



CITY OF IRWINDALE

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

MARICELA
FRYMARK
CHAIR

CASEY J.
MIRANDA
VICE-CHAIR

ALBERT
ACOSTA
COMMISSIONER

RICHARD
CHICO
COMMISSIONER

JUSTIN
KELLY
COMMISSIONER

AGENDA FOR THE REGULAR MEETING OF THE

PLANNING COMMISSION

JULY 15, 2026

6:00 P.M.

IRWINDALE COUNCIL CHAMBER

Join Webinar at

<https://us02web.zoom.us/j/81317638249>

Webinar ID

813 1763 8249

Listen Over Phone: 1-669-900-6833

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

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

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

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

Americans with Disabilities Act: In compliance with the ADA and Government Code section 54953(g), the City Council has adopted a reasonable accommodation policy to swiftly resolve accommodation requests. The policy can be found on the City's website: <https://www.irwindaleca.gov/DocumentCenter/View/8075/AB-2449-Reasonable-Accommodation-Policy>. If you need special assistance to participate in a City Council or Commission meeting or other services offered by this City, including an electronic or printed copy of the City's reasonable accommodation policy, please contact City Hall at (626) 430-2200. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service. **Note:** Staff reports are available for inspection at the Planning Division Counter, 16102 Arrow Highway or at City Hall, 5050 N. Irwindale Avenue, during regular business hours (8:00 a.m. to 6:00 p.m., Monday through Thursday) by appointment only, and by contacting the Planning Division at 626-430-2208.



Code of Ethics

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

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

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

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

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

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

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

IRWINDALE PLANNING COMMISSION



A. CALL TO ORDER**B. PLEDGE OF ALLEGIANCE****C. INVOCATION****D. ROLL CALL: Commissioners: Albert Acosta, Richard Chico, Justin Kelly; Vice-Chair Casey J. Miranda; Chair Maricela Frymark****E. AB 2449 DISCLOSURES**

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

F. ANNOUNCEMENTS**1. CONSENT CALENDAR**

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

A. Minutes

Recommendation: Approve the following minutes:

1. Regular meeting held June 17, 2026

2. SPONTANEOUS COMMUNICATIONS

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

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

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

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

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

Tier 1: In-person attendees

Tier 2: Teleconference attendees

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

3. PUBLIC HEARING

A. ZONE ORDINANCE AMENDMENT NO. 01-2026 - ORDINANCE NO. 821 TO ADD SECTION 17.42 – ARTIFICIAL INTELLIGENCE (AI) DATA CENTERS AND ASSOCIATED USES TO TITLE 17 “ZONING” OF THE IRWINDALE MUNICIPAL CODE

The City of Irwindale updated its Zoning Code, which became effective on May 9, 2025. The purpose of the Zoning Code, as set forth in Chapter 17.01, is to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the City and its residents through the establishment of land use regulations and zoning designations. At present, the Zoning Code does not expressly identify or regulate data processing centers, data centers, server farms, or similar facilities characterized by the operation of computer servers, network infrastructure, digital storage systems, and related equipment used for the processing, storage, transmission, and management of electronic data. As such, the City has determined that such uses are not adequately contemplated within the existing zoning framework.

Since the Zoning Code’s recent update, the City has recognized recent and ongoing discourse regarding the effects of data centers including: substantial and continuous electrical demand, often supported by diesel or gas-powered backup generation systems – consequently raising concerns over air quality. Such facilities may also generate significant levels of noise, require significant water usage for cooling systems, and create pressure for related infrastructure and land use changes.

Recognizing the potential environmental impacts and compatibility of such development and use within the city, direction was provided to staff and legal counsel to prepare an ordinance to prohibit AI Data Centers in Irwindale.

ENVIRONMENTAL REVIEW: The City has determined that this action is exempt from the provisions of the California Environmental Quality Act because this proposed ordinance is not a project within the meaning of Sections 15060(c)(3) and 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, either directly or indirectly. Alternatively, this ordinance is also exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, since the proposed ordinance involves a temporary moratorium on the processing of applications or approvals for any data centers and it is clear that there is no possibility that the ordinance may have a significant impact on the environment.

Adopt Resolution No. 877(26)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE ORDINANCE AMENDMENT NO. 01-2026 AND ADOPT ORDINANCE NO. 821, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE ADDING CHAPTER 17.42 (“ARTIFICIAL INTELLIGENCE (AI) DATA CENTERS AND ASSOCIATED USES”) TO TITLE 17 (“ZONING”) OF THE IRWINDALE MUNICIPAL CODE TO PROHIBIT AI DATA CENTER LAND USES CITYWIDE”

4. COMMUNITY DEVELOPMENT DIRECTOR REPORT
5. LEGAL COUNSEL COMMENTS
6. COMMISSIONER COMMENTS
7. ADJOURN

AFFIDAVIT OF POSTING

I, Jesus Hernandez, Management Analyst, certify that I caused the agenda for the regular meeting of the Irwindale Planning Commission to be held on July 15, 2026, to be posted at the City Hall, Library, and Post Office on July 09, 2026.

Jesus Hernandez

Jesus Hernandez,
Management Analyst

Agenda Item 1-A.1

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

June 17, 2026
Wednesday
6:01 P.M.

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

CHAIR FRYMARK Good evening, everyone. I would like to call our Planning Commission meeting of June 17, 2026, at 6:01 p.m. If able, let's rise for the Pledge of Allegiance. Ready? Begin.

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

Heavenly Father. We praise you, Father, and thank you for all your mercies and graces here. And thank you tonight for getting us here healthy. And we lift up cities of El Monte and also East L.A. where their fires are going on the first responders be with the residents keep them safe and the first responders. Also, about tonight, quicken our hearts and our minds, Father, that we make equitable decisions for our residents and of course our business partners for the vibrance of our city. And help us tonight as always to have a healthy and better discussion tonight thank you, Amen.

CHAIR FRYMARK Roll Call please.

ROLL CALL: Present: Commissioners: Albert Acosta; Richard Chico; Justin Kelly;
Vice-Chair Casey Miranda; Chair Marisela Frymark

Also present: Julian Miranda, City Manager; Assistant City Attorney; Jamie Koontz; Marilyn Simpson, Community Development Director; Eddie Chan, Director of Engineering; Brandi Jones, Senior Planner; Jarrod Palmer, Assistant Planner; Cynthia Largaespada, Office Specialist; Raul Campos, Community Development Intern

AB 2449

DISCLOSURES

CHAIR FRYMARK You're all here, so we're going to move on from AB 2449 Disclosures onto Announcements.

ANNOUNCEMENTS

CHAIR FRYMANK Are there any Announcements tonight?

OFFICE	No announcements from Staff.
SPECIALIST	
LARGAESPADA	

CONSENT CALENDAR

CHAIR FRYMARK	Thank you. We have one Item on Consent Calendar, which is the Minutes of the Regular Meeting held on May 20, 2026. Are there any discussions or motions?
COMMISSIONER KELLY	I move to accept.
VICE-CHAIR MIRANDA	I second.
CHAIR FRYMAR	I think that was Commissioner Kelly first. Yeah? Okay, thank you and Commissioner Miranda second. Roll Call please.
OFFICE SPECIALIST LARGAESPADA	Commissioner Acosta?
COMMISSIONER ACOSTA	Yes.
OFFICE SPECIALIST LARGAESPADA	Commissioner Kelly? I'm sorry, Commissioner Chico?
COMMISSIONER CHICO	Yes.
OFFICE SPECIALIST LARGAESPADA	Commissioner Kelly?
COMMISSIONER KELLY	Yes.
OFFICE SPECIALIST LARGAESPADA	Vice Chair Miranda?
VICE-CHAIR MIRANDA	Yes.
OFFICE SPECIALIST LARGAESPADA	Chair Frymark?
CHAIR FRYMARK	Yes.

OFFICE
SPECIALIST
LARGAESPADA

Thank you.

CHAIR FRYMARK

Thank you. Moving on to Number 2, Spontaneous Communications.

**SPONTANEOUS
COMMUNICATIONS**

OFFICE
SPECIALIST
LARGAESPADA

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. We are in a hybrid format so we do have both in person and hybrid audience members and they will participate in the following order: 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

Thank you. Is there anyone in attendance that would like to speak under Spontaneous Communications? Seeing none we're going to move on to Tier 2.

