5050 N. IRWINDALE AVE., IRWINDALE CA 91706 • PHONE: (626) 430-2200

SUZANNE E. GOMEZ
CHAIR

ENOCH Y. BURROLA
VICE-CHAIR

RICHARD CHICO
COMMISSIONER

DAVID FUENTES
COMMISSIONER

ROBERT E. HARTMAN
COMMISSIONER

AGENDA FOR THE REGULAR MEETING OF THE

PLANNING COMMISSION

March 16, 2022

6:30 P.M.

IRWINDALE COUNCIL CHAMBER

(Limited Public Access)
Pursuant to Irwindale Resolution No. Resolution No. 2022-20-3270

The Irwindale City Council has authorized the conduct of hybrid meetings of the City Council, including all City Commissions and committee meetings, and all regularly scheduled meetings that would normally take place in the City Council Chambers, under the provisions of Government Code Section 54956 § E, as authorized by AB 361.

The public's health and well-being are the top priority for the City, and you are urged to take all appropriate health safety precautions. To facilitate this process, the meeting and opportunities to participate are available through the following:

In-Person at the City Council Chambers (In-Chamber Attendance Limited to nine members of the public with overflow seating available in the Outer Council Chamber)

Join Webinar at
https://us02web.zoom.us/j/86349691359

Webinar ID
863 4969 1359

Submit public comments by email to jjhernandez@irwindaleca.gov prior to the start of the meeting. Comments will be read by the Administrative Secretary during public comment. Lengthy public comment may be summarized in the interest of time.

Spontaneous Communications: The public is encouraged to address the Planning Commission on any matter listed on the agenda or on any other matter within its jurisdiction. The Planning Commission will hear public comments on items listed on the agenda during discussion of the matter and prior to a vote. The Planning Commission will hear public comments on matters not listed on the agenda during the Spontaneous Communications period.

Pursuant to provisions of the **Brown Act**, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The Planning Commission may request staff to investigate and/or schedule certain matters for consideration at a future Commission or City Council meeting.

Americans with Disabilities Act: In compliance with the ADA, if you need special assistance to participate in a Commission meeting or other services offered by this City, please contact City Hall at (626) 430-2200. Assisted listening devices are available at this meeting. Ask the Chief Deputy City Clerk if you desire to use this device. Upon request, the agenda and documents in the agenda packet can be made available in appropriate alternative formats to persons with disabilities. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Note: Staff reports are available for inspection at the Planning Division Counter, 16102 Arrow Highway or at City Hall, 5050 N. Irwindale Avenue, during regular business hours (8:00 a.m. to 6:00 p.m., Monday through Thursday) by appointment only, and by contacting the Planning Division at 626-430-2208.

Code of Ethics

As City of Irwindale Planning Commissioners, our fundamental duty is to serve the public good. We are committed to the principle of an efficient and professional local government. We will be exemplary in obeying the letter and spirit of Local, State and Federal laws and City policies affecting the operation of the government and in our private life. We will be independent and impartial in our judgment and actions.

We will work for the common good of the City of Irwindale community and not for any private or personal interest. We will endeavor to treat all people with respect and civility. We will commit to observe the highest standards of morality and integrity, and to faithfully discharge the duties of our office regardless of personal consideration. We shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of others.

We will inform ourselves on public issues, listen attentively to public discussions before the body, and focus on the business at hand. We will base our decisions on the merit and substance of that business. We will be fair and equitable in all actions, claims or transactions. We shall not use our official position to influence government decisions in which we have a financial interest or where we have a personal relationship that could present a conflict of interest, or create a perception of a conflict of interest.

We shall not take advantage of services or opportunities for personal gain by virtue of our public office that are not available to the public in general. We shall refrain from accepting gifts, favors or promises of future benefit that might compromise our independence of judgment or action or give the appearance of being compromised.

We will behave in a manner that does not bring discredit or embarrassment to the City of Irwindale. We will be honest in thought and deed in both our personal and official lives.

Ultimate responsibility for complying with this Code of Ethics rests with the individual elected official. In addition to any other penalty as provided by law, violation of this Code of Ethics may be used as a basis for disciplinary action or censure of a Commissioner.

These things we hereby pledge to do in the interest and purposes for which our government has been established.

IRWINDALE PLANNING COMMISSION

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. INVOCATION

D. ROLL CALL: Commissioners: Richard Chico, David Fuentes, Robert E. Hartman; Vice-Chair Enoch Y. Burrola; Chair Suzanne E. Gomez

E. ANNOUNCEMENTS

SPONTANEOUS COMMUNICATIONS

This is the time set aside for members of the audience to speak on items not on this agenda. State law prohibits any Commission discussion or action on such communications unless 1) the Commission by majority vote finds that a catastrophe or emergency exists; or 2) the Commission by at least four votes finds that the matter (and need for action thereon) arose within the last five days. Since the Commission cannot (except as stated) participate it is requested that all such communications be made in writing so as to be included on the next agenda for full discussion and action. If a member of the audience feels he or she must proceed tonight, then each speaker will be limited to 3 minutes, unless such time limits are extended.

In the hybrid format, both in-person and hybrid audience members will participate in the following order:

Tier 1: In-person attendees

Tier 2: Teleconference attendees

Tier 3: In-person attendees who have not previously provide comments on the matter(s) being discussed by the legislative body

Tier 4: Teleconference attendees who have not previously provide comments on the matter(s) being discussed by the legislative body

1. CONSENT CALENDAR

The Consent Calendar contains matters of routine business and is to be approved with one motion unless a member of the Commission requests separate action on a specific item. At this time, members of the audience may ask to be heard regarding an item on the Consent Calendar.

A. Minutes

Recommendation: Approve the following minutes:

1. Adjourned meeting held August 09, 2021
2. Regular meeting held September 15, 2021
3. Regular meeting held January 19, 2022

2. NEW BUSINESS

3. PUBLIC HEARINGS

A. <u>CONDITIONAL USE PERMIT NO. 02-2021 FOR 1399 LAS LOMAS ROAD (MICHAEL MCKAIN, CAL BLEND SOILS INC.)</u>

<u>Recommendation: This item was pulled and will be re-noticed for a future date.</u>

B. <u>SITE PLAN AND DESIGN REVIEW (DA) NO. 04-2020 SPECULATIVE 129,830 SQUARE-FOOT CONCRETE TILT-UP BUILDING AT 4416 AZUSA CANYON ROAD (MICHAEL RAMIREZ, REXFORD INDUSTRIAL REALTY, LLC)</u>

Request for a Site Plan and Design Review (DA) for the construction of a ±129,830 square-foot concrete tilt-up building and associated parking. <u>ENVIRONMENTAL REVIEW:</u> In accordance with the California Environmental Quality Act, the City of Irwindale prepared an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. Based on the Initial Study and subsequent analysis, Staff has determined that the project as proposed qualifies for a Mitigated Negative Declaration according to the California Environmental Quality Act (CEQA), pursuant to Section 15074 of the CEQA Guidelines. A copy of the MND and related environmental documents are posted on the City's website and available at the Community Development Department, Irwindale Public Library and City Clerk's Office.

<u>Recommendation: Adopt Resolution No. 813(22)</u>

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL ADOPT THE MITIGATED NEGATIVE DECLARATION (MND) AND MITIGATED MONITORING AND REPORTING PROGRAM (MMRP) FOR THE CONSTRUCTION OF ONE (1) SPECULATIVE INDUSTRIAL TILT-UP BUILDING TOTALING ±129,830 SQUARE FEET FOR PROPERTY LOCATED AT 4416 AZUSA CANYON ROAD, IRWINDALE, CA 91706 (APN: 8417-004-006) IN THE M-1 (LIGHT MANUFACTURING) ZONE AND MAKING CERTAIN FINDINGS OF FACT, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

<u>Recommendation: Adopt Resolution No. 814(22)</u>

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL APPROVE SITE PLAN AND DESIGN REVIEW (DA) NO. 04-2020 FOR THE CONSTRUCTION OF ONE (1) SPECULATIVE INDUSTRIAL TILT-UP BUILDING TOTALING ±129,830 SQUARE-FEET FOR THE PROPERTY LOCATED AT 4416 AZUSA CANYON ROAD, IRWINDALE, CA 91706 (APN: 8417-004-006) IN THE M-1 (LIGHT MANUFACTURING) AND MAKING CERTAIN FINDINGS OF FACT.

4. DISCUSSION ITEMS/PRESENTATIONS

5. COMMISSIONER COMMENTS

6. LEGAL COUNSEL COMMENTS

7. COMMUNITY DEVELOPMENT DIRECTOR REPORT

8. ADJOURN

AFFIDAVIT OF POSTING

I, Jesus Hernandez, Administrative Secretary, certify that I caused the agenda for the regular meeting of the Irwindale Planning Commission to be held on March 16, 2022 to be posted at the City Hall, Library, and Post Office on March 10, 2022.

Jesus Hernandez

Jesus Hernandez,
Administrative Secretary

IRWINDALE COUNCIL CHAMBER **August 09, 2021**
5050 N. IRWINDALE AVENUE **Wednesday**
IRWINDALE, CALIFORNIA 91706 **6:32 P.M.**

The Irwindale **PLANNING COMMISSION** met in adjourned meeting at the above time and place.

PLEDGE OF ALLEGIANCE — I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

INVOCATION COMMISSIONER GOMEZ — Father God, we thank you for this day. For this time. For your protection. We ask you to guide us, give us wisdom, justice eternal. Amen.

CHAIR TAPIA — Roll call.

ROLL CALL: — Present: Commissioners; Robert E. Hartman; Richard Chico; Suzanne Gomez; Vice Chair Enoch Burrola; Chair Arthur R. Tapia

Also present: William Tam, City Manager; Adrian Guerra, City Attorney; Jamie Traxler, Assistant City Attorney, Marilyn Simpson, Community Development Director; Arsanious Hanna, City Engineer/Building Official; Daniel Co, Assistant City Engineer; Lisa Chou, Associate Planner, Iris Espino, Economic Development Coordinator; Elizabeth Rodriguez, Public Works Services Manager; Berlyn Aguila, Administrative Secretary

ANNOUNCEMENTS

CHAIR TAPIA — Any comments to make?

ADMINISTRATIVE SECRETARY AGUILA — No comments, thank you.

SPONTANEOUS COMMUNICATIONS

CHAIR TAPIA — We move to Spontaneous Communication. This is the time set aside for members of the audience to speak on items not on this agenda. State law prohibits any Commission discussion or action as such communications unless the Commission by majority finds that a catastrophe or emergency exists. Number 2, the Commission by at least four votes, finds the matter in need for action thereon arose within the last five days. Since Commission cannot accept as stated, it is requested that such communication can be made in writing, as to be included in the next agenda for full discussion and action. If a member of the audience feels as if he or she, must proceed tonight then each speaker will be limited to three minutes, unless such time limits are extended. If anyone in the audience wishes to say anything on

	Spontaneous, which is not related to tonight's Public Hearing could you please raise your hand.
ADMINISTRATIVE SECRETARY AGUILA	Chair Tapia, we do have quite a few individuals who have raised their hands. I will now be unmuting Errol Daly.
CHAIR TAPIA	Go ahead sir.
ADMINISTRATIVE SECRETARY AGUILA	Mr. Daly you are self-muted.
ERROL DALY	I would like to support the project going forward.
CHAIR TAPIA	This is not the time, this is Spontaneous Communication. When we open up the Public Hearing, for this particular item then you can raise your hand again.
ERROL DALY	Okay will do, thank you very much.
ADMINISTRATIVE SECRETARY AGUILA	The next individual who I will be unmuting will be Carmen Roman.
CARMEN ROMAN	Hello.
ADMINISTRATIVE SECRETARY AGUILA	Hey, we can hear you.
CARMEN ROMAN	I am not talking about this subject because it is listed in the Agenda tonight. But when we get to the subject, I would like to know if you could summarize or go over the key points, because it was a very long meeting last time. I don't think we want to go back to square one. Maybe you can consider going over key points. Thank you.
CHAIR TAPIA	Thank you, next.
ADMINISTRATIVE SECRETARY AGUILA	The next member of the public that I will be unmuting is Frank Rojo.
FRANK ROJO	I will wait for the public to speak.
ADMINISTRATIVE SECRETARY AGUILA	There are no more hands raised.
CHAIR TAPIA	Okay at this time we will close Spontaneous Communications.

PUBLIC HEARINGS

ITEM NO. 3C — GENERAL PLAN AMENDMENT NO. 02-2017; SITE PLAN AND DESIGN REVIEW (DA) NO. 04-2017 (MARK GABAY, FIVE POINTS, LLC).

CHAIR TAPIA — At this time we will open up the Public Hearing for General Plan Amendment No. 02-2017; Site Plan and Design Review (DA) No. 04-2017. But before we do that, we have to have a process of drawing straws, between three of the Commissioners here. Since we live within 1,000 feet of the project. Staff.

ASSISTANT CITY ATTORNEY TRAXLER — Thank you Mr. Chair, good evening Commissioners. Yes, it is my understanding that for this item, which involves property located at 5175 Vincent Avenue, three Commissioners have a financial interest in real property, located more than 500 feet but less than 1,000 feet from the property line. So I will give you the general rule regarding Conflicts of Interests, no public official at any level of local government shall make, participate in making, or in any way attempt to use his or her official position, to influence a governmental decision in which he or she has reason to know they have a financial interest. A public official has a financial interest in a decision, if it is reasonable foreseeable that the decision will have a material financial effect on the official, or a member of his or her immediate family that is distinguishable from its effect from the public generally. If the interest is not especially involved in the decision a financial impact or effect is reasonably foreseeable, if the effect can be recognized as a realistic possibility in more of a hypothetical or theoretical, a financial effect need not be likely to occur, to be considered reasonably foreseeable. It is my understanding that three commissioners have a financial interest in real property, located more than 500 feet but less than 1,000 feet from the property. Those are Chair Tapia, Commissioner Chico, and Commissioner Gomez.

CHAIR TAPIA — Could you repeat those feet again, please?

ASSISTANT CITY ATTORNEY TRAXLER — Yes. A financial interest in real property located more than 500 feet but less than 1,000 feet from the property line. So under the regulations there are several factors we must go through to determine, whether this decision will have a material financial effect. I will go through those with each of you and will give you my recommendation. Then you will be able to make a determination whether or not to recuse yourselves. I will start with Mr. Chair. There is a material financial effect on the property, if the decision would change whether positive or negative the property's development potential and income producing potential, highest and best use, character, by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels, air quality, or the market value.

CHAIR TAPIA — Do you have the number of feet, the distance I am from the site?

ASSISTANT CITY ATTORNEY TRAXLER	Yes, Mr. Chair. I have here that the property is 963 feet away from the property line of the project. Which is within the 500 to 1,000 feet.
CHAIR TAPIA	Thank you.
ASSISTANT CITY ATTORNEY TRAXLER	You are going to recuse yourself?
CHAIR TAPIA	Pardon?
ASSISTANT CITY ATTORNEY TRAXLER	You are going to recuse yourself?
CHAIR TAPIA	Yes.
ASSISTANT CITY ATTORNEY TRAXLER	Okay. It is my recommendation that you recuse yourself. Yes. Commission Chico, I will go through the same materiality factors. There is a material financial effect if the decision would change whether positive or negative the property's development potential, income producing potential, highest and best use, character, by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels, air quality, or the market value. I have here for the record the amount of feet for your property. Your property is located 717 feet from the property line.
COMMISSIONER CHICO	I understand that. What are my options?
ASSISTANT CITY ATTORNEY TRAXLER	Your options are to recuse yourself, or you could participate in the decision.
COMMISSIONER CHICO	Well if he recuses himself, I recuse, and she recuses herself, what are we left with?
ASSISTANT CITY ATTORNEY TRAXLER	We are left without a quorum, and we would have to draw straws. Same as the last meeting.
COMMISSIONER CHICO	I like to go with the straws.
ASSISTANT	Commissioner Gomez I have the amount of feet if you would like that on record.

COMMISSIONER GOMEZ	No. I heard the recommendation and the outline, and I would like to recuse myself as well.
CITY ATTORNEY TRAXLER	Same as the last time.
ASSISTANT CITY ATTORNEY TRAXLER	Okay. Separate and apart from the financial conflicts the City Attorney's Office has been informed that Commissioner Gomez, signed a petition against the project as a member of the public in 2019. In an abundance of caution it would be my recommendation, that you recuse yourself also from the drawing of straws. However, the final decision is up to you.
COMMISSIONER GOMEZ	I have a question.
ASSISTANT CITY ATTORNEY TRAXLER	Yes.
COMMISSIONER GOMEZ	The 2019 petition was particular to the information prior to this most updated Environmental Review Report, is that correct?
ASSISTANT CITY ATTORNEY TRAXLER	Yes, that is correct.
COMMISSIONER GOMEZ	I need a moment.
ASSISTANT CITY ATTORNEY TRAXLER	We can take a recess, Commissioner, if you like.
CHAIR TAPIA	We are going to take a short break.
RECESS	Chair Tapia recessed the meeting at 6:45 p.m.
RECONVENED	Chair Tapia reconvened the meeting at 6:57 p.m.
CHAIR TAPIA	We reconvene at this time. The meeting is called to order again.
CITY ATTORNEY GUERRA	Thank you Mr. Chair, so prior to the break we did go through the conflicts of interest analysis for Commissioner Chico, Gomez, and Chair Tapia. One additional factor is a petition that was signed by Commissioner Gomez. We are advising that she further recuse herself on that basis, and I will go into further detail. From my understanding, there was a petition regarding an earlier version of this project back in

	2019. There is an argument, and even though I believe Commissioner Gomez will be true, independent, and unbiased in making a decision, if she were to make a decision. There is a case that came out a few years back involving the City of Sacramento, where a Council Member had provided his or her opinion about the project, before it actually went to the City Council. The project was challenged on that basis that he was biased. The court said, you know what, he is biased because he had already provided his view on the project. In an abundance of caution, and Commissioner Gomez wants to do what's in the best interest of the City, to avoid any exposure of litigation on that basis, she has agreed to recuse herself from the drawing, if she is selected. With that I think that we will move forward with the drawing of straws.
COMMISSIONER CHICO	We have just two victims?
ADMINISTRATIVE SECRETARY AGUILA	Just for the record, Chair Tapia selected the shortest straw.
CHAIR TAPIA	How are you Mr. Burrola?
VICE-CHAIR BURROLA	Hanging in there. Can you hear me?
CHAIR TAPIA	Yes.
VICE-CHAIR BURROLA	I just want to apologize. I am feeling sick. I have a cough and slight fever. I did not want to be there with you guys and spread it all, so I decided to stay home. I didn't want to drag this meeting out any longer than it needs to be.
CHAIR TAPIA	Thank you sir. Okay at this time Staff. Staff will have the presentation at this time, followed by the developer.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Thank you Chair and Commission, the request before you tonight from the applicant, Mark Gabay, Five Points LLC, is a request for a General Plan Amendment to change a designation from a portion of a property located at 5175 Vincent Avenue from residential to Industrial/Business Park and a Site Plan and Design Review (DA) for the construction of a 545,735 square-foot concrete tilt-up building. The site is zoned M-2 (Heavy Manufacturing), and the General Plan designation is Industrial/Business Park. A little bit of the background and the history of this site is that mining of the 26-acre site began in the 1930's and was completed in the 1970's. The City acquired the northern portion of the pit in the late 1980's, from LA County. Then the City began backfilling the site with a variety of construction materials and inert materials. In 2007, Windrow Earth Transport was awarded the contract to perform remediation of the site. On November 6, 2008, the Planning Commission approved a CUP and adopted a Mitigated Negative

Declaration (MND), for the remediation and filling of the former Manning Pit. In 2009, the Planning Commission approved modification, to modify the hours of operation of the filling. Operations began approximately in May 2010, and were completed in April of 2019. In December 2013 the City, Windrow Earth Transport, and the Developer entered into an Exclusive Negotiating Agreement (ENA) that stated that the subject property was to be developed to include light industrial and/or commercial development. On October 28, 2015, the City and the developer, Five Points, entered into an agreement for the purchase, sale and development of the property. This PowerPoint just shows the existing site that has been filled. As I mentioned this application includes a General Plan Amendment, there is a portion of the site that is towards the east side, approximately just under 7-acres, but still on a General Plan map had it identified as residential. We believe that was a map error due to the type of technology that we had at the time, when they were designating the site and separating the 10-acres that is off of Allen from the subject property at 5175 Vincent. So the project description is proposed for the construction of a single building 545,735 square-foot concrete tilt-up, with associated passenger vehicle and truck parking. The building consists of approximately 10,000 square feet of office. 5,000 square feet on the ground floor, and 5,000 square feet on the mezzanine. There was a Community Meeting that was held on August of 2018.The Planning Division hosted the meeting over at the Irwindale Community Center. The purpose of the meeting was to provide an opportunity to review and comment on the proposal, ask questions and review the process. The meeting was well attended and several areas of concern were identified. There was also a Tribal Consultation that was held in December of 2018, with the representatives for the Kizh Nation. Originally, the project was looked at via CEQA, with a Mitigated Negative Declaration, and it was determined after some of the comments had come in, after the Community Meeting and after public notification of the meeting that an Environmental Impact Report would be prepared. So a Scoping Meeting was held in February of 2020, to gather information for the scope of the environmental document to be prepared. An additional public outreach was provided. This was a non-City sponsored community event that was held on July 15, 2021 at Family Christian Church. This was a Community Meeting that was hosted by the applicant. Also, the applicant's team distributed approximately 1,500 flyers to nearby Irwindale and County of Los Angeles neighborhoods, and followed up with door-to-door direct contact. The project also includes a Site Plan and Design Review this is a single building concept that you see. The development standards for this in the M-2 zone: the front yard setback minimum requirement is 20 feet, what is being proposed is a set back from Vincent between 167 feet to 205 feet. side yard setback in the M-2 is zero, the applicant is proposing between 75 feet and 93 feet. A rear yard setback has no minimum requirement in the M-2 zone, the applicant is proposing 155 feet to 196 feet setback. The building height in the M-2 zone: there is

not a maximum building height, the applicant is proposing a 51 foot maximum height of the building. The proposed project has been looked at with the desired design elements with the Commercial and Industrial Design Guidelines that include incorporating towers at the end of the building as focal points, breaking up the expansive exterior walls with architectural projections, and details around the windows including arches. There are arched parapets and a multi-color palette that are in compliance with the Commercial and Industrial Design Guidelines. On the top of the screen, this is showing the east elevation and what you will see from Vincent that is showing the trailer screening. The east elevation without the screen wall is showing on the lower portion. For landscaping a minimum of 10 percent is required per the Municipal Code, and 10 percent is being provided. The landscaping includes a combination of parking lot shade trees, shrubs, and groundcover. There is a proposed overhead trellis to act as an architectural feature, which also supports vertical landscaping and provides additional visual screening of the trailer court. So access and circulation to the site are provided via two driveways, on the north side of the site and along the south side. Parking for the property: the project requires 183 stalls and what is being proposed is 199 standard sized stalls. There is also parking that is being provided for bicycles. There are 18 bicycle parking stalls and space for 181 trailer stalls. The current Irwindale Municipal Code does not have a minimum stall size for trailers; however, the proposed stalls measure 10’-0 x 53’-0 which is adequate for trailer parking. One of the alternatives that was looked at, instead of a single building, was a three building concept that you see here. The three building concept, it does not have as great building buffers between the property line, but it does exceed the minimum requirements for the Irwindale Municipal Code. The applicant would like the single building concept, but they have provided information on the three building concept. The elevation would remain the same with tower features that would be on each end of the building. It would include the arches, some of the other detailing, and the color palette. As part of this I mentioned that per CEQA, the environmental analysis was done, so as part of staff’s presentation we have the environmental consultant, Steve McMurtry from De Novo, who is here as part of Staff presentation. He will go into the detail of the CEQA analysis.

STEVE MCMURTRY

My name is Steve McMurtry. I live in 3590 Falkirk Way, El Dorado Hills. I am Steve McMurtry, I am a Principal Analyst with De Novo Planning Group. I was one on primary authors/managers of the Environmental Impact Report. I have just a few slides I wanted to take you through. Starting with a little bit about CEQA, just to start with a background with that CEQA is, and what an EIR is. Then we will jump into a little bit of the process. Then I wanted to wrap it up with the discussion of the Findings of Facts and the Statement Overriding Considerations. What those are, what they mean, and why they are presented to you? So starting here. What is CEQA? At its core, it is a public process. When the legislators wrote the law, the intent was to try

to foster an inner agency coordination process. At the time, it was more the cities and counties, who were making a decision on their own, and this law brought in other agencies and it also enhanced public participation. It created a process to bring the public into the overall process, for decision makers to consider. It is a requirement to disclose twenty-one environmental topics. We analyzed the topics and disclosed what the impacts are relative to that topic, if a project were to be developed. Also at its core, through the analysis to try to prevent environmental damage. This is done in a couple of different ways. First and foremost we develop mitigation measures. The intent of the Mitigation Measure is to try and avoid an impact, if possible or to try and minimize an impact, if it is feasible. Also to try to minimize environmental damage, you develop alternatives to a project. It is a requirement to reduce an environmental impact of at least one environmental topic, through any alternatives that are considered. Lastly, the intent is to disclose reasons for approving a project with significant environmental impacts. If you take a project, you've disclosed that there is environmental impacts and ultimately you approved that project, you need to do two things. You have to adopt the Findings of Facts and you also need to make Statement of Overriding Considerations. I will go into detail a little bit more of each of those two topics, on some later slides here. Jumping into an EIR. An EIR is an informational document, its lot of information much more substantial than a Mitigated Negative Declaration. The intent is to take a lot of technical studies, to bring it into one document, synthesize it in sorts of layman's terms, and disclose that to the public and also to decision makers. What an EIR is not, it is not intended to be persuasive to deny a project, or to get a project approved. It is truly a neutral document. So again it is not for or against a project, it is just there to disclose the facts for decision makers to consider. The context of an EIR, it starts with a project description. Each chapter, each environmental topic is going to have a setting, which is sort of your baseline conditions that exist, at this point in time. There is also a regulatory setting, this is a summary of all of the rules and laws at the state, federal, and local levels that apply to a certain environmental topic. Then you jump into the actual analysis, the impact analysis. Within that analysis, also you need to consider cumulative topics. What would the impacts be if a project were approved, when you consider all other projects that are either already developed or approved and not yet developed? Lastly, it includes an alternatives analysis. Which I mentioned is a way, to try to mitigate environmental impacts, if feasible. Jumping into the Environmental Review Process, the original decision was to prepare a Mitigated Negative Declaration and this type of decision is pretty common based on some statutes that are refer to as deferring statutes. There are a variety of statutes within the CEQA guidelines. 15183 is one that allows projects that are consistent with the General Plan for which an EIR is certified, to be exempt from further environmental review that has already been disclosed in that certified General Plan EIR. The caveat is, in certain circumstances

there are nuances to that project that were not known at the time of the original EIR certification. The CEQA guidelines requires you to analyze those special circumstances or those circumstances that were not known at that time, and disclose those facts to the public. That is disclosed through a variety of environmental documents. Mitigated Negative Declaration is the most common, it can be through supplemental or subsequent Environmental Impact Reports. The deferring statutes apply to all the cities, and it is pretty common to move forward with projects, if you make that determination that the project is consistent, with the General Plan as long as the General Plan EIR is certified. That decision was made early on. The Mitigated Negative Declaration went out for a thirty day public review period, and during that period we received feedback from both the public and also from public agencies. The interest was that, this project really required more detailed level of analysis in the EIR. Regardless of whether there is significant unavoidable impacts, or there is triggers and warrants for an EIR. The idea was to do a more detail level of analysis in the EIR. The City staff made the decision to move forward with the EIR. In February of 2020, a Notice of Preparation was prepared and circulated to the public. A Notice of Preparation is a document that you send out to really initiate the EIR process. What it is doing is it lets the whole world know that you are going to prepare an EIR. It also lets the world know what the scope of that EIR is, so what environmental topics are you going to analyze. It is also a step in the process to try to get feedback from the public, to try to help you if you miss something within your scope. If there is something else that should be studied. Part of that is through written comment, and part of that is also through a Scoping Meeting. An in person Scoping Meeting that is held during that 30-day public review period. We held a Scoping Meeting on February 20, 2020, to solicit any feedback relative to the scope and any environmental topics, that we should be analyzing and ultimately we move forward to the preparation of the Draft EIR. After the NOP process, as we were preparing the Draft EIR, we did some inter agencies consultation. We met and had a variety of discussions with the local Air Quality Management District, and also with the Attorney General's Office. We had multiple meetings. They were most interested in air quality topics. The Air District wanted to review the models, the modeling data, the inputs, and assumptions that we made in both the Health Risk Assessment, which is a dispersion model and also the CalEEMod, which is what you use to analyze criteria pollutant. They reviewed that and ultimately bedded and approved that use of the model that we included within the Environmental Impact Report. The Attorney General's Office was also very concerned with having diesel particulates, which come out of semi-trucks, so close to some of the neighboring residences. They looked at ways you can revise the designs, which ultimately led to the three building alternative. The three building alternative, the purpose of it, was to take the diesel trucks that would be idling and using the bays on the outside, which is closest to Vincent Ave and the residents and move them to the inside, so that

they were sort of buffered from the actual building. It created a large separation, and also there is a level of abatement in the dispersion of air emissions, if you concentrated them in the middle of the site. That alternative was developed through recommendations from the Attorney General's Office. Ultimately, we use what received from the NOP process, the Scoping Meeting, and the inter agencies consultation process. We develop the Environmental Impact Report. As I mentioned before, there is a variety of technical studies that are included in those. The most notable; air quality, noise, and traffic studies that were prepared. Those were included as an appendix, but they also have their own chapter, within the EIR that really synthesizes all of the modeling data and sort of the technical information into the EIR chapter. That document was finalized and ultimately published with a Notice of Availability. That document is letting the whole world know what we prepared in this EIR. You have the opportunity to review it and provide comments. There is a 45 day public review period for people to comment on. During that period we received 11 comment letters. After the public review period is over, we break down each individual comment within the letter and we prepare a detailed response. We acknowledge what the comment is, in certain cases you point them to certain pages in the EIR where a topic was analyzed. In some cases a question or a comment that they made calls for an edit to the text of the Draft EIR. That edit is made in the form of an errata. An errata is sort of a consolidated document that takes the text that is being revised. It shows it in a track-changed form, so underlined text for anything that is added, a strikethrough text for anything that is being deleted. All of that is in the final EIR. The last component of the final EIR is Mitigation Monitoring and Recording Program. What this is, it takes all of the Mitigation Measures from the Draft EIR, and also any edits that were made and reflected in the errata, and consolidates it into a single document. That document, the purpose of it is ultimately if the project were to be approved, to use that document as the project use to develop. So it identifies the timing, when that Mitigation Measure needs to be implemented, and who is responsible for doing the Mitigation Measure. Also monitoring that the Mitigation Measure was actually performed. That is the Final EIR. The last part is the Findings of Fact and the Statement of Overriding Considerations, which I'll discuss here on the following slide. Findings of Fact, they're defined in 15090, and there is a series of CEQA guidelines in sort of in chronology. You'll see changing one digit at the end there that takes you through the Findings of Fact and the Statement of Overriding Considerations. 15090 requires an EIR to be certified before project approval. The subsequent statute 15091, requires findings to be made for each identified significant impact, so each topic that is analyzed. There are three findings that can be made. First and foremost, changes or alterations have been required in or incorporated into such project, which avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. Such changes or alterations are within the responsibilities and jurisdiction of another

public agency, and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted, by such other agency. Lastly, and this really ties in to the Statement of Overriding Considerations, is a specific economic, legal, social, technological, or other considerations including provision of employment opportunities for highly trained workers, make infeasible the Mitigation Measures or project alternatives identified in the Environmental Impact Report. Those are the Findings of Fact. Statement of Overriding Considerations under 15092, allows the lead agency to make a decision of whether or how to approve or carry out a project, after considering the Findings of Fact. It says that the agency may approve a project, with significant and unavoidable environmental effects, if there are specific economic, legal, social, technological, or other considerations that outweigh those significant environmental effects. CEQA guidelines 15093, requires the lead agency to document and substantiate any such determination, in the Statement of Overriding Considerations as part of the record. Where we are going with this is, there was one topic that we identified, concluded that there was a significant and unavoidable environmental impact. I am going to go with a little bit of more detail on that, why we made that determination. A little bit of background on that conclusion. It was under air quality impacts. It is important to know that all the other environmental topics that were analyzed in the EIR, were determined to be less than significant or they were reduced to an insignificant level with the implementation of the Mitigation Measures. Jumping into air quality. We concluded under four environmental questions that there were significant unavoidable impacts. The first impact 3.2-1 the proposed project has the potential to conflict with or abstract implementations of an air quality plan. 3.2-2 the proposed project operation has the potential to expose sensitive receptors to substantial pollutant concentrations, or result in a cumulatively considerable net increase of any criteria of pollutant for which the project region is in nonattainment, under applicable federal or state ambient air quality standards. Impact 3.2-5 the proposed project has the potential to cause substantial adverse effects on human beings either, directly or indirectly. The last one, impact 4.2, which is cumulative impact on the region's air quality. It is important to dive into that a little bit more, and why we came up with that conclusion. When we ran the air quality model, based on the project as proposed, also including some Mitigation Measures that were recommended by the Attorney General's Office, the local Air Quality Management District, and the California Air Resources Board, we found that the nitrogen dioxide thresholds were exceeded. There were a variety of Mitigation Measures that are incorporated in, but the model told us that the nitrogen dioxide emissions exceeded the thresholds that were established by the local Air Quality Management District. A couple of things that are really important to note, the local Air Quality Management District has approved a regulation called the Omnibus regulation. What this does is it requires engines, the NO_x the nitrogen

dioxide emissions coming out of engines, to be cut by 75 percent below the current standards by 2024. That is not happening in engines yet, but it is anticipated in two and a half years that, that Omnibus regulation will go in effect. That reduction alone is going to bring the total emissions to below the threshold. On top of that the Omnibus regulation extends to 2027. By 2027 there is a 90 percent below current stands reduction. So the rule, in also in addition to those NO_x reductions it also places nine additional regulatory requirements on new heavy duty trucks and engines, so semi-trucks. The reason I bring that up is that the existing of this regulation, and that it is going to happen in the existing foreseeable future, might lead you to a conclusion that it is really not a significant and unavoidable impact. It is less than significant when you adopt both the Mitigation Measures and regulations that are sort of going to reduce the emissions to below the threshold. What we did is we took a very conservative approach in this conclusion. What we said is that the City is not in charge of this regulation, it is not operational yet. There is no indications that it won't become operational or go into effect, and actually reduce the emission but the City does not control that. Because it is not guaranteed by the City, we concluded that the facts did not fully support the insignificant conclusion, that there would be an argument that somebody could make, that it is not guaranteed and that the conclusions should be significant and unavoidable. Our final conclusion, a very conservative conclusion was that it would be a significant and unavoidable impact. I know that it is debatable on which way the ultimate conclusion could go, but we felt that it was important to disclose to the public that it was not a guarantee by the City and the City did not control that. So the air quality Statement of Overriding Considerations, as a mentioned in 15093, there is a requirement for the City to adopt Statement of Overriding Considerations any time that they approve a project that has significant and unavoidable impacts. What it does is it asks the City's decision makers a question. It is, does the City find that detrimental environmental air quality effects are outweighed and counter balanced by the economic, legal, social, technological, or other considerations generated by the project. For each one of those topics, we have identified a bullet point for consideration. Under the land use and zoning consideration, the City established a General Plan land use and zoning, to accommodate the City's needs for growth. This site was designated and zoned for industrial type uses, which are what is proposed. Legal considerations, there is a Purchase of Sales Agreement and a transfer of the property from the City to the applicant with disclosure, the purpose of the use would be industrial or commercial type of uses. Economic considerations, project land uses are intended to generate jobs and tax revenue. Project increase, the project would increase local jobs that could be served by citizens of Irwindale reducing the number of citizens commuting. The project would generate tax revenue that the City would not otherwise benefit from, if the project was not developed. Social considerations, these are job creating uses, industrial opportunities, and tax benefits that would

be anticipated to improve the overall quality of life in the City of Irwindale. Environmental considerations, environmental detriments have been minimized to the extent feasible through Mitigation Measures. An important consideration is that the air quality environmental detriments that are anticipated, are anticipated to be further reduced by the federal and local regulations, specifically the Omnibus regulation which is a 75 percent reduction of NO_x by 2024. Which would actually reduce the impact to an insignificant level, really deeming Statement of Overriding Considerations even a moot point. But as I mentioned we made that conservative finding. With that said, I will turn it back to Marilyn.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON

Thank you, Steve. So again the project requires a General Plan Amendment and a Site Plan and Design Review. As far as the Plan Amendment it's to change a designation for a portion of the property. Their prospective use is currently unknown and any of the uses would be looked at with the Irwindale Municipal Code for permitted or conditionally permitted uses. However, there were three uses that have been expressly excluded for this site. That includes fulfillment centers, parcel hubs, and any cold storage. Staff's recommendation would be to adopt Resolution No. 803(21) recommending that the City Council certify the FEIR, adopt the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program. The other recommendation is to adopt Resolution No. 804(21) recommending that the City Council approve General Plan Amendment No. 02-2017. And finally adopt Resolution No. 805(21) recommending that the City Council approve Site Plan and Design Review No. 04- 2017 subject to the proposed Conditions of Approval for the single or three building alternative. With that if the Planning Commission's direction should be the three building alternative then there are a few additional modifications that would need to be made to the Conditions of Approval to be included. Staff would be prepared to review those with you. With that, that concludes Staff's presentation. We are available for comments and questions. We do have the applicant's representatives here when the Public Hearing opens.

CHAIR TAPIA

I don't have any questions. Thank you for the presentation, thank you for both of the presentations. Is there anyone else that would like to say anything on behalf of the project? You have to come up to the podium.

CITY ATTORNEY GUERRA

Before we move forward I would just like to make sure that Commissioner Burrola did not have any questions, for Staff at this time. Or the consultant.

CHAIR TAPIA

Okay. Commissioner Burrola?

VICE-CHAIR BURROLA: Chair, I do have questions pertaining more to the General Plan. Is this a time to discuss it.

CHAIR TAPIA: It may not be the time to discuss it, but a time to ask for clarification.

VICE-CHAIR BURROLA: Correct. If you bear with me, I have several questions on the General Plan.

CHAIR TAPIA: Okay.

VICE-CHAIR BURROLA: This is more towards, I guess, to the Staff. I just want to start by saying, it seems that we always amend the City's official documents, i.e. the General Plan to accommodate property owner or developments. We should have the developers or the property owner follow our guidelines, more closely. Why does it seem like we are always rushing to develop sites? We should take our time and follow the General Plan accordingly. I am not saying that they didn't, but I am just saying these are the things I found. On page 37 of the General Plan, in the Community Development Plan it states, "The City is committed to the development of a Comprehensive Land Use Plan that will enhance the City's livability and economic base for future generations." Going on to Policy 3, "The City of Irwindale will continue to ensure that the type, location, and intensity of all new development and intensified developments adhere to the requirements that are specified, for their particular land use category and the General Plan. Which brings me to the Zoning Conforming Program on page 39, which states, "The City will continue to review the City's Ordinance and the Subdivision Ordinance of the Municipal Code, to ensure that the development standards are consistent with those identified in this Community Development Element. The City will initiate appropriate changes to the Zoning Map to ensure that it is consistent with the Community Development Element." Going further with Element 17 page 38, "The City of Irwindale will continue to encourage a balance of commercial uses to avoid an over concentration of uses to best serve the residents, employee population, and business community." In fact policy 8 states, "The City of Irwindale will promote and support development of a regional commercial center." What concerns me is that on table 2-1 on page 24, shows that only .25 percent of total land is devoted to commercial major land use. That is a very low number considering other cities. If you look at that table that is concerning. Anyways so, we can change this with all the new mine sites that are being developed and are being filled for future developments including the Manning Pit. Furthermore, the General Plan talks about a Civic Center Specific Plan. I guess this is for Staff. Have we developed this plan? Is this site in question part of this plan because it should be given the future development falls very close to our Civic Center, our Recreation Center, our Parks, and our future housing. I suggest we slow down and we refer back to the General Plan a little closer, and look more closely at the Zoning Conformity Program, the Community

	Development Projects 17 and 8, Civic Center, and Specific Plan. That's all I have right now.
CHAIR TAPIA	Any explanation or anything from Staff?
VICE-CHAIR BURROLA	There is no explanation at this time that is needed.
CHAIR TAPIA	That is just your comment?
VICE-CHAIR BURROLA	Correct.
CHAIR TAPIA	Okay, if there is no further comments we are going to open up the Public Hearing at this time. We will take a five minute recess at this time.
RECESS	Chair Tapia recessed the meeting at 7:44 p.m.
RECONVENED	Chair Tapia reconvened the meeting at 7:51 p.m.
CHAIR TAPIA	Okay, we will reconvene at this time. The meeting is now back in order. At this point in time we will open up the Public Hearing. State your name and address for the record please.
OPEN PUBLIC HEARING	At 7:52 p.m., Chair Tapia opened the Public Hearing.
SARAH WITHERS	Thank you Chair and Commissioners, my name is Sarah Magana Withers and address is 9034 Sunset, West Hollywood. Thank you for giving us the opportunity to come before you today. It has been a long road. We have been very, very committed to the City of Irwindale. We are a family owned company. We have been in business over 40 years and this is a long term holding for us. As you know we have been here for a long time. Many of you may have been familiar with Brett MacDonald, our former Project Manager, unfortunately he unexpectedly passed away earlier this year, so I have taken over this project and I will see it through the end. Let me go ahead and proceed, I have a few comments. For over fifteen years, the City of Irwindale has work on backfilling and transforming the 35-acre former Manning Pit into a clean compatible use. Many legal and financial challenges have been overcome through the City's partnership with our company, who helped the City backfill the former Manning Pit, paid millions of dollars to settle lawsuits against the City, and provided 10-acres of the property to the City for its future use and development. Recently the City Council requested their Staff to prepare a report, for their Council consideration, to review and discuss the designated uses of the City owned 10-acres. It is important to understand the City's long-term partnership and agreement with Five Points for the development of this

25-acre light industrial uses. This has been going on since 2005. We stepped in, in approximately 2013, right after the Redevelopment Agencies were dissolved by the State of California. In 2013, the City went out and appraised the site. The experts estimated a potential lead contamination on the property, which would amount anywhere from 11 to 19 million dollars.

CHAIR TAPIA I need to interrupt you for just a second?

SARAH WITHERS Yes sir.

CHAIR TAPIA I want to tell this to the public, who can raise their hands. She is not limited to three minutes because she is disclosing. She is letting you know the history of the company, and what they have done in order to prepare for this presentation. This is a presentation but it is based on the open Public Hearing. Just in case you are wondering why is she taking so long. This is the reason why.

SARAH WITHERS Thank you sir. As I mentioned right after the 19 million dollar appraisal for the cleanup of the property, we stepped in. In 2013, Waste Management also sued the City accusing the City of violating its own schedule for the filling of the former Manning Pit in the City. That same year the City approved an Exclusive Negotiation Agreement with our company Five Points and Windrow Earth Transport. Five Points assumed financial and environmental risk for the Manning Pit, for mitigation and reclamation. That is something that is very important. Basically, the City was off the hook at that point. In October 2015, the City approved the Purchase Sale and Development Agreement, to sell the Manning Pit to Five Points, establishing the community benefits of the blight removal, requiring the reservation of 10-acres to the City, and stating that the future project shall be light industrial and/or commercial in nature, with aesthetic enhancements. In 2017 our company, Five Points, paid 2.1 million dollars to help the City settle with Waste Management and applied to the City for development of light industrial. In 2019, the California Attorney General requested an EIR which delayed the project. We went ahead and we agreed to the EIR, to make sure that we crossed all the t's and dotted all the i's. In 2021, the site is ready to remove the blight for light industrial development. If we move forward, or actually when we move forward with this project with your approval, the 25 acres will be developed into either three buildings or the one building. We obviously prefer the one building. We feel that with the significant set backs on the property, which is four times larger than what will be provided for the setbacks on the other three. We feel that it would be more conducive. When we did our community outreach, the community was very much in support of having those setbacks. With the three and the way the code is written, it is only required to have twenty feet. With the one building proposal it's over a 125 feet set back, so it is very significant. During construction we project that there will be over 500 temporary

construction jobs, and between 250 and 500 permanent local jobs. That is not meaning that it will be directly here but there are impacts throughout the community. The most important thing is that we have been a partner for many years. We have listened to the community. We want to continue to be very transparent. We want to make ourselves available. This is something that is a long term holding for us. We are community stakeholders, we are not going anywhere. The other very important matter to remember is that we designed the project that is by right, that is per the code. The mapping error that was presented earlier, that is something that is within the City to be able to clean up at this time. If you have any questions we are here. We will remain available at any time for you. Thank you very much.

CHAIR TAPIA — For the people in the audience who will be raising their hands and you heard the presentation. You will also be given a chance to ask questions, when we start with the audience. I want to thank you for that. That will make it less complicated.

SARAH WITHERS — Thank you sir. We also have Matt Hinks our Project Attorney here to answer any questions. Thank you.

MATTHEW HINKS — Hey, good evening I am Matthew Hanks, 1900 Avenue of the Stars, Los Angeles, CA. I just wanted to highlight a couple of things. To make the Commission aware of the posture of which this project comes before the Commission. This is somewhat of an unusual posture for a project to come before you. This is not a typical applicant driven development project. You've heard reference to the Purchase and Sale Agreement and the contracts between the City and Five Points. I just wanted to highlight the Purchase and Sale Agreement, some aspects of the Agreement. I wrote you a letter a couple of weeks ago discussing the Purchase and Sale Agreement. I hope you had an opportunity to read it. I hope you had an opportunity to flip through the Purchase and Sale Agreement. There is a few highlights that I wanted to bring to your attention in the Agreement. There is a property that my client, Five Points, has paid over three million dollars to the City in order to purchase. It was purchased and sold for the specific purpose of developing a commercial or light industrial development on the site. Which is exactly the project that you have before you. The Agreement quite clearly provides that the site shall be developed with light and/or commercial uses. The City represented and warranted in the Agreement that a light industrial project is consistent with the General Plan and consistent with the Zoning Ordinance. The Agreement further provides that the City has already approved the conceptual plans and scope of development upon which this project is based. This is a commitment that the City has already made to this project. A commitment that my client has made to the City as well, in the form of millions of dollars in terms of purchase of the property, in terms of cleanup of the site and in terms of assisting the City in certain legal obligations. What's before you here tonight? There is a Site Plan

Review that is before you. There is a Design Review. What I would submit to you that the use of the project for an industrial development like this, is not really before you tonight. That is something that the City Council has already passed on, in the Purchase of Sale Agreement. In terms of the General Plan Amendment as Staff has already pointed out, that was just a mapping error. I know that there were questions about whether or not this project was consistent with the General Plan. As I pointed out the City has already represented, warranted that it is. The only reason why we are here asking for a General Plan amendment is because of a simple mapping error. It was always the intent, as I understand it, maybe Staff can help explain that a little better, but the intent was that the project site was always intended industrial. This is a project that is consistent with the General Plan. It is consistent with the Zoning Ordinance. It is something that my client has already invested in. In reliance upon the obligations that the City made to the project. I am also here to answer any questions.

CHAIR TAPIA — Thank you. I have a question for our Staff. I want to make sure I understand this. I read and I heard two different things tonight about the 10-acres. One was that it was granted to us. The other one before we purchased it. I like to know what the standing is on the 10-acres.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON — The 10-acres was part of the Manning Pit, the entire site, and at the time, I believe, when the filling and remediation came about that at the same time in 2008 when we were doing the General Plan and the Housing Element, we identified the 10-acres that is off of Allen Street to be identified as residential. At the same time they were filling the entire Manning pit and they were also filling the 10-acre side as well. That was the City's portion. My understanding is that the 10-acres was not part of the Sales Agreement for that. It was excluded from the Purchase and Sale Agreement. It was the 26-acres that was sold.

CHAIR TAPIA — The first speaker said that it was granted to us by them.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON — They did the filling of that. They did not purchase the entire site. Basically 35-acres was the entire Manning pit.

CHAIR TAPIA — Did they purchase the entire acres?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON — I have to look at the details of the PSA, but I believe it was only the 26-acres that was purchased. The agreement included filling the 10-acres for use for residential purposes for the City.

