



CITY OF IRWINDALE

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

**ARTHUR R.
TAPIA**
CHAIR

**ENOCH Y.
BURROLA**
VICE-CHAIR

**RICHARD
CHICO**
COMMISSIONER

**SUZANNE E.
GOMEZ**
COMMISSIONER

**ROBERT E.
HARTMAN**
COMMISSIONER

AGENDA FOR THE REGULAR MEETING OF THE

PLANNING COMMISSION

September 15, 2021

6:30 P.M.

IRWINDALE COUNCIL CHAMBER

(Closed to the Public)

Pursuant to Executive Order N-29-20

The Governor has declared a State of Emergency to exist in California as a result of the threat of COVID-19 (aka the "Coronavirus"). The Governor also issued Executive Order N-25-20, which directs Californians to follow public health directives including canceling large gatherings. The Executive Order also allows local legislative bodies to hold meetings via conference calls while still meeting state transparency requirements.

The public's health and well-being are the top priority for the City, and you are urged to take all appropriate health safety precautions. To facilitate this process, the meeting and opportunities to participate will also be available through the following options:

Join Webinar at

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

Webinar ID

863 4969 1359

Submit public comments by email to baguila@irwindaleca.gov before or during the meeting, prior to the close of public comment on an item. 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, if you need special assistance to participate in a Commission meeting or other services offered by this City, please contact City Hall at (626) 430-2200. Assisted listening devices are available at this meeting. Ask the Chief Deputy City Clerk if you desire to use this device. Upon request, the agenda and documents in the agenda packet can be made available in appropriate alternative formats to persons with disabilities. 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: Robert E. Hartman, Suzanne E. Gomez, Richard Chico; Vice-Chair Enoch Y. Burrola; Chair Arthur R. Tapia

E. ANNOUNCEMENTS**SPONTANEOUS COMMUNICATIONS**

This is the time set aside for members of the audience to speak on items not on this agenda. State law prohibits any Commission discussion or action on such communications unless 1) the Commission by majority vote finds that a catastrophe or emergency exists; or 2) the Commission by at least four votes finds that the matter (and need for action thereon) arose within the last five days. Since the Commission cannot (except as stated) participate it is requested that all such communications be made in writing so as to be included on the next agenda for full discussion and action. If a member of the audience feels he or she must proceed tonight, then each speaker will be limited to 3 minutes, unless such time limits are extended.

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. Special meeting held February 03, 2021
2. Regular meeting held May 19, 2021

B. GENERAL PLAN AMENDMENT NO. 02-2017; SITE PLAN AND DESIGN REVIEW (DA) NO. 04-2017 (MARK GABAY, FIVE POINTS, LLC)

Request for a General Plan Amendment (Map) to change the designation from Residential to Industrial/Business Park to a portion of the property; and a Site Plan and Design Review (DA) for the construction of a ±545,735 square-foot concrete tilt-up building and associated parking for property located at 5175 Vincent Avenue, Irwindale, CA 91706 (APNs: 8417-034-015, 8417-034-016) in the M-2 (Heavy Manufacturing) Zone. ENVIRONMENTAL REVIEW: In accordance with the California Environmental Quality Act (CEQA) of 1970, as amended, and the City of Irwindale environmental guidelines, the City, as the Lead Agency, has analyzed the project and has prepared a Draft Environmental Impact Report ("DEIR") (SCH #2018121056), including the Findings of Fact, the Mitigation Monitoring and Reporting Program (MMRP), and the Statement of Overriding Consideration. The Irwindale Planning Commission will make a recommendation to the City Council regarding such action. A copy of the DEIR and related environmental documents are posted on the City's website and available at the Community Development Department, Irwindale Public Library and City Clerk's Office.

Recommendation: Adopt Resolution No. 808(21)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL DENY THE ADOPTION AND CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT, STATE CLEARINGHOUSE NUMBER SCH# 2018121056, TO CHANGE THE GENERAL PLAN DESIGNATION OF A PORTION OF THE SUBJECT PROPERTY FROM RESIDENTIAL TO INDUSTRIAL/BUSINESS PARK AND FOR THE CONSTRUCTION OF A NEW ±545,735 SQUARE-FOOT, SPECULATIVE INDUSTRIAL CONCRETE TILT-UP BUILDING LOCATED AT 5175 VINCENT AVENUE (APNS: 8417-034-015, 8417-034-016), INCLUDING DENIAL OF THE CORRESPONDING MITIGATION MONITORING AND REPORTING PROGRAM AND STATEMENT OF OVERRIDING CONSIDERATIONS

Recommendation: Adopt Resolution No. 809(21)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL DENY GENERAL PLAN AMENDMENT NO. 02-2017 TO CHANGE THE GENERAL PLAN LAND USE DESIGNATED FOR A PORTION OF THE SITE FROM RESIDENTIAL TO INDUSTRIAL/BUSINESS PARK FOR PROPERTY LOCATED AT 5175 VINCENT AVENUE, IRWINDALE, CA 91706 (APN: 8417-034-016) IN THE M-2 (HEAVY MANUFACTURING) ZONE AND MAKING CERTAIN FINDINGS OF FACT.

Recommendation: Adopt Resolution No. 810(21)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL DENY SITE PLAN AND DESIGN REVIEW (DA) NO. 04-2017 FOR THE CONSTRUCTION OF A ±545,735 SQUARE-FOOT CONCRETE TILT-UP BUILDING AND ASSOCIATED PARKING ON PROPERTY LOCATED AT 5175 VINCENT AVENUE, IRWINDALE, CA 91706 (APNS: 8417-034-015 AND 8417-034-016) IN THE M-2 (HEAVY MANUFACTURING) ZONE AND MAKING CERTAIN FINDINGS OF FACT.

2. NEW BUSINESS**3. PUBLIC HEARINGS****A. SITE PLAN AND DESIGN REVIEW (DA) NO. 04-2021 AND CONDITIONAL USE PERMIT NO. 05-2021 (PAUL GARRY, PSOMAS, ON BEHALF OF IBY, LLC)**

Request for a Site Plan and Design Review (DA) for the construction of a Filtration Building and a Conditional Use Permit to allow storage and use of cleaning chemicals for an existing brewery located at 15801 1st Street (APN: 8533-009-021, -024, and -907) in the M-2 (Heavy Manufacturing) zone. ENVIRONMENTAL REVIEW: The proposed project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301 (Class 1; Existing Facilities) of the CEQA Guidelines. The project is an addition to the existing building and will not result in an increase of more than 10,000 square feet. The project is not located in an environmentally sensitive area. If action is taken to approve the project, a Notice of Exemption (NOE) will be filed with the Los Angeles County Clerk Recorder. The NOE is on file at the Community Development Department and available for review by the public.

Recommendation: Adopt Resolution No. 807(21)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING CITY COUNCIL APPROVAL OF SITE PLAN AND DESIGN REVIEW (DA) NO. 04-2021 AND CONDITIONAL

USE PERMIT NO. 05-2021 FOR THE CONSTRUCTION OF ONE (1) NEW ± 9,907 SQUARE FOOT FILTRATION BUILDING AND THE APPROVAL FOR STORAGE OF CLEANING CHEMICALS FOR AN EXISTING BEVERAGE MANUFACTURING FACILITY (IRWINDALE BREW YARD, FORMERLY MOLSON-COORS) FOR PROPERTY LOCATED AT 15801 FIRST STREET, IRWINDALE, CA 91706 (APN: 8533-009-021, -024, -907) IN THE M-2 (HEAVY MANUFACTURING) ZONE SUBJECT TO CONDITIONS AS SET FORTH HEREIN AND MAKING FINDINGS IN SUPPORT THEREOF AND FINDING THE PROJECT EXEMPT FROM CEQA PURSUANT TO SECTION 15301 (CLASS 1; EXISTING FACILITIES).

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

AFFIDAVIT OF POSTING

I, Berlyn Aguila, Administrative Secretary, certify that I caused the agenda for the regular meeting of the Irwindale Planning Commission to be held on September 15, 2021 to be posted at the City Hall, Library, and Post Office on September 9, 2021.

Berlyn Aguila

Berlyn Aguila,
Administrative Secretary

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

February 03, 2021
Wednesday
6:31 P.M.

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

CHAIR TAPIA This meeting of February the 3rd, is now called to order. It is traditional that we give our respects to our loved ones, friends, and other people's loved ones that have passed. Tonight, I am going to be adjourning this meeting to Anita Torres, my son's mother-in-law, and my wife's longtime friend from kindergarten through high school. She was our maid of honor and then she was one of my boy's nina. We are going to miss her. She did not have enough resistance to fight off COVID. We will be honoring her tonight, thank you. This meeting has been call to order and we will be standing for the Pledge of Allegiance and remain standing for the invocation.

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

INVOCATION
COMMISSIONER
CORPIS Lord we thank you and we praise you for the opportunity to serve. We pray that you guide us in our decisions knowing that we are accountable and we just thank you for all things in his name we pray, amen.

Roll call.

ROLL CALL: Present: Commissioners Robert E. Hartman; Loretta Corpis; Richard Chico; Vice-Chair Enoch Burrola; Chair Arthur R. Tapia

Also present: William Tam, City Manager; Adrian Guerra, City Attorney; Marilyn Simpson, Community Development Manager/City Planner; Brandi Jones, Senior Planner; Berlyn Aguila, Administrative Secretary.

CHAIR TAPIA Item E, announcements.

ANNOUNCEMENTS

ADMINISTRATIVE
SECRETARY AGUILA One second, I apologize.
Per Executive Order N-25-20, Californians are directed to follow Public Health directives including canceling large gatherings. The Executive Order also allows local legislative bodies to hold meetings via conference call while still meeting state transparency requirements. The City has made tonight's meeting available in a virtual setting and by phone. Public comments and participation are welcomed through the following means. Pre-registering for the Planning Commission meeting on Go To Webinar and email submission of public comments to the Planning Commission Department at Baguila@irwindaleca.gov.

During the spontaneous communications portion of the virtual meeting, Administrative Secretary will first read any public comments sent by email. Next, the chair will open the floor to those who are participating via webinar or phone. Please use the Raise Your Hand feature to be added to the queue of speakers. Once called upon, you will have three minutes to address the Planning Commission unless such time limits are extended. So that each member of the public will have the opportunity to speak. Individuals will be limited to a single time to address the Planning Commission during spontaneous communications if your hand is raised and you have spoken, you will not be given another opportunity to speak. During the discussion items on the agenda, members of the public are asked to use the raise your hand feature to be added to the queue of speakers and you will be unmuted from our central console at the appropriate time. Each speaker will be have 3 minutes to address the Planning Commission unless such time limits are extended, So each member is afforded the opportunity to speak. Individuals will be limited to a single time to address the Planning Commission. If your hand is raised and you have spoken, you will not be given another opportunity to speak. We welcome your feedback so that we continue to improve the City's engagement with its residents and members of the public. Thank you.

SPONTANEOUS COMMUNICATIONS

CHAIR TAPIA

Thank you. Now we move on to spontaneous communications. This is the time set aside for members of the audience to speak on items not on this agenda. If there is anyone in the audience wishing to speak on items not on this agenda, please raise your hand to be recognized.

ADMINISTRATIVE
SECRETARY AGUILA

Chair Tapia, no hands have been raised.

CONSENT CALENDAR

CHAIR TAPIA

Since no hands have been raised, we will continue consent calendar. Consent calendar contains matters of routine business and it is approved with one motion unless a member of the Commission request separate action on a specific item. This is the time members of the audience may ask to be heard regarding an item on the consent calendar. If there is anyone in the audience wishing to speak on this matter, which there is no minutes today. I have already made a statement, but if there's anyone wishing to speak on anything on the minutes, please raise your hand.

Item No. 1A

MINUTES

ADMINISTRATIVE
SECRETARY AGUILA

No minutes to be approved.

CHAIR TAPIA

No minutes to be approved. We will move on to New Business. Number A is Alpha Street Update.

NEW BUSINESS

ITEM NO. 2A

ALPHA STREET UPDATE

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON

Thank you Chair, Commissioners, and members of the audience. The current automobile dismantling operations within Irwindale are located on Alpha Street. This area was established in the 1980's on a 30 plus acre former landfill, also known as the Alpha Pit. On May 14, 2014, after many years of research, public outreach and workshops, the City Council approved Ordinance No. 676, which created an Automobile Dismantling Plan Development Overlay Zoning Designation. Ordinance 677 amended the Irwindale Municipal Code pertaining to automobile dismantling to clarify existing standards and establish new standards for automobile dismantling. It restricted all auto dismantling operations to be performed on Alpha Street. The General Plan for this area is Industrial Business Park and the base zone is M-2 (Heavy Manufacturing). There is an Automobile Dismantling Planned Development Overlay there. In 2017, the Planning Commission approved Conditional Use Permits for all of the automobile dismantling operations at the site and part of the Conditions of Approval were to provide updated reports to the Planning Commission. This is the first report that we have done and it is the 2020 yearly update report. The Irwindale Code Enforcement Department is the department that actually goes out and monitors for compliance with the Conditions of Approval and with the Irwindale Municipal Code. During the 2020 period, there were 37 businesses that were operating on Alpha Street; 35 of which were auto dismantlers, one tow yard, and one contractor storage yard. Of these businesses, 25 had active Business Licenses and 12 are in the process of getting their Business License. In 2020, due to the COVID-19 pandemic, the normal routine site inspections that Code Enforcement performs were put on hold and Code Enforcement instituted new processes in relation to Health and Safety regulations. Primarily, it was complaint driven to Code Enforcement or to the City and they would respond to any complaints or violations. The Code Enforcement Department had created the Alpha Street checklist, which was used to determine compliance with the CUP Conditions of Approval and the Irwindale Municipal Code. The far side of Alpha Street the dismantling operations; they are subject to additional regulations because they affect the residential properties. Inspections in 2020 that were conducted on 15 businesses, 5 of the businesses were issued notices for noncompliance and the notices were also sent

to the property owners. Courtesy notices were sent to 12 related businesses that were responsible for the ongoing maintenance of the landscape. One of the issues in this area, and in other areas of the City, is an ongoing issue with graffiti abatement. Code Enforcement sends notices and the operators have a certain amount of time to remedy the situation and they have been very good about that. The City also uses a monitoring company to inspect the businesses for NPDES, The National Pollutant Discharge Elimination System requirements. Irwindale Police Department provides parking and traffic enforcement on Alpha Street. In 2020, 21 parking tickets were issued and two moving violations. The LA County Fire Department continues to perform ongoing fire inspections, as necessary. This concludes my update. I am available for any questions, thank you.

CHAIR TAPIA

Are there any questions for Staff? I have a couple of questions here. When there is anything going on over there on Alpha Street, they respond. Most of them come to meetings and that really impresses me because I wish our residents would respond the same as they do. How many establishments were there when we met the last time and approved and amended their time by adding more time to the limitation process? Is there any new salvage yards over there since that time?

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON

Thank you, Chair. There have been, I don't have the exact numbers, but there has been some new businesses that have purchased the business operations. Those new businesses are subject to the same Conditions of Approval and we get them to sign an affidavit that they acknowledge all Conditions of Approval, and the time limit still applies to them.

CHAIR TAPIA

I think that we've been more than kind and lenient toward approving their needs. As they say, they have a family and have needs. That's their bread and butter, but they tend to forget that they have to comply with the regulations. The last question I have is when is the date of limitations due?

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON

The CUPs for Alpha Street were limited to a 15-year approval with a single five year automatic extension after that 15 years. The clock started ticking in 2017. They have some time.

CHAIR TAPIA

So, we have some time to have them comply?

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON

Yes.

CHAIR TAPIA

Thank you. Any other questions?

VICE-CHAIR
BURROLA

I have a question, Chair and Staff. I wanted to know if there is a Condition that states if they were to violate the CUP multiple times? Is there something where the CUP could be voided and they would have to leave? If they do violate the CUP or the NPDES or any of that stuff, is there any repercussions or are they just going to keep violating their CUP? Code Enforcement and residents complaining and nothing happens because they know nothing is going to happen to them. Is there something in the CUP that we have more control of it not ever happening again, as far as violations?

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON

Thank you, Vice-Chair Burrola. I'm looking through one of the resolutions because this issue did come up and I believe that if there was a certain number of violations within a year, we would return back to the Planning Commission.

