CITY OF IRWINDALE

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

MARICELA FRYMARK
CHAIR

RICHARD CHICO
VICE-CHAIR

ALBERT ACOSTA
COMMISSIONER

CASEY J. MIRANDA
COMMISSIONER

JOSEPH V. RODRIGUEZ II
COMMISSIONER

AGENDA FOR THE REGULAR MEETING OF THE

PLANNING COMMISSION

December 18, 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: Approve the following minutes:

1. Regular meeting held August 21, 2024

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. AMENDMENT NO. 1 TO DEVELOPMENT AGREEMENT NO. 02-2016 – 2200 ARROW HIGHWAY (APN: 8535-001-039) – ANTHONY BERTRAND, ARAKELIAN ENTERPRISES INC. DBA ATHENS SERVICES (ANTHONY BERTRAND)

The Applicant is requesting Amendment No. 1 to Development Agreement No. 02-2016 to reflect a request by Athens Services to postpone the construction of the Convenience Store to a later phase of the MRF/TS project.

ENVIRONMENTAL REVIEW: 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, analyzed the project and certified the Materials and Recovery Facility and Transfer Station Final Environmental Impact Report ("FEIR") (SCH # 2013051029) on February 24, 2021. It is proposed that the Planning Commission, on the basis of substantial evidence contained in the whole record, find and recommend that the City Council finds that the FEIR serves as the environmental review for the project and, pursuant to CEQA Guidelines section 15162, no additional environmental review is necessary because there have been no changes with respect to the overall scope under which the project is being undertaken and no new information of substantial importance concerning the project, which cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Adopt Resolution No. 841(24)
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 786 APPROVING AMENDMENT NO. 1 TO DEVELOPMENT AGREEMENT NO. 02-2016 BY AND BETWEEN THE CITY OF IRWINDALE AND ARAKELIAN ENTERPRISES, INC, A CALIFORNIA CORPORATION, DBA ATHENS SERVICES LOCATED AT 2200 ARROW HIGHWAY, IRWINDALE, CALIFORNIA (APN 8535-001-911) AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CEQA GUIDELINES SECTION 15162

B. ZONING ORDINANCE AMENDMENT NO. 03-2023 AND ZONE CHANGE NO. 04-2023; CITYWIDE – TITLE 17 ZONING CODE UPDATE

Request for the Planning Commission to recommend to the Irwindale City Council to 1) adopt Zone Ordinance Amendment (ZOA) No. 03-2023 to update Title 17 – Zoning Code of the Irwindale Municipal Code and 2) adopt Zone Change (ZC) No. 04-2023 modifying the Zoning Map.

ENVIRONMENTAL REVIEW: The proposed project is exempt from the California Environmental Quality Act (CEQA), 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 determined that the proposed Comprehensive Zoning Code Update was assessed in the Environmental Impact Review for the City's General Plan and, pursuant to CEQA Guidelines Sections 15183 and 15162, and is consistent with the previously certified EIR for the City's General Plan, therefore no subsequent EIR, Negative Declaration, or addendum is required for approval of the Comprehensive Zoning Code Update.

Adopt Resolution No. 828(24)
RESOLUTION NO. 828(24) A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL (1) ADOPT FINDINGS OF CONSISTENCY WITH THE CITY'S PREVIOUSLY CERTIFIED GENERAL PLAN ENVIRONMENTAL IMPACT REPORT, AND FINDING THE PROJECT EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW, PURSUANT CEQA GUIDELINES SECTIONS 15183, AND 15162; AND (2) ADOPT ORDINANCE NO. 772, A CITY-INITIATED APPLICATION FOR A ZONE ORDINANCE AMENDMENT (ZOA NO. 03-2023) REPEALING AND REPLACING TITLE 17 (ZONING) OF THE IRWINDALE MUNICIPAL CODE IN ITS ENTIRETY WITH A COMPREHENSIVE ZONING CODE UPDATE.

Adopt Resolution No. 829(24)
RESOLUTION NO. 829(24) A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF IRWINDALE ADOPT A RESOLUTION APPROVING THE CITY-INITIATED APPLICATION FOR ZONE CHANGE NO. 04-2023 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF IRWINDALE TO REFLECT UPDATES TO TITLE 17 (ZONING) CONSISTENT WITH ORDINANCE NO. 772.

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 regular meeting of the Irwindale Planning Commission to be held on December 18, 2024 to be posted at the City Hall, Library, and Post Office on December 12, 2024.

Jesus Hernandez
Jesus Hernandez,
Administrative Secretary

IRWINDALE COUNCIL CHAMBER **August 21, 2024**
5050 N. IRWINDALE AVENUE **Wednesday**
IRWINDALE, CALIFORNIA 91706 **6:30 P.M.**

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

CHAIR FRYMARK — Good evening everyone, I would like to call this Planning Commission meeting to order, August 21, 2024, at 6:30 p.m. We'll start off this evening with a Call to Order, which I already did, next we'll move on to our Pledge of Allegiance so if we can all please stand for those that are able to. Ready, begin.

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

INVOCATION CHIAR FRYMARK — Dear Heavenly Father, we come before you tonight with nothing but gratitude in our hearts and love for you. Lord, we ask that you please take care of us as we move throughout the evening. Help us to make clear decisions that are sound for our community and for our businesses at large. We ask that you continue to bless this city and bless the residents within it. We thank you Lord for our police officers and for all of the Staff that are here with us tonight, and those that could not be here with us as well. We ask that you continue to keep them safe and to bless them, and their families. We also, Lord, ask that you take care of us and our families, and you keep us safe and healthy. All this in Jesus' name we pray, Amen.

ROLL CALL: Present: Commissioners: Albert Acosta; Casey Miranda; Joseph Rodriguez; Richard Chico; Maricela Frymark

Also present: Julian Miranda, City Manager; Theresa Olivares, Assistant City Manager; Jamie Traxler, Assistant City Attorney; Eddie Chan, Director of Engineering; Marilyn Simpson, Community Development Director; Brandi Jones, Senior Planner; Luis Pimentel, Associate Engineer; Baltazar Barrios, Associate Planner; Martin Romero, Assistant Planner; Jesus Hernandez, Administrative Secretary; Jarrod Palmer, Community Development Intern

AB 2449 DISCLOSURES

CHAIR FRYMARK — Next item is AB 2449 Disclosures, seeing that we're all here, I'm assuming we have none?

ADMINISTRATIVE SECRETARY HERNANDEZ — Correct.

CHAIR FRYMARK — Perfect. Moving on to Item F, any Announcements?

ANNOUNCEMENTS

ADMINISTRATIVE SECRETARY HERNANDEZ — No announcements from Staff.

CHAIR FRYMARK — Do any announcements from our fellow Commissioners? Everyone had a nice summer? Good. It's nice & cool in here, better than outside.

COMMISSIONER MIRANDA — School's back!

CHAIR FRYMARK — Right? School's back, woo-hoo!

CONSENT CALENDAR

CHAIR FRYMARK — Alright, moving on to our Consent Calendar, we do not have any items under Consent for this evening, so we are going to go ahead and move on to Item Number 2, which is Spontaneous Communications.

SPONTANEOUS COMMUNICATIONS

COMMUNITY DEVELOPMENT INTERN PALMER — Hi there, so for 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 this 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, and Tier 3: in-person and teleconference attendees who have not previously provide comments on the matters being discussed by the legislative body.

CHAIR FRYMARK Thank you. At this time, we will take anyone that is wishing to address the Commission, in person, under Spontaneous Communications.

ROBERT HARTMAN My name is Robert Hartman, 4617 Nora Avenue. A few years ago, this Commission denied an upgrade of the Signet Building, at 5462 North Irwindale Avenue because it did not meet our Design Guidelines. Today, that building is still progressing with who knows what kind of Design Guidelines they're using now, but it's not to our Design Guidelines. That I would just like to bring up, see what happens. The other issue I have to say is the lane marking, street markings, on Gladstone Avenue between Ayon and Irwindale Avenue, are almost non-existent. This has been brought up many times, and nothing has ever been done about it. Thank you.

CHAIR FRYMARK Thank you, Mr. Hartman, we appreciate it. Is there anyone else that would like to come forward and speak? Okay, so we will now move on to teleconference attendees.

ADMINISTRATIVE SECRETARY HERNANDEZ We don't have no one for Tier 2.

CHAIR FRYMARK Do we have anybody else for Tier 3, that would be anybody in-person and teleconference attendees who have not previously provided comments.

ADMINISTRATIVE SECRETARY HERNANDEZ Looks like we have no one for Tier 3.

CHAIR FRYMARK Okay, thank you. With that we are going to go ahead and move on to Item 3, New Business.

NEW BUSINESS

CHAIR FRYMARK Seeing no item under New Business, we're going to go ahead and open the Public Hearing.

PUBLIC HEARINGS

CHAIR FRYMARK

In Public Hearing, we have two matters that looks like we're going to be discussing tonight. The first one is A, Continued Public Hearing of the Zoning Ordinance Amendment Number 03-2023, and Zone Change Number 04-2023, Citywide Title 17 Zoning Code Update. Do we have a report from Staff?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON

Thank you, Chair, and Commissioners, and members of the public. This project is the Comprehensive Zoning Code Update, that was continued from the July 17th Planning Commission Meeting. So, at that time, the Planning Commission heard the Staff's presentation and received public comments and had made the following recommendations: that the maximum building height to be 35 feet in the C-1, C-2 and C-3 Zones, C-3 to remain Heavy Commercial Residential zone, no mixed-use. Maximum building height in the M-1 zone of 40 feet, maximum building height 50 feet in the M-2 zone if abutting or adjacent to residential zones, and maximum building height 60 feet in the M-2 zone. Maximum building height 50 feet in the in the M-2 zone within a 500 foot buffer measured from the Town Center area that's been identified in the General Plan. And at that time the Planning Commission directed Staff to provide visual graphics of M-2 Zones to show the proposed setbacks and the 500-foot buffer, for further discussion. One of the things I do want to point out, so the minutes were not ready for approval at this meeting, but we felt that it was important as background information to attach it. So that was attached to the Staff Report for your reference. And then, I want to point out that we did receive an e-mail regarding this project and a copy of that has been placed on the dais in front of you. We do have the person who had presented that to us, who's here, and who can speak to that if there is questions with that. So, with that, I'm going to turn it over to our consultant Nick Pergakes from Interwest.

NICK PERGAKES

Good evening, Planning Commission Chair and Commissioners. I'm going to be going over some slides here, showing some of the changes we made based on the July Planning Commission Meeting. First, I'll go ahead and give an overview of the agenda. So, we'll give you an overview of the topics discussed at that July Planning Commission Meeting. Give a summary of the code changes that resulted from that meeting, and then would like to talk about the building setbacks and the industrial zones and get your direction and feedback on the setbacks moving forward and then Staff recommendation. So, for attendees tonight, and people who haven't been kind of been up to date with the code, we have had several Planning Commission Meetings. We had a meeting on February 21 of this year recommending the Zoning Code for approval. And then it was brought to City Council on April 10th of this year and reviewed, and then was requested to have the code go back to Planning Commission for further discussion on some of the Development Standards, and

some other aspects of the code. So, we brought it back to Planning Commission in July, for Staff to seek direction on some of the changes, and information that was provided at that meeting, the City Council meeting, and input from stakeholders and community residents. Which then, we came back in that July meeting, got some feedback, and that was incorporated into a new August 2024 draft, which you have in your packets and in front of you tonight. And then for tonight, we're looking to review the changes that have been made, some of the remaining setbacks that need discussion and reconciliation. And then the next step is to finalize that draft and to have it go for recommendation for approval to City Council, later this year. So, Marilyn gave a bit of an overview of some of those changes we discussed in the July Planning Commission Meeting. Here, we just visually show in the C-1 Zone, Commercial Zones. We show C-1, C-2 and C-3. In the light kind of text there in the C-1 Zone, you can see the existing max height is 35 feet. There was a proposed max height at one time 40 feet, the direction received at the last Planning Commission meeting was to make it 35 feet maximum, and then that has been updated in Chapter 17.05, page 12 of the document. C-2 Zone - here we're showing the existing maximum height, in the existing Zoning Code it is 45 feet. At one time we were looking at a proposed maximum height going up to 50 feet. The direction received by Planning Commission in last month's meeting is to have it at 35 feet maximum, and that has been change in Chapter 17.05 as well, page 12. And then finally, C-3 district, the existing Commercial Residential Zoning district, the existing maximum height is 45 feet in the code today. And then we were looking to bring that up to 60 feet at one time, and then now the direction received has been to bring it back down to 35 feet maximum for the C-3 zone, and then that change has been incorporated in the Chapter 17.05 and the table and on page 12. For the Industrial Zones, we are looking at Development Standards and building heights in the M-1 Zone and the M-2 Zone. The direction received at the Planning Commission meeting last month was to update the maximum height to 40 feet, which is lower than the proposed height in the draft from April. So, we brought it down about 10 feet. So, the 40 feet maximum has been incorporated into the code in Chapter 17.06, on page 23. And then in the M-2 Zone, there is no existing maximum height today in the Zoning Code. Through discussion at the last meeting, we looked at the different height options and it was settled that it should be 60 feet maximum. Again, when you're in the M-2 Zone, but if you're within 500 feet of the Town Center or adjacent to a residential zone property, the maximum height should be no higher than 50 feet. And that change has been incorporated in Chapter 17.05, on page 23. We also had a discussion about mixing uses. We looked at having residential be either above commercial, like being a vertical format or be horizontal. The direction from the Planning Commission is that you did not want to see residential be incorporated into buildings vertically or in a horizontal fashion. So, we remove Mixed-Use as an allowable use in the C-3 Zone, and we're keeping the designation, we're not calling it a

Commercial/Mixed-Use. It's going to be actually Commercial/Residential. Sorry, it's saying heavy there, but heavy kind of has a weird connotation and doesn't really kind of express what that district is, so we are showing it as Commercial/Residential in the document, and that allows for commercial and residential uses, but not on the same parcel. So that change has been incorporated in Chapter 17.05, Commercial Zone Districts. So, this list here is kind of shows what some of the development standards in the commercial industrial zones that were topics from that City Council Meeting in April. We've gone through the building heights, direction was received at the July Planning Commission Meeting. Changes have been incorporated, as we discussed. And so, we've moved forward with those changes. We started talking about building setbacks at the meeting in July, for just a little bit, there was some discussion in the various zones, particularly M-1. And we were looking at, you know, just trying to separate industrial residential uses. Concerns about limiting potential development with increased setbacks on properties and not creating kind of issues with existing buildings or potentially future buildings. And then we were also looking at some examples around Irwindale. So, it was also asked that we kind of mapped the 500 feet buffer. We were kind of going through a discussion of how the impacts of, you know, building heights within the vicinity of the Town Center could be minimized, and also looking at potential changes there. So, this graphic is showing Arrow Highway and Irwindale, kind of the intersection, and showing the Town Center area and the buffer of 500 feet from the Town Center boundary. It's kind of hard to see here up on the screen, might be a little bit easier for you Planning Commission members on your screens, but there's just a handful of M-1 and M-2 zone properties that are like fully within that 500 feet buffer area. Several of the properties there, probably about a dozen are kind of partially within that buffer, but if anything, moving forward in the Zoning Code we are addressing any, you know, any new buildings that come into respect being near the Town Center and have a 50 feet height maximum. So that has been analyzed and just wanted you to take a look at that and we can have it more of a discussion in a moment if you'd like. We're going to run through a couple of more maps. I might need some help from Martin here because he graciously prepared these examples. But this is showing, on the right, the setback today the existing setback standards when M-2 is adjacent to residential here in this case, sorry, excuse me, abutting, which means it's property line of the industrial is right next to a residential property, so the property lines are shared. Today it's a 20 feet setback that's in place on the M-2 property next to residential. Then we discussed having an M-2 50-foot kind of setback when it's adjoining an R-1 Zone. So that kind of gives you an idea, in this situation, what that looks like. We also did a snapshot of the M-2 setbacks on Allen Drive, on a property. The existing setback standard today, when an industrial use is across the street from residential, it's a 50-foot setback. And then this is continuing on here… 50 feet as well. That kind of shows you, kind of

the impacts to a property that's kind of narrow and long here. And then also in Alice Rodriguez Circle, showing on the right the existing setback standards when it's… There kind of at the top you see a 50 foot kind of blue band. That's when a building it's fronting onto a street with the setback requirement is, and then also the 20 foot setbacks you're seeing in blue, kind of in the bottom middle of the of the screen there on the right, is the 20 foot setback when adjoining a residential property. And then on the left is an exhibit showing what it's like with the 50 feet, when it's fronting a street and then 50 feet when it's adjoining a property that's residential next to an M-2. So wanted to provide these examples for you to see kind of some of the impacts, and how that kind of played into like looking at the building setbacks for the industrial and office zones. I don't know if Marilyn, if you wanted to take a little more time to talk about this or? Okay, so here we're showing the changes to the building heights and in the zones, as we had discussed at the top of the table. We are also showing the setbacks, front setbacks of 20 feet for the Industrial Zone. Zones; M-1, M-2 and B-P that's existing as today. The M-2 Zone, we were going through a discussion last time of different dimensional standards. We're showing here a minimum of 30 feet for a property adjacent to or across the street from residential zone. Today for the M-1, it's 30 feet. For the M-2, it's 50 feet. So, there is a bit of a range there. So would like your input on what number to settle on for the front setback in an M-2 Zone, when an industrial property is adjacent from a residential zone, or across the street from a residential zone. The street side setback, there is none today. Just like a no setback there. Today we're proposing 15 feet on the street side for an industrial building. And then, 25 feet for a property adjacent or cross street from a residential zone. And then for the interior side, showing 0 feet on each side, except that a minimum of 15 feet is required along each property line abutting a commercial zone. And then we're showing M-1 and B-P Zones, a minimum of 30 feet for property abutting a residential zone. And then M-2 minimum of 50 feet for property abutting a residential zone. And none of these standards exist today for an interior side setback in the code. The rear setbacks here, 0 feet by 15 feet of abutting a commercial zone. So, 0 feet when you're in industrial area next to an industrial zone property. 15 feet when it's abutting a commercial zone, and then a minimum of 30 feet for property abutting a residential zone. There is no standard like that in the existing code today, so this is having some extra buffers put into place or setbacks. And then how we are showing 10 feet for building from an alleyway. And I believe it's 0 today, correct? Okay, you don't have that in place. Okay. So, that's showing some of the changes. And then for we had to make some changes to the Transitional Height Zones standards because some of the building heights have been brought down. So, we made a change there showing when industrial use is within 50 feet from a property line of a residential zone lot, a maximum height can only be up to 40 feet but after that 50 feet of a setback, and it as it continues onward the maximum height of an industrial zoning district applies. So, if it's a 50-

foot height limit then after that 50 feet, it can be up to 50 feet tall. So we made that change in the document. So those are the items we're bringing forward for you for discussion and would like your input and feedback.

CHAIR FRYMARK Thank you. Before we open up the Public Hearing to those that are in attendance, do the fellow commissioners have any questions? So, seeing that there are no questions at this time, we'll go ahead and continue the Public Hearing for anyone that is here that would like to speak on this item.

OPEN PUBLIC HEARING At 6:55 p.m., Chair Frymark opened the Public Hearing.

ADMINISTRATIVE SECRETARY HERNANDEZ I'll start with reading the e-mail communications.

CHAIR FRYMARK Sounds good.

ADMINISTRATIVE SECRETARY HERNANDEZ I'm sorry. You did open up the hearing, correct?

CHAIR FRYMARK I did.

ADMINISTRATIVE SECRETARY HERNANDEZ Yes. Thank you. The first e-mail was actually emailed to us during last Planning Commission but since were here, we weren't able to address it, but I'll read it now. It's from Mayra Ramirez, she says, “Hello, the remarkable upswing in e-commerce activity post COVID-19 era has significantly boosted demand for warehouse and distribution space. Companies seek larger and more efficient logistic facilities to meet the fast delivery expectations of online consumers, driving up demand for industrial real estate. The great news is that many companies in the industry commercial real estate industry have made public commitments to reduce their carbon footprint throughout various initiatives, including green building practices, eco-friendly transportation, and remarkable energy investments. More industrial buildings are being constructed with sustainable and recycled materials. The industry is also prioritizing local sourcing to minimize transportation emission and support local economies. In addition, this expansion and commitment to sustainability is a boom for local communities, as it generating superior job opportunities with responsible operators and funneling additional resources into local economies, demonstrating a positive social impact alongside environmental progress. The industrial commercial real estate industry is a positive partner in our Irwindale community.” And then we have another e-mail communication from Steven Masura, he did attach an

attachment that is placed on your dais, and I'll just read the last section of the e-mail: “We respectfully recommend that the Planning Commission make the maximum building height in the M-1 Zone to be 50 foot, as originally recommended. This would be the same as what you are recommending for the M-2 Zone, if adjacent to residential property. As shown in the exhibit, 50 feet could allow for a larger range of building widths which would allow for more diversity of development in the city to better accommodate quality businesses, allow for modern and more efficient industrial buildings, and reduce potential vacancies.” Thank you.

CHAIR FRYMARK Thank you. Do we have anyone that would like to come forward and speak on this item?

ROBERT DIAZ Robert Diaz, 2408 South Mountain Avenue, here in Irwindale. I brought along with me some copies of three different Specific Plans, two in Irwindale, one in Arcadia. I didn't have time to distribute it to you before the meeting. But I'll do that after the meeting if I can. But I will describe that there is a difference in interpretation, how the City is interpreting the height limitations and how the developers/the Specific Plans are interpreting. In each of those plans, they actually spell out from the floor to the top of the parapet wall, or the top of the structures above the parapet wall. And in our code, for M-1 it says: “35-foot height limit”. And I believe our Staff currently, our Planning Staff, is interpreting that to mean, 30 feet from floor to ceiling and the parapets and ornamental features above that can be allowed and are. That's in contrast to how it was before. And so I think, I would like you to look at that to make sure that we have it in our code, how we interpret it. They provided pictures, some developers have, and that might be something we could do too. The other thing is, I don't believe you should allow residents to live on public storage sites. We never have and if I read it incorrectly, I apologize for that, but as I read it, sounds to me like it allows residency in public storage sites if you approve the updated Zoning Code. And about the C-3, if I read that correctly, if you're allowing 20-foot set back in the front and 30-foot from the back where residences are allowed, that’s taking 50 feet from a hundred-foot lot. Meaning, a bit of a burden. If on the other hand its left as before, 20-foot set back by residences, that's more accommodating. Basically, keeping the old code for C-3 setbacks from residents. And also, I'd like to ask that you update the Zoning Map in one way: the Initiative approved in November of 2016 or 2017 indicates that the Reliance II is to be defined as Specific Map M-1. And that's not in the designation that you have before you as proposed. And this is straight out of the language from the Initiative that was approved by the City Council. Maybe they plan to do that update? Don’t know when.

CHAIR FRYMARK Thank you, Mr. Diaz.

FRED BARBOSA Good evening Commissioners, residents, Staff, my name is Fred Barbosa, 16164 Calle de Paseo. You don't have no problem with that 70-foot height max. I don't care how high it is as long as it's not in downtown. Keep it on the other side of the 605 and next to the 210 and there shouldn't be a problem. That's why the zoning should be kicked into that. And you max it, 500 feet within downtown is not far enough. Okay. But as far as maxing it out close to downtown, we don't want anything over 35 feet, downtown. So we appreciate it. Let him go nuts on the outside of town. If they want to pay a premium because that's what they told us at the next meeting.

CHAIR FRYMARK Can we get audio fix? What is that? This is just feedback?

FRED BARBOSA They told us at the last meeting that that's where the money's at, at the 70 foot height limit. Well, if they want to go the limit, let them pay a premium and stay out of downtown. Thank you and we appreciate the money and make a contribution to the scholarship fund if you can.

CHAIR FRYMARK Thank you. Do we have any other members of the audience that would like to come forward? Hello.

NAYIRI BAGDASARIAN Hi there. Good evening, Chair and Commissioners. My name is Nayiri Bagdasarian and I'm the Director of Public Policy for the San Gabriel Valley Economic Partnership. The Partnership is a regional nonprofit working towards the economic and workforce development of the regions 31 cities, and advocates on behalf of the 100 businesses, nonprofits, and other employers including the City of Irwindale. I want to first thank this body for their commitment to the community and continuing community and working with stakeholders to ensure the betterment of the city in a holistic way. I'm here to voice the Partnership's concern over the proposed Development Standards for Industrial and Office zones. Specifically, we believe that the proposed maximum height of 40 feet on new industrial development is too low. We believe that the baseline for maximum height in the M-1, Light Industrial Zone, should be no less than the maximum height that the City is proposing for the M-2 Heavy Industrial zone, 50 feet, if adjacent to residential zone property. We respectfully urge this body to go back to the originally 50-foot maximum height, as previously mentioned. A 40-foot maximum has the very real potential to inhibit future development of the City, and negatively impact the economic development of this community. It would limit innovation, modernization, and diversification of businesses and opportunity for the City. We worry that the 40-foot maximum height for the M-1, Light Industrial Zone, would discourage new businesses from wanting to operate in Irwindale. Thank you.

CHAIR FRYMARK Thank you for your comment.

SUZANNE GOMEZ Good evening, Commission, Council or the Council is not here, residents and Staff. I think that we're finally seeing the reflection of the height limitations that the community and the Council have aspired to do, and I appreciate the hard work of the Planning Department and the Commission. And the thing that I need clarification on real quick is, I'm not sure about the setbacks, maybe when we discussed that in this discussion. I'm not sure what it meant. Also, the 50 feet Town Center height limitation, I wasn't clear on that either. However, what we're here today is since we're encompassing all of the zoning issues in this policy update… What Mr. Diaz was speaking about is the Specific Plan zoning, which is 17.08.020. And our recommendation or what we'd like the Commission to do is really look at it. We have a couple of really good Specific Plans that have been set up from the City of Hope, the Park at Live Oak, and Reliance. But, when it was passed in 2016, the resolution speaks to a lot of things that haven't come up in future development. So, when we look at A, B and C, we want it to be that no… Any kind of changes that are made come from the City Council, they're not left to the Planning Department or the Planning Commission in that it should be the Planning Commission, but it also should be stemmed from the Council, because in that Specific Plan and the Resolution of 2.16, there's a lot of ramifications that can cause the Planning Department and our City to lose control and/or guide development. So even though we're moving forward on the zoning, and we've come to some good headway, finally, on the height limitations. Which is… We enjoy a good partnership with the businesses in our community, this is our future and our vision. And then also we need to speak more and more of this clarification. I'm not certainly following, excuse me, some of the setback issues versus Town Center and other parts of the community that were shown on the map. And I think that even as we move outward in the community, we should have height limitations. And then also we applaud the business community for sustaining the green trend in our community, for congestion and pollution. And I want to thank the Commission for being active and aware of the zoning, that's you know this is going to impact us from 25 to 50 years. And I hope that the next phase that we are proponing in the community is that the General Plan become move forward as well, and we'll take that issue up with the City Council. Thank you very much.

CHAIR FRYMARK Thank you for your comment. Do we have anyone else wishing to make a comment?

STEVE MASURA Good evening, Commissioners, Steve Masura, Rexford Industrial. You did hear a little bit of our e-mail that we sent, we also sent an exhibit. So, I just wanted to reiterate that we're requesting the 50 feet for M-1, which we think is reasonable because, it's lower than the M-2. M-2 you're allowing 60 to 65 feet, and then you have a 50-foot limit if it's adjacent to residential. So, the 50 feet in M-1 would be the same thing basically as what you're allowing in the M-2, if it's adjacent to

residential. And then the code does allow for bigger setbacks if it is abutting residential and the M-1, so I think the 50 feet would be fair. We noted in the e-mail, in the exhibit, that the 40 feet basically would not allow a 36-foot clear interior height which is the new modern standard for industrial buildings. The 40 feet would not allow that. We show that a range of buildings from 200 to 600 feet roughly that you would need a building height of 46 feet to 50 feet, to accommodate for the roof structure that needs the slope over the sides of the building - needs a slope for drainage and for structural reasons. So, if I think Staff has that exhibit if you guys should have it because it was emailed. Do you guys, have you seen that exhibit? If you have it.