OFFICE
SPECIALIST
LARGAESPADA No one in Tier 2.

CHAIR FRYMARK Thank you, and last call for Tier 3.

OFFICE
SPECIALIST
LARGAESPADA No one in Tier 3.

CHAIR FRYMARK Okay, thank you. So, with that, we'll move on to Item 3, Public Hearing.

PUBLIC HEARING

CHAIR FRYMARK Tonight, we have one Item under Public Hearing which is Item A, Modification Number 03-2024 to Conditional Use Permit, Number 95-4 at 128 Live Oak Avenue and I believe we have a Staff Report.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON Yes, thank you Chair and Planning Commission. On January 26, 2026, the applicant had submitted an application to the City for the modification of Conditional Use Permit Number 95-4, requesting a 5-year extension of time for the permit. And then, on May 20, 2026 Planning Commission held a duly noticed Public Hearing on the application and at that time Staff informed the Planning Commission that additional research was needed for that, and that required us to conduct that. So, the Public Hearing was left open at that time and the Planning Commission voted to continue it to today's Planning Commission hearing. And then on June 11th of this year, the applicant submitted a request to the City to withdraw the application for a time extension. So, Staff's recommendation is that the Planning Commission close the Public Hearing that was opened and accept the applicant's withdrawal letter. That concludes my presentation.

CHAIR FRYMARK Do we have a... Is the applicant here to speak on this item at all?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON No.

CHAIR FRYMARK Does anyone have any questions for Staff?

VICE-CHAIR MIRANDA I have a few questions. Not so much pertaining to the application but it raised some other questions not so much, maybe a little bit towards it. I was curious when that would come forward to us again with the reapplication with a different plan obviously right, as he mentioned in the letter, his letter.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you. We don't have an application submitted at this time. So, Staff would have to review it and then bring it to you, but the indication is that it would be before the end of the year that would be coming to the Planning Commission.

VICE-CHAIR MIRANDA

Very good. I have a question regarding, in general, I would love to have the 2, you know, 2:2:1 regarding City Staff meetings with the Commissioners and get more deeper into some of the mine... reclamation rather. And it's really interesting and very... We need to know this regarding you know environmental health and going forward and how these applications work. And that way we can better serve the applicant and the City here as well. Is there a way to do something like that in the near future?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

That's, thank you for that. Yes, and we're working on something to provide a map and in fact, Raul, our GIS map maker, is preparing a list of the... Well, a map actually with a list of all the mining pits and what their existing entitlements are, so you can see kind of at a spot you know spot check on that, but I'll be working with Engineering then for any kind of presentation to the Planning Commission?

CHAIR FRYMARK

Okay, are there any other questions from any other Commissioners?

COMMISSIONER
KELLY

Yeah, I have a question. Is the applicant currently on schedule with the reclamation and backfilling phases previously approved?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

That I would defer to Engineering.

DIRECTOR OF
ENGINEERING
CHAN

Good evening. Commissioner Kelly and to answer that question they are currently not mining at the site at the moment. And they are waiting for this time extension or do a Reclamation Amendment so they can continue with their operation but at the meantime they are doing processing... Using that site as a processing plant.

COMMISSIONER
KELLY

Okay. Has the site been subject to any notices or violations or community complaints regarding dust, noise or traffic during the current permit term?

DIRECTOR OF
ENGINEERING
CHAN

From what I recall, I don't recall any complaints from their neighbors? Yeah, I don't recall that right now at this moment yeah.

COMMISSIONER KELLY	No further questions.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Thank you Chair and Commissioners, we don't have any Code Enforcement action going on at that site.
CHAIR FRYMARK	Commissioner Miranda, do you have a follow-up question?
VICE-CHAIR MIRANDA	No, she addressed it actually. Thank you.
CHAIR FRYMARK	Perfect. Any other questions from our Commissioners? Okay, then if there are no further questions, I believe the Public Hearing is still open at this time. Is there anyone from the public that would like to come forward and speak on this Item? No one in person, is there anyone in Tier 2?
OFFICE SPECIALIST LARGAESPADA	No one in Tier 2.
CHAIR FRYMARK	Thank you. Last call for Tier 3.
OFFICE SPECIALIST LARGAESPADA	No one in Tier 3.
CHAIR FYRMARK	Are there any other discussions or motions from our Commission? If there are none, then I'd like to make the motion for the Planning Commission to close the Public Hearing and accept the applicants withdrawal letter.
COMMISSIONER ACOSTA	Second.
COMMISSIONER CHICO	Second.
CHAIR FRYMARK	So we have a first and I believe we have a second by... Was it Commissioner Acosta or was it because Commissioner Chico?
COMMISSIONER CHICO	It was me.
CHAIR FRYMARK	It was you? Thank you. Sorry I wasn't sure I just saw us looking at each other, so Commissioner Chico with the second. Thank you so much. Roll Call please?

PLANNING COMMISSION MINUTES
REGULAR MEETING

June 17, 2026
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OFFICE
SPECIALIST
LARGAESPADA Commissioner Acosta?

COMMISSIONER
ACOSTA Yes.

OFFICE
SPECIALIST
LARGAESPADA Commissioner Chico?

COMMISSIONER
CHICO Yes.

OFFICE
SPECIALIST
LARGAESPADA Commissioner Kelly?

COMMISSIONER
KELLY Yes.

OFFICE
SPECIALIST
LARGAESPADA Vice Chair Miranda?

VICE-CHAIR MIRANDA Yes.

OFFICE
SPECIALIST
LARGAESPADA Chair Frymark?

CHAIR FRYMARK Yes.

OFFICE
SPECIALIST
LARGAESPADA Thank you.

CHAIR FRYMARK Thank you. So, we will move on to... Thank you Marilyn and everyone here. Next, we will move on to Item Number 4, Discussions and Presentations.

**DISCUSSION ITEMS/
PRESENTATIONS**

CHAIR FRYMARK I believe we have a presentation on Conflict of Interest by Jamie.

ASSISTANT CITY
ATTORNEY KOONTZ

Good evening, Chair and Commissioners, thank you. I am recovering from a loss of voice last week so if you cannot hear me, please interrupt me and let me know. I'll try to talk closely into the mic while I'm giving this presentation. So, I'm here today to give you all a training on Conflicts of Interest for Public Officials. I have given this presentation to you all before at the Planning Commission, at the City Council, and at the Parks and Rec Commission I believe. So, this is going to be a repeat of information, but it is conference season I know you all are very busy as Planning Commissioners. So, Staff and myself believe that this is a helpful reminder to all of you. This isn't intended to be a reprimand or anything of the sort, so please don't take it that way. If you have any questions, please feel free to interrupt me as we're going. Okay, so the legal framework for conflicts of interest. There is something called the Political Reform Act that was adopted by the legislature in 1974, and it governs Conflicts of Interest for Public Officials. The Commission that oversees the Political Reform Act is the Fair Political Practices Commission or the FPPC, and they have adopted a set of regulations that implements the Political Reform Act. So, they are the state overseeing governing body with regards to conflicts of interest. So, what is the Political Reform Act, excuse me, say? It says that a public official must not make, participate in making or in any way use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. So, for the Political Reform Act the focus of conflicts of interest is financial, and public officials are required to refrain from participating in a decision when it is reasonably foreseeable that the decision will have a material financial effect on your financial interest, and that has to be distinguishable from the general public. So, there are 6 steps to determine whether you have a conflict of interest that prevents decision making participation. Step 1 is, are you a Public Official? Step 2 is, are you making, participating in making, or influencing a governmental decision? Step 3 is, do you have a disqualifying financial interest involved in the decision? Step 4 is, is it reasonably foreseeable that the governmental decision will have a financial effect on your financial interests? Is it material? And there are a whole host of factors on what constitutes a material financial effect. And are you participating in making, it says step 7 here but really, it's 6, are you making or participating in making a governmental decision? So how do we apply these steps? First, are you a Public Official? Public Officials includes every member, officer, employee, or consultant of a state or local government agency. For our purposes, Planning Commissioners are public officials, even though you are appointed by the City Council you guys serve a very important role in the City's decision making process. Therefore, you are Public Officials and subject to the conflict-of-interest rules. Are you making, participating in, or influencing a governmental decision? So, for you all this is any action taken by an agency such as voting. So, when you all make a vote on an issue before you that's making a decision. Participating in a decision is, you know, making recommendations, giving comments, being involved

