

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

December 18, 2024
Wednesday
6:33 P.M.

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

CHAIR FRYMARK Hello everyone, I'd like to call the Planning Commission meeting to order at 6:33 PM. Let's start off with our Pledge of Allegiance. If you're able, please stand.

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
CHAIR FRYMARK Father, God, we come before you with gratitude in our hearts for the ability to serve this community. We ask that in this season that you continuously guide us and that you take care of those that are either recovering or are in need of your grace. Lord, we ask that you put patience and clarity in our minds, as we move forward to try to make the best decisions possible for the greater community. We ask that you continue to bless those within our Community and those that serve to protect us all this in Jesus name we pray. Amen.

CHAIR FRYMARK Roll Call, please.

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; Marilyn Simpson, Community Development Director; Eddie Chan, Director of Engineering; Brandi Jones, Senior Planner; Luis Pimentel, Associate Engineer; Jarrod Palmer, Community Development Intern

AB 2449
DISCLOSURES

CHAIR FRYMARK Moving on to Item E, AB 2449 Disclosures, seeing that we are all here I'm going to move on to F, Announcements.

ANNOUNCEMENTS

CHAIR FRYMARK Do we have any Announcements?

COMMUNITY
DEVELOPMENT
INTERN PALMER There are no announcements.

CONSENT CALENDAR

CHAIR FRYMARK	Thank you. Moving on to Number 1, we have one item on the Consent Calendar, which is the Minutes of the Regular Meeting held August 21, 2024. Do we have a motion on the floor?
VICE-CHAIR CHICO	Motion to approve.
CHAIR FRYMARK	I second. All those in favor... Oh, sorry. Go ahead, Roll Call. Wrong, wrong meeting. Wrong place.
COMMUNITY DEVELOPMENT INTERN PALMER	No worries. Commissioner Acosta.
COMMSSIONER 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.
COMMUNITY DEVELOPMENT INTERN PALMER	Thank you. Moving on to Spontaneous Communications.

**SPONTANEOUS
COMMUNICATIONS**

COMMUNITY
DEVELOPMENT
INTERN PALMER

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 and they 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 provided comments on the matters being discussed by the legislative body.

CHAIR FRYMARK

Okay. With that, do we have, any members in attendance that would like to come forward under Tier 1 for Spontaneous Communication? If so, please come forward. We're currently under Spontaneous Communication, so if you do have anything that's not on the agenda and you wish to speak, I welcome that. No, that's okay. Thank you. Anyone in tier... So, no one in person that would like to come forward under Spontaneous Communication? Seeing none, we're going to move on to teleconference attendees. Do we have anyone in our Zoom audience?

COMMUNITY
DEVELOPMENT
INTERN PALMER

No.

CHAIR FRYMARK

Right. So, Tier 3, anyone in person or teleconference last, last chance. Okay, so we're going to go ahead and move on to Number 3, New Business.

NEW BUSINESS

CHAIR FRYMARK

Having no New Business on the agenda, we're going to go ahead and move on to our Public Hearing.

PUBLIC HEARINGS

CHAIR FRYMARK

For Public Hearing, we have two items on our agenda. The first item is Item A, Amendment Number 1 to Development Agreement Number 02-2016 for 2200 Arrow Highway. Applicant is Anthony Bertrand. Do we have a presentation from Staff?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yes, thank you, Chair and Commission. So, the request for this item is the applicant is requesting Amendment Number 1 to Development Agreement Number 02-2016, to reflect a request by Athens Services to postpone the construction of the convenience store to a later phase of the MRF Transportation project. So, a little bit of background again with MRF, because we can never get enough of the background of the MRF. This started quite a while ago, very important project to the City. So, it really officially, I guess, started in 2005 when the site was recognized that this would be a good place to develop the Materials Recovery Facility. So, project entitlements began in 2016 to allow the Athens Services to purchase the site to develop, the MRF. Then in February of 2021, the City Council, at a Public Hearing, they adopted the various Resolutions and certified the EIR for this project. Then, in March of 2021, the City Council adopted an Ordinance to amend the Municipal Code, to allow a MRF as a permitted use in the M-2 Zone with that. Then the most recent one was a November 13, 2024, the City Council adopted a Resolution approving a maintenance and wash bay canopy structure that was brought before the Planning Commission with that. With that, just want to kind of... As a reminder, a Development Agreement, with that, is a contractual arrangement between a property developer and a municipality, like the City or other governing body. So, these agreements are essential for coordinating various aspects of the development of project. And in this case, the project was... It was an approximately 2,587 square foot convenience store that was included in the 2021 approval of the original Development Agreement, and this was included as part of phase 1 for the project. And then, at that time, Athens had proposed to construct the project in three phases, which included the construction of the convenience store. Then, in November of 2023, the City Council

adopted a Resolution that authorized the City Manager to execute a side letter agreement with Athens, for the delivery and service of a hundred additional carts beyond the standard three carts that were issued to residential households at no cost to the City or the residents, then... This agreement was executed in January of 2024. And then after this, Athens had requested to postpone the construction of the convenience store to phase 3 or at the future phase. And in January of 2024, the City Council directed Staff and the City Attorney's office to negotiate an amendment to that Development Agreement to reflect this request. So that's what's before you tonight. So, there have been some negotiations that have gone on with Athens and the City. So, what's being proposed for consideration, for the postponement of the convenience store, is that Athens will agree as part of amendment number one to this Development Agreement, to memorialize the current additional 100 barrels or carts being provided by Athens to the residential customers, at no charge, and to extend the term of this obligation from 2032 to December 31st of 2034. And, also to extend the term of Athens obligation for residential pickup services at no charge to either the residents or to the City from 2032 to December 31st of 2034. So, the provisions of the Amendment to the Development Agreement, they're consistent with the goals and policies of the City's General Plan. This proposed amendment will help to facilitate the development of the MRF, which is well underway, during the phase 1. And it would postpone the construction again to a future phase. So, the draft Amendment Number 1 was included in the packet that went to the Planning Commission, but there are some recent revisions to it, so it was placed on the dais for you. And I just wanted to direct you to it's the last page in the second paragraph, that the only thing that was revised is that the parties agree that Athens may delay items 23 to 30 without cause, however, in such case Athens and the City shall negotiate in good faith to amend this agreement in a manner that provides the City alternate sources of revenue, while construction is delayed. And that was the only change that was made.

CHAIR FRYMARK

Marilyn, and then you said I'm sorry, 23 through 30.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yes.

CHAIR FRYMARK

On the table? Okay.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yes. So, the Environmental Review, you know, for this, there was an EIR that was prepared for this and the Final Environmental Impact Report. State Clearinghouse Number 2013051029, that was approved February 24, 2021, serves as the Environmental Document for this Development Agreement Amendment. So, with that Staff is recommending that the Planning Commission adopt Resolution

Number 841(24), recommending that the City Council approve Amendment Number 1, Development Agreement Number 02-2016. This concludes Staff's report.

CHAIR FRYMARK

Does the Commissioners have any questions?

COMMISSIONER
MIRANDA

I've got a couple of questions. Is it gonna change, Marilyn by, do you know where? Sorry. Were, the location of this convenience store will be at by chance. It's strategic or in any way.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

No, the location is not being proposed to be changed, you know at this time. It was a convenience store and the fueling station which, okay that I'm recollecting is in the southwest portion of the property. It's kind of an irregularly shaped property.

COMMISSIONER
MIRANDA

Two other questions, the consideration that they're giving the barrels, do you have a dollar amount and cents amount that we're saving there we're gaining. An idea?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

With that, you know, with that, I'll defer to administration for the details.

CITY MANAGER
MIRANDA

Yes, Commissioner, in regards to the, I'd have to check with the barrels what the overall cost is. I know in regards to the refuse hauling for a residential trash pickup, usually we're spending approximately \$220,000 a year. And actually, we're not spending it, it's actually being absorbed by Athens currently. So, so we're saving that.

COMMISSIONER
MIRANDA

We're saving that. Wow. And again, can you remind me the amount of money we're making once this MRF is operational, the tonnage we're making, just so we're clear? Approximate. Is someone from Athens here by chance?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yes, we do have representatives from Athens and they can give you, I guess, an estimated figure for that. And you're talking about not the convenience store, but the MRF operations itself.

COMMISSIONER
MIRANDA

The MRF operations. It was significant, I know.

ANTHONY BERTRAND

Good evening, Commissioners, Anthony Bertrand with Athens Services. I'm sorry, I was trying to do the math or ask my colleagues for the math on the barrels. I didn't quite catch your question.

- COMMISSIONER MIRANDA I think the City Manager answered it actually. It's fine. But the other question was for the MRF, the tonnage, how much is the City making approximately.
- ANTHONY BERTRAND I believe it's a \$1.70 a ton and it's permitted for 6,000 tons per day.
- COMMISSIONER MIRANDA Fantastic. The reason I bring that up is that how much do you think the sales tax were are making with this convenience store, delaying this convenience store, by any chance, do you have an approximation or?
- ANTHONY BERTRAND It's significantly less than the than the host fee. Yeah, you're welcome.
- COMMISSIONER MIRANDA Thank you very much. That's all, thank you.
- CHAIR FRYMARK When do we... Quick question, and just out of curiosity. When do we, I know it was mentioned in the staff report that it's being postponed to roughly phase 3, do we have an anticipated start time for phase 3?
- COMMUNITY DEVELOPMENT DIRECTOR SIMPSON I'm going to have Athens respond to that.
- ANTHONY BERTRAND So the Development Agreement milestones, there's two, there's a... the phase 2 is 2030, five years after we expect the MRF to be open in 2025. So, it's five years for phase 2, and then another five years for phase 3. I will note, however, we do have the flexibility in this Development Agreement to move the convenience store into phase 2. So, the way the Development Agreement is, it could be either phase 2 or phase 3.
- CHAIR FRYMARK The language is written in that way?
- ANTHONY BERTRAND I believe it is.
- CHAIR FRYMARK Are there any other questions from the Commissioners? Staff, do you have any questions?
- CITY MANAGER MIRANDA Yeah, Chair, I would like to ask a question of Athens Services representatives, in regards to just being able to provide clarity and relating to the convenience store and all other build outs for potentially phase 2 and phase 3. I mean currently there is no, there isn't anything in the agreement that tells us what phase 2 consists of. Nothing that tells us what phase 3 consists of. There's a lot of flexibility there that you have. What are we expecting for phase 2 and what are we expecting for phase 3? If you can provide that.

