

IRWINDALE COUNCIL CHAMBER
5050 N. IRWINDALE AVENUE
IRWINDALE, CALIFORNIA 91706

August 20, 2025
Wednesday
6:31 P.M.

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

VICE CHAIR ACOSTA Okay, I call to order the meeting of the Planning Commission on August 20, 2025, at 6:31p.m. Let's start with the Pledge of Allegiance. Please, stand, if you can.

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

INVOCATION
COMMISSIONER
RODRIGUEZ Dear Heavenly Father, we come before you this evening thanking you so much for your love, your grace, and your mercy, Father. Dear Lord, we just ask that you bless this nation. I pray for the state, for this country, for the county, dear Lord, for the City. I pray for all of our staff and our residents. And ask that you would just bless this Commission, Dear Lord, to make decisions that are pleasing to you. In Jesus name, amen.

VICE CHAIR ACOSTA Roll Call.

ROLL CALL: Present: Commissioners: Albert Acosta; Richard Chico; Commissioner Rodriguez

Absent: Chair Maricela Frymark, Commissioner Casey Miranda(arrives at 6:51pm)

Also present: Theresa Olivares, Assistant City Manager; Jamie Traxler, Assistant City Attorney; Marilyn Simpson, Community Development Director; Brandi Jones, Senior Planner; Luis Pimentel, Associate Engineer; Alyssa Daskas, Associate City Attorney; Jesus Hernandez, Management Analyst

AB 2449
DISCLOSURES

VICE CHAIR
ACOSTA Then, we'll move on to E, AB 2449 Disclosures.

MANAGEMENT
ANALYST
HERNANDEZ At this time, we do not have any Disclosures.

ANNOUNCEMENTS

VICE CHAIR
ACOSTA Okay. Next on the agenda, F, is Announcements. The only announcement I have is that we are going to, probably, be doing a few things out of order on the agenda. We may be going, jumping back and

forth, but we'll cover everything on the agenda. So, does anybody else have anything? Okay, let's go to Number 6 on the agenda. If we can go to Community Development Director Report?

**COMMUNITY
DEVELOPMENT
DIRECTOR REPORT**

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you, Chair and Commission, members of the audience. So, the Community Development Department, we're in the process of updating our Hazard Mitigation Plan. And, one of the biggest parts of this update is to get community input. We did receive a grant from Cal OES and FEMA for this grant and for the update and it's the Hazard Mitigation Plan. It's a plan that has to be updated every 5 years. We're a little bit behind with it, but it was good because now we have money that funds the preparation of it. So, one of the things is that we will have a lot of public participation for this. And, really, the Hazard Mitigation Plan, it has to do mostly with natural hazards, or, you know, potential disasters, with that. So, anyway, so, there is going to be a survey and there's a QR code on it. If anyone, when they get this survey. And, you should see at your desk, or on the dais, that you can scan the QR code. This... It's going to be put into the City Manager's weekly update. We're going to be distributing it with social media, as well. And distributing it to the business community. But we're really encouraging residents and Staff to really participate with this. Because they really would like, you know, see what is the community feel is really important. And that's how we can frame this. So, anyway, there's a couple of other things that when they do the public participation or outreach. They're going to be going to Mi Fiesta. And, the consultant who's working with staff is going to have a booth. And to encourage people, there will be some giveaways, you know, some, you know, to make it kind of fun, you know, little surprises. And there will be the opportunity to fill out the questionnaire, right there, at the table for that. So, just want to encourage you to do that. You never know where we'll pop up with community outreach. At the last meeting, it was discussed. So, you know, could be a dance, and I might bust out a move and, you know, but I'll have a survey in my hand. So, anyway. But please reach out to your family members and the community, you know, to really encourage them to participate and do that. And that is all I have for you, tonight. Thank you.

VICE CHAIR ACOSTA

Thank you, Marilyn. Yeah, I've seen the tables at the different nights, the Night Out, Music in the Park. And I'd like the idea of the QR code. That easily accessible and hopefully that will encourage participation in the surveys.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yes. Thank you. Yes.

VICE CHAIR ACOSTA Okay. Let's move on to Number 7, Legal Counsel Comments.