ADMINISTRATIVE SECRETARY HERNANDEZ: In your dais.

STEVE MASURA: So it does show that, and we also have members of our design expert staff, architectural design staff, here if you have technical questions on that we could talk about that or answer that if you need it, but they are here. But basically, this exhibit shows a typical building of a 300-foot building. Anything less than that is not as feasible of a building to build, so we're showing more of a minimum size. 200 feet is not as common, but the 300-foot-wide building would allow… To get a 36-foot clear you need a 46-foot building height basically, to allow for the maximum slope of the roof. So, at the maximum height of the roof, it's 46 feet of the roof. So that's why we were asking for the 50 feet, to accommodate that.

FRED BARBOSA: How many square feet is that sir?

STEVE MASURA: The 300-foot-wide building would be typically around 100,000 square foot building. In an M-1 you're not going to get… Obviously if you don't have the higher heights like the 60 feet for them too, you're not going to get as big a building as you are in there as you are in the M-2. So, thank you for your time and your consideration. And by the way, Rexford does is a member of the Chamber of Commerce, and we do support a lot of the local events that that raise money for education fund and so forth. So, we so we're happy to do that and support the City. Thanks.

CHAIR FRYMARK: Thank you for your comment, and your contributions. At this time, are there any other members of the public that would like to come forward to make any comments, that have not yet spoken? Okay. So with that, we will, do we close the Public Hearing?

ADMINISTRATIVE SECRETARY HERNANDEZ: We can go on to Tier 2. We do not have no one for Tier 2, so no one for Tier 3 as well.

CHAIR FRYMARK So then we can close it. Okay. So at this time, we'll go ahead and close the public comment and open up the floor for discussion. Do any members of the Commission have any comments, questions for Staff, thoughts, anything they would like to move forward?

CLOSE PUBLIC HEARING There being no speakers, Chair Frymark closed the Public Hearing at 7:11 p.m.

COMMISSIONER MIRANDA Still pondering.

CHAIR FRYMARK I think last month we made a lot of headway in making some pretty significant recommendations to be included in the Zoning Plan. We touched mostly on heights, but we didn't really address setbacks. So, the hope is or our thought is, is that we can address those so that we can continue kind of workshopping this out, and figure out some clear direction so that we can move forward. But before we move on to setbacks, I heard a lot of comment about heights specifically in M-1. I'm not sure if anyone wants to entertain a further discussion on the height restrictions on M-1 or M-2, or even C-1 through C-3.

COMMISSIONER MIRANDA Regarding M-1, Chair, I know I've got a lot of comments from residents regarding them. They're pretty firm, they wanted to stick with that height where we're at currently. And that was even a little higher than they wanted to go. But I do hear and see the need for going higher, but is there some way we can do a different direction? M-1, M-2, and M-3, can we do different destinations? M-1A and have this section be a certain height in their place and then go farther out. Push it out. This is a section is designed near our city area, where we can't go a certain height and then move forward. We need to make sure that we adhere, listen to our residents and provide for justice and just quality of life, not having their obstruction, the view obstruction rather. But I see the need for this. So, we may have to change maybe some of these designations and not being so narrow as M-1, M-2, and M-3 possibly. I mean, I don’t know if we're there or already past that, but I don't know if we're open to that.

CHAIR FRYMARK I mean, at this point, we haven't made an official recommendation. We've kind of gone back and forth, and so I think that there's still room for conversation similarly to that of setbacks is my understanding. But are you referring to a specific zone?

VICE-CHAIR CHICO M-1.

COMMISSIONER MIRANDA M-1, specifically. We saw the diagram they presented us, specifically this area here and it shows… It's narrow because there's areas where we could build. It's not so close to residential areas in certain sections. But there's areas where it's very close to residential areas, and if it's just M-1 and we're very narrow on that on that designation.

ASSISTANT PLANNER ROMERO: Commissioner Miranda, I'd like clarification. Are you referring to shorter height near the Town Center.

COMMISSIONER MIRANDA: Correct, Town Center and residential. Yeah, correct.

ASSISTANT PLANNER ROMERO: Okay, so with the 500 buffer that we displayed?

COMMISSIONER MIRANDA: Yeah, I see that there. But what the problem is, is that there's businesses that we could explore and we're kind of hindering some business opportunities. But we need to keep in mind what our residents need and what their requirements are. There are certain sections, I see in the gray area, where we can expand actually and do something more. And there's some areas we cannot, we shouldn't. So, it's too narrow as far as that one designation.

ASSISTANT PLANNER ROMERO: So when you were talking about M-1A, would that be a new zoning?

COMMISSIONER MIRANDA: A new designation, correct.

ASSISTANT PLANNER ROMERO: Okay, thank you.

COMMISSIONER MIRANDA: Is that possible?

VICE-CHAIR CHICO: Good idea. Yeah, we can invent our own.

CHAIR FRYMARK: So I'm just trying to process. So, M-1 the proposal is to reclassify that as M-1A?

COMMISSIONER MIRANDA: Correct.

CHAIR FRYMARK: And for the purpose of?

COMMISSIONER MIRANDA: You know, infringing on residents. Certain sections where we can keep a certain designation, where their height requirement is lower. And then when there's business opportunities and it's away from residential, still in the same M-1 that would be M-1. M-1A would be like residential or we can't exceed that height.

COMMISSIONER ACOSTA: Were you suggesting that the M-1A, that suggestion, are you suggesting that be around residential areas and that's where we have a different height limit?

COMMISSIONER MIRANDA: Correct.

COMMISSIONER ACOSTA: Just around the residential near the Town Center?

COMMISSIONER MIRANDA: Very close. Correct.

COMMISSIONER ACOSTA: Right, because that makes sense to have a different designation in that area around the residence, because outside of that we can look at different heights. But definitely around the residential we want to be careful.

COMMISSIONER MIRANDA: Correct.

CHAIR FRYMARK: So our last recommendation was to bring it from 35 height, and then to 50, and then we brought that back down to 40, which is where it currently lives. We're currently landing at 40 feet in the M-1 designation. But I do want to just take into account a comment that was made during the Public Hearing portion, where a business owner came forward and talked about the height restrictions. If we're setting it to 40 feet, then it impacts their… What was it design?

COMMISSIONER MIRANDA: Well, the design structure at 50 feet is actually where it's kind of standard, as they're saying. Is that correct?

ASSISTANT PLANNER ROMERO: I believe so.

CHAIR FRYMARK: Isn't most of the areas in M-1 already mostly built out and occupied?

ASSISTANT PLANNER ROMERO: We have some active applications at this time.

CHAIR FRYMARK: But the buildings are already there. Is there any room for development in the M-1 Zone?

ASSISTANT PLANNER ROMERO: Some active applications are proposing demo.

COMMISSIONER MIRANDA: Are they're proposing higher heights?

ASSISTANT PLANNER ROMERO: I can't… It's an active application. It's still in the works.

COMMISSIONER MIRANDA: Okay.

ASSISTANT PLANNER ROMERO: To follow up to what you were saying. Are you proposing a buffer around every residential pocket in the city?

COMMISSIONER MIRANDA: Yes.

ASSISTANT PLANNER ROMERO: So not a new designation, just a buffer stating that if you are within 500 feet of residential, you are restricted to a certain height that is less than the rest of the city?

COMMISSIONER MIRANDA: Correct.

ASSISTANT PLANNER ROMERO: Okay.

COMMISSIONER RODRIGUEZ: Looking at the map, would that be from possibly Azusa Canyon Road heading east, any M-1, buildings?

COMMISSIONER MIRANDA: We do have some stuff there as well, yeah. Anywhere really that it applies.

COMMISSIONER RODRIGUEZ: And maybe from Gladstone south.

COMMISSIONER MIRANDA: There's more area for there for development.

CHAIR FRYMARK: Would it be possible to put up the proposed Zoning Map on our screens, that outlines the different zones being proposed? Just to get a visual. Thank you. It went away. So, M-1 is this light gray area, right? And then the M-2 is this darker shaded gray area. So, I believe a thought is to make an M-1A and that would be the area closest to the residential area and make that a smaller height or reducing that to a smaller height. And then any area outside of that would be allowable up to 40 feet?

COMMISSIONER MIRANDA: At least, I mean depending how we feel about.

ASSISTANT PLANNER ROMERO: Sorry if I may interject. So I believe, as Commissioner Miranda stated, I don't believe we need a new designation. If we have a buffer for all residential in the city that would limit the height for the M-1. I feel like that would work.

CHAIR FRYMARK: But didn't we designate at the last meeting… We asked for an analysis of a 500 feet buffer?

COMMISSIONER MIRANDA: We did.

ASSISTANT PLANNER ROMERO: I believe that's for the Town Center area.

CHAIR FRYMARK: Just the Town Center area?

ASSISTANT PLANNER ROMERO: Yes.

CHAIR FRYMARK: But that covers most of the residential.

COMMISSIONER MIRANDA: It does.

ASSISTANT PLANNER ROMERO: We do have some residential pockets…

CHAIR FRYMARK: On the other side over there by Alice Rodriguez.

ASSISTANT PLANNER ROMERO: Yes, around Alice Rodriguez, Meridian and also some on Park. Also Nora and Fraijo. And I believe the Town Center area, as defined by the General Plan, does not include the Hidalgo residences.

CHAIR FRYMARK: Oh, I see.

COMMISSIONER RODRIGUEZ: Looking at the 500 feet buffer now, I feel that that needs to be expanded to a larger buffer.

ASSISTANT PLANNER ROMERO: Larger than 500 feet?

COMMISSIONER RODRIGUEZ: Yes.

ASSISTANT PLANNER ROMERO: Okay, because if you are proposing a buffer for all residential, that would also have a larger area of effect. So, I'm not sure we should increase the 500.

CHAIR FRYMARK: If we were to put the buffer… So, the buffers is kind of already living right now in the Town Center, but the ask is to add it…

ASSISTANT PLANNER ROMERO: Yeah, so if we were to

CHAIR FRYMARK: to the other areas.

ASSISTANT PLANNER ROMERO: Yeah. So that would be Hidalgo, Nora, Fraijo, as well as Park right here. And then we have Alice Rodriguez, Meridian, and all the other residences on this side. And Galen as well, we have Galen up here.

COMMISSIONER MIRANDA: As we see it, Alice Rodriguez, you know that needs to be having a big buffer because there is a lot of industrial there already. We need to have a buffer for sure there. There is some areas just that we don't require, like that one area is closer out, there is no residence. So those areas we can really just expand in there, but the areas are close to residential we should really…

ASSISTANT PLANNER ROMERO: At this time, this area is built out and right here you have the Auto Dismantling Overlay. So, any development in this area would need heavy remediation.

CHAIR FRYMARK: Just out of curiosity, what's the zoning under that overlay?

ASSISTANT PLANNER ROMERO: M-2.

CHAIR FRYMARK: M-2?

ASSISTANT PLANNER ROMERO: Yes.

CHAIR FRYMARK: So are we making a recommendation? Does the Commission want to entertain the idea of adding that 500 feet buffer to all of the areas surrounding residential?

COMMISSIONER MIRANDA: Not just the Town Center, just all residential?

CHAIR FRYMARK: Now the recommendation was to do it for the Town Center. Yeah, based on our last conversation.

COMMISSIONER MIRANDA: 500 feet could be, you know, detrimental to the businesses. We need, you know, to keep it close and far enough where it doesn't impede on their quality of life, but also we need to increase business. We can't impede in the business either. So, do we have specific ideas where there's more growth happening now or applications for instance? Not right now?

ASSISTANT PLANNER ROMERO: No, there's no one area where we're having more.

COMMISSIONER MIRANDA: So going forward, if we do approve this, we can possibly go back or we're just set in stone where we are at now.

ASSISTANT PLANNER ROMERO: We can make changes in the future, I believe, right?

ASSISTANT CITY ATTORNEY TRAXLER: We can always make… Sorry, I don't know if this thing is on. We can always make changes to the Zoning Code and provide recommendations to the City Council. Also, any proposed development would be subject to Site Plan and Design Review, at which time the Planning Commission could ask of the applicant to lower the height of any proposed building in the future.

CHAIR FRYMARK: All site plans go through the Commission and then to Council?

ASSISTANT CITY ATTORNEY TRAXLER: Most of them, yes.

COMMISSIONER MIRANDA: With situation would it not go through us?

ASSISTANT PLANNER ROMERO: We have Administrative Applications, as well, that fall under a certain square footage. Currently it's less than 1,000 square feet.

CHAIR FRYMARK: So any application or any development that's less than 1,000 square feet could then be approved by administrative approval?

ASSISTANT PLANNER ROMERO: Yes.

COMMISSIONER MIRANDA: At what height?

ASSISTANT PLANNER ROMERO: I am sorry?

COMMISSIONER MIRANDA: At what height? Sorry.

ASSISTANT PLANNER ROMERO: It would depend where it's zoned.

COMMISSIONER MIRANDA: Okay, so it would just fall on the applications where it's zoned at?

ASSISTANT PLANNER ROMERO: Yes, if it were to fall within the proposed buffer, then we would have to follow the buffer.

COMMISSIONER MIRANDA: Okay.

CHAIR FRYMARK: Is their room for conversation to amend that so that it goes through the Commission, instead of just going through administrative review?

ASSISTANT CITY ATTORNEY TRAXLER: That could be another recommendation of the Planning Commission.

CHAIR FRYMARK: That way this body of people have the opportunity to talk through whatever it is being proposed, and it's not just bypassing…

COMMISSIONER MIRANDA: I think the residents would feel comfortable with that, feel more comfort with that.

ASSISTANT PLANNER ROMERO: Just so we're clear, that would mean any form of development, any expansion of a building would go through Planning Commission, regardless of square footage? Okay.

COMMISSIONER MIRANDA: Give us an idea on how many applications are at this… How many do you get to come through, in the general idea, in a month for instance.

ASSISTANT PLANNER ROMERO: Well, it's more like maybe around 10 a year.

COMMISSIONER MIRANDA: Okay.

ASSISTANT PLANNER ROMERO: Yes.

COMMISSIONER MIRANDA: That is not too bad.

CHAIR FRYMARK: So I would like to propose a motion so that any project go through the Planning Commission and remove the authority to designate administrative action.

ASSISTANT PLANNER ROMERO: Just so we're clear, Site Plan Design Reviews not…

CHAIR FRYMARK: Site Plans.

ASSISTANT PLANNER ROMERO: Okay.

CHAIR FRYMARK: So I propose the motion, do we have a second?

COMMISSIONER MIRANDA: I second it.

ASSISTANT CITY ATTORNEY TRAXLER: Chair, I apologize before we vote. I want to make sure that we are including any other recommendations of the Planning Commission. If that's the only one, then I would recommend go ahead and vote, and it would be a motion to approve the proposed resolutions with the additional recommendation. But if there are further changes, I would recommend that the Commission discuss those first.

CHAIR FRYMARK: So you'd rather us do them all together? Okay, that’s fair. Do we have further conversation on… So we talked about… We haven't talked about the buffer. I don’t think we've settled on that, nor have we made any recommendations for setbacks. Do we want to start engaging in that conversation or finishing at least the buffer one? If we were to include the buffer for all residential, then it does speak to what we are hearing, or at least what I am hearing and what I believe, Commissioner Miranda, you're hearing from residents, is that they want to make sure that we are taking into account health, right? And not building too high

in those areas that are adjacent to their homes. So that is understandable and respectable.

COMMISSIONER MIRANDA — Correct.

CHAIR FRYMARK — And think that it's definitely something that we should consider.

COMMISSIONER RODRIGUEZ — And that would be a 500-foot buffer for both M-1 and M-2?

CHAIR FRYMARK — Well, it would be any area that is near or next to a residential area. So yeah, it would cover some M-1. It would cover some M-2. It looks like it might even cover some C-3. Basically, any area that's next to residential would be that 500-foot buffer. Even that area next to the query.

COMMISSIONER MIRANDA — Chair Frymark, as I understand it, as we were talking about having this new designation, that these new applications, these things are coming through us. So, we can make the recommendation I believe and then we'll still see it coming through something new or different we can make an approval based on that merit of that application at the time.

CHAIR FRYMARK — I believe, Jamie, if they're like, if they wanted to, let's say there was someone who wanted to develop a space and they wanted to go a little bit higher than what that area is currently zoned, could they get a specific permit for that?

ASSISTANT CITY ATTORNEY TRAXLER — They would have the option to apply for a Variance of the Development Standards, but they would have to essentially prove that they would be suffering and undue hardship, which is very hard to prove and not common. If we receive a lot of those applications, then it would signal to the City and to Staff that there is an issue with the Zoning Code that needs to be addressed because you want your Zoning Code to not have to account for Variances essentially.

CHAIR FRYMARK — So it's a possibility, but it sounds like it's difficult.

ASSISTANT CITY ATTORNEY TRAXLER — It is a possibility. It's a difficult process.

CHAIR FRYMARK — Okay.

FRED BARBOSA — Fed Barbosa, just a quick question. So, can't you do that on an individual basis or we're trying to do it in mass? Because like I said, you want to take control back. Do every site, bring it up to you and you decide whether what needs to be done as opposed to trying to decide right now, because we got apples and oranges and we could be here all

night long trying to decide how to break it up. But if we bring it before you, you take care of it. Thank you.

CHAIR FRYMARK I believe that was one of the recommendations that we were trying to land on, where if there is a Specific Plan being proposed that it would come back to this governing body to make a recommendation. We haven't taken action, but that was the topic of conversation.

COMMISSIONER MIRANDA I think we're close, but the M-1, in particular the mention of the 50 feet area, as long as it's not close to residential. As far as not, you know, impeding the business if that's, you know, something more modern that we need to look at, and it's going to come to us anyways, and we say it's not where we want it to be we could always, you know, basically veto that if we don't like what it's developing.

CHAIR FRYMARK What is also interesting about M-1, and I'm trying to remember our conversation from a month ago. But it is interesting that we recommended M-2 to be 50 feet within a 500-foot buffer to the Town Center, but we didn't do the same for M-1. M-1, we recommended a max height of 40 feet, but that's also within that 500-feet buffer.

COMMISSIONER MIRANDA Yeah, I think it's interesting. I think there's M-1. Some areas touched close to residential and that's why that happened. We were trying to like help businesses, but we knew we don't want to go too high. But if we're keeping this buffer as it is, we are okay. We can go a little higher and when they come into us, we can make the decision and the discretion then.

CHAIR FRYMARK And that seems like a fair thing to speak to residents, but also to the businesses that are in that area, and that's going to develop in that.

COMMISSIONER MIRANDA We want to invite businesses and let the residents know we are looking after them.

CHAIR FRYMARK Yeah, we don’t want businesses to leave our community.

COMMISSIONER MIRANDA Correct.

CHAIR FRYMARK We want to keep them coming.

ASSISTANT PLANNER ROMERO What if we have a maximum height outside that buffer, and anything inside that buffer could be decreased? Can we agree on a max height for the M-1, M-2, and then the Commercials?

CHAIR FRYMARK I believe that's what we were trying to land on.

COMMISSIONER MIRANDA And it can’t be decreased, you're saying?

CHAIR FRYMARK M-2 is currently zoned…

ASSISTANT PLANNER ROMERO That's higher than what's currently being recommended by the Commission.

COMMISSIONER MIRANDA And it can be decreased, you're saying?

ASSISTANT PLANNER ROMERO Inside the buffer.

COMMISSIONER MIRANDA Gotcha.

CHAIR FRYMARK Restate that please.

ASSISTANT PLANNER ROMERO Yeah, so anywhere outside that buffer, if we could have a height that's greater than what's being recommended by the Planning Commission and within that buffer, we could have a decreased height.

CHAIR FRYMARK Within the buffer next to the residential.

COMMISSIONER MIRANDA Basically, what I am saying M-1A.

CHAIR FRYMARK The intention is to keep the area next to the residence… The buildings as reasonable as possible. Outside of that I think that the Commission is comfortable with making a higher recommendation outside of that buffer, yes.

ASSISTANT PLANNER ROMERO Okay. Yeah. So for example, let's say in the M-1, 50 square feet.

VICE-CHAIR CHICO Back to the 50.

COMMISSIONER MIRANDA Yeah.

ASSISTANT PLANNER ROMERO And then M-2 would be 60 I believe.

COMMISSIONER MIRANDA Correct.

CHAIR FRYMARK Outside of the buffer.

ASSISTANT PLANNER ROMERO: Yes, outside of the buffer.

CHAIR FRYMARK: Yes, outside of the buffer.

ASSISTANT PLANNER ROMERO: Okay. And just so we're aware, is this buffer only for the M-1 or also the the Commercial?

CHAIR FRYMARK: I would say any area, regardless of the zone that's next to residents.

ASSISTANT PLANNER ROMERO: Okay, understood.

COMMISSIONER RODRIGUEZ: And the height would be recommended to be 35 feet?

CHAIR FRYMARK: So for which zone?

COMMISSIONER RODRIGUEZ: For all zones within the buffer.

ASSISTANT PLANNER ROMERO: Across the board just within the buffer a max height of 35.

CHAIR FRYMARK: I think we have the buffer…

COMMISSIONER MIRANDA: For M it is 40, but I think it was 35 for C.

CHAIR FRYMARK: Oh, you're right. It was at 35 for C-1.

COMMISSIONER MIRANDA: The only issue really had; we had a setback problem with close to residential close to, I think it's the Peppertree area. That area possibly. Where there was a height, and the setback was an issue. Is that correct?

CHAIR FRYMARK: Sorry, which area?

COMMISSIONER MIRANDA: I believe in the area where Peppertree is and then down in Allen Drive. There are some areas in that area and housing also, I think Martinez as well. There's area there, that’s zoned, very close to the residential and we weren't sure of the setback versus height there. That was one of the issues. It's been a month, but…

CHAIR FRYMARK: Peppertree? Are you referring to these businesses up here by Arrow?

COMMISSIONER MIRANDA Correct. That's the pit there?

CHAIR FRYMARK A huh.

COMMISSIONER MIRANDA Yeah, so that could be developed potentially. And we currently have a buffer there, as a buffer in M-2.

ASSISTANT PLANNER ROMERO Sorry, are you referring to where my cursor is?

COMMISSIONER MIRANDA Is that right?

VICE-CHAIR CHICO The end of the street.

COMMISSIONER MIRANDA That is the end of it?

VICE-CHAIR CHICO Yeah, Peppertree and Allen?

ASSISTANT PLANNER ROMERO Peppertree and Allen, I believe that…

VICE-CHAIR CHICO Where Peppertree ends.

COMMISSIONER MIRANDA Yeah, that is M-2

ASSISTANT PLANNER ROMERO That's a County pit. We don't have jurisdiction for the pit.

COMMISSIONER MIRANDA Oh, yeah. That helps a lot right there. So, we just have the M-2 by Allen, and Central, and that section there.

CHAIR FRYMARK That hasn't been developed yet, yeah.

ASSISTANT PLANNER ROMERO Yes, that is our jurisdiction.

COMMISSIONER MIRANDA So both areas here by Martinez, that also county? Yeah, it is county.

VICE-CHAIR CHICO Yes.

COMMISSIONER MIRANDA: Yeah, that's county as well. So, we're okay there.

CHAIR FRYMARK: Any other area?

COMMISSIONER MIRANDA: Commissioner Rodriguez, do you know of any other area? No, okay.

ASSISTANT PLANNER ROMERO: One more question. So as you can see, in some areas the buffer barely touches the parcel. Can we have language stating that it would have to be fifty percent within that buffer, in order for it to have that buffer restriction. Yeah, because…

CHAIR FRYMARK: We're also going to have that in the other side. If we look at that M-1 building, it's kind of split in half.

ASSISTANT PLANNER ROMERO: Yes.

CHAIR FRYMARK: So the language, if this recommendation were to move forward, the recommendation would be to allow for those businesses to be excluded from the height limit, is that what we are saying?

ASSISTANT PLANNER ROMERO: Yes, that is what I am asking.

COMMISSIONER MIRANDA: Yeah, they are grandfathered in basically. They are already there existing.

CHAIR FRYMARK: They're already up. Yeah, I mean that would make sense to include language for that, those buildings are already there.

ASSISTANT PLANNER ROMERO: That will also take into account… So right now we're only seeing the Town Center, but let's say if we draw buffers for all residential pockets we can find ourselves having parcels that are barely touched by that buffer.

CHAIR FRYMARK: One thing to consider too is, if we're making this recommendation, there's currently that residential area by the quarry. Right?

ASSISTANT PLANNER ROMERO: Let me bring out the Zoning. Are you talking about the park or are you talking about Galen? They're both next to quarries.

CHAIR FRYMARK: What did you refer to this one? The park?

ASSISTANT PLANNER ROMERO: Yes, Park Rose.

CHAIR FRYMARK: Are you referring to the brown one right here?

ASSISTANT PLANNER ROMERO: Sorry, my curser is acting up. Let me see.

CHAIR FRYMARK: Right there.

ASSISTANT PLANNER ROMERO: Right here, okay.

CHAIR FRYMARK: Yeah.

ASSISTANT PLANNER ROMERO: Park Avenue.

CHAIR FRYMARK: So that area hasn't been developed yet. It has?

ASSISTANT PLANNER ROMERO: Are you talking about the residential or the quarry.

CHAIR FRYMARK: No, the quarry that is right there.

ASSISTANT PLANNER ROMERO: It is an active quarry.

CHAIR FRYMARK: Oh, okay. Other thoughts or questions? Do we want to move on to setbacks? So, I think that we kind of… We haven't made a recommendation, but we I think it sounds like we're at a good place regarding the buffer and the residential areas with that language to grandfather and those buildings with that have fifty percent or more within that buffer range. In terms of setbacks, is there a specific zone that you guys want to start at? So, we have setbacks for C-1, C-2, and C-3 maybe if we just want to start there for the Commercial Zones. So currently we have 20 feet in the front as the minimum for Commercial. Side is 10, but 20 if it's abutting a street adjacent to a Residential Zone. Same thing for C-2. But for C-3, we have 15 feet on the side, the street side rather, and then 50. Thank you. 50 on the side if it is abutting a street that is adjacent to a residential area. Could we go to the C-1 and C2? I think we are on the M-1 and M-2.

ASSISTANT PLANNER ROMERO: I don’t think it is on the slides.

COMMISSIONER MIRANDA: It is not there?

ASSISTANT PLANNER ROMERO: It's not for Commercial. I think we only have it for the Industrial Zones.

CHAIR FRYMARK: We have it in our packets if everyone has it. Do you guys have it? Okay.

COMMISSIONER MIRANDA: I have it.

