



CITY OF IRWINDALE

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

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AGENDA FOR THE SPECIAL MEETING OF THE

PLANNING COMMISSION

November 14, 2024

6:30 P.M.

IRWINDALE COUNCIL CHAMBER

Join Webinar at

<https://us02web.zoom.us/j/86349691359>

Webinar ID

863 4969 1359

In the event that a Zoom broadcast is unavailable, staff will promptly notify the public through its social media platforms. The public meeting will proceed in accordance with The Brown Act.

Submit public comments by email to planning@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 and Government Code section 54953(g), the City Council has adopted a reasonable accommodation policy to swiftly resolve accommodation requests. The policy can be found on the City's website: <https://www.irwindaleca.gov/DocumentCenter/View/8075/AB-2449-Reasonable-Accommodation-Policy>. If you need special assistance to participate in a City Council or Commission meeting or other services offered by this City, including an electronic or printed copy of the City's reasonable accommodation policy, please contact City Hall at (626) 430-2200. 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: Albert Acosta, Casey J. Miranda, Joseph V. Rodriguez II; Vice-Chair Richard Chico; Chair Maricela Frymark****E. AB 2449 DISCLOSURES**

Remote participation by a member of the legislative body for just cause or emergency circumstances.

F. ANNOUNCEMENTS**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: No minutes for approval

2. SPONTANEOUS COMMUNICATIONS

This is the time set aside for members of the audience to speak on any item not on this agenda that is within the Planning Commission's subject matter jurisdiction. The Planning Commission is an advisory body appointed by the City Council to review and provide recommendations on matters related to land use, planning, and development within the City. Except for very limited circumstances, state law prohibits any Commission discussion or action on items that are not on the agenda.

All members of the public are asked to observe the City's Rules of Procedure and Public Meeting Decorum. The City's Rules of Procedure and Public Meeting Decorum can be found on the City's website, and Chapter 2.40 of the Irwindale Municipal Code. You may also contact the City Clerk's Office for copies.

Each speaker will be limited to 3 minutes unless such time limits are extended. If a member of the public wishes to donate their time to another speaker, both persons must be physically present and in attendance of the meeting. The Presiding Officer may, in his or her discretion, extend the 3-minute time limitation for the particular subject for all speakers. In no event shall the total amount of speaking time exceed 6 minutes per person for the subject under discussion. Organized groups of persons wishing to address the Board on the same subject should select a spokesperson to represent the group, so as to avoid unnecessary repetition.

The Commission may regulate a speaker who is speaking too long or out of order, being unduly repetitious, discussing irrelevancies, or extending to items not within the subject matter jurisdiction of the Commission. Please be reminded that discrimination, abusive use of profanity, unruly disruption, and violent or physically threatening conduct is discouraged. Members of the public shall not disrupt the orderly conduct of the meeting. The Presiding Officer will request that a person cease any disruptive conduct, and if not immediately stopped, will direct the person to be removed from the meeting.

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 and teleconference attendees who have not previously provide comments on the matter(s) being discussed by the legislative body

3. NEW BUSINESS

4. PUBLIC HEARINGS

A. IRWINDALE GATEWAY SPECIFIC PLAN – FINAL ENVIRONMENTAL IMPACT REPORT (SCH #2023020290), GENERAL PLAN AMENDMENT (GPA) NO. 02-2022, ZONE CHANGE (ZC) NO. 02-2022, ZONING ORDINANCE AMENDMENT (ZOA) NO. 02-2023, TENTATIVE PARCEL MAP (TPM) NO. 83854. 13620 LIVE OAK LANE (APN: 8532-002-046, 8532-002-047) – KP IRWINDALE OWNER, LLC (JEFF DRITLEY)

Jeff Dritley of KP Irwindale Owner, LLC, the Applicant is requesting approval of the Irwindale Gateway Specific Plan (SP), which would provide direction for development of the property located at 13620 Live Oak Lane over the next several years. The Irwindale Gateway Specific Plan (“Specific Plan”) provides a comprehensive land use program to guide the development of an approximately 66.64-acre property. The Specific Plan covers an approximately 52.65-acre developable portion (the “Development Area”) and 13.99 acres of undevelopable area (SCE easement and roadway dedications). The Specific Plan land use concept features an industrial business park with up to 997,796 square feet of building space and a number of utility-scale battery energy storage system facilities.

ENVIRONMENTAL REVIEW: 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 an Environmental Impact Report (“EIR”). The Draft EIR was circulated for public review for 45 days from May 13, 2024, through June 27, 2024. A copy of the Draft EIR was circulated through the State Clearinghouse (SCH# 2023020290), posted on the City’s website, and was available at the Irwindale Public Library, City Clerk’s Office, and the Community Development Department. The public review period for the Draft EIR ended on June 27, 2024. A Final Environmental Impact Report was prepared on the proposed project, including the Draft EIR, comments received on the Draft EIR and responses to those comments, revisions and corrections to the Draft EIR made in response to comments received. Environmental documents can be found at: <https://www.irwindaleca.gov/590/13620-Live-Oak-Lane---Irwindale-Gateway->

Recommendation: Adopt Resolution No. 834(24)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL (1) CONSIDER AND CERTIFY THE ENVIRONMENTAL IMPACT REPORT, STATE CLEARING HOUSE (SCH# 2023020290); (2) ADOPT THE FINDINGS REQUIRED BY CEQA GUIDELINES, SECTION 15091; (3) ADOPT THE PROPOSED MITIGATION MONITORING AND REPORTING PROGRAM; AND (4) ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE IRWINDALE GATEWAY SPECIFIC PLAN.

Recommendation: Adopt Resolution No. 835(24)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL OF IRWINDALE AMEND THE COMMUNITY DEVELOPMENT ELEMENT AND LAND USE PLAN MAP OF THE CITY’S GENERAL PLAN (GPA NO. 02-2022) FROM REGIONAL COMMERCIAL TO SPECIFIC PLAN FOR PROPERTY LOCATED AT 13620 LIVE OAK LANE, IRWINDALE, CA (APNS: 8532-002-046 AND 8532-002-047) AS SET FORTH HEREIN AND MAKING FINDINGS IN SUPPORT THEREOF.

Recommendation: Adopt Resolution No. 836(24)

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF IRWINDALE ADOPT ZONE ORDINANCE AMENDMENT NO. 02-2023 TO ADD IRWINDALE GATEWAY SPECIFIC PLAN TO TITLE 17 OF THE IRWINDALE MUNICIPAL CODE (IMC), DEFINING PERMITTED USES, REGULATING THE SIZES AND LOCATIONS OF BUILDINGS, SPECIFYING DESIGN GUIDELINES AND DEVELOPMENT STANDARDS, ADDRESSING MOBILITY AND CONNECTIVITY TOPICS, IDENTIFYING PROJECT INFRASTRUCTURE AND SERVICES, AND PROVIDING ADMINISTRATIVE AND IMPLEMENTATION LANGUAGE FOR PROPERTY LOCATED AT 13620 LIVE OAK LANE, IRWINDALE, CA (APNS: 8532-002-046 and 8532-002-047).

Recommendation: Adopt Resolution No. 837(24)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT ZONING MAP FROM M-2 (HEAVY MANUFACTURING) TO IRWINDALE GATEWAY SPECIFIC PLAN FOR PROPERTY THE CITY COUNCIL OF THE CITY OF IRWINDALE ADOPT A ZONE CHANGE NO. 02-2022 TO MODIFY THE CITY OF IRWINDALE LOCATED AT 13620 LIVE OAK LANE, IRWINDALE, CA (APNS: 8532-002-046 AND 8532-002-047).

Recommendation: Adopt Resolution No. 838(24)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING CITY COUNCIL APPROVAL OF TENTATIVE PARCEL MAP NO. 83854 TO CREATE SEVEN (7) PARCELS FOR PROPERTY LOCATED AT 13620 LIVE OAK LANE, IRWINDALE, CA (APNS: 8532-002-046 AND 8532-002-04) IN THE M-2 (HEAVY MANUFACTURING) ZONE SUBJECT TO CONDITIONS AS SET FORTH HEREIN, MAKING FINDINGS IN SUPPORT THEREOF.

5. **DISCUSSION ITEMS/PRESENTATIONS**
6. **COMMUNITY DEVELOPMENT DIRECTOR REPORT**
7. **LEGAL COUNSEL COMMENTS**
8. **COMMISSIONER COMMENTS**
9. **ADJOURN**

AFFIDAVIT OF POSTING

I, Jesus Hernandez, Administrative Secretary, certify that I caused the agenda for the special meeting of the Irwindale Planning Commission to be held on November 14, 2024 to be posted at the City Hall, Library, and Post Office on November 07, 2024.

Jesus Hernandez

Jesus Hernandez,
Administrative Secretary



**CITY OF IRWINDALE
PLANNING COMMISSION STAFF REPORT**
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION



Date: November 14, 2024 **Agenda Item No. 4-A**

To: Honorable Chair and Members of the Planning Commission

From: Brandi Jones, Senior Planner

Project: Irwindale Gateway Specific Plan
Final Environmental Impact Report (SCH# 2023020290)
General Plan Amendment (GPA) No. 02-2022
Zoning Ordinance Amendment (ZOA) No. 02-2023
Zone Change (ZC) No. 02-2022
Tentative Parcel Map (TPM) No. 83854

Applicant: Jeff Dritley, KP Irwindale Owner, LLC

Property Owner: Kearny Real Estate Company

Project Location: 13620 Live Oak Lane – APNs: 8532-002-046, 8532-002-047



Staff Recommendation: That the Planning Commission take the following action:

1. Adopt Resolution No. 834(24) recommending that the City Council certify Irwindale Gateway Specific Plan EIR (SCH# 2023020290), adopt a Mitigation and Monitoring Reporting Program ("MMRP"), & adopt a Statement of Overriding Considerations
2. Adopt Resolution No. 835(24) recommending that the City Council approve GPA No. 02-2022; and
3. Adopt Resolution No. 836(24) recommending that the City Council approve ZOA No. 02-2023 and Ordinance No. 787; and
4. Adopt Resolution No. 837(24) recommending that the City Council approve ZC No. 02-2022 and Ordinance No. 788; and
5. Adopt Resolution No. 838(24) recommending that the City Council approve TPM No. 83854

Alternative Actions:

1. Direct staff to prepare resolutions of denial based on recommended findings of fact to be brought back at the next regularly scheduled Planning Commission meeting for adoption; OR
2. Direct staff to work with the applicant to revise the project based on recommendations from the Planning Commission and continue the hearing to a date certain.

REQUEST

Jeff Dritley of KP Irwindale Owner, LLC, the Applicant is requesting approval of the Irwindale Gateway Specific Plan (SP), which would provide direction for development of the property located at 13620 Live Oak Lane over the next several years. The Irwindale Gateway Specific Plan ("Specific Plan") provides a comprehensive land use program to guide the development of an approximately 66.64-acre property. The Specific Plan covers an approximately 52.65-acre developable portion (the "Development Area") and 13.99 acres of undevelopable area (SCE easement and roadway dedications). The Specific Plan land use concept features an industrial business park with up to 997,796 square feet of building space and a number of utility-scale battery energy storage system facilities.

The Irwindale Gateway Specific Plan Entitlements for the proposed project include:

1. General Plan Amendment (GPA) No. 02-2022 – To change the General Plan Land Use Designation from Regional Commercial to Specific Plan.
2. The Irwindale Gateway Specific Plan Zone Change (ZC) No. 02-2022 – To change the Zoning Map designation from M-2 (Heavy Manufacturing) to Irwindale Gateway Specific Plan.
3. Zone Ordinance Amendment (ZOA) No. 02-2023 – To add the Irwindale Gateway Specific Plan to Title 17 of the City of Irwindale Municipal Code.
4. Tentative Parcel Map No. 83854 – To subdivide the site into seven (7) parcels.
5. Certify the Final Environmental Impact Report for the project.

BACKGROUND/HISTORY

On October 28, 2024, this item was brought before the Planning Commission but was continued to a date certain (November 26, 2024). The November 26, 2024 Special Meeting was later rescheduled to the Special Meeting of November 14, 2024.

The entire Specific Plan site is comprised of two (2) parcels (APNs 8532-002-046 and 8532-002-047), commonly known as 13620 Live Oak Lane and 1380 Arrow Highway.

The Live Oak Lane site was vacant/undeveloped from 1894 to 1941 and operated as a former sand and gravel quarry from approximately 1957 to 1973, remaining vacant to 1986. Between 1985 and 1996, the Los Angeles Regional Water Quality Control Board issued permits to fill the pit, an Environmental Impact Report (EIR) and supplemental EIR were approved for the Nu-Way Live Oak Inert Landfill. In 1996, the Nu-Way Live Oak Inert Landfill was permitted for operation. Between 2005 and present day, a Mitigated Negative Declaration (MND) was approved for early closure of the landfill as well as approval of a Conditional Use Permit (CUP) for the importing, exporting, stockpiling and crushing of broken concrete and asphalt for construction base.

The Arrow Highway site has had many uses since 1957, including a retention pond, material and vehicle storage, and most recently a street-sweeping business established in 1983. The site has been vacant since 2022.

Nu-Way Live Oak Reclamation Operations Plan

The Nu-Way Live Oak Reclamation Operations Plan addresses the existing fill. Site reclamation will cover approximately 80 percent of the project site. The Operations Plan for site reclamation has been approved by the Regional Water Quality Control Board. The rough grading plan was approved by the County of Los Angeles Department of Public Works (9/16/22), and the City of Irwindale has issued a grading permit for this work (10/27/22). The Operations Plan is currently underway and will be completed prior to implementation of the Specific Plan. The rough graded site per the Operations Plan serves as the baseline conditions for implementation of the Specific Plan. This phase, for which completion is slated for an additional two (2) years, is not a part of the proposed project and is not analyzed in the EIR.

The Operations Plan addresses all requirements related to on-site excavation, processing, and recompaction of existing fill. The Operations Plan includes measures to address site setup, materials processing, equipment, salvaging, hazardous waste, worker safety and training, and fugitive dust generated from reclamation operations as well as noise, odor, litter, rodents and insects, fires, sanitary facilities, and accidental spills.

As part of the Operations Plan, temporary movable structures (e.g., portable toilets, sunshades, office trailer) will be installed throughout the project site as appropriate. Reclamation operations will include excavation of existing fill in workable areas down to predetermined depths and inspection for noncompliant materials such as hazardous

wastes, organics, and asbestos. Noncompliant materials will be segregated and removed. Concurrently, excavated material will be processed as necessary to create fill-specification-compliant material. Compaction monitoring and testing will be conducted with settlement monitors placed at selected locations; areas that do not pass the compactions standards will be excavated and replaced. All reclamation operations will be overseen by a California Professional Geotechnical Engineer or equivalent, as determined by the Director of Engineering. Final elevation of the project site is estimated to match that of the adjacent grade.

ANALYSIS

Development of the proposed business park will be implemented and regulated through The Irwindale Gateway Specific Plan. The fundamental purpose of the proposed project is to develop an industrial business park and a Battery Energy Storage System (BESS) on the site to make productive use of a remediated property that previously operated as a landfill and a sand and gravel quarry. Consideration was given to create a comprehensive approach to architectural design; development and enhancement to the infrastructure on the site, circulation, parking, utilities and uses; and to consideration of adjacent properties while establishing the first large business park in the area. The specific plan process is crafted to meet the unique circumstances of the landfill and a sand and gravel quarry.

Approval of the Specific Plan will allow development of an industrial business park in way that provides flexibility in design and building placement, consistency in process and procedures, provides compatibility with adjacent neighborhoods, and addresses on and off-site impacts to local infrastructure and other environmental factors. Understanding the future desires to develop the 66.64-acre site in an orderly, comprehensive manner to make land use decisions for the area by ensuring future growth impacts have been analyzed and that adequate off-site public improvements are made. It also promotes mutual goals related to site development and architectural design consistency for the entire property.

The site is surrounded by the following uses and zoning as described in following table.

Surrounding Land Use

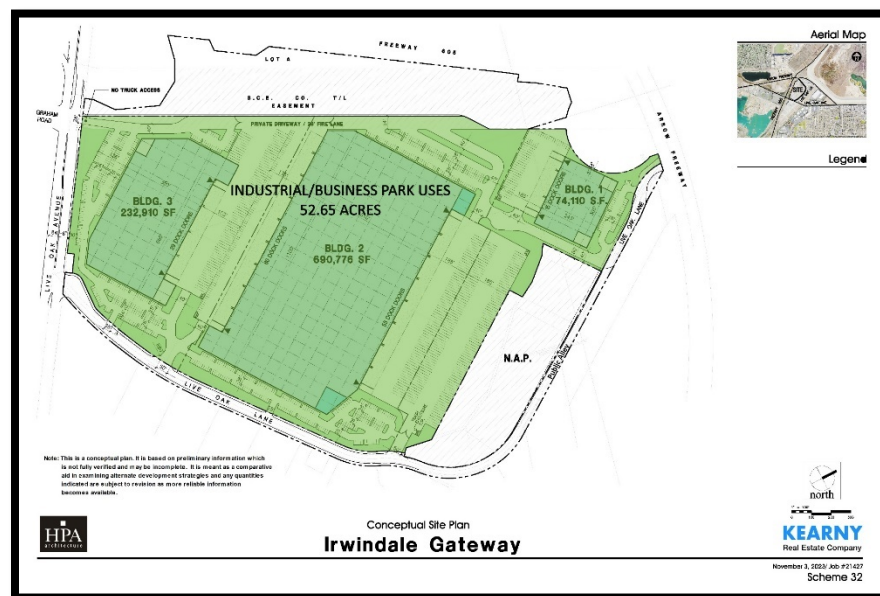
DIRECTION	EXISTING LAND USE	ZONING DISTRICT
North	Commercial and Industrial Business Parks	M-2 (Heavy Manufacturing)
South	Southern California Edison (SCE) Substation	M-2 (Heavy Manufacturing)
East	Industrial Businesses/San Gabriel River	M-2 (Heavy Manufacturing)
West	I-605 Freeway/Park @ Live Oak	Park @ Live Oak Specific Plan

THE IRWINDALE GATEWAY SPECIFIC PLAN OVERVIEW

The Applicant is seeking approval of The Irwindale Gateway Specific Plan, which would provide direction for enhancement and development over the next several years. These improvements throughout the 66.64-acre site would be implemented through the Specific Plan, which will govern future development of the industrial business park. The Specific Plan is comprised of a single planning area with two (2) development land use plan options.

Area	Size
Gross Site Area	66.64 acres
SCE Easement Area	9.61 acres
Right-of-Way Dedication	4.38 acres
Net Developable Area	52.65 acres

Option 1: 52.65-acre parcel developed as an industrial business park with three (3) buildings and associated parking and loading docks. The remaining 13.99 acres of the site would be used for public rights-of-way and the SCE easement. The three (3) buildings would allow a maximum of 997,796 square feet of building space—954,796 square feet of warehouse space and 43,000 square feet of office space.

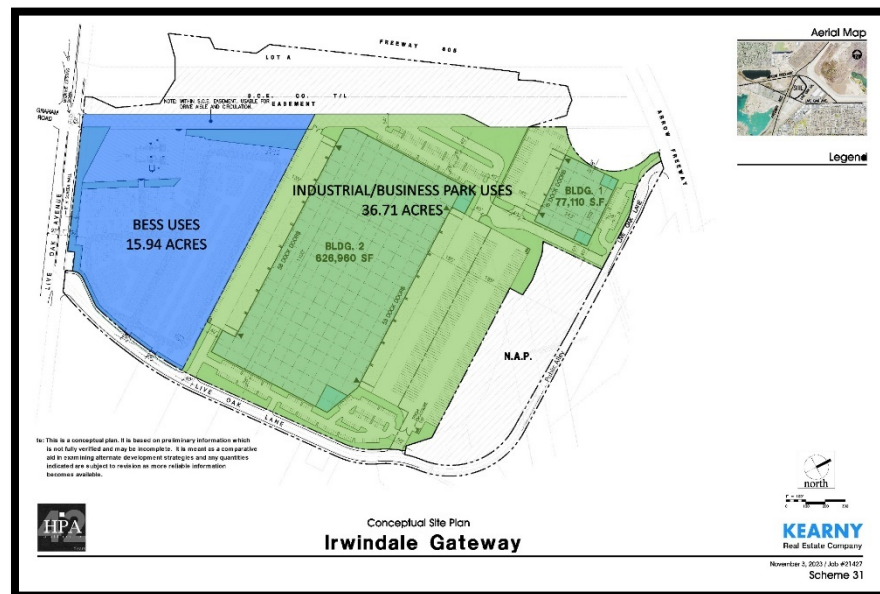


The analysis in the DEIR assumes that project development would take approximately 4.5 years and that the buildings would be completed and occupied sometime in late 2027 and/or early 2028. Detailed assumptions regarding impact analysis that depend on project schedule are included in the DEIR.

Off-site infrastructure improvements would commence after all related design and permits are approved, and construction would commence no later than the issuance of the first building permit. Completion of improvements would be no later than the issuance of a Certificate of Occupancy for a building that triggers the need to complete such work. The

industrial buildings would have the flexibility to support a multitude of uses, including warehousing, distribution, and manufacturing. Daily operations would be dependent on the specific use but would include an operational workforce, maintenance, and security.

Option 2: 36.71-acre parcel developed as an industrial business park with two (2) warehousing/office buildings and a 15.94-acre parcel for the 400-megawatt BESS (electric energy storage, transmission and AC/DC and voltage conversion). The two (2) buildings would allow a maximum of 704,070 square feet—668,070 square feet of warehouse space and 36,000 square feet of office space. The preliminary design for the BESS has 353,000 square feet of battery arrays. Any BESS proposal would be subject to the approval of a Development Agreement.



Construction of the industrial buildings under Option 2 would include the same timeline as under Option 1. The BESS would take approximately 18 months to construct after initial groundbreaking. The BESS is estimated to achieve its commercial operations date by late 2027. The BESS may be constructed in phases, in which case there may be shorter construction timelines for different phases of the project.

The maximum development capacity allowed by the Specific Plan consists of approximately 997,796 square feet of new development. Of the 997,796 square feet, a minimum of 36,000 square feet of commercial space and a maximum of 43,000 square feet of commercial space is permitted by the Specific Plan. The land uses are arranged to offer visibility and direct access to commercial and industrial uses from Live Oak Avenue, Live Oak Lane and Arrow Highway. The site is designed as an employment and commerce center with the advantage of the site's location adjacent to the I-605 and the local arterial roadway network. Commercial uses include a variety of professional offices and services, such as medical offices, financial institutions, and bakeries. The industrial uses range from warehousing and distribution, fabricating, assembly, and manufacturing

to computer and electronic parks assembly. Section 6 “Development Standard” of the Specific Plan contains the full list of permitted uses.

ENTITLEMENTS

The entitlements associated with the project include consideration and certification of the Final EIR as the environmental document for the Specific Plan before approving a General Plan Amendment, Zone Change, Zone Ordinance Amendment, and Tentative Parcel Map.

The Planning Commission will be considering a recommendation to the Irwindale City Council for approval of entitlements necessary to permit the development of properties within the Specific Plan, which include:

Final Environmental Impact Report (FEIR) – Including comments received during the 45-day review period and proposed Mitigation Monitoring and Reporting Program (MMRP). The FEIR analysis determined that the proposed project, with implementation of Mitigation Measures, would result in significant and unavoidable environmental impacts in the areas of Air Quality (AQ) and Greenhouse Gas Emissions (GHG). Due to this determination, it requires the Irwindale City Council, as a Lead Agency, to approve a Statement of Overriding Considerations.

General Plan Amendment (GPA) No. 02-2022 – To Change the General Plan Land Use Designation from Regional Commercial to Specific Plan.

Zone Change (ZC) No. 02-2022 – To change the existing zoning designation and Zoning Map from M-2 (Heavy Manufacturing) to Irwindale Gateway Specific Plan. Pursuant to the provisions of Chapter 17.84 (Amendments) of the Irwindale Municipal Code (IMC), “the classification of property ‘or existing zoning designation’ may be amended whenever the public interest and necessity so require.”

Zone Ordinance Amendment (ZOA) No. 02-2023 – To adopt Irwindale Gateway Specific Plan as the zoning document for the site. The Specific Plan will define permitted uses, regulate the locations of buildings, specify design guidelines and development standards, address mobility and connectivity topics, identify project infrastructure and services, and provide administrative and implementation language. The Irwindale Gateway Specific Plan constitutes the regulatory and policy document that guides and governs the growth of the business park over the next several years.

Tentative Parcel Map (TPM) No. 83854 – To allow the property to be subdivided into seven (7) parcels for future development. In order to recommend that the Planning Commission approve the request for the Tentative Parcel Map, the following findings must be made:

- a. The proposed map is consistent with the General Plan, applicable specific plans, and the Zoning Code.*

The proposed map is for the subdivision of a property for development of industrial and commercial. The subject property has a General Plan land use designation of Regional Commercial and is zoned M-2 (Heavy Manufacturing). The proposed map is being processed with General Plan Amendment (GPA) No. 02-2022 to amend the Community Development Element and Land Use Plan Map to include the Irwindale Gateway Specific Plan. The Specific Plan proposes an industrial business park to include development standards concerning a) facilities and improvements; b) pedestrian and vehicular ingress, egress, and internal circulation; c) setbacks; d) height of buildings; e) mechanical and utility service equipment; f) landscaping; g) grading; h) lighting; i) parking; j) drainage; and k) intensity of land use so as to avoid traffic congestion, to ensure the public health, safety, and welfare, and to prevent adverse effects on surrounding properties. The proposed project involves redevelopment of a site that is a former landfill, and sand and gravel quarry.

- b. The design or improvement of the proposed subdivision is consistent with the General Plan, applicable specific plans, and the Zoning Code.*

The proposed project is for development of an industrial business park. A General Plan Amendment, Zone Change, and Zone Ordinance Amendment are concurrently being processed for adoption with the subdivision for the Irwindale Gateway Specific Plan, under separate Resolutions and Ordinances. The design and improvement of the proposed subdivision is consistent with development standards established in the Specific Plan document with respect to land use, building height, parking, and landscaping.

- c. The site is physically suitable for the type of development proposed.*

The site is ±66.64-acres currently served by an existing private street, Live Oak Lane. Live Oak Lane in its entirety, is a part of the subject property. As part of the improvements, a total of 2,160 feet of Live Oak Lane will be dedicated to the City and improved to the City's standard of 60'-0". The remaining areas are already paved and will be converted to a public alley to connect the northern and southern sections of Live Oak Lane. In addition to the improved roadways, there will also be new sidewalk and landscaped setbacks.

- d. The site is physically suitable for the proposed density or intensity of development.*

The 66.64-acre site is suitable for the proposed Specific Plan industrial business park, which provides for a maximum of 997,796 feet of building space, with private driveways and drive aisles, landscaping, and parking areas.

- e. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.*

The design or proposed improvements of the subdivision will not cause any substantial environmental damage or substantially injure fish, wildlife, or their habitats, or cause serious public health problems in that the Application will create seven (7) parcels from two (2) parcels in an area that has been planned for industrial and commercial uses. The subdivision is located on a former landfill and sand and gravel quarry within an urbanized area and is not the habitat of fish or wildlife. 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 an Environmental Impact Report ("EIR").

- f. The design of the subdivision or type of improvements will not pose a threat to the public health, safety, and welfare.*

The design of the subdivision and improvements will not pose a threat to the public health, safety, and welfare. Adequate fire and police protection is available to serve the project. Uses permitted and conditionally permitted within the proposed project are required to meet all Federal, State and local health and safety codes and regulations.

- g. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.*

There is an existing, 9.61-acre Southern California Edison (SCE) easement on the western portion of the site. Part of the Specific Plan's infrastructure plan includes the development of a new detention basin within this easement for the collection of project storm water flows.

- h. Any discharge of waste from the proposed subdivision into an existing sewer system would not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.*

The proposed subdivision is served by an existing City sewer system and is required to comply with all requirements of the California Regional Water Quality Control Board.

- i. The requirements of CEQA have been satisfied.*

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 an Environmental Impact Report ("EIR"), SCH# 2023020290. Even after the adoption of all feasible Mitigation Measures as

identified in the Mitigation Monitoring and Reporting Program (MMRP), certain significant or potentially significant environmental effects caused by the Project directly, or cumulatively, will remain and a Statement of Overriding Considerations is recommended to be adopted as part of the project.

Scoping and Community Meetings

The Notice of Preparation related to the EIR was released by the City for public comment on February 10, 2023 and concluded on March 11, 2023. Eleven (11) comments were received during the comment period. These comments were provided by South Coast Air Quality Management District (AQMD), California Department of Resources Recycling and Recovery (CalRecycle), City of Covina, Department of Justice (DOJ), Department of Fish and Game, Los Angeles County Fire, Mike Mohajer, Robert Diaz, Ralph Velador (LIUNA), Mitchell M. Tsai and Southern California Association of Governments (SCAG). During the 30-day comment period, a Public Scoping meeting was held on March 2, 2023 to gather information for the scope of the Draft EIR. The meeting was held in the Senior Center Dining Room (16116 Arrow Highway) at 6:00 PM. The oral and written comments received during the meeting were addressed in the Draft EIR.

The Notice of Availability related to the EIR was released by the City for public comment on May 13, 2024 and concluded on June 27, 2024. Ten (10) comments were received during the comment period. These comments were provided by Advocates for the Environment, South Coast Air Quality Management District (AQMD), Blum, Collins & Ho, LLP/Golden State Environmental Justice Alliance, California Department of Resources Recycling and Recovery (CalRecycle), California Air Resources Board (CARB), City of Baldwin Park, California Department of Transportation (Caltrans), Los Angeles County Sanitation Districts, and Los Angeles County Sheriff. Blum, Collins & Ho, LLP/Golden State Environmental Justice Alliance sent a subsequent letter withdrawing their initial letter as the Applicant addressed their concerns. The comment letters and response to comments have been included in the FEIR.

Tribal Consultation

In accordance with Public Resources Code Section 21080.3.1(d), a lead agency is required to provide formal notification of intended development projects to Native American tribes that have requested to be on the lead agency's list for receiving such notification. On November 15, 2023, letters were sent to the seven (7) Native American contacts, requesting any information related to cultural resources or heritage sites within or adjacent to the project site. Tribal consultation with the Gabrieleño Band of Mission Indians – Kizh Nation was scheduled for May 23, 2023. The tribe was unable to attend and provided written concerns and Mitigation Measures on June 1, 2023. The proposed Mitigation Measures have been incorporated in the MMRP.

THE IRWINDALE GATEWAY SPECIFIC PLAN

The Irwindale Gateway Specific Plan provides a comprehensive framework for the long-term growth and development of the entire site and provides a future developer with a tool to implement a long-term vision of the business park while meeting the community-wide goals Irwindale. The Specific Plan is intended to address unique factors related to the site and provide clarity in development processes. Accordingly, this Specific Plan, in

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accordance with California Government Code et. seq., establishes the necessary land use plan, development standards, regulations, design guidelines, infrastructure systems, and implementation strategies on which subsequent, project-related development activities will be founded.

Project Objectives

To ensure the functional integrity, economic viability, and positive aesthetic appearance of the Development Area, the following planning and development goals have been established for the Specific Plan:

- Create a comprehensive land use plan for the reuse of a former landfill and reclaimed sand and gravel quarry including the development of utility scale battery energy storage facilities.
- Provide guidelines and standards for the development of state-of-the-art buildings that can accommodate various industrial and manufacturing uses, including warehouse distribution, logistics, and fulfillment centers with proximate access to I-605 on- and off-ramps.
- Ensure that infrastructure plans for water, sewer, drainage, dry utility, and solid waste disposal are adequately designed for the Specific Plan.
- Provide a circulation system that meets transportation requirements and minimizes potential adverse impacts on the surrounding area.
- Provide guidelines and standards for architecture, landscaping, walls, fencing, lighting, and entry treatments that are compatible with the design and architecture of the surrounding uses.

The Irwindale Gateway Specific Plan also provides the following:

- Flexibility – The Specific Plan provides customized development standards and design guidelines that address both planned buildings and future development not yet considered. This includes development review processes, and phased infrastructure implementation. Phasing plans are illustrative in nature, which allows broad flexibility for the business park to expand and improve over time in a way to meet the most current market and business demands and trends.
- Sustainability – Referring to both environmental sustainability and in the long-term nature of the Specific Plan. The developer and Irwindale are committed to environmental sustainability through the preparation of a comprehensive EIR, implementation of Mitigation Measures and sustainable development practices, and various other aspects (e.g., energy efficiency, mobility, landscaping, and healthy design) integrated into the Specific Plan. The plan is also designed as a policy and regulatory document that allows consistency in project processing and

implementation, and certainty for adjacent neighborhoods over the extended planning period.