VICE-CHAIR
BURROLA

Okay, thank you. I just want to make sure that we have more authority over these businesses. If they violate, then they get a slap on the wrist and they continue to get a slap on the wrist every time they violate the CUP and there's no repercussion. I just want to make sure that we have more authority over them, per say.

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON

Thank you, Vice-Chair Burrola, Senior Planner Jones can respond.

SENIOR PLANNER
JONES

Good evening. There was a requirement, as far as violations were concerned, and I believe it was three or four substantiated violations within a specific period. I don't remember the exact period, but there is a Condition in there about a certain number of substantiated violations and claims that can result in the revocation.

VICE-CHAIR
BURROLA

Is Code Enforcement keeping track of that?

SENIOR PLANNER
JONES

Yes.

CHAIR TAPIA

I have a suggestion. In a doctor's office, they have diplomas of what they represent and regulations they follow from the City, State and Federal or whatever it might be. Why can't we have a condition that they have to have the codes posted in a place similar to the earthquake plan and have it visible so that they don't have any excuses? Have everything that they need to comply with in writing and be visible. I think that may help them remember because that was about four years ago and some people can't remember what they were told last week. That is just a suggestion. Can we do something like that?

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON

If were to add an additional Condition of Approval, it would require bringing it back to the Planning Commission in a public hearing.

CHAIR TAPIA

Is there any administrative type of action that we can take that would not because they are breaking and violating the code? This way it is on paper and we could ask them to please put it up where it is visible just for your sake and that type of thing.

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON

When Code Enforcement visits the site, they always bring the Conditions of Approval and the Resolution that has been signed by the operator and they do give them a copy of it. That is something that we have them bring out as a courtesy to let them know and as a suggestion, we can offer that.

CHAIR TAPIA

If they run around with dirty hands and they don't clean them until they put some soap on it, we have to have something substantial to remind them that they have an obligation to the City as well as we have an obligation to them.

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON

Code Enforcement starts with a courtesy notice, they not only send it to the operator but as well as the property owner, which several times are not the same.

CHAIR TAPIA

Thank you very much. We will move on to Item number 3. An Amendment No. 1 to Development Agreement No. 02-06 and Conditional Use Permit Modification No. 01-2021 to Conditional Use permit No. 7-06 (CalMat Company DBA Vulcan Materials).

PUBLIC HEARINGS

ITEM NO. 3A

**AMENDMENT NO. 1 TO DEVELOPMENT AGREEMENT NO. 02-06
AND CONDITIONAL USE PERMIT MODIFICATION NO. 01-2021 TO
CONDITIONAL USE PERMIT NO. 7-06 (CALMAT COMPANY, DBA
AS VULCAN MATERIALS).**

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON

Thank you, Chair and Commissioners. Michael Linton on behalf of Vulcan Materials Company is requesting Amendment No. 1 to Development Agreement No. 02-06 to remove the Reliance II site located at 15990 Foothill Boulevard from the approved Reclamation Plan and Development Agreement for the Reliance I and Reliance II. The Reclamation Plan for the Reliance II landfill and the Reliance I quarry was approved on June 11, 2018 with the CUP and a Development Agreement, Ordinance 627. The California Division of Mine Reclamation considers Reliance I and Reliance II to be a single

mine, although they are divided by Foothill Boulevard. Since Conditional Use Permits and Development Agreements remain with the property, certain entitlements do that. In order to remove those entitlements, they need to be modified, amended or vacated. On November 8, 2017, the City Council approved the Reliance II Specific Plan, which serves as the guiding zoning document for the site and provides for all the specific development standards in uses permitted for Reliance II. Reliance II has now completed their filling operations and they are preparing for construction. The Modification to the Conditional Use Permit and the Amendment to the Development Agreement is necessary to remove it from the combined CUP and Development Agreement. The Reliance II site, the Zoning Designation is Reliance II Specific Plan and the General Plan Land Use Designation is Reliance II Specific Plan. This action is exempt from the provisions of CEQA, pursuant to section 15061(b)(3), which states of 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. In this case, the request for the modification for the CUP and the Amendment to the Development Agreement or Reliance II, it terminates the applicants rights and obligations under their approved CUP and Development Agreement so, there is no potential for an effect on the environment. Little discussion about the Development Agreement; the Development Agreement is a contract between the City and the developer setting standards and conditions for the development of the property and in this case, Amendment No. 1, there are key provisions. One of the provisions is at the Agreement will be terminated regarding the Reliance landfill site and shall no longer have any force or effect to the original Development Agreement. The termination of the Agreement shall have no effect or invalidate any actions taken by the City and/or Vulcan in accordance with the Agreement prior to the effective date of this amendment and third, the Land Use and Development regulations for the Reliance II site will be governed by the Reliance II Specific Plan. These provisions for this Amendment to the Development Agreement, are consistent with the General Plan, Zoning and the Specific Plan. The modification of the Conditional Use Permit. How the Reclamation Plan gets approved is just via a Conditional Use Permit and the Specific Plan sets the regulations, permitted uses and the standards. Now the Conditional Use Permit Modification is removing Reliance II from the existing CUP and all of the Conditions of Approval that were specific to the Reliance II site. The Reclamation Plan, Development Agreement and the CUP that was originally approved in 2006, remain in place for the Reliance I pit. That concludes Staff's report, but we recommend adopting the attached Resolutions which are making a recommendation to the City Council to approve Ordinance No. 755, approving Amendment No. 1 to the Development Agreement No. 02-06 and Resolution No. 797(21) recommending to the City Council to approve the CUP Modification No. 01-2021. That concludes my report. I am available for questions.

CHAIR TAPIA Questions by Commissioners?

COMMUNITY DEVELOPMENT MANAGER/CITY PLANNER SIMPSON That does not conclude my report, I have one more thing. I placed on the dais for those here and we emailed the Commissioners who are attending virtually, that there was a proposed revision to the draft Amendment No. 1 to the Development Agreement and it just added some language that was specified in the Recitals Number A. Recorded on December 2, 2009, it added as instrument No. 2008-2118284 of official records and this is called the Agreement. On terms 1A, adding a statement that says which is more particularly legally described in Exhibit A hereto and depicted in Exhibit B, which is attached to Amendment No. 1. Exhibit A gives the legal description for all the parcels and Exhibit B is a map showing all the parcels on the Reliance II site. That concludes Staff's presentation.

CHAIR TAPIA Any questions?

VICE-CHAIR BURROLA I got a few questions.

CHAIR TAPIA Go ahead.

VICE-CHAIR BURROLA I am nervous to remove Reliance II from the Reclamation Plan and Development Agreement. I know we just got this packet yesterday and I was looking through the Development Agreement and I wanted to see the 2017 Development Agreement that we approved. Is it kind of replacing the Development Agreement in a way because there is a lot of obligations they have to meet in the Development Agreement and I wasn't sure if those were stated in the Specific Plan. I was going through some that were offsite improvements around the perimeter of the area such as underground utilities and other infrastructure requirement. I just want to make sure that we are removing them from this Agreement and that we looked at everything and made sure that they fulfilled their obligations on the Development Agreement. I know the Specific Plan is a specific plan that changes the zone for that area. They have to abide to that Specific Plan for development but more than likely Vulcan is going to sell their property to a developer. Is the developer bound by that Specific Plan or is there some document in their certified standing that you have to follow this? That would be my question because I'm nervous of leaving this reclamation Development Agreement. I just want to make sure the City is covered and they have fulfilled their obligations to the CUP and the Development Agreement. If we can touch on that just a little bit.

CITY ATTORNEY GUERRA First of all, great question and I will tell you that when I was approached by this item, I also had the same observation. I fully understand where you are coming from. The way I would address it is the Development Agreement contemplated three issues: mining,

reclamation of the site, and development of the site so let's take them one by one. Mining, at this point there is no ability to mine. If they did want to come back and mine, they would have to get a Mining Permit. Any mining activity going forward would be subject to SMARA and they would have to get a permit so we would be able to regulate that going forward. Let's assume mining is out of play. It all also governed reclamation of the site. Well, the site is reclaimed so all the issues regarding reclamation has been addressed. The third aspect is development. The Development Agreement did provide some guidance and structure as to the proposed development of the site. However, like we came about in 2017, a plan was adopted for the site via the initiative process in the City Council approved it. The Specific Plan is now the governing zoning document for the site. So, it is effectively the Zoning Code for the site. Any development whatsoever on the site is going to have to comply with the Specific Plan. So whatever the Development Agreement provided, to some extent, is now irrelevant because the developer and the property owner is going to have to comply with the terms of the Specific Plan in terms of the uses, any restrictions on the site, what is prohibited, what is permitted. It's going to be governed by the Specific Plan. The other point you raised, which is an excellent point, which is the offsite improvements. The offsite improvements were incorporated into the CUP and as it was mentioned in the Staff Report, there are some outstanding improvements that have yet to be completed. They have completed some, but there are others that will be completed.

VICE-CHAIR
BURROLA

We don't receive the CUP, did we?

CITY ATTORNEY
GUERRA

I believe it was an attachment in the package. What is proposed is that the developers and our Staff have come to a conclusion that for the outstanding improvements that have not yet been completed, the City and developer are going to enter into the Offsite Improvement Agreement where they're going to basically pay the full cost of those reimbursements. I think there's been an itemization of all the outstanding issues and cost allocated to that. That Agreement will be taken to the City Council assuming the Planning Commission makes a recommendation tonight. They will go at the same time.

VICE-CHAIR
BURROLA

Okay. Is this part of the Specific Plan documentations for the offsite improvements?

CITY ATTORNEY
GUERRA

No, that will be a separate agreement.

VICE-CHAIR
BURROLA

The developer is not able to develop unless they fulfill these obligations?

CITY ATTORNEY GUERRA	The developer is going to have to comply with the Specific Plan and the owner of the site is going to have to comply with the Offsite Improvement Agreement.
VICE-CHAIR BURROLA	Vulcan being the owner, is still required to do the offsite improvements but when they sell their property to a developer, then he's going to take ownership of this Specific Plan and it's going out of the hands of Vulcan and into the new owners as like a transfer, correct?
CITY ATTORNEY GUERRA	Whoever is going to develop the site is going to be subject to the Specific Plan.
VICE-CHAIR BURROLA	Okay, I don't have it in front of me. I remember it was 2-3 years ago, but that is documented in the Specific Plan.
CITY ATTORNEY GUERRA	Yes. All of the land use restrictions or requirements are laid out in the Specific Plan so whoever is going to develop the site has to comply with that document. With respect to the Offsite Improvement Agreement, that is going to be with the owner and that obligation is going to remove the order. My understanding is that are just going to pay us the estimated cost of the improvements.
VICE-CHAIR BURROLA	If we do an amendment to the Development Agreement, do we still have something holding them to whatever payment you are saying for the offsite improvements?
CITY ATTORNEY GUERRA	That is going to be a separate agreement.
VICE-CHAIR BURROLA	That's not part of what we are doing here?
CITY ATTORNEY GUERRA	That is correct.
VICE-CHAIR BURROLA	We might have to see that again and it is going to go together to the City Council?
CITY ATTORNEY GUERRA	Yes, that is going to be a separate agreement that will not be coming before the Planning Commission. Those improvements that were identified were included in the CUP and rather than continue to keep the CUP on record, we will go ahead and terminate the CUP but the owner is going to agree to complete the offsite improvements by entering to a separate binding agreement and pay for the estimated cost of those improvements.
VICE-CHAIR BURROLA	Okay, perfect. I just wanted to clarify things.

CITY ATTORNEY GUERRA	Like I said, excellent questions and those were the same questions that we had to go through and make sure this was the appropriate recommendation.
VICE-CHAIR BURROLA	Yes, because these agreements are SMARA compliant and the State has our back, per se, if they violate that anyway. Once we take him off these agreements, we have to have something in place to hold him to it. So, that's good.
CITY ATTORNEY GUERRA	My recollection is that the CUP and the Reclamation Plan governed the Reclamation. Now that it is complete, there is really not a need for it to continue. The site is basically ready for development.
COMMISSIONER BURROLA	Okay. My question is, I guess, the easement at Reliance II landfill for drainage purposes. It was said that Kincaid pit, which is east of the site they, right? They were going to use some sort of drainage into the Reliance II site. So there was supposed to be an easement. Do you guys recall or what happened with that?
CITY ATTORNEY GUERRA	Things changed with the Specific Plan, I believe. Daniel can maybe answer that question.
COMMUNITY DEVELOPMENT MANAGER/CITY PLANNER SIMPSON	Thank you, Vice-Chair Burrola. We have the City Engineer that can answer that question.
CITY ENGINEER HANNA	Good evening Chair, Burrola and honorable Commissioners. Kincaid has North and South Kincaid. North Kincaid will be developed but we are using South Kincaid that will divert all the water to the south side, not to the Reliance II. Hopefully this answers your questions Mr. Burrola.
COMMISSIONER BURROLA	Yes, because it is part of the Development Agreement. There is an easement that was supposed to be in Reliance II landfill. I just want to make sure that you guys looked at it and if it's needed, that it is part of this agreement. Once this agreement is over with and we take it out, we can't go back. I just want to make sure.
CITY ENGINEER HANNA	There is an easement on the Reliance II side. There is an area for drainage and it's between 10 acres. That area will be a drainage area to collect the water and then divert the water to a storm drain. A new pipe will be go under the 210 freeway. Reliance II has nothing to do with the North Kincaid site.
COMMISSIONERM BURROLA	Okay, I guess. Since you are online, I have another question. We had recently approved some easements for the billboards and I didn't see it

in the documentation that you guys sent. Online, it shows the property boundary done by Johnson and Frank. The survey that shows the parcels, does not show the easement for those billboards. Is that something you guys looked at?

CITY ENGINEER
HANNA I believe Planning and Legal is looking into this.

COMMISSIONER
BURROLA Okay, because I believe she has mentioned that the easement should be on a plan that shows all parcels. There should be some sort of map or something showing that easement for those billboards.

CITY ENGINEER
HANNA I haven't received it on my desk yet, but I believe we were talking about this, but we are still working with Legal, Vulcan, and Planning.

COMMISSIONER
BURROLA I'm sure when they bring it in the plans for the Specific Plan, then they will have to change it, but I also want to make sure we have access to that easement, as well.

CITY ENGINEER
HANNA Yes, we do.

COMMISSIONER
BURROLA Will you look into that when we have a developer come in? He is going to have to take ownership. Thank you.

CHAIR TAPIA Sir William is going to give you some more information on that.

CITY MANAGER
TAM Thank you Mr. Chair and members of the Commission. Let me provide more information to clarify the answer that was provided by our City Engineer. There was a Certificate of Compliance prepared and finalized that outlines the easement access to all the billboards and it has been approved and recorded. It was already done a few years ago, prior to this action being taken by the Commission tonight.

COMMISSIONER
BURROLA Thank you.

CHAIR TAPIA I would just like to get on the tail end of you said Mr. Burrola, which is excellent. I just have something real simple that I didn't read in our packets, but maybe it was there. Have our engineers approved the filling, grade, and compaction to also make the statement that it is complete?

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON Thank you, Chair. I will have our City Engineer respond to that.

CITY ENGINEER HANNA	Yes, Mr. Chair Tapia. All of the reports for the reclamation and the fill was reviewed and approved by our ITAC team. It has been reported to SMARA and we sent the closure reports to the State's Department of Conservation. We received a letter from them confirming the report and closure of the site as a mining site. The reclamation was completed, approved and it's ready to be developed.
CHAIR TAPIA	There should be no more transporting of dirt or spreading our grading over there, is that correct?
CITY ENGINEER HANNA	During development and construction, I am positive that they are going to be some removing to develop the site.
CHAIR TAPIA	At this point of the development, should there be anybody, equipment, or moving over there? Is there anything else? It should be still, right?
COMMUNITY DEVELOPMENT MANAGER/CITY PLANNER SIMPSON	Thank you, Chair. The reclamation has been finished, but when it comes time for construction, the typical construction activities will take place with grading. So, you might see some dirt moving at that time and maybe some coming in as they're making the building pads. The reclamation portion of it, like the trucks coming in or the conveyor belts is complete.
CHAIR TAPIA	Okay, that was my question. Thank you. Anyone else wishing to make a comment or ask a question? Any other Commissioners? Mr. Burrola, do you have anything else?
COMMISSIONER BURROLA	No, thank you Chair. That is it for me.
OPEN PUBLIC HEARING	At 7:18 p.m., Chair Tapia opened the public hearing.
CHAIR TAPIA	Okay, then we will open up the Public Hearing if anyone in the audience is wishing to speak on behalf or against the resolutions that are being asked to consider tonight. Can you raise your hand out there to be recognized?
ADMINISTRATIVE SECRETARY AGUILA	We have no hands raised.
CLOSE PUBLIC HEARING	There being no speakers, Chair Tapia closed the public hearing at 7:18 p.m.
CHAIR TAPIA	At this time we will close the public hearing and we will she will ask the Commissioners if they have any further questions or if they would like to make a motion on the recommendation of staff. This would be both concurrent, right. We're going to vote each together or separate?