CHAIR FRYMARK: On page 4 of the packet. On this one. A way to possibly move forward is just kind of go side by side if you will, we can start off with the front. C-1 through C-3 is all the same 20 feet. Are we comfortable with that setback? So this is for Commercial area one, two, and three. The side is 10 feet or 20 feet if it's adjacent to a residential area. Sorry not adjacent, abutting. And that's for C-1 Zones. Any recommendations or changes on that? Okay, C-2 is the same. C-2 though is kind of close to the Town Center. Just want to call attention to that. It looks like it's a zone on Arrow Highway. Looking at the proposed Zoning Map. So, the street side would be 10 feet and then 20 feet if it's abutting a residential. Any thoughts? Are we comfortable with that? Okay. And then the C-3 is 15. We do have some C-3 kind of close to residential over there by the Alice Rodriguez area. That's 15 feet on the street side and then 50 feet, so it's a pretty generous set back when it's next to or adjacent a residential zone. Okay. So we'll move on to the interior. Thank you guys for finding that. Interior C-1 and C-2 are the same, so 10 feet on the interior side. 20 feet if it's abutting residential for both C-1 and C-2. The only difference is in C-3, which is kind of close to some residents. It's 15 feet or 50 feet if it's abutting or adjacent to Residential Zone and that's on the interior side. Are we comfortable with that? The rear. C-1 and C-2 same. And then C-3, 15 feet or 50 if it's abutting a street adjacent to residential. And then C-3, there is some close to residence, but it's not too close. But there is a C-3. 15 but it's 50 feet, never mind. Alley, 10 feet. No recommendations there? Okay. So, if we can move on to M-1, 2 and Business Park. Specifically, the Setbacks. Do we have any recommendations for changes on the Setbacks in the M-1 Zone, which is across the street from residence? On the front side, we have 20 feet set back or 20-foot Setback for the M-1. But for M-2 on the front side it is a minimum of 30 feet for a property that is adjacent or across the street from a Residential Zone. So it is wider, it's more of a Setback when it's next to residential areas in M-1. I'm sorry, I meant M-2. We do have quite a bit of M-2. Any

recommendations for M-2 Setbacks? Okay. So that's the front side. Let's talk through the street side, M-2 Zone specifically, we are looking at a minimum of 25 feet for a property that is adjacent or across the street from a Residential Zone. So, it's 25 feet for M-2. And there is some M-2 that is currently zoned across the street from residential and kind of the main hub, if you will, of where residents are. M-2.

ASSISTANT PLANNER ROMERO: I'd like to make a correction. So the street side, so it should read, M-2 Zone minimum of 25 feet for a property adjacent or abutting it should not be across.

COMMISSIONER MIRANDA: Abutting.

ASSISTANT PLANNER ROMERO: Yeah, abutting from a Residential Zone.

COMMISSIONER MIRANDA: Do you have a proposed Zoning Map a little larger I can get?

ASSISTANT PLANNER ROMERO: I'll see what I can do.

COMMISSIONER MIRANDA: Thank you.

CHAIR FRYMARK: It would be nice if it was like a split screen.

COMMISSIONER MIRANDA: Ah, God bless you.

ASSISTANT PLANNER ROMERO: Does this work?

COMMISSIONER MIRANDA: Yeah, it's much better.

ASSISTANT PLANNER ROMERO: Okay.

CHAIR FRYMARK: I still carry this one with me everywhere I go.

COMMISSIONER MIRANDA: I should because this one is too small.

CHAIR FRYMARK Okay, thank you for making that clarification. So that was on the street side for M-1, sorry for M-2 I keep saying M-1, and it's not across the street it's abutting. Any changes there? 25 feet for a property.

COMMISSIONER MIRANDA You feel it is sufficient enough? Yeah?

CHAIR FRYMARK I almost wonder if it should be a little more.

VICE-CHAIR CHICO Yeah, because of the language, adjacent. Across the street would be 25 feet plus the width of the street, whereas if it is adjacent to it, it's only 25 feet.

COMMISSIONER MIRANDA For abutting, yeah.

CHAIR FRYMARK So for the….

ASSISTANT PLANNER ROMERO I'd like to clarify abutting and adjacent.

CHAIR FRYMARK Sure.

ASSISTANT PLANNER ROMERO So we define abutting as directly touching a parcel and then adjacent would be across the street.

VICE-CHAIR CHICO So it is a redundancy?

ASSISTANT PLANNER ROMERO Yes.

VICE-CHAIR CHICO Okay. Well, we need a clarification. We need the word of abutting in there.

COMMISSIONER MIRANDA Well, he did. He just corrected it.

CHAIR FRYMARK I mean, if it's touching, then maybe it should even be more than 25 feet.

COMMISSIONER MIRANDA Yeah, because there's no space back, push back. Correct. That's what I was thinking.

CHAIR FRYMARK Is there a number that anybody on the Commission would like to propose?

COMMISSIONER MIRANDA And we need to be….

VICE-CHAIR CHICO This is residential, I say 50.

COMMISSIONER MIRANDA It is a lot but….

VICE-CHAIR CHICO It is a lot but it is residential.

COMMISSIONER MIRANDA It is residential.

VICE-CHAIR CHICO Picture yourself living in that house.

COMMISSIONER MIRANDA Exactly. Exactly. So, in those particular areas…

CHAIR FRYMARK I mean, we could also look at, let's maybe look at this visual that Staff prepared for us in the Staff Report. It gives us an example of the M-2 setback at 50 feet.

COMMISSIONER MIRANDA I saw that.

CHAIR FRYMARK Just as a visual. I think it's page 5.

COMMISSIONER MIRANDA Yeah. Honestly, it's not that far. That's good. Ample room for the business and for space.

CHAIR FRYMARK At a 50 foot?

COMMISSIONER MIRANDA Yeah. Only in the areas that infringe on a residential area.

CHAIR FRYMARK I'm looking at the image and it's currently at 20 feet, it says existing setback standard and that's pretty close.

COMMISSIONER MIRANDA It's pretty close.

COMMISSIONER RODRIGUEZ Are we looking at a… Is that a street? Is that a street side or is that interior? To me that looks like interior side?

CHAIR FRYMARK No, it looks like it's just the backside of residential housing.

COMMISSIONER MIRANDA Yeah.

COMMISSIONER ACOSTA: Adjacent.

CHAIR FRYMARK: So it would be a, it would be adjacent to.

COMMISSIONER ACOSTA: or abutting.

CHAIR FRYMARK: Touching.

COMMISSIONER MIRANDA: That's very close.

CHAIR FRYMARK: So 50 feet is what I'm hearing, or do we have any other thoughts?

COMMISSIONER MIRANDA: Correct.

CHAIR FRYMARK: Okay. So noted for M-2, the recommendation would be 50 feet. We are not proposing a motion, but we're just writing everything down so we can propose it all together. Interior side. So, it's 0 feet on each side, except at a minimum of 15 feet is required along each property line abutting a Commercial Zone. But that's just commercial to commercial. M-1 and BP Zones, which has a minimum of 30 feet for a property of abutting a Residential Zone. So, it's still a little bit more than that 20 feet, but here it's 30 feet, and that's on the interior side. Are we comfortable with that?

COMMISSIONER MIRANDA: The building will be smaller as well.

CHAIR FRYMARK: There's not a lot of…. There is this area here M-1, that is right next to this residential area.

COMMISSIONER MIRANDA: Not a lot.

CHAIR FRYMARK: So, leave it as is? No recommendation there? And then the M-2 Zone, minimum of 50 feet for a property abutting a Residential Zone, which we're kind of already making that recommendation anyhow in the street side. Okay, alley is 10 feet in M-1, M-2, and Business Park. Oh, I think I skipped the rear. I apologize. The rear is 0 feet, 15 feet abutting a Commercial Zone. A minimum of 30 feet for our property abutting a Residential Zone, so back to that 30 feet. So Commercial abutting Residential.

COMMISSIONER MIRANDA: Is it the rear of the residential or of the building?

CHAIR FRYMARK I believe it's the rear of the building that is abutting a Residential Zone, but I would direct that question to Staff.

COMMISSIONER MIRANDA So I'm looking at the example they gave us, and I think it's the same example whether it's street side or the back side basically.

CHAIR FRYMARK The one on page 11?

COMMISSIONER MIRANDA Correct. Page 5 actually. Sorry.

CHAIR FRYMARK Page 5.

COMMISSIONER MIRANDA It looks similar.

CHAIR FRYMARK The one on the Fraijo Avenue image.

COMMISSIONER MIRANDA Correct.

CHAIR FRYMARK Okay. So right now, it's a minimum of 30 feet for a property abutting a Residential Zone. So that's…. Yeah, that's exactly the example I believe, but in this case, in the image it's 20 feet but the proposal is 30 feet, so it's a little bit more.

COMMISSIONER MIRANDA Good enough?

CHAIR FRYMARK I think we just stay….

COMMISSIONER MIRANDA We happen to have a few outspoken residents here. We could ask them.

CHAIR FRYMARK I think we stayed for consistency purposes, maybe even keep it at 50.

VICE-CHAIR CHICO I think so. My concern is, again this is Heavy Manufacturing. Trucks being driven in that area.

COMMISSIONER MIRANDA Correct.

VICE-CHAIR CHICO Period.

COMMISSIONER MIRANDA Yeah.

VICE-CHAIR CHICO And that sound bounces off the walls, and the smoke right there, and so forth and so forth.

COMMISSIONER MIRANDA I just feel it's not far enough back. I think we should be at 50 for that as well. I mean…

PHONE I did not understand that.

COMMISSIONER MIRANDA Lordy.

CHAIR FRYMARK Someone is talking over there.

COMMISSIONER MIRANDA Siri, I don’t know. Not Siri but whatever you call Google.

VICE-CHAIR CHICO I say 50.

CHAIR FRYMARK Okay. So, I believe the recommendation on the table is 50 feet on the rear side for the Commercial Zone area where it is abutting a Residential Zone. 50 feet. Okay. So, I believe that walked us through all of the different setbacks. We did M-1 through M-2. We did C -1, 2 and 3. Was that it? Did we miss any? Okay.

ASSISTANT PLANNER ROMERO I'd like to get clarification on that last comment.

CHAIR FRYMARK Sure.

ASSISTANT PLANNER ROMERO So are we keeping the 15 and changing the 30 to 50? Five zero.

COMMISSIONER MIRANDA Correct.

VICE-CHAIR CHICO That is correct.

ASSISTANT PLANNER ROMERO Okay, thank you.

COMMISSIONER MIRANDA I have a quick question for Staff. Do you anticipate any problems with that kind of distance?

ASSISTANT PLANNER ROMERO That would be a case-by-case basis depending on the size of the lot.

COMMISSIONER MIRANDA: Great. Thank you.

ASSISTANT PLANNER ROMERO: Yeah.

CHAIR FRYMARK: Any further discussion from our Commission, before we make a recommendation? Okay. So Jesus, if you can walk me through, I think that so we would like to make some recommendations for changes on the plan. I don't believe that we as a body are wishing to take action at this time other than making the recommendation for the changes.

ADMINISTRATIVE SECRETARY HERNANDEZ: So what would you like to do with the recommendations?

CHAIR FRYMARK: So I'd like to state the recommendations, Jamie, and if you could…

ADMINISTRATIVE SECRETARY HERNANDEZ: And then from that what are we doing?

CHAIR FRYMARK: Then we would table it for the next meeting so that we can see those changes being put forth in that plan.

ASSISTANT PLANNER ROMERO: So these would not be recommendations to the City Council, these would be recommendations to Staff?

CHAIR FRYMARK: To make modifications to the plan.

ASSISTANT PLANNER ROMERO: Okay.

CHAIR FRYMARK: Unless the Commission has other thoughts.

COMMISSIONER MIRANDA: Well…

VICE-CHAIR CHICO: What I'm hoping is we rewrite the ordinance with our recommendations, or at least give us a list of the recommendations that have come out today and how they will look in the ordinance so we can vote on the whole thing.

ASSISTANT PLANNER ROMERO: So like the... One second. So something like this, where we show you the changes that have been made.

VICE-CHAIR CHICO Yes, give us a summary of all the changes that we made, embed them in the new resolution, and hopefully we can take a vote.

ASSISTANT PLANNER ROMERO Okay.

COMMISSIONER MIRANDA Just thought here, is it possible we can have recommendations and vote on it today, with us, and then they can be ratified, and they'll make those changes, and we can move forward in that sense. Is it possible?

CHAIR FRYMARK I mean, I believe that's another option.

COMMISSIONER MIRANDA Or do you want to see them like done already, and then we can vote then?

VICE-CHAIR CHICO I'd like it done already. There will still be minor changes, but at least we'll be, you know, real close. Really close. And then we can make the recommendation to approve the ordinance and recommend it to the City Council. So, the same procedure that we used for this one.

ASSISTANT PLANNER ROMERO Understood. So, you are suggesting continuing the item to the next scheduled Planning Commission meeting?

CHAIR FRYMARK Does anyone have any other thoughts or recommendations on that item? Do we want to just continue it, ask the staff to make the comments that we propose tonight, ask them to continue this item for further action at the next meeting, which would be in September, before we make our final recommendation to the City Council?

COMMISSIONER MIRANDA I am okay either way, actually. I wouldn't mind going forward because we made a decision, but if you want to see it, let's see it.

ASSISTANT PLANNER ROMERO Would you like to list those recommendations so that we could have them prepared for next meeting?

CHAIR FRYMARK Yeah, yeah, we can go through them.

ASSISTANT PLANNER ROMERO Okay.

CHAIR FRYMARK So I believe the first recommendation was that the Commission wanted to see any site-specific plans being proposed, to come to this body of government to review and make a recommendation. That is the first one. The next…Do you guys agree with that?

COMMISSIONER MIRANDA: Yes.

CHAIR FRYMARK: Okay. The next item that we discussed was related to…

ASSISTANT PLANNER ROMERO: Sorry, a clarification on that last one. So you said any site plan to be reviewed by the Planning Commission?

CHAIR FRYMARK: Correct.

ASSISTANT PLANNER ROMERO: Would that just be Planning Commission or City Council as well?

CHAIR FRYMARK: And City Council.

ASSISTANT PLANNER ROMERO: Okay.

CHAIR FRYMARK: I'm assuming our Council would want to see it as well.

COMMISSIONER MIRANDA: Oh yeah, imagine.

CHAIR FRYMARK: The next recommendation or the next change that we had discussed, I believe was related to the setbacks on C-1, 2, and 3 Zones, specifically we were looking to... On the street side and Commission please correct me if I'm wrong, I wrote down 30 feet abutting residential on the street side. Did you guys capture that? It's currently 20 feet If abutting a street adjacent to a Residential Zone.

COMMISSIONER MIRANDA: Did we go 30? Yeah.

CHAIR FRYMARK: I have that written down, but I don't remember if we did or didn’t.

COMMISSIONER ACOSTA: Did we go 30? I don’t remember going 30.

COMMISSIONER RODRIGUEZ: I don't believe we did.

COMMISSIONER MIRANDA: I think we let alone actually.

CHAIR FRYMARK: Okay, so we left C-1, C-2, and C-3 alone.

COMMISSIONER MIRANDA: Yeah.

CHAIR FRYMARK: Maybe I was just…

ADMINISTRATIVE SECRETARY HERNANDEZ: I thought the only change for setbacks was M-2.

COMMISSIONER MIRANDA: Yeah.

CHAIR FRYMARK: Okay, thank you for clarifying. So, M-2. Okay, I believe we were okay on the front side, but on the street side we had wanted to see a recommendation on the M-2 Zone, that a minimum of 50 feet for a property adjacent or abutting a street from a Residential Zone.

COMMISSIONER MIRANDA: Correct.

CHAIR FRYMARK: And similarly on the same zone but on the rear side, we were looking to see a minimum of 50 feet for a property abutting a Residential Zone, on the rear side. So that was three recommendations.

COMMISSIONER MIRANDA: Also, the height. We had a height.

COMMISSIONER ACOSTA: Yeah, wasn't there one on the height?

ASSISTANT PLANNER ROMERO: Yeah, the buffer.

CHAIR FRYMARK: We talked about height, and we talked about buffers. So, I believe that the buffer recommendation, if I can recap here. Did you have a question or did you want to…

ASSISTANT PLANNER ROMERO: No, I wanted to remind you about the buffer.

CHAIR FRYMARK: Thank you. So, we had discussed, thank you for the reminder, the buffer to make the recommendation to add that 500-foot buffer to all residential areas, while grandfathering in and taking into account any parcel that is split over 50 percent. Right? To be grandfathered at its existing height. Was there any other recommendation that we had?

ASSISTANT PLANNER ROMERO: To clarify that, when you say Grandfathered in, do you mean the existing building but if they were to get demoed, can it reach the height it currently is or are you proposing that it abide by the buffer?

CHAIR FRYMARK: Good question.

COMMISSIONER MIRANDA: Abide by the buffer.

VICE-CHAIR CHICO: Abide by the buffer.

CHAIR FRYMARK: Abide by the buffer.

COMMISSIONER MIRANDA: We had the height adjustment also.

VICE-CHAIR CHICO: Right.

CHAIR FRYMARK: On M-1?

COMMISSIONER MIRANDA: Correct.

VICE-CHAIR CHICO: Yeah, on M-1 we went to what?

COMMISSIONER RODRIGUEZ: 50.

COMMISSIONER ACOSTA: 50 is what I have noted.

COMMISSIONER MIRANDA: Within that buffer, it's going to stay where it's at, but outside of it, we are going higher to 50, correct?

COMMISSIONER ACOSTA: That's what I have noted, yes.

VICE-CHAIR CHICO: Correct.

COMMISSIONER MIRANDA: Yes.

ASSISTANT PLANNER ROMERO: Can you repeat that last comment?

COMMISSIONER MIRANDA: Sure, within that buffer it’s staying at the height at 40, but outside of it is going to go to 50.

ASSISTANT PLANNER ROMERO: And for the M-2, what that be 60?

COMMISSIONER MIRANDA: Yeah, we were at 60 still. It remains the same.

VICE-CHAIR CHICO: Yes.

ASSISTANT PLANNER ROMERO: Okay.

CHAIR FRYMARK: Yeah, 60 feet.

ASSISTANT PLANNER ROMERO: And within the buffer, what was the height? I'm sorry.

COMMISSIONER MIRANDA: 40.

CHAIR FRYMARK: Within the buffer, no, it was 50 feet. Wasn't it?

COMMISSIONER ACOSTA: I think it stayed the same as the other buffer.

CHAIR FRYMARK: We didn't change the height, we kept it at 50 within the buffer. At least that was my understanding.

ASSISTANT PLANNER ROMERO: For what zone, I'm sorry?

COMMISSIONER MIRANDA: No, no.

VICE-CHAIR CHICO: No, no. You are confusing me now.

COMMISSIONER MIRANDA: Sorry.

VICE-CHAIR CHICO: What zone designation are you talking about?

COMMISSIONER RODRIGUEZ: For M-2.

ASSISTANT PLANNER ROMERO — I thought the…

CHAIR FRYMARK — The buffer applies to all zones.

ASSISTANT PLANNER ROMERO — All zones. And you had stated 35 feet.

CHAIR FRYMARK — 35 feet.

VICE-CHAIR CHICO — 35 feet correct.

COMMISSIONER MIRANDA — In that buffer correct.

VICE-CHAIR CHICO — You said 50.

CHAIR FRYMARK — I said 50?

VICE-CHAIR CHICO — Yeah, you said 50.

CHAIR FRYMARK — I am confusing myself.

ASSISTANT PLANNER ROMERO — For commercial, industrial, all parcels?

VICE-CHAIR CHICO — All parcels.

CHAIR FRYMARK — All zones, all parcels are 35 feet within the 500. Thank you for catching that.

COMMISSIONER MIRANDA — We are increasing M-1, Light, to 50, correct?

COMMISSIONER RODRIGUEZ — Outside of the buffer.

CHAIR FRYMARK — Outside.

COMMISSIONER MIRANDA — Okay. Yeah, you're correct.

VICE-CHAIR CHICO — Outside, that's the tradeoff. It went up a little bit.

COMMISSIONER MIRANDA — Yeah.

CHAIR FRYMARK It went up by 10 feet of it is outside, so…

COMMISSIONER MIRANDA Yeah.

VICE-CHAIR CHICO I think that's it, I'm not sure.

ASSISTANT PLANNER ROMERO Is that all the recommendations from the Planning Commission?

COMMISSIONER MIRANDA Yes, Sir. Chair?

CHAIR FRYMARK Are those all? Those are all the recommendations. Thank you.

ASSISTANT PLANNER ROMERO Thank you.

ADMINISTRATIVE SECRETARY HERNANDEZ With all those recommendations, who would like to make a motion?

VICE-CHAIR CHICO (inaudible)

CHAIR FRYMARK What was that?

VICE-CHAIR CHICO Are we just going to keep the Public Hearing open?

CHAIR FRYMARK No, we have to… Jamie, do we close the Public Hearing on this particular item and then make a motion?

ASSISTANT CITY ATTORNEY TRAXLER So the Public Hearing portion is already closed, but we can continue this item to a date certain which is September… Marilyn? 18th, 2024. And direct Staff to make the recommended changes and bring that forth for the Planning Commission's consideration.

CHAIR FRYMARK Do we… So, we need to… We don't have a motion, though, yet. Right?

VICE-CHAIR CHICO Not yet.

CHAIR FRYMARK Okay. So, do we have a motion?
COMMISSIONER MIRANDA Yes.

VICE-CHAIR CHICO Second.

CHAIR FRYMARK I believe we had a first by Commissioner Miranda.

COMMISSIONER MIRANDA I proposed yes.

CHAIR FRYMARK I thought I heard that.

ASSISTANT PLANNER ROMERO One second, for commercial, so within the buffer we have it at 35. How about outside the buffer?

VICE-CHAIR CHICO 50, well whatever the Zoning Code says.

CHAIR FRYMARK I believe outside the…

COMMISSIONER MIRANDA C-1, you are talking about?

ASSISTANT PLANNER ROMERO Yeah, C-1, C-2, and C-3.

COMMISSIONER MIRANDA I think we left it at 35, right?

COMMISSIONER RODRIGUEZ 35.

ASSISTANT PLANNER ROMERO So the same as inside the buffer.

COMMISSIONER MIRANDA The same as all.

ASSISTANT PLANNER ROMERO Okay. Thank you.

CHAIR FRYMARK So we had a motion by Commissioner Miranda, and then we had a second, as well, by Vice-Chair. Roll Call.

ADMINISTRATIVE SECRETARY HERNANDEZ Commissioner Acosta.

COMMISSIONER ACOSTA Yes

ADMINISTRATIVE SECRETARY HERNANDEZ: Commissioner Miranda.

COMMISSIONER MIRANDA: Yes.

ADMINISTRATIVE SECRETARY HERNANDEZ: Commissioner Rodriguez.

COMMISSIONER RODRIGUEZ: Yes.

ADMINISTRATIVE SECRETARY HERNANDEZ: Vice-Chair Chico.

VICE-CHAIR CHICO: Yes.

ADMINISTRATIVE SECRETARY HERNANDEZ: Chair Frymark.

CHAIR FRYMARK: Yes.

ADMINISTRATIVE SECRETARY HERNANDEZ: Thank you.

CHAIR FRYMARK: We do have a second item on our agenda for Public Hearing that is Item B, the removal of the prioritization of fill schedule from the Development Agreement between the City of Irwindale and Hanson Aggregates West Inc. regarding Hanson Quarry, and the Development Agreements between the City of Irwindale and Calmat Co. DBA Vulcan Materials Company, Western Division regarding Durbin Quarry and Reliance I Quarry. Do we have a staff report?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: Thank you, Chair and Commissioners, for this… So this item is regarding dissolution of the priority fill that has been established. We've had the priority fill since 2004 and since that time several of the pits have been filled with that. So now it's the request, and with the cooperation of the mining companies that are on the priority fill, they would like to dissolve that. And with that I'm turning it over to the City Engineer for the bulk of the report.

DIRECTOR OF ENGINEER/BUILDING OFFICIAL CHAN

Thank you, Marilyn. Good evening, Commissioners. I have before you tonight to seek your approval to dissolve the priority fill schedule with Vulcan Material and Martin Marietta and adopt resolution recommending that the City Council adopt an ordinance approving amendments to the development agreements, in relations to the Hansen, Durbin, and Reliance I Quarries. So, in 2000 a total of 17 pits were identified within the City. The priority fill schedules were established to facilitate and organize a systematic approach to fill the various pits throughout the City of Irwindale, to ensure that sufficient fill material would be dedicated to each fill. Each mining sites for the timely completion of the pits, rather than piecemealing approach without a cohesive strategy such that the pits would not consistently receive sufficient fuel materials, and therefore it would take much longer to complete. The City of Irwindale enter into agreements with United Rock Products, Vulcan Material, and Martin Marietta, previously Hanson Aggregate, which contains language establishing the priority fill schedule and then identifying the priority quarry, with the ability to operate a commercial inert landfill, for a certain period of time to the exclusion of the other operators. Since the implementation of the priority fill schedule, various pits in the City of Irwindale have successfully been filled and are now in the process of development. What I have here is the United Rock Pit I, which is now called the Park at Live Oak, has completed reclamation and now in the process of development. Here is the Vulcan Reliance II Quarry, which also has completed reclamation and now in the process of development as well. Here is the Gateway Pit, same thing has completed a reclamation and now in the process of development. In this map, I would like to point out that United Rock, Manning, Reliance II, Gateway has completed reclamation. Olive Pit, Durbin, Reliance I, Hansen, Bubalo Pit are now still in mining phase. So here is another map showing previously and comparing to now, 2024. So, the successful completion of filling these pits has resulted in an ample supply of fuel material in Irwindale, sufficient to support more than one priority quarry simultaneously. Consequently, it has been determined that the priority fill schedule is no longer necessary. So, on March 11, 2020, the City Council, Board of the Reclamation Authority, authorized and directed Staff to initiate discussion with the mining operators to terminate the priority fill schedule. And so, the Staff negotiated with the mining operators, and the City Attorney prepared the proposed amendments to their Development Agreements. Each mining operators has agreed to their terms and signed the proposed agreements. And on July 24, 2024, the City Council approved the dissolution of the priority fill schedule with the United Rock Product corporation, and now we are seeking your approval to dissolve the priority fill schedules with the remaining mining operators. Pursuant to Section 65867 of the California Government Code, the removal of the priority fill schedule will facilitate the ultimate development of the Hansen, Durbin, and Reliance I quarries, though the proposed amendment are consistent with the City's General Plan. And also pursuing to CEQA Guidelines, Section 15162, the proposed

amendment consistent with the previous certified EIRs, therefore, no subsequent EIR, Negative Declaration, or amendment is required for the approval of these amendments. Staff is recommending to the Planning Commission to adopt Resolution 830(24), 831(24), and 832(24) with that I concluded my presentation. I would be happy to answer any question you might have.

VICE-CHAIR CHICO Yes, I have a question.

CHAIR FRYMARK Thank you, Mr. Chan.

VICE-CHAIR CHICO So what happens now with the remaining pits? First of all, are any of the pits taking in landfill or deposits right now? Are there any pits taking in deposits?

DIRECTOR OF ENGINEER/BUILDING OFFICIAL CHAN Yeah. So, what this priority fill schedule clause in the agreement sets the miners, the mining operators to limit them on advertising commercial inner fill for their for their mining pits. What that means is that, so they cannot advertise their pits. In advertising their pits, they will receive compensations for fuel material going into their pit. So other operators can take fill, but they could not take compensation for it. So other pits might be able to receive pits as well, coming from their own other sites. So that's in essence, that’s what the priority fill clause is to the operators.

VICE-CHAIR CHICO How many pits are taken in landfill right now?

DIRECTOR OF ENGINEER/BUILDING OFFICIAL CHAN Right now, the priority quarry is with Hanson. So it's with Hanson, but other pits are receiving pits. You know, receiving fills as well, you know?

VICE-CHAIR CHICO How many others?

DIRECTOR OF ENGINEER/BUILDING OFFICIAL CHAN But they're not compensating the people that point the material.

VICE-CHAIR CHICO Yeah, but how many other locations? Just roughly.

DIRECTOR OF ENGINEER/BUILDING OFFICIAL CHAN Roughly, I would refer back to this map right here. So, these are the current active pits? So, Reliance I is only mining right now. There are some mining within the City of Irwindale’s jurisdiction. Durbin is mining and then also taking in some fills, as well. But Hanson is also, right now, is receiving... Let me see, I just want to double check with my notes here. Hanson is not receiving fills right now, but they have the priority fill. And then going up, United Rock Pit II, is receiving fills. Pit III, United Rock Pit III is not. It's currently suspended, is not mining, no mining activities or backfill activities. The URP Pit plant is a plant. Bubalo is just receiving very minor backfill, fill material.

