

CITY OF IRWINDALE

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

**SUZANNE E.
GOMEZ**
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BURROLA**
VICE-CHAIR

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CHICO**
COMMISSIONER

**DAVID
FUENTES**
COMMISSIONER

**ROBERT E.
HARTMAN**
COMMISSIONER

AGENDA FOR THE REGULAR MEETING OF THE

PLANNING COMMISSION

February 16, 2022

6:30 P.M.

IRWINDALE COUNCIL CHAMBER

(Limited Public Access)

Pursuant to Irwindale Resolution No. Resolution No. 2022-11-3261

The Irwindale City Council has authorized the conduct of hybrid meetings of the City Council, including all City Commissions and committee meetings, and all regularly scheduled meetings that would normally take place in the City Council Chambers, under the provisions of Government Code Section 54956 § E, as authorized by AB 361.

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 are available through the following:

In-Person at the City Council Chambers (In-Chamber Attendance Limited to nine members of the public with overflow seating available in the Outer Council Chamber)

Join Webinar at

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

Webinar ID

863 4969 1359

Submit public comments by email to jjhernandez@irwindaleca.gov prior to the start of the meeting. Comments will be read by the Administrative Secretary during public comment.

Lengthy public comment may be summarized in the interest of time.



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

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

Americans with Disabilities Act: In compliance with the ADA, 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: Richard Chico, David Fuentes, Robert E. Hartman; Vice-Chair Enoch Y. Burrola;
Chair Suzanne E. Gomez
- 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.

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

Tier 1: In-person attendees

Tier 2: Teleconference attendees

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

Tier 4: Teleconference attendees who have not previously provide comments on the matter(s) being discussed by the legislative body

1. CONSENT CALENDAR

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

A. Minutes

Recommendation: Approve the following minutes:

- 1. Regular meeting held October 20, 2021
- 2. Regular meeting held November 17, 2021

2. NEW BUSINESS

3. PUBLIC HEARINGS**A. SITE PLAN AND DESIGN REVIEW (DA) NO. 04-2020 SPECULATIVE 129,830 SQUARE-FOOT CONCRETE TILT-UP BUILDING (MICHAEL RAMIREZ, REXFORD INDUSTRIAL REALTY, LLC)**

Request for a Site Plan and Design Review (DA) for the construction of a ±129,830 square-foot concrete tilt-up building and associated parking. ENVIRONMENTAL REVIEW: In accordance with the California Environmental Quality Act, the City of Irwindale prepared an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. Based on the Initial Study and subsequent analysis, Staff has determined that the project as proposed qualifies for a Mitigated Negative Declaration according to the California Environmental Quality Act (CEQA), pursuant to Section 15074 of the CEQA Guidelines. A copy of the MND 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. 813(22)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL ADOPT THE MITIGATED NEGATIVE DECLARATION (MND) AND MITIGATED MONITORING AND REPORTING PROGRAM (MMRP) FOR THE CONSTRUCTION OF ONE (1) SPECULATIVE INDUSTRIAL TILT-UP BUILDING TOTALING ±129,830 SQUARE FEET FOR PROPERTY LOCATED AT 4416 AZUSA CANYON ROAD, IRWINDALE, CA 91706 (APN: 8417-004-006) IN THE M-1 (LIGHT MANUFACTURING) ZONE AND MAKING CERTAIN FINDINGS OF FACT, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Recommendation: Adopt Resolution No. 814(22)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL APPROVE SITE PLAN AND DESIGN REVIEW (DA) NO. 04-2020 FOR THE CONSTRUCTION OF ONE (1) SPECULATIVE INDUSTRIAL TILT-UP BUILDING TOTALING ±129,830 SQUARE-FEET FOR THE PROPERTY LOCATED AT 4416 AZUSA CANYON ROAD, IRWINDALE, CA 91706 (APN: 8417-004-006) IN THE M-1 (LIGHT MANUFACTURING) AND MAKING CERTAIN FINDINGS OF FACT.

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

I, Jesus Hernandez, Administrative Secretary, certify that I caused the agenda for the regular meeting of the Irwindale Planning Commission to be held on February 16, 2022 to be posted at the City Hall, Library, and Post Office on February 10, 2022.

Jesus Hernandez

Jesus Hernandez,
Administrative Secretary

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

**October 20, 2021
Wednesday
6:32 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 COMMISSIONER GOMEZ Father God, we thank you for all your blessings. We thank you for clarity, truth and justice, and for the rain, for the season to end our drought, and for all the residents, employees, and people of Irwindale. Amen.

CHAIR TAPIA It seems like every month we've lost some angels from Irwindale. In the last two weeks here, we've lost three of them Tony Zepeda, Willy Padilla, and Christina Orosco. We will adjourn this meeting in honor and remembrance of their voyage. Roll call.

ROLL CALL: Present: Commissioners; Robert E. Hartman; Richard Chico; Suzanne Gomez; Vice Chair Enoch Burrola; Chair Arthur R. Tapia

Also present: William Tam, City Manager; Adrian Guerra, City Attorney; Marilyn Simpson, Community Development Director; Brandi Jones, Senior Planner; Lisa Chou, Associate Planner; Jeff Tyler, Senior Code Enforcement Officer; Berlyn Aguila, Management Analyst; Martin Romero, Planning Technician; Jesus Hernandez, Administrative Secretary

ANNOUNCEMENTS

CHAIR TAPIA And do we have any announcements?

MANAGEMENT ANALYST AGUILA There are no announcements for tonight.

CHAIR TAPIA Thank you.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON Excuse me Chair Tapia and Planning Commissioners. I do have two announcements to make, a little bit of out of order than usual. I want to do two introductions here. I want to introduce Jesus Hernandez as our new Administrative Secretary replacing Berlyn Aguila, as she moves on. Then I also want to introduce our new Planning Technician Martin Romero. He comes to us from the City of Woodland, the City of Winters as well where he worked in the Planning Division. He is a graduate from UC Davis as well. I just want to introduce them. Thank you.

CHAIR TAPIA Welcome. We move on the Spontaneous Communications.

**SPONTANEOUS
COMMUNICATIONS**

CHAIR TAPIA This is the time set aside for members of the audience to speak on items not on this agenda. So if you have any items that you wish to make a statement on, now is the time to do that. You will be called upon raising your hand. Thank you.

MANAGEMENT
ANALYST AGUILA Chair there are no members of the public who have raised their hand. No members.

CHAIR TAPIA Okay, since there is no hands raised we will move on to Consent Calendar.

CONSENT CALENDAR

CHAIR TAPIA The Consent Calendar contains matters of routine business and is approved with 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. Items in the Consent Calendar today pertain to the Minutes. Recommendation to approve the following Minutes; Regular Meeting held July 22, 2021. If there is anyone in the audience wishing to make any statements on these Minutes, please raise your hand.

MANAGEMENT
ANALYST AGUILA Excuse me Chair, for the Minutes for July 21, 2021 there has been a couple of changes on page forty-seven. Those updated Minutes have been placed on your dais and I will be reading the changes out loud. On page forty-seven the open Public Hearing began at 9:20 p.m. by Chair Tapia and closed Public Hearing, "There being no more speaker's Chair Tapia closed the Public Hearing at 9:21 p.m." Those are the only changes.

CHAIR TAPIA Okay thank you. Well if there is any one in the audience that wishes to speak, please raise your hand. None?

MANAGEMENT
ANALYST AGUILA There are none.

CHAIR TAPIA Okay we go over to Item 2, New Business there is none. Skip over to item...

MANAGEMENT
ANALYST AGUILA Excuse me, we need to approve the minutes.

CHAIR TAPIA Sorry, thank you.

COMMISSIONER
CHICO Motion to approve.

PLANNING COMMISSION MINUTES
REGULAR MEETING

October 20, 2021
PAGE 3

COMMISSIONER HARTMAN	Second.
CHAIR TAPIA	Roll Call.
MANAGEMENT ANALYST AGUILA	Commissioner Hartman.
COMMISSIONER HARTMAN	Yes.
MANAGEMENT ANALYST AGUILA	Commissioner Gomez.
COMMISSIONER GOMEZ	Yes.
MANAGEMENT ANALYST AGUILA	Commissioner Chico.
COMMISSIONER CHICO	Yes.
MANAGEMENT ANALYST AGUILA	Vice-Chair Burrola.
VICE-CHAIR BURROLA	Yes.
MANAGEMENT ANALYST AGUILA	Chair Tapia.
CHAIR TAPIA	Yes.
MANAGEMENT ANALYST AGUILA	Thank you.
CHAIR TAPIA	Okay thank you very much. Skip over to Item 2, New Business there is none.

NEW BUSINESS

NONE

PUBLIC HEARINGS

ITEM NO. 3A

CONDITIONAL USE PERMIT NO. 08-2021 (ROBERT URBAND
IBY,LLC)

CHAIR TAPIA

We go to Item 3, Public Hearings. Conditional Use Permit No 08-2021 Robert Urband, IBY, LLC. Staff.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you Chair and Commission, this item will be presented to you by our Planning Technician, now that you are well acquainted with him after the introduction. Martin Romero.

PLANNING
TECHNICIAN
ROMERO

It is an honor to work for your community.

CHAIR TAPIA

Can I ask a question before? Is the applicant here today or will he be here?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yes, he will be participating remotely. He is in virtual attendance.

CHAIR TAPIA

Go ahead sir. Let me ask you one question. We had another paper here, is that a revised copy or? What was that?

PLANNING
TECHNICIAN
ROMERO

Yes.

CHAIR TAPIA

Could you tell us what the revisions were please, before we get started?

PLANNING
TECHNICIAN
ROMERO

Yes, there has been an amendment for Public Works Services Condition E.1 in Resolution Number 811(21), which should read as follows: "The parkway along the south side of 1st Street just west of the railroad tracks to where the fork splits between the Irwindale Brew Yard Service Road and Martin Road shall be improved with ground covering such as mulch, rock gravel or decomposed granite. The ground covering material shall be approved by the Public Services Director or designee."

CHAIR TAPIA

Okay, thank you.

PLANNING
TECHNICIAN
ROMERO

Good Evening Honorable Chair and members of the Planning Commission. The next item of discussion is a request for a Conditional Use Permit for Irwindale Brew Yard located at 15801 1st Street. Paul Garry is the applicant's representative and the applicant is Robert Urband of IBY, LLC. The property owner is IBY, LLC. The Applicant is requesting a Conditional Use Permit for the expanded operation of an existing brewery, including beverage operations and rectifying, which is the mixing and blending of wine and spirits. The requested licenses issued by the Department of Alcoholic Beverage Control include Types 1 (Beer Manufacturer), 2 (Winegrower), 9 (Beer and Wine Importer), 12 (Distilled Spirits Importer), and 24 (Distilled Spirits Rectifier's General). This is a table that displays the requested ABC licenses and their privileges. The site is bounded by the 210-Foothill Freeway to the north, 1st Street to the south, Irwindale Avenue to the east, and Santa Fe Dam Recreation Area to the west. The site consists of three existing Assessor Parcels; APNs: 8533-009-021, -024, and -907. The Irwindale Brew Yard campus is located in an M-2 (Heavy Manufacturing) Zone with a General Plan designation of Industrial/Business Park. The proposed project is categorically exempt from CEQA per section 15301 Class 1; Existing Facilities. This is a floor plan of the existing facility located in the northeast quadrant of the project site. Irwindale Brew Yard was originally owned by Molson Coors and manufactured beers such as Coors Light, Miller Lite, and Miller High Life. The Molson Coors facility was established prior to the requirement of a Conditional Use Permit therefore the previous use was considered "legal nonconforming." The forty year old facility ceased production in September 2020. The sale of Molson Coors' Irwindale brewery property to IBY, a subsidiary of Pabst Brewing Company, was completed in November 2020. Per the Irwindale Municipal Code Subsection 17.76.100, a discontinuance of a legal nonconforming use for more than six months shall terminate the right to continue such use. Because on-site production ceased for more than six months, a Conditional Use Permit was required to continue and expand operations. Once operational, IBY will be the largest full-service, low-alcohol beverage contract production facility in the western United States. On September 15, 2021, the Planning Commission recommended the approval to the City Council of Site Plan and Design Review No. 04-2021 and Conditional Use Permit No. 05-2021 for the construction of a filtration building and a Conditional Use Permit to allow the storage and use of cleaning chemicals for an existing brewery. The project is tentatively scheduled for the October 27, 2021 City Council Meeting. Recommendation, to adopt Resolution No. 811(21) recommending that the Planning Commission approve Conditional Use Permit No. 08-2021, subject to the proposed Conditions of Approval. The revised resolution was placed on your dais which reflects the change we spoke of. This concludes my presentation; the applicant also has prepared a presentation.

CHAIR TAPIA

Any questions? Most of my questions are for the applicant.

PLANNING TECHNICIAN ROMERO	Okay.
CHAIR TAPIA	Well I guess I can. No it's fine. My questions were primarily for the applicant. Well, thank you sir for the presentation. Is the applicant here?
COMMISSIONER HARTMAN	Good job.
CHAIR TAPIA	Yeah good job, you hit a grand slam. So where is the applicant? We need to see what the applicant needs.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	We need to open the Public Hearing for the applicant to present.
CHAIR TAPIA	Well I got a lot of questions for the applicant that should not be subjected to a Public Hearing. I don't know how this is going to work.
CITY ATTORNEY GUERRA	Normally we open the Public Hearing, the applicant provides a presentation or comments and then you can follow up with comments.
CHAIR TAPIA	Right, and normally the applicant also speaks after our Staff right?
CITY ATTORNEY GUERRA	Correct but it is part of the Public Hearing.
CHAIR TAPIA	Okay and today that is not gonna happen? He is not here?
CITY ATTORNEY GUERRA	He is here virtually.
CHAIR TAPIA	Okay, well can he give the presentation then so we can ask him questions?
CITY ATTORNEY GUERRA	Yes.
CHAIR TAPIA	Okay
CITY ATTORNEY GUERRA	So we will open the Public Hearing and then we will call him first.
CHAIR TAPIA	The questions I have may seem like I may not be for it. You have advised us that we should not ask questions along that line. I have a lot of questions that I think need to be corrected. The writings that were

presented, a lot of the words you know I think there should be other words there. They are misleading. One of findings I don't believe it's correct. I will just say it now then.

CITY ATTORNEY GUERRA To be clear, if you have questions about what is written on the Staff Report or some of the findings, you are welcome to ask those questions now.

CHAIR TAPIA Okay, but they are also part of what the applicant should be telling us. So, I will go ahead and look at my notes then and ask staff.

CITY ATTORNEY GUERRA And again, after the applicant does speak you can ask questions.

CHAIR TAPIA Okay, then I'll open up the Public Hearing also.

COMMISSIONER CHICO I have a technical question of Staff, you Adrian specifically. If I understand this correctly, right now there are no operations at least no operations that are legal, is that correct? Their legal non-conforming use was terminated.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON When Miller Coors was in operation, it was prior to any Conditional Use Permit. The applicant was allowed to continue during a specific period of time to continue some operations that were exactly what Molson Coors was doing. The legal non-conformity has ended. Now they are asking for a Conditional Use Permit, and they are asking for their different ABC or Alcohol Beverage Control licenses. That is what is before you.

COMMISSIONER CHICO I know what they are asking for, but my question was according to what I read, at this moment there are no operations there, at least none that are legal.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON As far as I know, they are not operating right now.

COMMISSIONER CHICO Okay.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON They are getting the equipment to operate.

COMMISSIONER CHICO My second question references to the same thing. How is it that we processed a request for a Conditional Use Permit, for a location and an operation that was non-existent, so to speak. Not in operation. Not

	legal. I don't know how else to put it. How is it that we could process a Conditional Use Permit for a location as such? I don't understand.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Are you speaking of the filtration building?
COMMISSIONER CHICO	Yeah, the one that we were asked to approve and the Council is gonna consider shortly. But how is it that that kind of process can take place, for a business and a location that is technically not legal.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	That was a Site Plan and Design Review to include a filtration building with the equipment. It was a Site Plan and Design Review not a Conditional Use Permit.
COMMISSIONER CHICO	That does not answer my question. As it is written here, Miller brewery never received because it was never an existing Conditional Use Permit. They have been operating by a new standard under what we call a legal non-conforming use. That was terminated because of the inactivity of more than six months. Therefore, this location and business technically came to a standstill because they had no permission to operate. Yet we processed a request for a Conditional Use Permit, where it was non-existent to begin with. The one that we approved was only a segment of the business. I don't understand. I am just asking this on a technical level.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	The filtration building was a Site Plan and Design Review that...
COMMISSIONER CHICO	I don't understand what that has to do with anything.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Well, there was a Conditional Use Permit that was for the cleaning chemicals, to approve those...
COMMISSIONER CHICO	I know what it was for. I don't understand technically how this could happen. What makes it legal? I don't understand. There is only a segment of the operation, an operation that was illegal. I don't understand.
CITY ATTORNEY GUERRA	Okay, so when the legal non-conforming use expired you are starting from scratch.

COMMISSIONER CHICO	What does that mean, they started from scratch?
CITY ATTORNEY GUERRA	That there is no existing use. They have to comply with our codes to operate. So they first applied for a Site Plan and Design Review, which in our City we allow Site Plan and Design Review to go first. Sometimes we don't even know what the use is going to be. The Spancrete site for example, where we approved the Site Plan and Design Review before we even know what uses is going to go in. The fact that the Site Plan and Design Review went first is really par for the course here. The CUP for the chemicals and things of that sort, that was to allow the chemicals. Again, that is complying with the code. They are now coming back to comply with the code with respect of the overall use of the site.
COMMISSIONER CHICO	I understand what we are trying to do now. I have no problem with it. I don't want you to misunderstand me. I am looking for an answer to the technicalities. See if this is a good example, I remember when I was in the services this buddy of mine, he was late for roll call and obviously you get an Article 15. The same week the Company Commander was recommending him for a promotion, and when the headman got a hold of it and said how can you promote somebody that just got an Article 15. My point is how can you process a Conditional Use Permit for a business that is illegal.
CITY ATTORNEY GUERRA	Again, it is not necessary illegal it is just they are not operating. They need a CUP to operate and that is what they are applying for.
COMMISSIONER CHICO	I still don't understand. I understand you are saying operating is a key word here. I don't understand it because they shouldn't be operating.
CITY ATTORNEY GUERRA	As Ms. Simpson indicated, they have not been operating. They should not have been operating since the legal non-conforming use expired. From that point forward is as if they are starting fresh. They do not have anything ongoing. They have to comply with our codes to actually begin operations. That is what they are doing now.
COMMISSIONER CHICO	Well that is not really answering my questions, but we will let it go. It doesn't clarify the issue.
CHAIR TAPIA	Okay, my first question. If Staff can answer it or even if Staff answers it, I am going to ask the applicant. I want an explanation and a definition to start off with. Define the rectifying process and what does it entail. Rectify is a word, which is in the dictionary. I want to know what the term rectifying means in this process.
PLANNING TECHNICIAN ROMERO	Rectifying is the mixing and blending of spirits and wine, but the applicant could elaborate in their presentation.

- CHAIR TAPIA I don't see, that doesn't explain anything. Rectifying is the process of mixing wine, what is it? What is the process? Why the term rectify? It could be any other term. Why was the term rectifying, what is the term applying?
- COMMUNITY DEVELOPMENT DIRECTOR SIMPSON Thank you Chair, I think that the applicant can clarify that. You know, where the term came from.
- CHAIR TAPIA Okay, so see that's what my questions are based on to begin with. Let me go on to this next page here, "including beverage operations and rectifying, which is the mixing and blending of wine and spirits." I know that this is technical but I am technical. To me that sentence means that you can mix wine and spirits. "Which is the mixing and blending of wine and spirits" instead of blending of wine and of spirits. It is not identified right there. It is a conjunction and it puts two subjects together, wine and spirits. That to me indicates, and I know better but you know what I am not going to go with I know better. I don't want there to be any cause of interpretation. Here, it is open to interpretation. We did put "and wine and spirit." I don't believe that, that is what it means. I believe that it means they want to blend wines with wines and spirits with spirits. That is not what that sentence says. That is not what that sentence says. I don't know how I can make a proper decision when the sentences are not saying what they are supposed to say. Or maybe they are, I don't know. Then I go down to, "Conditional Use Permit was required to continue and expand operations. Once operational, IBY will be the largest" oh no never mind. That is kind of funny though to me, that we say that. I know what it means too, "will be the largest full-service, low-alcohol". I know that would mean the beer but now we are including wine and spirits, which is not the lowest alcohol beverage contract. That is another one. If you turn to "project description" which is on page three of fourteen, "The request would also include a new process, known as rectifying, which is the mixing and blending of wine and spirits." I wanted to ask the applicant. In my notes here I put, "Are we mixing and blending the wines?" "Are we mixing and blending the spirits." Again the 'and' that brings them together saying that they are like a little family. Are we gonna mix wine with spirits? I don't know, it is possible you know. Anything is possible. Then I go to page three, second to last sentence wait that's the one I just said. We will go to page four of fourteen, "The proposed rectifying uses are consistent in the manner and type of operation with the Project Site's pre-existing beverage operations. The rectifying uses will not result in material increase or change truck or vehicle access to the Project Site. Rectifying uses will also not generate additional truck and employee trips." Okay, here is my thinking, how is the material going to get there? How is it going to be imported and exported? I don't want to be sarcastic but how is it going to be, when it says there is not going to be any increased material or change in trucks, that is an interesting

statement right there. They have to go in and they have to go out. How are they going to be imported? What is going to bring the materials in? Once it is established how is it going to go back out? Is it going to be distilled in the building or is it just a process that they are going to go through, because it says mixed. Mixed to me means there is going to be tubs or tanks of some kind that are going to be mixing these wines and spirits. That is another one. This would be again for the applicant; I want an explanation in page six, A. Recitals (I), "to recognize and authorize "as a fully permitted use" the existing legal non-conforming uses including beverage manufacturing, mixing, blending, bottling, packaging" then it says beverage operations, Type one beer manufacturer I don't know what that is. There is no explanation in our packet as to what that means at all. "Type 9 beer and wine importer," I don't know what that is either. Type 9; you know I don't know what that is. What I am saying is none of these have been identified as to what they are. How can I vote on something that I do not know what it is, with a clear conscious? Thinking that I think that's what it is, I should trust them they know what they are doing but I can't do that, that way. Then let's go down to page seven, "Conditional Use Permit" second paragraph it says, "Rectifying uses will be incorporated into the existing buildings and structures, and will not increase the overall capacity or square footage." I understand that but the statement here that says, rectifying uses will be incorporated into the existing buildings, plural, and structures, plural again. That means to me that they could establish the wine and the spirits anywhere there is a building or a structure. It does not identify where the spirits and the wine are going to be mix, there is a picture and a map but it is very vague, it just says winery ten by twelve foot. I can't understand how a winery can be ten by twelve foot. Then distilled spirits p-something else ten by twelve foot and according to the map, I don't really know where it is at. There is no description on where it is at or anything. It leaves me in limbo again. My main thing is that it could be interpreted in any way. How can I vote on something that does not identify what it is going to be, where it is going to be, what are they going to do, when are they going to do it? None of that information is in this report. Turn to page eight of fourteen; this is one of the findings that if I really wanted to oppose this project I could use this finding to oppose it, "The proposed rectifying uses are consistent in the manner and type of operation with the Project Site's pre-existing beverage operations. The rectifying uses will not result in material increase," again I don't know how they are going to make the wine. "or change truck or vehicle access to the Project Site," I don't know how the wine is going to get in, and I don't know how the wine is gonna get out. "Rectifying uses will also not generate additional truck and employee trips," well who is going to bring it in? Is it going to be an outside source? Is it going to be an outside contractor? They are still bringing them in, and there is still the traffic that is coming in and out of there. That is one of the findings. I am just saying that I don't agree with the findings. Anyways, those are the things that struck me. This little map here that outlines two little locations, it doesn't tell me

anything. I don't know anything about what is going on. How can I possibly go any further? I don't know. That is it.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you Chair and Commission, I think that if you can open the Public Hearing and have the applicant give their presentation, I think they can answer some of those questions. Then staff can clarify some of the other ones after their presentation.