CITY ATTORNEY GUERRA	We can do it separately.
CHAIR TAPIA	Okay.
CITY ATTORNEY GUERRA	Just to make it easier, we will do it all at once. The appropriate motion would be to read by title only waive reading of and adopt the following two Resolutions. Resolution of the Planning Commission of the City of Irwindale recommending approval to the City Council of Ordinance No. 755 approving Amendment No. 1 to Development Agreement No. 02-06 for property located at 15990 Foothill Boulevard (APNs: 8604-019-001, 8604-019-003, and 8604-019-010) with the revisions to the Amendment's Development Agreement as stated by Ms. Simpson. The second Resolution is a Resolution of the Planning Commission of the City of Irwindale recommending approval to the City Council of the Conditional Use Permit Modification No. 01-2021 to Conditional Use Permit No. 7-06 for property located 15990 Foothill Boulevard (APNs: 8604-019-001, 8604-019-003 and 8604-019-010. Is there a motion and a second?
CHAIR TAPIA	I would like to ask the Commissioners if they have any more questions or discussions before we adopt a motion. Anything else? Okay, then it is still open for discussion but open for a motion.
COMMISSIONER HARTMAN	Motion.
COMMISSIONER CHICO	Seconded.
CHAIR TAPIA	Roll call.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Hartman.
COMMISSIONER HARTMAN	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Corpis
COMMISSIONER CORPIS	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Chico.
COMMISSIONER CHICO	Yes.

ADMINISTRATIVE
SECRETARY AGUILA Vice-Chair Burrola.

VICE-CHAIR
BURROLA Yes.

ADMINISTRATIVE
SECRETARY AGUILA Chair Tapia.

CHAIR TAPIA Yes, but I would like to commend Vice-Chair Burrola for looking into the fine points of view. I would like to thank you for that. You did a great job. Thank you, sir.

VICE-CHAIR
BURROLA You are welcome.

**DISCUSSION ITEMS/
PRESENTATIONS**

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON There are no presentations tonight.

**COMMISSIONER
COMMENTS**

VICE-CHAIR
BURROLA I got a request, Chair

CHAIR TAPIA Go ahead.

VICE-CHAIR
BURROLA This is a property at my backyard. I am not sure if they are able to do this or not, per their CUP or their agreement, but they are storing a large amount of, it looks like junk like old rusted pipes and an equipment that it doesn't look like they're using. It's just being piled up. At first it was I was a little pile but now they have RV's and a bunch of stuff going on. I just wanted to see if Code Enforcement could go out there and take a look and see if what they're doing is legal and that way it doesn't get out of hand.

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON Thank you Vice-Chair Burrola. We will have Code Enforcement follow up on that.

VICE-CHAIR
BURROLA Thank you.

CHAIR TAPIA This is something that I'm going to pose to Commissioner Burrola and also to Staff. I know that I'm the Chair right now and Mr. Burrola is the Vice-Chair, but I'd like to know if periodically he could run the meeting. Would that be okay with you, if it's okay with you Vice-Chair Burrola?

VICE-CHAIR
BURROLA Yes, that is okay, if it is okay with all of the Commissioners.

CITY ATTORNEY
GUERRA Do you mind if I give that some thought? That is a new one.

CHAIR TAPIA We have a Commissioner here that is going to be the future of our City. I'm sure he is capable of doing it but I would like to see him get his feet wet, if possible.

CITY ATTORNEY
GUERRA I will take a look and get back to you at the next meeting. I don't see why not, but like I said, I've never seen that before.

CHAIR TAPIA Any other comments?

LEGAL COUNCIL

CITY ATTORNEY
GUERRA No comments tonight, thank you.

CHAIR TAPIA Commander in Chief, do you have any comments?

CITY MANAGER
TAM Mr. Chair, I do not have any comments, thank you.

**COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER'S REPORT**

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON Thank you Chair and Commission. The only thing I have is that the City is partnering with Transient Health to offer a no cost and noninvasive COVID-19 testing that is to take place on February 15th from 9:00 AM to 3:00 PM. It will take place right in front of City Hall here. You do have to register for it, so we will send the email information out to everyone and we do have a flyer that's available here at City Hall. I'll make sure you get this Chair Tapia.

CHAIR TAPIA What happens to the people that do not get email?

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON It has been mailed out to all residents already.

CHAIR TAPIA Okay, I see.

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON This is for all residents and employees.

CHAIR TAPIA Thank you.

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON With that, I just want to remind you that we have a bit of a bigger break here. Our next meeting is March 17th.

CHAIR TAPIA March 17?

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON Yes.

CHAIR TAPIA Thank you very much. It was a good meeting and again, I will adjourn this meeting in memory of Anita Torres. Is there a motion to adjourn?

COMMISSIONER
CHICO So moved.

ADJOURNMENT There being no further business to conduct, the meeting was adjourned at 7:27 p.m.

Arthur R. Tapia, Planning Commission Chair

Attest:

Berlyn Aguila, Administrative Secretary

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

May 19, 2021
Wednesday
6:35 P.M.

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

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

INVOCATION Lord, we come before you this evening asking that you bring an end to this COVID, Lord. All of the lives that have been lost, Lord. Loved ones that, just, it really hurts that they could not see their loved ones as they passed away, as most of us can. Even though it may be something in life that is going to happen, Lord, we still miss and love our loved ones, even if we see them for ninety years. Lord, today I just thank you because of the vaccines and people caring that we are able to be here together. Lord, I just ask that you continue to bless the City, bless all the agencies, and bless all our decisions, Lord, let them be fair to all. In Jesus name, Amen.

CHAIR TAPIA Roll call.

ROLL CALL: Present: Commissioners; Robert E. Hartman; Richard Chico; Vice Chair Enoch Burrola; Chair Arthur R. Tapia left at 6:41 p.m.

Absent: Commissioner Loretta Corpis

Also present: William Tam, City Manager; Adrian Guerra, City Attorney; Marilyn Simpson, Community Development Director; Brandi Jones, Senior Planner; Lisa Chou, Planning Technician; Daniel Co, Assistant Engineer; Randy Silva, Code Enforcement Officer; Abbey Ibarra, Community Development Intern; Berlyn Aguila, Administrative Secretary

CHAIR TAPIA Announcements.

ANNOUNCEMENTS

ADMINISTRATIVE SECRETARY AGUILA Thank you, Chair. We have no announcements for tonight.

SPONTANEOUS COMMUNICATIONS

CHAIR TAPIA Okay. We move on to Spontaneous Communications. This is the time set aside for members of the audience to speak on items, not on this agenda. State law prohibits any Commission discussion or action as such communication, unless the Commission by majority finds that a catastrophe or emergency exists. By Commission finds, the matter in

need for action arose within the last five days. Since the Commission cannot accept as stated, participate, it is requested that such communication be made in writing and to be included in the next agenda for full discussion and action. If there is a member in the audience that feels he or she must proceed tonight, or if you have any spontaneous communication of any kind, now is the time to do so. Could you please raise your hand to be acknowledged.

ADMINISTRATIVE
SECRETARY AGUILA

There are no members of the public who have raised their hand.

CONSENT CALENDAR

CHAIR TAPIA

Ok. We will now move on to Consent Calendar. Prior to making any motions I will turn it over to our Staff, so they can explain what has happen here today on Item B.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you, Chair and Commission. Item B will be moved to the next Planning Commission meeting. The only item under Consent Calendar is the Minutes for January.

Item No. 1A

MINUTES

1) Regular meeting held January 20, 2021

CHAIR TAPIA

At this time, the Consent Calendar contains routine business and is approved by one motion, unless a member of the Commission request 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. The only item on the Consent Calendar, Item A, is the recommendation to approve the following minutes, January 20, 2021. Is there a motion to accept the recommendation?

COMMISSIONER
CHICO

Motion to approve.

COMMISSIONER
HARTMAN

Second.

CHAIR TAPIA

Roll Call.

ADMINISTRATIVE
SECRETARY AGUILA

Commissioner Hartman.

COMMISSIONER
HARTMAN

Yes.

ADMINISTRATIVE
SECRETARY AGUILA

Commissioner Corpis is absent tonight. Commissioner Chico.

COMMISSIONER
CHICO Yes.

ADMINISTRATIVE
SECRETARY AGUILA Vice-Chair Burrola.

VICE-CHAIR
BURROLA Yes.

ADMINISTRATIVE
SECRETARY AGUILA Chair Tapia.

CHAIR TAPIA Yes.

ADMINISTRATIVE
SECRETARY AGUILA Thank you.

CHAIR TAPIA At this particular point in time of the meeting, I have to excuse myself, due to unfortunate circumstances, and I will turn the meeting over to Vice-Chair Burrola. Thank you very much, and I will see you all next month.

NEW BUSINESS

VICE-CHAIR
BURROLA Moving on to Item No. 2, New Business. There is no New Business?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON There is no New Business tonight.

PUBLIC HEARINGS

ITEM NO. 3A CONDITIONAL USE PERMIT NO. 03-2021 AND ZONE VARIANCE NO. 01-2021 (ADAM BUN, HIDDEN STRENGTH GYM)

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON Thank you Vice-Chair and Commission. This Item will be presented to you by our Community Development Intern Abbey Ibarra.

COMMUNITY
DEVELOPMENT
INTERN IBARRA Good evening Honorable Chair and members of the Planning Commission. The next item of discussion is for Hidden Strength Gym, property located.

COMMISSIONER
CHICO Speak louder.

COMMISSIONER
HARTMAN

Pull the Mic.

COMMUNITY
DEVELOPMENT
INTERN IBARRA

Can you hear me now? Good evening Honorable Chair and members of the Planning Commission. The next item of discussion is for Hidden Strength Gym. The property is located at 1442 Arrow Highway, Unit K. The applicant is Adam Bun and the owner is Terri Austin. I have provided a map indicating where the proposed project is located. It is located in an M-2 - (Heavy Manufacturing) Zone. The proposed project is category exempt from CEQA, pursuant to Section 15301 (Class 1; Existing Facilities). The applicant Adam Bun is requesting a Conditional Use Permit, No. 03-2021, to operate a fitness facility and Zone Variance No. 01-2021, to deviate from the required parking ratio for assembly uses. Just a brief background on the site, the property does not have any existing discretionary permits on file for this property. Yet there are permits for improvements on the original construction in the three existing buildings, also known as Mountain View Business Park. The site is surrounded by the following zones and uses; on the north, Santa Fe Dam in an Open Space Zone, on the south; industrial operations M-2 (Heavy Manufacturing) Zone; on the east, industrial tilt-up M-2 (Heavy Manufacturing) Zone; and on the west, industrial tilt-up buildings M-2 (Heavy Manufacturing) Zone. Now, we are going to discuss a brief background of Hidden Strength Gym. Hidden Strength Gym is a powerlifting and conditioning program business. It does require membership purchase and the clients are predicted to spend one to two hours at the gym. There is two employees per shift. There are two shifts from 9am – 6pm and then from 6pm – 11pm. The operating hours are from 9am – 8:30pm Monday – Thursday. On Friday – Sunday they are from 9am – 8:30 pm. Here is a floor plan of the proposed project. The proposed project is about 4,436 square feet. The proposed equipment will be a squat rack area, a bench press area, a free weight area, a cable tower area, a deadlift platform area, and a turf platform for agility and conditioning training. The business will have a reception area, and an office area, and one restroom. The proposed request to establish a gym facility encounters issues with meeting the zoning parking requirements, due to the Irwindale Municipal Code not specifically identifying the specific use of a gym facility. The most relevant parking ratio use is for assembly uses, which is one space per 35 square feet. The required parking for the facility alone is 127 total parking. Within the entire business center, there are total of 127 parking stalls including 6 accessible and 39 loading spaces. The applicant provided a study, prepared by More Services. Findings conducted by the study demonstrated that only 67%, or 76 stalls, of the parking supply was utilized during peak hours, from a total of 127 parking spaces for the entire business center. Occupancy per hour for the entire business center was 33% or 42 stalls occupied, on average per hour, from a total of 127 parking spaces. Parking demand generated by the proposed project is forecasted to be substantially lower, based on the

anticipated operations of the fitness facility. Therefore, the study finds the site adequate to support the proposed business on site. The surrounding businesses and manager mention their support of this project. Recommendation that the Planning Commission adopts attached Resolution No. 799(21) approving Conditional Use Permit No. 03-2021 and Zone Variance No. 01-2021 subject to the City Conditions of Approval. Staff and applicant are available for questions. Thank you.

VICE-CHAIR
BURROLA

Do we have any questions?

COMMISSIONER
HARTMAN

I have none.

VICE-CHAIR
BURROLA

I have a few questions. Is there going to be a parking variance because the 127 stalls is not adequate, I guess, for an assembly area. Is that what we are doing here? We are doing a parking variance correct?

COMMUNITY
DEVELOPMENT
INTERN IBARRA

We are doing a Zone Variance. We provided a parking study for it. Reason why we are doing a Zone Variance, is because we do not have a specific parking ratio for fitness facilities or gym facilities, specifically. We do use assembly uses, and the assembly uses is requiring 127 parking spaces for the facility alone, but the entire Business Center has only 127 parking spaces.

VICE-CHAIR
BURROLA

The Community Development Department is establishing a Zoning Code update for parking, correct? You guys working on that or is that a different department?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you. Yes we are, and that's something we are looking at. Several years ago, the Planning Commission actually created or approved a policy to allow for Zone Variances for this type of use because the closest thing that we had in our current zone was assembly. That was the 1 space per 35 square feet, which could never be achieved for some of these smaller type uses. But that is something that we are addressing in the Zoning Code update, for sure.

VICE-CHAIR
BURROLA

If we do the Zoning Code Update, well this Zone Parking Variance is null and void once you establish a Zoning Code Update? Can we do that? Can we have them follow the new regulation or code, once it is updated?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

The Zone Variance stays with the land. Same thing with the Conditional Use Permit, it stays with the land. Now, if they were to propose any kind of changes in their use, we would look at that or if another use came in that had a different parking ratio, we would look at it at that time. At that time, they would need to comply with the current or what would be the new parking standard. If they do not change

	anything, the Variance stays with the land and they will have to abide by what the Planning Commission approves.
VICE-CHAIR BURROLA	Even though we have a new Zoning Code in the future, they will not be following that Zoning Code. They will follow the Variance, unless they do some sort of upgrade or something of that sort.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	That is correct.
VICE-CHAIR BURROLA	Okay.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Yes, because it is still in a template form and the new parking standards have not been approved by the City yet. Conceivably, it could meet whatever the new requirements would be for that use.
VICE-CHAIR BURROLA	I just have a general question. Could we put something in the CUP that states they would have to follow the new code, if it gets established or is that something we can't do?
COMMISSIONER CHICO	Subject to?
VICE-CHAIR BURROLA	Subject to a new code that comes out within the next two or three years. Will it overwrite this variance? Can we put something like that in there, or is not something we should do?
CITY ATTORNEY GUERRA	I would not recommend it. Usually, what will happen is once the the new code is adopted, this project would be considered legal nonconforming. Meaning, it is conforming as of the code now and when the new code is adopted it is still legal, but it is not conforming with the then current code. Any changes to the project at that time or in the future, would have to comply with the new code. This would not be forever, it would just be until there is an amendment to the project, and at that time they will be subject to the new code requirements.
COMMISSIONER CHICO	Wasn't there a situation, where one of the communication towers that have a CUP that would expire in 10 years, or some period of time?
CITY ATTORNEY GUERRA	There's been several projects where there's been an expiration.