**LEGAL COUNSEL
COMMENTS**

ASSISTANT CITY
ATTORNEY
TRAXLER Thank you, Chair. I only have a brief update for you all. I am pushing up on my maternity leave. So, I'm looking at a mid-September date. I am planning on being here for the September meeting and then going on maternity leave. But I just wanted to put it on your radar that I may not be.

VICE CHAIR ACOSTA Okay. Thank you, Jamie. Alright, we're gonna jump back on the agenda. Let's see if we can go back to Number 2, Spontaneous Communications. Jesus.

**SPONTANEOUS
COMMUNICATIONS**

MANAGEMENT
ANALYST
HERNANDEZ Okay. 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, as to avoid unnecessary repetition. The Commission may regulate a speaker who is speaking too long or out of order, being unduly repetitious, discussing irrelevances, 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.

- VICE CHAIR ACOSTA Thank you, Jesus.
- MANAGEMENT
ANALYST
HERNANDEZ So we are in a hybrid format. So, we do have both in-person and hybrid audience members and they will participate in the following order. So, we have Tier 1, in-person attendees, Tier 2, teleconference attendees, and Tier 3, in-person and teleconference attendees who have not previously provided comments on the matters being discussed by the legislative body.
- VICE CHAIR ACOSTA Thank you, Jesus. Alright, let's start Tier 1. All right, we have someone.
- ASSISTANT
CITY MANAGER
OLIVERAS Hi, good evening, Planning Commissioners. I'm here tonight to invite you to the library's steel beam signing that will be taking place next Tuesday the 26th. We're starting at 1:30pm, with the Council signing. And immediately following that, the signing will be open to the public up until 8:00pm. So, we've sent out notices to all of the community members. We've posted it on social media and just wanted to make sure that you're aware of that event, as well. Thank you.
- VICE CHAIR ACOSTA Thank you. Yep. I saw that. I got it on my calendar. All right, anybody else in Tier 1? Okay, Tier 2, teleconference attendees. Do we have anybody?
- MANAGEMENT
ANALYST
HERNANDEZ Looks like we have no one for Tier 2.
- VICE CHAIR ACOSTA And Tier 3, in-person that haven't spoken already and any teleconferencing?
- MANAGEMENT
ANALYST
HERNANDEZ No one for Tier 3.
- VICE CHAIR ACOSTA Jump back. We're going to go back to Number 1, the Consent Calendar.

CONSENT CALENDAR

- MANAGEMENT
ANALYST
HERNANDEZ Yeah, so, the Consent Calendar contains matters of routine business and it is to be approved within 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. So, the only item we do have on Consent Calendar is A. minutes, which are the Regular Minutes being held on June 18, 2025.

PLANNING COMMISSION MINUTES
REGULAR MEETING

August 20, 2025
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VICE CHAIR ACOSTA	Okay. Can I have a motion?
COMMISSIONER RODRIGUEZ	Motion to approve.
COMMISSIONER CHICO	Second.
VICE CHAIR ACOSTA	Make a motion and a second, motion by Commissioner Rodriguez second by Commissioner Chico. Roll call?
MANAGEMENT ANALYST HERNANDEZ	Commissioner Chico?
COMMISSIONER CHICO	Yes.
MANAGEMENT ANALYST HERNANDEZ	Commissioner Miranda is absent.
MANAGEMENT ANALYST HERNANDEZ	Commissioner Rodriguez?
COMMISSIONER RODRIGUEZ	Yes.
MANAGEMENT ANALYST HERNANDEZ	Vice Chair Acosta?
VICE CHAIR ACOSTA	Yes.
MANAGEMENT ANALYST HERNANDEZ	Chair Frymark is absent.
VICE CHAIR ACOSTA	Now, we're going to move up, again on the agenda. We're going Number 3, New Business.
<u>NEW BUSINESS</u>	
VICE CHAIR ACOSTA	Not seeing anything under New Business. We'll go to Number 4, Public Hearings.

PUBLIC HEARINGS

VICE CHAIR ACOSTA I don't have anything under 4. So next, we'll go to Number 5, Discussion Items/Presentations, A, Importance of Findings of Fact.

**DISCUSSION ITEMS/
PRESENTATIONS**

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON Thank you, Chair and Commission. So, tonight, this presentation will be given by Alyssa Daskas, from Aleshire and Wynder.

