal Code.

D. ENVIRONMENTAL REVIEW

The Original Plan EIR, certified in 2002, and the Tierra Luna EIR prepared for the Amended Plan in 2011 (collectively, the "EIRs") serve as the analysis of the potential impacts to the environment by development on the Site. Subsequent development applications on the Site will be reviewed to determine consistency with the Specific Plan and the EIRs. Those applications determined to be consistent with the Specific Plan and that fall within the scope of development studied

in the EIRs will require no further environmental review. The City's Community Development Department shall make that determination.

If it is determined that an application is consistent with the Specific Plan, but the proposed development does not fall within the scope of development studies in the EIRs, the City's Community Development Department shall make the determination of what further analysis is required under CEQA.

If it is determined by the Community Development Department that the application is inconsistent with the Amended Specific Plan, a determination will be made as to the appropriate required subsequent environmental documentation. If an application is determined to be inconsistent with the Specific Plan, the applicant will need to file for an amendment to the Specific Plan and prepare additional environmental review based on the direction of the Community Development Department.

Any development plan requiring a CUP as set forth in this Specific Plan may require an Initial Study pursuant to CEQA. The determination of the environmental document required for a CUP will be made by the Community Development Department pursuant to CEQA.

E. AMENDMENTS TO THE SPECIFIC PLAN

An amendment to the adopted Downey Landing Specific Plan shall be processed in the same manner as the adoption of the Specific Plan.

Amendment Determination

The Community Development Director, or his assignee, is authorized to determine that a proposed change to the Downey Landing Specific Plan is consistent with the intent and basic provisions of the Specific Plan or, whether an amendment is required.

Findings

Specific Plan amendments require City Council approval, with a prior recommendation forwarded by the Planning Commission. Approval of a Specific Plan amendment shall require findings and conclusions in the affirmative on the following:

- The requested Specific Plan Amendment (amendment) is necessary and desirable for the development of the community in harmony with other objectives of the General Plan and is in the interests of furtherance of the public health, safety, and general welfare.
- The requested amendment will be compatible with and complementary to existing conditions and adjoining property in the surrounding area.
- The site is adequate in size to accommodate the uses permitted in the amendment requested and that all applicable property development standards can be complied with.

- The site properly relates to streets and highways designed and are fully improved to carry the type and quantity of traffic that is expected to be generated in the area and that utilities exist or are planned which will adequately serve the property, as amended.
- There are changed conditions since the existing Specific Plan became effective that warrant different or additional amendments.
- The proposed amendment is in general conformance with the General Plan.

F. MITIGATION MONITORING

Mitigation Monitoring and Reporting Programs (“MMRPs”) consistent with 14 California Code of Regulations (CCR) Section 15097 and the California Public Resources Code (PRC) Section 21081.6 were adopted in connection with the certifications of the EIRs for the Specific Plan. The MMRPs can be found in the Final EIRs for the Original Plan and the Amended Plan. Please refer to those documents.