CHAIR TAPIA

I liked to know why it is not already in the report. Some of the things that should be on here are on your laps should have been in here. Should have, could have. I am getting frustrated with these reports because they are surface reports. They are not telling me what I need to know. I don't have these materials at home. I don't know where to look for them on the computer, on the internet. I need more of an explanation because I am not going to try to read between the lines anymore. If it is not the English I learned then I am going to make comments on it. Okay anybody else have any questions for Staff?

VICE-CHAIR
BURROLA

Staff, I have some general questions if you could help me out. I just want to know, what is the order of how we are approving the CUPS? We are finding out that it's been six months and you called it where they don't have to rights to sell or make alcohol. Is that correct?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

That is correct, yes.

VICE-CHAIR
BURROLA

Okay, so we find out today that it has been six months and what not, you know their CUP went away. I guess what I am trying to say, they come with a CUP for design to build a new additional building. The City of Irwindale is allowing them to build whatever they want, knowing that they can't actually use it at the time. Is that what we are allowing them to do?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Well they can request to expand their building. They would come before you with the Site Plan and Design Review, and that was for what they were calling a filtration building for their operations. There was not an existing CUP with the former brewery that was there. The CUP that was approved previously was for the cleaning fluids that they would use anyway for the equipment.

VICE-CHAIR
BURROLA

Did we know that the CUP, the six months, during the last meeting was that still valid? Is that something that you guys didn't present last meeting that, you know it went away? I don't know when the six months started.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

They hadn't made the application for this CUP at that time for the different ABC licenses.

VICE-CHAIR
BURROLA

Okay, so it is kind of confusing to me because now we are going into another CUP, where we are going to approve another CUP resolution for them to mix and rectify and do other things, but they still don't have a license. They still don't have an ABC license to do that. Am I seeing this correct?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

That is correct, our code requires a Conditional Use Permit and that is what is before you tonight.

VICE-CHAIR
BURROLA

Okay, so do they get their license first and then we approve the CUP? Or are we approving the CUP and then they get their license after?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

They can apply with ABC at any point in time but ABC would contact the City. In this case, they will let us know that they are applying with the Alcoholic Beverage Control, as well as applying for the Conditional Use Permit. Now with the state agency, ABC, they will contact the City and we will tell them whether it was approved or denied.

VICE-CHAIR
BURROLA

Okay, see I wouldn't feel comfortable to approve a CUP. What if they didn't get the license and we approve the CUP today? Then what happens? The CUP goes away or? How does that work? We are actually approving the CUP tonight, if we approve it. But they still don't have a license. If they get denied the license and we approve the CUP then how does that work? That is why I am kind of uncomfortable. That is my uncomfort zone right there. That is why I am asking you what the steps are.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

The steps are they would need a CUP from the City to be able to obtain the license. If the Planning Commission should deny this then they would not get their ABC license. That would be conveyed to them.

VICE-CHAIR
BURROLA

So according to our CUP, we have to approve the CUP first and then they would go get their license.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

That is correct.

VICE-CHAIR
BURROLA

Okay, it just seems a little weird to me. That's all. That's why I am asking. Going further with what Commissioner Chico was saying, you know we approved another CUP and we did not know at that time that they didn't have a license, or if the six months period was six months or not. What did you say in the report? They had rights, I guess. I guess Miller Brewery Company had a CUP or they did not have a CUP?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

They did not have a CUP. The technical term is legal non-conforming.

VICE-CHAIR
BURROLA

Legal non-conforming, okay. So when was that six months?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

They ceased production in 2020. So that would have been March or April.

VICE-CHAIR
BURROLA

So how come you guys are telling us this now? We didn't know about this last meeting. It didn't have nothing to do with that?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

No, they are applying for it now.

VICE-CHAIR
BURROLA

Okay, thank you.

CHAIR TAPIA

I'd liked to add one more little thing here, that I had written down which contradicts the finding again. Where it says, "will not result in material increase or change" and that type of thing. Page twelve number five, it says, "The Applicant shall obtain all necessary approvals and permits from the department of Alcoholic Beverages Control (ABC) regarding the on-site and off-site sale of beer and wine." If you are going to have off-site sale of beer and wine that means it's gotta be transported somehow. If it is on-site that means that it was brought in somehow. I don't know. I am confused with this report.

COMMISSIONER
GOMEZ

Mr. Chair if I may, I also had a couple of questions some of them that you already asked, so I won't be redundant. Some of the clarification that I would also ask during the presentation is the definition of winegrower, low alcoholic beverage, and then I liked him to speak to, there is nothing reference to the process to degree of automation inside the manufacturing. It is not spoken to at all. Thank you.

CHAIR TAPIA	Any more questions? No, okay thank you. At this time, we are going to open up the Public Hearing. We will ask the applicant to make a presentation before we open it up to the public. Can you get the applicant on please?
OPEN PUBLIC HEARING	At 7:19 p.m., Chair Tapia opened the Public Hearing.
MANAGEMENT ANALYST AGUILA	The first individual who I will be unmuting is Anita Hernandez, she is the Director of Communications. She will be making the presentation.
CHAIR TAPIA	Okay, that is for the project right?
MANAGEMENT ANALYST AGUILA	Correct.
CHAIR TAPIA	Thank you. I don't understand what...
PLANNING TECHNICIAN ROMERO	I will be moving the slides for them.
CHAIR TAPIA	Oh okay.
ANITA HERNANDEZ	Can you hear me?
MANAGEMENT ANALYST AGUILA	Yes, we can hear you.
ANITA HERNANDEZ	Hey, good evening, this is Anita Hernandez and we really wish we could have been there in person, I think it might have been a little bit easier. I just wanted to say hello and reintroduce Adam Sher, he was with me at the last visit. Our presentation will answer, if not all your questions, most of them. I think that it will really help explain the process and where we are at today. With that, I would like to go ahead and introduce Adam Sher. I look forward to working with you and I hope you guys approve it this evening. Thank you for hearing us.
MANAGEMENT ANALYST AGUILA	Mr. Sher, you have now been unmuted.
ADAM SHER	Can everyone hear me?
CHAIR TAPIA	Yes.
ADAM SHER	Good to be with you all again. Sorry it couldn't happen in person. Thank you Commissioner Tapia and the rest of the Commission. There were quite a lot of questions coming out there and I want to address

them all. I was trying to raise my hand here but I can start with a quick presentation here, which will hopefully knock out some of those questions off the bat and then we can dig in to any of the others that were not addressed. If we could move to the second slide please. The Irwindale Brew Yard was operating as a legal non-conforming use. I am probably over simplifying but it predates zoning ordinances. The Miller Coors and then Molson Coors plants were operating, recognized as legal but not conforming to your zoning codes. What we are asking is for formal recognition that it is a permitted use. This will give greater operating certainty moving forward. You'll established clear rules that we would have to comply with, the rules of the road here in Irwindale. The conditions that the CUP imposes provides all the traditional businesses licenses, certificate of occupancy, City inspectors can inspect in addition to the fact that we are already subject to inspections by Federal, State, and County agencies. We currently do have an ABC license; I just want to be clear about that. We hold Type 1 and a Type 9 license. Commissioner, those licenses are numbered by the California ABC, which regulates alcohol. They have simple definitions up on their website. We also, more importantly sent a letter outlining the description of each license and how we would use it. We sent that in to Planning Staff and I believe it is part of the record now. I can quickly walk you through those if you like. If we could read from the letter, whatever is easiest? Again, we have the 1 and the 9 that allows us to both brew beer on-site and to bring beer in, for instance if we wanted to bring in malt base and do something with it at the facility. What we are asking for is a 2, a 12, and a 24. Again, this are ABC categories, which would allow us to mix and blend, the term in our industry, these are defined by both the Federal TTB which regulates alcohol, and the California ABC which regulates alcohol, both use the term rectifying. That is the only reason why we are using it; it is because they are using it. It is the mixing and blending, and Commissioner your point is well taken, I would be much more happier with the word 'or' instead of 'and.' We would take wine and mix that with flavors or juice. For instance, you may have seen rosés in a can in some of your markets. We would be doing something along those lines. Or spirits, we are not intending to do big bottles of whiskey. We are not going to be distilling anything on site. What we will be doing, hopefully, is making cocktails in a can or a bottle; you've likely seen those in some of your markets as well, this would be for example a mojito. The alcohol by volume is more comparable to a beer it is not a straight bottle of spirits, it is a cocktail that the percentage of alcohol is closer to what traditionally had in a beer. To one of the Commissioners question, hence the low alcohol statement earlier. These are not the twenty percent alcohol that you would get with a spirit. This is a four percent cocktail that is similar to beer. I feel like I am repeating myself but I want to make sure everyone is following.

ADAM SHER

This would allow, more importantly, us to stay relevant if consumer tastes change. We can weather trends. We can weather fads and keep the doors open and the employees working. The questions you had about how it could be possible to not increase traffic and not increase environmental impact, where are these trucks coming from, point taken. We are not asking to expand the use. We would make all the same amount of beer that was previously made, and then make all these things on top of it. What we are saying is we have a finite amount of space in there and a production line can be converted. That frankly is the Irwindale Brew Yard's business motto, we can pivot on a dime from day to day, it would last for longer than a day. We can reconfigure production lines so that one month we have lagers, PBRs, and the Miller Lites you were used to coming down the line. Another month we can reconfigure and have it ready to make those mojitos. There isn't additional truck traffic coming in and out. Previously you were bringing in raw materials hops, malts, etc. Now we would be tankering in mostly by rail, base spirits which would then be diluted and mixed, or again rectified. I hope that answer some of the questions. If we can go to the next slide.

CHAIR TAPIA

Could you identify winegrower please, number 2.

ADAM SHER

So winegrower, unfortunately this is just the way the ABC defines its categories here. This is not going to be a vineyard as much as it would be nice to transform that into a traditional winery. This is the category that ABC defines as allowing to produce and handle wine. If you give me one second I can pull up the letter that we sent in to Planning Staff, hopefully we are all looking at the same thing. I apologize. Currently we have a Type 1, it's beer manufacturer and Type 9, which is a beer and wine importer. That is what exists today. That is what Miller Coors then Molson Coors both held. We are applying for Type 2 (Winegrower), Type 12 (Distilled Spirits Importer), and Type 24 (Distilled Spirits Rectifier's General). This would let us handle those products. Type 1 is essentially a large brewery license, it is for breweries that produce more than sixty thousand barrels of beer a year. The Type 9 allows the import and export into the state, into the facility of beer and wine, it does not authorize the blending of the wines. Hence, we move to the three new licensees that we are looking for. The Winegrower license the key reason that we want it, is the license allows wine to be mix and blended with flavoring. The ABC considers the mixing of wine with flavors of water as production. We need this production license even though no wine is going to be actually fermented at the facility. It is all going to be brought in and then blended so we can do a Sangria, something along those lines, or the rosé we talked about earlier. The Type 12 is a Distilled Spirits Importer license, this license allows Irwindale Brew Yard to import and export alcoholic beverages specifically spirits. It is essentially the same as the beer and wine importer license that we already hold, it just expands the capabilities. This will let us purchase ingredients for the

blended beverages and then transfer those beverages to market. It does not authorize alcohol production in the sense of a distillery. We will not have a distillery on site, we will not be distilling spirits. We will be bringing in quantities of whatever the base spirit is then we will be diluting, blending, adding juices and flavors. Then lastly, the Type 24 is what the ABC refers to as the Distilled Spirits Rectifier's General License, which is a mouth full. It effectively means spirits can be mixed and blended, rectified, to produce other beverages. That is again what we are hoping to be doing there. It is pretty key to the business model. Being able to take any order from any customer is really part of what has made City Brewery, the parent company for the Brew Yard, able to be successful at its other three locations. I hope those are clear. As far as the space that we take up, it is essentially using the same layout, the same configuration. It is actually using less of the equipment in the facility. Really you wouldn't notice a difference, except that the names in the cans are going to be different. By law, ABC and TTB require that there be a specific bonded area, for the wine and the spirits to be held separately once produced. You spoke to the red rectangles on Staff's map, those are the bonded areas. Quickly I liked to point out that obviously we are not doing it yet, because we are making every effort to comply with all regulations. We do have the federal licenses that would allow us to do this. The California inspectors have been there and have posted. We are in our posting period now. One of the key missing piece is to get the CUP that says the City will allow this to take place. I really appreciate the time to be in front of you here. I am sure there is still questions. I am happy to answer them, I have people much more technically experienced than I who could maybe dig in depending which way this goes. Thank you.

CHAIR TAPIA	Any questions? Can you remain on the line? Can you remain there so we can ask you questions please?
ADAM SHER	I'd liked to yes.
VICE-CHAIR BURROLA	So I have a question. You stated that you do at this time have a Type 1 and a Type 9 license issued by ABC.
ADAM SHER	Correct.
VICE-CHAIR BURROLA	And you are asking if the CUP gets approved to apply for a Type 2, 12, and 24 license?
ADAM SHER	Yes, and as long as we are before you with this we would like the two that we have to be recognized as a conforming use.
VICE-CHAIR BURROLA	Okay, Chair is this a good time to ask Staff a question?
CHAIR TAPIA	Yes.

VICE-CHAIR
BURROLA

So if we go to the Resolution, page seven number eight, I am just a little confused because it says that, "this CUP 08-2021 specifically authorizes the applicant to apply for ABC License Types 1, 2, 9, 12, and 24." So which ones are they? Is it 2, 12, 24 like the applicant is saying? Or is it all of them; 1, 9, 2, 12, and 24? That is why I was a little confused earlier because I was thinking they didn't have a license at all. He clarified that so that was a good thing.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

In this case it would be to legalize for Irwindale Brew Yard all of the ABC licenses.

VICE-CHAIR
BURROLA

He has to renew 1 and 9?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Excuse me?

VICE-CHAIR
BURROLA

He has to renew Type 1 and Type 9?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Not to renew it but it would be the Conditional Use Permit would legalize those. They would be consistent with our Zoning Code requirements.

VICE-CHAIR
BURROLA

Okay, it is just misleading because it is saying that they are applying for ABC licenses but they already have it.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

That is something that we can clarify in the resolution that it would be to legalize the...

VICE-CHAIR
BURROLA

The existing?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yes, the existing Type 1 and Type 9.

VICE-CHAIR
BURROLA

And they are applying for 2, 12, and 24.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yeah, we can work with the language to clarify that.

VICE-CHAIR
BURROLA

Okay. This is part of the report in the beginning it says, request in the Staff Report page two of fourteen, it also states, "The requested licenses issued by the Department of Alcoholic Beverage" it stays all of them too. That is why I was a little bit confused because it is kind of misleading to me, we don't have a license and we are approving the CUP so. The applicant stated that in order to apply for 2, 12, and 24 they need the CUP approved, is that a correct statement?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

That is correct.

ADAM SHER

Just to clarify because we are being so precise, we don't need it to apply for it, we need it for ABC to one hundred percent approve it. So that is where we are at today, our application is pending.

VICE-CHAIR
BURROLA

Okay, but you need the CUP in order for it to be approved?

ADAM SHER

In order to be doing work with spirits and wines we need both the ABC license and the CUP.

VICE-CHAIR
BURROLA

Okay, thank you.

CHAIR TAPIA

That would indicate that the City approves what they are requesting to ABC.

VICE-CHAIR
BURROLA

Thank you.

CHAIR TAPIA

So what you are saying regarding the material increase or truck change, and that type of thing? From what I heard and I like a clarification on it. What I heard is that Coors in their import and export had a lot more movement and that because some of the things that they did, that you are not gonna do it averages out basically what Coors used to do or maybe even less. I don't want to read into it, could you explain that again?

ADAM SHER

Coors was nearly, not entirely but I say ninety-five percent of what they produced was traditional lager or traditional light lager. What we are doing, which is mirroring the trends in consumer taste, is expanding that. Lager well likely always be a part of what gets produced there but

it would be at lesser quantities. If you think about it as a couple production lines, those production lines remain the same but one of them might have wine on it instead of beer on it. The total amounts coming out are the same but the slice of the pie is smaller for beer.

CHAIR TAPIA Okay.

ADAM SHER
CHAIR TAPIA Does that make sense? Do you follow the pie analogy?
Yeah I follow.

ADAM SHER The size of the pie will always be the same, how it gets sliced up is gonna change depending on what gets order from us.

CHAIR TAPIA Thank you. Any other questions?

COMMISSIONER
GOMEZ Yes Chair, if I may. I just need a point of clarification. I don't know whether Staff can answer this, if you look at page number seven of fourteen, I am speaking to B, so they indicated that they don't have as much, maybe they don't say it exactly traffic. Where do we address traffic issues? Is it the CUP? Is it regulations that the City has? We have a lot of large trucks coming in and out of the City. There is certain path ways that certain businesses or industries have to follow, how do we address that in this particular CUP? Mr. Chair, I need some clarifications and guidance on that. I am not sure.

MANAGEMENT
ANALYST AGUILA Excuse me Commissioner Gomez, can you please put your microphone a little bit closer? Thank you so much.

COMMISSIONER
GOMEZ That would be a Staff question or, Mr. Chair? As to traffic, how would we address that?

CHAIR TAPIA I think we can incorporate both right now.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON The applicant would be able to fully describe how the goods are being transported in and out. The project or the application it was looked at by our Public Works Engineering Staff. They look at what was being proposed from the existing to this. I am not a traffic engineer so I can't fully answer the questions regarding traffic. I do know that there is two rail spurs that go to the site. Some of the materials are being delivered via the rail, that's one of the things. It wouldn't be analyzed as far as traffic on the streets because it doesn't go on the streets. As far as the truck operations, the applicant can describe the to and from.

ADAM SHER This would be consistent with what Molson Coors was doing, where most of the raw materials were coming in by rail. As Marilyn mentioned, there is rail spurs on the site. Most of the beer, raw materials were coming in and the spent grains were coming out both by rail. The product, the beers when they were packaged were primarily going out by truck. That would be nearly identical the only

change would be possibly a slight reduction, for these cocktails and wines there is actually less raw materials needed. We would be bringing in even less than we would if we were doing one hundred percent beer. Traffic is essentially going to stay the same to what it was and the routes are going to be the same.

COMMISSIONER GOMEZ When you say routes, if I may Mr. Chair. When you say routes, what routes would they be? My recollection is that we don't go through the main thoroughfare of Irwindale. We either go off of the 210/605 or the 210/Irwindale Avenue or we turn down Vincent and Arrow Highway. Do you have a path that you will be taking in terms of your trucks when they are transporting in the middle of the day?

ADAM SHER We own zero trucks. These are vendors selling us raw materials or the distributors to purchase whatever the products are, taking them to sell.

COMMISSIONER GOMEZ I misspoke excuse me, I didn't mean your trucks. I meant whoever is the transportation.

ADAM SHER I understand. I just want to also clarify that. The truck entrance is the same, it's the entrance off of 1st. Closer to Irwindale and 1st there is an employee visitor entrance, and then further down on 1st there is a truck gate. That will stay the same. The north of the property there is the rail spur and that will stay the same.

COMMISSIONER GOMEZ Okay so it will stay the same. The truck traffic will be coming off of the 210 directly on to your site off of Irwindale Avenue, not through the 10 or the 605 on Irwindale or Arrow Highway.

ADAM SHER I would assume that would be the most efficient route, but you know it is the same truck gate since 1980 or so.

COMMISSIONER GOMEZ Absolutely I just want clarification.

ADAM SHER Again, I don't know because we don't control the trucks.

COMMISSIONER GOMEZ Actually, we do control how the trucks transport into Irwindale so that is what I need clarification on. We try to reduce traffic to Irwindale (unintelligible). I would like that part of the Conditional Use.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON If I may Chair and Commission, we have designated truck routes that are identified in the General Plan and they would follow those. That includes Foothill, Irwindale Avenue, Arrow Highway, Vincent. If a truck would get off the 605 then potentially it would go Arrow Highway to Irwindale. That is an example.

COMMISSIONER GOMEZ That is all the clarification I need. I appreciate him responding but actually I was actually looking more for your guidance on clarifying that. Thank you.

CHAIR TAPIA This is just clarification also. It is in one of the Conditions, condition five, "The Applicant shall obtain all necessary approvals and permits from the department of Alcoholic Beverages Control (ABC) regarding the on-site and off-site sale of beer and wine." I know that it is just stated there but is it going to be on-site sales of beer and wine?

ADAM SHER I think it is maybe stated because the ABC license grants that privilege along with these, but we have no plans to do that. Not in our business model and frankly nearly all of those are not to sell - they are produced for other customers.

CHAIR TAPIA Okay thank you. Any other questions? If we do have any other questions we will try to bring you back so hang in there with us, because I am going to open it up to the public right now. Then we will have Commissioner time, and that is when someone might think of something that they forgot. We might call upon you again sir.

ADAM SHER I appreciate the opportunity and I am here.

CHAIR TAPIA Okay thank you. Thanks for the information. At this time, we are going to open it up to the public. Could you please raise your hand to be identified?

MANAGEMENT ANALYST AGUILA Thank you Chair, We do have one member of the public who has raised their hand. I will now be unmuting Phil Cooper.

PHIL COOPER
CHAIR TAPIA Okay, I am unmuted. Good evening, can you guys hear me okay? Yes.

PHIL COOPER Hey I am Phil Cooper. I am the Principal Officer in Teamsters Local Union 896. We have represented the workers in Irwindale since the brewery open in 1980. I do want to send my condolences out to the three Irwindale city residents that passed away. I was good friends and work with Christina Orosco for years. Nice lady. For many decades the brewery in Irwindale was a great employer, for hundreds of men and women including myself for over thirty years. I have two brothers who actually retired from the brewery. Since Miller Coors closed the brewery in 2020, we have been concern about these good paying jobs, stable jobs. Wondering if they were ever coming back to Irwindale. We were very pleased to be able to work with all the members of Pabst and City Brewery teams, who have been working very hard to ensure the Irwindale Brew Yard can fully reopen as soon as possible. We are also pleased that the Irwindale Brew Yard modernized the business plan, to include producing not only beer but also a range of other beverages as well. Because of this diversity, we are confident that the

	Irwindale Brew Yard can survive changes with consumer trends. The Brew Yard will be stable and a long time business partner for the City of Irwindale, and the hundreds of men and women who will soon be able to work at the Brew Yard. I respectfully ask that you approve the Irwindale Brew Yard Conditional Use Permit tonight. We look forward to getting these people back to work with very good low class jobs. Thank you.
CHAIR TAPIA	Thank you for your presentation that was very insightful.
MANAGEMENT ANALYST AGUILA	Chair, there are no more hands raised.
CHAIR TAPIA	Okay at this time, do we have any more questions for the applicant? Anyone? No? Okay. So at this time we will close the Public Hearing and we will open it up for any Commissioner Comments, or approval, or disapproval, or the other option that we have.
CLOSE PUBLIC HEARING	There being no speakers, Chair Tapia closed the Public Hearing at 7:53 p.m.
CHAIR TAPIA	It is open. Well we are kind of quiet here. It is open for a motion. If you have any feelings regarding this, pro or con, could you please let us know, maybe we have the same feelings? Okay I will step forward here, I came in as open as I could. As I said, I struggled with our packet, with the words, with the presentation. From what I've heard from Staff tonight and the applicant, I am gonna make a motion to approve.
COMMISSIONER GOMEZ	I am going to second that motion.
CHAIR TAPIA	Roll Call
MANAGEMENT ANALYST AGUILA	Commissioner Hartman.
COMMISSIONER HARTMAN	Yes.
MANAGEMENT ANALYST AGUILA	Commissioner Gomez.
COMMISSIONER GOMEZ	Yes.
MANAGEMENT ANALYST AGUILA	Commissioner Chico.
COMMISSIONER	Yes.