really in any sort of way. And influencing a decision could come from conversations with City Staff, you know. If for example, our Director of Community Development was handling an Administrative Approval that for some reason the Commissioners wanted to be involved in, and we're speaking with her about that would be potentially influencing a decision even though she would be in charge of the ultimate decision. So, recognizing financial interests. Financial interests can come from a lot of different areas. They can be from gifts to a public official; they can be obviously sources of income you know all or most of you have full-time careers. So obviously that source of income is a financial interest to you. You can have business entities or an interest in a business entity. Personal financial effects such as, you know, inheritances or things like that and then economic interests in real property. So owning your home is a financial interest. And this is kind of common-sense stuff that you know, like anything that affects your finances is a financial interest. So, what's important to remember for purposes of the conflict-of-interest rules, is that financial interests includes the interests of your immediate family. And that will include your spouse or domestic partner or any of your dependent children who are still living in your household. Their financial interests for purposes of the Political Reform Act are your financial interests. Okay, gifts. A gift is any payment or benefit conferred upon you for your personal benefit or gain, in which you don't alternatively provide services or products or anything in exchange for. A gift is a gift that you receive. And an example would be, you know, a paid for lunch, a paid for dinner. That's something of value that you received, so that would be considered a gift. Invitations to golf tournaments are very common, especially during conference season, any chamber events, things like that would qualify. Holiday gifts you know See's Candies, boxes of chocolates, things like that are all considered things of value. So, the FPPC rules for purposes of reporting require you to report anything that's \$50.00 or above. If you receive a nominal gift like a book, you know something like that, that's below \$50.00 maybe we'll say it's like \$12.99 or whatever that would not be required to be reported to the FPPC. So, their cutoff is \$50.00 or more and then anything that you receive, and this is not to say that you can't receive things. You can totally receive things but the cutoff per year is \$630.00. One from one source, one person, one business, one charity, 503C corporation, you know, one source \$630.00 from one source. So theoretically if you received 3 gifts from 3 different people, each more than \$50.00 but less than \$630.00 and they're completely different, you have no issue and you have no financial interest. Does that make sense?

CHAIR FRYMARK

Can I ask you a quick question?

ASSISTANT CITY
ATTORNEY KOONTZ

Sure.

- CHAIR FRYMARK Under gifts, before we move to a different topic. So as mentioned, it is conference season and so oftentimes you know we may be invited to a dinner let's say for example what if we don't know the value of that dinner how would we go about asking whether or not we should report it if it's over \$50.00?
- ASSISTANT CITY ATTORNEY KOONTZ Yeah, so conferences are an interesting one because you are allowed to attend conferences and attend...For example if a contracting firm is hosting like a general conference happy hour, where everyone is invited, those wouldn't necessarily trigger the gift limits because you're attending in your official capacity and it's your attendance as part of the conference. We are talking about like personal benefits that you've received like by invitation or specifically. So, if you did attend, for example, a private dinner, that you would contact the host and ask them how much, how much was my dinner? And they should be able to provide you that information and that would be what you would report to the FPPC.
- CHAIR FRYMARK And I'm assuming... Follow-up question, related to conferences, those like swag items that you get at the different booths. Those I'm assuming are all under \$50.00, those are probably not reportable?
- ASSISTANT CITY ATTORNEY KOONTZ I would say no they're not reportable because you theoretically purchase them when you paid your attendance fees. And I've never, in my experience, come across anyone that had any issues with you know taking swag from a booth after a conference that they attended.
- CHAIR FRYMARK I think the socks are under \$50.00.
- ASSISTANT CITY ATTORNEY KOONTZ Yeah, I would be very surprised if they were?
- CHAIR FRYMARK Okay.
- ASSISTANT CITY ATTORNEY KOONTZ If they are let me know where you got them from.
- CHAIR FRYMARK Just checking.
- ASSISTANT CITY ATTORNEY KOONTZ Any other questions on gifts?
- COMMISSIONER KELLY I had the same one.
- COMMISSIONER ACOSTA It's within 12 months of the prior decision. So, is it a rolling 12 month or is it a calendar year 12 months?

ASSISTANT CITY ATTORNEY KOONTZ	So it's 12 months from the date that you accepted the gift. But I'll note on that, that the FPPC does require calendar year reporting. So, for example, if you received something in December of 2025 you would report that in your 2026 FPPC reporting but you would still need to, assuming it was over the \$630.00 limit, you would still need to recuse yourself or abstain because you would have a conflict within those 12 months.
COMMISSIONER ACOSTA	Doesn't just have to be one item or one event it could be multiple from the same source that add up over to \$630.00.
ASSISTANT CITY ATTORNEY KOONTZ	Correct. Within that one-year period. Yeah, so I would calculate it like you know within the first time that you accepted something and then that would start the 12-month period.
CHAIR FRYMARK	So like if a developer or contractor, someone that has business with the City, request to sit down and have some coffee or lunch like how should handle those situations.
ASSISTANT CITY ATTORNEY KOONTZ	In terms of accepting the coffee or the lunch. Well, it's always your decision. So, my recommendation has always been, the safest approach is to limit any appearance of impropriety whether or not we're even touching the \$50.00. Because you have to think about when you're out to lunch, like who can potentially see you or you know there are other considerations rather than just the \$50.00 gift limit. So, for me I would say, the safest approach is to meet with the developer for coffee if you want, but if they offer to pay you can say "Oh no, thank you, I will purchase anything by myself." Just to avoid any appearance of impropriety. That being said it's not always realistic, you know, you're going to go to some kind of event or something and someone will be like, "oh hey do you want anything?" You know it can be very casual. Umm and so I would say just be mindful of you know your interactions with people that you know, or have reason to suspect that you'll probably be making decisions about in the future. And if you're ever unsure you all can contact me at any time to discuss it. Okay, behested payments. So, this one isn't interesting one. If any of you have seen the news cycle in the past day or two, you would know that our governor is currently under investigation for this very thing. And it is something to be taken seriously. The FPC has fined him. I believe it's like \$31,500.00 for failing to report behested payments. So there are consequences for accepting or you know soliciting behested payments and not disclosing them. What are behested payments this is solicitations not on behalf of yourself but on behalf of a charity organization. This is quite common when, you know, we're having like community events and it's a Irwindale Community Foundation event or a breast cancer awareness event something that you know is going to be a charitable organization, or you know some kind of toy drive for children during Christmas season and you're like hey donate to this organization give them toys whatever. If you do that, do that if you solicit payments and the

payments are given on your behalf to a charitable organization, and they exceed \$5,000.00 or more than you are required to report that. And If you if the donations exceed \$5,000.00 or more than that could be considered a conflict of interest and you would be considered to have a financial interest in the decision. So, it's just something to be mindful of because I know sometimes, you're like, "Hey I don't need anything but you should donate to this really great cause and I'm super proud of and want to support." So just be careful about soliciting those kinds of donations in the future.

COMMISSIONER
KELLY

Could be considered solicitation from the individual or like let's say a Planning Commissioner or a Parks and Rec Commissioner, does that on behalf of the City, you know, is it... Does the City have to report it?

ASSISTANT CITY
ATTORNEY KOONTZ

If this is something that the City is putting on, and let's say you're doing like a telephone-athon or something and it's all of the Planning Commissioners are here for this telephone-athon and we are soliciting donations for a cause, that would be a little bit different because you're operating on behalf of the City as an entity. Solicitation of donations for a conflict-of-interest rules are solicitations for your benefit. So it would be something that you are requesting that they donate for example, in your name, on behalf of Commissioner Kelly for example.

VICE-CHAIR MIRANDA

We're doing something for instance breast cancer awareness, and you weren't saying it in my name just saying, "hey it's a good idea to donate here, they're a great organization." That would also qualify as that as well because I mentioned it?

ASSISTANT CITY
ATTORNEY KOONTZ

That could qualify.

VICE-CHAIR MIRANDA

Interesting. Wow.

ASSISTANT CITY
ATTORNEY KOONTZ

Because of your position yeah.

VICE-CHAIR MIRANDA

And they had to do... Was I recognized as a Commissioner? Did they know I was a Commissioner? It was, maybe if someone's going to bring business to our dais but I wasn't aware of it at the time or maybe they knew who I was possibly as everything.