- COMMISSIONER CHICO Can we do that with this one? Because another reason is that the owner or operator might sell the business with this in place, and we do not know who the operator is, their reputation, and so forth and so forth. I would say, some period of time that we anticipate he will operate, he can always come back for a renewal. I would like to see some kind of expiration, reasonable. I don't mean tomorrow and I don't mean next year but within reason.
- CITY ATTORNEY GUERRA Well, if a new property owner or a new user of the property were to take over, they would be subject to the current terms of the CUP and whatever is approved tonight. In terms of placing an expiration date, traditionally there are no expiration dates. I know it has been done in the past, and I frankly have not been a fan of that process, but it has happened. The thought process is because the Conditional Use Permit runs with the land, there should not be an expiration on it. For that reason I would not recommend it.
- COMMISSIONER CHICO I've always been in favor of expiration for Conditional Use Permits because when a commission or agency approves a Conditional Use Permit, it is usually for a specific use. Generally speaking, a specific owner. We know that things change in the future and we would like to maintain some kind of control, as to the use of the property.
- CITY ATTORNEY GUERRA Understood. The mechanism is the CUP and the conditions you place in there. It really should not matter who the owner is or who the operator is. It is really the use, effects of the use, and the conditions that are place to ensure that you minimize the impacts of the use. It does not matter who the owner is, when it comes down to it. Again, if there are changes to the project, if there is an increase in size to the project, an increase in the capacity of the project, an increase in impacts from the project, Staff can always look at that, at that point in time, and bring that back to the Planning Commission. If there is some need for an amendment or review of the CUP. I would not put an expiration date in there for this one. That would be my recommendation.
- VICE-CHAIR BURROLA Okay that kind of answers that question. I know we are doing a Zoning Code Parking Variance, what about noise regulations? Do we mention that in the report? Because my experience with some of these gyms, they like to have big audio systems in their building and there are other tenants in there. I am not sure if they are going to get annoyed from the noise. Should we actually mention something in that sort of like a noise variance, or noise level that they can't play their music at a certain decibel or something.
- COMMUNITY DEVELOPMENT INTERN IBARRA With the CUP we looked at the diverse effects upon the adjacent properties and there were no effects for the noise for the additional noise, waste or annoyance typically associated with the permitted industrial use in the area. The proposed use is less intense than many

	uses permitted by right or conditionally permitted in the M-2 (Heavy Manufacturing) zone.
VICE-CHAIR BURROLA	So they are going to follow the Zoning Codes Regulations for M-2?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	If I may, the applicant will have to comply with the City's Noise Ordinance and that is something that Code Enforcement would enforce.
VICE-CHAIR BURROLA	As far as the parking stalls, do we need to mention something in the CUP stating that they cannot use these stalls for workouts? A lot of these gyms like going out to the parking lot, doing jumping jacks, jumping rope, and doing exercises outside. I do not think that is a good idea, safety concerns and stuff like that. Do we need to mention that in the CUP, or is that already something that they are aware of that they cannot do?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	The project that is proposed is all indoors. If they were to propose doing something outdoors because of COVID like several of the gyms did?
VICE-CHAIR BURROLA	That was going to be my other question.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	They would either have to apply for a Special Event Permit or some kind of Temporary Use Permit, for that. But that would be outside the the boundaries of what is being approved or considered tonight with the Conditional Use Permit.
VICE-CHAIR BURROLA	Okay. Did we notify the other business of this Variance? Is it going to impact their parking stalls? I know at one point you said it was 70% occupation at peak hours. Is that correct? Or 76 stalls out of the 127?
COMMISSIONER HARTMAN	60%.
VICE-CHAIR BURROLA	60%. So at peak hours they will be using 60% of the parking stalls. Are the other business going to be impacted by that?
COMMUNITY DEVELOPMENT INTERN IBARRA	It is 60% in total of the entire business that are being used. So, 60% of occupancy including all of the tenants in the Business Center.

VICE-CHAIR BURROLA	Oh all of the tenants, not just the gym. Okay. Thank you. There is also something in the report about people using the Santa Fe Dam Recreation area for parking. They park and then they cross the street, which is dangerous. Is there any way we can put in the CUP, something where they have to put in signs or something of that sorts or unauthorized vehicles will be towed. It's just a recommendation because in the report it says that it is dangerous conditions that they are crossing the street without a crosswalk, and using the stalls without having one of the buildings as a business.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Just as a suggestion. What we can do is have our Code Enforcement Division go to the property owner and the property management company, as a suggestion that they put in a sign that it is private property parking only for tenants. Something like that.
VICE-CHAIR BURROLA	We cannot require them to do that we can just suggest they should do something of that sort?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Yes this application is for a tenant, and putting those kind of signs up such as no trespassing would be part of the property owners responsibility. That is something that we will have Code Enforcement go out and make that recommendation. So far, we have never received a complaint from the property management company or the property owner of anybody who is parking and then going and utilizing the Santa Fe Dam. That has never been an issue that has ever come to the City's attention.
VICE-CHAIR BURROLA	It was in the report that's why I was bringing it up.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	But we will address it. It is a good suggestion.
VICE-CHAIR BURROLA	Okay, thank you.
CITY ATTORNEY GUERRA	I did want to respond. I thought of one additional thing in response to Commissioner Chico's question about the time limits. My recollection is that with respect to the wireless towers, I believe the thought process was that technology is changing rapidly, and chances are the code would need to be amended regularly to address it. I think that was the process. Was that we knew that the technology would change, and we want to ensure that we have the ability to regulate. Here, this type of use goes back decades, so I don't know in this case that approach would work. I just want to share that with the Commission.

COMMISSIONER CHICO	Everything is fine. In my mind, talking about the thought process, we will permanently alter the parking requirements for this center, by adopting this. That is my concern. If there is a change of businesses in that building, the parking stays as we adopted today. That was my concern.
VICE-CHAIR BURROLA	Before we go on, at this point, Adrian, are you going to make the recommendation and then we will vote on it?
CITY ATTORNEY GUERRA	Staff's recommendation is to adopt the Resolution. At this point we would open up the Public Hearing for public comment. After the Public Hearing we will close the Public Hearing, have any discussion, and then we would call for the motion.
CITY ATTORNEY GUERRA	If there are no other questions from the Commission.
OPEN PUBLIC HEARING	At 7:03 p.m., Vice-Chair Burrola opened the public hearing.
VICE-CHAIR BURROLA	Please state your name and address.
ADAM BUN	I just want to introduce myself real quick. I am Adam, owner of Hidden Strength, and I just wanted to thank you guys for your time this evening and how much it means to me to be considered for doing business in the City of Irwindale. I am here if there are any further questions. That's all. Thank you.
VICE-CHAIR BURROLA	Please state your name and address.
ADAM BUN	Sorry, my name is Adam Bun.
VICE-CHAIR BURROLA	Does he have to state the address or is that okay, just saying his name?
CITY ATTORNEY GUERRA	We can request it, just for our record keeping purposes. In case we need to communicate with him. If he is agreeable to include it, he can include the business address.
ADAM BUN	The address to the business is 1442 Arrow Highway unit K, Irwindale 91706.
VICE-CHAIR BURROLA	Okay, thank you.
ADAM BUN	Thank you.

VICE-CHAIR BURROLA	No one else is coming up to speak? We will close the Public Hearing.
ADMINISTRATIVE SECRETARY AGUILA	We also don't have any members of the public who have raised their hand.
CITY ATTORNEY GUERRA	We can close the Public Hearing.
VICE-CHAIR BURROLA	So we can close the public hearing. There is people online as well, correct? They will raise their hand and then you'll let me know?
CLOSE PUBLIC HEARING	There being no speakers, Vice-Chair Burrola closed the public hearing at 7:05 p.m.
ADMINISTRATIVE SECRETARY AGUILA	Yes, correct.
VICE-CHAIR BURROLA	Okay, thank you. At this point, do we make a recommendation?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	If there is a motion and a second.
COMMISSIONER CHICO	There is no changes, so we can make a motion to adopt the resolution as written.
CITY ATTORNEY GUERRA	I can read it. The appropriate motion would be to, read by title only, waived reading of, and adopt Resolution No. 799(21) approving a Resolution of the Planning Commission of the City of Irwindale approving Conditional Use Permit No. 03-2021, to allow for the operation of a gym facility and Zone Variance No. 01-2021, to deviate from the required parking ratio for assembly uses, located at 1442 Arrow Highway #K, Irwindale in the M-2 (Heavy Manufacturing) zone, subject to conditions as set forth herein and making findings in support thereof. Is there such a motion and a second?
COMMISSIONER CHICO	Motion to approve.
COMMISSIONER HARTMAN	Second
ADMINISTRATIVE SECRETARY AGUILA	Roll Call. Commissioner Hartman

PLANNING COMMISSION MINUTES
REGULAR MEETING

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COMMISSIONER
HARTMAN

Yes.

ADMINISTRATIVE
SECRETARY AGUILA

Commissioner Chico.

COMMISSIONER
CHICO

Yes.

ADMINISTRATIVE
SECRETARY AGUILA

Vice-Chair Burrola.

VICE-CHAIR
BURROLA

Yes.

ADMINISTRATIVE
SECRETARY AGUILA

Chair Tapia. Not present. Commissioner Corpis is not present either.

ITEM NO. 3B

SITE PLAN AND DESIGN REVIEW (DA) NO. 01-2021 (BINH TRAN,
ZBT GROUP)

VICE-CHAIR
BURROLA

Staff?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you, Chair and Commission. This item will be presented by our Planning Technician Lisa Chou, but if you give me a moment to bring them in.

VICE-CHAIR
BURROLA

Okay.

PLANNING
TECHNICIAN
CHOU

Good evening Honorable Chair and members of the Planning Commission, the next item on the agenda is Site Plan and Design Review (DA) No. 01-2021. The applicant is Binh Tran from ZBT Group representing the property owner, who is Flexspace PMIC LLC. The applicant is requesting for a Site Plan and Design Review, for the development of an approximate 12,016 square foot, two-story building for office and warehouse use. The subject property was known as Site No. 13 under the Long Range Property Management Plan. On March 2017, the Successor Agency approved a Purchase and Sales Agreement with DD Systems Inc. with a guarantee to develop the property with an approximately 13,000 square-foot industrial concrete tilt-up, for office and warehouse use. On October 2020, Flexspace PMIC LLC. purchased the subject property from DD Systems Incorporated, and intends on honoring the agreement. The subject property is currently a dirt lot in the M-2 (Heavy Manufacturing) zone. The General Plan designation is Industrial Business Park and the project is exempt from CEQA, pursuant to Section 15332 or Class 32;

In-Fill Development Projects. The proposed 12,016 square foot two-story building will have an approximate 9,290 square feet of warehouse space, and an approximate of 2,726 square feet of office space. It is anticipated that the project operations will be conducted during typical daytime business hours from 7am to 5pm. All operations will be conducted inside the building. The floor area ratio of the building is approximately 53%. Approximately 21% of the total project site is landscaped. There are 18 parking spaces that are required and will be provided. There is a 20-foot landscaped setback along both Buena Vista Street and Miguel Miranda Avenue. The proposed tilt-up office and warehouse building will incorporate many of the desired design elements from the Commercial and Industrial Design Guidelines. The building incorporates multiple architectural features for visual interest, such as the multi-color palette, arched accent panels and doors, iron grates, and repetition of major building elements to achieve rhythm and a sense of place. Roof accents and varied height parapets can be seen throughout the south, east, and west elevation. The building height for the proposed project ranges from 40 feet to 45 feet, which is consistent with the M-2 (Heavy Manufacturing) zoning with no maximum height limitations. The layout, landscaping, and design of the site complements the existing Industrial Business Park to the north of the subject property. Staff recommends to adopt Resolution No. 800(21) recommending that the City Council approve Site Plan and Design Review (DA) No. 01-2021, subject to the proposed Conditions of Approval. Thank you. Staff and applicants are available for any questions.

COMMISSIONER
HARTMAN

I have none.

OPEN PUBLIC
HEARING

At 7:12 p.m., Vice-Chair Burrola opened the public hearing.

VICE-CHAIR
BURROLA

I have no questions either. Let's open up the Public Hearing. Please state your name and address if anyone from the audience would like to speak on behalf of the project.

PLANNING
TECHNICIAN
CHOU

These are the applicants and they are available for any questions.

VICE-CHAIR
BURROLA

No questions?

ADMINISTRATIVE
SECRETARY AGUILA

There are no members of the audience either.

VICE-CHAIR
BURROLA

We have someone? Please state your name and address for the record please.

BILL ZHANG	My name is Bill. The Business address?
VICE-CHAIR BURROLA	The business address is fine.
BILL ZHANG	The business address is 2511 Buena Vista Street, City of Irwindale. I am the owner of this property and would like to say thank you for your time today. That's it.
VICE-CHAIR BURROLA	Should we close the public hearing and make a recommendation.
CLOSE PUBLIC HEARING	There being no speakers, Vice-Chair Burrola closed the public hearing at 7:14 p.m.
CITY ATTORNEY GUERRA	For the record the public hearing is closed and unless there is any further questions or comments, I'll go ahead and read the motion. The motion would be to, read by title only, reading of, and adopt Resolution No. 800(21), a Resolution of the Planning Commission of the City of Irwindale recommending City Council approval of Site Plan and Design Review (DA) No. 01-2021 for the development of a ±12,016 square foot building for a two-story office and warehouse industrial building located at 2511 Buena Vista Street in the M-2 (Heavy Manufacturing) zone subject to conditions as set forth herein and making findings in support thereof and finding the project exempt from CEQA pursuant to Section 15332 (class 32; in-fill development projects). Is there such a motion and a Second?
COMMISSIONER HARTMAN	Motion to approve as read.
VICE-CHAIR BURROLA	Second.
ADMINISTRATIVE SECRETARY AGUILA	Roll Call. Commissioner Hartman
COMMISSIONER HARTMAN	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Chico.
COMMISSIONER CHICO	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Vice Chair Burrola.

VICE-CHAIR
BURROLA

Yes.

ADMINISTRATIVE
SECRETARY AGUILA

Thank you and just for the record, one last time Commissioner Corpis and Chair Tapia are absent.

VICE-CHAIR
BURROLA

Thank you guys for your time.

DISCUSSION ITEMS
PRESENTATIONS

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you Chair and Commission. There are no items for discussion or presentations tonight.

COMMISSIONER
COMMENTS

VICE-CHAIR
BURROLA

Any commissioner comments or request?

COMMISSIONER
HARTMAN

I have one quick one. I am not sure of the name of the business. It's the Transportation Credit Union on the corner of Cypress and Irwindale.

COMMISSIONER
CHICO

The little building. The credit union.

COMMISSIONER
HARTMAN

Yes. The wall to the north of that, it divides their property, on the wash side. It is covered with graffiti and I would like to see that cleaned up.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you. We will take care of that.

COMMISSIONER
HARTMAN

Thank you. That's all I have.

LEGAL COUNCIL

CITY ATTORNEY
GUERRA

Nothing to report tonight, but I am happy to see you all again after a whole year.

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER'S REPORT

Thank you Chair and Commission. You just can't stop a planner from from talking. I don't really have any comments other than I want to welcome you back here. As we are getting used to this new format of public hearing, we are making sure that everyone is staying

safe. We allow the applicants to come in, but we limit the number of people in here. I appreciate you bearing with it. Sometimes it does take a little longer moving between items but thank you.

VICE-CHAIR
BURROLA

I would like to close this meeting in honor and memory of Esperanza Herrera and Margaret Diaz. We lost them but they are not forgotten. May God welcome them with open arms as they reach heaven. Public hearing is now adjourned. Thank you.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 7:18 p.m.

Arthur R. Tapia, Planning Commission Chair

Attest:

Berlyn Aguila, Administrative Secretary



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



Agenda Item No. 1-B

Date: September 15, 2021

TO: Honorable Chair and Members of the Planning Commission

FROM: Marilyn Simpson, AICP, Community Development Director

PROJECT PLANNER: Marilyn Simpson, AICP, Community Development Director

Project: General Plan Amendment No. 02-2017
Site Plan and Design Review (DA) No. 04-2017
Speculative 545,735 Square-Foot Concrete Tilt-Up Building

Applicant: Mark Gabay, Five Points, LLC

Property Owner: Mark Gabay, Five Points, LLC

Project Location: 5175 Vincent Avenue (APNS: 8417-034-015, 8417-034-016)

Subject: Resolution Recommending Denial to the City Council of the Final Environmental Impact Report (SCH# 2018121056), General Plan Amendment No. 02-2017, and Site Plan & Design Review (DA) No. 04-2017 regarding the development of a ±545,735 square-foot, speculative, industrial building for property located at 5175 Vincent Avenue.