- **Identity** – In both site design and business attraction. Design Guidelines, development standards and a comprehensive Sign Program will assure that the design of future buildings, grounds, landscape, branding and infrastructure projects will achieve the goals of the City with design and development that reflect and enhance the change from a former landfill, and sand and gravel quarry to a welcoming and appealing business park.

Differences Between The Irwindale Gateway Specific Plan & Current Zoning

The Specific Plan regulates the entire scope of the project and prescribes the processes for development approvals, including: allowed land uses; development standards (such as height, setbacks), parking standards, administration and implementation processes. Unlike traditional zoning, the Specific Plan process allows customization of the factors listed above, based upon the location, circumstances and intensity of planned development. The Specific Plan may also focus and provide a modified design and approval processes.

The current zoning M-2 (Heavy Manufacturing) would not allow the site to develop in a comprehensive planned manner for the 66.64-acre property. The current Zoning Code has a multitude of antiquated uses and is currently being updated. Neither the current nor proposed Zoning Codes address BESS. To highlight some of the most important differences, there would be significant restrictions to allowable land uses and temporary uses, limitations to building heights, and parking ratios. Finally, use of current zoning designations would lead to undesirable piecemeal and incremental planning for the site; accordingly, there is a desire for a flexible and long-term plan.

Battery Energy Storage System (BESS)

A battery energy storage system (BESS), is an engineered system of electrical devices and equipment that enable electric energy, such as energy generated from renewable energy sources, like solar and wind, to be stored and then released when the power is needed. It would lower the need for electricity generated from nonrenewable sources, thereby resulting in a reduction in greenhouse gas (GHG) generation from such sources. An interconnection facility would be developed at the Southern California Edison Rio Hondo substation to the south to connect the BESS to the transmission system.

The BESS would be unmanned but may include an operational and maintenance building with restrooms and space for strategic spare parts. The long-term operational workforce would entail contracted maintenance staff who would maintain the facility on a periodic basis during project operations. The proposed project would likely require a six-person crew for maintenance visits once every two (2) to three (3) months on average. The BESS would be primarily operated remotely and could operate up to 24 hours per day and seven (7) days per week. A comprehensive security system would be included and remotely monitored on a continuous basis.

The operation of the BESS would not generate loud noise. Electrical equipment and motors and fans for cooling the electrical equipment would generate low levels of noise, typically in the range of 60 to 80 dBA within several feet. Equipment would be set back from property lines so noise at the site boundaries would be attenuated by distance to the property line and further attenuated by the block wall at the project perimeter. BESS facilities permitted throughout the state have demonstrated low levels of noise compliant with their respective local noise ordinances.

The BESS would be designed in accordance with NFPA Part 855 standards for energy storage systems and would include multiple automatic and manual power-down/safety mechanisms, including early warning detection systems for excess heat and smoke, along with a centralized Fire Alarm Control Panel that communicates any potential risk to site operators and the local fire department. There would be a backup generator for critical loads. Electrical and fire systems would be designed to open breakers automatically during fault conditions. Each fire protection system would have a signal that would trigger core power-down during fire, electrical fire, overheating, or other issues. The entire project power-down would occur automatically during electrical fault conditions (e.g., high-voltage ground fault). After the equipment vendor has been selected, noise modeling results demonstrating compliance with City standards would be provided with the applications for building permits. The project design would be subject to fire department review, and the site would be subject to periodic fire authority inspections, and a permit issued by the fire department. The Los Angeles County Fire Department (LACFD) is experienced with BESS projects. As of June 2023, fourteen (14) BESS plants are in operation in LA County (356 megawatts), and eight (8) are in late-stage development or construction (641 megawatts). LACFD is very familiar with BESS technology and will be responsible for plan checking and approvals.

The proposed BESS would be designed to be in operation for 25 years. After completion of project operations, if not repowered with then-current technology, most of the electrical equipment (breakers, transformers, inverters) would be removed and recycled. Project batteries would be returned to the battery manufacturer for recycling. Equipment foundations and pads would be demolished and removed.

Analysis of Key Topics

The following sections focus on key topics and addresses distinctive elements included in the Specific Plan.

Relationship to Other Land Use Regulations

The Specific Plan is designed to meet the goals established in the City's General Plan by providing a framework for the future development of the Development Area. The Specific Plan is designed to be consistent with, and serves as an extension of, the City's General Plan. The Specific Plan is consistent with the following General Plan Land Use Element policies and objectives per Section 3 of the Specific Plan.

Land Use

Section 4 establishes the allowable uses within the Development Area, which includes a variety of uses such as professional offices, industrial uses, and battery storage. This Specific Plan does not have multiple planning areas.

Transportation and Circulation

Section 5 provides a roadway network to meet the vehicular and non-vehicular needs of employees and visitors and the for the transportation of goods to and from the Development Area. Live Oak Avenue, Live Oak Lane and Arrow Highway are points of vehicular access. Improvements to Live Oak Avenue, a designated truck route, include a 5'-0" wide meandering sidewalk and a 5'-0" wide meandering landscaped parkway along the north side of the street. Arrow Highway, a designated truck route, does not have direct access to the site, but does provide direct access to Live Oak Lane. Live Oak Lane is an existing collector road that connects the development area to either Live Oak Avenue or Arrow Highway. Live Oak Lane is currently a private road that will undergo dedications at the northern and southern portions of the street. The areas that are being dedicated and widened per the City's standards will be connected by a new public alley. The alley will accommodate two-way traffic, parking and a new grass terrace. Interior private driveways and drive aisles are proposed to connect individual building sites within the Development Area and provide vehicular access to Live Oak Avenue and Live Oak Lane. Private driveways and drive aisles provide vehicular access for automobiles and trucks to parking lots, truck courts, loading dock areas, etc. The locations, alignments, and widths of private driveways and drive aisles will be determined at the time buildings are designed and positioned as part of implementing development projects and are subject to approval of the Director of Engineering.

Development Standards

Section 6 establishes development standards applicable to all developments within the Development Area. The standards provided work in concert with the architecture and landscape guidelines set forth in Section 7, Design Guidelines, to achieve the vision of the Specific Plan. All new developments and alterations to existing land uses and structures in the Development Area shall be designed, constructed, and established in compliance with the requirements of that section. This section also provides definitions for Specific Plan relevant uses such as BESS terminology, buildings, and height. Specific development standards for building height, setbacks, landscaping, rooftop equipment, floor area ratio and the like are detailed. In addition, the "Allowable Uses" matrix shows which uses are permitted by right, permitted conditionally, ancillary, require a Development Agreement, and those that are prohibited.

Design Guidelines

The Design Guidelines establish the quality and character of the built environment for the master-planned development of the Specific Plan. The objectives of the Design Guidelines are:

1. To describe the thematic elements and the construction quality expected for the Development Area.

2. To provide the City of Irwindale with assurance that the Development Area will be developed in accordance with the quality and character described within this Specific Plan.
3. To serve as a guide to developers, builders, engineers, architects, landscape architects, and other professionals involved with implementing development in the Development Area in order to achieve and maintain the desired design quality.
4. To provide an aesthetic benchmark for the City of Irwindale to use in their review of future implementing projects within the Development Area.
5. To steer the Development Area to convey a contemporary aesthetic theme and character while allowing flexibility for practical application and creative expression.
6. To encourage the implementation of energy efficient design features in Buildings that can be implemented in the site planning, design, and construction phases of the Development Area to minimize waste deposited at landfills, decrease energy use and fossil fuel consumption, and reduce domestic water consumption.

The Design Guidelines discuss site planning, architecture, building form, materials, colors and textures, fenestration, loading doors and service docks, and project monuments. Buildings should be characterized by simple and distinct cubic masses with interlocking volumes of wall planes, colors, and materials to create visual appeal, aesthetically pleasing proportions, and strong shadow patterns. A Spanish contemporary influence is desired throughout the Development Area. All design elements of the buildings shall be compatible (but not identical) in character, massing, and materials in order to promote a clean and contemporary style. The use of complementary materials and colors for the buildings plays a key role in developing a clean, contemporary visual environment. The orientation and screen loading doors, service docks, and equipment areas are designed so they are not easily visible from Live Oak Avenue, Arrow Highway, Live Oak Lane, and publicly accessible locations within the development. Screening may be accomplished with solid walls or fences that are compatible with the architectural expression of the building or by any effective combination of walls, fences, landscaping, and berms.

The Landscape Design Guidelines complement the existing setting of geographical climate, local soil conditions, ease of maintenance, and water conservation. The proposed plant palette includes colorful shrubs and groundcovers, ornamental grasses and succulents, evergreen and deciduous trees – including flowering varieties – that are commonly used throughout Southern California, and which complement the Specific Plan's design theme and setting. There are three (3) proposed project monuments (sign and water features) that will identify the Development Area. A monument sign fronting Live Oak Avenue across from Graham Avenue will provide identification on the south end of the Development Area. A second monument sign at the project entry on Live Oak Lane at the intersection with Arrow Highway will provide identification on the north end of the Development Area, and a fountain at Live Oak Lane and Live Oak Avenue will provide an attractive welcome as motorists and pedestrians enter the Development Area.

Streetscape landscaping within the Specific Plan plays a critical role in establishing a strong sense of place and character. In addition, streetscapes serve functional purposes,

including screening undesirable functional elements of a building site from public view. New parkways complete with evergreen and deciduous street trees, shrubs and groundcover provide create year-round interest and screening in addition to the perimeter walls and fences proposed. Outdoor lighting is an essential architectural component that provides aesthetic appeal, enhances safe pedestrian and vehicular circulation, and adds to security. Lighting must provide adequate illumination for the subject property, while also minimizing glare and spill-over onto public streets and adjacent properties. A Sign Program will be required to address all other wall, freestanding, and temporary signage.

Utility Infrastructure

Section 8 details the buildout requirements for the installation of water, sewer, storm water drainage dry utility infrastructure, and solid waste disposal as described below. All utility infrastructure improvements are required to be installed in accordance with applicable City's public service provider design standards and specifications.

- Water – Valley County Water District provides water infrastructure to service the Specific Plan area. Water and fire service would be provided with a new 12-inch main comprising private on-site loop system that connects to the existing water line in Live Oak Lane. All water service and connection to the distribution system shall be reviewed and approved by the Valley County Water District.
- Sanitary Sewer – The Specific Plan provides private sewer infrastructure for the interior of the Development Area. Locations and alignments of all sewer mains, laterals and connection points shall be subject to the approval of the City Engineer from the City of Irwindale Public Works Department.
- Storm Water Drainage – Prior to use of the Development Area property as a quarry, stormwater flowed across the site from the north and east to the southwest and would leave the site at its southwest corner and discharge to an existing unimproved drainage basin located on the western portion of the Specific Plan within an SCE easement area. Conceptual Storm Water Management Plan, the Specific Plan's storm water management system will mimic the property's historical drainage pattern. Storm water flows will be conveyed across the Development Area via a backbone storm drain network to a detention/infiltration basin, which will be constructed pursuant to the approved Low Impact Development (LID) and will replace the existing unimproved drainage basin. LID site design strategies and Best Management Practice (BMP) control measures promote the use of natural infiltration (where permitted), evaporation, and use of stormwater.
- Dry Utilities – The Development Area will connect to existing dry utilities (electric, gas, and communication systems) installed within Live Oak Avenue. All dry utilities internal to the Development Area will be installed underground in utility trenches. This would also include the required electric tie-line to a Point of Interconnection (POI) at the existing SCE Edison Rio Hondo Substation.
- Solid Waste Disposal – The City currently contracts with Athens Services to provide businesses with a full spectrum of solid waste disposal that includes routine trash removal, recyclable collection, organic waste collection, bulky item removal (upon request only), and hazardous waste removal. The development

shall provide trash enclosures to accommodate the size, type, and number of bins required for the uses on site.

Implementation

Section 9 establishes the implementation and review process required for development proposed within the Specific Plan Area. This section provides general administrative provisions; review and approval procedures; and implementation measures, including short-term and ongoing tasks. The provisions contained in the Specific Plan constitute the primary land use and development standards for the Development Area. While the entire Specific Plan constitutes the zoning for the Specific Plan area, Section 6, Development Standards, contains specific zoning regulations for the Development Area. Upon adoption of the Specific Plan by the City of Irwindale, all on- and off-site improvements shall be consistent with the development standards and design guidelines set forth in Sections 6, 7, and 8 of the Specific Plan.

ENVIRONMENTAL REVIEW

A Final Environmental Impact Report has been prepared to analyze environmental impacts, discuss feasible alternatives and recommend Mitigation Measures related to implementation of the proposed Irwindale Gateway Specific Plan. The California Environmental Quality Act (CEQA) requires that local government agencies consider the environmental consequences before taking action on projects over which they have discretionary approval authority. An Environmental Impact Report (EIR) analyzes potential environmental consequences to inform the public and support informed decisions by local and state governmental agency decision makers. An EIR is the most comprehensive form of environmental documentation under CEQA and its Guidelines; it is intended to provide an objective, factually supported analysis and full disclosure of the environmental consequences of a proposed project with the potential to result in significant, adverse environmental impacts. Certification of an EIR will enable the applicant/developer to pursue their development goals outlined in the Specific Plan that have been previously analyzed under and are within the project description and maximum buildout contemplated by the EIR.

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, analyzed the project and the Environmental Impact Report ("FEIR") State Clearinghouse (SCH# 2023020290) prepared by the City of Irwindale as the Lead Agency. The FEIR is posted on the City of Irwindale's website at <https://www.irwindaleca.gov/590/13620-Live-Oak-Lane---Irwindale-Gateway-> and available at the Community Development Department, Irwindale Public Library and City Clerk's Office.

For purposes of the environmental analysis, a maximum development capacity allowed by the Specific Plan and considered by the EIR consists of approximately 997,796 square feet of new development.

Based upon the aforementioned scenario, twenty (20) environmental study areas have been analyzed. Part of the analysis includes the preparation of four (4) project alternatives, offering a series of Mitigation Measures, and identifying two (2) significant and unavoidable environmental impact areas.

The FEIR analyzed the environmental impacts to the following study areas:

1. Aesthetics
2. Agricultural Resources*
3. Air Quality
4. Biological Resources*
5. Cultural Resources
6. Energy
7. Geology and Soils
8. Greenhouse Gas Emissions
9. Hazards and Hazardous Materials
10. Hydrology and Water Quality
11. Land Use and Planning
12. Mineral Resource
13. Noise
14. Population and Housing*
15. Public Services
16. Recreation*
17. Transportation
18. Tribal Cultural Resources
19. Utilities and Service Systems
20. Wildfire*

* Denotes categories that were not significantly affected by or did not affect the proposed project.

Of the twenty (20) environmental impact categories analyzed, it was determined that five (5) were not significantly affected by or did not affect the proposed project. Based on project scoping, it was determined that implementation of the project could potentially result in the significant impacts to the remaining fifteen (15) environmental factors.

This FEIR identifies two (2) significant and unavoidable adverse impacts, as defined by CEQA that would result from implementation of the proposed project. Unavoidable adverse impacts may be considered significant on a project-specific basis, cumulatively significant, and/or potentially significant. The City must prepare a "Statement of Overriding Considerations" before it can approve the project, attesting that the decision-making body has balanced the benefits of the proposed project against its unavoidable significant environmental effects and has determined that the benefits outweigh the adverse effects, and therefore the adverse effects are considered acceptable. The impacts that were found in the FEIR to be significant and unavoidable are related to:

- Air Quality
- Greenhouse Gas Emissions

Although the FEIR identifies certain significant environmental effects that will result if the project is implemented, all significant effects that can feasibly be avoided or mitigated will be by the imposition of Conditions and/or Mitigation Measures. Based on current State Law, unavoidable Greenhouse Gas Emissions impacts are common with many projects such as the proposed Irwindale Gateway Specific Plan.

The significant impacts of the Specific Plan that have not been reduced to a level of insignificance will have been substantially reduced in their impacts by the imposition of Mitigation Measures. Staff will be recommending that the Planning Commission recommend that the City Council find that the significant unavoidable adverse impacts of the Specific Plan are clearly outweighed by the economic, social and other benefits of the project, as set forth in the Statement of Facts and Findings and Statement of Overriding Considerations that will be provided to the City Council.

The following are the corresponding Mitigation Measures to address the significant and unavoidable impacts to Air Quality and Greenhouse Gas Emissions. A detailed summary of the environmental impacts, Mitigation Measures and levels of significance after mitigation can be found in Table 1-4 of the DEIR.

Air Quality (AQ)

Mitigation Measures GHG-1, GHG-3, GHG-4, GHG-7, T-1, T-2, AQ-1, AQ-2

Greenhouse Gas Emissions (GHG)

Mitigation Measures GHG-1, GHG-2, GHG-3, GHG-4, GHG-5, GHG-6, GHG-7

The following summarizes the FEIR alternatives, less than significant effects with mitigation and significant environmental effects.

Each EIR is required to consider alternatives to the proposed project that are capable of eliminating significant adverse environmental effects or reducing them to less than significant levels, even if these alternatives would impede, to some degree, the attainment of the proposed project objectives. The alternatives to the proposed project under consideration within this EIR consist of:

No Project Alternative/No Development – This alternative contemplates no development on the project site. The Nu-Way Live Oak Reclamation Operations Plan would be fully implemented under this alternative. The landfill reclamation plan was approved prior to release of the NOP for the project and is not a part of the project. Therefore, the site would be rough graded in accordance with the Operations Plan and any remaining structures would be removed. The site would then remain undeveloped.

Existing General Plan – This alternative contemplates the site developed consistent with the existing Regional Commercial land use designation. The RC land use designation encourages a mix of commercial, office professional, and light manufacturing uses along

several high-visibility traffic corridors. The site is zoned M-2 (Heavy Manufacturing) for which the zoning ordinance describes a variety of over 100 different allowed manufacturing-type uses. The RC designation defines a floor area ratio (FAR) of 2.0 to 1.0, and the current zone does not have a maximum building height. This alternative only includes one (1) option and assumes a floor area FAR of 2.0 for the manufacturing use on approximately 49 acres, resulting in approximately 4.3 million square feet along with the 10,000 SF of retail use.

Reduced Intensity Alternative – This alternative contemplates the same land uses as the project but assumes that the warehousing square footage is reduced sufficiently to eliminate the significant greenhouse gas emissions impact of the proposed project. It would accommodate up to 116,018 SF of warehousing plus 5,225 SF of office space (approximately 12 percent of the proposed project SF) and could be designed with a BESS use (which is assumed to be the same acreage as the proposed project) as a second option. The warehousing square footage for the BESS option is reduced the same proportion as the Option 1 reduction (12 percent of the warehousing SF for proposed project Option 2).

Truck Trailer Storage Alternative – This alternative contemplates a total of 2,062 tractor trailer parking stalls and a 40,726 SF building accommodating warehousing and office space. This alternative was considered for the entire site, and an Option 2 is not included.

CONCLUSION/RECOMMENDATION

The Irwindale Gateway Specific Plan is a positive project for the City of Irwindale. It provides the framework for coordinated and comprehensive business park development with industrial, commercial, and BESS uses over the next several years. It provides the City a development that offers jobs and industrial and commercial opportunities. It provides the developer a framework to develop the site and attract businesses to Irwindale, while promoting compatible design that is sustainable, attractive and connective to the surrounding community. The Specific Plan provides the developer certainty to invest and grow within boundaries and consistency in process and procedures.

Staff recommends that the Planning Commission adopt the attached Resolutions:

1. Resolution No. 834(24) recommending that the City Council adopt the Irwindale Gateway Specific Plan FEIR (SCH# 2023020290)
2. Resolution No. 835(24) recommending that the City Council approve General Plan Amendment No. 02-2022; and
3. Resolution No. 836(24) recommending that the City Council approve ZOA No. 02-2023 and Ordinance No. 787; and
4. Resolution No. 837(24) recommending that the City Council approve ZC No. 02-2022 and Ordinance No. 788; and
5. Resolution No. 838(24) recommending that the City Council approve TPM No. 83854

EXHIBITS:

- A. Irwindale Gateway Specific Plan (previously provided)
<https://www.irwindaleca.gov/DocumentCenter/View/9565>
- B. Irwindale Gateway Specific Plan DEIR (SCH# 2023020290) (previously provided)
<https://www.irwindaleca.gov/DocumentCenter/View/9077>
- C. Irwindale Gateway Specific Plan FEIR (SCH# 2023020290) (previously provided)
<https://www.irwindaleca.gov/DocumentCenter/View/9603>
- D. Resolution No. 834(24) for FEIR, MMRP, FOF/SOC (SCH# 2023020290)
- E. Resolution No. 835(24) General Plan Amendment No. 02-2022 (with map)
- F. Resolution No. 836(24) for Zone Ordinance Amendment No. 02-2023 and Ordinance No. 787
- G. Resolution No. 837(24) for Zoning Change No. 02-2022 and Ordinance No. 788 (with map)
- H. Resolution No. 838(24) for Tentative Parcel Map No. 83854
- I. Tentative Parcel Map No. 83854, Site Plan Alternatives (previously provided)
<https://www.irwindaleca.gov/DocumentCenter/View/9647/TPM-83854-10282024>
<https://www.irwindaleca.gov/DocumentCenter/View/9649/Option-1-Site-Plan>
<https://www.irwindaleca.gov/DocumentCenter/View/9650/Option-2-Site-Plan>
- J. Project Images (previously provided)
<https://www.irwindaleca.gov/DocumentCenter/View/9648/Planning-Commission-PresentationProject-Images---10212024>
- K. Fiscal Impact Report (12/30/2022)
<https://www.irwindaleca.gov/DocumentCenter/View/9651/Fiscal-Impact-Summary-Irwindale-Gateway-Project-12-30-22>

EXHIBIT “A”

IRWINDALE GATEWAY SPECIFIC PLAN

<https://www.irwindaleca.gov/DocumentCenter/View/9565>

EXHIBIT “B”

IRWINDALE GATEWAY SPECIFIC PLAN DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)

<https://www.irwindaleca.gov/DocumentCenter/View/9077>

EXHIBIT “C”

IRWINDALE GATEWAY SPECIFIC PLAN FINAL
ENVIRONMENTAL IMPACT REPORT (FEIR)

WITH APPENDICES

<https://www.irwindaleca.gov/DocumentCenter/View/9569>

IRWINDALE GATEWAY SPECIFIC PLAN FINAL
ENVIRONMENTAL IMPACT REPORT (FEIR)

WITHOUT APPENDICES

<https://www.irwindaleca.gov/DocumentCenter/View/9603>

EXHIBIT “D”**RESOLUTION NO. 834(24)**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL (1) CONSIDER AND CERTIFY THE ENVIRONMENTAL IMPACT REPORT, STATE CLEARING HOUSE (SCH# 2023020290); (2) ADOPT THE FINDINGS REQUIRED BY CEQA GUIDELINES, SECTION 15091; (3) ADOPT THE PROPOSED MITIGATION MONITORING AND REPORTING PROGRAM; AND (4) ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE IRWINDALE GATEWAY SPECIFIC PLAN

A. RECITALS.

- (i) Jeff Dritley, on behalf of KP Irwindale Owner, LLC 1875 Century Park East, Suite 380, Los Angeles, CA 90067, the Applicant, has made the following requests: 1) General Plan Amendment (GPA) No. 02-2022 to change the Land Use Designation from Regional Commercial to Irwindale Gateway Specific Plan; 2) Zone Ordinance Amendment (ZOA) No. 02-2023 to adopt the Irwindale Gateway Specific Plan; 3) Zone Change (ZC) No. 02-2022 to change the Zoning Map designation from M-2 (Heavy Manufacturing) to Irwindale Gateway Specific Plan; and Tentative Parcel Map (TPM) No. 83854 to subdivide the site into seven (7) parcels for property located at 13620 Live Oak Lane – APNs: 8532-002-046 and 8532-002-047; and
- (ii) The proposed Irwindale Gateway Specific Plan (SP), provides for the planned use and long-term development of the property over the next several years; and
- (iii) As a result, the following entitlements are being considered for approval for The Irwindale Gateway Specific Plan:
 - Environmental Impact Report (SCH #2023020290)
 - General Plan Amendment No. 02-2022
 - Zone Ordinance Amendment No. 02-2023
 - Zone Change No. 02-2022
 - Tentative Parcel Map No. 83854
- (iv) In compliance with Public Resources Code Section 21080.4, a Notice of Preparation (“NOP”) was released by the City for public comment on February 10, 2023 and concluded on March 11, 2023. Eleven (11) comments were received during the comment period. The NOP was distributed for public comment to the State Clearinghouse, Office of Planning and Research, responsible agencies, and other interested parties for a 30-day public review. During the 30-day comment period, a Public Scoping meeting was held on March 2, 2023 to gather information for the scope of the Draft EIR. The meeting was held in the Senior Center Dining

Room (16116 Arrow Highway) at 6:00 PM. The oral and written comments received during the meeting were addressed in the Draft EIR; and

- (v) Pursuant to the authority and criteria contained in CEQA, and the City of Irwindale environmental guidelines, the City of Irwindale, as the Lead Agency, has analyzed the project and has prepared an Environmental Impact Report (“EIR”) for the Specific Plan project. The Notice of Availability related to the EIR was released by the City for public comment on May 13, 2024 and concluded on June 27, 2024.
- (vi) Said comments were responded through a Comments and Responses section as part of the FEIR for the Specific Plan; and
- (vii) A copy of the EIR was circulated through the State Clearinghouse (SCH# 2023020290), posted on the City’s website, and was available at the Irwindale Public Library, City Clerk’s Office, and Community Development Department. A copy of the EIR and Mitigation Monitoring and Reporting Program (Exhibit C) was posted on the project’s dedicated website <https://www.irwindaleca.gov/590/13620-Live-Oak-Lane---Irwindale-Gateway->; and
- (viii) The public review period for the Draft EIR ended on June 27, 2024, and ten (10) comments were received during the comment period; and
- (ix) A Final Environmental Impact Report (“FEIR”), SCH# 2023020290 was prepared for the proposed project, including the Draft EIR, comments received on the Draft EIR and responses to those comments, and revisions and corrections to the Draft EIR made in response to comments received, and CEQA Findings of Fact (FOF) and a Statement of Overriding Considerations (SOC) (Exhibit B); and
- (x) The FEIR for the proposed Specific Plan provides an assessment of the environmental impacts, alternatives, and mitigation measures associated with the Specific Plan, and has been prepared in accordance with Public Resources Code Section 21000 *et seq.* (CEQA), and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq.* (CEQA Guidelines); and
- (xi) The Planning Commission of the City of Irwindale (Planning Commission) has considered the FEIR and its implementing actions (State Clearinghouse No. SCH# 2023020290) for the Specific Plan, which provides, among other provisions, for the planned use and long-term development of the industrial/commercial business park; and

- (xii) Notice of public hearing before the Planning Commission concerning its consideration of the FEIR was given in accordance with the laws, including CEQA, and policies of the City of Irwindale; and
- (xiii) On October 28, 2024, the Irwindale Planning Commission continued the hearing on this item to a date certain (November 26, 2024); and
- (xiv) The Special Planning Commission Meeting of November 26, 2024 was later rescheduled to November 14, 2024, and
- (xv) Revised notices of public hearing were published, posted, and mailed in accordance with the laws, including CEQA, Government Code and policies of the City of Irwindale; and
- (xvi) On November 14 ,2024, the Planning Commission conducted a duly noticed public hearing on the Irwindale Gateway Specific Plan and corresponding General Plan Amendment No. 02-2022, Zone Change No. 02-2022, Zone Ordinance Amendment No. 02-2023, and Tentative Parcel Map No. 83854 , and the FEIR for the Specific Plan (SCH# 2023020290) at which time, the Planning Commission opened the public hearing, took testimony on the Application, at which time they received input from staff, the Assistant City Attorney, and the Applicant, heard public testimony, discussed the Proposed Project; and closed the public hearing; and
- (xvii) All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION.

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION of the City of Irwindale, having reviewed and considered the information in the certified FEIR and supporting documents and materials, does hereby find, determine, resolve and order as follows:

1. PLANNING COMMISSION RECORD

The proceedings and all evidence introduced before the Planning Commission at its public hearing on the Final EIR held on November 14, 2024, are hereby incorporated into the record of this proceeding. 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.

2. FINAL ENVIRONMENTAL IMPACT REPORT CONTENTS

In accordance with CEQA Guidelines, Section 15132, the FEIR consists of the following:

- a. The Draft Environmental Impact Report (DEIR) or a revision of the Draft;
- b. Comments and recommendations received on the DEIR either verbatim or in summary;
- c. A list of persons, organizations, and public agencies comments on the DEIR;
- d. The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
- e. Any other information added by the Lead Agency.

(All hereafter collectively referred to as "FEIR")

3. ACCOMPANYING DOCUMENTS TO FEIR.

Documents that shall accompany the FEIR are:

- a. Mitigation Monitoring and Reporting Program; and
- b. Findings of Fact; and
- c. Statement of Overriding Considerations

4. PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL REGARDING CEQA FINDINGS OF FACT, MITIGATION MONITORING AND REPORTING PROGRAM AND STATEMENT OF OVERRIDING CONSIDERATIONS

- a. *Recommendation to Adopt Findings of Fact.* The Planning Commission hereby recommends to the City Council that it approve, accept as its own, incorporate as if set forth in full herein, and make each and every one of the findings contained in the Findings of Fact, attached as Exhibit "B" of this Resolution.
- b. *Recommendation to Certify Final Environmental Impact Report.* The Planning Commission hereby recommends to the City Council that it certify that (1) the FEIR has been completed in compliance with CEQA; (2) that it has reviewed and considered the information contained in the FEIR prior to approving the project; and (3) that the FEIR reflects the City Council's independent judgment and analysis. .
- c. *Recommendation on Mitigation Monitoring and Reporting Program.* As more fully identified and set forth in FEIR and in the Findings of Fact for this Project, which is Exhibit "B" to this Resolution, the Planning Commission hereby recommends to the City Council that it find that the mitigation measures described and specifically identified in the above referenced documents are feasible and shall become binding upon the entity (such as the project proponent or the City) assigned thereby to implement the particular mitigation measures as identified in the Mitigation Monitoring and Reporting Program.

- d. *Recommendation to Adopt Statement of Overriding Considerations.* Even after the adoption of all feasible mitigation measures and, certain significant or potentially significant environmental effects caused by the Project directly, or cumulatively, will remain. Therefore, the Planning Commission hereby recommends that the City Council issue and adopt a Statement of Overriding Considerations in the form set forth in the attached Exhibit "B" a copy of which is on file in the office of the City Clerk, identifying the specific economic, legal, social, technological and other considerations that render the unavoidable significant adverse environmental effects acceptable, either in its current form or as may be modified or amended by the City Council.

BE IT FURTHER RESOLVED THAT a copy of this resolution be transmitted to the City Council and to the Applicant.

The Secretary shall:

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

ADOPTED AND APPROVED this 14th day of November 2024.

Maricela Frymark, 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 a regular meeting of the Planning Commission of the City of Irwindale held on the 14th day of November 2024, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Marilyn Simpson, AICP, Secretary

Exhibits:

- A. Final Environmental Impact Report (SCH #2023020290)
- B. CEQA Findings of Fact which include: Impacts Determined to be Less Than Significant; Impacts Mitigated to Less Than Significant; Significant Unavoidable Adverse Impacts; Alternatives Considered and Rejected; and Statement of Overriding Considerations
- C. Mitigation Monitoring and Reporting Program

EXHIBIT “A”

**IRWINDALE GATEWAY SPECIFIC PLAN FINAL
ENVIRONMENTAL IMPACT REPORT (FEIR)
WITH APPENDICES**

<https://www.irwindaleca.gov/DocumentCenter/View/9569>

**IRWINDALE GATEWAY SPECIFIC PLAN FINAL
ENVIRONMENTAL IMPACT REPORT (FEIR)
WITHOUT APPENDICES**

<https://www.irwindaleca.gov/DocumentCenter/View/9603>

EXHIBIT “B”

**CEQA FINDINGS OF FACT (FOF)
STATEMENT OF OVERRIDING CONSIDERATIONS (SOC)**
<https://www.irwindaleca.gov/DocumentCenter/View/9604>

**CEQA FINDINGS OF FACT
AND STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING THE
FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE
IRWINDALE GATEWAY SPECIFIC PLAN
STATE CLEARINGHOUSE NO. 2023020290**

I. INTRODUCTION

The California Environmental Quality Act ("CEQA") requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report ("EIR") prior to approval of the project pursuant to Sections 15091 and 15093 of the CEQA Guidelines and Section 21081 of the Public Resources Code. The State CEQA Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
 - 3. 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 final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

Public Resources Code Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. (See *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*).)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 [“an alternative ‘may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record’”].) An alternative may also be rejected because it “would not ‘entirely fulfill’ [a] project objective.” *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314-315.) “[F]easibility” under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II, supra*, 52 Cal.3d at p. 576.)