- ANTHONY BERTRAND Sure. Absolutely. Oh, I think the good part about phase 1, it its substantially builds out the project. Phase 1 was originally anticipated to be, I want to say a less than 100,000 square foot of a of a building. In phase 1, we're actually building almost 200,000 square feet. So, the balance of the project is approximately about another 30 to 50,000 square foot of building to be done in phase 2 and three. So, most of the project will be completed this May. In terms of phase 2 or phase 3, we have about a 30 to 40,000 square foot section of the building to finish, which goes right behind our office up against the existing MRF building. That will give us more tip floor space to accommodate more tonnage as the customers and the business picks up. The only other part to construct would be the convenience store, so there's only two more components of the project that we would build. So, either one of those could go into phase 2 or phase 3 that will be determined over the coming years based on market conditions. If the MRF does what we expect it to do in terms of business, we will probably accelerate construction of the MRF to get more customers into the MRF itself. And so we'll really make that determination as we go through the next period for phase 2. I think we have until, like I said, in five years to determine what phase 2 will ultimately look like. And then the balance, whatever we don't do in phase 2 will be in phase 3.
- CITY MANAGER
MIRANDA Chair, if I might, yeah, just a follow-up question to that.
- CHAIR FRYMARK By all means, please.
- CITY MANAGER
MIRANDA Would Athens be opposed to memorializing that in writing?
- ANTHONY BERTRAND I believe we have, via e-mail with the department on what those potential phases would be, but yeah, absolutely.
- CITY MANGAGER
MIRANDA Oh, I mean within the Development Agreement. I think that's whats before us. So I mean, would it be possible to memorialize it?
- ANTHONY BERTRAND I think its already defined in the Development Agreement.
- CITY MANGAGER
MIRANDA Well, I think what we want to do is we want to be able to.... I should speak for myself. What I would like to see is for, and what I think would benefit the City is to be specific and be consistent as to what the phase 2 would look like and what phase 3 would look like. I understand that you say that it's all market driven, but there could be other items too that you might be constructing down the road. It'd be helpful, I think, for all concerned to know what exactly we're looking at, you know, in the future.

ANTHONY BERTRAND Well, I'm I will say this. I mean the Development Agreement in this project requires a certain amount of flexibility in order to build it. This is a substantial project that we're building, and the market conditions could change. We may decide to build... If I tell you today, I'll build 40,000 foot of the MRF building that's left, maybe it'll be 30,000, maybe it'll be 20. Or if we decide we want to move the convenience store up. The way the agreement is written it gives us that opportunity to do that. Again, so the project will be substantially complete this summer with a very small portion left to be completed in phase 2 or phase 3. And the way the Development Agreement is worded and the way we walk through this, is it allows us the flexibility to get that done. Again, based on what happens in the market, we don't know what's going to happen. New laws come up all the time, we just don't know. And this gives us the flexibility. But what we do know is that the project will be built out by phase 3.

COMMISSIONER
MIRANDA I have a question. I was I happen to be here for that Council Meeting when you asked for the extension for this and it was, you know, very ambiguous and we went and figured it out we worked this out how it is now. I know one thing; five years seems to be a long time and at the time you mentioned you were having problems finding a partner, the right partner. And is that still the same problem? We're looking at five years out, on this.

ANTHONY BERTRAND Maybe, maybe not. I don't know. I don't know the answer to that question. I think we settled on five years because that gives us the necessary window and flexibility that we need. Again, we can accelerate construction there's nothing in our agreement that says we can't move it forward. So, I think for us, our focus was how to get the MRF built quickly. Which we've done and we've accelerated again. It's going from a 100,000 square foot project, in phase 1, to almost 200,000 square feet in phase 1. So, we've made a substantial commitment and investment to move almost double the project into phase 1, in order to get the MRF operational. And to do that, for example, where we have all of our construction activity, the trailers and everything else, that's where the convenience store goes. So, we can't build the convenience store while we're building the rest of the MRF. We can't get occupancy to get into the into the MRF unless the convenience store is moved out to a different phase. So those are some of the constraints that that we're working on. We didn't... hen the Development Agreement was drafted years ago, and they came up with the phasing, and we put that flexible language in there, it was to accommodate things like that and we didn't know that until we started construction of the facility itself. But you know, in terms of that, so we have the room and five years seems like a pretty good window in, in our industry, the solid waste industry. We typically find cycles of five years for regulatory changes. That's a pretty good, it's a pretty good rules like the housing market every seven years that goes up and down. It's very similar in the solid waste industry to a five-year term. Again, if we have the opportunity to move it forward,

that's our goal. We want to get the project done as quickly as possible. And what makes the most sense not only for the City of Irwindale, but also for the facility itself.

COMMISSIONER
MIRANDA

And that being said, I mean, as you can see, we're flexible to you as well. Can I address that question to City Manager? Julian? In the first time...Is there something we can have more solvent, something that's in the agreement that we put in phase 2. and then if something comes up and you need more flexibility, you've we've shown we can have that flexibility for you. Can we so something like that and make it more phase 2? And then if you come into a roadblock, then we can address it then?

ANTHONY BERTRAND

Well, I think the way the agreement is written is if I commit to it in phase 2 and then I come back and say I can't do it in phase 2, I gotta move it to phase 3. Then there's an entire negotiation that has to happen all over again. The way it's written now is, we have the ability to do it in either phases and we're not having to come back and to renegotiate and what that might look like. Again, I think you know we've, we've spent a lot of time, I would say over the last nine months negotiating and coming up with the agreement as it's written. We've offered due consideration in terms of extra free services for another two years and the free services is about \$20,000 a month just on the residential side and as well as a cart. So, you know we've taken that into consideration, and we believe the agreement as written is in the spirit of, of what we negotiated when we first started the project.

COMMISSIONER
MIRANDA

One quick more question. When do you think the MRF will be operational? Does it need 2 and 3 to be operational or can it be working before that's done?

ANTHONY BERTRAND

Uh, it should be operational by July of 2025.

COMMISSIONER
MIRANDA

There you go. Okay, thank you. I appreciate it.

ANTHONY BERTRAND

You're welcome.

CHAIR FRYMARK

Understanding that there is a need for flexibility, I'm curious if there are certain things that could be memorialized in phase 2 and then memorialized in phase 3 to kind of find a compromise. And maybe not list everything but some things that Athens is committing to doing in phase 2 and in phase 3, and then still allow that flexibility for other maybe non major structures is that a possibility as a happy medium?

- ANTHONY BERTRAND Yeah. Well, I believe we did that. I think. I believe we sent an e-mail, to Staff that says, here's what's left for the project for phase 2 and 3, I think we identified that already. So, we did commit to that. We've memorialized it via an e-mail. Which I thought was sufficient from the discussions that we had. I didn't realize that it needed to be something separate or needed to be incorporated into this document. It is not something that we discussed. But we did put it in an e-mail directly to the City, so they have it. So, I believe we have memorialized it.
- CITY MANAGER
MIRANDA Well yeah, but this document also states that we could delay the as well and you know. I mean that that's also memorialized here and that favors Athens. So, I guess, you know, speaking to Chairman's point or the chairwoman 's point that, you know, if we could memorialize it and be more concise as to what would be in phase 2, what would be in phase 3? I think that would help us all out a lot.
- ANTHONY BERTRAND Well, to be clear, the language and the agreement is the original language in the agreement. What what's before the Planning Commission today, is not a change from the original agreement, so we've always had that language in there and we that language was built in there precisely for all the things I just talked about, market conditions and building the MRF as it makes sense. Again, I just want the Commission to know we moved; we made a considerable advancement on this project, we moved it from 100,000 square foot project to almost 200,000 square foot project, and at a substantial expense. And we did that because we thought it was the right thing to do. It was, it was...It gets more volume into that facility. The City will get their \$1.70 fee per ton once we start operating. It adds a significant amount of revenue value to the City. That is not contemplated...And typically, it wasn't contemplating in the agreement until all three phases were done. So, we've accelerated that forward. And we believe that was the right thing to do, and you know, we haven't shown any unreasonableness, I don't think, in terms of what phase 2 and 3 looks like. I mean, we'll build out exactly what the project says. We got a very small section left to do and I think the Development Agreement has provisions in there that make sure that gets done.
- CHAIR FRYMARK Any questions?
- COMMISSIONER
RODRIGUEZ If the convenience store was moved into phase 2, would that decrease the amount of new jobs that are coming to Irwindale?
- ANTHONY BERTRAND Well, if we move the convenience store into phase 2, we didn't build out the extra 40,000 square foot of the MRF, yes, because the MRF is where the jobs are. Those are the loader operators, those are the sorters, those are the supervisors. The convenience store is a couple of folks running a convenience store. The bulk of the operation is the MRF, so again, the convenience store is 2,500 square feet with a gas

station. The MRF is substantially larger and that's where the bulk of the employment goes.

CHAIR FRYMARK

It seems to be that more of the issue is not just the convenience store, it's more of just what's being built out in phase 2 and phase 3 and committing to what is being said will be developed in phase 2 and 3, is what I'm sensing and what I'm hearing, and I think a commitment that we want to see.

VICTOR DE LA CRUZ

Good evening, Commissioners. I'm Victor De La Cruz with Manatt, Phelps, and Phillips. And I just want to respond to the to the notion that somehow, we are looking to postpone elements of the project. And the first thing that I want to underscore is that we're in this together, right. To the degree that the Materials Recovery Facility is successful, that is additional revenue to the City. So, in the first instance, you know, we were required to do 105,336 square feet of development for phase 1. And yes, that did include the convenience store, but because of the flexibility that was in the Development Agreement, we decided to do significantly more than that and we went ahead and did 194,894 square feet. Again, that's 194,894 square feet which is almost twice as much as what we were required to do in the first place. All of that square footage was focused on the actual Materials Recovery Facility component, which is where the tonnage comes in. So practically all of the tonnage that was contemplated by the Development Agreement initially is now coming to the City. That is at revenue for Athens, but more importantly, it is significantly more revenue to the City than was ever contemplated as part of phase 1. And with respect to the convenience store and the sales tax that would come from that. That is peanuts as we talked about compared to all of the additional tonnage. With respect to the change in the language, I want to underscore that the Development Agreement has always had this language and this was, and I've been around on this project for a really long time, so I could tell you about all of the negotiations that took place initially when we started this. And it says Athens proposes to construct the project on the site and up to three phases based on market demand and the capacity constraints of the phases of the project then constructed. And the key to all of these negotiations is that we are constantly looking at all sorts of regulatory changes and also financial changes in the market. So just to give you some of the examples we had, Senate bill 1383, which is completely changed the market for organics and that has forced us to really, you know, completely change how we how we treat a lot of the waste stream. You might have heard in the news recently that Chiquita Canyon, the landfill out there, has run into a lot of problems because of all the, you know, odor that the residents have been experiencing. And there's a lot of talk about it potentially closing. So anytime things like these happen in the market, we have to readjust. Fortunately, all of the tonnage, practically, based on what we built, is already coming to you. And so, when you look at, you know, what is in phase 2 that we told the City about, it was a maintenance

building addition, construction and demolition materials addition, and a minor scale house addition. These aren't really major revenue drivers to the City, right? We already built everything that is gonna really be the main revenue driver to the City. So, what we're asking for is simply just the flexibility to build this based on market conditions and what we need at any particular point in time. But the City is already getting the main revenue and I guess I have to emphasize that. I hope my client gets a little bit of credit for doing twice as much as they were required to do in phase 1 and then on top of that, you know, when we went in for the convenience store change to push that into phase 3. You know, we didn't think we'd be asked to do a whole bunch of additional stuff because we had already done the 100,000 one square feet. Your City Manager did a very good job of holding our feet to the fire. And as you saw, we are adding four, you know, four cumulative years, right. Two years for the street sweeping services, two years on the on the bins. So, we're doing quite a bit. So just wanted to get that out there. Thank you.