VICE-CHAIR CHICO Of those locations that are receiving any kind of fill, are we monitoring that kind, the quality of the fill?

DIRECTOR OF ENGINEER/BUILDING OFFICIAL CHAN Yes, we are. Yeah.

VICE-CHAIR CHICO Okay.

COMMISSIONER MIRANDA In the Hanson Pit, that's Martin Marietta, correct?

DIRECTOR OF ENGINEER/BUILDING OFFICIAL CHAN Hanson, yes that is correct Commissioner.

CHAIR FRYMARK Does Staff have any other questions?

COMMISSIONER ACOSTA Yes. Is the City losing anything financially by removing their priority fill?

DIRECTOR OF ENGINEER/BUILDING OFFICIAL CHAN No, the City is not losing anything financially. It just stated in the staff report that we are just trying to prioritize the fill schedule so that we don't. So, we can systematically back fill all the pits, instead of spreading all the fill material into different pits. And now because of the fill priority fill schedule, we have completed backfill of the like 3 or 4. Actually 4 pits. And currently just one pit that… One or two or three pits that are receiving pits, fills, sorry.

CHAIR FRYMARK In the staff report, it was indicated that the City retained the authority to suspend the commencement of the activities at United Quarry II. And it's looking to reauthorize that to Hanson. Can you speak a little bit more about that?

DIRECTOR OF ENGINEER/BUILDING OFFICIAL CHAN Yeah. So, what I have explained earlier, so they are receiving fills from their own means. So, they are not advertising their pit as a receiving pit where people can deliver whole fill material to the site. So right now, Hanson is the only one that can advertise their pit as a receiving pit site to receive fills, commercial fills.

COMMISSIONER MIRANDA What kind of fills are we getting in these pits? Material… What kind of material?

DIRECTOR OF ENGINEER/BUILDING OFFICIAL CHAN What kind of material? They are clean material, so they have to meet certain guidelines in terms of size and environmental. Yeah, environmental compliance and all of that, yeah.

COMMISSIONER MIRANDA Is there any impact on our water table as I see?

DIRECTOR OF ENGINEER/BUILDING OFFICIAL CHAN — Right, so there should not be any impact to the water table, because they are being monitored regularly to make sure that the fill is not contaminated so it meets the environmental requirements.

CHAIR FRYMARK — Any other questions from the Commission? Do we have anyone in person that has any comments or questions? Do I need to open up the Public Hearing? Sorry. At this time, we'll open up the Public Hearing and take any comments from anyone in Tier 1.

OPEN PUBLIC HEARING — At 8:22 p.m., Chair Frymark opened the Public Hearing.

CHAIR FRYMARK — Is there anyone in Tier 1 that would wish to make a comment on this item? Seeing none, we'll move on to Tier 2. Do we have any teleconference attendees wishing to speak?

COMMUNITY DEVELOPMENT INTERN PALMER — There are no teleconference attendees.

CHAIR FRYMARK — Tier 3 anyone in person that hasn't spoken that would like to, or in our virtual environment. No?

COMMUNITY DEVELOPMENT INTERN PALMER — No one in Tier 3.

CHAIR FRYMARK — Thank you very much. So, then we'll go ahead and close the Public Hearing on this item. Oh… We were about to close it.

ROBERT DIAZ — Robert Diaz, 2408 South Mountain Avenue, here in Irwindale. The question I have is about the amendments that you requested to approve. And if in any way they make it difficult for Irwindale to develop any of that available land where the plant sites are in particular. If it's difficult to develop commercially because of this amendment as proposed, I recommend you go against it. But if it has nothing to do with it and we can still have potential to develop those land sites commercially, then well, rejected it unless… Maybe it'll help us. We'll see.

CHAIR FRYMARK — I believe you had mentioned that, is there any developmental impact as a result of possibly approving this resolution?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON — Thank you, Chair and Commission. No, the dissolution of the priority fill does not change what the end uses for each of the pit. It's not changing any of that. So, if it was designated for Commercial, it will remain Commercial. If it was Recreation remains Recreation.

CHAIR FRYMARK — Okay, based on what it's zoned.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Yes
CHAIR FRYMARK	Thanks for clarifying that. Any other discussions or questions before we potentially entertain a motion? I did close the public hearing well, I can close it again, I'll close the public hearing again. Thank you.
CLOSE PUBLIC HEARING	There being no speakers, Chair Frymark closed the Public Hearing at 8:24 p.m.
CHAIR FRYMARK	Thank you. And so, no questions, no thoughts. Do we have a motion?
ASSISTANT CITY ATTORNEY TRAXLER	Chair, if I may.
CHAIR FRYMARK	Yes.
ASSISTANT CITY ATTORNEY TRAXLER	My only recommendation would be to make a motion on each resolution separately, because these resolutions affect the property rights of the individual operators at each pit, and so I would just recommend that each resolution be subject to its separate motion.
CHAIR FRYMARK	And a separate vote?
ASSISTANT CITY ATTORNEY TRAXLER	Yes.
CHAIR FRYMARK	Okay, thank you. So, the first resolution is adopt Resolution Number 830(34), entitled “a Resolution of the Planning Commission of the City of Irwindale, recommending that the City Council adopt an ordinance approving Amendment No. 1 to Development Agreement No. 04-05 by and between the City of Irwindale and Martin Marietta, Southern California Aggregates, LLC, a Delaware limited liability company, formerly Hanson Aggregates West, inc., a Delaware corporation, and a wholly owned subsidiary of Martin Marietta Materials, inc.; located at 13550 Live Oak Avenue, Irwindale, California.
VICE-CHAIR CHICO	Motion to approve Resolution Number 830(34) as presented.
COMMISSIONER RODRIGUEZ	Second.
CHAIR FRYMARK	Thank you, so we have a first and we have a second. Roll Call please.

COMMUNITY DEVELOPMENT INTERN PALMER: Commissioner Acosta.

COMMISSIONER ACOSTA: Yes.

COMMUNITY DEVELOPMENT INTERN PALMER: Commissioner Miranda.

COMMISSIONER MIRANDA: Yes.

COMMUNITY DEVELOPMENT INTERN PALMER: Commissioner Rodriguez.

COMMISSIONER RODRIGUEZ: Yes.

COMMUNITY DEVELOPMENT INTERN PALMER: Vice Chair Chico.

VICE-CHAIR CHICO: Yes.

COMMUNITY DEVELOPMENT INTERN PALMER: Chair Frymark.

CHAIR FRYMARK: Yes. Thank you. The next item is a Resolution Number 831(24). Entitled A Resolution of the Planning Commission of the City of Irwindale, recommending that the City Council adopt an ordinance approving Amendment Number 1 to Development Agreement Number 1-06 for Durbin Quarry by and between the City of Irwindale and Calmat, Co, a Delaware Corporation DBA, Vulcan Materials Company, Western Division; Located at 1300 Los Angeles Street, Irwindale, California, do we have a motion?

COMMISSIONER ACOSTA: Motion.

CHAIR FRYMARK: We have a motion to…

COMMISSIONER ACOSTA: Motion to approve the resolution.

CHAIR FRYMARK: Thank you. Do we have a second?

COMMISSIONER MIRANDA: Second.

CHAIR FRYMARK: Do we need to state the number?

ASSISTANT CITY ATTORNEY TRAXLER: I apologize Chair, there is a typo in the staff report. The previous resolution, for the record, should be 830(24), instead of 830(34) And the I believe the third resolution which we haven't gotten to yet, should be 832(24) instead of 832(34). So, I just wanted to clarity that for the record, and you can…

CHAIR FRYMARK: Jaime, you should on the third resolution the number should be 832(24)?

ASSISTANT CITY ATTORNEY TRAXLER: 24, yes.

CHAIR FRYMARK: That's what I have shown on the staff report.

ADMINISTRATIVE SECRETARY HERNANDEZ: It's on the agenda.

CHAIR FRYMARK: Ah, okay. Thank you. Do we need to make a new resolution for the first?

ASSISTANT CITY ATTORNEY TRAXLER: Yeah, I would just do a motion to reconsider really quickly and approve the motion with the correct number. I'm sorry the resolution, not the motion approve the resolution with the correct number.

CHAIR FRYMARK: But I don't have to read the whole thing?

ASSISTANT CITY ATTORNEY TRAXLER: No.

CHAIR FRYMARK: Can I have a motion to reconsider approving of Resolution Number 830(24). Entitled the resolution of the Planning Commission of the City of Irwindale, recommending that the City Council adopt an ordinance approving Amendment No. 1 to the Development Agreement No. 4-05 by and between the City of Irwindale and Martin Marietta, Southern California Aggregates.

VICE-CHAIR CHICO: Motion to approve.

COMMISSIONER RODRIGUEZ Second.

CHAIR FRYMARK Great, so we have a first and a second, do we do a Roll Call?

COMMUNITY DEVELOPMENT INTERN PALMER Commissioner Acosta.

COMMISSIONER ACOSTA Yes.

COMMUNITY DEVELOPMENT INTERN PALMER Commissioner Miranda.

COMMISSIONER MIRANDA Yes.

COMMUNITY DEVELOPMENT INTERN PALMER Commissioner Rodriguez.

COMMISSIONER RODRIGUEZ Yes.

COMMUNITY DEVELOPMENT INTERN PALMER Vice Chair Chico.

VICE-CHAIR CHICO Yes.

COMMUNITY DEVELOPMENT INTERN PALMER Chair Frymark.

CHAIR FRYMARK Yes. We'll move on to the second…

ASSISTANT CITY ATTORNEY TRAXLER Sorry, Chair.

CHAIR FRYMARK Yes

ASSISTANT CITY ATTORNEY TRAXLER A motion to reconsider also needs to be followed up with the actual motion to approve. And this is just totally procedural. So, we need a actual motion to approve the resolution.

CHAIR FRYMARK That's what we did.

ASSISTANT CITY ATTORNEY TRAXLER: It's essentially a motion to reconsider, to put it back on the floor. So now…

CHAIR FRYMARK: We reconsidered it. Now we have to approve it?

ASSISTANT CITY ATTORNEY TRAXLER: Correct.

CHAIR FRYMARK: I see.

VICE-CHAIR CHICO: That's a lot of work

ASSISTANT CITY ATTORNEY TRAXLER: I know.

CHAIR FRYMARK: Do we have a motion to approve Resolution Number 830(24), entitled the resolution of the Planning Commission of the City of Irwindale, recommending that the City Council adopt an ordinance approving Amendment Number 1 to the Development Agreement No. 04-05 by and between the City of Irwindale and Martin Marietta, Southern California Aggregates.

VICE-CHAIR CHICO: Approved

CHAIR FRYMARK: Thank you, second?

COMMISSIONER RODRIGUEZ: Second.

CHAIR FRYMARK: Roll Call.

COMMUNITY DEVELOPMENT INTERN PALMER: Commissioner Acosta.

COMMISSIONER ACOSTA: Yes.

COMMUNITY DEVELOPMENT INTERN PALMER: Commissioner Miranda.

COMMISSIONER MIRANDA: Yes.

COMMUNITY DEVELOPMENT INTERN PALMER: Commissioner Rodriguez.

COMMISSIONER RODRIGUEZ: Yes.

COMMUNITY DEVELOPMENT INTERN PALMER: Vice Chair Chico.

VICE-CHAIR CHICO: Yes.

COMMUNITY DEVELOPMENT INTERN PALMER: Chair Frymark.

CHAIR FRYMARK: Yes.

CHAIR FRYMARK: We're good?

ASSISTANT CITY ATTORNEY TRAXLER: We're good.

CHAIR FRYMARK: Okay. Thank you. Next, we will move on to Item Number 2, Resolution Number 831(24), entitled "Resolution of the Planning Commission of the City of Irwindale, recommending that City Council adopts an ordinance approving Amendment Number 1 to Development Agreement No. 01-06 for Durbin Quarry by and between the City of Irwindale and Calmat Company, a Delaware Corporation DBA Vulcan Materials Company, Western Division; located at 1300 Los Angeles Street, Irwindale, California." Do we have a motion to approve?

COMMISSIONER MIRANDA: Motion to approve.

CHAIR FRYMARK: Thank you, do we have a second?

COMMISSIONER ACOSTA: I'll second.

CHAIR FRYMARK: Great we have a first and a second, Roll Call please.

COMMUNITY DEVELOPMENT INTERN PALMER: Commissioner Acosta.

COMMISSIONER ACOSTA	Yes.
COMMUNITY DEVELOPMENT INTERN PALMER	Commissioner Miranda.
COMMISSIONER MIRANDA	Yes.
COMMUNITY DEVELOPMENT INTERN PALMER	Commissioner Rodriguez.
COMMISSIONER RODRIGUEZ	Yes.
COMMUNITY DEVELOPMENT INTERN PALMER	Vice Chair Chico.
VICE-CHAIR CHICO	Yes.
COMMUNITY DEVELOPMENT INTERN PALMER	Chair Frymark.
CHAIR FRYMARK	Yes. The last item is adopt Resolution Number 832(24), entitled “a resolution of the Planning Commission of the City of Irwindale recommending that the City Council adopt an ordinance approving Amendment No. 2 to the Development Agreement No. 02-06 for Reliance I Quarry and Reliance II Landfill by and between the City of Irwindale and Calmat, Co., a Delaware Corporation DBA, Vulcan Company, Western Division; located at 15990 Foothill Boulevard” in beautiful Irwindale, California. Do we have a motion to approve?
COMMISSIONER ACOSTA	Motion.
VICE-CHAIR CHICO	Second.
COMMISSIONER ACOSTA	Motion to approve or adopt Resolution 832(24)
CHAIR FRYMARK	You do, we have a second?
VICE-CHAIR CHICO	Second.
CHAIR FRYMARK	Okay, Roll Call please.

COMMUNITY DEVELOPMENT INTERN PALMER: Commissioner Acosta.

COMMISSIONER ACOSTA: Yes.

COMMUNITY DEVELOPMENT INTERN PALMER: Commissioner Miranda.

COMMISSIONER MIRANDA: Yes.

COMMUNITY DEVELOPMENT INTERN PALMER: Commissioner Rodriguez.

COMMISSIONER RODRIGUEZ: Yes.

COMMUNITY DEVELOPMENT INTERN PALMER: Vice Chair Chico.

VICE-CHAIR CHICO: Yes.

COMMUNITY DEVELOPMENT INTERN PALMER: Chair Frymark.

CHAIR FRYMARK: Yes. Moving on. Do we have any items for discussion or presentation?

DISCUSSION ITEMS/ PRESENTATIONS

COMMUNITY DEVELOPMENT INTERN PALMER: No, there are no items.

CHAIR FRYMARK: Item 6, Community Development Director Report.

COMMUNITY DEVELOPMENT DIRECTOR REPORT

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: Thank you, Chair and Commission. The only thing is that I just want to remind you in the packet that you received, there should have been a memo that had a link to the draft EIR for the Irwindale Gateway project. Okay. And tentatively, we have that scheduled for next month at the Planning Commission meeting, and again I say tentative in here. And that's it.

CHAIR FRYMARK: Would it be possible, just out of curiosity I see the link here, would it be possible to get paper copies?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: Yes. Yeah, not sure how many pages that is… Hundreds? With that how many copies?

CHAIR FRYMARK: I know I prefer paper so I can write notes.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: Okay.

CHAIR FRYMARK: But I don't know if anyone else on the Commission is inclined to have a paper copy. Not to waste trees at all, like that is not our intention but… Okay so I see three. Commissioner Miranda?

COMMISSIONER ACOSTA: Let's make it four.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: Four, I hear five. Okay.

CHAIR FRYMARK: We will recycle. We'll shred them.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: Okay.

CHAIR FRYMARK: Sorry but thank you.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: I'm glad the City Manager is here because he can increase our budget. for copies.

CHAIR FRYMARK: I don't even want to look over there.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: Thank you.

ASSISTANT CITY MANAGER OLIVARES: You can take notes with your iPad.

CHAIR FRYMARK: It's not the same. It's just not the same, I'm still old school, I still read a book like... Thank you very much, and moving on to 7, Legal Counsel Comments.

LEGAL COUNSEL COMMENTS

CHAIR FRYMARK: Jamie, do you have anything?

ASSISTANT CITY ATTORNEY TRAXLER: Nothing from me tonight.

CHAIR FRYMARK: Okay. And Commissioners, do you have any comments that you would like to share tonight?

COMMISSIONER COMMENTS

CHAIR FRYMARK: No?

COMMISSIONER: Well thanks Staff for the diligence and your patience with us, we'll get it done.

CHAIR FRYMARK: Definitely, I echo that. I feel like every meeting that we have, we get a little bit closer. So, thank you Staff for your patience, and for your phone calls. We really appreciate it. And for the members of the public that came forward and spoke, we really appreciate the feedback as well. Okay, if there are no further Commissioner comments, then we will go ahead and adjourn this meeting at 8:33pm. Good night and thank you everybody.

ADJOURNMENT There being no further business to conduct, the meeting was adjourned at 8:33 p.m.

Maricela Frymark, Planning Commission Chair

Attest:

Jesus Hernandez, Administrative Secretary

CITY OF IRWINDALE
PLANNING COMMISSION STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

Date: December 18, 2024 **Agenda Item No. 4-A**

To: Honorable Chair and Members of the Planning Commission

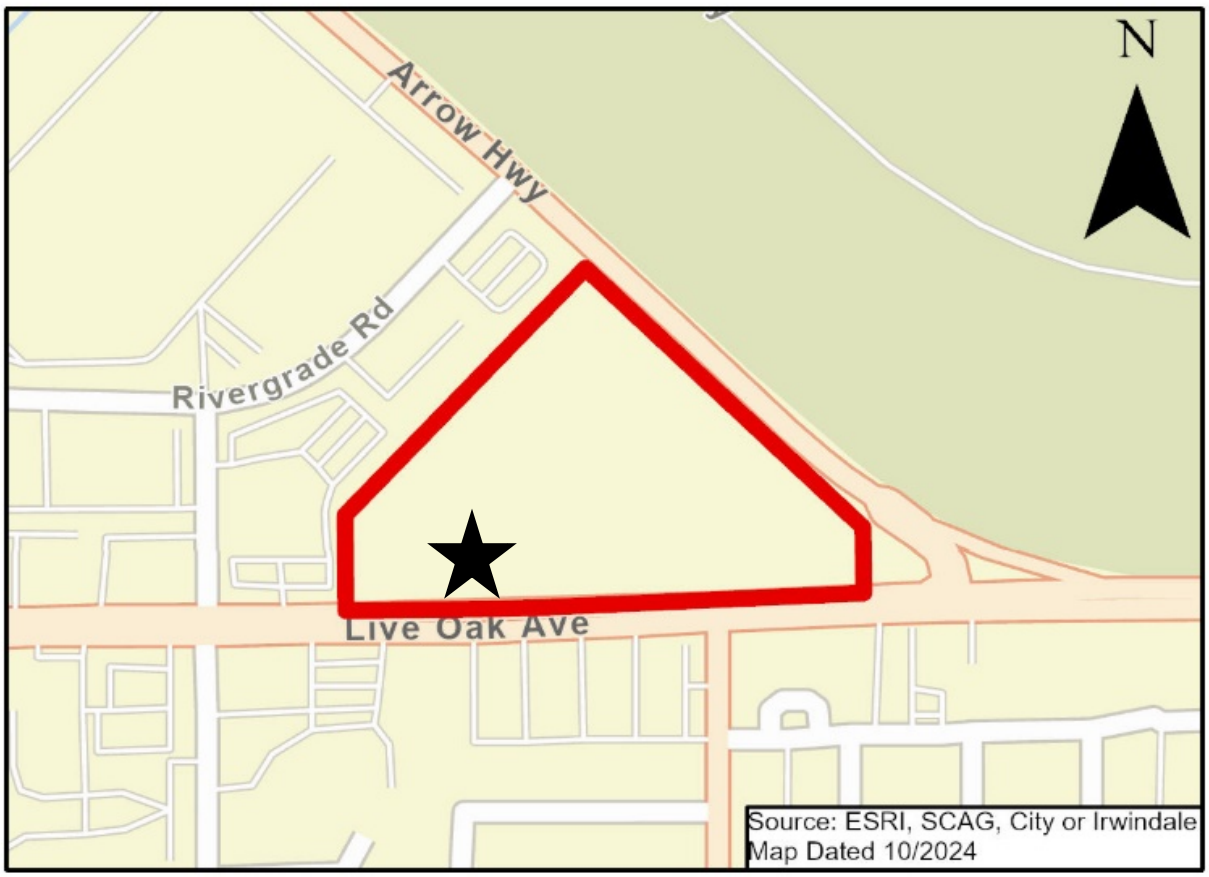
From: Marilyn Simpson, AICP, Community Development Director

Project Planner: Marilyn Simpson, Community Development Director

Project: Amendment No. 1 to Development Agreement No. 02-2016

Applicant: Anthony Bertrand, Arakelian Enterprises Inc. dba Athens Services

Project Location: 2200 Arrow Highway (APN: 8535-001-039)



Staff Recommendation: That the Planning Commission:

Adopt Resolution No. 841(24) entitled, "A Resolution of the Planning Commission of the City of Irwindale Recommending that the City Council adopt an Ordinance approving Amendment No. 1 to Development Agreement 02-2016 By and Between the City of Irwindale and Arakelian Enterprises, Inc., a California Corporation, DBA Athens Services, Located at 2200 Arrow Highway, Irwindale, California (APN 8535-001-039) and Finding the Project exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15162"

REQUEST

The Applicant is requesting Amendment No. 1 to Development Agreement No. 02-2016 to reflect a request by Athens Services to postpone the construction of the Convenience Store to a later phase of the MRF/TS project.

BACKGROUND/HISTORY

The project site was purchased by the former Irwindale Community Redevelopment Agency (ICRA) on July 9, 1990. At the time of purchase, the site was vacant and the ICRA sought to facilitate development of the site for an after-market auto related use and other retail development. The after-market auto related use did not move forward.

In 2005, the Site was recognized, by virtue of its size and location relative to freeways and arterial roadways, as a suitable site for the development of the MRF/TS which would enable the City to meet its obligations with respect to waste disposal. Specifically, the State of California, through enactment of the California Integrated Waste Management Act of 1989 (Public Resources Code Sections 40000 et seq. (the "Act"), had previously directed all local jurisdictions to promote recycling and to maximize the use of feasible source reduction, recycling and composting options in order to reduce the amount of solid waste required to be disposed of by land disposal.

Project entitlements originally began on June 8, 2016, with the intent to allow the applicant, Athens Services, to purchase the site in order to develop and operate the MRF/TS and convenience store/fueling station. The development of the site would provide the City and its residents with a state-of-the-art facility for solid waste disposal, recycling and source reduction.

On February 24, 2021 the Irwindale City Council conducted a duly noticed public hearing for the Material Recovery Facility and Transfer Station and adopted the following resolutions: Resolution No. 2021-06-3268 approving a Franchise & Facility Operations Agreement; Resolution No. CC2021-08-3270 & Resolution No. SA2021-13-3275 Certifying the Final Environmental Impact Report (SCH#2013051029) for the MRF/TS Project; Resolution No. CC2021-09-3271 & Resolution No. SA2021-14-3276 for the project Disposition and Development Agreement; Resolution No. 2021-10-3272 for General Plan Amendment No. 02-2016; Resolution No. 2021-11-3273 for Conditional Use Permit No. 02-2016; Resolution No. 2021-12-3274 approving Site Plan & Design Review (DA) No. 06-2016

On March 10, 2021, the Irwindale City Council adopted Ordinance No. 752 for Zone Ordinance Amendment No. 04-2016 to amend the Irwindale Municipal Code to allow a Materials Recovery Facility as a permitted use in the M-2 zone and related zoning requirements; and Ordinance No. 753 approving Development Agreement No. 02-2016 to allow the construction and operation of a Materials Recovery Facility and Transfer Station, Convenience Store, and Pubic Gas Station at the Site.

On November 13, 2024, the City Council adopted Resolution No. 2024-92-3569, approving a maintenance and wash bay canopy structure.

GENERAL PLAN AND ZONING

The site is designated in the General Plan as Industrial/Commercial. The property is zoned M-2 (Heavy Manufacturing). The following zones and uses surround the site:

Direction	Existing Land Use	Zoning District
North	Santa Fe Dam	A1 (Agricultural)
South	City of Baldwin Park	Industrial: fronting Arrow Highway; Residential: approx.. 500' south of the Industrial Uses
East	Santa Fe Dam & LADWP Power Lines	A1 (Agricultural)
West	Industrial/Distribution Facility	M2 (Heavy Manufacturing)

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, analyzed the project and certified the Materials and Recovery Facility and Transfer Station Final Environmental Impact Report ("FEIR") (SCH # 2013051029) on February 24, 2021. It is proposed that the Planning Commission, on the basis of substantial evidence contained in the whole record, find and recommend that the City Council finds that the FEIR serves as the environmental review for the project and, pursuant to CEQA Guidelines section 15162, no additional environmental review is necessary because there have been no changes with respect to the overall scope under which the project is being undertaken and no new information of substantial importance concerning the project, which cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

A copy of the FEIR and related environmental documents are posted on the City's website at https://www.irwindaleca.gov/177/Materials-Recovery-Facility-Transfer.
and available at the Irwindale Public Library and Deputy City Clerk's Office.

Amendment No. 1 to Development Agreement No. 02-2016

A ± 2,587 square foot convenience store was included in the 2021 approval of Development Agreement No. 02-2016 for the MRF/TS project as part of Phase 1 of the

development. Pursuant to the terms of the Development Agreement, Athens proposed to construct the Project in three (3) phases, including the construction of the Convenience Store during Phase 1 of the Project. On November 8, 2023, the City Council adopted Resolution No. 2023-89-3467, authorizing the City Manager to execute a side letter agreement with Athens for the delivery and service of 100 additional carts beyond the standard three (3) carts issued to residential households at no cost to the City or its residents. The Letter Agreement was executed on January 30, 2024.

Thereafter, Athens requested to postpone the construction of the Convenience Store to Phase 3 of the Project. On January 24, 2024, the City Council directed Staff and the City Attorney's Office to negotiate an amendment to the Development Agreement to reflect Athens Services' request to defer the construction of the convenience store to a future phase

Following negotiation, Athens proposes the following: as consideration for the postponement of the Convenience Store to a later phase of the Project, Athens will agree as part of Amendment No. 1 to the Development Agreement to: 1) memorialize the current additional one hundred (100) barrels being provided by Athens to residential customers at no charge and to extend the term of this obligation from 2032 to December 31, 2034; and 2) extend the term of Athens' obligation for residential pick-up services at no charge to either the residents or to the City from 2032 to December 31, 2034.

Analysis

Section 65868 of the California Government Code authorizes a development agreement to be amended, in whole or in part, by mutual consent of the parties to the agreement or their successors in interest pursuant to sections 65867-65867.5 of the California Government Code. Prior to approval of an amendment to a development agreement, the Planning Commission must hold a noticed public hearing and provide a recommendation to the City Council. (Gov. Code § 65867.) After the Planning Commission holds a public hearing and provides a recommendation, the legislative body must approve a development agreement by adoption of an ordinance. (Gov. Code § 65867.5(a)) The provisions of the amendment to a development agreement must be found by the City Council to be consistent with the general plan and any applicable specific plan. (Gov. Code § 65867.5(b).)