ASSOCIATE
ATTORNEY
DASKAS Good evening, everyone. Thank you, so much for your time and being here. My name is Alyssa Daskas. As stated before, I'm one of the Associate Attorneys at Aleshire and Wynder. And this presentation is going to be on the importance of findings of fact. Sorry. There we go. So, just a brief agenda, I'm going to be going through what are findings, how to make those findings and what are some required findings for various Land Use Entitlements, and, finally, why those findings are important. So, first, I'm going to be going through what findings are. So, a finding is a statement of the standard facts and conclusions used in making a decision. Essentially, findings are the Planning Commission's explanation of its actions. So, why a particular project was approved or not approved. And, it must be clearly stated before making a decision is made. So, findings consists of Planning Commissioners expressly stating their findings during the meeting. And, as the name applies, findings of fact should be based on fact, rather than- sorry, fact and substantial evidence, rather than opinion. So, this doesn't necessarily mean every single piece of evidence, but, rather, key facts and documents that support the decision when making that decision. And evidence should also be included in the record of the meeting. So, this can consist of Staff Reports, random verbal testimony, and other documentation. And it can even be based on the Planning Commission's own research. So, findings are important to those interested in the Planning Commission's decisions, such as the project's proponent or members of the public, as well as the City Council. And, also, courts, in reviewing the Planning Commission's action, if there is a legal challenge to that decision. With respect to land use decisions, findings of fact are particularly important because they are a city's written explanation of how the city processed the evidence presented to reach this decision. And the findings must support that decision. And that's especially important to ensure the decision is upheld, if it is ever challenged in court. So, next, how do you make findings? So, there's a 3-step overview that you can use to help make those findings. So, first, you want to make sure you identify the applicable laws. So, Planning Commissions should identify what laws apply to the request, in order to understand any criteria or any standards that apply. Step two is identifying facts from opinions. So,

facts related to the request should be identified and supported by substantial evidence. And Planning Commission should avoid using opinions in rendering decisions, as most opinions cannot be supported by substantial evidence. And, finally, the Planning Commissions should form a decision that links the applicable law with the supporting facts or absence of the same. So, this is a checklist you can use to remember what to do when you're making those findings. So, you want to make sure you put those findings in writings. You want to make sure you spell out findings, so that anyone who has an interest in the project has an understanding of why a particular project was approved or not approved. And a good rule of thumb is to always use the term "because" to clearly bridge the gap between the evidence and facts and the ultimate decision. And you also want to make sure to tie the findings back to city plans, statutory standards, and codes to illustrate the basis or rationale for the decision, as the decision must, again, be supported by substantial evidence. So, there are such things as bad findings. So, what is a bad finding? It's simply using the facts to repeat the legal standard, which is not sufficient. Conclusory statements do not help anyone understand why the Planning Commission reached the conclusion that it did. So, to avoid this, the finding should be clear enough so that any questions of how or why a decision was made are not raised. And this can be done by incorporating the facts and standards. So, an example of a bad finding would be something like, "the proposed water park is inconsistent with the General Plan." This is conclusory and it fails to include any facts or evidence that support why the water park would be inconsistent with the General Plan. So, it doesn't answer specific questions like, "how or why the proposed water park is inconsistent, whether the area is primarily residential or commercial, what effect it would have on the character of the area, whether the effects of this project are positive or negative, how the proposed water park fits with the goals and policies related to that specific area and whether it will enhance a community." So, next I'm going to go through some examples of required findings for various land use entitlements. So, these are based on the Irwindale Municipal Code that was recently updated. So, first, Planned Development Overlay Zone. These are required findings under 17.09.060. So, these would include that the proposed development is consistent with the General Plan and any applicable Specific Plan, including the density and intensity limitations that the subject site is physically- sorry, physically suitable for the type and intensity of land being proposed. And that adequate transportation facilities and public services exist, or will be provided, in accordance with the conditions of Development Plan approval to serve the proposed development. And the approval of the proposed development will not result in a reduction of traffic, levels of service, or public services, as to be a detriment to the public health safety or welfare. Also, that the proposed development will not have a substantial adverse effect on surrounding land uses, and will be compatible with the existing and planned use, character of the surrounding area. That the development generally complies with