CHAIR FRYMARK

We do appreciate the partnership with Athens. Full disclosure, we do. And I can't speak for everyone here, but I think that, you know, it's a mutually beneficial partnership, and so, I want to make sure that that is recognized. Does the Commission or Staff have any other questions before we open the floor for additional public comment? Or do the Public Hearing, sorry. Is there anyone on the floor that would like to speak on this item?

OPEN PUBLIC
HEARING

At 7:08 p.m., Chair Frymark opened the Public Hearing.

FRED BARBOSA

Good evening to everyone, Commissioners, residents, Staff, just a question is the County Assessor's Office involved in any of the revenue stream directed to the City? Like is there an assessed value to this project? Just, you know, do we get this... Is there an assessed value to this project that will be directed to the County Assessor's Office?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

So when a project comes in to Building and Safety, when all the plan check is done, all of the copies of those plans do go to the L.A. County Assessor's Office and they will assess it at that time. We don't have a figure for that, but it definitely... The Assessor, they look at any improvement on this. So, if there's 200,000 square feet, it'll be... and they look at the type of use as well, but they will assess it on that. And then when the next building application comes in or building permit, you know again goes to the Assessor's Office as well. You know, and Athens would receive that in a tax bill. So, hope that answers.

FRED BARBOSA

Then my other question is I hope what happens to us with Millers doesn't happen to us with this particular project. I mean if it has an assessed value, we should put a caveat in there saying that they cannot go to the County Assessor's Office and ask for depreciation,

which is going to cut into our revenue source. I mean, Millers did it to us. They cut it down by over \$100,000,000 after we gave him a nine-year break on their taxes. So, they went to the Assessor's Office. So, I hope that doesn't happen here. Protect us.

CHAIR FRYMARK

Thank you for your comment. Is there anyone else that would like to speak on this item before we open to Zoom attendees? Seeing no one else coming forward, do we have anyone on Zoom that would like to speak on this item?

COMMUNITY
DEVELOPMENT
INTERN PALMER

We do.

SUZANNE GOMEZ

Good evening, this is Suzanne. Can you hear me?

CHAIR FRYMARK

Yes, we can hear you.

SUZANNE GOMEZ

Hi, good evening, Commission, Staff and audience. You know we've been a partner with Athens. We completely appreciate Athens; they are very progressive and they're doing a good job. However, you know, in all good faith, an e-mail document is not a legal and binding contract. So, the Commission has the option of denying this until it is properly incorporated. The outcome that we desire for the convenience store to be reflected in the documentation so that it's legal and binding document. So, if there's issues, that have obviously come up and Athens has vigorously provided information, and we all agree that we're pro Athens and they're awesome partner with us. However, if the documentation needs to reflect more of the outcome that the City of Irwindale, and the residents, and the Planning Commission desire, then this matter should be denied and come back for a proper documentation of the resolution. This is my input. Thank you.

CHAIR FRYMARK

Thank you, Ms. Gomez. Do we have anyone else that would like to speak?

COMMUNITY
DEVELOPMENT
INTERN PALMER

No we do not.

CHAIR FRYMARK

Okay. So, then we will go ahead and Close the Public Hearing for this particular item.

CLOSE PUBLIC
HEARING

There being no speakers, Chair Frymark closed the Public Hearing at 7:12 p.m.

CHAIR FRYMARK	I do have a question for Counsel. I know it was mentioned moments ago that that we do have an e-mail communication that outlines what is going to be built in phase 2 and in phase 3. Is that something that could hold up if, if needed to, can that be considered like a legal document?
ASSISTANT CITY ATTORNEY TRAXLER	Well, to answer your question, yes and no. It's not binding, it's not binding on Athens. We don't, at this point, assume that it's binding on Athens because it's not in the Development Agreement, and we know that. But part of negotiating is a requirement that you negotiate in good faith. So that representation to Athens has... from Athens has to be represented in good faith, and the City has to receive it in good faith. So, is it set in stone? Is it legal? Is it in the Development Agreement? No. But is it a good faith representation? All signs indicate yes at this time.
CHAIR FRYMARK	And Staff, we do have confirmation that we have that in writing? What's outlined in phase 2 and three.
CITY MANAGER MIRANDA	In regard to what's being constructed in phase 2 and phase 3?
CHAIR FRYMARK	Yes.
CITY MANAGER MIRANDA	Well, phase 3, we talked about the convenience store, so that is set from what we understand. Now, there's the delays that is within the structure of this agreement, so you know, as we... if we understand that, that there could be delays down the road. And you're fine with that then...
CHAIR FRYMARK	In the e-mail, does it mention, Mr. De La Cruz mentioned in phase 2 there's like a maintenance addition, a construction addition, and a mining. I can't, I think of...
ASSISTANT CITY ATTORNEY TRAXLER	Chair, I can pull it up for you if you give me one second.
CHAIR FRYMARK	Yes, please.
COMMUNITY DEVELOPMENT INTERN PALMER	Chair Frymark, we have some requests if you can speak into the mic a little closer.
CHAIR FRYMARK	Sure, is that better?
COMMUNITY DEVELOPMENT INTERN PALMER	Thank you.

- ASSISTANT CITY ATTORNEY TRAXLER Chair, if I may, so the latest e-mail from Athens came from their Attorney, Mr. De La Cruz, and he told me in an e-mail earlier, I guess yesterday that all signs indicate that phase 2 will likely look like this. The maintenance building addition, 14,657 square feet. Construction and demolition materials addition 12,061 square feet and the minor scale house addition of 50 square feet for a total of 26,768 square feet. So, like I said, that's not actually in the Development Agreement, so we can't require them to build that, but that's what they are indicating would likely be built in phase 2.
- CHAIR FRYMARK Thank you.
- COMMISSIONER MIRANDA I have a question. Can this be an amendment to the Development Agreement?
- CHAIR FRYMARK Counsel, could there be an amendment to the Development Agreement that outlines phase 2 as captured in that e-mail?
- ASSISTANT CITY ATTORNEY TRAXLER So what we're proposing, what Staff is proposing today, is the amendment to the Development Agreement. So, if the Planning Commission wanted that memorialized, I would recommend that the direction be to have Staff negotiate that in the Development Agreement. However, I will say, Julian, myself, and the city attorney's office, as well as Staff, have already tried to negotiate that and we have received pretty resistant pushback from indicating specifically what would be built in phase 2.
- CHAIR FRYMARK Interesting. Any thoughts or comments from the Commission?
- VICE-CHAIR CHICO I'm... Yes. From listening to everyone, it seems like, my first inclination is to continue this item so the Staff can get a chance to fine tune the Development Agreement and have everybody be comfortable with it.
- CHAIR FRYMARK I am in the same vein in that we continue the item until such a time where the applicant and the City can negotiate the language of phase 2, and to be captured in the Development Agreement. Mr. De La Cruz, do you have a comment?
- VICTOR DE LA CRUZ So our request is that... I think you have two choices right, one is to approve an amendment that we think is really good for the City, the other one is to deny. If you deny, then of course it moves on to City Council. But one of the things that I would want you to know is that if this gets continued further, we're going to be in a position where we can't open up the MRF. And we've already told you what the time, what the timeline is on that MRF. If the city wants to receive the revenue from the tonnage based on a Certificate of Occupancy, we do need to move forward on this in one capacity or another. So, we would ask that if if you're not comfortable with it then we'd go to City Council but again I mean, for all of the reasons we've stated, you know, we think that this

is a good deal for the City. I want to, I want to emphasize, you know, once again that the reason that we have the call for flexibility, is so that we can decide what makes sense for phases 2 or 3, and that is not a change to anything that was negotiated initially. So I just, I just, want to be crystal clear about that. We negotiated an agreement way back, you know, starting, you know, when this project came forward, I think it was 2016 when that EIR came out. The language that I read to you in the Development Agreement providing for that flexibility was something that has always been there. So, we're not so, it's the City that would be changing the deal on us, and, and if it would be changing the deal on us, it would be because of a convenience store. After we in very good faith, went ahead and did 100,000 square feet that we didn't need to do. So that's what's a little bit frustrating about this because we acted in good faith. And the Development Agreement has been very clear from the get go, that we needed the flexibility for phase 2 and 3 because we don't have a crystal ball on how a project is going to evolve. This is a huge project. And on huge projects it is a very standard that the Development Agreements have flexibilities on phases so that you could react the market condition. So, I don't understand that the need to kind of lock us into a specific model for phase 2 as opposed to phase 3 when you benefited the first time around because we had that flexibility. And so, we're not going to make... We're not going to make the change to that because that would be a major departure from, again, from what we negotiated from the very beginning. So, it's sending it back to Staff is not going to accomplish anything.

CHAIR FRYMARK

Noted. Thank you.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you, Chair and Commission. So, the options are, you know to continue this to the next Planning Commission meeting or if I may, if you want to consider, and we can have legal, you know, weigh in on this, but like any other project that the Planning Commission is making a recommendation in this you could make a recommendation that the City Council have it at that meeting that they have, you know, the definite dates. You know something to that effect.

CHAIR FRYMARK

It also sounds like Athens is not willing to document what those dates will be, because they want the flexibility. I mean, that's what I heard from Mr. De La Cruz just now. So even if it goes back to Staff and it goes back to Council, it's, I don't know that we're going to get the result that we're looking for just based on Mr. De La Cruz's statement.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Again it was just for your consideration as an alternative, so.

CHAIR FRYMARK

No, thank you. I appreciate that.

ASSISTANT CITY
ATTORNEY
TRAXLER

Chair, Chair, if I may too, along with Marilyn's recommendation. I mean, there's several ways that we can go about it. One of the ways is that the Planning Commission just decides to recommend denial to the City Council and we can bring back a resolution of denial, if that was the Planning Commission's recommendation as well. And that gets Mr. De La Cruz to the City Council at least. But the Planning Commission's objections are noted.

COMMISSIONER
MIRANDA

Chair, I have a comment. We already heard from Council, City Manager, and Staff already negotiated, and you saw Mr. De La Cruz that he was stating as well and they had worked in good faith. I think, I mean, we're here for a reason. I think the reason is not to send things to the Council. They already seen the Council. They already approved this move already once. Now it's in our hands here. Is substantial to money we'll be making; they made good faith in going ahead and expanding the MRF for us. I think the problem is the ambiguity. You know that we're concerned about the flexibility. But as stated the market really dictates that. And of course, the construction, they don't want to be there, so if they can't expand more and that kind of thing, I think they have good reasons for it I think. We're just delaying this something that's going to benefit the City and the residents. It's my opinion.

COMMISSIONER
RODRIGUEZ

Yeah, my comment was pretty much along the lines with Commissioner Miranda, is that Athens has showed in good faith that they've doubled the production of the project within that first phase because they had that flexibility. And by giving them that flexibility in the second phase, I wonder what will we see then. There's a possibility where, you know, this third phase could come along a lot quicker and then the end of the project, you know prior to 2030.