SUMMARY:

This item came before the Planning Commission on July 21, 2021. Due to time constraints, the meeting for this item was adjourned to August 9, 2021. On August 9, 2021, the Planning Commission conducted a duly noticed public hearing on the FEIR (SCH# 2018121056), General Plan Amendment No. 02-2017, and Site Plan and Design Review (DA) No. 04-2017. Chair Tapia and Commissioners Chico and Gomez recused themselves due to property owned by each that was located within 1000 feet from the Subject Site. Additionally, Commissioner Gomez recused herself because she had previously signed a petition opposing the Project. To provide quorum for the meeting, Chair Tapia and Commissioner Chico drew straws and Commissioner Chico was recused. Following Staff's presentation, the Planning Commission opened the hearing for public comment, closed the hearing, and deliberated on the merits of the project.

Planning Commission Meeting
General Plan Amendment No. 02-2017
Site Plan and Design Review (DA) No. 04-2017

September 15, 2021

Following deliberation, the Planning Commission voted 3 – 0, with two Commissioners recused, to recommend denial of the project to the City Council and requested that Staff bring back resolutions of denial at the next scheduled meeting based on the following findings:

That the project benefits do not outweigh the significant unavoidable environmental impacts on Air Quality. Specifically, the FEIR is recommended to be denied due to the cumulative impact on the region's air quality. Additionally, the emissions threshold for NOx would be exceeded and even with mitigation measures, operational NOx emissions would be above the applicable SCAQMD mass emission threshold.

The resolutions presented at this meeting incorporate this analysis and are now presented to the Planning Commission for adoption.

ATTACHMENTS:

- Exhibit A: PC Resolution No. 808(21) denying the Findings of Fact for FEIR (SCH #2018121056)
- Exhibit B: PC Resolution No. 809(21) denying GPA No. 02-2017
- Exhibit C: PC Resolution No. 810(21) denying SP&DR(DA) No. 04-2018

EXHIBIT "A"**RESOLUTION NO. 808(21)**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL DENY THE ADOPTION AND CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT, STATE CLEARINGHOUSE NUMBER SCH# 2018121056, TO CHANGE THE GENERAL PLAN DESIGNATION OF A PORTION OF THE SUBJECT PROPERTY FROM RESIDENTIAL TO INDUSTRIAL/BUSINESS PARK AND FOR THE CONSTRUCTION OF A NEW ±545,735 SQUARE-FOOT, SPECULATIVE INDUSTRIAL CONCRETE TILT-UP BUILDING LOCATED AT 5175 VINCENT AVENUE (APNS: 8417-034-015, 8417-034-016), INCLUDING DENIAL OF THE CORRESPONDING MITIGATION MONITORING AND REPORTING PROGRAM AND STATEMENT OF OVERRIDING CONSIDERATIONS

RECITALS.

- (i) Mark Gabay, 9034 W. Sunset Boulevard, West Hollywood, CA 90069, on behalf of Five Points, LLC, has made a request for a General Plan Amendment (Map) to change the designation of a portion of the subject property from Residential to Industrial/Business Park and a Site Plan and Design Review (DA) for the construction of a ±545,735 speculative concrete tilt-up building.
- (ii) The Subject Property is located at 5175 Vincent Avenue (APNs 8417-034-015 and 8417-034-016), on a total of ±26.05 acres. The Subject Property is currently zoned M-2 (Heavy Manufacturing). Hereinafter in this Resolution, the subject Site Plan and Design Review shall be referred to as the "Application."
- (iii) As a result the following entitlements are being considered for approval for the project:
 - Environmental Impact Report (SCH #2018121056)
 - General Plan Amendment No. 02-2017
 - Site Plan and Design Review (DA) No. 04-2017
- (iv) On August 9, 2018, the Planning Division hosted a community meeting at the Irwindale Community Center. The purpose of the meeting was to provide an opportunity to review and comment on the proposal, ask questions and understand the process.
- (v) Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, as amended, and the City of Irwindale environmental guidelines, the City, as the Lead Agency, prepared a Mitigated Negative Declaration (MND). The MND was circulated for public review for the required 30 days from December 20, 2018 through January 22, 2019. A copy of the MND was circulated through the State Clearinghouse (SCH# 2018121056), posted on the City's website (<https://www.irwindaleca.gov/400/5175-Vincent-Avenue>) and was available at the Community Development Department, City Hall and the Irwindale Public

Library. A copy of the MND and Mitigation Monitoring and Reporting Program was posted on the City's website.

- (vi) The public review period for the MND ended on January 22, 2019.
- (vii) On January 30, 2019, the Planning Commission conducted a duly noticed special public hearing on the project at which time it received input from staff, the Assistant City Attorney, and the Applicant, heard public testimony, and discussed the Proposed Project; and continued the items to a date uncertain.
- (viii) On February 20, 2020, a Scoping Meeting was held to gather information for the scope of the environmental document to be prepared, at which time, attendees voiced comments regarding the project to the environmental consultant. After additional community and external agency input, the project's environmental review shifted from an MND to an EIR.
- (ix) Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, as amended, and the City of Irwindale environmental guidelines, the City, as the Lead Agency, has analyzed the project and prepared and a Draft Environmental Impact Report (DEIR). The DEIR was circulated for public review for the required 45 days from February 17, 2021 to May 2, 2021. A copy of the DEIR was circulated through the State Clearinghouse (SCH# 2018121056), posted on the City's website, and was available at the Irwindale Public Library and Deputy City Clerk's Office. The Notice of Availability was posted with the Registrar-Recorder/County Clerk.
- (x) A Final Environmental Impact Report ("FEIR"), SCH# 2018121056 was prepared for the proposed project, which included the Draft EIR, comments received on the Draft EIR and the Lead Agency's responses to those comments, revisions and corrections to the Draft EIR made in response to comments received, and CEQA Findings of Fact and a Statement of Overriding Considerations.
- (xi) The FEIR provides an assessment of the environmental impacts, alternatives, and mitigation measures associated with the General Plan Amendment No. 02-2017 and Site Plan and Design Review (DA) No. 04-2017, and has been prepared in accordance with Public Resources Code Section 21000 *et seq.* (CEQA), and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq.* (CEQA Guidelines). (A copy of the DEIR, FEIR and Mitigation Monitoring and Reporting Program is posted on the City's website at <https://www.irwindaleca.gov/400/5175-Vincent-Avenue>. All technical appendices are also available on the website.
- (xii) On July 21, 2021, the Planning Commission conducted a duly noticed public hearing and due to a time constraint, adjourned the meeting to August 9, 2021 for the FEIR (SCH# 2018121056), the General Plan Amendment No. 02-2017, and Site Plan and Design Review (DA) No. 04-2017.

- (xiii) On August 9, 2021, the Planning Commission conducted a duly noticed public hearing on the FEIR (SCH# 2018121056), General Plan Amendment No. 02-2017, and Site Plan and Design Review (DA) No. 04-2017. The Planning Commission opened the public hearing and took testimony on the Application, at which time they received input from City Staff, the City Attorney, and the Applicant, heard public testimony, and discussed the Application. The Planning Commission closed the public hearing and made the finding that the project benefits do not outweigh the significant unavoidable environmental impacts on Air Quality. Specifically, the Planning Commission recommended that the FEIR be denied due to the cumulative impact on the region's air quality. Additionally, the emissions threshold for NOx would be exceeded and even with mitigation measures, operational NOx emissions would be above the applicable South Coast Air Quality Management District (SCAQMD) mass emission threshold. Based on these findings, the Planning Commission voted 3-0 to direct Staff to prepare resolutions for a recommendation of denial, of the FEIR, General Plan Amendment No. 02-2017, and Site Plan and Design Review (DA) No. 04-2017, to the City Council and present the resolution at the next regularly scheduled Planning Commission meeting for adoption.
- (xiv) The Planning Commission of the City of Irwindale has considered the FEIR and its implementing actions (State Clearinghouse No. SCH# 2018121056) for General Plan Amendment No. 02-2017 and Site Plan and Design Review (DA) No. 04-2017, which provides, among other provisions, for the development of the industrial site.
- (xv) On September 15, 2021, the Planning Commission adopted Resolution No. 808(21) recommending denial of the certification and adoption the FEIR and its implementing actions (State Clearinghouse No. SCH# 2018121056) to the City Council.
- (xvi) On September 15, 2021, this resolution was presented to the Planning Commission for consideration and adoption.
- (xvii) All legal prerequisites to the adoption of this Resolution have occurred.

A. RESOLUTION.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF IRWINDALE, having reviewed and considered the information in the Final EIR and supporting documents and materials, does hereby find, determine, resolve and order as follows:

1. The Planning Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct and incorporated herein by this reference.
2. PLANNING COMMISSION RECORD

The proceedings and all evidence introduced before the Planning Commission at its public hearing on the Final EIR held on August 9, 2021, are hereby incorporated into the record of this proceeding. These documents, along with any documents submitted to the decision-makers, including all documents specified under applicable State law shall comprise the entire record of proceedings for any claims under CEQA.

3. FEIR CONTENTS

The FEIR consists of the following:

- a. Draft EIR (SCH# 2018121056) for the construction of a ±545,735 square-foot, speculative industrial building
- b. Draft EIR Technical Appendices
- c. Comments on the Draft EIR and the Lead Agency's Responses to Comments
- d. Additions, Corrections, and revisions to the Draft EIR

(All hereafter collectively referred to as "FEIR")

4. ACCOMPANYING DOCUMENTS TO FEIR

Documents that shall accompany the FEIR are:

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

5. FINDINGS

The Planning Commission finds that the project benefits do not outweigh the significant unavoidable environmental impacts on Air Quality. Specifically, the FEIR is recommended to be denied due to the cumulative impact on the region's air quality. Additionally, the emissions threshold for NO_x would be exceeded and even with mitigation measures, operational NO_x emissions would be above the applicable SCAQMD mass emission threshold.

6. RECOMMENDATION

Based on the findings in Section 4 above, the Planning Commission recommends that the City Council deny the FEIR as described in Section 2 above, along with the accompanying documents identified in Section 3 above, for the construction of a new ±545,735 square-foot, speculative industrial building located at 5175 Vincent Avenue (APNS: 8417-034-015 and 8417-034-016).

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

The Secretary shall:

- a. Certify the adoption of this Resolution; and

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

ADOPTED AND APPROVED this 15th day of September 2021.

Arthur R. Tapia, Chair
City of Irwindale Planning Commission

ATTEST:

Marilyn Simpson, Secretary

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

I, Marilyn Simpson, 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 September 2021, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

RECUSED: COMMISSIONERS:

Marilyn Simpson, Secretary

EXHIBIT “B”**RESOLUTION NO. 809(21)**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL DENY GENERAL PLAN AMENDMENT NO. 02-2017 TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FOR A PORTION OF THE SITE FROM RESIDENTIAL TO INDUSTRIAL/BUSINESS PARK FOR PROPERTY LOCATED AT 5175 VINCENT AVENUE, IRWINDALE, CA 91706 (APN: 8417-034-016) IN THE M-2 (HEAVY MANUFACTURING) ZONE AND MAKING CERTAIN FINDINGS OF FACT.

A. RECITALS.

- (i) Mark Gabay, 9034 W. Sunset Boulevard, West Hollywood, CA 90069, on behalf of Five Points, LLC, has made a request for a General Plan Amendment to change the General Plan land use designation for ±6.93 acres from Residential to Industrial/Business Park.
- (ii) The Subject Property is located at 5175 Vincent Avenue (APN 8417-034-016), on a ±26.05 acre site. The Subject Property is currently zoned M-2 (Heavy Manufacturing). Hereinafter in this Resolution, the subject General Plan Amendment (Map) shall be referred to as the “Application.”
- (iii) As a result the following entitlements are being considered for approval for the project:
 - Environmental Impact Report (SCH #2018121056)
 - General Plan Amendment No. 02-2017
 - Site Plan and Design Review (DA) No. 04-2017
- (iv) On August 9, 2018, the Planning Division hosted a community meeting at the Irwindale Community Center. The purpose of the meeting was to provide an opportunity to review and comment on the proposal, ask questions and understand the process.
- (v) Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, as amended, and the City of Irwindale environmental guidelines, the City, as the Lead Agency, prepared a Mitigated Negative Declaration (MND). The MND was circulated for public review for the required 30 days from December 20, 2018 through January 22, 2019. A copy of the MND was circulated through the State Clearinghouse (SCH# 2018121056), posted on the City’s website (<https://www.irwindaleca.gov/400/5175-Vincent-Avenue>) and was available at the Community Development Department, City Hall and the Irwindale Public Library. A copy of the MND and Mitigation Monitoring and Reporting Program was posted on the City’s website.
- (vi) The public review period for the MND ended on January 22, 2019.
- (vii) On January 30, 2019, the Planning Commission conducted a duly noticed special public hearing on the project at which time it received input from staff, the

Assistant City Attorney, and the Applicant, heard public testimony, and discussed the Proposed Project; and continued the items to a date uncertain.

- (viii) On February 20, 2020, a Scoping Meeting was held to gather information for the scope of the environmental document to be prepared, at which time, attendees voiced comments regarding the project to the environmental consultant. After additional community and external agency input, the project's environmental review shifted from an MND to an EIR.
- (ix) Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, as amended, and the City of Irwindale environmental guidelines, the City, as the Lead Agency, has analyzed the project and prepared and a Draft Environmental Impact Report (DEIR). The DEIR was circulated for public review for the required 45 days from February 17, 2021 to May 2, 2021. A copy of the DEIR was circulated through the State Clearinghouse (SCH# 2018121056), posted on the City's website, and was available at the Irwindale Public Library and Deputy City Clerk's Office. The Notice of Availability was posted with the Registrar-Recorder/County Clerk.
- (x) A Final Environmental Impact Report ("FEIR"), SCH# 2018121056 was prepared for the proposed project, including the Draft EIR, comments received on the Draft EIR and the Lead Agency's responses to those comments, and revisions and corrections to the Draft EIR made in response to comments received, and CEQA Findings of Fact and a Statement of Overriding Considerations.
- (xi) The FEIR provides an assessment of the environmental impacts, alternatives, and mitigation measures associated with the General Plan Amendment and Site Plan and Design Review (DA), and has been prepared in accordance with Public Resources Code Section 21000 *et seq.* (CEQA), and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq.* (CEQA Guidelines). (A copy of the DEIR, FEIR and Mitigation Monitoring and Reporting Program is posted on the City's website at <https://www.irwindaleca.gov/400/5175-Vincent-Avenue>. All technical appendices are also available on the website.
- (xii) On July 21, 2021, the Planning Commission conducted a duly noticed public hearing and due to a time constraint, adjourned the meeting to August 9, 2021 for the FEIR (SCH# 2018121056), the General Plan Amendment No. 02-2017, and Site Plan and Design Review (DA) No. 04-2017.
- (xiii) On August 9, 2021, the Planning Commission conducted a duly noticed public hearing on the FEIR (SCH# 2018121056), General Plan Amendment No. 02-2017, and Site Plan and Design Review (DA) No. 04-2017. The Planning Commission opened the public hearing and took testimony on the Application, at which time they received input from City Staff, the City Attorney, and the Applicant, heard public testimony and discussed the Application. The Planning Commission closed the public hearing and made the finding that the project benefits do not outweigh the significant unavoidable environmental impacts on Air Quality. Specifically, the Planning Commission recommended that the FEIR be

denied due to the cumulative impact on the region's air quality. Additionally, the emissions threshold for NOx would be exceeded and even with mitigation measures, operational NOx emissions would be above the applicable South Coast Air Quality Management District (SCAQMD) mass emission threshold. Based on these findings, the Planning Commission voted 3-0 to direct staff to prepare resolutions for a recommendation of denial, of the FEIR and General Plan Amendment No. 02-2017 and Site Plan and Design Review (DA) No. 04-2017, to the City Council and present the resolution at the next regularly scheduled Planning Commission meeting for adoption.