CHAIR TAPIA — In the past it was stated that we sold the 25-acres so that we could make sure we have enough money for the housing, the 10-acres. All I

want to know is who was it purchased by? Was it granted to us by the same people that have the 25-acres now? What is the real story here?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON

In October 28, 2015 as the part of the Purchase and Sale Agreement for the sale of the City owned property, of what was called the Manning Pit, one of the criteria was retention by the City of approximately 10-acres of the site. In there it says, “The City will retain approximately 10-acres on the west side of the site for residential and other compatible uses.” With that, I guess we are looking at the site as a whole, the entire Manning Pit.

CHAIR TAPIA

It wasn’t granted to us?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON

No.

CHAIR TAPIA

That is what I wanted to clarify. Yes sir.

CITY MANAGER TAM

Chair, members of the Commissions if I may. The City, as Director Simpson explained, we owned the entire site, during the execution of the Purchase and Sales Agreement, we retained the 10-acres of the entire site. We only sold to the developer the remaining, so it is roughly about 26-acres. So we retained the 10-acres.

CHAIR TAPIA

Thank you very much that answers my question. Anyone else? I wish that the speakers that came up we could have had them before I opened up the Public Hearing. That would have probably gone a little smoother, but that is okay. If anyone is there that needs to say anything else, please come up to the podium so that you can be heard. Other than that I am going to open it up to the audience. At this particular time it is open to the audience. For starters, ~~can~~ could you please state your concerns and then later you can ask questions. We will open it up again for three minutes so that you can ask the participants that came up, to describe their program and everything. That is the way we are going to ~~perc~~proceed~~eived~~ tonight. One thing I want to say before we get started, is that all of this processes have a chain of command and so nothing can be approved by our Attorney, our City Manager, or our Planning Department. The Planning Commission can approve to recommend. The final analysis, the final decision, the final approval on anything is at the Councils description. I just want you to keep that in mind during your input. Now it will be open.

ADMINISTRATIVE SECRETARY AGUILA

Thank you Chair, before we open to the public, I would like to address some comments and emails that we have received. We have received the letters and emails for Item 3C and I will address them by name and affiliation only. Copies of the following emails and letters were placed

on the dais at the Planning Commission Meeting, held on July 21, 2021, which are as follows. Email received on July 21, 2021 by Jimmy Elrod and affiliation with Southwest Regional Council of Carpenters. Letter received on July 19, 2021 by Matthew D. Hinks in affiliation with Jeffer, Mangels, Butler & Mitchell LLP. Letter received on July 19, 2021 by the pastor in affiliation with Family Christian Church – Covina. Email received in July 21, 2021 by Peter Hidalgo in affiliation with Irwindale Charter Communications. The following copies of the emails and letters received during or after July 21, 2021 have been placed in the dais tonight, which are the following. Voicemail by Los Angeles County resident Ed Curran on July 21, 2021. Email received on July 21, 2021 by Josh Bourgeois in affiliation with Golden State Environmental Justice Alliance. Letter received on August 3, 2021 by Josh Bourgeois in affiliation with Golden State Environmental Justice Alliance and SWAPE. Two emails received on July 21, 2021 by Ruth and Manny Salcedo, residents of the City of Covina. Petition received on July 21, 2021 by City of Irwindale resident Robert Diaz. Letter received on August 9, 2021 by City of Irwindale resident Robert Diaz. During tonight's meeting we have also received two other comments. The first comment was send via chat on Zoom from Richard Burns that states, "I would like to see the building to start and help people get back on their feet, as this pandemic is making it hard for families to find work at a living wage. The second comment that we have received is via email by James Trencamp that reads, "One, we are facing a future of climate change in greenhouse gases. Second, this monster that you are building will be sitting here for the next 50 years or more. Third, place a couple of gates on the Irwindale side so that 2,000 to 2,500 Irwindale workers can walk to work instead of having to drive around, and cause more traffic problems. Fourth, the airflow in each building and office is going to need the exchange three times an hour or more to prevent this current virus and others that are going to come. This will protect all the workers. Lastly, the attached pages are from two years ago with other questions that need to be answered. We are still waiting on those answers." The pictures that Mr. James Trencamp provided were letters received by the Planning Department two years ago, that are included in the Final EIR. Those are all the comments and email that we have received since the last meeting until now. Now we will open the Public Hearing to the public. The first individual that I will be unmuting will be Carmen Roman. And once again just for the record Megan Zepeda has donated her time, so Ms. Roman has a total of six minutes to speak. I am so sorry, it just switched on me one second.

CARMEN ROMAN — Hello?

ADMINISTRATIVE SECRETARY AGUILA — Yes, we can hear you.

CARMEN ROMAN — Okay so I have some thought of my own and thoughts that people have gave me, with concerns for this project. In no order, I am just

going to read everything I have. I have been in contact with some environmentalists that are interested in the EIR, land use, and with the safety of the residents around. I am aware that there is a contract. However, I am not aware that the public surrounding this land are being made clearly aware of this project and the negative impact that it has on ourselves, our children, our future family, animals, and environment. We are aware now. That is why we are here. We are here because there is concerns about pollution, air, ground, dust, water, traffic, and diesel. We are erasing our natural view of the environment and mountain. We may very well have. It may have an impact on people's home values in the future, when people try to sell their homes and see this. I like how the gentleman called it, a monster of a building. When they see that and they hear complains about our health and safety, our home values will go down. You say that it was published, well we no longer get like the Times newspaper we would run to the corner to get. I like to know when it is public. I need to know where it is published. You said you had eleven comments, I've gone to most of the meetings held over the years throughout this, and I have left comments; on card, letters and papers. Not once have I received a response from anyone. I figured all of those have been filed in the trash. You talk about millions of dollars paid to the City that sound like backdoor deal as well. Let me rephrase that. It sound like deals were made through staff and these companies over money, and we will take over the debt. But you left us out, the people. We are not willing to live with this pollution. The trucks. The other week I went down Vincent and I was behind 7 trucks, and that was the late afternoon. How many trucks are going to go through here, through our City? You say with the diesel that you can, what back it up to one fence or one part, and we are not going to get it. It goes into the air and what goes up, must come down. Your statistics and numbers don't add up in my book. We have had these 10-acres. I spoke to Mr. Tam about three weeks ago and he assured me that it was still marked for residential. All this granting, giving, taking back, buying that is our land it always has been. Who ever made a mistake that is the most recent mistake for this meeting? Because I have not heard about any mistakes and I've been here for eight to ten years, for just about every meeting. I have never heard about a mistake from Planning, Staff, or anyone else. So I do not believe that. We don't want any more 5G towers. Another thing you said 1,500 flyers went out there is only 1,400 people here. You would have had to give every child, elderly, and baby one. If you are including Covina residents, then you are still just went to the surrounding streets, right around this area. You didn't go up to Nora. We have approximately 400 homes it sounds like you hit 40 Irwindale residents. I don't buy these statistics. You talk about setbacks. I don't recall in any of the meetings, myself, other Irwindale residents, or Covina talking about setbacks. It wasn't a done deal, why would we talk about that. 500 jobs again we only have 1,400 people here. Those are jobs you are going to bring in people, cars, and pollution. There is not 500 people in need of a job surrounding this pit. I can guarantee

you that. That 10-acres, the one and only change made by Government, was that three of those ten acres be condensed homes and seven acres remain the same. That is a bunch of malarkey about an error. I don't believe it and I haven't seen it until tonight. That is the only mistake was bringing that tonight. When you say that meeting was well attended, I attended that meeting over in the community center and I beg to pardon it was not well attended by Irwindale. There were maybe ten people, because it happen to be schedule on our biggest music in the park. Our Pepe Foundation last

ADMINISTRATIVE SECRETARY AGUILA — Your time has ended Ms. Roman.

CARMEN ROMAN — Music in the Park kids give away. So everyone in the City was over there. There were only ten people there. I know you had sandwiches or something. I didn't even take one, I was eating at the park. We were not heavily attended. You were there a lot of business people, there was also some Covina people but not that much.

ADMINISTRATIVE SECRETARY AGUILA — The next individual that I will be unmuting will be Nicole Shahenian.

CARMEN ROMAN — I had more minutes.

ADMINISTRATIVE SECRETARY AGUILA — I am sorry Ms. Roman you only had a total of six minutes.

CARMEN ROMAN — Okay. I requested that you give us a minute warning. You cut us off and we have no idea. That is very rude of whoever that person is.

ADMINISTRATIVE SECRETARY AGUILA — Ms. Shahenian you have now been unmuted.

NICOLE SHAHENIAN — Hey can you hear me?

ADMINISTRATIVE SECRETARY AGUILA — Yes.

NICOLE SHAHENIAN — Good evening Nicole Shahenian, President and CEO of the Irwindale Chamber of Commerce. On behalf of the Irwindale Chamber of Commerce, I am here to support the proposed Five Point development project at 5175 Vincent Avenue. The Chamber respectfully encourages your approval of this project. I congratulate the City and the developer for creating a partnership, and an agreement that has transform this property from a blighted, dusty, contaminated site to a clean ready to build 25.4-acre industrial development, with 10-acres back filled and retain for future use for the City. The Chamber believes this project exemplifies the public/private approach to accomplished shared goals of economic development, job creation, increased property values,

beautification, and revenue generation for the City, community, and the San Gabriel Valley. We need projects like this to boost our post COVID-19 recovery. The partnership between the City and the developer, Five Points, is a model for what cities can do to meet the needs of their residents, businesses, and the community. By collaborating with business and investors, the City is making the right kind of choices to meet the need for housing, jobs, infrastructure, and services. Thank you in advance for the consideration of this important project. We look forward to working with you to aim to promote a robust and driving Irwindale economy. Thank you.

ADMINISTRATIVE SECRETARY AGUILA — The next individual that I will be unmuting does not have a phone number. It looks like he called in. The only thing I am able to see on my end is their direct number so please state your name once you have been unmuted.

ROBERT DIAZ — Hello?

ADMINISTRATIVE SECRETARY AGUILA — Yes, we can hear you.

ROBERT DIAZ — My name is Robert Diaz, 2408 S. Mountain Ave. Irwindale. Honorable Planning Commissioners and Chairperson, thank you for the opportunity. You should have received a petition signed by over 200 Irwindale residents urging you to deny the project, on the grounds that it would have a negative health and safety, noise, and traffic impact upon residents nearby. Also there could still be negative impacts, since no specific use has yet been identified. The petition was circulated by Linda Strobehn, Esther Tapia, and myself. It was presented to you at the last Planning Commission Meeting. I urge you to deny, both the original plan and the alternative multi building plan, for the same reasons stated in the petition. First of all, how could the City of Irwindale consider the project when it does not meet the terms of the contract, between the developer owner and the City of Irwindale? When the City sold the land to the developer owner part of the deal was that the proposal is to be developed for light industrial or commercial use. Exhibit A that you have there. However, the projects both the original single building and the alterative multiple building design are identified as M-2 (Heavy Manufacturing) use, and do not meet the terms of the Agreement. Why then would you allow it? Why aren't we considering light industrial or commercial uses as indicated in the contract? Additional, why doesn't the Environmental Impact Report, the EIR, include any commercial or light industrial options for the site. If the City is to continue to consider the proposal use, the use as indicated in the agenda, then deny the request because it is unhealthy to have a distribution center with 100 or more diesel trucks, within 1,000 feet of residents. The California Air Resources Board, CARB, has made this recommendation that you have in Exhibit B. I have estimated the 40 trucks, using Exhibit C figure from the South Coast

Management District, actually there is more than 290 truck trips per day if you look at the EIR. Clearly you have too many trucks it is a health impact. It should be noted that the nearest residents in sight are at risk individuals, children, and elderly are most impacted by the proposed development. The City has plans to develop the property directly west of the site for residents and possible extend Irwindale Park, where you can expect children to play. Also there are senior citizens that live in the senior housing at Arrow and Ayon. Why impact their health? Deny the project. It should be noted that the contract between Irwindale and the Development owner states that there should be a residential buffer area, separating the residents from the proposed project.

ADMINISTRATIVE SECRETARY AGUILA

Excuse me, Suzanne Gomez has donated three minutes to Robert. I am going to go ahead and restart the timer now.

ROBERT DIAZ

Thank you. The Developer owner proposal proposed the wall and landscaping appeared too small, to be consider a residential buffer area. It is important to note that the noise impact analysis and air quality analysis have omitted some important information, which could have affected their conclusions. As part of the City's housing program, housing is expected to be built directly west of the site in question, perhaps zero feet away from the project. Yet the air quality impact that has been calculated with the idea of the nearest resident, 75 feet away on Vincent Avenue. The noise impact identifies residents on the opposite side of Allen Drive there, therefore noise and air impact pollutions could be greater than calculated. Some measures are unquantifiable, we have that in Exhibit C and F. For example, as to be expected there will be electric power trucks to replace diesel trucks in the future. No one can say in certainty when that can happen. It could take years before diesel trucks are off the road from this site. Let's not be guinea pigs to see if the Mitigation Measures work. In Exhibit D, form the California State Attorney General's Office, has indicated census tract area is negatively impacted by population already, and it is also an area of low income residents. Which we are impacted more severely than other areas. Other concerns is enforcing some of the Mitigation Measures. If diesel trucks go more than fifty minutes, who will monitor them, and who will pay for the monitoring? There should be an economic impact study, to evaluate all the cost of the project. Including the damage to public road ways from heavy truck traffic and the cost to repair them or replace. The EIR concluded that the risk of getting cancer is not so significant. They base their assessment on proposed exposure on toxic pollutants, for a thirty year period instead of the 70 year period used by CARB. Which recommends 1,000 feet separation on the proposed project and residents, Exhibit A. No explanation is given why they used the 30 year exposure period over the 70 year that CARB uses. Also the EIR thinks to compare apples to oranges. They compare the pollution from the site as small, compared to the Los Angeles Region. While the statement may be true it is also

	misleading, because it doesn't address the health impacts that the project may cause to nearby resident. That is exhibit I. There are two studies, one that shows that in New England, people over 65 show negative health effects on days where regional air quality was consider healthy. Therefore, regional air quality standards do not necessarily reflect the local negative health impacts.
ADMINISTRATIVE SECRETARY AGUILA	Excuse me, you have been donated an additional three minutes by Theresa Ortiz. They are starting now.
ROBERT DIAZ	Regarding the pollution and noise, certain Mitigation Measures are proposed, such as adding vegetation and walls for it to block out and filter, noise and pollutions. Yet in the entry ways and exits, there will still be unfiltered noise and pollution. In my experience, noise from truck bells and whistles, they are loud. Even hundreds of feet away. A single passing diesel truck is loud from 150 feet from my house. Why bring hundreds and make it worse. As for safety with trailers, using two lanes to complete their right turns from number three, East Ball Lane and Arrow Highway onto the southbound Vincent Avenue right turn lane. They use two lanes to complete the turns, which is not necessarily safe. It doesn't seem safe now, if you add hundreds more a day that is not going to help. And of course you have pedestrians and the bus stop that will be impacted, especially in rush hours. Deny the proposal that are unhealthy, unsafe, noisy, unsafe and negative impacts. I do want to state the experts disagree. It is up to the Council to decide which experts they are going to believe. I believe you should consider the CARB recommendations, and take to heart what they say. Don't put that place within 1,000 feet of residents. Deny it. Thank you very much. I am done.
ADMINISTRATIVE SECRETARY AGUILA	The next individual that I will be unmuting is Jeanette Flores. You have now been unmuted.
JEANETTE FLORES	Good evening, can you hear me?
ADMINISTRATIVE SECRETARY AGUILA	Yes we can hear you.
JEANETTE FLORES	Thank you so much. Good Evening Chair and members of the Planning Commission, thank you for the opportunity to speak this evening. My name is Jeanette Flores I live at 1446 E. Level Street in Covina. I am also a local elected School Board Member in the region, and I strongly support the Five Points project. This project will only spur economic development in the region, which is something that is greatly needed as we address COVID-19 and the economic challenges. Please address this eyesore in the community that not only impacts the region of Irwindale, but also surrounding communities. We need jobs, we need growth, and we need economic vitality again as we face the challenges of economic downturn. Please support this project.

	Let's fill the hole. Let's ensure that we have addressed this issue and the life that it brings to the region. I urge your support this evening and I recommend that you please pass the resolutions thank you.
ADMINISTRATIVE SECRETARY AGUILA	Next member of the public that I will now be unmuting is Jessie Loretta. You have now been unmuted. Mr. Loretta you are self-muted.
JESSIE LORETTA	Thank you Commissioner, my name is Jessie. I live in the City of Covina next to the dirt pit at 5175 Vincent. It is time to do something positive and stop the dirt that blows into our neighborhood, and in my home. Develop something that creates work for those that need work, because of the COVID they lost a lot of jobs. About eight years ago this area burned down and it can burn down again. We cannot risk this again. The tax revenue will provide services for us in the local community. I strongly urge you to pass this development. Thank you for your time.
ADMINISTRATIVE SECRETARY AGUILA	The next member of the public that I will be unmuting will be Dena. Just for the record Angelia Villalba has donated three minutes of their time. So Ms. Dena you have a total of six minutes.
DENA ZEPEDA	Thank you Chair for this opportunity. First of all, I am a resident of Irwindale. I have lived here for many years and I have sadly watched many of our residents pass away from cancer. Our small community is very close. We all know each other. We all get along with each other. I mean we don't all get along but we all love each other when it comes down to it. We have too many, too many residents with cancer. With lung cancer, with emphysema, with all this and they don't even smoke, just being here in Irwindale. We have a lot of patients that we can't even identify where the cancer came from. My thing to you guys is, we don't need this. Our lives aren't for sale. We don't want this. I went to every meeting and it was always no, no, no. They never heard us at all. They never gave us the opportunity to sit down and talk, or anything. I agree lets fill it up but let's do a market. That stays open all the time even through COVID. But no, they never sat down with us. They never checked the environment. We have two buildings coming in. We don't even know what the air quality is going to be, until they come in and then they come in. No. I urge you guys to say no, take it back. In 2014, the City agreement and them, light industrial, they purchased the sale of the property. They lied about giving us 10-acres. They lied about sending us letters. They lied about trying to be neighborly. These people that are speaking on behalf of it they don't live here in Irwindale. The wind blows here. We get all the dust. It has been blowing here for a while, and yes we are going to be doing something with it. We don't want to kill our residents just because somebody needs money, or somebody is in a hurry to go do something. I agree with Commissioner Burrola. There is no rush. We need to look at this. We need to look this over before. You are telling us that in three years you'll fix the air and in 14 years it will be okay.

No. No. That is not good for me, and I don't like to be threatened with a lawsuit. I mean come on now. The Attorney General even said the air quality was no good and he had a lot of concerns. There was a lot of concerns there. It is not done. You guys didn't go do what you were supposed to do. You haven't shown me. You haven't shown me anything and I've been there. I have a big mouth and you know I've been there. But you have not answered any of my questions, none at all, or concerns. All you want is the building that you want. You never came, sit down and let's talk. You might have talk to one Councilman, the greedy one, but no. They don't run that. The people run the City now and we are taking our City back, and we are saying no. We are saying, no and you guys are not listing. Not our Commissioners, I am talking about the company, they are not listening, and our Staff. I am very, very upset with my Staff. I am wondering, who do they work for? You go home at night, we stay here. We hired you to work for us. Not for them. Not for them and not for them. For us. Yes, there is a stage of commands. The people run the City, the Council is next, the Commission is next, then comes the Staff. The Staff hasn't been listening to our Commissioners and I am very, very upset about that. Our Commissioners are saying a lot tonight. They have spoken last meeting. They haven't been listen too. We lost a Commissioner for some reason, but no it is not going to happen like that no more. The residents are backing up, no to this project. No. Two million dollars, you are threaten us with two million dollars. What happen to that friendly neighbor you were. All of a sudden because you don't get your way. No let's set down and bring a market in here. We do not want cancer. We do not want to get killed anymore. We don't want to choke. And we do not like your darn building either. It's ugly. No trees no nothing there for us. So I am saying no, and I am sorry I have to be the rude one but you guys came up here trying to turn things around. Twist things around so people can say it sounds good. No it doesn't sound good, to us. We have been saying no from day one. Since 2014, no and you still keep going. Still keep going. Where is the respect? I am going to stop here so any minutes I have left I am going to pass them on to Carmen Roman. Thank you for listening Commissioners, we got your back. We say no. No. No. No. Thank you.

ADMINISTRATIVE SECRETARY AGUILA: The next individual that I will be unmuting is Ted Jimenez. You have now been unmuted.

TED JIMENEZ: How is that? Can you hear me?

ADMINISTRATIVE SECRETARY AGUILA: Yes we can hear you.

TED JIMENEZ: Okay great. Thank you Commissioners for this evening, and this opportunity. My name is Ted Jimenez and I am a representative with the Southwest Carpenters out of Los Angeles. I represent over 34,000 members in Southern California. This is an opportunity for Irwindale to

stimulate their local economy, and their surrounding communities. To help their communities uplift and thrive, after this pandemic. This is not something that is new, it has been going on for fifteen years. The residents, I can hear them making their comments but it sounds like they are not back up or any support. You know this is about jobs, economic recovery. This is about providing for high school students, who are going to be coming out in the near future form local schools in the nearby area, and needing somewhere to go get a job. Somewhere to work. You have to consider the future, the tax revenue, and the City growth. The tax revenue is going to help local economic recoveries and communities, and provide. In front of this 500 temporary construction jobs. People need to work. People need to work and provide for their families and their loved ones. You know they are going to talk about medical issues and possibilities that is like reaching out in the air, saying that something specific like this is creating the problem, but it could actually be the dirt itself that is blowing around. We need to get rid of that hole. Two hundred and fifty to five hundred permanent local jobs, yeah you need them. You are going to need them. There is a lot of people that are going to need work coming up. We are in strong support for your approval. You either keep a dirt hole, or you provide local wealth that helps your local community thrive. We urge you. We urge you with strong support to think about the future of Irwindale, and what it needs. The tax dollars to help build and provide, especially for the ones that are concerned and are having issues tonight. Thank you for your time.

ADMINISTRATIVE SECRETARY AGUILA — I will now be unmuting Ms. Roman. Once again three minutes were donated by Mario Chico to Dena Zepeda. Who Dena Zepeda, donated that time to Ms. Roman and we are adding the additional minute that was left for Dena Zepeda's. So you have a total of four minutes Ms. Roman.

CARMEN ROMAN — Okay, thank you. First of all, I want to know if there is a conflict.

ADMINISTRATIVE SECRETARY AGUILA — Ms. Roman, can you hear me?

CARMEN ROMAN — Hello, can you hear me?

ADMINISTRATIVE SECRETARY AGUILA — Yes, now we can hear.

CARMEN ROMAN — Okay, let's start over. I think there is some confusion here about Staff. Marilyn did a fantastic job in that report for the industry but I did not hear anything about Irwindale's residents or safety. It was all that. Also there was someone from the Chamber that spoke. Is that a conflict of interest? Do any of these industries, supporters, carpenters, anything, do they donate money to the Chamber? If they do I believe that is a conflict. If you can answer that. I go along with Commissioner Burrola,

who spoke on behalf of the people, and his concerns. And Chair Tapia, who spoke about the chain of command. There is too much going on behind the scenes with developers and Staff. They need to bring it to the appropriate places, to Planning, to the Council, and to the people. They are doing whatever they want and then they are saying, “This is what we did.” Now here we are fighting against what has happen behind those doors that we know nothing about. I would really like to know if that is a conflict. Whatever was approved with light industrial, I can’t say it enough, light industrial. Light industrial and light commercial. It was never stated that you were going to have, such heavy industry and diesel trucks in and out, and all this pollution. This gentlemen said consider the future, we are considering our future. The Irwindale future of our descendants to come. Waiting until 2027 so that the pollution will die down to a good level, no. We are polluted with your 5Gs and everything else. We want you to stop. If our Staff needs to go back and do something. Maybe they need to talk to the Council and we need to go through that chain of command, because the residents do not want it. We do not want it here in our backyard. If you want to go put it up in Covina, in LA, or Hollywood wherever you want. You need all those jobs and stuff, go right ahead. I am thinking about our 1,400 residents. We are not a big city and what we have we want to keep. Stop lying about that 10-acres, it is residential and it is ours. Stop trying to change that. We don’t appreciate that. I hope we get time to ask questions later, when you get back because we are not satisfied with all these deals that were made. You can hear it tonight. This is coming from a lot of residents. I appreciate you thinking about us, our lives, and our future. We do not want that pollution, diesel, and dirt killing us. And all that nitro, you know what nitro does? There goes all our oxygen. Thank you, give us a clean life. Change your industry. Okay, I am done.

ADMINISTRATIVE SECRETARY AGUILA — So we have two more additional speakers. The next individual that I will be unmuting will be Johnny. You have now been unmuted.

JOHNNY SANCHEZ — Can you hear me?

ADMINISTRATIVE SECRETARY AGUILA — Yes.

JOHNNY SANCHEZ — Sweet. My name is Johnny Sanchez, I am a stakeholder in the community, and I am for the proposed project of Five Points. I am sick and tired of that site being there, and it is pretty much useless right now. With the times that we have been having, bringing jobs to our local community is going to benefit each and every one of us. Not just individually, let’s say I go and I am either part of the project or I benefit as a worker from the project. It is going to bring revenue to our communities, we’ve been in helping people right now because of the Coronavirus. Rent money for this, everyone is on unemployment, EBT, CRB, and all the other whatever programs that there is. It is all been

negative money right now. We need to build our community. We need to build new revenue. We need to enrich our community and if it's going to take this project that is going to have you know 500 workers just to build that project. That is already an immense amount of money that is going to help our community. If it is also going to bring between 200 to 500 permanent jobs after the project then by all means. I mean, that is all beneficiary to all of us here. I am for the project. Yes, it is unfortunate of people being sick and all of that stuff, but we live in LA. It is a very populated city that is what it is. There is other places we can live. There is other places we can go, where there is less smog. It is cheaper but at the same time you can't have your cake, you have to share it. You can't just have your cake and eat it too. I mean there is going to be pros and cons. We live in LA like I said. Not everyone is going to like what everyone else is doing. This is definitely going to be a positive. It is going to be a positive impact to our community and I am all for it thank you.

ADMINISTRATIVE SECRETARY AGUILA: Mr. Jose Amador, you have now been unmuted.

JOSE AMADOR: Can you hear me?

ADMINISTRATIVE SECRETARY AGUILA: Yes, we can hear you.

JOSE AMADOR: Good evening, my name is Jose Amador, I am a special representative of the Southwest Carpenters Union. We strongly support this project. If the City does not then where will you get the revenue? The community won't get new jobs that is local hire. They may be stuck with nothing but dust and weeds for a very long time, like it already has. It is like that old saying, "You gotta spend money to make money." It takes money to build homes, jobs, and people who live there especially during this pandemic. We need good paying jobs, careers with benefits, especially know more than ever. We have members that live in the City of Irwindale. We build this City. We live in this City. Let's build our City back up like it used to be. Thank you.

ADMINISTRATIVE SECRETARY AGUILA: One additional speaker has raised their hand. There is no name available it is under Zoom user. I will be unmuting them now.
RICHARD: Hello can you hear me?

ADMINISTRATIVE SECRETARY AGUILA: Yes, we can hear you.

RICHARD: Hello my name is Richard thank you very much for everybody's valuable time. A lot of very good topics tonight. I would like to thank everybody for their input. I am for the project to go forward. Taken in effect with everything that has been discussed tonight, if we could find a happy medium with all of the topics. The work that will help

everybody, the 500 jobs and then approximately 250 local jobs. Even if the residents closest to it don't have those jobs, you still have people coming from the surrounding cities getting gas, getting things from the stores, and that money and revenue will focus into the City and help the neighborhoods. That is pretty much all I have to say. I do support the building. Thank you very much.

ADMINISTRATIVE SECRETARY AGUILA — The next speaker is Mr. Frank Rojo. You have now been unmuted.

FRANK ROJO — Good evening my name is Frank Rojo and hearing about everything that has been talk about, there are pros and cons. I graduated from Sierra Vista High School in Baldwin Park so I lived right next door to Irwindale. Now I live in Covina, 530 E. Nubia Street. As a kid I drove by there many years riding, my bike and seeing that hole there for who knows, more than 40 years. Rat infestation, you talk about health issues. Talk about Coyotes back in the day. That hole needs to get filled. For people to say that the residents values of their homes will go down, Baldwin Park just put up a commercial tilt up right on Los Angeles Street, and it looks really nice. It actually probably brought the value up of those homes on Los Angeles Street. You have another tilt-up coming up, north on Arrow Highway right across the street from there that pertains to probably Azusa. These are getting done and they are getting done with strict regulations that are not going to harm anybody, than your car that you drive every day. I mean if we all went electric that would be the ticket but it is not. These trucks that everybody is talking about so negatively, they need to go through strict regulations and Highway Patrol are always checking those trucks, especially on the onramps on Irwindale, Live Oak, and Los Angeles Street. I am for this development. Let's cover this hole up. Let's give the residents of Covina and Irwindale some jobs for these kids that are coming out of school. That are going to be going to school and coming out they have no direction of what to do, and at least they would have something to look forward to. I am for this. Let's move on forward. Let's stop kicking the can and let's get it over with. Thank you.

ADMINISTRATIVE SECRETARY AGUILA — So there are no additional speakers. However, I did receive an email from Trina Olivares stating, "Housing maybe a market but no more pollution and cancer causing elements in our air." That was the end of her email.

CHAIR TAPIA — We will take a five minute recess and then see if anybody else calls in. I will take those and then we will go from there. Okay we are going to be taking a five minute recess here.

RECESS — Chair Tapia recessed the meeting at 8:56 p.m.

RECONVENED — Chair Tapia reconvened the meeting at 9:02 p.m.

ADMINISTRATIVE SECRETARY AGUILA: There are no more additional speakers.

CHAIR TAPIA: Okay.

CITY ATTORNEY GUERRA: Mr. Chair before we close the public comment period we usually have the applicant provide any final comment before we close, for three minutes only.

MATTHEW HINKS: Hey, I am Matthew Hinks again. I will be brief. There were a few concerns raised that I want to address. One of those was a comment that there hasn't been a public process for this project. That is not true, there has been a lengthy public process. There was a public process to approve exclusive negotiations in 2013. There was a public process when the Purchase of Sale Agreement was approved in 2015. There has been a public process for these project entitlements. There was a Draft EIR that was circulated for public comment. The Final EIR that was circulated as well. There has been a lengthy public process. And again in terms of the Public Hearings before City Council, multiple Public Hearing before City Council. So there's been a lengthy public process that has lead us here to today, and that public process continues. There is a comment that this project is inconsistent with the Purchase of Sales Agreement because the contention was that this project is proposing heavy industrial M-2 uses. Well that is not true. That is not true either, that is inaccurate. The zoning for this property is M-2 (Heavy Industrial) but the anticipated uses of this project are light industrial type uses, cleaner type uses, more like the M-1 zone. The current zoning by right permits heavy industrial, M-2 type uses, but this project proposes clearer, light industrial uses consistent to the Purchase and Sale Agreement. There is a lot of comments about environmental concern and I understand that, but when you study these things in an EIR, Mr. McMurtry talked about that EIR and all the studies that were done. The conclusions that were reached based upon the science, show that almost all of the impacts of this project are mitigated to less significant levels. There was only one impact that they found to be significant and unavoidable, and that was the NO_x impact. And even then Mr. McMurtry point out that there are regulations that are in the works that will go in affect by 2024. That will even reduce that impact to less than significant levels. This is not a heavy industrial dirty type project. This is a cleaner project than what current zoning allows by right. Some of the more heavy industrial uses are actually taken out of this project by the project description and conditions of approval would actually limit this project.

ADMINISTRATIVE SECRETARY AGUILA: 10 seconds.

CHAIR TAPIA	At this time I will close the Public hearing and open it up to Commissioners Comments to approve or deny. Mr. Burrola are you still with us?
CLOSE PUBLIC HEARING	There being no speakers, Chair Tapia closed the Public Hearing at 9:06 p.m.
VICE-CHAIR BURROLA	Yes, I am here.
CHAIR TAPIA	Right now is our time.
VICE-CHAIR BURROLA	I move to disapprove this development.
CHAIR TAPIA	You move to deny? I didn't get that.
VICE-CHAIR BURROLA	Deny, correct.
CHAIR TAPIA	There was one finding, the air quality that was a Statement of Overriding Considerations so you have to come up with a finding that will support your motion.
VICE-CHAIR BURROLA	Okay. I deny for that particular reason for the air quality stated in the EIR. They talked about. I am not sure there is two resolutions here. One changing the zoning from residential to, I believe M-2.
CHAIR TAPIA	Well if you deny the EIR that kind of puts an end to any other decisions.
VICE-CHAIR BURROLA	Okay.
COMMISSIONER HARTMAN	I have no comments.
CHAIR TAPIA	Okay, I really honestly enjoyed the presentations and all of the professionalism. I know that a lot of the comments were based on that there was going to be a lot of jobs. But one gentleman stated that the jobs are going to be for people that are highly trained. When I hear that jobs are going to be for people that are highly trained, it means that you have to come in with qualifications to the job. I guess that is the way all jobs work, unless its jobs that start at ground level. That has not been mention, no training jobs. I don't know of the residents who are here, who qualifies and who doesn't. The age limits, what ages are predominantly hired. Are they going to need truck drivers or are they already going to be established? Are there going to be Unions or not? If you have a Union, you don't have a prayer unless you are in the

Union. All of those are things that are out there and unaccountable for. This walk through the park, you walk home and you will be right next door. I don't know how many people are going to measure up to that, or be qualified, or have that convenience. That could be across the street also in the Vincent area but I just wrote a little something here. Minus accountability, today's Mitigation Measures less than significant and otherwise could be tomorrow's issues. Whether they were mitigated today. Whether they were insignificant. Whether they are less than significant. At this point there is no accountability nor a monitoring program, to ensure that the EIR reported findings of the mitigation will, continue to be as mitigated as reported. I could not support the Overriding Consideration thus forfeiting air quality. The air we breathe is God given. Genesis 27 states, "The lord formed men out of the ground and breathed into his nostrils. The breath of life and man become a living being," there is too much pollution in general in the Valley as it is. There are thousands of people that suffer from a number of pulmonary health issues. COVID attacks lungs and brings on pulmonary problems that were never there to begin with. Residents in the surrounding areas do not want to wake up or go to sleep hearing backup alarms of forklifts and trucks 24/7, including Saturdays, Sundays, and possible holidays. All the traffic noise and back up alarms are a nuisance. That is what they are. I live on Central Street and I can hear the backup alarm of the dog food place across the street from Arrow Highway, at night. I can hear the backup alarm. I can hear the mill grinding the dog food. I cannot personally approve this EIR as accepted there are no perks or promises than can be regarded more important than the health and wellbeing of mankind. I refer back to my previous comments and move also to deny the EIR, based on the compromises of the Statement of Overriding Considerations. I second the motion to deny the EIR under the same air quality that says that it cannot be. It is there. We know that it is there but that the overriding considerations are more important. I am sorry to say, that they may be more important to some people but they are not more important to the residents of Irwindale. Mr. Burrola did you make a motion. Mr. Burrola? Commissioner Burrola?

VICE-CHAIR BURROLA: Excuse me, I had it on mute. I believe I did make a motion to deny, based on the EIR and the air quality in the EIR.

CHAIR TAPIA: Okay, and I second it. Roll Call.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: No, Chair Tapia if I may. Just for clarification before a vote is taken on this. The finding for denial is based on the air quality and that the CEQA analysis is insufficient or is it based on the Statement of Overriding Conditions that the benefits do not outweigh?

CHAIR TAPIA: Both.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	So what was insufficient in the analysis of CEQA for air quality?
CHAIR TAPIA	Well it stated right there.
VICE-CHAIR BURROLA	It cannot be mitigated.
COMMISSIONER HARTMAN	One thing is the substantial and unavoidable not being over limit which won't be correct for another three years.
CHAIR TAPIA	That is an unknown. We do not know that for sure.
COMMISSIONER HARTMAN	Three years of 75 percent more than what it should be in three years.
CHAIR TAPIA	I personally studied the mountains for the last two weeks. You could not see the mountains in the morning until about one or two in the afternoon for two weeks. Then the air came through and I guess pushed whatever was there out. I don't know. There is too many variables and I want more than anything I want the life, the value of life, to really be consider. To know that people matter. I know that is not the business end, but like they said, things can be taken back to the drawing board. I don't know but this decision is obviously going to be appeal to the Council. And what is it 30 days? 20 days? What is the time frame that you can appeal to the Council?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Thank you Chair, so what we will be doing is this: You are making a recommendation to the City Council to deny this project. We will be bringing back a recommendation of denial to the Planning Commission as quickly as possible. The next regularly scheduled meeting is on the 18th. So I don't think that we will be able to make it, so it is going to be in September. After that it will go to the next available City Council meeting.
CHAIR TAPIA	But the time frame to appeal.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	It is not an appeal.
CITY ATTORNEY GUERRA	Because the Commission is only making a recommendation. There is no appeal, it automatically goes to the City Council meeting.
CHAIR TAPIA	No but once we get the negative declaration back.

CITY ATTORNEY GUERRA	The whole thing is a recommendation.
CHAIR TAPIA	Right but what is the time period? There is no time period?
CITY ATTORNEY GUERRA	There is no set time period when you are making a recommendation to approve or deny. It goes to the City Council.
CHAIR TAPIA	No, I know that. That is not what I am saying. After it is all said and done next month. What is the time frame to take it to the Council? For the applicant to take it to the Council. We denied it but they can appeal it.
CITY ATTORNEY GUERRA	You're not denying anything you are not approving anything. You are recommending approval or you are recommending denial. That recommendation does to City Council regardless of what you recommend.
CHAIR TAPIA	Okay.
CITY ATTORNEY GUERRA	There is no appeal.
CHAIR TAPIA	Back in the day I know there was a period of time that's why.
CITY ATTORNEY GUERRA	If there were an appeal then yes there is a certain period of time that they have.
CHAIR TAPIA	Okay. I am clear with it now. Thank you sir. Can we go ahead and vote now?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	I think that you made it clear what the finding is. The recommendation of denial is based on the Statement of Overriding Considerations that the benefits do not outweigh the significant and unavoidable impact of the NO_x being over the limit.
CHAIR TAPIA	That is clear we don't need any more clarification.
VICE-CHAIR BURROLA	Yeah that is correct. It is CEQA findings page 11 and 12 if you want to be specific.
CHAIR TAPIA	Go ahead and read it.
VICE-CHAIR BURROLA	It states, "Although the mitigation of the proposed project would not generate significant consideration pollutants nearby since the resented proposed project is expected to exceed the SCAQMD max threshold for operation max as modeled."

CHAIR TAPIA	Okay thank you. Would you mind making that motion again please? Mr. Burrola.
VICE-CHAIR BURROLA	Motion to deny based on proposed project is expected to exceed the SCAQMD max threshold for operation max as modeled.
CHAIR TAPIA	And we already clarified it to staff and I second. Roll Call.
CITY ATTORNEY GUERRA	Before we vote. I would just have the maker of the motion to state, "Direct Staff to bring back a resolution of denial based on the direction provided to Director Simpson regarding the CEQA findings and also the Statement of Overriding Consideration.
VICE-CHAIR BURROLA	I agree.
CHAIR TAPIA	Second to the statement made. Roll Call.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Hartman.
COMMISSIONER HARTMAN	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Vice-Chair Burrola.
VICE-CHAIR BURROLA	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Tapia.
CHAIR TAPIA	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Thank you.
CHAIR TAPIA	At this time the Commission meeting is going to be adjourned.

ADJOURNMENT There being no further business to conduct, the meeting was adjourned at 9:22 p.m.

_____
Arthur R. Tapia, Planning Commission Chair

Attest:

_____
Jesus Hernandez, Administrative Secretary

Approved as presented at the meeting held on November 17, 2021

The Irwindale **PLANNING COMMISSION** met in regular session at the above time and place.

CHAIR TAPIA — This meeting of September 15th is now called to order. Stacy Gonzalez and that was David Barbosa's step daughter, Margaret Tapia my first cousin's wife, and Oliva Grijalva, I need to say a little bit about her.

ADMINISTRATIVE SECRETARY AGUILA — Excuse me I believe your mic is muted.

CHAIR TAPIA — Oliva Grijalva and my first cousin Sammy Grijalva, they were instrumental in giving us, my generation as teenagers, we were the first generation when this City started as far as summer youth programs and going to various places, entertainment places, and stuff. At the time there was no seatbelt rules. We used to pile up on the back of a big truck and there we go, wherever we want Pacific Ocean Park, Long Beach, you name it. We were all in the back. We also had a girl's baseball team and a boy's baseball team, and they were instrumental in taking us, supervising us, taking the responsibility for all that, and they helped us be teenagers. You Know? And so that was Oliva and her husband Sammy. Margaret Tapia is also my first cousin's wife, Mario Tapia, who worked here in the City for many years, he retired already but he worked here all his life. Obviously we were close. My Dad, Arthur F. Tapia, was his uncle so obviously his dad was my uncle. So we have a close relationship and his wife was in dialysis, and you know, she lost the battel to dialysis. Stacy Gonzalez unfortunately was a victim of the COVID and did not make it. May their souls rest in peace and we will adjourn this meeting in their name. As we proceed with this meeting could you please raise for the pledge of allegiance and stay on your feet for innovation please.

PLEDGE OF ALLEGIANCE — I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

INVOCATION COMMISSIONER CORPIS — God we pray for our land, for our nation, for our state, for our city. We ask for protection and healing for our residents, and all those in service. We pray this. Amen.

CHAIR TAPIA — Roll call.

ROLL CALL: Present: Commissioners Robert E. Hartman; Susan Gomez; Richard Chico; Vice-Chair Enoch Burrola; Chair Arthur R. Tapia

Also present: Adrian Guerra, City Attorney; Marilyn Simpson, Community Development Director; Brandi Jones, Senior Planner; Lisa Chou, Associate Planner; Berlyn Aguila, Administrative Secretary; Jesus Hernandez, Office Specialist.

ANNOUNCEMENTS

CHAIR TAPIA — Do we have any announcements?

ADMINISTRATIVE SECRETARY AGUILA — There are no announcements for tonight, thank you.

SPONTANEOUS COMMUNICATIONS

CHAIR TAPIA — Now we go to Spontaneous Communication. This is the time set aside for members of the audience to speak on items not on this agenda. State law prohibits any Commission discussion or action as such communications unless 1, the Commission by majority finds that a catastrophe or emergency exists. Number 2, the Commission by at least four votes, finds the matter in need for action thereon arose within the last five days. Since Commission cannot accept as stated, it is requested that such communication can be made in writing, as to be included on the next agenda for full discussion and action. If a member of the audience feels he or she, must proceed tonight then each speaker will be limited to three minutes, unless such time limits are extended. So at this time Spontaneous Communications is open to the public, or any one in here so could you please raise your hand if you wish to participate in Spontaneous Communication. Thank you.

ADMINISTRATIVE SECRETARY AGUILA — Chair, we do have one member of the public who has raised their hand. Their name is Bill Quisenberry. I will go ahead and unmute them.

CHAIR TAPIA — Go ahead sir.

BILL QUISENBERRY — Good evening Commissioners and staff. My name is Bill Quisenberry. I am a member of LIUNA, Laborers' International Union of North America, and I am in support of the 5175 Vincent Avenue Project. This Project will create many jobs for residents in the local community. The construction jobs will be good paying jobs and include

CHAIR TAPIA — Excuse me sir, when we get to the Consent Calendar what is when this when this will be present, and that will be the time for you to give some input. Okay, because it is in the Consent Calendar and unless it is not on the Consent Calendar then that proteins to Spontaneous Communication. Since it is on the Consent Calendar it will be before you in a couple of minutes.

BILL QUISENBERRY — Very well I thought maybe it would be on the

CHAIR TAPIA — Thank you. Anyone else?

ADMINISTRATIVE SECRETARY AGUILA — We have no other hands raised.

CHAIR TAPIA — Okay. At this point in time we will close Spontaneous Communication and we will continue with Item Number, 1 Consent Calendar

CONSENT CALENDAR

CHAIR TAPIA — The Consent Calendar contains matters of routine business and it is to be approved with one motion unless a member of the Commission request separate action on a specific item. At this time, members of the audience may asked to be heard regarding items on the Consent Calendar. Today the Consent Calendar includes approval of the Minutes of February 2nd and the Regular Meeting held May 19th, 2021. I thought this isn't on the Consent Calendar then.

CITY ATTORNEY GUERRA — Mr. Chair, there are two items on the Consent Calendar. One is the Minutes and the second one regards the 5175 Vincent Avenue. So both are on the Consent Calendar.

CHAIR TAPIA — Okay so that is May the 19th? I thought it was.

CITY ATTORNEY GUERRA — Well there is two sets of Minutes.

CHAIR TAPIA — I thought it was August the 9th.

ADMINISTRATIVE SECRETARY AGUILA — No August the 9th Minutes have not been prepared just yet. The only Minutes for tonight are for February 3rd and May 19th.

CHAIR TAPIA — So what does May 19th portray to?

CITY ATTORNEY GUERRA — The Minutes of that meeting.

CHAIR TAPIA — Cause we did not talk about the Vincent Project until the 9th.

CITY ATTORNEY GUERRA — That is separate from the Vincent Project.

CHAIR TAPIA — What does May the 19th portray to?

ADMINISTRATIVE SECRETARY AGUILA — The Minutes were included in your packet.

CHAIR TAPIA — Pardon?

ADMINISTRATIVE SECRETARY AGUILA — The Minutes for May 19th were included in your packet.

CHAIR TAPIA — Okay, could you enlighten me on what it is?

ADMINISTRATIVE SECRETARY AGUILA	Give me one minute please.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	The May 19th, 2021 Minutes, the item that was before you was the Conditional Use Permit Number 03-2021 and a Zone Variance Number 01-2021 for Hidden Strength Gym. That was the item that was on that
CHAIR TAPIA	What is that?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	That was the item that was on the May 19th Agenda. So these are the Minutes from
CHAIR TAPIA	But what was that again? Please, I did not hear you.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	It was Conditional Use Permit Number 03-2021 and Zone Variance Number 01-2021 Hidden Strength Gym.
CHAIR TAPIA	Oh the Gym.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Yes.
CHAIR TAPIA	Oh okay. So I am going to have to back up here. I am sorry sir, I thought that the Vincent Project was on this Agenda.
CITY ATTORNEY GUERRA	Mr. Chair?
CHAIR TAPIA	Yes?
ADMINISTRATIVE SECRETARY AGUILA	It actually is under Item A under the Consent Calendar those are the Minutes of the Meeting of February and May, I believe. But Item B relates to the Vincent Project.
CHAIR TAPIA	Oh, I see what you are saying. Okay.
CITY ATTORNEY GUERRA	So what I would recommend to the Commission, because we had some conflicts of interest on the Vincent Project, is we address both Consent Calendar Items separately. First we all vote on the Minutes and then after that we have the two Commissioners that had a public conflict step out, then we can vote on the Vincent project.

CHAIR TAPIA	Oh, okay. I kind of got mix up here because I thought it would have been 3, instead of Item B. Minutes A and if it is in the Minutes on recommendation of approval, it is not identifying something that we have done before. That is what through me off. Now I will be careful to make sure that I understand it next time. Anyway, if there is any one in the audience that wishes to have any input on the approval of the Minutes or anything that was on the Minutes on February 3rd, 2021 or May 19th, 2021, please raise your hand to be recognized. If no hands are showing we will move on to approval or disapproval. If anyone in the Commission has anything they like to add or delete from the Minutes, otherwise.
COMMISSIONER CHICO	Motion to approve the Minutes of February 3rd, 2021 as presented.
COMMISSIONER HARTMAN	Second.
CHAIR TAPIA	Roll Call.
ADMINISTRATIVE SECRETARY AGUILA	Thank you, Commissioner Hartman.
COMMISSIONER HARTMAN	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Gomez.
COMMISSIONER GOMEZ	I will be abstaining I wasn't on the Commission at that time.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Chico.
COMMISIONER CHICO	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Vice-Chair Burrola.
VICE-CHAIR BURROLA	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Chair Tapia.
CHAIR TAPIA	Yes.