CHAIR FRYMARK

Thank you. Just out of curiosity, has there been quite a few delays in this project?

ANTHONY BERTRAND

There have been, and the reason that there were delays is that the City was sued by another company called Waste Management, filed a CEQA lawsuit for, you know, frankly competitive reasons. But that definitely has pushed out the project quite a few years and they took it to the Court of Appeals but they, you know, they lost the litigation, but it was the appeal that that ultimately put us here.

CHAIR FRYMARK

Any other comments from the Commission? Okay. Does anyone have a motion?

COMMISSIONER
MIRANDA

Motion that we move forward. Yes, approve it, recommendation.

COMMISSIONER
RODRIGUEZ

Second.

COMMISSIONER
MIRANDA

Is that okay to...

ASSISTANT CITY
ATTORNEY
TRAXLER

Sure. Before the Council votes, I can read the title of the resolution into the record. So, the motion is to adopt Resolution Number 841(24), "A resolution of the Planning Commission of the City of Irwindale, recommending that the City Council adopt Ordinance Number 786, approving Amendment Number 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 8535-001-911, and finding the project exempt from the California Environmental Quality Act under CEQA Guidelines Section 15162.

CHAIR FRYMARK

Thank you. Roll call. I'm sorry. Oh my goodness, I'm having a moment. Do we, so, we have a first and we have a second. Vote 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

I will acquiesce to my fellow Commissioners, yes.

COMMUNITY
DEVELOPMENT
INTERN PALMER

Chair Frymark.

CHAIR FRYMARK

Yes.

COMMUNITY
DEVELOPMENT
INTERN PALMER

Thank you.

CHAIR FRYMARK

Okay, thank you. The next item for Public Hearing is Item B, Zoning Ordinance Amendment Number 03-2023 and Zone Change Number 04-2023; Citywide - Title 17 Zoning Code Update.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you, Chair and Commission and members of the public. So, this project again, just a brief background, it's a Comprehensive Zoning Code Update that was continued from the September 18th Planning Commission Meeting. So, it was continued to the Regular Meeting that was to be held on November 20, 2024. That meeting was cancelled, and a Special Planning Commission meeting was held on November 14th. So then, on December 6, 2024, a Notice of the Public Hearing was published. We had to republish and send out Public Notices again. So, this item was continued for the Planning Commission to have further discussion on building heights, and also on the Non-conforming Chapter of the Zoning Code. So, some of those items were included in the Staff Report. And I just wanted to mention that no changes are being made directly to this Zoning Code at this time, that those changes would be made when the Planning Commission is finished with all of their recommendations. So, at the September 18th meeting when it was presented to the Planning Commission, there was some further discussion about building heights in the M-1 and in the M-2 Zone and including higher building heights adjacent to freeways. So, the other discussion came about regarding the Non-conforming Section of the draft document, and the Planning Commission had directed Staff, you know, to review the Restoration and Amortization Sections, and revise any kind of vague language. So, the following revisions were made that were to add specific requirements to Section it was 17.18.070 and that's the elimination of Non-conforming Uses and Structures. So that we could include things that would be building code violations, public nuisance that was substantiated, the reports, code enforcement violations, illegal activities as determined by the Irwindale Police Department. One of the other things that was discussed that we looked at was replacing the words, "to be completed" with "commence" in Section 17.18.090.C.2.B, Non-conforming Structures. There is also a revisions to table 17.18.050. Non-conforming Sites, that originally it had less than the proposed building expansion, less than ten percent. It was revised to 20% increase in floor area, with that. So, we did receive some written public comments after the September meeting. Two of those were included in the packet. One was an e-mail from Craig Furniss from Alderson Business Park, dated September 20, 2024. Tonight, he has included a PowerPoint presentation. When the Public Hearing is open that would be the appropriate time to look at that, but copies of that PowerPoint presentation were placed on the dais. And then on December 5, 2024, Rexford Industrial had a letter and that was included also in the

Planning Commission packet. And that we did receive two other communications, written communications, after the Planning Commission packet was sent out, there was a letter from Cox Castle dated 12-12-24 and a letter from, I think it's pronounced Buchalter or Bookcalder that was dated 12-18-24, those have been placed on the dais as well. So, the... Again, to mention the Environmental Review for this comprehensive code. The City would be the lead agency for this and it's been determined that the proposed Comprehensive Zoning Code Update was assessed with the Environmental Impact Review for these cities existing General Plan. Therefore, no subsequent EIR, Negative Declaration, or addendum is required for approval of this Comprehensive Zoning Code Update. So tonight, the consultant Nick Pergakes from Interwest, he's participating virtually. I know that you've seen him at the various meetings, so he's going to be giving a brief review of the previous changes and then go through it in a little bit more detail on the latest direction from the Planning Commission. And again, like the previous presentations, this is a joint one with Staff and the consultant. So, with that, I'm going to turn this over to Nick Pergakes or to the voice of Nick Pergakes. Thank you.

CHAIR FRYMARK

Thank you Marilyn. Welcome Nick.

NICK PERGAKES

Hi, good evening, Planning Commission, Chair Frymark, Planning Commissioners, City Staff, as well as residents of Irwindale. I will be giving, yes again, a brief presentation on the Zoning Code Update, a summary of the September Planning Commission meeting, as well as some of the recommendations we received in a meeting with Chair Frymark and Commissioner Miranda. And then we'll go through the approval recommendations. Next slide. So just as an update or an overview of some of the meetings we've had throughout the last year, the Planning Commission met in February, recommending Zoning Code for approval, with comments received at the City Council meeting in April. They had requested the code go back to the Planning Commission for further discussion and further input, so there has been you know, several meetings with the Planning Commission over the summer time to discuss some changes to the code, in regards to building heights, and building setbacks, and other various items with the code to kind of address some of the issues raised by the community as well as property owners. So, the at the August 21st Planning Commission Meeting, you know, there were some changes also required mentioned for eliminating Staff review of Site Plan and Design Review applications, which we'll go through in just a moment. We also had a September meeting to discuss potential issues regarding nonconforming buildings, with the building buffers that was requested for being from industrial properties to residential structures. So, we'll be talking about that a little bit. And then also talk about the recommendations received from Chair Frymark and Commissioner Miranda, and then discuss the next steps in terms of finalizing the draft that can be then recommended for approval to City Council in 20...

You know, early part of 2025, next slide. So, for the residential buffer analysis that we did back in August and September and presented at the September Planning Commission meeting, it was looking to reduce heights within a 500-foot distance from Residential zone properties. And so, it was determined, that there would be some new height requirements if you were within 500-feet of a Residential Zone property. If you're in the M-1 it, you know, you'd be a 35 feet height limit as well as the M-2. But then if you were outside of the 500-foot buffer from Residential Zone properties in the M-1, it was determined that we recommend that there would be a 50 feet height maximum, and then if you're in the M-2 a property or building would then be at a 60 foot limit in the M-2 district from residential, if you're outside of that residential buffer. There was some discussion of whether that height limit included parapet walls and architectural features, so that's something that will be discussed this evening, as well as perhaps allowing maybe an additional height limit maximum limit of 65 feet for buildings abutting the freeway. So that also is for consideration as well this evening. Next slide. So, with that analysis, it was looked at by City of Irwindale Staff that there would be several parcels impacted by the buffer requirement for residential zoned properties. So many M-1 and M-2 buildings would then be considered legal non-conforming, you know, buildings or uses in, you know, several zoning districts, as you can see in this table below the text. So, you know roughly a little bit over 100 buildings would then become considered legally non-conforming. So, there has been some concern from property owners about the implications of non-conforming status of their uses and properties, and it was asked that we, the Staff and the consultant, explore ways to allow for property owners to be able to maintain and preserve their existing buildings. And to look at the language of the code to help, you know, to make it a little bit easier for them to remain on their properties and not, you know, create any more issues or burdens to them. Next slide. So, at the August 21st meeting Planning Commission had a request, a change was proposed at eliminating staff review of Site Plan and Design Review applications. Should take place and after the meeting Staff received comments from the public asking for clarification of the revised process, the timeline and increase in application costs. This would include all projects, including minor additions to existing buildings, which would then be subject to Planning Commission and City Council review, and then also it would eliminate the Administrative Review by the Community Development Director. So, Marilyn, I believe it wants to talk to the next slide showing some of those clarifications and items regarding the new process.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you, Nick. Thank you, Chair and Commission. Yes, after that Planning Commission Meeting, when the change was proposed to eliminate the what's considered Administrative Review by Staff, I did get a couple of calls and comments from the public and from some of the developers. That they wanted some clarification, you know, because they had seen the presentation, but some of them were not

present at the time with that. So, I included it in this Staff Report. And just to go over for the Planning Commission's consideration, so currently, the CD Director approval for Administrative Approvals is for any kind of an addition up to 1,000 square feet and we have, it's a... They go through a Site Plan and Design Review, it's an Administrative Application, they pay fees for that. We look at it. We create a file. It's documented. There may be Conditions of Approval that we put on it. We usually try to get them to comply with everything so that we don't have to put some additional conditions on it. So, when it's processed administratively, sometimes this can be... It depends on the project, it can be something that if they come in and they listen to Staff, and they look at the code, and they look at the Design Guidelines, you know, and come in with something, which we always ask them to do that, it can take as quickly as 2 weeks, up to 4 weeks for that. And then the cost is roughly about \$1,600 for that. So, what was proposed in the Comprehensive Zoning Code, and this was after the consultant, you know, looked at... The City looked at some other things, we looked at some of the applications. We had increased the square footage, considering the size of buildings. And some of the requests that had come in to 25,000 square feet, and that's up for the Planning Commission to make a recommendation, you know, either more or less, you know with that. And this one again, it would be that Site Plan and Design Review Administrative Application. And that, you know, because typically it would be, you know, it's a little bit more intense than, you know, before because we're looking at larger square footage. we'd be looking at probably parking and some other you know some other issues. So, 4 to 6 weeks to process. So, this also, keep in mind, anything administratively can be referred to the Planning Commission, if there is any kind of concern or issue, that the CD Director can do that. So, the cost of this was just over \$2,000. So if we eliminate, you know, any kind of Administrative Approval, you know for that, it requires the two Public Hearings. That would be Planning Commission recommendation then to City Council. That you know, we're being really, really very mindful of the time 3 to 5 months, it may take even longer than that. And the cost of that, just because of the application and the deposits that we would have to collect, that goes up to about \$24,000. So, the comments that I had received and there may be somebody who's going to speak, you know, because I was told that some might come to the Planning Commission tonight or speak out at it. Some of it, they could maybe absorb the cost with that, but they were concerned about the timeline with that. That it takes longer, you know, because for various reasons they have, they have other people that they're beholden to for maybe it's what they consider kind of minor additions with that. So, with that, I just want to bring that to your attention as well. Okay. So, Nick, I'm gonna turn it over to your voice again.