When adopting Statements of Overriding Considerations, State CEQA Guidelines Section 15093 further provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) Where the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, independently reviewed, and considered the Draft Environmental Impact Report (“Draft EIR”) and the Final Environmental Impact Report (“Final EIR”) for the Irwindale Gateway Specific Plan Project, SCH No. 2023020290 (collectively, the “EIR”), as well as all other information in the record of proceedings on this matter, the following Findings of Facts (“Findings”) are hereby adopted by the City of Irwindale (“City”) in its capacity as the CEQA Lead Agency.

These Findings set forth the environmental basis for the discretionary actions to be undertaken by the City for adoption and implementation of the Irwindale Gateway Specific Plan (“proposed project” or “Specific Plan”). This action includes the certification of the following:

- Irwindale Gateway Specific Plan Environmental Impact Report, SCH No. 2023020290

A. DOCUMENT FORMAT

These Findings have been organized into the following sections:

- 1) **Section I** provides an introduction.
- 2) **Section II** provides a summary of the project, overview of the discretionary actions required for approval of the project, and a statement of the project’s objectives.

- 3) **Section III** provides a summary of previous environmental reviews related to the project area that took place prior to the environmental review done specifically for the project, and a summary of public participation in the environmental review for the project.
- 4) **Section IV** sets forth findings regarding the environmental impacts that were determined to be—as a result of the Notice of Preparation (NOP) and consideration of comments received during the NOP comment period—either not relevant to the project or clearly not at levels that were deemed significant for consideration given the nature and location of the proposed project.
- 5) **Section V** sets forth findings regarding significant or potentially significant environmental impacts identified in the Draft EIR that the City has determined are either not significant or can feasibly be mitigated to a less than significant level through the imposition of project design features and/or mitigation measures. In order to ensure compliance and implementation, all of these measures are included in the Mitigation Monitoring and Reporting Program (“MMRP”) for the project and adopted as conditions of the project by the Lead Agency. Where potentially significant impacts can be reduced to less than significant levels through adherence to project design features and/or mitigation measures, these findings specify how those impacts were reduced to an acceptable level. Section 5 also includes findings regarding those significant or potentially significant environmental impacts identified in the Draft EIR that will or may result from the project and which the City has determined cannot feasibly be mitigated to a less than significant level.
- 6) **Section VI** sets forth findings regarding alternatives to the proposed project.
- 7) **Section VII** sets forth the Statement of Overriding Considerations which discusses the economic, legal, social, technological, and other benefits of the proposed project and compares these to the project’s unavoidable environmental risks.

B. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the Proposed Project consists of the following documents and other evidence, at a minimum:

- The NOP and all other public notices issued by the City in conjunction with the proposed project
- The Draft EIR for the proposed project
- The Final EIR for the proposed project
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR

- All written and verbal public testimony presented during a noticed public hearing for the proposed project
- The Mitigation Monitoring and Reporting Program
- The reports and technical memoranda included or referenced in the Response to Comments
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft EIR and Final EIR
- The Resolutions adopted by the City of Irwindale in connection with the proposed project, and all documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto
- Matters of common knowledge to the City of Irwindale, including but not limited to federal, state, and local laws and regulations
- Any documents expressly cited in these Findings
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e)

The documents and other material that constitute the record of proceedings on which these findings are based are located at the City of Irwindale Community Development Department. The custodian for these documents is the City of Irwindale. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 California Code Regulations Section 15091(e).

C. CUSTODIAN AND LOCATION OF RECORDS

The documents and other materials that constitute the administrative record for the City's actions related to the project are at the City of Irwindale Community Development Department – Planning Division, 16102 Arrow Highway, Irwindale, CA 91706. The City's Community Development Department – Planning Division is the custodian of the administrative record for the project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the City of Irwindale Community Development office. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 California Code Regulations Section 15091(e).

II. PROJECT SUMMARY

The Irwindale Gateway Specific Plan (Specific Plan) outlines two (2) options for the development of the project site, both of which are outlined in the Specific Plan. Both options involve developing the project site as an industrial logistics and distribution center, however, Option 2 would develop a Battery Energy Storage System (BESS) on a portion of the site, discussed below. The impacts associated with these two options are discussed and analyzed separately throughout the Draft EIR.

Prior to implementation of the Specific Plan, a majority of the site will have undergone reclamation pursuant to the Nu-Way Live Oak Reclamation Operations Plan. The Operations Plan for site reclamation was approved by the Regional Water Quality Control Board in September 2022 and the rough grading plan for the reclamation was approved by the County of Los Angeles Department of Public Works in September 2022. These reclamation activities are currently underway and the rough graded site per the Operations Plan serves as the baseline for analysis in the Draft EIR.

The Specific Plan includes details, regulations, and conditions necessary for Specific Plans pursuant to California Government Code Section 65451, including:

- The distribution and location of housing, agriculture, and open space, together with regulations establishing height, bulk, and setback limits for such buildings and facilities, including the location of areas such as floodplains or excessively steep or unstable terrain.
- Standards for existing and proposed transportation, sewage, water, and drainage.
- Standards for the conservation, development, and utilization of natural resources, including the prevention, control, and correction of soil erosion caused by subdivision roads or any other sources, and the protection of watershed areas.

A. PROJECT LOCATION

The Specific Plan site is at 13620 Live Oak Lane in the central portion of the City of Irwindale in Los Angeles County. The project site is bordered by Interstate 605 (I-605) to the west, Live Oak Lane to the north and east, and Live Oak Avenue to the south. The Assessor's Parcel Numbers (APNs) for the project site are 8532-002-046 and 8532-002-047. There is also a 9.61-acre Southern California Edison (SCE) easement on the project site. The project site encompasses a former sand and gravel quarry, the NuWay Live Oak Inert Landfill (NuWay Landfill), and a former street-cleaning business.

The site does not include the industrial uses (APNs 8532-002-036, 8532-002-040, and 8532-002-043) that are between the northeast part of the project site and Live Oak Lane, nor does the site boundary include the parcel owned by the Valley County Water District (APN 8532-002-904) at the southeastern corner of the project site.

B. PROJECT DESCRIPTION

Option 1

Option 1 of the Specific Plan would include a 52.65-acre parcel developed as an industrial logistics and distribution center with three buildings and associated parking and loading docks. The remaining 13.99 acres of the site would be used for public rights-of-way and the SCE easement that runs from north to south along the western portion of the site. The three buildings would allow a maximum of 997,796 square feet of building space—954,796 square feet of warehouse space and 43,000 square feet of office space. Trailer, truck, and/or car parking would be included throughout the project site.

Option 2

Option 2 would include a 36.71-acre parcel developed as an industrial logistics and distribution center with two warehousing/office buildings and a 15.94-acre parcel for the 400-megawatt BESS (electric energy storage, transmission and AC/DC and voltage conversion). The two buildings would allow a maximum of 704,070 square feet—668,070 square feet of warehouse space and 36,000 square feet of office space. The preliminary design for the BESS has 353,000 square feet of battery arrays, within which battery enclosures, inverter enclosures, and medium voltage transformers would be arranged. The BESS would be served by an undergrounded electrical tie-line unless applicable agencies (Southern California Edison or California Independent System Operator (CALISO)) require an overhead line. If required, an overhead electric tie-line would consist of three 220-kilovolt conductor cables below an optical ground wire that serves dual purposes of grounding and fiber optic communications. An overhead line would be subject to a Zone Variance application per IMC Chapter 17.32.

C. DISCRETIONARY ACTIONS AND APPROVALS

Project development requires the following discretionary actions and approvals from the City:

- Certification of the Irwindale Gateway Specific Plan EIR
- Approval of City of Irwindale General Plan Amendment
- Approval of City of Irwindale Zone Change
- Approval of City of Irwindale Zone Ordinance Amendment (adopting the Irwindale Gateway Specific Plan)
- Approval of Tentative Parcel Map
- Certification of the Environmental Impact Report SCH No. 2023020290
- Adoption of Findings of Fact and Statement of Overriding Considerations

- Adoption of Mitigation Monitoring and Reporting Program

D. STATEMENT OF PROJECT OBJECTIVES

1. Create a comprehensive master plan for the re-use of a reclaimed sand and gravel quarry, including the development of a utility-scale battery energy storage system.
2. Provide state-of-the-art buildings that can accommodate various industrial and manufacturing uses, including warehouse distribution, logistics, and fulfillment centers with proximate access to Interstate 605 on- and off-ramps.
3. Ensure that infrastructure plans for water, sewer, and drainage are adequately designed for the Specific Plan.
4. Provide a circulation system that meets transportation requirements and minimizes potential adverse impacts on the surrounding area.
5. Provide guidelines and standards for architecture, landscaping, walls, fencing, lighting, and entry treatments that are compatible with the design and architecture of the surrounding uses.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION PROCESS

In conformance with CEQA and the State CEQA Guidelines, the City conducted an extensive environmental review of the Proposed Project.

- The City of Irwindale determined that an EIR would be required for the Proposed Project and issued a Notice of Preparation (“NOP”) on February 10, 2023. The NOP was sent to all responsible agencies, trustee agencies, and the Office of Planning Research and posted at the Los Angeles County Clerk-Recorder’s office and on the City’s website on February 10, 2023. The thirty (30)-day public review period extended from February 10, 2023, to March 11, 2023. However, because the scoping meeting was held relatively close to the end date of the comment period, the local comment period was extended to March 18, 2023, to give local individuals and organizations one additional week to submit comments.
- A scoping meeting was held during the NOP review period to solicit additional suggestions on the scope of the Draft EIR. The scoping meeting was held on Thursday March 2, 2023 at 6:00 PM at the Irwindale Community Center. The notice of the public scoping meeting was included in the NOP. Oral and written comments were received during the meeting.
 - The scope of the Draft EIR was determined based on the City’s comments received in response to the NOP. Section 2.3 of the DEIR describes the issues identified for analysis in the Draft EIR.

- The City of Irwindale prepared a Draft EIR, which was made available for a forty-five (45)-day public review period beginning Monday, May 13, 2024 and ending Thursday, June 27, 2024.
 - The complete Draft EIR consists of the analysis of the Specific Plan and all referenced appendices. The Notice of Availability (“NOA”) for the Draft EIR was sent to all interested persons, agencies, and organizations. The Notice of Completion (“NOC”) was sent to the State Clearinghouse in Sacramento for distribution to public agencies. The NOA was posted at the Los Angeles County Clerk-Recorder’s office and published in the San Gabriel Valley Tribune on May 13, 2024. Copies of the Draft EIR were made available for public review at the City of Irwindale City Hall, Irwindale Public Library, and Irwindale Community Development -- Planning Division. The Draft EIR was also made available for download via the City’s website: <https://www.irwindaleca.gov/590/13620-Live-Oak-Lane---Irwindale-Gateway>
- A special meeting of the City of Irwindale Planning Commission is scheduled for October 28, 2024, at 6:30 PM. The meeting will be held in the City of Irwindale Council Chambers, located at 5050 Irwindale Avenue, Irwindale, CA 91706, and online via Zoom.
- Section 15088(b) of Title 14 of the California Code of Regulations (State CEQA Guidelines requires lead agencies to provide written Responses to Comments to public agencies commenting on the Draft EIR at least 10 days prior to certifying the Final EIR. Seven comment letters were received from public agencies.

IV. ENVIRONMENTAL ISSUES THAT WERE DETERMINED NOT TO BE POTENTIALLY AFFECTED BY THE PROPOSED PROJECT

A. IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT DURING THE SCOPING PROCESS

Based on the public scoping process (including review of NOP responses), in addition to analysis prepared for the Draft EIR, the City determined, based upon the threshold criteria for significance, that none of the environmental topics were determined to have no impact or were found to be less than significant. As a result, all environmental topics were analyzed in Chapter 5 of the EIR.

B. IMPACTS DETERMINED AS “NO IMPACT” AND “LESS THAN SIGNIFICANT IMPACTS” IN THE EIR

This section identifies impacts of the proposed project determined to be less than significant without implementation of project-specific mitigation measures. This determination assumes compliance with existing regulations, as detailed in each respective topical section of Chapter 5 and Chapter 8, *Impacts Found Not to Be Significant*, in the Draft EIR.

- a) **Aesthetics.** Implementation of the proposed project under Option 1 or 2 would not obstruct existing views of the San Gabriel Mountains and Puente Hills from surrounding roadways that abut the project site due to the substantially higher elevation of the mountains when compared to the proposed buildings and BESS infrastructure. Additionally, implementation of the proposed Specific Plan would ensure that the proposed development does not conflict with aesthetic related zoning regulations. The Specific Plan also provides standards for lighting and glare to ensure that project development does not adversely affect surrounding receptors. Furthermore, there would be no impacts to scenic corridors or highways since none exist within the vicinity of the project site.
- b) **Agricultural and Forestry Resources.** Most of the project site is a former sand and gravel quarry and inert landfill and is currently undergoing remedial grading operations. As such, the project site does not contain any existing agricultural uses, land designated as important farmland by the California Department of Conservation, Williamson Act contracts, or forest/timberland resources. Therefore, development of the site under either Option 1 or 2 would have no impact on agricultural and forestry resources.
- c) **Air Quality.** The proposed project would not exceed the South Coast Air Quality Management District's (AQMD's) localized significance thresholds for construction and operational emissions under either Option 1 or Option 2. Additionally, the qualified health risk from construction and operational emissions would not exceed South Coast AQMD's cancer risk and chronic hazards thresholds for either Option 1 or Option 2. The potential health risk associated with a thermal runaway event

of lithium-ion battery systems from the BESS was also evaluated and was determined unlikely to result in substantial toxic air contaminant concentrations for sensitive receptors.

- d) **Biological Resources.** The project site is a former sand and gravel quarry and inert landfill. It has been highly disturbed over the last 65 years, with mining on the site commencing in 1957. A majority of the project site is currently undergoing remedial grading operations. The proposed project would not disturb any area that was not previously disturbed by reclamation activities, and the SCE easement would remain undeveloped under proposed conditions. Areas disturbed by reclamation activities have no habitat suitable for the two special species of concern that have been observed and recorded within a mile of the project site, the coast horned lizard or coastal whiptail. Additionally, while the project site is 0.34 miles southwest of the San Gabriel Canyon Significant Ecological Area which provides critical habitat for southwestern willow flycatcher, no suitable habitat for the species exists on the project site and no trees would be removed from the project site during implementation of the Specific Plan. Additionally, the project site does not contain sensitive natural communities or viable riparian habitat that is considered a protected wetland. Project development would take place within the boundaries of the project site and adjacent urban lands to the south including Live Oak Avenue and the Rio Hondo substation and would not impact the San Gabriel River or Santa Fe Flood Control Dam. The proposed project was concluded to have less than significant impacts to biological resources under both Options 1 and 2.
- e) **Cultural Resources.** The proposed project would have no impact on historic resources since no historic resources exist on the project site. Additionally, while grading activities under construction of the proposed project have the potential to unearth human remains, existing laws and regulations outline specific procedures in the event of these discoveries that ensure that impacts under both Option 1 and Option 2 are less than significant.
- f) **Energy.** The proposed project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation for Option 1 or Option 2. Energy use associated with construction would be temporary. Construction contractors would be required to minimize nonessential idling of construction equipment during construction in accordance with the California Code of Regulations, Title 13, Chapter 9, Article 4.8, Section 2449. Additionally, under Option 2, the proposed project would facilitate greater use of renewable energy sources, therefore decreasing reliance on fossil fuels. All land uses under the proposed project would also comply with the Building Energy Efficiency Standards and the California Green Building Code (CALGreen).

- g) Geology and Soils.** The project site is not located on or near any active surface faults or liquefaction hazard zones. While seismic activity in the project area could lead to ground-shaking, project buildings would comply with California Building Code (CBC) standards. Additionally, the grading to be conducted as part of the Operations Plan prior to implementation of the proposed project would ensure that uneven and unstable ground is filled and that the project site is flat. Erosion resulting from construction of the proposed project would be reduced with compliance with a Storm Water Pollution Prevention Plan (SWPPP) and Irwindale Municipal Code (IMC) and CBC standards. Subsequent geotechnical evaluation would identify engineering recommendations based on final project design, and mandatory compliance with the recommendations of the geotechnical evaluation would ensure impacts associated with other soil hazards including compressible soils, unstable soils, and subsidence would be less than significant for Options 1 and 2. Additionally, either version of the proposed project would not result in significant impacts to paleontological resources since the project site is covered by a thick layer of artificial fill. If the grading activities extend into the native alluvium, paleontological resources could be impacted by the project, though the likelihood is low.
- h) Greenhouse Gas Emissions.** Neither option of the proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, which include the California Air Resources Board 2022 Scoping Plan and the Southern California Association of Government's (SCAG's) Regional Transportation and Sustainable Communities Strategy (RTP/SCS). For example, the proposed project would comply with the Building Energy Efficiency Standards and CALGreen in addition to supporting GHG emissions reduction measures through the development of BESS under Option 2. Additional ways that the proposed project would support the scoping plan and the RTP/SCS are discussed on page 5.6-24 of the Draft EIR.
- i) Hazards and Hazardous Materials.** Both options of the proposed project would comply with all applicable regulations to ensure that the use, transport, and disposal of hazardous materials under the proposed project would not result in significant impacts. This includes specific fire safety requirements for BESS that are discussed in detail under Impact 5.7-1 of the Draft EIR. Additionally, all existing recognized environmental conditions at the project site would be remediated with impacts being reduced to less than significant under implementation of the Operations Plan. The proposed project would also result in less than significant impacts with respect to emergency service and evacuation access with plan review by the City's Building and Safety Department, along with the Los Angeles County Fire Department and Irwindale Police Department, to ensure adequate site access is maintained and that project driveways would not interfere with circulation on adjacent streets. The project site is not within proximity to an airport and no conditions under the proposed project would exacerbate fire risk.

- j) Hydrology and Water Quality.** Both options of the proposed project would be required to implement a Stormwater Pollution Prevention Plan and comply with the Municipal Code, the erosion control plan, and grading requirements throughout the construction phase of the development accommodated by the Specific Plan. These regulatory requirements would address anticipated pollutants of concern from construction activities. Pursuant to the State Construction General Permit, the MS4 Permit, the Statewide General Permit for Stormwater Discharges Associated with Industrial Activities, Chapter 8.28 of the City's Municipal Code, and requirements of Sections 404 and 401 of the CWA, the Specific Plan would be required to implement federal, State, and local water quality standards; construction phase BMPs; post-construction site design, treatment, and source control measures to help keep pollutants out of stormwater. Additionally, the proposed project would not interfere with groundwater recharge, since the proposed project would have sufficient water supply from the project's water provider Valley County Water District (VCWD). The preliminary hydrology report for the proposed project shows that the that the proposed basin for the project site regulates peak flows from the 50-Year 24-Hour storm event so that the post-development runoff does not exceed 1 cubic-foot-second/acre. The project site is not subject to flooding hazards.
- k) Land Use and Planning.** Neither option under the proposed project would physically divide an existing community. The proposed uses are generally consistent with the land use currently operating on adjacent properties and the project site does not provide access to established communities. An analysis of the project's consistency with relevant plans including the SCAG RTP/SCS, Irwindale General Plan, and Irwindale Zoning Code included in Table 5.9-1, *SCAG 2020-2045 RTP/SCS Goals Consistency Analysis*, and Table 5.9-2, *General Plan Consistency Analysis*, of the Draft EIR. The Specific Plan would be consistent with the applicable policies and goals of these plans.
- l) Mineral Resources.** The project site is in an area designated MRZ-2 and the Irwindale Production Area, however, the site is designated with land uses incompatible with mining in the San Gabriel P-C region and no active mining operations are present on the project site. Furthermore, there are no active mining operations on-site, and past mining operations depleted mineral resources at the project site. There would be no impacts to mineral resources under either option of the proposed project.
- m) Noise.** Construction associated with either option under the proposed project would generate noise-level increases from 0.2 to 0.3 dBA Leq at the nearest receiver locations which would not exceed the 5 dBA threshold for noise increases, consistent with the Irwindale Municipal Code. Additionally, operational noise levels would not exceed 5 dBA for either Option 1 or Option 2 at the nearest receptor locations. Similarly, traffic noise levels as a result of traffic added by the proposed project would not exceed the incremental noise level increase thresholds. Vibration

impacts from construction equipment would not result in damage to nearby receptors.

- n) **Population and Housing.** The proposed project would not result in any new housing in the City but is expected to add approximately 580 long-term new jobs under Option 1 and 475 long-term new jobs under Option 2. These jobs are expected to be filled by residents in the City and region. No direct population growth would occur. Additionally, no housing exists at the project site and therefore no residents or homes would be displaced by the proposed project.
- o) **Public Services.** The Los Angeles County Fire Department (LACFD) would provide fire service to the project site and anticipates that the proposed project would not have a significant impact on the service demands of the station that serves the proposed project. The BESS would be subject to LACFD review and would be required to comply with fire code requirements specific to energy storage systems. The Irwindale Police Department noted that the proposed project would not require expansion of police protection facilities. School and library services would not be impacted by the proposed project because the project would not generate population growth.
- p) **Recreation.** Recreational uses under the proposed project would not be impacted by the proposed project since the project does not involve uses that would generate population in the City.
- q) **Transportation.** Neither option under the proposed project would impact City circulation systems. A Traffic Impact Analysis was conducted for the proposed project and is included as Appendix L2 to the Draft EIR which concluded that signalization at the intersection of Live Oak Avenue and Live Oak Lane would be needed to address traffic impacts from both options of the proposed project. The proposed project would also provide pedestrian amenities and bicycle parking facilities both on the project site and within the surrounding right-of-way, supporting the City's implementation of its Active Transportation Plan. Additionally, the proposed project would not create roadway hazards or result in inadequate emergency access to the project site. The development would comply with fire and building codes, and circulation plans would be reviewed by the Planning Division and LACFD. Furthermore, consistent with the Specific Plan, prior to the issuance of building permits for development projects in the project site that involve a driveway connection point on Live Oak Avenue, the project applicant shall submit a driveway access study to the Irwindale Public Works Department for City review and approval.
- r) **Utilities and Service Systems.** As discussed in the analysis of Impact 5.15-1 and the Sewer Area Study for the proposed project, the existing wastewater infrastructure serving the project site would be able to accommodate the additional flows from development under the Specific Plan. Wastewater from the project site

would be treated at the San Jose Creek Water Reclamation Plant which has capacity to accommodate the wastewater from the proposed project. The total water demand for the project site is anticipated to be 101 acre-feet-year, accounting for water losses, which falls within the residual water supplies available to VCWD. Impacts to stormwater drainage would be less than significant with implementation of the on-site detention basin and the modular wetlands systems at the project site, as discussed further in Sections 5.8 *Hydrology and Water Quality*, and Section 5.15, *Utilities and Service Systems*, of the Draft EIR. Solid waste disposal under the proposed project would be required to comply with various federal, state, and local laws and regulations that govern solid waste disposal. Additionally, the two (2) landfills that would serve the proposed project would have capacity to serve the proposed project. While the Specific Plan would increase energy demand at the site compared to existing conditions, all development would be required to comply with the latest applicable Building Energy Efficiency Standards and CALGreen. The proposed project would represent negligible increases to the natural gas and electricity consumption of its service area.

- s) **Wildfire.** The project site is not in a high Fire Hazard Severity Zone (FHSZ) or very high FHSZ but is adjacent to a very high FHSZ. However, the project site is separated from this FHSZ area due to roadways which would act as fire breaks. The electrical infrastructure of the BESS would undergo maintenance to ensure that there is no fuel buildup that would exacerbate fire risk on- or off-site. The proposed project would therefore not exacerbate fire risk.

V. FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The following potentially significant environmental impacts were analyzed in the Draft EIR, and the effects of the project were considered. Because of environmental analysis of the project and the identification of relevant General Plan policies; compliance with existing laws, codes, and statutes; and the identification of feasible mitigation measures, some potentially significant impacts have been determined by the City to be reduced to a level of less than significant, and the City has found—in accordance with CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a) (1)—that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.” This is referred to herein as “**Finding 1.**”

Where the City has determined—pursuant to CEQA Section 21081(a)(2) and State CEQA Guidelines Section 15091(a)(2)—that “Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency,” the City’s finding is referred to herein as “**Finding 2.**”

Where, as a result of the environmental analysis of the project, the City has determined that either (1) even with the identification of project design features, compliance with existing laws, codes and statutes, and/or the identification of feasible mitigation measures, potentially significant impacts cannot be reduced to a level of less than significant, or (2) no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact, the City has found in accordance with CEQA Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3) that “Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.” This is referred to herein as “**Finding 3.**”

A. IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

The following summary describes impacts of the Proposed Project that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the EIR, these impacts would be considered less than significant.

1. Air Quality

Impact 5.2-4: The proposed project would result in other emissions that would adversely affect a substantial number of people. [Threshold AQ-4]

Construction

During construction activities, construction equipment exhaust and application of asphalt and architectural coatings would temporarily generate odors. Any construction-related odor emissions would be temporary and intermittent. Additionally, noxious odors would be

confined to the immediate vicinity of the construction equipment. By the time such emissions reached any sensitive receptor sites, they would be diluted to well below any level of air quality concern. Furthermore, short-term construction-related odors are expected to cease upon the drying or hardening of odor-producing materials. Therefore, impacts associated with construction-generated odors are considered less than significant for both Option 1 and Option 2 of the proposed project.

Operation

The type of facilities that are considered to have objectionable odors include wastewater treatment plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. The types of businesses accommodated under the proposed project could result in these types of uses: asphalt plants, automobile and truck repair garages, bakeries and confectionaries (manufacturing and wholesale), bottling plants, computer and electronic parts manufacturing, concrete manufacturing, distribution warehousing and e-commerce fulfillment centers for dry and frozen goods, machinery manufacturing, and product assembly. While these and other types of industrial land uses associated with the proposed project would be required to comply with South Coast AQMD Rule 402, additional measures may be necessary to prevent an odor nuisance. Therefore, certain types of industrial land uses that could be associated with either option of the proposed project may generate potentially significant odor impacts to a substantial number of people.

Mitigation Measure

AQ-2 Prior to future discretionary approval, if it is determined that a project has the potential to emit nuisance odors beyond the property line, an odor management plan shall be prepared by the project applicant, subject to review and approval by the City of Irwindale Community Development Department. Facilities 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 South Coast Air Quality Management District'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 potential 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. T-BACTs identified in the odor management plan shall be identified as mitigation measures in the environmental document and/or incorporated into the site plan.

Finding:

Finding 1 – The City hereby makes Finding 1. Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the EIR. These changes are identified in the form of the mitigation measure(s) above. The City of Irwindale hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted.

2. Cultural Resources

Impact 5.4-2: Development of the project could impact archaeological resources. [Threshold C-2]

The project site is a former sand and gravel quarry and inert landfill. The project site has been highly disturbed over the last approximately 65 years with mining on the site commencing in 1957. When mining operations ceased in approximately 1973, the depleted quarry pits extended to a maximum depth of approximately 120 feet below ground surface. The Nu-Way Live Oak Inert Landfill operated on the site from approximately 1996 to 2005. Under landfill operation, the former quarry was backfilled with inert materials to its capacity at street level. The site operations plan for reclamation describes the excavation, screening, and placement of approximately 8.3 million cubic yards of fill material. Under the operations plan, existing fill is being excavated to a maximum depth of 120 feet. Excavated materials will be screened for noncompliant materials, which will be segregated and disposed of.

The results of the California Historical Resources Information System records search indicated that there are no archeological resources on the project site or within a 0.25-mile radius. Additionally, the Native American Heritage Commission (NAHC) responded on April 21, 2023, with a negative Sacred Lands File search, indicating no record for the presence of Native American sacred land within the project site. Although the project site has a low potential for archaeological resources, previously unidentified subsurface (buried) resources could potentially be uncovered during ground-disturbing activity in areas that have not been excavated during the reclamation activities and for off-site improvements. If such archaeological resources are encountered during project construction, there could be an adverse change of an archaeological resource, resulting in a significant impact. These impacts would apply under both Option 1 and Option 2 of the proposed project. Mitigation Measures CUL-1 and CUL-2 would be implemented as part of the proposed project to mitigate this impact to less-than-significant.

Mitigation Measures:

The following mitigation measures reduce this impact to less than significant:

- CUL-1 Prior to the issuance of any permits allowing ground-disturbing activities, the project proponent/operator shall retain a Qualified Archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology (U.S. Department of the Interior, 2011), to carry out all mitigation measures related to archaeological resources. The contact information for this Qualified Archaeologist shall be provided to the City of Irwindale Community Development Department - Planning Division prior to the commencement of any construction activities on-site.
- CUL-2 In the event that unanticipated cultural resources are encountered during any phase of project construction, all construction work within 50 feet of the find shall cease, and the Qualified Archaeologist and designated Native American representative, as defined in Mitigation Measure TCR-2, shall assess the find for importance. Construction activities may continue in other areas. If the discovery is determined to not be significant by the Qualified Archaeologist and/or designated Native American representative, work will be permitted to continue in the area.

If a find is determined to be important by the Qualified Archaeologist and designated Native American representative, he or she shall immediately notify the City. The City shall consult on a finding of eligibility and implement appropriate treatment measures if the find is determined to be eligible for inclusion in the California Register of Historical Resources (CRHR). Work may not resume within the no-work radius until the lead agency, through consultation as appropriate, determines that the site either: (1) is not eligible for the CRHR; or (2) treatment measures have been completed to its satisfaction.

Finding:

Finding 1 – The City hereby makes Finding 1. Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the EIR. These changes are identified in the form of the mitigation measure(s) above. The City of Irwindale hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted.

3. Transportation

Impact 5.13-2: Development accommodated by the Specific Plan would conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). [Threshold T-2]

Both Options 1 and 2 of the Irwindale Gateway Specific Plan include proposed development of industrial warehousing, associated parking, and loading docks. The project site is currently a vacant lot that is used for a variety of industrial and commercial uses as well as stockpiled materials and debris. Option 1 includes the development of 954,796 square feet of warehouse space and 43,000 square feet of office space. A variety of general warehousing and manufacturing tenants could be accommodated in the three (3) buildings. Option 2 would include two (2) industrial buildings providing 668,070 square feet of warehouse space and 36,000 square feet of office space. Additionally, this option would include a 400-megawatt BESS on approximately 16 acres.

As shown in Table 5.13-1, *Project VMT Characteristics*, in the Draft EIR, the proposed project would result in 20.8 daily Vehicle Miles Traveled (VMT) per employee for both Options 1 and 2, which would exceed the City's threshold of 18.5 daily VMT per employee. Therefore, impacts would be potentially significant without mitigation for both Option 1 and Option 2.

However, as shown in Table 5.13-1, with the implementation of Mitigation Measures T-1 and T-2 the San Gabriel Valley Council of Governments Regional VMT Analysis Tool forecasts the project's VMT to be reduced to 18.4 daily VMT per employee using industry standards measures of effectiveness for VMT reduction measures within the geographic context of the project. The VMT per employee value is below the City's threshold. Therefore, impacts would be less than significant.

Mitigation Measure:

The following mitigation measures would reduce this impact to less than significant:

- T-1 The applicant shall coordinate with Foothill Transit and the City of Irwindale to install a bus stop at Live Oak Avenue and Live Oak Lane for the Foothill Transit Line 492. The design and installation of the bus stop shall be coordinated with Foothill Transit and shall be paid for by the project applicant. The bus stop shall be constructed prior to the issuance of a Certificate of Occupancy for the first development project on the project site.