ADMINISTRATIVE SECRETARY AGUILA	Thank you.
CHAIR TAPIA	Okay, I need an explanation here because usually on the Consent Calendar it is one motion, and today it is not one motion. Could you please explain that to me, on Item B?
CITY ATTORNEY GUERRA	We have conflicts of interest where the Commissioners are required to recuse themselves from the decision. In the abundance of caution I am recommending that they leave the room for the discussion, because we are going to have a speaker and I understand that there is an email included. In the abundance of caution I am recommending that they leave the room for the item.
CHAIR TAPIA	So whoever got the short end of the stick needs to leave for now. That would be Commissioner Gomez and Commissioner Chico.
COMMISIONER CHICO	We haven't approved the Minutes of May 19th.
CHAIR TAPIA	Well we approved both of them.
VICE-CHAIR BURROLA	No, we approved one.
CHAIR TAPIA	Wait a minute, isn't it one motion whether it is approved or disapproved? That's the way it was always done.
VICE-CHAIR BURROLA	It could have been.
ADMINISTRATIVE SECRETARY AGUILA	Yes, the way the way that it was motion by Commissioner Chico and second by Commissioner Hartman were to approve both Minutes.
COMMISIONER CHICO	No they weren't. I clearly said February the third.
VICE-CHAIR BURROLA	We need a second motion for the other Minutes.
ADMINISTRATIVE SECRETARY AGUILA	Okay.
VICE-CHAIR BURROLA	So I motion to approve the Regular Meeting held on May 19th, 2021.
COMMISIONER CHICO	Second.
CHAIR TAPIA	Role call.

ADMINISTRATIVE SECRETARY AGUILA: Commissioner Hartman.

COMMISSIONER HARTMAN: Yes.

ADMINISTRATIVE SECRETARY AGUILA: Commissioner Gomez.

COMMISSIONER GOMEZ: Abstain.

ADMINISTRATIVE SECRETARY AGUILA: Commissioner Chico.

COMMISIONER CHICO: Yes.

ADMINISTRATIVE SECRETARY AGUILA: Vice-Chair Burrola.

VICE-CHAIR BURROLA: Yes.

ADMINISTRATIVE SECRETARY AGUILA: Chair Tapia.

CHAIR TAPIA: Yes. Okay counselor, can you?

CITY ATTORNEY GUERRA: I think the two Commissioners have heard and they are going to be leaving the room. Then we will have a few speakers and then a vote.

Commissioner Gomez and Commissioner Chico recused themselves and left the room at 6:48 p.m.

CHAIR TAPIA: Okay moving on to Item B on the Consent Calendar and now the audience can participate. The General Plan Amendment Number 02-2017; Site Plan and Design Review (DA) Number 04-2017 Mark Gabay, Five Points. Well does that include the EIR? General Plan Amendment, I don't see anything here about the EIR that we negated. That was the whole issue.

CITY ATTORNEY GUERRA: Mr. Chair on page five on the Agenda, on the very top paragraph, there is the resolution for recommendation of denial of the CEQA doctrine.

CHAIR TAPIA — Right but this statement on Item B does not state that. It says General Plan Amendment. What does that mean? General Plan Amendment Site Plan and Design Review that does not have anything to do with the EIR? That is what we did not approve, the EIR. The General Plan Amendment was just like the domino effect of us not approving the EIR. I do not know why the EIR is not on here.

CITY ATTORNEY GUERRA — It is, that is just the heading of the entitlements that are being presented to the Council, but if you look on page five each of the resolutions that are to be active upon include a recommendation of denial of the CEQA document, which required before any action on the entitlements then you have the General Plan and Site Plan and Design Review.

CHAIR TAPIA — Okay, so this statement is attached to A, B, and C then.

CITY ATTORNEY GUERRA — That is correct.

CHAIR TAPIA — I understand now. Okay, so Item B General Plan Amendment Number 02-2017; Site Plan and Design Review (DA) Number 04-2017. Okay, so staff.

CITY ATTORNEY GUERRA — There is no Staff Report, it is on Consent Calendar so the only thing we are going to have is communications from the public before we take a vote.

CHAIR TAPIA — Oh okay, first of all we are going to open it up to the public. If you have any input now is the time to raise your hand and give us your input.

ADMINISTRATIVE SECRETARY AGUILA — Thank you Chair. I will begin with reading the two emails received tonight, and then I will open to those who have raised their hands. The first email received tonight is from Richard Leserio, he states, “Good evening Chair, Commissioners, and Staff thank you for the work you do to support the community. I would like to express my support for the concrete tilt-up building and associated parking for the property located on 5175 Vincent Avenue, Irwindale California 91706. This project will bring will paid jobs with benefits that will assist our community during the COVID-19 Pandemic. I am thanking you in advance for your support for this project. Thank you Richard Leserio.” The second email received tonight was from Alex Zamora, “Good Evening Honorable Chair, Vice Chair, Commissioners, and Staff my name is Alex Zamora and I am a very proud member of LIUNA, the Labor’s Internarial Union of North America. I am in full support of this project moving forward. Projects just like the one proposed have been the lifeblood of the construction trade unions throughout this pandemic. Giving many of our existing members more opportunities to catch up in jobs that have been sheltered or shut down. Giving new and potential members the opportunity for a new lifeline to provide for their families. Also I truly

believe that good responsible developers like five points, partnered with responsible and highly trade workers is a win, win for the great City of Irwindale. Again, I am in full support of this project and I hope we can go to work in building something beautiful for the City of Irwindale very soon. Thank you so much for your time. God Bless, Alex Zamora."

ADMINISTRATIVE SECRETARY AGUILA — Now I will be opening it to the members of the public who have raised their hands. I will now be unmuting Bill Quisenberry.

BILL QUISENBERRY — Good evening Commissioners and staff, as I stated a little earlier my name is Bill Quisenberry member of LIUNA, Labor's International Union of North America. I too am in support of the 5175 North Vincent Avenue Project. The project will create many jobs for residents in the local community. The construction jobs will be good paying jobs that include fringe benefits like full cover family medical, a deifying benefit pension, and even a vacation check. The project if approved also means that the paychecks earn constructing the project will be spent here locally, rather than be spent elsewhere for a not having a contractor with their outside labor brought in. Also the contractors that employee local union members and who have partnered with responsible developers like Mark Gabay, Five Points, they understand that a skill trained workforce means productivity and safety are optimize. That will likely happen if this project gets approved. This project will also met another opportunity for some of our twenty-seven hundred active apprentices, to accumulate on the job training hours that is required of them to complete the program and become full flesh journey workers. In construction much like many other industry sectors, training a workforce for tomorrow is a constant undertaking. Any worthwhile project proposal that is approved means more experience gain for our construction professionals, who will be tasked to build our future surrounding infrastructure as well. Lastly, it has been reported the air quality in the region will be compromised if this project is built. I believe that after reading between the lines that the social and economic benefits outweigh these cumulative regional environmental effects, so that both our membership and the residents of Irwindale would overall benefit from the approval of this project. So these reasons and many others why this is a good project and I ask that you approve the project tonight. Thank you for letting me speak.

CHAIR TAPIA — Thank you sir.

ADMINISTRATIVE SECRETARY AGUILA — The next individual that I will be unmuting is Ernesto Pantoja. You have now been unmuted.

ERNESTO PANTOJA — Good evening honorable chair and commissioners, my name is Ernesto Pantoja I am here on behalf of Sergio Rascon, Business Manager for Laborers Local 300. We are the local for LIUNA that covers this area. I have spoken before this body many times before,

and I am interested to know why this estimable body had chosen not to make this an actionable item before the Planning Commission. I grew up in the City of San Fernando, which is not to different from the City of Irwindale. The Planning Commission plays such a vital role in a community, especially such a small community as Irwindale. As ours did in the City of San Fernando, with trying to educate residents as to pretty much life altering projects that are going to be going on in their cities. It just confuses us why this project was automatically put on contest straight to Council and not brought forward, not brought before the public for questions and answers, and you know obviously the ability to kind of change the project based on normal protocols. The projects normally go through the Planning Commission, as they play such a vital role in developing in cities, especially the City of Irwindale. We are in support of this project it is going to create a lot of jobs, a lot of jobs for veterans, a lot of jobs for formally incarcerated, a lot of jobs for your local residents that would be coming into our craft that would be building a lifelong career. I was just a little confuse as to why the Planning Commission shows to forgo the typical process but we do support this project. Thank you.

ADMINISTRATIVE SECRETARY AGUILA — The next member of the project that I will be unmuting is Jose Garcia.

JOSE GARCIA — Good evening chair and Planning Commission, can you hear me?

ADMINISTRATIVE SECRETARY AGUILA — Yes, we can hear you.

JOSE GARCIA — My name is Jose Garcia and a proud member of LIUNA for the past thirty three years. For those years my family and thousands of other families have depended on boards such as the planning commission, to pass projects that are brought before them and get them approve so that jobs in our community are available for our citizens. I am in full support of the project at 5175 Vincent Avenue and believe you should be as well. Due to this economic blow COVID brought to our community and has brought so much devastation to many families in our community, we are in no position in turning down any project at this time of recovery in our community. We have a great developer that is willing to pay good wages with benefits, and provide hundreds of jobs for our community that are very needed. Please reconsider and support and pass the project at 5175 Vincent Avenue and keep our community thriving. Thank you for allowing me the time to speak, good night.

ADMINISTRATIVE SECRETARY AGUILA — We have no more speakers.

CHAIR TAPIA

Commissioners wish to speak? I have a few questions here. Number one I would like to kind of direct maybe staff to begin with the reason the R1 zone and that type of thing was not identify, could not be identify. I did not know why, it just slip my mind for a while there. The Manning brothers, which I was maybe twelve or eleven years old. I used to go to the Manning brothers with my little wagon and pick up sand, sweep the scales, and whatever a ten, eleven, twelve year old would do. I would not get no money for it and I really did not care, because it was fun and I enjoyed it. I brought the rock and sand home. The older brother, his name was Dutch Manning. I cannot remember the brother in between because it was three brothers, because he was more less the liaison. He was out there hustling. Then other brother was Dewy Manning. Dutch Manning, he had a house off of Vincent Street right where the pit is. Right where the road way is. He had a house there. It was a fun house. I had the privilege of going over there and having breakfast with him, with Dutch Manning and his wife. It was a house that had you know the farm and the whole bit horse, cow, chickens, whatever. At that time it was not a city. It was county. I do not know if we looked into the county to see what there was. To see if it reflected anything but for sure Dutch Manning lived there, in the house. Big two story house, Victorian type house with a farm on it. Me personally, I believed that is why it was zoned R1 and A1 because that is basically that Irwindale was zoned A1. That is just a little tid bit there. “To change the General Plan designation a portion of the subject property to residential to industrial business and park for the construction of the new,” okay so that is part of what I am saying. We as a City could not find why that was deemed R1 or A1 and I believe that is the reason why. The Manning brothers employed many employees plus maybe close to ten people here from Irwindale. Anyway I just thought that I would throw that in so maybe staff can look into it. This is on exhibit A item, I guess two it says, “The Subject Property is currently zoned M-2.” The subject property, which to me includes twenty-six it does not refer to the part that has not been amended yet. I would like to know if that is what this means because that is not what I read. “The Subject Property is currently zoned M-2 (Heavy Manufacturing). Hereinafter in this Resolution, the subject Site Plan and Design Review shall be referred to as the Application,” I want to know does this include the extra acres. I think it was

CITY ATTORNEY GUERRA

This only applies to 5175 Vincent Avenue in that statement.

CHAIR TAPIA

So this does not apply to residence okay.

CITY ATTORNEY GUERRA

It applies to that property.

CHAIR TAPIA

Okay thank you. On page six, the first paragraph it says, “These documents, along with any documents submitted to the decision-makers, including all documents specified under applicable State law shall comprise the entire record of proceedings for any claims under CEQA.” I like to know specifically what that means, the decision-makers.

CITY ATTORNEY GUERRA

That means any Commission and eventually the City Council, when it goes to the City Council.

CHAIR TAPIA

Okay, thank you. That is Item A, okay. August the 9th when we have this meeting there was also a report from the IPCC, Intergovernmental Panel on Climate Change. The IPCC experts say, “Strong and sustained reduction in emissions of carbon dioxide (CO2) and other greenhouse gases could quickly make the air, and in twenty to thirty years global temperature could stabilize. The report prepared by two hundred and thirty-four scientist from different countries say that the human influence, has warmed the climate at a rate that is unprecedented in at least the last two thousand years. Methane emissions, greenhouse gas emissions, aerosol pollutions. In 2019, atmospheric CO2 concentrations were higher than at any time in the last two million years. Concentration of methane and nitrous oxide were higher than any time in the last eight-hundred thousand years. Greenhouse gases, carbon dioxide, methane, nitrous oxide, fluorinated gasses, fossil fuel, combustion and industrial processes are out of control,” and you can find this information on the internet.

CITY ATTORNEY GUERRA

Mr. Chair I apologize for interrupting but I just want to remind the Commission procedurally where we are. The Commission heard staff’s report, the presentation by the applicant, had a Public Hearing, closed the Public Hearing, deliberated on the matter, and voted on the matter to deny the project. The only thing that is before the Commission tonight is the Commission approving the resolutions that reflect that recommendation of denial. That is really all that is before us. If the Commission wants to get into further discussion then there would have to be a motion for reconsideration to bring it back. As far as staff is and I am understanding the Commission already directed us to present resolutions for a recommendation of denial.

CHAIR TAPIA

I understand but this is for understanding as to why we made that decision. The public has stated why they would like us to continue. They have stated that there is going to be many jobs that because of our decision we are basically taking jobs away. If they are able to express why they wish, even though we have denied it and we know that we have, why can’t I as a Commissioner confirm why we made the decision that we made? I will stop there, I had more to say but I will stop my comments at this time. But you know, the public was allowed to express their opinions again. They were allowed the first time and

they are allowed again the second time, so that is the point that I would like to make. Anyway I already made the point that I wanted to make.

CITY ATTORNEY GUERRA — Just so procedurally you understand, the reason people were allowed to speak tonight was because of the Brown Act. They are allowed to speak on any item that is on the agenda. But as a reminder the Public Hearing for the item has been closed. That will not be considered as part of the Public Hearing.

CHAIR TAPIA — So we might have to define what the public can say the second time also.

CITY ATTORNEY GUERRA — We can never define that.

CHAIR TAPIA — Okay. Alight so seeing that there is, does anyone else in the Commission want to say anything? No? Okay, then we will move on to the next phase. I guess to vote to deny or approve, if we changed our mind. Can you lead us in that discussion?

CITY ATTORNEY GUERRA — As this is a Consent Calendar item we usually don't read the titles but I will simply note, the motion would be to adopt the three resolutions identified on the agenda Resolution Number 808(21), Resolution Number 809(21), and Resolution Number 810(21).

VICE-CHAIR BURROLA — Motion to approve adopt Resolution Number 808, adopt Resolution Number 809, and adopt Resolution Number 810.

COMMISIONER HARTMAN — Second.

CHAIR TAPIA — Role call.

ADMINISTRATIVE SECRETARY AGUILA — Commissioner Hartman.

COMMISSIONER HARTMAN — Yes.

ADMINISTRATIVE SECRETARY AGUILA — Vice-Chair Burrola.

VICE-CHAIR BURROLA — Yes.

ADMINISTRATIVE SECRETARY AGUILA — Chair Tapia.

CHAIR TAPIA Yes. Okay moving on. New Business there is none.

NEW BUSINESS There were no items.

PUBLIC HEARINGS

ITEM NO. 3A SITE PLAN AND DESIGN REVIEW (DA) NO. 04-2021 AND CONDITIONAL USE PERMIT NO. 05-2021 (PAUL GARRY, PSOMAS, ON BEHALF OF IBY, LLC)

CHAIR TAPIA Item 3, Public Hearings Site Plan and Design Review (DA) No. 04-2021 and Conditional Use Permit No. 05-2021 (Paul Garry, Psomas, on behalf of IBY, LLC) Mr. Chico and um could you please come back in.

Commissioner Gomez and Commissioner Chico return to the dais at 7:14 p.m.

COMMISSIONER CHICO I thought you did not like us anymore.

CHAIR TAPIA Well that is to be debated. Okay staff the presentation.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON Thank you, Chair and Commissioners. This item is to be presented by Lisa Chou, our Associate Planner.

ASSOCIATE PLANNER CHOU Good evening honorable chair and members of the Planning Commission, the next item on the agenda is Site Plan and Design Review (DA) No. 04-2021 and Conditional Use Permit No. 05-2021 for 15801 1st Street. The applicant is Paul Garry from PSOMAS, on behalf of the property owner, IBY, LLC. The Applicant is requesting a Site Plan and Design Review for the construction of a Filtration Building and a Conditional Use Permit to allow storage and use of cleaning chemicals for an existing brewery. Irwindale Brew Yard, or IBY, is an existing beverage manufacturing campus that was originally owned by Molson Coors. Miller Brewing Company first opened the Irwindale facility in 1980. After a series of acquisitions, the Irwindale facility ceased production in September 2020. The sale of Molson Coors's Irwindale bewery property to IBY, a subsidiary of Pabst Brewing Company, was completed November 2020. The site is zoned M-2 Heavy Manufacturing and designated in the General Plan as Industrial/Business Park. The project is categorically exempt from CEQA pursuant to Section 15301 (Class 1; Existing Facilities). The subject property is approximately two hundred twenty-six (226) acres, the proposed Filtration Building will abut the existing beverage manufacturing facility and be located within the interior of the existing campus. The proposed addition will house two independent four stage filtration systems as well as two eight thousand gallon tanks, two three hundred gallon tanks of cleaning chemicals, and their associated

equipments. The filtration system will filter malted beer in support of the existing beverage manufacturing facility. The proposed Filtration Building will consolidate accessory equipments and cleaning chemicals without reconfiguring existing equipment and improve the efficiency of facility operations. There is no limit to building height in the M-2 (Heavy Manufacturing) zone. The proposed height of the Filtration Building is approximately forty-four (44) feet, which is shorter than the existing building of approximately sixty-six (66) feet and nearby fermenting tanks measuring sixty-one (61) feet. The minimum required additional parking spaces needed is five (5) spaces and six (6) spaces will be provided. The landscaping requirement has been met through plant materials appropriate to the location, building type, and building scale. There will be twenty-eight thousand (28,000) square feet of drought-tolerant planting to replace the thirteen thousand (13,000) square foot reduction of lawn area due to the proposed addition. The IBY is an existing campus built in 1980 and consists of approximately 983,235 square feet of office, production, and warehouse uses, which have all been constructed in a utilitarian industrial style. Since the campus was built prior to the adoption of the Commercial and Industrial Design Guidelines, the campus was not designed in the desired Spanish mission style. However, all the buildings on campus were built according to development standards for M-2 (Heavy Manufacturing) in terms of height, setback, and landscaping. The IMC allows for an exemption from the Commercial and Industrial Design Guidelines for corporate campuses that are planned, organized, and managed to function as a unified whole with common driveways, common parking, and common landscaping area. Per IMC Subsection 17.70.010(B)(2), any new improvements or new buildings that are less than thirty percent (30%) of the total existing floor area within a corporate campus are exempt from design review, subject to the discretion of the Planning Commission or City Council. The proposed Filtration Building will be one (1%) percent of the total beverage manufacturer facility's floor area. In order for the existing campus to maintain its architectural character, the proposed Filtration building is designed to match the industrial style for consistency. The exemption, as allowed via IMC Subsection 17.070.010(B)(2) will prevent the design of the addition from appearing out of place and detracting from the existing IBY. The Filtration Building will house the cleaning chemicals to support the existing beverage manufacturing facility. Per IMC Subsection 17.80.030(27), the use, sale or storage of any materials classified as toxic or hazardous by either the federal or state government, as a substantial part of the total use shall require a CUP. The Hydrochloric Acid and Caustic Soda Liquid will be stored inside two (2) separate eight thousand (8,000) gallon steel tanks while the Poni Acid is stored in two (2) separate three hundred (300) gallon plastic tanks. All chemicals will be stored in a safe and secure manner that is compliant with Los Angeles County Fire Department regulations. The storage and use of the cleaning chemicals is not expected to generate additional traffic or freight vehicle trips and the Filtration Building will not be visible from off-site views as it is screened

by landscaping. Therefore, the impact of the facility on the surrounding properties is expected to be insignificant. In conclusion, it is recommended that the Planning Commission: Adopt Resolution No. 807(21) recommending that the City Council approve Site Plan and Design Review (DA) No. 04-2021 and Conditional Use Permit No. 05-2021, subject to the proposed Conditions of Approval. That concludes staff's report. Staff and applicants are available for any questions. Thank you.

CHAIR TAPIA

Any questions for staff? Any questions for staff? My questions are just clarifications. I would like to know, what year or how did this facility become a corporate campus. I don't remember, what is the process or procedure, and what entity and what part of our process titles this as a corporate campus? I would like to know when because I do not remember them, Miller, ever coming to us or anybody else. I do not remember them being called a corporate campus. I know that the City of Hope and that the other facilities had paperwork incorporating that. I like to know what the procedure is. Not that I am oppose to it but like I said I just want clarification.

ASSOCIATE PLANNER CHOU

Thank you chair, so the brewery facility was designed as a campus from the get-go, when it was first design and broke ground in 1977 and when it was completed in 1980. It is defined as a campus because they have shared driveways, parking, and landscaping.

CHAIR TAPIA

So that option was already there since 1980, you say? 77? The corporate because I never heard of it until City of Hope came around. Never ever had heard of it. I thought that was incorporated to be an exemption with our Design Guidelines but never before had I ever heard of that.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON

Thank you Chair and Commission, so the designation of calling it a campus or a corporate campus, is when you have a large piece of property that has multiple buildings for multiple use. In this case there is offices, there is manufacturing, there is the warehouse, there is the distribution. The designation would be the same thing like the three M building that is off of Peck Road. You know we had that come to the Planning Commission a few years ago, that they were adding some awnings to it and extending some buildings. We considered that as a corporate campus that was exempt from the Design Guidelines. This would be similar to that.

CHAIR TAPIA

Does the Planning Department designate who is going to qualify to be a corporate campus?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	No, It is not necessarily that it has to have a specific designation because there is a corporate campus that is off of Rivergrade, that we do call the Corporate Campus. It was labeled that but this is a campus and it has their headquarters and their offices in there and that is typically what we would call a corporate campus.
CHAIR TAPIA	Okay, Yes.
COMMISSIONER CHICO	Is that a legal term?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	That is a good question, and we have somebody that has some legal experience to answer that.
CITY ATTORNEY GUERRA	The word campus? I do not recall that in our Zoning Code, myself. I would have to look but I do not recall that being a separate definition. I think something you would consider is like a specific plan that kind of governs the use of the site. But I have never heard of campus as a label, a description.
CHAIR TAPIA	Okay so you answered both of my questions here. I have another here. Number four on page twenty-one. No I am sorry hold up a second.
ADMINISTRATIVE SECRETARY AGUILA	Excuse me Commissioner Chico, could you please turn on your mic.
COMMISSIONER CHICO	My mic? I guess I am not close enough.
ADMINISTRATIVE SECRETARY AGUILA	There we go, thank you.
COMMISSIONER CHICO	I did not want you to hear me.
CHAIR TAPIA	Okay so my question is number four on twenty-one. I really don't agree with this paragraph or maybe I am not interrupting it right. But the way it reads it reads this, "the proposed development consistent with applicable City design guidelines and historic design themes, and provides for appropriate exterior building design and appearance consistent and complementary to present and proposed buildings and structures in the vicinity." Okay first of all what is the vicinity? Is it the vicinity within the campus or is it the vicinity around the campus? "Of the subject project while still providing for a variety of designs, forms and treatments." Well I cannot see how it is providing a variety of designs, forms, and treatments so I don't agree. As I read this, as I

interrupt it number four shouldn't be there or it should be worded differently.

CITY ATTORNEY GUERRA — Mr. Chair at this time if you are seeking clarification on what the paragraph means we can definitely provide it. But as a reminder we should not be making any determinations until after the Public Hearing. So if you are asking for clarification I can provide that.

CHAIR TAPIA — Well it is a question. Like I stated in the first place, I am just seeking clarification.

CITY ATTORNEY GUERRA — Okay, very good.

CHAIR TAPIA — I am just seeking clarification it is not a determination that I am opposed or for it. You know? I just want to be clear on what I am going to vote for. You know? That is my position.

ASSOCIATE PLANNER CHOU — Thank you Chair, so number four as you stated is a statement in which have to provide findings to justify the project. The paragraph immediately following number four is the finding that would support the statement.

CHAIR TAPIA — Can you read that please?

ASSOCIATE PLANNER CHOU — The finding?

CHAIR TAPIA — Yeah, can you read how it is supports it?

ASSOCIATE PLANNER CHOU — Yes, "Per IMC Subsection 17.70.010(B)(2), any new improvements or new buildings that are less than thirty percent (30%) of the total existing floor area within a corporate campus are exempt from design review, subject to the discretion of the Planning Commission or City Council. The proposed Filtration Building will be one (1%) percent of the total beverage manufacturer facility's floor area. The IBY is an existing campus built in 1980 and consists of approximately 983,235 square feet of office, production, and warehouse uses, which have all been constructed in a utilitarian industrial style. Since the campus was built prior to the adoption of the Commercial and Industrial Design Guidelines, the campus was not designed in the desired Spanish mission style. The IMC allows for an exemption from the Commercial and Industrial Design Guidelines for corporate campuses Page 21 of 38 that are planned, organized, and managed to function as a unified whole with common driveways, common parking, and common landscaping plan. In order for the existing campus to maintain its architectural character, the proposed Filtration building is designed to match the industrial style for consistency. The exemption, as allowed

	via IMC Subsection 17.070.010(B)(2) will prevent the design of the addition from appearing out of place and detracting from the existing IBY."
CHAIR TAPIA	Okay, I still don't agree with it and I will tell you why. It says, to me I know that it might be redundant, but "the proposed development consistent with applicable design guidelines" that does not make sense because this is not consistent with the applicable City Design Guidelines unless it is exempt. The word exempt is not in there. When it is exempt now that would make a little more sense to me, because now you don't have to follow the guidelines, you just have to match what is already there depending on the design that was there to begin with before the Design Guidelines. It says "with applicable City Design Guidelines and historic design themes," it does not fall into that category. "And provides for appropriate exterior building design and appearance consistent and complementary to present and proposed buildings," that is not true. "And structures in the vicinity," again what is the vicinity because there is a structure on the other side of Irwindale Avenue that looks like the Whitehouse, and for sure that does not look anything like it. What is the vicinity? Is it the vicinity within the campus or is it the vicinity that is around here. "Of the subject project while still providing for a variety of designs," it is not providing a variety of designs it is being constructed to match the design that is already there. Again, I am not oppose but I don't agree with it and I can't. I don't agree with that statement. The statement that you read has nothing to do with this. The statement bellow explains to me why it is exempt and the footing and all that. This paragraph number four, I would still like clarification for it. I will wait to get more into it but it makes no sense.
ASSOCIATE PLANNER CHOU	Thank you Chair, the applicant is seeking an exemption from the Design Guidelines and B2 is an exemption that is allowed for campuses, as long as the addition is less than thirty percent.
CHAIR TAPIA	I understand that but what I am referring to is the paragraph that starts with number four, it has no baring with what is after. What is after has barring. I understand that it is exempt but the paragraph in front paints a different picture, period.
CITY ATTORNEY GUERRA	Are you referencing where is says number four, that the proposed development is consistent lalala.
CHAIR TAPIA	Yes.
CITY ATTORNEY GUERRA	Okay, that section is from the Municipal Code.
CHAIR TAPIA	Pardon.

CITY ATTORNEY GUERRA	That section is from the Municipal Code. That is the finding that is set fourth in the Municipal Code that the Commissioner is referring to.
CHAIR TAPIA	Then the Municipal Code needs to be changed.
CITY ATTORNEY GUERRA	I think we are all in agreement there. For now this is the code section that governors this decision.
CHAIR TAPIA	I don't know, the construction has nothing to do with this paragraph here. I know that it is exempt. I know that it does not have to match the Design Guidelines. I am aware of all that but what it says here it doesn't make no sense. Am I allow here? Commissioners, am I alone? Am I tripping or what.
VICE-CHAIR BURROLA	No, I see where you are going with it but can we make a suggestion for a change in how it is stated? The proposed development follows the applicable Design Guidelines and exempts or something in that sorts.
CITY ATTORNEY GUERRA	I think that can be a discussion for a future meeting in terms of what language is in the code. I will further note that the reason that it needs to be changed because we are actually in the process of doing a Zoning Code Update.
CHAIR TAPIA	I don't want to stop the process just because of that.
CITY ATTORNEY GUERRA	I understand, but technically we can't this is the Municipal Section that governs.
VICE-CHAIR BURROLA	What section is it? Is it 17.70.010(B)(2) because you guys did not state the section of the Municipal Code that you guys stated.
CITY ATTORNEY GUERRA	I am not sure.
VICE-CHAIR BURROLA	Maybe you can out that there just to clarify things.
CHAIR TAPIA	How could somebody write that paragraph on something that is exempt? It doesn't have to follow the Design Guidelines. It makes no sense to me. Anybody else have any suggestions, ideas, or.
COMMISSIONER CHICO	I kind of understand, I don't know if you call if confusion, conflict, misunderstanding that the proposed development is consistent and then the second paragraph says that it is exempt. It is because those two are incompatible with one another.
CHAIR TAPIA	As long as we all know that we understand what we are voting for. Like I said again, all I want is clarification. That is all I am asking for. I think you for putting up with me. Okay any other questions for staff?

COMMISSIONER GOMEZ	I have a couple of questions Mr. Chair, I don't know if they are for the staff or if the company should answer it. It is on page eighteen. I wanted to do some clarification on the cleaning of the chemicals. I am not sure if they are going to answer that or?
ASSOCIATE PLANNER CHOU	Commissioner could you repeat your question.
COMMISSIONER GOMEZ	I want to address the cleaning chemicals that they are going to be using at this facility. Is that something you would answer or the owner of the company?
ASSOCIATE PLANNER CHOU	Thank you Commissioner I can answer the basics of it.
COMMISSIONER GOMEZ	When we go to page eighteen, the start of the third paragraph it addresses the different cleaning chemicals. Are they standard? Is it standard? Did Miller Coors also used those as well?
ASSOCIATE PLANNER CHOU	Yes Commissioner.
COMMISSIONER GOMEZ	Also the other question is, I know that we are going to be in compliance with the Los Angeles County Fire Department regulations, how is the waste managed to dispose of excess chemicals after the cleaning process?
ASSOCIATE PLANNER CHOU	I believe that would be better answered by the applicant.
COMMISSIONER GOMEZ	Do you want to do that know or do you want to wait till?
CHAIR TAPIA	I'll call the applicant after, if anybody has other questions for staff. No?
COMMISSIONER HARTMAN	I can answer part of that.
COMMISSIONER GOMEZ	Okay.

COMMISSIONER HARTMAN	I work in the food industry for many, many years and everything has to be neutralized before it is released into the water system. Most food processing companies and beverage companies have a, oh gosh I forgot what they call it, it is a series of separation tanks that get filtered, treated, neutralized, and then released down the drain.
COMMISSIONER GOMEZ	We need to clarify it. Would that be a similar process? And what guidelines is it? Is it standard to test the water before it is released?
COMMISSIONER HARTMAN	It is the LA County Waste Water Management.
COMMISSIONER GOMEZ	Okay and then under that process then, and this is just clarification because in the community even though they are really excited about the brewery they are also concern about pollution lately, under the guidelines when there is a natural disaster, do you have a process for a natural disaster? For safety? More than likely with LA County right and the fire department. Then it also speaks to road off.
CHAIR TAPIA	Could you please direct that to the applicant so they can gave us an answer?
COMMISSIONER GOMEZ	Sure, we can do that. So do you want me to wait until that process?
CHAIR TAPIA	Yes.
COMMISSIONER GOMEZ	Okay no problem.
CHAIR TAPIA	Thank you very much could the applicant step forward please.
VICE-CHAIR BURROLA	Chair, before the applicant goes up this is for staff. So what Susan was saying, I know for this proposed building it is exempt from CEQA but with this new building going in are they going to be following some sort of CEQA requirement that was already in place, for the actual brewing company when it first started? I guess what I am asking is who is going to be making sure all of this is taken care of? Is there going to be inspections? Code Enforcement going to do it? County going to do it? Who is going to be making sure that everything is safe and filtration is being done properly? Since it does not fall under CEQA it is exempt from CEQA.
ASSOCIATE PLANNER CHOU	Thank you Commissioner so the business will be operating according to City guidelines. For hazardous waste and other storage other agencies are responsible. LA County Health will also be, the Health Permit will also be required for the business as part of the Business License that has to be renewed every year. The businesses will stay on top of that.

VICE-CHAIR BURROLA	Does Code Enforcement have any inspections done to these facilities?
ASSOCIATE PLANNER CHOU	Not regular inspections.
VICE-CHAIR BURROLA	Okay so we leave it up to County to do these inspections?
ASSOCIATE PLANNER CHOU	Or the Health Department, yes.
VICE-CHAIR BURROLA	Okay so they let us know what findings they have and they send it to you guys?
ASSOCIATE PLANNER CHOU	Should there be an issue, yes.
COMMISSIONER CHICO	I have a question.
CHAIR TAPIA	Yes sir.
COMMISSIONER CHICO	Question, the Health Department will make periodic inspections on this operation, will they report to the City each and every time there is an inspection? Will they also report to the City any violations that may be uncovered?
ASSOCIATE PLANNER CHOU	They will report to the City any violations and it is up to the business to follow up with the Health Department and the City, to provide the proper documentation.
COMMISSIONER CHICO	Okay, will we get that documentation of the conventional regular schedule inspections?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Thank you Chair and Commission, I think that the applicant can speak in detailed about that. Typically what will happen, is for any food or beverage type businesses, whether it is manufacturing or restaurant the Health Department makes their inspections. There are things that the businesses will have to post those and keep them on file with that. But the County agencies, whether it is State or County, if they find any violations they do notify the City. We get those.
COMMISSIONER CHICO	In the mean time we can go check those records in their office?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Absolutely, yes.
VICE-CHAIR BURROLA	Real quick, is this part of our CUP? Is there some statement in our CUP that governs this requirement inspections and so forth?
ASSOCIATE PLANNER CHOU	It is required as part of their Business License that must be renewed every year, to provide their Health Permit.
VICE-CHAIR BURROLA	Which is part of the CUP? Conditional Use Permit.
ASSOCIATE PLANNER CHOU	It is part of the Business Operation.
COMMISSIONER CHICO	That didn't really answer the question. I understand, the Business License is one thing, the CUP is another.
VICE-CHAIR BURROLA	Can we for that in the CUP? Is that something we can ask for? Or is it typically not put in the CUP as a requirement. I guess it would be under, what would it be under Building and Safety? Not Engineering but maybe Community Development Department.
ASSOCIATE PLANNER CHOU	So thank you Commissioner, within the Conditions of Approval A10 and A11 it states that, "A City Inspector shall have full access to the site to reasonably inspect the site during normal working hours to insure compliance with these conditions and any other codes and the facility and use thereof should be maintained in full compliance with all codes, standards, policies, and regulations impose by the City, County, State, or Federal agencies with jurisdiction over the facility." So that would include the Health Department, yes.
VICE-CHAIR BURROLA	Okay, thank you.
CHAIR TAPIA	To the applicant, just in general, our questions of clarifications we were not the Commissioner that were back here when Millers open. These questions may be repetitive, they may be commonsense, but we have to ask them so that we can consciously and to the best of our ability give you our honest approval and decision. That is the thing, even though Millers is there and you are going to follow the same procedure, but we don't know what the procedure was at that particular time. That's why we need clarification so that we can make the proper decision. Any other questions? Okay then thank you. I would like to

	ask counsel, if I can call the applicant now to answer questions or do I open up the Public Hearing.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Thank you Chair, it would be appropriate to open the Public Hearing and we can have the applicant give a brief presentation.
CHAIR TAPIA	Okay and then once the applicant makes the presentation do I go to the public first or do the Commissioners ask questions first?
CITY ATTORNEY GUERRA	The Commission would hear from the applicant ask them any questions that you have, and at the conclusion of that you can invite the rest of the public to provide comments.
CHAIR TAPIA	Okay, thank you. If there is no further questions, thank you very much for your report and bearing with us. Now we will open up the Public Hearing and we will call the applicant up to make the presentation. Thank you very much.
OPEN PUBLIC HEARING	At 7:53 p.m., Chair Tapia opened the public hearing.
ANITA HERNANDEZ	Good Evening, my name is Anita Hernandez and I am the Corporate Communications Manager for City Brewery. I was also with Miller Coors for twenty-four years. I had a long history here with the City and the Chamber, IEF, and many of the other City functions here. This is definitely home so it is nice to be back. I wanted to just acknowledge in 2020 it wasn't just a horrible year for COVID, but it was also a horrible year for us with the announcement of the closure and all of the uncertainty that we went through. It is very exciting to have Irwindale Brew Yard back here and to start up production. We are hoping for a very long great relationship just like Miller Coors had with you and Molson Coors. I would like to introduce to you our President of Irwindale Brew Yard, and that is Adam Sher and he will be able to answer a lot of the questions that you might have. Thank you again for the opportunity to be here tonight. We really appreciate it.
CHAIR TAPIA	Thank you. State your name and address for the record please.
ADAM SHER	Adam Sher, Los Angeles, California. I want to thank the Commission for hearing this item tonight. We put some complicated stuff in front of you and I appreciate your patience. I specially want to thank the planning staff Marilyn, Brandie, Lisa they all done a lot of hard work and have been great to work with. We are here tonight to support the staff recommendation for approval of the new filtration building and respectfully ask for the Commission's yes vote this evening. As staff and Anita noted, when Miller Coors left they temporarily paused commercial production at the brewery. We want to be clear from the

moment we took over we were performing sustaining functions and gearing up, to make sure we can restart the plant as easily as possible. The handoff I think it was 3 p.m. November 4th and we were there 3:01 November 4th, starting to do our work. On that note, we have been lucky to have many of the Miller Coors employees that were there before come back to work with us. There is a lot of familiarity, comfort, and people that really have some pride in that facility. I want to thank all the men and women who have worked in the brewery, day in and day out to get us here. Returning to tonight's applications, as the staff detailed the filtration building represents just a small, its less than ten thousand square foot in closure next to the existing building. It is in a concrete courtyard. Lisa pointed out it is less than one percent of the existing campus. It will contain equipment that performs the same type of functions that already exists in the brewery today. I understand your concern, when someone here's the word chemicals that's scary. Those chemicals are all in the brewery today cleaning the facility and have been for decades. All we are asking is that we have a tank next to the new filtration system that we want to install. The filtration system is effectively a high efficiency filter removing solids from freshly brew beer that allows us to produce some of the beverage innovations that you are seeing on your supermarket shelves today, the hard seltzers, the hard ice teas. These is where modern consumer tastes are and we want to be able to make them. We can do that in the existing facility but we would have to reconfigure a lot of the equipment that is there now in order to add a proprietary system, which is what this is. City Brewery, which is operating the brewery, does unlike Miller Coors, who produces Miller lite and MGD, they own their beer. City while they will of course be producing PBR as Pabst is an owner of the property, City's model is to produce beer or beverages for other suppliers. Being able to be nibble and accommodate customers that have proprietary formulas that they do not want to share is hugely important. By setting it in a standalone building we can accommodate them. It is also much more efficient, we would not have to uninstall what is there today. As staff explained well, this is a small structure. It will likely be invisible to the public and to some of the Design Guidelines concerns. It is house in such a way that unless you are in the brewery you will not see this building. It is shielded by other existing utilitarian buildings or by landscaping and we intend to put in some additional landscaping on top of what is there today. This represents a kind of investment in Irwindale that

CHAIR TAPIA Sir you can take your mask off, if you are more comfortable.

ADAM SHER You are all wearing them, so I do not know the protocols. I guess none of us do, it changes daily. This represents an internal milestone, we have been working towards with some engineers that have been working very hard to figure out how to do this. It represents an investment in Irwindale that we look forward in making in years to come. Miller Coors has been there for decades and there is some

upgrades we need to do to get it to where it is a viable business. I want to thank you for your consideration of our application. My team is here to answer any questions, if you still have. We are asking for your yes on the staff's recommendation. I would like to reserve some rebuttal time in case necessary but I think that covers it.

CHAIR TAPIA — Questions?

COMMISSIONER GOMEZ — I think that my questions had to do with the whole process and also the safety element, giving if there is a natural disaster and also the upgrade. I think that the discussion shared with my other Commissioners was that it will be reviewed yearly, annually by the Health Department. I think that my questions have been sufficiently answered. We want you to be successful and it seem like you want to put the most progressive system into place to produce what you have. I think that, Mr. Chair, my questions have been answered. I just want to say that I am pleased to see Ms. Hernandez, she has been an advocate for the City in many functions and very supportive. I am sure we are all looking forward to working with you.

ADAM SHER — We are pleased she chose to stay with us.

COMMISSIONER GOMEZ — Thank you. I have nothing else Mr. Chair.

CHAIR TAPIA — I just have one for clarification. That's on page seventeen the last paragraph towards the end, project description. I think I know what it means but I like clarification instead of just you know using my imagination. "The filtration system will filter malted beer in support of the existing beverage manufacturing facility," so I am thinking that the filtration system will filter the tanks of the malted beer because I don't think it will be filtering the beer itself. I would like clarification on that statement.

ADAM SHER — I am going to try to approach this at a high level. Of course we can get more technical as you need and we have some engineers, who know this a lot better than me, if we really want to go that route. The filter process itself, which can be done in the existing brewery just not as efficiently as if we were to install this, effectively removes solids, favors, and orders from our freshly brewed beer. That creates what in our industry we would call a neutral malt base, we can then use that to add flavors, juices, something that would make it palatable but not what you would think of probably as a traditional beer.

CHAIR TAPIA — So the filtration system is going to be used as the beer is being made, the malted beer? The filtration system?

ADAM SHER	So with the caveat that there is some trade secrets in how some of these beverages are produced, no it would be after fresh beer is brewed. It would run through the filter and create the neutral malt base then that would be blended.
CHAIR TAPIA	So I liked that clarified. I like to clarify it because as it reads, “The filtration system will filter malted beer,” now I got a tank full of malted beer. Now the filtration system is going to kick in and filter the malted beer, while the beer is in there knowing that you are going to use these chemicals. That is what is confusing me.
ADAM SHER	Just to clarify the chemicals, in addition to Ms. Gomez’s concerns, are regulated. The brewing industry is heavily regulated. As a food and beverage facility and as an alcohol facility, we have both Code Guidelines and inspections that we have to follow from the FDA, from the TTB, which is effectively the Federal Alcohol Agency from California, ABC, from the County Sanitation Department and Health Department, and I can go on but it would be a long time. The chemicals themselves are simply use to clean the equipment
CHAIR TAPIA	Not while the beer is in there?
ADAM SHER	It is the exact same process that has been going on there for decades.
CHAIR TAPIA	Sir, not while the beer is in there?
ADAM SHER	No sir.
CHAIR TAPIA	Okay.
COMMISSIONER HARTMAN	I think I can explain it fairly easy. They do all their processing, they do all their filtration, once that batch is done that is when they run the hydrochloric acid through all the pipelines to clean it, then they run a sanitizer through it, then they run a rinse through it. Then they can start the process all over again.
CHAIR TAPIA	I understand that but that is not what this sentence says. I liked that sentence changed somehow to reflect to what you have said and what the Commissioner has said. I understand that but that is not what this statement is saying.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Thank you Chair and Commission, I appreciate your comments and we will clarify that. This item will go to the City Council and we will make that clarification in that report.
CHAIR TAPIA	But I want it to be clarified today, not for the City Council.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	It will be clarified in the Minutes as well.
CHAIR TAPIA	Today I want our counsel to choose the wording that needs to be changed so that we can again make a consciences decision, because the way it reads right there it says, “The filtration system will filter malted beer.”
ADAM SHER	That is a true statement Commissioner.
CHAIR TAPIA	It doesn’t say that it is going to clean the tank after the beer is empty. That is my point.
ADAM SHER	I think there is some confusion, there is a filter housing this building. For certain type of beverages we will run freshly brew beer through the filter to create a neutral malt base. On occasion we will need to clean the equipment. The chemical tanks are simply there to reduce having to transport chemicals for cleaning. The cleaning chemicals have nothing to do with the brewing process.
CHAIR TAPIA	That is making more sense to me know. You know I am getting a better picture of just what it is says here, because that is not what it says here. What you just explained is not what it says here and again it is just clarification. I don’t know am I just confused or do you guys read it another way?
COMMISSIONER HARTMAN	I understand it.
CHAIR TAPIA	No you understand it that’s good because you understand that process, but what does it say there in English. You know?
COMMISSIONER HARTMAN	That is what the filtration system is going to do. It is going to filter the beer.
CHAIR TAPIA	Okay it is going to filter the beer. That is what I’ve been asking. Is the beer going to be in the hopper or is it not going to be in the hopper? That is what I’ve been trying to get an answer on. So could somebody please explain it?
ADAM SHER	This is Ben Gibson.
BEN SALTSMAN	Good evening Chair and members of the Commission, just to clarify.
CHAIR TAPIA	Could you state your name and address for the record.

BEN SALTSMAN — Ben Saltsman, Los Angeles, California 333 South Grand Avenue, I just want to try to make sure we are being very clear about the statement you had a question on. This is on page seventeen, this is the statement, “The filtration system will filter malted beer in support of the existing beverage manufacturing facility.” We agree with how staff categorized it because the filtration system will filter beer. We agree with how staff categorized it, we think that is correct.

CHAIR TAPIA — While the beer is in there?

BEN SALTSMAN — Correct.

CHAIR TAPIA — That is all I wanted to know. While the beer was in there or while it was not. That was confusing to me because what is going to be in the filtration system. It is not going to be filter by the chemicals that clean it right?

BEN SALTSMAN — That is correct.

CHAIR TAPIA — So see I didn’t understand that. Now you have another chemical that is incorporated in the filtration system that is going to do whatever it needs to do to the beer. Now I get it thank you.

BEN SALTSMAN — Thank you Mr. Chairman.

CHAIR TAPIA — Any other questions? You can go ahead and take a seat, no we are going to open it up to the public they are going to have questions for you. Okay at this time we are going to open up the Public Hearing to the public. Raise your hands if you have any questions now and you will be addressed. Thank you.

ADMINISTRATIVE SECRETARY AGUILA — Okay, so the first individual that I will now be unmuting will be Dena.

CHAIR TAPIA — Go ahead.

DENA ZEPEDA — Thank you chair, I am going to have to agree with Chair Tapia, this whole write up with what you guys have been reading and stuff is so confusing. It is so not right, Shame on staff again. You bring something to the table it should be directly how it is supposed to be. Existing is a big word in there. With a company coming in and taking over, if they are going to be the same kind of company, for instance like Michael’s Hamburgers Stand was just bought over by another owner and the same thing ran. Okay. They sold Millers and it was sold to another brewery, but it is not the same kind of company or they are gonna add more. Existing is using what you have existing. Description is you have a right to say yes or no to this. For bring in a new company, a new business, I feel they should start from the beginning and apply and do all this, because they are not existing with Millers Computation. They

	are not doing exactly was Millers was doing. They are changing over. They are changing something else. All these little ins and outs and different sentences and words that they are using is not going with me either. I am understanding were you are coming from Chair Tapia. I understand, Mr. Hartman, the procedure I did work there too. The writing and the way it is written, we gotta protect ourselves because we are always getting step on. All because the writing wasn't right and all because it wasn't brought to you guys right. It should come to my Commissioners before it goes to my Council, right. I am going to ask my Commissioners to bring it back to the table when they have it done right. I am sorry if the company has to go through this but we need to get it done right. We can't come back in two years and say well you said we can do it because of this or that or exempt. No they are not exempt. Discretion is up to you guys okay. I agree with Tapia, one hundred percent because there is a lot of discrepancy there. I mean I am not understanding. You are saying one thing then you say okay we will change it. Change it and then bring it back. That is my thing. Thank you Chair.
CHAIR TAPIA	Thank you.
ADMINISTRATIVE SECRETARY AGUILA	The next individual that I will be unmuting is Pearl Virgin.
PEARL VIRGIN	Good evening Chair Tapia and members of the Planning Commission, my name is Pearl Virgin and I am currently the HR Manger for Irwindale Brew Yard, but I am also excited to introduce myself as a new homeowner of Irwindale, as I just became a resident early August. The only reason why I wanted to introduce myself is because I hope that you approve this as the filtration building will be very beneficial. We are going to be able to bring in new customers. As we get this phase growing, if approved, it will give us the opportunity of also being able to hire additional employees. As you heard earlier, 2020 was a year of many changes including the plant closing, and it is exciting to be able to be a part of this now and be a part of it reopening and bring this to the City of Irwindale. Thank you for your time.
ADMINISTRATIVE SECRETARY AGUILA	So once again I will be unmuting Dena, she did have one minute left of the three minutes allow to speak. So Dena you have now been unmuted.
DENA ZEPEDA	Thank you Chair, well that says a lot. Today we had to shut down that new home because they refused to get permits. They were told three times by our City's inspectors and they refused to get permits on that house that was just bought. I can just imagine what we are going to be going through with this company. Again Chair and Commissioners, I am asking you to please table it, have them write it right and bring it back to do it right the way it is supposed to be, because it is not been done right thank you.