NICK PERGAKES

Okay. Thank you, Marilyn. Next slide please. So, this slide is showing the recommended change to bring non-conforming sites into compliance. And when we say non-conforming site that is a lot or parcel that is not compliance with current Site Development Standards such as parking or landscaping, but which is in conformance or was in conformance when the site was developed. So when the expansion of existing buildings or the construction of new buildings on a property non-conforming site shall be brought into compliance as proposed in the Section 17.18.050. In the direction received was to lessen the requirements when site improvements would be triggered on a non-conforming site. And as Marilyn mentioned before, it was originally proposed that would be, you know, less than 10 percent of a building expansion there would be no site improvements required. But we had talked about this in a little more detail and we discussed changing that to 20 percent, so you'd be exempt with less than 20 percent increase in floor expansion or 500 square feet of expansion, and then anything over 20 percent would trigger landscaping to be updated and maintained along the street and building frontages. Next slide. This is showing the criteria for discontinuing a non-conforming use or structure. We updated the statement regarding how the discontinuation of a non-conforming use may be put into effect. And so the statement now reads or the recommended change now reads, "the threat to the public health, safety and welfare posed by the continuance of the non-conforming use, including but not limited to, municipal code violations, nuisances, building and safety violations, violations of adopted building standards, criminal activity, and other factors as appropriate. So wanted to just show that that has been modified and revised. And then the next slide. The amortization period we had put in a time period in the proposed language in the draft to say, "it shall be no less than three years in length." We've removed and changed that language to say, "the time period shall be established by the City Council." So, it's not just putting in that time period of a minimum of three years. Next slide. And then for this recommended change is for when damages exceeds 50 percent of the appraised value, the timeline for reconstruction, we have that building permits must be obtained within 2 years of the date of the damage or destruction, and construction shall be commenced within two years of issuance, unless another time period is specified through the Community Development Director and or Building Official consideration. So, it changes it from being completed in 1 year to being started within 2 years to provide more time to a property owner to repair the structure. So, this concludes this part of the presentation, unless Marilyn would like to add any further information related to any of these topics.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you, Nick. So with that, that does conclude Staff's presentation. We do have a recommendation that the Planning Commission adopt resolutions... There's two of them, Number 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 also that the

Planning Commission recommend that the City Council adopt findings of consistency with the City's previously certified General Plan Environmental Impact Report and finding the project exempt from further environmental review or provide alternative directions to Staff.

CHAIR FRYMARK

Thank you, Marilyn. Does the Commission have any questions for Staff, before we open up the Public Hearing? Okay. Thank you, Marilyn.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you.

CHAIR FRYMARK

So we'll go ahead and open up the Public Hearing. Is there anyone here that would like to come forward to speak on this item?

OPEN PUBLIC
HEARING

At 7:47 p.m., Chair Frymark opened the Public Hearing.

COMMUNITY
DEVELOPMENT
INTERN PALMER

Chair Frymark, we do have two letters to read first.

CHAIR FRYMARK

First. Thank you.

COMMUNITY
DEVELOPMENT
INTERN PALMER

So the first letter is from Cox Castle, on December 12, 2024. Honorable Planning Commissioners, we write on behalf of Rexford Industrial Realty Incorporated, Rexford, to request that the Planning Commission consider a few modifications to Chapter 17.18, Non-conforming Uses, Sites, and Buildings, the Zoning Code outlined below. This includes Section 17.18040, Continuance of a Non-conformity, Section 17.18060, Changes to Non-conforming Uses, and Section 17.18.070, Elimination of Non-conforming Uses and Structures, and Section 17.18.090, Establishment of Amortization Periods. The explanations for which can be found in the letters on your dais. The letter continues, prior to the Community Development Director submitting a non-conforming use or structure to the Planning Commission pursuant to section 17.18.080.A, we recommend that there be a requirement that the Community Development Director provide notice to the affected property owner of the proposed action and the basis for the City's contention that the continuation of the non-conforming use or structure will result in a conflict with public health, safety, and general welfare. Providing this information to potentially affected property owners as early in the process as possible will provide a more fair and transparent process and allow the property owner to identify mitigation measures to address the City's concerns, that may be short of full termination of the use. Thank you in advance for your time and consideration as to these items. Sincerely, Cox Castle and

Nicholson LLP. Signed Andrew K. Fogg. The second letter is from Buchalter, from December 18, 2024. Dear honorable Planning Commissioners, this office represents Thrifty Oil Company, Thrifty, which owns properties located at 5200 and 5300 Irwindale Avenue in the City of Irwindale, city, that are zoned M-2 and developed with an office building. We are writing this letter to oppose the Zoning Code update, update, as it is proposed in the Agenda for the December 18, 2024, Planning Commission, and request that you consider some modifications to chapter 17.06, Industrial and Office Zone Districts, and 17.18, Non-conforming Uses, Sites, and Buildings as discussed below. Thrifty has actively participated throughout the Zoning Code Update process, attending Public Hearings, providing comments, and engaging with Staff. They submitted the attached letter on September 12, 2024, outlining their concerns with the proposed update, and subsequently met with Staff to discuss their concerns. It was our understanding that Thrifty's concerns would be addressed in subsequent draft of the update, however, that does not appear to be the case. Concerns are for Table 17.06.030-1, Development Standards, Height Limitations, and Section 17.18.040, Continuance of a Non-conformity, 17.18.070 elimination of non-conforming uses and structures and 17.18.090(C) Restoration of Damaged or Destroyed Non-conforming Structures. The explanations for which can be found in the letters on your dais, as well as the subsequent September 12th letter. The letter continues as follows; given the significant amount of time it takes to go through insurance and get building permits approved through the City. It is very unlikely that permits can be obtained within 2 years from the date the building is damaged. Additionally, it is very unlikely that repairs are able to be completed within 1 year of the permits being issued. Therefore, under the proposed language, if any significant damage occurs, the building will likely have to be removed. We request that the language be revised to state that building permits must be submitted within 2 years of the date of the damage or destruction. Thank you for your time and consideration of these matters signed, Buchalter, a professional corporation, Jeffrey Ferrano. And that would conclude the letters, Commissioners.

CHAIR FRYMARK

Thank you very much. I believe we have some members of the audience that would like to come forward to speak on this matter. Please come forward. Let's have him first. Please state your name.

MIHRAN TOUMAJAN

Mihran Touahajan with NAIOP SoCal, a nonprofit organization. Chair Frymark, fellow Commissioners, I'm here on behalf of NAIOP SoCal to request your reconsideration of proposed language in the City of Irwindale Zoning Code Update, as well as recommended amendments to the current language. NAIOP SoCal is the leading nonprofit organization for commercial real estate in Los Angeles County with over 1,300 members. The NAIOP SoCal members include developers, owners, investors, brokers, architects, engineers, contractors, finance professionals, other service providers involved in industrial office, retail

and mixed-use real estate. Several of our members are long-term institutional stakeholders in Irwindale, have a significant vested interest in the City's continued success and growth. As previously discussed in Planning Commission meetings, NAIOP SoCal has concerns regarding the City's proposed height limit standards. We have participated in several public meetings on the Zoning Code update and have provided written comments in the past. While we support a fair number of the City's proposed Zoning Code changes, we respectfully request reconsideration of proposed height limits near Residential Zones. Specifically, in your current proposal, you suggest the 35-foot height limit for any building, commercial or industrial, within 500 feet of residential. We believe that such limitations do not reflect existing structural demands by industrial tenants engaged in cube stacking for their distribution, logistics, and warehousing businesses. As a solution, we recommend the following graduated height limits for properties in the M-1, M-2, Industrial Zones within 500 feet of residential. So, any portion of a building within 0-125 feet of residential, should have a maximum height of 35 feet. Any portion, of building within 126-250 feet of residential should have a max height of 40 feet. Any portion of building within 251-375 feet of residential should have a max height of 45 feet. And any portion of building within 376-500 feet of residential should have a maximum of 50 feet. Additionally, we proposed that exceptions to the City's proposed building height standards be allowed with a CUP subject to appropriate analysis, regarding shadow shade views and compliance with AB98, a new California Statute for industrial projects. We would like just briefly highlight AB98, it's a new statute governing warehousing logistics development. It requires that all new projects meet strict buffering and environmental sustainability standards. If they're within 900 feet of a sensitive receptor and that would include residential uses. And this new law is relevant to Irwindale's industrial development and should be taken into account, as part of any zoning decisions. As voice of commercial real estate in LA County, we greatly appreciate the opportunity to share our concerns. We believe that addressing these requests will ensure the long-term viability of our members properties and those of other stakeholders in the industrial sector. Thank you very much for your attention.

CHAIR FRYMARK

Thank you. Are there any other members of the public that would like to come forward? Please come up.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Jonamhae, can you put the other PowerPoint up please?

CHAIR FRYMARK

Is this for Alderson Business?

CRAIG FURNESS

Good evening, I'm Craig Furniss, president of Seventh Street Development. We've been active developers here in the City of Irwindale for over 20 years. And we built about a dozen small industrial buildings. And we're a family-owned business and we operate the business. It's both family-owned and operated and we hold our buildings long term, so when we move into your City, we stay here. Our most recent project is the Alderson Business Park, a 6 building 240,000 square foot Industrial Park on Los Angeles Street and Alderson Avenue, and the southwestern part of the City. How do I advance? Or would you advance the slide maybe somebody or do I hit an arrow? Okay. Thank you. 5 of these buildings were built in 2017, so their new buildings. One was... The sixth building was built in 2021, so very recent. You may be familiar with the buildings as we won several awards from the City of Irwindale and the Chamber, for Design and Sustainability. We own 2 of those buildings now and we manage the association for all 6. Go to the next slide. As you may be aware, 5 of the 6 Alderson Business Park buildings fall within the 500-foot residential buffer area at Park Avenue. The Irwindale Planning Commission is proposing that buildings within 500 feet of the residential buffer zones be limited to 35 feet, for a height limit in the M-1 Zone, which is where we are. This is actually not an issue for us as there was a 35-foot height limit in place when the buildings were approved. Next slide. What I'd like to focus on this is a picture of one of the buildings we're pretty proud of these buildings, I'd like to focus on tonight is the architectural feature above the entry that we added at some expense to comply with the Irwindale Design Guidelines. And this feature also screens the air conditioning equipment, and it gives the project its unique, award-winning appearance. So, when Alderson CUP was approved, these accident features exceeded the 35-foot height limit, they're about seven feet high there at the at the entry, and they were specifically mentioned in the Staff Report and approved by the Planning Commission. It was a pretty rigorous process, and the building height was understood to exclude the parapet, the rooftop screening equipment, and the architectural features so the rest of the building is under 35 feet, it's 34 and a half feet. Next slide. As long-term property owners in the City, we've been watching your Comprehensive Zoning Update with some interest.

FRED BARBOSA

He can have my three minutes.

CRAIG FURNISS

Oh, thank you. May I have his three minutes?

CHAIR FRYMARK

Yes, please, continue.