CHICO

MANAGEMENT
ANALYST AGUILA

Vice-Chair Burrola.

VICE-CHAIR
BURROLA

Yes, but are going to go ahead and change eight for a different wording. We didn't specify that.

CHAIR TAPIA

Oh yeah and he want 'or' instead of 'and.'

VICE-CHAIR
BURROLA

They are not applying for a type one and nine right?

CHAIR TAPIA

The applicant also asked for the word 'or' instead of 'and' where it says wine and spirits, wine or spirits. That is in there duplicated several times.

CITY ATTORNEY
GUERRA

Will the maker of the motion and the person who second the motion approve the revision to Condition number eight. I will have Director Simpson read it into the record, so it is clear for the record.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

I may need to work with you on this. As it reads now, Condition number eight on page twelve, "Any change in ABC license type or a substantial physical change or character of premises as defined in the Title 4 of the California Code of Regulations Section 64.2(b), shall require a new Conditional Use Permit to continue operation. This CUP No. 08-2021 specifically authorizes the applicant" and it says to apply for ABC License Types. We can say to apply for ABC License Types 9 12, and 24. Oh, wait I am sorry 2, 12, and 24. They are not applying for it, but to approve the existing Type 1 and Type 9 ABC License. Is that satisfactory to the Commission?

CHAIR TAPIA

Are we clear on that or not before we vote?

VICE-CHAIR
BURROLA

I motion to approve the CUP with those corrections to number eight.

CHAIR TAPIA

And then the word 'or.' The word 'or' instead of "wine and spirits."

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

We will revise to "wine or spirits."

CHAIR TAPIA

Pardon?

COMMUNITY
DEVELOPMENT
DIRECTOR

We will revise to "wine or spirits."

SIMPSON

CHAIR TAPIA Okay.

CITY ATTORNEY So does the maker of the motion accept those revisions?
GUERRA

CHAIR TAPIA Yes.
VICE-CHAIR Yes with the changes.
BURROLA

CITY ATTORNEY And the person who second it?
GUERRA

COMMISSIONER Yes.
GOMEZ

CITY ATTORNEY Thank you, so can we do a revote on that then?
GUERRA

CHAIR TAPIA Okay. With the verbiage change. I again will make a motion.

COMMISSIONER Second.
GOMEZ

CHAIR TAPIA And we have a second. Now we will have roll call.

MANAGEMENT Commissioner Hartman.
ANALYST AGUILA

COMMISSIONER Yes.
HARTMAN

MANAGEMENT Commissioner Gomez.
ANALYST AGUILA

COMMISSIONER Yes.
GOMEZ

MANAGEMENT Commissioner Chico.
ANALYST AGUILA

COMMISSIONER Yes.
CHICO

MANAGEMENT Vice-Chair Burrola.
ANALYST AGUILA

VICE-CHAIR Yes.

BURROLA
MANAGEMENT
ANALYST AGUILA

Chair Tapia.

CHAIR TAPIA

Yes.

MANAGEMENT
ANALYST AGUILA

Thank you.

CHAIR TAPIA

Okay, thank you sir and thank you Staff. We will move on now to Discussion Items/Presentations.

**DISCUSSION ITEMS/
PRESENTATIONS**

CHAIR TAPIA

Is there any?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

There are no presentations tonight.

CHAIR TAPIA

Okay thank you.

**COMMISSIONER
COMMENTS**

CHAIR TAPIA

Commissioner Comments/Request?

VICE-CHAIR
BURROLA

I had a request Chair.

CHAIR TAPIA

Yes sir.

VICE-CHAIR
BURROLA

For future meetings can we have Public Works Engineer Staff present, so he can answer some of these questions about traffic and so forth? If that is ok.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

That's fine. Thank you.

CHAIR TAPIA

Or available.

VICE-CHAIR
BURROLA

Or available to talk on the web.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Or they send me back to school. No, we will make the request.
VICE-CHAIR BURROLA	Thank you.
CHAIR TAPIA	Any other?
COMMISSIONER CHICO	Yes. In the Minutes that we approved, in that particular meeting I asked on page twenty-one, I am sorry page thirteen, can we have some examples of situations where the property owners? I used the words "too close to the project" are usually exempt from voting however if there was clear evidence that they can present, whoever that property owner may be, they can vote. So I made a request to come from the Attorney's Office, to come back with examples of evidence that would override the cancelation of their vote or their inability to vote. Have we got any examples at all, because of the time of the meeting I had made the complaint five times over? The law is so vague, it says that yes, a property owner that may be within the boundaries can be allowed to vote if there is clear, I am trying not to use the word preposterous but that is what the legal profession use, evidence that says that they are able to vote. I was just wondering if you were made aware of that.
CITY ATTORNEY GUERRA	I was not but we will look into it and bring something back in the next meeting.
COMMISSIONER CHICO	Okay, if you refer to the minutes you will see the spirit in which the question was asked.
CITY ATTORNEY GUERRA	I understand and the standard of proof is clear and convincing evidence. So you need evidence to start but I will see if we can find some examples.
COMMISSIONER CHICO	Is the law written in such a way that, that particular sentence could never exist, could never work, could never function, could never be operable? That's why I want to see examples.
CITY ATTORNEY GUERRA	Sounds good, it is a very high standard, I will leave it at that. But I will see if we can find some examples.
COMMISSIONER CHICO	Okay.
CHAIR TAPIA	Any other comments? Okay legal Counsel Comments.

LEGAL COUNSEL
COMMENTS

ASSISTANT
CITY ATTORNEY
TRAXLER

No comments tonight.

CHAIR TAPIA

Okay, Community Development Director Report.

COMMUNITY
DEVELOPMENT
DIRECTOR REPORT

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you Chair and Commission, I have nothing to report tonight.

CHAIR TAPIA

Okay, thank you. In that case again we will be closing in honor and in remembrance of Tony Zepeda, Willy Padilla, and Christina Orosco. Anyone else have anything before we close? No, okay. This meeting is now adjourned.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 8:03 p.m.

Suzanne E. Gomez, Planning Commission Chair

Attest:

Jesus Hernandez, Administrative Secretary

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

**November 17, 2021
Wednesday
6:32 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.

CHAIR TAPIA Okay, well Good Lord you are calling more and more people. More of our residents you called another person, Christina Orosco, and I don't know if I mentioned Willy Padilla last time. Did I mention Willy Padilla, I don't know. Did I? Okay, Willy Padilla and Tony Zepeda. Prayers go up for them and for their family. I mean it is never a good a time, especially during these certain holiday times, I know it has to be rough. We will adjourn this meeting in their name, in their memory. Am I missing anyone? Does anyone know if I am missing anybody else? No? Okay.

CHAIR TAPIA Roll call.

ROLL CALL: Present: Commissioners; Robert E. Hartman; Richard Chico; Suzanne Gomez; Vice Chair Enoch Burrola; Chair Arthur R. Tapia

Also present: Marilyn Simpson, Community Development Director; Arsanious Hanna, City Engineer/Building Official; Jamie Traxler, Assistant City Attorney; Brandi Jones, Senior Planner; Daniel Co, Assistant Engineer; Berlyn Aguila, Management Analyst; Martin Romero, Planning Technician; Jesus Hernandez, Administrative Secretary

ANNOUNCEMENTS

CHAIR TAPIA We move on to announcements. Is there any announcements?

ADMINISTRATIVE
SECRETARY
HERNANDEZ No announcements.

CHAIR TAPIA No announcements, Okay. We move on the Spontaneous Communications.

**SPONTANEOUS
COMMUNICATIONS**

- CHAIR TAPIA 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 communications unless 1, the Commission by majority vote finds that a catastrophe or emergency exists. Number 2, the Commission by at least four votes, finds the matter in need for action thereon arose within the last five days. Since Commission cannot accept as stated, it is requested that such communication can be made in writing, 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 three minutes, unless such limits are extended. So we will open it up to the public.
- ADMINISTRATIVE
SECRETARY
HERNANDEZ No members of the public have raised their hands.
- CHAIR TAPIA Okay, does Staff want to read the next phase, or do I read it? "In the hybrid format," is that for staff or is that for us?
- ADMINISTRATIVE
SECRETARY
HERNANDEZ I can do it. In the hybrid format, both in-person and hybrid audience members will participate in the following order. We have Tire 1: in-person attendees, Tier 2: teleconference attendees, Tier 3: in-person attendees who have not previously provide comments on the matters being discussed by the legislative body, and Tier 4: teleconference attendees who have not previously provide comments on the matters being discussed by the legislative body. As of now for Spontaneous Communicates we have no members.
- CHAIR TAPIA Okay, and how are we going to determine these tiers? That is my question. How are we going to determine this? Is this going to be announced in every meeting because if it is just announced today, next meeting nobody will know what tier they fall on? Who decides what tier? Are you going to ask everybody individually what there circumstance is to decide?
- ADMINISTRATIVE
SECRETARY
HERNANDEZ This can change every City Council meeting. Tier 1, is if we have anybody here present, those are the ones that are going to speak first. That is how that will get decided. Then we have Tier 2, anyone on teleconference that wants to speak, then they will go and speak.
- CHAIR TAPIA Can you explain teleconference, please?
- ADMINISTRATIVE
SECRETARY
HERNANDEZ The would be our online format, so as we are using here is our Zoom link. Anyone using that specific link and raises their hand, would be the ones speaking during Tier 2.

CHAIR TAPIA Okay.

ADMINISTRATIVE SECRETARY HERNANDEZ Both formats are on the Agenda on our first page, so people can know they can come in person or be in our online format.

CHAIR TAPIA Okay, people can know that they come in person? Are we going to open it to the public now, or what?

ADMINISTRATIVE SECRETARY HERNANDEZ It is open to the public in a limited format. We are limited to nine members of the public that can come in and speak in person.

CHAIR TAPIA Okay, residents?

ADMINISTRATIVE SECRETARY HERNANDEZ Anybody that would like to speak.

CHAIR TAPIA Anybody?

ADMINISTRATIVE SECRETARY HERNANDEZ Not Staff, it would be members of the public.

CHAIR TAPIA That includes the applicants themselves? If there is three applicants that means there is only six spots left for residents, right?

ADMINISTRATIVE SECRETARY HERNANDEZ Correct, but there is a flow. One person can speak, and once they leave another person can come in if there was more than nine.

CHAIR TAPIA So is there going to be spots outside also for people?

ADMINISTRATIVE SECRETARY HERNANDEZ Yes, there will be overflow seating available in the Outer Chamber.

CHAIR TAPIA Okay so if they want to speak, once everyone speaks in here then they'll be advised if there is anyone else that would like to speak that is outside.

ADMINISTRATIVE SECRETARY HERNANDEZ Correct.

CHAIR TAPIA And the last one? What is that about the last one?

ADMINISTRATIVE SECRETARY HERNANDEZ That is like a round two, if there is more people interested in speaking. Once we finish with Tier 2 and we see another in person individual that came they will have priority over the person in our teleconference format.

CHAIR TAPIA So if they tune in late they still have a shot?

ADMINISTRATIVE SECRETARY HERNANDEZ Correct, if it during our Spontaneous Communications.

CHAIR TAPIA Thank you, does anybody have questions on that? Okay, we move on to the Consent Calendar.

CONSENT CALENDAR

CHAIR TAPIA The Consent Calendar contains matters of routine business and is to be approved with 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. Items in the Consent Calendar are recommendation to approve the following Minutes, the Regular Minutes held April 22nd, 2021...

ADMINISTRATIVE SECRETARY HERNANDEZ The 21st.

CHAIR TAPIA April the 21st, 2021 and Adjured Meeting held on August 9th, 2021. Is there anyone in the audience wishing to make any comments on these Minutes?

ADMINISTRATIVE SECRETARY HERNANDEZ We have no members of the audience wishing to speak on this item.

CHAIR TAPIA Any of the Commissioners wishing to make any changes?

COMMISSIONER GOMEZ Mr. Chair, yes I will be abstaining from the April 21st. I was not participating in that meeting as of yet.

CHAIR TAPIA Anyone else?

COMMISSIONER CHICO Motion to approve the Minutes.

CHAIR TAPIA	Okay, I have something here. I will approve the April the 21 st Minutes but me personally, I cannot approve the August 9 th . I understood these Minutes that we have now are verbatim, and they are supposed to reflect exactly what the applicant or the people speaking have said. If you turn to page 16, where we open the Public Hearing and Sarah Withers starts speaking, she addresses a lot of issues regarding their involvement and finances and any sort of thing. If you go down to the second paragraph, which starts, 'unexpectedly passed away.'
COMMISSIONER CHICO	Chair?
CHAIR TAPIA	Yes?
COMMISSIONER CHICO	If I may respectfully suggest, let us vote on the April 21 st Minutes and get those out of the way.
CHAIR TAPIA	Okay, sounds good.
COMMISSIONER CHICO	Motion to approve those Minutes as presented.
COMMISSIONER HARTMAN	Second.
CHAIR TAPIA	Roll Call
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Hartman.
COMMISSIONER HARTMAN	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Gomez.
COMMISSIONER GOMEZ	Abstain.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Chico.
COMMISSIONER CHICO	Yes.

ADMINISTRATIVE
SECRETARY
HERNANDEZ Vice-Chair Burrola.

VICE-CHAIR
BURROLA Yes.

ADMINISTRATIVE
SECRETARY
HERNANDEZ Chair Tapia.

CHAIR TAPIA Yes.

ADMINISTRATIVE
SECRETARY
HERNANDEZ Thank you.

CHAIR TAPIA Okay thank you. If you go down to where it says, "Many legal and financial challenges have been overcome by the City's partnership with our company, who helped the City backfill the former Manning Pit, paid millions of dollars to settle lawsuits against the City, and provided 10-acres of the property to the City for its future use and development. Recently the City Council requested" and so on and so forth. She used the term, let me see what it is here, granted. She used the term "granted." "We granted the City," that is what she said and I don't know where this verbiage came from, "and provided 10-acres of the property to the City for its future use and development." I distinctly remembered that is what got my attention. When she said basically after she had talked about how many millions they have bailed us out of. Help us get, you know. She mentioned that they granted us the 10-acres and that is not on here. The word granted and the statement is very, very crucial that it be in the Minutes, because that was not a true statement. Unfortunately, sorry to say that was not a true statement, for the applicant or the owner or Sarah Withers to be making under the circumstances. I would like you to really go over these Minutes again, because there were also some other things omitted or words that were not exactly the way that they were stated. The reason is also that, I asked and that caught my attention, and I had remember distinctly that our previous literature that we got said that we owned it. It was ours and it had nothing to do with that and now Mrs. Withers said that they granted it to us. That is a whole other ball game going on there. Then I asked our Planning Department, to you know, to make a statement as to was it granted or was it ours, and at the end of the day it was ours. It had been ours since the beginning, so to me a person saying that it is very critical that, that be on there. It is very important because all the information that we were supposed to listen to from the recital was on here so anyway.

ADMINISTRATIVE SECRETARY HERNANDEZ	Just a quick clarification, I understand your point but you'll see on page 19 you do ask that specific question. Chair Tapia states, "The first speaker said that it was granted to us by them." That's when it gets explained by...
CHAIR TAPIA	But when she said it, it is not on here. She made that statement. And what you have or what somebody has is not what she said. She said, "and provided 10-acres." Ten-acres were granted to the City that is what she said. She did not say 10-acres were provided. To me that is a very critical statement to make sure it is in the Minutes. You know, because these Minutes are official and they should, you know, they are public information. So anyway, I want them to come back. I do not approve it but I don't know if the rest of the Commissioners feel the same way. So it is open for a motion.
ADMINISTRATIVE SECRETARY HERNANDEZ	We can go ahead and revise it and look through the audio, and present it on the next meeting if you would like.
CHAIR TAPIA	Okay, thank you very much. We need to make a motion I believe.
COMMISSIONER CHICO	Only three of you can vote on it.
CHAIR TAPIA	Okay, so I make the motion that these Minutes go back to the drawing board and come back with the correct verbiage that should be on there. I make a motion that staff revise the Minutes of August the 9 th , 2021. Is there a second?
VICE-CHAIR BURROLA	I'll second.
CHAIR TAPIA	Roll Call
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Hartman.
COMMISSIONER HARTMAN	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Gomez.
COMMISSIONER GOMEZ	Abstain.

ADMINISTRATIVE
SECRETARY
HERNANDEZ Commissioner Chico.

COMMISSIONER
CHICO Abstain.

ADMINISTRATIVE
SECRETARY
HERNANDEZ Vice-Chair Burrola.

VICE-CHAIR
BURROLA Yes.

ADMINISTRATIVE
SECRETARY
HERNANDEZ Chair Tapia.

CHAIR TAPIA Yes.

ADMINISTRATIVE
SECRETARY
HERNANDEZ Thank you.

CHAIR TAPIA Okay, thank you very much now we move on to Public Hearing. I will let Staff go into the Public Hearing, Conditional Use Permit No. 02-2021 Michael McKain, Cal Blend Soils Inc.

VICE-CHAIR
BURROLA Before we move on, I have a general question about the Minutes. Just for my clarification. My knowledge. Could these Minutes be used against us? Meaning if you did it wrong and you did not put it in right, the audio was not recorded right or something like that, could it be used against us, if we go to court or something of that sort and they bring back these Minutes? I am just asking general question. Can they be used against us if we didn't get it right?

CHAIR TAPIA Why don't you ask Legal Counsel?

VICE-CHAIR
BURROLA Yes Legal?

COMMISSIONER
CHICO First of all those are recorded, correct? Untouched?

VICE-CHAIR
BURROLA Correct, these Minutes are from the recording. You guys just listen to the recording and then write them down?

ADMINISTRATIVE
SECRETARY
HERNANDEZ

Correct.

VICE-CHAIR
BURROLA

Okay. So there could be a mistake somewhere? Maybe?

ADMINISTRATIVE
SECRETARY
HERNANDEZ

That could be, correct.

VICE-CHAIR
BURROLA

Okay. So you are going back to check that?

ADMINISTRATIVE
SECRETARY
HERNANDEZ

Correct.

VICE-CHAIR
BURROLA

Okay, cool and could these be used against us later on?

ASSISTANT
CITY ATTORNEY
TRAXLER

Yes, to answer your question Commissioner Burrola. The Minutes that get approved, those are the official Minutes of the meeting. Those would be the public record that would be used say in litigation or things of that nature.

VICE-CHAIR
BURROLA

Okay, so it is very important we get it right, thank you Chair.

CHAIR TAPIA

Okay, any other questions before we move on?

NEW BUSINESS

NONE

PUBLIC HEARINGS

ITEM NO. 3A

CONDITIONAL USE PERMIT NO. 02-2021 (MICHAEL MCKAIN, CAL
BLEND SOILS INC.)

CHAIR TAPIA

So, we have a leaflet here stating that staff was recommending that we continue this matter to a date uncertain. Staff could you please advise us?

- COMMUNITY DEVELOPMENT DIRECTOR SIMPSON Thank you Chair and Commission, the project is Conditional Use Permit No. 02-2021 located at 1399 Las Lomas Road. This project involves outdoor storage and onsite sale of bulk landscape and gardening materials, and outdoor storage of grandstand equipment at the site. The project site over on Las Lomas is adjacent to the City of Duarte. Duarte has respectfully requested additional time to review the project. Staff is asking that this Public Hearing be continued so that we allow them to have the time to review this.
- CHAIR TAPIA This isn't stopping his business from operating, right? He is asking to develop his business. Because it says to a date uncertain, did the City of Duarte say maybe how long they need in case this is critical to their finances?
- COMMUNITY DEVELOPMENT DIRECTOR SIMPSON Staff spoke to the City of Duarte's staff yesterday and their Planning Manager, who has been the one we have been in most communication with, he is on vacation. We want to allow time, since he is most familiar with this. Given the holiday coming up and when he comes back it will give him some time for them to review. If there's any questions that come up, any meetings that Staff needs to have with them that is why we are saying to a date uncertain. Now the Cal Blends business, they do have a retail business and that is permitted by right, so they will continue their retail business.
- CHAIR TAPIA His property has always been next to Duarte, right? I mean it is on the Duarte borderline. He is not moving his business?
- COMMUNITY DEVELOPMENT DIRECTOR SIMPSON No not at this time.
- CHAIR TAPIA Okay, so is he encroaching on the property line or what kind of business? I imagine that the businesses that Duarte has already there established on their side. I am just wondering why they asked for more time to look at this.
- COMMUNITY DEVELOPMENT DIRECTOR SIMPSON The adjacent property in the City of Duarte is residential and I believe that is the reason.
- CHAIR TAPIA Okay, but has it always been residential?
- COMMUNITY DEVELOPMENT DIRECTOR SIMPSON Yes, and the site at 1399 Las Lomas has always been in the City of Irwindale, M-2 (Heavy Manufacturing).

CHAIR TAPIA	Okay, so...
COMMISSIONER CHICO	Does that require a motion?
COMMISSIONER GOMEZ	I move that we continue the item ...
VICE-CHAIR BURROLA	I have a question.
COMMISSIONER GOMEZ	I am sorry, go ahead.
VICE-CHAIR BURROLA	I have a question for Staff, were they notified? Was the residents and City of Duarte notified about this continues.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Yes, we did the 500 foot radius and we did specifically send a notice to the City of Duarte.
VICE-CHAIR BURROLA	Okay, so how come they are coming to us this late in the game, I guess? Is it something that they missed or?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	That I do not know. Sometimes that happens depending on the levels of staffing that cities have. But we work closely with the City of Duarte and cooperatively with them, because we share a border.
VICE-CHAIR BURROLA	I just want to make sure that they got the information and they didn't get it the last minute you know.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	They did get the information.
COMMISSIONER CHICO	I am guessing because there is a motion to approve the request to delay, does that mean we are going to have to post notices again?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Yes.
COMMISSIONER CHICO	Do they know that?

PLANNING COMMISSION MINUTES
REGULAR MEETING

November 17, 2021
PAGE 12

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yes.

COMMISSIONER
CHICO

Does that require additional fees for the applicant?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

I don't know the date that the notices were made but if it was within the last six months, we can still use those.

COMMISSIONER
GOMEZ

Motion to continue.