applicable design guidelines, found in the City of Irwindale Commercial and Industrial Design Guidelines document. And, finally, that the proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base zone and will achieve superior community design, environmental preservation, and/or substantial public benefit. So, these are some other required findings, so these are for, specifically, the Conditional Use Permits. So, reading through these. Again, these would be a proposed use that's allowed within the applicable zone and complies with all other applicable provisions of this title, and all the titles of the IMC, that it's consistent with the General Plan and any applicable Specific Plan. That any use would not be adverse to the public health safety or general welfare of the community nor detrimental to surrounding properties or improvements. That it complies with any designer development standards applicable to the zone or the use in question, unless waived or modified, pursuant to the provisions of this Title. That the design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in circulation in the vicinity. And that the design is physically suitable for the type, density, and intensity of these being proposed, including access utilities and the absence of physical restraints. So, these are just a few more required findings within the Municipal Code related to zoning. So, this would be the plan- sorry, Site Plan and Design Review. So, these are in the purpose section, but these are findings that are required, which is to promote excellence in Site Planning and Design and the harmonious appearance of buildings and sites, to ensure that new and modified uses and development will be compatible with the existing and potential development of this surrounding area, and supplement other city regulations and standards to ensure control of aspects of Site Planning and Design that are not otherwise addressed. And I do have a quick example. So, for instance, a bad finding would be something like, "this promotes excellence and Site Planning and Design and the appearance of buildings." That would be a conclusory statement. So, something that would be more substantial would be something like, "the proposed project shall harmonize the appearance of the building, in relation to the existing Brewery building, adding to the campus-like feel, the proposed project incorporates several design elements from the Commercial and Industrial Design Guidelines, including a multicolor palette..."

MANAGEMENT
ANALYST
HERNANDEZ

For the record, Commissioner Miranda has just entered. (arrived 6:51p.m.)

COMMISSIONER
MIRANDA

Excuse me, thank you.

ALYSSA DASKAS

"...And, in addition, that the site includes new layered landscaping and parking." So that's something where it incorporates more detail and substantial evidence to support the finding that it would promote excellence in Site Planning and Design, rather than just stating that it would do so. So, these are other required findings for minor variances. The Community Development Director must make all of the findings listed to approve a minor variance. And the inability to make one or all of these could lead to a denial of the application. So, this would include that the minor variance is necessary, due to physical characteristics of the property. And the proposed use or structure or other circumstances, including topography and noise exposure, irregular property boundaries, or other unusual circumstances. That there are no equivalent alternatives. And that the granting of their requested minor variance would not be detrimental to the health or safety of the public or occupants of the property, or result in a change in land use or density that would be inconsistent with the requirements of the title. I do have just a few more of these examples. So, this is also in required findings under 17.32.060 and these are for other variances. So, these findings include exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to the property in the vicinity and identical zone. And that the granting of the variance will not constitute a granting of a special privilege inconsistent with the limitations on the property, in the vicinity, and identical zone. Another finding includes that the variance is a process for the city to waive or modify certain standards of the Zoning Code. When, because of special circumstances applicable to the property, including the location size, shapes, surroundings, topography, and other physical features. The strict application of the zone denies the property owner privileges enjoyed by other property owners in the same zone. A variance cannot be used to grant special privilege not afforded to other property owners similarly situated. A third finding would be the granting of the application is necessary to prevent a physical hardship, which is not the applicants' own actions or the actions of a predecessor in interest. That'd be granting of the application will not be detrimental to the injurious to-sorry, detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare, or convenience. And, finally, that the granting of the variance will be consistent with the general purposes and objectives of this title and any Specific Plans and the General Plan. They're also required findings for Development Agreements, which includes that the City Council must make a finding that proposed Development Agreement and its provisions are consistent with the General Plan, and any applicable Specific Plan to approve a Development Agreement. And this requirement may be satisfied by finding that the provisions of the Development Agreement are consistent with the proposed General Plan or Specific Plan provisions to be adopted concurrently with the approval of the proposed Development Agreement. I believe I have just two more of these findings. So, these are for use permit approvals and reclamation plans for service mining operations. So, these are findings