- T-2 The applicant shall modify the public sidewalk and landscaping along the north side of the portion of Live Oak Avenue that abuts the project site to include accommodation of a Class IV trail consistent with the City of Irwindale Active Transportation Plan to create a portion of the connection to the San Gabriel River Trail. Prior to the issuance of grading plans, the applicant shall submit

the required improvement plans for the Class IV trail to the City of Irwindale's Public Works Department for review and approval.

Finding:

Finding 1 – The City hereby makes Finding 1. Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the EIR. These changes are identified in the form of the mitigation measure(s) above. The City of Irwindale hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted.

4. Tribal Cultural Resources

Impact 5.14-2: The proposed project would cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency to be significant pursuant to criteria in Public Resources Code section 5024.1(c). [Threshold TCR-1.ii]

The Sacred Lands File (SLF) search conducted by the Native American Heritage Commission (NAHC) did not indicate the presence of known Tribal Cultural Resources (TCRs) within or immediately adjacent to the project site. However, the Gabrieleño Band of Mission Indians–Kizh Nation indicated that the project area is of high importance to the tribe and that there is the potential for unknown and/or buried TCRs to be encountered during construction activities. Should such resources be determined by the lead agency to be significant, the proposed project could result in potentially significant impacts related to the substantial adverse change in the significance of TCRs. Mitigation Measures CUL-1, CUL-2, and TCR-1 through TCR-3 would be implemented as part of the proposed project to mitigate this impact to less than significant. This potential impact applies to both Option 1 and Option 2 and these mitigation measures would be implemented under either option of the proposed project.

Mitigation Measure:

In addition to the following mitigation measures, implementation of Mitigation Measure CUL-1 and CUL-2 would reduce impacts to less than significant.

TCR-1 The project applicant shall retain a Native American monitor from or approved by the Gabrieleño Band of Mission Indians–Kizh Nation. 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 on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). Ground-disturbing activity shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.

The monitor shall complete daily monitoring logs that will 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 will identify and describe any discovered tribal cultural resources, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc. (collectively, tribal cultural resources, or TCRs) as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the project applicant/lead agency upon written request to the Tribe.

On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.

TCR-2 Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh shall recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural, and/or historic purposes.

TCR-3 Native American human remains are defined in Public Resources Code 5097.98(d)(1) as an inhumation or cremation and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.

If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resources Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed. Human remains and grave/burial goods shall be treated alike per California Public Resources Code Sections 5097.98(d)(1) and (2). Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial

goods. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

Finding:

Finding 1 – The City hereby makes Finding 1. Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the EIR. These changes are identified in the form of the mitigation measure(s) above. The City of Irwindale hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted.

B. SIGNIFICANT AND UNAVOIDABLE SIGNIFICANT IMPACTS THAT CANNOT BE MITIGATED TO BELOW THE LEVEL OF SIGNIFICANCE

The following summary describes the unavoidable adverse impacts of the Proposed Project where either mitigation measures were found to be infeasible, or the mitigation measures are under the control of another lead agency. The following impacts would remain significant and unavoidable:

1. Air Quality

Impact 5.2-1: The proposed project would conflict with or obstruct implementation of the applicable air quality plan (the South Coast AQMD AQMP). [Threshold AQ-1]

Support for this environmental impact conclusion is fully discussed in Section 5.2, *Air Quality*, starting on page 5.2-27 of the Draft EIR.

Though the proposed project would result in an increase in employment, it would not cause the City to reach or exceed the number of jobs forecast by SCAG. And because the Air Quality Management Plan (AQMP) is based on the SCAG forecasts, the proposed project would not substantially conflict with the emissions inventory in the current 2022 AQMP.

Long-term emissions generated by the proposed project would produce criteria air pollutants that exceed the South Coast AQMD significance thresholds for VOC and NO_x during the proposed project Option 1 operations, and for NO_x only during Option 2 operations (see Impact 5.2-3). South Coast AQMD's significance thresholds identify whether a project has the potential to cumulatively contribute to the Southern California Air Basin's (SoCAB's) nonattainment designations. Implementation of the proposed project would result in an increase in the frequency or severity of existing air quality violations; cause or contribute to new violations; or delay timely attainment of the Ambient Air Quality Standards (AAQS). Therefore, overall, the proposed project (Options 1 and 2) would be considered inconsistent with the AQMP, and impacts would be potentially significant.

Mitigation Measures:

The following feasible measures are required to be implemented:

- AQ-1 The construction contractor shall specify in the construction bid that the construction contractor(s) shall only use interior and exterior paints with a low VOC (volatile organic compound) content with a maximum concentration of 0 grams per liter (g/L) for building architectural coating during construction and for future coating to reduce VOC emissions. All building and site plans shall note use of paints with a maximum VOC concentration of 0 g/L. Prior to construction, the construction contractor(s) shall ensure that all construction plans submitted to the City of Irwindale Building and Safety Department and the Community Development Department clearly show this requirement.

- GHG-2 Prior to issuance of an occupancy permit for a new tenant/business entity, the new tenant/business entity shall provide documentation to the City demonstrating the proposed project's buildings would consume 100 percent carbon-free electricity, when feasible and commercially available in accordance with Southern California Edison's approved programs in effect at the time the tenant/business entity seeks issuance of an occupancy permit. Measures to achieve 100 percent carbon-free electricity use for the proposed project's buildings may include, but are not limited to, plans for 100 percent renewable electricity.

- GHG-4 Prior to the issuance of a building permit, the Project Applicant shall provide documentation to the City demonstrating that the project buildings' electrical room is sufficiently sized to hold additional panels that may be needed to supply power for future installation of electric charging systems for electric trucks and power transport refrigeration units (TRUs). Conduit shall be installed from the electrical room to tractor-trailer parking spaces in logical locations on-site to facilitate future electric truck charging. Conduit shall be installed between the electrical room and the loading docks to facilitate the use of electric plug-in TRUs.

- GHG-7 Prior to issuance of an occupancy permit, a new tenant/business entity shall place legible, durable, weather-proof signs at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations. At a minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for drivers of diesel trucks to restrict idling to no more than five minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; and 3) telephone numbers of the building facilities manager and CARB to report violations. The City shall conduct a site inspection to ensure that the signs are in place.

- T-1 The applicant shall coordinate with Foothill Transit and the City of Irwindale to install a bus stop at Live Oak Avenue and Live Oak Lane for the Foothill Transit Line 492. The design and installation of the bus stop shall be coordinated with Foothill Transit and shall be paid for by the project applicant. The bus stop shall be constructed prior to the issuance of a Certificate of Occupancy for the first development project on the project site.
- T-2 The applicant shall modify the public sidewalk and landscaping along the north side of the portion of Live Oak Avenue that abuts the project site to include accommodation of a Class IV trail consistent with the City of Irwindale Active Transportation Plan to create a portion of the connection to the San Gabriel River Trail. Prior to the issuance of grading plans, the applicant shall submit the required improvement plans for the Class IV trail to the City of Irwindale's Public Works Department for review and approval.

Finding:

Finding 3 – The City hereby makes Finding 3. Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the EIR. These changes are identified in the form of the mitigation measure(s) above. The City of Irwindale hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted. The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment and residential opportunities, make infeasible the alternatives identified in the EIR(Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

Impact 5.2-2: Construction and operation associated with the proposed project under Option 1 and Option 2 would result in a cumulatively considerable net increase of criteria pollutants that exceed South Coast AQMD's threshold criteria. [Threshold AQ-2]

Support for this environmental impact conclusion is fully discussed in Section 5.2, *Air Quality*, and in particular, starting on page 5.2-28 of the Draft EIR.

Construction

Construction activities produce combustion emissions from various sources, such as on-site heavy-duty construction vehicles, vehicles hauling materials to and from the site, and motor vehicles transporting the construction crew. Construction of the proposed project would generate criteria air pollutants associated with construction equipment exhaust and fugitive dust from site preparation, rough grading, fine grading, utilities trenching, building construction, paving, architectural coating, and finishing and landscaping; off-site improvements; and sewer and storm drain construction. Option 2 would also include installation of the BESS facility on-site. Air pollutant emissions from construction activities on-site would vary daily as construction activity levels change. An estimate of maximum daily construction emissions for Option 1 and Option 2 of the proposed project are provided in Table 5.2-9, *Maximum Daily Regional Construction Emissions (Option 1)*, and Table 5.2-10, *Maximum Daily Regional Construction Emissions (Option 2)*, in the Draft EIR. The tables show the highest daily emissions that would be generated by the overlapping construction activities over the anticipated development period.

Option 1

As shown in Tables 5.2-9, the maximum daily emissions for NO_x, CO, SO₂, PM₁₀, and PM_{2.5} from construction-related activities would be less than their respective South Coast AQMD regional significance threshold values for Option 1. However, VOC emissions from construction activities overlapping with the proposed project's architectural coating phase would exceed the South Coast AQMD Regional construction threshold for Option 1.¹ Therefore, short-term air quality impacts from proposed project-related construction activities would exceed South Coast AQMD's threshold criteria for VOC, and impacts for Option 1 would be potentially significant.

Option 2

As shown in Tables 5.2-10, the maximum daily emissions for NO_x, VOC, CO, SO₂, PM₁₀, and PM_{2.5} from construction-related activities would all be less than their respective South Coast AQMD regional significance threshold values for Option 2. Therefore, short-term air quality impacts from proposed project-related construction activities under Option 2 would be less than significant.

Operation

As shown in Table 5.3-11, *Maximum Daily Regional Operation Emissions (Option 1)*, and Table 5.3-12, *Maximum Daily Regional Operation Emissions (Option 2)*, in the Draft EIR, project-related air pollutant emissions from daily operations would exceed the South Coast AQMD regional emissions thresholds for VOC and NO_x under Option 1 and NO_x under Option 2. The primary sources of long-term criteria air pollutant emissions would be project-generated passenger vehicle and truck trips as well as use of off-road equipment

¹ The maximum daily construction VOC emissions for Option 2 is estimated to be 74.69 lb/day, which is less than the South Coast AQMD threshold for VOC.

on-site such as yard trucks and forklifts. Option 2 would also include operation of the BESS on-site. However, it would not require natural gas use to operate and thus would not generate criteria air pollutant emissions. Emissions of VOC and NO_x that exceed the South Coast AQMD regional threshold would cumulatively contribute to the O₃ nonattainment designation of the SoCAB. Emissions of NO_x that exceed the South Coast AQMD regional significance thresholds would also cumulatively contribute to the particulate matter (PM₁₀ and PM_{2.5}) nonattainment designations of the SoCAB. Therefore, the project would result in a potentially significant impact because it would significantly contribute to the nonattainment designations of the SoCAB.

Mitigation Measure:

The following feasible mitigation measure is required to be implemented:

- AQ-1 The construction contractor shall specify in the construction bid that the construction contractor(s) shall only use interior and exterior paints with a low VOC (volatile organic compound) content with a maximum concentration of 0 grams per liter (g/L) for building architectural coating during construction and for future coating to reduce VOC emissions. All building and site plans shall note use of paints with a maximum VOC concentration of 0 g/L. Prior to construction, the construction contractor(s) shall ensure that all construction plans submitted to the City of Irwindale Building and Safety Department and the Community Development Department clearly show this requirement.

Finding:

Finding 3 – The City hereby makes Finding 3. Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the EIR. These changes are identified in the form of the mitigation measure(s) above. The City of Irwindale hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted. The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment and residential opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

2. Greenhouse Gas Emissions

Impact 5.6-1: The proposed project would generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment. [Threshold GHG-1]

Support for this environmental impact conclusion is fully discussed in Section 5.6, *Greenhouse Gas Emissions*, and in particular, starting on page 5.6-20 of the Draft EIR.

Operation of development accommodated by under Option 1 would generate up to 2,058 trips per day (non-passenger equivalent) consisting of 1,508 passenger vehicle trips and 550 heavy-heavy duty truck trips. Proposed project development under Option 2 would involve construction and operation of a BESS facility and 704,070 square feet of industrial space. Under Option 2, the proposed project would generate up to 418 truck trips and 1,093 passenger trips for a total of 1,511 trips per day. In addition, operation of the BESS under Option 2 would consume electricity to power its components and to charge its batteries, which would generate GHG emissions. However, as the BESS facility would store excess electricity from the grid for use at a later time, it would lower the need for electricity generated from nonrenewable sources, thereby resulting in a reduction in GHG generation from such sources. Furthermore, the BESS, along with the installation of other battery energy storage facilities, would contribute to CARB's goal for reaching 100 percent renewable energy production, thereby reducing GHG emissions from energy production.

The amount of energy derived from nonrenewable sources available on the electric grid that is used to charge the project's batteries is "too speculative for evaluation" (CEQA Guidelines, Section 15145). The same is true for any attempt to evaluate the amount of GHG emissions caused by the project's charging from nonrenewable sources available on the electric grid. Thus, any attempt to quantify indirect GHG emissions from the project would be too speculative to be of real value and thus is not required by CEQA.

Annual average construction emissions were amortized over 30 years and included in the emissions inventory to account for one-time GHG emissions from the construction phase of development accommodated by the proposed project. The proposed construction- and operation-related emissions of development accommodated by the proposed project are quantified and shown in Table 5.6-5, *Project-Related GHG Emissions (Option 1)*, and Table 5.6-6, *Project-Related GHG Emissions (Option 2)*, in the Draft EIR. As demonstrated in the tables, development and operation associated with the proposed project's annual emissions would exceed the South Coast AQMD bright-line threshold of 3,000 metric tons of carbon dioxide equivalent (MTCO₂e) per year. Therefore, GHG emissions generated by the project would be considered to cumulatively contribute to statewide GHG emissions, and impacts are potentially significant.

Mitigation Measures

The following feasible mitigation measures are required to be implemented:

- GHG-1 Prior to the issuance of building permits, the Project Applicant shall provide documentation to the City demonstrating that the project shall install measures listed below. Implementation of these measures shall be verified by the City prior to the issuance of final certificate of occupancy.
- All-electric energy systems.
 - Enhanced window insulation (0.4 U-factor, 0.32 SHGC).
 - Duct insulation (R-6).
 - High efficiency HVAC (EER 15/80 percent AFUE or 8 HSPF).
 - Weather-based irrigation control systems combined with drip irrigation.
 - Low flow toilets, urinals, and bathroom faucets to reduce water usage.
- GHG-2 Prior to issuance of an Occupancy Permit for a new tenant/business entity, the new tenant/business entity shall provide documentation to the City demonstrating the proposed project's buildings would consume 100 percent carbon-free electricity, when feasible and commercially available in accordance with Southern California Edison's approved programs in effect at the time the tenant/business entity seeks issuance of an occupancy permit. Measures to achieve 100 percent carbon-free electricity use for the proposed project's buildings may include, but are not limited to, plans for 100 percent renewable electricity.
- GHG-3 Prior to issuance of an Occupancy Permit for a new tenant/business entity, the project developer/facility owner and tenant/business entity shall provide to the City of Irwindale Community Development Department a signed document (verification document) noting that the project development/facility owner has disclosed to the tenant/business entity the requirement to implement the following measures:
- A solar photovoltaic (PV) system associated with proposed project buildings. The PV system shall be designed to comply with Section 140.10, *Prescriptive Requirements for Photovoltaic and Battery Storage Systems*, of the 2022 Building Energy Efficiency Standards. For purposes of this mitigation measure, battery storage modules are not considered buildings.
 - High-efficiency lights (>50 percent of fixtures) to reduce energy usage.
 - All major end-user appliances (e.g., dishwashers and refrigerators) installed are Energy Star certified or of equivalent energy efficiency where applicable.
 - All landscape equipment (e.g., leaf blower) used for property management shall be electric powered only. The property manager/facility owner shall provide documentation (e.g., purchase, rental, and/or services agreement)

to the Planning Department to verify, to the City's satisfaction, that all landscaping equipment utilized will be electric powered, as allowed.

- Truck check-in points shall be inside the project site to ensure no trucks are queuing on local roadway(s).
- All on-site outdoor cargo-handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts, generators, pumps, and other on-site equipment) shall be electric or non-diesel fueled. All on-site indoor forklifts shall be powered by electricity.
- All truck/dock bays that serve cold storage facilities within the proposed buildings shall be electrified to facilitate plug-in capabilities and support use of electric standby and/or hybrid electric transport refrigeration units.
- Prior to the issuance of a building permit, the site plan shall include the minimum number of automobile electric vehicle charging stations in accordance with the requirements of the Tier 2 Nonresidential Voluntary Measures of CALGreen Section A5.106.5.3, Electric vehicle (EV) charging, required by the California Code of Regulations Title 24.

In addition, the project developer/facility owner has provided the following:

- Occupants/tenants shall be provided documentation on the United States Environmental Protection Agency's SmartWay program.
- Occupants/tenants shall be provided documentation on funding opportunities, such as the Carl Moyer Program, that provide incentives for using cleaner-than—required engines and equipment.

This verification document shall be signed by authorized agents for the project developer/facility owner and tenant/business entities. In addition, if applicable, the tenant/business entity shall provide documentation (e.g., purchase or rental agreement) to the City of Irwindale Community Development Department to verify, to the City's satisfaction, compliance with these measures.

GHG-4 Prior to the issuance of a building permit, the Project Applicant shall provide documentation to the City demonstrating that the project buildings' electrical room is sufficiently sized to hold additional panels that may be needed to supply power for future installation of electric charging systems for electric trucks and power transport refrigeration units (TRUs). Conduit shall be installed from the electrical room to tractor-trailer parking spaces in logical locations on-site to facilitate future electric truck charging. Conduit shall be installed between the electrical room and the loading docks to facilitate the use of electric plug-in TRUs.

GHG-5 In accordance with the City of Irwindale's Municipal Code Chapter 17.66, *Trip Reduction and Travel Demand Measures*, shall make provision for each of the

TDM measures outlined in Subsection 17.66.030(B), *Development Standards* and shall comply with the *Monitoring* requirements in Section 17.66040. The project applicant shall demonstrate compliance with each measure in a written report submitted to the city prior to the issuance of a building permit and show compliance prior to the issuance of Certificate of Occupancy. The Transportation Demand Management (TDM) Program shall include detailed strategies for reducing the use of single occupant vehicles by employees by increasing carpool/vanpool participation and transit use. Additionally, the TDM program may provide for alternative work or compressed work schedules to reduce the number of days an employee commutes to work.

- GHG-6 Prior to the issuance of a building permit, the site plan shall include surface parking lots to provide parking for low-emitting, fuel-efficient, and carpool/van vehicles associated with trips to the proposed project's buildings. At minimum, the number of preferential parking spaces shall equal to the Tier 2 Nonresidential Voluntary Measures of CALGreen Section A5.106.5.1.2. In addition, the site plan shall also include automobile electric vehicle charging stations equal to the Tier 2 Nonresidential Voluntary Measures of CALGreen.
- GHG-7 Prior to issuance of an occupancy permit, a new tenant/business entity shall place legible, durable, weather-proof signs at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations. At a minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for drivers of diesel trucks to restrict idling to no more than five minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; and 3) directional text on the sign shall read "To Truck Route" with a directional arrow, and 4) telephone numbers of the building facilities manager and CARB to report violations. The City shall conduct a site inspection to ensure that the signs are in place.

Finding:

Finding 3 – The City hereby makes Finding 3. Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the EIR. These changes are identified in the form of the mitigation measure(s) above. The City of Irwindale hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted. The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment and residential opportunities, make infeasible the alternatives identified in the EIR, as discussed in Section D of these Findings (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)). As described in the

Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

VI. FINDINGS REGARDING ALTERNATIVES

CEQA requires that an EIR include a discussion of reasonable project alternatives that would “feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any significant effects of the project, and evaluate the comparative merits of the alternatives” (CEQA Guidelines § 15126.6[a]).

A. ALTERNATIVES CONSIDERED AND REJECTED DURING THE SCOPING/PROJECT PLANNING PROCESS

The following is a discussion of the alternatives considered during the scoping and planning process and the reasons why they were not selected for detailed analysis in the EIR.

1. Alternative Development Area

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR (CEQA Guidelines Section 15126.6[f][2][A]). Key factors in evaluating the feasibility of potential off-site locations for EIR project alternatives include:

- If it is in the same jurisdiction.
- Whether development as proposed would require a General Plan Amendment.
- Whether the project applicant could reasonably acquire, control, or otherwise have access to the alternative site (or the site is already owned by the proponent). (CEQA Guidelines Section 15126.6[f][1])

As shown in Figure 4-3, *City of Irwindale Cumulative Projects within Two Miles of the Proposed Project*, and Figure 4-4, *Cumulative Projects within Two Miles of the Proposed Project in Surrounding Jurisdictions*, and detailed in corresponding Tables 4-1 and 4-2, in the Draft EIR, the project area is characterized by high development activity. Four (4) of the five (5) approved or pending projects within the City of Irwindale are, as with the proposed project, industrial warehousing developments. Limited opportunities for new projects remain in the City, and the applicant does not own or have options on other properties within the City of Irwindale area or surrounding area.

Moreover, the proposed project site's location is key to the applicant's project objectives. Key to their proposal is the proximate access to the Interstate 605 (I-605) and on- and off-ramps. A critical site component for Option 2 that includes the BESS facility is the site's adjacency to an existing substation.

For these reasons, an alternate project site was not evaluated as a feasible project alternative.

2. Alternative Land Use

The following alternative land uses for the project site were reviewed for their potential to reduce or eliminate the significant impacts associated with the project as proposed while attaining most of the project's basic objectives:

- **Retail.** A market analysis was conducted by The Concord Group (TCG) for potential retail and hotel use of the project site (Concord Group 2022). This report is included as Appendix N of the Draft EIR. The analysis was conducted in light of the City embarking on a General Plan update and with an objective to determine the viability of site development in accordance with the site's Regional Commercial designation. TCG arrived at the following high-level conclusions regarding the market potential of the property:
 - Large-scale, anchored format retail (regional mall, big box center, neighborhood center) is neither market nor financially feasible, due to the following factors:
 - Poor retail conditions nationally, characterized by oversupply, declining availability of anchor tenants, department store revenue decline and growth of e-commerce (see Appendix N, Exhibit II-1, of the Draft EIR).
 - Inferior visibility compared to existing stock which favors locations off I-10 and I-210, with traffic counts that are 35 percent to 50 percent higher than that along the I-605 near the project site (see Appendix N, Exhibit II-2A, of the Draft EIR).
 - The demographic character locally and associated median incomes and home values are inferior to other established retail locations in the greater market area (see Appendix N, Exhibit II-4, of the Draft EIR).
 - Two major malls are located within five-miles of the project site, while nearly all major big box anchors have a presence within a three-mile radius (Appendix N, Exhibit II-5C and II-5D, of the Draft EIR).
 - The neighborhood location and market area retail dynamics could support the development of smaller format, convenience retail centers servicing the local workforce and drive-by traffic along I-605.
 - The immediate surrounding land uses are problematic for attracting large-scale retail tenants to this location. Large-scale asphalt operators and overhead powerlines are not attractive for potential retail and hotel users.

This alternative was, therefore, rejected for further analysis.

- **Hotel.** Based on The Concord Group report, the location of the project site, adjacent to the I-605, is not a desired location for hotels. The market opportunity of a hotel development targeting leisure or business travel is weak in the current climate of the San Gabriel Valley. Market conditions have not recovered from the COVID-19 downturn as occupancy and average daily rates are still well below 2019 levels. The

site is not suited for leisure travel, and the surrounding land uses do not support development for business travel hotels as they are all located along the employment corridors of the I-10 and I-210. The immediate surrounding land uses are problematic for attracting hotel and large-scale retail tenants to this location. Large-scale asphalt operators and overhead powerlines are not attractive for potential retail and hotel users. There is also an oversupply of hotels within a 5-mile radius, with three (3) hotels totaling 389 rooms either completed or under construction in Monrovia and Duarte since the 2022 Concord Report. For these reasons, a hotel use was not evaluated further as a viable project alternative.

- **Office.** An all-office space alternative would not be economically viable. According to a recent report regarding the economic viability of office real estate by CBRE Group, Inc., office vacancy rates continue to rise in the Greater Los Angeles area due to companies adopting hybrid-flexible work from home schedules for their employees, low asking-lease rates, and businesses downsizing. Additionally, the Greater Los Angeles office market has posted a negative net absorption for five quarters straight (-3,272,532 square feet), meaning there is a surplus of office space in the Greater Los Angeles area, which means investing in the development of excess office space would not be economically viable. This alternative was, therefore, rejected for further analysis.

B. ALTERNATIVES SELECTED FOR FURTHER ANALYSIS

The following alternatives were determined to represent a reasonable range of alternatives with the potential to feasibly attain most of the basic objectives of the Proposed Project but avoid or substantially lessen any of the significant effects of the project. Table 7-6, *Summary of Proposed Project and Alternatives Impacts*, of the Draft EIR, identifies how each of the alternatives selected for further analysis compare to the Proposed Project. Table 7-7, *Ability of Each Alternative to Meet the Project Objectives*, of the Draft EIR, provides a summary of the ability of the alternatives to achieve the project objectives.

1. No Project/No Development Alternative

As with the proposed project, under this alternative, implementation of the Nu-Way Live Oak Reclamation Operations Plan would be fully implemented. The landfill reclamation is not part of the proposed project. As such the site would be rough graded in accordance with the Operations Plan and any remaining structures would be removed. Existing structures located in the northwest corner of the project site, however, are not within the grading plan approved for the Operations Plan (see Figure 3-5, *Rough Grading Plan and Remedial Grading Over-Excavation*, in the Draft EIR). Under the No Project/No Development plan, these structures would remain. The balance of the site would remain undeveloped and rough graded.

This alternative would result in similar impacts to 5 impact categories, reduce or eliminate impacts to 12 environmental impacts, and increase impacts to 3 categories. Impacts would

be similar for agricultural, biological, and mineral resources; population and housing; and recreation. This alternative would reduce impacts for air quality, cultural resources, energy, geology and soils, greenhouse gases, hazards, land use and planning, noise, public services, tribal cultural resources, utilities, and wildfire. The significant, unavoidable project-related impacts would be eliminated under the No Project alternative. Because the beneficial improvements under the proposed project for aesthetic, hydrology, and transportation would not occur under this alternative, the impacts to these categories would be considered greater than the proposed project. Overall, impacts under this alternative would be decreased in comparison to the proposed project.

The No Project alternative would meet none of the proposed project's objectives.

Finding:

This alternative is rejected because it would not meet any of the objectives of the proposed project and would therefore result in none of the benefits of the proposed project including the economic benefits to the City from developing a new warehouse distribution, logistics, and fulfillment center. This alternative would also increase impacts to aesthetics, hydrology and water quality, and transportation since no site improvements would be implemented. As a result, specific economic, legal, social, technological, or other considerations, including provision of employment and residential opportunities, make infeasible this project alternative for the reasons identified in the EIR. Since the site would remain vacant, the site would not provide employment or residential opportunities and would not provide revenues to support infrastructure improvements.

2. Existing General Plan Alternative

Under this alternative, the site would be developed consistent with the existing land use designation, Regional Commercial (RC). The RC land use designation encourages a mix of commercial, office professional, and light manufacturing uses along a number of high-visibility traffic corridors. Given that commercial retail and office uses have been determined not to be economically viable for this site, this alternative has been defined to focus on light manufacturing with very minimal retail square footage. The site is zoned M-2 (Heavy Manufacturing) for which the zoning ordinance describes a variety of over 100 different allowed manufacturing-type uses. The RC designation defines a floor area ratio of 2.0 to 1.0. The current zone does not have a maximum building height. The market analysis for the project site concludes that the site could support the development of smaller format, convenience retail centers serving the local workforce and drive-by traffic along I-605. Specifically, this alternative includes a total of 10,000 square feet to support a fast-food restaurant, gas station, and convenience mart, as described in the TCG report. Since a new Specific Plan use would require a General Plan Amendment, this alternative only includes one option and assumes a Floor Area Ratio (FAR) of 2.0 for the manufacturing use on approximately 49 acres resulting in (approximately 4.3 million square feet [SF] along with the 10,000 SF of retail use.

This alternative would only reduce impacts to one category in comparison to the proposed project: land use and planning. This is because the project would be consistent with the existing General Plan land use designation and would not require a General Plan amendment. This alternative would result in similar impacts to ten (10) impact categories and increased impacts to nine (9) categories. Impacts would be similar for agricultural, biological, and cultural resources; hazards; hydrology; minerals; recreation; transportation; tribal cultural resources; and wildfire. This alternative would increase impacts to aesthetics, air quality, energy, geology, greenhouse gases, noise, population and housing, public services, and utilities. As with the proposed project, impacts to air quality and greenhouse gas emissions would remain significant and unavoidable. Overall, impacts under this alternative would be increased in comparison to the proposed project.

The Existing General Plan alternative would achieve two (2) of the project objectives. It is assumed that with compliance of existing regulations and City and other agency requirements and permitting reviews, that this alternative would ensure adequately designed infrastructure and circulation systems (Objectives Nos. 3 and 4). Although this alternative could provide state-of-the-art buildings that accommodate various industrial and manufacturing uses, the existing General Plan would not allow warehousing distribution and logistics uses at this project site (Objective No. 2). Similarly, it would not permit a battery energy storage system as stipulated in Objective No. 1. And finally, although this alternative would comply with existing City land use, zoning and design guidelines, it would not provide project-specific detailed guidelines and standards for architecture, landscaping, walls, fencing, lighting, and entry treatments that are required in a specific plan (Objective No. 5).

Finding:

This alternative is rejected because it would not reduce impacts when compared to the proposed project with the exception of land use and planning since no General Plan Amendment and rezone would be required. Additionally, it would only meet two project objectives. Therefore, this alternative would not result in most of the benefits of the proposed project including the development of a warehousing and logistics center and/or a BESS and detailed design guidelines and development standards. As a result, specific economic, legal, social, technological, or other considerations, including provision of employment and residential opportunities, make infeasible this project alternative for the reasons identified in the EIR.

3. Reduced Intensity Alternative

This alternative includes the same land uses as the proposed project but assumes that the warehousing square footage is reduced sufficiently to eliminate the significant greenhouse gas emissions impact of the proposed project. It would accommodate up to 116,018 SF of warehousing plus 5,225 SF of office space (approximately 12 percent of the proposed project SF) and could be designed with a BESS use (which is assumed to be the same acreage as the proposed project) as a second option. The warehousing

square footage for the BESS option is reduced the same proportion as the Option 1 reduction (12 percent of the warehousing SF for proposed project Option 2).

This alternative would reduce impacts to nine (9) environmental impacts, result in similar impacts to nine (9) categories, and increase two (2) impacts. It would reduce impacts to air quality, cultural resources, greenhouse gas emissions, hazards, noise, public services, tribal cultural resources, and utilities. This alternative would eliminate the significant, unavoidable impact to greenhouses gases. Impacts would be similar for agricultural resources, biological resources, geology, hydrology, minerals, population and housing, recreation, transportation, and wildfire. Impacts to aesthetics and land use and planning would be greater than the proposed project. As with the proposed project, impacts to air quality would remain significant and unavoidable. Overall, impacts under this alternative would be reduced in comparison to the proposed project.

The Reduced Intensity alternative would represent a similar project as the proposed project, but with a substantial reduction in building square footage. It would offer an Option 1 scenario as well as an Option 2 scenario that could accommodate a battery energy storage system (BESS) identical to the proposed project's BESS (Objectives Nos. 1 and 2). The land uses (both warehousing and the BESS) would require a General Plan amendment, and it is assumed that a Specific Plan would be prepared. Along with City and service providers' requirements and review, the Specific Plan would ensure that infrastructure plans (water, sewer, and drainage) are adequately designed (Objective No. 3). Similarly, the Specific Plan and City/agency reviews would ensure that circulation improvements minimize potential adverse impacts in the project area (Objective No. 4). Finally, a Specific Plan would provide detailed guidelines and standards for architecture, landscaping, walls, fencing, lighting, and entry treatments that are required in a Specific Plan (Objective No. 5). Although the Reduced Intensity Alternative has the potential to meet each of the project objectives, the success of achieving these objectives would be dependent upon the economic viability of the land uses defined. There is no certainty that the limited use required to avoid a significant greenhouse gas impact would be sufficient to finance the required infrastructure and amenities outlined in a Specific Plan. Moreover, with such a limited warehousing use within the large site (52 acres under Option 1 and 37 acres under Option 2), much of the site would be vacant.