The provisions of the proposed Amendment No. 1 to the Development Agreement are consistent with the goals and policies of the City's General Plan, as amended by General Plan Amendment No. 02-2016. The subject site has a land use designation as Commercial/Industrial and is zoned M-2, which permits light industry, heavy industry, and commercial uses, consistent with the Project as contemplated by the Development Agreement. The proposed Amendment No. 1, will facilitate development of the MRF/TS during Phase 1, and postpones the construction of the Convenience Store to Phase 2 or Phase 3 of the Project. Upon Project completion, the site will operate under Commercial and Industrial uses, and the Amendment No. 1 is consistent with the goals and policies of the City's General Plan.

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

1. Adopt Resolution No. 841(24) recommending that the City Council approve Amendment No. 1 to Development Agreement No. 02-2016

Alternative Actions:

2. Request that staff prepare a resolution of denial based on recommended Findings of Fact to be brought back at the next regularly scheduled Planning Commission meeting for adoption, OR
3. Request that the applicant revise the project and continue the hearing to a date certain.

ATTACHMENTS
Exhibit A: Resolution No. 841(24) for Amendment No. 1 to DA 02-2016
Exhibit B: Amendment No.1 to Development Agreement No. 02-2016
Exhibit C: Ordinance No. 768

Exhibit "A"

RESOLUTION NO. 841(24)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING AMENDMENT NO. 1 TO DEVELOPMENT AGREEMENT NO. 02-2016 BY AND BETWEEN THE CITY OF IRWINDALE AND ARAKELIAN ENTERPRISES, INC, A CALIFORNIA CORPORATION, DBA ATHENS SERVICES LOCATED AT 2200 ARROW HIGHWAY, IRWINDALE, CALIFORNIA (APN 8535-001-911) AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CEQA GUIDELINES SECTION 15162

A. RECITALS.

(i) On February 24, 2021, the City of Irwindale (the "City") and Arakelian Enterprises, Inc, dba Athens Services ("Athens"), entered into an agreement entitled "Development Agreement No. 02-2016" (the "Development Agreement") to govern the construction and operation of a Materials Recovery Facility and Transfer Station ("MRF/TS") with a public Fueling Station and Convenience Store (the "Convenience Store") at 2200 Arrow Highway – APN 8535-001-911 (collectively, the "Project").

(ii) Pursuant to the terms of the Development Agreement, Athens proposed to construct the Project in three (3) phases, including the construction of the Convenience Store during Phase 1 of the Project.

(iii) On November 8, 2023, the City Council adopted Resolution No. 2023-89-3467, authorizing the City Manager to execute a side letter agreement with Athens for the delivery and service of 100 additional carts beyond the standard three (3) carts issued to residential households at no cost to the City or its residents. The Letter Agreement was executed on January 30, 2024.

(iv) Athens has requested to postpone the construction of the Convenience Store to Phase 3 of the Project.

(v) On January 24, 2024, the City Council directed Staff and the City Attorney's Office to negotiate an amendment to the Development Agreement to reflect Athens' request to defer the construction of the convenience store to a future phase. Following negotiation, Athens proposes the following: as consideration for the postponement of the Convenience Store to a later phase of the Project, Athens will agree as part of Amendment No. 1 to the Development Agreement to: 1) memorialize the current additional one hundred (100) barrels being provided by Athens to residential customers at no charge and to extend the term of this obligation from 2032 to December 31, 2034; and 2) extend the

term of Athens' obligation for residential pick-up services at no charge to either the residents or to the City from 2032 to December 31, 2034.

(vi)

(vii) Section 65868 of the California Government Code authorizes a development agreement to be amended, in whole or in part, by mutual consent of the parties to the agreement or their successors in interest pursuant to sections 65867-65867.5 of the California Government Code.

(viii) Pursuant to the California Environmental Quality Act (CEQA) the Project has been considered in the Final Environmental Impact Report (SCH No. 2013051029) prepared for the Project, the proposed approval of the Amendment No. 1 is consistent with the analysis contained therein, and, pursuant to CEQA Guidelines section 15162, no additional environmental review is necessary.

(ix) On December 18, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, closed said hearing, and adopted this resolution recommending that the City Council adopt an ordinance approving Amendment No. 1 to the Development Agreement.

(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. **Recitals.** 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. **Findings.** Based upon substantial evidence and testimony taken from the record as a whole, and received at the public hearing, both oral and written, including the staff report, and all attachments thereto, all of which shall constitute the entire record of the matter, the Planning Commission hereby specifically finds as follows:

a. The proposed Amendment No. 1 to the Development Agreement is consistent with the goals and policies of the General Plan, its purposes and applicable Specific Plan(s).

The provisions of the proposed Amendment No. 1 to the Development Agreement are consistent with the goals and policies of the City's General Plan, as amended by General Plan Amendment No. 02-2016. The subject site has a land use designation as

Commercial/Industrial and is zoned M-2, which permits light industry, heavy industry, and commercial uses, consistent with the Project as contemplated by the Development Agreement. The proposed Amendment No. 1, will facilitate development of the MRF/TS during Phase 1, and postpones the construction of the Convenience Store to Phase 2 or Phase 3 of the Project. Upon Project completion, the site will operate under Commercial and Industrial uses, and the Amendment No. 1 is consistent with the goals and policies of the City's General Plan.

3. **CEQA Findings.** The Project was previously subject to environmental review in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended, and the City of Irwindale environmental guidelines. Pursuant to the authority and criteria contained in CEQA, and the City of Irwindale environmental guidelines, the City, as the Lead Agency, analyzed the project and certified the Materials and Recovery Facility and Transfer Station Final Environmental Impact Report ("FEIR") (SCH # 2013051029) on February 24, 2021. The Planning Commission hereby finds, on the basis of substantial evidence contained in the whole record, that the FEIR serves as the environmental review for the project and, pursuant to CEQA Guidelines section 15162, no additional environmental review is necessary because there have been no changes with respect to the overall scope under which the project is being undertaken and no new information of substantial importance concerning the project, which cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

4. **Recommendation.** On the basis of these findings, the Planning Commission hereby recommends that the City Council adopt an ordinance approving Amendment No. 1 to the Development Agreement in substantially the same form as set forth in **Exhibit** "**A**."

5. **Certification.** The Secretary of the Planning Commission shall certify the adoption of this Resolution, and a copy shall be transmitted to the City Council.

ADOPTED AND APPROVED this 18th day of December 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 18th day of December 2024, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

_____

Marilyn Simpson, AICP, Secretary

EXHIBIT A

Ordinance No. 786 and Amendment No.1 to Development Agreement No. 02-2016

[See attached]

Exhibit
"B"

AMENDMENT NO. 1
TO DEVELOPMENT AGREEMENT NO. 02-2016
BETWEEN THE CITY OF IRWINDALE AND ARAKELIAN ENTERPRISES, INC DBA ATHENS SERVICES

This **Amendment No. 1 to Development Agreement No. 02-2016** ("**Amendment No. 1**") is executed this ____ day of _____, 2025 ("**Effective Date**"), by and between the **CITY OF IRWINDALE**, a California municipal corporation ("**City**") and **ARAKELIAN ENTERPRISES, INC DBA ATHENS SERVICES**, a California corporation ("**ATHENS**"). City and ATHENS may be referred to, individually or collectively, as "Party" or "Parties."

RECITALS

A. The Parties entered into that certain Development Agreement No. 02-2016, dated February 24, 2021 (the "**Agreement**"), for the construction and operation of a Materials Recovery Facility and Transfer Station, and a public Fueling Facility/Convenience Store (the "**Convenience Store**") and appurtenant improvements (collectively, the "**Project**").

B. Pursuant to the terms of the Agreement, ATHENS proposed to construct the Project in up to three (3) phases, including the construction of the Convenience Store during phase 1 of the Project.

C. ATHENS has requested to postpone the construction of the Convenience Store to phase 3 of the Project.

D. As consideration for the construction postponement of the Convenience Store to a later phase of the Project, ATHENS will agree to: 1) memorialize the current additional one hundred (100) barrels being provided by ATHENS to residential customers at no charge and to extend the term of this obligation from 2032 to December 31, 2034; and 2) extend the term of ATHENS' obligation for residential pick-up services at no charge to either the residents or to the City from 2032 to December 31, 2034.

E. By this Amendment No. 1, the Parties now desire to amend the Agreement to reflect the postponement of the construction of the Convenience Store subject to the consideration identified above.

F. Except as amended hereby, this Amendment No. 1 is subject to the same terms and conditions as provided in the Agreement.

TERMS

The recitals contained above are incorporated herein by reference and the Agreement is hereby amended as follows:

1. Contract Amendments. The Agreement is amended as provided herein:

1.1 Exhibit "A," entitled "Facility Scope & Components" is hereby

amended to read in its entirety as follows:

ATHENS proposes to construct the Project on the Site in up to three (3) phases, based on market demand and the capacity constraints of the phase(s) of the Project then-constructed; provided Phase I* shall include, at a minimum, the Construction and Debris, Self-Haul –Construction and Debris, ***and*** Employee Area, ~~and Convenience Store,~~ each having the approximate square footage shown below. The proposed improvements consist of the following proposed uses and approximate square footages to be developed by ATHENS pursuant to the terms of this Agreement:

Project Element	**Aggregate Approximate Square Footage**
Construction and Debris	41,500 s.f.
Self-Haul – Construction & Debris	52,000 s.f.
Employee Area	9,249 s.f.
Convenience Store	2,587 s.f.
Scale House (4 Total)	200 s.f.
Office	12,780 s.f.
MRF/Transfer Station	104,732 s.f.
Material Staging	25,000 s.f.
Maintenance	17,180 s.f.
TOTAL:	Approx. 265,228 s.f.

* ***Pursuant to Amendment No. 1, dated _____, 2025, the City and ATHENS agreed to amend Phase I to exclude the Convenience Store, which shall be constructed and completed at a later phase of the Project per Exhibit G of the Agreement.***

1.2 Exhibit "G," entitled "Schedule of Performance" is replaced in its entirety and superseded by the new "Exhibit G Schedule of Performance" attached hereto and incorporated herein by this reference to reflect the postponement of the construction of the Convenience Store from Phase 1 to Phase 3.

1.3 As consideration for the City's agreement to postpone the construction of the Convenience Store from Phase 1 to Phase 3, Athens agrees to do each of the following:

a. Deliver and service one hundred (100) additional Carts beyond the standard three (3) Carts issued to residential households subject to the following:

(i) For these one hundred (100) additional Carts, residents may choose a green, blue, or black barrel and any selection will be honored by Athens.

(ii) For these one hundred (100) additional Carts, there

shall be no cost to the City or to the residents for the extra Carts through the period of December 31, 20344, and, accordingly, Athens shall not charge or attempt to collect any amounts for this purpose during or after that period.

b. Extend the term of ATHENS' obligation for residential pick-up services at no charge to either the residents or to the City from 2032 to December 31, 2034. This obligation shall also be memorialized in any other agreements between the City and ATHENS regarding this subject matter.

1.4 The provisions of Section 1.3.a are intended to memorialize the Letter Agreement dated January 31, 2024, between the City and Athens, wherein Athens agreed to provide to deliver and service one hundred (100) additional Carts beyond the standard three (3) Carts issued to residential households.

2. Continuing Effect of Agreement. Except as amended by this Amendment No. 1, all provisions of the Agreement shall remain unchanged and in full force and effect. From and after the date of this Amendment No. 1, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement, as amended by this Amendment No. 1 to the Agreement.

3. Affirmation of Agreement; Warranty Re Absence of Defaults. City and ATHENS each ratify and reaffirm each and every one of the respective rights and obligations arising under the Agreement. Each Party represents and warrants to the other that there have been no written or oral modifications to the Agreement other than as provided herein. Each Party represents and warrants to the other that the Agreement is currently an effective, valid, and binding obligation.

ATHENS represents and warrants to City that, as of the date of this Amendment No. 1, City is not in default of any material term of the Agreement and that there have been no events that, with the passing of time or the giving of notice, or both, would constitute a material default under the Agreement.

City represents and warrants to ATHENS that, as of the date of this Amendment No. 1, ATHENS is not in default of any material term of the Agreement and that there have been no events that, with the passing of time or the giving of notice, or both, would constitute a material default under the Agreement.

4. Adequate Consideration. The Parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Amendment No. 1.

5. Authority. The persons executing this Amendment No. 1 on behalf of the Parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Amendment No. 1 on behalf of said party, (iii) by so executing this Amendment No. 1, such party is formally bound to the provisions of the Agreement, as amended, (iv) the entering into this Amendment No. 1 does not violate any provision of any other agreement to which said Party is bound, and (v) there is no litigation or legal proceeding which would prevent the Parties from entering into this

Amendment No. 1.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 1 as of the date and year first above written.

CITY:

CITY OF IRWINDALE,
a California municipal corporation

By:_____
__
_____, Mayor

ATTEST:

By: _____
Laura M. Nieto, Chief Deputy City Clerk

APPROVED AS TO FORM:

By:_____
Adrian R. Guerra, City Attorney

ATHENS:

ARAKELIAN ENTERPRISES, INC dba ATHENS SERVICES, a California corporation

By:_____
___
Name: _____
Title: _____

By:_____
___
Name: _____
Title: _____

Address: _____
_____
_____

Two corporate officer signatures required when Contractor is a corporation, with one signature required from each of the following groups: 1) Chairman of the

Board, President or any Vice President; and 2) Secretary, any Assistant Secretary, Chief Financial Officer or any Assistant Treasurer. CONTRACTOR'S SIGNATURES SHALL BE DULY NOTARIZED, AND APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO CONTRACTOR'S BUSINESS ENTITY.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On _____, 2025 before me, _____, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

_____
TITLE(S)

☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER_____

_____

SIGNER IS REPRESENTING:
(NAME OF PERSON(S) OR ENTITY(IES))

_____
_____

DESCRIPTION OF ATTACHED DOCUMENT

_____
TITLE OR TYPE OF DOCUMENT

_____
NUMBER OF PAGES

_____
DATE OF DOCUMENT

_____
SIGNER(S) OTHER THAN NAMED ABOVE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On _____, 2025 before me, _____, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

_____
TITLE(S)

☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER_____

_____

SIGNER IS REPRESENTING:
(NAME OF PERSON(S) OR ENTITY(IES))

_____
_____

DESCRIPTION OF ATTACHED DOCUMENT

_____
TITLE OR TYPE OF DOCUMENT

_____
NUMBER OF PAGES

_____
DATE OF DOCUMENT

_____
SIGNER(S) OTHER THAN NAMED ABOVE

EXHIBIT G

SCHEDULE OF PERFORMANCE

Event	Item To Be Performed	Time For Performance	Agreement Reference
1.	Agency and City conduct duly-noticed public hearing on DDA and FEIR	June 8, 2016	DDA §216
2.	City files Notice of Determination for FEIR	June 9, 2016	N/A
3.	Oversight Board conducts duly-noticed public hearing on DDA	June 9, 2016	N/A
4.	State of California Department of Finance approves (or is deemed to have approved) or disapproves DDA	June 17,2016	N/A
5.	Notice Planning Commission public hearing for GPA, ZC, DA, CUP, SP&DR, CUP, and FA	9/8/17	N/A
6.	Planning Commission public hearing for recommendation to City Council	9/20/17	N/A
7.	City notices City Council public hearing	9/28/17	N/A
8.	City Council public hearing (including first reading of ordinances for General Plan Amendment, Zoning Ordinance Amendment, and Development Agreement)	10/11/17	N/A
9.	SP&DR, CUP, and Franchise Agreement become effective	10/31/17	N/A
10.	City Council meeting (second reading of ordinances for General Plan Amendment, Zoning Ordinance Amendment, and Development Agreement)	10/25/17	N/A
11.	General Plan Amendment, Zone Text Amendment, and Development Agreement ordinances become effective	11/24/17	N/A
12.	Athens submits application to LEA for Solid Waste Facilities Permit (SWFP)	Submitted 5/7/18	DA Recital L

Event	Item To Be Performed	Time For Performance	Agreement Reference
13.	Athens responds to written inquiries received by LEA and/or CalRecycle regarding SWFP application	Within thirty (30) days of receipt of such written inquiry	N/A
14.	Athens prepares and submits to City its schematic design drawings for phase 1 of the Project	By 2/28/19	DA, Exhibit "A"
15.	City reviews and approves or disapproves the schematic design drawings for phase 1	Within thirty (30) days of Event 14 4/1/19	N/A
16.	Athens submits to City 70% plan set and prepares and submits to City design development drawings and landscape and grading plans for the Project	Within ninety (90) days of approval in connection with Event 15	N/A
17.	City reviews and approves or disapproves the 70% design development drawings and landscape plans. City issues grading permit	Within sixty (60) days of Event 16	N/A
18.	Close of Escrow	See DDA	DDA § 405
19.	Athens submits final building plans (construction drawings) for phase 1 of the Project	Within thirty (30) days of approval in connection with Event 17	DA, Exhibit "A"
20.	City reviews and approves or disapproves the final building plans (construction drawings) for phase 1 of the Project	Within sixty (60) days of Event 19	DDA § 404(2)(b)
21.	Athens commences construction of phase 1 of the Facility	Within sixty (60) days of approval in connection with Event 20	DA, Exhibit "A"
22.	Athens completes construction of phase 1 of the Facility	Within 12 months of Event 21	DA, Exhibit "A"
23.	Athens prepares and submits to City its final building plans (construction drawings) for phase 2 of the Project.	5/9/30*	N/A
24.	City reviews and approves or disapproves the final building plans (construction drawings) for phase 2 of the Project	Within ninety (90) days of Event 23 8/8/30*	DDA § 404(2)(b)
25.	Athens commences construction of phase 2 of the Facility	Within sixty (60) days of approval in connection with Event 24*	DA, Exhibit "A"

Event	Item To Be Performed	Time For Performance	Agreement Reference
26.	Athens completes construction of phase 2 of the Facility	Within 12 months of Event 25*	DA, Exhibit "A"
27.	Athens prepares and submits to City its final building plans (construction drawings) for phase 3 of the Project	5/9/35*	
28.	City reviews and approves or disapproves the final building plans (construction drawings) for phase 3 of the Project	Within ninety (90) days of Event 27 8/8/35*	
29.	Athens commences construction of phase 3 of the Facility	Within sixty (60) days of approval in connection with Event 28*	
30.	Athens completes construction of phase 3 of the Facility, which shall include a convenience store (it being understood that the convenience store can also be completed in Phase 2 at the discretion of Athens)	Within 12 months of Event 29*	

It is understood that the foregoing Schedule of Performance is subject to all of the terms and conditions set forth in the text of the Development Agreement, including any events of Enforced Delay. The summary of the items of performance in this Schedule of Performance is not intended to supersede or modify the more complete description in the text; in the event of any conflict or inconsistency between this Schedule of Performance and the text of the Development Agreement, the text shall govern.

* The time periods set forth in this Schedule of Performance may be altered or amended only by written agreement signed by both Athens and City. Minor adjustments or extensions may be implemented by the City Manager as needed to conform the above Schedule with the Parties' actual performance of agreements and/or undertaking of Project activities. The City Manager of the City shall have the authority to approve extensions of time without City Council action, respectively, not to exceed a cumulative total of 180 days. A failure by either Party to enforce a breach of any particular time provision shall not be construed as a waiver of any other time provisions.

EXHIBIT "C"

ORDINANCE NO. 786

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE APPROVING AMENDMENT NO. 1 TO DEVELOPMENT AGREEMENT NO. 02-2016 BY AND BETWEEN THE CITY OF IRWINDALE AND ARAKELIAN ENTERPRISES, INC, A CALIFORNIA CORPORATION, DBA ATHENS SERVICES LOCATED AT 2200 ARROW HIGHWAY, IRWINDALE, CALIFORNIA (APN 8535-001-911) AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CEQA GUIDELINES SECTION 15162

WHEREAS, on February 24, 2021, the City of Irwindale (the "City") and Arakelian Enterprises, Inc, dba Athens Services ("Athens"), entered into an agreement entitled "Development Agreement No. 02-2016" (the "Development Agreement") to govern the construction and operation of a Materials Recovery Facility and Transfer Station ("MRF/TS") with a public Fueling Station and Convenience Store (the "Convenience Store") at 2200 Arrow Highway – APN 8535-001-911 (collectively, the "Project"); and

WHEREAS, pursuant to the terms of the Development Agreement, Athens proposed to construct the Project in three (3) phases, including the construction of the Convenience Store during Phase 1 of the Project; and

WHEREAS, on November 8, 2023, the City Council adopted Resolution No. 2023-89-3467, authorizing the City Manager to execute a side letter agreement with Athens for the delivery and service of 100 additional carts beyond the standard three (3) carts issued to residential households at no cost to the City or its residents. The Letter Agreement was executed on January 30, 2024; and

WHEREAS, Athens has requested to postpone the construction of the Convenience Store to Phase 3 of the Project; and

WHEREAS, on January 24, 2024, the City Council directed Staff and the City Attorney's Office to negotiate an amendment to the Development Agreement to reflect Athens' request to defer the construction of the convenience store to a future phase; and

WHEREAS, following negotiation, Athens proposes the following: as consideration for the postponement of the Convenience Store to a later phase of the Project, Athens will agree as part of Amendment No. 1 to the Development Agreement to: 1) memorialize the current additional one hundred (100) barrels being provided by Athens to residential customers at no charge and to extend the term of this obligation from 2032 to December 31, 2034; and 2) extend the term of Athens' obligation for residential pick-up services at no charge to either the residents or to the City from 2032 to December 31, 2034; and

WHEREAS, section 65868 of the California Government Code authorizes a development agreement to be amended, in whole or in part, by mutual consent of the

parties to the agreement or their successors in interest pursuant to sections 65867-65867.5 of the California Government Code; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) the Project has been considered in the Final Environmental Impact Report (SCH No. 2013051029) prepared for the Project, the proposed approval of the Amendment No. 1 is consistent with the analysis contained therein, and, pursuant to CEQA Guidelines section 15162, no additional environmental review is necessary; and

WHEREAS, on December 18, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, closed said hearing, and adopted this resolution recommending that the City Council adopt an ordinance approving Amendment No. 1 to the Development Agreement; and

WHEREAS, on [DATE] the City Council of the City of Irwindale introduced and conducted a first reading of this Ordinance, held a duly noticed Public Hearing with respect thereto, and considered testimony and evidence at the Public Hearing; 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 recitals in this Ordinance are true and correct and are incorporated herein by reference.

SECTION 2. The City Council hereby finds that the Project was previously subject to environmental review in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended, and the City of Irwindale environmental guidelines. Pursuant to the authority and criteria contained in CEQA and the City of Irwindale environmental guidelines, the City, as the Lead Agency, analyzed the project and certified the Materials and Recovery Facility and Transfer Station Final Environmental Impact Report ("FEIR") (SCH # 2013051029) on February 24, 2021. The City Council hereby finds, on the basis of substantial evidence contained in the whole record, that the FEIR serves as the environmental review for the project and, pursuant to CEQA Guidelines section 15162, no additional environmental review is necessary because there have been no changes with respect to the overall scope under which the project is being undertaken and no new information of substantial importance concerning the project, which cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

SECTION 3. Based upon substantial evidence and testimony taken from the record as a whole, and received at the public hearing, both oral and written, including the staff report, and all attachments thereto, all of which shall constitute the entire record of the matter, the City Council hereby specifically finds as follows:

a. The proposed Amendment No. 1 to the Development Agreement is consistent with the goals and policies of the General Plan, its purposes and applicable Specific Plan(s).

The provisions of the proposed Amendment No. 1 to the Development Agreement are consistent with the goals and policies of the City's General Plan, as amended by General Plan Amendment No. 02-2016. The subject site has a land use designation as Commercial/Industrial and is zoned M-2, which permits light industry, heavy industry, and commercial uses, consistent with the Project as contemplated by the Development Agreement. The proposed Amendment No. 1, will facilitate development of the main MRF/TS during Phase 1, and postpones the construction of the Convenience Store to Phase 2 or Phase 3 of the Project. Upon Project completion, the site will operate under Commercial and Industrial uses, and the Amendment No. 1 is consistent with the goals and policies of the City's General Plan.

SECTION 4. On the basis of these findings, the City Council hereby approves Amendment No. 1 to the Development agreement as set forth in **Exhibit** "**A,**" subject to City Attorney approval as to form.

SECTION 5. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional due to the writs of mandate issued by the Court.

SECTION 6. The Mayor shall sign this Ordinance and the City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect 30 days after its final passage.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Irwindale this day of , 2024.

_____
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. 786 was introduced for first reading at a regular meeting of the City Council of the City of Irwindale held on , 2024, and duly adopted at a regular meeting of the City Council of the City of Irwindale held on , 2024, and was carried by the following-roll call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

_____
Laura M. Nieto, MMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Laura M. Nieto, MMC, Chief Deputy City Clerk, certify that I caused a copy of Ordinance No. 786 adopted by the City Council of the City of Irwindale at its regular meeting held , 2024, to be posted at the City Hall, Library, and Post Office on , 2024.

_____ Dated: _____
Laura M. Nieto, MMC
Chief Deputy City Clerk

CITY OF IRWINDALE
PLANNING COMMISSION STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

Date: December 18, 2024 **Agenda Item No. 4-B**

To: Honorable Chair and Members of the Planning Commission

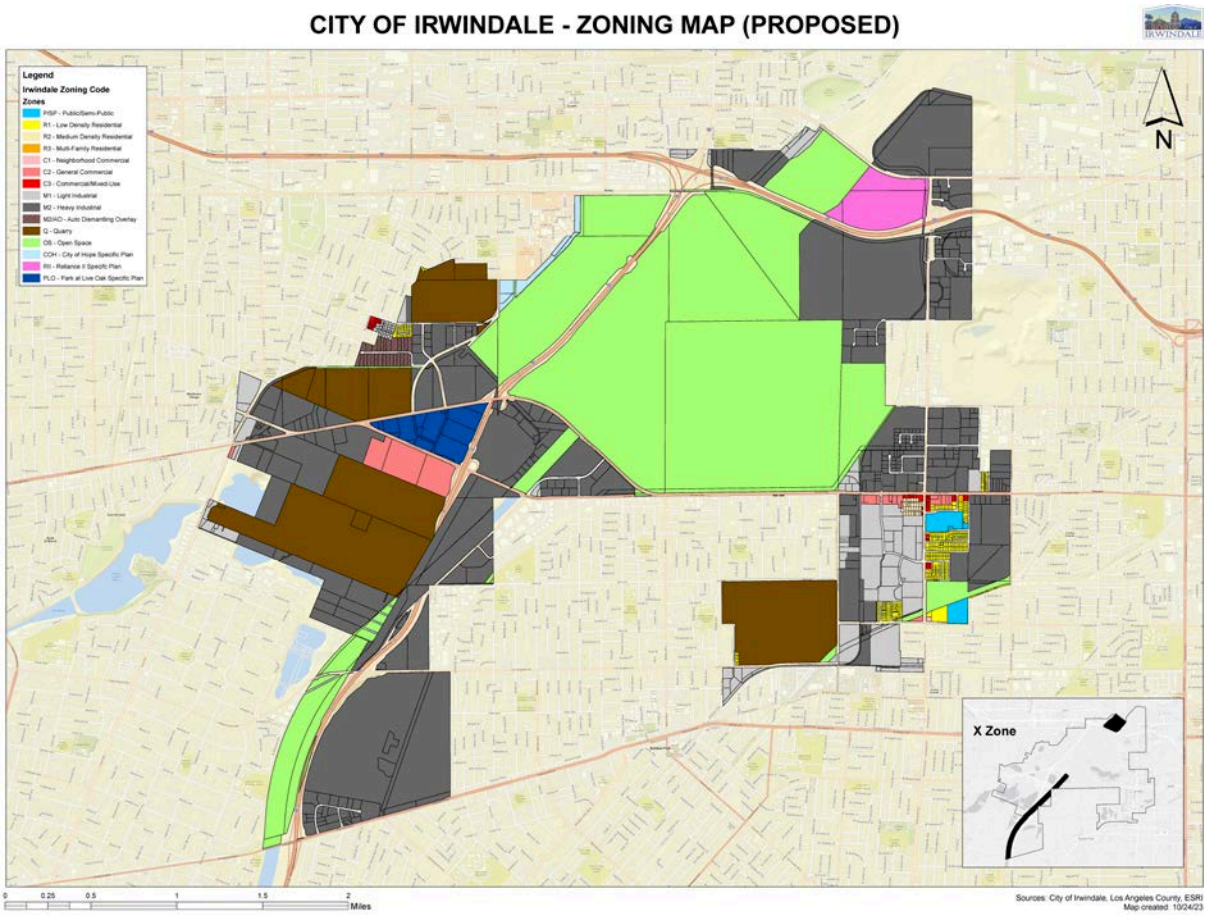
From: Marilyn Simpson, AICP, Community Development Director

Project Planners: Community Development Staff

Project: Comprehensive Title 17 Zoning Code Update

Applicant: City of Irwindale

Project Location: Citywide



Staff Recommendation: That the Planning Commission consider the following:

1) Adopt Resolution Nos. 828(24) and 829(24), with additional, revised, or alternative recommendations to the City Council, and direct staff to report back to the City Council;

AND

2) Recommend that the City Council adopt findings of consistency with the City's previously certified General Plan Environmental Impact Report (SCH# 2005071047), and finding the project exempt from further environmental review, pursuant to CEQA Guidelines section 15183, and 15162

PROJECT SUMMARY

The project consists of a proposed comprehensive update to Title 17, Zoning, of the Irwindale Municipal Code to eliminate constraints to the maintenance, improvement, and development of housing pursuant to Government Code Section 65583(c)(3); implement the City's General Plan and Housing Element policies and programs, incorporate changes to State law and reflect recent case law; better define land uses, regulations, exceptions, and improve usability of the Zoning Code; address zoning districts in accordance with the General Plan Land Use Element; facilitate development and redevelopment; and remedy imperfect code amendments and map errors. The update includes text and map updates and is attached as Exhibit A.