- CRAIG FURNISS So, should Irwindale change things like the definition of building height that would make our buildings out of conformance, it would have serious consequences for us. Illegally non-conforming building would create issues with our lenders. Our banks will not lend on property that does not conform to the Zoning Code. It would also give perspective long-term corporate tenants concern. Next slide. Fortunately, the new Zoning Code that you have before you, the update is clear that building heights will exclude parapets, rooftop equipment, screening and architectural features. This provision is on page eight under 17.020.40 Rules of Measurement. So, we're here just to urge you to leave this provision in as currently written in the proposed draft. Thank you for your time.
- CHAIR FRYMARK Thank you. Are there any other members of the public that wish to come forward to speak on this item?
- STEVE MASURA Good evening commissioners. My name is Steve Masura, I'm with Rexford Industrial. We did submit a letter and I just wanted to reiterate that basically that letter, that we strongly suggest that you consider an alternative for the height limits within the 500 feet of residential only for industrial. Commercial, is okay if you want to reduce the limit to heights, but specifically for Industrial. In the letter, we indicate proposing very simple and reasonable alternatives. I think it can be a win win for both the City and property owners where the 35 feet within the 500 feet of residential can make new development unfeasible. And that combined with the AB98 would make it almost impossible, because AB98 has very strict buffer requirements that are fully landscaped within 900, any anything within 900 feet of a sensitive receptor including residential. So, I don't want to spend the time to explain AB98, hopefully Staff could explain that to you because I don't wanna use my three minutes to explain that. But that's current that's in state law right now. That's gonna make it very difficult for all new industrial development, all new industrial development. And, we talked about this in prior meetings, the 35 feet is not what modern development wants. And so just new development wouldn't happen in those areas since they need higher clear heights to do their to their operations on industrial. And then just in addition to that, industrial development is a little different than office and commercial and residential. Office, commercial, and residential can build on almost all the site. So, they might tend to be closer to residential, the actual buildings, whereas industrial only uses up to usually 50 percent of the site. So, it's easier to move the buildings around and they're less so they're using less of the property, so they might be less impacting to residential. But as noted in the letter, the and... Also noted by NAIOP, they we're proposing something that we think is very reasonable with 125 feet, you can still go to 35 feet, still limited to 35 feet, but after 125 feet it steps up every 125 feet by 5 feet. It still be a maximum of 50 feet. Where your maximum now would be 60 feet for M-2, it would still be below that maximum. So hopefully you

guys will take that into consideration, to allow for what we think would still be very good development in the City and still meet your goal of reducing, you know, the impact to residential. And then we also indicated that exception which you guys did bring up in prior meetings as well for if there's any exceptions to height limits that you have a process to accommodate that through a CUP. You mentioned a Variance in the past, but we would recommend a CUP. And then, per the Community Development Directors' direction they could provide the recommend or studies to show for view and shade and shadow and so forth to show if there was any impact. Thank you very much.

CHAIR FRYAMRK

Welcome.

ANDREW FOGG

Thank you. Good evening, Madam Chair and Commissioners. My name is Andrew Fogg. I'm with Cox, Castle Nicholson. Some highlights from our letter that we submitted were read earlier. Just wanted to pick out a couple more points to highlight to you as you proceed in your consideration. First, in Section 17.18.04, there's a reference to no alterations of non-conforming uses. We think alterations should be eliminated because there may be alterations that are necessary in order to undergo continued maintenance and upgrades of non-conforming facilities. I think that's a little bit overly prescriptive and there should be mechanisms in order to make sure that owners can maintain and invest in these buildings. The last thing we want is an inability to maintain a building that we want to see continued. Second, on 17.18.060, there's a reference in the overall text to substitutions, but there's really no discussion of opportunities for substitutions. This can become challenging in the context of re-tenanting where you have a non-conforming use where there may be a minor modification from one tenant to another. It's basically a similar use but might be slightly different. We recommend that there be a standard put in that essentially says that, a substitution can be allowed so long as there's not an expansion of the intensity or impact or an expansion of the physical scope. We propose some language in our letter, but we think that flexibility on re-tenanting is really important with these structures, because you don't want to lock in a specific use without the ability to have some flexibility as uses change a little bit over time. But there's no additional impact associated with those substituted uses. Next, there's an overall intent we believe, to maintain these uses, allow them to be maintained so long as they're not creating conflicts with general public health safety, the standards that are articulated. We understand and agree with that. But one thing in noting as you move forward, Section 17.18.07, when you start talking about the procedures for establishing amortization periods, that standard is not carried forward and so just in terms of...And again we proposed language where there is a discontinuation that is being proposed in the establishment of the non-conforming use. We recommend that there be a finding that, that nonconformity is in conflict with the public health safety in general welfare. The Planning Director may require them to be discontinued or

removed. We think it's important to reiterate that standard, just as a reminder. And then again as your staff member recited previously, if this process is being communicated or being instituted with the Planning Commission, we recommend that there be an engagement with the owner as part of that process, to see if there's something that can be done in advance. Thank you.

CHAIR FRYMARK

Thank you. Do we have anyone else?

STEPHANE WANDEL

Good evening, Commissioners. My name is Stephane Wandel. I'm the Executive Director of the Orden Company also, and the property owner of Thrifty Oil. Our address, 5200 Irwindale, it's about a block away north. We are also family company. We're long-term owners. We've been in the City for quite some time. We own three buildings. So, I was here in front of you on September 12th, talking about our office building specifically, and the fact that if you proceed with limiting the height at 35 feet, our building would become non-conforming use, non-conforming structure, excuse me. We are very concerned about that. We heard tonight some modifications to that language. We saw the agenda that came in last week. We looked at this, both our attorney and I for whatever reason couldn't see the changes that you saw this evening. I get the sense others in the audience also didn't see the proposed changes, so I was back there taking a picture and reviewing it on the fly. So, you'll forgive me for that. So, the letter from Buchalter came from me and my company. Listen, ultimately our concern as we pointed out is first the 35-foot height limitation, making our building non-conforming seems challenging if not punitive. The rest of the code language continues to be challenging even with the change we saw tonight. Although I appreciate what I think I saw tonight was an improvement, I think it's still not there. The code as mentioned by several others, does prohibit any alteration or modification of a non-conforming use. That means we can't do parking lot repairs; we can't do roof repairs. That language is very clear that modification alterations are not allowed in a non-conforming. So, there's no question that that language still remains even after tonight's discussion. The amortization period appears to have been removed, which is definitely a step in the right direction. Some language about health and safety was inserted, which I think is an important element. However, my read of it is still confusing, unclear, questionable, subjective. So again, I think we're making a direction the right... We're going the right direction, I just don't think we're there. The damage and destruction again tonight, for the first time, I saw the change, which I think was consistent with my conversation with Staff, so we appreciated that. And know that since the September meeting I've had several discussions with City Staff about two hours in total and I really appreciate it that time. So, taken as a whole, what does this mean? Let's be practical about this. We have the same issue that I spoke to you on September 12th. It's still unclear what we can do with this building. We can't alter it, we can't modify it, we can't maintain it. There is still language that's fairly vague and

subjective as to the building could still be required to be demolished, but now we just don't know how long it takes. Not three years, but maybe it's four, maybe it's two, maybe. Maybe. Maybe, after everybody here wins the lottery, then the next set of Staff or City Council has a different opinion on how long this building can stay. So, make a long story short, we really cannot lease this building. We can't maintain it. We can't do roof upgrades. None of us would want to live with those conditions if it were our house. Would we put a new roof on the house if we don't know how long we can keep it? And by the way, we can't alter it, so we can't do the new roof anyway. So, I really appreciate the intent of trying to improve the language. I meant that we want to continue working with Staff. What we have tonight just doesn't work. It's still confusing and subjective. I just hope we can continue to have a robust discussion and continue to make improvement on that language. So, thank you for your time.

CHAIR FRYMARK

You for your comment. Brandi.

SENIOR PLANNER
JONES

Good evening. I just wanted to clarify a few things. So as far as non-conforming, you can do improvements, you can do routine maintenance. You can even do like interior modifications unless you're going to be intensifying the use. So, like if you do a T.I., to convert some existing warehouse to office, that may not like trigger a threshold for the non-conforming, for like, intensifying and non-conforming. Additional square footage, that's not a that's not like considered a minor alteration or an improvement. So that would not be able to be done because of we can't exacerbate a non-conforming use. So yeah, there are definitely some things that can be done.

COMMISSIONER
MIRANDA

Brandi had quick question for you regarding rooftops in parking lots that needs to be improved. They can do that?

SENIOR PLANNER
JONES

Yes. So, they could, for example, repave, restripe, update with ADA requirements, replace the rooftop equipment for like the HVAC.

COMMISSIONER
MIRANDA

Great. Thank you.

STEPHANE WANDEL

So thank you, Stephane Wandel again. I think we may have conflicting reading of different sections of the agreement because even the, the current proposed language, if you look at section 17.18.040 still is very clear, there will be no alterations and modifications. It's actually very clear. I do appreciate what the lady just mentioned. There's other sections later on that seems to suggest something else. But again, back to my earlier point, if it's unclear and subjective, who picks what portion of the code they like, or which one do we rely on? It's just not clear. But please take a look at section 1718.040, it's very clear no alterations or modifications are allowed.

- CHAIR FRYMARK Staff, can we speak on that item? The one that gentleman just mentioned, I do see where he's talking about where it says that any use or structure that was lawfully established prior to the effective date of this title, or of any subsequent amendments to its text or to the zoning map may only be continued and maintained, provided there is no alterations, enlargements, additions, or other change to any building or structure or use therein.
- SENIOR PLANNER JONES I mean, if we want... if you want, we can modify it so it can indicate that they can do interior modifications, like tenant improvements, as long as it's not intensifying the current business operation.
- CHAIR FRYMARK Okay, I think that could help clarify that there is the ability to make interior alterations.
- SENIOR PLANNER JONES Yes, okay.
- CHAIR FRYMARK Yeah, I would like to make that recommendation that we include that language.
- COMMISSIONER MIRANDA Yeah, definitely.
- COMMISSIONER ACOSTA That's a good idea.
- CHAIR FRYMARK Any other comments while we are... The Public Hearing is still open, is there anyone else that wants to speak on this item that has not spoken already?
- STEPHANE WANDEL I am Stephane Wandel. I'm sorry to speak again. I try not to keep doing this. I appreciate the intent if we can, if we could also ask that exterior alterations or modifications be done to the extent it does not, creates additional impacts. I think that be helpful. As an example, we wanted to do a fairly major parking lot remodel this year, deal with some issues and candidly we didn't do it because at the time we just didn't know how long we could keep this building. So, I think I'd like to be able to fix the parking lot if we all decide we want to keep this building up for a few more years. So, if we can do interior and exterior modification alteration.
- CHAIR FRYMARK Is there any concerns, Staff, with making that distinction, to the exterior, making exterior modifications so long as it doesn't disrupt like heights?
- SENIOR PLANNER JONES That shouldn't be a problem, the only thing is, like in our current Design Guidelines when it comes to exterior modifications that are viewable from the public right of way, administratively, we're limited.