ADMINISTRATIVE SECRETARY AGUILA	So Pearl Virgin has also raised her hand once again. She has a minute and a half remaining out of her three minutes to speak. I will now be unmuting her.
PEARL VIRGIN	As mentioned previously and when I introduced myself, yes I am a new resident here. In clarification of Ms. Dena's comment, we did hire an architect so that we can actually make sure that the plans and everything where in place. We did put it in the hands of a professional to make sure. The fact that we received this, my husband and I, is something that we are going back to, to make sure that this doesn't occur because we are trying to avoid anything that would have causes. We realized that it is a home that we purchased but the goal is to do any remodelization to bring it up and also add beatification to the City of Irwindale. As there is many homes, as we look at the City, are trying to improve and make better. That is what our goal is. In no way, though I am a resident of Irwindale and an employee of a company that is in the City of Irwindale is there any intention to not follow. That is why we are here today, both as a resident and as an employee of IBY to go through the process, so that we can have a smooth transition and build a partnership between all of us. Thank you so much again for your time.
ADMINISTRATIVE SECRETARY AGUILA	We have no more speakers.
CHAIR TAPIA	Do we have anymore comments from Commission? Okay. At this time we will close the Public Hearing.
CLOSE PUBLIC HEARING	There being no speakers, Chair Tapia closed the public hearing at 8:19 p.m.
CHAIR TAPIA	We will open it up for Commissioners Comments. Do we have any comments or requests? If not we will open for a motion.
VICE-CHAIR BURROLA	I have a comment, just to clarify things because of the back and fourth. We are approving the resolution, correct? We are not approving a report by planning, is that correct?
CHAIR TAPIA	I don't know maybe you can ask our attorney.
CITY ATTORNEY GUERRA	Yes the Staff Report is there just to give you information, background, and it is supplemented by staff's verbal Staff Report. But yes, the only action you would be doing is to adopt the resolution. If that is the desire of the Commission.

VICE-CHAIR BURROLA	I have a comment just real quick. In the Conditional Use Permit that we are going to approve in the Resolution 807 page 29 of 38 subparagraph A it states, there is two eight thousand gallon tanks, correct? And then on C it talks about the two separate eight thousand gallon tanks, plus a Poni Acid is stored in two separate three hundred gallon tanks. This is just for clarification okay. Going into the CUP, which we are going to be holding them it's a Conditional Use Permit, on page 36 of 38 paragraph 19 it talks about 8,000 Hydrochloric Acid, 8,000 gallons of Caustic Soda Liquid, and then it says 600 gallons of Poni Acid. Did you guys combine? There is two tanks right? So you combine it into, I know three hundred and three hundred is six hundred but it should be two tanks correct? It is not just one tank of six hundred. That is a little confusing because it states everywhere it is two tanks three hundred, two tanks eight thousand, but over here in the Conditional Use Permit it states six hundred gallons.
ASSOCIATE PLANNER CHOU	Yes Commissioner it was combined to six hundred gallons total.
VICE-CHAIR BURROLA	See the confusion there, in the future though? Just for clarification can we state that there is two tanks at three hundred for the CUP to match the resolution? Or is that something petty? But I feel that in the future it might be confusing, if we hold them to certain things, you know inspections and stuff like that.
ASSOCIATE PLANNER CHOU	Yes Commissioner the six hundred is not to exceed limit. We could change the language to reflex the two separate tanks of three hundred gallons.
VICE-CHAIR BURROLA	No to exceed three hundred for each tank?
ASSOCIATE PLANNER CHOU	There is two tanks each three hundred so the not to exceed six hundred. If you liked for the language to be changed we can.
VICE-CHAIR BURROLA	Yeah if you can because we are talking about two tanks at three hundred, not to exceed three hundred for each tank not six hundred gallons.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Thank you Commissioner, what we can do for clarification on the Condition of Approval on page 36 where it says, and 600 gallons of Poni Acid to be stored in two three hundred gallons tanks.
VICE-CHAIR BURROLA	That would be good. Just for the future so we can hold them to two tanks not just one six hundred. That is how I am seeing it. I don't know how other Commissioners are see it.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Okay, thank you.
VICE-CHAIR BURROLA	Are we able to make that change tonight or do we have to table it to next meeting?
CITY ATTORNEY GUERRA	We can make that change tonight. We can include that as part of the action. I was informed that they wish to call it a tote.
VICE-CHAIR BURROLA	Okay, is that like some sort of tank? Same thing?
CITY ATTORNEY GUERRA	They are nodding yes, so I will go with it.
CHAIR TAPIA	Any other questions from staff? I mean from Commissioners. Okay so it is open for a motion.
COMMISSIONER HARTMAN	I like to make a comment before I make a motion.
CHAIR TAPIA	Okay.
COMMISSIONER HARTMAN	I know firsthand how strictly monitor food beverage and especially alcohol manufacturing plants are. They are monitored very strictly by multiple different agencies. Knowing that, I make a motion to approve Site Plan and Design Review No. 04-2021 and Conditional Use Permit No. 05-2021, with the language change.
CITY ATTORNEY GUERRA	Commissioner Hartman, do you mind if I read the title of the resolution.
COMMISSIONER HARTMAN	Absolutely.
CHAIR TAPIA	The title of the resolution is a resolution of the Planning Commission of the City of Irwindale recommending City Council approval of Site Plan and Design Review (DA) No. 04-2021 and Conditional Use Permit No. 05-2021 for the construction of one new ± 9,907 square foot filtration building and the approval for storage of cleaning chemicals for an existing beverage manufacturing facility (Irwindale Brew Yard, formerly Molson-Coors) for property located at 15801 First Street, Irwindale, CA 91706 (APN: 8533-009-021, -024, -907) in the M-2 (Heavy Manufacturing) zone subject to conditions as set forth herein and making findings in support thereof and finding the project exempt from CEQA pursuant to section 15301 (class 1; existing facilities) with the

	revision as stated by Community Development Director Simpson to condition B-19.
COMMISSIONER HARTMAN	I motion to approve as read.
COMMISIONER CHICO	Second.
CHAIR TAPIA	Roll Call.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Hartman.
COMMISSIONER HARTMAN	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Gomez.
COMMISSIONER GOMEZ	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Chico.
COMMISIONER CHICO	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Vice-Chair Burrola.
VICE-CHAIR BURROLA	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Chair Tapia.
CHAIR TAPIA	I am still debating about page twenty-one, number four I do not agree with that sentence that is supposed to be a part of what is written in the code. I do not agree. That does not have anything to do, in my opinion, with exemption. You say there is nothing that can be changed there, counsel?
CITY ATTORNEY GUERRA	With respect to the langue after the number four in the first paragraph, no that is from the Municipal Code.

CHAIR TAPIA Okay, I want to go on record as I do not agree with number four and it should be changed. Who establishes what is said in our code?

CITY ATTORNEY GUERRA Traditionally it would be a recommendation from the Planning Commission that goes to the City Council for adoption.

CHAIR TAPIA Okay well I would like the City Council to take a real good look at what this says because again I want to read it, "The proposed development is consistent with applicable City design guidelines," which is not applicable with the City Design Guidelines at all. "And historic design themes," it is not Mediterranean or whatever you want to call it. "And provides for appropriate exterior building design," which it does not if you are going to call it Design Guidelines. "And appearance consistent and complementary to present and proposed buildings and structures in the vicinity," we don't know what vicinity it is not clear at all. What vicinity? I don't know. "Of the subject project while still providing for a variety of designs," what variety of designs is it providing? It is not providing any variety of designs, it is just going complementary with the designs that are already there. And it says, "forms and treatments." To me that paragraph has nothing to do with the exemption of this project. It has nothing to do with it. It shouldn't even be in there. Under those circumstances, I am going to go along with the rest of the Commission and vote yes, but I want this to clearly go to the Council and to make sure that when we are given the explanations that we get in our reports are more specific and that we don't have to look into. Yes I have worked in this field for fifteen years so I already know what that means but me I don't. I am a Commissioner, I don't know what you guys know. I need to read it here. I don't need to pull my hair trying to figure out what it means, then come to a meeting and find out that you did not mean it that way, it means this. I would like wherever we are going to be instructed to read, to read it literally. Under those conditions, and you said it will go to the Council? Under those conditions I am going to give my yes vote. Roll call.

COMMISIONER CHICO We already did it.

CHAIR TAPIA Did we? Oh sorry. So, thank you very much gentlemen. Okay we move on to Discussion Items and Presentations.

DISCUSSION ITEMS/ PRESENTATIONS

CHAIR TAPIA Any Discussion Items and Presentations?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: Thank you Chair and Commission, the only presentation I have tonight is I would like to introduce a new Community Development staff member, Jesus Hernandez. He is our Office Specialist. A little bit about Jesus is that, he previously worked in Monterey Park for the City Clerk's Office and the City Manager's Office, so he is familiar with city business. He has worked for the Disney Company for several years so he has really great Disney customer service skills. He has a dual degree from the University of La Verne in Criminology and Speech Communications. He had an eye on going to law school, he is shaking his head at me, and then he saw the wisdom of that and joined the City and Community Development.

COMMISSIONER GOMEZ: Well welcome aboard.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: Yes, I liked to introduce Jesus Hernandez.

OFFICE SPECIALIST HERNANDEZ: Thank you Chair and Commission, it is an honor.

CHAIR TAPIA: Okay, Commissioner Comments or Request.

COMMISSIONER COMMENTS/ REQUESTS

CHAIR TAPIA: Okay Commissioner Comments and request?

COMMISSIONER HARTMAN: I have one. I don't know if it is a question or a request. You know the Bus Company, that is over on Cypress, maybe because school is over but that bus yard is full of busses now. We as residents nearby are experiencing parking wars. The employees and the drivers of those buses are parking all up and down. Is that proper? Are they supposed to supply parking for their employees?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: Thank you Commission that did come to our attention, Code Enforcement is following up on that. It is a new company that came in and they complied with certain things with Code Enforcement. We are working on that because we recognized that it's had an impact on the neighborhood.

COMMISSIONER HARTMAN: A big impact.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Yes.
COMMISSIONER CHICO	Thank you that is all I had.
CHAIR TAPIA	Okay.
COMMISSIONER GOMEZ	Chair I also had a comment.
VICE-CHAIR BURROLA	I had a comment to so after Susan.
COMMISSIONER GOMEZ	I want them to pass it on to the correct department. Right at the new Memorial Park, we have low density grass which is really nice, however there is a section north of the tables and benches that is saturated with water and it is muddy. It is dangerous. Somebody could fall. I want it forwarded to the proper department so that they can look into changing the sprinkler density.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	I'll relate that to Public Works Services.
COMMISSIONER GOMEZ	Thank you.
CHAIR TAPIA	This couple with what Commissioner Hartman said, I know that in some instances you can't report it, but I would like to see what the follow through is on things that we bring up for consideration in the comments. Are they complying or are they not complying? How long will we going to give them to comply and that type of thing? I would like it to come back and let us know the results of the Code Enforcement visits to the facility. Anybody else?
VICE-CHAIR BURROLA	Yes, so I had a comment a couple meetings before, it's the warehouse west of Fraijo Street between Huy Fong Foods and Fraijo. That company is storing a lot of their scrap metal I guess. I look over the wall, because I live there, it seems like they cleaned up a little bit but more than clearing up they just kind of moved it around. There is still large, like there is a conex there, there is like a, what do you call those like a fifth wheel. Someone might be staying in it because I see them coming in and out. There is cars parked there old cars, campers. I asked this before I was wondering if Code Enforcement ever went there. The Chair made a good point we say these comments and then

we really don't get a report back, if they actually went out there and talked to the business owner. I was wondering if that was ever taken care of.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: Thank you Commissioner, Code Enforcement did go out. When they do an inspection, and on that one the items have been removed. If there is campers and fifth wheels and things like that, we will have Code Enforcement follow up. If we need to we can ask police if somebody is living in that.

VICE-CHAIR BURROLA: Okay. I just want to do it legally too, whatever is part of the CUP and any other requirements. Code Enforcement does it right and looks into it.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: Yes they follow up. In fact they may even be listening to the meeting tonight.

VICE-CHAIR BURROLA.: Okay.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: Thank you.

CHAIR TAPIA: Well I like to thank legal counsel for the pamphlet on the Brown Act. That was very concise and should help us out. Any Legal Counsel Comments.

LEGAL COUNSEL COMMENTS

CITY ATTORNEY GUERRA: No comments but thank you for the complement. I will let Jaime know.

CHAIR TAPIA: Okay. Community Development Director's Report?

COMMUNITY DEVELOPMENT DIRECTOR REPORT

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: Just a couple of items here. To remind the Commission to please check your City emails on a daily basis. There are some items in there regarding trainings that are required. I believe there are some of the Commissioners that will be getting iPads but when we talked to our IT department, I guess there has been a little bit of a delay in getting those from Apple. Probably in the next month, month in a half you should be

getting those. Then a reminder the next meeting that we have in October will be open to the public, and we will have the public coming in. There will be some row configuring of some of the seats just for safety purposes. For those Commissioners, who are going to the conference, some of you are going tomorrow and I will be seeing you there. I hope to see you, and make questions. They sound like good sessions. Thank you.

CHAIR TAPIA — No one else? Okay again, meeting will be adjourn in memory of Oliva Grijalva, Margaret Tapia, and Stacy Gonzalez. May they rest in peace. This meeting is now adjourn.

ADJOURNMENT — There being no further business to conduct, the meeting was adjourned at 8:40 p.m.

_____
Planning Commission Chair

Attest:

_____
Jesus Hernandez, Administrative Secretary

IRWINDALE COUNCIL CHAMBER **January 19, 2022**
5050 N. IRWINDALE AVENUE **Wednesday**
IRWINDALE, CALIFORNIA 91706 **6:36 P.M.**

The Irwindale **PLANNING COMMISSION** met in regular session at the above time and place.

PLEDGE OF ALLEGIANCE — I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

INVOCATION COMMISSIONER GOMEZ — Father God, I want to thank you for this New Year. We ask for continuous guidance and wisdom. Protect our City, Staff, the Police Department, and protect our State and our Nation. We pray this, amen.

CHAIR TAPIA — Roll call.

ROLL CALL: Present: Commissioners; Robert E. Hartman; David Fuentes; Richard Chico; Vice Chair Enoch Burrola; Chair Suzanne Gomez

Also present: Adrian Guerra, City Attorney; Marilyn Simpson, Community Development Director; Jamie Traxler, Assistant City Attorney; Brandi Jones, Senior Planner; Lisa Chou, Associate Planner; Martin Romero, Planning Technician; Jesus Hernandez, Administrative Secretary

ANNOUNCEMENTS

VICE-CHAIR BURROLA — Do we have any announcements, for today?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON — No announcements.

REORGANIZATION OF PLANNING COMMISSION

VICE-CHAIR BURROLA — So then we are going to go ahead and do the Reorganization of the Planning Commission. I guess you guys can run that as for as the nominations.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON — Yes.

VICE-CHAIR BURROLA — Okay.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Thank you Vice-Chair and Commission. This is the time for the Reorganization of Planning Commission and Jesus Hernandez will be giving the report.
ADMINISTRATIVE SECRETARY HERNANDEZ	At this time it is appropriate to reorganize the Planning Commission, including the selection of a Chair and Vice Chair. Any Commissioner may nominate another Commissioner or themselves and no second to the nomination is required. I will start off with opening the nominations for the office of Chair. After receiving all the nominations I will close the nominations and conduct the election of Chair by roll call vote, in the order nominated. Do we have any nominations for the office of Chair?
VICE-CHAIR BURROLA	I'd like to nominate Suzanne Gomez for Chair.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Gomez, do you accept or decline?
COMMISSIONER GOMEZ	I accept.
ADMINISTRATIVE SECRETARY HERNANDEZ	Do we have any other nominations?
COMMISSIONER CHICO	Motion to close the nominations.
ADMINISTRATIVE SECRETARY HERNANDEZ	I will now be conducting roll call for the nomination of Chair, for Commissioner Gomez. Commissioner Chico.
COMMISSIONER CHICO	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Fuentes.
COMMISSIONER FUENTES	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Gomez

COMMISSIONER GOMEZ	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Hartman.
COMMISSIONER HARTMAN	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Vice-Chair Burrola.
VICE-CHAIR BURROLA	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	We will now welcome our new Chair, Chair Gomez to open the nominations for Vice Chair. Again, any Commissioner may nominate another Commissioner or themselves and no second to the nomination is required. After receiving all the nominations, I will close the nominations and conduct the election of Vice Chair by roll call vote, in the order nominated. Do we have any nominations for Vice-Chair?
CHAIR GOMEZ	Yes, I'd like to nominate Commissioner Burrola.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Burrola, do you accept or decline?
VICE-CHAIR BURROLA	I accept.
ADMINISTRATIVE SECRETARY HERNANDEZ	Do we have any more nominations? Okay, I will now be conducting roll call for the nomination of Vice-Chair for Commissioner Burrola. Commissioner Chico.
COMMISSIONER CHICO	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Fuentes.
COMMISSIONER FUENTES	Yes.

ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Gomez
COMMISSIONER GOMEZ	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Hartman.
COMMISSIONER HARTMAN	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Vice-Chair Burrola.
VICE-CHAIR BURROLA	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Thank you, we welcome our Vice-Chair.
VICE-CHAIR BURROLA	We will do a five-minute intermission and pick up with Spontaneous Communications.
RECESS	Vice-Chair Burrola recessed the meeting at 6:40 p.m.
RECONVENED	Chair Gomez reconvened the meeting at 6:45 p.m.
ADMINISTRATIVE SECRETARY HERNANDEZ	We are going to start with another Roll Call, with the new reorganization. Commissioner Hartman.
COMMISSIONER HARTMAN	Here.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Fuentes.
COMMISSIONER FUENTES	Here.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Chico.

COMMISSIONER CHICO: Here.

ADMINISTRATIVE SECRETARY HERNANDEZ: Vice-Chair Burrola.

VICE-CHAIR BURROLA: Here.

ADMINISTRATIVE SECRETARY HERNANDEZ: Chair Gomez

CHAIR GOMEZ: Here.

ADMINISTRATIVE SECRETARY HERNANDEZ: Thank you.

CHAIR GOMEZ: Now we are going to open up the meeting for Spontaneous Communications.

SPONTANEOUS COMMUNICATIONS

CHAIR GOMEZ: If we have any in-person attendees, they can come forth and speak. Since it seems like we do not, we will move on to Tier Two, which is the teleconference attendees. Do we have any teleconference attendees?

ADMINISTRATIVE SECRETARY HERNANDEZ: We do. We have…

CHAIR GOMEZ: We do have any raised hands?

ADMINISTRATIVE SECRETARY HERNANDEZ: Yes, correct.

CHAIR GOMEZ: Okay, let's proceed.

ADMINISTRATIVE SECRETARY HERNANDEZ: I am going to go ahead and unmute Dena.

DENA ZEPEDA — Thank you Chair, first of all I'd like to congratulate Commissioner Fuentes. I am really happy to see that we are having you up there for all your knowledge, and everything you had in the past, congratulations. Congratulations to Chair, Ms. Gomez, I am glad to see you up there, being that you are very knowledgeable about a lot and to benefit our City. I really would like to thank and congratulate Burrola; you have done a lot for our community. You have great knowledge. Your knowledge saved us from a lot and we really appreciate that. We want you to know, the residents, we want you to know that what you've done for us with the Vincente project, we really appreciate that. Thank you. To the other Commissioners, thank you so very much, Hartman and Chico. I hope we have a good year this year, there's a lot to look forward to and I think we have a great team right now. I want to thank all of you for accepting all your duties and everything, to benefit our residents. I do have a question for you guys, for the one doing this. We like to see you guys, on the webinar we have the Spontaneous Communications Label across and we can't see you guys up in the corner. We would like to see if you could switch those screens so we can be able to see as others get appointed and stuff. We want to be able to see it and we can't see that. Another thing is congratulations to our new clerk. Thank you and if you could put your speaker up because you are going in and out. Thank you, you guys have a good day.

CHAIR GOMEZ — Thank you Ms. Zepeda, we will look into that. Any other hands raised?

ADMINISTRATIVE SECRETARY HERNANDEZ — We do not.

CHAIR GOMEZ — Thank you so much for that. We will go into, is there anyone for Tier 3 to address? No? And then Tier 4 the teleconference attendees, nothing to address on that. So we will move forward, and we will move forward to the Consent Calendar.

CONSENT CALENDAR

CHAIR GOMEZ — On the Consent Calendar there is a recommendation to approve some minutes, the Adjourned Meeting held August 09, 2021. I believe that we have some guidance on that meeting from our attorney. Is that correct?

CITY ATTORNEY GUERRA — Yes, my understanding is that former Chair Tapia, was a participant in some of the hearings in which we only had three Commissioners present for that hearing. Therefore, the other two Commissioners that did not participate, were outside of the chambers and did not have a role in those items. Usually as many of you know, when Council Members or Commissioners have missed a meeting the traditional process is that they recuse themselves, from voting on the Minutes since they were not there. This is a unique scenario where that Commissioner is not coming back, and we would have two Commissioners who participated in that specific hearing being able to vote, and that is less than a quorum. What I have usually recommended, is that one of the other Commissioners who did not participate go back and listen to the audio or review the video of the meeting, and ensure that the Minutes reflect accurately what occurred at that meeting. You do not have to participate to do that but that would at least allow us to adopt the Minutes. We can do it one of three ways.

CHAIR GOMEZ — I have a couple of comments just before we make that decision. On that August 9th Meeting, there were two Commissioners that had to recuse themselves based on the proximity of the project. I believe that the new commissioner would also be in the circumstances, where his residence is in proximity to the property. Even in that, because we need a quorum one of us would have to listen to the minutes to get them approved. I would like to make a recommendation on that, that is since Commissioner Chico and I were present for the hearing and the discussion, I wonder instead of drawing straws if we could have a commissioner volunteer and listen to it, so they can get caught up on what happen in those proceedings. Would that be okay?

CITY ATTORNEY GUERRA — Yes.

CHAIR GOMEZ — Commissioner Fuentes.

COMMISSIONER FUENTES — I have a question. Since the Commission is just approving Minutes, all Minutes are, are the written documents from the transcript verbatim on what when on in the meeting. Why would that preclude anybody from voting on that? This is what it is. This happen and the other Commissioners were outside listening. What would preclude them from voting on this?

CITY ATTORNEY GUERRA — Nothing, if they listen to the meeting.

CHAIR GOMEZ	My concern with that is, when we came before to approve these Minutes we found some indiscrepancies that we needed to correct. In abundance of caution because of the relevancy of this project, I would like to take the recommendation of the City Attorney and have somebody volunteer to review them and make sure the items were changed as previously noted, and bring it back and vote on it and have it approved. We can draw straws or somebody can volunteer.
COMMISSIONER FUENTES	I would volunteer but I was not here to see if the changes have been made in this document. I've read this document but that is all I got is a document that is before me. I wasn't present at the meeting.
CITY ATTORNEY GUERRA	Right and so what Staff can do is provide access to the video or audio of the meeting, and you can just listen to it and ensure the Minutes reflect accurately of what occurred.
ADMINISTRATIVE SECRETARY HERNANDEZ	Just to clarify, the changes were not made. We went back and listened to the recording and what was said was written on the Minutes.
CHAIR GOMEZ	Okay. Great. Excellent. I appreciate that thank you for the input. I think that whoever is reviewing it, any other Commissioner here other than the two that voted, we can verify just to be sure. As we know, the Minutes are a legal document once they are approved, and that is a strong ramification especially on this particular project.
VICE-CHAIR BURROLA	Can I make a comment?
CHAIR GOMEZ	Sure.
VICE-CHAIR BURROLA	I think that it would be good for you to actually go over the audio. Just so you get caught up to where we are at now, with the whole situation at the Manning Pit and Vincent.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Can you please turn your mic on?
VICE-CHAIR BURROLA	Oh you couldn't hear? I am sorry. I kind of agree with the Chair. If you wish to be the one to review it, and get caught up to where we are at now.
COMMISSIONER FUENTES	If that is the recommendation of this Commission, I am willing to oblige.

COMMISSIONER CHICO	I was gonna say I personally appreciate it. If no other reason you were totally independent. You weren't even a Commissioner. It keeps everything squeaky clean.
CHAIR GOMEZ	Do we need a motion or we just going to have somebody who is going to volunteer.
CITY ATTORNEY GUERRA	I think if we have someone who is going to volunteer, we can just move the item to the next meeting.
CHAIR GOMEZ	Do we have any volunteers on the Commission that would listen and review the Minutes and the motion. Do we have anybody who is willing to volunteer to review the audio, and also in conjunction with review the minutes for this meeting so we can come back and approve them.
COMMISSIONER FUENTES	I have no problem. I have a question though.
CITY ATTORNEY GUERRA	Sure.
COMMISSIONER FUENTES	I notice in the meetings that there were several Union representatives that came up and spoke on behalf of project. I was a union member affiliated with one of those Unions for twenty-eight years. Would I have a conflict of interest there?
CITY ATTORNEY GUERRA	I do not see a conflict there.
COMMISSIONER FUENTES	Okay, I am okay then.
CITY ATTORNEY GUERRA	But thank you for asking.
CHAIR GOMEZ	You are willing to volunteer then?
COMMISSIONER FUENTES	Sure.
CHAIR GOMEZ	Okay.
COMMISSIONER FUENTES	If that is the wishes of this Commission.
CHAIR GOMEZ	Thank you.
CITY ATTORNEY GUERRA	So Chair, we will bring the items back at the next meeting.

CHAIR GOMEZ — Okay, does that also pertain to the Regular Meeting held August 18th and September 15th. Are we approving those or do those also pertain to similar issue that we need to…

CITY ATTORNEY GUERRA — I believe that includes a similar issue.

CHAIR GOMEZ — So all three need to be…

ADMINISTRATIVE SECRETARY HERNANDEZ — Give me one second. The one in August everyone was here, it was regarding a presentation of Conflict of Interest. Just let me double check. That would be August 18th.

CITY ATTORNEY GUERRA — Yeah, for the August 18th there were no action items other than...

CHAIR GOMEZ — So we can go ahead and pass those today. And then also the Regular Meeting of September 15th, were there any items that were of issue?

CITY ATTORNEY GUERRA — Let me see.

ADMINISTRATIVE SECRETARY HERNANDEZ — I don't believe so, but give me one second.

CITY ATTORNEY GUERRA — We had the Vincent Project.

CHAIR GOMEZ — On that item?

CITY ATTORNEY GUERRA — On the 15th.

ADMINISTRATIVE SECRETARY HERNANDEZ — Oh yes we did on the Consent Calendar.

CHAIR GOMEZ — So we are going to go over, Number 1 the Meeting of August 9th and Number 3 the Meeting of September 15th for review by Commissioner Fuentes. We will bring those back on the next Consent Calendar. Can I have a motion to approve the consent for the Regular Meeting held August 18th.

VICE-CHAIR BURROLA — For the 18th you said?

CHAIR GOMEZ — August 18th.

VICE-CHAIR BURROLA	August 18th. motion to approve.
ADMINISTRATIVE SECRETARY HERNANDEZ	Do we have a second?
COMMISSIONER CHICO	Second.
CHAIR GOMEZ	Roll Call please.
VICE-CHAIR BURROLA	Is it August 18th?
CHAIR GOMEZ	It says August 18th, 2021 Regular Meeting, there was no conflict as to that discussion, correct?
ADMINISTRATIVE SECRETARY HERNANDEZ	Correct.
CHAIR GOMEZ	There was a motion and a second by Commissioner Chico, so can we do Roll Call?
ADMINISTRATIVE SECRETARY HERNANDEZ	Yes. Commissioner Chico.
COMMISSIONER CHICO	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Fuentes.
COMMISSIONER FUENTES	Abstain.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Hartman.
COMMISSIONER HARTMAN	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Vice-Chair Burrola.

VICE-CHAIR BURROLA	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Chair Gomez
CHAIR GOMEZ	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Thank you.
CHAIR GOMEZ	Do we need a motion to put over the other motion? No? We will just bring it back?
CITY ATTORNEY GUERRA	We will just bring it back.
CHAIR GOMEZ	So we move to the next issue, which would be New Business.

NEW BUSINESS

CHAIR GOMEZ	Do we have any New Business?
ADMINISTRATIVE SECRETARY HERNANDEZ	We do not.
CHAIR GOMEZ	So now we move into Public Hearings.

PUBLIC HEARINGS

CHAIR GOMEZ	Do we have any Public Hearings?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Thank you Chair and Commission, we do not have any Public Hearings tonight.
CHAIR GOMEZ	Then we will move on to the next item.

DISCUSSION ITEMS/ PRESENTATIONS

CHAIR GOMEZ	Any presentations?

ADMINISTRATIVE SECRETARY HERNANDEZ — We do not have any presentations.

CHAIR GOMEZ — Thank you.

COMMISSIONER COMMENTS

CHAIR GOMEZ — And do we have any Commissioner Comments or Request this evening?

COMMISSIONER FUENTES — I have a comment, forgive me when you have call Commissioner Chico I might answer. I've gone by that name, it is not my name, but I've gone by that name as a nickname.

COMMISIONER CHICO — I had it first.

COMMISSIONER FUENTES — When you first motion, I almost..

COMMISIONER CHICO — While we are at it, I would like to officially welcome Commissioner Fuentes to our group here.

VICE-CHAIR BURROLA — Welcome.

CHAIR GOMEZ — Yes, welcome Mr. Fuentes. Any other comments by any other Commissioners or requests?

COMMISIONER HARTMAN — I had a couple of comments. Two items are things that need to be taken care off. On the Irwindale Avenue, bridge over at the Metro Station under the bridge there is full of graffiti and it is very, very visible. It is on the bottom of the bridge right above the bicycle lockers. I thought maybe it would get taken care of, but it has been there for about three weeks. I'd like to see that get cleaned up by somebody. I don't know if it is Metro or us. The other item is, on the meandering sidewalk at the south end of this Irwindale business complex, actually at the south end of Louis Vuitton, there is the meandering sidewalk lights; quite a few of them are burned out. Two of them that I saw, had holes in the glass planes and birds had actually made a nest inside. I think that needs to be taken care of by the maintenance department over there. That is all I have.

CHAIR GOMEZ — Any other Commissioners have a comments or requests? Did you have a comment or request at this time?

VICE-CHAIR BURROLA — I have a comment. Happy New Year for one. I just hope this year could be a good year, where we work together to get things done for the City. There is probably going to be a lot of projects coming through and we have a good staff. I just want to say that working together we can get things done. Just keep that in mind. We work as a team. As we work as a team we can get things done for the residents and for the City of Irwindale. And Merry Christmas too. We haven't seen each other since then so Merry Christmas, Happy New Year, and congratulations to the new Chair. I am very sure she is gonna do a very, very good job. Thank you.

CHAIR GOMEZ — Thank you, any other comments.

COMMISSIONER CHICO — Yes, Chair Gomez.

CHAIR GOMEZ — Sure.

COMMISSIONER CHICO — I'd like to request at this time that when we adjourn, we adjourn in the memory of Ben Aguayo, who passed away recently. Mr. Aguayo was, although not a lifelong citizen of Irwindale, he did live most of his life in Irwindale. He was a member of the Planning Commission. He was always involved in civic affairs and he was very much of a gentlemen. So if you would, please.

CHAIR GOMEZ — Thank you. I just like to take this opportunity to thank you for putting me in this position. I have worked previously with many members on this Commission in capacity of Planning Commission previously and also in the City Council. I do believe that our heart and integrity is for the benefit of the City overall. As representatives of the City Council and of residents, I am sure that we will do our best to continue to beautify and enhance Irwindale in the vison and the mission that our forefathers had. Also, Ben was my neighbor and he was a great guy. So we will certainly do that. Any comments from Legal Counsel as we move to complete the Agenda.

LEGAL COUNSEL COMMENTS

CITY ATTORNEY GUERRA — Madame Chair, actually I do. Going back to the Minutes, it appears that Commissioner Burrola you were absent at that meeting. I just want to make sure you were comfortable moving forward with the Minutes.

CHAIR GOMEZ — Was he teleconference? He did a teleconference.

CITY ATTORNEY GUERRA — That was a training session.

VICE-CHAIR BURROLA	Okay, I was unaware of that. I had a sickness, I guess at that time now that I am recalling. One of the meetings I had was at home. The second meeting after that, the next month after, was that the meeting August 18th?
CITY ATTORNEY GUERRA	Yeah this one...
VICE-CHAIR BURROLA	That was after the one where we voted on the Vincent property?
CITY ATTORNEY GUERRA	I believe so.
VICE-CHAIR BURROLA	Okay. So how would that work? Should we abstain from those?
CITY ATTORNEY GUERRA	Yes, so what I would suggest is that maybe we do a motion to reconsider since you made the motion.
VICE-CHAIR BURROLA	Let's do that.
CHAIR GOMEZ	Okay.
VICE-CHAIR BURROLA	I abstain from…
CITY ATTORNEY GUERRA	The procedure would be; do a motion to reconsider, do a second, we will have a vote on that, basically take that vote off the table, and then somebody else will make the motion to adopt those Minutes.
CHAIR GOMEZ	Okay, so we are going to review and have a motion to reconsider for the Minutes of…
CITY ATTORNEY GUERRA	August 18th.
CHAIR GOMEZ	August 18th. So I need a motion to reconsider.
COMMISSIONER CHICO	I motion.
COMMISSIONER HARTMAN	Second.
CHAIR GOMEZ	We will take Roll Call and then vote for those Minutes.

ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Chico.
COMMISSIONER CHICO	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Fuentes.
COMMISSIONER FUENTES	Abstain.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Hartman.
COMMISSIONER HARTMAN	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Vice-Chair Burrola.
VICE-CHAIR BURROLA	Abstain.
ADMINISTRATIVE SECRETARY HERNANDEZ	Chair Gomez
CHAIR GOMEZ	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	So that was a motion to reconsider. Now we will do a motion to approve the Minutes.
COMMISSIONER CHICO	Motion to approve the Minutes.
CHAIR GOMEZ	Second.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Chico.
COMMISSIONER CHICO	Yes.

ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Fuentes.
COMMISSIONER FUENTES	Abstain.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Hartman.
COMMISSIONER HARTMAN	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Vice-Chair Burrola.
VICE-CHAIR BURROLA	Abstain.
ADMINISTRATIVE SECRETARY HERNANDEZ	Chair Gomez
CHAIR GOMEZ	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Thank you.
CHAIR GOMEZ	Anything else from our Legal Counsel at this time?
CITY ATTORNEY GUERRA	No, I think I've said enough tonight.
CHAIR GOMEZ	Okay, thank you.
COMMISSIONER FUENTES	Chair?
CHAIR GOMEZ	Yes?
COMMISSIONER FUENTES	I've got I guess, one…
CHAIR GOMEZ	Comment?

COMMISSIONER FUENTES	Yes, comment/request. There was several items that were brought before us, for Staff to look into. I would like a report back, where we are at with that. It would be thirty days or so, hopefully the graffiti is cleaned up and also those lights are taken care of. Are those Edison lights or are they parking lights?
COMMISSIONER HARTMAN	They belong to the...
COMMISSIONER FUENTES	The parking ot?
COMMISSIONER HARTMAN	Not parking lot, they are along the sidewalk at the south end of the property.
COMMISSIONER FUENTES	Okay.
COMMISSIONER HARTMAN	Right by the wash.
COMMISSIONER FUENTES	Okay, so if we can get a report back of where we are at, instead of just letting it lay idle. If they can report back to us and let us know if Staff or the City, if we have taken care of it or where we are at in an update.
CHAIR GOMEZ	Absolutely, that can be incorporated in the Community Development Director Report monthly, and so right now we are at that.

COMMUNITY DEVELOPMENT DIRECTOR REPORT

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Thank you Chair and Commissioners, yes we will report. Actually in the Metro, I can give you a report now. Code Enforcement has issued their Courtesy Warning Notice and they have thirty days to respond to it. I will remind them again and I will follow up on it.
COMMISSIONER HARTMAN	Isn't graffiti 48 hours after notification?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Yes but …
COMMISSIONER HARTMAN	We are dealing with Metro.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Yes but they have reached out to them. About the lights, thank you, we will follow up with the property management company. First off, congratulations on the new appointments and welcome to our newest Commissioner. Just a couple of things, the City Council had approved, they are continuing the hybrid meetings. That gets approved month to month. For the time being, it is still going to be the hybrid format for that. Next thing, thank you Vice Chair Burrola, you know working as a team. All I want to say is buckle up. We got the Zoning Code that once it gets going it's really going to get going. The same thing with the General Plan. So really exciting. 2022 is going to be a good year. That is it. Thank you.
CHAIR GOMEZ	Thank you. If there is no other comments I would like to adjourn the meeting on behalf of Ben Aguayo. Thank you.

ADJOURNMENT There being no further business to conduct, the meeting was adjourned at 7:09 p.m.

_____
Suzanne E. Gomez, Planning Commission Chair

Attest:

_____
Jesus Hernandez, Administrative Secretary

CITY OF IRWINDALE
PLANNING COMMISSION STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

Date: March 16, 2022 **Agenda Item No. 3-B**

To: Honorable Chair and Members of the Planning Commission

From: Marilyn Simpson, AICP, Community Development Director

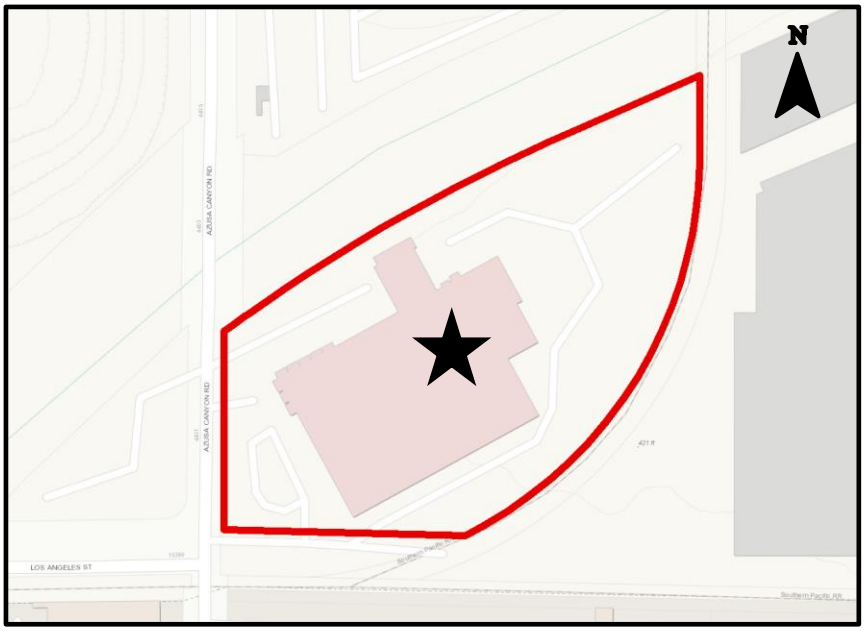
Project Planner: Brandi Jones, Senior Planner
Lisa Chou, Associate Planner

Project: Site Plan & Design Review (DA) No. 04-2020
Speculative 129,830 Square-Foot Concrete Tilt-Up Building

Applicant: Michael Ramirez, Rexford Industrial Realty, LLC

Property Owner: Rexford Industrial Realty, LLC

Project Location: 4416 Azusa Canyon Road (APN: 8417-004-006)



Map Date February 2022
Source: ESRI, City of Irwindale

Staff Recommendation: That the Planning Commission:

1) Adopt Resolution No 813(22) entitled “A Resolution of the Planning Commission of the City of Irwindale, Recommending that the City Council adopt the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) for the Construction of one (1) Speculative Industrial Tilt-Up Building Totaling ±129,830 Square Feet For Property Located at 4416 Azusa Canyon Road, Irwindale, CA 91706 (APN: 8417-004-006) in the M-1 (Light Manufacturing) Zone and Making Certain Findings of Fact, Pursuant to the California Environmental Quality Act

2) Adopt Resolution No. 814(22) entitled, “A Resolution of the Planning Commission of the City of Irwindale Recommending that the City Council approve Site Plan and Design Review (DA) No. 04-2020) for the Construction of one (1) Speculative Industrial Tilt-Up Building Totaling ±129,830 Square Feet For Property Located at 4416 Azusa Canyon Road, Irwindale, CA 91706 (APN: 8417-004-006) in the M-1 (Light Manufacturing) Zone and Making Certain Findings of Fact; subject to the City Council adoption of the MND and MMRP and subject to the attached Conditions of Approval.

REQUEST

The Applicant is requesting a Site Plan and Design Review (DA) for the construction of a ±129,830 square-foot concrete tilt-up building and associated parking located at 4416 Azusa Canyon Road, within the City of Irwindale.

BACKGROUND/HISTORY

Based on a review of historical information, the project site appears to have been used as an orchard from at least 1928 until around 1952, when the site became vacant. The current main building was constructed in 1956 and was used by PepsiCo as a bottling plant. The site is presently developed with one building of approximately 62,713 square feet in the western half of the site, a large metal shed north of the building, and a loading dock and large truck yard on the eastern portion of the site (LACOA 2021). The building is a single-story structure of concrete tilt-up construction on a concrete slab floor. The bottling plant ceased operation in December 2020 and the site has remained vacant.

On February 16, 2022, the Planning Commission conducted a duly noticed public hearing, closed the public hearing, and requested staff to provide more information on the traffic study and continued the meeting to a date uncertain.The transportation analysis from the technical appendices of the Mitigated Negative Declaration (MND) was routed to the Commissioners on February 17, 2022. The Commissioners also inquired about the difference between the preparation of the MND for the project instead of an Environmental Impact Report (EIR). In addition, the applicant team has taken Commissioner feedback from the February 16, 2022 public hearing and proposed some design changes.The full report, as presented during the February 16, 2022 Planning Commission meeting, is attached as Exhibit I.

GENERAL PLAN AND ZONING

The site is designated in the General Plan as Industrial/Business Park. The property is currently zoned M-1 (Light Manufacturing).The following zones and uses surround the site:

Direction	Existing Land Use	Zoning District
North	Industrial Businesses	M-2, Heavy Manufacturing
South	Industrial Businesses	M-2, Heavy Manufacturing
East	Industrial Businesses	M-2, Heavy Manufacturing
West	Public Works Yard & Olive Pit	M-1, Light Manufacturing & Q, Quarry

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act, the City of Irwindale prepared an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. Based on the Initial Study and subsequent analysis, staff has determined that the project as proposed qualifies for a Mitigated Negative Declaration according to the California Environmental Quality Act (CEQA), pursuant to Section 15074 of the CEQA Guidelines.

Specifically, the impacts of the proposed project would be mitigated to less-than-significant levels with the implementation of the Mitigation Measures for the following areas:

- Air Quality
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Transportation
- Tribal Cultural Resources
- Mandatory Findings of Significance

The Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are on file in the Community Development Department/Planning Division, City Hall and the Irwindale Public Library. The IS/MND (Exhibit “E”) was posted and circulated for the required thirty (30) days for public review and comments (December 21, 2021 through January 19, 2022). (A copy of the above referenced documents are posted on the City’s website at https://www.irwindaleca.gov/575/4416-Azusa-Canyon-Road.

The specific details of the mitigation methods are included in the Mitigation Monitoring and Report Program (MMRP).

A total of four (4) letters were received during the comment period. These comments were provided by: State of California Department of Transportation (Caltrans), Los Angeles County Sanitation District, Lozeau Drury, LLP and Teamsters Local Union No. 396. The comment letters and responses to comments have been included in the MND. An

additional letter from Lozeau Drury, LLP was received after the comment period on February 16, 2022.

Additionally, PlaceWorks and Urban Crossroads, the environmental consultants that prepared the MND and MMRP for the project, have prepared a detailed response (Exhibit H) to the letter dated February 16, 2022 from Lozeau Drury, LLP. The letter asserts that the IS/MND does not adequately analyze and mitigate air quality, greenhouse gas, hazards and hazardous materials, and transporation impacts and requests the preparation of an EIR.

The response prepared by PlaceWorks addresses each area of concern to fully disclose potential environmental impacts and mitigation which reduces impacts to below significance. It is the professional assessment and recommendation of PlaceWorks that an EIR is not required for this project. PlaceWorks has thoroughly analyzed the project and potential impacts and has determined that the mitigation measures and conditions of approval will avoid impacts to a point where no significant impacts on the environment would occur, therefore a Mitigated Negative Declaration was prepared for the project.

Transportation

Pursuant to City Council Resolution No. 2020-53-3163, wherein the City Council of the City of Irwindale adopted “Vehicle Miles Traveled” thresholds of significance for purposes of analyzing transportation impacts under CEQA Guidelines section 15064.3, Urban Crossroads conducted a transportation analysis as part of the analysis of the project within the MND. CEQA Guidelines Section 15064.3 identifies vehicle miles traveled ("VMT”) — meaning the amount and distance of automobile travel attributable to a project — as the most appropriate metric to evaluate a project' s transportation impacts.

Pursuant to the Office of Planning and Research (“OPR”) Technical Advisory on Evaluating Transportation Impacts in CEQA, absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact. The Project was analyzed to generate or attract fewer than 110 trips per day, thus VMT analysis was screened out due to a presumption of less than significant impacts.

However, the City of Irwindale’s Policy Guidelines for Traffic Impact Reports requires that projects under go a Level of Service (“LOS”) analysis. Urban Crossroads estimated vehicle trips based on data from the ITE (Institute of Transportation Engineer) Trip Generation Manual, a nationally recognized source for estimating land use-specific trip generation, which is listed as a fundamental requirement within the City’s Policy Guidelines for Traffic Impact Reports. To account for the effects of truck traffic in the traffic analyses, vehicle mix data from the City of Fontana Truck Trip Generation Study was utilized to generate estimated truck trips.

The transportation analysis report found that improvements were needed at two intersections—Azusa Canyon Road/Los Angeles Street and Azusa Canyon Road/Arrow Highway—to provide an acceptable level of service at these locations. The recommendations and conditions of approval include contributions on a fair-share basis to address existing deficient operations (see Appendix I). The proposed signal control improvement at Azusa Canyon Road/Arrow Highway is based on the Project's fair share of impacts, calculated to be 9%, with the Applicant agreeing to contribute $550,000 to the new traffic signal. The Project is estimated to impact the Azusa Canyon Road/Arrow Highway intersection on a fair share basis of 2%, with the Applicant agreeing to contribute its fair share amount to the lane configuration and traffic signal phasing modification improvement. It is the professional assessment and recommendation of Urban Crossroads that these mitigation measures will reduce any impacts to less than significant levels and will significantly improve the existing levels of service at the intersections. These improvement requirements are incorporated in the Conditions of Approval.

Additionally, a project condition of approval requires that any proposed tenant(s) provide a site-specific trip generation technical memo demonstrating that the business will not exceed the maximum limit of allowable trips as studied by the transportation analysis. The condition also states that the City will regularly and continually monitor the actual trips generated by the project and enforce the maximum limit of allowable trips. The owner/applicant shall be solely responsible for all costs related to analyses, peer review, monitoring and enforcement.

SITE PLAN AND DESIGN REVIEW

Pursuant to the provisions of Chapter 17.70 (Site Plan and Design Review) of the Irwindale Municipal Code (IMC), "No person shall construct any building or structure or make structural and physical improvements, additions, extensions and/or exterior alterations, and no permit shall be issued for such construction until the site plan and design review has been submitted to, reviewed by, and approved in accordance with this chapter. The property may only be developed, used and maintained in accordance with the approved site plan and design review."

Development Standards

Development Standard	Minimum Requirement	Project Proposal
Front Yard Setback	20'-0"	69'-0" – 105'-0"
Side Yard Setback	20'-0"	25'-0" – 160'-0"
Rear Yard Setback	N/A	48'-5" – 108'-11"
Floor Area Ratio (F.A.R.)	1.0:1.0	0.52:1.0
Building Height[1]	35'-0"	39'-0"
Landscaping	10%	11%

[1] Per IMC subsection 17.08.085 "Building Height" means the vertical distance from the finished grade of the lot to the highest average point of the building or structure.