ASSISTANT CITY
ATTORNEY KOONTZ

Yeah, well, I would say that even though you do have, you know, your own personal lives you're always Commissioners, in the eyes of the law. So. Any questions about behested payments? Okay, business entities. So if you have invested in a business entity, \$2,000.00 or more or if you are a decision maker, essentially, or hold any management position in a business entity, then you are considered to have a financial interest in that business entity. Basically, if you own stocks or something like that, or if you are working directly for the company or

obviously if you own the company, then you have an interest in a business entity. Okay, sources of income. Like I said, this is your job or, you know, any kind of other revenue stream if you're renting a apartment or a single-family home to a family and they are providing, you know, payments to you because of that, that's all streams of income. So, you know any kind of stream of income that you have, if it's over \$500.00 or more, then you have a financial interest. Same thing, excuse me, personal finances. Anything that is personally yours or your family's, any decision that would affect you and your personal financial effects, wills, trusts, anything like that would be a financial interest. And some of these are, you know, common sense. Okay, real property, as well. You have an interest in real property if you have an interest worth \$2,000.00 or more in certain leasehold interests, as well as. obviously if you own or partially own any kind of real property. It doesn't have to be a house; it could be any kind of commercial or industrial real estate as well, any kind of property. Okay, so just because you live your lives, and you have jobs, and you have you know financial interests, does that mean that it's going to affect anything that you do here at the Commission? So that's what this next step is about. Is it reasonably foreseeable that whatever decision you're making is going to have a financial effect on your interests? Reasonably foreseeable does not mean likely. It only has to be a realistic probability more than hypothetical or theoretical. So, it doesn't have to be certain. It doesn't even need to be, yeah, you know, this is 80-70% likely to happen. But if it's, I would say 50% + 1 could happen, then it's reasonably foreseeable. If it's a direct financial interest meaning, you work for an engineering company let's say, and that engineering company is a consultant on a project application before you. That would be a direct financial interest. Umm so. You would automatically essentially be disqualified, and it would be reasonably foreseeable that your decision on, you know, the permit whatever the permit is, is going to directly affect your financial interests, it's going to affect your job one way or another. An indirect financial interest requires more factors to be considered, and it gets a little weird and wonky when you start looking at the factors. So, the FPPC requires a materiality test. Will the financial effect be material? And like I said they're a little wonky. So, the easiest... One of the easier ones and the one that's pretty common in the materiality factor test is a real property interest. So, there are 3 categories of materiality based on real property. The first is, if you have a financial interest in real property that is 500 feet or less away from the property in this case, or land use, or you know any kind of permit that we're issuing. If your property is 500 feet or less away from that property, then the FPPC and the Political Reform Act presume that you have a conflict of interest. This is because whether or not we issue that permit is, theoretically, more than likely, going to have some kind of financial effect on your property that's 500 feet away. If anyone knows anything about the real estate market. So, they just presume you have a conflict of interest. The only way you can get out of that is if you as a Commissioner provide some kind of evidence that is clear and

convincing that you don't have a conflict, and we've never seen it, no one's ever tried to do it, people just assume they have a conflict if they're within 500 feet, the only way that we have kind of figured out that you could potentially rebut it as if you did some kind of appraisal analysis and submitted that into the record that said, "hey, based on everything that we've looked at we don't think that this is going to affect this Commissioners property one way or the other." But who has the time and resources to really do that. We would recommend that you just automatically recuse yourself if you're 500 feet or less, because you are presumed to have a conflict.

VICE-CHAIR MIRANDA Goo Idea.

COMMISSIONER KELLY Even as a renter?

ASSISTANT CITY ATTORNEY KOONTZ Even as a renter.

VICE-CHAIR MIRANDA Never been done before ever.

CHAIR FRYMARK Who's gonna jump through those hoops like to try to appeal that decision? Sounds like it's a lot of time just for one vote.

ASSISTANT CITY ATTORNEY KOONTZ That would be correct. Yeah. I suppose if you have endless resources and unlimited time you could do it.

VICE-CHAIR MIRANDA Commissioner Chico?

COMMISSIONER CHICO I wanted, I asked that question.

ASSISTANT CITY ATTORNEY KOONTZ Yes.

COMMISSIONER CHICO Preponderance of evidence, and it doesn't exist.

ASSISTANT CITY ATTORNEY KOONTZ It doesn't exist, it's very difficult to do. I've looked, and uh... Thank you Marilyn. I've looked and I haven't found a way to do it. That's the only way we can think of to do it, we haven't tested it and I would ask that you don't ask me to test it.

COMMISSIONER ACOSTA Jamie, on step 4 at the bottom?

COMMISSIONER CHICO That's justice for you.

ASSISTANT CITY
ATTORNEY KOONTZ

Step 4, yes.

COMMISSIONER
ACOSTA

Where it says requires a list of six factors to be considered, do we have the list of those six?

ASSISTANT CITY
ATTORNEY KOONTZ

Yeah I'll go through them, yes.

COMMISSIONER
ACOSTA

Okay.

ASSISTANT CITY
ATTORNEY KOONTZ

Okay so we're kind of going to get into the factors but really quickly. So the 500 to 1,000 feet this is the complicated set of factors, where maybe you have a conflict of interest maybe you don't depending on these factors. If you're over 1,000 feet away, you're presumed not to have a conflict unless we are presented with evidence to the contrary. We, meaning myself and/or City Staff. I'm going to come back to this one, this one's a little bit out of order. Oh, maybe they're not in here I thought they were. Okay, they're not in here but I can go over them. Okay, the complicated set of factors and I can e-mail you a list with all of them laid out. But the complicated set of factors. It's basically like is this what you would see in an appraisal report, "Is this going to affect this property in terms of traffic, noise, value." Things that you can, kind of like financially measure a little bit. Um, in the 500 to 1000 foot gray area. It doesn't matter if the property value is going to go up or down. If it's going to affect your property either way, then it could... You know if there's going to be an increase of traffic. If for example, you live right next to a school and on the other side they're proposing to build an 8-story multifamily apartment complex but you're within that 500 to 1000 feet. If it's going to impact, you positively or negatively who wants to live next to a 8-story multifamily you know housing complex? That would be a presumed material effect on your property interest. So, it's those kinds of things that you have to look for in the 500 to 1000 feet. Because it's gray and these factors can be interpreted one way or the other, we always recommend the safe thing is to recuse yourself unless we're pretty sure it's not really going to matter one way or the other what the decision is. But again, within this gray area you can contact me and I can do the full analysis, and provide you a recommendation and then it would be up to you whether or not you want to participate in the decision or not. Okay, I'm going to come back to that one. So are you making participating in making or using your official position to influence the decision? Assuming you have a material financial... So if at any step of the way... Let me back up. If at any step of the way we're doing this analysis and we decide, "no, this doesn't apply to me." the analysis is done. We don't have to keep going. This is only if we get to the point where it's like, "yeah, they probably have a conflict of interest or, I'm sorry a financial interest in something." Yeah, it'll probably materially affect them. Okay, what decision are they now making? So, if

you are, again like I said making a decision, if something is directly before you like you know a CUP application, which you can improve independently of the City Council, you would be making a decision. If you're participating in making a decision, if you're providing a recommendation to the City Council that's participating. So, like I said, if you contact Marilyn and you're like "I really think that you should approve or disapprove this permit," that would be influencing and decision. And there's like more subtle ways obviously to go about that as well. But, if we've gotten to the point where we're like, "okay is this, are you participating in a government decision?" The likely conclusion is that you have a conflict of interest. And at that point I would make the recommendation that you recuse yourself from the decision. The only exception to that well, there's 2 exceptions. But one of the exceptions is if your financial interest is indistinguishable from the decisions effect on the public generally. So, a way that this happens is for example when we're looking at the Housing Element and we're seeing all of these... We're identifying all of these sites where housing could potentially be located and we had to do segmentation where you know on some properties you potentially or likely had a conflict of interest because of your proximity to those sites, but when it came time to vote at the Housing Element as a whole, as a document, as a policy document you all could vote on that because it's affecting the population and the residents generally in a way, in the same way that it affects you. So, affecting a significant segment of the public is at least 25% of all businesses or nonprofit entities, real property, or individuals within the jurisdiction. And it has to be not unique. There's a whole list of factors to determine the unique effect. I think if we're talking about something that would affect the public generally it would be rare to find a unique effect. So, like I said the first exemption is the or exception, is the public generally exception. If this is applying to the public generally because, you know. you are all tasked with making policy decisions and policy recommendations and if we had a situation where we had to, you know, recuse all or most of you we wouldn't have a Commission to make a decision. So, then that goes into the next exception which is the legally required participation. So, if for example we'll say you know 3 of you are living on the same street and you're all conflicted out. Umm, we wouldn't be able to ever get to a quorum of the Planning Commission because we don't have any like seconds or you know stand-ins that could take your place. So, then what we would do is we would... Here in Irwindale, we draw straws. So, we draw straws to see which Commissioner draws the short stick and is required to participate in the decision, so that way we can move things forward and we can get to a quorum of Commissioners. This one we do implement regularly. Does anyone have any questions on these exceptions? Okay, so disqualification. So in any situation in which you do have a conflict of interest and I am recommending that you recuse yourself, it's because you should in that circumstance disqualify yourself. If you don't and you participate in the situation or in the decision anyway, then that's when we get into trouble with the FPPC. The decision could be invalidated,