- (xiv) The Planning Commission of the City of Irwindale has considered the FEIR and its implementing actions (State Clearinghouse No. SCH# 2018121056) for General Plan Amendment No. 02-2017, which provides, among other provisions, for the development of the industrial site.
- (xv) On September 15, 2021, the Planning Commission adopted Resolution No. 809(21) recommending denial of the certification and adoption the FEIR and its implementing actions (State Clearinghouse No. SCH# 2018121056) to the City Council.
- (xvi) On September 15, 2021, this resolution was presented to the Planning Commission for consideration and adoption.
- (xvii) This Application is being processed concurrently with Site Plan and Design Review (DA) No. 04-2017.
- (xviii) All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF IRWINDALE does hereby find, determine and resolve as follows:

1. The Planning Commission hereby specifically finds that all of the facts set forth in Recitals, Part A, of this Resolution are true and correct and incorporated herein by this reference.
2. Because the Planning Commission recommends that the City Council deny the certification and adoption of the FEIR (SCH# 2018121056) for the project through PC Resolution 809(21), the Planning Commission cannot, and therefore, does not recommend approval by the City Council of the General Plan Amendment No. 02-2017 to change the General Plan land use designation for ±6.93 acres from Residential to Industrial/Business Park for property located at 5175 Vincent Avenue (APN: 8417-034-016).
3. The Secretary shall
 - a. Certify to the adoption of this Resolution; and
 - b. Forthwith transmit a certified copy of this Resolution, by certified mail, to the Applicant at the address of record set forth in the Application.

ADOPTED AND APPROVED this 15th day of September 2021.

Arthur R. Tapia, Chair
City of Irwindale Planning Commission

ATTEST:

Marilyn Simpson, Secretary

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

I, Marilyn Simpson, 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 September 2021, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

RECUSED: COMMISSIONERS:

Marilyn Simpson, Secretary

EXHIBIT “C”**RESOLUTION NO. 810(21)**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL DENY SITE PLAN AND DESIGN REVIEW (DA) NO. 04-2017 FOR THE CONSTRUCTION OF A ±545,735 SQUARE-FOOT CONCRETE TILT-UP BUILDING AND ASSOCIATED PARKING ON PROPERTY LOCATED AT 5175 VINCENT AVENUE, IRWINDALE, CA 91706 (APNS: 8417-034-015 AND 8417-034-016) IN THE M-2 (HEAVY MANUFACTURING) ZONE AND MAKING CERTAIN FINDINGS OF FACT.

A. RECITALS.

- (i) Mark Gabay, 9034 W. Sunset Boulevard, West Hollywood, CA 90069, on behalf of Five Points, LLC, has made a request for a General Plan Amendment (Map) to change the designation of a portion of the subject property from Residential to Industrial/Business Park and a Site Plan and Design Review (DA) for the construction of a ±545,735 square foot speculative concrete tilt-up building.
- (ii) The Subject Property is located at 5175 Vincent Avenue (APNs 8417-034-015 and 8417-034-016), on a total of ±26.05 acres. The Subject Property is currently zoned M-2 (Heavy Manufacturing). Hereinafter in this Resolution, the subject Site Plan and Design Review shall be referred to as the “Application.”
- (iii) As a result the following entitlements are being considered for approval for the project:
 - Environmental Impact Report (SCH #2018121056)
 - General Plan Amendment No. 02-2017
 - Site Plan and Design Review (DA) No. 04-2017
- (iv) On August 9, 2018, the Planning Division hosted a community meeting at the Irwindale Community Center. The purpose of the meeting was to provide an opportunity to review and comment on the proposal, ask questions and understand the process.
- (v) Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, as amended, and the City of Irwindale environmental guidelines, the City, as the Lead Agency, prepared a Mitigated Negative Declaration (MND). The MND was circulated for public review for the required 30 days from December 20, 2018 through January 22, 2019. A copy of the MND was circulated through the State Clearinghouse (SCH# 2018121056), posted on the City’s website (<https://www.irwindaleca.gov/400/5175-Vincent-Avenue>) and was available at the Community Development Department, City Hall and the Irwindale Public Library. A copy of the MND and Mitigation Monitoring and Reporting Program was posted on the City’s website.

- (vi) The public review period for the MND ended on January 22, 2019.
- (vii) On January 30, 2019, the Planning Commission conducted a duly noticed special public hearing on the project at which time it received input from staff, the Assistant City Attorney, and the Applicant, heard public testimony, and discussed the Proposed Project; and continued the items to a date uncertain.
- (viii) On February 20, 2020, a Scoping Meeting was held to gather information for the scope of the environmental document to be prepared, at which time, attendees voiced comments regarding the project to the environmental consultant. After additional community and external agency input, the project's environmental review shifted from an MND to an EIR.
- (ix) Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, as amended, and the City of Irwindale environmental guidelines, the City, as the Lead Agency, has analyzed the project and prepared and a Draft Environmental Impact Report (DEIR). The DEIR was circulated for public review for the required 45 days from February 17, 2021 to May 2, 2021. A copy of the DEIR was circulated through the State Clearinghouse (SCH# 2018121056), posted on the City's website, and was available at the Irwindale Public Library and Deputy City Clerk's Office. The Notice of Availability was posted with the Registrar-Recorder/County Clerk.
- (x) A Final Environmental Impact Report ("FEIR"), SCH# 2018121056 was prepared for the proposed project, which included the Draft EIR, comments received on the Draft EIR and the Lead Agency's responses to those comments revisions and corrections to the Draft EIR made in response to comments received, and CEQA Findings of Fact and a Statement of Overriding Considerations.
- (xi) The FEIR provides an assessment of the environmental impacts, alternatives, and mitigation measures associated with the General Plan Amendment and Site Plan and Design Review (DA), and has been prepared in accordance with Public Resources Code Section 21000 *et seq.* (CEQA), and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq.* (CEQA Guidelines). (A copy of the DEIR, FEIR and Mitigation Monitoring and Reporting Program is posted on the City's website at <https://www.irwindaleca.gov/400/5175-Vincent-Avenue>. All technical appendices are also available on the website.
- (xii) On July 21, 2021, the Planning Commission conducted a duly noticed public hearing and due to a time constraint, adjourned the meeting to August 9, 2021 for the FEIR (SCH# 2018121056), General Plan Amendment No. 02-2017, and Site Plan and Design Review (DA) No. 04-2017.
- (xiii) On August 9, 2021, the Planning Commission conducted a duly noticed public hearing on the FEIR (SCH# 2018121056), General Plan Amendment No. 02-

2017, and Site Plan and Design Review (DA) No. 04-2017. The Planning Commission opened the public hearing and took testimony on the Application, at which time they received input from City Staff, the City Attorney, and the Applicant, heard public testimony, and discussed the Application. The Planning Commission closed the public hearing and made the finding that the project benefits do not outweigh the significant unavoidable environmental impacts on Air Quality. Specifically, the Planning Commission recommended that the FEIR be denied due to the cumulative impact on the region's air quality. Additionally, the emissions threshold for NOx would be exceeded and even with mitigation measures, operational NOx emissions would be above the applicable South Coast Air Quality Management District (SCAQMD) mass emission threshold. Based on these findings, the Planning Commission voted 3-0 to direct staff to prepare resolutions for a recommendation of denial of the FEIR (SCH# 2018121056), General Plan Amendment No. 02-2017, and Site Plan and Design Review (DA) No. 04-2017 to the City Council and present the resolutions at the next regularly scheduled Planning Commission meeting for adoption.

- (xiv) The Planning Commission of the City of Irwindale has considered the FEIR and its implementing actions (State Clearinghouse No. SCH# 2018121056) for Site Plan and Design Review (DA) No. 04-2017, which provides, among other provisions, for the development of the industrial site.
- (xv) On September 15, 2021, the Planning Commission adopted Planning Commission (PC) Resolution 810(21) recommending denial of the certification and adoption the FEIR and its implementing actions (State Clearinghouse No. SCH# 2018121056) to the City Council.
- (xvi) On September 15, 2021, this resolution was presented to the Planning Commission for consideration and adoption.
- (xvii) This Application is being processed concurrently with General Plan Amendment No. 02-2017.
- (xviii) All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF IRWINDALE does hereby find, determine and resolve as follows:

1. The Planning Commission hereby specifically finds that all of the facts set forth in Recitals, Part A, of this Resolution are true and correct and incorporated herein by this reference.
2. Because the Planning Commission recommends that the City Council deny the certification and adoption of the FEIR (SCH# 2018121056) for the project through PC Resolution 810(21), the Planning Commission cannot, and therefore, does not recommend

approval by the City Council of the Site Plan and Design Review (DA) No. 04-2017 for the construction of a new ±545,735 square-foot, speculative industrial building located at 5175 Vincent Avenue (APNS: 8417-034-015 and 8417-034-016).

The Secretary shall:

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

ADOPTED AND APPROVED this 15th day of September 2021.

Arthur R. Tapia, Chair
City of Irwindale Planning Commission

ATTEST:

Marilyn Simpson, Secretary

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

I, Marilyn Simpson, 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 September 2021, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

RECUSED: COMMISSIONERS:

Marilyn Simpson, Secretary



**CITY OF IRWINDALE
PLANNING COMMISSION STAFF REPORT**

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION



Date: September 15, 2021 **Agenda Item No. 3-A**

To: Honorable Chair and Members of the Planning Commission

From: Marilyn Simpson, Community Development Director

Project Planner: Lisa Chou, Associate Planner

Project: Site Plan and Design Review (DA) No. 04-2021
Conditional Use Permit No. 05-2021
New Filtration Building

Applicant: Paul Garry, PSOMAS, on behalf of IBY, LLC

Property Owner: IBY, LLC

Project Location: 15801 1st Street (APN: 8533-009-021, -024, and -907)



Staff Recommendation: That the Planning Commission adopt Resolution No. 807 (21) finding the project categorically exempt from the California Environmental Quality Act (CEQA) and recommending that the City Council approve Site Plan and Design Review (DA) No. 04-2021 and Conditional Use Permit No. 05-2021, subject to the proposed Conditions of Approval.

REQUEST

The Applicant is requesting a Site Plan and Design Review (DA) for the construction of a Filtration Building and a Conditional Use Permit to allow storage and use of cleaning chemicals for an existing brewery located at 15801 1st Street.

BACKGROUND/HISTORY

Irwindale Brew Yard (IBY), an existing beverage manufacturing campus, was originally owned by Molson Coors and manufactured beers like Coors Light, Miller Lite, and Miller High Life. The forty (40) year old facility ceased production in September 2020. The sale of Molson Coor's Irwindale brewery property to IBY, a subsidiary of Pabst Brewing Company was completed November 2020. Once operational, IBY will be the largest full-service, low-alcohol beverage contract production facility in the western United States.

GENERAL PLAN AND ZONING

The site is designated in the General Plan as Industrial/Business Park and zoned M-2 (Heavy Manufacturing). The site is surrounded by the following zones and uses:

Direction	Existing Land Use	Zoning District
North	Industrial	Reliance II Specific Plan
South	Industrial	M-2 Heavy Manufacturing
East	Industrial	M-2 Heavy Manufacturing
West	Santa Fe Dam Recreation Area	A-1 Agricultural

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301 (Class 1; Existing Facilities) of the CEQA Guidelines. The project is an addition to the existing building and will not result in an increase of more than 10,000 square feet. The project is not located in an environmentally sensitive area. If action is taken to approve the project, a Notice of Exemption (NOE) will be filed with the Los Angeles County Clerk Recorder. The NOE is on file at the Community Development Department and available for review by the public.

PROJECT DESCRIPTION

The subject property is approximately two hundred twenty-six (226) acres, the proposed Filtration Building will abut the existing beverage manufacturing facility. The proposed addition will house two (2) independent four (4) stage filtration systems as well as two (2) eight thousand (8,000) gallon tanks and two (2) three hundred (300) gallon tanks of cleaning chemicals and associated equipments. The filtration system will filter malted beer in support of the existing beverage manufacturing facility. The proposed Filtration Building will consolidate accessory equipments and cleaning chemicals without reconfiguring existing equipment and improve efficiency of facility operations.

Per the Irwindale Municipal Code (IMC) Subsection 17.70.010(B)(2), any new improvements or new buildings that are less than thirty percent (30%) of the total existing floor area within a corporate campus are exempt from design review, subject to the discretion of the Planning Commission or City Council. The proposed Filtration Building will be one (1%) percent of the total beverage manufacturer facility floor area. The IBY is an existing campus consisting of approximately 983,235 square feet of office, production, and warehouse uses, which have all been constructed in an utilitarian industrial style. The proposed Filtration building will match the industrial style of the existing manufacturing facility.

Design Guidelines

The IBY is an existing campus built in 1980 and consists of approximately 983,235 square feet of office, production, and warehouse uses, which have all been constructed in a utilitarian industrial style. Since the campus was built prior to the adoption of the Commercial and Industrial Design Guidelines, the campus was not designed in the desired Spanish mission style. The IMC allows for an exemption from the Commercial and Industrial Design Guidelines for corporate campuses that are planned, organized, and managed to function as a unified whole with common driveways, common parking, and common landscaping plan. In order for the existing campus to maintain its architectural character, the proposed Filtration building is designed to match the industrial style for consistency. The exemption, as allowed via IMC Subsection 17.070.010(B)(2) will prevent the design of the addition from appearing out of place and detracting from the existing IBY.

The cleaning chemicals to be stored and used to support the facility are Hydrochloric Acid, Caustic Soda Liquid, and Poni Acid. The Hydrochloric Acid and Caustic Soda Liquid will be stored inside two (2) separate eight thousand (8,000) gallon steel tanks while the Poni Acid is stored in two (2) separate three hundred (300) gallon plastic tanks. All chemicals will be stored in a safe and secure manner that is compliant with Los Angeles County Fire Department regulations. The facility will use approximately four thousand five hundred (4,500) gallons of Hydrochloric Acid and one thousand (1,000) gallons of Caustic Soda Liquid per week. The Hydrochloric Acid and Caustic Soda Liquid are used in the cleaning process of the filtration systems and feed into the filtration system through pipes in the Filtration Building. The chemicals will be refilled as they empty through delivery trucks. Based on the amount of peak usage, the Hydrochloric Acid tank would need to be refilled once every two weeks and the Caustic Soda Liquid tank would need to be refilled about once every two months. The Poni Acid is used to clean pipes and one (1) three hundred (300) gallon tank would need to be refilled once every six (6) months.

Parking

Based on the IMC Chapter 17.64, the minimum required additional parking spaces needed is five (5) spaces and six (6) spaces will be provided.

Existing Square Footage	Manufacturing Category	Formula	Proposed Addition	Spaces Required	Spaces Provided
983,235 SF	100,000 SF and above	1 parking space/ 2,000 square feet	9,907 SF	5	6

ANALYSIS

Site Plan and Design Review (DA)

Before the Site Plan and Design Review is approved, the applicant must show, to the satisfaction of the Planning Commission and the City Council, the existence of the following findings of fact. Staff has determined that the findings can be made based on the analysis below.

1. The proposed project is in conformance with the general plan, zoning ordinance, and other ordinances and regulations of the City.

The proposed project is located on a site with a General Plan land use designation of Industrial/Business Park and M-2 (Heavy Manufacturing) zoning. The proposed addition of the nine thousand nine hundred and seven (9,907) square foot building is for filtration of malted beer and to store cleaning chemicals in support of the existing beverage manufacturing operation. The existing facility is approximately two hundred and twenty-six (226) acres and the proposed addition which increases the overall lot coverage by one tenth of one percent (0.1%) will not exceed the maximum one-to-one floor area ratio. The proposed project complies with all Zoning Code development standards established for the M-2 (Heavy Manufacturing) zone with respect to land use, building height, and landscaping, and meets the zoning code requirements for parking.

2. The proposed project is in conformance with any redevelopment plan and regulations of the community redevelopment agency and any executed owner's participation agreement or disposition and development agreement.

The project is not subject to any redevelopment plan, regulations of any community redevelopment agency, or any executed owner's participation agreement or disposition and development agreement.

3. The following are so arranged as to avoid traffic congestion, to ensure the public health, safety, and general welfare, and to prevent adverse effect on surrounding properties:

- a) Facilities and improvements,

The proposed Filtration Building will be located within the interior of the existing beverage manufacturing campus and is screened from off-site views through landscaping. Development Impact Fees have been calculated via total square footage and using industrial land use factors. Fees are due at the time of building permit issuance.