BACKGROUND/HISTORY/PUBLIC HEARING MEETINGS:

September 20, 2023:

The draft Title 17 Zoning Code was presented to the Planning Commission at the September 23, 2023 meeting. Minor corrections were made to the draft Zoning Code, reflecting the comments received from the Planning Commissioners.

During that meeting, Staff was also instructed by the Planning Commission to conduct a survey to get feedback from community members regarding the rezoning of residential properties from A-1 (Agricultural) to R-1 (Single-Family Residential). This proposed change was originally adopted in the 2013 Housing Element, Program 6, which states: The City will rezone all A-1 (Agricultural) property to R-1 (Single-Family Residential). Staff prepared a survey, which was mailed out to 418 households and also made available to complete online. The survey was active from September 28, 2023 to October 13, 2023. During this time, Staff received a total of sixteen (16) responses; four (4) hard (paper) copies and twelve (12) electronic responses resulting in a 3.8% rate of participation. Of the responses, ten (10) were supportive of a change to R-1 (Single-Family Residential), four (4) were not supportive of a change to R-1 (Single-Family Residential), one (1) did not answer and one wrote in "maybe" with some additional written commentary.

OCTOBER 30, 2023:
The Planning Commission did not conduct the hearing, but instead received further public comment and input on the proposed Zoning Code and Zoning Map Update and continued the item to a date uncertain.
The Planning Commission directed staff to extend the survey until November 8, 2023. Again, the survey was mailed out to 418 households and made available online. During this time, Staff received a total of nine (9) responses; two (2) hard (paper) copies and seven (7) electronic responses resulting in a 2.2% rate of participation. Of the responses, six (6) were supportive of a change to R-1 (Single-Family Residential), two (2) were not supportive of a change to R-1 (Single-Family Residential), and one (1) did not answer. Between the two (2) open survey periods, the survey received twenty-three (23) total responses for an overall resident participation rate of 6%.

NOVEMBER 13, 2023:
On November 13, 2023, the draft Title 17 Zoning Code was to be presented to the Planning Commission during the public hearing portion of the meeting. Before the item was presented by staff, the Planning Commission voted to continue the item to a future date.

FEBRUARY 21, 2024:
The draft Title 17 Zoning Code was presented to the Planning Commission at the February 21, 2024 meeting and the following recommendations were made:

1. The Comprehensive Zoning Code Update was presented to the Planning Commission at the public hearing and the Planning Commission recommended that the City Council adopt findings of consistency with the City's previously certified General Plan Environmental Impact Report (SCH# 2005071047), and finding the project exempt from further environmental review, pursuant to CEQA Guidelines section 15183, and 15162; and
2. The Planning Commission adopted Resolution No. 819(23) recommending that the City Council adopt Ordinance No. 772, approving a City-initiated application for a Zone Ordinance Amendment (ZOA 03-2023) to repeal and replace Title 17 "Zoning" of the Irwindale Municipal Code in its entirety with a Comprehensive Zoning Code Update with the recommendations listed above; and
3. The Planning Commission adopted Resolution No. 820(23) recommending that the City Council consider and adopt Zone Change No. 04-2023 to amend the official Zoning Map of the City of Irwindale to reflect updates to Title 17 (Zoning) consistent with Ordinance No. 772.

Additionally, the Planning Commission made the following recommendations to be included with any additional recommendations to the City Council at the April 10, 2024 City Council meeting:

1. Amend the definition of major arterials in the Zoning Code to be consistent with the definition in the Irwindale General Plan.
2. Add the Billboard Chapter to the Zoning Code as currently written.

3. Keep the SMARA Chapter as is, with direction to bring back the amended Chapter at a later date, for consistency with state law.
4. Minor Variances: add Community Development Director authority to default to 30%, if not listed in the document.
5. For Administrative Approvals by the Community Development Director, document all approvals in the application file.
6. Modify Section 17.09.080a, Planned Development, time extension from 2 years to 1 year.
7. For all commercial and industrial zones, institute a 50-foot setback for new development, measured from the property line for the side facing and abutting any residentially zoned property.

APRIL 10, 2024:
On April 10, 2024, the draft Title 17 Zoning Code Update was presented to the City Council at a public hearing. At that meeting, the City Council heard various comments from the public and directed staff to have the Planning Commission review the Update in light of the public comments

JULY 17, 2024:
The draft Title 17 Zoning Code was again presented to the Planning Commission at the July 17, 2024 meeting, with the directive from the City Council to have the Planning Commission review the update in light of public comments made at the April 10, 2024 City Council meeting.

The Planning Commission heard the staff presentation and received public comments and made the following recommendations:

- Maximum building height is 35 feet in the C-1, C-2, and C-3 zones
- C-3 is to remain Commercial/Residential zone. No mixed use.
- Maximum building height is 40 feet in the M-1 zone
- Maximum building height is 50 feet in the M-2 zone if abutting or adjacent to residential zone
- Maximum building height is 60 feet in the M-2 zone
- Maximum building height is 50 feet in the M-2 zone within a 500-foot buffer measured from the Town Center area identified in the General Plan

The Planning Commission directed staff to provide visual graphics of M-2 zones with the proposed setbacks from residential and the 500-foot buffer for further discussion. Additionally, the tables below reflect the direction provided by the Planning Commission at the August 21, 2024 meeting:

Tables 17.05.030 and 17.06.030:

Revisions to Commercial, Industrial, and Office Development Standards

Table 17.05.030 - Development Standards - Commercial Zones, prescribes the development standards for the Commercial Zones. Additional regulations are denoted in the righthand column. The specific regulations in the referenced section shall apply to the use in addition to other applicable provisions in other sections of this Zoning Code.

Table 17.05.030 Development Standards - Commercial Zones			
Standard	C-1	C-2	C-3
Density and Lot Requirements			
Density (units/acre)			
Maximum Density	-	-	20
Minimum Lot Size (square feet)	5,000	10,000	10,000
Minimum Lot Width (feet)	50	60	80
Building Form and Location			
Floor Area Ratio (FAR)			
Minimum	0.25	0.30	0.30
Maximum	0.5	1.5	2.0
Maximum Height (feet)	35	35	35
Minimum Setbacks (feet)			
Front	20	20	20
Street Side	10/20 abutting a street adjacent to R zoned parcel	10/20 abutting a street adjacent to R zoned parcel	15/50 abutting a street adjacent to R zoned parcel
Interior Side	10/20 abutting a street adjacent to R zoned parcel	10/20 abutting a street adjacent to R zoned parcel	15/50 abutting a street adjacent to R zoned parcel
Rear	10/20 abutting a street adjacent to R zoned parcel	10/20 abutting a street adjacent to R zoned parcel	15 /50 abutting a street adjacent to R zoned parcel
Alley	10	10	10

Table 17.06.030 Development Standards – Industrial and Office Zones, prescribe the development standards for the Industrial and Office Zones. Individual letters in parenthesis refer to subsections that directly follow the table. Additional regulations are also denoted in the right-hand column. Section numbers in this column refer to other sections of this Title.

Table 17.06.030-1 Development Standards					
City of Irwindale Development Standards - Industrial and Office Zones					
Land Use Classification	**M-1 Light Industrial Zone**		**M-2 Heavy Industrial Zone**		**BP Business Park**
Lot and Density Standards					
Minimum Lot Size (square feet unless otherwise indicated)	-		-		3 acres
Minimum Lot Width (feet)	-		-		-
Building Form and Location Standards					
Maximum Floor Area Ratio (FAR)	0.75		1.0		1.0
Maximum Height (see definitions for details)	50 feet	35 feet if within the 500 foot residential buffer	60 feet	35 feet if within the 500 foot residential buffer	65
Minimum Setbacks (feet)					
Front	20 feet M2 Zone: Minimum of 30 feet for a property abutting/adjacent to a Residential zone.				
Street Side	15 feet M2 Zone: minimum of 50 feet for a property abutting/adjacent to a Residential Zone.				
Interior Side	0 feet on each side, except that a minimum of 15 feet is required along each property line abutting a Commercial Zone. M1 and BP Zone: minimum of 30 feet for a property abutting a Residential Zone. M2 Zone: minimum of 50 feet for a property abutting a Residential Zone.				
Rear	0 feet; 15 feet abutting a Commercial Zone. M-2 Zone: Minimum 50 feet for a property abutting/adjacent to a Residential Zone.				
Alley	10 feet		10 feet		10 feet

Transitional Height Standards. When an industrial use is within 50 Feet from the property line of a Residential Zoned lot, the maximum height is 40 feet. After 50 feet, the maximum height of the industrial zoning district applies. See Figure 17.06.030-1 Transitional Height Standards.

AUGUST 21, 2024:
The draft Title 17 Zoning Code was again presented to the Planning Commission at the August 21, 2024 meeting for further discussion and consideration of a 500-foot buffer zone and M-1 and M-2 building heights. The Planning Commission made the following recommendations:

- Create a buffer of 500 ft around all residential zones that would limit height of all buildings to 35 feet in industrial zones
- Outside the 500-foot buffer, a maximum building height of 50 feet in M-1 Zone
- Outside the 500-foot buffer, a maximum building height of 60 feet in M-2 Zone
- The M-2 street side setback shall be 50 feet if abutting residential zone.
- The M-2 rear yard setback shall be 50 feet if abutting residential zone.
- The maximum building height in all Commercial zones shall be 35 feet
- All Site Plan & Design Review applications are to go to the Planning Commission for recommendation to the City Council and remove Administrative approvals.

The Planning Commission directed staff to implement the above listed changes into the final resolution and present the updated draft to the Planning Commission for their consideration. These recommendations are reflected in the revised section 4 of the proposed Resolution No. 828(24).

SEPTEMBER 18, 2024:
The draft Title 17 Zoning Code was again presented to the Planning Commission at the September 18, 2024, meeting for further discussion about building heights in the M-1 and M-2 zones, including higher building heights adjacent to freeways.

There was additional discussion about the nonconforming section of the draft document. The Planning Commission requested that the item be continued to the November 20, 2024, Planning Commission meeting to review the restoration and amortization sections of the proposed Code update and revise any “vague” language. The following revisions to Chapter 17.18 Nonconforming Uses, Sites, and Buildings are recommended:

- Add specific requirements to section 17.18.070 Elimination of Nonconforming Uses and Structures to include 1) Building Code violations, Public Nuisance substantiated reports, Code Enforcement violations, Illegal activities as determined by the Irwindale Police Department.
- Replace the words “be completed” with “commence” in Section 17.18.090.C(2)(b) Nonconforming Structures.
- Revise Table 17.18.050 Nonconforming Sites as follows:

Table 17.18.050 Nonconforming Sites	
Proposed Building Expansion	**Required Site Improvements**
Less than ***20 percent (20%)*** increase in floor area or 500 square feet of expansion, whichever is less	Exempt; no site improvements required.
Twenty percent (20%) or greater increase in floor area	Landscaping shall be installed along street and building frontages to the extent possible
Thirty percent or greater increase in floor area	One of the improvements below shall be made with the construction of the increased floor area, if enough site area is available: a. Installation of additional parking to achieve as much compliance with parking requirements as possible; b. Installation of landscaping to achieve as much compliance with landscaping requirements as possible.
Fifty percent or greater increase in floor area	Both of the items below shall be completed with the construction of the increased floor area, if enough site area is available: a. Installation of additional parking to achieve as much compliance with parking requirements as possible; b. Installation of landscaping to achieve as much compliance with landscaping requirements as possible.

PUBLIC NOTICE:

The regular Planning Commission meeting to be held on November 20, 2024 was cancelled and a Special Planning Commission meeting was held on November 14, 2024. On December 6, 2024, a notice of public hearing was published in the San Gabriel Tribune, a newspaper of general circulation in accordance with the California Government Code. A notice of public hearing describing the proposed Compressive Zoning Code Update and Zoning Map Update was posted at Irwindale City Hall, Irwindale Library, the Community Development Department, and the local Post Office. The notice was also mailed or delivered at least 10 days prior to the public hearing to all owners of the subject real property proposed to undergo zone changes or amendments, interested parties, as well as all owners of real property within 500 feet of the real property subject to the Zone Changes or amendments, in accordance with the California Government Code.

COMMENT LETTERS

Planning staff received the following written comments:

- Email from Craig Furniss regarding the Alderson Business Park, regarding measurement of building height within the proposed 500-foot residential buffer to not include parapets, rooftop equipment screening, and architectural features. The email also stated that legally non-conforming use creates issues with current and future bank lenders
- Letter dated 12.5.24 from Rexford Industrial requesting reconsideration of building height limits within the 500 foot residential buffer. (Exhibit N).

PROPOSED CHANGE TO SITE PLAN & DESIGN REVIEW

At the August 21, 2024, Planning Commission meeting, a change was proposed that eliminated staff review of Site Plan & Design Review applications. After the meeting, staff received comments from the public asking for clarification of the revised process, the timeline, and increase in application cost. A PowerPoint slide was included in the presentation to the Planning Commission at the August and September meetings and is shown in table format below:

Current	**Proposed**	**Revised**
CD Director approval for up to 1,000 SF	CD Director approval for up to 25,000 SF	Eliminates all CD Director approval for any amount of SF
SP&DR(AA) application	SP&DR(AA) application	SP&DR(DA) application
Processed administratively	Processed administratively	Planning Commission recommendation & City Council action required (Discretionary)
±2-4 weeks to process	±4-6 weeks to process	±3-5 months or more to process
Can be referred to the Planning Commission	Can be referred to the Planning Commission	N/A
Cost: ±$1,600	**Cost:**± $2,188	**Cost:** ±$24,058

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 determined that the proposed Comprehensive Zoning Code Update was assessed in the Environmental Impact Review for the City's General Plan and, pursuant to CEQA Guidelines Sections 15183 and 15162, and is consistent with the previously certified EIR for the City's General Plan, therefore no subsequent EIR, Negative Declaration, or addendum is required for approval of the Comprehensive Zoning Code Update.

CONCLUSION

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

1. Adopt Resolution Nos. 828(24) and 829(24), with additional, revised, or alternative recommendations , and direct staff to report back to the City Council;
   AND
2. Recommend that the City Council adopt findings of consistency with the City's previously certified General Plan Environmental Impact Report (SCH# 2005071047), and finding the project exempt from further environmental review, pursuant to CEQA Guidelines section 15183, and 15162.

ATTACHMENTS

Exhibit A: August Draft Title 17 Zoning Code Update with proposed revisions (link below) https://www.irwindaleca.gov/DocumentCenter/View/9298/Zoning-Code-Draft-August-2024

Exhibit B: Proposed Resolution No. 828(24) for ZOA No. 03-2023

Exhibit C: Proposed Resolution No. 829(24) for ZC No. 04-2023

Exhibit D: Ordinance No. 772

Exhibit E: September 18, 2024 Planning Commission staff report and attachments (link below) https://irwindaleca.portal.civicclerk.com/event/146/files/agenda/1481

Exhibit F: August 21, 2024 Planning Commission staff report and attachments (link below) https://irwindaleca.portal.civicclerk.com/event/145/files/agenda/1450

Exhibit G: July 17, 2024 Planning Commission staff report and attachments (link below) https://irwindaleca.portal.civicclerk.com/event/144/files/agenda/1409

Exhibit H: February 21, 2024 Planning Commission staff report and attachments (link below) https://irwindaleca.portal.civicclerk.com/event/957/files/agenda/1305

Exhibit I: November 13, 2023 Planning Commission staff report and attachments (link below) https://irwindaleca.portal.civicclerk.com/event/680/files/agenda/830

Exhibit J: October 30, 2023 Planning Commission staff report and attachments (link below) https://irwindaleca.portal.civicclerk.com/event/681/files/agenda/831

Exhibit K: September 20, 2023 Planning Commission staff report and attachments (link below) https://irwindaleca.portal.civicclerk.com/event/713/files/agenda/894

Exhibit L: April 2024 Draft Title 17 Zoning Code Update (link below) ZONING-CODE-DRAFT-April-2024 (irwindaleca.gov)

Exhibit M: 500-foot residential buffer maps - (Park, Galen, Fraijo, Town Center Peppertree-Breceda, Town Center Arrow-Peppertree, Mountain)

Exhibit N: Comment letters: 1) Craig Furniss, Alderson Business Park, email, received September 30, 2024; 2) Rexford Industrial letter dated December 5, 2024

Exhibit A:

August 2024 Draft Title 17 Zoning Code Update with proposed revisions (link below)
https://www.irwindaleca.gov/DocumentCenter/View/9298/Zoning-Code-Draft-August-2024?bidId=

EXHIBIT "B"
RESOLUTION NO. 828(24)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL (1) ADOPT FINDINGS OF CONSISTENCY WITH THE CITY'S PREVIOUSLY CERTIFIED GENERAL PLAN ENVIRONMENTAL IMPACT REPORT, AND FINDING THE PROJECT EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW, PURSUANT CEQA GUIDELINES SECTIONS 15183, AND 15162; AND (2) ADOPT ORDINANCE NO. 772, A CITY-INITIATED APPLICATION FOR A ZONE ORDINANCE AMENDMENT (ZOA NO. 03-2023) REPEALING AND REPLACING TITLE 17 (ZONING) OF THE IRWINDALE MUNICIPAL CODE IN ITS ENTIRETY WITH A COMPREHENSIVE ZONING CODE UPDATE

A. RECITALS.

(i) The City of Irwindale Municipal Code section 17.84.010 provides that, "The provisions of this title [Zoning], including, but not limited to, the classification of property, shall be amended whenever the public interest and necessity so require."

(ii) There is currently a need to update the City's Zoning Code, contained in Title 17 of the Irwindale Municipal Code ("Zoning"), to incorporate current best practices, industry standards, and recent State planning mandates.

(iii) In accordance with these needs, the City of Irwindale retained Interwest Consulting Group to prepare the proposed Comprehensive Zoning Code Update, attached herein as Exhibit A. The Comprehensive Zoning Code Update would implement, but is not limited to, the following improvements and changes:

(a) Streamline the development process by providing clear development standards that eliminate ambiguity in the City's permit requirements and approval process;

(b) Reorganize the Zoning Code to a modern, streamlined format, making it easier to read and navigate, and eliminating internal inconsistencies and errors;

(c) Comply with recent changes in state law imposing additional requirements on cities and counties statewide, including, for example, amending "objective design standards" for multi-family housing and updating regulations on Accessory Dwelling Units ("ADUs");

(d) Implementing the City's General Plan by making changes to the Zoning Code that are directed by the General Plan's vision and policies.

(iv) The thirty-day public review period for the draft Comprehensive Zoning Code Update began on June 15, 2023. The initial thirty-day public review period was extended until August 15, 2023. During the review period, the Community Development Department and Planning Department solicited and accepted public comments regarding the Comprehensive Zoning Code Update. Additionally, the Community Development Department and Planning Commission conducted a public information session regarding the draft updates to the Zoning Code on July 19, 2023, during which they received questions and comments from the public. The City later published staff responses to comments and questions received during the session.

(v) The Community Development Department and the Planning Commission have conducted additional public outreach efforts, including the following:

(a) Informational tables at Music in the Park, which took place on Thursdays from 7 PM to 9 PM at Irwindale Park, and the Irwindale Public Library Spring Book Festival on March 26, 2023;

(b) Stakeholder interviews with property owners, businesses, development professionals, and City residents on August 31, 2020, September 2, 2020, September 14, 2020, September 21, 2020 and September 30, 2020;

(c) Flyer distributions made to each residential property in the City, through the Irwindale Chamber of Commerce, and to all Irwindale Business License holders. Informational and meeting flyers publicly posted at City Hall, the Irwindale Public Library, the Irwindale Senior Center, and the Community Development Department.

(vi) The draft Comprehensive Zoning Code Update was presented to the Planning Commission on September 20, 2023, for comment and review by the Commission.

(vii) 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 determined that the proposed Comprehensive Zoning Code Update was assessed in the Environmental Impact Review for the City's General Plan (SCH# 2005071047) and, pursuant to CEQA Guidelines Sections 15183 and 15162, and is consistent with the previously certified EIR for the City's General Plan, therefore no subsequent EIR, Negative Declaration, or addendum is required for approval of the Comprehensive Zoning Code Update.

(viii) On October 20, 2023, a notice of public hearing describing the proposed Comprehensive Zoning Code Update was published in the San Gabriel Valley

Tribune, a newspaper of general circulation, in accordance with the California Government Code.

(ix) A notice of public hearing describing the proposed Comprehensive Zoning Code Update and Zoning Map Update was notice was posted at Irwindale City Hall, Irwindale Library, the Community Development Department and the local post office. As a courtesy, a copy of the notice was also mailed to each residential household. The notice was also mailed or delivered at least 10 days prior to the public hearing to all owners of the subject real property proposed to undergo zone changes or amendments, as well as all owners of real property within 500 feet of the real property subject to the Zone Changes or amendments, in accordance with the California Government Code.

(x) A duly noticed public hearing was originally scheduled for October 30, 2023. The Planning Commission received further public comment and input on the proposed Zoning Code and Zoning Map Update, and continued the item to a date uncertain.

(xi) On November 3, 2023, a notice of public hearing describing the proposed Comprehensive Zoning Code Update was published in the San Gabriel Valley Tribune, a newspaper of general circulation, in accordance with the California Government Code.

(xii) On November 13, 2023, the draft Title 17 Zoning Code was to be presented to the Planning Commission during the public hearing portion of the meeting. Before the item was presented by staff, the Planning Commission voted to continue the item to a future date.

(xiii) On February 9, 2024, a notice of public hearing describing the proposed Comprehensive Zoning Code Update was published in the San Gabriel Valley Tribune, a newspaper of general circulation, in accordance with the California Government Code.

(xiv) On February 21, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff.

(xv) On February 21, 2024, the Planning Commission adopted Resolution Nos. 819(23) and 820(23), recommending that the City Council adopt Ordinance No. 772, repealing Title 17 of the Irwindale Municipal Code ("Zoning") in its entirety, and adopting the Comprehensive Zoning Code Update in its entirety as Title 17 of the Irwindale Municipal Code with the following additional recommendations: 1) Amend the definition of major arterials to be consistent with the General Plan, 2) Add the existing billboard chapter to the Zoning Code

as currently written, 3) Keep the SMARA chapter as is and direct Staff to amend the chapter to be consistent with State law and present the draft to the Planning Commission for review, 4) Authorize the Community Development Director to grant approvals up to a 30% deviation from the measurable standard, if not explicitly listed in the Minor Variances section, 5) All administrative approvals granted by the Community Development Director shall be documented in writing and on file, 6)Planned Development permits, per Subsection 17.09.070.A(1), shall expire in one (1) year instead of two (2) years, 7) All commercial and industrial zones shall institute a 50 foot setback measured from the property line on the side of any new development that abuts or faces any residentially zoned property.

(xvi) On April 10, 2024, the City Council conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the City Council by City staff.

(xvii) On April 10, 2024, the City Council directed staff to bring the Comprehensive Zoning Code Update back to the Planning Commission for reconsideration.

(xviii) On July 17, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff and continued the item to the regularly scheduled Planning Commission meeting on August 21, 2024, and directed staff to prepare visual graphics of M-2 zones with proposed setbacks from residential and the proposed 500-foot buffer from the Town Center area.

(xix) On August 21, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff and continued the item to the regularly scheduled Planning Commission meeting on September 18, 2024, and directed staff to incorporate the recommendations into written form for Planning Commission review at the next regularly scheduled meeting.

(xx) On September 18, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff and continued the item to the regularly scheduled Planning Commission meeting on November 20, 2024, and directed staff to incorporate the

recommendations into written form for Planning Commission review at the next regularly scheduled meeting on the proposed Comprehensive Zoning Code Update.

(xxi) The November 20, 2024 Planning Commission meeting was cancelled. A Special Planning Commission meeting was held on November 13, 2024, but the Comprehensive Zoning Code Update was not discussed.

(xxii) On December 18, 2024, the Planning Commission concluded the public hearing. The Planning Commission now wishes to recommend that the City Council of the City of Irwindale approve proposed Ordinance No. 772, adopting the Comprehensive Zoning Code Update to Title 17 of the Irwindale Municipal Code.

(xxiii) 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. **Recitals.** 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. **Findings.** Based upon substantial evidence and testimony taken from the record as a whole, and received at the public hearing, both oral and written, including the staff report, and all attachments thereto, all of which shall constitute the entire record of the matter, the Planning Commission hereby finds that the proposed Comprehensive Zoning Code Update, attached herein as Exhibit A, is necessary and consistent with and will implement the City's vision, goals, and policies of the Irwindale 2020 General Plan. The Planning Commission further finds that the Comprehensive Zoning Code Update is consistent with state law, and the proposed revisions to the Zoning Code are in the interest of the public and are necessary to comply with state law. In particular:

a. The General Plan contains six land use categories that do not have zoning districts that implement these land use categories within the current Zoning Code. The Zoning Code Update would modify or create new zoning districts to be consistent with the General Plan, consistent with California Government Code section 65300 *et seq.* and the Infrastructure and Resource Management Elements of the City's General Plan; and

b. The Zoning Code Update would modify Zoning Code districts/regulations to allow for infill and redevelopment in the City, allowing for land use plans and development patterns that allow

succession of use and economic development, consistent with General Plan Community Development Element Policy 7, Community Development Element Policy 9, and Community Development Element Policy 10; and

c. The Zoning Code Update would create a new landscaping chapter, as to consolidate all landscaping regulations in the Zoning Code and provide adequate buffers, screening, and landscaping, and require and retain trees and plantings, consistent with General Plan Resource Management Element Policy 29; and

d. The Zoning Code Update would create new performance standards and additional site design regulations to minimize conflicts of industrial uses with residential neighbors, consistent with General Plan Resource Management Element Policy 19, Resource Management Element Policy 20, Resource Management Element Policy 21; and

e. The Zoning Code Update would update development standards, nonconforming regulations, and sign code regulations to address regulatory impediments of new businesses and business expansions, consistent with General Plan Community Development Element Policy 16; and

f. The Zoning Code Update would update residential lot requirements and development standards, allow new housing types and update Accessory Dwelling Unit regulations to encourage varied housing types, sizes, and tenure opportunities, and encourage creative and efficient residential site developments consistent with General Plan Housing Element Policies 16, 17, and 20, Resource Management Element Policy 11, Program No. 9, and Promotion of Energy and Water Conservation to Existing Residents and in City Sponsored Housing Projects; and

g. The Zoning Code Update would update residential development standards and allow new housing types in order to codify inclusionary housing requirements and associated policies under state and local law, consistent with General Plan Housing element Policy 4; and

h. The Zoning Code Update would update the Zoning Code to comply with State mandates, including SB 35, SB 330, the Housing Accountability Act, SB 9, and other Accessory Dwelling Unit Requirements, consistent with Housing Element Policy 14 and Housing Element Policy 19.