you could be fined personally, it's not something that the City would take care of for you, and potentially if it's very egregious, criminally prosecuted but most likely the decision would be invalidated, and um, you could most likely be fined. So, the mere existence of a conflict just means that you're living your life, you know no one is expected to be financially destitute. So, it's only considered wrong in terms of the law if you don't disqualify yourself when you should. So, a disqualification is something that you are legally required to do under the FPCC regulations. If you have a conflict of interest, you are legally required to disqualify yourself. And how you do that is before... After the Chair calls the Item, before Staff gives their presentation you would say, "Chair, you know, I have a disqualifying conflict of interest." You are required to identify what that conflict of interest is. So a lot of times it's, you know, real property. So, you would say, "I have a financial interest in real property that's within 500 feet of this project. So, I'm going to recuse myself from this decision." And you are required to step off the dais and leave the room during that Item. And then once the Item is concluded, you're invited back into the meeting. So, disqualification is different than an abstention. An abstention is when you decide for whatever reason you don't want to vote on an item, maybe you are voting on minutes and you weren't here for that meeting, and you just don't feel like, you know, approving them you can abstain and that would be voluntary. An abstention, does not... How would I how should I put this? If you abstain when you should disqualify yourself that's not enough. Because an abstention in an abstention, you're still making a record on the vote and you're still technically participating in the decision-making process. So that would not be enough to disqualify yourself from that vote. And here is everything that I just said. Any questions on that?

VICE-CHAIR MIRANDA I like this graphic, by the way.

ASSISTANT CITY
ATTORNEY KOONTZ That little graphic I know. That's funny.

VICE-CHAIR MIRANDA Great graphic. Man, I picture Commissioner Chico telling...

COMMISSIONER
CHICO Item second, the second Item, contrary to what you just said identify the nature of the conflict.

ASSISTANT CITY
ATTORNEY KOONTZ Yeah, you are required to do that at the start of the Item.

COMMISSIONER
CHICO Right. Okay, I'm sorry I misread that.

ASSISTANT CITY
ATTORNEY KOONTZ Oh okay. Yeah, so if you are disqualified. You should not discuss or influence Staff or you know any kind of contractor or anything like that. You should completely refrain from receiving any information and if someone tries to give you information you should stop them and say,

"I'm, you know, disqualified from discussing this." Like I said, you identify the nature of the conflict at the meeting that the Item is being decided on. You don't have to do that before. Like I said, no voting or discussing the matter and abstention does not disqualify you, you do have to leave the room completely. Umm and you do not count towards a quorum when you're disqualified. So, we have to have three basically unbiased Commissioners at least. If we have a situation where for whatever reason let's say the Dodgers are playing and only 3 commissioners show up, umm and one of them is disqualified and we only have 2, we don't have a quorum, and we would need to continue the Item until we have at least 3. So, in that situation there would not be a legally required participation. Okay penalties. So, like I said, the decision could be invalidated. You could theoretically be removed from your position and disqualified for future positions. The FPPC could refer you to the District Attorney 's office for prosecution if it's super egregious. Most likely it would be fines issued by the FPPC. You would need to pay your own attorney's fees. And then also, you know, we want to make sure that we are representing the City to the best and professionally of our abilities and it's embarrassing not only for you but for the City as well. So, it's just something to keep in mind. Okay outside of the FPPC rules and financial interests, there is something in California called the Common Law Bias. And this is something that has been carried over from the Common Law, which was originated in England way back when, before America became America. So that's how the common law gets carried over. It's not a statutory rule but it requires that anytime you are personally tempted, either through your close relationships or your financial interests, that you may have a Common Law Bias. And how does that look in reality? It could be a close golf buddy who is a developer, who has an application before the project. And you might not even be talking with him about anything to do with the project. You might literally be golfing talking about your families, you know, having a good time, but that appearance of that relationship could create a Common Law Bias. In which case we would recommend that you disqualify yourself anyway even though you don't have any kind of financial interest in the decision. Sometimes this happens if you're just very community oriented and involved and you are signing petitions or involved in any kind of community advocacy. We have had situations in the past where people have signed petitions and then they've been appointed to a board after the fact, and the subject of the petition comes before the board. And if you've signed it one way or the other yes approve this measure, no deny this project, and you're sitting on the board now making the decision, you could appear to have a bias even if you're like, "well you know I want to hear the facts, I can make an independent decision." You would already kind of be presumed to have a conflict in that case and have a bias. So, what the Common Law Bias is getting at is really making sure that all of the decisions that you make are fair and impartial, and that you're not overly involved in the decision making process, and that you haven't

- come to a conclusion before the Public Hearing when you're supposed to be making a decision.
- VICE-CHAIR MIRANDA In case of the same situation, disqualify yourself versus recuse yourself, right?
- ASSISTANT CITY ATTORNEY KOONTZ Yeah in this case disqualify and recusing yourself basically is the same thing but yeah, I would recommend recusing if we have a situation where you're like overly involved or you know prior to becoming a Planning Commissioner, you were an engineer or an architect and you drafted an initial set of plans for a project and those have been modified but they're still coming before you as a Commissioner. You might not even be working on the project anymore, but you've been involved. So, there's a potential for bias there. So, in that situation we recommend the same thing, you know, "I was a former engineer on this project, I don't have any financial interest in this decision but because I may be considered to have a biased opinion, I'm going to disqualify myself from this decision." And then same thing, you leave the room.
- VICE-CHAIR MIRANDA It just saves the City problems in the future, possible problems in the future.
- ASSISTANT CITY ATTORNEY KOONTZ Correct. Yeah, yeah. So, a lot of times this will come up when a project is denied, and a project applicant is disgruntled and they say, "The City was biased, they were you know talking about this behind the scenes, the Planning Commissioners were talking about this behind the scenes. they had already come to a decision. They didn't want the project approved." Those kinds of things come up in allegations in court, pretty commonly.
- CHAIR FRYMARK Jamie, how would you suggest we like handle situations like social situations? Like social interactions with like developers or businesses within the community and we are we all want to stay approachable...
- ASSISTANT CITY ATTORNEY KOONTZ Yeah.
- CHAIR FRYMARK And hear the business community. Like how do you recommend we balance that so that we don't have perceived bias publicly?
- ASSISTANT CITY ATTORNEY KOONTZ Well I think you said it best is its events and networking, you know, opportunities that you're going to on behalf of the City or because of the City where you're not in a one-on-one position right. Umm but I'll say this, in a in a situation where you're like really spirit... You're like you know super pumped about one issue in the City and you're working on it and you're working on it, you can do that. As you know that's your First Amendment right. You can advocate for that. And if you, if you get a recommendation, where you should disqualify yourself and you want

to come to the Planning Commission and give a public comment as a spirited or interested member of the public, you are more than welcome to do so. Umm this is just something to be aware of if you want to exercise your decision-making powers as a Planning Commissioner. But yeah, Common Law Bias it's not always black... Like you know very black and white. It's just if you're very involved um, but even so, you know developers and applicants they invite you all either one or all of you on site visits or offer to provide PowerPoints and information about their project, that's not going to preclude you from participating in a decision if you're careful about what you're saying to them during that meeting. You know. We always say you're more than welcome to meet with applicants who reach out to you and receive information about their project. The only thing that we ask is that you just disclose, when the Public Hearing comes, that you met with them and you received information about the project and this is the information that you received that you still think that you can make a fair and impartial decision on this project and that you haven't promised them anything you didn't make a decision, you just received information. So, in those situations, I always recommend don't give any opinions and let them know that you're not going to voice any opinions, but that you're willing to meet with them if you want you, you're not required to. If you don't feel comfortable don't. But just listen to their information. So, this is the final reminder. Please exercise caution when you are networking or meeting with people, when accepting invitations and soliciting donations for this year and for the ongoing years. And the important thing is since the reporting requirements each calendar year for FPPC, we are required to submit those in the beginning of the year. You probably already filed your 2025 one, so anything that happens this year just keep track of it and then you'll be required to report it the following year when Armando sends the reminders to everyone to file their reports. So just because you accept something doesn't mean you have to immediately well, other than beheaded payments, they are required to be reported within 30 days of the \$5,000.00 limit but the gifts they don't have to be reported until the following year. Okay and then other than myself, if you have any questions the FPPC does have an advice line that you can call and ask for information as well as an e-mail. The institute for local government also puts out resources for you all as well. And that's it. I'm available for any other questions.