COMMISSIONER
HARTMAN

Second.

CHAIR TAPIA

Roll Call

ADMINISTRATIVE
SECRETARY
HERNANDEZ

Commissioner Hartman.

COMMISSIONER
HARTMAN

Yes.

ADMINISTRATIVE
SECRETARY
HERNANDEZ

Commissioner Gomez.

COMMISSIONER
GOMEZ

Yes.

ADMINISTRATIVE
SECRETARY
HERNANDEZ

Commissioner Chico.

COMMISSIONER
CHICO

Yes.

ADMINISTRATIVE
SECRETARY
HERNANDEZ

Vice-Chair Burrola.

VICE-CHAIR
BURROLA

Yes.

ADMINISTRATIVE
SECRETARY
HERNANDEZ

Chair Tapia.

CHAIR TAPIA

Yes.

ADMINISTRATIVE
SECRETARY
HERNANDEZ

Thank you.

ASSISTANT
CITY ATTORNEY
TRAXLER

If we could confirm that there were no speakers in the audience that wanted to speak on this.

ADMINISTRATIVE
SECRETARY
HERNANDEZ

We have no hands raised for this item.

ASSISTANT
CITY ATTORNEY
TRAXLER

Thank you.

**DISCUSSION ITEMS/
PRESENTATIONS**

CHAIR TAPIA

Okay, Discussion Items or Presentations. Any Discussion Items or Presentations tonight?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

There are no items tonight.

CHAIR TAPIA

Okay thank you.

**COMMISSIONER
COMMENTS**

CHAIR TAPIA

Commissioner Comments/Request?

COMMISSIONER
CHICO

I have a question.

CHAIR TAPIA

Yes sir.

COMMISSIONER CHICO	I had made a request of Adrian that you or him, were going to bring examples of the situations where people living to close to the area that was considered for a Zone Change and they were disqualified. He was going to bring examples of where it actually worked, that the applicants or the, sorry, neighbors applied in the meeting and it was allowed and so forth. Do you have anything of that sorts?
ASSISTANT CITY ATTORNEY TRAXLER	Yes, our office has been working on compiling that research. We have at this point identified examples, I just need to put it into a presentation for you. We were planning on bring it to you on December. I don't think there is a Planning Commission Meeting in December so that will be brought in January.
COMMISSIONER CHICO	Okay, as long as you are working on it.
ASSISTANT CITY ATTORNEY TRAXLER	Yes, I can assure you we are working on it.
COMMISSIONER GOMEZ	Mr. Chair?
CHAIR TAPIA	Yes
COMMISSIONER GOMEZ	So I had a question. I understand that we are working on zoning, I want to know where that process is in terms of what is happening at this point as to the zoning project.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Thank you Chair and Commission, we are reviewing the various chapters with the Zoning Code. We are also in the process of doing the Housing Element and General Plan Update and it is good that they are in parallel tracks now. Zoning and the General Plan as we move forward, we won't have as many General Plan amendments that is the hope in the future. But they are separate, you know separate items. We have been reviewing it with the consultant, making corrections, and it is moving forward.
COMMISSIONER GOMEZ	I just want clarification, are we getting public input or has that time passed?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	We have a website that is dedicated to the Zoning Code Update. We also have it for the General Plan Update. Our Consultant for the Zoning Code has reached out to various stakeholders. We will be having public meetings. We are looking at one in December to get input. We are hoping that we can actually coordinate with the Zoning Code and the General Plan. It might be two booths or two tents but there definitely will be public input.

COMMISSIONER GOMEZ	Is there a time limit because December is a hectic month for people? I mean to have a public meeting and have them show up. Is there a reason? Is it timely because we just need their input? Or is it a time factor in terms of regulations?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	It was just timely because I think there was a City event, and we wanted to be able to capture most of the residents.
COMMISSIONER GOMEZ	Okay, the other question I had I understand there was a survey. Does that apply? There was a survey online.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	That is for the Housing Element and the General Plan Update. I am glad you brought that up actually. The survey is with Survey Monkey, which is a widely used survey tool. We have it on the main page on the City's page. We also have it with Community Development. It is both in English and in Spanish. We will be having printed copies of that and reaching people, because not everybody is online, we realize that. We want to reach out to as many as possible.
COMMISSIONER GOMEZ	How will you do that? Will you be mailing that out or?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	That is what the intent is, with the mailer that comes out. We want to reach the Senior Center as well when they are having activities.
COMMISSIONER GOMEZ	Thank you.
CHAIR TAPIA	In the zone changes, could we make that lot, or does somebody own it where they wanted to put the roll-offs on Irwindale, I mean on Arrow Highway? Does somebody own that lot?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Yes.
CHAIR TAPIA	Someone owns it? Is that the gentleman that came?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Yes.
CHAIR TAPIA	He owns it?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yes.

CHAIR TAPIA

So how are we going to change the zoning now?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Well that will be determined as we are moving forward if it's the recommendation...

CHAIR TAPIA

We don't want an eyesore there. You know, we talked about that. Although the surrounding areas are zoned for that. Depending on what he wants to bring in or that type of thing. Anyway, I hope that is being really considered as to how it is. Is it legal that, that man purchased that lot let's say commercial, and he wasn't able to bring roll-offs in front of a multimillion dollar park. Can the City change the zone since he bought it as commercial? Can the City bring the zoning down?

ASSISTANT
CITY ATTORNEY
TRAXLER

Mr. Chair if I may, this issue is not on the agenda for tonight so that discussion would need to take place at a different time.

COMMISSIONER
GOMEZ

Mr. Chair I am just wondering, does that fall under comments and conversations or would that be exclude? We are under comments and conversations; we are not really dealing with an issue on that.

CHAIR TAPIA

That's true, I added a little too much to it. That's the thing that I guess needs to be considered, how are we going to change it now? Anyway, you don't have to answer that. I just hope that we could do something with that piece of land unless the man sells it, and that type of thing, to someone else. That is all I have. Anybody else?

VICE-CHAIR
BURROLA

I have a question.

CHAIR TAPIA

Okay.

VICE-CHAIR
BURROLA

CUP for the company north of Cypress between Fraijo and Huy Fong Foods, I think it is an envelope company. They are working late hours; I am talking about six, seven, eight at night moving trucks and doing stuff. I am wondering the CUP said as far as their operation time. Also, I noticed there is another company leasing a section of their building, not sure exactly but if they have their own company sign out there on top of the building where they are loading up trucks. I was wondering if they were able to do that with the CUP. If Code Enforcement could look into it.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON We will have Code Enforcement so I just want to make sure the location. Then it is off of Cypress?

VICE-CHAIR BURROLA Off of Cypress between Fraijo Street and the railroad tracks.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON Okay, I will make sure to follow up with Code Enforcement

COMMISSIONER HARTMAN The Envelope Company and Pertronix.

VICE-CHAIR BURROLA Is that what it is called?

COMMISSIONER HARTMAN Yeah.

VICE-CHAIR BURROLA Oh okay.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON Is that Seaboard?

VICE-CHAIR BURROLA I think so.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON Okay.

CHAIR TAPIA Any other comments?

VICE-CHAIR BURROLA With the Zoning Map, I am glad you guys are moving forward. It's been a while right? It is just a general question, when you change the zones on property owners, will you see push back on that? Or do they just have to conform to the new zone? I guess it is something we can discuss later.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

I just want to say one thing. Again as it comes to you and your recommendation to the City Council for that, there's two things, there can be the land use zoning change can take place. Also if it keeps the same zoning, let's say we do have M-2 or M-1, the uses within those can change as part of the Zoning Code Update. That is something that is at the body's discretion.

CHAIR TAPIA

Okay anything else? So we kept you there during Commission Comment and Request. Well I want to wish you all a Happy Thanksgiving. Now again it is not going to be the happiest Thanksgiving, many families have lost their loved ones this year. I don't know, I am thinking at least ten people, at least ten families and that is just the immediate family that's not the loved ones, friends, and everyone that is gonna miss that person. I mean it's something we have to deal with, regardless of where you think they went or whatever, still they are not here anymore. That is the main issue. Anyway, I wish all of you a Happy Thanksgiving and I hope that everyone has something to be thankful for. Legal Counsel Comments.

**LEGAL COUNSEL
COMMENTS**

ASSISTANT
CITY ATTORNEY
TRAXLER

No comments. Nice to see everyone.

CHAIR TAPIA

Okay, Community Development Director Report.

**COMMUNITY
DEVELOPMENT
DIRECTOR REPORT**

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you Chair and Commission, I just want to remind you the Holiday party is coming up December 2nd over at Mountain Meadows in, is it Pomona or La Verne? Pomona. Starting at twelve so you are all invited. I just wanted to wish you a Happy Thanksgiving as well.

CHAIR TAPIA

Any other comments? Anybody else have anything before we close? Okay once again we will adjourn this meeting in dedication and honor to Christina, Willy, and Tony. This meeting is now adjourned.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 7:12 p.m.

Suzanne E. Gomez, Planning Commission Chair

Attest:

Jesus Hernandez, Administrative Secretary



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



Date: February 16, 2022 **Agenda Item No. 3-A**

To: Honorable Chair and Members of the Planning Commission

From: Marilyn Simpson, AICP, Community Development Director

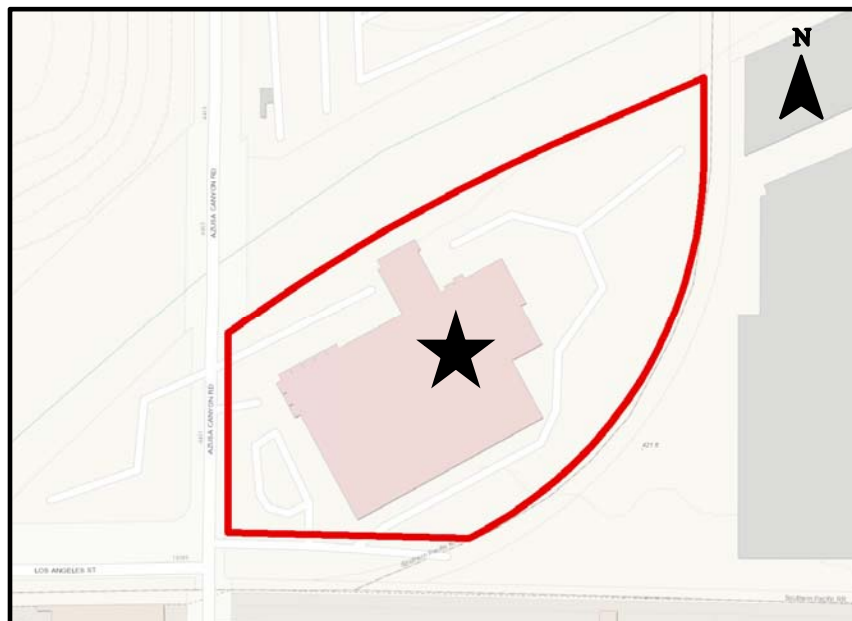
Project Planner: Brandi Jones, Senior Planner

Project: Site Plan & Design Review (DA) No. 04-2020
Speculative 129,830 Square-Foot Concrete Tilt-Up Building

Applicant: Michael Ramirez, Rexford Industrial Realty, LLC

Property Owner: Rexford Industrial Realty, LLC

Project Location: 4416 Azusa Canyon Road (APN: 8417-004-006)



Map Date February 2022
Source: ESRI, City of Irwindale

Staff Recommendation: That the Planning Commission:

1) Adopt Resolution No 813(22) entitled “ A Resolution of the Planning Commission of the City of Irwindale Recommending that the City Council adopt the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) for the Construction of one (1) Speculative Industrial Tilt-Up Building Totaling ±129,830 Square Feet For Property Located at 4416 Azusa Canyon Road, Irwindale, CA 91706 (APN: 8417-004-006) in the M-1 (Light Manufacturing) Zone and Making Certain Findings of Fact, Pursuant to the California Environmental Quality Act

2) Adopt Resolution No. 814(22) entitled, “A Resolution of the Planning Commission of the City of Irwindale Recommending that the City Council approve Site Plan and Design Review (DA) No. 04-2020) for the Construction of one (1) Speculative Industrial Tilt-Up Building Totaling ±129,830 Square Feet For Property Located at 4416 Azusa Canyon Road, Irwindale, CA 91706 (APN: 8417-004-006) in the M-1 (Light Manufacturing) Zone and Making Certain Findings of Fact; subject to the City Council adoption of the MND and MMRP and subject to the attached Conditions of Approval.

REQUEST

The Applicant is requesting a Site Plan and Design Review (DA) for the construction of a ±129,830 square-foot concrete tilt-up building and associated parking.

BACKGROUND/HISTORY

Based on a review of historical information, the project site appears to have been used as an orchard from at least 1928 until around 1952, when the site became vacant. The current main building was constructed in 1956 and was used by PepsiCo as a bottling plant. The site is presently developed with one building of approximately 62,713 square feet in the western half of the site, a large metal shed north of the building, and a loading dock and large truck yard on the eastern portion of the site (LACOA 2021). The building is a single-story structure of concrete tilt-up construction on a concrete slab floor. The bottling plant ceased operation in December 2020 and the site has remained vacant.

GENERAL PLAN AND ZONING

The site is designated in the General Plan as Industrial/Business Park and Residential. The property is currently zoned M-1 (Light Manufacturing). The following zones and uses surround the site:

Direction	Existing Land Use	Zoning District
North	Industrial Businesses	M-2, Heavy Manufacturing
South	Industrial Businesses	M-2, Heavy Manufacturing
East	Industrial Businesses	M-2, Heavy Manufacturing
West	Public Works Yard & Olive Pit	M-1, Light Manufacturing & Q, Quarry

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act, the City of Irwindale prepared an Initial Study to determine whether the proposed project may have a

Planning Commission Meeting

February 16, 2022

Site Plan & Design Review (DA) No. 04-2020

significant adverse effect on the environment. Based on the Initial Study and subsequent analysis, staff has determined that the project as proposed qualifies for a Mitigated Negative Declaration according to the California Environmental Quality Act (CEQA), pursuant to Section 15074 of the CEQA Guidelines.

Specifically, the impacts of the proposed project would be mitigated to less-than-significant levels with the implementation of the Mitigation Measures for the following areas:

- Air Quality
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Transportation
- Tribal Cultural Resources
- Mandatory Findings of Significance

The Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are on file in the Community Development Department/Planning Division, City Hall and the Irwindale Public Library. The IS/MND (Exhibit “E”) was posted and circulated for the required thirty (30) days for public review and comments (December 21, 2021 through January 19, 2022). (A copy of the above referenced documents are posted on the City’s website at <https://www.irwindaleca.gov/575/4416-Azusa-Canyon-Road>).

The specific details of the mitigation methods are included in the Mitigation Monitoring and Report Program (MMRP).

A total of four (4) letters were received. These comments were provided by: State of California Department of Transportation (Caltrans), Los Angeles County Sanitation District, Lozeau Drury, LLP and Teamsters Local Union No. 396. The comment letters and responses to comments have been included in the MND.

Site Plan and Design Review

Pursuant to the provisions of Chapter 17.70 (Site Plan and Design Review) of the Irwindale Municipal Code (IMC), “No person shall construct any building or structure or make structural and physical improvements, additions, extensions and/or exterior alterations, and no permit shall be issued for such construction until the site plan and design review has been submitted to, reviewed by, and approved in accordance with this chapter. The property may only be developed, used and maintained in accordance with the approved site plan and design review.”

Development Standards

Development Standard	Minimum Requirement	Project Proposal
Front Yard Setback	20'-0"	69'-0" – 105'-0"
Side Yard Setback	20'-0"	25'-0" – 160'-0"
Rear Yard Setback	N/A	48'-5" – 108'-11"
Floor Area Ratio (F.A.R.)	1.0:1.0	.52:1.0
Building Height¹	35'-0"	39'-0"
Landscaping	10%	11%
Parking	116	123
Truck/Trailer Parking	N/A	N/A

PROJECT DESCRIPTION

The proposed project is for the construction of a ±129,830 square-foot speculative concrete tilt-up building and associated passenger vehicle parking. The building consists of ±9,160 square feet of office, ±17,000 square feet of manufacturing and ±103,670 square feet of warehousing. The property has a gross square footage of 256,664 square feet (5.89 acres) and a net square footage of 251,096 square feet (5.76 acres). There is a required street dedication along Azusa Canyon Road of 5,568 square feet (.13 acres). At this time, there is no prospective user.

Tribal Consultation

On May 10, 2021, the following tribes were notified pursuant to AB 52:

Gabrieleno Band of Mission Indians–Kizh Nation
Gabrieleno/Tongva San Gabriel Band of Mission Indians
Gabrielino/Tongva Nation
Gabrielino/Tongva Indians of California Tribal Council
Gabrielino-Tongva Tribe
Santa Rosa Band of Cahuilla Indians
Soboba Band of Luiseno Indians

Three (3) responses were received. The Gabrielino/Tongva Indians of California Tribal Council requested that the tribe be notified if prehistoric materials or burial remains are found during construction. If burial remains are found, the tribe wants to engage in formal consultation. The Gabrieleno Band of Mission Indians–Kizh Nation provided tribal archive information identifying the high cultural sensitivity of the project site. To avoid impacting or destroying tribal cultural resources that may be inadvertently unearthed during the project's ground disturbing activities the tribe provided the City with measures to mitigate or avoid a significant effect on tribal cultural resources. The Santa Rosa Band of Cahuilla Indians responded that the tribe did not have any comments.

¹ Per IMC subsection 17.08.085 "Building Height" means the vertical distance from the finished grade of the lot to the highest average point of the building or structure.

Building Design/Design Guidelines

The proposed project is a single-story building located on the former PepsiCo Bottling plant. The proposed tilt-up building incorporates many of the desired design elements from the Commercial and Industrial Design Guidelines. The layout, landscaping and design of the site also incorporated encouraged design principles. For example, the use of an authentic period style compatible with City context, new buildings that draw upon the fundamental characteristics of existing buildings in the City, façade depth of plans and variations on all sides, including varied rooflines, berms, meandering sidewalks and multi-layered landscaping.

The building incorporates tower elements as focal points and breaks up the expansive exterior walls with architectural projections and details around the windows. The vertical and horizontal reveals, arched parapets and multi-color palette also work to add depth and character to the building. The design is similar to many of the recently approved developments, which have been designed to closely adhere to the guidelines, while maintaining function and aesthetic uniqueness.

Operation

The prospective use is currently unknown but there are many potential uses that are permitted by right due to the current zoning designation. However, certain uses would not be allowed or would be subject to a Conditional Use Permit. These uses would require Planning Commission approval and be subject to a set of Conditions of Approval and a signed Affidavit of Acceptance from the property owner and tenant acknowledging and agreeing to abide by the imposed conditions. Cold storage have been expressly prohibited for this site without further future environmental analysis. The overwhelming majority of new industrial development in the City is speculative.

Landscaping, Project Fencing and Screening

Approximately 27,979 square feet (11%) of the project site is proposed to be landscaped in compliance with the “City of Irwindale Commercial and Industrial Design Guidelines” and the Zoning Code requirements for parking area landscaping. The proposed landscape plan is comprised of a combination of parking lot shade trees, shrubs, and groundcover.

Access and Circulation

Ingress and egress to the site are provided via a three (3) driveways, one fronting onto Azusa Canyon Road and the other two (2) fronting on Los Angeles Street. The proposed building is setback approximately 69’-0”, which will also accommodate projected queuing, thus avoid overflow onto Azusa Canyon Road and Los Angeles Street. A 20’-0” wide street dedication along Azusa Canyon Road is required.

Parking

IMC Subsection 17.64.030.P(2) “Offices not providing customer service on the premises” requires a minimum one (1) parking space for each two (2) employees on the maximum (most workers) working shift or one (1) space for each 350 square feet of gross floor area, whichever is the greater and IMC Subsection 17.64.030(V) “Warehouse and storage

buildings” requires one (1) parking space for each 1,000 square feet of the first 20,000 square feet of gross floor area, one (1) space for each 2,000 square feet for the next 20,000 square feet of gross floor area and one (1) space for each 4,000 square feet for all floor area over 40,000 square feet of gross floor area.

Based on the proposed square footage, the project requires 116 stalls and 123 stalls are being proposed [five (5) ADA stalls, ninety-seven (97) standard stalls and twenty-one (21) compact stalls]. There are no designated trailer stalls. All parking is surface parking; there are no proposed parking structures or subterranean lots.

Building Height

The maximum building height in the M-1 (Light Manufacturing) zone is 35’-0”. Per IMC subsection 17.08.085 “Building Height” means the vertical distance from the finished grade of the lot to the highest average point of the building or structure. The rooflines vary from approximately 30”-7” to 35”-0” and the parapet walls, including the architectural features extend to a maximum height of 39’-0”. IMC subsection 17.68.010 “Height of Penthouses and Roof Structures” allows parapet walls to be erected above the height limits prescribed.

Signage

IMC Section 17.56.050 “Signs” provides the maximum allowable sign area for freestanding and wall signs. Based on the approximate square footage of the medical office building, the allowable amount of wall signage would equate to ±1,298 square feet. Freestanding signs would be limited to 150 square feet regardless of building size. Like other recently approved, large-scale projects, Staff incorporates a Condition of Approval that requires the applicant to prepare a comprehensive sign program. The sign program includes but is not be limited to sign type, square footage allowances, placement, illumination, quantity, colors and materials.

ANALYSIS

Site Plan & Design Review Analysis

Before any 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 subject site is zoned M-1 (Light Manufacturing) and has a General Plan land use designation of Industrial/Business Park and Residential. The existing General Plan and Zoning designations are consistent, which eliminates the need for any legislative action such a Zone Change or General Plan Amendment. The project also meets the minimum development standards for the applicable zones, such as setbacks, height, floor area ratio (F.A.R), parking and aesthetic design without the need for a Zone

Variance to accommodate a deviation from any measurable standards. The prospective use is currently unknown but there are many potential uses that are permitted by right due to the current zoning designation, however certain uses would be not be allowed or would be subject to a Conditional Use Permit.

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.

This finding is no longer applicable, as Irwindale Community Redevelopment Agency no longer exists. There are also no owner's participation agreement or disposition and development agreement involved.

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 building is setback approximately 69'-0" from vehicle ingress to accommodate projected queuing, thus avoiding overflow onto Azusa Canyon Road and Los Angeles Street. All structures and infrastructure improvements will be constructed to current code and completed prior to issuance of the Certificate of Occupancy.

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

There is no proposed through-site access. The site is bordered by industrial buildings to the north, south, and east and the City's Public Works yard and Olive Pit to the west. Azusa Canyon Road and Los Angeles Street serve as the vehicular access to the site. There is also a required 20'-0" street dedication on Los Angeles Street.

- c) Setbacks,

The project has been designed to comply with and exceed the minimum required setbacks for the M-1 (Light Manufacturing) zone. The proposed front yard setbacks range from 20'-0" to 105'-0", exceeding the minimum requirement of 20'-0". The proposed side yard setbacks range from 25'-0" to 160'-0", exceeding the minimum requirement of 20'-0". The proposed rear yard setbacks range from 48'-5" to 108'-11", and there is no required rear yard setback when abutting non-residentially zoned properties.