Finding:

This alternative is rejected because it would not avoid significant impacts to air quality and would increase impacts to aesthetics and land use and planning. While this alternative would meet the objectives of the proposed project, a large portion of the project site would remain vacant and the limited scale of the development could decrease the economic viability of this alternative to the extent that the improvements defined in the Specific Plan would no longer be feasible to finance. As a result, specific economic, legal, social, technological, or other considerations, including provision of higher-paying employment opportunities, make infeasible this project alternative for the reasons identified in the EIR.

4. Truck Trailer Storage Alternative

This alternative was previously considered by the project applicant. A conceptual site plan is shown as Figure 7-1, *Truck Trailer Parking Project Alternative*, in the Draft EIR. The plan included a total of 2,062 tractor trailer parking stalls and a 40,726 SF building accommodating warehousing and office space. This alternative was considered for the entire site, and an Option 2 has not been evaluated.

This alternative would reduce impacts to seven (7) environmental impacts, have similar impacts to eleven (11) categories, and increase two (2) impacts in comparison to the proposed project. It would reduce impacts to air quality, energy, geology, greenhouse gas emissions, hazards, public services, and utilities. Impacts would be similar for agricultural, biological and cultural resources; hydrology, mineral resources, noise, population and housing, recreation, transportation, tribal cultural resources, and wildfire. It would increase impacts to aesthetics and land use and planning. As with the proposed project, impacts to air quality and greenhouse gas emissions would remain significant and unavoidable. Overall, impacts under this alternative would be reduced in comparison to the proposed project.

The Truck Trailer Storage alternative would substantially reduce the overall building square footage, but would develop most of the site, much like the proposed project. This alternative would only meet two (2) out of the five (5) project objectives. Specifically, this alternative would only meet Objective Nos. 3 and 4. It would ensure that infrastructure plans for water, sewer, and drainage are adequately designed for the project area and would provide a circulation system that meets transportation requirements and minimizes potential adverse impacts. Since it is unlikely that a Specific Plan would be prepared for this use, it would not provide guidelines and standards for architecture, landscaping, walls, fencing, lighting, and entry treatments that are compatible with the design and architecture of the surrounding uses (Objective No. 5). A comprehensive master plan for the re-use of a reclaimed sand and gravel quarry including the development of a utility scale battery energy storage would not be a part of this alternative (Objective No. 1). Lastly, as the warehousing square footage is limited to one 40,726 SF building (which includes 4,000 SF office), it would not provide state-of-the-art buildings that can accommodate various industrial and manufacturing uses, including warehouse distribution, logistics, and fulfillment centers with proximate access to Interstate 605 on- and off-ramps (Objective No. 2).

Finding:

This alternative is rejected because it would not reduce significant and unavoidable impacts to air quality and greenhouse gases and would increase impacts to aesthetics and land use and planning. Furthermore, this alternative would only meet two (2) out of the five (5) project objectives, therefore lacking a Specific Plan with guidelines and standards to develop the site, an option for BESS development, and the development of state-of-the-art buildings for industrial and manufacturing uses. As a result, specific

economic, legal, social, technological, or other considerations, including provision of employment opportunities, make infeasible this project alternative for the reasons identified in the EIR.

C. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires a lead agency to identify the “environmentally superior alternative,” and in cases where the “No Project” Alternative is environmentally superior to the proposed project, the environmentally superior development alternative must be identified. In this case, the No Project alternative would be considered the environmentally superior alternative. As summarized in Table 7-6, *Summary of Project and Alternative Impacts*, in the Draft EIR, the No Project alternative would reduce 12 impacts and eliminate both of the significant, unavoidable impacts of the proposed project (air quality and greenhouse gases). The Reduced Intensity alternative is identified as “environmentally superior” to the proposed project. This alternative reduces nine (9) of the impacts of the proposed project and only increases two (2) impacts (aesthetics and land use and planning). It eliminates the significant greenhouse gas impact of the proposed project.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

A. INTRODUCTION

The City of Irwindale is the Lead Agency under CEQA for preparation, review and certification of the EIR for the proposed project. As the Lead Agency, the City is also responsible for determining the potential environmental impacts of the proposed action and which of those impacts are significant, and which can be mitigated through imposition of mitigation measures to avoid or minimize those impacts to a level of less than significant. CEQA then requires the Lead Agency to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether or not to approve the proposed project. In making this determination the City is guided by CEQA Guidelines Section 15093, Statement of Overriding Considerations, which states:

- a. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b. When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c. If an agency makes a Statement of Overriding Considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

In addition, Public Resources Code Section 21081(b) requires that where a public agency finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in an EIR and thereby leave significant unavoidable effects, the public agency must also find that overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project.

Pursuant to Public Resources Code Section 21081(b) and the State CEQA Guidelines Section 15093, the City has balanced the benefits of the proposed project against the unavoidable adverse impacts associated with the project and has adopted all feasible mitigation measures with respect to these impacts. The City also has examined alternatives to the proposed project, none of which both meets the project objectives and is environmentally preferable to the proposed project, for the reasons discussed in the Findings and Facts in Support of Findings.

The City of Irwindale, as the Lead Agency for this project, and having reviewed the EIR for the proposed project, and reviewed all written materials within the City's public record and heard all oral testimony presented at public hearings, adopts this Statement of Overriding Considerations, which has balanced the benefits of the project against its significant unavoidable adverse environmental impacts in reaching its decision to approve the project.

B. PROJECT BENEFITS IN SUPPORT OF THE STATEMENT OF OVERRIDING CONSIDERATIONS

The City, after balancing the specific economic, legal, social, technological, and other benefits of the project, has determined that the unavoidable adverse environmental impacts identified above may be considered acceptable due to the following specific considerations, which outweigh the unavoidable, adverse environmental impacts of the project, and each of which, standing alone, is sufficient to support approval of the project, in accordance with CEQA Section 21081(b) and CEQA Guidelines Section 15093. The specific economic, legal, social, technological, or other benefits of the project are as follows:

1. Implements the Objectives Established for the Proposed Project

The proposed project is a Specific Plan that provides guidelines and standards for the development of the project site as an industrial and manufacturing hub, including plans that specifically address utility infrastructure requirements and circulation within and around the site. The Specific Plan also addresses the re-use of the project site for both the industrial/manufacturing uses in addition to BESS. Therefore, the proposed project would implement each objectives of the proposed project, as listed in Section II.D, *Statement of Project Objectives*.

2. Develops a Currently Under-Utilized Brownfield Site

The project site has formerly hosted a quarry, the Nu-Way Live Oak Inert Landfill, and a street-sweeping business, but since the closing of operations for each of these uses, undergone remedial grading and largely remained vacant. The proposed Specific Plan envisions the long-term development of the project site as hub for industrial businesses to thrive and encourage further economic investment in the City of Irwindale. The proposed uses would maximize the location the project site which is

proximate to the on- and off-ramps of Interstate 605, thereby allowing easy access for heavy-duty trucks to a major transport route, by-passing local streets. The contemporary design for the industrial and business park uses would also enhance the visual quality of the currently vacant site. Due to the former and surrounding uses of the site, its development with industrial, manufacturing, and potentially BESS uses are consistent with other land uses and the visual character of the area. This would also assist the City in the concentrating non-residential uses away from residential uses in the City. These two (2) land uses can often be incompatible due to the operational characteristics of non-residential uses, which by their nature, can result in traffic congestion, air emissions, and industrial light and noise. Overall, the Specific Plan provides an opportunity to develop an underutilized site with uses that are both appropriate for the site and that would increase the economic output of the City.

3. Provides Consistency with the General Plan

As described in Section 3.1 of the Specific Plan, the proposed project provides a framework for the development of the project site that is consistent with the City's General Plan goals. For example, the Specific Plan serves as a plan to transition a former quarry site into a productive and beneficial use for the City, consistent with Policy CDE 2 in the Community Development Element. The Specific Plan would also implement a comprehensive plan for the site that is consistent with its designation, per Policies CDE 3 and 5. The Specific Plan also provides high quality design, a plan for property maintenance, and entry treatments, consistent with Policies CDE 12, 14, and 15, respectively. The Specific Plan also outlines its consistency with Policies in the Infrastructure Element, Resource Management Element, and Public Safety Element.

4. Creates Jobs, Provides Economic Benefits, and Meets Demands for Industrial Space

The Specific Plan allows for up to 997,796 square feet of industrial and business park uses on a former quarry site. Revenue benefits to the City of Irwindale may include but not be limited to increased property tax revenue and point-of-sale tax revenue. In addition, the Specific Plan will allow for development of uses leading to creation of jobs that can be filled by residents of the City and surrounding communities. The analysis in the Draft EIR assumes that up to 580 long-term new jobs would be created by the proposed project.

The proposed project would provide much-needed flexible industrial space to fulfill the needs of the growing industrial sector. The greater Southern California region is expected to continue to see strong demand for industrial facilities driven by the needs of retail and e-commerce users for facilities with modern amenities to maximize distribution efficiency, as well by as the scarcity of available facilities and land to develop such facilities in the more expensive and constrained Los Angeles, Orange County, San Bernardino and Riverside area industrial markets. Both options under the Specific Plan envision industrial/manufacturing uses, with the design focusing on the

expectation that some of the proposed space would be used for warehousing, logistics, and fulfillment uses. The Specific Plan would result in the benefit of supporting the goods movement industry in decreasing lead times for delivery of consumer products and increasing the local supply of goods for regional consumers.

5. Provides Enhanced Utility Infrastructure for the Project Site

The proposed project would construct utility improvements throughout the project site to accommodate the proposed development. This includes the construction of water lines that would connect to the existing 12-inch main line on Live Oak Lane, a new 6-inch force main sewer line that would drain south and east on Live Oak Avenue to the existing 10-inch sewer line on Live Oak Avenue and Rivergrade Road, and a new 24-inch gravity storm drain that connects to the existing storm drain on Live Oak Avenue. Dry utilities, including electricity and natural gas service, would also be installed.

6. Improves the Circulation System of the Project Site and Surrounding Area

The proposed circulation system under the proposed project is described in detail within Chapter 3, *Project Description*, of the Draft EIR and in the proposed Specific Plan. In addition to internal drive aisles and a sidewalk network within the project site, the proposed project would include off-site improvements that while also accommodating the uses of the proposed project, would provide benefits to other users of the City's circulation system in the project area. Such improvements include:

- A 750 feet of a five-foot-wide, meandering public sidewalk and minimum 20-foot-wide landscaped parkway on the north side of the portion of Live Oak Avenue that abuts the project site.
- Expansion of Live Oak Lane to improve it to the City's standard of 60 feet.
- Construction of minimum five-foot-wide sidewalks along both sides of Live Oak Lane and ten-foot-wide landscaped setbacks along the portion of Live Oak Lane that abuts the project site.
- Installation of a new traffic signal at the Live Oak Lane and Live Oak Avenue intersection.
- Installation of five (5) new public streetlights along the north side of Live Oak Lane abutting the project site and eight (8) new public streetlights along the east side of Live Oak Lane abutting the project site.
- Construction of a meandering sidewalk and parkway along the south side of Arrow Highway.
- Modification of the public sidewalk and landscaping along the north side of the portion of Live Oak Avenue that abuts the project site to accommodate

a Class IV trail consistent with the City of Irwindale Active Transportation Plan to create a portion of the connection to the Class IV San Gabriel River Trail.

7. Improves the Aesthetic Character of the Project Site

The proposed Specific Plan includes development standards and design guidelines that direct the design of the proposed project within specific parameters. These standards and guidelines include a variety of features that aim to increase the visual appeal of the development. This includes requirements to screen the BESS equipment through walls or landscaping when in proximity to the surrounding streets and using screening materials compatible with the design and architecture of the building. The Specific Plan encourages diverse building designs while promoting consistency among all buildings to maintain visual cohesiveness. It also has standards for the design of building façades that face view corridors of the surrounding streets that would offer an inviting design to passing pedestrians and motorists. The project site would also be fully landscaped as shown in Figures 3-12, *Preliminary Landscape Plan for Option 1*, and 3-13, *Preliminary Landscape Plan for Option 2*, of the Draft EIR. The proposed project's landscaping and green-space plan is thus focused on ornamental landscaping. Entry treatments at the project site's prominent intersections would include monument signage, water features, flowering accent and palm trees, groundcover, and shrub masses.

C. CONCLUSION

The City Council of Irwindale has balanced the project's benefits against the significant unavoidable impacts. The City Council finds that the proposed project's benefits, outweigh the proposed project's significant unavoidable impacts, and these impacts, therefore, are considered acceptable in the light of the proposed project's benefits. The City Council finds that each of the benefits described above is an overriding consideration, independent of the other benefits, that warrants approval of the proposed project notwithstanding the proposed project's significant unavoidable impacts.

EXHIBIT “C”

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

<https://www.irwindaleca.gov/DocumentCenter/View/9605>

October 2024 | Mitigation Monitoring and Reporting Program
State Clearinghouse No. 2023020290

IRWINDALE GATEWAY SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM

City of Irwindale

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1. Introduction

1.1 PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide a vehicle by which to monitor mitigation measures and conditions of approval outlined in the Irwindale Gateway Specific Plan Draft Environmental Impact Report (Draft EIR), State Clearinghouse No. 2023020290. The MMRP has been prepared in conformance with Section 21081.6 of the Public Resources Code and City of Irwindale Monitoring Requirements. Section 21081.6 states:

- (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 proposed 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.

1. Introduction

- **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 Draft EIR. 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.

1.2 PROJECT LOCATION

The Irwindale Gateway Specific Plan (Specific Plan) site is at 13620 Live Oak Lane in the central portion of the City of Irwindale in Los Angeles County. The project site is bordered by Interstate 605 (I-605) to the west, Live Oak Lane to the north and east, and Live Oak Avenue to the south. The Assessor's Parcel Numbers (APNs) for the project site are 8532-002-046 and 8532-002-047. There is also a 9.61-acre Southern California Edison (SCE) easement on the project site. The project site encompasses a former sand and gravel quarry, the NuWay Live Oak Inert Landfill (NuWay Landfill), and a former street-cleaning business. A majority of the project site is currently undergoing an active reclamation. The Nu-Way Live Oak Reclamation Operations Plan was approved by the Regional Water Quality Control Board in 2022 and is to be completed prior to implementation of the Specific Plan. The rough graded site per the Operations Plan serves as the baseline conditions for implementation of the Specific Plan.

The site does not include the industrial uses (APNs 8532-002-036, 8532-002-040, and 8532-002-043) that are between the northeast part of the project site and Live Oak Lane, nor does the site boundary include the parcel owned by the Valley County Water District (APN 8532-002-904) at the southeastern corner of the project site.

1.3 PROJECT SUMMARY

The Specific Plan outlines two options for the development of the project site. A land use comparison is shown in Table 1-1, *Proposed Land Use, Option 1 and Option 2*. One of these two options would be the end use for the project site after reclaiming the property. The project would also include the dedication of Live Oak Lane along the proposed project's frontage to improve the street to the City's standard of 60 feet; installation of a new

1. Introduction

traffic signal at the Live Oak Lane/Live Oak Avenue intersection; 2,100 feet of new public water main; and 750 feet of new public sidewalk.

Table 1-1 Proposed Land Use, Option 1 and Option 2

Development Option	Land Use	Acres	Permitted Building/Structure Use	Square Feet/Other Details
Option 1	Industrial/Business Park	52.65 ac	General light industrial, manufacturing, warehouse/distribution, e-commerce fulfillment center	- Up to 1,000,000 sf of building space - Conceptual plan: 954,796 sf of warehouse space and 43,000 sf of office space
Option 2	Industrial/Business Park	36.71 ac	General light industrial, manufacturing, warehouse/distribution, e-commerce fulfillment center	- Up to 705,000 sf of building space - Conceptual plan: 668,070 sf of warehouse space and 36,000 sf of office space
	Battery Energy Storage System (BESS)	15.94 ac	Electric energy storage, transmission, and AC/DC and voltage conversion	- Battery/Inverter/medium voltage transformer array area: Appx. 353,000 sf - Roads and parking: Appx. 91,000 sf - Collector Substation: Appx. 87,000 sf - Aux. Transformer Pads: Appx. 2,000 sf

1.3.1 Option 1

Option 1 would include a 52.65-acre parcel developed as an industrial logistics and distribution center with three buildings and associated parking and loading docks. The remaining 13.99 acres of the site would be used for public rights-of-way and the SCE easement that runs from north to south along the western portion of the site. The three buildings would allow a maximum of 997,796 square feet of building space—954,796 square feet of warehouse space and 43,000 square feet of office space (see Table 1-2, *Building Square Footage, Option 1*). Trailer, truck, and/or car parking would be included throughout the project site.

Table 1-2 Building Square Footage, Option 1

Buildings	Building Square Feet		
	Warehouse	Office	Total
Building 1	222,910	10,000	232,910
Building 2	660,776	30,000	690,776
Building 3	71,110	3,000	74,110
Total	954,796	43,000	997,796

1. Introduction

Option 2

Option 2 would include a 36.71-acre parcel developed as an industrial logistics and distribution center with two warehousing/office buildings and a 15.94-acre parcel for the 400-megawatt BESS (electric energy storage, transmission and AC/DC and voltage conversion). The two buildings would allow a maximum of 704,070 square feet—668,070 square feet of warehouse space and 36,000 square feet of office space (see Table 1-3, *Building Square Footage, Option 2*). The preliminary design for the BESS has 353,000 square feet of battery arrays, within which battery enclosures, inverter enclosures, and medium voltage transformers would be arranged. The BESS would be served by an undergrounded electrical tie-line unless applicable agencies (Southern California Edison or California Independent System Operator (CALISO)) require an overhead line. If required, an overhead electric tie-line consisting of three 220-kilovolt conductor cables below an optical ground wire that serves dual purposes of grounding and fiber optic communications. An overhead line would be subject to a Zone Variance application per IMC Chapter 17.32.

Table 1-3 Building Square Footage, Option 2

Buildings	Building Square Feet		
	Warehouse	Office	Total
Building 1	599,960	30,000	626,960
Building 2	71,110	6,000	77,110
Total	668,070	36,000	704,070

2. Mitigation Monitoring and Reporting Requirements

Project-specific mitigation measures have been categorized in matrix format, as shown in Table 1. The matrix identifies the environmental factor, specific mitigation measures, schedule, and responsible monitor. The mitigation matrix will serve as the basis for scheduling the implementation of, and compliance with, all mitigation measures.

2. Mitigation Monitoring and Reporting Requirements

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2. Mitigation Monitoring and Reporting Requirements

Table 2-1 Mitigation Monitoring and Reporting Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
AIR QUALITY				
AQ-1 The construction contractor shall specify in the construction bid that the construction contractor(s) shall only use interior and exterior paints with a low VOC (volatile organic compound) content with a maximum concentration of 0 grams per liter (g/L) for building architectural coating during construction and for future coating to reduce VOC emissions. All building and site plans shall note use of paints with a maximum VOC concentration of 0 g/L. Prior to construction, the construction contractor(s) shall ensure that all construction plans submitted to the City of Irwindale Building and Safety Department and the Community Development Department clearly show this requirement.	Future Project Applicants, Construction Contractor	Prior to construction	City of Irwindale Building and Safety Department City of Irwindale Community Development Department	
AQ-2 Prior to future discretionary approval, if it is determined that a project has the potential to emit nuisance odors beyond the property line, an odor management plan shall be prepared by the project applicant, subject to review and approval by the City of Irwindale Community Development Department. Facilities 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 South Coast Air Quality Management District'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 potential odors to acceptable levels,	Future Project Applicants	Prior to issuance of an Occupancy Permit for a new tenant/business entity	City of Irwindale Community Development Department City of Irwindale Code Enforcement Division	

2. Mitigation Monitoring and Reporting Requirements

Table 2-1 Mitigation Monitoring and Reporting Requirements

Mitigation Measure		Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
including appropriate enforcement mechanisms. T-BACTs may include, but are not limited to scrubbers (i.e., air pollution control devices) at the industrial facility. T-BACTs identified in the odor management plan shall be identified as mitigation measures in the environmental document and/or incorporated into the site plan.					
CULTURAL RESOURCES					
CUL-1	Prior to the issuance of any permits allowing ground-disturbing activities, the project proponent/operator shall retain a Qualified Archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology (U.S. Department of the Interior, 2011), to carry out all mitigation measures related to archaeological resources. The contact information for this Qualified Archaeologist shall be provided to the City of Irwindale Planning Department prior to the commencement of any construction activities on-site.	Future Project Applicant's Qualified Archaeologist	Prior to grading permits	City of Irwindale Community Development Department	
CUL-2	In the event that unanticipated cultural resources are encountered during any phase of project construction, all construction work within 50 feet of the find shall cease, and the Qualified Archaeologist and designated Native American representative, as defined in Mitigation Measure TCR-2, shall assess the find for importance. Construction activities may continue in other areas. If the discovery is determined to not be significant by the Qualified Archaeologist and designated Native American representative, work will be permitted to continue in the area. If a find is determined to be important by the Qualified Archaeologist and designated Native American representative, he or she shall immediately notify the City. The City shall consult on a finding of eligibility and implement appropriate treatment measures if the find is determined to be eligible for inclusion in the California Register of Historical	Future Project Applicant's Qualified Archaeologist/Native American Representative	During construction	City of Irwindale Community Development Department	

2. Mitigation Monitoring and Reporting Requirements

Table 2-1 Mitigation Monitoring and Reporting Requirements

Mitigation Measure		Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
Resources (CRHR). Work may not resume within the no-work radius until the lead agency, through consultation as appropriate, determines that the site either: (1) is not eligible for the CRHR; or (2) treatment measures have been completed to its satisfaction.					
GREENHOUSE GAS EMISSIONS					
GHG-1	Prior to the issuance of building permits, the Project Applicant shall provide documentation to the City demonstrating that the project shall install measures listed below. Implementation of these measures shall be verified by the City prior to the issuance of final Certificate of Occupancy. • All-electric energy systems. • Enhanced window insulation (0.4 U-factor, 0.32 SHGC). • Duct insulation (R-6). • High efficiency HVAC (EER 15/80 percent AFUE or 8 HSPF). • Weather-based irrigation control systems combined with drip irrigation. • Low flow toilets, urinals, and bathroom faucets to reduce water usage.	Future Project Applicants	Prior to the issuance of building permits (documentation provisions) and prior to final Certificate of Occupancy (verification)	City of Irwindale Building and Safety Department City of Irwindale Community Development Department	
GHG-2	Prior to issuance of an Occupancy Permit for a new tenant/business entity, the new tenant/business entity shall provide documentation to the City demonstrating the proposed project's buildings would consume 100 percent carbon-free electricity, when feasible. Measures to achieve 100 percent carbon-free electricity use for the proposed project's buildings may include, but are not limited to, plans for 100 percent renewable electricity.	Tenants/Business Entities	Prior to issuance of an Occupancy Permit	City of Irwindale Building and Safety Department	

2. Mitigation Monitoring and Reporting Requirements

Table 2-1 Mitigation Monitoring and Reporting Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
GHG-3 Prior to issuance of an Occupancy Permit for a new tenant/business entity, the project developer/facility owner and tenant/business entity shall provide to the City of Irwindale Community Development Department a signed document (verification document) noting that the project development/facility owner has disclosed to the tenant/business entity the requirement to implement the following measures: • A solar photovoltaic (PV) system associated with proposed project buildings. The PV system shall be designed to comply with Section 140.10, <i>Prescriptive Requirements for Photovoltaic and Battery Storage Systems</i>, of the 2022 Building Energy Efficiency Standards. For purposes of this mitigation measure, battery storage modules are not considered buildings. • High-efficiency lights (>50 percent of fixtures) to reduce energy usage. • All major end-user appliances (e.g., dishwashers and refrigerators) installed are Energy Star certified or of equivalent energy efficiency where applicable. • All landscape equipment (e.g., leaf blower) used for property management shall be electric powered only. The property manager/facility owner shall provide documentation (e.g., purchase, rental, and/or services agreement) to the Planning Department to verify, to the City's satisfaction, that all landscaping equipment utilized will be electric powered, as allowed. • Truck check-in points shall be inside the project site to ensure no trucks are queuing on local roadway(s). • All on-site outdoor cargo-handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts, generators, pumps, and other on-site equipment) shall be electric or	Project Developer/Facility Owners & Tenant/Business Entities	Prior to issuance of an Occupancy Permit for a new tenant/business entity	City of Irwindale Building and Safety Department City of Irwindale Community Development Department	

2. Mitigation Monitoring and Reporting Requirements

Table 2-1 Mitigation Monitoring and Reporting Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)	
non-diesel fueled. All on-site indoor forklifts shall be powered by electricity. • All truck/dock bays that serve cold storage facilities within the proposed buildings shall be electrified to facilitate plug-in capabilities and support use of electric standby and/or hybrid electric transport refrigeration units. • Prior to the issuance of a building permit, the site plan shall include the minimum number of automobile electric vehicle charging stations in accordance with the requirements of the Tier 2 Nonresidential Voluntary Measures of CALGreen Section A5.106.5.3, Electric vehicle (EV) charging, required by the California Code of Regulations Title 24. In addition, the project developer/facility owner has provided the following: • Occupants/tenants shall be provided documentation on the United States Environmental Protection Agency's SmartWay program. • Occupants/tenants shall be provided documentation on funding opportunities, such as the Carl Moyer Program, that provide incentives for using cleaner-than—required engines and equipment. This verification document shall be signed by authorized agents for the project developer/facility owner and tenant/business entities. In addition, if applicable, the tenant/business entity shall provide documentation (e.g., purchase or rental agreement) to the City of Irwindale Community Development Department to verify, to the City's satisfaction, compliance with these measures.					
GHG-4	Prior to the issuance of a building permit, the Project Applicant shall provide documentation to the City demonstrating that the project buildings' electrical room is sufficiently sized to hold additional panels that may be needed to supply power for	Future Project Applicants	Prior to issuance of building permits	City of Irwindale Building and Safety Department	

2. Mitigation Monitoring and Reporting Requirements

Table 2-1 Mitigation Monitoring and Reporting Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
	future installation of electric charging systems for electric trucks and power transport refrigeration units (TRUs). Conduit shall be installed from the electrical room to tractor-trailer parking spaces in logical locations on-site to facilitate future electric truck charging. Conduit shall be installed between the electrical room and the loading docks to facilitate the use of electric plug-in TRUs.				
GHG-5	In accordance with the City of Irwindale's Municipal Code Chapter 17.66, <i>Trip Reduction and Travel Demand Measures</i> , the project shall make provision for each of the TDM measures outlined in Subsection 17.66.030(B), <i>Development Standards</i> and shall comply with the <i>Monitoring</i> requirements in Section 17.66.040. The project applicant shall demonstrate compliance with each measure in a written report submitted to the city prior to the issuance of a building permit and show compliance prior to the issuance of Certificate of Occupancy. The Transportation Demand Management (TDM) Program shall include detailed strategies for reducing the use of single occupant vehicles by employees by increasing carpool/vanpool participation and transit use. Additionally, the TDM program may provide for alternative work or compressed work schedules to reduce the number of days an employee commutes to work.	Project Applicant/Tenant/Business Entities	Prior to issuance of building permits (submit written report) and prior to Certificate of Occupancy (verify compliance)	City of Irwindale Community Development Department City of Irwindale Public Works/Engineering Department	
GHG-6	Prior to the issuance of a building permit, the site plan shall include surface parking lots to provide parking for low-emitting, fuel-efficient, and carpool/van vehicles associated with trips to the proposed project's buildings. At minimum, the number of preferential parking spaces shall equal to the Tier 2 Nonresidential Voluntary Measures of CALGreen Section A5.106.5.1.2. In addition, the site plan shall also include automobile electric vehicle charging stations equal to the Tier 2 Nonresidential Voluntary Measures of CALGreen.	Future Project Applicants	Prior to issuance of building permits	City of Irwindale Building and Safety Department	

2. Mitigation Monitoring and Reporting Requirements

Table 2-1 Mitigation Monitoring and Reporting Requirements

Mitigation Measure		Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
GHG-7	Prior to issuance of an Occupancy Permit, a new tenant/business entity shall place legible, durable, weather-proof signs at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations. At a minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for drivers of diesel trucks to restrict idling to no more than three minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; and 3) directional text on the sign shall read "To Truck Route" with a directional arrow, and 4) telephone numbers of the building facilities manager and CARB to report violations. The City shall conduct a site inspection to ensure that the signs are in place.	Tenant/Business Entities	Prior to issuance of Occupancy Permits	City of Irwindale Community Development Department	
TRANSPORTATION					
T-1	The Applicant shall coordinate with Foothill Transit and the City of Irwindale to install a bus stop at Live Oak Avenue and Live Oak Lane for the Foothill Transit Line 492. The design and installation of the bus stop shall be coordinated with Foothill Transit and shall be paid for by the project applicant. The bus stop shall be constructed prior to the issuance of a Certificate of Occupancy for the first development project on the project site.	Future Project Applicants	Prior to issuance of Certificate of Occupancy for the first development at the project site	City of Irwindale Public Works/Engineering Department	
T-2	The Applicant shall modify the public sidewalk and landscaping along the north side of the portion of Live Oak Avenue that abuts the project site to include accommodation of a Class IV trail consistent with the City of Irwindale Active Transportation Plan to create a portion of the connection to the San Gabriel River Trail. Prior to the issuance of grading plans, the Applicant shall submit the required improvement plans for the Class IV trail to the City of Irwindale's Public Works Department for review and approval.	Future Project Applicants	Prior to the Issuance of grading permits	City of Irwindale Community Development Department City of Irwindale Public Works/Engineering Department	

2. Mitigation Monitoring and Reporting Requirements

Table 2-1 Mitigation Monitoring and Reporting Requirements

Mitigation Measure		Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
TRIBAL CULTURAL RESOURCES					
TCR-1	The project applicant shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. 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 on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). Ground-disturbing activity shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. The monitor shall complete daily monitoring logs that will 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 will identify and describe any discovered Tribal Cultural Resources (TCRs), including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the project applicant/lead agency upon written request to the Tribe. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a	Future Project Applicants/Native American Monitor	Prior to ground-disturbing activities/during construction	City of Irwindale Building and Safety Department City of Irwindale Community Development Department	

2. Mitigation Monitoring and Reporting Requirements

Table 2-1 Mitigation Monitoring and Reporting Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.				
TCR-2 Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh shall recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.	Future Project Applicants, Construction Contractors, & Kizh monitor and/or Kizh archaeologist.	During construction upon discovery of TCRs	City of Irwindale Building and Safety Department City of Irwindale Community Development Department	
TCR-3 Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute. If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.	Future Project Applicants	During construction	City of Irwindale Building and Safety Department City of Irwindale Community Development Department	

2. Mitigation Monitoring and Reporting Requirements

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EXHIBIT “E”**RESOLUTION NO. 835(24)**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF IRWINDALE AMEND THE COMMUNITY DEVELOPMENT ELEMENT AND LAND USE PLAN MAP OF THE CITY’S GENERAL PLAN (GPA NO. 02-2022) FROM REGIONAL COMMERCIAL TO SPECIFIC PLAN FOR PROPERTY LOCATED AT 13620 LIVE OAK LANE, IRWINDALE, CA (APNS: 8532-002-046 AND 8532-002-047) AS SET FORTH HEREIN AND MAKING FINDINGS IN SUPPORT THEREOF

A. RECITALS.

- (i) Jeff Dritley, on behalf of KP Irwindale Owner, LLC 1875 Century Park East, Suite 380, Los Angeles, CA 90067, the Applicant, has made the following request: 1) General Plan Amendment (GPA) No. 02-2022 to change the Land Use Designation from Regional Commercial to Specific Plan for property located at 13620 Live Oak Lane – APNs: 8532-002-046 and 8532-002-047 (“Property”). (This GPA is being processed concurrently with FEIR State Clearinghouse No. 2023020290, ZOA No. 02-2023, ZC No. 02-2022 and TPM No. 83854); and
- (ii) The proposed Irwindale Gateway Specific Plan, provides for the planned use and long-term development of the Property over the next several years; and
- (iii) The Planning Commission, in connection with the implementing actions necessary for the adoption of the Specific Plan, has considered proposed General Plan Amendment No. 02-2022, an amendment to the Community Development Element and Land Use Plan Map from Regional Commercial to Irwindale Gateway Specific Plan Land Use Designation; and
- (iv) 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 an Environmental Impact Report (“EIR”). The EIR was circulated for public review for 45 days from May 13, 2024 through June 27, 2024. A copy of the EIR was circulated through the State Clearinghouse (SCH# 2023020290), posted on the City’s website, and was available at the Irwindale Public Library, City Clerk’s Office, and Community Development Department. A copy of the EIR and Mitigation Monitoring and Reporting Program was posted on the project’s dedicated website <https://www.irwindaleca.gov/590/13620-Live-Oak-Lane---Irwindale-Gateway->; and

- (v) The public review period for the Draft EIR ended on June 27, 2024; and
 - (vi) A Final Environmental Impact Report (SCH# 2023020290) was prepared for the proposed project, including the Draft EIR, comments received on the Draft EIR and responses to those comments, and revisions and corrections to the Draft EIR made in response to comments received; and
 - (vii) On October 28, 2024, the Irwindale Planning Commission continued the hearing on this item to a date certain (November 26, 2024); and
 - (viii) The Special Planning Commission meeting of November 26, 2024 was later rescheduled to November 14, 2024, and
 - (ix) Revised notices of public hearing were published, posted, and mailed in accordance with the laws, including CEQA, Government Code, and policies of the City of Irwindale; and
 - (x) On November 14, 2024, the Planning Commission conducted a duly noticed Special public hearing on the Irwindale Gateway Specific Plan and corresponding General Plan Amendment No. 02-2022, at which time, the Planning Commission opened the public hearing, took testimony on the Application, at which time they received input from staff, the Assistant City Attorney, and the Applicant, heard public testimony, discussed the Proposed Project; and closed the public hearing; and
- (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 the Recitals, Part A, of this Resolution are true and correct.
2. Based upon substantial evidence presented to this Planning Commission during the public hearing conducted with regard to this Application, including written staff reports and verbal testimony, and evidence in the City's record for the project, this Planning Commission hereby specifically finds as follows:
 - a. The Property was previously contemplated in the City's General Plan as a landfill in the stage of reclamation. The Nu-Way Live Oak Reclamation Operations Plan is currently active and expected to be completed in approximately 2026. Upon completion of reclamation, the property will be graded to match the adjacent grade. The final reclaimed and rough graded

site, consistent with the previous General Plan designation, serves as the baseline for the Irwindale Gateway Specific Plan.