CHAIR FRYMARK

Well thank you so much Jamie for the information. I know you had shared this with us already but it's always a good reminder for us to kind of know the ways in which to properly maneuver if you will.

ASSISTANT CITY
ATTORNEY KOONTZ

Yes.

CHAIR FRYMARK And when we're having some of our discussions and conversations, but we really appreciate the information, especially the reminder on the on the gifts and when we need to report and trying to figure out how to navigate these social settings. So, thank you so much.

ASSISTANT CITY
ATTORNEY KOONTZ If you're ever unsure please you know the safest thing to do is reach out. We want to make sure that you know you're protected as well before we make any decisions. So, I'm here to help.

CHAIR FRYMARK Thank you.

ASSISTANT CITY
ATTORNEY KOONTZ Thank you.

CHAIR FRYMARK Okay, so that takes us to Item 5 on our Agenda, which is Community Development Directors Report.

**COMMUNITY
DEVELOPMENT
DIRECTOR REPORT**

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON Thank you, Chair and Commission. The only Item is to let you know that on Monday, June 22nd, there's going to be a Special Meeting at 10:00 o'clock for a Business License Workshop. So, it'll be held here there so.

CHAIR FRYMARK There's also a zoom option right? I thought I saw on the flyer. 10:00 A.M.?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON Yes, there is yeah. 10:00 A.M.

VICE-CHAIR MIRANDA Will there be a continental breakfast served?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON City Manager?

VICE-CHAIR MIRANDA Budgets, budgets. That's right. Alright.

CHAIR FRYMARK Bring your own. Bring your own snacks.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON That's it. Thank you.

CHAIR FRYMARK Do we have any other comments from Legal Counsel?

**LEGAL COUNSEL
COMMENTS**

ASSISTANT CITY ATTORNEY KOONTZ I don't think my voice will make it. No Chair. Thank you.

CHAIR FRYMARK Sounds good, and any other comments from our Commissioners?

ASSISTANT CITY ATTORNEY KOONTZ Oh, I apologize. Thank you, Marilyn for the reminder. Just so you all know I changed my last name to my married name. So, I will be going by Jamie Koontz now. I do have a new e-mail address; I am working on getting business cards with that updated information.

CHAIR FRYMARK Sounds great. We look forward to receiving it.

ASSISTANT CITY ATTORNEY KOONTZ Thank you.

**COMMISSIONER
COMMENTS**

CHAIR FRYMARK Thank you. Any... if there are no further comments from our Commissioners, then I will go ahead and adjourn this meeting at 7:06 PM. Meeting adjourned. Thank you everybody.

ADJOURNMENT There being no further business to conduct, the meeting was adjourned at 7:06 p.m.

Maricela Frymark, Planning Commission Chair

Attest:

Jesus Hernandez, Management Analyst



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



Date: July 15, 2026 **Agenda Item No. 3A**

To: Honorable Chair and Members of the Planning Commission

From: Marilyn Simpson, AICP, Community Development Director

Project: Zone Ordinance Amendment No. 01-2026 - Ordinance No. 821 to Add Section 17.42 – Artificial Intelligence (AI) Data Centers and Associated Uses to Title 17 “Zoning” of the Irwindale Municipal Code

Applicant: City of Irwindale

Property Owner: Not Applicable

Project Location: City-wide

Staff Recommendation: That the Planning Commission take the following action:
Waive reading of and adopt Resolution No. 877(26) entitled, “A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF IRWINDALE ADOPT ZONE ORDINANCE AMENDMENT NO. 01-2026 FOR ORDINANCE NO. 821, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE ADDING CHAPTER 17.42 - ARTIFICIAL INTELLIGENCE (AI) DATA CENTERS AND ASSOCIATED USES - TO TITLE 17 (“ZONING”) OF THE IRWINDALE MUNICIPAL CODE TO PROHIBIT AI DATA CENTER LAND USES CITYWIDE”

Alternative Action:

1. Direct staff to prepare a resolution with a recommendation to the City Council to not adopt the proposed ordinance; OR
2. Direct staff to revise the ordinance and continue the hearing to a date certain.

Background and Analysis:

The City of Irwindale updated its Zoning Code, which became effective on May 9, 2025. The purpose of the Zoning Code, as set forth in Chapter 17.01, is to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the City and its residents through the establishment of land use regulations and zoning designations. At present, the Zoning Code does not expressly identify or regulate data

processing centers, data centers, server farms, or similar facilities characterized by the operation of computer servers, network infrastructure, digital storage systems, and related equipment used for the processing, storage, transmission, and management of electronic data. As such, the City has determined that such uses are not adequately contemplated within the existing zoning framework.

Since the Zoning Code's recent update, the City has recognized recent and ongoing discourse regarding the effects of data centers including: substantial and continuous electrical demand, often supported by diesel or gas-powered backup generation systems – consequently raising concerns over air quality. Such facilities may also generate significant levels of noise, require significant water usage for cooling systems, and create pressure for related infrastructure and land use changes.

In recent years, local agencies throughout California have begun evaluating such effects. Neighboring cities, like the City of Monterey Park and El Monte, have imposed moratoriums in order to review such effects, devise mitigation plans, and contemplate potential regulation for data center use and in the case of Monterey Park, the city amended its municipal code to prohibit AI Data Centers.

Recognizing the potential environmental impacts and compatibility of such development and use within the city, direction was provided to staff and legal counsel to prepare an ordinance to prohibit AI Data Centers in Irwindale.

Ordinary accessory technology functions that are subordinate to lawful primary land uses are still permitted. An "Associated Data Room or Server Room" land use for enclosed accessory spaces containing servers and related equipment used solely in conjunction with, and incidental to, the primary use on the same site, while prohibiting independent commercial or third-party data processing use. This distinction matters because it narrows the prohibition to standalone or principal data center uses rather than incidental technology infrastructure within otherwise lawful businesses, offices, institutions, or other uses, including the city use of servers. As drafted, the ordinance aim is to prevent large-scale infrastructure-type data center land uses while preserving normal building and business operations that rely on internal server rooms.

Proposed Ordinance No. 821

Ordinance No. 821 adds Chapter 17.42 "ARTIFICIAL INTELLIGENCE (AI) DATA CENTERS AND ASSOCIATED USES" to Title 17 (Zoning) of the Irwindale Municipal Code.

Chapter 17.42 "ARTIFICIAL INTELLIGENCE (AI) DATA CENTERS AND ASSOCIATED USES" is to include Sections which, as proposed, read as follows:

17.42.010. Citywide Prohibition of AI Data Centers.

Except as provided in this title, it is unlawful to construct, operate, reconstruct, structurally alter any building, or use any real property for a data center in any

zone. Using any building or real property in violation of this subsection is a misdemeanor.

17.42.020. AI Data Center Nuisance.

The violation of this chapter furthermore shall constitute a nuisance and may be abated by the city as prescribed under Chapter 17.37 of the City of Irwindale Municipal Code, through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

17.42.030. Exemptions; Accessory Uses.

Associated Data Rooms and Associated Server Rooms are exempt from the general prohibitions of this chapter and are allowed as an accessory use to any permissible principal or conditional use under this title. Such Associated Data Rooms and Associated Server Rooms owned and operated by the city as city facilities are also exempt from the general prohibitions of this chapter.