Parking	116	123
Truck/Trailer Parking	N/A	N/A

Project Description
The proposed project is for the construction of a ±129,830 square-foot speculative concrete tilt-up building and associated passenger vehicle parking. The building consists of ±9,160 square feet of office, ±17,000 square feet of manufacturing and ±103,670 square feet of warehousing. The property has a gross square footage of 256,664 square feet (5.89 acres) and a net square footage of 251,096 square feet (5.76 acres). There is a required street dedication along Azusa Canyon Road of 5,568 square feet (0.13 acres). At this time, there is no prospective user.

Tribal Consultation
On May 10, 2021, the following tribes were notified pursuant to AB 52:

Gabrieleno Band of Mission Indians–Kizh Nation
Gabrieleno/Tongva San Gabriel Band of Mission Indians
Gabrielino/Tongva Nation
Gabrielino/Tongva Indians of California Tribal Council
Gabrielino-Tongva Tribe
Santa Rosa Band of Cahuilla Indians
Soboba Band of Luiseno Indians

Three (3) responses were received. The Gabrielino/Tongva Indians of California Tribal Council requested that the tribe be notified if prehistoric materials or burial remains are found during construction. If burial remains are found, the tribe wants to engage in formal consultation. The Gabrieleno Band of Mission Indians–Kizh Nation provided tribal archive information identifying the high cultural sensitivity of the project site. To avoid impacting or destroying tribal cultural resources that may be inadvertently unearthed during the project's ground disturbing activities the tribe provided the City with measures to mitigate or avoid a significant effect on tribal cultural resources. The Santa Rosa Band of Cahuilla Indians responded that the tribe did not have any comments.

Building Design/Design Guidelines
The proposed project is a single-story building located on the former PepsiCo Bottling plant. The proposed tilt-up building incorporates many of the desired design elements from the Commercial and Industrial Design Guidelines. The layout, landscaping and design of the site also incorporated encouraged design principles. For example, the use of an authentic period style compatible with City context, new buildings that draw upon the fundamental characteristics of existing buildings in the City, façade depth of plans and variations on all sides, including varied rooflines, berms, meandering sidewalks and multi-layered landscaping.

The building incorporates tower elements as focal points and breaks up the expansive exterior walls with architectural projections and details around the windows. The vertical and horizontal reveals, arched windows and multi-color palette also work to add depth

and character to the building. The design is similar to many of the recently approved developments, which have been designed to closely adhere to the guidelines, while maintaining function and aesthetic uniqueness.

Design Enhancements
Based on feedback from the Planning Commissioners, the applicant team revisited the designs for the sidewalk and water fountain. A meandering sidewalk along Azusa Canyon Road is now incorporated in the updated site plan. The applicant is also proposing a "Welcome to Irwindale" sign on the water fountain on the corner of Azusa Canyon Road and Los Angeles Street. A revised site plan and detail of the water fountain has been included in the project plans and attached to this report as Exhibit C.

Operation
The prospective use is currently unknown but there are many potential uses that are permitted by right due to the current zoning designation. However, certain uses would not be allowed or would be subject to a Conditional Use Permit. These uses would require Planning Commission approval prior to operation and be subject to a set of Conditions of Approval and a signed Affidavit of Acceptance from the property owner and tenant acknowledging and agreeing to abide by the imposed conditions. Cold storage have been expressly prohibited for this site without further future environmental analysis. The overwhelming majority of new industrial development in the City is speculative.

Landscaping, Project Fencing and Screening
Approximately 27,979 square feet (11%) of the project site is proposed to be landscaped in compliance with the "City of Irwindale Commercial and Industrial Design Guidelines" and the Zoning Code requirements for parking area landscaping. The proposed percentage meets and exceeds the required ten percent (10%) that is required within the Irwindale Municipal Code. The proposed landscape plan is comprised of a combination of parking lot shade trees, shrubs, and groundcover. An eight (8) foot high steel fencing is proposed which surrounds the majority of the property.

Access and Circulation
Ingress and egress to the site are provided via a three (3) driveways, one fronting onto Azusa Canyon Road and the other two (2) fronting on Los Angeles Street. The proposed building is setback approximately 69'-0", which will also accommodate projected queuing, thus avoid overflow onto Azusa Canyon Road and Los Angeles Street. A 20"-0" wide street dedication along Azusa Canyon Road is required.

Parking
IMC Subsection 17.64.030.P(2) "Offices not providing customer service on the premises" requires a minimum one (1) parking space for each two (2) employees on the maximum (most workers) working shift or one (1) space for each 350 square feet of gross floor area, whichever is the greater and IMC Subsection 17.64.030(V) "Warehouse and storage buildings" requires one (1) parking space for each 1,000 square feet of the first 20,000 square feet of gross floor area, one (1) space for each 2,000 square feet for the next

20,000 square feet of gross floor area and one (1) space for each 4,000 square feet for all floor area over 40,000 square feet of gross floor area.

Based on the proposed square footage, the project requires 116 stalls and 123 stalls are being proposed [five (5) ADA stalls, ninety-seven (97) standard stalls and twenty-one (21) compact stalls]. There are no designated trailer stalls. All parking is surface parking; there are no proposed parking structures or subterranean lots.

Building Height

The maximum building height in the M-1 (Light Manufacturing) zone is 35'-0". Per IMC subsection 17.08.085 "Building Height" means the vertical distance from the finished grade of the lot to the highest average point of the building or structure. The rooflines vary from approximately 30'-7" to 35'-0" and the parapet walls, including the architectural features extend to a maximum height of 39'-0". IMC subsection 17.68.010 "Height of Penthouses and Roof Structures" allows parapet walls to be erected above the height limits prescribed.

Signage

IMC Section 17.56.050 "Signs" provides the maximum allowable sign area for freestanding and wall signs. Based on the approximate square footage of the medical office building, the allowable amount of wall signage would equate to ±1,298 square feet. Freestanding signs would be limited to 150 square feet regardless of building size. Like other recently approved, large-scale projects, Staff incorporates a Condition of Approval that requires the applicant to prepare a comprehensive sign program. The sign program includes but is not be limited to sign type, square footage allowances, placement, illumination, quantity, colors and materials.

ANALYSIS

Site Plan & Design Review Analysis

Before any Site Plan and Design Review is approved, the applicant must show, to the satisfaction of the Planning Commission and the City Council, the existence of the following findings of fact. Staff has determined that the findings can be made based on the analysis below:

1. The proposed project is in conformance with the general plan, zoning ordinance, and other ordinances and regulations of the City.

   The subject site is zoned M-1 (Light Manufacturing) and has a General Plan land use designation of Industrial/Business Park and Residential. The existing General Plan and Zoning designations are consistent, which eliminates the need for any legislative action such a Zone Change or General Plan Amendment. The project also meets the minimum development standards for the applicable zones, such as setbacks, height, floor area ratio (F.A.R), parking and aesthetic design without the need for a Zone Variance to accommodate a deviation from any measurable standards. The

prospective use is currently unknown but there are many potential uses that are permitted by right due to the current zoning designation, however certain uses would be not be allowed or would be subject to a Conditional Use Permit.

2. The proposed project is in conformance with any redevelopment plan and regulations of the community redevelopment agency and any executed owner's participation agreement or disposition and development agreement.

   This finding is no longer applicable, as Irwindale Community Redevelopment Agency no longer exists. There are also no owner's participation agreement or disposition and development agreement involved.

3. The following are so arranged as to avoid traffic congestion, to ensure the public health, safety, and general welfare, and to prevent adverse effect on surrounding properties:

   a) Facilities and improvements,
   The proposed building is setback approximately 69’-0” from vehicle ingress to accommodate projected queuing, thus avoiding overflow onto Azusa Canyon Road and Los Angeles Street. All structures and infrastructure improvements will be constructed to current code and completed prior to issuance of the Certificate of Occupancy.

   b) Pedestrian and vehicular ingress, egress, and internal circulation,
   There is no proposed through-site access. The site is bordered by industrial buildings to the north, south, and east and the City’s Public Works yard and Olive Pit to the west. Azusa Canyon Road and Los Angeles Street serve as the vehicular access to the site. There is also a required 20’-0” street dedication on Los Angeles Street.

   c) Setbacks,
   The project has been designed to comply with and exceed the minimum required setbacks for the M-1 (Light Manufacturing) zone. The proposed front yard setbacks range from 20’-0” to 105’-0”, exceeding the minimum requirement of 20’-0”. The proposed side yard setbacks range from 25’-0” to 160’-0”, exceeding the minimum requirement of 20’-0”. The proposed rear yard setbacks range from 48’-5” to 108’-11”, and there is no required rear yard setback when abutting non-residentially zoned properties.

   d) Height of buildings,
   The maximum building height in the M-1 (Light Manufacturing) zone is 35’-0”. Per IMC subsection 17.08.085 “Building Height” means the vertical distance from the finished grade of the lot to the highest average point of the building or structure. Per IMC subsection 17.68.010, parapet walls may be erected above the height limits. The rooflines vary from approximately 30’-7” to 35’-0” and the parapet walls, including the architectural features extend to a maximum height of 39’-0”.

Nonetheless, the proposed buildings have been designed to complement the massing and height of the existing buildings in the area.

e) Signs,
Based on the approximate square footage of the speculative industrial building, the allowable amount of wall signage would equate to ±1,298 square feet. Freestanding signs would be limited to 150 square feet regardless of building size. Like other recently approved, large-scale projects, staff incorporates a Condition of Approval that requires the applicant to prepare a comprehensive sign program. The sign program includes, but is not limited to, sign type, square footage allowances, placement, illumination, quantity, colors and materials.

f) Mechanical and utility service equipment,
Site has been designed to attractively screen all rooftop and surface level mechanical equipment and storage area. The parapet roof will provide adequate screening of any proposed rooftop equipment. During the permitting process, a line of sight study is required to substantiate proper screening. Mechanical equipment and storage areas are screened, out of public view and often with solid walls and landscaping.

g) Landscaping,
The landscaping requirement has been met through considered choices of plantings appropriate to the location, building type, and building scale. Approximately 27,979 square feet (11%) of the project site is proposed to be landscaped in compliance with the “City of Irwindale Commercial and Industrial Design Guidelines” and the Zoning Code requirements for parking area landscaping. The proposed landscape plan is comprised of a combination of parking lot shade trees, shrubs, and groundcover.

h) Grading,
Project has been designed to take advantage of the existing topography, thus reducing grading activities on site. A grading permit will be required and issued from Building and Safety.

i) Lighting,
All lighting is designed to complement the structures and oriented to properly illuminate the site as not to create “dark pockets” that could support nefarious activities or spill onto other properties, creating a nuisance. The premises will be secured with appropriate security lighting, to obtain a minimum of 1-foot candles over the entire site. A photometric lighting plan shall be submitted, subject to the review and approval of the Community Development Department and the Police Department.

j) Parking,
IMC Subsection 17.64.030.P(2) “Offices not providing customer service on the premises” requires a minimum one (1) parking space for each two (2) employees

on the maximum (most workers) working shift or one (1) space for each 350 square feet of gross floor area, whichever is the greater and IMC Subsection 17.64.030(V) “Warehouse and storage buildings” requires one (1) parking space for each 1,000 square feet of the first 20,000 square feet of gross floor area, one (1) space for each 2,000 square feet for the next 20,000 square feet of gross floor area and one (1) space for each 4,000 square feet for all floor area over 40,000 square feet of gross floor area. Based on the proposed square footage, the project requires 116 stalls and 123 stalls are being proposed [five (5) ADA stalls, ninety-seven (97) standard stalls and twenty-one (21) compact stalls]. All parking is surface parking; there are no proposed parking structures or subterranean lots.

k) Drainage,
A Water Quality Management Plan (WQMP) has been prepared to address hydrology and drainage.

l) Intensity of land use.
The project is located on a flat, irregularly shaped lot. It had been used as an orchard from at least 1928 until around 1952, when the site became vacant. The current main building was constructed in 1956 and was used by PepsiCo as a bottling plant. The site is presently developed with one building of approximately 62,713 square feet in the western half of the site, a large metal shed north of the building, and a loading dock and large truck yard on the eastern portion of the site (LACOA 2021). The building is a single-story structure of concrete tilt-up construction on a concrete slab floor. The metal shed was part of the old truck wash area that is connected to the building by an overhang. The bottling plant ceased operation in December 2020 and the site has remained vacant. The proposed building will be approximately 129,830 square feet with associated passenger vehicle parking, truck parking, and eighteen (18) loading docks. The proposed industrial warehouse building is consistent with the General Plan designation of Industrial/Business Park and Zoning designation of M-1 (Light Manufacturing), as well as adjacent industrial land uses.

4. The proposed development is consistent with applicable city design guidelines and historic design themes, and provides for appropriate exterior building design and appearance consistent and complementary to present and proposed buildings and structures in the vicinity of the subject project while still providing for a variety of designs, forms and treatments.

The proposed tilt-up building incorporates many of the desired design elements from the Commercial and Industrial Design Guidelines including but not limited façade elements, roofs and parapets, materials and colors. The layout, landscaping and design of the site also incorporated encouraged design principles. For example, the use of an authentic period style compatible with City context, new buildings that draw upon the fundamental characteristics of existing buildings in the City, façade depth of plans and variations on all sides, including varied rooflines, berms, meandering sidewalks and multi-layered landscaping.

CONCLUSION
It is recommended that the Planning Commission take the following action:

1. Adopt Resolution No. 813(22) recommending that the City Council adopt the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP);
2. Adopt Resolution No. 814(22) recommending that the City Council approve Site Plan and Design Review (DA) No. 04-2020 subject to the proposed Conditions of Approval to permit the proposed improvements as presented herein.

Alternative Actions:

3. Request that staff prepare a resolution of denial based on recommended Findings of Fact to be brought back at the next regularly scheduled Planning Commission meeting for adoption; OR

4. Request that the applicant revise the project and continue the hearing to a date certain.

ATTACHMENTS

Exhibit A: Resolution No. 813(22)
Exhibit B: Resolution No. 814(22) with Conditions of Approval
Exhibit C: Project Plans
Exhibit D: Street Dedication Exhibit
Exhibit E: Memo to Planning Commission, dated February 10, 2022 with links to: Initial Study/Mitigated Negative Declaration (IS/MND) and Technical Appendices – Electronic Files also available via: https://www.irwindaleca.gov/575/4416-Azusa-Canyon-Road
Exhibit F: Response to Comments
Exhibit G: Mitigation Monitoring and Reporting Program (MMRP)
Exhibit H: Response to the Lozeau Drury, LLP letter, dated March 7, 2022
Exhibit I: 4416 Azusa Canyon Road Planning Commission Staff Report, dated February 16, 2022

EXHIBIT "A"

RESOLUTION NO. 813(22)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE, RECOMMENDING THAT THE CITY COUNCIL ADOPT THE MITIGATED NEGATIVE DECLARATION (MND) AND MITIGATED MONITORING AND REPORTING PROGRAM (MMRP) FOR THE CONSTRUCTION OF ONE (1) SPECULATIVE INDUSTRIAL TILT-UP BUILDING TOTALING ±129,830 SQUARE FEET FOR PROPERTY LOCATED AT 4416 AZUSA CANYON ROAD, IRWINDALE, CA 91706 (APN: 8417-004-006) IN THE M-1 (LIGHT MANUFACTURING) ZONE AND MAKING CERTAIN FINDINGS OF FACT, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

A. RECITALS.

(i) Michael Ramirez, 11620 Wilshire Boulevard, 10th Floor, Los Angeles, CA 90025, on behalf of Rexford Realty Industrial, has made a request for a Site Plan and Design Review (DA) for the construction of one (1) speculative concrete tilt-up building totaling approximately 129,830 square feet.

(ii) The Subject Property is located at 4416 Azusa Canyon Road, within the City of Irwindale (APN: 8417-004-006). The Subject Property is currently zoned M-1 (Light Manufacturing). Hereinafter in this Resolution, the subject Site Plan and Design Review shall be referred to as the "Application."

(iii) Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, as amended, and the City of Irwindale environmental guidelines, the City, as the Lead Agency has analyzed the project and has prepared a Mitigated Negative Declaration (MND). The MND was circulated for public review for the required 30 days from December 21, 2021 through January 19, 2022. A copy of the MND was circulated through the State Clearinghouse, posted on the City's website (https://www.irwindaleca.gov/575/4416-Azusa-Canyon-Road) and was available at the Community Development Department – Planning Division, City Hall, and the Irwindale Public Library. A copy of the MND and the Mitigation Monitoring and Reporting Program was posted on the City's website.

(iv) The public review period for the MND ended on January 19, 2022.

(v) The Final MND was prepared on the proposed project, including the Draft MND, comments received on the Draft MND and responses to those comments, and revisions and corrections to the Draft MND made in response to comments received.

(vi) On February 16, 2022, the Planning Commission conducted a duly noticed public hearing on the Final MND at which time it received input from staff, the City Attorney's Office, and the Applicant, heard public testimony, and discussed the Proposed Project; and closed the public hearing.

(vii) On March 16, 2022, the Irwindale Planning Commission conducted a duly noticed public hearing, closed the public hearing and recommended that the Irwindale City Council approved the Site Plan and Design Review (DA), subject to the approval of a Resolution, which details the specific Conditions under which the Application was approved.

(viii) This document was prepared concurrently with the Site Plan and Design Review (DA) No. 04-2020.

(ix) All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION.

NOW, THEREFORE, Planning Commission of the City of Irwindale, having reviewed and considered the information in the MND and supporting documents and materials, does hereby find, determine, resolve and order as follows:

1. The Planning Commission hereby specifically finds that all of the facts set forth in Recitals, Part A, of this Resolution are true and correct and incorporated herein by this reference.

2. Pursuant to the California Environmental Quality Act ("CEQA") and the City's Local CEQA Guidelines, the City staff prepared an Initial Study for the project. City staff determined that there was no substantial evidence that the project would have a significant effect on the environment after the implementation of Mitigation Measures. Based on that determination, a Mitigated Negative Declaration was prepared. Thereafter, the City staff provided public notice of the public comment period and of the intent to adopt the Mitigated Negative Declaration.

3. The MND was circulated for public review for the required 30 days from December 21, 2021 through January 19, 2022. A copy of the MND was circulated through the State Clearinghouse, posted on the City's website (https://www.irwindaleca.gov/575/4416-Azusa-Canyon-Road) and was available at the Community Development Department – Planning Division, City Hall and the Irwindale Public Library. A copy of the MND and Mitigation Monitoring and Reporting Program and technical studies were posted on the City's website.

4. The Planning Commission has reviewed the Initial Study and Mitigated Negative Declaration, comments received regarding the Mitigated Negative Declaration thereto, and City staff's responses. Based on the whole record before it, the Planning Commission hereby finds: (i) that the Mitigated Negative Declaration was

prepared in compliance with CEQA; and (ii) that there is no substantial evidence that the project will have a significant effect on the environment after the implementation of mitigation measures. The Planning Commission further finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission. Based on these findings, the Planning Commission therefore recommends that the City Council adopt the Mitigated Negative Declaration, attached hereto as Exhibit "A".

5. The Planning Commission has also reviewed and considered the Mitigation Monitoring and Reporting Program (MMRP) prepared for the project pursuant to the requirements of Public Resources Code Section 21081.6 and finds that the Mitigation Monitoring and Reporting Program is designed to ensure compliance with the mitigation measures during project implementation. The Planning Commission therefore recommends that the City Council adopt the Mitigation Monitoring and Reporting Program for the project, attached hereto as Exhibit "B".

6. The custodian of records for the Initial Study, Mitigated Negative Declaration, MMRP and all other materials, which constitute the record of proceeding upon which the Planning Commission's decision is based, is the Director of Community Development of the City of Irwindale. Those documents are available for public review in the Community Development Department – Planning Division, located at 16102 Arrow Highway and City Hall and the Irwindale Public Library, located at 5050 Irwindale Avenue.

7. The Secretary shall:

a. Certify to the adoption of this Resolution; and

b. Forthwith transmit a certified copy of this Resolution, by certified mail, to the Applicant at the address of record set forth in the Application.

ADOPTED AND APPROVED this 16th day of March 2022.

_____
Suzanne Gomez, Chair
City of Irwindale Planning Commission

ATTEST:

_____
Marilyn Simpson, AICP, Secretary

CITY OF IRWINDALE
COUNTY OF LOS ANGELES } ss.
STATE OF CALIFORNIA

I, Marilyn Simpson, AICP, Community Development Director of the City of Irwindale, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Irwindale held on the 16th day of March 2022, by the following vote:

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

_____
Marilyn Simpson, AICP, Secretary

Exhibits ***(Digital Downloads):***

- Mitigated Negative Declaration (MND)
- Mitigated Monitoring and Reporting Program

EXHIBIT "B"

RESOLUTION NO. 814(22)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL APPROVE SITE PLAN AND DESIGN REVIEW (DA) NO. 04-2020 FOR THE CONSTRUCTION OF ONE (1) SPECULATIVE INDUSTRIAL TILT-UP BUILDING TOTALING ±129,830 SQUARE-FEET FOR THE PROPERTY LOCATED AT 4416 AZUSA CANYON ROAD, IRWINDALE, CA 91706 (APN: 8417-004-006) IN THE M-1 (LIGHT MANUFACTURING) AND MAKING CERTAIN FINDINGS OF FACT.

A. RECITALS.

(i) Michael Ramirez, 11620 Wilshire Boulevard, 10th Floor, Los Angeles, CA 90025, on behalf of Rexford Realty Industrial, has made a request for a Site Plan and Design Review (DA) for the construction of a speculative concrete tilt-up building totaling approximately 129,830 square feet.

(ii) The Subject Property is located at 4416 Azusa Canyon Road (APN 8417-004-006). The Subject Property is currently zoned M-1 (Light Manufacturing). Hereinafter in this Resolution, the subject Site Plan and Design Review shall be referred to as the "Application."

(iii) Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, as amended, and the City of Irwindale environmental guidelines, the City, as the Lead Agency has analyzed the project and has prepared a Mitigated Negative Declaration (MND). The MND was circulated for public review for the required 30 days from December 21, 2021 through January 19, 2022. A copy of the MND was circulated through the State Clearinghouse, posted on the City's website (https://www.irwindaleca.gov/575/4416-Azusa-Canyon-Road and was available at the Community Development Department – Planning Division, City Hall, and the Irwindale Public Library. A copy of the MND and the Mitigation Monitoring and Reporting Program was posted on the City's website.

(iii) The public review period for the MND ended on January 19, 2022.

(iv) The Final MND was prepared on the proposed project, including the Draft MND, comments received on the Draft MND and responses to those comments, and revisions and corrections to the Draft MND made in response to comments received.

(v) On February 16, 2022, the Irwindale Planning Commission conducted a duly noticed public hearing, as required by law, on the Application, closed the public hearing and requested staff to provide more information on the

transportation impacts analysis and continued the meeting to a date uncertain.

(vi) On March 16, 2022, the Irwindale Planning Commission conducted a duly noticed public hearing on the Application, closed the public hearing and recommended that the Irwindale City Council approve the Site Plan and Design Review (DA), subject to the approval of a Resolution, which details the specific Conditions under which the Application was approved.

(vii) This application is being processed concurrently with the MND and MMRP.

(viii) All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION.

NOW, THEREFORE, it is hereby found, determined and resolved by the Planning Commission of the City of Irwindale as follows:

1. The Planning Commission hereby specifically finds that all of the facts set forth in Recitals, Part A, of this Resolution are true and correct and incorporated herein by this reference.

2. Based upon substantial evidence presented to this Planning Commission during the public hearing conducted with regard to the Application, including written staff reports, verbal testimony, site plans and Conditions of Approval attached hereto as Exhibit “B,” this Planning Commission hereby specifically finds as follows:

A. The proposed project is in conformance with the general plan, zoning ordinance, and other ordinances and regulations of the City.

The subject site is zoned M-1 (Light Manufacturing) and has a General Plan land use designation of Industrial/Business Park. The existing General Plan and Zoning designations are consistent, which eliminates the need for any legislative action such as a Zone Change or General Plan Amendment. The project also meets the minimum development standards for the applicable zones, such as setbacks, height, floor area ratio (F.A.R), parking and aesthetic design without the need for a Zone Variance to accommodate a deviation from any measurable standards. The prospective use is currently unknown but there are many potential uses that are permitted by right due to the current zoning designation, however certain uses would be not be allowed or would be subject to a Conditional Use Permit.

B. The proposed project is in conformance with any redevelopment plan and regulations of the community redevelopment agency and any executed owner's participation agreement or disposition and development agreement.

This finding is no longer applicable, as Irwindale Community Redevelopment Agency no longer exists. There are also no owner's participation agreement or disposition and development agreements involved.

C. The following are so arranged as to avoid traffic congestion, to ensure the public health, safety, and general welfare, and to prevent adverse effect on surrounding properties:

i. Facilities and improvements,
The proposed building is setback approximately 69’-0” from vehicle ingress to accommodate projected queuing, thus avoiding overflow onto Azusa Canyon Road and Los Angeles Street. All structures and infrastructure improvements will be constructed to current code and completed prior to issuance of the Certificate of Occupancy.

ii. Pedestrian and vehicular ingress, egress, and internal circulation,
There is no proposed through-site access. The site is bordered by industrial buildings to the north, south, and east and the City’s Public Works yard and Olive Pit to the west. Azusa Canyon Road and Los Angeles Street serve as the vehicular access to the site. There is also a required 20’-0” street dedication on Los Angeles Street.

iii. Setbacks,
The project has been designed to comply with and exceed the minimum required setbacks for the M-1 (Light Manufacturing) zone. The proposed front yard setbacks range from 20’-0” to 105’-0”, exceeding the minimum requirement of 20’-0”. The proposed side yard setbacks range from 25’-0” to 160’-0”, exceeding the minimum requirement of 20’-0”. The proposed rear yard setbacks range from 48’-5” to 108’-11”, and there is no required rear yard setback when abutting non-residentially zoned properties.

iv. Height of buildings,
The maximum building height in the M-1 (Light Manufacturing) zone is 35’-0”. Per IMC subsection 17.08.085 “Building Height” means the vertical distance from the finished grade of the lot to the highest average point of the building or structure. Per IMC subsection 17.68.010, parapet walls may be erected above the height limits. The rooflines vary from approximately 30’-7” to 35’-0” and the parapet walls, including the architectural features extend to a maximum height of 39’-0”. Nonetheless, the proposed buildings have been designed to complement the massing and height of the existing buildings in the area.

v. Signs,
Based on the approximate square footage of the speculative industrial building, the allowable amount of wall signage would equate to ±1,298 square feet. Freestanding signs would be limited to 150 square feet regardless of building size. Like other recently approved, large-scale projects, staff incorporates a Condition

of Approval that requires the applicant to prepare a comprehensive sign program. The sign program includes, but is not limited to, sign type, square footage allowances, placement, illumination, quantity, colors and materials.

vi. Mechanical and utility service equipment,
Site has been designed to attractively screen all rooftop and surface level mechanical equipment and storage area. The parapet roof will provide adequate screening of any proposed rooftop equipment. During the permitting process, a line of sight study is required to substantiate proper screening. Mechanical equipment and storage areas are screened, out of public view and often with solid walls and landscaping.

vii. Landscaping,
The landscaping requirement has been met through considered choices of plantings appropriate to the location, building type, and building scale. Approximately 27,979 square feet (11%) of the project site is proposed to be landscaped in compliance with the “City of Irwindale Commercial and Industrial Design Guidelines” and the Zoning Code requirements for parking area landscaping. The proposed landscape plan is comprised of a combination of parking lot shade trees, shrubs, and groundcover.

viii. Grading,
Project has been designed to take advantage of the existing topography, thus reducing grading activities on site. A grading permit will be required and issued from Building and Safety.

ix. Lighting,
All lighting is designed to complement the structures and oriented to properly illuminate the site as not to create “dark pockets” that could support nefarious activities or spill onto other properties, creating a nuisance. The premises will be secured with appropriate security lighting, to obtain a minimum of 1-foot candles over the entire site. A photometric lighting plan shall be submitted, subject to the review and approval of the Community Development Department and the Police Department.

x. Parking,
IMC Subsection 17.64.030.P(2) “Offices not providing customer service on the premises” requires a minimum one (1) parking space for each two (2) employees on the maximum (most workers) working shift or one (1) space for each 350 square feet of gross floor area, whichever is the greater and IMC Subsection 17.64.030(V) “Warehouse and storage buildings” requires one (1) parking space for each 1,000 square feet of the first 20,000 square feet of gross floor area, one (1) space for each 2,000 square feet for the next 20,000 square feet of gross floor area and one (1) space for each 4,000 square feet for all floor area over 40,000 square feet of gross floor area. Based on the proposed square footage, the project requires 116 stalls and 123 stalls are being proposed [five (5) ADA stalls, ninety-

seven (97) standard stalls and twenty-one (21) compact stalls]. All parking is surface parking; there are no proposed parking structures or subterranean lots.

xi. Drainage,
A Water Quality Management Plan (WQMP) has been prepared to address hydrology and drainage.

xii. Intensity of land use.
The project is located on a flat, irregularly shaped lot. It had been used as an orchard from at least 1928 until around 1952, when the site became vacant. The current main building was constructed in 1956 and was used by PepsiCo as a bottling plant. The site is presently developed with one building of approximately 62,713 square feet in the western half of the site, a large metal shed north of the building, and a loading dock and large truck yard on the eastern portion of the site (LACOA 2021). The building is a single-story structure of concrete tilt-up construction on a concrete slab floor. The metal shed was part of the old truck wash area that is connected to the building by an overhang. The bottling plant ceased operation in December 2020 and the site has remained vacant. The proposed building will be approximately 129,830 square feet with associated passenger vehicle parking, truck parking, and eighteen (18) loading docks. The proposed industrial warehouse building is consistent with the General Plan designation of Industrial/Business Park and Zoning designation of M-1 (Light Manufacturing), as well as adjacent industrial land uses.

D. The proposed development is consistent with applicable city design guidelines and historic design themes, and provides for appropriate exterior building design and appearance consistent and complementary to present and proposed buildings and structures in the vicinity of the subject project while still providing for a variety of designs, forms and treatments.

The proposed tilt-up building incorporates many of the desired design elements from the Commercial and Industrial Design Guidelines including but not limited façade elements, roofs and parapets, materials and colors. The layout, landscaping and design of the site also incorporated encouraged design principles. For example, the use of an authentic period style compatible with City context, new buildings that draw upon the fundamental characteristics of existing buildings in the City, façade depth of plans and variations on all sides, including varied rooflines, berms, meandering sidewalks and multi-layered landscaping.

3. The MND was circulated for public review for the required 30 days from December 21, 2021 through January 19, 2022. A copy of the MND was circulated through the State Clearinghouse, posted on the City's website (https://www.irwindaleca.gov/575/4416-Azusa-Canyon-Road) and was available at the Community Development Department – Planning Division, City Hall and the Irwindale Public Library. A copy of the MND and Mitigation Monitoring and Reporting Program and technical studies were posted on the City's website.

4. Based upon the substantial evidence and conclusions set forth herein above, this Planning Commission approves the application for the Site Plan and Design Review (DA) subject to adoption of the MND by the City Council, including the corresponding Mitigation Monitoring and Reporting Program.

5. Based upon the substantial evidence and conclusions set forth herein above, this Planning Commission hereby recommends that the City Council approve the Application subject to the conditions set forth in Exhibit "A" attached hereto and by this reference incorporated herein, which conditions are deemed necessary to protect the public health, safety and general welfare and are reasonable and proper in accordance with the intent and purposes of Title 17 of the Irwindale Municipal Code.

6. The Secretary shall:

a. Certify to the adoption of this Resolution; and

b. Forthwith transmit a certified copy of this Resolution, by certified mail, to the Applicant at the address of record set forth in the Application.

ADOPTED AND APPROVED this 16th day of March 2022.

Suzanne H. Gomez, Chair
City of Irwindale Planning Commission

ATTEST:

Marilyn Simpson, AICP, Secretary

I, Marilyn Simpson, AICP, Community Development Director of the City of Irwindale, do hereby certify that the foregoing Resolution was adopted at the meeting of the Planning Commission of the City of Irwindale held on the 16th day of March 2022, by the following vote:

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

Marilyn Simpson, AICP, Secretary

PLANNING COMMISSION RESOLUTION NO. 814(22)

Site Plan and Design Review No. 04-2020
Speculative, concrete tilt-up building
4416 Azusa Canyon Road
Irwindale, CA 91706

A. GENERAL

1. The use and development authorized by this Site Plan and Design Review (DA), allow for the construction of one (1) speculative, concrete tilt-up building substantially in conformance with the plans dated March 10, 2022.

2. A building permit shall be obtained within twelve (12) months from the date of approval. Thereafter, if the activities have been abandoned for ninety (90) or more days, the Site Plan and Design Review Permit approval shall expire and become null and void, unless a written request for extension is received by the Community Development Director at least thirty (30) days prior to such expiration or abandonment. Upon receipt of written request for extension, the Community Development Director may grant an extension of this Site Plan and Design Review Permit approval for a period not to exceed one (1) year from the original date of expiration, or may refer such request to the City Council for determination.

3. The Applicant shall agree and consent, in writing, to each and every condition set forth herein within twenty (20) days from the adoption of this Resolution by the City Council approving the Site Plan and Design Review (DA).

4. Prior to the issuance of a business license and/or occupancy permit and/or final inspection by the Community Development Department for the speculative building, all applicable conditions of approval (except those involving construction permits) shall be completed to the reasonable satisfaction of the City.

5. The Applicant shall defend, indemnify and hold harmless the City of Irwindale, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, any approval of the City, its advisory agencies, appeal boards, or legislative body to Site Plan and Design Review Permit No. 04-2020, including the environmental review and approvals therefore. The City will promptly notify the permittee of any such claim, action, or proceeding against the City and will cooperate fully in the defense.

6. The Applicant agrees to allow City inspectors access to the site to reasonably inspect the site during normal working hours to assure compliance with these conditions and other codes. Any and all fees required to be paid to any public agency shall be paid prior to obtaining any permits for this project.

7. The Applicant shall maintain and use the project location and facility thereon in full compliance with all codes, standards, policies and regulations imposed by the City, County, State, or Federal agencies with jurisdiction over the facility.

8. It shall be required that the subject location and its contents, including but not limited to, structures, fences or garden/block walls, and vehicles are maintained free and clear of any graffiti. The Applicant shall be held responsible for the immediate removal of any and all graffiti found on-site within 48 hours of its application.

9. The premises will be secured with appropriate security lighting, to obtain a minimum of 1-foot candles over the entire site. A photometric lighting plan shall be submitted, subject to the review and approval of the Community Development Department and the Police Department.

10. Security lighting fixtures are to be shielded and shall not project above the fascia or roof line of the buildings. The shields shall be painted to match the surface to which they are attached. Security lighting fixtures shall not be substituted for parking lot or walkway lighting fixtures.

11. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this project are subject to protest by the applicant at the time of approval or conditional approval of the project, or within 90 days after the date of imposition of the fees, dedications, reservations, or exactions imposed on the project.

12. Prior to occupancy of the project, all users of the facility shall comply with the City of Irwindale M-1 (Light Manufacturing) zoning standards and regulations through the business license and zoning compliance process.

B. <u>COMMUNITY DEVELOPMENT DEPARTMENT</u>

1. The use and improvements authorized by this Site Plan and Design Review (DA), shall conform to the plans as finally approved by the City (dated March 10, 2022) as conditioned herein, and any appreciable modification of the plans or mode of operation, as determined by the Community Development Director, shall require the prior approval of the final approving body (City Council) pursuant to the amendment of the Site Plan and Design Review Permit.

2. This project shall be subject to the City of Irwindale’s utility tax.

3. This project shall be subject to the City of Irwindale’s Development Impact Fees (DIF).

4. The signed Final Conditions of Approval shall be photocopied and included as a sheet in the plans submitted to the Building Division for plan check.

5. The following use(s) shall be prohibited. Should any of the following uses be proposed, environmental review shall be required prior to any tenant improvements to the building.
    a. Cold storage

6. Any future last mile tenant, which would provide the last leg of the delivery or final step in the supply chain, shall be subject to additional analysis including, but not limited to, traffic, air quality/greenhouse gas.

7. Project landscaping shall comply with Irwindale Municipal Code Chapter 15.30, "Water Efficient Landscape Standards and Guidelines."

8. Landscaping shall be drought resistant low water with drip irrigation, low flow bubblers and water efficient rotor heads where applicable. Native plants shall be used where feasible. Landscaping shall be provided as shown on the approved Conceptual Landscape and as modified pursuant to City Building Plan Check review of Precise Landscape and Irrigation plans.

9. Landscape and irrigation plans shall be prepared by a licensed landscape architect, and are subject to the approval of the Community Development Director and the Director of Engineering. Vision clearance shall be maintained at all vehicle entrances and exits.

10. A complete, permanent, automatic irrigation system shall be provided for all landscaped areas.

11. A six (6) inch horizontal concrete curb shall surround all landscaped planters.

12. The following invasive plants shall not be used in landscaping:

- *Carpobrotus edulis* (ice plant)
- *Hedera helix, H. Hibernica, H. caneriensis* (English ivy, Irish ivy, Algerian ivy
- *Vinca Major* (periwinkle)
- *Pennisetum setaceum* and all cultivars and varieties (fountain grass)
- *Cortaderia selloana, C. jubata* and all cultivars and varieties (pampas grass)
- *Retama monosperma, Genista monspessulana, Cytisus striatus, Cytisus scoparius,* and *Spartium junceum* (broom – bridal, French, Portuguese, Scotch, Spanish)
- *Acacia Cyclops* (acacia or western coastal wattle)
- *Myoporum laetum* (myoporum)
- *Washingtonia robusta* and *Phoenix canariensis* (Mexican fan palm and Canary Island date palm)
- *Schinus terevinthifolius* (Brazilian pepper)

- *Eucalyptus globules, E. camaldulensis* (eucalyptus, blue gum, and red gum)

13. A minimum of 10% (±25,110 square feet) the total lot area shall be landscaped.

14. All plant material, including trees, shall be maintained in good condition and replaced in the event they die or become diseased.

15. Any event not held during typical hours of operation shall be subject the Community Development Department review.

16. The Applicant shall prepare a comprehensive sign program. The sign program shall include but is not be limited to sign type, square footage allowances, placement, illumination, quantity, colors, materials, landlord/owner/association approval. The sign program shall be reviewed and approved by the Community Development Director and/or their designee prior to the issuance of the Certificate of Occupancy.

17. The Applicant shall obtain approval and permits from the Planning and Building Divisions for all project signage prior to construction of any signs on the project site.

18. Drive aisles shall remain open and unobstructed for vehicular circulation.

19. All building design and construction, including the type, texture, color, and durability of the exterior building materials shall comply with the City's Commercial and Industrial Design Guidelines.

20. Trash enclosures (6'-0" high min.) with solid metal self-closing and self-latching gates shall be provided. The enclosures shall be covered and built with decorative materials to match the type, texture, and color of the materials used in the construction of the buildings. Gates shall remain closed at all times when the trash receptacles are not in use.

21. All utility equipment such as backflow units and transformers shall be screened with evergreen screen shrubs or similar planting materials as allowed.

22. All rooftop mechanical equipment, including heating and air conditioning units, antennas, and other electronic devices, shall be completely and decoratively screened from view from all public rights of way and adjacent properties and shall be integrated into the design and construction of the buildings[1]. All rooftop equipment and screening shall be shown on the plans and elevations, and shall be consistent with the building design and construction materials in texture and color. Such rooftop equipment screening shall be subject to the review and approval of the Community Development Department.

[1] Photovoltaic equipment is exempt from this requirement.

23. All rooftop wireless telecommunications antennas operated by third parties are subject to the provisions of Chapter 17.90 of the Irwindale Municipal Code shall require a separate permit in accordance with the provisions of the Municipal Code.

24. The street numbers for the development shall be painted on the rooftop of each building in such a manner that it is clearly visible to public safety personnel and shall be a minimum five (5) feet in length painted with minimum one (1) foot wide brush strokes. Rooftop numbers shall be shown on the plans submitted for plan check.

25. A lighting plan shall be submitted for approval by the Community Development Director describing lighting fixtures for building exterior lighting. Lighting fixtures shall be designed to shield light and/or directs light in a downward direction to minimize light spillover to adjacent residential areas. A minimum of 1-foot candle shall be provided.

26. Applicant shall obtain approval and permits from the Community Development Department and Building Division for all project signage prior to construction of any signs on the project site.

27. A temporary chain link fence with green screening, or acoustical fencing assembly as specified in the Mitigated Negative Declaration, shall be installed and maintained around the perimeter of the site at all times during construction.

28. Any masonry walls, tube steel fences, and driveway gates shall be decorative and consistent with the building design and the Commercial and Industrial Design Guidelines. The design of the walls and gates shall be subject to the review and approval of the Community Development Department. No chain link fencing shall be allowed for permanent perimeter fencing applications.

29. Applicant shall at all times comply with the Irwindale Municipal Code Noise Standards (as may be amended) as measured at the Site boundary. Additionally, if noise impacts exceed the applicable noise standard contained in the Irwindale Municipal Code, Applicant shall take necessary actions and implement procedures to bring the operations into compliance with this Code.

30. Applicant/developer shall post “No Overnight/Unauthorized Parking” signs on the property to prevent unauthorized parking on the site.

31. Construction activity shall take place no earlier than 7:00 AM on each day and no later than 7:00 PM on each day, Monday thru Saturday. No construction activities of any kind shall be performed on Sundays or holidays without a permit per Subsection 9.28.110(A).

32. All construction related activity shall comply with the noise standards as set forth in IMC Section 9.28.030.

33. All truck loading and unloading shall occur on the site. No loading, unloading or truck idling shall be permitted to take place on the street for any business located on the site.

C. FIRE DEPARTMENT

1. Fire Department access shall comply with Section 503 of the Los Angeles County Fire Code.

2. Provide a minimum unobstructed width of 28 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.2.1.2.1, and an unobstructed vertical clearance “clear to sky” Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building.

3. Cross-hatch any on-site Fire Department vehicular access to within 150 of all portions of the exterior walls.

4. Show any existing fire hydrants within 600 feet of the lot frontage.

5. Submit a fire flow availability form, Form 196 along with plans.

6. All fire hydrants shall measure 6” x 4” x 2½”, conforming to AWWA Standard C503-75 or approved equal.

7. Project shall comply with approved plans (Plan# FEPC2020-1317, approved March 9, 2021 and Plan# FEPC2021-1661, approved June 16, 2021).

D. PUBLIC WORKS/ENGINEERING

STREETS

1. All off-site improvements within the Public Right-of-Way shall be performed in accordance with City Standards to the satisfaction of the Director of Engineering. Construction plans shall be reviewed and approved by the Director of Engineering.

2. The owner and/or developer shall resurface Azusa Canyon Road (full street width), along the project frontage. All improvements shall be constructed in accordance with City standards to the satisfaction of the Director of Engineering. Construction plans shall be reviewed and approved by the Director of Engineering.

3. The owner and/or developer shall design, install and construct a meandering sidewalk (5 feet wide minimum) on Azusa Canyon Road along the project frontage, in accordance with proposed site plans. All improvements shall be constructed in accordance with City standards to the satisfaction of the Director of Engineering. Construction plans shall be reviewed and approved by the Director of Engineering.

Landscaping and tree planting plans shall be reviewed and approved by the Public Services Director.

4. Roadway dedication and pedestrian access easements (20 feet wide minimum) shall be granted to the City along the project frontage on Azusa Canyon Road as directed by the Director of Engineering.

5. The owner/developer shall obtain written authorization or a construction easement from the owner of the private street along the Los Angeles Street project frontage for the construction of the proposed project improvements.

6. The owner and/or developer shall remove and reconstruct all damaged or deficient sidewalk, driveways, curb and gutter as directed by the Director of Engineering.

7. The owner/developer shall install ADA accessible driveway approaches and remove all existing driveways and parkway drains along Azusa Canyon Road. The owner/developer shall install an ADA curb ramp at the northeast corner of the intersection of Azusa Canyon Road and Los Angeles Street. All improvements shall be constructed in accordance with City standards to the satisfaction of the Director of Engineering.

8. The owner and/or developer shall upgrade street lighting fixtures along the Azusa Canyon Road property frontage to LED fixtures in accordance with Los Angeles County standards and to the satisfaction of the Director of Engineering.

9. The owner and/or developer shall reimburse the City for the actual cost for the installation, replacement or modification of street name signs, traffic control signs, striping and pavement markings required in conjunction with the development.

10. Common driveways shall not be allowed, unless approved by the Director of Engineering. Proposed driveways shall be located clear of existing fire hydrants, street lights, water meters, etc.

UTILITIES

11. Storm drains, catch basins, connector pipes, and appurtenances for the site specific storm drain system shall be designed and constructed in accordance with Los Angeles County standards and the Director of Engineering's requirements. The owner/developer shall submit grading and drainage plans to the Director of Engineering for review and approval. The grading and drainage plans shall be prepared by a licensed civil engineer and comply with Los Angeles County grading permit requirements. A hydrology study shall be included with the drainage plan.

12. The owner/developer shall pay for the entire cost for the design, engineering construction and inspection of any upgrade to the water main and connections as required by the serving water company for the proposed development.

13. The owner/developer shall obtain a Storm Drain Connection Permit for the connection to the existing storm drain system.

14. Fire hydrants shall be installed as required by the Fire Department. Existing public fire hydrants adjacent to the site, if any, shall be upgraded if required by the Director of Engineering.

15. Sanitary sewers shall be constructed in accordance with City specifications to serve the subject development. The plans for the sanitary sewers shall be approved by the Director of Engineering. A sewer study shall be submitted along with the sanitary sewer plans.

16. Prior to the issuance of building permits, the owner/developer shall provide a will-serve letter from the water utility provider to the City.

TRAFFIC

17. In accordance with Mitigation Measure T-1 of the project MND, prior to the issuance of certificates of occupancy, the owner/developer shall construct the following improvements:

    - New crosswalks on the east and west leg of the intersection
    - Restrict on-street parking on the south side of Los Angeles Street, east of Azusa Canyon Road, within 150 feet of the intersection
    - Restrict on-street parking on the east side of Azusa Canyon Road, north of Los Angeles Street, within 150 feet of the intersection
    - Review sight distance and other safety considerations prior to finalization of the proposed driveways

18. Prior to the issuance of building permits, the owner/developer shall pay the projects fair share amount for improvements at the intersection of Arrow Highway and Azusa Canyon Road. Improvements will include the addition of a 3rd westbound through lane and a northbound right turn traffic signal overlap phase.

19. Prior to the issuance of any building permits, the owner/developer shall pay to the City $550,000 for the installation of a new traffic signal at the intersection of Azusa Canyon Road and Los Angeles Street. The owner shall dedicate any easements necessary for the construction, maintenance, and operation of the traffic signal. Improvements will include modifying the existing striping for the eastbound and westbound approaches to provide the following lane configuration:

    - Eastbound: 1 left turn, 1 shared left/through, 1 right turn
    - Westbound: 1 left turn, 1 shared/through/right

20. Prior to the issuance of any occupancy or tenant improvement permit, the proposed tenant(s) shall provide a site-specific trip generation technical memo demonstrating that the average daily vehicle trips do not exceed 362 daily PCE (passenger car equivalent) trips, 45 PCE AM trips, 46 PCE PM trips, and 197 daily passenger car trips. The City will regularly and continually monitor the actual trips generated by the project and enforce the maximum limit of allowable trips. If the project applicant/owner proposes to exceed any limits, additional traffic analyses and VMT (vehicle miles traveled) analysis shall be reviewed and approved by Director of Engineering. If the VMT exceeds the applicable threshold at the time of subsequent review, the issuance of the respective permit shall be subject to CEQA review. The owner/applicant shall be solely responsible for all costs related to analyses, peer review, monitoring and enforcement.

FEES

21. That the owner/developer shall comply with all requirements of the County Sanitation District, make application for and pay the sewer maintenance fee.

22. That the owner/developer shall pay the connection fee upon application for storm water connection to the County of Los Angeles system.

MISCELLANEOUS

23. The owner/developer, under the direction of a certified land surveyor and at no cost to the City, shall install all required property boundary monuments, centerline ties and City monuments subject to the Director of Engineering's approval.