- d) Height of buildings,

The maximum building height in the M-1 (Light Manufacturing) zone is 35'-0". Per IMC subsection 17.08.085 "Building Height" means the vertical distance from the finished grade of the lot to the highest average point of the building or structure. Per IMC subsection 17.68.010, parapet walls may be erected above the height limits. The rooflines vary from approximately 30'-7" to 35'-0" and the parapet

walls, including the architectural features extend to a maximum height of 39'-0". Nonetheless, the proposed buildings have been designed to complement the massing and height of the existing buildings in the area.

e) Signs,

Based on the approximate square footage of the speculative industrial building, the allowable amount of wall signage would equate to $\pm 1,298$ square feet. Freestanding signs would be limited to 150 square feet regardless of building size. Like other recently approved, large-scale projects, staff incorporates a Condition of Approval that requires the applicant to prepare a comprehensive sign program. The sign program includes, but is not limited to, sign type, square footage allowances, placement, illumination, quantity, colors and materials.

f) Mechanical and utility service equipment,

Site has been designed to attractively screen all rooftop and surface level mechanical equipment and storage area. The parapet roof will provide adequate screening of any proposed rooftop equipment. During the permitting process, a line of sight study is required to substantiate proper screening. Mechanical equipment and storage areas are screened, out of public view and often with solid walls and landscaping.

g) Landscaping,

The landscaping requirement has been met through considered choices of plantings appropriate to the location, building type, and building scale. Approximately 27,979 square feet (11%) of the project site is proposed to be landscaped in compliance with the "City of Irwindale Commercial and Industrial Design Guidelines" and the Zoning Code requirements for parking area landscaping. The proposed landscape plan is comprised of a combination of parking lot shade trees, shrubs, and groundcover.

h) Grading,

Project has been designed to take advantage of the existing topography, thus reducing grading activities on site. A grading permit will be required and issued from Building and Safety.

i) Lighting,

All lighting is designed to complement the structures 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. The premises will be secured with appropriate security lighting, to obtain a minimum of 1-foot candles over the entire site. A photometric lighting plan shall be submitted, subject to the review and approval of the Community Development Department and the Police Department.

j) Parking,

IMC Subsection 17.64.030.P(2) “Offices not providing customer service on the premises” requires a minimum one (1) parking space for each two (2) employees on the maximum (most workers) working shift or one (1) space for each 350 square feet of gross floor area, whichever is the greater and IMC Subsection 17.64.030(V) “Warehouse and storage buildings” requires one (1) parking space for each 1,000 square feet of the first 20,000 square feet of gross floor area, one (1) space for each 2,000 square feet for the next 20,000 square feet of gross floor area and one (1) space for each 4,000 square feet for all floor area over 40,000 square feet of gross floor area. Based on the proposed square footage, the project requires 116 stalls and 123 stalls are being proposed [five (5) ADA stalls, ninety-seven (97) standard stalls and twenty-one (21) compact stalls]. All parking is surface parking; there are no proposed parking structures or subterranean lots.

k) Drainage,

A Water Quality Management Plan (WQMP) has been prepared to address hydrology and drainage.

l) Intensity of land use.

The project is located on a flat, irregularly shaped lot. It had been used as an orchard from at least 1928 until around 1952, when the site became vacant. The current main building was constructed in 1956 and was used by PepsiCo as a bottling plant. The site is presently developed with one building of approximately 62,713 square feet in the western half of the site, a large metal shed north of the building, and a loading dock and large truck yard on the eastern portion of the site (LACOA 2021). The building is a single-story structure of concrete tilt-up construction on a concrete slab floor. The metal shed was part of the old truck wash area that is connected to the building by an overhang. The bottling plant ceased operation in December 2020 and the site has remained vacant. The proposed industrial warehouse building is consistent with the General Plan designation of Industrial/Business Park and Zoning designation of M-1 (Light Manufacturing), as well as adjacent industrial land uses.

4. 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.

The proposed tilt-up building incorporates many of the desired design elements from the Commercial and Industrial Design Guidelines including but not limited façade elements, roofs and parapets, materials and colors. The layout, landscaping and design of the site also incorporated encouraged design principles. For example, the use of an authentic period style compatible with City context, new buildings that draw upon the fundamental characteristics of existing buildings in the City, façade depth of plans and variations on all sides, including varied rooflines, berms, meandering sidewalks and multi-layered landscaping.

CONCLUSION

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

1. Adopt Resolution No. 813(22) recommending that the City Council adopt the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP);
2. Adopt Resolution No. 814(22) recommending that the City Council approve Site Plan and Design Review (DA) No. 04-2020 subject to the proposed Conditions of Approval to permit the proposed improvements as presented herein.

Alternative Actions:

3. 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
4. Request that the applicant revise the project and continue the hearing to a date certain.

ATTACHMENTS

- Exhibit A: Resolution No. 813(22)
- Exhibit B: Resolution No. 814(22) with Conditions of Approval
- Exhibit C: Project Plans
- Exhibit D: Street Dedication Exhibit
- Exhibit E: Memo to Planning Commission, dated February 10, 2022 with links to:
Initial Study/Mitigated Negative Declaration (IS/MND) and Technical
Appendices – Electronic Files also available via:
<https://www.irwindaleca.gov/575/4416-Azusa-Canyon-Road>
- Exhibit F: Response to Comments
- Exhibit G: Mitigation Monitoring and Reporting Program (MMRP)

RESOLUTION NO. 813(22)**EXHIBIT "A"**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL ADOPT THE MITIGATED NEGATIVE DECLARATION (MND) AND MITIGATED MONITORING AND REPORTING PROGRAM (MMRP) FOR THE CONSTRUCTION OF ONE (1) SPECULATIVE INDUSTRIAL TILT-UP BUILDING TOTALING ±129,830 SQUARE FEET FOR PROPERTY LOCATED AT 4416 AZUSA CANYON ROAD, IRWINDALE, CA 91706 (APN: 8417-004-006) IN THE M-1 (LIGHT MANUFACTURING) ZONE AND MAKING CERTAIN FINDINGS OF FACT, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

A. RECITALS.

- (i) Michael Ramirez, 11620 Wilshire Boulevard, 10th Floor, Los Angeles, CA 90025, on behalf of Rexford Realty Industrial, has made a request for a Site Plan and Design Review (DA) for the construction of one (1) speculative concrete tilt-up building totaling approximately 129,830 square feet.
- (ii) The Subject Property is located at 4416 Azusa Canyon Road (APN: 8417-004-006). The Subject Property is currently zoned M-1 (Light Manufacturing). Hereinafter in this Resolution, the subject Site Plan and Design Review shall be referred to as the "Application."
- (iii) Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, as amended, and the City of Irwindale environmental guidelines, the City, as the Lead Agency has analyzed the project and has prepared a Mitigated Negative Declaration (MND). The MND was circulated for public review for the required 30 days from December 21, 2021 through January 19, 2022. A copy of the MND was circulated through the State Clearinghouse, posted on the City's website (<https://www.irwindaleca.gov/575/4416-Azusa-Canyon-Road>) and was available at the Community Development Department – Planning Division, City Hall, and the Irwindale Public Library. A copy of the MND and the Mitigation Monitoring and Reporting Program was posted on the City's website.
- (iv) The public review period for the MND ended on January 19, 2022.
- (v) The Final MND was prepared on the proposed project, including the Draft MND, comments received on the Draft MND and responses to those comments, and revisions and corrections to the Draft MND made in response to comments received.
- (vi) On February 16, 2022, the Planning Commission conducted a duly noticed

public hearing on the Final MND at which time it received input from staff, the City Attorney's Office, and the Applicant, heard public testimony, and discussed the Proposed Project; and closed the public hearing.

(vii) This document was prepared concurrently with the Site Plan and Design Review (DA) No. 04-2020.

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

B. RESOLUTION.

NOW, THEREFORE, it is hereby found, determined and resolved by the Planning Commission of the City of Irwindale, having reviewed and considered the information in the MND 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 Recitals, Part A, of this Resolution are true and correct and incorporated herein by this reference.

2. Pursuant to the California Environmental Quality Act ("CEQA") and the City's Local CEQA Guidelines, the City staff prepared an Initial Study for the project. City staff determined that there was no substantial evidence that the project would have a significant effect on the environment after the implementation of Mitigation Measures. Based on that determination, a Mitigated Negative Declaration was prepared. Thereafter, the City staff provided public notice of the public comment period and of the intent to adopt the Mitigated Negative Declaration.

3. The MND was circulated for public review for the required 30 days from December 21, 2021 through January 19, 2022. A copy of the MND was circulated through the State Clearinghouse, posted on the City's website (<https://www.irwindaleca.gov/575/4416-Azusa-Canyon-Road>) and was available at the Community Development Department – Planning Division, City Hall and the Irwindale Public Library. A copy of the MND and Mitigation Monitoring and Reporting Program and technical studies were posted on the City's website.

4. The Planning Commission has reviewed the Initial Study and Mitigated Negative Declaration, comments received regarding the Mitigated Negative Declaration thereto, and City staff's responses. Based on the whole record before it, finds: (i) that the Mitigated Negative Declaration was prepared in compliance with CEQA; and (ii) that there is no substantial evidence that the project will have a significant effect on the environment after the implementation of mitigation measures. The Planning Commission further finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission. Based on these findings, the Planning Commission therefore recommends that the City Council adopt the Mitigated Negative Declaration, attached hereto as Exhibit "A".

5. The Planning Commission has also reviewed and considered the Mitigation Monitoring and Reporting Program (MMRP) prepared for the project pursuant to the requirements of Public Resources Code Section 21081.6 and finds that the Mitigation Monitoring and Reporting Program is designed to ensure compliance with the mitigation measures during project implementation. The Planning Commission therefore recommends that the City Council adopt the Mitigation Monitoring and Reporting Program for the project, attached hereto as Exhibit "B".

6. The custodian of records for the Initial Study, Mitigated Negative Declaration, MMRP and all other materials, which constitute the record of proceeding upon which the Planning Commission's decision is based, is the Director of Community Development of the City of Irwindale. Those documents are available for public review in the Community Development Department – Planning Division, located at 16102 Arrow Highway and City Hall and the Irwindale Public Library, located at 5050 Irwindale Avenue.

7. 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 16th day of February 2022.

Suzanne Gomez, Chair
City of Irwindale Planning Commission

ATTEST:

Marilyn Simpson, AICP, Secretary

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

I, Marilyn Simpson, AICP, Community Development Director of the City of Irwindale, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Irwindale held on the 16th day of February 2022, by the following vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

Marilyn Simpson, AICP, Secretary

Exhibits (***Digital Downloads***):

- Mitigated Negative Declaration (MND)
- Mitigated Monitoring and Reporting Program

RESOLUTION NO. 814(22)**EXHIBIT "B"**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL APPROVE SITE PLAN AND DESIGN REVIEW (DA) NO. 04-2020 FOR THE CONSTRUCTION OF ONE (1) SPECULATIVE INDUSTRIAL TILT-UP BUILDING TOTALING ±129,830 SQUARE-FEET FOR THE PROPERTY LOCATED AT 4416 AZUSA CANYON ROAD, IRWINDALE, CA 91706 (APN: 8417-004-006) IN THE M-1 (LIGHT MANUFACTURING) AND MAKING CERTAIN FINDINGS OF FACT.

A. RECITALS.

- (i) Michael Ramirez, 11620 Wilshire Boulevard, 10th Floor, Los Angeles, CA 90025, on behalf of Rexford Realty Industrial, has made a request for a Site Plan and Design Review (DA) for the construction of a speculative concrete tilt-up building totaling approximately 129,830 square feet.
- (ii) The Subject Property is located at 4416 Azusa Canyon Road (APN 8417-004-006). The Subject Property is currently zoned M-1 (Light Manufacturing). Hereinafter in this Resolution, the subject Site Plan and Design Review shall be referred to as the "Application."
- (iii) Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, as amended, and the City of Irwindale environmental guidelines, the City, as the Lead Agency has analyzed the project and has prepared a Mitigated Negative Declaration (MND). The MND was circulated for public review for the required 30 days from December 21, 2021 through January 19, 2022. A copy of the MND was circulated through the State Clearinghouse, posted on the City's website (<https://www.irwindaleca.gov/575/4416-Azusa-Canyon-Road>) and was available at the Community Development Department – Planning Division, City Hall, and the Irwindale Public Library. A copy of the MND and the Mitigation Monitoring and Reporting Program was posted on the City's website.
- (iii) The public review period for the MND ended on January 19, 2022.
- (iv) The Final MND was prepared on the proposed project, including the Draft MND, comments received on the Draft MND and responses to those comments, and revisions and corrections to the Draft MND made in response to comments received.
- (v) On February 16, 2022, the Irwindale Planning Commission conducted a duly noticed public hearing, as required by law, on the Application, closed the public hearing and recommended that the Irwindale City Council approve the Site Plan and Design Review (DA), subject to the approval of

a Resolution, which details the specific Conditions under which the Application was approved.

(vi) This application is being processed concurrently with the MND and MMRP.

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

B. RESOLUTION.

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

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

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 "B," this Planning Commission hereby specifically finds as follows:

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

The subject site is zoned M-1 (Light Manufacturing) and has a General Plan land use designation of Industrial/Business Park and Residential. The existing General Plan and Zoning designations are consistent, which eliminates the need for any legislative action such as a Zone Change or General Plan Amendment. The project also meets the minimum development standards for the applicable zones, such as setbacks, height, floor area ratio (F.A.R), parking and aesthetic design without the need for a Zone Variance to accommodate a deviation from any measurable standards. The prospective use is currently unknown but there are many potential uses that are permitted by right due to the current zoning designation, however certain uses would be not be allowed or would be subject to a Conditional Use Permit.

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.

This finding is no longer applicable, as Irwindale Community Redevelopment Agency no longer exists. There are also no owner's participation agreement or disposition and development agreement involved.

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:

- i. Facilities and improvements,
The proposed building is setback approximately 69'-0" from vehicle ingress to accommodate projected queuing, thus avoiding overflow onto Azusa Canyon Road and Los Angeles Street. All structures and infrastructure improvements will be constructed to current code and completed prior to issuance of the Certificate of Occupancy.
- ii. Pedestrian and vehicular ingress, egress, and internal circulation,
There is no proposed through-site access. The site is bordered by industrial buildings to the north, south, and east and the City's Public Works yard and Olive Pit to the west. Azusa Canyon Road and Los Angeles Street serve as the vehicular access to the site. There is also a required 20'-0" street dedication on Los Angeles Street.
- iii. Setbacks,
The project has been designed to comply with and exceed the minimum required setbacks for the M-1 (Light Manufacturing) zone. The proposed front yard setbacks range from 20'-0" to 105'-0", exceeding the minimum requirement of 20'-0". The proposed side yard setbacks range from 25'-0" to 160'-0", exceeding the minimum requirement of 20'-0". The proposed rear yard setbacks range from 48'-5" to 108'-11", and there is no required rear yard setback when abutting non-residentially zoned properties.
- iv. Height of buildings,
The maximum building height in the M-1 (Light Manufacturing) zone is 35'-0". Per IMC subsection 17.08.085 "Building Height" means the vertical distance from the finished grade of the lot to the highest average point of the building or structure. Per IMC subsection 17.68.010, parapet walls may be erected above the height limits. The rooflines vary from approximately 30'-7" to 35'-0" and the parapet walls, including the architectural features extend to a maximum height of 39'-0". Nonetheless, the proposed buildings have been designed to complement the massing and height of the existing buildings in the area.
- v. Signs,
Based on the approximate square footage of the speculative industrial building, the allowable amount of wall signage would equate to ±1,298 square feet. Freestanding signs would be limited to 150 square feet regardless of building size. Like other recently approved, large-scale projects, staff incorporates a Condition of Approval that requires the applicant to prepare a comprehensive sign program. The sign program includes, but is not limited to, sign type, square footage allowances, placement, illumination, quantity, colors and materials.
- vi. Mechanical and utility service equipment,
Site has been designed to attractively screen all rooftop and surface level mechanical equipment and storage area. The parapet roof will provide adequate

screening of any proposed rooftop equipment. During the permitting process, a line of sight study is required to substantiate proper screening. Mechanical equipment and storage areas are screened, out of public view and often with solid walls and landscaping.

- vii. Landscaping,
The landscaping requirement has been met through considered choices of plantings appropriate to the location, building type, and building scale. Approximately 27,979 square feet (11%) of the project site is proposed to be landscaped in compliance with the “City of Irwindale Commercial and Industrial Design Guidelines” and the Zoning Code requirements for parking area landscaping. The proposed landscape plan is comprised of a combination of parking lot shade trees, shrubs, and groundcover.
- viii. Grading,
Project has been designed to take advantage of the existing topography, thus reducing grading activities on site. A grading permit will be required and issued from Building and Safety.
- ix. Lighting,
All lighting is designed to complement the structures 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. The premises will be secured with appropriate security lighting, to obtain a minimum of 1-foot candles over the entire site. A photometric lighting plan shall be submitted, subject to the review and approval of the Community Development Department and the Police Department.
- x. Parking,
IMC Subsection 17.64.030.P(2) “Offices not providing customer service on the premises” requires a minimum one (1) parking space for each two (2) employees on the maximum (most workers) working shift or one (1) space for each 350 square feet of gross floor area, whichever is the greater and IMC Subsection 17.64.030(V) “Warehouse and storage buildings” requires one (1) parking space for each 1,000 square feet of the first 20,000 square feet of gross floor area, one (1) space for each 2,000 square feet for the next 20,000 square feet of gross floor area and one (1) space for each 4,000 square feet for all floor area over 40,000 square feet of gross floor area. Based on the proposed square footage, the project requires 116 stalls and 123 stalls are being proposed [five (5) ADA stalls, ninety-seven (97) standard stalls and twenty-one (21) compact stalls]. All parking is surface parking; there are no proposed parking structures or subterranean lots.
- xi. Drainage,
A Water Quality Management Plan (WQMP) has been prepared to address hydrology and drainage.

xii. Intensity of land use.

The project is located on a flat, irregularly shaped lot. It had been used as an orchard from at least 1928 until around 1952, when the site became vacant. The current main building was constructed in 1956 and was used by PepsiCo as a bottling plant. The site is presently developed with one building of approximately 62,713 square feet in the western half of the site, a large metal shed north of the building, and a loading dock and large truck yard on the eastern portion of the site (LACOA 2021). The building is a single-story structure of concrete tilt-up construction on a concrete slab floor. The metal shed was part of the old truck wash area that is connected to the building by an overhang. The bottling plant ceased operation in December 2020 and the site has remained vacant. The proposed industrial warehouse building is consistent with the General Plan designation of Industrial/Business Park and Zoning designation of M-1 (Light Manufacturing), as well as adjacent industrial 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.

The proposed tilt-up building incorporates many of the desired design elements from the Commercial and Industrial Design Guidelines including but not limited façade elements, roofs and parapets, materials and colors. The layout, landscaping and design of the site also incorporated encouraged design principles. For example, the use of an authentic period style compatible with City context, new buildings that draw upon the fundamental characteristics of existing buildings in the City, façade depth of plans and variations on all sides, including varied rooflines, berms, meandering sidewalks and multi-layered landscaping.

3. The MND was circulated for public review for the required 30 days from December 21, 2021 through January 19, 2022. A copy of the MND was circulated through the State Clearinghouse, posted on the City's website (<https://www.irwindaleca.gov/575/4416-Azusa-Canyon-Road>) and was available at the Community Development Department – Planning Division, City Hall and the Irwindale Public Library. A copy of the MND and Mitigation Monitoring and Reporting Program and technical studies were posted on the City's website.

4. Based upon the substantial evidence and conclusions set forth herein above, this Planning Commission approves the application for the Site Plan and Design Review (DA) subject to adoption of the MND by the City Council, including the corresponding Mitigation Monitoring and Reporting Program.

5. 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.

6. 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 16th day of February 2022.

Suzanne H. Gomez, Chair
City of Irwindale Planning Commission

ATTEST:

Marilyn Simpson, AICP, Secretary

I, Marilyn Simpson, AICP, Community Development Director of the City of Irwindale, do hereby certify that the foregoing Resolution was adopted at the meeting of the Planning Commission of the City of Irwindale held on the 16th day of February 2022, by the following vote:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:

Marilyn Simpson, AICP, Secretary

PLANNING COMMISSION RESOLUTION NO. 814(22)

**Site Plan and Design Review No. 04-2020
Speculative, concrete tilt-up building
4416 Azusa Canyon Road
Irwindale, CA 91706**

A. GENERAL

1. The use and development authorized by this Site Plan and Design Review (DA), allow for the construction of one (1) speculative, concrete tilt-up building substantially in conformance with the plans dated February 20, 2022.
2. A building permit shall be obtained within twelve (12) months from the date of approval. Thereafter, if the activities have been abandoned for ninety (90) or more days, the Site Plan and Design Review Permit 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, the Community Development Director may grant an extension of this Site Plan and Design Review Permit approval for a period not to exceed one (1) year from the original date of expiration, or may refer such request to the City Council for determination.
3. The Applicant shall agree and consent, in writing, to each and every condition set forth herein within twenty (20) days from the adoption of this Resolution by the City Council approving the Site Plan and Design Review (DA).
4. Prior to the issuance of a business license and/or occupancy permit and/or final inspection by the Community Development Department for the speculative building, all applicable conditions of approval (except those involving construction permits) shall be completed to the reasonable satisfaction of the City.
5. 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 to Site Plan and Design Review Permit No. 04-2020, including the environmental review and approvals therefore. The City will promptly notify the permittee of any such claim, action, or proceeding against the City and will cooperate fully in the defense.
6. The Applicant agrees to allow City inspectors access to the site to reasonably inspect the site during normal working hours to assure compliance with these conditions and other codes. Any and all fees required to be paid to any public agency shall be paid prior to obtaining any permits for this project.

7. The Applicant shall maintain and use the project location and facility thereon in full compliance with all codes, standards, policies and regulations imposed by the City, County, State, or Federal agencies with jurisdiction over the facility.
8. It shall be required that the subject location and its contents, including but not limited to, structures, fences or garden/block walls, and vehicles are maintained free and clear of any graffiti. The Applicant shall be held responsible for the immediate removal of any and all graffiti found on-site within 48 hours of its application.
9. The premises will be secured with appropriate security lighting, to obtain a minimum of 1-foot candles over the entire site. A photometric lighting plan shall be submitted, subject to the review and approval of the Community Development Department and the Police Department.
10. Security lighting fixtures are to be shielded and shall not project above the fascia or roof line of the buildings. The shields shall be painted to match the surface to which they are attached. Security lighting fixtures shall not be substituted for parking lot or walkway lighting fixtures.
11. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this project are subject to protest by the applicant at the time of approval or conditional approval of the project, or within 90 days after the date of imposition of the fees, dedications, reservations, or exactions imposed on the project.
12. Prior to occupancy of the project, all users of the facility shall comply with the City of Irwindale M-1 (Light Manufacturing) zoning standards and regulations through the business license and zoning compliance process.

B. COMMUNITY DEVELOPMENT DEPARTMENT

1. The use and improvements authorized by this Site Plan and Design Review (DA), shall conform to the plans as finally approved by the City (dated February 20, 2022) as conditioned herein, and any appreciable modification of the plans or mode of operation, as determined by the Community Development Director, shall require the prior approval of the final approving body (City Council) pursuant to the amendment of the Site Plan and Design Review Permit.
2. This project shall be subject to the City of Irwindale's utility tax.
3. This project shall be subject to the City of Irwindale's Development Impact Fees (DIF).