of approval under 17.220.- sorry 090. So, in addition to other findings, use permits for surface mining operations include a finding that the project complies with the provisions of the surface mining and reclamation act and the state regulations thereunder. So, this includes a list of findings that must be approved before any reclamation plan is approved. So, this includes that the reclamation plan complies with the Surface Mining and Reclamation Act, that the plan and potential uses of reclaimed land- sorry, pursuant to the plan are consistent with the code the City's General Plan, and all applicable Irwindale guidelines, and any applicable resource planner element. That it has been reviewed pursuant to CEQA, and the city's environmental review and all significant adverse impacts from what reclamation of the service mining operations will be mitigated to the maximum extent feasible. That the land or resources, such as water bodies, to be reclaimed will be restored in a condition that is compatible with the surrounding natural environment, topography, and other resources. That it will restore the mined lands to a usable condition, which is readily adaptable for alternative land uses consistent with the General Plan and any applicable resource plan. A statement obligating the operator to utilize all inner-mine waste materials for the fill operations, or divert such materials to other sites in the city, or provide an explanation as to why diversion is not feasible, and a written response to the Office of Mine Reclamation that has been prepared describing the disposition of major issues raised by that department, in accordance with Irwindale Municipal Code section 17.22.060, Subdivision K. And finally, for another example of required findings are reasonable accommodations. So, these include whether the housing, which is the subject of the request will be used by an individual defined as disabled under the Acts, whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts, whether the requested reasonable accommodation, would impose an undue financial or administrative burden on the City, and whether requested reasonable accommodation would require a fundamental alteration of a city program or law, including, but not limited to, land use and zoning. So, why are all of these findings important? These findings are important because they enhance the integrity of the administrative process, by providing a framework for it to make principal decisions. They also facilitate orderly analysis and reduce the likelihood that the city is going to leap from evidence to a conclusion. And they help provide evidence that should ultimately make the planning decisions, the Planning Commission's decision's legally defensible in the case of any challenges. So, essentially, findings of facts solidify the Planning Commission's decision and thought process in a manner that shows that that the reason and decision was made not arbitrarily, but, rather, was carefully made, was well-reasoned and was equitable. So, as a result, the parties and members of the public have a better understanding of the Planning Commission's actions. And it also, will enhance parties to determine whether, and on what basis, they should seek judicial review and remedies. Findings also, apprise the

reviewing court of the basis for the City's actions. There are any questions or comments?

VICE CHAIR ACOSTA Thank you. Have any questions/comments?

COMMISSINER
MIRANDA Well done.

VICE CHAIR ACOSTA Thank you, Marilyn.

COMMUNITY
DEVELOPMENT
DIRECTOR Thank you, Chair and Commission, Commissioners. So, you've seen a few of these findings. You've had Site Plan Design Review. You've had Specific Plan. You've had the Development Agreements, you know. And, you'll get some of the SMARA-type things in there. So, typically- and then Staff will, you know, has written the findings and legal has looked at it. And, you know, those are the things that we have, but it's not a rubber stamp for you, you know, just to know because Staff makes the recommendation so, if there's something else. But I think it's really important for you to know the findings of fact, you know. So, this is a really good reference for you. Thank you.

VICE CHAIR ACOSTA Thank you. Right, the next one, I guess, we're going to Number 8. Sorry, Commissioner Miranda. We've kind of jumped around on the agenda a little bit. So, we are actually on Number 8, now. We're going to Commissioner Comments.

**COMMISSIONER
COMMENTS**

VICE CHAIR ACOSTA Any Commissioners have any comments?

COMMISSIONER
MIRANDA Regarding that?

VICE CHAIR ACOSTA Anything, now.

COMMMISSIONER
MIRANDA Well, can I make a quick announcement?

VICE CHAIR ACOSTA Of course.

COMMISSIONER
MIRANDA I just came back from the hospital for my father who had surgery. And he's doing well. He's recovering, so he's doing very well. So, praise God. That's why I was a little late.

VICE CHAIR ACOSTA Got no other comment? And, also, we got the beam signing on Tuesday. So, they're going to be signing the last beam that's going to be going on to the library. It's gonna be available in the service road? Yeah, on Tuesday. And is that in the service road in front of City Hall? Okay, Tuesday.

COMMISSIONER
MIRANDA Will there be a large area where I can do John Hancock-kind of thing?

ASSISTANT
CITY MANAGER
OLIVARES No, name only.

VICE CHAIR ACOSTA Okay, I guess, with that, we are going to adjourn the meeting at 7:00 o'clock.

ADJOURNMENT There being no further business to conduct, the meeting was adjourned at 7:00 p.m.



Maricela Frymark, Planning Commission Chair

Attest:



Jesus Hernandez, Management Analyst

Approved as presented at the meeting held September 17, 2025