24. The owner/developer shall comply with the National Pollutant Discharge Elimination System (NPDES) program and shall require the general contractor to implement storm water/urban runoff pollution prevention controls and Best Management Practices (BMPs) on all construction sites in accordance with the City Code. The owner/developer will also be required to submit a Certification for the project and may be required to prepare a Storm Water Pollution Prevention Plan (SWPPP). Projects over five acres in size will be required to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB). The owner/developer can obtain the current application packet by contacting the SWRCB, Construction Storm Water Unit, at (866) 563-3107 or by downloading the forms from their website at: www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml. The project shall also conform to the City's Ordinance regarding the requirements for the submittal of a Standard Urban Storm Water Mitigation Plan (“SUSMP”), and the requirements of Low Impact Development ("LID"). The SUSMP includes a requirement to implement Post Construction BMPs to infiltrate the first 3/4" of runoff from all storm events and to control peak-flow discharges.

25. Unless exempted by the Los Angeles Regional Water Quality Control Board, a Covenant and Restriction ensuring the provisions of the approved SWPPP shall also be required.

E. PUBLIC WORKS SERVICES

1. All utilities and signs on the public right-of-way shall meet horizontal and vertical ADA clearance requirements. The utilities and signs in the public right-of-way include: two (2) Edison poles, one (1) anchor support for Edison pole, two (2) fire hydrants, one (1) stop sign, one (1) welcome to Irwindale sign, and two (2) speed limit signs.

2. All pedestrian and approach ramps in the public right-of-way shall meet ADA requirements. Pedestrian ramps shall have brick red truncated domes in the public right-of-way.

3. City of Irwindale requests irrigation and landscaping plans for the public right-of-way and parkways. The plans will be submitted to the Public Works Services Manager for review and approval.

4. Repair underground vault to make flush within the sidewalk adjacent to northern most fire hydrant on Azusa Canyon Road.

5. The owner and/or developer shall remove and reconstruct all damaged, deficient, or substandard sidewalk, driveways, curb, and gutter as directed by the City Engineer and the Public Works Services Manager.

6. The owner and/or developer/applicant is responsible for obtaining encroachment permit(s) prior to any type of work in the public right-of-way.

7. Any work within easements on the project site shall require proper permits from the easement holder (City of Irwindale, County of Los Angeles, etc.).

8. The owner/developer shall comply with the National Pollutant Discharge Elimination System (NPDES) program and shall require the general contractor to implement storm water/urban runoff pollution prevention controls and Best Management Practices (BMPs) on all construction sites in accordance with the City Code. The owner/developer will also be required to submit a Certification for the project and may be required to prepare a Storm Water Pollution Prevention Plan (SWPPP). Projects over five acres in size will be required to file a Notice of Intent (NOI) with the California Environmental Protection Agency's State Water Resources Control Board (SWRCB). The owner/developer can obtain the current application packet by contacting the SWRCB, Construction Storm Water Unit, at (866) 563-3107 or by downloading the forms from the following website: www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml.

9. The project shall also conform to the City's Ordinance regarding the requirements for the submittal of a Standard Urban Storm Water Mitigation Plan (“SUSMP”), and the requirements of Low Impact Development ("LID"). The SUSMP includes a requirement to implement Post Construction BMPs to infiltrate the first 3/4" of runoff from all storm events and to control peak-flow discharges.

10. Unless exempted by the Los Angeles Regional Water Quality Control Board, a Covenant and Restriction ensuring the provisions of the approved SWPPP shall also be required.

11. No dumping or unpermitted discharges are allowed into the San Gabriel River via Big Dalton Wash, catch basins and storm drains.

F. BUILDING AND SAFETY

1. Complete Construction Documents include but not limited to Grading, Drainage, Soil Investigation, Architectural, Structural, Electrical, Mechanical, Plumbing, Landscaping…etc., shall be submitted to Irwindale Building & Safety Department for Plan check and Approval Process prior to any Permit Issuance. All Construction Documents shall be prepared by a California Licensed Engineer specialized on the submitted documents based on the current Codes adopted by City of Irwindale.

2. Grading, Drainage, Building and all other trade permits shall be obtained from Irwindale Building and Safety Division by a California licensed contractor(s). All construction shall be in compliance with the current Irwindale Building & Municipal Codes.

3. Other agencies’ (Fire, Sanitation…etc.) approvals shall be required prior to any permit issuance. An agency referral sheet shall be provided to the applicant at the time of submittal to Building & Safety.

4. The Owner/Developer/Applicant shall be the sole responsible party for all required Plan Check and Permit fees, as well as any other agencies’ fees.

5. All plans submitted shall be subject to the County of Los Angeles (City of Irwindale office) Minimum Plan Submittal Requirements for Non-Residential Construction.

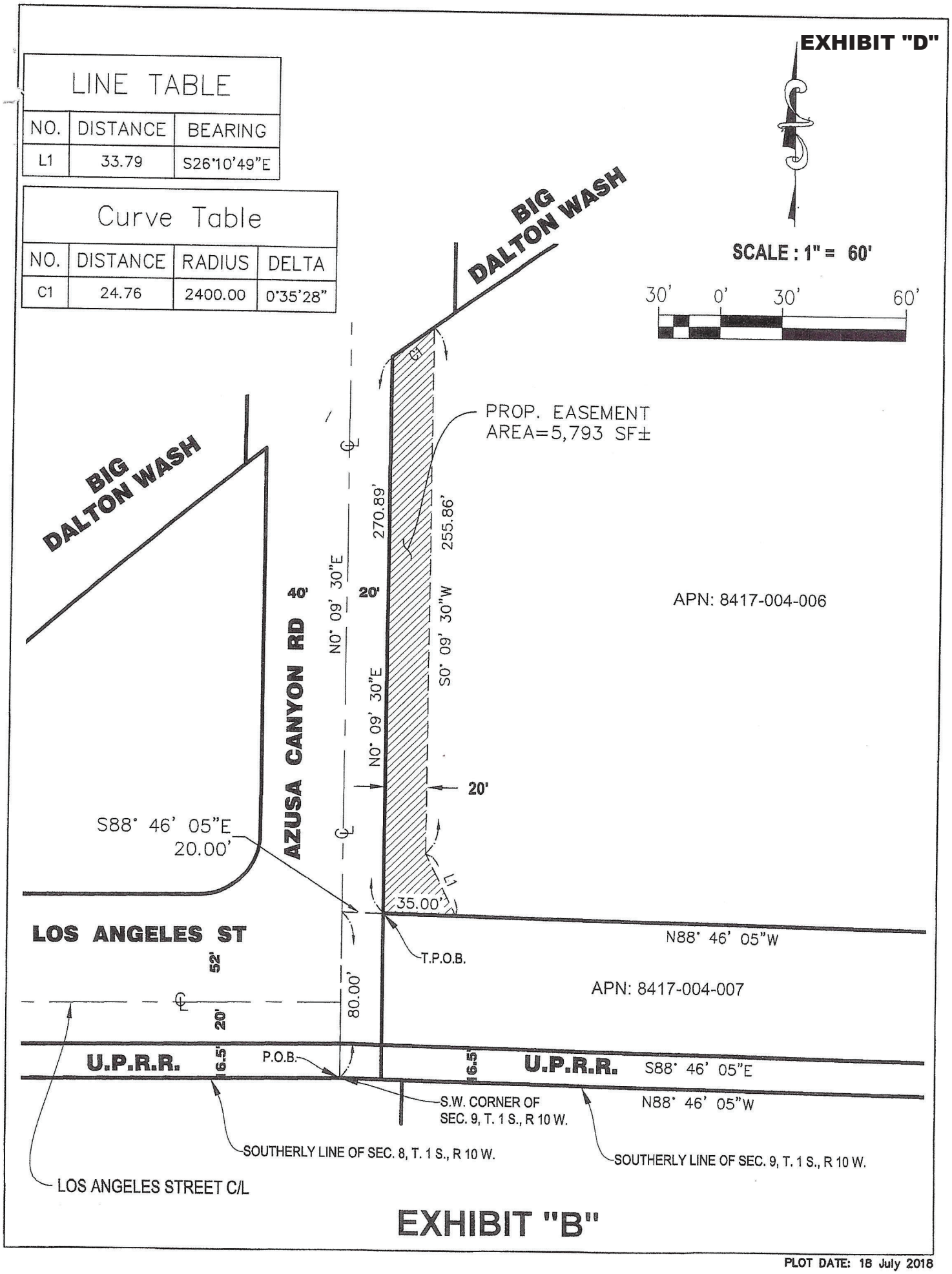


EXHIBIT "D"
SCALE : 1" = 60'
30' 0' 30' 60'
LINE TABLE
NO. | DISTANCE | BEARING
L1 | 33.79 | S26°10'49"E
Curve Table
NO. | DISTANCE | RADIUS | DELTA
C1 | 24.76 | 2400.00 | 0°35'28"
BIG DALTON WASH
BIG DALTON WASH
PROP. EASEMENT
AREA=5,793 SF±
APN: 8417-004-006
APN: 8417-004-007
AZUSA CANYON RD
40'
20'
N0° 09' 30"E
270.89'
255.86'
S0° 09' 30"W
N0° 09' 30"E
20'
S88° 46' 05"E
20.00'
L1
35.00'
LOS ANGELES ST
52'
20'
80.00'
T.P.O.B.
N88° 46' 05"W
U.P.R.R.
16.5'
P.O.B.
16.5'
U.P.R.R.
S88° 46' 05"E
N88° 46' 05"W
S.W. CORNER OF
SEC. 9, T. 1 S., R 10 W.
SOUTHERLY LINE OF SEC. 8, T. 1 S., R 10 W.
SOUTHERLY LINE OF SEC. 9, T. 1 S., R 10 W.
LOS ANGELES STREET C/L
EXHIBIT "B"
PLOT DATE: 18 July 2018

EXHIBIT "E"

Date: March 10, 2022

To: Honorable Chair and Members of the Planning Commission

From: Brandi Jones, Senior Planner
Lisa Chou, Associate Planner

Project: 4416 Azusa Canyon Road
Site Plan & Design Review (DA) No. 04-2020
Speculative 129,830 Square-Foot Concrete Tilt-Up Building

Re: Initial Study/Mitigated Negative Declaration

Summary

The Applicant is requesting a Site Plan and Design Review (DA) for the construction of a ±129,830 square-foot speculative concrete tilt-up building and associated passenger vehicle parking. The above referenced entitlement had been brought before the Planning Commission on February 16, 2022 and will be brought before the Planning Commission once more on March 16, 2022 for a recommendation to the City Council.

In accordance with the California Environmental Quality Act, the City of Irwindale (contracted with Placeworks) has prepared an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. The Initial Study and Proposed Mitigated Negative Declaration reflect the independent judgment of City of Irwindale Staff.

Due to the depth of the document and appendices, the Initial Study/Mitigated Negative Declaration and technical appendices are available electronically. These files can also be viewed and/or downloaded from the project's dedicated webpage (https://www.irwindaleca.gov/575/4416-Azusa-Canyon-Road). A list of active links has been provided. Hard copies are available for viewing at City Hall, Community Development Department – Planning Division, and the Irwindale Public Library. The entire agenda packet will be distributed during the normal timeframe. The environmental consultant will be in attendance and will be available to answer any questions regarding the document and technical studies.

If you have any questions or concerns, please do not hesitant to contact:
Lisa Chou, Associate Planner at LChou@IrwindaleCA.gov or (626) 430-2246
Brandi Jones, Senior Planner at BJones@IrwindaleCA.gov or (626) 430-2260

Documents as of February 10, 2022

Environmental Documents
Initial Study/Mitigated Negative Declaration (IS/MND)
https://www.irwindaleca.gov/DocumentCenter/View/7118

Response to Comments
https://www.irwindaleca.gov/DocumentCenter/View/7236

Mitigation Monitoring and Reporting Program (MMRP)
https://www.irwindaleca.gov/DocumentCenter/View/7237

Technical Appendices
Appendix A - Air Quality (AQ) and Greenhouse Gas (GHG) Background and Modeling
https://www.irwindaleca.gov/DocumentCenter/View/7119

Appendix B - Health Risk Assessment (HRA)
https://www.irwindaleca.gov/DocumentCenter/View/7120

Appendix C - Cultural and Paleontological Resources Assessment Report
https://www.irwindaleca.gov/DocumentCenter/View/7121

Appendix D - Geotechnical Investigation and Results of Infiltration Testing
https://www.irwindaleca.gov/DocumentCenter/View/7122

Appendix E - Phase I Environmental Assessment
https://www.irwindaleca.gov/DocumentCenter/View/7123

Appendix F - Low Impact Development (LID) Report and Hydrology and Detention Report
https://www.irwindaleca.gov/DocumentCenter/View/7124

Appendix G - Noise Background
https://www.irwindaleca.gov/DocumentCenter/View/7125

Appendix H - Public Services and Utility Provider Responses
https://www.irwindaleca.gov/DocumentCenter/View/7126

Appendix I - Transportation Analysis
https://www.irwindaleca.gov/DocumentCenter/View/7127

Appendices Volume I (AQ and GHG, HRA, Cultural and Paleontological Resources, Geotechnical)
https://www.irwindaleca.gov/DocumentCenter/View/7115

Appendices Volume II (Phase I)
https://www.irwindaleca.gov/DocumentCenter/View/7116

Appendices Volume III (LID, Noise, Public Services and Utility, Transportation)
https://www.irwindaleca.gov/DocumentCenter/View/7117

EXHIBIT "F"

February 2022 | Response to Comments

4416 AZUSA CANYON ROAD

City of Irwindale

Prepared for:

City of Irwindale
Contact: Brandi Jones, Senior Planner
5050 Irwindale Avenue,
Irwindale, California 91706
626.430.2260

Prepared by:

PlaceWorks
Contact: JoAnn C. Hadfield, Principal
3 MacArthur Place, Suite 1100
Santa Ana, California 92707
714.966.9220
info@placeworks.com
www.placeworks.com

PLACEWORKS

1. Response to Comments

Following is a list of agencies and organizations that submitted comments on the Initial Study/Mitigated Negative Declaration (IS/MND) for the 4416 Azusa Canyon Road project during the public review period, which extended from December 21, 2021, through January 19, 2022. Comment letters and specific comments are given letters and numbers for reference purposes.

Number Reference	Commenting Agency/Person	Date of Comment	Page No.
Agencies			
A1	California Department of Transportation (Caltrans)	January 13, 2022	1-3
A2	Los Angeles County Sanitation Districts	January 18, 2022	1-9
Organizations			
O1	Lozeau Drury, LLP – Supporters Alliance for Environmental Responsibility (SAFER)	December 23, 2021	1-17
O2	Teamsters	January 19, 2021	1-21
O3	Lozeau Drury, LLP – Supporters Alliance for Environmental Responsibility (SAFER)	January 19, 2021	1-31

1. Response to Comments

This page intentionally left blank.

LETTER A1 – California Department of Transportation (Caltrans) (3 pages)

A-1

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 7
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 269-1124
FAX (213) 897-1337
TTY 711
www.dot.ca.gov

Making Conservation a California Way of Life

January 13, 2022

Brandi Jones, Senior Planner
City of Irwindale
5050 Irwindale Avenue
Irwindale, CA 91706

RE: 4416 Azusa Canyon Road Project
SCH # 2021120500
Vic. LA-605/PM 22.163, LA-210/PM R37.85, LA-10/PM LA-34.47
GTS # LA-2022-03809-MND

Dear Brandi Jones:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced environmental document. The project site is presently developed with one building, previously occupied by Pepsi Bottling Group. The proposed project includes development of a standalone concrete tilt-up warehouse, office, and manufacturing facility and would involve demolition of the existing building on-site. Prospective tenants would operate out of a proposed building with a footprint of 125,500 square feet. Other project components include vehicular and pedestrian access and circulation improvements; surface parking and utility improvements; and various hardscape and landscape improvements. A1-1

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has codified into CEQA law and mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. You may reference the Governor's Office of Planning and Research (OPR) for more information: A1-2

http://opr.ca.gov/ceqa/updates/guidelines/

As a reminder, VMT is the standard transportation analysis metric in CEQA for land use projects after July 1, 2020, which is the statewide implementation date.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

1. Response to Comments

For this project, we encourage the Lead Agency to evaluate the potential of Transportation Demand Management (TDM) strategies and Intelligent Transportation System (ITS) applications in order to better manage the transportation network, as well as transit service and bicycle or pedestrian connectivity improvements. For TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). This reference is available online at:

A1-2 cont'd

http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf

You can also refer to the 2010 *Quantifying Greenhouse Gas Mitigation Measures* report by the California Air Pollution Control Officers Association (CAPCOA), which is available online at:

http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf

On page I-63/51 of the Azusa Canyon Road Warehouse Transportation Analysis, "The County of Los Angeles Guidelines require VMT analysis for development projects that are estimated to generate a net increase of 110 or more daily vehicle trips. Daily vehicle trips are specifically related to on-road passenger vehicles (cars and light trucks). Heavy trucks are not included in a VMT traffic impact analysis. The passenger car trip generation for the proposed Project is 197 daily trips (see Table 4-1), but the existing baseline site land use passenger car estimated trip generation is 88 daily trips (see Table 4-3). The net proposed Project passenger car trip generation is therefore 109 vehicles per day, which is less than the 110 vehicles per day that would require further VMT analysis." Therefore, proposed project would not require further VMT analysis and would have a less than significant impact.

A1-3

Since the project passenger car trip is close to the threshold (109 vs. 110), for the City's consideration, Caltrans recommends that a post-development VMT analysis with mitigation measures should be prepared if the project daily net trips exceed 110. A mitigation measure should be implemented when the post-development VMT analysis discloses any traffic significant impact.

As a reminder for construction and operation phases, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods.

A1-4

Brandi Jones, Senior Planner
January 13, 2022
Page 3 of 3

If you have any questions, please feel free to contact Mr. Alan Lin, the project coordinator, at (213) 269-1124 and refer to GTS # LA-2022-03809AL-MND.

Sincerely,

Miya Edmonson

MIYA EDMONSON
IGR/CEQA Branch Chief

email: State Clearinghouse

"Provide a safe and reliable transportation network that serves all people and respects the environment"

1. Response to Comments

This page intentionally left blank.

A1. Response to Comments from Miya Edmonson, IGR/CEQA Branch Chief, Caltrans, dated January 13, 2022.

A1-1 The commenter provides a summary of the existing and proposed uses on the project site. This comment serves as an introduction to the commenter's letter. No further response is necessary.

A1-2 The commenter mentions SB 743 requirements and references the Governor's Office of Planning and Research guidelines as a source for further information. The commenter encourages the City to evaluate the potential of Transportation Demand Management (TDM) strategies and Intelligent Transportation System (ITS) applications in order to better manage the transportation network.

No specific CEQA issue is identified, and no further response is required. The comment is noted and will be forwarded to the decision makers.

A1-3 The commenter notes that the proposed project screened out of a VMT analysis because the net increase in passenger car trips would be 109 trips, which is below the 110-passenger trip threshold in the County of Los Angeles Guidelines. The commenter recommends that because the number of project passenger car trips is so close to the threshold, a post-development VMT analysis with mitigation measures should be prepared if the project daily net trips exceed 110.

Determining traffic generation for a specific project is based on forecasting the amount of traffic that is expected to be attracted to and produced by the specific land uses proposed. The ITE Trip Generation Manual (10th edition, 2017) is a nationally recognized source for estimating site-specific trip generation. To estimate the traffic characteristics of the proposed project, trip-generation statistics published in the ITE Trip Generation Manual for land use codes 150 (Warehousing) and 140 (Manufacturing) were used. These trip generation rates include automobile and truck trip generation. As shown in Table 4-1 of the IS/MND, truck trips were factored further using vehicle mix data from the City of Fontana Truck Trip Generation Study (August 2003). Therefore, the VMT screening analysis indicates that the proposed project, as described in the IS/MND, would screen out of a VMT analysis.

However, there is a Condition of Approval for the proposed project that requires the City of Irwindale to regularly and continually monitor the actual trips generated by the project and enforce the maximum limit of allowable trips according to the IS/MND.

If the project applicant/owner proposes to exceed any limits, additional traffic analyses and VMT analysis shall be reviewed and approved by the Director of Engineering. Prior to the issuance of any occupancy or tenant improvement permit, the proposed tenant(s) shall provide a site-specific trip generation technical memo demonstrating that the average daily vehicle trips do not exceed 362 daily PCE (passenger car equivalent) trips, 45 PCE

AM trips, 46 PCE PM trips, and 197 daily passenger car trips. If the VMT exceeds the applicable threshold at the time of subsequent review, the issuance of the respective permit shall be subject to CEQA review. The City of Irwindale may also request information relating to truck timing, which can then be negotiated with the future occupant.

A1-4 The commenter states that the use of oversized transport vehicles on State highways will need a Caltrans transportation permit.

The commenter does not describe any inadequacies in the CEQA analysis or conclusion in the Initial Study/Mitigated Negative Declaration, and therefore no changes to the Initial Study/Mitigated Negative Declaration are necessary. The project applicant will coordinate with Caltrans to obtain a transportation permit, as needed.

LETTER A2 – Los Angeles County Sanitation Districts (2 pages)

A2

LOS ANGELES COUNTY SANITATION DISTRICTS
Converting Waste Into Resources

Robert C. Ferrante
Chief Engineer and General Manager

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
(562) 699-7411 • www.lacsd.org

January 18, 2022

Ref. DOC 6412533

Ms. Brandi Jones and Ms. Lisa Chou
City of Irwindale
5050 Irwindale Ave
Irwindale, CA 91706

Dear Ms. Jones and Ms. Chou:

NOI Response to 4416 Azusa Canyon Road

The Los Angeles County Sanitation Districts (Districts) received a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration (MND) for the subject project on December 22, 2021. The proposed project is located within the jurisdictional boundaries of District No. 22. We offer the following comments regarding sewerage service: Intro

1. The proposed project may require a Districts' permit for Industrial Wastewater Discharge. Project developers should contact the Districts' Industrial Waste Section at (562) 908-4288, extension 2900, to reach a determination on this matter. If this permit is necessary, project developers will be required to forward copies of final plans and supporting information for the proposed project to the Districts for review and approval before beginning project construction. For additional Industrial Wastewater Discharge Permit information, go to https://www.lacsd.org/services/wastewater-programs-permits/industrial-waste-pretreatment-program/industrial-wastewater-discharge-permits. A2-1

2. The proposed project may impact existing and/or proposed Districts' facilities (e.g. trunk sewers, recycled waterlines, etc.) over which it will be constructed. Districts' facilities are located directly under and/or cross directly beneath the proposed project alignment. The Districts cannot issue a detailed response to or permit construction of the proposed project until project plans and specification that incorporate Districts' facilities are submitted for our review. To obtain copies of as-built drawings of the Districts' facilities within the project limits, please contact the Districts' Engineering Counter at engineeringcounter@lacsd.org or (562) 908-4288, extension 1205. When project plans that incorporate our facilities have been prepared, please submit copies to the Engineering Counter for our review and comment. A2-2

3. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' Irwindale Section 1 Trunk Sewer, located in Azusa Canyon Road at Los Angeles Street. The Districts' 12-inch diameter trunk sewer has a capacity of 2.9 million gallons per day (mgd) and conveyed a peak flow of 1.3 mgd when last measured in 2015. A2-3

4. The expected increase in average wastewater flow from the project site, described in the MND as 17,000 square feet (sf) manufacturing; 103,670 sf warehouse; and 9,160 sf ancillary office space, is 6,256 gallons per day, after the structures on the project site are demolished. For a copy of the Districts' average wastewater generation factors, go to www.lacsd.org, under Services, then Wastewater Program and Permits, select Will Serve Program, and scroll down to click on the Table 1, Loadings for Each Class of Land Use link. A2-4

DOC 6433396.D22

1. Response to Comments

5. The wastewater generated by the proposed project will be treated at the San Jose Creek Water Reclamation Plant located adjacent to the City of Industry, which has a capacity of 100 mgd and currently processes an average flow of 61.2 mgd. A2-5

6. The Districts are empowered by the California Health and Safety Code to charge a fee to connect facilities (directly or indirectly) to the Districts' Sewerage System or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is used by the Districts for its capital facilities. Payment of a connection fee may be required before this project is permitted to discharge to the Districts' Sewerage System. For more information and a copy of the Connection Fee Information Sheet, go to www.lacsd.org, under Services, then Wastewater (Sewage) and select Rates & Fees. In determining the impact to the Sewerage System and applicable connection fees, the Districts will determine the user category (e.g. Condominium, Single Family home, etc.) that best represents the actual or anticipated use of the parcel(s) or facilities on the parcel(s) in the development. For more specific information regarding the connection fee application procedure and fees, the developer should contact the Districts' Wastewater Fee Public Counter at (562) 908-4288, extension 2727. If an Industrial Wastewater Discharge Permit is required, connection fee charges will be determined by the Industrial Waste Section. A2-6

7. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CAA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service, but is to advise the developer that the Districts intend to provide this service up to the levels that are legally permitted and to inform the developer of the currently existing capacity and any proposed expansion of the Districts' facilities. A2-7

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2743 or mandyhuffman@lacsd.org.

Very truly yours,

Mandy Huffman

Mandy Huffman
Environmental Planner
Facilities Planning Department

MNH:mnh

cc: J. Chung
L. Smith
A. Howard
R. Paracuelles
Engineering Counter

DOC 6433396.D22

A2. Response to Comments from Mandy Huffman, Environmental Planner, Los Angeles County Sanitation Districts, dated January 18, 2022.

Intro The commenter indicates that the Los Angeles County Sanitation Districts (LACSD) have received the Notice of Intent to adopt the Mitigated Negative Declaration, and that the project site is within the Los Angeles County Sanitation Districts' jurisdictional boundaries of District No. 22.

This comment serves as an introduction to the commenter's letter and no further response is required.

A2-1 The commentor notes that the proposed project may require an LACSD permit for Industrial Wastewater Discharge. The City will impose a Condition of Approval requiring the applicant to submit plumbing plans to the Los Angeles County Sanitation Districts prior to issuance of a building permit. The Districts' Industrial Waste Section staff will review the plumbing plans when they become available.

To reflect this point, the following text in Section 3.19, *Utilities and Service Systems*, and Section 4, *References*, of the IS/MND (pages 143 and 155) has been added/revised. Changes to the Initial Study are identified here in ~~strikeout~~ text to indicate deletions and <u>underlined</u> text to signify additions. A change made in response to Comment A2-5 is also shown here.

Wastewater Treatment Facilities

Wastewater generated by the land uses in the City is treated by the Sanitation Districts of Los Angeles County (LACSD). Wastewater is collected in the City's local sewer collection system, which tie into one of LACSD's regional trunk sewers. Wastewater from the project site would be treated at the San Jose Creek Water Reclamation Plant (WRP). The San Jose Creek WRP currently provides primary, secondary, and tertiary treatment for a design capacity of 100 million gallons of wastewater per day (mgd). The San Jose WRP currently processes an average flow of ~~66.9~~ <u>61.2</u> mgd ~~(Irwindale 2020; Ng 2021)~~.

<u>Future uses/tenants of the proposed building are still speculative, and there is a possibility that future tenants may discharge industrial wastewater to the sewerage system. Such uses are governed by the Wastewater Ordinance for the LACSD. The applicant would submit plumbing plans to the Los Angeles County Sanitation Districts for revision and approval prior to issuance of a building permit.</u>

References (page 155)

Irwindale, City of. 2021, January. Active Transportation Plan. https://www.irwindaleca.gov/DocumentCenter/View/6532/IrwindaleActiveTransportationPlan-012021?bidId=.

~~———. 2020, April. Draft Environmental Impact Report, 13131 Los Angeles Street Industrial Project. https://www.irwindaleca.gov/DocumentCenter/View/6076.~~

———. 2012, November 20. City of Irwindale 2012 Hazard Mitigation Plan. https://www.irwindaleca.gov/DocumentCenter/View/50/Irwindale-Hazmit-Plan-11-20-12---Website?bidId=.

———. 2008. City of Irwindale General Plan Update. https://www.irwindaleca.gov/DocumentCenter/View/38/General-Plan?bidId=.

A2-2 The commentor notes that the proposed project may impact existing and/or proposed LACSD facilities over which it will be constructed and that LACSD would require review of the proposed project prior to construction. To reflect this point, the following text in Section 3.19, *Utilities and Service Systems*, of the IS/MND (page 144) has been added/revised. Changes to the Initial Study are identified here in ~~strikeout~~ text to indicate deletions and <u>underlined</u> text to signify additions. A change made in response to Comment A2-6 is also shown here.

<u>As a part of the proposed project, a new on-site sewer lateral would connect to the existing private sewer main on Los Angeles Street. No off-site sewer line construction or upsizing would be required to accommodate the proposed project. However, some construction on Los Angeles Street would be required to make the necessary sewer lateral connections to the existing private sewer main. The private sewer main connects to the LACSD sewer trunk main in Azusa Canyon Road. The proposed project may impact existing and/or proposed LACSD facilities over which the proposed project would be constructed. The proposed wastewater system improvements would be designed and constructed in accordance with City and LACSD requirements and would require City and LACSD approval. Additionally, LACSD charges a fee to connect (directly or indirectly) to its sewerage system or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is used by LACSD for its capital facilities. The applicant would pay all required connection fees before the proposed project is permitted to discharge to the LACSD sewerage system.</u>

Stormwater Drainage Facilities

See response to Section 3.10.c.iii. As discussed in that section, the proposed project would not require or result in the relocation or construction of new or expanded storm water drainage, and impacts are less than significant.

A2-3 The commenter notes that the wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by LACSD, for conveyance to the LACSD's Irwindale Section 1 Trunk Sewer, located in Azusa Canyon Road at Los Angeles Street. The IS/MND describes the proposed on-site sewer system as such, and no changes are required.

The commenter further notes that the 12-inch diameter trunk sewer has a capacity of 2.9 million gallons per day (mgd) and conveyed a peak flow of 1.3 mgd when last measured in 2015. This information is used in the response to Comment A2-4.

A2-4 The commenter is proposing the use of wastewater generation rates as shown in Table 1, "Loadings for Each Class of Land Use," posted on the LACSD's webpage (https://www.lacsd.org/home/showpublisheddocument/3644/637644575489800000). To reflect this point, the following text in Section 3.19, *Utilities and Service Systems*, and Section 4, *References*, of the IS/MND (pages 143, 144, and 155) has been added/revised. Changes to the Initial Study are identified here in ~~strikeout~~ text to indicate deletions and underlined text to signify additions.

Wastewater generation due to the existing project ~~development of the proposed project~~ is conservatively assumed to be 90 percent of the indoor water use. As shown in Table 26, the existing project is assumed to have generated 786 gpd of wastewater. Wastewater generation due to the development of the proposed project is conservatively calculated using LACSD average wastewater generation factors (LACSD 2022). ~~The proposed project would comply with the requirements of the 2019 CALGreen (Title 24, California Code of Regulations, Part 11), which establishes mandatory nonresidential measures for water efficiency and conservation under Sections 5.3. The provisions establish the means of conserving water used indoors and include standards for water-conserving plumbing fixtures and fittings. With the implementation of these requirements, as~~ As shown in Table 26, the proposed project would have ~~an indoor water demand that is less than the existing bottling plant and a subsequent net decrease of 17 gpd in~~ a net increase in wastewater generation totaling 7,038 gpd. It should be noted that wastewater generation rates used for sewer design are very conservative since they include safety factors for peak flows and ensure that sewer lines are sized so that they do not exceed 50 percent capacity.

The San Jose WRP currently has a residual capacity of 38.8 mgd. Additionally, the LACSD trunk sewer line in Azusa Canyon Road has a capacity of 2.9 mgd and conveyed a peak flow of 1.3 mgd when last measured in 2015. The sewer line has a residual capacity of 1.6 mgd. Therefore, project development would not require the construction of new or expanded wastewater treatment or conveyance facilities. Impacts would be less than significant.

Table 26 Proposed and Former Wastewater Generation

~~Landscape Square Footage~~ Land Use Type (SF)	Outdoor Water Use (gpd)	Total Water Demand (gpd)	Wastewater Generation Rate (gpd per 1,000 SF)[3]	Indoor Water Demand (gpd)	Wastewater Generation (gpd)[3]
Former Land Use					
Landscaping: 1,000[1]	20[2]	893	-	873	786
Proposed Land Use					
Manufacturing: 17,000	-	-	200	-	3,400
Warehousing: 103,670	-	-	25	-	2,592
Office: 9,160	-	-	200	-	1,832
~~23,271[4]~~	~~565~~	~~1,419~~		~~854~~	~~769~~
Net Increase	**~~545~~**	**~~526~~**		**~~(19)~~**	**~~(17)~~ 7,038**

Source: DWR 2017, 2021; LACSD 2022 ~~Scott Peterson Landscape Architect 2021~~.
Notes: gpd = gallons per day
1 The existing site includes several mature ornamental trees at the entrance to the northern parking lot along with a few shrubs. The square footage of this area was estimated using Google maps.
2 Outdoor water use is based on the California Department of Water Resources' Water Budget Workbook for New and Rehabilitated Non-residential Landscapes. Precipitation for the City of Monrovia was used.
3 Calculated as 90 percent of indoor water demand.
4 ~~While the total landscaped area is 27,979 square feet, only 23,271 square feet is irrigated.~~

References (page 155)

Los Angeles Conservancy (LAC). 2020. Preservation by City: Irwindale. https://www.laconservancy.org/communities/irwindale.

Los Angeles County Department of Regional Planning (DRP). 2019. Significant Ecological Areas Program. http://planning.lacounty.gov/site/sea/maps/.

Los Angeles County Office of the Assessor (LACOA). 2021, May 29 (accessed). Property Assessment Information System. https://maps.assessor.lacounty.gov/m/.

Los Angeles County Sanitation Districts (LACSD). January 31, 2020 (accessed). Table 1, Loadings for Each Class of Land Use. https://www.lacsd.org/home/showpublisheddocument/3644/637644575489800000.

A2-5 The commenter notes that the San Jose Creek Reclamation Plant has a capacity of 100 mgd and currently processes an average flow of 61.2 mgd. The text in the IS/MND has been changed accordingly, as shown in the response to Comment A2-1.

A2-6 The commenter notes that LACSD charges a fee to connect to its facilities or to increase the strength or quantity of wastewater discharged from connected facilities and that payment of a connection fee may be required before this project is permitted to discharge to the LACSD's sewer system. The text in the IS/MND has been changed accordingly, as shown in the response to Comment A2-2.

A2-7 The commenter notes that the capacities of the LACSD's wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG) and that all expansions of LACSD's facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast. That is, LACSD is informing the applicant that the available capacity of the LACSD's treatment facilities will be limited to levels associated with the approved growth identified by SCAG and that LACSD is not guaranteeing wastewater service but intends to provide service up to levels that are legally permitted. No specific CEQA issue is identified, and no further response is required. The comment is noted and will be forwarded to the decision makers.

1. Response to Comments

This page intentionally left blank.

LETTER O1 – Lozeau Drury, LLP, Supporters Alliance for Environmental Responsibility (SAFER) (2 pages)

O-1

LOZEAU DRURY LLP

T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
richard@lozeaudrury.com

Via Email

December 23, 2021

Brandi Jones, Senior Planner
Community Development Department
City of Irwindale
16102 Arrow Highway, Second Floor
Irwindale, CA 91706
BJones@IrwindaleCA.gov

Marilyn Simpson, Director
Community Development Department
City of Irwindale
16102 Arrow Highway, Second Floor
Irwindale, CA 91706
msimpson@IrwindaleCA.gov

Laura Nieto, Chief Deputy City Clerk
City of Irwindale
5050 N. Irwindale Avenue
Irwindale, CA 91706
lnieto@irwindaleca.gov

Re: CEQA and Land Use Notice Request for 4416 Azusa Canyon Road (SCH 2021120500)

Dear Ms. Jones, Ms. Simpson, and Ms. Nieto:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the project known as 4416 Azusa Canyon Road (SCH 2021120500), including all actions related or referring to the proposed construction of a concrete tilt-up warehouse, office, and manufacturing facility with a footprint of 125,500 square feet, located at the northeastern corner of the Azusa Canyon Road / Los Angeles Street intersection, on APN 8417-004-006, in the City of Irwindale ("Project").

We hereby request that the City of Irwindale ("City") send by electronic mail, if possible or U.S. mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

O1-1

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:
  - Notices of any public hearing held pursuant to CEQA.
  - Notices of determination that an Environmental Impact Report ("EIR") is required for the Project, prepared pursuant to Public Resources Code Section 21080.4.
  - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
  - Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092.

1. Response to Comments

- Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
- Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of any addenda prepared to a previously certified or approved EIR.
- Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.
- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

O1-1 cont'd

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which require local counties to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by electronic mail or U.S. Mail to:

Richard Drury
Stacey Oborne
Molly Greene
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
richard@lozeaudrury.com
stacey@lozeaudrury.com
molly@lozeaudrury.com

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,

Molly Greene

Molly Greene
Lozeau | Drury LLP

O1. Response to Comments from Molly Greene, Lozeau Drury LLP, SAFER, dated December 23, 2021.

O1-1 The commenter is requesting that the City send by electronic mail if possible, or U.S. mail, notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City for the proposed project.

The City will notify the commenter, either via electronic mail or U.S. mail, on any and all actions and hearings related to the proposed project as requested.

1. Response to Comments

This page intentionally left blank.

LETTER O2 – Teamsters (6 pages)

O-2

Teamsters Local Union No. 396
Package and General Utility Drivers
Affiliated with the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

CITY OF IRWINDALE
COMMUNITY DEVELOPMENT
JAN 19 2022
RECEIVED

Brandi Jones, Senior Planner
(626) 430-2260, bjones@irwindaleca.gov
City of Irwindale
5050 Irwindale Avenue
Irwindale, California 91706

Lisa Chou, Associate Planner
(626) 430-2246, lchou@irwindaleca.gov
City of Irwindale
5050 Irwindale Avenue
Irwindale, California 91706

Re: 4416 Azusa Canyon Road Project
Assessor's Parcel Number: 8417-004-006
Project Sponsor: Rexford Industrial Realty Consulting Firm
https://www.irwindaleca.gov/575/4416-Azusa-Canyon-Road

Dear Ms. Jones and Ms. Chou:

These comments are being submitted on behalf of Teamsters Local 396 regarding the above-captioned project, specifically in response to the project's Initial Study (IS) and the City of Irwindale's determination that a Mitigated Negative Declaration (MND) is necessary to provide CEQA (California Environmental Quality Act) clearance for the project. Please note that we reserve the right to clarify and supplement these comments as permitted by law and do not waive any issue or matter omitted herein as a result of error or omission by the City of Irwindale or the Project Sponsor, to the extent permitted by law.

Teamsters Local 396 represents delivery, sanitation, logistics, recycling and other workers in Los Angeles County. Our members live in Irwindale and other parts of Los Angeles County. As residents, they may be adversely affected by the potential traffic, air quality, noise, public health, and other impacts caused by the project. O2-1

The proposed Mitigated Negative Declaration (MND) is insufficient substantively and as a matter of law and is inappropriate given the likelihood of significant environmental impacts that are not adequately studied or mitigated by the proposed mitigation measures. The City of Irwindale should either reject the proposed IS/MND or send the proposal back to staff and the Project Sponsor to prepare a full Environmental Impact Report (EIR).

The Initial Study describes the project:

> The 4416 Azusa Canyon Road project (proposed project) involves the construction and operation of a new warehouse and manufacturing facility on a currently developed site. The warehouse and manufacturing businesses (prospective tenants are unknown at this time) would operate out of a proposed building that would encompass a total of 129,830 square feet, with 17,000 square feet of manufacturing space, 103,670 square feet of warehousing space, and 9,160 square feet of ancillary office space to support the industrial and warehousing tenant(s). The proposed project would also include 18 dock door positions within a secured truck court area on the southeastern side of the site. Other project components include vehicular

O2-2

1. Response to Comments

and pedestrian access and circulation improvements, asphalt parking areas, utility and infrastructure improvements, and various hardscape and landscape improvements.

The project would also involve the demolition of a Pepsi Bottling Group plant which closed in December 2020.

O2-2 cont'd

The Initial Study (Page 8) claims that the ultimate tenant or end user is currently unknown: "Future uses/tenants are described as speculative, and the specific warehousing types have not been defined. Similarly, other industrial or potential manufacturing uses have not been specified."[1]

Despite this, it seems likely that the project will be an Amazon "last mile" delivery station:

- An Amazon representative stated last year (during proceedings for a planned last mile delivery station in West Covina) that it was actively looking at 2 Southern California cities – Irwindale and El Monte – as locations for future last mile delivery stations.
    - Amazon is now the largest single developer of warehouses and logistics facilities in the United States. From 2014 to the first half of 2021, the number of last mile delivery stations grew from just 8 to almost 450. Amazon plans to open at least another 250 last mile delivery stations in the U.S. over the next 2 years. The company reportedly plans to open at least 1,500 last mile delivery stations.[2]
- The Project Sponsor – Rexford Industrial Realty – has a pre-existing relationship with Amazon, leasing multiple properties to it, including facilities in Glendale, CA and Thousand Oaks, CA.[3]
- The City of Irwindale actively encourages the development of e-commerce-related last mile delivery stations. The official webpage notes that "the City offers a rare abundance of land, especially when incorporating former mining sites and sites that will become available after their mines close, within the core of the Los Angeles Metropolitan Area market. *This presents an irresistible attraction for industrial and commercial uses, especially last-mile distribution, which is needed more than ever with the proliferation of e-commerce.*" https://www.irwindaleca.gov/35/Doing-Business
- The project description fits a last mile delivery station (approximately 100,000 sq. ft. warehouse, open 24 hours per day and 7 days per week[4], located within a densely populated urban area, etc.).

O2-3

The likelihood that this project is an Amazon last mile delivery station is significant: last mile facilities generate significantly more traffic than other warehouse types. The nature of last mile facilities – which are the starting point of hundreds of daily deliveries into surrounding communities – means that they generate traffic, noise, pollution, and other impacts far beyond the actual facility site.

Traffic Impacts:

Amazon facilities are known to generate traffic problems, leading to congestion and back-ups onto nearby streets, increasing the potential for accidents and contributing to road wear. This was illustrated in 2019-2020 at an Amazon last mile delivery station in Thousand Oaks leased from Rexford Industrial Realty, the sponsor of this project:

> In late March, officials in Thousand Oaks scrutinized Amazon's fleet of delivery vans on local roadways after local residents complained about traffic congestion. Acrimony revolved around a bottleneck of vehicles trying to enter Rexford Industrial-owned Conejo Spectrum Business Park in Newbury Park -- where Amazon established a presence in 2018 when it transformed a 55,000-square-foot warehouse at 2405 Conejo Spectrum St. into an Amazon Prime distribution center. According to Thousand Oaks Code Compliance Manager Geoff Ware, who led an investigation of Amazon's driving practices since the first complaint was filed in October, the backup has worsened in the past few months "with the numeric value

O2-4

[1] It is also possible that the Project Sponsor (Rexford Industrial Realty) and/or the City of Irwindale are aware of the specific end user, or at least the specific type of use anticipated. Page 123 of the Initial Study notes that a "similar warehouse project" was used to assess noise levels. What is the "similar warehouse project" Who decided that it was "similar"? The City? The Project Sponsor? If either entity has any more specific information about the ultimate end user, it must be disclosed and accounted for in order to accurately assess this project's impacts.

[2] https://www.freightwaves.com/news/amazon-to-blanket-the-burbs-with-lots-of-delivery-stations

[3] "Glendale: Amazon's mysterious ways," Indian Real Estate News, May 25, 2018, https://blog.naiop.org/2021/09/the-new-opportunities-in-urban-middle-last-mile/ https://www.reit.com/news/reit-magazine/january-february-2016/older-buildings-are-prime-sites-rexford-industrial

[4] Page 25 of the Initial Study.

and types of traffic patterns involved with the Amazon location.... It was just an overload of vehicles trying to access the site."[5]

The Initial Study's assessment of traffic impacts contained in the Transportation Analysis (Appendix I) does not adequately address traffic issues. It is based on faulty methodology. Page I-75 of the Transportation Analysis states:

> *In order to estimate the traffic characteristics of the Project, trip-generation statistics published in the Institute of Transportation Engineers (ITE) Trip Generation (10th Edition, 2017) manual for ITE Land Use Code 150 (Warehousing) and 140 (Manufacturing) are utilized.* Trip generation rates and resulting calculations for the proposed Project are shown on Table 1. The Project is anticipated to generate 262 trip-ends per day with 29 AM peak hour trips and 35 PM peak hour trips, with the mixture of passenger car and truck trips as shown in Table 1.

The majority of the site is planned for a "stand-alone concrete tilt-up warehouse, office and manufacturing facility" but the particular nature of this use is not defined and the ultimate tenant or end user is unknown. Despite this uncertainty, the Transportation Analysis is based on an assumption that the Institute for Transportation Engineers (ITE) Trip Generation Manual Land Use Code 150 will be applicable. Land Use Code 150 is for a traditional warehouse use, i.e., a place where packages are stored for wholesale distribution or for distribution to producers or manufacturers. This is specifically a "long-term storage" facility, according to the ITE manual. O2-4 cont'd

The *zoning* designation, however, is far broader than the specific use associated with Land Use Code 150. Page 29 of the Initial Study states:

> The prevailing planning and regulatory plans that govern development and use of the project site are the Irwindale General Plan, Irwindale Zoning Code (Title 17 [Zoning]), and Irwindale Commercial and Industrial Design Guidelines. The general plan land use designation of the project site is Industrial/Business Park, and the site is zoned Light Manufacturing (M-1). Land devoted to Industrial/Business Parks may range in size from 10 acres up to 100 acres, subdivided into smaller lots and developed with industrial buildings of varying sizes.

This is a significant distinction, because of the vast disparity between warehouse/distribution uses in the ITE trip generation manual itself. *The trip-per-unit figure for Code 150 warehouses is 0.19; the trip-per-unit figures for distribution-focused warehouses (such as last mile delivery stations), i.e., codes 155 and 156 are 1.37 and 0.64 respectively, representing significantly higher trip generation characteristics respectively of 7+ times larger than Code 150 and 3+ times larger than Code 150.* Since these uses are clearly permitted by the zoning designation, the Transportation Analysis is inadequate both substantively and as a matter of law.

The Project Sponsor (and the City of Irwindale) have not further defined the precise end user, or even a range of possible end users, for the project site. At the same time, by adopting the MND, the City would be allowing an entire range of "distribution plants and warehouses," including those that fall under Land Use Codes 155 and 156 of the ITE manual. This includes e-commerce-type "last mile" delivery stations that generate far more traffic than traditional warehouses, and traffic of a particular type: vehicle trips into residential areas to make deliveries.

The range of uses that will be allowed by adopting this MND would include distribution centers and "last-mile"-type delivery stations, which are more often evaluated as "high-cube" warehouses with significantly higher trip generation characteristics. Importantly, even these ITE Land Use Code designations (155 & 156) are not typically treated as adequate, because of the unique nature of these e-commerce facilities. In other California localities, e-commerce applicants have conducted bespoke studies based on existing facilities in order to provide CEQA-compliant data for purposes of transportation analysis. O2-5

The IS/MND transportation analysis falls far short of this requirement. It uses the lowest-level of traffic generation to justify an approval that would allow a significantly more intense type of use. This is precisely what MNDs should *not* do,

[5] "SPACE FOR E-COMMERCE: With the coronavirus crisis encouraging online shopping, companies from Amazon.com to local businesses are in the market for warehouses (REAL ESTATE QUARTERLY: SPECIAL REPORT)," San Fernando Valley Business Journal, April 27, 2020.

1. Response to Comments

given CEQA's purpose of providing decision-makers and the public with adequate information to make an informed decision on potential environmental impacts. To be adequate, the City of Irwindale needs to study the full range of allowed uses, or, alternatively, condition the approvals to allow only those uses that were actually studied in the IS/MND. This issue alone is sufficient to require a rejection of the IS/MND, or imposition of conditions on the approval that would preclude development on the property of those uses which are more intense but were not studied. O2-5 cont'd

The faulty methodology of the Transportation Analysis also contributes to other problems in the Initial Study. For example:

1) The Initial Study's Transportation Analysis does not include a VMT (vehicle miles traveled) analysis, but it should have included one. The Initial Study states that:

> Under SB 743, a city can decide to screen out certain projects from needing a complete VMT analysis. OPR has advised that certain projects could be cleared from further analysis based on size, type, location, and/or proximity to a major transit stop or high-quality transit. The City of Irwindale adopted its VMT thresholds on November 11th, 2020. Since the City of Irwindale's VMT thresholds do not include screening criteria, the County of Los Angeles' Guidelines were used. The County requires VMT analysis for development projects that are estimated to generate a net increase of 110 or more daily vehicle trips... *The passenger car trip generation for the proposed project is 197 daily trips, but the estimated trip generation for the Pepsi bottling plant is 88 daily trips Therefore, the net increase in the proposed project's passenger car trip generation is 109 vehicles per day, just under the threshold of 110 vehicles per day* (see Table 25). Therefore, proposed project would not require further VMT analysis and would have a less than significant impact.