3. **CEQA Findings.** The Planning Commission hereby recommends that the City Council find that 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 determined that the proposed Comprehensive Zoning Code Update was assessed in the Environmental Impact Review ("EIR") for the City's General Plan (SCH# 2005071047) and, pursuant to CEQA Guidelines Sections 15183 and 15162, is consistent with the previously certified EIR for the City's General Plan, therefore no subsequent EIR, Negative Declaration, or addendum is required for approval of the Comprehensive Zoning Code Update.

4. **Recommendation.** On the basis of these findings, the Planning Commission hereby recommends that the City Council adopt Ordinance No. 772, repealing Title 17 of the Irwindale Municipal Code ("Zoning") in its entirety, and adopting the Comprehensive Zoning Code Update (Exhibit A) in its entirety as Title 17 of the Irwindale Municipal Code with the following recommendations:

1) Amend the definition of major arterials to be consistent with the General Plan

2) Add the existing billboard chapter to the Zoning Code as currently written

3) Keep the SMARA chapter as is and direct Staff to amend the chapter to be consistent with State law and present the draft to the Planning Commission for review

4) Authorize the Community Development Director to grant approvals up to a 30% deviation from the measurable standard, if not explicitly listed in the Minor Variances section

5) All administrative approvals granted by the Community Development Director shall be documented in writing and on file

6) Planned Development permits, per Subsection 17.09.070.A(1), shall expire in one (1) year instead of two (2) years

7) All commercial and industrial zones shall institute a 50-foot setback measured from the property line on the side of any new development that abuts or faces any residentially zoned property

8) All Site Plans & Design Review applications shall require review and recommendation by the Planning Commission to the City Council and City Council final approval. Remove Administrative approvals

9) M-2 zone street side setback shall be 50 feet if abutting a residential zone. M-2 zone rear yard setback shall be 50 feet if abutting a residential zone.

10) A 500-foot buffer shall be required around all residential zones for any industrial development in the M-1 and/or M-2 zones.

11) The maximum building height in the M-1 zone shall be 50 feet.

12) The maximum building height in the M-1 zone within the 500-foot buffer around a residential zone shall be 35 feet.

13) The maximum building height in the M-2 zone shall be 60 feet.

14) The maximum building height in the M-2 zone within the 500-foot buffer around a residential zone shall be 35 feet.

15) The maximum building height in all Commercial zones shall be 35 feet.

[INTENTIONALLY BLANK- recommendations to be added as directed by Planning Commission]

5. **Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the application of any other section, subsection, sentence, clause, phrase, or portion of this Resolution, and to this end the invalid or unconstitutional section, subsection, sentence, clause, phrase of this Resolution are declared to be severable. The City Council hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

6. **Certification.** The Secretary of the Planning Commission shall certify the adoption of this Resolution, and a copy shall be transmitted to the City Council.

ADOPTED AND APPROVED this 18th day of December 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 18th day of December 2024, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

_____

Marilyn Simpson, AICP, Secretary

Exhibit A to
Planning Commission Resolution No. 828(24)

August 2024 Draft Title 17 Zoning Code Update with proposed revisions (link below)
https://www.irwindaleca.gov/DocumentCenter/View/9298/Zoning-Code-Draft-August-2024?bidId=

EXHIBIT "C"
RESOLUTION NO. 829(24)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF IRWINDALE ADOPT A RESOLUTION APPROVING THE CITY-INITIATED APPLICATION FOR ZONE CHANGE NO. 04-2023 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF IRWINDALE TO REFLECT UPDATES TO TITLE 17 (ZONING) CONSISTENT WITH ORDINANCE NO. 772

A. RECITALS.

(i) The is currently a need to update the City's Zoning Code, contained in Title 17 of the Irwindale Municipal Code ("Zoning"), to incorporate current best practices, industry standards, and recent State planning mandates.

(ii) In accordance with these needs, the City of Irwindale retained Interwest Consulting Group to prepare the proposed Comprehensive Zoning Code Update. The Comprehensive Zoning Code Update would implement, but is not limited to, the following improvements and changes:

(a) Streamline the development process by providing clear development standards that eliminate ambiguity in the City's permit requirements and approval process;

(b) Reorganize the Zoning Code to a modern, streamlined format, making it easier to read and navigate, and eliminating internal inconsistencies and errors;

(c) Comply with recent changes in state law imposing additional requirements on cities and counties statewide, including, for example, amending "objective design standards" for multi-family housing and updating regulations on Accessory Dwelling Units ("ADUs");

(d) Implementing the City's General Plan by making changes to the Zoning Code that are directed by the General Plan's vision and policies.

(iii) In tandem with the proposed Comprehensive Zoning Code Update, the City has also prepared a proposed Zoning Map Update, attached herein as Exhibit A, which would incorporate any and all changes caused by the proposed Comprehensive Zoning Code Update to the current Zoning Map. The Zoning Map Update would implement, but is not limited to, the following improvements and changes:

(a) Reflect updated zones in the Comprehensive Zoning Code Update, including:

1. Eliminating Zone A1 – Agricultural Zone;

2. Creating Zone P/SP – Public/Semi-Public;

3. Re-naming Zone R1 from Single Family Residential to Low Density Residential;

4. Re-naming Zone R2 from Light-Multiple Residential to Medium Density Residential;

5. Re-naming Zone R3 from Heavy-Multiple Residential to Multi-Family Residential;

6. Re-Naming Zone C2 Heavy Commercial to General Commercial;

7. The C3 Heavy Commercial-Residential zone will remain unchanged

8. Eliminating Zone CM – Commercial Manufacturing.

(b) Reflect updates to the zoning of particular parcels, consistent with the Comprehensive Zoning Code Update.

(iv) The thirty-day public review period for the draft Comprehensive Zoning Code Update and Zoning Map Update began on June 15, 2023. The initial thirty-day public review period was extended until August 15, 2023. During the review period, the Community Development Department and Planning Department solicited and accepted public comments regarding the Comprehensive Zoning Code Update. Additionally, the Community Development Department and Planning Commission conducted a public information session regarding the draft updates to the Zoning Code on July 19, 2023, during which they received questions and comments from the public. The City later published staff responses to comments and questions received during the session.

(v) The Community Development Department and the Planning Commission have conducted additional public outreach efforts, including the following:

(a) Informational tables at Music in the Park, which took place on Thursdays from 7 PM to 9 PM at Irwindale Park, and the Irwindale Public Library Spring Book Festival on March 26, 2023;

(b) Stakeholder interviews with property owners, businesses, development professionals, and City residents on August 31, 2020, September 2, 2020, September 14, 2020, September 21, 2020 and September 30, 2020;

(c) Flyer distributions made to each residential property in the City, through the Irwindale Chamber of Commerce, and to all Irwindale Business License holders. Informational and meeting flyers publicly posted at City Hall, the Irwindale Public Library, the Irwindale Senior Center, and the Community Development Department.

(vi) The draft Comprehensive Zoning Code Update was presented to the Planning Commission on September 20, 2023, for comment and review by the Commission.

(vii) 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 determined that the proposed Comprehensive Zoning Code Update was assessed in the Environmental Impact Review for the City's General Plan (SCH# 2005071047) and, pursuant to CEQA Guidelines Sections 15183 and 15162, and is consistent with the previously certified EIR for the City's General Plan, therefore no subsequent EIR, Negative Declaration, or addendum is required for approval of the Zoning Map Update.

(viii) On October 20, 2023, a notice of public hearing describing the proposed Comprehensive Zoning Code Update and Zoning Map Update was published in the San Gabriel Valley Tribune, a newspaper of general circulation, in accordance with the California Government Code.

(ix) A notice of public hearing describing the proposed Comprehensive Zoning Code Update and Zoning Map Update was notice was posted at Irwindale City Hall, Irwindale Library, the Community Development Department and the local post office. As a courtesy, a copy of the notice was also mailed to each household. The notice was also mailed or delivered at least 10 days prior to the public hearing to all owners of the subject real property proposed to undergo zone changes or amendments, as well as all owners of real property within 500 feet of the real property subject to the Zone Changes or amendments, in accordance with the California Government Code.

(x) A duly noticed public hearing was originally scheduled for October 30, 2023. The Planning Commission received further public comment and input on the proposed Zoning Code and Zoning Map Update and continued the item to a date uncertain.

(xi) On November 3, 2023, a notice of public hearing describing the proposed Comprehensive Zoning Code Update was published in the San Gabriel Valley Tribune, a newspaper of general circulation, in accordance with the California Government Code.

(xii) On November 13, 2023, the draft Title 17 Zoning Code was to be presented to the Planning Commission during the public hearing portion of the meeting. Before the item was presented by staff, the Planning Commission voted to continue the item to a future date.

(xiii) On February 9, 2024, a notice of public hearing describing the proposed Comprehensive Zoning Code Update was published in the San Gabriel Valley Tribune, a newspaper of general circulation, in accordance with the California Government Code.

(xiv) On February 21, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff.

(xv) On April 10, 2024, the City Council conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the City Council by City staff; and

(xvi) On April 10, 2024, the City Council directed staff to bring the Comprehensive Zoning Code Update back to the Planning Commission for reconsideration; and

(xvii) On July 17, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff and continued the item to the regularly scheduled Planning Commission meeting on August 21, 2024, and directed staff to prepare visual graphics of M-2 zones with proposed setbacks from residential and the proposed 500-foot buffer from the Town Center area; and

(xviii) Irwindale Municipal Code section 17.12.020 provides, “The official zoning map for the city may be amended by reference thereto, and by reference to this section.”

(xix) On August 21, 2024 the Planning Commission conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff and continued the item to the regularly scheduled Planning Commission meeting on September 18,

2024, and directed staff to incorporate the recommendations into written form for Planning Commission review at the next regularly scheduled meeting.

(xx) On September 18, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff and continued the item to the regularly scheduled Planning Commission meeting on November 20, 2024, and directed staff to incorporate the recommendations into written form for Planning Commission review at the next regularly scheduled meeting on the proposed Comprehensive Zoning Code Update.

(xxi) The November 20, 2024 Planning Commission meeting was cancelled. A Special Planning Commission meeting was held on November 13, 2024, but the Comprehensive Zoning Code Update was not discussed.

(xxii) On December 18, 2024, the Planning Commission concluded the public hearing. The Planning Commission now wishes to recommend that the City Council of the City of Irwindale adopt Zone Change No. 04-2023, approving the proposed Zoning Map Update and adopting the Zoning Map Update as the Official Zoning Map of the City of Irwindale, to reflect updates and changes to the Zoning Map consistent with the Comprehensive Zoning Code Update.

(xxiii) 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. **Recitals.** 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. **Findings.** Based upon substantial evidence and testimony taken from the record as a whole, and received at the public hearing, both oral and written, including the staff report, and all attachments thereto, all of which shall constitute the entire record of the matter, the Planning Commission hereby finds that the proposed Zoning Map Update, attached herein as Exhibit A, is necessary and is consistent with the Comprehensive Zoning Code Update, and will implement the City's vision, goals, and policies of the Irwindale 2020 General Plan, is consistent with state law, and the proposed revisions to the Official Zoning Map are in the interest of the public and are necessary to comply with state law.

3. **CEQA Findings.** The Planning Commission hereby recommends that the City Council find that 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 determined that the proposed Zoning Map Update was assessed in the Environmental Impact Review ("EIR") for the City's General Plan (SCH# 2005071047) and, pursuant to CEQA Guidelines Sections 15183 and 15162, is consistent with the previously certified EIR for the City's General Plan, therefore no subsequent EIR, Negative Declaration, or addendum is required for approval of the Zoning Map Update.

4. **Recommendation.** On the basis of these findings, the Planning Commission hereby recommends that the City Council adopt and approve Zone Change No. 04-2023, approving the proposed Zoning Map Update and adopting the Zoning Map Update as the Official Zoning Map of the City of Irwindale (Exhibit A), in accordance with Irwindale Municipal Code section 17.12.020.

ADOPTED AND APPROVED this 18th day of December 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 18th day of December 2024, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

_____
Marilyn Simpson, AICP, Secretary

CITY OF IRWINDALE - ZONING MAP (PROPOSED)

Exhibit A to Resolution 829(24)

Legend

Irwindale Zoning Code

Zones

- P/SP - Public/Semi-Public
- R1 - Low Density Residential
- R2 - Medium Density Residential
- R3 - Multi-Family Residential
- C1 - Neighborhood Commercial
- C2 - General Commercial
- C3 - Commercial/Mixed-Use
- M1 - Light Industrial
- M2 - Heavy Industrial
- M2/AO - Auto Dismantling Overlay
- Q - Quarry
- OS - Open Space
- COH - City of Hope Specific Plan
- RII - Reliance II Specifc Plan
- PLO - Park at Live Oak Specific Plan

N

X Zone

0 0.25 0.5 1 1.5 2 Miles

Sources: City of Irwindale, Los Angeles County, ESRI
Map created: 10/24/23

EXHIBIT "D"

ORDINANCE NO. 772

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE REPEALING TITLE 17 OF THE IRWINDALE MUNICIPAL CODE ("ZONING") IN ITS ENTIRETY AND ADOPTING THE COMPREHENSIVE ZONING CODE UPDATE AS TITLE 17 OF THE IRWINDALE MUNICIPAL CODE, MAKING FINDINGS IN SUPPORT THEREOF AND MAKING CEQA FINDINGS

WHEREAS, a city has the power make and enforce regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health, the public morals, or the public safety; and

WHEREAS, in executing that power, a city council may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws; and

WHEREAS, Title 17 of the Irwindale Municipal Code ("Zoning"), otherwise known as the Zoning Code, regulates land use and development within the City of Irwindale ("City") to protect public health, safety, and welfare of its residents; and

WHEREAS, the City Council of the City of Irwindale ("Council") finds that there is a need to update the City's Zoning Code, contained in Title 17 of the Irwindale Municipal Code, to incorporate current best practices, industry standards, and recent State mandates, and to further protect public health, safety, and welfare of its residents; and

WHEREAS, the Irwindale Community Development Department, Irwindale Planning Department, and other City of Irwindale staff have prepared, since April 2020, the proposed Comprehensive Zoning Code Update, attached herein as Exhibit A. The Comprehensive Zoning Code Update would implement, but is not limited to, the following improvements and changes:

(a) Streamline the development process by providing clear development standards that eliminate ambiguity to the City's permit requirements and approval process;

(b) Reorganize the Zoning Code to a modern, streamlined format, making it easier to read and navigate, and eliminating internal inconsistencies and errors;

(c) Comply with recent changes in state law imposing additional requirements on cities and counties statewide, including, for example, amending "objective design standards" for multi-family housing and updating regulations on Accessory Dwelling Units ("ADUs");

(d) Implementing the City's General Plan by making changes to the Zoning Code that are directed by the General Plan's vision and policies; and

WHEREAS, the Community Development Department and Planning Commission conducted a public information session regarding the draft updates to the Zoning Code on July 19, 2023, during which they received questions and comments from the public. The City later published staff responses to comments and questions received during the session. The Community Development Department and Planning Department additionally solicited and accepted public comments regarding the Comprehensive Zoning Code Update until August 15, 2023; and

WHEREAS, on November 13, 2023, the Planning Commission conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff; and

WHEREAS, on November 13, 2023, the Planning Commission voted to continue the item to a future date; and

WHEREAS, on February 21, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff; and

WHEREAS, on February 21, 2024, the Planning Commission recommended that the City Council of the City of Irwindale approve proposed Ordinance No. 772, adopting the Comprehensive Zoning Code Update to Title 17 of the Irwindale Municipal Code, with additional recommendations; and

WHEREAS, on April 10, 2024, the City Council conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the City Council by City staff; and

WHEREAS, on April 10, 2024, the City Council directed staff to bring the Comprehensive Zoning Code Update back to the Planning Commission for reconsideration; and

WHEREAS, on July 17, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff and continued the item to the regularly scheduled Planning Commission meeting on August 21, 2024, and directed staff to prepare visual graphics of M-2 zones with proposed setbacks from residential and the proposed 500-foot buffer from the Town Center area; and

WHEREAS, on August 21, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff and continued the item to the regularly scheduled Planning Commission meeting on September 18, 2024, and directed staff to incorporate the recommendations into written form for Planning Commission review at the next regularly scheduled meeting; and

WHEREAS, on September 18, 2024, conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff and continued the item to the regularly scheduled Planning Commission meeting on November 20, 2024, and directed staff to incorporate the recommendations into written form for Planning Commission review at the next regularly scheduled meeting; and

WHEREAS, the November 20, 2024 Planning Commission meeting was cancelled. A Special Planning Commission meeting was held on November 13, 2024, and the Comprehensive Zoning Code Update was not discussed.

WHEREAS, on December 18, 2024, the Planning Commission concluded the public hearing and recommended that the City Council of the City of Irwindale approve proposed Ordinance No. 772, adopting the Comprehensive Zoning Code Update to Title 17 of the Irwindale Municipal Code; and

WHEREAS, the City Council now desires to approve the Comprehensive Zoning Code Update in its entirety in order to update the City's Zoning Code to incorporate current best practices, industry standards, and recent State mandates, and to further protect public health, safety, and welfare of its residents; and

WHEREAS, the proposed Comprehensive Zoning Code Update is consistent with and will implement the City's vision, goals, and policies of the Irwindale 2020 General Plan; and

WHEREAS, the City has prepared a Notice of Determination ("NOD") using the City's General Plan Environmental Impact Report ("EIR"), after determining that the Comprehensive Zoning Code Update was assessed during the City's General Plan EIR, and no subsequent EIR, negative declaration, or addendum is required for approval of the Comprehensive Zoning Code Update; and

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

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

SECTION 1. The facts set forth in the recitals in this Ordinance are true and correct and incorporated herein by reference.

SECTION 2. The City Council hereby repeals Title 17 of the Irwindale Municipal Code ("Zoning") in its entirety.

SECTION 3. The City Council hereby adopts the Comprehensive Zoning Code Update in its entirety, attached herein as Exhibit A, as Title 17 of the Irwindale Municipal Code ("Zoning").

SECTION 4. The City Council hereby finds and determines based upon the independent judgment of the City Council, after consideration of the whole of the administrative record, that the Comprehensive Zoning Code Update was assessed in the Environmental Impact Review for the City's General Plan (SCH# 2005071047), adopted on June 25, 2008 and, pursuant to CEQA Guidelines Section 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Comprehensive Zoning Code Update. City staff is directed to file a Notice of Determination incorporating these findings and determination regarding the Comprehensive Zoning Code Update.

SECTION 5. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional due to the writs of mandate issued by the Court.

SECTION 6. The Mayor shall sign this Ordinance and the City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect 30 days after its final passage. City Staff are directed and authorized to inform and educate the public regarding the adoption of this Ordinance prior to its taking effect.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Irwindale this 22nd day of January, 2025.

_____

, 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. 772 was introduced for first reading at a special meeting of the City Council of the City of Irwindale held on January 22, 2025, and adopted on second reading at a regular meeting of the City Council of the City of Irwindale held on February 12, 2025, and was carried by the following roll-call vote of the Council:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

_____
Laura M. Nieto, MMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Laura M. Nieto, MMC, Chief Deputy City Clerk, certify that I caused a copy of Ordinance No. 772 adopted by the City Council of the City of Irwindale at its regular meeting held January 22, 2025 to be posted at the City Hall, Library, and Post Office on January 9, 2025.

_____ Dated:_____
Laura M. Nieto, MMC
Chief Deputy City Clerk

Exhibit E

September 18, 2024 Planning Commission staff report and attachments (link below)
https://irwindaleca.portal.civicclerk.com/event/146/files/agenda/1481

Exhibit F

August 21, 2024 Planning Commission staff report and attachments (link below)

https://irwindaleca.portal.civicclerk.com/event/145/files/agenda/1450

Exhibit G

July 17, 2024 Planning Commission staff report and attachments (link below)

https://irwindaleca.portal.civicclerk.com/event/144/files/agenda/1409

Exhibit H

February 21, 2024 Planning Commission staff report and attachments (link below)
https://irwindaleca.portal.civicclerk.com/event/957/files/agenda/1305

Exhibit I

November 13, 2023 Planning Commission staff report and attachments (link below)
https://irwindaleca.portal.civicclerk.com/event/680/files/agenda/830

Exhibit J

October 30, 2023 Planning Commission staff report and attachments (link below)

https://irwindaleca.portal.civicclerk.com/event/681/files/agenda/831

Exhibit K

September 20, 2023 Planning Commission staff report and attachments (link below)

https://irwindaleca.portal.civicclerk.com/event/713/files/agenda/894

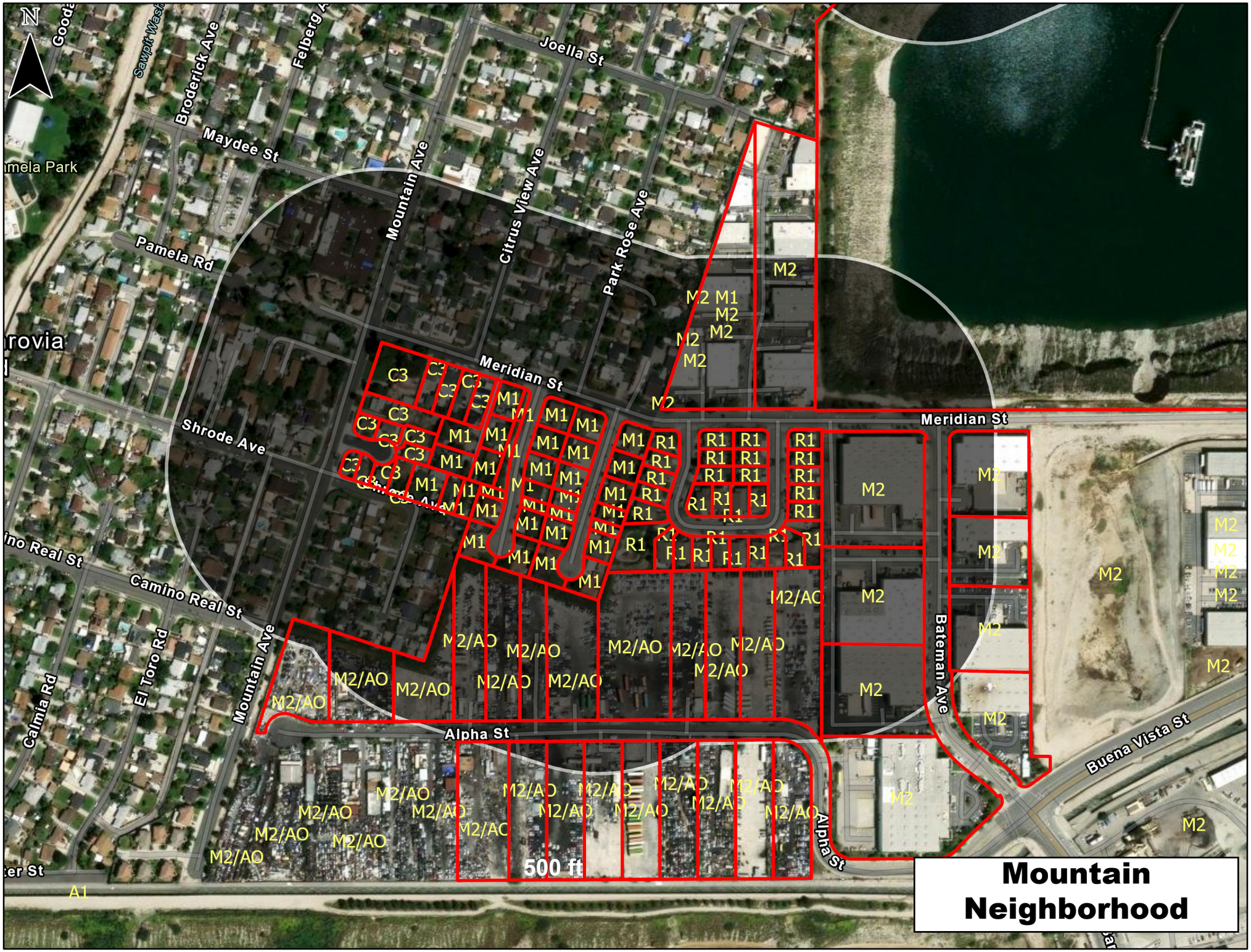
Exhibit L:

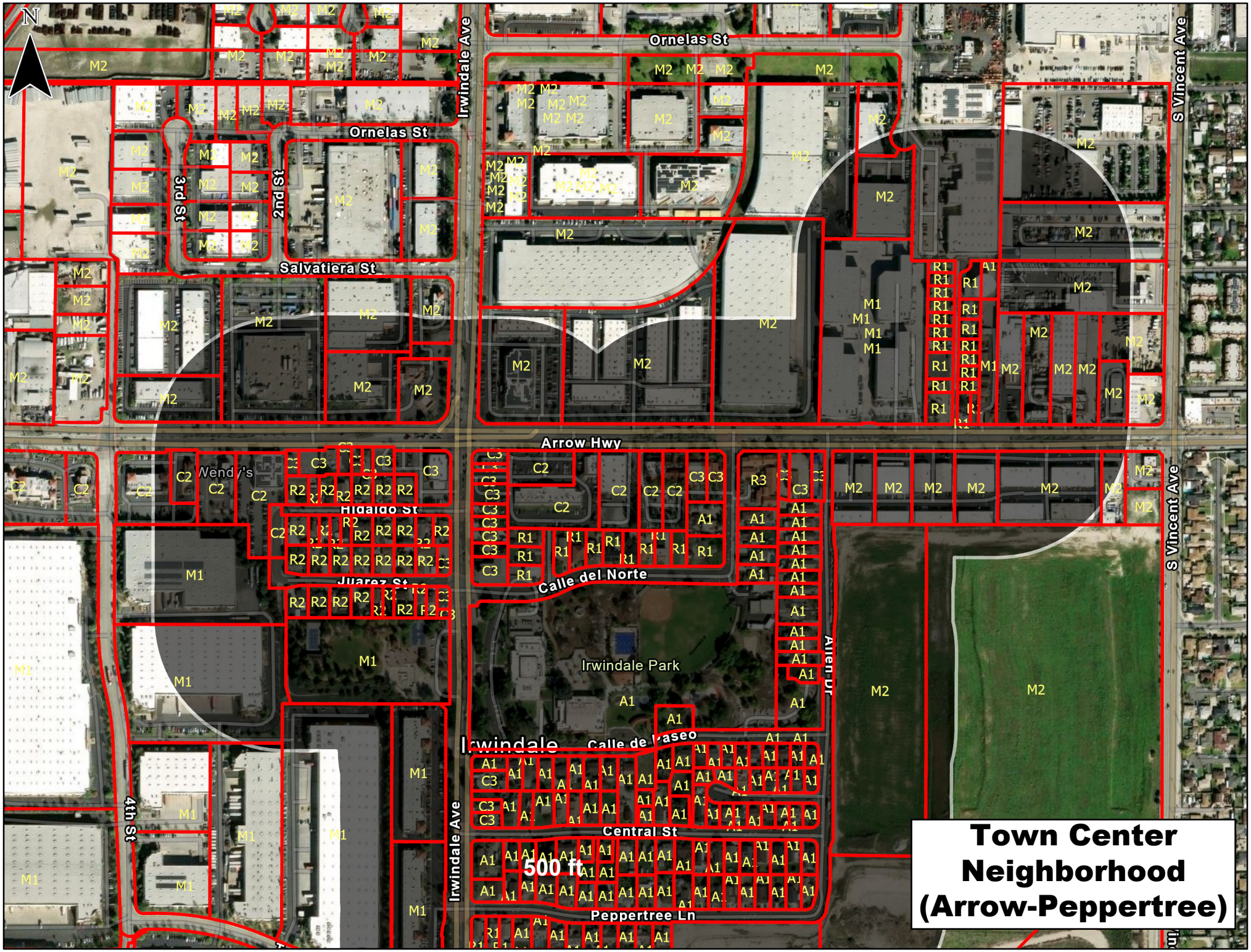
April 2024 Draft Title 17 Zoning Code Update (link below)