4. 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.
5. The following use(s) shall be prohibited. Should any of the following uses be proposed, environmental review shall be required prior to any tenant improvements to the building.
 - a. Cold storage
6. Any future last mile tenant, which would provide the last leg of the delivery or final step in the supply chain, shall be subject to additional analysis including, but not limited to, traffic, air quality/greenhouse gas.
7. Project landscaping shall comply with Irwindale Municipal Code Chapter 15.30, "Water Efficient Landscape Standards and Guidelines."
8. 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.
9. 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 Director of Engineering. Vision clearance shall be maintained at all vehicle entrances and exits.
10. A complete, permanent, automatic irrigation system shall be provided for all landscaped areas.
11. A six (6) inch horizontal concrete curb shall surround all landscaped planters.
12. 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)
13. A minimum of 10% ($\pm 25,110$ square feet) the total lot area shall be landscaped.
 14. All plant material, including trees, shall be maintained in good condition and replaced in the event they die or become diseased.
 15. Any event not held during typical hours of operation shall be subject the Community Development Department review.
 16. The Applicant shall prepare a comprehensive sign program. The sign program shall include but is not be limited to sign type, square footage allowances, placement, illumination, quantity, colors, materials, landlord/owner/association approval. The sign program shall be reviewed and approved by the Community Development Director and/or their designee prior to the issuance of the Certificate of Occupancy.
 17. The Applicant shall obtain approval and permits from the Planning and Building Divisions for all project signage prior to construction of any signs on the project site.
 18. Drive aisles shall remain open and unobstructed for vehicular circulation.
 19. All building design and construction, including the type, texture, color, and durability of the exterior building materials shall comply with the City's Commercial and Industrial Design Guidelines.
 20. Trash enclosures (6'-0" high min.) with solid metal self-closing and self-latching gates shall be provided. The enclosures shall be covered and built with decorative materials to match the type, texture, and color of the materials used in the construction of the buildings. Gates shall remain closed at all times when the trash receptacles are not in use.
 21. All utility equipment such as backflow units and transformers shall be screened with evergreen screen shrubs or similar planting materials as allowed.
 22. All rooftop mechanical equipment, including heating and air conditioning units, antennas, and other electronic devices, shall be completely and decoratively screened from view from all public rights of way and adjacent properties and shall be integrated into the design and construction of the buildings¹. All rooftop equipment and screening shall be shown on the plans and elevations, and shall be consistent with the building design and construction materials in texture and color. Such rooftop equipment screening shall be subject to the review and approval of the Community Development Department.

¹ Photovoltaic equipment is exempt from this requirement.

23. All rooftop wireless telecommunications antennas operated by third parties are subject to the provisions of Chapter 17.90 of the Irwindale Municipal Code shall require a separate permit in accordance with the provisions of the Municipal Code.
24. The street numbers for the development shall be painted on the rooftop of each building in such a manner that it is clearly visible to public safety personnel and shall be a minimum five (5) feet in length painted with minimum one (1) foot wide brush strokes. Rooftop numbers shall be shown on the plans submitted for plan check.
25. A lighting plan shall be submitted for approval by the Community Development Director describing lighting fixtures for building exterior lighting. Lighting fixtures shall be designed to shield light and/or directs light in a downward direction to minimize light spillover to adjacent residential areas. A minimum of 1-foot candle shall be provided.
26. 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.
27. A temporary chain link fence with green screening, or acoustical fencing assembly as specified in the Mitigated Negative Declaration, shall be installed and maintained around the perimeter of the site at all times during construction.
28. Any masonry walls, tube steel fences, and driveway gates shall be decorative and consistent with the building design and the Commercial and Industrial Design Guidelines. The design of the walls and gates shall be subject to the review and approval of the Community Development Department. No chain link fencing shall be allowed for permanent perimeter fencing applications.
29. Applicant shall at all times comply with the Irwindale Municipal Code Noise Standards (as may be amended) as measured at the Site boundary. Additionally, if noise impacts exceed the applicable noise standard contained in the Irwindale Municipal Code, Applicant shall take necessary actions and implement procedures to bring the operations into compliance with this Code.
30. Applicant/developer shall post "No Overnight/Unauthorized Parking" signs on the property to prevent unauthorized parking on the site.
31. Construction activity shall take place no earlier than 7:00 AM on each day and no later than 7:00 PM on each day, Monday thru Saturday. No construction activities of any kind shall be performed on Sundays or holidays without a permit per Subsection 9.28.110(A).
32. All construction related activity shall comply with the noise standards as set forth in IMC Section 9.28.030.

33. All truck loading and unloading shall occur on the site. No loading, unloading or truck idling shall be permitted to take place on the street for any business located on the site.

C. FIRE DEPARTMENT

1. Fire Department access shall comply with Section 503 of the Los Angeles County Fire Code.
2. Provide a minimum unobstructed width of 28 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.2.1.2.1, and an unobstructed vertical clearance “clear to sky” Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building.
3. Cross-hatch any on-site Fire Department vehicular access to within 150 of all portions of the exterior walls.
4. Show any existing fire hydrants within 600 feet of the lot frontage.
5. Submit a fire flow availability form, Form 196 along with plans.
6. All fire hydrants shall measure 6” x 4” x 2½”, conforming to AWWA Standard C503-75 or approved equal.
7. Project shall comply with approved plans (Plan# FEPC2020-1317, approved March 9, 2021 and Plan# FEPC2021-1661, approved June 16, 2021).

D. 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 and/or developer shall resurface Azusa Canyon Road (full street width), along the project frontage. All improvements shall be constructed 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.
3. The owner and/or developer shall design, install and construct sidewalk (6 feet wide minimum) Azusa Canyon Road along the project frontage. All improvements shall be constructed 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.

4. Roadway dedication and pedestrian access easements (20 feet wide minimum) shall be granted to the City along the project frontage on Azusa Canyon Road as directed by the Director of Engineering.
5. The owner/developer shall obtain written authorization or a construction easement from the owner of the private street along the Los Angeles Street project frontage for the construction of the proposed project improvements.
6. The owner and/or developer shall remove and reconstruct all damaged or deficient sidewalk, driveways, curb and gutter as directed by the Director of Engineering.
7. The owner/developer shall install ADA accessible driveway approaches and remove all existing driveways and parkway drains along Azusa Canyon Road. The owner/developer shall install an ADA curb ramp at the northeast corner of the intersection of Azusa Canyon Road and Los Angeles Street. All improvements shall be constructed in accordance with City standards to the satisfaction of the Director of Engineering.
8. The owner and/or developer shall upgrade street lighting fixtures along the Azusa Canyon Road property frontage to LED fixtures in accordance with Los Angeles County standards and to the satisfaction of the Director of Engineering.
9. The owner and/or developer shall reimburse the City for the actual cost for the installation, replacement or modification of street name signs, traffic control signs, striping and pavement markings required in conjunction with the development.
10. Common driveways shall not be allowed, unless approved by the Director of Engineering. Proposed driveways shall be located clear of existing fire hydrants, street lights, water meters, etc.

UTILITIES

11. 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.
12. The owner/developer shall pay for the entire cost for the design, engineering construction and inspection of any upgrade to the water main and connections as required by the serving water company for the proposed development.

13. The owner/developer shall obtain a Storm Drain Connection Permit for the connection to the existing storm drain system.
14. Fire hydrants shall be installed as required by the Fire Department. Existing public fire hydrants adjacent to the site, if any, shall be upgraded if required by the Director of Engineering.
15. Sanitary sewers shall be constructed in accordance with City specifications to serve the subject development. The plans for the sanitary sewers shall be approved by the Director of Engineering. A sewer study shall be submitted along with the sanitary sewer plans.
16. Prior to the issuance of building permits, the owner/developer shall provide a will-serve letter from the water utility provider to the City.

TRAFFIC

17. In accordance with Mitigation Measure T-1 of the project MND, prior to the issuance of certificates of occupancy, the owner/developer shall construct the following improvements:
 - New crosswalks on the east and west leg of the intersection
 - Restrict on-street parking on the south side of Los Angeles Street, east of Azusa Canyon Road, within 150 feet of the intersection
 - Restrict on-street parking on the east side of Azusa Canyon Road, north of Los Angeles Street, within 150 feet of the intersection
 - Review sight distance and other safety considerations prior to finalization of the proposed driveways
18. Prior to the issuance of building permits, the owner/developer shall pay the projects fair share amount for improvements at the intersection of Arrow Highway and Azusa Canyon Road. Improvements will include the addition of a 3rd westbound through lane and a northbound right turn traffic signal overlap phase.
19. Prior to the issuance of any building permits, the owner/developer shall pay to the City \$550,000 for the installation of a new traffic signal at the intersection of Azusa Canyon Road and Los Angeles Street. The owner shall dedicate any easements necessary for the construction, maintenance, and operation of the traffic signal. Improvements will include modifying the existing striping for the eastbound and westbound approaches to provide the following lane configuration:
 - Eastbound: 1 left turn, 1 shared left/through, 1 right turn
 - Westbound: 1 left turn, 1 shared/through/right
20. Prior to the issuance of any occupancy or tenant improvement permit, the proposed tenant(s) shall provide a site-specific trip generation technical memo

demonstrating that the average daily vehicle trips do not exceed 362 daily PCE (passenger car equivalent) trips, 45 PCE AM trips, 46 PCE PM trips, and 197 daily passenger car trips. The City will regularly and continually monitor the actual trips generated by the project and enforce the maximum limit of allowable trips. If the project applicant/owner proposes to exceed any limits, additional traffic analyses and VMT (vehicle miles traveled) analysis shall be reviewed and approved by Director of Engineering. If the VMT exceeds the applicable threshold at the time of subsequent review, the issuance of the respective permit shall be subject to CEQA review. The owner/applicant shall be solely responsible for all costs related to analyses, peer review, monitoring and enforcement.

FEES

21. That the owner/developer shall comply with all requirements of the County Sanitation District, make application for and pay the sewer maintenance fee.
22. That the owner/developer shall pay the connection fee upon application for storm water connection to the County of Los Angeles system.

MISCELLANEOUS

23. The owner/developer, under the direction of a certified land surveyor and at no cost to the City, shall install all required property boundary monuments, centerline ties and City monuments subject to the Director of Engineering's approval.
24. 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 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" of runoff from all storm events and to control peak-flow discharges.
25. Unless exempted by the Los Angeles Regional Water Quality Control Board, a Covenant and Restriction ensuring the provisions of the approved SWPPP shall also be required.

E. PUBLIC WORKS SERVICES

1. All utilities and signs on the public right-of-way shall meet horizontal and vertical ADA clearance requirements. The utilities and signs in the public right-of-way include: two (2) Edison poles, one (1) anchor support for Edison pole, two (2) fire hydrants, one (1) stop sign, one (1) welcome to Irwindale sign, and two (2) speed limit signs.
2. All pedestrian and approach ramps in the public right-of-way shall meet ADA requirements. Pedestrian ramps shall have brick red truncated domes in the public right-of-way.
3. City of Irwindale requests irrigation and landscaping plans for the public right-of-way and parkways. The plans will be submitted to the Public Works Services Manager for review and approval.
4. Repair underground vault to make flush within the sidewalk adjacent to northern most fire hydrant on Azusa Canyon Road.
5. The owner and/or developer shall remove and reconstruct all damaged, deficient, or substandard sidewalk, driveways, curb, and gutter as directed by the City Engineer and the Public Works Services Manager.
6. The owner and/or developer/applicant is responsible for obtaining encroachment permit(s) prior to any type of work in the public right-of-way.
7. Any work within easements on the project site shall require proper permits from the easement holder (City of Irwindale, County of Los Angeles, etc.).
8. 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 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 California Environmental Protection Agency's 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 the following website: www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml.
9. 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" of runoff from all storm events and to control peak-flow discharges.

10. Unless exempted by the Los Angeles Regional Water Quality Control Board, a Covenant and Restriction ensuring the provisions of the approved SWPPP shall also be required.
11. No dumping or unpermitted discharges are allowed into the San Gabriel River via Big Dalton Wash, catch basins and storm drains.

F. BUILDING AND SAFETY

1. Complete Construction Documents include but not limited to Grading, Drainage, Soil Investigation, Architectural, Structural, Electrical, Mechanical, Plumbing, Landscaping...etc., shall be submitted to Irwindale Building & Safety Department for Plan check and Approval Process prior to any Permit Issuance. All Construction Documents shall be prepared by a California Licensed Engineer specialized on the submitted documents based on the current Codes adopted by City of Irwindale.
2. Grading, Drainage, Building and all other trade permits shall be obtained from Irwindale Building and Safety Division by a California licensed contractor(s). All construction shall be in compliance with the current Irwindale Building & Municipal Codes.
3. Other agencies' (Fire, Sanitation...etc.) approvals shall be required prior to any permit issuance. An agency referral sheet shall be provided to the applicant at the time of submittal to Building & Safety.
4. The Owner/Developer/Applicant shall be the sole responsible party for all required Plan Check and Permit fees, as well as any other agencies' fees.
5. All plans submitted shall be subject to the County of Los Angeles (City of Irwindale office) Minimum Plan Submittal Requirements for Non-Residential Construction.

NO.	DISTANCE	BEARING
L1	33.79	S26°10'49"E

NO.	DISTANCE	RADIUS	DELTA
C1	24.76	2400.00	0°35'28"



SCALE : 1" = 60'

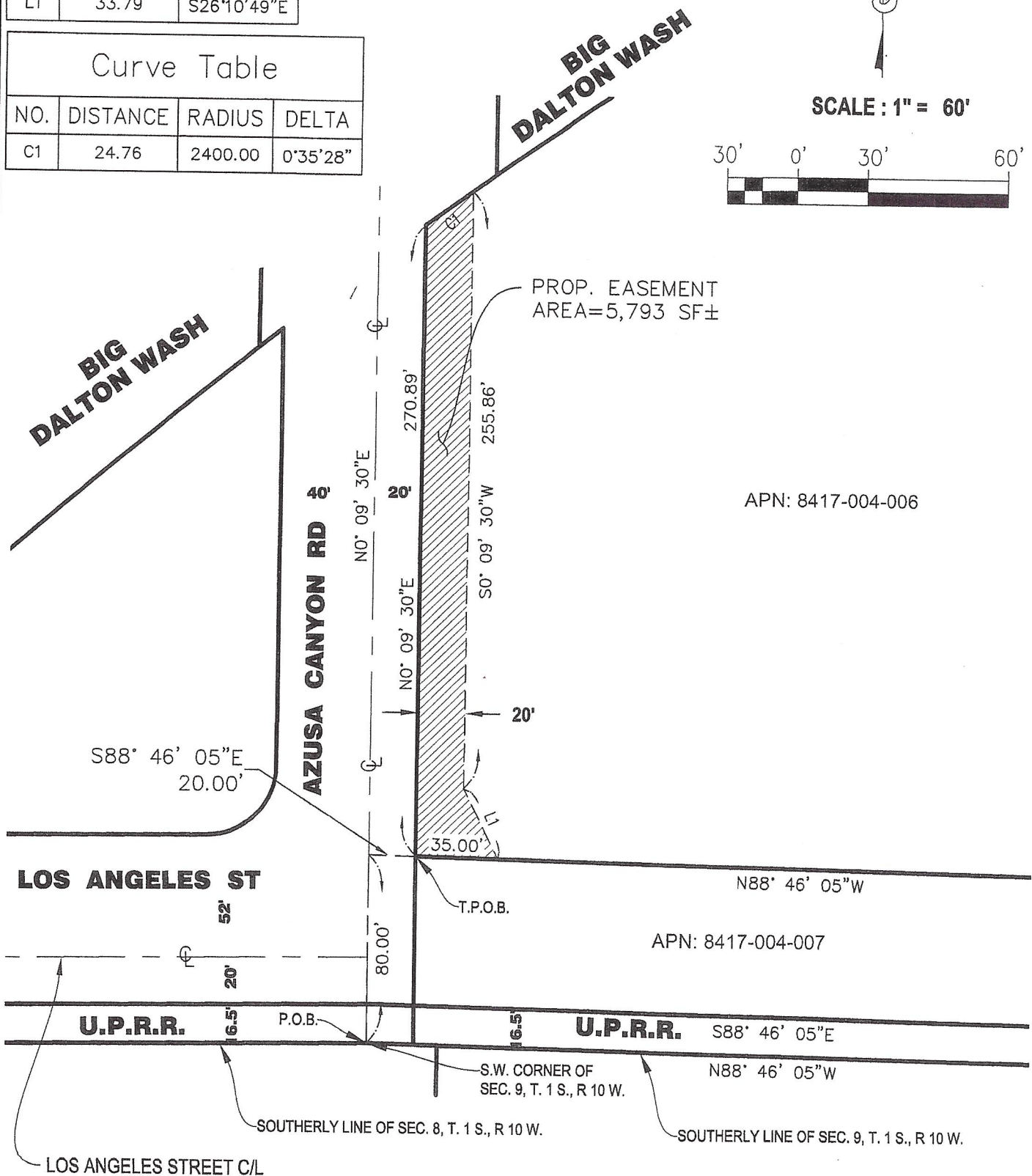
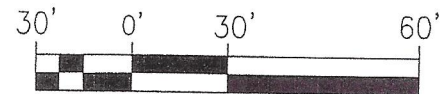


EXHIBIT "B"

EXHIBIT "E"



Date: February 10, 2022

To: Honorable Chair and Members of the Planning Commission

From: Brandi Jones, Senior Planner
Lisa Chou, Associate Planner

Project: 4416 Azusa Canyon Road
Site Plan & Design Review (DA) No. 04-2020
Speculative 129,830 Square-Foot Concrete Tilt-Up Building

Re: *Updated Document List*
Initial Study/Mitigated Negative Declaration

Summary

The Applicant is requesting a Site Plan and Design Review (DA) is for the construction of a ±129,830 square-foot speculative concrete tilt-up building and associated passenger vehicle parking. The above referenced entitlement will be brought before the Planning Commission on February 16, 2022 for a recommendation to the City Council.

In accordance with the California Environmental Quality Act, the City of Irwindale (contracted with Placeworks) has prepared an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. The Initial Study and Proposed Mitigated Negative Declaration reflect the independent judgment of City of Irwindale Staff.

Due to the depth of the document and appendices, the Initial Study/Mitigated Negative Declaration and technical appendices are available electronically. These files can also be viewed and/or downloaded from the project's dedicated webpage (<https://www.irwindaleca.gov/575/4416-Azusa-Canyon-Road>). A list of active links has been provided. Hard copies are available for viewing at City Hall, Community Development Department – Planning Division, and the Irwindale Public Library. The entire agenda packet will be distributed during the normal timeframe. The environmental consultant will be in attendance and will be available to answer any questions regarding the document and technical studies.

If you have any questions or concerns, please do not hesitate to contact:
Brandi Jones, Senior Planner at BJones@IrwindaleCA.gov or (626) 430-2260
Lisa Chou, Associate Planner at LChou@IrwindaleCA.gov or (626) 430-2246

Documents as of February 10, 2022

Environmental Documents

Initial Study/Mitigated Negative Declaration (IS/MND)

<https://www.irwindaleca.gov/DocumentCenter/View/7118>

New

Response to Comments

<https://www.irwindaleca.gov/DocumentCenter/View/7236>

New

Mitigation Monitoring and Reporting Program (MMRP)

<https://www.irwindaleca.gov/DocumentCenter/View/7237>

Technical Appendices

Appendix A - Air Quality (AQ) and Greenhouse Gas (GHG) Background and Modeling

<https://www.irwindaleca.gov/DocumentCenter/View/7119>

Appendix B - Health Risk Assessment (HRA)

<https://www.irwindaleca.gov/DocumentCenter/View/7120>

Appendix C - Cultural and Paleontological Resources Assessment Report

<https://www.irwindaleca.gov/DocumentCenter/View/7121>

Appendix D - Geotechnical Investigation and Results of Infiltration Testing

<https://www.irwindaleca.gov/DocumentCenter/View/7122>

Appendix E - Phase I Environmental Assessment

<https://www.irwindaleca.gov/DocumentCenter/View/7123>

Appendix F - Low Impact Development (LID) Report and Hydrology and Detention Report

<https://www.irwindaleca.gov/DocumentCenter/View/7124>

Appendix G - Noise Background

<https://www.irwindaleca.gov/DocumentCenter/View/7125>

Appendix H - Public Services and Utility Provider Responses

<https://www.irwindaleca.gov/DocumentCenter/View/7126>

Appendix I - Transportation Analysis

<https://www.irwindaleca.gov/DocumentCenter/View/7127>

Appendices Volume I (AQ and GHG, HRA, Cultural and Paleontological Resources, Geotechnical)

<https://www.irwindaleca.gov/DocumentCenter/View/7115>

Appendices Volume II (Phase I)

<https://www.irwindaleca.gov/DocumentCenter/View/7116>

Appendices Volume III (LID, Noise, Public Services and Utility, Transportation)

<https://www.irwindaleca.gov/DocumentCenter/View/7117>

EXHIBIT "F"

February 2022 | Response to Comments

4416 AZUSA CANYON ROAD

City of Irwindale

Prepared for:

City of Irwindale

Contact: Brandi Jones, Senior Planner
5050 Irwindale Avenue,
Irwindale, California 91706
626.430.2260

Prepared by:

PlaceWorks

Contact: JoAnn C. Hadfield, Principal
3 MacArthur Place, Suite 1100
Santa Ana, California 92707
714.966.9220
info@placeworks.com
www.placeworks.com

1. Response to Comments

Following is a list of agencies and organizations that submitted comments on the Initial Study/Mitigated Negative Declaration (IS/MND) for the 4416 Azusa Canyon Road project during the public review period, which extended from December 21, 2021, through January 19, 2022. Comment letters and specific comments are given letters and numbers for reference purposes.

Number Reference	Commenting Agency/Person	Date of Comment	Page No.
Agencies			
A1	California Department of Transportation (Caltrans)	January 13, 2022	1-3
A2	Los Angeles County Sanitation Districts	January 18, 2022	1-9
Organizations			
O1	Lozeau Drury, LLP – Supporters Alliance for Environmental Responsibility (SAFER)	December 23, 2021	1-17
O2	Teamsters	January 19, 2021	1-21
O3	Lozeau Drury, LLP – Supporters Alliance for Environmental Responsibility (SAFER)	January 19, 2021	1-31

1. Response to Comments

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1. Response to Comments

LETTER A1 – California Department of Transportation (Caltrans) (3 pages)

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

DEPARTMENT OF TRANSPORTATION
DISTRICT 7
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 269-1124
FAX (213) 897-1337
TTY 711
www.dot.ca.gov

January 13, 2022

Brandi Jones, Senior Planner
City of Irwindale
5050 Irwindale Avenue
Irwindale, CA 91706

RE: 4416 Azusa Canyon Road Project
SCH # 2021120500
Vic. LA-605/PM 22.163, LA-210/PM
R37.85, LA-10/PM LA-34.47
GTS # LA-2022-03809-MND

Dear Brandi Jones:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced environmental document. The project site is presently developed with one building, previously occupied by Pepsi Bottling Group. The proposed project includes development of a standalone concrete tilt-up warehouse, office, and manufacturing facility and would involve demolition of the existing building on-site. Prospective tenants would operate out of a proposed building with a footprint of 125,500 square feet. Other project components include vehicular and pedestrian access and circulation improvements; surface parking and utility improvements; and various hardscape and landscape improvements.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has codified into CEQA law and mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. You may reference the Governor's Office of Planning and Research (OPR) for more information:

<http://opr.ca.gov/ceqa/updates/guidelines/>

As a reminder, VMT is the standard transportation analysis metric in CEQA for land use projects after July 1, 2020, which is the statewide implementation date.