The proposed change in land use designation from Regional Commercial to Irwindale Gateway Specific Plan is intended to encourage the highest and best use for the subject property to guide the development of a former landfill and sand and gravel quarry into a productive site based on its unique characteristics and will be in the best interests and welfare of the City and its residents. Therefore, the proposed General Plan Amendment is consistent with Section California Government Code Section 65358(a) (Amendments), "If it deems it to be in the public interest, the legislative body may amend all or part of an adopted general plan."

- b. The proposed General Plan Amendment is internally consistent with all other provisions of the General Plan. The Community Development Element of the General Plan promotes several policies that support the adoption of the Specific Plan and associated entitlements. Community Development Element Policy 1 strives to preserve the overall mix of land uses and development in the community. Community Development Element Policy 3 seeks to ensure that the type, location, and intensity of all new development and intensified developments adhere to the requirements specified in its particular land use category. Community Development Element Policy 5 promotes the comprehensive development consistent with the General Plan as opposed to piecemeal and incremental planning. If adopted, the proposed General Plan Amendment would implement the proposed Irwindale Gateway Specific Plan, which implements policies set forth in the General Plan, to provide direction for the long-term development of the Irwindale Gateway Specific Plan, addresses sustainable practices, and promotes compatibility with surrounding areas.
- c. The proposed General Plan Amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City. The purpose of the proposed General Plan Amendment is to implement the Specific Plan, which provides a comprehensive framework for the long-term development of the Irwindale Gateway Specific Plan and provides clarity in processes and in the coordination between the Applicant and the City of Irwindale. If adopted, the proposed Specific Plan would define permitted uses, regulate the sizes and locations of buildings, specify design guidelines and development standards, address mobility and connectivity issues, identify project infrastructure and services, and provide administrative and implementation language for the entire 66.64-acre property.
- d. The affected properties are physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle access, and public services and utilities and is served by highways and streets adequate in width and improvement to

carry the kind and quantity of traffic the proposed use would likely generate, to ensure that the proposed use(s) and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located. Irwindale Gateway Specific Plan and adjacent environs were studied for physical suitability as part of the preparation for the Specific Plan and associated Final Environmental Impact Report.

3. 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 Planning Commission finds that the Environmental Impact Report (EIR) for The Irwindale Gateway Specific Plan (State Clearinghouse (SCH) No. 2023020290), including the Mitigation Monitoring and Reporting Program and Findings of Fact and Statement of Overriding Considerations adequately describes the Project and its potential impacts, as well as the impacts potentially resulting from the approval of the Irwindale Gateway Specific Plan for the purposes of CEQA review, and the proposed General Plan Amendment No. 02-2022 is consistent with the analysis of the Project within the Final Environmental Impact Report, Mitigation Monitoring and Reporting Program, Findings of Fact, and Statement of Overriding Considerations.
4. Based upon the substantial evidence and conclusions set forth herein above and upon other oral evidence presented at the public hearing, and subject to the City Council considering and adopting the FEIR, certified by the City of Irwindale as the Lead Agency, this Planning Commission hereby recommends that the City Council adopt General Plan Amendment No. 02-2022, which amends the Community Development Element and Land Use Plan Map (attached Exhibit "A") from Regional Commercial to Irwindale Gateway Specific Plan.

BE IT FURTHER RESOLVED THAT a copy of this resolution be transmitted to the City Council and to the Applicant.

The Secretary shall:

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

ADOPTED AND APPROVED this 14th day of November 2024.

Maricela Frymark, 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 a regular meeting of the Planning Commission of the City of Irwindale held on the 14th day of November 2024, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Marilyn Simpson, AICP, Secretary

Exhibits:

A. Proposed General Plan Land Use Map

City of Irwindale - General Plan Map



EXHIBIT “F”**RESOLUTION NO. 836(24)**

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF IRWINDALE ADOPT ZONE ORDINANCE AMENDMENT NO. 02-2023 TO ADD IRWINDALE GATEWAY SPECIFIC PLAN TO TITLE 17 OF THE IRWINDALE MUNICIPAL CODE (IMC), DEFINING PERMITTED USES, REGULATING THE SIZES AND LOCATIONS OF BUILDINGS, SPECIFYING DESIGN GUIDELINES AND DEVELOPMENT STANDARDS, ADDRESSING MOBILITY AND CONNECTIVITY TOPICS, IDENTIFYING PROJECT INFRASTRUCTURE AND SERVICES, AND PROVIDING ADMINISTRATIVE AND IMPLEMENTATION LANGUAGE FOR PROPERTY LOCATED AT 13620 LIVE OAK LANE, IRWINDALE, CA (APNS: 8532-002-046 and 8532-002-047)

A. RECITALS.

- (i) Jeff Dritley, on behalf of KP Irwindale Owner, LLC 1875 Century Park East, Suite 380, Los Angeles, CA 90067, the Applicant, has made the following request: 1) Zone Ordinance Amendment (ZOA) No. 02-2023 to add Irwindale Gateway Specific Plan to Title 17 of the Irwindale Municipal Code for property located at 13620 Live Oak Lane – APNs: 8532-002-046 and 8532-002-047. (This ZOA is being processed concurrently with FEIR State Clearinghouse No. 2023020290, GPA No. 02-2022, ZC No. 02-2022, and TPM No. 83854); and
- (ii) Government Code Section 65450 allows for the adoption of a specific plan after the legislative body has adopted a General Plan, and the planning agency may, or if so directed by the legislative body, shall, prepare specific plans for the systematic implementation of the General Plan for all or part of the area covered by the General Plan. A specific plan may be adopted/amended per Government Code Section 65453; and
- (iii) The proposed project will allow for the establishment of the Irwindale Gateway Specific Plan. The Specific Plan area within the City is currently located at 13620 Live Oak Lane (APNS: 8532-002-046 and 8532-002-047; and
- (iv) An electronic copy of the proposed Specific Plan is available on the City’s website <https://www.irwindaleca.gov/590/13620-Live-Oak-Lane---Irwindale-Gateway->, printed copies are available at the Irwindale Public Library, City Clerk’s Office, and the Community Development Department; and
- (v) The proposed Specific Plan, provides for the planned use and long-term development of the business park; and

- (vi) 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 an Environmental Impact Report ("EIR"). The EIR was circulated for public review for 45 days from May 13, 2024 through June 27, 2024. A copy of the EIR was circulated through the State Clearinghouse (SCH# 2023020290), posted on the City's website, and was available at the Irwindale Public Library, City Clerk's Office, and Community Development Department. A copy of the EIR and Mitigation Monitoring and Reporting Program was posted on the project's dedicated website <https://www.irwindaleca.gov/590/13620-Live-Oak-Lane---Irwindale-Gateway->; and
- (vii) The public review period for the Draft EIR ended on June 27, 2024; and

A Final Environmental Impact Report (SCH# 2023020290) was prepared for the proposed project, including the Draft EIR, comments received on the Draft EIR and responses to those comments, and revisions and corrections to the Draft EIR made in response to comments received; and

- (viii) On October 28, 2024, the Irwindale Planning Commission continued the hearing on this item to a date certain (November 26, 2024); and
- (ix) The Special Planning Commission meeting of November 26, 2024 was later rescheduled to November 14, 2024; and
- (x) Revised notices of public hearing were published, posted, and mailed in accordance with the laws, including CEQA, Government Code, and policies of the City of Irwindale; and
- (xi) On November 14, 2024, the Planning Commission conducted a duly noticed public hearing on the Irwindale Gateway Specific Plan and corresponding Zone Ordinance Amendment No. 02-2023, at which time, the Planning Commission opened the public hearing, took testimony on the Application, at which time they received input from staff, and the Applicant, heard public testimony, discussed the Proposed Project; and closed the public hearing; and
- (xii) 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.
2. Based upon substantial evidence presented to this Planning Commission during the public hearing conducted with regard to the Application, including written staff reports and verbal testimony, this Planning Commission hereby specifically finds as follows:
 - a. The proposed Irwindale Gateway Specific Plan Land Use Designation, Zone, and policy and regulatory document is intended to ensure the highest and best use for the subject property.
 - b. The proposed Irwindale Gateway Specific Plan is in the best interests and welfare of the City and its residents. The purpose of the Zone Ordinance Amendment is to adopt and implement the Irwindale Gateway Specific Plan, which provides a comprehensive framework for the long-term growth and development of the entire business park and provides clarity in processes and in the coordination between the applicant, developers, and City.
 - c. That the proposed Irwindale Gateway Specific Plan is consistent with the City's General Plan Land Use Designations and the Zoning Designation, as amended. The Community Development Element of the General Plan promotes several policies that support the adoption of the Specific Plan and associated entitlements. Community Development Element Policy 1 strives to preserve the overall mix of land uses and development in the community. Community Development Element Policy 3 seeks to ensure that the type, location, and intensity of all new development and intensified developments adhere to the requirements specified in its particular land use category. Community Development Element Policy 5 promotes the comprehensive development consistent with the General Plan as opposed to piecemeal and incremental planning. If adopted, the proposed General Plan Amendment would implement the proposed Irwindale Gateway Specific Plan, which implements policies set forth in the General Plan, to provide direction for the development of the business park over several years, addresses sustainable practices on and off-site, promotes compatibility with surrounding areas, and provides a unique and flexible policy document that facilitates orderly development of the site.
3. 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 Planning Commission finds that the Environmental Impact Report (EIR) for The Irwindale Gateway Specific Plan (State Clearinghouse (SCH) No. 2023020290), including the Mitigation Monitoring and Reporting Program and Findings of Fact and

Statement of Overriding Considerations adequately describes the Project and its potential impacts, as well as the impacts potentially resulting from the approval of the Irwindale Gateway Specific Plan for the purposes of CEQA review, and it is consistent with the analysis of the Project within the Final Environmental Impact Report, Mitigation Monitoring and Reporting Program, Findings of Fact, and Statement of Overriding Considerations.

4. Based upon the substantial evidence and conclusions set forth herein above, this Planning Commission hereby recommends that the City Council adopt the Ordinance adopting the Irwindale Gateway Specific Plan (Exhibit A), which is deemed necessary to protect the public health, safety and general welfare and are reasonable and proper in accordance with the intent and purposes Title 17 of the Irwindale Municipal Code.

BE IT FURTHER RESOLVED THAT a copy of this resolution be transmitted to the City Council and to the Applicant.

The Secretary shall:

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

ADOPTED AND APPROVED this 14th day of November 2024.

Maricela Frymark, 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 a regular meeting of the Planning Commission of the City of Irwindale held on the 14th day of November 2024, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Marilyn Simpson, AICP, Secretary

Exhibits

A: Ordinance No. 787

EXHIBIT “A”**ORDINANCE NO. 787**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, CALIFORNIA, ADOPTING ZONE ORDINANCE AMENDMENT NO. 02-2023 TO ADD IRWINDALE GATEWAY SPECIFIC PLAN TO TITLE 17 OF THE IRWINDALE MUNICIPAL CODE (IMC), DEFINING PERMITTED USES, REGULATING THE SIZES AND LOCATIONS OF BUILDINGS, SPECIFYING DESIGN GUIDELINES AND DEVELOPMENT STANDARDS, ADDRESSING MOBILITY AND CONNECTIVITY TOPICS, IDENTIFYING PROJECT INFRASTRUCTURE AND SERVICES, AND PROVIDING ADMINISTRATIVE AND IMPLEMENTATION LANGUAGE FOR PROPERTY LOCATED AT 13620 LIVE OAK LANE, IRWINDALE, CA (APNS: 8532-002-046 AND 8532-002-047) AND FINDING THE PROJECT CONSISTENT WITH THE CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT (SCH# 2023020290)

WHEREAS, Jeff Dritley, on behalf of KP Irwindale Owner, LLC 1875 Century Park East, Suite 380, Los Angeles, CA 90067, the Applicant, has made the following request: 1) Zone Ordinance Amendment (ZOA) No. 02-2023 to add Irwindale Gateway Specific Plan to Title 17 of the Irwindale Municipal Code for property located at 13620 Live Oak Lane – APNs: 8532-002-046 and 8532-002-047. (This ZOA is being processed concurrently with FEIR State Clearinghouse No. 2023020290, GPA No. 02-2022, ZC No. 02-2022, and TPM No. 83854); and

WHEREAS, Government Code Section 65450 allows for the adoption of a specific plan after the legislative body has adopted a General Plan, and the planning agency may, or if so directed by the legislative body, shall, prepare specific plans for the systematic implementation of the General Plan for all or part of the area covered by the General Plan. A specific plan may be adopted/amended per Government Code Section 65453; and

WHEREAS, the proposed project will allow for the establishment of the Irwindale Gateway Specific Plan. The Specific Plan area within the City is currently located at 1360 Live Oak Lane (APNS: 8532-002-046 and 8532-002-047); and

WHEREAS, an electronic copy of the proposed Specific Plan is available on the City’s website <https://www.irwindaleca.gov/590/13620-Live-Oak-Lane---Irwindale-Gateway->, printed copies are available at the Irwindale Public Library, City Clerk’s Office, and the Community Development Department; and

WHEREAS, the proposed Specific Plan, provides for the planned use and long-term development of the business park and;

WHEREAS, 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 an Environmental Impact Report (“EIR”). The EIR was circulated for public

review for 45 days from May 13, 2024 through June 27, 2024. A copy of the EIR was circulated through the State Clearinghouse (SCH# 2023020290), posted on the City's website, and was available at the Irwindale Public Library, City Clerk's Office, and Community Development Department. A copy of the EIR and Mitigation Monitoring and Reporting Program was posted on the project's dedicated website <https://www.irwindaleca.gov/590/13620-Live-Oak-Lane---Irwindale-Gateway->; and

WHEREAS, the public review period for the Draft EIR ended on June 27, 2024; and

WHEREAS, a Final Environmental Impact Report (SCH# 2023020290) was prepared for the proposed project, including the Draft EIR, comments received on the Draft EIR and responses to those comments, and revisions and corrections to the Draft EIR made in response to comments received; and

WHEREAS, on October 28, 2024, the Irwindale Planning Commission continued its hearing on this item to a date certain (November 26, 2024); and

WHEREAS, the Special Planning Commission meeting of November 26, 2024 was later rescheduled to November 14, 2024, and

WHEREAS, revised notices of public hearing were published, posted, and mailed in accordance with the laws, including CEQA, the Government Code, and policies of the City of Irwindale; and

WHEREAS, on November 14, 2024, the Planning Commission conducted a duly noticed Special public hearing on the Irwindale Gateway Specific Plan and corresponding Zone Ordinance Amendment No. 02-2023, and adopted PC Resolution No. 836(24), recommending that the City Council adopt an ordinance adopting the Irwindale Gateway Specific Plan; and

WHEREAS, notice of a public hearing before the City Council on the proposed Specific Plan adoption, was given in accordance with applicable law; and

WHEREAS, the City Council has considered the staff report and all of the information, evidence, and testimony received at the public hearing, including the recommendation of the Planning Commission; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

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

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. Based upon substantial evidence presented to the City Council during the public hearing, including written staff reports and verbal testimony, all of which shall constitute the entire record of this matter, the City Council hereby finds and determines:

a. The Irwindale Gateway Specific Plan is consistent with the Irwindale General Plan, as amended through General Plan Amendment No. 02-2022. The Property was previously contemplated in the City's General Plan as a landfill in the stage of reclamation. The Nu-Way Live Oak Reclamation Operations Plan is currently active and expected to be completed in approximately 2026. Upon completion of reclamation, the property will be graded to match the adjacent grade. The final reclaimed and rough graded site, consistent with the previous General Plan designation, serves as the baseline for the Irwindale Gateway Specific Plan.

General Plan Amendment No. 02-2022 processed concurrently designates the site as the Irwindale Gateway Specific Plan. The Irwindale Gateway Specific Plan is intended to encourage the highest and best use for the subject property to guide the development of a former landfill and sand and gravel quarry into a productive site based on its unique characteristics and will be in the best interests and welfare of the City and its residents. The Specific Plan is therefore consistent with the City's General Plan Land Use Designations and the Zoning Designation, as amended.

Furthermore, the Community Development Element of the General Plan promotes several policies that support the adoption of the Specific Plan and associated entitlements. Community Development Element Policy 1 strives to preserve the overall mix of land uses and development in the community. Community Development Element Policy 3 seeks to ensure that the type, location, and intensity of all new development and intensified developments adhere to the requirements specified in its particular land use category. Community Development Element Policy 5 promotes the comprehensive development consistent with the General Plan as opposed to piecemeal and incremental planning. The Irwindale Gateway Specific Plan, implements policies set forth in the General Plan, to provide direction for the development of the business park over several years, addresses sustainable practices on and off-site, promotes compatibility with surrounding areas, and provides a unique and flexible policy document that facilitates orderly development of the site.

b. Based on the above findings, the Irwindale Gateway Specific Plan and the City Council's adoption thereof complies with Government Code Section 65450 *et seq.*

SECTION 3. Based upon the substantial evidence and testimony received at the public hearing and the findings and conclusions set forth hereinabove, the City Council hereby accepts the recommendation of the Planning Commission and hereby adopts the Irwindale Gateway Specific Plan, on file with the Community Development

Department and as presented to the City Council at the time of the adoption of this Ordinance.

SECTION 4. 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 Council finds that the Environmental Impact Report (EIR) for The Irwindale Gateway Specific Plan (State Clearinghouse (SCH) No. 2023020290), including the Mitigation Monitoring and Reporting Program and Findings of Fact and Statement of Overriding Considerations adequately describes the Project and its potential impacts, as well as the impacts potentially resulting from the approval of the Irwindale Gateway Specific Plan for the purposes of CEQA review, and it is consistent with the analysis of the Project within the City Council certified Final Environmental Impact Report, adopted Mitigation Monitoring and Reporting Program, adopted Findings of Fact, and adopted Statement of Overriding Considerations.

SECTION 5. If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end, the provisions of this Ordinance are declared severable.

SECTION 6. This Ordinance shall take effect thirty (30) days after its adoption. The City Council hereby authorizes and directs the Mayor and the Chief Deputy City Clerk to execute this Ordinance on behalf of the City of Irwindale forthwith upon its adoption.

SECTION 7. The Chief Deputy City Clerk shall certify as to the passage of this Ordinance and shall cause the same to be published and/or posted at the designated locations in the City of Irwindale.

PASSED, APPROVED AND ADOPTED this DATE TBD, 2024.

Albert F. Ambriz, Mayor

ATTEST:

Laura M. Nieto, MMC
Chief Deputy City Clerk
STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.
CITY OF IRWINDALE }

I, Laura M. Nieto, Chief Deputy City Clerk of the City of Irwindale, do hereby certify that the foregoing Ordinance No. TBD was duly introduced at a regular meeting of the Irwindale City Council held on the _____, 2024, and was duly approved and adopted on second reading at its regular meeting held on the _____ 2024, by the following vote of the Council:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Laura M. Nieto, MMC
Chief Deputy City Clerk

EXHIBIT “G”**RESOLUTION NO. 837(24)**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF IRWINDALE ADOPT A ZONE CHANGE NO. 02-2022 TO MODIFY THE CITY OF IRWINDALE ZONING MAP FROM M-2 (HEAVY MANUFACTURING) TO IRWINDALE GATEWAY SPECIFIC PLAN FOR PROPERTY LOCATED AT 13620 LIVE OAK LANE, IRWINDALE, CA (APNS: 8532-002-046 AND 8532-002-047)

A. RECITALS.

- (i) Jeff Dritley, on behalf of KP Irwindale Owner, LLC 1875 Century Park East, Suite 380, Los Angeles, CA 90067, the Applicant, has made the following request: 1) Zone Change (ZC) No. 02-2022 to change the City of Irwindale Zoning Map from M-2 (Heavy Manufacturing) to Irwindale Gateway Specific Plan for property located at 13620 Live Oak Lane – APNs: 8532-002-046 and 8532-002-047. (This ZC is being processed concurrently with FEIR State Clearinghouse No. 2023020290, GPA No. 02-2022, ZOA No. 02-2023, and TPM No. 83854); and
- (ii) Section 17.84.010 of the Irwindale Municipal Code allows for changes to the zoning and classification of property “whenever the public interest and necessity so require”; and
- (iii) The proposed Irwindale Gateway Specific Plan, provides for the planned use and long-term development of the business park for the next several years; and
- (iv) The Planning Commission, in connection with the implementing actions necessary for the adoption of the Irwindale Gateway Specific Plan, has considered the proposed Zone Change No. 02-2022, which encompasses an amendment to the Zoning Code and the Zoning Map designation for two (2) parcels (APNs: 8532-002-046 and 8532-002-047) to the Irwindale Gateway Specific Plan; and
- (v) 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 an Environmental Impact Report (“EIR”). The EIR was circulated for public review for 45 days from May 13, 2024 through June 27, 2024. A copy of the EIR was circulated through the State Clearinghouse (SCH# 2023020290), posted on the City’s website, and was available at the Irwindale Public Library, City Clerk’s Office, and Community Development Department. A copy of the EIR and Mitigation

Monitoring and Reporting Program was posted on the project's dedicated website <https://www.irwindaleca.gov/590/13620-Live-Oak-Lane---Irwindale-Gateway->; and

- (vi) The public review period for the Draft EIR ended on June 27, 2024; and
- (vii) A Final Environmental Impact Report (SCH# 2023020290) was prepared for the proposed project, including the Draft EIR, comments received on the Draft EIR and responses to those comments, and revisions and corrections to the Draft EIR made in response to comments received; and
- (viii) On October 28, 2024, the Irwindale Planning Commission continued the hearing on this item to a date certain (November 26, 2024); and
- (ix) The Special Planning Commission meeting of November 26, 2024 was later rescheduled to November 14, 2024; and
- (x) Revised notices of public hearing were published, posted, and mailed in accordance with the laws, including CEQA, Government Code, and policies of the City of Irwindale; and
- (xi) On November 14, 2024, the Planning Commission conducted a duly noticed Special public hearing on the Irwindale Gateway Specific Plan and corresponding Zone Change No. 02-2022, at which time, the Planning Commission opened the public hearing, took testimony on the Application, at which time they received input from staff, and the Applicant, heard public testimony, discussed the Proposed Project; and closed the public hearing; and
- (xii) 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.
- 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, and all evidence in the City's record for the project, this Planning Commission hereby specifically finds as follows:
 - a. The proposed Zone Change from M-2 (Heavy Manufacturing) to Irwindale Gateway Specific Plan is intended to encourage the

highest and best use for the subject property and be in the best interests and welfare of the City and its residents.

- b. The proposed Zone Change is internally consistent with all other provisions of the General Plan. The Community Development Element of the General Plan promotes several policies that support the adoption of the SP and associated entitlements. Community Development Element Policy 1 strives to preserve the overall mix of land uses and development in the community. Community Development Element Policy 3 seeks to ensure that the type, location, and intensity of all new development and intensified developments adhere to the requirements specified in its particular land use category. Community Development Element Policy 5 promotes the comprehensive development consistent with the General Plan as opposed to piecemeal and incremental planning. If adopted, the proposed Zone Change would implement the proposed Irwindale Gateway Specific Plan, which implements policies set forth in the General Plan, to provide direction for the development of the business park over several years, addresses sustainable practices on and off-site, promotes compatibility with surrounding areas, and provides a unique and flexible policy document that facilitates orderly development of the site.
- c. The proposed Zone Change will not be detrimental to the public interest, health safety, convenience, or welfare of the City. The purpose of the proposed Zone Change is to implement the Specific Plan, which provides a comprehensive framework for the long-term growth and development of the entire business park, provides clarity in processes and in the coordination between the applicant, developers, and City. If adopted, the proposed Specific Plan would define permitted uses, regulate the sizes and locations of buildings, specify design guidelines and development standards, address mobility and connectivity issues, identify project infrastructure and services, and provide administrative and implementation language for the entire 66.64-acre property.
- d. The affected properties are physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle access, and public services and utilities and is served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate, to ensure that the proposed use(s) and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located. The site and adjacent environs were studied for physical suitability as part of the

preparation for the Specific Plan and associated Final Environmental Impact Report.

3. 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 Planning Commission finds that the Environmental Impact Report (EIR) for The Irwindale Gateway Specific Plan (State Clearinghouse (SCH) No. 2023020290), including the Mitigation Monitoring and Reporting Program and Findings of Fact and Statement of Overriding Considerations adequately describes the Project and its potential impacts, as well as the impacts potentially resulting from the approval of the Irwindale Gateway Specific Plan for the purposes of CEQA review, and the proposed Zone Change No. 02-2022 is consistent with the analysis of the Project within the Final Environmental Impact Report, Mitigation Monitoring and Reporting Program, Findings of Fact, and Statement of Overriding Considerations.
4. Based upon substantial evidence and testimony received at public hearing and the findings and conclusions set forth hereinabove, the Planning Commission hereby recommends the City Council adopt and approve proposed Zone Change No. 02-2022 to change the Zoning Map as shown in attached "Exhibit A".

BE IT FURTHER RESOLVED THAT a copy of this resolution be transmitted to the City Council and to the Applicant.

The Secretary shall:

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

ADOPTED AND APPROVED this 14th day of November 2024.

Maricela Frymark, 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 a regular meeting of the Planning Commission of the City of Irwindale held on the 14th day of November 2024, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Marilyn Simpson, AICP, Secretary

Exhibits:

A: Proposed Zoning Map

B: Ordinance No. 788

City of Irwindale - Zoning Map



EXHIBIT “B”**ORDINANCE NO. 788**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE MODIFYING THE CITY OF IRWINDALE ZONING MAP (ZC NO. 02-2022) FROM M-2 (HEAVY MANUFACTURING) TO IRWINDALE GATEWAY SPECIFIC PLAN FOR PROPERTY LOCATED AT 13620 LIVE OAK LANE, IRWINDALE, CA (APNS: 8532-002-046 AND 8532-002-047) AND FINDING THE PROJECT CONSISTENT WITH THE CERTIFIED ENVIRONMENTAL IMPACT REPORT (SCH# 2023020290)

WHEREAS, Jeff Dritley, on behalf of KP Irwindale Owner, LLC 1875 Century Park East, Suite 380, Los Angeles, CA 90067, the Applicant, has made the following request: 1) Zone Change (ZC) No. 02-2022 to change the City of Irwindale Zoning Map from M-2 (Heavy Manufacturing) to Irwindale Gateway Specific Plan for property located at 13620 Live Oak Lane – APNs: 8532-002-046 and 8532-002-047. (This ZC is being processed concurrently with FEIR State Clearinghouse No. 2023020290, GPA No. 02-2022, ZOA No. 02-2023, and TPM No. 83854); and

WHEREAS, Section 17.84.010 of the Irwindale Municipal Code allows for changes to the zoning and the classification of property “whenever the public interest and necessity so require”; and

WHEREAS, the proposed Irwindale Gateway Specific Plan, provides for the planned use and long-term development of the business park for the next several years; and

WHEREAS, the Planning Commission, in connection with the implementing actions necessary for the adoption of the Irwindale Gateway Specific Plan, has considered the proposed Zone Change No. 02-2022, an amendment to the Zoning Code and the Zoning Map designation for two (2) parcels (APNs: 8532-002-046 and 8532-002-047) to the Irwindale Gateway Specific Plan; and

WHEREAS, 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 an Environmental Impact Report (“EIR”). The EIR was circulated for public review for 45 days from May 13, 2024 through June 27, 2024. A copy of the EIR was circulated through the State Clearinghouse (SCH# 2023020290), posted on the City’s website, and was available at the Irwindale Public Library, City Clerk’s Office, and Community Development Department. A copy of the EIR and Mitigation Monitoring and Reporting Program was posted on the project’s dedicated website <https://www.irwindaleca.gov/590/13620-Live-Oak-Lane---Irwindale-Gateway->; and

WHEREAS, the public review period for the Draft EIR ended on June 27, 2024; and

WHEREAS, a Final Environmental Impact Report (SCH# 2023020290) was prepared for the proposed project, including the Draft EIR, comments received on the Draft EIR and responses to those comments, and revisions and corrections to the Draft EIR made in response to comments received; and

WHEREAS, On October 28, 2024, the Irwindale Planning Commission conducted a duly noticed public hearing, as required by law, on the Application, closed the public hearing and requested that the item be continued until the entire Planning Commission was present. The item was continued the meeting to a date certain (November 26, 2024); and

WHEREAS, the Special Planning Commission meeting of November 26, 2024 was later rescheduled to November 14, 2024; and

WHEREAS, revised notices of public hearing were published, posted, and mailed in accordance with the laws, including CEQA, Government Code, and policies of the City of Irwindale; and

WHEREAS, on November 14, 2024, the Planning Commission conducted a duly noticed public hearing on the Irwindale Gateway Specific Plan and corresponding Zone Change No. 02-2022, and adopted PC Resolution No. 837(24) recommending that the City Council of the City of Irwindale adopt Zone Change No. 02-2022 to modify the City of Irwindale Zoning Map from M-2 (Heavy Manufacturing) to Irwindale Gateway Specific Plan; and

WHEREAS, notice of a public hearing before the City Council on the proposed Zone Change for the Specific Plan project, was given in accordance with applicable law; and

WHEREAS, On [DATE], the City Council conducted a duly noticed public hearing, as required by law, on the proposed Application at which time oral and documentary evidence was introduced along with the written recommendation of the City of Irwindale City Council, received public testimony; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

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

SECTION 1. The City Council hereby specifically finds that all of the facts set forth in Recitals, Part A, of this Ordinance are true and correct.