O2-6

If the Transportation Analysis calculated passenger car trip generation based on either Land Use Code 155 or 156 used for distribution-based warehouses, the net increase in the proposed project's passenger car trip generation would have far exceeded the threshold of 110 vehicles per day and would have necessitated a VMT analysis.

2) The Initial Study's discussion of toxic air contaminants notes that "land uses that generate more than 100 truck trips per day have the potential to substantially increase toxic air contaminants (TAC) concentrations and health risks at off-site sensitive land uses within 1,000 feet of the facility" but that "the proposed project would generate an average of only about 65 medium- and heavy-duty truck trips per day."[6] If this project becomes a last mile delivery station, it is likely to exceed the 100 truck trip threshold, given that Land Use Codes 155 and 156 that cover last mile facilities calculate vehicle trips that are 3+ or 7+ times higher than Land Use Code 150 that covers traditional warehouses. The MND should therefore include an air contaminants analysis that includes this possible scenario. O2-7

The IS/MND Does Not Account for Unique Impacts of Last Mile Delivery Stations:

In the possible and even likely event that this project will be a last mile delivery station, traffic, noise and pollution impacts will be particularly acute because they will be spread by delivery vehicles that will travel through residential neighborhoods, bringing congestion, noise and pollutants closer to children, seniors and other "sensitive receptors." Delivery to consumers in neighborhoods means that trucks will be driving slowly and idling near homes, making frequent stops and starts, and otherwise emitting greenhouse gases and other particulates not only at the warehouse, but consistently throughout the day in residential areas that are otherwise not zoned to account for such emissions.

Urban planner Daniel Flaming, president of the Economic Roundtable, a Los Angeles-based research non-profit that provides transparent, data-driven policy analysis, notes that last-mile facilities have several negative impacts when situated near residential areas: "It would be horrific if you owned a home next to one of these distribution centers. All those loaded trucks have significant road wear issues as well as congestion issues, noise issues and pollution issues."[7] O2-8

The project is located within 1 mile of the following:

- Schools: Merwin Elementary School, Manzanita Elementary School, Grovecenter Elementary School, Monte Vista Elementary School, Geddes Elementary School, Margaret Heath Elementary School, Central Elementary

[6] Page 61 of the Initial Study.
[7] Southland logistics; Amazon shifting to the fast lane. Redlands 6 U.S. Census Bureau. Time Series of California Intercensal Population Estimates by County: April 1, 1990 to April 1, 2000.

School, Pleasant View Elementary School, Alice M. Ellington K-8 School, Jerry D. Holland Junior High School, Las Palmas Middle School, Olive Middle School, Baldwin Park High School, North Park High School, Gladstone High School, Covina High School, Jubilee Christian School.

- Residential Buildings: Serrano Apartment, Vincent Village Apartments, Sunset Square Apartments, Heritage Park Villas. The Initial Study (Page 7) also notes that "residential areas are within a 1,000-foot radius to the northeast, southeast, south, and southwest of the project site. The closest sensitive receptors are a single-family residence approximately 550 feet northeast on East Cypress Street and a mobile home park approximately 700 feet to the southwest."
- Churches: Our Lady of Guadalupe Church, Christ Community Church, Bethany Church, Faith Church, Church Baldwin Park, Family Christian Church, Pilipino Community Church, Indonesian Good News Church.
- Recreational Areas: Irwindale Park, Jardin de Roca Park, Hilda L. Solis Park, Del Norte Park, Santa Fe Dam Recreation Area.
- Hospitals: Kindred Hospital San Gabriel Valley.

O2-8 cont'd

The Initial Study does not account for the wider impacts inherent in last mile facilities. For example, the Initial Study's analysis of toxic air contaminants and their health risks addresses only the increased health risk caused by stationary sources on the site itself, ignoring the potential for emissions caused from vehicles that will traverse regularly through residential areas, should the site be developed into a last mile facility. The Initial Study needs to include an analysis of the full scope of impacts generated by last mile facilities.

Parking Impacts:

The project's allotted parking may be inadequate, if it turns out to be an Amazon facility. This is especially true for facilities that are open 24 hours a day and 7 days a week like this one is expected to be. Parking problems at Amazon facilities have been well documented:

- Insufficient parking spaces and the high volume of last mile delivery vans force workers servicing them to look for parking offsite, taking parking spaces that would otherwise be used by local residents.[8] Teamsters Union members and staff have observed these problems at numerous Amazon facilities.
- The need to park offsite has led to conflicts with workers servicing Amazon warehouses:
  - Several lawsuits filed against Amazon's subcontracted van companies that list Amazon as a joint employer have previously alleged violations of wage & hour laws because they were required to park and pick up their delivery vehicles offsite but Amazon did not compensate them for the time spent traveling from their offsite parking locations to their workplaces.
  - The issue was a central grievance that led to a 2019 walkout of workers in an Amazon warehouse in Minnesota.[9]

O2-9

Despite these problems, the proposed project will only include 123 parking spaces.[10] This stands in contrast to other Amazon last mile projects currently under development:

- Smithtown, NY: 309 parking spaces, 64,000 sq. ft.
- Westbury, NY: 237 parking spaces, 40,113 sq. ft.
- Garden City, NY: 175 parking spaces, 100,000 sq. ft.
- Peabody, MA: 1,181 parking spaces (313 regular spaces, 868 fleet storage spaces), 183,000 sq. ft.

Community Development & Jobs:

The Initial Study (on Page 109) discusses the project's "Community Development Element," stating that it aligns with the City of Irwindale's goal to "promote development that will benefit the community as a whole in terms of both jobs and revenue generation." The Initial Study notes that the project "is anticipated to add approximately 72 new jobs."[11] City officials may be disappointed in the jobs created, if this is a facility run by Amazon, which has become known for poor quality, dangerous jobs:

O2-10

[8] "Online Spending to Hit a New Record," CBS News Transcript, December 2, 2019.
[9] "News Watch," Labor Notes, September 1, 2019.
[10] Page 25 of the Initial Study.
[11] Page 55 of the Initial Study.

1. Response to Comments

Negative Impact on Wages:

- According to Bureau of Labor Statistics data for 68 counties where a large Amazon facility was opened, the average compensation for the industry declined more than 6% in the two years after opening.[12]
- A U.S. Government Accountability Office report from October 2020[13] cited in several articles found that in the nine states covered, more than 4,000 Amazon employees receive SNAP food assistance.
- Pre-pandemic research found that warehouse workers in areas with an Amazon facility earned about 10% less than similar workers elsewhere.[14]

Injury Rates Associated with Amazon Facilities:

- OSHA data for 2020 shows that the serious injury rate at Amazon warehouses – meaning workers were hurt badly enough to miss work or be placed on light duty – was almost 80% higher than the entire warehousing industry at 5.9 serious injuries for every 100 Amazon workers.[15] [16]
- Despite touting millions spent on safety, internal data show that Amazon leaders went to great lengths to hide an ongoing, and worsening, safety crisis at company warehouses across the U.S.[17]

Amazon Employment Churn: Data shows that when Amazon moves into a county, turnover rates for the entire county skyrocket – in just 2 years, a new Amazon facility increases the turnover rate for warehousing and storage employees an average of 30%.[18] In California, researchers found that the average turnover rate in "Amazon" counties for warehouse workers more than doubled in the years between 2011 (a year before Amazon's first fulfillment center opening) and 2017, from 38.1% to 100.9%.[19]

O2-10 cont'd

Conclusion:

For the foregoing reasons, we respectfully request that the City of Irwindale reject the proposed IS/MND, or impose conditions on the ultimate use of the property that would justify the assumptions in the IS/MND.

O2-11

Sincerely,

Ron Herrera

Ron Herrera,
Secretary Treasurer
Teamsters Local 396

[12] Bloomberg. Amazon Has Turned a Middle-Class Warehouse Job into a McCareer. December 2020.
[13] U.S. Government Accountability Office Report to the Ranking Member, Committee on the Budget, U.S. Senate. FEDERAL SOCIAL SAFETY NET PROGRAMS: Millions of Full-Time Workers Rely on Federal Health Care and Food Assistance Program. https://www.gao.gov/assets/gao-21-45.pdf. October 2020.
[14] The Economist. What Amazon does to wages. January 2018.
[15] The Washington Post. Amazon warehouse workers suffer serious injuries at higher rates than other firms. June 2021.
[16] Strategic Organizing Center. Primed for Pain: Amazon's Epidemic of Workplace Injuries. May 2021.
[17] Reveal. How Amazon Hid its Safety Crisis. September 2020.
[18] The New York Times. Inside Amazon's Employment Machine. June 2021.
[19] National Employment Law Project. Amazon's Disposable Workers: High Injury and Turnover Rates at Fulfillment Centers in California. March 2020.

O2. Response to Comments from Ron Herrera, Secretary Treasurer, Teamsters, dated January 19, 2022.

O2-1 The commenter asserts that the Mitigated Negative Declaration (MND) is substantively insufficient given the likelihood of significant environmental impacts that are not adequately studied or mitigated by the proposed mitigation measures. The commenter states that the City should either reject the proposed Initial Study/Mitigated Negative Declaration (IS/MND) or prepare a full Environmental Impact Report (EIR).

The IS/MND fully discloses potential environmental impacts and mitigation, as appropriate, and reduces impacts to below significance. See response to comments O2-3 through O2-10, which provide detailed responses to the commenter's specific assertions.

O2-2 The commenter provides a summary of the proposed project. No further response required.

O2-3 The commenter states that despite the Initial Study's description that the future tenant is unknown and speculative, it seems likely that the project will be an Amazon "last mile" delivery station. This assertion is followed by a bullet list of speculative data regarding Amazon delivery stations, Rexford Industrial Realty's operations, and Irwindale's policy regarding e-commerce.

The commenter's suggestion that the proposed project is intended as an Amazon last mile delivery facility is pure speculation and incorrect. As described in the Initial Study, the future tenants and users for the proposed warehouse and manufacturing facility have not been determined. The warehouse has been designed to specifications that fit the project description in the IS/MND. Moreover, the analysis, including the technical analysis for transportation, air quality, greenhouse gas emissions, and noise, have all been prepared consistent with requirements for a "spec" warehouse (see also the responses to Comments A1-3 and O2-4).

Last-mile, e-commerce warehouses require certain structural specifications that are either incorporated in the design of a building prior to construction or require retrofitting to an existing structure. The City also mandates specific parking requirements based on the intended uses of a building. The proposed building is not designed to accommodate an Amazon last-mile facility, and the proposed parking would not comply with the City's requirements for such a facility. The proposed project has been designed and will be constructed to accommodate a warehouse/manufacturing facility, as described in the project description. Future tenants/uses at this point remain speculative.

Furthermore, future occupancy by Amazon or similar e-commerce tenant would require additional permitting by the City. Approval of the IS/MND for the proposed project would not accommodate this kind of use without further review and approval. To address the concerns of this commenter as well as the recommendation from Caltrans (see

Response A1-3) regarding the potential for VMT to exceed the screening level used in the Initial Study, the City will require the following Condition of Approval:

> Prior to the issuance of any occupancy or tenant improvement permit, the proposed tenant(s) shall provide a site-specific trip generation technical memo demonstrating that the average daily vehicle trips do not exceed 362 daily PCE (passenger car equivalent) trips, 45 PCE AM trips, 46 PCE PM trips, and 197 daily passenger car trips. The City will regularly and continually monitor the actual trips generated by the project and enforce the maximum limit of allowable trips. If the project applicant/owner proposes to exceed any limits, additional traffic analyses and VMT (vehicle miles traveled) analysis shall be reviewed and approved by Director of Engineering. If the VMT exceeds the applicable threshold at the time of subsequent review, the issuance of the respective permit shall be subject to CEQA review. The owner/applicant shall be solely responsible for all costs related to analyses, peer review, monitoring, and enforcement.

This Condition of Approval would ensure that any environmental impacts that arise from Amazon or similar tenant occupying the proposed project would be evaluated prior to the issuance of any occupancy permits.

O2-4 Specific information relating to the future occupant / tenant is currently unknown, and the land use data provided by the project team and agreed upon by the City of Irwindale was used in the traffic analysis. See new Condition of Approval in response to Comment O2-3.

O2-5 Please refer to Responses O2-3 and O2-4.

O2-6 Specific information relating to the future occupant / tenant is currently unknown, and the land use data provided by the project team and agreed upon by the City of Irwindale was used in the traffic analysis. See the condition of approval in response to Comment O2-3.

O2-7 The commenter notes that the Health Risk Assessment incorporated as Appendix B of the IS/MND does not reflect toxic air contaminants (TAC) that would arise from the higher truck trips generated from an Amazon last-mile delivery station. The commenter requests that this scenario be analyzed in the IS/MND.

Amazon last-mile facilities generally generate fewer heavy- and medium-duty truck trips than manufacturing and warehousing uses as analyzed in the IS/MND. Heavy- and medium-duty trucks typically use diesel, which generates TACs associated with health impacts to sensitive receptors. An Amazon last-mile delivery station would result in an increase in passenger and light-duty trucks that typical use gasoline or are electric vehicles.

Therefore, the Health Risk Assessment in the IS/MND is a more conservative analysis when it comes to health risk.

Nevertheless, and in reference to the response to comment O2-3, the City will impose a Condition of Approval that would ensure that any environmental impacts that arise from Amazon occupying the proposed project would be evaluated prior to the issuance of any occupancy permit.

The commenter also reiterates the point that ITE codes 155 and 156 should have been used for this project. Please refer to the response to comment O2-4 regarding the traffic analysis methodology.

O2-8 Please refer to the response to comments O2-3 and O2-7. Additionally, the commenter notes that the analysis of TACs and their health risks in the IS/MND only addresses the increased health risk caused by stationary sources on the site itself, ignoring the potential for emissions caused from vehicles. The Health Risk Assessment considers the health impact to sensitive receptors (including residential uses and schools) from diesel trucks and diesel-fueled off-road equipment (i.e., forklifts and yard trucks) operating on the site. Operational emissions from trucks were evaluated for diesel trucks traveling on-site over the ingress and egress driveways and idling at truck loading areas as well as the emissions from diesel trucks traveling to and from the site along surface streets (Azusa Canyon Road and Los Angeles Street).

O2-9 The commenter indicates that the proposed project's parking is insufficient. Please see Response O2-3. The commenter is correct in noting that the project would not comply with requirements for an Amazon last-mile facility. The project has not been designed for such use. Nevertheless, CEQA does not require an evaluation of parking impacts.

O2-10 The commenter states that the proposed project would create poor-quality, dangerous, and lower-paying jobs that may result in work-related injuries and high turnover rates. These are not CEQA-related issues; however, the comment is noted and will be forwarded to decision makers.

O2-11 Please refer to Responses O2-3 through O2-10.

1. Response to Comments

This page intentionally left blank.

LETTER O3 – Lozeau Drury, LLP, Supporters Alliance for Environmental Responsibility (SAFER) (1 page)

O3

LOZEAU DRURY LLP

T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
richard@lozeaudrury.com

Via Email

January 19, 2022

Brandi Jones, Senior Planner
Community Development Department
City of Irwindale
16102 Arrow Highway, Second Floor
Irwindale, CA 91706
BJones@IrwindaleCA.gov

Re: Comment on Mitigated Negative Declaration, 4416 Azusa Canyon Road (SCH 2021120500)

Dear Ms. Jones:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared for the 4416 Azusa Canyon Road Project (SCH 2021120500), including all actions related or referring to the proposed construction of a concrete tilt-up warehouse, office, and manufacturing facility with a footprint of 125,500 square feet, located at the northeastern corner of the Azusa Canyon Road / Los Angeles Street intersection, on APN 8417-004-006, in the City of Irwindale ("Project").

After reviewing the IS/MND, we conclude the IS/MND fails as an informational document, and that there is a fair argument that the Project may have adverse environmental impacts. Therefore, we request that the City of Irwindale ("City") prepare an environmental impact report ("EIR") for the Project pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000, et seq. O3-1

We reserve the right to supplement these comments, including but not limited to at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

Richard Drury

1. Response to Comments

This page intentionally left blank.

O3. Response to Comments from Richard Drury, Lozeau Drury LLP, SAFER, dated January 19, 2022.

O3-1 The commenter states that the Initial Study/Mitigated Negative Declaration (IS/MND) fails as an informational document and there is a fair argument that the proposed project may have adverse environmental impacts, and therefore, an Environmental Impact Report should be prepared.

The commenter's statement is unsubstantiated. Since the commenter does not describe specific areas of inadequacies in the CEQA analysis or conclusions, it is not possible to address this allegation. Therefore, no changes to the Initial Study/Mitigated Negative Declaration are necessary.

1. Response to Comments

This page intentionally left blank.

EXHIBIT "G"

February 2022 | Mitigation Monitoring and Reporting Program

4416 AZUSA CANYON ROAD

City of Irwindale

Prepared for:

City of Irwindale
Contact: Brandi Jones, Senior Planner
5050 Irwindale Avenue
Irwindale, California 91706
626.430.2260

Prepared by:

PlaceWorks
Contact: JoAnn C. Hadfield, Principal
3 MacArthur Place, Suite 1100
Santa Ana, California 92707
714.966.9220
info@placeworks.com
www.placeworks.com

PLACEWORKS

Table of Contents

Section **Page**

MITIGATION MONITORING AND REPORTING PROGRAM 1

1. PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM 1
2. PROJECT LOCATION 2
3. PROJECT SUMMARY 2
4. MITIGATION MONITORING 3

List of Tables

Table **Page**

Table 1 Mitigation Monitoring Requirements 3

Table of Contents

This page intentionally left blank.

Mitigation Monitoring and Reporting Program

1. PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program has been developed to provide a vehicle by which to monitor mitigation measures and conditions of approval outlined in the 4416 Azusa Canyon Road Initial Study/Mitigated Negative Declaration (IS/MND), State Clearinghouse No. 2021120500. The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with Section 21081.6:

> (a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:
>
> (1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.
>
> (2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

The State CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation. The City of Irwindale is the lead agency for the 4416 Azusa Canyon Road project and is therefore responsible for implementing the MMRP. The MMRP has been drafted to meet the requirements of Public Resources Code Section 21081.6 as a fully enforceable monitoring program.

The MMRP consists of the mitigation program and the measures to implement and monitor the mitigation program. The MMRP defines the following for the mitigation measure outlined in Table 1, *Mitigation Monitoring Requirements*:

- **Definition of Mitigation.** The mitigation measure contains the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.
- **Responsible Party or Designated Representative.** Unless otherwise indicated, the project applicant is the responsible party for implementing the mitigation, and the City of Irwindale or a designated

representative is responsible for monitoring the performance and implementation of the mitigation measures. To guarantee that the mitigation measure will not be inadvertently overlooked, a supervising public official acting as the Designated Representative is the official who grants the permit or authorization called for in the performance. Where more than one official is identified, permits or authorization from all officials shall be required.

- **Time Frame.** In each case, a time frame is provided for performance of the mitigation measure or review of evidence that mitigation has taken place. The performance points selected are designed to ensure that impact-related components of project implementation do not proceed without establishing that the mitigation is implemented or ensured. All activities are subject to the approval of all required permits from local, state, and federal agencies with permitting authority over the specific activity.

The numbering system in Table 1 corresponds with the numbering system used in the IS/MND. The last column of the MMRP table will be used by the parties responsible for documenting when implementation of the mitigation measure has been completed. The ongoing documentation and monitoring of mitigation compliance will be completed by the City of Irwindale. The completed MMRP and supplemental documents will be kept on file at the City of Irwindale Community Development Department.

2. PROJECT LOCATION

The approximately 5.89-acre project site is in the southeastern portion of Irwindale in Los Angeles County. The city is approximately 20 miles east of downtown Los Angeles, with neighboring cities of West Covina, Baldwin Park, the unincorporated area of Vincent, Azusa, Duarte, El Monte, North El Monte, and Monrovia. The project site is at the northeastern corner of the Azusa Canyon Road/Los Angeles Street intersection. It is bound by Big Dalton Wash to the north, Los Angeles County Metro (LA Metro) railroad and Los Angeles Street to the south, a railroad spur to the east, and Azusa Canyon Road to the west. The project site's Assessor's Parcel Number is 8417-004-006.

Regional access to the project site is from Interstate 10 (I-10), approximately 1.4 miles to the south via North Orange Avenue, West San Bernardino Road, and Azusa Canyon Road, and from I-605 approximately 2.5 miles to the northwest via Live Oak Avenue, Arrow Highway, and Azusa Canyon Road. State Route 39 (SR-39) also provides regional access to the project site and is approximately 2 miles east of the site. Local access to the project site is via Azusa Canyon Road and Los Angeles Street.

3. PROJECT SUMMARY

The project applicant proposes to develop the 5.89-acre project site with a stand-alone concrete tilt-up warehouse, office, and manufacturing facility at the project site. The warehouse and manufacturing businesses would operate out of a proposed building that would encompass a total of 129,830 square feet, with 17,000 square feet of manufacturing space, 103,670 square feet of warehousing space, and 9,160 square feet of ancillary office space to support the industrial and warehousing tenant(s). The proposed project would also include 18 dock door positions within a secured truck court area on the southeastern side of the site. Other project components include vehicular and pedestrian access and circulation improvements, asphalt parking areas, utility and infrastructure improvements, and various hardscape and landscape improvements.

4. MITIGATION MONITORING

Table 1 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
3.3 Air Quality					
AQ-1	Prior to issuance of a business license, if a prospective business tenant has the potential to emit nuisance odors beyond the property line, an odor management plan shall be prepared by the prospective business tenant, subject to review and approval by the City of Irwindale Community Development Department or Planning Commission. Types of uses that have the potential to generate nuisance odors include, but are not limited to: • Wastewater treatment plants • Composting, green waste, or recycling facilities • Fiberglass manufacturing facilities • Painting/coating operations • Large-capacity coffee roasters • Food-processing facilities The odor management plan shall show compliance with the SCAQMD's Rule 402 for nuisance odors. The odor management plan shall identify the best available control technologies for toxics (T-BACTs) that will be utilized to reduce potentially odors to acceptable levels, including appropriate enforcement mechanisms. T-BACTs may include but are not limited to scrubbers (i.e., air pollution control devices) at the industrial facility.	Prospective Business Tenant	Prior to the issuance of a business license	City of Irwindale Community Development Department	
3.5 Cultural Resources					
CUL-1	If construction personnel, including the Native American monitor, identify cultural resources during ground-breaking activities, they shall inform the site construction superintendent who shall notify the City and project applicant. The project applicant shall then contact a qualified archaeologist and all work must halt within 50 feet of the find until the archaeologist can determine the	Project Applicant, Qualified Archaeologist	During ground-breaking activities	City of Irwindale Community Development Department Building and Safety	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
	significance. No soil shall be exported from within the 50-foot buffer around the find until a determination of significance is made. The qualified archaeologist will also determine if archaeological monitoring is warranted. If the qualified archaeologist determines that the find qualifies as a significant cultural resource, the archeologist shall make recommendations on the treatment and disposition of the deposits, which shall be developed in accordance with all applicable provisions of California Public Resource Code Section 21083.2 and State CEQA Guidelines Sections 15064.5 and 15126.4. If significant cultural resources are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan. The archaeologist shall prepare a final report describing monitoring methods and results that includes a catalog of all cultural resources identified for submission to the City. The City shall determine disposition of collected cultural resources, which may include return to landowner/applicant, transfer to a consulting Native American group, donation to school or museum, or long-term curation at an approved curation facility. The applicant shall be financially responsible for costs associated with cultural resources monitoring, including artifact curation, up to the limits imposed by Public Resources Code Section 21083.2.				
3.7 Geology and Soils					
GEO-1	If construction personnel, including the Native American monitor, identify paleontological resources during ground-disturbing activities, they shall inform the site construction superintendent who will notify the City and project applicant. The project applicant shall then contact a qualified paleontologist and all ground-disturbing activity shall cease in the immediate area of the find (within a 50-foot buffer) until the paleontologist can evaluate the find. If the discoveries are determined to be significant, full-time paleontological monitoring will be recommended for the remainder	Project Applicant, Qualified Paleontological	During ground-disturbing activities	City of Irwindale Community Development Department Building and Safety	

Table 1 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
	of ground disturbance for the project. Paleontological monitoring shall entail the visual inspection of excavated or graded areas and trench sidewalls. If a paleontological resource is discovered, the monitor shall have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and collected. Monitoring efforts can be reduced or eliminated at the discretion of the project paleontologist. Upon completion of fieldwork, all significant fossils collected shall be prepared in a properly equipped paleontology laboratory to a point ready for curation. Preparation shall include the careful removal of excess matrix from fossil materials and stabilizing and repairing specimens, as necessary. Following laboratory work, all fossil specimens shall be identified to the most specific taxonomic level possible, cataloged, analyzed, and delivered by the Natural History Museum of Los Angeles County for permanent curation and storage. The cost of curation is assessed by the repository and shall be the responsibility of the project applicant. At the conclusion of laboratory work and museum curation, a final Paleontological Monitoring Report shall be prepared describing the results of the paleontological mitigation monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project area geology and paleontology, a list of taxa recovered, an analysis of fossils recovered and their scientific significance, and recommendations. A copy of the report shall be submitted to the Natural History Museum of Los Angeles County.				
3.9 Hazards and Hazardous Materials					
HAZ-1	Any subsurface materials exposed during construction activities that appear suspect for contamination, either from visual staining or odors, shall require immediate cessation of excavation activities. Soils suspected of contamination shall be tested for potential contamination. If contamination is found to be present per the	Project Applicant, Construction Contractor	During construction activities	City of Irwindale Community Development Department Building and Safety	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
	Department of Toxic Substances Control Screening Levels for industrial/commercial land use (DTSC-SLi) and the EPA Regional Screening Levels for industrial/commercial land use (EPA-RSLi), contaminated soils shall be transported and disposed of per state regulations to an appropriately permitted landfill.				
3.17 Transportation					
T-1	Prior to the issuance of occupancy permits, the project applicant shall provide the following improvements at the intersection of Azusa Canyon Road and Los Angeles Street: • A new crosswalk on the east leg of the intersection. • A new crosswalk on the west leg of the intersection. • Restrict on-street parking on the south side of Los Angeles Street, east of Azusa Canyon Road, within 150 feet of the intersection. • Restrict on-street parking on the east side of Azusa Canyon Road, north of Los Angeles Street within 150 feet of the intersection. • Review sight distance and other safety considerations prior to finalization of the proposed driveways.	Project Applicant	Prior to issuance of occupancy permits	City of Irwindale Public Works/Engineering Department	
3.18 Tribal Cultural Resources					
TCR-1	The City of Irwindale shall notify the Gabrielino Tongva Indians of California Tribal Council if prehistoric materials, including Native American burial remains, are found. Any notification by the City of Irwindale to the Tribe of the discovery of burial remains shall be separate from the Native American Heritage Commission (NAHC) process and shall occur regardless of whether the NAHC designates the Tribe as Most Likely Descendant. If Native American burial remains are found, the Tribe shall engage the City of Irwindale in formal Native American consultation.	City of Irwindale	In the event that prehistoric and/or burial remains are found	City of Irwindale Community Development Department	

Table 1 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
TCR-2	A Native American monitor from the Gabrieleño Band of Mission Indians – Kizh Nation shall be retained prior to commencement of ground-disturbing activities: • The project applicant shall retain a Native American monitor (or approved by) the Gabrieleño Band of Mission Indians – Kizh Nation the direct lienal descendants of the project location. The monitor shall be retained prior to the commencement of any ground-disturbing activity for the subject project, at all project locations (i.e., both onsite and any off-site locations that are included in the project description and/or required in connection with the project such as public improvement work). Ground-disturbing activity includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring grading, excavation, drilling, trenching. • A copy of the executed monitoring agreement shall be provided to the City of Irwindale prior to the commencement of any ground-disturbing activity for the project, or the issuance of permit necessary to commence a ground-disturbing activity. • The project applicant shall provide the Tribe with a minimum of 30 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project. • The project applicant shall hold at least one pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where a senior member of the Gabrieleño Band of Mission Indians – Kizh Nation shall inform and educate the project's construction and managerial crew and staff members (including any project subcontractors and consultants) about the tribal cultural resources mitigation measures and compliance obligations, as well as places of significance located on the project site (if any), the appearance of potential tribal cultural resources, and other informational and	Project Applicant, Native American Monitor	Prior to commencement of ground-disturbing activities	City of Irwindale Community Development Department	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
	operational guidance to aid in the project's compliance with the mitigation measures. • The Native American Monitor shall complete daily monitoring logs that shall provide descriptions of the relevant ground disturbing activities, the type of construction activities performed; locations of ground-disturbing activities; soil types; cultural-related materials; and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs shall identify and describe any discovered tribal cultural resources, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the project applicant and/or lead agency upon written request. • Native American monitoring for the project shall conclude upon the latter of the following: (1) written confirmation from a designated project point of contact to the Tribe that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site project location are complete; or (2) written notice by the Tribe to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the project site and at any off-site project location possess the potential to impact tribal cultural resources.				
TCR-3	Discovery of tribal cultural resources, human remains, and or grave goods: • Upon the discovery of a tribal cultural resource, all construction activities in the immediate vicinity of the discovery (i.e., not less than surrounding 50 feet) shall cease. The Gabrieleño Band of Mission Indians – Kizh Nation shall be immediately informed of the discovery, and the Kizh monitor shall promptly report to the	Project Applicant, Construction Contractor	Upon discovery of tribal cultural resources, human remains, or grave goods	City of Irwindale Community Development Department	

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
location of the discovery to evaluate the tribal cultural resource and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 feet of the discovered tribal cultural resource unless and until the Tribe has completed its assessment, evaluation and recovery of the discovered tribal cultural resource and surveyed the surrounding area. • The Tribe shall recover and retain all discovered tribal cultural resources in the form and/or manner the Tribe deems appropriate in its sole discretion, and for any purpose the Tribe deems appropriate, including but not limited to, educational, cultural and/or historic purposes. • If Native American human remains and/or grave goods are discovered or recognized on the project site or at any off-site project location, then all construction activities shall immediately cease. Native American human remains are defined to include an inhumation or cremation, and in any state of decomposition or skeletal completeness (Pub. Res. Code § 5097.98(d)(1)). Funerary objects, referred to as associated grave goods, shall be treated in the same manner and with the same dignity and respect as human remains. (Pub. Res. Code § 5097.98(a), (d)(1) and (2). • Any discoveries of human skeletal material or human remains shall be immediately reported to the County Coroner (Health & Safety Code § 7050.5(c); 14 Cal. Code Regs. §15064.5(e)(1)(B)), and all ground-disturbing project ground-disturbing activities on site and in any other areas where the presence of human remains and/or grave goods are suspected to be present, shall immediately halt and remain halted until the coroner has determined the nature of the remains (14 Cal. Code Regs. § 15064.5(e)). If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, within				

Table 1 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
	24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed. • Thereafter, construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or grave goods, if the Tribe determines in its sole discretion that resuming construction activities at that distance is acceptable and provide the project manager express consent of that determination (along with any other mitigation measures the Tribal monitor and/or archaeologist deems necessary) (14 Cal. Code Regs. § 15064.5(f)). Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods. • Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes. • Any discovery of human remains and/or grave goods discovered and/or recovered shall be kept confidential to prevent further disturbance.				
TCR-4	• Procedures for burials, funerary remains, and grave goods: • As the Most Likely Descendant ("MLD"), the Koo-nas-gna Burial Policy shall be implemented for all discovered Native American human remains and/or grave goods. Tribal traditions include, but are not limited to, the preparation of the soil for burial, the burial of funerary objects and/or the deceased, and the ceremonial burning of human remains. • If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created. The prepared soil and	Project Applicant, Construction Contractor, Native American Monitor, Qualified Archaeologist	In the event that Native American remains and/or grave goods are discovered	City of Irwindale Community Development Department	

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated grave goods are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, as well as other items made exclusively for burial purposes or to contain human remains. Cremations shall either be removed in bulk or by means necessary to ensure complete recovery of all sacred materials. • In the case where discovered human remains cannot be fully recovered (and documented) on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe shall make every effort to divert the project while keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials shall be removed. • In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. The site of reburial/repatriation shall be agreed upon by the Tribe and the landowner and shall be protected in perpetuity. • Each occurrence of human remains and associated grave goods shall be stored using opaque cloth bags. All human remains, grave goods, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items shall be retained and shall be reburied within six months of recovery.				

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
	• The Tribe shall work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.				

EXHIBIT "H"

DATE	3/7/2021
TO	Brandi Jones, Senior Planner
ADDRESS	Community Development Department 5050 Irwindale Avenue Irwindale, California 91706
FROM	Dina El Chammas Gass, Senior Associate
SUBJECT	Response to Lozeau Drury – Supporters Alliance for Environmental Responsibility (SAFER) Letter Dated February 16, 2022
PROJECT NAME	4416 Azusa Canyon Road Project (IRW-03.0)

Lozeau Drury, on behalf of the Supporters Alliance for Environmental Responsibility (SAFER), submitted comments on the Initial Study/Mitigated Negative Declaration (IS/MND) for the 4416 Azusa Canyon Road project on February 16, 2022. The comment was submitted after the public review period ended. The public review period extended from December 21, 2021, through January 19, 2022.

This memorandum includes the comment letter with specific comments numbered for reference purposes. Responses to each comment are also provided.

LOZEAU DRURY LLP

T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
victoria@lozeaudrury.com

SENT VIA EMAIL

February 16, 2022

Brandi Jones, Senior Planner
Community Development Department
City of Irwindale
16102 Arrow Highway, Second Floor
Irwindale, CA 91706
BJones@irwindaleca.gov

Lisa Chou, Associate Planner
City of Irwindale
5050 Irwindale Avenue
Irwindale, CA 91706
Lchou@irwindaleca.gov

Re: Comment on Mitigated Negative Declaration, 4416 Azusa Canyon Road (SCH 2021120500), Site Plan & Design Review DA No. 04-2020, and Resolution No. 813(22) and Resolution No. 814(22).

Dear Ms. Jones, Ms. Chou, and Honorable Planning Commissioners:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared for the 4416 Azusa Canyon Road Project (SCH 2021120500), including all actions related or referring to the proposed construction of a 129,830 square-foot speculative concrete tilt-up warehouse, office, and manufacturing facility with associated passenger vehicle parking, located at the northeastern corner of the Azusa Canyon Road/Los Angeles Street intersection, on APN 8417-004-006, in the City of Irwindale ("Project"). 1

After reviewing the IS/MND, we conclude the IS/MND fails as an informational document, and that there is a fair argument that the Project may have adverse environmental impacts. Therefore, we request that the City of Irwindale ("City") prepare an environmental impact report ("EIR") for the Project pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000, et seq.

I. PROJECT BACKGROUND AND DESCRIPTION

The proposed Azusa Canyon Road Project is for the construction of a 129,830 square-foot speculative concrete tilt-up building and associated passenger vehicle parking. The building consists of 9,160 square feet of office space, 17,000 square feet of manufacturing space, and 103,670 square feet of warehousing space. The property has a gross square footage of 256,664 square feet (5.89 acres) and a net square footage of 251,096 square feet (5.76 acres). There is a required street dedication along Azusa Canyon Road of 5,568 square feet (.13 acres). According to the City of Irwindale Planning Commission Staff Report for the Project ("Staff Report"), there is no prospective user at this time. (Staff Report, p. 4.) The Project is located at 4416 Azusa Canyon Road (APN: 8417-004-006) in Irwindale, California.

The Project Applicant is requesting a Site Plan and Design Review (DA) for the construction of the building and associated parking. The Project site is designated in the General Plan as Industrial/Business Park and Residential. The property is currently zoned M-1 (Light Manufacturing). The site is surrounded by Industrial Businesses (M-2, Heavy Manufacturing) to the north, south, and east, and the Public Works Yard & Olive Pit (M-1, Light Manufacturing & Q, Quarry) to the west. (Staff Report, p. 2.)

The Staff Report provided the following background information and history about the site:

> Based on a review of historical information, the project site appears to have been used as an orchard from at least 1928 until around 1952, when the site became vacant. The current main building was constructed in 1956 and was used by PepsiCo as a bottling plant. The site is presently developed with one building of approximately 62,713 square feet in the western half of the site, a large metal shed north of the building, and a loading dock and large truck yard on the eastern portion of the site (LACOA 2021). The building is a single-story structure of concrete tilt-up construction on a concrete slab floor. The bottling plant ceased operation in December 2020 and the site has remained vacant. (Staff Report, p. 2.)

2

The construction of the new industrial building will require the demolition of the existing building located on the site.

The City's Community Development Department Planning Division is recommending that the Planning Commission:

1) Adopt Resolution No. 813(22) entitled " A Resolution of the Planning Commission of the City of Irwindale Recommending that the City Council adopt the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) for the Construction of one (1) Speculative Industrial Tilt-Up Building Totaling ±129,830 Square Feet For Property Located at 4416 Azusa Canyon Road, Irwindale, CA 91706 (APN: 8417-004-006) in the M-1 (Light Manufacturing) Zone and Making Certain Findings of Fact, Pursuant to the California Environmental Quality Act[; and]

2) Adopt Resolution No. 814(22) entitled, "A Resolution of the Planning Commission of the City of Irwindale Recommending that the City Council approve Site Plan and Design Review (DA) No. 04-2020) for the Construction of one (1) Speculative Industrial Tilt-Up Building Totaling ±129,830 Square Feet For Property Located at 4416 Azusa Canyon Road, Irwindale, CA 91706 (APN: 8417-004-006) in the M-1 (Light Manufacturing) Zone and Making Certain Findings of Fact; subject to the City Council adoption of the MND and MMRP and subject to the attached Conditions of Approval.

Pursuant to CEQA's environmental review requirements, the City prepared an IS to determine whether the Project may have a significant adverse effect on the environment, and based on its findings, prepared an MND to mitigate thoe significant adverse effects on the environment from the Project. (Staff Report, pp. 2-3.) According to the Staff Report, the impacts of the proposed Project would be mitigated to less-than-significant levels with the implementation of mitigation measures for the following areas: 2 cont'd

- Air Quality
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Transportation
- Tribal Cultural Resources
- Mandatory Findings of Significance

Based on the information provided in the IS/MND and associated appendices, however, we recommend that the Planning Commission not adopt Resolution Nos. 813(22) and 814(22) until the City prepares an EIR to adequately analyze and mitigate the air quality, greenhouse gas, hazards and hazardous materials, and transportation impacts related to the proposed Project.

II. LEGAL STANDARD

As the California Supreme Court has held, "[i]f no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR." (*Communities for a Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319-320 ("*CBE v. SCAQMD*") (citing *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 88; *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491, 504–505).) "Significant environmental effect" is defined very broadly as "a substantial or potentially substantial adverse change in the environment." (Pub. Res. Code ("PRC") § 21068; *see also* 14 CCR § 15382.) An effect on the environment need not be "momentous" to meet the CEQA test for significance; it is enough that the impacts are "not trivial." (*No Oil, Inc.*, 13 Cal.3d at 83.) "The 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Communities for a Better Env't v. Cal. Res. Agency* 3

(2002) 103 Cal.App.4th 98, 109 ("*CBE v. CRA*").)

The EIR is the very heart of CEQA. (*Bakersfield Citizens for Local Control v. City of Bakersfield (*2004) 124 Cal.App.4th 1184, 1214 ("*Bakersfield Citizens*"); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927.) The EIR is an "environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return." (*Bakersfield Citizens*, 124 Cal.App.4th at 1220.) The EIR also functions as a "document of accountability," intended to "demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." (*Laurel Heights Improvements Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392.) The EIR process "protects not only the environment but also informed self-government." (*Pocket Protectors*, 124 Cal.App.4th at 927.)

An EIR is required if "there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment." (PRC § 21080(d); *see also Pocket Protectors*, 124 Cal.App.4th at 927.) In very limited circumstances, an agency may avoid preparing an EIR by issuing a negative declaration, a written statement briefly indicating that a project will have no significant impact thus requiring no EIR (14 CCR § 15371), only if there is not even a "fair argument" that the project will have a significant environmental effect. (PRC §§ 21100, 21064.) Since "[t]he adoption of a negative declaration . . . has a terminal effect on the environmental review process," by allowing the agency "to dispense with the duty [to prepare an EIR]," negative declarations are allowed only in cases where "the proposed project will not affect the environment at all." (*Citizens of Lake Murray v. San Diego* (1989) 129 Cal.App.3d 436, 440.)

3 cont'd

Mitigation measures may not be construed as project design elements or features in an environmental document under CEQA. The MND must "separately identify and analyze the significance of the impacts … before proposing mitigation measures …." (*Lotus vs. Department of Transportation* (2014) 223 Cal.App.4th 645, 658.) A "mitigation measure" is a measure designed to minimize a project's significant environmental impacts, (PRC § 21002.1(a)), while a "project" is defined as including "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (CEQA Guidelines § 15378(a).) Unlike mitigation measures, project elements are considered prior to making a significance determination. Measures are not technically "mitigation" under CEQA unless they are incorporated to avoid or minimize "significant" impacts. (PRC § 21100(b)(3).)

To ensure that the project's potential environmental impacts are fully analyzed and disclosed, and that the adequacy of proposed mitigation measures is considered in depth, mitigation measures that are not included in the project's design should not be treated as part of the project description. (*Lotus*, 223 Cal.App.4th at 654-55, 656 fn.8.) Mischaracterization of a mitigation measure as a project design element or feature is "significant," and therefore amounts to a material error, "when it precludes or obfuscates required disclosure of the project's environmental impacts and analysis of potential mitigation measures." (*Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160, 185.)

> commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.

3 cont'd

(*See Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-25 ("*Save Our Peninsula*").) As the court of appeal has explained, "the impacts of the project must be measured against the 'real conditions on the ground,'" and not against hypothetical permitted levels. (*Id.* at 121-23.)

III. DISCUSSION

4

There is a fair argument that the project may have unmitigated adverse environmental impacts. An EIR is therefore required to adequately analyze and mitigate the impacts from the proposed Project.

A. There is Substantial Evidence of a Fair Argument that the Project Will Have Significant Soil Contamination Impacts.

The IS/MND contains substantial evidence of a fair argument that the Project may have significant health and environmental impacts due to contaminated soil, and the evidence in the record does not support that the potential impacts will be mitigated to a level of significance.

Specifically, the IS/MND provides evidence that there may be significant impacts from soil contamination on the Project site, but fails to adequately analyze or mitigate those impacts. For example, the IS/MND states:

5

> The project site had three 10,000-gallon underground storage tanks (UST) that were installed in 1975 and removed in 1995, and one 12,000-gallon diesel UST that was installed in 1990 and removed in 2013. The three 10,000-gallon USTs were removed under the oversight of the Los Angeles County Underground Storage Tank Program and the RWQCB. The 12,000-gallon UST was removed under the oversight of the LACFD. The former USTs are considered historical RECs.
>
> ***Based on the lack of closure documentation from the regulatory agencies for the 12,000-gallon UST, there is a small chance for the potential release of petroleum products, and a vapor risk may be present at the site. Therefore, potential impacts could occur as a result of excavation and handling of on-site soils***. However, with the implementation of Mitigation Measure HAZ-1, impacts would be reduced to a less than significant level. (IS/MND, pp. 89-90 (emphasis added.)

Moreover, the IS/MND states:

> The site was identified on the State Water Resources Control Board's Leaking Underground Storage Tank Information System as a leaking UST (or LUST) site. The project site is listed due to a leak of gasoline reported on July 22, 1991. Currently, the case is listed as completed. The RWQCB indicates case closure for the three former 10,000-gallon USTs, ***but documentation of agency closure was not found on the RWQCB or Los Angeles County websites for the 12,000-gallon diesel UST that was installed in 1990***.
>
> ***Based on the lack of closure documentation from the regulatory agencies for the 12,000-gallon UST, there is a small chance for the potential release of petroleum products, and a vapor risk may be present at the site***. However, compliance with applicable laws and regulations and implementation of mitigation measure HAZ-1 would reduce impacts to a less than significant level. (IS/MND, p. 92 (emphasis added).)

As such, this identification of potentially significant soil contamination impacts as result of the Project is substantial evidence of a fair argument that the Project involves significant risks to public health and the environment from soil contamination. (See, e.g., 89-90, 92.) Additionally, the IS/MND's mitigation measure HAZ-1 addressing the potential significant impacts from the contaminated soil at the Project site, although inadequate, also provides substantial evidence that the Project could cause significant health and environmental impacts. (*Id.*, p. 91.) Thus, the Project requires an EIR that includes adequate analysis and mitigation measures of soil contamination impacts.

5 cont'd

CEQA requires that an environmental document include a description of the project's environmental setting or "baseline" at the time environmental review commences. (CEQA Guidelines § 15063(d)(2).) Every CEQA document must start from a "baseline" assumption. The CEQA "baseline" is the set of environmental conditions against which to compare a project's anticipated impacts. (*Communities for a Better Environment v. S. Coast Air Qual. Mgmnt. Dist.* (2010) 48 Cal. 4th 310, 321.) Section 15125(a) of the CEQA Guidelines (14 CCR, § 15125(a)) states in pertinent part that a lead agency's environmental review under CEQA:

> …must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis] is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant."

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124–25 ("*Save Our Peninsula*").) As the court of appeal has explained, "the impacts of the project must be measured against the 'real conditions on the ground,'" and not against hypothetical permitted levels. (*Save Our Peninsula*, 87 Cal.App.4th 99, 121–23.) As the court has explained, using such a skewed baseline "mislead(s) the public" and "draws a red herring across the path of public input." (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656; *Woodward Park Homeowners v. City of Fresno* (2007) 150 Cal.App.4th 683, 708–11.)

However, the IS/MND fails to consider baseline conditions for soil vapor. (See, IS/MND, p. 90 ("Based on the lack of closure documentation from the regulatory agencies for the 12,000-gallon UST, there is a small chance for the potential release of petroleum products, and a vapor risk may be present at the site."); 92 (same).) Thus, the IS/MND relies on a baseline for soil contamination that will exist in the future, rather than the current baseline of potentially heavily contaminated conditions. Therefore, the IS/MND for the Project is in violation of CEQA.

In addition, the IS/MND relies on deferred mitigation of soil contamination impacts. (See, IS/MND, p. 91; see also, MMRP, pp. 5-6 ("Any subsurface materials exposed during construction activities that appear suspect for contamination, either from visual staining or odors, shall require immediate cessation of excavation activities."); see, *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 331-332 ("*CREED*") (holding that an agency may not rely on a corrective action plan to mitigate potential impacts of site contamination when the plan's mitigation measures for contaminated soil are not disclosed in the record).) Therefore, the Project relies for mitigation on measures that are not set forth in the IS/MND and not required as mitigation measures. CEQA prohibits this type of "deferred mitigation," 5 cont'd

> A study conducted after approval of a project will inevitably have a diminished influence on decisionmaking. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA. (*Sundstrom v. County of Mendocino (*1988) 202 Cal.App.3d 296, 307.)
>
> [R]eliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decisionmaking; and[,] consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92.)

The IS/MND relies on such "tentative plans for future mitigation" that were rejected in the cases of *CREED*, *Sundstrom*, and *CBE v. Richmond*. As such, the IS/MND fails to comply with CEQA. Thus, a new document, such as an EIR, must be prepared setting forth base conditions and specific mitigation measures that will be implemented.

B. The IS/MND Fails to Adequately Analyze and Mitigate the Project's Transportation Impacts.

The IS/MND and its associated Transportation Analysis, included as Appendix I to the IS/MND, fail to adequately address transportation impacts for two reasons. First, the IS/MND's Transportation Analysis does not include a vehicle miles traveled ("VMT") analysis, even though it was required to under CEQA. Second, the IS/MND's Transportation Analysis improperly relies on the City of Fontana Truck Trip Generation Study (August 2003) to determine the Project's operational emissions. 6

1. The IS/MND's Transportation Analysis Fails to Adequately Evaluate and Mitigate the Project's VMT Impacts.

The IS/MND and its Transportation Analysis fail to properly evaluate VMT impacts related to the Project. According to the Project's Transportation Analysis:

> The County of Los Angeles Guidelines require VMT analysis for development projects that are estimated to generate a net increase of 110 or more daily vehicle trips. Daily vehicle trips are specifically related to on-road passenger vehicles (cars and light trucks). Heavy trucks are not included in a VMT traffic impact analysis. (IS/MND, Appx. I, p. I-63).