17.42.040. Definitions.

“Data Center” means a building, dedicated space within a building, or group of structures used to house a large group of networked computer systems used for data storage and processing for off-site and on-site users, to be used for the remote storage, processing, or distribution of large amounts of data. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, back-up batteries, fire suppression systems, enhanced security features, and other associated utility infrastructure to support the primary operations of the data center, server farm, or colocation facility.

“Associated Data Room” or “Associated Server Room” means an enclosed room, suite, or other accessory space containing computer servers, data storage equipment, network switching equipment, telecommunications equipment, and related supporting equipment, including cooling, electrical, backup power, and security systems, that is used solely in conjunction with and incidental to the primary land use on the same lot or site. An Associated Data Room or Associated Server Room is not a data center, server farm, colocation facility, or other prohibited digital infrastructure use, and cannot be used for independent commercial, wholesale, or third-party data processing, storage, or transmission. The use must remain physically and operationally subordinate to the primary use with which it is associated.

Environmental Review:

Pursuant to the California Environmental Quality Act of 1970, as amended, (Public Resources Code §21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §15000, et seq., the "CEQA Guidelines"), the City reviewed the

environmental impacts of the proposed Ordinance. The Ordinance is not subject to further review under CEQA Guidelines §§ 15060(c)(2), 15061(b)(3) and 15378(b)(5). The proposed ordinance is a zoning code text amendment prohibiting AI data centers citywide and adding zoning regulations to comply with the General Plan. This Ordinance does not authorize any new construction or development entitlements, nor is it a project within the meaning prescribed under CEQA Guideline § 15378. Ordinance No. 821 will not adversely impact the environment and is therefore not a project and exempt from the provisions of CEQA.

Conclusion/Recommendation:

Staff recommends that the Planning Commission adopt the attached Resolution No. 877(26) recommending that the Irwindale City Council adopt Ordinance No. 821.

EXHIBITS:

- A. Resolution No. 877(26)
- B. Proposed Ordinance No. 821

Exhibit A**RESOLUTION NO. 877(26)**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE ORDINANCE AMENDMENT NO. 01-2026 AND ADOPT ORDINANCE NO. 821, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE ADDING CHAPTER 17.42 (“ARTIFICIAL INTELLIGENCE (AI) DATA CENTERS AND ASSOCIATED USES”) TO TITLE 17 (“ZONING”) OF THE IRWINDALE MUNICIPAL CODE TO PROHIBIT AI DATA CENTER LAND USES CITYWIDE”

A. RECITALS.

- (i) The City of Irwindale, a Charter City, 5050 N. Irwindale Avenue, Irwindale, CA 91706, has initiated the request for a Zone Ordinance Amendment (ZOA No. 01-2026) to add Chapter 17.42 – Artificial Intelligence (AI) Data Centers and Associated Uses – to Title 17 (“Zoning Code”) of the Irwindale Municipal Code to prohibit AI data center land uses citywide; and
- (ii) Title 17 of the Irwindale Municipal Code, otherwise known as the Zoning Code, regulates land use and development within the City of Irwindale (“City”) to protect the public health, safety, and welfare of its residents; and
- (iii) The City of Irwindale has the authority to regulate the use of land in order to protect the health, welfare, safety, and quality of life for the general public, and to ensure land uses remain in concert with the goals of the General Plan; and
- (iv) The City of Irwindale has the authority to amend the Zoning Code in order to uphold those principles and goals.
- (v) The City of Irwindale’s updated Zoning Code, effective as of May 9, 2025, currently does not adequately identify, regulate, or contemplate data processing centers, data centers, server farms, or similar facilities characterized by the operation of computer servers, network infrastructure, digital storage systems, and related equipment used for the processing, storage, transmission, and management of electronic data.

- (vi) Since the Zoning Code's recent update, the City of Irwindale has recognized recent and ongoing discourse regarding the effects of data centers, as well as efforts set forth by local agencies throughout California to mitigate these effects, including the Cities of Monterey Park and El Monte imposing data center moratoriums and amending their municipal code to prohibit AI Data Centers.
- (vii) Following review of public studies, it has been found that large data centers have high and continuous electricity demand, often supported by diesel or gas backup generation with associated air quality, greenhouse gas, and noise impacts; that they may place significant demands on local water supplies for cooling; and that they can drive related infrastructure and land use changes, all of which have been specifically identified as needing robust CEQA analysis.
- (viii) This ordinance regulating the use and development of land for data centers is a matter of local and citywide importance and is not directed toward any particular business, applicant, or project.
- (ix) Ordinary accessory technology functions that are subordinate to lawful primary land uses are still permitted under the proposed ordinance as the prohibition is narrowed to apply to standalone or principal data center uses, rather than incidental technology infrastructure within otherwise lawful businesses, offices, institutions, or other uses, including the city use of servers.
- (x) On June 25, 2026, a notice of public hearing describing the proposed ordinance was published in the San Gabriel Valley Tribune, a newspaper of general circulation, in accordance with the California Government Code, ahead of the Planning Commission Meeting.
- (xi) The notice of public hearing describing the proposed ordinance was also posted at Irwindale City Hall, Irwindale Public Library, the Community Development Department, and the local United States Postal Service Office in the City of Irwindale.
- (xii) On July 15, 2026, the Planning Commission conducted a duly noticed public hearing on Zone Ordinance Amendment No. 01-2026, at which time, the Planning Commission opened the public hearing, took testimony on the proposed ZOA, received input from staff, heard public testimony, discussed the proposed ZOA, and closed the public hearing; and

- (xiii) Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, as amended, and the regulations promulgated thereunder, the proposed ZOA has been determined to qualify for a General Rule exemption pursuant to CEQA Section 15061(b)(3) and 15378(b)(5) in that it can be seen with certainty that there is no possibility that the Zoning Ordinance Amendment, by itself, will have a significant effect on the environment, nor is it a project within the meaning prescribed under CEQA Guideline § 15378.
- (xiv) All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION.

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

1. The Planning Commission hereby specifically finds that all of the facts set forth in Recitals, Part A, of this Resolution are true and correct.
2. Based upon substantial evidence presented to this Planning Commission during the public hearing conducted with regard to the proposed Zone Ordinance Amendment, including written staff reports and verbal testimony, this Planning Commission hereby specifically finds as follows:
 - a. The proposed Zone Ordinance Amendment amends the City of Irwindale Zoning Code to add Chapter 17.42 – Artificial Intelligence (AI) Data Centers and Associated Uses.
 - b. Chapter 17.42 is to include Sections which, as proposed, read as follows:

17.42.010. Citywide Prohibition of AI Data Centers.

Except as provided in this title, it is unlawful to construct, operate, reconstruct, structurally alter any building, or use any real property for a data center in any zone. Using any building or real property in violation of this subsection is a misdemeanor.

17.42.020. AI Data Center Nuisance.

The violation of this chapter furthermore shall constitute a nuisance and may be abated by the city as prescribed under Chapter 17.37 of the City of Irwindale Municipal Code, through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

17.42.030. Exemptions; Accessory Uses.

Associated Data Rooms and Associated Server Rooms are exempt from the general prohibitions of this chapter and are allowed as an accessory use to any permissible principal or conditional use under this title. Such Associated Data Rooms and Associated Server Rooms owned and operated by the city as city facilities are also exempt from the general prohibitions of this chapter.

17.42.040. Definitions.

- a. "Data Center" means a building, dedicated space within a building, or group of structures used to house a large group of networked computer systems used for data storage and processing for off-site and on-site users, to be used for the remote storage, processing, or distribution of large amounts of data. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, back-up batteries, fire suppression systems, enhanced security features, and other associated utility infrastructure to support the primary operations of the data center, server farm, or colocation facility.
- b. "Associated Data Room" or "Associated Server Room" means an enclosed room, suite, or other accessory space containing computer servers, data storage equipment, network switching equipment, telecommunications equipment, and related supporting equipment, including cooling, electrical, backup power, and security systems, that is used solely in conjunction with and incidental to the primary land use on the same lot or site. An Associated Data Room or Associated Server Room is not a data center, server farm, colocation facility, or other prohibited digital infrastructure use, and cannot be used for independent commercial, wholesale, or third-party data processing, storage, or transmission. The use must remain physically and operationally subordinate to the primary use with which it is associated.