SECTION 2. Based upon substantial evidence presented to this City Council during the public hearing conducted with regard to the Application, including written staff

reports, verbal testimony, and evidence in the City's record for the project, this City Council hereby specifically finds as follows:

- a. The proposed Zone Change from M-2 [Heavy Manufacturing) to Irwindale Gateway Specific Plan is intended to encourage the highest and best use for the subject property and is in the best interests and welfare of the City and its residents.
- b. The proposed Zone Change is internally consistent with all other provisions of the General Plan. The Community Development Element of the General Plan promotes several policies that support the adoption of the SP and associated entitlements. Community Development Element Policy 1 strives to preserve the overall mix of land uses and development in the community. Community Development Element Policy 3 seeks to ensure that the type, location, and intensity of all new development and intensified developments adhere to the requirements specified in its particular land use category. Community Development Element Policy 5 promotes the comprehensive development consistent with the General Plan as opposed to piecemeal and incremental planning. If adopted, the proposed Zone Change would implement the proposed Irwindale Gateway Specific Plan, which implements policies set forth in the General Plan, to provide direction for the development of the business park over several years, addresses sustainable practices on and off-site, promotes compatibility with surrounding areas, and provides a unique and flexible policy document that facilitates orderly development of the site.
- c. The proposed Zone Change will not be detrimental to the public interest, health safety, convenience, or welfare of the City. The purpose of the proposed Zone Change is to implement the Specific Plan, which provides a comprehensive framework for the long-term growth and development of the entire business park, provides clarity in processes and in the coordination between the applicant, developers, and City. If adopted, the proposed Specific Plan would define permitted uses, regulate the sizes and locations of buildings, specify design guidelines and development standards, address mobility and connectivity issues, identify project infrastructure and services, and provide administrative and implementation language for the entire 66.64-acre property.
- d. The affected properties are physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle access, and public services and utilities and is served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the

proposed use would likely generate, to ensure that the proposed use(s) and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located. The site and adjacent environs were studied for physical suitability as part of the preparation for the Specific Plan and associated Final Environmental Impact Report.

SECTION 3. 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 Council finds that the Environmental Impact Report (EIR) for The Irwindale Gateway Specific Plan (State Clearinghouse (SCH) No. 2023020290), including the Mitigation Monitoring and Reporting Program and Findings of Fact and Statement of Overriding Considerations adequately describes the Project and its potential impacts, as well as the impacts potentially resulting from the approval of the Irwindale Gateway Specific Plan for the purposes of CEQA review, and it is consistent with the analysis of the Project within the City Council certified Final Environmental Impact Report, adopted Mitigation Monitoring and Reporting Program, adopted Findings of Fact, and adopted Statement of Overriding Considerations.

SECTION 4. Based upon substantial evidence and testimony received at public hearing and the findings and conclusions set forth hereinabove, the City Council adopts and approves proposed Zone Change No. 02-2022 to change the Zoning Map as shown in attached Exhibit "A" to this Ordinance.

SECTION 5. If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end, the provisions of this Ordinance are declared severable.

SECTION 6. This Ordinance shall take effect thirty (30) days after its adoption. The City Council hereby authorizes and directs the Mayor and the Chief Deputy City Clerk to execute this Ordinance on behalf of the City of Irwindale forthwith upon its adoption.

SECTION 7. The Chief Deputy City Clerk shall certify as to the passage of this Ordinance and shall cause the same to be published and/or posted at the designated locations in the City of Irwindale

PASSED, APPROVED AND ADOPTED this [DATE], 2024.

Albert F. Ambriz, Mayor

ATTEST:

Laura M. Nieto, MMC
Chief Deputy City Clerk
STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.
CITY OF IRWINDALE }

I, Laura M. Nieto, Chief Deputy City Clerk of the City of Irwindale, do hereby certify that the foregoing Ordinance No. TBD was duly introduced at a regular meeting of the Irwindale City Council held on the _____, 2024, and was duly approved and adopted on second reading at its regular meeting held on the _____ 2024, by the following vote of the Council:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Laura M. Nieto, MMC
Chief Deputy City Clerk

EXHIBIT “H”**RESOLUTION NO. 838(24)**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING CITY COUNCIL APPROVAL OF TENTATIVE PARCEL MAP NO. 83854 TO CREATE SEVEN (7) PARCELS FOR PROPERTY LOCATED AT 13620 LIVE OAK LANE, IRWINDALE, CA (APNS: 8532-002-046 AND 8532-002-04) IN THE M-2 (HEAVY MANUFACTURING) ZONE SUBJECT TO CONDITIONS AS SET FORTH HEREIN, MAKING FINDINGS IN SUPPORT THEREOF

A. RECITALS.

- (i) Jeff Dritley, on behalf of KP Irwindale Owner, LLC 1875 Century Park East, Suite 380, Los Angeles, CA 90067, the Applicant, has made the following request: 1) Tentative Parcel Map (TPM) No. 83854 to create seven (7) parcels for property located at 13620 Live Oak Lane – APNs: 8532-002-046 and 8532-002-047. (This TPM is being processed concurrently with FEIR State Clearinghouse No. 2023020290, GPA No. 02-2022, ZOA No. 02-2023, and ZC No. 02-2022); and
- (ii) The proposed application will allow for the creation of seven (7) individual parcels for future industrial development in accordance with the proposed Specific Plan and the Subdivision Map Act.
- (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 an Environmental Impact Report (“EIR”). The EIR was circulated for public review for 45 days from May 13, 2024 through June 27, 2024. A copy of the EIR was circulated through the State Clearinghouse (SCH# 2023020290), posted on the City’s website, and was available at the Irwindale Public Library, City Clerk’s Office, and Community Development Department. A copy of the EIR and Mitigation Monitoring and Reporting Program was posted on the project’s dedicated website <https://www.irwindaleca.gov/590/13620-Live-Oak-Lane---Irwindale-Gateway->; and
- (iv) The public review period for the Draft EIR ended on June 27, 2024; and
- (v) A Final Environmental Impact Report (SCH# 2023020290) was prepared for the proposed project, including the Draft EIR, comments received on the Draft EIR and responses to those comments, and revisions and corrections to the Draft EIR made in response to comments received; and

- (vi) On October 28, 2024, the Irwindale Planning Commission continued the hearing on this item to a date certain (November 26, 2024); and
- (vii) The Special Planning Commission meeting of November 26, 2024 was later rescheduled to November 14, 2024; and
- (viii) Revised notices of public hearing were published, posted, and mailed in accordance with the laws, including CEQA, the Government Code, and policies of the City of Irwindale; and
- (ix) On November 14, 2024, the Planning Commission conducted a duly noticed Special public hearing on the Irwindale Gateway Specific Plan and corresponding Zone Ordinance Amendment No. 02-2023, at which time, the Planning Commission opened the public hearing, took testimony on the Application, at which time they received input from staff, the Assistant City Attorney, and the Applicant, heard public testimony, discussed the Proposed Project; and closed the public hearing; and
- (x) 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 are 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 "A," this Planning Commission hereby specifically finds as follows:

Tentative Parcel Map 83854

- a. The proposed map is consistent with the General Plan, applicable specific plans, and the Zoning Code.*

The proposed map is for the subdivision of a property for development of industrial and commercial uses. The subject property has a General Plan land use designation of Regional Commercial and is zoned M-2 (Heavy Manufacturing). The proposed map is being processed concurrently with General Plan Amendment (GPA) No. 02-2022 to amend the Community Development Element and Land Use Plan Map to designate the property as Irwindale Gateway Specific Plan, ZOA 02-2023 to adopt the Irwindale Gateway Specific Plan, and ZC 02-2022 to change the Zoning Map designation from M-

2 (Heavy Manufacturing) to Irwindale Gateway Specific Plan. The Specific Plan proposes an industrial business park to include development standards concerning a) facilities and improvements; b) pedestrian and vehicular ingress, egress, and internal circulation; c) setbacks; d) height of buildings; e) mechanical and utility service equipment; f) landscaping; g) grading; h) lighting; i) parking; j) drainage; and k) intensity of land use so as to avoid traffic congestion, to ensure the public health, safety, and welfare, and to prevent adverse effects on surrounding properties. The proposed project involves redevelopment of a site that is a former landfill, and sand and gravel quarry. Therefore, the proposed map is consistent with the General Plan, as amended, the Irwindale Gateway Specific Plan, and the Zoning Code.

- b. The design or improvement of the proposed subdivision is consistent with the General Plan, applicable specific plans, and the Zoning Code.*

The proposed project is for development of an industrial business park. The proposed map is being processed concurrently with General Plan Amendment (GPA) No. 02-2022 to amend the Community Development Element and Land Use Plan Map to designate the property as Irwindale Gateway Specific Plan, ZOA 02-2023 to adopt the Irwindale Gateway Specific Plan, and ZC 02-2022 to change the Zoning Map designation from M-2 (Heavy Manufacturing) to Irwindale Gateway Specific Plan. The Specific Plan proposes an industrial business park to include development. The design and improvement of the proposed subdivision is consistent with development standards established in the Specific Plan document with respect to land use, building height, parking, and landscaping.

- c. The site is physically suitable for the type of development proposed.*

The 66.64-acre site is suitable for the proposed Specific Plan industrial business park development, which provides for a maximum of 997,796 feet of building space, with private driveways and drive aisles, landscaping, and parking areas. The site is ±66.64-acres site currently served by an existing private street, Live Oak Lane. Live Oak Lane in its entirety, is a part of the subject property. As part of the improvements, a total of 2,160 feet of Live Oak Lane will be dedicated to the City and improved to the City's standard of 60'-0". The remaining areas are already paved and will be converted to a public alley to connect the northern and southern sections of Live Oak Lane. In addition to the improved roadways, there will also be new sidewalk and landscaped setbacks.

- d. The site is physically suitable for the proposed density or intensity of development.*

The 66.64-acre site is likewise suitable for the proposed intensity of the Specific Plan industrial business park, which provides for a maximum of 997,796 feet of

building space, with private driveways and drive aisles, landscaping, and parking areas. The site is ±66.64-acres site currently served by an existing private street, Live Oak Lane. Live Oak Lane in its entirety, is a part of the subject property. As part of the improvements, a total of 2,160 feet of Live Oak Lane will be dedicated to the City and improved to the City's standard of 60'-0". The remaining areas are already paved and will be converted to a public alley to connect the northern and southern sections of Live Oak Lane. In addition to the improved roadways, there will also be new sidewalk and landscaped setbacks.

- e. *The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.*

The design or proposed improvements of the subdivision will not cause any substantial environmental damage or substantially injure fish, wildlife, or their habitats, or cause serious public health problems in that the Application will create seven (7) parcels from two (2) parcels in an area that has been planned for industrial and commercial uses. The subdivision is located on a former landfill and sand and gravel quarry within an urbanized area and is not the habitat of fish or wildlife. 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 an Environmental Impact Report ("EIR"), for The Irwindale Gateway Specific Plan (State Clearinghouse (SCH) No. 2023020290), including the Mitigation Monitoring and Reporting Program and Findings of Fact and Statement of Overriding Considerations which adequately describes the Project and its potential impacts, as well as the impacts potentially resulting from the approval of the Irwindale Gateway Specific Plan for the purposes of CEQA review, and the proposed Tentative Parcel Map is consistent with the analysis of the Project.

- f. *The design of the subdivision or type of improvements will not pose a threat to the public health, safety, and welfare.*

The design of the subdivision and improvements will not pose a threat to the public health, safety, and welfare. Adequate fire and police protection is available to serve the project. Uses permitted and conditionally permitted within the proposed project are required to meet all Federal, State and local health and safety codes and regulations.

- g. *The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.*

There is an existing, 9.61-acre Southern California Edison (SCE) easement on the western portion of the site. Part of the Specific Plan's infrastructure plan includes the development of a new detention basin within this easement for the collection of project storm water flows. However, this will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

- h. Any discharge of waste from the proposed subdivision into an existing sewer system would not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.*

The proposed subdivision is served by an existing City sewer system and is required to comply with all requirements of the California Regional Water Quality Control Board.

- i. The requirements of CEQA have been satisfied.*

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 an Environmental Impact Report ("EIR"), SCH# 2023020290. Even after the adoption of all feasible Mitigation Measures as identified in the Mitigation Monitoring and Reporting Program (MMRP), certain significant or potentially significant environmental effects caused by the Project directly, or cumulatively, will remain and a Statement of Overriding Considerations is recommended to be adopted as part of the project.

3. 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 an Environmental Impact Report ("EIR"). The EIR was circulated for public review for 45 days from May 13, 2024 through June 27, 2024. A copy of the EIR was circulated through the State Clearinghouse (SCH# 2023020290), posted on the City's website, and was available at the Irwindale Public Library, City Clerk's Office, and Community Development Department. A copy of the EIR and Mitigation Monitoring and Reporting Program was posted on the project's dedicated website <https://www.irwindaleca.gov/590/13620-Live-Oak-Lane---Irwindale-Gateway->. The EIR for The Irwindale Gateway Specific Plan (State Clearinghouse (SCH) No. 2023020290), including the Mitigation Monitoring and Reporting Program and Findings of Fact and Statement of Overriding Considerations adequately describe the Project and its potential impacts, as well as the impacts potentially resulting from the approval of the Irwindale Gateway Specific Plan for the purposes of CEQA review, and the proposed Tentative Parcel Map is consistent with the analysis of the Project.

4. 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 16 and Title 17 of the Irwindale Municipal Code.

5. The Secretary shall:

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

ADOPTED AND APPROVED this 14th day of November 2024.

Maricela Frymark, 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 a regular meeting of the Planning Commission of the City of Irwindale held on the 14th day of November 2024, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Marilyn Simpson, AICP, Secretary

Exhibits:

A: Conditions of Approval

EXHIBIT “A”**PLANNING COMMISSION RESOLUTION NO. 838(24)****Tentative Parcel Map No. 83854****KP Irwindale Owner, LLC****13620 Live Oak Lane – The Irwindale Gateway Specific Plan****A. GENERAL**

1. Tentative Parcel Map No. 83854, a true and correct copy attached hereto, allows for the subdivision of the property, which will result in the creation seven (7) lettered parcels as described on the plans dated October 21, 2024.
2. 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 concerning Tentative Parcel Map 83854. The City will promptly notify the permittee of any such claim, action, or proceeding against the City and will cooperate fully in the defense.
3. The use and improvements authorized by this Tentative Parcel Map shall conform to the plans as finally approved by the City as conditioned herein, and any appreciable modification of the plans or mode of operation, as determined by the City Engineer/Building Official and Community Development Manager/City Planner, shall require the prior approval of the City Council pursuant to the amendment of the Tentative Parcel Map.
4. 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.
5. 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.
6. 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.

7. To the extent that lighting is governed by the Specific Plan, any inconsistencies shall be subject to the requirements of the IMC. Illumination intensity during hours of darkness shall be as follows:
 - To illuminate parking lots or parking structures and their pedestrian links that provide more than five parking spaces for use by the general public, shall provide a minimum coverage of one foot-candle of light with a maximum of eight foot-candles on the parking or walkway surface, unless otherwise approved by the City of Irwindale for visibility and security.
 - To illuminate aisles and passageways within a Building complex, provide a maximum of one-half to one foot-candle of maintained lighting.
8. The premises will be secured with appropriate security lighting, and shall comply with the Specific Plan. A photometric lighting plan shall be submitted, subject to the review and approval of the Community Development Department and the Police Department.
9. 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.
10. Property owner and/or their designee shall require tenants to provide information regarding their employees' transportation to and from work, within one (1) year but no earlier than nine (9) months of the issuance of the tenant's Occupancy Permit or when building occupancy reaches 85%, whichever occurs first. Each property tenant shall be required to provide the information to the Public Works/Engineering and Community Development Departments. Employee data may be collected by a survey, employee interview or other selected method and shall include the following information: 1) transportation mode(s) used to commute to work, 2) number of days mode used per week, 3) distance of round trip, and 4) city of origin. The results of the data collection shall be tabulated in a clear format. The results shall be submitted to the Public Works/Engineering and Community Development Departments within thirty (30) days of data tabulation. Non-compliance may be subject to enforcement action, including but not limited to penalties.

B. COMMUNITY DEVELOPMENT DEPARTMENT

1. The following conditions shall apply unless the item is addressed in the Specific Plan; in which case the Specific Plan shall govern.

2. All landscaping for the project 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.
3. 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 City Engineer. Landscape plans shall be consistent with the Commercial and Industrial Design Guidelines. Landscape plans shall be consistent with the Specific Plan. Vision clearance shall be maintained at all vehicle entrances and exits. Landscape planters throughout the site shall incorporate river rock.
4. Project landscaping shall comply with Irwindale Municipal Code Chapter 15.30, "Water Efficient Landscape Standards and Guidelines."
5. A complete, permanent, automatic irrigation system shall be provided for all landscaped areas.
6. All landscaped planters shall be surrounded by a six (6) inch horizontal concrete curb.
7. The following invasive plants shall not be used in landscaping:
 - *Carpobrotus edulis* (ice plant)
 - *Hedera helix*, *H. Hibernica*, *H. canariensis* (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)
8. All plant material, including trees, shall be maintained in good condition and replaced in the event they die or become diseased.
9. All perimeter fencing, block walls, etc. shall be maintained in satisfactory condition in accordance with all applicable codes.
10. All utility equipment such as backflow units and transformers shall be screened with evergreen screen shrubs as allowed.

11. BESS shall be screened with an 8'-0" high wall where in sight of proximal portions of Live Oak Avenue or Live Oak Lane at Specific Plan build-out.
12. Any masonry walls and gates shall be decorative consistent with the design criteria set forth in the Specific Plan. The design of the walls and gates shall be subject to the review and approval of the Community Development Department.
13. All building design and construction, including the type, texture, color, and durability of the exterior building materials shall comply with the design criteria set forth in the Specific Plan.
14. 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.
15. 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 buildings¹. 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.
16. 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.
17. A lighting plan shall be submitted for approval by the Community Development Manager/City Planner describing lighting fixtures for parking lot and 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.
18. Applicant shall obtain approval from the Community Development Director or their designee for a comprehensive sign program for all project signs prior to construction or installation of any signs on the project site.
19. The Applicant shall comply with the provisions of Irwindale Municipal Code Chapter 17.66, "Trip Reduction and Travel Demand Measures." All required trip

¹ Photovoltaic equipment is exempt from this requirement.

reduction and travel demand measures applicable to the project pursuant to Chapter 17.66 shall be indicated on plans at the time of plan check.

20. A chain link fence with green screening shall be installed and maintained around the perimeter of the site at all times during construction.
21. 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.
22. To the extent feasible, Applicant shall participate in Southern California Edison's "Savings by Design" program.
23. Development shall adhere to all Mitigation Measures identified in the adopted Mitigation Monitoring and Reporting Program (MMRP), made a part of the Final Environmental Impact Report (SCH# 2023020290) associated with the project in compliance with the California Environmental Quality Act (CEQA).
24. The Applicant shall prepare Covenants, Conditions and Restrictions (CC&Rs) for the development, subject to the review and approval of the City Engineer, Community Development Department, and the City Attorney.
25. Cultural Resources. If a potential Native American resource is uncovered during ground disturbance activities, the Applicant shall halt work in the immediate area of the find, promptly inform the Community Development Department of the suspected presence of that Native American resource, cease earth-disturbing activities in proximity thereto, and retain a qualified professional archaeologist and a culturally-affiliated Native American monitor acceptable to the City for the purpose of examining the potential Native American resource in order to determine whether it is a "tribal cultural resource" as defined in Section 21074(a) of the Public Resources Code (PRC) and/or a "unique cultural resource" as defined in Section 21083.2(g) of the PRC. No additional ground disturbance activities shall occur in the immediate location of the potential Native American resource until all information recovery has been completed, a report filed with the City, and that report made available to interested representatives of Native American tribes that are traditionally and culturally affiliated with the project area.
26. Any future private street/drive shall be subject to City review and approval. Applicant shall be responsible for the design and installation of all required off-site signage related to Irwindale Gateway Specific Plan development.
27. This project shall be subject to Development Impact Fees.

C. FIRE DEPARTMENT

FINAL MAP REQUIREMENTS

FAILURE TO COMPLY WITH THE FINAL MAP REVIEW PRIOR TO RECORDATION, MAY RESULT IN THE BUILDING PLANS NOT BEING APPROVED DURING THE FIRE DEPARTMENT FIRE PREVENTION ENGINEERING SECTION BUILDING PLAN REVIEW.

1. The Final Map shall be submitted to our office for review and approval prior recordation. Access as noted on the Tentative and the Exhibit Maps shall comply with Title 21 (County of Los Angeles Subdivision Code) and Section 503 of the Title 32 (County of Los Angeles Fire Code), which requires an all-weather access surface to be clear to sky.
2. The Private Driveways proposed as private streets for access throughout the development shall be labeled as "Private Driveway" on the Final Map. The portion of the private driveway intended for fire apparatus access shall be identified as "Fire Lane" on the Final Map. All widths and dimensions shall be clearly delineated with a reciprocal access agreement is required for all private driveways. Compliance required prior to Final Map clearance.
3. A common access agreement shall be required for the private driveway since multiple units are sharing the same access. Such language shall be included in the Covenant, Conditions and Restrictions (CC&R) document and shall be submitted to the Fire Department for review prior to Final Map clearance.
4. Fire hydrant improvement plans shall be submitted for review and approval prior final map clearance.

WATER SYSTEM REQUIREMENTS

5. All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal and shall be installed in accordance with the County of Los Angeles Fire Code.
6. The required fire flow for the public fire hydrants for this project is 4,000 GPM at 20 psi residual pressure for four (4) hours.
7. All required PUBLIC fire hydrants shall be installed, tested, and accepted prior to beginning construction. Fire Code 501.4.
8. Install 13 new public fire hydrants as Indicated on the Tentative Map.
9. Additional private on-site fire hydrants will be required during the building plan check phase. All required private on-site fire hydrants shall be installed, tested, and approved prior to building occupancy. Fire Code 901.5.1.

10. All on-site fire hydrants shall be installed a minimum of 25' feet from a structure or protected by a two (2) hour rated firewall. Exception: For fully sprinkled multi-family structures, on-site hydrants may be installed a minimum of 10 feet from the structure. Indicate compliance prior to project proceeding to the public hearing process. Fire Code Appendix C106.1.
11. The required fire flow for the on-site fire hydrants is 2,500 GPM at 20 psi residual pressure for two (2) hours.
12. Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested, and accepted prior to construction.

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 City Engineer. Construction plans shall be reviewed and approved by the City Engineer.
2. The owner/developer shall dedicate and construct full width improvements (60 foot right of way, 40' curb to curb) on Live Oak Lane and bear the full cost of design, engineering, installation, construction management and inspection. All improvements shall be constructed in accordance with the City standards to the satisfaction of the City Engineer. Construction plans shall be reviewed and approved by the City Engineer.
3. Adequate "on-site" parking shall be provided per City requirements.
4. The owner/developer shall reimburse the City for the actual cost for the installation, replacement or modification of traffic control signs, striping and pavement markings required in conjunction with the development.
5. The owner/developer shall design and construct ADA accessible driveway approaches, sidewalks, and curb ramps and remove all existing driveways and parkway drains along Live Oak Lane and frontage of Live Oak Avenue. All improvements shall be constructed in accordance with the City standards to the satisfaction of the City Engineer.
6. The owner and/or developer shall remove and reconstruct all damaged or deficient sidewalk, driveways, curb and gutter as directed by the City Engineer.
7. The owner/developer shall be responsible for the repair of all damage to public improvements in the public right-of-way resulting from construction-related

activities, including, but not limited to, the movement and/or delivery of equipment, materials and soil to and/or from the site.

8. The owner/developer shall bear the full cost of installing streetlights and/or upgrading the existing streetlights along Live Oak Avenue frontage and Live Oak Lane to more energy-efficient fixtures (LED). Street lighting upgrade shall meet the City of Irwindale and County of Los Angeles Street Lighting Design Standards.
9. Street right-of-way shall be dedicated to the City of Irwindale as follows:
 - a. Two-foot right-of-way along Live Oak Avenue at the project frontage for public sidewalk.
 - b. Right-of-way as required at the intersections of Live Oak Lane and Arrow Highway and Live Oak Lane and Live Oak Avenue sidewalk, intersection and roadway improvements and traffic signals.
 - c. Right-of-way along Live Oak Lane for a public alley fronting APN's 8532-002-020, 8532-002-040, 8532-002-043, 8532-002-036, 8532-002-019, and 8532-002-027.

CITY UTILITIES

10. 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 City Engineer's requirements. The owner/developer shall submit grading and drainage plans to the City Engineer 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.
11. 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.
12. The owner/developer shall obtain a Storm Drain Connection Permit from the City of Irwindale and/or Los Angeles County Flood Control District for connection(s) to the existing storm drain system.
13. 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 City Engineer and/or Fire Department.
14. 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 City Engineer. A sewer study shall be submitted along with the sanitary sewer plans.

15. 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

16. All points of access to the proposed development shall be reviewed and approved by the City Engineer. Project driveways on Live Oak Avenue may be required to allow only right-in and right-out movements. Proper signage shall be installed on the project site.
17. Owner/developer shall bear the full cost to design and install a new traffic signal at the intersection of Live Oak Avenue and Live Oak Lane. The improvements shall consist of all necessary traffic signal equipment, signal timing, lane configuration, vehicle detection and striping. Plans shall be reviewed and approved by the City Engineer.

MAPPING

18. Final parcel map shall be prepared and submitted to the Public Works Engineering Department for review and approval. The applicant shall be responsible for all fees associated with the review and processing of the final map. The developer shall comply with Los Angeles County's Digital Subdivision Ordinance (DSO) and submit final maps to the City and County in digital format.
19. 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 City Engineer's approval.
20. The owner/developer shall provide, at no cost to the City, one mylar print of the recorded parcel map from the County of Los Angeles Department of Public Works.
21. An Easement Agreement for all easements (e.g., roadway, reciprocal access; surface drainage; utilities, etc.) shall be prepared for each parcel, and shall be executed and recorded in the Office of the Los Angeles County Recorder. Such agreements and any CC&Rs shall be subject to the approval of the City Attorney, City Planner and City Engineer.

MISCELLANEOUS

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

23. A grading plan shall be submitted for grading/drainage approval to the City Engineer. The owner shall pay grading/drainage review fees in conjunction with this submittal. A professional civil engineer registered in the State of California shall prepare the grading plans under the current Irwindale adopted Building Codes at the time of submittals.
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.
26. Any changes to the site plan shall be reviewed and approved by the City Engineer.
27. Prior to the approval of the Tract Map the owner/developer shall either construct or post security for all public improvements to be shown on the Tentative Map 83854 and items listed under Public Works/Engineering.
28. Prior to the issuance of a building permit, the project site shall be graded and backfilled to the adjacent street grade elevation, subject to the review and approval of the City Engineer/Building Official.

E. PUBLIC WORKS SERVICES

1. All walls that face the public right-of-way shall implement anti-graffiti management practices (such as planting vines on the walls). Applicant shall be responsible for graffiti removal to all walls that face the public right-of-way in a timely manner.
2. Onsite trash enclosure areas shall have sufficient space for solid waste and organic waste receptacles and shall be covered from the elements with a solid roof

structure per Title 14, Division 7, Section 17313 of the California Code of Regulations and Building Code Manual County of Los Angeles Department of Public Works Building and Safety Division 312 Article 2.

3. Tenants must adhere to the SB 1383 regulations set forth by CalRecycle under California Code of Regulations Title 14, Division 7, Chapter 3 and outlined in the Irwindale Municipal Code Section 08.22 Specific Regulations for Organic Waste Disposal Reduction, Recycling, and Solid Waste, which includes the diversion of edible food to food recovery organizations and services.
4. The owner and/or applicant shall remove and reconstruct all damaged, deficient, or substandard sidewalk, driveways, curb, and gutter as directed by the Director of Engineering and the Public Services Director.
5. The owner and/or applicant shall resurface the entire private road/alley and any roadway that will be dedicated public right-of-way (Live Oak Lane) to its entirety and restripe limit line/STOP.
6. The owner and/or applicant is responsible for obtaining encroachment permit(s) from the City prior to commencing any type of work in the public right-of-way.
7. Any work within easements on the project site shall require proper approval and permits from the easement holder (City of Irwindale, County of Los Angeles, Southern California Edison, etc.).
8. Vehicles shall not block the sidewalk or be parked on the public right-of-way along property frontage.
9. 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.
10. The tenant and owner of the property are responsible for the removal of any accidental or illegal dumping of debris on private property. It is not the responsibility of the City of Irwindale to remove any accidental or illegal dumping of items from private property.
11. All utilities and signs within the public right-of-way shall meet horizontal and vertical ADA clearance requirements.
12. Any landscaping, including an irrigation system, in the public right-of-way or any property that is dedicated to the City of Irwindale for maintenance purposes must be approved by the Public Services Director, or designee, as part of the permitting process. Property owner is required to maintain at its sole expense all landscaping in the public right-of-way, including the parkway.

EXHIBIT “I”

TENTATIVE PARCEL MAP NO. 83854

[https://www.irwindaleca.gov/DocumentCenter/View/9647/T
PM-83854-10282024](https://www.irwindaleca.gov/DocumentCenter/View/9647/T
PM-83854-10282024)

EXHIBIT “J”

PROJECT IMAGES

<https://www.irwindaleca.gov/DocumentCenter/View/9648/Planning-Commission-PresentationProject-Images---10212024>

EXHIBIT “K”

FISCAL IMPACT REPORT (12/30/2022)

<https://www.irwindaleca.gov/DocumentCenter/View/9651/Fiscal-Impact-Summary-Irwindale-Gateway-Project-12-30-22>

SUMMARY MEMORANDUM

December 30, 2022

To: Jeff Dritley and Steven Hillgren, Kearny Real Estate Company
 Sam Holing, Aypa Power

From: Kuda Wekwete, Jerry Wen, and Jeffrey Wright, DTA

Subject: Fiscal Impacts Resulting from the Proposed Irwindale Gateway Project

Enclosed for your review is an Executive Summary of a Fiscal Impact Analysis ("FIA") evaluating the Irwindale Gateway project (the "Project") being proposed by Kearny Real Estate Company and Aypa Power (together, the "Project Proponent") in the City of Irwindale (the "City") located in Los Angeles County (the "County"). The intent of this memorandum ("memo") is for DTA to provide a brief summary of the projected fiscal impacts to the City's General Fund that would result from the development of the Project. The specific purpose of this analysis is to determine whether the Project will fully pay for all of the services that it will be receiving from the City.

A Description of the Project Site and Project Use

As depicted in Figure 1 below, the Project site encompasses approximately 50 acres of a gravel quarry mined to 180 feet below grade and filled with inert materials. It is located immediately south of Arrow Freeway, east of Freeway 605, north of Live Oak Avenue, and west of Live Oak Lane. The proposed redevelopment would rehabilitate the site and make it suitable for light industrial uses. As illustrated in the conceptual site plans below, the Project is proposed to consist of a 400-megawatt ("MW") battery energy storage system ("BESS") and two light industrial buildings with 750,510 square feet of warehousing space for local and regional distribution.