Based on the County of Los Angeles Guidelines and the IS/MND Transportation Analysis's evaluation of VMT impacts, the IS/MND determined the following:

> Under SB 743, a city can decide to screen out certain projects from needing a complete VMT analysis. OPR has advised that certain projects could be cleared from further analysis based on size, type, location, and/or proximity to a major transit stop or high-quality transit. The City of Irwindale adopted its VMT thresholds on November 11th, 2020. Since the City of Irwindale's VMT thresholds do not include screening criteria, the County of Los Angeles' Guidelines were used. The County requires VMT analysis for development projects that are estimated to generate a net increase of 110 or more daily vehicle trips.…***The passenger car trip generation for the proposed project is 197 daily trips, but the estimated trip generation for the Pepsi bottling plant is 88 daily trips Therefore, the net increase in the proposed project's passenger car trip generation is 109 vehicles per day, just under the threshold of 110 vehicles per day*** (see Table 25). Therefore, proposed project would not require further VMT analysis and would have a less than significant impact. (IS/MND, p. 134 (emphasis added).) 7

However, the Transportation Analysis relies on a faulty methodology to determine that the City is not required to analyze VMT impacts for the proposed Project. To determine trip generation, the Transportation Analysis for the Project relies on the following flawed methodology:

> ***In order to estimate the traffic characteristics of the Project, trip-generation statistics published in the Institute of Transportation Engineers (ITE) Trip Generation (10th Edition, 2017) manual for ITE Land Use Code 150 (Warehousing) and 140 (Manufacturing) are utilized***…. The Project is anticipated to generate 262 trip-ends per day with 29 AM peak hour trips and 35 PM peak hour trips, with the mixture of passenger car and truck trips as shown in Table 1. (IS/MND, Appx. I, p. I-75 (emphasis added).)

Even though the majority of the Project site is planned for a "stand-alone concrete tilt-up warehouse, office, and manufacturing facility," the use of the Institute of Transportation Engineers (ITE) Trip Generation Land Use Code 150 (Warehousing) is improper because the particular nature of the Project's use is not defined and the tenant or end user is ultimately unknown. (IS/MND, pp. 8, 25 ("The specific business(es) and/or tenant(s) that would ultimately occupy the proposed building are unknown at this time.").) Regardless of this uncertainty, the Transportation Analysis continues to base its evaluation of VMT impacts for the Project on the assumption that the ITE Trip Generation Manual Land Use Code 150 will be applicable. "Warehousing" is defined by the ITE generically as: "A warehouse is primarily devoted to the storage of materials, but it may also include office and maintenance areas." According to the ITE manual, this is specifically considered a "long-term storage facility." However, the zoning designation for the Project is considerably broader than the specific land use associated with Land Use Code 150. According to the IS/MND:

> The prevailing planning and regulatory plans that govern development and use of the project site are the Irwindale General Plan, Irwindale Zoning Code (Title 17 [Zoning]), and Irwindale Commercial and Industrial Design Guidelines. The general plan land use designation of the project site is Industrial/Business Park, and the site is zoned Light Manufacturing (M-1). Land devoted to Industrial/Business Parks may range in size from 10 acres up to 100 acres, subdivided into smaller lots and developed with industrial buildings of varying sizes. (IS/MND, p. 29.)

7 cont'd

Based on the zoning designation for the Project site, the future tenant is permitted to implement land uses other than those described as "warehousing" in the ITE trip generation manual (Land use Code 150). For example, the zoning designation for the Project site could also include ITE Land Use Code 155 (High-Cube Fulfillment Center Warehouse) and 156 (High-Cube Parcel Hub Warehouse), which are considered distribution-focused centers/warehouses. However, there is a major distinction between warehousing and distribution land uses in the ITE trip generation manual. The "trips per unit" rate for Land Use Code 150 (Warehousing) is 0.19, while the "trips per unit" rate for Land Use Code 155 (High-Cube Fulfillment Center Warehouse) and 156 (High-Cube Parcel Hub Warehouse) are 1.37 and 0.64, respectively.[1] Hence, the trip generation rates of Land Use Code 155 and 156 would be significantly higher than that of Land Use Code 150. Because the zoning designation permits such distribution centers/warehouses, the IS/MND's Transportation Analysis should have considered the VMT impacts of the full range of allowed uses for the Project site in case the future tenant or user decides to operate the facility pursuant to Land Use Codes 155 and 156, rather than Land Use Code 150. By using the lowest-level of trip generation to justify not including a VMT analysis of the proposed Project, the IS/MND fails to adequately evaluate transportation impacts of the

[1] For the ITE Trip Generation Manual (10th Edition) "Trips Per Unit" rates for Industrial Land Use Codes, see: https://www.troutdaleoregon.gov/sites/default/files/fileattachments/public_works/page/966/ite_land_use_list_10th_edition.pdf.

Project. Thus, an EIR should be prepared to adequately analyze and mitigate VMT impacts of the Project. 7 cont'd

2. The IS/MND Incorrectly Relies on the Fontana Truck Trip Study to Estimate the Project's Operational Emissions.

The IS/MND and Transportation Analysis rely on the City of Fontana's August 2003 Truck Trip Generation Study ("Fontana Study") to determine the operational passenger car and truck trip generation rates for the Project. (See, IS/MND, Appx. I, pp. 1-40–1-43, Tables 4-1–4-4; see also, Response to Comments, p. 1-7 ("As shown in Table 4-1 of the IS/MND, truck trips were factored further using vehicle mix data from the City of Fontana Truck Trip Generation Study (August 2003).").) However, the South Coast Air Quality Management District ("SCAQMD") has determined that the Fontana Study has limited applicability to warehouse projects, and therefore the Fontana Study should not be relied on to determine the Project's operational mobile-source emissions. 8

Specifically, the SCAQMD staff found the following issues with the Fontana Study[2]:

- The overall trip rate is based on only four warehouses total, which includes two warehouses with zeros. In other words, the results of the Fontana Study were based on only two data points. As is disclosed in the Fontana Study, the daily trip rate was only based on data from a Target warehouse and a TAB warehouse.[3]

- The Fontana Study does not report any 24-hour daily truck trip rates. According to the Fontana Study, "[t]rip generation statistics for daily truck trips were not calculated because vehicle classifications counts could not be obtained from the driveway 24-hour counts."[4]

As such, the IS/MND's Transportation Analysis should not rely on the Fontana Study to estimate the Project's operational truck trip generation, and a revised Transportation Analysis

[2] "Warehouse Truck Trip Study Data Results and Usage" Presentation. SCAQMD Mobile Source Committee, July 2014, *available at*: http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/finaltrucktripstudymsc072514.pdf, p. 10.
[3] "Truck Trip Generation Study," City of Fontana, County of San Bernardino, State of California, August 2003, *available at*: https://tampabayfreight.com/pdfs/Freight%20Library/Fontana%20Truck%20Generation%20Study.pdf.; p. 35.
[4] "Truck Trip Generation Study," City of Fontana, County of San Bernardino, State of California, August 2003, *available at*: https://tampabayfreight.com/pdfs/Freight%20Library/Fontana%20Truck%20Generation%20Study.pdf, p. 6.

should be prepared and included in an EIR to adequately assess the Project's air quality and greenhouse gas impacts from transportation 8 cont'd

C. The IS/MND Failed to Adequately Analyze and Mitigate the Project's Air Quality and Greenhouse Gas Impacts.

1. The IS/MND Relied on Unsubstantiated Input Parameters to Estimate Project Emissions and Thus the Project May Result in Significant Air Quality Impacts.

After reviewing the IS/MND and Air Quality and GHG Background and Modeling's CalEEMod output files, included as Appendix A to the IS/MND, several model inputs used to generate a project's construction and operation emissions were found to not be consistent with information disclosed in the IS/MND. As a result, the Project's construction and operational emissions are underestimated. An EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality.

9

Specifically, several values used in the IS/MND and the Air Quality and GHG Background and Modeling's air quality analysis were found to be either inconsistent with information provided in the IS/MND or otherwise unjustified, including:

1. Failure to Model All Proposed Land Use Types;
2. Incorrect Land Use Type;
3. Unsubstantiated Reduction to Parking Land use Size; and
4. Incorrect Application of Construction-Related Mitigation Measures.

As a result of these errors in the IS/MND, the Project's construction and operational emissions were underestimated and cannot be relied upon to determine the significance of the Project's air quality impacts. Thus, an EIR is needed to adequately address the air quality impacts of the proposed Project, and to mitigate those impacts accordingly.

2. The IS/MND Failed to Adequately Evaluate Health Risks from Diesel Particulate Matter Emissions and Thus the Project May Result in Significant Health Impacts as a Result of Diesel Particulate Matter Emissions.

An EIR should be prepared to evaluate the significant health impacts to individuals and workers from the Project's construction-related diesel particulate matter (DPM) emissions as a result of the proposed Project. The IS/MND's evaluation of the proposed Project's potential health risk impacts, as well as its subsequent conclusion that the Project would have a less-than-significant health risk impact is incorrect for two reasons. (See, IS/MND, pp. 58-62). 10

First, by failing to prepare a quantified construction health risk assessment ("HRA"), the Project is inconsistent with CEQA's requirement to correlate the increase in emissions that the Project would generate to the adverse impacts on human health caused by those emissions. The

IS/MND's conclusion is also inconsistent with the most recent guidance published by the Office of Health Hazard Assessment ("OEHHA"). (See, "Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf.)

Second, while the IS/MND includes an operational HRA, the HRA fails to evaluate the cumulative lifetime cancer risk to nearby, existing receptors as a result of Project construction and operation together. This is incorrect and, as a result, the IS/MND's evaluation cannot be relied upon to determine Project significance. OEHHA guidance requires that the excess cancer risk be calculated separately for all sensitive receptor age bins, then summed to evaluate the total cancer risk posed by all Project activities. Therefore, the IS/MND should have quantified the Project's construction and operational health risks, as well as compared the combined construction and operational health risks to the SCAQMD threshold of 10 in one million. 10 cont'd

Thus, to more accurately determine the health risks associated with construction-related DPM emissions from the Project, an EIR should be prepared that includes updated health risk calculations using correct guidance.

3. <u>The IS/MND Failed to Adequately Analyze Greenhouse Gas Impacts and Thus the Project May Result in Significant Greenhouse Gas Emissions.</u>

Review of the IS/MND and Air Quality and GHG Background and Modeling, included as Appendix A to the IS/MND, found that the IS/MND fails to adequately evaluate the GHG impacts of the proposed Project. The IS/MND estimates that the Project would generate net annual GHG emissions of 2,223 metric tons of carbon dioxide equivalents per year ("MT CO2e/year"), which would not exceed the SCAQMD threshold of 3,000 MT CO2e/year. (IS/MND, pp. 84-85, Table 13). Furthermore, the IS/MND's analysis relies upon the Project's consistency with the CARB Scoping Plan and SCAG 2020-2045 RTP/SCS to conclude that the Project would result in a less-than-significant GHG impact (*Id.*, pp. 85-87). However, the IS/MND's analysis, as well as the subsequent less-than-significant impact conclusion, is incorrect for three reasons. 11

First, the IS/MND's analysis relies upon a flawed air model, as discussed above. As a result, GHG emissions are underestimated and the IS/MND's quantitative GHG analysis should not be relied upon to determine Project significance. We will remodel emissions and compare emissions to the applicable thresholds.

Second, the IS/MND utilizes an outdated GHG threshold. When compared to the correct quantitative threshold, the Project's GHG emissions are demonstrably significant.

Third, the IS/MND fails to consider the performance-based standards underlying SCAG's RTP/SCS and CARB's Scoping Plan. As a result, the IS/MND's GHG significance determination regarding the Project's consistency with applicable plans and policies should not be relied upon. Instead, an EIR should be prepared that includes a quantitative consistency evaluation utilizing the appropriate standards as well as mitigation measures intended to reduce GHG emissions to less-than-significant levels.

IV. CONCLUSION

For the foregoing reasons, the IS/MND is inadequate and an EIR is required to analyze and mitigate the Project's potentially significant environmental impacts. SAFER reserves the light to supplement these comments in advance of and during public hearings concerning the Project. (*Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).) Thank you for your attention to these comments. 12

Sincerely,

Victoria Ann Yundt
LOZEAU | DRURY LLP

This page intentionally left blank.

Response to Comments from Victoria Ann Yundt, Lozeau Drury LLP, SAFER, dated February 16, 2022.

Comment 1 The commenter states that the Initial Study/Mitigated Negative Declaration (IS/MND) fails as an informational document and there is a fair argument that the proposed project may have adverse environmental impacts, and therefore, an Environmental Impact Report (EIR) should be prepared.

The IS/MND fully discloses potential environmental impacts and mitigation, as appropriate, and reduces impacts to below significance. See responses to comments 5 through 11, which provide detailed responses to the commenter's specific assertions.

Comment 2 The commenter provides a summary of the existing and proposed uses on the project site and the CEQA process and findings as outlined in the IS/MND and the Staff Report dated February 16, 2022. The commenter asserts that the IS/MND does not adequately analyze and mitigate air quality, greenhouse gas, hazards and hazardous materials, and transportation impacts and requests the preparation of an EIR.

The IS/MND fully discloses potential environmental impacts and mitigation, as appropriate, and reduces impacts to below significance. See responses to comments 5 through 11, which provide detailed responses to the commenter's specific assertions. An EIR is not required for this project.

Comment 3 The commenter summarizes the findings of numerous court cases but does not directly relate these cases to alleged inadequacies of the proposed project's IS/MND. The discussion notes that preparation of an EIR is required when substantial evidence supports a fair argument that a project may result in significant adverse impacts. The cases listed also relate to the inappropriate definition of mitigation measures as project design features and the use of existing physical conditions as baseline to determine a project's environmental impacts. None of these assertions are substantiated with specific information or inadequacies in the proposed project's IS/MND, and therefore, no further response is required.

Please refer to responses to comments 5 through 11, which provide detailed responses to the commenter's specific assertions.

Comment 4 The commenter states that there is a fair argument that the project may have unmitigated adverse environmental impacts and requests the preparation of an EIR. The IS/MND fully discloses potential environmental impacts and mitigation, as appropriate, and reduces impacts to below significance. See responses to comments 5 through 11, which provide detailed responses to the commenter's specific assertions.

Comment 5 The commenter states that the project will have significant soil contamination impacts because of the lack of closure documentation for one of the former USTs at the site.

Historically, the site had four USTs—three of the USTs were installed in 1975 and removed in 1995 following a reported leak, which received regulatory agency closure. The fourth UST was a 12,000-gallon fiberglass tank installed in 1990 that was removed under the oversight of the Los Angeles County Department of Public Works (LACDPW) Certified Unified Program Agency (CUPA) in 2013. The tank-closure report documents that during tank removal they did not find soil contamination above screening levels and that the 12,000-gallon UST was in good condition with no holes or damage. LACDPW referred the closure to the Los Angeles Regional Water Quality Control Board (LARWQCB) in 2015.

After the completion of the IS/MND, the GeoTracker website was updated to reflect closure of the case related to the 12,000-gallon UST. The No Further Action letter issued by LARWQCB is included as Attachment 1 and can be accessed at https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000006507. As noted in the No Further Action letter, LARWQCB determined that residual concentrations of fuel constituents found in samples collected at the former 12,000-gallon UST location, pose a low threat to human health, and soil and groundwater quality beneath the site and no further action is required to pursue any further soil and/or groundwater investigation at the site.

Furthermore, the likelihood that a potential source of vapor migration currently exists beneath the site from off-site is low; that the former UST does not appear to pose a significant vapor intrusion risk; and additionally, the proposed structure does not overlie the former UST area.

Therefore, the IS/MND adequately evaluated health risks from the former UST associated with the project, and no changes to the Initial Study/Mitigated Negative Declaration are necessary.

Comment 6 The commenter notes that the transportation analysis fails to adequately address transportation impacts since it does not include a VMT analysis and because it relies on the City of Fontana Trip Generation Study to determine the project's operational emissions. See responses to comments 7 and 8, which provide detailed responses.

Comment 7 The commenter asserts that the transportation analysis fails to adequately evaluate and mitigate the project's VMT impacts.

The review for the proposed project appropriately screened out a VMT analysis because the net increase in passenger car trips would be 109 trips, which is below the 110-passenger trip threshold in the County of Los Angeles Guidelines.

Project-related traffic generation is based on an estimate of vehicle trips expected to be attracted to and produced by the specific land uses proposed. The ITE Trip Generation Manual (10th edition, 2017) is a nationally recognized source for estimating site-specific

trip generation. To estimate the traffic characteristics of the proposed project, automobile and truck trip-generation rates published in the ITE Trip Generation Manual for land use codes 150 (Warehousing) and 140 (Manufacturing) were used. As shown in IS/MND Table 4-1, truck trips were factored further using vehicle mix data from the City of Fontana Truck Trip Generation Study (August 2003). The resultant trip generation resulted in a projected project-related VMT below the trip threshold for further VMT analysis.

As described in the Initial Study, the future tenants and users of the proposed warehouse and manufacturing facility have not been determined. The warehouse design specifications are consistent with the IS/MND project description. Moreover, the analysis, including the technical transportation analysis, has been prepared consistent with requirements for a "spec" warehouse.

In response to Caltrans's request, however, a condition of approval has been added that requires the City of Irwindale to monitor the actual trips generated by the project and enforce the maximum limit of allowable trips according to the IS/MND.

The following condition of approval is also imposed on the project:

> Prior to the issuance of any occupancy or tenant improvement permit, the proposed tenant(s) shall provide a site-specific trip generation technical memo demonstrating that the average daily vehicle trips do not exceed 362 daily PCE (passenger car equivalent) trips, 45 PCE AM trips, 46 PCE PM trips, and 197 daily passenger car trips. The City will regularly and continually monitor the actual trips generated by the project and enforce the maximum limit of allowable trips. If the project applicant/owner proposes to exceed any limits, additional traffic analyses and VMT (vehicle miles traveled) analysis shall be reviewed and approved by Director of Engineering. If the VMT exceeds the applicable threshold at the time of subsequent review, the issuance of the respective permit shall be subject to CEQA review. The owner/applicant shall be solely responsible for all costs related to analyses, peer review, monitoring, and enforcement.

Comment 8

The commenter states that the project incorrectly relies on the Fontana Truck Trip study to estimate the project's operational emissions.

Specific information relating to the future occupant/tenant is currently unknown, and the land use data provided by the project team and agreed upon by the City of Irwindale was used in the traffic analysis. The traffic study was prepared under the City's traffic study guidelines, and the Fontana truck factors were agreed upon during the scoping process.

As shown in Table 4-1, the Transportation Analysis estimates that the project would generate a total of 65 truck trips per day (40 truck trips for warehousing use and 25 truck trips for manufacturing use). In comparison, the South Coast Air Quality Management

District (AQMD) truck rate for noncold storage is 0.53 daily truck trips. By multiplying 0.53 by 129.83 thousand square feet (tsf), approximately 69 daily truck trips would be generated. This is an increase of approximately 4 daily truck trips (6.2 percent of the trucks evaluated). Trucks are not included in the VMT analysis (VMT for nonresidential uses is based on employment), so a slight increase in truck traffic is irrelevant to the CEQA VMT traffic analysis. Regarding air quality and greenhouse gas, operational health risks and criteria air pollutant emissions in addition to overall project GHG emissions are sufficiently below the South Coast AQMD's thresholds that an increase of 4 trucks per day would not cause an exceedance of the significance thresholds and would not affect the disclosed significance determinations.

As detailed in Response No. 7, a Condition of Approval on the proposed project requires the City of Irwindale to regularly and continually monitor (at the owner/applicant's expense) the actual trips generated by the project and enforce the maximum limit of allowable trips.

Comment 9

The commenter states the IS/MND fails to adequately analyze and mitigate the air quality and greenhouse gas (GHG) emissions impact of the proposed project. Specifically, the commenter generally states that the inputs for the emissions modeling were inconsistent with information disclosed in the IS/MND. Additionally, the commenter states the modeling 1) failed to model all proposed land use types; 2) used an incorrect land use type; 3) included an unsubstantiated reduction in parking land use size; and 4) incorrectly applied construction-related mitigation measures. While the commenter makes these general claims, the commenter does not provide any substantive content or basis to support them. For example, the commenter fails to provide details on what land use types may be missing, why the land use type modeled is incorrect, what is meant by an unsubstantiated reduction in parking land use size, and exactly what construction-related mitigation measure might have been incorrectly applied.

Comment 10

The commenter states that the Initial Study/Mitigated Negative Declaration (IS/MND) failed to adequately evaluate construction-related health risks from diesel particulate matter (DPM) emissions, and thus the project may result in significant health impacts as a result.

The commenter's assertion that a quantified construction health risk assessment is required is not correct. The South Coast AQMD does not currently require health risk assessments to be conducted for short-term emissions from construction equipment. Instead, South Coast AQMD has promulgated a specific methodology to address localized impacts from construction to nearby sensitive receptors analysis as an indicator of potential health risk. The screening-level localized significance thresholds (LST) methodology and results are presented on pages 58 and 59 of the IS/MND. As described on page 58 of the IS/MND, the LSTs are the amount of project-related construction emissions at which localized pollutant concentrations would exceed State air quality

standards, based on project site and distance to nearest receptor. Additionally, as described on page 59 of the IS/MND, the LSTs are designed to protect sensitive receptors most susceptible to respiratory diseases. As shown in Table 6 of the IS/MND, maximum daily construction emissions would not exceed the screening-level LSTs, and impacts would be less than significant.

As described in the air quality section (page 7 of the IS/MND) and the Health Risk Assessment (HRA) prepared for the project, the nearest sensitive receptor to the project site is a single residence 550 feet north of the project site along Cypress Street. Typically, emissions from long-term construction projects can significantly impact sensitive receptors if the receptor is adjacent to or within 200 to 300 feet of the project site. At a distance of 550 feet, emissions from an eight-month construction project would not result in significant health risk impacts. For instance, the residential health risk results of the operational HRA at the resident 550 feet to the north, which are calculated over a period of 30 years, were determined to be well below South Coast AQMD's significance thresholds (i.e., residential cancer risk 1.4 per million, which is below threshold of 10 in a million; noncancer risk < 0.001 hazard index, which is below threshold of 1.0). The operational HRA prepared for the project was conducted with the most recent guidance from the Office of Health Hazard Assessment (OEHHA). Because project emissions over 30 years would not result in significant health risks to nearby residents, the likelihood is very low that construction emissions over an eight-month period would result in significant risks to the same residents more than 500 feet from the site. Similarly, because operational health risks are well below the South Coast AQMD thresholds, it is unlikely the cumulative risks from construction and operation together would exceed significance thresholds.

Therefore, the IS/MND adequately evaluated health risks from DPM associated with the project, and no changes to the Initial Study/Mitigated Negative Declaration are necessary.

Comment 11

The commenter states that the proposed project may result in significant greenhouse gas (GHG) emissions impacts because the IS/MND failed to adequately analyze GHG emissions impact. Three reasons are given by the commenter for the inadequacy of the GHG emissions analysis.

First, the commenter states that the emissions modeling is flawed due to the reasons in Comment 9, and therefore the GHG emissions are underestimated and should not be used to determine the project significance. See the response to Comment 9—i.e., the commenter provides no basis or substantive content for the claim that the modeling is flawed.

Second, the commenter states that the IS/MND uses an outdated GHG threshold, and that if project GHG emissions were compared to the correct threshold, project GHG emissions impacts would be significant. However, the commenter does not provide any

basis for the claim that the GHG threshold in the IS/MND is outdated, and does not identify a "correct" threshold that should be used.

Last, the commenter states that the IS/MND fails to consider the performance-based standards under SCAG's RTP/SCS and CARB's Scoping Plan and that an environmental impact report should be prepared that includes a quantitative consistency evaluation. As stated on page 85 of the IS/MND, the Scoping Plan is applicable to state agencies but is not directly applicable to cities and/or individual development projects. Regulatory actions taken at the state, regional, or local levels would result in direct and/or indirect compliance by the project where applicable. For example, as stated on page 86 of the IS/MND, new buildings are required to comply with the Building Energy Efficiency Standards and the California Green Building Standards Code adopted and approved by the California Energy Commission and California Building Standards Commission, respectively.

Regarding SCAG's RTP/SCS, as stated on page 86 of the IS/MND, the RTP/SCS does not require that local general plans, specific plans, or zoning be consistent with it. Instead, the RTP/SCS provides incentives to governments and developers to be consistent with it. Also, in general, the RTP/SCS incorporates local land use projections from city and county general plans as part of its development. The proposed project would result in a use that is consistent with the industrial zoning and General Plan land use designations for the project site. Thus, the proposed project would not change the underlying land use assumption for the project site.

Comment 12 Please refer to responses to Comments 5 through 11.

ATTACHMENT 1

CALIFORNIA Water Boards

EDMUND G. BROWN JR. GOVERNOR

MATTHEW RODRIQUEZ SECRETARY FOR ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

June 23, 2015

Mr. Sung Song
Pepsi Cola West
4416 Azusa Canyon Road
Irwindale, California 91706-2740

UNDERGROUND STORAGE TANK PROGRAM – CASE REFERRAL RESPONSE
PEPSI COLA COMPANY
4416 AZUSA CANYON ROAD, IRWINDALE, CALIFORNIA
(GLOBAL ID NO.: T0603702929)

Dear Mr. Song:

On February 26, 2015, the County of Los Angeles Department of Public Works (LADPW) transmitted this case to our agency due to concerns regarding soil and groundwater impacts from the subject site (Site). The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within the Los Angeles and Ventura counties. As such, we are the lead regulatory agency for overseeing corrective action (assessment and/or monitoring activities) and cleanup of releases from leaking underground storage tank (UST) systems at the Site.

We have received the following documents for the Site:

- "Underground Storage Tank Closure Report" dated June 13, 2013, by Stantec
- "Closure/Site Assessment Report" review dated February 26, 2015 by LADPW

Based on our review of the submitted documents, we have the following comments:

- On April 24, 2013, one 12,000-gallon UST used to store diesel fuel as well as two associated dispensers and product piping was removed from the Site under observation of a Los Angeles County Fire Department Inspector.

- Following UST, dispenser and piping removal, confirmation soil samples were collected; two from three to four feet beneath the UST invert and four from three to five feet beneath the removed dispensers. No confirmation samples were collected from beneath the removed piping or from the excavated gravel stockpile.

- Soil samples were analyzed for total petroleum hydrocarbons as diesel (TPH_D) by EPA Method 8015B, and volatile organic compounds (VOCs) including benzene, toluene, ethylbenzene, xylenes (BTEX), methyl tertiary butyl ether (MTBE), tertiary butyl alcohol (TBA), di-isopropyl ether (DIPE), ethyl tertiary butyl ether (ETBE), and tertiary amyl methyl ether (TAME), by EPA Method 8260B.

- The laboratory reported TPH_D only in the samples collected from beneath the removed UST at concentrations of 26 milligrams per kilogram (mg/kg) and 6.3 mg/kg, respectively. Benzene was the only other analyte reported by the laboratory. The two samples collected from three feet beneath the removed dispenser's detected benzene at concentrations of 1.1 micrograms per kilogram (µg/kg) and 1.3 µg/kg, respectively. Two additional samples were then collected from five feet beneath the removed dispensers. No concentrations of benzene or other VOCs were reported in the samples by the laboratory.

Based on the information available to us, Regional Board staff determined that residual concentrations of fuel constituents pose a low threat to human health, and soil and groundwater quality beneath the Site. Therefore, no further action is required to pursue any further soil and/or groundwater investigation at the Site. No Regional Board case for the Site will be opened at this time.

If you have any questions, please contact Mr. Gregg Kwey at (213) 576-6702 or email him at gregg.kwey@waterboards.ca.gov

Sincerely,

Yue Rong, Ph. D.
Program Manager
Underground Storage Tank Program

cc: Mr. Tim Smith, Los Angeles County, Department of Public Works

EXHIBIT "I"

CITY OF IRWINDALE
PLANNING COMMISSION STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

Date: February 16, 2022 **Agenda Item No. 3-A**

To: Honorable Chair and Members of the Planning Commission

From: Marilyn Simpson, AICP, Community Development Director

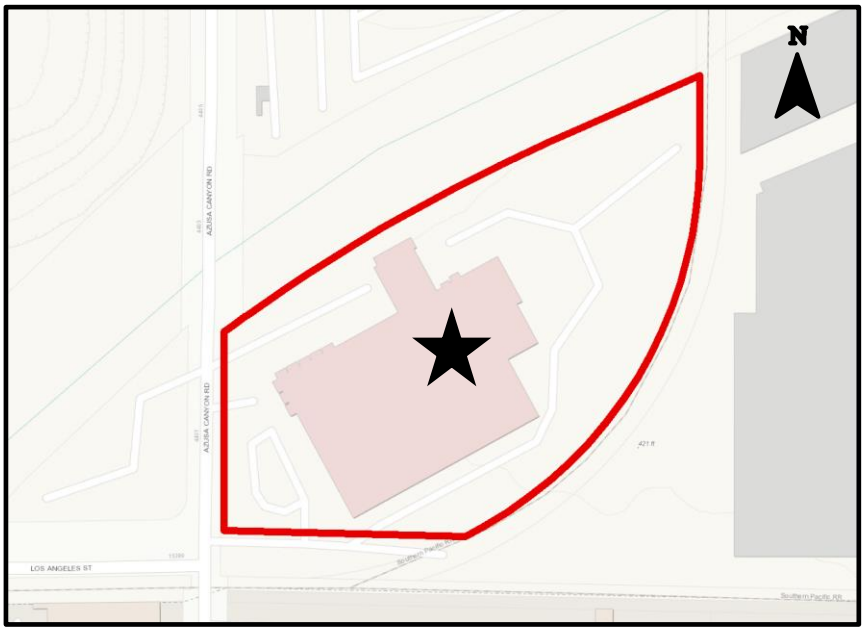
Project Planner: Brandi Jones, Senior Planner

Project: Site Plan & Design Review (DA) No. 04-2020
Speculative 129,830 Square-Foot Concrete Tilt-Up Building

Applicant: Michael Ramirez, Rexford Industrial Realty, LLC

Property Owner: Rexford Industrial Realty, LLC

Project Location: 4416 Azusa Canyon Road (APN: 8417-004-006)



Map Date February 2022
Source: ESRI, City of Irwindale

Staff Recommendation: That the Planning Commission:

1) Adopt Resolution No 813(22) entitled " A Resolution of the Planning Commission of the City of Irwindale Recommending that the City Council adopt the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) for the Construction of one (1) Speculative Industrial Tilt-Up Building Totaling ±129,830 Square Feet For Property Located at 4416 Azusa Canyon Road, Irwindale, CA 91706 (APN: 8417-004-006) in the M-1 (Light Manufacturing) Zone and Making Certain Findings of Fact, Pursuant to the California Environmental Quality Act

2) Adopt Resolution No. 814(22) entitled, "A Resolution of the Planning Commission of the City of Irwindale Recommending that the City Council approve Site Plan and Design Review (DA) No. 04-2020) for the Construction of one (1) Speculative Industrial Tilt-Up Building Totaling ±129,830 Square Feet For Property Located at 4416 Azusa Canyon Road, Irwindale, CA 91706 (APN: 8417-004-006) in the M-1 (Light Manufacturing) Zone and Making Certain Findings of Fact; subject to the City Council adoption of the MND and MMRP and subject to the attached Conditions of Approval.

REQUEST

The Applicant is requesting a Site Plan and Design Review (DA) for the construction of a ±129,830 square-foot concrete tilt-up building and associated parking.

BACKGROUND/HISTORY

Based on a review of historical information, the project site appears to have been used as an orchard from at least 1928 until around 1952, when the site became vacant. The current main building was constructed in 1956 and was used by PepsiCo as a bottling plant. The site is presently developed with one building of approximately 62,713 square feet in the western half of the site, a large metal shed north of the building, and a loading dock and large truck yard on the eastern portion of the site (LACOA 2021). The building is a single-story structure of concrete tilt-up construction on a concrete slab floor. The bottling plant ceased operation in December 2020 and the site has remained vacant.

GENERAL PLAN AND ZONING

The site is designated in the General Plan as Industrial/Business Park and Residential. The property is currently zoned M-1 (Light Manufacturing).The following zones and uses surround the site:

Direction	Existing Land Use	Zoning District
North	Industrial Businesses	M-2, Heavy Manufacturing
South	Industrial Businesses	M-2, Heavy Manufacturing
East	Industrial Businesses	M-2, Heavy Manufacturing
West	Public Works Yard & Olive Pit	M-1, Light Manufacturing & Q, Quarry

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act, the City of Irwindale prepared an Initial Study to determine whether the proposed project may have a

significant adverse effect on the environment. Based on the Initial Study and subsequent analysis, staff has determined that the project as proposed qualifies for a Mitigated Negative Declaration according to the California Environmental Quality Act (CEQA), pursuant to Section 15074 of the CEQA Guidelines.

Specifically, the impacts of the proposed project would be mitigated to less-than-significant levels with the implementation of the Mitigation Measures for the following areas:

- Air Quality
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Transportation
- Tribal Cultural Resources
- Mandatory Findings of Significance

The Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are on file in the Community Development Department/Planning Division, City Hall and the Irwindale Public Library. The IS/MND (Exhibit "E") was posted and circulated for the required thirty (30) days for public review and comments (December 21, 2021 through January 19, 2022). (A copy of the above referenced documents are posted on the City's website at https://www.irwindaleca.gov/575/4416-Azusa-Canyon-Road.

The specific details of the mitigation methods are included in the Mitigation Monitoring and Report Program (MMRP).

A total of four (4) letters were received. These comments were provided by: State of California Department of Transportation (Caltrans), Los Angeles County Sanitation District, Lozeau Drury, LLP and Teamsters Local Union No. 396. The comment letters and responses to comments have been included in the MND.

Site Plan and Design Review

Pursuant to the provisions of Chapter 17.70 (Site Plan and Design Review) of the Irwindale Municipal Code (IMC), "No person shall construct any building or structure or make structural and physical improvements, additions, extensions and/or exterior alterations, and no permit shall be issued for such construction until the site plan and design review has been submitted to, reviewed by, and approved in accordance with this chapter. The property may only be developed, used and maintained in accordance with the approved site plan and design review."

Development Standards

Development Standard	Minimum Requirement	Project Proposal
Front Yard Setback	20'-0"	69'-0" – 105'-0"
Side Yard Setback	20'-0"	25'-0" – 160'-0"
Rear Yard Setback	N/A	48'-5" – 108"-11"
Floor Area Ratio (F.A.R.)	1.0:1.0	.52:1.0
Building Height[1]	35'-0"	39'-0"
Landscaping	10%	11%
Parking	116	123
Truck/Trailer Parking	N/A	N/A

PROJECT DESCRIPTION

The proposed project is for the construction of a ±129,830 square-foot speculative concrete tilt-up building and associated passenger vehicle parking. The building consists of ±9,160 square feet of office, ±17,000 square feet of manufacturing and ±103,670 square feet of warehousing. The property has a gross square footage of 256,664 square feet (5.89 acres) and a net square footage of 251,096 square feet (5.76 acres). There is a required street dedication along Azusa Canyon Road of 5,568 square feet (.13 acres). At this time, there is no prospective user.

Tribal Consultation

On May 10, 2021, the following tribes were notified pursuant to AB 52:

Gabrieleno Band of Mission Indians–Kizh Nation
Gabrieleno/Tongva San Gabriel Band of Mission Indians
Gabrielino/Tongva Nation
Gabrielino/Tongva Indians of California Tribal Council
Gabrielino-Tongva Tribe
Santa Rosa Band of Cahuilla Indians
Soboba Band of Luiseno Indians

Three (3) responses were received. The Gabrielino/Tongva Indians of California Tribal Council requested that the tribe be notified if prehistoric materials or burial remains are found during construction. If burial remains are found, the tribe wants to engage in formal consultation. The Gabrieleno Band of Mission Indians–Kizh Nation provided tribal archive information identifying the high cultural sensitivity of the project site. To avoid impacting or destroying tribal cultural resources that may be inadvertently unearthed during the project's ground disturbing activities the tribe provided the City with measures to mitigate or avoid a significant effect on tribal cultural resources. The Santa Rosa Band of Cahuilla Indians responded that the tribe did not have any comments.

[1] Per IMC subsection 17.08.085 "Building Height" means the vertical distance from the finished grade of the lot to the highest average point of the building or structure.

Building Design/Design Guidelines
The proposed project is a single-story building located on the former PepsiCo Bottling plant. The proposed tilt-up building incorporates many of the desired design elements from the Commercial and Industrial Design Guidelines. The layout, landscaping and design of the site also incorporated encouraged design principles. For example, the use of an authentic period style compatible with City context, new buildings that draw upon the fundamental characteristics of existing buildings in the City, façade depth of plans and variations on all sides, including varied rooflines, berms, meandering sidewalks and multi-layered landscaping.

The building incorporates tower elements as focal points and breaks up the expansive exterior walls with architectural projections and details around the windows. The vertical and horizontal reveals, arched parapets and multi-color palette also work to add depth and character to the building. The design is similar to many of the recently approved developments, which have been designed to closely adhere to the guidelines, while maintaining function and aesthetic uniqueness.

Operation
The prospective use is currently unknown but there are many potential uses that are permitted by right due to the current zoning designation. However, certain uses would not be allowed or would be subject to a Conditional Use Permit. These uses would require Planning Commission approval and be subject to a set of Conditions of Approval and a signed Affidavit of Acceptance from the property owner and tenant acknowledging and agreeing to abide by the imposed conditions. Cold storage have been expressly prohibited for this site without further future environmental analysis. The overwhelming majority of new industrial development in the City is speculative.

Landscaping, Project Fencing and Screening
Approximately 27,979 square feet (11%) of the project site is proposed to be landscaped in compliance with the “City of Irwindale Commercial and Industrial Design Guidelines” and the Zoning Code requirements for parking area landscaping. The proposed landscape plan is comprised of a combination of parking lot shade trees, shrubs, and groundcover.

Access and Circulation
Ingress and egress to the site are provided via a three (3) driveways, one fronting onto Azusa Canyon Road and the other two (2) fronting on Los Angeles Street. The proposed building is setback approximately 69’-0”, which will also accommodate projected queuing, thus avoid overflow onto Azusa Canyon Road and Los Angeles Street. A 20”-0” wide street dedication along Azusa Canyon Road is required.

Parking
IMC Subsection 17.64.030.P(2) “Offices not providing customer service on the premises” requires a minimum one (1) parking space for each two (2) employees on the maximum (most workers) working shift or one (1) space for each 350 square feet of gross floor area, whichever is the greater and IMC Subsection 17.64.030(V) “Warehouse and storage

buildings" requires one (1) parking space for each 1,000 square feet of the first 20,000 square feet of gross floor area, one (1) space for each 2,000 square feet for the next 20,000 square feet of gross floor area and one (1) space for each 4,000 square feet for all floor area over 40,000 square feet of gross floor area.

Based on the proposed square footage, the project requires 116 stalls and 123 stalls are being proposed [five (5) ADA stalls, ninety-seven (97) standard stalls and twenty-one (21) compact stalls]. There are no designated trailer stalls. All parking is surface parking; there are no proposed parking structures or subterranean lots.

Building Height

The maximum building height in the M-1 (Light Manufacturing) zone is 35'-0". Per IMC subsection 17.08.085 "Building Height" means the vertical distance from the finished grade of the lot to the highest average point of the building or structure. The rooflines vary from approximately 30"-7" to 35"-0" and the parapet walls, including the architectural features extend to a maximum height of 39'-0". IMC subsection 17.68.010 "Height of Penthouses and Roof Structures" allows parapet walls to be erected above the height limits prescribed.

Signage

IMC Section 17.56.050 "Signs" provides the maximum allowable sign area for freestanding and wall signs. Based on the approximate square footage of the medical office building, the allowable amount of wall signage would equate to ±1,298 square feet. Freestanding signs would be limited to 150 square feet regardless of building size. Like other recently approved, large-scale projects, Staff incorporates a Condition of Approval that requires the applicant to prepare a comprehensive sign program. The sign program includes but is not be limited to sign type, square footage allowances, placement, illumination, quantity, colors and materials.

ANALYSIS

Site Plan & Design Review Analysis

Before any Site Plan and Design Review is approved, the applicant must show, to the satisfaction of the Planning Commission and the City Council, the existence of the following findings of fact. Staff has determined that the findings can be made based on the analysis below:

1. The proposed project is in conformance with the general plan, zoning ordinance, and other ordinances and regulations of the City.

   The subject site is zoned M-1 (Light Manufacturing) and has a General Plan land use designation of Industrial/Business Park and Residential. The existing General Plan and Zoning designations are consistent, which eliminates the need for any legislative action such a Zone Change or General Plan Amendment. The project also meets the minimum development standards for the applicable zones, such as setbacks, height, floor area ratio (F.A.R), parking and aesthetic design without the need for a Zone

Variance to accommodate a deviation from any measurable standards. The prospective use is currently unknown but there are many potential uses that are permitted by right due to the current zoning designation, however certain uses would be not be allowed or would be subject to a Conditional Use Permit.

2. The proposed project is in conformance with any redevelopment plan and regulations of the community redevelopment agency and any executed owner's participation agreement or disposition and development agreement.

   This finding is no longer applicable, as Irwindale Community Redevelopment Agency no longer exists. There are also no owner's participation agreement or disposition and development agreement involved.

3. The following are so arranged as to avoid traffic congestion, to ensure the public health, safety, and general welfare, and to prevent adverse effect on surrounding properties:

   a) Facilities and improvements,
      The proposed building is setback approximately 69’-0” from vehicle ingress to accommodate projected queuing, thus avoiding overflow onto Azusa Canyon Road and Los Angeles Street. All structures and infrastructure improvements will be constructed to current code and completed prior to issuance of the Certificate of Occupancy.

   b) Pedestrian and vehicular ingress, egress, and internal circulation,
      There is no proposed through-site access. The site is bordered by industrial buildings to the north, south, and east and the City’s Public Works yard and Olive Pit to the west. Azusa Canyon Road and Los Angeles Street serve as the vehicular access to the site. There is also a required 20’-0” street dedication on Los Angeles Street.

   c) Setbacks,
      The project has been designed to comply with and exceed the minimum required setbacks for the M-1 (Light Manufacturing) zone. The proposed front yard setbacks range from 20’-0” to 105’-0”, exceeding the minimum requirement of 20’-0”. The proposed side yard setbacks range from 25’-0” to 160’-0”, exceeding the minimum requirement of 20’-0”. The proposed rear yard setbacks range from 48’-5” to 108’-11”, and there is no required rear yard setback when abutting non-residentially zoned properties.

   d) Height of buildings,
      The maximum building height in the M-1 (Light Manufacturing) zone is 35’-0”. Per IMC subsection 17.08.085 “Building Height” means the vertical distance from the finished grade of the lot to the highest average point of the building or structure. Per IMC subsection 17.68.010, parapet walls may be erected above the height limits. The rooflines vary from approximately 30”-7” to 35”-0” and the parapet

walls, including the architectural features extend to a maximum height of 39’-0”. Nonetheless, the proposed buildings have been designed to complement the massing and height of the existing buildings in the area.

e) Signs,
Based on the approximate square footage of the speculative industrial building, the allowable amount of wall signage would equate to ±1,298 square feet. Freestanding signs would be limited to 150 square feet regardless of building size. Like other recently approved, large-scale projects, staff incorporates a Condition of Approval that requires the applicant to prepare a comprehensive sign program. The sign program includes, but is not limited to, sign type, square footage allowances, placement, illumination, quantity, colors and materials.

f) Mechanical and utility service equipment,
Site has been designed to attractively screen all rooftop and surface level mechanical equipment and storage area. The parapet roof will provide adequate screening of any proposed rooftop equipment. During the permitting process, a line of sight study is required to substantiate proper screening. Mechanical equipment and storage areas are screened, out of public view and often with solid walls and landscaping.

g) Landscaping,
The landscaping requirement has been met through considered choices of plantings appropriate to the location, building type, and building scale. Approximately 27,979 square feet (11%) of the project site is proposed to be landscaped in compliance with the “City of Irwindale Commercial and Industrial Design Guidelines” and the Zoning Code requirements for parking area landscaping. The proposed landscape plan is comprised of a combination of parking lot shade trees, shrubs, and groundcover.

h) Grading,
Project has been designed to take advantage of the existing topography, thus reducing grading activities on site. A grading permit will be required and issued from Building and Safety.

i) Lighting,
All lighting is designed to complement the structures and oriented to properly illuminate the site as not to create “dark pockets” that could support nefarious activities or spill onto other properties, creating a nuisance. The premises will be secured with appropriate security lighting, to obtain a minimum of 1-foot candles over the entire site. A photometric lighting plan shall be submitted, subject to the review and approval of the Community Development Department and the Police Department.

j) Parking,

IMC Subsection 17.64.030.P(2) “Offices not providing customer service on the premises” requires a minimum one (1) parking space for each two (2) employees on the maximum (most workers) working shift or one (1) space for each 350 square feet of gross floor area, whichever is the greater and IMC Subsection 17.64.030(V) “Warehouse and storage buildings” requires one (1) parking space for each 1,000 square feet of the first 20,000 square feet of gross floor area, one (1) space for each 2,000 square feet for the next 20,000 square feet of gross floor area and one (1) space for each 4,000 square feet for all floor area over 40,000 square feet of gross floor area. Based on the proposed square footage, the project requires 116 stalls and 123 stalls are being proposed [five (5) ADA stalls, ninety-seven (97) standard stalls and twenty-one (21) compact stalls]. All parking is surface parking; there are no proposed parking structures or subterranean lots.

k) Drainage,
A Water Quality Management Plan (WQMP) has been prepared to address hydrology and drainage.

l) Intensity of land use.
The project is located on a flat, irregularly shaped lot. It had been used as an orchard from at least 1928 until around 1952, when the site became vacant. The current main building was constructed in 1956 and was used by PepsiCo as a bottling plant. The site is presently developed with one building of approximately 62,713 square feet in the western half of the site, a large metal shed north of the building, and a loading dock and large truck yard on the eastern portion of the site (LACOA 2021). The building is a single-story structure of concrete tilt-up construction on a concrete slab floor. The metal shed was part of the old truck wash area that is connected to the building by an overhang. The bottling plant ceased operation in December 2020 and the site has remained vacant. The proposed industrial warehouse building is consistent with the General Plan designation of Industrial/Business Park and Zoning designation of M-1 (Light Manufacturing), as well as adjacent industrial land uses.

4. The proposed development is consistent with applicable city design guidelines and historic design themes, and provides for appropriate exterior building design and appearance consistent and complementary to present and proposed buildings and structures in the vicinity of the subject project while still providing for a variety of designs, forms and treatments.

   The proposed tilt-up building incorporates many of the desired design elements from the Commercial and Industrial Design Guidelines including but not limited façade elements, roofs and parapets, materials and colors. The layout, landscaping and design of the site also incorporated encouraged design principles. For example, the use of an authentic period style compatible with City context, new buildings that draw upon the fundamental characteristics of existing buildings in the City, façade depth of plans and variations on all sides, including varied rooflines, berms, meandering sidewalks and multi-layered landscaping.

CONCLUSION
It is recommended that the Planning Commission take the following action:

1. Adopt Resolution No. 813(22) recommending that the City Council adopt the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP);
2. Adopt Resolution No. 814(22) recommending that the City Council approve Site Plan and Design Review (DA) No. 04-2020 subject to the proposed Conditions of Approval to permit the proposed improvements as presented herein.

Alternative Actions:

3. Request that staff prepare a resolution of denial based on recommended Findings of Fact to be brought back at the next regularly scheduled Planning Commission meeting for adoption; OR

4. Request that the applicant revise the project and continue the hearing to a date certain.

ATTACHMENTS

Exhibit A: Resolution No. 813(22)
Exhibit B: Resolution No. 814(22) with Conditions of Approval
Exhibit C: Project Plans
Exhibit D: Street Dedication Exhibit
Exhibit E: Memo to Planning Commission, dated February 10, 2022 with links to: Initial Study/Mitigated Negative Declaration (IS/MND) and Technical Appendices – Electronic Files also available via: https://www.irwindaleca.gov/575/4416-Azusa-Canyon-Road
Exhibit F: Response to Comments
Exhibit G: Mitigation Monitoring and Reporting Program (MMRP)