- c. The proposed Zone Ordinance Amendment is internally consistent with the City's General Plan Land Use Designations and the Comprehensive Zoning Code Update.
 - d. The proposed Zone Ordinance Amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City. The purpose of the proposed Zone Ordinance Amendment is to prohibit AI data centers citywide and to add zoning regulations to comply with the General Plan, in furtherance of promoting and protecting the health, welfare, safety, and quality of life for the general public within the City.
3. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, as amended, and the City of Irwindale environmental guidelines, the Planning Commission recommends that the City Council determine that the Project qualifies for a General Rule exemption pursuant to CEQA Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the Zone Ordinance Amendment, by itself, will have a significant effect on the environment; furthermore, it does not authorize any new construction or development entitlements, nor is it a project within the meaning prescribed under CEQA Guideline § 15378.
 4. Based upon the substantial evidence and conclusions set forth herein above, this Planning Commission hereby recommends that the City Council adopt Ordinance No. 821 (attached as Exhibit A), which is deemed necessary to protect the public health, safety and general welfare and is reasonable and proper in accordance with the intent and purposes of Title 17 of the Irwindale Municipal Code.

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

The Secretary shall:

- a. Certify to the adoption of this Resolution; and
- b. Forthwith transmit a certified copy of this Resolution to the City Council.

ADOPTED AND APPROVED this 15th day of July 2026.

Maricela Frymark, Chair
City of Irwindale Planning Commission

ATTEST:

Marilyn Simpson, AICP, Secretary

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

I, Marilyn Simpson, AICP, Community Development Director of the City of Irwindale, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Irwindale held on the 15th day of July, 2026, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Marilyn Simpson, AICP, Secretary

Exhibit B**ORDINANCE NO. 821****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE
ADDING CHAPTER 17.42 (“ARTIFICIAL INTELLIGENCE (AI) DATA CENTERS
AND ASSOCIATED USES”) TO TITLE 17 (“ZONING”) OF THE IRWINDALE
MUNICIPAL CODE TO PROHIBIT AI DATA CENTER LAND USES CITYWIDE**

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

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

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

WHEREAS, the City of Irwindale has the authority to amend the Zoning Code in order to uphold and promulgate those principles and goals; and

WHEREAS, currently written, the Zoning Code does not adequately identify, regulate, or contemplate data processing centers, server farms, or similar facilities; and

WHEREAS, since the recent Zoning Code update, the City of Irwindale has recognized recent and ongoing discourse regarding the effects of data centers, including efforts set forth by local agencies throughout California to mitigate these effects by regulation and even prohibition; and

WHEREAS, following review of public studies, it has been found that large data centers have high and continuous electricity demand, often supported by diesel or gas backup generation with associated air quality, greenhouse gas, and noise impacts; that they may place significant demands on local water supplies for cooling; and that they can drive related infrastructure and land use changes, all of which have been specifically identified as needing robust CEQA analysis; and

WHEREAS, this ordinance regulating the use and development of land for data centers is a matter of local and citywide importance and is not directed toward any particular business, applicant, or project; and

WHEREAS, ordinary accessory technology functions that are subordinate to lawful primary land uses are still permitted under the proposed ordinance as the prohibition is narrowed to prevent standalone or principal large-scale infrastructure-type data center land uses while preserving normal building operations that rely on incidental technology infrastructure and internal server rooms; and

WHEREAS, on July 15, 2026, the Planning Commission conducted a duly noticed public hearing, as required by law, regarding the proposed Ordinance, to receive and review public testimony and other evidence regarding the proposed Ordinance, including, without limitation, information to the Planning Commission by City staff; and

WHEREAS, on July 15, 2026, the Planning Commission adopted Resolution No. 877(26), recommending that the City Council approve proposed Ordinance No. 821, amending the Zoning Code to include Chapter 17.42 – Artificial Intelligence (AI) Data Centers and Associated Uses – and all Sections therein; and

WHEREAS, the City Council now desires to amend the Zoning Code to include Chapter 17.42 in order to further protect the public health, safety, and welfare of its residents; and

WHEREAS, the proposed Ordinance is consistent with and will implement the City’s vision, goals, and policies of the Irwindale 2020 General Plan; and

WHEREAS, on _____, 2026, the City Council held a duly noticed public hearing, as required by law, on the proposed Ordinance to receive testimony and other evidence regarding amending the Zoning Code to include Chapter 17.42 and all Sections therein, including without limitation, information provided to the City Council by City staff; and

WHEREAS, this Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to the State CEQA Guidelines Sections 15061(b)(3) on the grounds that it can be seen with certainty that the activity in question will have no significant effect on the environment, nor is it a project within the meaning prescribed under CEQA Guideline § 15378.

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

SECTION 1. The City Council finds that the above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Title 17 “Zoning” of the City of Irwindale Municipal Code is hereby amended to include Chapter 17.42 “Artificial Intelligence (AI) Data Centers and Associated Uses” and all Sections therein, which shall read as follows:

17.42.010. Citywide Prohibition of AI Data Centers.

Except as provided in this title, it is unlawful to construct, operate, reconstruct, structurally alter any building, or use any real property for a data center in any zone. Using any building or real property in violation of this subsection is a misdemeanor.

17.42.020. AI Data Center Nuisance.

The violation of this chapter furthermore shall constitute a nuisance and may be abated by the city as prescribed under Chapter 17.37 of the City of Irwindale Municipal Code, through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

17.42.030. Exemptions; Accessory Uses.

Associated Data Rooms and Associated Server Rooms are exempt from the general prohibitions of this chapter and are allowed as an accessory use to any permissible principal or conditional use under this title. Such Associated Data Rooms and Associated Server Rooms owned and operated by the city as city facilities are also exempt from the general prohibitions of this chapter.

17.42.040. Definitions.

- a. “Data Center” means a building, dedicated space within a building, or group of structures used to house a large group of networked computer systems used for data storage and processing for off-site and on-site users, to be used for the remote storage, processing, or distribution of large amounts of data. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, back-up batteries, fire suppression systems, enhanced security features, and other associated utility infrastructure to support the primary operations of the data center, server farm, or colocation facility.
- b. “Associated Data Room” or “Associated Server Room” means an enclosed room, suite, or other accessory space containing computer servers, data storage equipment, network switching equipment, telecommunications equipment, and related supporting equipment, including cooling, electrical, backup power, and security systems,

that is used solely in conjunction with and incidental to the primary land use on the same lot or site. An Associated Data Room or Associated Server Room is not a data center, server farm, colocation facility, or other prohibited digital infrastructure use, and cannot be used for independent commercial, wholesale, or third-party data processing, storage, or transmission. The use must remain physically and operationally subordinate to the primary use with which it is associated.

SECTION 3. The City Council hereby authorizes and directs the Mayor and the Chief Deputy City Clerk to execute this Ordinance on behalf of the City of Irwindale forthwith upon its adoption.

SECTION 4. The Chief Deputy City Clerk shall certify as to the passage of this Ordinance and shall cause the same to be published and/or posted at the designated locations in the City of Irwindale.

SECTION 5. In accordance with the California Environmental Quality Act (CEQA) of 1970, as amended, and the guidelines promulgated thereunder, the City, as the Lead Agency, has analyzed the project and has determined that the Project is exempt from the provisions of CEQA pursuant to Section 15061 (b)(3), which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is NOT subject to CEQA. In this case, the ordinance has no potential to result in physical change to the environment, directly or indirectly. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City's boundaries. Nor is it a project within the meaning prescribed under CEQA Guideline § 15378. City staff is directed to prepare and file a Notice of Exemption under the California Environmental Quality Act (CEQA) in connection with Ordinance.

SECTION 6. Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentences, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional due to the writs of mandate issued by the Court.

SECTION 7. This Ordinance shall take effect thirty (30) days following its passage.

PASSED, APPROVED, AND ADOPTED on this ____ day of ____ 2026.

H. Manuel Ortiz, Mayor

ATTEST:

Laura M. Nieto, MMC
Chief Deputy City Clerk

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

I, Laura M. Nieto, Chief Deputy City Clerk of the City of Irwindale, do hereby certify that the foregoing Ordinance No. 821 was adopted at a regular meeting of the City Council of the City of Irwindale held on the __ day of __ 2026, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

Laura M. Nieto, MMC
Chief Deputy City Clerk