Provide a safe and reliable transportation network that serves all people and respects the environment

A-1

GAVIN NEWSOM, Governor



Making Conservation
a California Way of Life

A1-1

A1-2

1. Response to Comments

Brandi Jones, Senior Planner
January 13, 2022
Page 2 of 3

For this project, we encourage the Lead Agency to evaluate the potential of Transportation Demand Management (TDM) strategies and Intelligent Transportation System (ITS) applications in order to better manage the transportation network, as well as transit service and bicycle or pedestrian connectivity improvements. For TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). This reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>

You can also refer to the 2010 *Quantifying Greenhouse Gas Mitigation Measures* report by the California Air Pollution Control Officers Association (CAPCOA), which is available online at:

<http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

A1-2
cont'd

On page I-63/51 of the Azusa Canyon Road Warehouse Transportation Analysis, "The County of Los Angeles Guidelines require VMT analysis for development projects that are estimated to generate a net increase of 110 or more daily vehicle trips. Daily vehicle trips are specifically related to on-road passenger vehicles (cars and light trucks). Heavy trucks are not included in a VMT traffic impact analysis. The passenger car trip generation for the proposed Project is 197 daily trips (see Table 4-1), but the existing baseline site land use passenger car estimated trip generation is 88 daily trips (see Table 4-3). The net proposed Project passenger car trip generation is therefore 109 vehicles per day, which is less than the 110 vehicles per day that would require further VMT analysis." Therefore, proposed project would not require further VMT analysis and would have a less than significant impact.

A1-3

Since the project passenger car trip is close to the threshold (109 vs. 110), for the City's consideration, Caltrans recommends that a post-development VMT analysis with mitigation measures should be prepared if the project daily net trips exceed 110. A mitigation measure should be implemented when the post-development VMT analysis discloses any traffic significant impact.

As a reminder for construction and operation phases, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods.

A1-4

"Provide a safe and reliable transportation network that serves all people and respects the environment"

1. Response to Comments

Brandi Jones, Senior Planner
January 13, 2022
Page 3 of 3

If you have any questions, please feel free to contact Mr. Alan Lin, the project coordinator, at (213) 269-1124 and refer to GTS # LA-2022-03809AL-MND.

Sincerely,

Miya Edmonson

MIYA EDMONSON
IGR/CEQA Branch Chief

email: State Clearinghouse

"Provide a safe and reliable transportation network that serves all people and respects the environment"

1. Response to Comments

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1. Response to Comments

A1. Response to Comments from Miya Edmonson, IGR/CEQA Branch Chief, Caltrans, dated January 13, 2022.

A1-1 The commenter provides a summary of the existing and proposed uses on the project site. This comment serves as an introduction to the commenter's letter. No further response is necessary.

A1-2 The commenter mentions SB 743 requirements and references the Governor's Office of Planning and Research guidelines as a source for further information. The commenter encourages the City to evaluate the potential of Transportation Demand Management (TDM) strategies and Intelligent Transportation System (ITS) applications in order to better manage the transportation network.

No specific CEQA issue is identified, and no further response is required. The comment is noted and will be forwarded to the decision makers.

A1-3 The commenter notes that the proposed project screened out of a VMT analysis because the net increase in passenger car trips would be 109 trips, which is below the 110-passenger trip threshold in the County of Los Angeles Guidelines. The commenter recommends that because the number of project passenger car trips is so close to the threshold, a post-development VMT analysis with mitigation measures should be prepared if the project daily net trips exceed 110.

Determining traffic generation for a specific project is based on forecasting the amount of traffic that is expected to be attracted to and produced by the specific land uses proposed. The ITE Trip Generation Manual (10th edition, 2017) is a nationally recognized source for estimating site-specific trip generation. To estimate the traffic characteristics of the proposed project, trip-generation statistics published in the ITE Trip Generation Manual for land use codes 150 (Warehousing) and 140 (Manufacturing) were used. These trip generation rates include automobile and truck trip generation. As shown in Table 4-1 of the IS/MND, truck trips were factored further using vehicle mix data from the City of Fontana Truck Trip Generation Study (August 2003). Therefore, the VMT screening analysis indicates that the proposed project, as described in the IS/MND, would screen out of a VMT analysis.

However, there is a Condition of Approval for the proposed project that requires the City of Irwindale to regularly and continually monitor the actual trips generated by the project and enforce the maximum limit of allowable trips according to the IS/MND.

If the project applicant/owner proposes to exceed any limits, additional traffic analyses and VMT analysis shall be reviewed and approved by the Director of Engineering. Prior to the issuance of any occupancy or tenant improvement permit, the proposed tenant(s) shall provide a site-specific trip generation technical memo demonstrating that the average daily vehicle trips do not exceed 362 daily PCE (passenger car equivalent) trips, 45 PCE

1. Response to Comments

AM trips, 46 PCE PM trips, and 197 daily passenger car trips. If the VMT exceeds the applicable threshold at the time of subsequent review, the issuance of the respective permit shall be subject to CEQA review. The City of Irwindale may also request information relating to truck timing, which can then be negotiated with the future occupant.

A1-4 The commenter states that the use of oversized transport vehicles on State highways will need a Caltrans transportation permit.

The commenter does not describe any inadequacies in the CEQA analysis or conclusion in the Initial Study/Mitigated Negative Declaration, and therefore no changes to the Initial Study/Mitigated Negative Declaration are necessary. The project applicant will coordinate with Caltrans to obtain a transportation permit, as needed.

1. Response to Comments

LETTER A2 – Los Angeles County Sanitation Districts (2 pages)



**LOS ANGELES COUNTY
SANITATION DISTRICTS**
Converting Waste Into Resources

A2

Robert C. Ferrante
Chief Engineer and General Manager

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
(562) 699-7411 • www.lacsd.org

January 18, 2022

Ref. DOC 6412533

Ms. Brandi Jones and Ms. Lisa Chou
City of Irwindale
5050 Irwindale Ave
Irwindale, CA 91706

Dear Ms. Jones and Ms. Chou:

NOI Response to 4416 Azusa Canyon Road

The Los Angeles County Sanitation Districts (Districts) received a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration (MND) for the subject project on December 22, 2021. The proposed project is located within the jurisdictional boundaries of District No. 22. We offer the following comments regarding sewerage service:

1. The proposed project may require a Districts' permit for Industrial Wastewater Discharge. Project developers should contact the Districts' Industrial Waste Section at (562) 908-4288, extension 2900, to reach a determination on this matter. If this permit is necessary, project developers will be required to forward copies of final plans and supporting information for the proposed project to the Districts for review and approval before beginning project construction. For additional Industrial Wastewater Discharge Permit information, go to <https://www.lacsd.org/services/wastewater-programs-permits/industrial-waste-pretreatment-program/industrial-wastewater-discharge-permits>.
2. The proposed project may impact existing and/or proposed Districts' facilities (e.g. trunk sewers, recycled waterlines, etc.) over which it will be constructed. Districts' facilities are located directly under and/or cross directly beneath the proposed project alignment. The Districts cannot issue a detailed response to or permit construction of the proposed project until project plans and specification that incorporate Districts' facilities are submitted for our review. To obtain copies of as-built drawings of the Districts' facilities within the project limits, please contact the Districts' Engineering Counter at engineeringcounter@lacsd.org or (562) 908-4288, extension 1205. When project plans that incorporate our facilities have been prepared, please submit copies to the Engineering Counter for our review and comment.
3. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' Irwindale Section 1 Trunk Sewer, located in Azusa Canyon Road at Los Angeles Street. The Districts' 12-inch diameter trunk sewer has a capacity of 2.9 million gallons per day (mgd) and conveyed a peak flow of 1.3 mgd when last measured in 2015.
4. The expected increase in average wastewater flow from the project site, described in the MND as 17,000 square feet (sf) manufacturing; 103,670 sf warehouse; and 9,160 sf ancillary office space, is 6,256 gallons per day, after the structures on the project site are demolished. For a copy of the Districts' average wastewater generation factors, go to www.lacsd.org, under Services, then Wastewater Program and Permits, select Will Serve Program, and scroll down to click on the [Table 1. Loadings for Each Class of Land Use](#) link.

Intro

A2-1

A2-2

A2-3

A2-4

DOC 6433396.D22

1. Response to Comments

Ms. Brandi Jones and Ms. Lisa Chou

2

January 18, 2022

5. The wastewater generated by the proposed project will be treated at the San Jose Creek Water Reclamation Plant located adjacent to the City of Industry, which has a capacity of 100 mgd and currently processes an average flow of 61.2 mgd. A2-5
6. The Districts are empowered by the California Health and Safety Code to charge a fee to connect facilities (directly or indirectly) to the Districts' Sewerage System or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is used by the Districts for its capital facilities. Payment of a connection fee may be required before this project is permitted to discharge to the Districts' Sewerage System. For more information and a copy of the Connection Fee Information Sheet, go to www.lacsd.org, under Services, then Wastewater (Sewage) and select Rates & Fees. In determining the impact to the Sewerage System and applicable connection fees, the Districts will determine the user category (e.g. Condominium, Single Family home, etc.) that best represents the actual or anticipated use of the parcel(s) or facilities on the parcel(s) in the development. For more specific information regarding the connection fee application procedure and fees, the developer should contact the Districts' Wastewater Fee Public Counter at (562) 908-4288, extension 2727. If an Industrial Wastewater Discharge Permit is required, connection fee charges will be determined by the Industrial Waste Section. A2-6
7. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CAA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service, but is to advise the developer that the Districts intend to provide this service up to the levels that are legally permitted and to inform the developer of the currently existing capacity and any proposed expansion of the Districts' facilities. A2-7

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2743 or mandyhuffman@lacsd.org.

Very truly yours,

Mandy Huffman

Mandy Huffman
Environmental Planner
Facilities Planning Department

MNH:mnh

cc: J. Chung
L. Smith
A. Howard
R. Paracuelles
Engineering Counter

DOC 6433396.D22

1. Response to Comments

A2. Response to Comments from Mandy Huffman, Environmental Planner, Los Angeles County Sanitation Districts, dated January 18, 2022.

Intro The commenter indicates that the Los Angeles County Sanitation Districts (LACSD) have received the Notice of Intent to adopt the Mitigated Negative Declaration, and that the project site is within the Los Angeles County Sanitation Districts' jurisdictional boundaries of District No. 22.

This comment serves as an introduction to the commenter's letter and no further response is required.

A2-1 The commentor notes that the proposed project may require an LACSD permit for Industrial Wastewater Discharge. The City will impose a Condition of Approval requiring the applicant to submit plumbing plans to the Los Angeles County Sanitation Districts prior to issuance of a building permit. The Districts' Industrial Waste Section staff will review the plumbing plans when they become available.

To reflect this point, the following text in Section 3.19, *Utilities and Service Systems*, and Section 4, *References*, of the IS/MND (pages 143 and 155) has been added/revise. Changes to the Initial Study are identified here in ~~strikeout~~ text to indicate deletions and underlined text to signify additions. A change made in response to Comment A2-5 is also shown here.

Wastewater Treatment Facilities

Wastewater generated by the land uses in the City is treated by the Sanitation Districts of Los Angeles County (LACSD). Wastewater is collected in the City's local sewer collection system, which tie into one of LACSD's regional trunk sewers. Wastewater from the project site would be treated at the San Jose Creek Water Reclamation Plant (WRP). The San Jose Creek WRP currently provides primary, secondary, and tertiary treatment for a design capacity of 100 million gallons of wastewater per day (mgd). The San Jose WRP currently processes an average flow of ~~66.9~~ 61.2 mgd (~~Irwindale 2020; Ng 2021~~).

Future uses/tenants of the proposed building are still speculative, and there is a possibility that future tenants may discharge industrial wastewater to the sewerage system. Such uses are governed by the Wastewater Ordinance for the LACSD. The applicant would submit plumbing plans to the Los Angeles County Sanitation Districts for revision and approval prior to issuance of a building permit.

References (page 155)

Irwindale, City of. 2021, January. Active Transportation Plan.
<https://www.irwindaleca.gov/DocumentCenter/View/6532/IrwindaleActiveTransportationPlan-012021?bidId=>.

1. Response to Comments

———. 2020, April. Draft Environmental Impact Report, 13131 Los Angeles Street Industrial Project. <https://www.irwindaleca.gov/DocumentCenter/View/6076>.

———. 2012, November 20. City of Irwindale 2012 Hazard Mitigation Plan. <https://www.irwindaleca.gov/DocumentCenter/View/50/Irwindale-Hazmit-Plan-11-20-12---Website?bidId=>.

———. 2008. City of Irwindale General Plan Update. <https://www.irwindaleca.gov/DocumentCenter/View/38/General-Plan?bidId=>.

- A2-2 The commentor notes that the proposed project may impact existing and/or proposed LACSD facilities over which it will be constructed and that LACSD would require review of the proposed project prior to construction. To reflect this point, the following text in Section 3.19, *Utilities and Service Systems*, of the IS/MND (page 144) has been added/revised. Changes to the Initial Study are identified here in ~~strikeout~~ text to indicate deletions and underlined text to signify additions. A change made in response to Comment A2-6 is also shown here.

As a part of the proposed project, a new on-site sewer lateral would connect to the existing private sewer main on Los Angeles Street. No off-site sewer line construction or upsizing would be required to accommodate the proposed project. However, some construction on Los Angeles Street would be required to make the necessary sewer lateral connections to the existing private sewer main. The private sewer main connects to the LACSD sewer trunk main in Azusa Canyon Road. The proposed project may impact existing and/or proposed LACSD facilities over which the proposed project would be constructed. The proposed wastewater system improvements would be designed and constructed in accordance with City and LACSD requirements and would require City and LACSD approval. Additionally, LACSD charges a fee to connect (directly or indirectly) to its sewerage system or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is used by LACSD for its capital facilities. The applicant would pay all required connection fees before the proposed project is permitted to discharge to the LACSD sewerage system.

Stormwater Drainage Facilities

See response to Section 3.10.c.iii. As discussed in that section, the proposed project would not require or result in the relocation or construction of new or expanded storm water drainage, and impacts are less than significant.

- A2-3 The commentor notes that the wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by LACSD, for conveyance to the LACSD's Irwindale Section 1 Trunk Sewer, located in Azusa Canyon Road at Los Angeles Street. The IS/MND describes the proposed on-site sewer system as such, and no changes are required.

1. Response to Comments

The commenter further notes that the 12-inch diameter trunk sewer has a capacity of 2.9 million gallons per day (mgd) and conveyed a peak flow of 1.3 mgd when last measured in 2015. This information is used in the response to Comment A2-4.

- A2-4 The commenter is proposing the use of wastewater generation rates as shown in Table 1, “Loadings for Each Class of Land Use,” posted on the LACSD’s webpage (<https://www.lacsd.org/home/showpublisheddocument/3644/637644575489800000>). To reflect this point, the following text in Section 3.19, *Utilities and Service Systems*, and Section 4, *References*, of the IS/MND (pages 143, 144, and 155) has been added/revised. Changes to the Initial Study are identified here in ~~strikeout~~ text to indicate deletions and underlined text to signify additions.

Wastewater generation due to the existing project development of the proposed project is conservatively assumed to be 90 percent of the indoor water use. As shown in Table 26, the existing project is assumed to have generated 786 gpd of wastewater. Wastewater generation due to the development of the proposed project is conservatively calculated using LACSD average wastewater generation factors (LACSD 2022). The proposed project would comply with the requirements of the 2019 CALGreen (Title 24, California Code of Regulations, Part 11), which establishes mandatory nonresidential measures for water efficiency and conservation under Sections 5.3. The provisions establish the means of conserving water used indoors and include standards for water-conserving plumbing fixtures and fittings. With the implementation of these requirements, as ~~As shown in Table 26, the proposed project would have an indoor water demand that is less than the existing bottling plant and a subsequent net decrease of 17 gpd in a net increase in wastewater generation totaling 7,038 gpd. It should be noted that wastewater generation rates used for sewer design are very conservative since they include safety factors for peak flows and ensure that sewer lines are sized so that they do not exceed 50 percent capacity.~~

The San Jose WRP currently has a residual capacity of 38.8 mgd. Additionally, the LACSD trunk sewer line in Azusa Canyon Road has a capacity of 2.9 mgd and conveyed a peak flow of 1.3 mgd when last measured in 2015. The sewer line has a residual capacity of 1.6 mgd. Therefore, project development would not require the construction of new or expanded wastewater treatment or conveyance facilities. Impacts would be less than significant.

1. Response to Comments

Table 26 Proposed and Former Wastewater Generation

Landscape Square Footage Land Use Type (SF)	Outdoor Water Use (gpd)	Total Water Demand (gpd)	Wastewater Generation Rate (gpd per 1,000 SF)³	Indoor Water Demand (gpd)	Wastewater Generation (gpd)⁴
Former Land Use					
<u>Landscaping: 1,000¹</u>	20 ²	893	=	873	786
Proposed Land Use					
<u>Manufacturing: 17,000</u>	=	=	<u>200</u>	=	3,400
<u>Warehousing: 103,670</u>	=	=	<u>25</u>	=	2,592
<u>Office: 9,160</u>	=	=	<u>200</u>	=	1,832
<u>23,274⁴</u>	<u>565</u>	<u>1,419</u>		<u>854</u>	<u>769</u>
Net Increase	545	526		(19)	(17) 7,038

Source: DWR 2017, 2021; LACSD 2022 Scott Peterson Landscape Architect 2021.

Notes: gpd = gallons per day

¹ The existing site includes several mature ornamental trees at the entrance to the northern parking lot along with a few shrubs. The square footage of this area was estimated using Google maps.² Outdoor water use is based on the California Department of Water Resources' Water Budget Workbook for New and Rehabilitated Non-residential Landscapes. Precipitation for the City of Monrovia was used.³ Calculated as 90 percent of indoor water demand.⁴ While the total landscaped area is 27,979 square feet, only 23,274 square feet is irrigated.**References (page 155)**

Los Angeles Conservancy (LAC). 2020. Preservation by City: Irwindale.
<https://www.laconservancy.org/communities/irwindale>.

Los Angeles County Department of Regional Planning (DRP). 2019. Significant Ecological Areas Program. <http://planning.lacounty.gov/site/sea/maps/>.

Los Angeles County Office of the Assessor (LACOA). 2021, May 29 (accessed). Property Assessment Information System. <https://maps.assessor.lacounty.gov/m/>.

Los Angeles County Sanitation Districts (LACSD). January 31, 2020 (accessed). Table 1, Loadings for Each Class of Land Use.
<https://www.lacsd.org/home/showpublisheddocument/3644/637644575489800000>.

A2-5 The commenter notes that the San Jose Creek Reclamation Plant has a capacity of 100 mgd and currently processes an average flow of 61.2 mgd. The text in the IS/MND has been changed accordingly, as shown in the response to Comment A2-1.

A2-6 The commenter notes that LACSD charges a fee to connect to its facilities or to increase the strength or quantity of wastewater discharged from connected facilities and that payment of a connection fee may be required before this project is permitted to discharge to the LACSD's sewer system. The text in the IS/MND has been changed accordingly, as shown in the response to Comment A2-2.

1. Response to Comments

- A2-7 The commenter notes that the capacities of the LACSD's wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG) and that all expansions of LACSD's facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast. That is, LACSD is informing the applicant that the available capacity of the LACSD's treatment facilities will be limited to levels associated with the approved growth identified by SCAG and that LACSD is not guaranteeing wastewater service but intends to provide service up to levels that are legally permitted. No specific CEQA issue is identified, and no further response is required. The comment is noted and will be forwarded to the decision makers.

1. Response to Comments

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1. Response to Comments

LETTER O1 – Lozeau Drury, LLP, Supporters Alliance for Environmental Responsibility (SAFER) (2 pages)



O-1

T 510.836.4200 | 1939 Harrison Street, Ste. 150 | www.lozeaudrury.com
F 510.836.4205 | Oakland, CA 94612 | richard@lozeaudrury.com

Via Email

December 23, 2021

Brandi Jones, Senior Planner
Community Development Department
City of Irwindale
16102 Arrow Highway, Second Floor
Irwindale, CA 91706
BJones@IrwindaleCA.gov

Marilyn Simpson, Director
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Laura Nieto, Chief Deputy City Clerk
City of Irwindale
5050 N. Irwindale Avenue
Irwindale, CA 91706
lnieto@irwindaleca.gov

Re: CEQA and Land Use Notice Request for 4416 Azusa Canyon Road (SCH 2021120500)

Dear Ms. Jones, Ms. Simpson, and Ms. Nieto:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the project known as 4416 Azusa Canyon Road (SCH 2021120500), including all actions related or referring to the proposed construction of a concrete tilt-up warehouse, office, and manufacturing facility with a footprint of 125,500 square feet, located at the northeastern corner of the Azusa Canyon Road / Los Angeles Street intersection, on APN 8417-004-006, in the City of Irwindale ("Project").

We hereby request that the City of Irwindale ("City") send by electronic mail, if possible or U.S. mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:
 - Notices of any public hearing held pursuant to CEQA.
 - Notices of determination that an Environmental Impact Report ("EIR") is required for the Project, prepared pursuant to Public Resources Code Section 21080.4.
 - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
 - Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092.

O1-1

1. Response to Comments

December 23, 2021

CEQA and Land Use Notice Request for 4416 Azusa Canyon Road (SCH 2021120500)

Page 2 of 2

- Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
- Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of any addenda prepared to a previously certified or approved EIR.
- Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.
- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

O1-1
cont'd

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which require local counties to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by electronic mail or U.S. Mail to:

Richard Drury
Stacey Osborne
Molly Greene
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
richard@lozeaudrury.com
stacey@lozeaudrury.com
molly@lozeaudrury.com

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,



Molly Greene
Lozeau | Drury LLP

1. Response to Comments

O1. Response to Comments from Molly Greene, Lozeau Drury LLP, SAFER, dated December 23, 2021.

O1-1 The commenter is requesting that the City send by electronic mail if possible, or U.S. mail, notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City for the proposed project.

The City will notify the commenter, either via electronic mail or U.S. mail, on any and all actions and hearings related to the proposed project as requested.