ZONING-CODE-DRAFT-April-2024 (irwindaleca.gov)

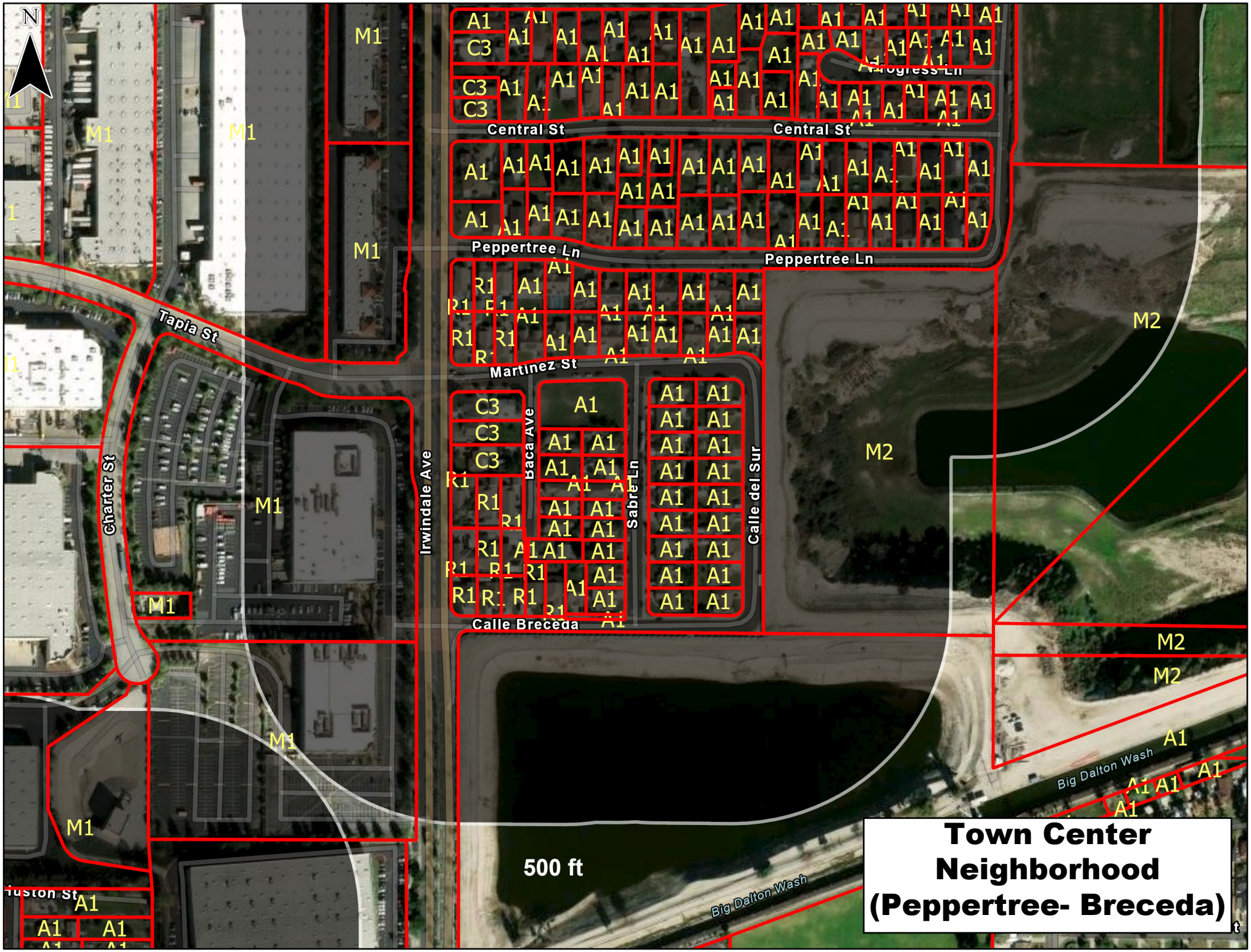
Exhibit M:

Aerials with the 500 Foot Residential Buffer

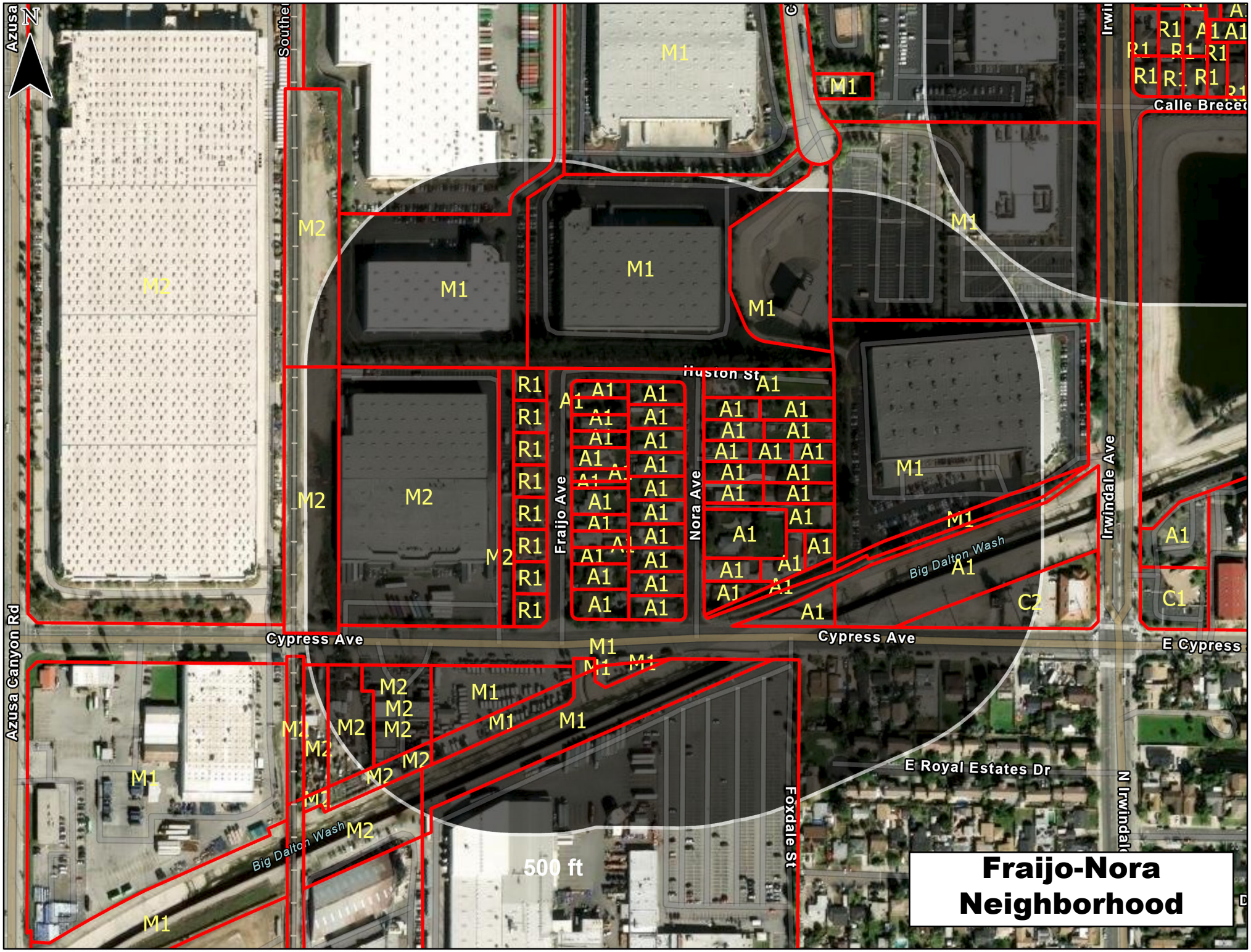

N
Broderick Ave
Maydee St
Joella St
Mountain Ave
Citrus View Ave
Park Rose Ave
Pamela Park
Pamela Rd
Meridian St
Shrode Ave
Camino Real St
Mountain Ave
El Toro Rd
Calmia Rd
Alpha St
Bateman Ave
Buena Vista St
C3
M1
R1
M2
M2/AO
A1
500 ft
Mountain Neighborhood
0
250
500
1,000 Feet
Sources: City of Irwindale, Los Angeles County, SCAG, ESRI



Sources: City of Irwindale, Los Angeles County, SCAG, ESRI

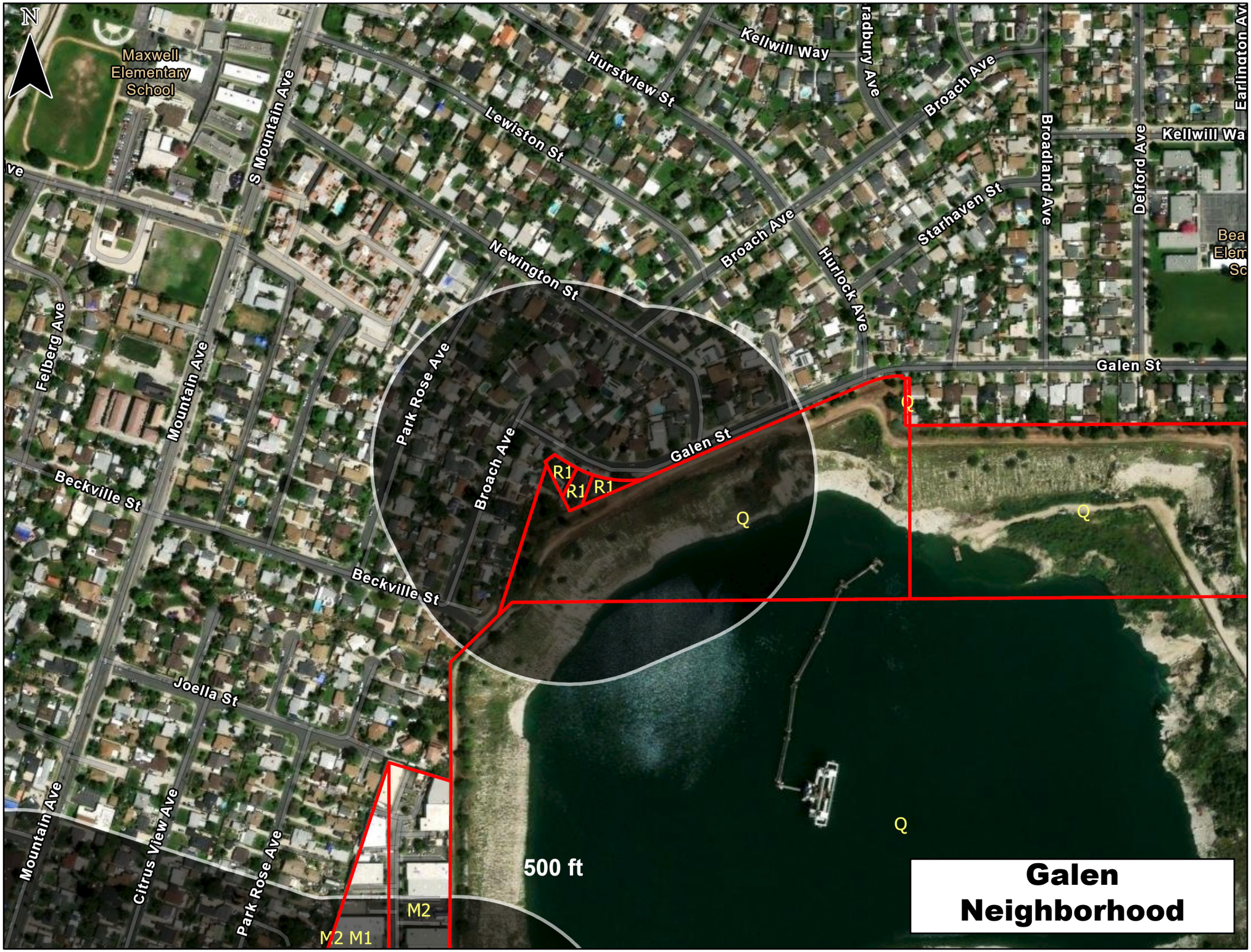


Sources: City of Irwindale, Los Angeles County, SCAG, ESRI

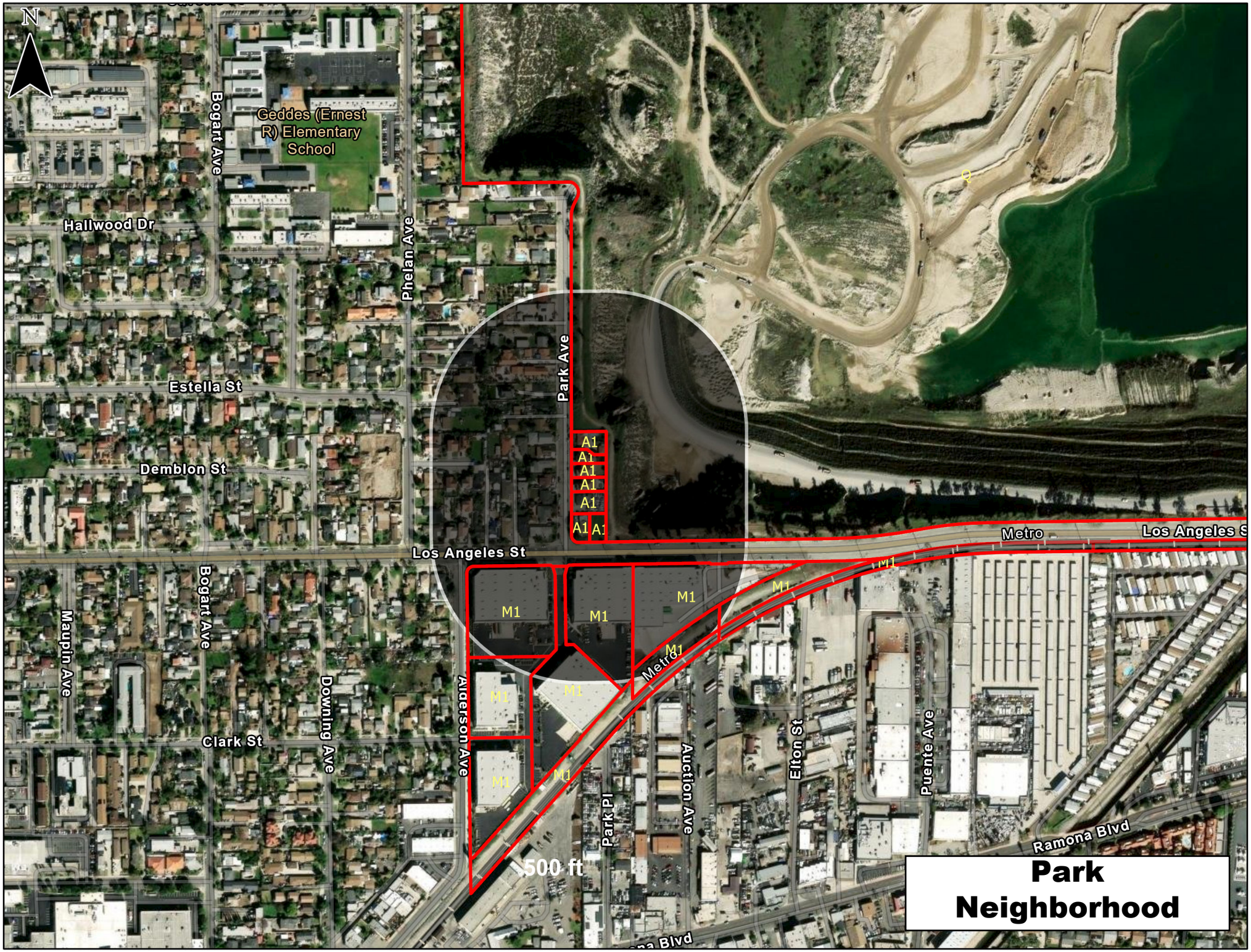


0 210 420 840 Feet

Sources: City of Irwindale, Los Angeles County, SCAG, ESRI



Sources: City of Irwindale, Los Angeles County, SCAG, ESRI



Sources: City of Irwindale, Los Angeles County, SCAG, ESRI

Exhibit N:

Comment Letters

From: Craig Furniss
To: Marilyn Simpson
Cc: Scott Furniss
Subject: Irwindale Zoning Code Update
Date: Monday, September 30, 2024 10:08:49 PM
Attachments: image001.png
image002.png
image003.png
Exhibit L Park Neighborhood 500 ft from PC Agenda Materials - September 18, 2024-compressed.pdf

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Hi Marilyn

As you know, our Alderson Business Park finished construction on its sixth building in 2021 and wecarefully met all City of Irwindale zoning requirements for an M-1 zoned project. We understand that Planning Commission is setting a 35' height limit for buildings within 500 feet of a residentially zoned lot in Irwindale. We own two buildings at the Alderson Business Park that are within 500 feet of a residentially zoned Irwindale lot. (See attached Exhibit L.)

If Planning Commission and City Council do this, we want to ensure that the Irwindale Planning Commission and City Council leave the clarifying language in the highlighted sentence below in Section 17.02.040 of new Zoning Ordinance. If so, our buildings will comply with the 35' height limit and the new zoning ordinance. If the City should remove or modify this yellow-highlighted sentence below, it would create a hardship for us.

Section 17.02.040 (page 8)

C. Measuring Height.

1. Measuring Building Height. Building height is measured from the finished floor to the highest point of commercial, industrial, and multi-family structures. Residential structures shall be measured from the finished floor to the highest point of the rooftop. This measurement shall not include parapets, rooftop equipment screening, and architectural features.

Should Irwindale not allow exclusion of architectural accents above entries from the 35' height limit determination, our award-winning buildings would narrowly become legally non-conforming uses (41'4" at one place at the peak of the building entry accent). We added these accents at some expense to comply with the Irwindale Design Guidelines for Mission Style architecture and to effectively screen our roof-mounted air-conditioning equipment from view. This accent being higher than 35' was specifically mentioned in the staff report for our project and approved by the Planning Commission during our site plan review. It seems odd the City would now retroactively punish us for this architectural enhancement.

Should our buildings become legally non-conforming uses, we know it is unlikely the City will make us tear down our buildings that they previously granted design awards for. **The problem is that a legally non-conforming use creates issues with current and future bank lenders.** Banks will not lend and will put existing building loans into default if our buildings should be declared "legally non-conforming". Our choice would be to get a full variance (a minor variance only allows for a 10% increase per Table 17.31.010-1). As you know a Variance requires the time and expense of a full public hearing and we must meet a set of required findings like physical hardship, special property circumstances and exceptional circumstances which we are likely to meet with time and expense.

We are unclear on what the Planning Commission is proposing with respect to excluding building architectural entry features, but we pray the City will leave the exclusion highlighted in yellow above. Since I was out of the country during the September PC meeting and no minutes for 9/18 have been posted, I am not sure what direction staff and the PC are going with respect to the height definition. Would you please update us on this?

Thanks
Craig

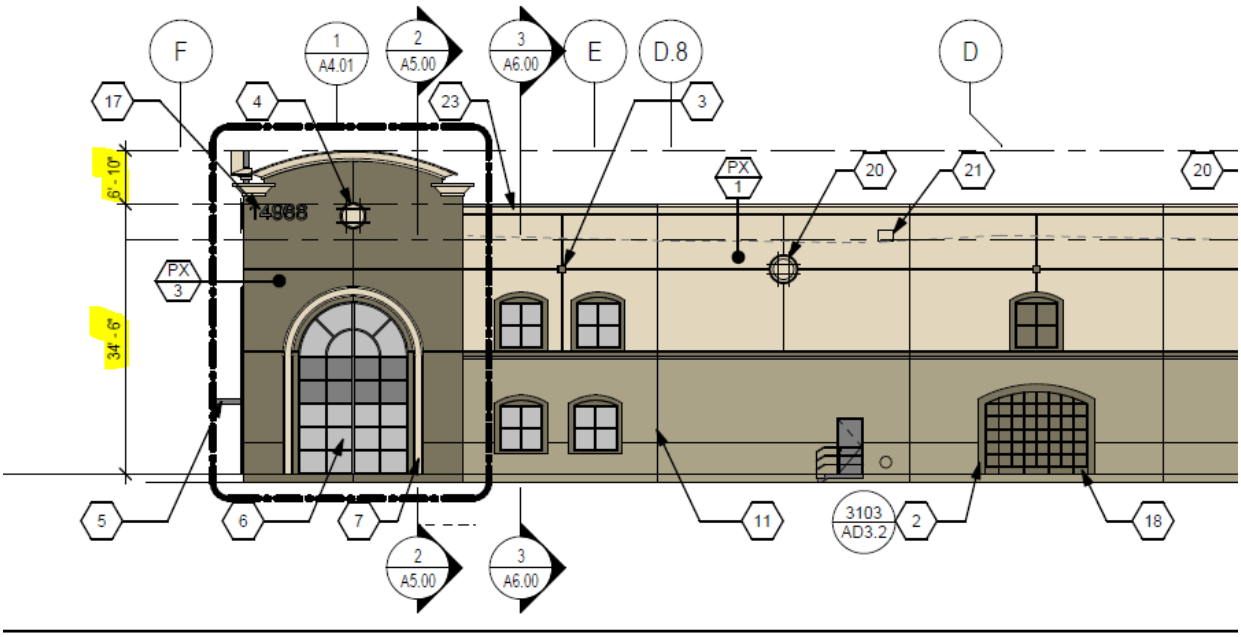

F
1
A4.01
2
A5.00
3
A6.00
E
D.8
D
17
4
23
3
20
21
20
PX
1
6' - 10"
34' - 6"
PX
3
14968
5
6
7
2
A5.00
3
A6.00
11
3103
AD3.2
2
18

Table 17.06.030 Development Standards – Industrial and Office Zones, prescribe the development standards for the Industrial and Office Zones. Individual letters in parenthesis refer to subsections that directly follow the table. Additional regulations are also denoted in the right-hand column. Section numbers in this column refer to other sections of this Title.

Table 17.06.030-1 Development Standards					
City of Irwindale Development Standards - Industrial and Office Zones					
Land Use Classification	**M-1 Light Industrial Zone**		**M-2 Heavy Industrial Zone**		**BP Business Park**
Lot and Density Standards					
Minimum Lot Size (square feet unless otherwise indicated)	-		-		3 acres
Minimum Lot Width (feet)	-		-		-
Building Form and Location Standards					
Maximum Floor Area Ratio (FAR)	0.75		1.0		1.0
Maximum Height (see definitions for details)	50 feet	35 feet if within the 500 foot residential buffer	60 feet	35 feet if within the 500 foot residential buffer	65
Minimum Setbacks (feet)					
Front	20 feet M2 Zone: Minimum of 30 feet for a property abutting/adjacent to a Residential zone.				
Street Side	15 feet M2 Zone: minimum of 50 feet for a property abutting/adjacent to a Residential Zone.				
Interior Side	0 feet on each side, except that a minimum of 15 feet is required along each property line abutting a Commercial Zone. M1 and BP Zone: minimum of 30 feet for a property abutting a Residential Zone. M2 Zone: minimum of 50 feet for a property abutting a Residential Zone.				
Rear	0 feet; 15 feet abutting a Commercial Zone. M-2 Zone: Minimum 50 feet for a property abutting/adjacent to a Residential Zone.				
Alley	10 feet		10 feet		10 feet

Transitional Height Standards. When an industrial use is within 50 Feet from the property line of a Residential Zoned lot, the maximum height is 40 feet. After 50 feet, the maximum height of the industrial zoning district applies. See Figure 17.06.030-1 Transitional Height Standards.

Craig Furniss
Seventh Street Development
328 E Commercial Rd #107
San Bernardino, California 92408
Phone: 562/427-7718
Fax: 562/427-7774
Email: cfurniss@7thsd.com

See our Newest Leasing Availability: https://www.youtube.com/watch?v=S-gNxThZRXA.
Visit our Website at www.SeventhStreetDevelopment.com
CA DRE #01839469

December 5, 2024 VIA E-MAIL

City Clerk (cityclerk@irwindaleca.gov)
City of Irwindale
5050 N. Irwindale Avenue
Irwindale, CA 91706

Re: City of Irwindale Zoning Code Update – Opposition and Requested Changes – December 18, 2024 Planning Commission Meeting

Dear Planning Commission:

I am writing on behalf of Rexford Industrial Realty, Inc. (Rexford) to request that you reconsider some minor zoning code language changes. Rexford is a leading real estate firm in Southern California, specializing in the acquisition, development, operation of industrial property. Rexford owns and operates 11 properties in Irwindale, totaling approximately 1.9 Million square feet.

Rexford has participated in several of the public meetings for the zoning code update and provided comments. We appreciate the open dialog to this point and are in agreement with most of the changes in the new zoning code.

We hereby request that the Planning Commission reconsider the height limits standards proposed within 500 feet of any residential zones. Currently, the Planning Commission has proposed 35 feet height limit for any building within 500 feet of residential zones. We are requesting that the height limits in the M1 and M2 industrial zones for properties within 500 feet of a residential zone be as follows:

- *Any portion of a building within 0 to 125 feet of a residential property line shall be a maximum of 35 feet;*
- *Any portion of a building within 126 to 250 feet of a residential property line shall be a maximum of 40 feet;*
- *Any portion of a building within 251 to 375 feet of a residential property line shall be a maximum of 45 feet;*
- *Any portion of a building within 376 to 500 feet of a residential property line shall be a maximum of 50 feet.*

Exceptions to any height standards may be allowed with a Conditional Use Permit, with appropriate analyses for shade shadow and views and for industrial projects if the project is compliant with AB98.

AB98 is the new state legislation for Warehouse/Logistics development that requires all new logistics/warehouse development meet very strict standards for environmental sustainability and buffering setbacks if the project is within 900 feet of a sensitive receptor which includes residential use.

We also have concerns about the non-conforming use sections of the proposed zoning code. We expect to be submitting under separate cover the details of our recommendations for the non-conforming use codes language.

As a property owner and member of the Irwindale Chamber of Commerce, we appreciate the opportunity to share our concerns. We believe our request is critical to the long-term viability our property and surrounding industrial facilities.

Thank you for your attention to this matter. If you have any questions or need more information, please contact me directly at smasura@rexfordindustrial.com or (310) 486-5285.

Sincerely,



Steven Masura, Director of Entitlements
Rexford Industrial Realty, Inc.

Cc: City Council
City Manager
City Attorney
Community Development Director
Irwindale Chamber of Commerce