Figure 1: Project Site and Conceptual Site Plan

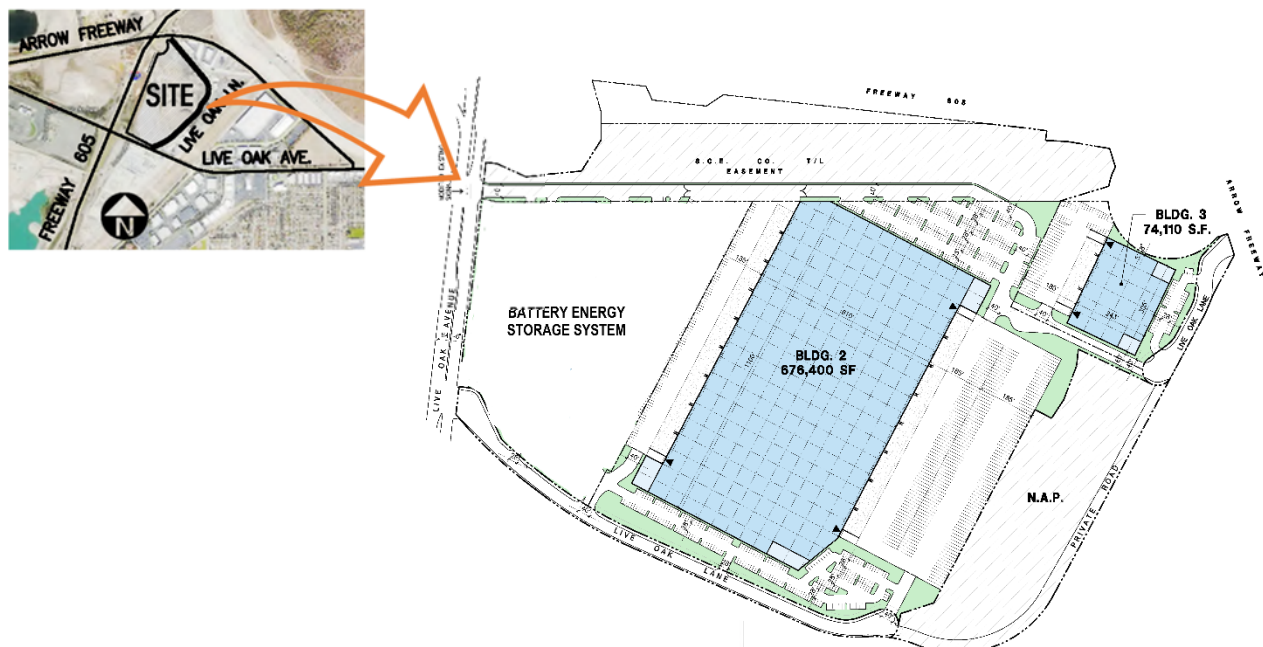
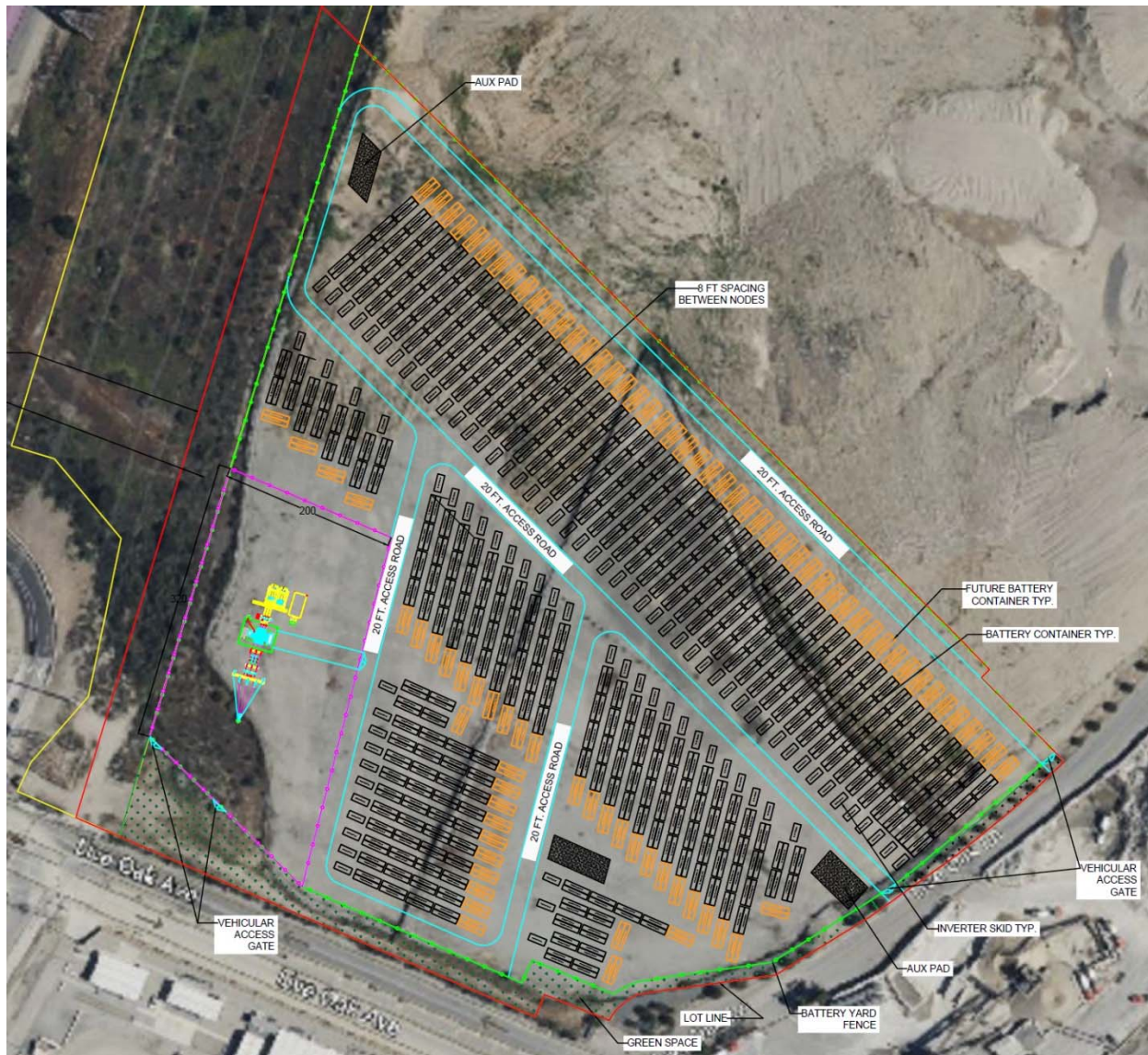


Figure 2: Conceptual Site Plan for BESS Component



B Analytic Methodology and Assumptions

Notably, only recurring revenues and costs are analyzed in the model. Costs that are considered non-recurring, such as capital expenditures, are excluded from the analysis. This is because new development is generally required to construct its own new capital improvements, such as roads or parks, or pay Development Impact Fees ("DIFs") that enable the City or some other developer to construct these improvements. As these are considered to be "one-time" costs that will not recur, there is no expectation that new development will need to pay for these capital expenditures a second time. Likewise, revenues that are considered to be non-recurring, such as DIFs paid by developers, are also excluded from the model. In sum, the model reflects the estimated recurring annual deficit or surplus to the City's General Fund that will result from the development of the Project.

DTA chooses its analytical assumptions in accordance with industry standards and documents those decisions carefully. The list provided below explains how some of these assumptions were derived.

- Discounting Revenues: Certain revenues are not expected to increase one-to-one with new development. Thus, 20%, 25%, and 75% discount rates have been applied to various General Fund revenues to reflect the estimated ratio of fixed revenues (not impacted by future development) to variable revenues. In addition, DTA conservatively applies a 100% discount on the intergovernmental revenues received by the City given that the allotment of such revenues generally involves complex socioeconomic and demographic factors that are difficult to forecast.
- Discounting Expenses: Certain service costs are not expected to increase one-to-one with new development. Thus, 50%, 75%, and 95% discount rates have been applied to various General Fund expenditures to reflect the estimated ratio of fixed expenditures (not impacted by future development) to variable expenditures.
- Square Feet per Employee ("SF/E"): DTA utilizes an approximation of 1,650 SF/E based on the standard estimate for warehouse use by Beacon Economics LLC of the UC Riverside Center for Economic Forecasting.
- Tax Sharing (Secured Property Taxes): Property tax revenue estimates were derived using apportionment factors provided by the County Auditor-Controller as applied to the general 1% *ad valorem* property tax levy. Total secured property tax revenues received by the City from the proposed Project will equal approximately 9.77% of the basic 1% [Proposition ("Prop") 13], net of the projected Education Revenue Augmentation Fund ("ERAF") property tax shifts.
- Property Tax In Lieu of Vehicle License Fees ("VLFs"): Per California Revenue and Taxation Code §97.70, the property tax in lieu of VLF amount now increases in proportion to the growth rate of the Citywide gross assessed valuation of taxable property from the prior fiscal year. Property taxes in lieu of VLF revenues constitute an addition to other property tax apportionments and were calculated for the purposes of this FIA at \$0.06 per \$1,000 increase in assessed valuation on a Citywide basis.

For additional details regarding the specific assumptions and methodology utilized to calculate the fiscal impacts for the Project, please refer to Attachment 1.

C City General Fund – Net Fiscal Impact Summary

As listed in Table 1, the overall net fiscal impact to the City's General Fund resulting from the revenues anticipated to be generated by the Project's build-out, as compared with the cost of public services associated with the Project's build-out, will be an annual recurring fiscal surplus of \$1,084,871. Annual recurring revenues generated by the Project are forecasted to equal approximately 5.51 times the General Fund costs associated with the Project.

Table 1: General Fund Net Fiscal Impact Summary

Fiscal Impact Category	Amount	Percent of Total
Recurring General Fund Revenues [1]		
Secured Property Tax	\$904,120	68.2%
Unsecured Property Tax	\$90,412	6.8%
Property Tax In-Lieu of Vehicle License Fee	\$53,291	4.0%
Indirect Sales Tax	\$3,600	0.3%
Utility Users' Tax	\$164,457	12.4%
Business Licenses	\$35,323	2.7%
Franchise Fees	\$29,081	2.2%
Use of Money and Property	\$13,916	1.0%
Licenses and Permits	\$9,570	0.7%
Fines and Forfeitures	\$3,000	0.2%
Miscellaneous	\$17,589	1.3%
Investment Income	\$1,138	0.1%
Subtotal	\$1,325,497	100.0%
Recurring General Fund Expenditures [2]		
Police	\$107,025	44.5%
Public Works - Engineering/Capital Project	\$36,496	15.2%
Public Services	\$31,781	13.2%
Senior Center	\$1,152	0.5%
Recreation	\$11,008	4.6%
Library	\$4,099	1.7%
General Government	\$49,065	20.4%
Subtotal	\$240,626	100.0%
Net Fiscal Impact		
Total Annual Recurring General Fund Surplus/(Deficit)	\$1,084,871	NA
Total Annual Revenue/Expenditure Ratio	5.51	NA

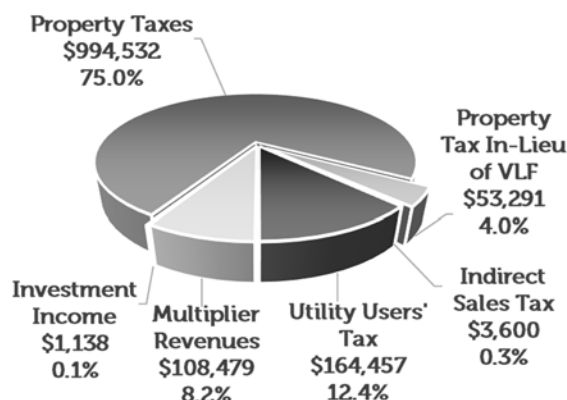
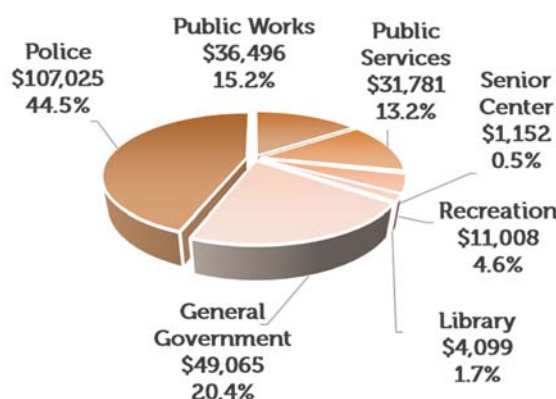
NOTES:

[1] Please see Appendices A-4 through A-7 for the derivation of these calculations.

[2] Please see Appendices A-8 and A-9 for the derivation of these calculations.

* *All figures subject to rounding*

As reflected in Figure 2, the largest projected City General Fund revenue sources attributable to the Project at build-out are property taxes (including property tax in lieu of VLFs) (79.1%) and utilities users' tax (12.4%). Conversely, the largest projected City General Fund expenditures will be for the police (44.5%) and general government (20.4%), as depicted in Figure 3.

Figure 3: Recurring General Fund Revenues at Project Build-Out Broken Down by Source**Figure 4: Recurring General Fund Expenditures at Project Build-Out Broken Down by Source**

D Possibility of Point-of-Sale Fulfillment Centers ("POS FCs") on the Project Site

POS FCs can be a major generator of sales tax revenues for the municipality in which they are located. There has been considerable discussion surrounding the issue of sales tax collection from online retailers associated with fulfillment centers. A fulfillment center is a physical location from which a logistics provider, who may be a third party, directly fulfills customer orders for e-commerce retailers. These centers exist to distribute online orders directly to retail customers in a timely fashion and generate revenues that are considered POS revenues. California law, culminating with the 2019 Marketplace Facilitators Act, allows operators of fulfillment centers such as Amazon to designate a POS that permits them to direct 100% of their share of sales tax revenues for "taxable sales" to a pre-determined city in which they have a physical presence. However, not all retail sales are considered taxable within California. For example, there is no sales tax paid in California on purchases from fulfillment centers made by residents or businesses located outside of the State, nor are there sales taxes imposed for groceries or pharmaceutical drugs sold inside or outside of the State. In addition, some retailers may request that they retain a share of sales taxes from a local municipality in return for locating their fulfillment centers in a specific community.

Based on studies performed by Prologis Research, distribution facilities used as fulfillment centers by e-commerce retailers support annual sales of up to \$1,000 per building square foot. Given that e-commerce retail sales in the United States grew by 102% from 2014 to 2019, even prior to the COVID pandemic, the demand for fulfillment center space has been increasing exponentially. Surveys performed by Coldwell Banker Real Estate and Prologis Research prior to COVID indicated that 30% to 40% of the users of new warehouse space were specifically looking for space for fulfillment center(s).

However, as explained above, the total taxable sales generated by any given fulfillment center is difficult to gauge as each is heavily dependent on the specific tenant and the volume and prices of the taxable goods shipped from that location to California residents or business. For illustrative purposes only, assuming 100% of the warehouse space (750,510 square feet) on the Project site are occupied by marketplace facilitator(s), such as Amazon, QVC, Uline, Staples, etc., and that one-half of the potential sales (\$500 per square foot) would ultimately generate sales taxes, the Project would annually generate a significant amount of direct sales taxes (\$6.57 million). DTA conservatively assumes that 30% of those sales taxes (\$1.97 million) will be apportioned to the City based on a recent Sales Tax Apportionment Agreement entered between the California Department of Tax and Fee Administration and Amazon FC, which owns or leases fulfillment centers located throughout much of the State.

Notably, given that the Project proponent is pursuing the proposed industrial building(s) on a speculative basis and the future occupant(s) of the Project are unknown at this time, the Project proponent cannot promise a POS FC on the Project site.

If you have any further questions regarding this Executive Summary, please feel free to contact DTA at (800) 969-4DTA.

Enclosures:

1. Attachment 1 – FIA

ATTACHMENT 1

Kearny Real Estate Company
Irwindale Gateway Project



FIA

ATTACHMENT 1-A

**IRWINDALE, CALIFORNIA: IRWINDALE GATEWAY PROJECT
CITY GENERAL FUND REVENUES (BY TYPE)**
I Demographics and Other Data

2022 Estimated City Population [1]	1,490
2022 Estimated City Employees [2]	16,200
2022 Persons Served Population [3]	9,590

Notes:

[1] California Department of Finance, Housing and Population Information, January 1, 2022.

[2] City of Irwindale Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2021.

[3] Assumes City population plus 50% of employees.

II City Revenue Sources (by Type)

Revenue Type	Total Revenues	Revenue Type	Fiscal Impact Basis	Discount	Fiscal Impact Revenue Factor
Tax Revenue	\$16,333,923		Persons Served		\$0.00
Property Tax - Exclude In-Lieu of VLF	\$2,029,923	Recurring	Case Study	0%	NA
Sales Tax	\$4,497,000	Recurring	Case Study	0%	NA
Measure I	\$2,722,000	Recurring	Case Study	0%	NA
Mining Tax	\$3,685,000	Recurring	Case Study	0%	NA
Utility Users' Tax	\$3,400,000	Recurring	Case Study	0%	NA
Business Licenses	\$1,558,929	Recurring	Per Employee	20%	\$76.98
Franchise Fees	\$1,522,261	Recurring	Persons Served	20%	\$126.99
Building/Planning/Engineering Fees	\$4,100,000	Non-Recurring	NA	0%	NA
Licenses and Permits	\$534,330	Recurring	Persons Served	25%	\$41.79
VLF/Property Tax Compensation	\$159,937	Recurring	Case Study	0%	NA
Fines and Forfeitures	\$157,000	Recurring	Persons Served	20%	\$13.10
Intergovernmental	\$14,700	Non-Recurring	NA	0%	NA
Use of Money and Property	\$777,000	Recurring	Persons Served	25%	\$60.77
Miscellaneous	\$2,946,550	Recurring	Persons Served	75%	\$76.81
COVID Reimbursement	\$173,000	Non-Recurring	NA	0%	NA
Total Revenues	\$28,277,630	NA	NA	NA	NA
Total Recurring Revenues	\$23,989,930	NA	NA	NA	NA

ATTACHMENT 1-B

IRWINDALE, CALIFORNIA: IRWINDALE GATEWAY PROJECT
CITY GENERAL FUND EXPENDITURES (BY TYPE)**I Demographics and Other Data**

2022 Estimated City Population [1]	1,490
2022 Estimated City Employees [2]	16,200
2022 Persons Served Population [3]	9,590

Notes:

[1] California Department of Finance, Housing and Population Information, January 1, 2022.

[2] City of Irwindale Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2021.

[3] Assumes City population plus 50% of employees.

II City Expenditures (by Type)

Expenditure Type	Total Expenditures	Expenditure Type	Fiscal Impact Basis	Discount	Fiscal Impact Expenditure Factor
General Government					
City Council	\$401,780	Recurring	Case Study	0%	NA
City Manager	\$94,400	Recurring	Case Study	0%	NA
City Clerk	\$274,920	Recurring	Case Study	0%	NA
Finance	\$948,150	Recurring	Case Study	0%	NA
Administrative Services	\$961,080	Recurring	Case Study	0%	NA
Economic Development	\$130,770	Recurring	Case Study	0%	NA
Community Development	\$381,110	Recurring	Case Study	0%	NA
Housing	\$251,770	Recurring	Case Study	0%	NA
Legal Services	\$255,000	Recurring	Case Study	0%	NA
Information Technology	\$334,795	Recurring	Case Study	0%	NA
Public Information	\$58,460	Recurring	Case Study	0%	NA
Human Resources/Risk Management	\$3,159,700	Recurring	Case Study	0%	NA
Non-General Government					
Police	\$8,964,040	Recurring	Persons Served	50%	\$467.36
Public Works - Engineering/Capital Project	\$6,113,550	Recurring	Persons Served	75%	\$159.37
Public Services	\$2,661,835	Recurring	Persons Served	50%	\$138.78
Senior Center	\$965,050	Recurring	Persons Served	95%	\$5.03
Recreation	\$1,844,150	Recurring	Persons Served	75%	\$48.07
Library	\$686,470	Recurring	Persons Served	75%	\$17.90
Total Expenditures	\$28,487,030	NA	NA	NA	NA
Total Recurring Expenditures	\$28,487,030	NA	NA	NA	NA

ATTACHMENT 1-C

IRWINDALE, CALIFORNIA: IRWINDALE GATEWAY PROJECT
LAND USE AND DEMOGRAPHICS SUMMARY

Future Land Use Data

I Developable Land Use Description

A	<u>Projected Non-Residential Land Uses</u>	<u>Building Sq. Ft. [1]</u>
	Warehouse	750,510
	Battery Energy Storage System	NA

Demographic Data

I Non-Residential Land Use Employee Generation

A	<u>Projected Non-Residential Land Uses</u>	<u>Sq. Ft. per Employee</u>
	Warehouse [2]	1,650
	Battery Energy Storage System	NA

Population and Employees (Calculations)

I Projected Direct Employees

A	<u>Projected Non-Residential Land Uses</u>	<u>Building Sq. Ft.</u>	<u>Total Direct Employees</u>
	Warehouse	750,510	455
	Battery Energy Storage System [3]	0	4

Population and Employees (Totals)

I	Total Projected Residential Population	0
II	Total Projected Direct Employees	459
III	Total Persons Served Population [4]	229

NOTES:

[1] Source: Project Proponent.

[2] Source: Beacon Economics LLC of the UC Riverside Center for Economic Forecasting.

[3] Source: Project Proponent.

[4] An employee is typically assumed to be equivalent to 50% of a resident given they would spend only eight active hours in the City per day versus a resident who is active for 16 hours per day.

* *All figures subject to rounding*

ATTACHMENT 1-D

IRWINDALE, CALIFORNIA: IRWINDALE GATEWAY PROJECT

PROPERTY TAX REVENUE ANALYSIS

General Property Tax Assumptions

I	Property Tax Allocation (as a Portion of the 1% General Property Tax Levy) [1]	
A	<u>Category / Code</u>	<u>Allocated to City</u>
	General Fund	9.771577%
	Total	9.771577%

Assessed Valuation Assumptions

I	Non-Residential Land Uses	
A	<u>Warehouse</u>	
	Estimated Number of Sq. Ft. [2]	750,510
	Estimated Valuation per Sq. Ft. [3]	\$500
	Total Estimated Net Taxable Value	\$375,255,000
B	<u>Battery Energy Storage System</u>	
	Estimated Number of Sq. Ft. [2]	0
	Estimated Valuation per Sq. Ft.	NA
	Total Estimated Net Taxable Value [3]	\$550,000,000
II	Total Land Use Net Taxable Value (Includes Takeout from Homeowner's Exemption)	\$925,255,000

Other Property Tax Revenue Assumptions

I	Unsecured Property Taxes - Assumptions [4]	
A	<u>Unsecured Taxes as a % of Secured</u>	
	Residential Property	2.50%
	Non-Residential Property	10.00%
II	Property Tax Transfer - Assumptions [5]	
A	<u>Turnover Rate</u>	
	Residential Property	0.00%
	Non-Residential Property	0.00%
B	<u>Other Assumptions</u>	
	Transfer Tax as a % of Assessed Value	0.11%
	Property Transfer Tax Passed Through to City of Irwindale	50.00%
III	<u>Motor Vehicle Licensing Fees - Assumptions</u>	
	Vehicle Licensing Fees per Capita	NA
IV	<u>Property Tax In-Lieu of Vehicle License Fee - Assumptions</u>	
	Total City of Irwindale Gross Assessed Value [6]	\$2,764,377,645
	City of Irwindale Property Tax In-Lieu of Vehicle License Fee [7]	\$159,937
	Property Tax In-Lieu of Vehicle License Fee Increase per \$1,000 Assessed Value	\$0.06

Fiscal Impact Calculation

I	<u>Fiscal Impact Category</u>	<u>Annual Fiscal Impact Amount</u>
A	Secured Property Tax	
A.1	<u>Projected Non-Residential Land Uses</u>	
	Warehouse	\$366,683
	Battery Energy Storage System	\$537,437

ATTACHMENT 1-D**IRWINDALE, CALIFORNIA: IRWINDALE GATEWAY PROJECT****PROPERTY TAX REVENUE ANALYSIS****B Unsecured Property Tax****B.1 Projected Non-Residential Land Uses**

Warehouse	\$36,668
Battery Energy Storage System	\$53,744

C Property Transfer Tax**C.1 Projected Non-Residential Land Uses**

Warehouse	\$0
Battery Energy Storage System	\$0

D Property Tax In-Lieu of Vehicle License Fee [8]

Projected Residential and Non-Residential Land Uses	\$53,291
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II Total Property Tax Revenues**\$1,047,823****NOTES:**

- [1] Based on "City of Irwindale" levy for Tax Rate Area (TRA). Data provided by the County of Los Angeles Auditor-Controller's Office. TRA allocations adjusted for ERAF.
- [2] Please see Attachment 1-C. Subject to change.
- [3] Source: Project Proponent.
- [4] Based on typical DTA baseline assumptions.
- [5] Project Proponent plans to own the Project for an extended period.
- [6] Source: California Revenue & Taxation Code §11901, et seq.;
- [7] Source: City of Irwindale Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2021.
- [8] Property Tax in-lieu of Vehicle Licensing Fees applies to incremental property value.
Current estimated land value of Project site of \$4,160,992 excluded from calculation.

* ***All figures subject to rounding***

ATTACHMENT 1-E

IRWINDALE, CALIFORNIA: IRWINDALE GATEWAY PROJECT
SALES TAX REVENUE ANALYSIS

Indirect Sales Tax Assumptions

I Indirect Sales Tax Assumptions - Employees

Annual Spending per Employee [1]	\$897
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II Retail Taxable Sales Capture

City of Irwindale Retail Taxable Purchase Capture [2]	50%
---	-----

Direct Sales Tax Assumptions

I Non-Residential Direct Sales Tax AssumptionsA Non-Residential Land UsesTaxable Sales per Sq. Ft

Warehouse	\$0.00
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Battery Energy Storage System	\$0.00
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II Displaced Taxable Sales

Displaced Existing Taxable Sales within the City of Irwindale [3]	15%
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Other Sales Tax Assumptions

I Percent to the City of Irwindale

City of Irwindale Municipal Code §3.12.030	1.00%
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Measure I	0.75%
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Total	1.75%
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Fiscal Impact Calculation

I Fiscal Impact CategoryAnnual Fiscal Impact AmountA Indirect Sales TaxA.1 Employee Taxable Sales

Direct Employees	\$3,600
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B Direct Sales TaxB.1 Projected Non-Residential Land Uses

Warehouse	\$0
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Battery Energy Storage System	\$0
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II Total Sales Tax Revenues

\$3,600

NOTES:

[1] Based on the average spending on Fast Food/Deli/Lunch Eateries for workers with annual income between \$50K and \$75K. Source: "Office-Worker Retail Spending in a Digital Age," ICSC (2012).
Adjusted for inflation assuming 3% annual inflation rate.

[2] Based on typical DTA baseline assumptions.

[3] Based on typical DTA baseline assumptions.

* *All figures subject to rounding*

ATTACHMENT 1-F
IRWINDALE, CALIFORNIA: IRWINDALE GATEWAY PROJECT
UTILITY USERS' TAX REVENUE ANALYSIS

Utility Assumptions				
I	Utility Usage Assumptions			
A	Non-Residential Land Uses	Telephone (\$ per Business) [1]	Electricity (kWh per Sq. Ft.) [2]	Natural Gas (Cu. Ft. per Sq. Ft.) [3]
	Warehouse	\$11,700	4.8	25.5
II	Energy Price Assumptions			Water (Gal. per Worker) [4]
A	Non-Residential Land Uses			
	Electricity Costs per kWh [5]			\$0.1181
	Natural Gas Rate per 1,000 Cu. Ft. [6]			\$13.01
	Water Rate per 748 Gallons [7]			\$2.60
Gross Utility Receipts				
I	Non-Residential Land Uses			
A	Warehouse			
	Telephone			\$58,500
	Electricity			\$425,449
	Natural Gas			\$248,985
	Water			\$17,233
B	Battery Energy Storage System			
	Electricity [8]			\$1,442,593
Utility Users' Tax Assumptions				
I	Utility Users' Tax Rate Assumptions			
	Telephone (Municipal Code §3.16.020)			7.50%
	Electricity (Municipal Code §3.16.030)			7.50%
	Natural Gas (Municipal Code §3.16.040)			7.50%
	Water (Municipal Code §3.16.050)			7.50%
Fiscal Impact Calculation				
I	Fiscal Impact Category			Annual Fiscal Impact Amount
A	Utility User's Tax - Telephone			
A.1	Non-Residential Land Uses			
	Warehouse			\$4,388
	Battery Energy Storage System			\$0
B	Utility User's Tax - Electricity			
B.1	Non-Residential Land Uses			
	Warehouse			\$31,909
	Battery Energy Storage System			\$108,194
C	Utility User's Tax - Natural Gas			
C.1	Non-Residential Land Uses			
	Warehouse			\$18,674
	Battery Energy Storage System			\$0
D	Utility User's Tax - Water			
D.1	Non-Residential Land Uses			
	Warehouse			\$1,293
	Battery Energy Storage System			\$0
II	Total Utility Users' Tax Revenues			\$164,457

NOTES:

[1] Based on the current base cost of AT&T Business Unlimited Enhanced with 5 lines.

[2] Source: Commercial Buildings Energy Consumption Survey, Table C15, 2012.

[3] Source: Commercial Buildings Energy Consumption Survey, Table C25, 2012.

[4] Source: Commercial Buildings Energy Consumption Survey, Table W1, 2012.

[5] Source: <https://www.electricitylocal.com/states/california/west-covina/>.

[6] Source: <https://www.naturalgaslocal.com/states/california/west-covina/>.

[7] Source: Valley County Water District.

[8] Source: Project Proponent.

* *All figures subject to rounding*

ATTACHMENT 1-G

IRWINDALE, CALIFORNIA: IRWINDALE GATEWAY PROJECT
MULTIPLIER REVENUE SOURCES ANALYSIS

Multiplier Revenue Assumptions

I	<u>Revenue Category</u>	<u>Multiplier Factor [1]</u>	<u>Revenue Projection Basis</u>
	Business Licenses	\$76.98	Per Employee
	Franchise Fees	\$126.99	Persons Served
	Use of Money and Property	\$60.77	Persons Served
	Licenses and Permits	\$41.79	Persons Served
	Fines and Forfeitures	\$13.10	Persons Served
	Miscellaneous	\$76.81	Persons Served

Fiscal Impact Calculation

I	<u>Fiscal Impact Category</u>	<u>Annual Fiscal Impact Amount</u>
	Business Licenses	\$35,323
	Franchise Fees	\$29,081
	Use of Money and Property	\$13,916
	Licenses and Permits	\$9,570
	Fines and Forfeitures	\$3,000
	Miscellaneous	\$17,589
II	Total Multiplier Revenues	\$108,479

NOTES:

[1] Source: City of Irwindale Annual Budget FY 2022-2023.

* *All figures subject to rounding*

ATTACHMENT 1-H

IRWINDALE, CALIFORNIA: IRWINDALE GATEWAY PROJECT
INVESTMENT INCOME REVENUES ANALYSIS

Assumptions

I Investment Income Assumptions

Investment Period for Recurring Non-Interest General Fund Revenues	1 Month
Local Agency Investment Fund (LAIF) Rate of Return [1]	2.06%
Local Agency Investment Fund (LAIF) Percentage of Earnings Cost [1]	50.00%

Fiscal Impact Calculation

I Fiscal Impact CategoryAnnual Fiscal Impact Amount

Total Property Tax Revenues (Attachment 1-D)	\$1,047,823
Total Sales Tax Revenues (Attachment 1-E)	\$3,600
Total Utility Users' Tax Revenues (Attachment 1-F)	\$164,457
Total Multiplier Revenues (Attachment 1-G)	\$108,479
II Projected Recurring General Fund Revenues Available for Investment	\$1,324,359
III Plus: Investment Income (Less Earnings Cost)	\$1,138
IV Total Recurring General Fund Revenues	\$1,325,497

NOTES:

[1] Estimate. Subject to change.

* *All figures subject to rounding*

ATTACHMENT 1-I

IRWINDALE, CALIFORNIA: IRWINDALE GATEWAY PROJECT
MULTIPLIER EXPENDITURES ANALYSIS

Multiplier Expenditure Assumptions

I	<u>Expenditure Category</u>	<u>Multiplier Factor [1]</u>	<u>Expenditure Projection Basis</u>
	Police	\$467.36	Persons Served
	Public Works - Engineering/Capital Project	\$159.37	Persons Served
	Public Services	\$138.78	Persons Served
	Senior Center	\$5.03	Persons Served
	Recreation	\$48.07	Persons Served
	Library	\$17.90	Persons Served

Fiscal Impact Calculation

I	<u>Fiscal Impact Category</u>	<u>Annual Fiscal Impact Amount</u>
	Police	\$107,025
	Public Works - Engineering/Capital Project	\$36,496
	Public Services	\$31,781
	Senior Center	\$1,152
	Recreation	\$11,008
	Library	\$4,099
II	Total Multiplier Expenditures	\$191,561

NOTES:

[1] Source: City of Irwindale Annual Budget FY 2022-2023.

* *All figures subject to rounding*

ATTACHMENT 1-J

IRWINDALE, CALIFORNIA: IRWINDALE GATEWAY PROJECT

GENERAL GOVERNMENT EXPENDITURES ANALYSIS

Assumptions

I General Government Overhead Expenditures

Total Recurring General Fund Expenditures (excluding General Government Overhead) [1]	\$21,235,095
Recurring General Government Overhead Expenditures (as a % of Total Recurring General Fund Expenditures) [2]	34.2%
Marginal Increase in General Government Costs	75%

Fiscal Impact Calculation

I Fiscal Impact Category	Annual Fiscal Impact Amount
Total Multiplier Expenditures (Attachment 1-I)	\$191,561
II Projected Recurring General Fund Expenditures	\$191,561
III Plus: General Government Costs	\$49,065
IV Total Recurring Expenditures	\$240,626

NOTES:

[1] City of Irwindale Annual Budget FY 2022-2023.

[2] General Government Overhead Expenditures defined as costs for Legislative, Administration, Finance, Development Services, and other General Government.

* *All figures subject to rounding*