- b) Pedestrian and vehicular ingress, egress, and internal circulation

The proposed project is served by existing improved roadways and utilities and does not require the construction or installation of additional public improvements to serve the project. The proposed project will not change existing ingress and egress to and from the site onto existing roadways or public sidewalks. The internal circulation will also largely remain the same.

c) Setbacks

The project has been designed to comply with the required minimum setbacks for the M-2 (Heavy Manufacturing) zone. The proposed Filtration Building is setback approximately two thousand one hundred (2,100) feet from the adjacent A-1 (Agricultural) zone and 1,000 feet from the adjacent M-2 (Heavy Manufacturing) zone.

d) Height of buildings

There is no limit to building height in the M-2 (Heavy Manufacturing) zone. The proposed height of the Filtration Building is approximately forty-four (44) feet, which is shorter than the existing building of approximately sixty-six (66) feet and nearby fermenting tanks measuring sixty-one (61) feet.

e) Signs

No new signs are proposed for the Filtration Building.

f) Mechanical and utility service equipment

Rooftop vent stacks and air exhaust ducts will be located away from the roofline perimeter to limit visibility of the equipment. Heating, ventilation, and air conditioning equipment to support the equipment within the Filtration Building are proposed to be located along the easterly wall. The proposed ground mounted HVAC equipment will be fully fenced and screened with a seven (7) foot high chain link fence, which complies with M-2 (Heavy Manufacturing) zone requirements. All equipment that is surface level will be placed so as not to impede any vehicular or pedestrian travel including Americans with Disabilities Act (ADA) access. Noise that is created by any mechanical equipment must comply with the noise standards of Chapter 9.28 "Noise Regulation."

g) Landscaping

The landscaping requirement has been met through considered choices of planting appropriate to the location, building type, and building scale. There will be twenty-eight thousand (28,000) square feet of drought-tolerant planting to replace the thirteen thousand (13,000) square foot reduction of lawn area due to the proposed addition.

h) Grading

The project has been designed to take advantage of the existing topography, thus reducing grading activities on site. Precise grading plans will be prepared to address building specific needs.

i) Lighting

All lighting is designed to complement the structure and oriented to properly illuminate the site as not to create "dark pockets" that could support nefarious activities or spill onto other properties, creating a nuisance.

j) Parking

IMC Subsection 17.64.030(L) "Manufacturing uses" requires one (1) parking space for each three hundred and fifty (350) square feet for the first ten thousand (10,000) square feet of gross floor area, one (1) parking space for each five hundred (500) square feet for the next forty thousand (40,000) square feet of gross floor area, one (1) space for each one thousand (1,000) square feet for the next fifty thousand (50,000) square feet of gross floor area, and one (1) space for each two thousand (2,000) square feet for all floor area over one hundred thousand (100,000) square feet of gross floor area. Based on the proposed square footage of nine thousand nine hundred and seven (9,907) for manufacturing, five (5) parking stalls are required and six (6) will be provided. It is anticipated that one (1) or two (2) employees will be needed per shift, up to three (3) shifts during a twenty-four (24) hour period. The anticipated employees can be easily accommodated with the six (6) proposed additional parking spaces to be provided as part of the Filtration Building project and within the existing employees parking lots on the site. One (1) ADA parking stall is included in the parking count which satisfies ADA requirements. All parking is surface parking, rather than parking structures or subterranean lots.

k) Drainage

The project shall with comply City requirements for Low Impact Development and will collect stormwater runoff in an on-site infiltration basin. The proposed Filtration Building will not result in inter-lot or "cross drainage" on adjacent properties.

l) Intensity of land use

The site has served as a beverage manufacturer since the 1980s. The addition of the Filtration Building is not projected to have a significant impact on existing streets. The proposed use is consistent with the General Plan designation of Industrial/Business Park and Zoning designation of M-2 (Heavy Manufacturing), as well as, adjacent land uses.

4. That the proposed development is consistent with applicable City design guidelines and historic design themes, and provides for appropriate exterior building design and appearance consistent and complementary to present and proposed buildings and structures in the vicinity of the subject project while still providing for a variety of designs, forms and treatments.

Per IMC Subsection 17.70.010(B)(2), any new improvements or new buildings that are less than thirty percent (30%) of the total existing floor area within a corporate campus are exempt from design review, subject to the discretion of the Planning Commission or City Council. The proposed Filtration Building will be one (1%) percent of the total beverage manufacturer facility's floor area. The IBY is an existing campus built in 1980 and consists of approximately 983,235 square feet of office, production, and warehouse uses, which have all been constructed in a utilitarian industrial style. Since the campus was built prior to the adoption of the Commercial and Industrial Design Guidelines, the campus was not designed in the desired Spanish mission style. The IMC allows for an exemption from the Commercial and Industrial Design Guidelines for corporate campuses

that are planned, organized, and managed to function as a unified whole with common driveways, common parking, and common landscaping plan. In order for the existing campus to maintain its architectural character, the proposed Filtration building is designed to match the industrial style for consistency. The exemption, as allowed via IMC Subsection 17.070.010(B)(2) will prevent the design of the addition from appearing out of place and detracting from the existing IBY.

Conditional Use Permit

IMC Subsection 17.80.030(27) provides that “[a]ll uses which involve the use, sale or storage of any materials classified as toxic or hazardous by either the federal or state government as a substantial part of the total use shall require a CUP, as shall the parking or storage of vehicles used to carry such materials.”

Before any Conditional Use Permit is granted, the applicant must show, to the satisfaction of the Planning Commission and the City Council, the existence of the following findings of fact. Staff has determined that the findings can be made based on the analysis shown:

- A. That the site for the proposed use is adequate in size and shape.

The proposed chemicals inside the Filtration Building are an ancillary part of the beverage manufacturing operations. The chemicals are used for cleaning and purification of equipment that is common in the food and beverage industry. The storage and use of the cleaning chemicals will be inside of two (2) separate eight thousand (8,000) gallon tanks, which will be housed within the proposed Filtration Building. The storage and use of the chemicals will utilize less than one thousand five hundred (1,500) square feet of the proposed Filtration Building. The proposed addition has been designed to accommodate the safe and secure storage and use of the chemicals.

- B. That the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use.

Primary ingress and egress are provided via First Street. There are two driveways on First Street, one entrance is primarily used for passenger vehicle while the other gated entrance is used for freight and manufacturing vehicles. The proposed storage and use of the cleaning chemicals is not anticipated to result in an increase to truck or freight vehicle trips. The Filtration Building will typically be expected to require a total of one (1) or two (2) employees per shift, with up to three (3) shifts during a twenty-four (24) hour period.

- C. That the proposed use will not have an adverse effect upon adjacent property.

Adjacent properties will not be affected because the existing use will not be altered in any significant way. The storage and use of the cleaning chemicals within the proposed Filtration Building is an ancillary use to support the existing beverage manufacturing facility. The Hydrochloric Acid and Caustic Soda Liquid will be stored inside two (2) separate eight thousand (8,000) gallon steel tanks while the Poni Acid is stored in two (2) separate three hundred (300) gallon plastic tanks. All

chemicals will be stored in a safe and secure manner that is compliant with Los Angeles County Fire Department regulations. Based on the amount of peak usage, the Hydrochloric Acid tank would need to be filled once every two weeks and the Caustic Soda Liquid tank would need to be refilled about once every two months. The Poni Acid is used to clean pipes and one (1) three hundred (300) gallon tank would need to be refilled once every six (6) months. The storage and use of the cleaning chemicals is not expected to generate additional traffic or freight vehicle trips and the Filtration Building will not be visible from off-site views as it is screened from off-site views through landscaping. Therefore, the impact of the facility on the surrounding properties is expected to be insignificant.

The proposed general conditions for the CUP are attached as Exhibit "A" to Resolution No. 807(21).

CONCLUSION

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

1. Adopt Resolution No. 807(21) recommending that the City Council approve Site Plan and Design Review (DA) No. 04-2021 and Conditional Use Permit No. 05-2021, subject to the proposed Conditions of Approval.

Alternative Actions:

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

ATTACHMENTS

Exhibit A: Resolution No. 807(21) with Conditions of Approval
Exhibit B: Project Plans

EXHIBIT “A”**RESOLUTION NO. 807(21)**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING CITY COUNCIL APPROVAL OF SITE PLAN AND DESIGN REVIEW (DA) NO. 04-2021 AND CONDITIONAL USE PERMIT NO. 05-2021 FOR THE CONSTRUCTION OF ONE (1) NEW ± 9,907 SQUARE FOOT FILTRATION BUILDING AND THE APPROVAL FOR STORAGE OF CLEANING CHEMICALS FOR AN EXISTING BEVERAGE MANUFACTURING FACILITY (IRWINDALE BREW YARD, FORMERLY MOLSON-COORS) FOR PROPERTY LOCATED AT 15801 FIRST STREET, IRWINDALE, CA 91706 (APN: 8533-009-021, -024, -907) IN THE M-2 (HEAVY MANUFACTURING) ZONE SUBJECT TO CONDITIONS AS SET FORTH HEREIN AND MAKING FINDINGS IN SUPPORT THEREOF AND FINDING THE PROJECT EXEMPT FROM CEQA PURSUANT TO SECTION 15301 (CLASS 1; EXISTING FACILITIES).

A. RECITALS.

- (i) Paul Garry from PSOMAS, on behalf of Irwindale Brew Yard (IBY, LLC), has made a request for the approval of a Site Plan and Design Review (SP&DR)(DA) and a Conditional Use Permit (CUP) pursuant to Sections 17.70 and 17.80 of the Irwindale Municipal Code (IMC), for construction of an addition to the existing beverage manufacturing campus and storage and use of cleaning chemicals therein.
- (ii) The Subject Property is zoned M-2 (Heavy Manufacturing). Hereinafter in this Resolution, the subject application shall be referred to as the “Application.”
- (iii) The City, as the Lead Agency, has determined that, pursuant to the California Environmental Quality Act (CEQA), which lists classes of projects determined not to have a significant effect on the environment and are therefore, categorically exempt from the provisions of CEQA; the proposed Project is categorically exempt pursuant to Section 15301 (Existing Facilities); and a Notice of Exemption (Class 1) has been prepared.
- (iv) Built in 1980, the beverage manufacturing campus was originally owned by Molson Coors and ceased production in September 2020.
- (v) The sale of Molson Coor’s Irwindale brewery property to IBY, a subsidiary of Pabst Brewing Company was completed November 2020.
- (vi) On September 15, 2021, the Irwindale Planning Commission conducted a duly noticed public hearing through a conference

call/webinar, as required by law on the Application and in compliance with Executive Order N-25-20 (relating to COVID-19), closed the public hearing and recommended that the City Council approve the Site Plan and Design Review (DA) and Conditional Use Permit, subject to the approval of a Resolution, which would detail the specific Conditions under which the Application was approved.

- (vii) All legal prerequisites to the adoption of this Resolution have occurred.

RESOLUTION.

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

1. The Planning Commission hereby specifically finds that all of the facts set forth in Recitals, Part A, of this Resolution are true and correct.
2. Based upon substantial evidence presented to this Planning Commission during the public hearing conducted with regard to the Application, including written staff reports, verbal testimony, site plans and Conditions of Approval attached hereto as Exhibit "A," this Planning Commission hereby specifically finds as follows:

Site Plan and Design Review (DA)

- a. *The proposed project is in conformance with the general plan, zoning ordinance, and other ordinances and regulations of the City.*

The proposed project is located on a site with a General Plan land use designation of Industrial/Business Park and M-2 (Heavy Manufacturing) zoning. The proposed addition of the nine thousand nine hundred and seven (9,907) square foot building is for filtration of malted beer and to store cleaning chemicals in support of the existing beverage manufacturing operation. The existing facility is approximately two hundred and twenty-six (226) acres and the proposed addition which increases the overall lot coverage by one tenth of one percent (0.1%) will not exceed the maximum one-to-one floor area ratio. The proposed project complies with all Zoning Code development standards established for the M-2 (Heavy Manufacturing) zone with respect to land use, building height, and landscaping, and meets the zoning code requirements for parking.

- b. *The proposed project is in conformance with any redevelopment plan and regulations of the community redevelopment agency and any executed owner's participation agreement or disposition and development agreement.*

The project is not subject to any redevelopment plan, regulations of any community redevelopment agency, or any executed owner's participation agreement or disposition and development agreement.

c. The following are so arranged as to avoid traffic congestion, to ensure the public health, safety, and general welfare, and to prevent adverse effect on surrounding properties:

1) Facilities and improvements,

The proposed Filtration Building will be located within the interior of the existing beverage manufacturing campus and is screened from off-site views through landscaping. Development Impact Fees have been calculated via total square footage and using industrial land use factors. Fees are due at the time of building permit issuance.

2) Pedestrian and vehicular ingress, egress, and internal circulation,

The proposed project is served by existing improved roadways and utilities and does not require the construction or installation of additional public improvements to serve the project. The proposed project will not change existing ingress and egress to and from the site onto existing roadways or public sidewalks. The internal circulation will also largely remain the same.

3) Setbacks,

The project has been designed to comply with the required minimum setbacks for the M-2 (Heavy Manufacturing) zone. The proposed Filtration Building is setback approximately 2,100 feet from the adjacent A-1 (Agricultural) zone and 1,000 feet from the adjacent M-2 (Heavy Manufacturing) zone.

4) Height of buildings,

There is no limit to building height in the M-2 (Heavy Manufacturing) zone. The proposed height of the Filtration Building is approximately forty-four (44) feet, which is shorter than the existing building of approximately sixty-six (66) feet and nearby fermenting tanks measuring sixty-one (61) feet.

5) Signs,

No new signs are proposed for the Filtration Building.

6) Mechanical and utility service equipment,

Rooftop vent stacks and air exhaust ducts will be located away from the roofline perimeter to limit visibility of the equipment. Heating, ventilation, and air conditioning equipment to support the equipment within the Filtration Building are proposed to be located along the easterly wall. The proposed ground-mounted HVAC equipment will be fully fenced and

screened with a seven (7) foot high chain link fence, which complies with M-2 (Heavy Manufacturing) zone requirements. All equipment that is surface level will be placed so as not to impede any vehicular or pedestrian travel including Americans with Disabilities Act (ADA) access. Noise that is created by any mechanical equipment must comply with the noise standards of Chapter 9.28 "Noise Regulation."

7) *Landscaping,*

The landscaping requirement has been met through considered choices of planting appropriate to the location, building type, and building scale. There will be twenty-eight thousand (28,000) square feet of drought-tolerant planting to replace the thirteen thousand (13,000) square foot reduction of lawn area due to the proposed addition.

8) *Grading,*

The project has been designed to take advantage of the existing topography, thus reducing grading activities on site. Precise grading plans will be prepared to address building specific needs.

9) *Lighting,*

All lighting is designed to complement the structure and oriented to properly illuminate the site as not to create "dark pockets" that could support nefarious activities or spill onto other properties, creating a nuisance.

10) *Parking,*

IMC Subsection 17.64.030(L) "Manufacturing uses" requires one (1) parking space for each three hundred and fifty (350) square feet for the first ten thousand (10,000) square feet of gross floor area, one (1) parking space for each five hundred (500) square feet for the next forty thousand (40,000) square feet of gross floor area, and one (1) space for each one thousand (1,000) square feet for the next fifty thousand (50,000) square feet of gross floor area, and one (1) space for each two thousand (2,000) square feet for all floor area over one hundred thousand (100,000) square feet of gross floor area. Based on the proposed square footage of nine thousand nine hundred and seventy (9,907) for manufacturing, six (6) parking stalls are required and will be provided. It is anticipated that one (1) or two (2) employees will be needed per shift, up to three (3) shifts during a twenty-four (24) hour period. The anticipated employees can be easily accommodated with the six (6) proposed additional parking spaces to be provided as part of the Filtration Building project. One (1) ADA parking stall is included in the parking count which satisfies ADA requirements. All parking is surface parking, rather than parking structures or subterranean lots.

11) Drainage,

The project shall comply with City requirements for Low Impact Development and will collect stormwater runoff in an on-site infiltration basin. The proposed Filtration Building will not result in inter-lot or “cross drainage” on adjacent properties.

12) Intensity of land use,

The site has served as a beverage manufacturer since the 1980s. The addition of the Filtration Building is not projected to have a significant impact on existing streets. The proposed use is consistent with the General Plan designation of Industrial/Business Park and Zoning designation of M-2 (Heavy Manufacturing), as well as, adjacent land uses.