- CHAIR FRYMARK By the Design Guidelines?
- SENIOR PLANNER JONES Yes. So, we couldn't necessarily change, like approve a change to the exterior of a building without coming to the Planning Commission. So, for example, if you wanted to do something like make a modification to the aesthetic of it, we would still have to come back to the Planning Commission.
- CHAIR FRYMARK When would it make a difference if we were to include the exterior language that, that plan or that project would still need to come before the Planning Commission anyway?
- SENIOR PLANNER JONES Yeah, and that's just because of what the, how we're limited based on the Design Guidelines.
- CHAIR FRYMARK Understood. Thank you for clarifying that.
- ANDREW FOGG And just to add to the comment, I think for example, the public view issue is a significant consideration. So, for example, there could be a mechanical system that is part of a non-conforming use part of what's going on that may need to be changed out. It may be hidden behind a parapet, but under the rules as it's written today, if you're distinguishing between interior exterior that wouldn't be allowed, potentially because it's an alteration that is exterior. That's why we were suggesting just eliminate the alterations altogether, as an as an exception, I think when you start trying to parse it, there may be other things that come into play, for example, where you have exterior views that would come before the Planning Commission, but there may be things that are exterior to the building that are not necessarily visible that shouldn't be out, just discontinue.
- CHAIR FRYAMRK Or impacted by the designer understood. Thank you.
- ANDREW FOGG Exactly.
- COMMUNITY DEVELOPMENT DIRECTOR SIMPSON Thank you, Chair and Commission, it's my turn. So, with that, we would consider that routine repair and maintenance if there is some existing equipment or as Brandi had mentioned before, if there was some kind of building requirement that they had to do that we would consider that as part of routine repair and maintenance. But any kind of exterior alteration, if it's changing the look of that, we would certainly have to bring that because of the constraints that we have, we'd bring it to the Planning Commission. But any equipment, even if it was ground mounted equipment, it's existing if they're repairing it and typically what's happening now is that equipment gets smaller and smaller, you know, so that you know that's always a good thing. But we would just consider that, you know, as routine for them to continue. You know, same thing with if they reroofed anything like that would be just repair and maintenance.

CHAIR FRYMARK Thank you. Do you have anyone in our Zoom audience that wants to comment on this item?

COMMUNITY
DEVELOPMENT
INTERN PALMER Yes, we do.

SUZANNE GOMEZ Hi, good evening, Suzanne Gomez. So just in the most recent past is when we came up with this update to the Zoning Code, it was a combination of a lot of residential input, and also a consideration of the developments in our city to create a new vision for, and the zoning. And so I just want to remind the Commission that the Commission sits at the leisure of the City Council, which are representative of the residents and how the residents vote and see the vision. So there is a brief discussion on the site plan. One of the reasons that they want the Planning Commission, and the City Council is that the zoning, the city Zoning Code becomes mute when there's a Specific Plan allowed. So, the modifications to the Specific Plan so that the Planning Department, I mean the Planning Commission, and also the City Council review it and so that we can keep hold of our vision. And so maybe the Planning Commission needs to meet in the near future twice a month rather than once a month, so that things can be remedied or verified, currently or contemporarily, or quickly. And also... Then also, then grandfathering in all these issues of not meeting the code for these buildings. Then also there's obviously needs to be great clarification in the zoning and speaking to it, that you're just talking about right now that grandfathering them in and meeting the needs so that they can.... So, we can approve them to be viable developments. I mean that's what we want to do within the ramifications of the code that we're updating. And when we speak to... I am losing my train of thought, but some of the other issues that came up, the environmental review. No, it's not a blanket. Each project has to be reviewed environmentally, especially with the circumstances in our City, with congestion and pollution that the residents have spoke to. So, there's no blanket issue here that everything should be written in the code so that each project is reviewed for the progress of the developer, and some of these suggestions were excellent by the developers, as should be put into our code and the rezoning. However, we need to remember the vision that the residents have spoken to the Council. That and the Commission at most recent historical significance, because that's the whole point of our new zoning, to incorporate with the developers need as well as what the residents want for our vision in the future. Thank you so much for taking the time to listen once again.

CHAIR FRYMARK Thank you, Ms. Gomez. Do we have anyone else on anyone else on Zoom? We have someone here.

COMMUNITY
DEVELOPMENT
INTERN PALMER

No, that was all.

CHAIR FRYMARK

Okay, thank you.

FRED BARBOSA

Yes, good evening. Fred Barbosa, 16164 Calle de Paseo. I said it before and I'll say it again, the only way we're going to get this straightened out is you've got to sit down, go page by page and say this is what we want, this is what we don't want. That's why everybody's all mixed up because it's never gone through completely. We do it piece meal. Do it once. Do it right, please.

CHAIR FRYMARK

Thank you. If we have no one else wishing to come forward, I'll go ahead and close the Public Hearing.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you, Chair and Commissioner. I just want to clarify one thing that was said. There is not a blanket EIR, the EIR that I mentioned is for the Comprehensive Zoning Code update itself. But each project we look at CEQA says if you have a project, you have to look at the environmental review of that. Some projects are categorically exempt, statutorily exempt, it might require an EIR for the project, which is, you know, most of the projects here are big so that's why they require that. But it could be a Negative Declaration. It could be a Mitigated Negative Declaration, but each project is looked at on its own merit. Okay, I just want to make that clear.

CHAIR FRYMARK

Thanks. Okay, so if there are no further comments, I'm going to go ahead and close the Public Hearing.

CLOSE PUBLIC
HEARING

There being no speakers, Chair Frymark closed the Public Hearing at 8:25 p.m.

CHAIR FRYMARK

I have a quick comment. I do want to thank Commissioner Miranda for meeting with me, and Staff, and Nick a couple of weeks ago now to review the non-conforming language. We went through page by page and identified areas that we were hoping to have revised, and that's what we saw before us today. And so, I want to thank you for making space and time in your schedule to sit down and do that. I encourage more of that, more of those conversations. It's clear to me that non-conform, the non-conforming language, which for one is not something that is quite there yet. That's just my opinion. So, I actually am going to present a motion to continue this item until the next to the next meeting in the future.

VICE-CHAIR CHICO

Second.

CHAIR FRYMARK

Roll Call.

PLANNING COMMISSION MINUTES
REGULAR MEETING

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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.

COMMUNITY
DEVELOPMENT
INTERN PALMER

Thank you.

CHAIR FRYMARK

Thank you.

VICE-CHAIR CHICO

The section of this document needs a little work. I do want to protect the businesses, whether they believe it or not. But yeah, we're very concerned with your position, absolutely.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Chair and Commission. Can I get some clarification, you know, for the next meeting so, that we're prepared. For it of maybe a little bit more direction on...

CHAIR FRYMARK	Sure. I personally would like to request some additional information on AB98. And so, I don't know if that's something Staff or maybe Jamie can provide, but I would like to get further information. I think it would behoove the Commission to also receive... The full Commission to receive that information so that we can know what kind of impact that new piece of legislation is going to have. I also think that it would be a good idea to have another meeting like we've had in the past with Commissioner Miranda, and Staff, and Nick to continue to revise the non-conforming language and maybe revisit, the residential buffer. I'm still in favor of the buffer, but I do like the idea of a sliding scale.
COMMISSIONER MIRANDA	I like the scale a little bit. Let's look at that a little closer.
VICE-CHAIR CHICO	And to consider the suggestions in the letter.
CHAIR FRYMARK	One hundred percent.
COMMISSIONER MIRANDA	Absolutely. Go back for me personally with the parapet to be included, you know, and they're already buildings already established. They're already conforming. They went out of conforming because what we're proposing. So definitely include that.
CHAIR FRYMARK	Any other further direction for our Staff?
COMMISSIONER MIRANDA	For discussion, correct.
COMMISSIONER RODRIGUEZ	I'm a little confused with that with the parapet, so it would be included in the height?
COMMISSIONER MIRANDA	The proposal we had today, you know, for Alderson Park. The building was already in. The parapet.
COMMISSIONER RODRIGUEZ	Exclude, yes.
COMMISSIONER MIRANDA	Correct.
CHAIR FRYMARK	There was conversation, in the past, where we were going to include the parapet and so we don't want to go back on, you were complying with and with the design standards and for us to move forward with including the parapet, I think would go against what your intention.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	And if I may, we do have in the code, a maximum height for the parapet. That's been included. It's 8 feet.

- CHAIR FRYMARK That's 35 plus the 8?
- COMMUNITY DEVELOPMENT DIRECTOR SIMPSON Yeah, it doesn't always have to be 8 feet in there. You know, if its... But we want the rooftop equipment to be screened, and we do want the architectural enhancements and things.
- COMMISSIONER MIRANDA Absolutely.
- CHAIR FRYMARK Maybe that's something that hadn't been noticed before, so I appreciate you bringing that forward. So, 35 feet plus the 8 feet for the for the parapet. Okay, thank you.
- COMMISSIONER RODRIGUEZ And then under the current code, I'm sorry Zone Code, how many parcels are affected? Under the current zone.
- COMMUNITY DEVELOPMENT DIRECTOR SIMPSON With 500 foot... One moment.
- COMMISSIONER RODRIGUEZ With a 500 foot and then also we can get something along with the tier, that was presented.
- CHAIR FRYMARK Like an analysis?
- COMMISSIONER RODRIGUEZ Yes.
- CHAIR FRYMARK Yeah, I think in the... in our... in this information that was provided, it looks like we have about in M-1 and M-2, 97 businesses being impacted by this 500-foot buffer. But if we were to look at it from a sliding scale perspective, maybe it would be less.
- COMMISSIONER ACOSTA I'm thinking we would reduce the impact of that.
- COMMUNITY DEVELOPMENT DIRECTOR SIMPSON Yes. So, in the slides, you know, we did have an analysis, so in the C-1, Neighborhood Commercial, there were 0 parcels that would be affected by that. C-2, Heavy Commercial, there would be 11 parcels with that. C-3, the Heavy Commercial Residential Zone, 15 parcels would be affected. M-1, which is Light Manufacturing, there are 37 parcels. And M-2, Heavy Manufacturing, which is most of the City has been zoned M-2. So, there's going to be more. There is 60 parcels.
- COMMISSIONER RODRIGUEZ That's if we make these changes. With the changes...

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	That's with the 500... Anything within that 500-foot residential would be 35 feet. Those are the ones that would be affected.
COMMISSIONER RODRIGUEZ	My question is, with the current Zone Code, what parcels are affected at this time? Prior.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	There wouldn't be any affected because they were built according to the code. In M-1, the maximum height has been 35 feet, and that's what they've done. M-2 currently does not have a maximum height, so there's a variety of heights that you have out there.
COMMISSIONER RODRIGUEZ	Then if we could, if we get an estimated amount of parcels that would be affected if we went to the tier.
CHAIR FRYMARK	I think we also need to establish it. Our goal is to protect the residents and the community and the obstruction of heights that sometimes the buildings present and so that to us is critical for us to maintain. And so, as much as we want to find a balance between residential needs and our wonderful business sector, it's a fine needle that we need to thread. So, curious to see how many buildings would or how many parcels would be impacted, if we were to do a sliding scale of 0-125 feet from residential. Like how many businesses would be impacted and then 126 feet to 300 feet from residential, how many businesses would be impacted and then 300 to 500?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Yes, we can have the consultant do that. We've lost our map maker, Martin, who is able to do it. So, yeah, we'll work with the consultant to get that with those different...
CHAIR FRYMARK	Thank you, and before our next Planning Commission, would we be able to get information, the full Commission, on AB98?
ASSISTANT CITY ATTORNEY TRAXLER	Yes, Chair.
CHAIR FRYMARK	Thank you.
ASSISTANT CITY ATTORNEY TRAXLER	Thank you. If I may, and if the Planning Commission will entertain me, Staff is recommending that the Planning Commission continue this item to a date certain, which is the next Planning Commission meeting on January 15, 2025. The Planning Commission voted to continue the item without a date certain. So that means if the Planning Commission wanted to consider continuing this to a date certain, which helps Staff in the noticing department, we would not have to re-notice it, which is costly and expensive in the newspaper. I would recommend two things.

Number one, a motion to reconsider which is voted on separately by the Planning Commission, and then a second motion to continue the item to a date certain which is the January 15th next regularly scheduled Planning Commission Meeting, and direct Staff to incorporate the changes we've just discussed and bring that back to the Planning Commission.

CHAIR FRYMARK

Would that include incorporating the changes that we viewed that were previously already modified at that January 15th meeting?

ASSISTANT
CITY ATTORNEY
TRAXLER

Correct. Everything that has already been modified stays.

CHAIR FRYMARK

Thank you. Yeah. Jamie, would you mind making those motions for us.

ASSISTANT
CITY ATTORNEY
TRAXLER

I can't make the motion, but I would recommend that one of the Planning Commissioners first makes a motion to reconsider.

CHAIR FRYMARK

Got it. And then we make the motion for the continuance of this item to a date certain, which is January 15th.

ASSISTANT
CITY ATTORNEY
TRAXLER

Correct, yes.

CHAIR FRYMARK

Thank you. Okay, let's do this again. Can I have a motion to reconsider?

COMMISSIONER
ACOSTA

I'll motion to reconsider.

COMMISSIONER
MIRANDA

I'll second.

CHAIR FRYMARK

Roll Call.

COMMUNITY
DEVELOPMENT
INTERN PALMER

Commissioner Acosta.

COMMISSIONER
ACOSTA

Yes.

COMMUNITY
DEVELOPMENT
INTERN PALMER

Commissioner Miranda.

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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.

COMMUNITY
DEVELOPMENT
INTERN PALMER Thank you.

CHAIR FRYMARK And then I'd like to propose another motion to continue this item to a date certain, which is January 15, 2025, with the changes that we discussed today.

COMMISSIONER
RODRIGUEZ I second that.

CHAIR FRYMARK Roll Call.

COMMUNITY
DEVELOPMENT
INTERN PALMER Commissioner Acosta.

COMMSSIONER
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.

COMMUNITY DEVELOPMENT
INTERN PALMER Thank you.

VICE-CHAIR CHICO Question, between now and then, there's going to be discussion about refining some of the language, and you say we're gonna bring up the item with the new language. Who's gonna, you know, is there gonna be a committee meeting to determine what the language shall be? Are we gonna have a choice? What I don't know, you know.

CHAIR FRYMARK To review the non-conforming language?

VICE-CHAIR CHICO Yes.

CHAIR FRYMARK When we did it last time, Marilyn reached out and I believe I was able to get a few of us together, and so maybe that's something that we can do again.

COMMUNITY DEVELOPMENT
DIRECTOR SIMPSON Yes, making very clear that we're not violating any Brown act.

CHAIR FRYMARK Violating Brown Act.

COMMUNITY DEVELOPMENT
DIRECTOR SIMPSON Yes. So, we'll have probably, Jesus will be reaching out to you, you know, to coordinate the meetings.

ASSISTANT CITY ATTORNEY TRAXLER	Yes chair. So, Staff, if I can clarify. Staff can meet with the Commissioners and discuss proposed language, but I want to make it clear that the Planning Commission would not be able to make a decision until it came back to the Planning Commission at the January 15 th meeting. But the proposed language can be proposed and discussed with the Planning Commissioners, yes, beforehand.
VICE-CHAIR CHICO	I go back to my original question, does that mean we'll take a sentence or a paragraph? Are we going to have optional choices of that sentence or that paragraph or that specification?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	That can be discussed at that. I do want to, yeah, I want to talk about the date, the January 15 th . The City offices are closed until January 6 th . We would have to get that packet out that week and have all those changes. I just don't know that we can get all of this done, you know.
VICE-CHAIR CHICO	You can work 24 hours.
COMMISSIONER MIRANDA	Do we suggest a different date?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	How much O.T. do I get, City Manager?
CITY MANAGER MIRANDA	A great deal.
VICE-CHAIR CHICO	We will have a special meeting?
CITY MANAGER MIRANDA	We could definitely have a special meeting.
VICE-CHAIR CHICO	We will have a special meeting.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Yeah, or it can be continued to the February that gives really adequate time, you know for it. But yeah, we'd have time. I mean January we have more time, but if we have to re-notice, we'll re-notice.
VICE-CHAIR CHICO	The good thing about this one, we're in no hurry. There's no deadline.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Yes there is.
VICE-CHAIR CHICO	What's the deadline?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

The deadline is... June 30th.

VICE-CHAIR CHICO

Oh, that grant.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

It's June 30th.

VICE-CHAIR CHICO

Here we go with that grant again.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

You know that we have to have... That is has to be adopted, everything done or we have to return the grant money to the State. Yeah.

CHAIR FRYMARK

It still feels like we're making good progress, but it sounds like January 15 is going to be a tough, a tough deadline to make.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yes. Yeah. So, you know, we'll have Jesus, our Administrative Secretary, we'll have him poll the Commission, maybe, for availability later in the month.

CHAIR FRYMARK

For a special meeting?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Potentially a special meeting.

VICE-CHAIR CHICO

Gonna have to work on Christmas. No. Okay. But yeah.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

I'm looking for a four one vote here. Thank you.

CHAIR FRYMARK

Thank you, Marilyn.

COMMISSIONER
MIRANDA

Thanks, Marilyn.

CHAIR FRYMARK

Okay.

CITY MANAGER MIRANDA	Excuse me chair, Jarrod was there a, was there a vote on that motion? The last motion?
VICE-CHAIR CHICO	Yes.
COMMUNITY DEVELOPMENT INTERN PALMER	Yes, they did approve the motion to move the meeting to a date certain of January 15, 2025.
ASSISTANT CITY ATTORNEY TRAXLER	Okay, so if you will all bear with me procedurally, again. We will make a new motion to reconsider continuing the meeting to a date certain. I believe at this point we can just continue it to the February meeting, and then at that point we can decide and poll the Planning Commission whether or not we'll hold a special meeting beforehand. But I think right now the safest bet is the February meeting.
CHAIR FRYMARK	So the February meeting is February 19. Is that correct?
ASSISTANT CITY ATTORNEY TRAXLER	Correct.
CHAIR FRYMARK	Okay, so I'd like to make a motion to reconsider. Do I have a second.
COMMISSIONER ACOSTA	I second.
CHAIR FRYMARK	Thank you. Roll Call please.
COMMUNITY DEVELOPMENT INTERN PALMER	Who made the second?
COMMISSIONER ACOSTA	I did.
CHAIR FRYMARK	Commissioner Acosta.
COMMUNITY DEVELOPMENT INTERN PALMER	Thank you.
COMMUNITY DEVELOPMENT INTERN PALMER	Commissioner Acosta.
COMMISSIONER ACOSTA	Yes.

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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.

COMMUNITY
DEVELOPMENT
INTERN PALMER Thank you.

CHAIR FRYMARK Okay, so I think now we are going to make a motion to continue this item for a date certain, which will be February 19. Do we have a Second?

VICE-CHAIR CHICO Second.

CHAIR FRYMARK 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.

COMMUNITY
DEVELOPMENT
INTERN PALMER Thank you.

CHAIR FRYMARK That was fun. All right, moving on, let's move on to Item Number 5.

**DISCUSSION ITEMS/
PRESENTATIONS**

CHAIR FRYMARK Any discussion items or presentations tonight? No. Okay. Marilyn, do you have a Community Development Director Report?

**COMMUNITY
DEVELOPMENT
DIRECTOR REPORT**

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON Thank you, Chair and Commissioner. Are you tired of hearing from me at this point? No, thank you. I just want to bring to your attention that the 2025 Planning Commissioners Academy is March 5th -7th next year, but it's in Santa Rosa. But if anybody is interested in going to that, you know, please, you know, to reach out to Jesus for that. And then the only other thing is I want to wish you a Merry Christmas. Happy Holidays and a Happy New Year. If I don't see you. Thank you.

CHAIR FRYMARK You thank you likewise. Do we have any comments from Legal Counsel?

LEGAL COUNSEL
COMMENTS

ASSISTANT CITY ATTORNEY TRAXLER None other than to say I wish you a happy and healthy holiday season.

CHAIR FRYMARK Thank you likewise. Commissioner Comments.

COMMISSIONER
COMMENTS

COMMISSIONER MIRANDA Quick comment, I'm not sure if everybody's heard, but my mother at Thanksgiving had a stroke and she's doing quite well. We got to her very quickly and she has no repercussions, no signs of a stroke now Praise God. So, people were asking me about it, so I wanted to mention it and she's doing great and very, very blessed.

CHAIR FRYMARK Thank you for mentioning that. We're happy to hear that she's doing well. She's a staple in our community and we want nothing more for her to be healthy and happy.

COMMISSIONER MIRANDA Thank you.

CHAIR FRYMARK Quick comment on my, from me, I just want to thank City Staff. The City Hall area, this whole area looks beautiful. I love driving by. It definitely puts me in the festive season when mostly I'm not. So, It's really, really nice to see. So, thank you to City Staff, I know they're not here, the Parks and Rec team, but I just wanted to make it public that I really appreciate all the work that they do.

VICE-CHAIR CHICO Absolutely.

COMMISSIONER MIRANDA Yeah, looks great.

CHAIR FRYMARK Yes. And the Parks and Rec team did a great job last... Was that last week? It's a blur. It was last week. At the event. And it was fun. It was fun to see the kids in the snow, and the Santa coming out, and the stockings that have been a staple since I was a little kid. That brought joy to my heart too. So, kudos to the Rec team.

CITY MANAGER MIRANDA Chair, I might, Park and Recreation Staff as well as Public Works Staff They put all the lights there. outside. Yes.

CHAIR FRYMARK

Oh, really? It's both of them. Oh, wow. All right. Well, they say it takes a village, so definitely takes a village. All right. Any other Commissioner Comments before we adjourn? All right. So, with that, I'm going to turn this meeting at 8:42 pm. Thank you everyone.

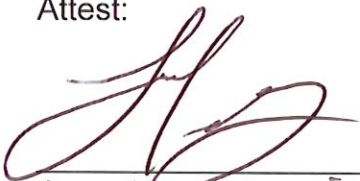
ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 8:42 p.m.

Attest:



Marcela Frymark, Planning Commission Chair



Jesus Hernandez, Administrative Secretary

Approved as presented at the meeting held July 30, 2025