- d. The proposed development is consistent with applicable city design guidelines and historic design themes, and provides for appropriate exterior building design and appearance consistent and complementary to present and proposed buildings and structures in the vicinity of the subject project while still providing for a variety of designs, forms and treatments.*

Per IMC Subsection 17.70.010(B)(2), any new improvements or new buildings that are less than thirty percent (30%) of the total existing floor area within a corporate campus are exempt from design review, subject to the discretion of the Planning Commission or City Council. The proposed Filtration Building will be one (1%) percent of the total beverage manufacturer facility's floor area. The IBY is an existing campus built in 1980 and consists of approximately 983,235 square feet of office, production, and warehouse uses, which have all been constructed in a utilitarian industrial style. Since the campus was built prior to the adoption of the Commercial and Industrial Design Guidelines, the campus was not designed in the desired Spanish mission style. The IMC allows for an exemption from the Commercial and Industrial Design Guidelines for corporate campuses that are planned, organized, and managed to function as a unified whole with common driveways, common parking, and common landscaping plan. In order for the existing campus to maintain its architectural character, the proposed Filtration building is designed to match the industrial style for consistency. The exemption, as allowed via IMC Subsection 17.070.010(B)(2) will prevent the design of the addition from appearing out of place and detracting from the existing IBY.

Conditional Use Permit

- a. *That the site for the proposed use is adequate in size and shape.*

The proposed chemicals inside the Filtration Building is an ancillary part of the beverage manufacturing operations. The chemicals are used for cleaning and purification of equipment that is common in the food and beverage industry. The storage and use of the cleaning chemicals will be inside of two (2) separate eight thousand (8,000) gallon tanks, which will be housed within the proposed Filtration Building. The storage and use of the chemicals will utilize less than one thousand five hundred (1,500) square feet of the proposed Filtration Building. The proposed addition has been designed to accommodate the safe and secure storage and use of the chemicals.

- b. *That the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use.*

Primary ingress and egress are provided via First Street. There are two driveways on First Street, one entrance is primarily used for passenger vehicle while the other gated entrance is used for freight and manufacturing vehicles. The proposed storage and use of the cleaning chemicals is not anticipated to result in an increase to truck or freight vehicle trips. The Filtration Building will typically be expected to require a total of one (1) or two (2) employees per shift, with up to three (3) shifts during a twenty-four (24) hour period.

- c. *That the proposed use will not have an adverse effect upon adjacent property.*

Adjacent properties will not be affected because the existing use will not be altered in any significant way. The storage and use of the cleaning chemicals within the proposed Filtration Building is an ancillary use to support the existing beverage manufacturing facility. The Hydrochloric Acid and Caustic Soda Liquid will be stored inside two (2) separate eight thousand (8,000) gallon steel tanks while the Poni Acid is stored in two (2) separate three hundred (300) gallon plastic tanks. All chemicals will be stored in a safe and secure manner that is compliant with Los Angeles County Fire Department regulations. Based on the amount of peak usage, the Hydrochloric Acid tank would need to be filled once every two weeks and the Caustic Soda Liquid tank would need to be refilled about once every two months. The Poni Acid is used to clean pipes and one (1) three hundred (300) gallon tank would need to be refilled once every six (6) months. The storage and use of the

cleaning chemicals is not expected to generate additional traffic or freight vehicle trips and the Filtration Building will not be visible from off-site views as it is screened from off-site views through landscaping. Therefore, the impact of the facility on the surrounding properties is expected to be insignificant.

3. The City, as the Lead Agency, determined that the project as proposed is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1; Existing Facilities), which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination of the CEQA Guidelines.

4. Based upon the substantial evidence and conclusions set forth herein above, this Planning Commission hereby recommends that the City Council approve the Application subject to the conditions set forth in Exhibit "A" attached hereto and by this reference incorporated herein, which conditions are deemed necessary to protect the public health, safety and general welfare and are reasonable and proper in accordance with the intent and purposes of Title 17 of the Irwindale Municipal Code.

The Secretary shall:

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

ADOPTED AND APPROVED this 15th day of September 2021.

Arthur R. Tapia, Chair
City of Irwindale Planning Commission

ATTEST:

Marilyn Simpson, 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 September 2021, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Marilyn Simpson, Secretary

PLANNING COMMISSION RESOLUTION NO. 807(21)**Site Plan and Design Review No. 04-2021****Conditional Use Permit No. 05-2021****IBY, LLC****15801 First Street****A. GENERAL CONDITIONS**

1. The use and improvements authorized by this Site Plan and Design Review Permit allow for the construction of the Filtration Building addition and the storage and use of cleaning chemicals at the existing beverage manufacturing campus at the address 15801 First Street (also known as Irwindale Brew Yard) as shown on the stamped approved drawing set dated September 9, 2021.
2. The Applicant shall agree and consent, in writing, to each and every condition of permit approval set forth herein within twenty (20) days from the adoption of this Resolution by the City Council approving the Site Plan & Design Review permit and Conditional Use Permit.
3. The signed Final Conditions of Approval shall be photocopied and included as a sheet in the building plan set.
4. Plans for any proposed site improvements shall be submitted to the Los Angeles County Fire Department and City Building and Safety Division for review and approval prior to the issuance of Building Permits.
5. Prior to the issuance of a business license and/or occupancy permit and/or final inspection by the Community Development Department, all applicable conditions of approval (except those involving construction permits) shall be completed to the reasonable satisfaction of the City.
6. This Conditional Use Permit may be revoked for any violation of or noncompliance with any of these conditions or other codes, regulations or standards enforced by or beneficial to the City of Irwindale in accordance with IMC Section 17.80.140.
7. All graffiti shall be adequately and completely removed or painted over within 48 hours of such graffiti being affixed on any structure or fence at the site.
8. The Applicant shall defend, indemnify and hold harmless the City of Irwindale, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, any approval of the City, its advisory agencies, appeal boards, or legislative body concerning Site Plan and Design Review Permit (DA)

No. 04-2021 and Conditional Use Permit No. 05-2021. The City will promptly notify the permittee of any such claim, action, or proceeding against the City and will cooperate fully in the defense.

9. The use and improvements authorized by this Site Plan and Design Review and Conditional Use Permit shall conform to the plans as finally approved by the City as conditioned herein, and any appreciable modification, as determined by the Community Development Director, shall require the prior approval of the Planning Commission pursuant to the amendments of these entitlements.
10. City inspectors shall have access to the site to reasonably inspect the site during normal working hours to assure compliance with these conditions and other codes.
11. The facility and use thereof shall be maintained in full compliance with all codes, standards, policies and regulations imposed by the City, County, State or Federal agencies with jurisdictions over the facility.
12. Any and all fees required to be paid to any public agency shall be paid prior to obtaining any permit for this project.
13. All appropriate practices shall be adopted to control dust, order and vermin.
14. Upon receipt of a complaint related to any Condition of Approval imposed by this Site Plan and Design Review Permit and Conditional Use Permit, the City shall notify the Applicant of the alleged violation, and the Applicant shall commence to cure within ten (10) days after the receipt of the notice.
15. The subject site shall be maintained free and clear of any accumulation of trash debris, waste, and combustible and/or flammable materials, other than the related materials specifically authorized under the Site Plan and Design Review Permit and Conditional Use Permit.
16. Upon termination of the authorized use for any reason, including abandonment of this use by the Applicant, for 180 consecutive days, or revocation by the City, all materials and equipment shall be removed from the site within 30 days after notice from the City, at the expense of the Applicant. If the Applicant does not remove all materials and equipment, the City shall be authorized to do so, and the Applicant shall pay all costs related to the removal process.

B. COMMUNITY DEVELOPMENT DEPARTMENT

1. The project shall substantially conform to the submitted plans date-stamped September 9, 2021, except as modified herein. Future modifications that are not in substantial conformance shall be reviewed by the Community Development Director, and may require modification of this approval subject to the provisions

of IMC Section 17.70.060 “Expiration and Revisions” and IMC Section 17.80.160 “Modification.”

2. The development authorized by this Site Plan and Design Review Permit shall have a Building Permit within one year of the date of permit approval. Thereafter, if the Building Permit has not been obtained, the Site Plan and Design Review approval shall expire and become null and void, unless a written request for extension is received by the Community Development Director at least thirty (30) days prior to such expiration or abandonment. Upon receipt of written request for extension of Site Plan and Design Review approval for a period not to exceed one (1) year from the original date of expiration, or may refer such request to the Planning Commission for determination.
3. This Site Plan and Design Review Permit and Conditional Use Permit shall authorize the construction of the approximate 9,907 square foot Filtration Building addition and the storage and use of cleaning chemicals at the existing beverage manufacturing campus.
4. The proposed addition and new landscaping shall largely conform in terms of material and color scheme on the plans submitted and date stamped September 9, 2021.
5. Per IMC Section 17.70.010, Subsection B.2, any alteration or addition of floor area less than thirty percent of existing floor area within an existing corporate campus, or similar development, is exempt from the Commercial and Industrial Design Guidelines, subject to the discretion of the Planning Commission or City Council, as applicable.
6. Alcohol manufacturing and rectifying uses shall be processed under a separate Conditional Use Permit.
7. Future exterior modification and/or additional square footage may be subject to the Commercial and Industrial Design Guidelines unless the City determines that any future exterior modification meets the requirements of IMC Subsection 17.70.010.
8. The signed Final Conditions of Approval shall be photocopied and included as a sheet in the plans submitted to the Building Division for plan check.
9. Landscaping shall be drought resistant low water with drip irrigation, low flow bubblers and water efficient rotor heads where applicable. Native plants shall be used where feasible. Landscaping shall be provided as shown on the approved Conceptual Landscape and as modified pursuant to City Building Plan Check review of Precise Landscape and Irrigation plans.

10. Landscape and irrigation plans shall be prepared by a licensed landscape architect, and are subject to the approval of the Community Development Director and the City Engineer. Vision clearance shall be maintained at all vehicle entrances and exits.
11. Project landscaping shall comply with Irwindale Municipal Code Chapter 15.30, "Water Efficient Landscape Standards and Guidelines" and Subsection 5.4.2 "Irrigation Standards" of the COHSP.
12. A complete, permanent, automatic irrigation system shall be provided for all landscaped areas.
13. A six (6) inch horizontal concrete curb shall surround all landscaped planters.
14. The following invasive plants shall not be used in landscaping:
 - *Carpobrotus edulis* (ice plant)
 - *Hedera helix*, *H. Hibernica*, *H. canariensis* (English ivy, Irish ivy, Algerian ivy)
 - *Vinca Major* (periwinkle)
 - *Pennisetum setaceum* and all cultivars and varieties (fountain grass)
 - *Cortaderia selloana*, *C. jubata* and all cultivars and varieties (pampas grass)
 - *Retama monosperma*, *Genista monspessulana*, *Cytisus striatus*, *Cytisus scoparius*, and *Spartium junceum* (broom – bridal, French, Portuguese, Scotch, Spanish)
 - *Acacia Cyclops* (acacia or western coastal wattle)
 - *Myoporum laetum* (myoporum)
 - *Washingtonia robusta* and *Phoenix canariensis* (Mexican fan palm and Canary Island date palm)
 - *Schinus terevinthifolius* (Brazilian pepper)
 - *Eucalyptus globules*, *E. camaldulensis* (eucalyptus, blue gum, and red gum)
15. The new landscaping shall be maintained in good condition and replaced in the event they die or become diseased.
16. All perimeter fencing, block walls, etc. shall be maintained in satisfactory condition in accordance with all applicable codes.
17. Applicant shall obtain approval and permits from the Community Development Department and Building Division for all project signage prior to construction of any signs on the project site.
18. A chain link fence with green screening shall be installed and maintained around the perimeter of the site at all times during construction.

19. Cleaning chemicals to be stored and used to support the operation of the beverage manufacturing facility shall not exceed the following at any given time: 8,000 gallons of Hydrochloric Acid, 8,000 gallons of Caustic Soda Liquid, and 600 gallons of Poni Acid. Any proposed expansion or intensification of the use shall be subject to a modification of this Conditional Use Permit.
20. Development Impact Fees, in the amounts currently established by the Irwindale City Council, shall be due at the time of final inspection or the date of the issuance of the certificate of occupancy, whichever comes first.
21. This project shall be subject to the City of Irwindale's utility tax.
22. The applicant must submit to the Community Development Department documentation from LACOFD Health Hazmat stating that their proposal (including plans and chemicals) have been reviewed and approved prior to the issuance of a City of Irwindale business license.

C. PUBLIC WORKS/ENGINEERING
STREETS

1. All off-site improvements within the Public Right-of-Way shall be performed in accordance with City Standards to the satisfaction of the Director of Engineering. Construction plans shall be reviewed and approved by the Director of Engineering.
2. The owner/developer shall bear the full cost to remove and reconstruct all damaged or deficient sidewalk, driveways, curb and gutter along the project frontage as directed by the Director of Engineering. Sidewalk and driveways to be reconstructed shall meet ADA standards.
3. Adequate "on-site" parking shall be provided per City requirements.
4. The owner/developer shall bear the full cost for the actual cost for the installation, replacement or modification of traffic control signs, striping and pavement markings required in conjunction with the development.

CITY UTILITIES

5. Storm drains, catch basins, connector pipes, and appurtenances for the site specific storm drain system shall be designed and constructed in accordance with Los Angeles County standards and the Director of Engineering's requirements. The owner/developer shall submit grading and drainage plans to the Director of Engineering for review and approval. The grading and drainage plans shall be prepared by a licensed civil engineer and comply with Los Angeles County grading permit requirements. A hydrology study shall be included with the drainage plan.

6. The owner/developer shall pay for the entire cost for the design, engineering construction, permitting and inspection of any upgrade to the water main and connections as required by the serving water company for the proposed development.
7. The owner/developer shall obtain a Storm Drain Connection Permit from the City of Irwindale and/or Los Angeles County Flood Control District for connection(s) to the existing storm drain system, if required.
8. The owner/developer shall pay for the entire cost for the design, engineering construction, permitting and inspection of any new and/or upgrade to any existing Fire Hydrant as required by the Los Angeles County Fire Department.
9. All existing buildings shall be connected to the sanitary sewers.

TRAFFIC

10. A pedestrian easement shall be provided anywhere deemed necessary by the Director of Engineering to meet sidewalk and/or driveway ADA requirements.
11. An Easement Agreement for all easements (e.g., reciprocal access; surface drainage; utilities, etc.) shall be prepared and shall be executed and recorded in the Office of the Los Angeles County Recorder. Such agreements and any CC&Rs shall be subject to the approval of the City Attorney.

SEWER MAINTENANCE FEES

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

MISCELLANEOUS

13. A grading plan shall be submitted for grading/drainage approval to the Director of Engineering. The owner shall pay grading/drainage review fees in conjunction with this submittal. A professional civil engineer registered in the State of California shall prepare the grading plans under the current City of Irwindale adopted Building Codes at the time of submittals.
14. The owner/developer shall comply with the National Pollutant Discharge Elimination System (NPDES) program and shall require the general contractor to implement storm water/urban runoff pollution prevention controls and Best Management Practices (BMPs) on all construction sites in accordance with the City Code. The owner/developer will also be required to submit a Certification for

the project or, if applicable, a Notice of Non-Applicability from the State Water Resources Control Board (SWRCB) and may be required to prepare a Storm Water Pollution Prevention Plan (SWPPP). Projects over five acres in size will be required to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB). The owner/developer can obtain the current application packet by contacting the SWRCB, Construction Storm Water Unit, at (866) 563-3107 or by downloading the forms from their website at: www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml. The project shall also conform to the City's Ordinance regarding the requirements for the submittal of a Standard Urban Storm Water Mitigation Plan ("SUSMP"), and the requirements of Low Impact Development ("LID"). The SUSMP includes a requirement to implement Post Construction BMPs to infiltrate the first 3/4" or the 85th percentile storm event, whichever is greater, of runoff from all storm events and to control peak-flow discharges.

15. Any changes to the site plan shall be reviewed and approved by the Community Development Director and Director of Engineering.

E. BUILDING AND SAFETY

1. Building permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Irwindale Building Code.
2. The applicant shall submit site, floor, elevation plans that include all Life & Safety and Accessibility requirements as required by the current Los Angeles County Building Code for any proposed improvements to the existing facility.

F. FIRE DEPARTMENT

1. Any tenant improvements and new construction shall comply with all Los Angeles County Fire Code.