1. Response to Comments

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1. Response to Comments

LETTER O2 – Teamsters (6 pages)

O-2	
	
Teamsters Local Union No. 396 Package and General Utility Drivers <i>Affiliated with the</i> <u>INTERNATIONAL BROTHERHOOD OF TEAMSTERS</u>	
Brandi Jones, Senior Planner (626) 430-2260, bjones@irwindaleca.gov City of Irwindale 5050 Irwindale Avenue Irwindale, California 91706 Lisa Chou, Associate Planner (626) 430-2246, lchou@irwindaleca.gov City of Irwindale 5050 Irwindale Avenue Irwindale, California 91706 Re: 4416 Azusa Canyon Road Project Assessor's Parcel Number: 8417-004-006 Project Sponsor: Rexford Industrial Realty Consulting Firm https://www.irwindaleca.gov/575/4416-Azusa-Canyon-Road Dear Ms. Jones and Ms. Chou: These comments are being submitted on behalf of Teamsters Local 396 regarding the above-captioned project, specifically in response to the project's Initial Study (IS) and the City of Irwindale's determination that a Mitigated Negative Declaration (MND) is necessary to provide CEQA (California Environmental Quality Act) clearance for the project. Please note that we reserve the right to clarify and supplement these comments as permitted by law and do not waive any issue or matter omitted herein as a result of error or omission by the City of Irwindale or the Project Sponsor, to the extent permitted by law. Teamsters Local 396 represents delivery, sanitation, logistics, recycling and other workers in Los Angeles County. Our members live in Irwindale and other parts of Los Angeles County. As residents, they may be adversely affected by the potential traffic, air quality, noise, public health, and other impacts caused by the project. The proposed Mitigated Negative Declaration (MND) is insufficient substantively and as a matter of law and is inappropriate given the likelihood of significant environmental impacts that are not adequately studied or mitigated by the proposed mitigation measures. The City of Irwindale should either reject the proposed IS/MND or send the proposal back to staff and the Project Sponsor to prepare a full Environmental Impact Report (EIR). The Initial Study describes the project: The 4416 Azusa Canyon Road project (proposed project) involves the construction and operation of a new warehouse and manufacturing facility on a currently developed site. The warehouse and manufacturing businesses (prospective tenants are unknown at this time) would operate out of a proposed building that would encompass a total of 129,830 square feet, with 17,000 square feet of manufacturing space, 103,670 square feet of warehousing space, and 9,160 square feet of ancillary office space to support the industrial and warehousing tenant(s). The proposed project would also include 18 dock door positions within a secured truck court area on the southeastern side of the site. Other project components include vehicular	CITY OF IRWINDALE COMMUNITY DEVELOPMENT JAN 19 2022 RECEIVED O2-1 O2-2

1. Response to Comments

and pedestrian access and circulation improvements, asphalt parking areas, utility and infrastructure improvements, and various hardscape and landscape improvements.
The project would also involve the demolition of a Pepsi Bottling Group plant which closed in December 2020.

O2-2
cont'd

The Initial Study (Page 8) claims that the ultimate tenant or end user is currently unknown: "Future uses/tenants are described as speculative, and the specific warehousing types have not been defined. Similarly, other industrial or potential manufacturing uses have not been specified."¹

Despite this, it seems likely that the project will be an Amazon "last mile" delivery station:

- An Amazon representative stated last year (during proceedings for a planned last mile delivery station in West Covina) that it was actively looking at 2 Southern California cities – Irwindale and El Monte – as locations for future last mile delivery stations.
 - Amazon is now the largest single developer of warehouses and logistics facilities in the United States. From 2014 to the first half of 2021, the number of last mile delivery stations grew from just 8 to almost 450. Amazon plans to open at least another 250 last mile delivery stations in the U.S. over the next 2 years. The company reportedly plans to open at least 1,500 last mile delivery stations.²
- The Project Sponsor – Rexford Industrial Realty – has a pre-existing relationship with Amazon, leasing multiple properties to it, including facilities in Glendale, CA and Thousand Oaks, CA.³
- The City of Irwindale actively encourages the development of e-commerce-related last mile delivery stations. The official webpage notes that "the City offers a rare abundance of land, especially when incorporating former mining sites and sites that will become available after their mines close, within the core of the Los Angeles Metropolitan Area market. *This presents an irresistible attraction for industrial and commercial uses, especially last-mile distribution, which is needed more than ever with the proliferation of e-commerce.*"
<https://www.irwindaleca.gov/35/Doing-Business>
- The project description fits a last mile delivery station (approximately 100,000 sq. ft. warehouse, open 24 hours per day and 7 days per week⁴, located within a densely populated urban area, etc.).

O2-3

The likelihood that this project is an Amazon last mile delivery station is significant: last mile facilities generate significantly more traffic than other warehouse types. The nature of last mile facilities – which are the starting point of hundreds of daily deliveries into surrounding communities – means that they generate traffic, noise, pollution, and other impacts far beyond the actual facility site.

Traffic Impacts:

Amazon facilities are known to generate traffic problems, leading to congestion and back-ups onto nearby streets, increasing the potential for accidents and contributing to road wear. This was illustrated in 2019-2020 at an Amazon last mile delivery station in Thousand Oaks leased from Rexford Industrial Realty, the sponsor of this project:

In late March, officials in Thousand Oaks scrutinized Amazon's fleet of delivery vans on local roadways after local residents complained about traffic congestion. Acrimony revolved around a bottleneck of vehicles trying to enter Rexford Industrial-owned Conejo Spectrum Business Park in Newbury Park -- where Amazon established a presence in 2018 when it transformed a 55,000-square-foot warehouse at 2405 Conejo Spectrum St. into an Amazon Prime distribution center. According to Thousand Oaks Code Compliance Manager Geoff Ware, who led an investigation of Amazon's driving practices since the first complaint was filed in October, the backup has worsened in the past few months "with the numeric value

O2-4

¹ It is also possible that the Project Sponsor (Rexford Industrial Realty) and/or the City of Irwindale are aware of the specific end user, or at least the specific type of use anticipated. Page 123 of the Initial Study notes that a "similar warehouse project" was used to assess noise levels. What is the "similar warehouse project"? Who decided that it was "similar"? The City? The Project Sponsor? If either entity has any more specific information about the ultimate end user, it must be disclosed and accounted for in order to accurately assess this project's impacts.

² <https://www.freightwaves.com/news/amazon-to-blanket-the-burbs-with-lots-of-delivery-stations>

³ "Glendale: Amazon's mysterious ways," Indian Real Estate News, May 25, 2018, <https://blog.naiop.org/2021/09/the-new-opportunities-in-urban-middle-last-mile/> <https://www.reit.com/news/reit-magazine/january-february-2016/older-buildings-are-prime-sites-rexford-industrial>

⁴ Page 25 of the Initial Study.

1. Response to Comments

and types of traffic patterns involved with the Amazon location.... It was just an overload of vehicles trying to access the site."⁵

The Initial Study's assessment of traffic impacts contained in the Transportation Analysis (Appendix I) does not adequately address traffic issues. It is based on faulty methodology. Page I-75 of the Transportation Analysis states:

In order to estimate the traffic characteristics of the Project, trip-generation statistics published in the Institute of Transportation Engineers (ITE) Trip Generation (10th Edition, 2017) manual for ITE Land Use Code 150 (Warehousing) and 140 (Manufacturing) are utilized. Trip generation rates and resulting calculations for the proposed Project are shown on Table 1. The Project is anticipated to generate 262 trip-ends per day with 29 AM peak hour trips and 35 PM peak hour trips, with the mixture of passenger car and truck trips as shown in Table 1.

The majority of the site is planned for a "stand-alone concrete tilt-up warehouse, office and manufacturing facility" but the particular nature of this use is not defined and the ultimate tenant or end user is unknown. Despite this uncertainty, the Transportation Analysis is based on an assumption that the Institute for Transportation Engineers (ITE) Trip Generation Manual Land Use Code 150 will be applicable. Land Use Code 150 is for a traditional warehouse use, i.e., a place where packages are stored for wholesale distribution or for distribution to producers or manufacturers. This is specifically a "long-term storage" facility, according to the ITE manual.

O2-4
cont'd

The zoning designation, however, is far broader than the specific use associated with Land Use Code 150. Page 29 of the Initial Study states:

The prevailing planning and regulatory plans that govern development and use of the project site are the Irwindale General Plan, Irwindale Zoning Code (Title 17 [Zoning]), and Irwindale Commercial and Industrial Design Guidelines. The general plan land use designation of the project site is Industrial/Business Park, and the site is zoned Light Manufacturing (M-1). Land devoted to Industrial/Business Parks may range in size from 10 acres up to 100 acres, subdivided into smaller lots and developed with industrial buildings of varying sizes.

This is a significant distinction, because of the vast disparity between warehouse/distribution uses in the ITE trip generation manual itself. *The trip-per-unit figure for Code 150 warehouses is 0.19; the trip-per-unit figures for distribution-focused warehouses (such as last mile delivery stations), i.e., codes 155 and 156 are 1.37 and 0.64 respectively, representing significantly higher trip generation characteristics respectively of 7+ times larger than Code 150 and 3+ times larger than Code 150. Since these uses are clearly permitted by the zoning designation, the Transportation Analysis is inadequate both substantively and as a matter of law.*

The Project Sponsor (and the City of Irwindale) have not further defined the precise end user, or even a range of possible end users, for the project site. At the same time, by adopting the MND, the City would be allowing an entire range of "distribution plants and warehouses," including those that fall under Land Use Codes 155 and 156 of the ITE manual. This includes e-commerce-type "last mile" delivery stations that generate far more traffic than traditional warehouses, and traffic of a particular type: vehicle trips into residential areas to make deliveries.

O2-5

The range of uses that will be allowed by adopting this MND would include distribution centers and "last-mile"-type delivery stations, which are more often evaluated as "high-cube" warehouses with significantly higher trip generation characteristics. Importantly, even these ITE Land Use Code designations (155 & 156) are not typically treated as adequate, because of the unique nature of these e-commerce facilities. In other California localities, e-commerce applicants have conducted bespoke studies based on existing facilities in order to provide CEQA-compliant data for purposes of transportation analysis.

The IS/MND transportation analysis falls far short of this requirement. It uses the lowest-level of traffic generation to justify an approval that would allow a significantly more intense type of use. This is precisely what MNDs should *not* do,

⁵ "SPACE FOR E-COMMERCE: With the coronavirus crisis encouraging online shopping, companies from Amazon.com to local businesses are in the market for warehouses (REAL ESTATE QUARTERLY: SPECIAL REPORT)," San Fernando Valley Business Journal, April 27, 2020.

1. Response to Comments

given CEQA's purpose of providing decision-makers and the public with adequate information to make an informed decision on potential environmental impacts. To be adequate, the City of Irwindale needs to study the full range of allowed uses, or, alternatively, condition the approvals to allow only those uses that were actually studied in the IS/MND. This issue alone is sufficient to require a rejection of the IS/MND, or imposition of conditions on the approval that would preclude development on the property of those uses which are more intense but were not studied.

O2-5
cont'd

The faulty methodology of the Transportation Analysis also contributes to other problems in the Initial Study. For example:

1) The Initial Study's Transportation Analysis does not include a VMT (vehicle miles traveled) analysis, but it should have included one. The Initial Study states that:

Under SB 743, a city can decide to screen out certain projects from needing a complete VMT analysis. OPR has advised that certain projects could be cleared from further analysis based on size, type, location, and/or proximity to a major transit stop or high-quality transit. The City of Irwindale adopted its VMT thresholds on November 11th, 2020. Since the City of Irwindale's VMT thresholds do not include screening criteria, the County of Los Angeles' Guidelines were used. The County requires VMT analysis for development projects that are estimated to generate a net increase of 110 or more daily vehicle trips... *The passenger car trip generation for the proposed project is 197 daily trips, but the estimated trip generation for the Pepsi bottling plant is 88 daily trips. Therefore, the net increase in the proposed project's passenger car trip generation is 109 vehicles per day, just under the threshold of 110 vehicles per day (see Table 25).* Therefore, proposed project would not require further VMT analysis and would have a less than significant impact.

O2-6

If the Transportation Analysis calculated passenger car trip generation based on either Land Use Code 155 or 156 used for distribution-based warehouses, the net increase in the proposed project's passenger car trip generation would have far exceeded the threshold of 110 vehicles per day and would have necessitated a VMT analysis.

2) The Initial Study's discussion of toxic air contaminants notes that "land uses that generate more than 100 truck trips per day have the potential to substantially increase toxic air contaminants (TAC) concentrations and health risks at off-site sensitive land uses within 1,000 feet of the facility" but that "the proposed project would generate an average of only about 65 medium- and heavy-duty truck trips per day."⁶ If this project becomes a last mile delivery station, it is likely to exceed the 100 truck trip threshold, given that Land Use Codes 155 and 156 that cover last mile facilities calculate vehicle trips that are 3+ or 7+ times higher than Land Use Code 150 that covers traditional warehouses. The MND should therefore include an air contaminants analysis that includes this possible scenario.

O2-7

The IS/MND Does Not Account for Unique Impacts of Last Mile Delivery Stations:

In the possible and even likely event that this project will be a last mile delivery station, traffic, noise and pollution impacts will be particularly acute because they will be spread by delivery vehicles that will travel through residential neighborhoods, bringing congestion, noise and pollutants closer to children, seniors and other "sensitive receptors." Delivery to consumers in neighborhoods means that trucks will be driving slowly and idling near homes, making frequent stops and starts, and otherwise emitting greenhouse gases and other particulates not only at the warehouse, but consistently throughout the day in residential areas that are otherwise not zoned to account for such emissions.

O2-8

Urban planner Daniel Flaming, president of the Economic Roundtable, a Los Angeles-based research non-profit that provides transparent, data-driven policy analysis, notes that last-mile facilities have several negative impacts when situated near residential areas: "It would be horrific if you owned a home next to one of these distribution centers. All those loaded trucks have significant road wear issues as well as congestion issues, noise issues and pollution issues."⁷

The project is located within 1 mile of the following:

- Schools: Merwin Elementary School, Manzanita Elementary School, Grovecenter Elementary School, Monte Vista Elementary School, Geddes Elementary School, Margaret Heath Elementary School, Central Elementary

⁶ Page 61 of the Initial Study.

⁷ Southland logistics; Amazon shifting to the fast lane. Redlands 6 U.S. Census Bureau. Time Series of California Intercensal Population Estimates by County: April 1, 1990 to April 1, 2000.

1. Response to Comments

School, Pleasant View Elementary School, Alice M. Ellington K-8 School, Jerry D. Holland Junior High School, Las Palmas Middle School, Olive Middle School, Baldwin Park High School, North Park High School, Gladstone High School, Covina High School, Jubilee Christian School.

- Residential Buildings: Serrano Apartment, Vincent Village Apartments, Sunset Square Apartments, Heritage Park Villas. The Initial Study (Page 7) also notes that “residential areas are within a 1,000-foot radius to the northeast, southeast, south, and southwest of the project site. The closest sensitive receptors are a single-family residence approximately 550 feet northeast on East Cypress Street and a mobile home park approximately 700 feet to the southwest.”
- Churches: Our Lady of Guadalupe Church, Christ Community Church, Bethany Church, Faith Church, Church Baldwin Park, Family Christian Church, Pilipino Community Church, Indonesian Good News Church.
- Recreational Areas: Irwindale Park, Jardin de Roca Park, Hilda L. Solis Park, Del Norte Park, Santa Fe Dam Recreation Area.
- Hospitals: Kindred Hospital San Gabriel Valley.

O2-8
cont'd

The Initial Study does not account for the wider impacts inherent in last mile facilities. For example, the Initial Study’s analysis of toxic air contaminants and their health risks addresses only the increased health risk caused by stationary sources on the site itself, ignoring the potential for emissions caused from vehicles that will traverse regularly through residential areas, should the site be developed into a last mile facility. The Initial Study needs to include an analysis of the full scope of impacts generated by last mile facilities.

Parking Impacts:

The project’s allotted parking may be inadequate, if it turns out to be an Amazon facility. This is especially true for facilities that are open 24 hours a day and 7 days a week like this one is expected to be. Parking problems at Amazon facilities have been well documented:

- Insufficient parking spaces and the high volume of last mile delivery vans force workers servicing them to look for parking offsite, taking parking spaces that would otherwise be used by local residents.⁸ Teamsters Union members and staff have observed these problems at numerous Amazon facilities.
- The need to park offsite has led to conflicts with workers servicing Amazon warehouses:
 - Several lawsuits filed against Amazon’s subcontracted van companies that list Amazon as a joint employer have previously alleged violations of wage & hour laws because they were required to park and pick up their delivery vehicles offsite but Amazon did not compensate them for the time spent traveling from their offsite parking locations to their workplaces.
 - The issue was a central grievance that led to a 2019 walkout of workers in an Amazon warehouse in Minnesota.⁹

O2-9

Despite these problems, the proposed project will only include 123 parking spaces.¹⁰ This stands in contrast to other Amazon last mile projects currently under development:

- Smithtown, NY: 309 parking spaces, 64,000 sq. ft.
- Westbury, NY: 237 parking spaces, 40,113 sq. ft.
- Garden City, NY: 175 parking spaces, 100,000 sq. ft.
- Peabody, MA: 1,181 parking spaces (313 regular spaces, 868 fleet storage spaces), 183,000 sq. ft.

Community Development & Jobs:

The Initial Study (on Page 109) discusses the project’s “Community Development Element,” stating that it aligns with the City of Irwindale’s goal to “promote development that will benefit the community as a whole in terms of both jobs and revenue generation.” The Initial Study notes that the project “is anticipated to add approximately 72 new jobs.”¹¹ City officials may be disappointed in the jobs created, if this is a facility run by Amazon, which has become known for poor quality, dangerous jobs:

O2-10

⁸ “Online Spending to Hit a New Record,” CBS News Transcript, December 2, 2019.

⁹ “News Watch,” Labor Notes, September 1, 2019.

¹⁰ Page 25 of the Initial Study.

¹¹ Page 55 of the Initial Study.

1. Response to Comments

Negative Impact on Wages:

- According to Bureau of Labor Statistics data for 68 counties where a large Amazon facility was opened, the average compensation for the industry declined more than 6% in the two years after opening.¹²
- A U.S. Government Accountability Office report from October 2020¹³ cited in several articles found that in the nine states covered, more than 4,000 Amazon employees receive SNAP food assistance.
- Pre-pandemic research found that warehouse workers in areas with an Amazon facility earned about 10% less than similar workers elsewhere.¹⁴

O2-10
cont'd

Injury Rates Associated with Amazon Facilities:

- OSHA data for 2020 shows that the serious injury rate at Amazon warehouses – meaning workers were hurt badly enough to miss work or be placed on light duty – was almost 80% higher than the entire warehousing industry at 5.9 serious injuries for every 100 Amazon workers.^{15 16}
- Despite touting millions spent on safety, internal data show that Amazon leaders went to great lengths to hide an ongoing, and worsening, safety crisis at company warehouses across the U.S.¹⁷

Amazon Employment Churn: Data shows that when Amazon moves into a county, turnover rates for the entire county skyrocket – in just 2 years, a new Amazon facility increases the turnover rate for warehousing and storage employees an average of 30%.¹⁸ In California, researchers found that the average turnover rate in “Amazon” counties for warehouse workers more than doubled in the years between 2011 (a year before Amazon’s first fulfillment center opening) and 2017, from 38.1% to 100.9%.¹⁹

Conclusion:

For the foregoing reasons, we respectfully request that the City of Irwindale reject the proposed IS/MND, or impose conditions on the ultimate use of the property that would justify the assumptions in the IS/MND.

O2-11

Sincerely,



Ron Herrera,
Secretary Treasurer
Teamsters Local 396

¹² Bloomberg, [Amazon Has Turned a Middle-Class Warehouse Job into a McCareer](#), December 2020.

¹³ U.S. Government Accountability Office Report to the Ranking Member, Committee on the Budget, U.S. Senate. FEDERAL SOCIAL SAFETY NET PROGRAMS: Millions of Full-Time Workers Rely on Federal Health Care and Food Assistance Program. <https://www.gao.gov/assets/gao-21-45.pdf>. October 2020.

¹⁴ The Economist, [What Amazon does to wages](#), January 2018.

¹⁵ The Washington Post, [Amazon warehouse workers suffer serious injuries at higher rates than other firms](#), June 2021.

¹⁶ Strategic Organizing Center, [Primed for Pain: Amazon's Epidemic of Workplace Injuries](#), May 2021.

¹⁷ Reveal, [How Amazon Hid Its Safety Crisis](#), September 2020.

¹⁸ The New York Times, [Inside Amazon's Employment Machine](#), June 2021.

¹⁹ National Employment Law Project, [Amazon's Disposable Workers: High Injury and Turnover Rates at Fulfillment Centers in California](#), March 2020.

1. Response to Comments

O2. Response to Comments from Ron Herrera, Secretary Treasurer, Teamsters, dated January 19, 2022.

O2-1 The commenter asserts that the Mitigated Negative Declaration (MND) is substantively insufficient given the likelihood of significant environmental impacts that are not adequately studied or mitigated by the proposed mitigation measures. The commenter states that the City should either reject the proposed Initial Study/Mitigated Negative Declaration (IS/MND) or prepare a full Environmental Impact Report (EIR).

The IS/MND fully discloses potential environmental impacts and mitigation, as appropriate, and reduces impacts to below significance. See response to comments O2-3 through O2-10, which provide detailed responses to the commenter's specific assertions.

O2-2 The commenter provides a summary of the proposed project. No further response required.

O2-3 The commenter states that despite the Initial Study's description that the future tenant is unknown and speculative, it seems likely that the project will be an Amazon "last mile" delivery station. This assertion is followed by a bullet list of speculative data regarding Amazon delivery stations, Rexford Industrial Realty's operations, and Irwindale's policy regarding e-commerce.

The commenter's suggestion that the proposed project is intended as an Amazon last mile delivery facility is pure speculation and incorrect. As described in the Initial Study, the future tenants and users for the proposed warehouse and manufacturing facility have not been determined. The warehouse has been designed to specifications that fit the project description in the IS/MND. Moreover, the analysis, including the technical analysis for transportation, air quality, greenhouse gas emissions, and noise, have all been prepared consistent with requirements for a "spec" warehouse (see also the responses to Comments A1-3 and O2-4).

Last-mile, e-commerce warehouses require certain structural specifications that are either incorporated in the design of a building prior to construction or require retrofitting to an existing structure. The City also mandates specific parking requirements based on the intended uses of a building. The proposed building is not designed to accommodate an Amazon last-mile facility, and the proposed parking would not comply with the City's requirements for such a facility. The proposed project has been designed and will be constructed to accommodate a warehouse/manufacturing facility, as described in the project description. Future tenants/uses at this point remain speculative.

Furthermore, future occupancy by Amazon or similar e-commerce tenant would require additional permitting by the City. Approval of the IS/MND for the proposed project would not accommodate this kind of use without further review and approval. To address the concerns of this commenter as well as the recommendation from Caltrans (see

1. Response to Comments

Response A1-3) regarding the potential for VMT to exceed the screening level used in the Initial Study, the City will require the following Condition of Approval:

Prior to the issuance of any occupancy or tenant improvement permit, the proposed tenant(s) shall provide a site-specific trip generation technical memo demonstrating that the average daily vehicle trips do not exceed 362 daily PCE (passenger car equivalent) trips, 45 PCE AM trips, 46 PCE PM trips, and 197 daily passenger car trips. The City will regularly and continually monitor the actual trips generated by the project and enforce the maximum limit of allowable trips. If the project applicant/owner proposes to exceed any limits, additional traffic analyses and VMT (vehicle miles traveled) analysis shall be reviewed and approved by Director of Engineering. If the VMT exceeds the applicable threshold at the time of subsequent review, the issuance of the respective permit shall be subject to CEQA review. The owner/applicant shall be solely responsible for all costs related to analyses, peer review, monitoring, and enforcement.

This Condition of Approval would ensure that any environmental impacts that arise from Amazon or similar tenant occupying the proposed project would be evaluated prior to the issuance of any occupancy permits.

- O2-4 Specific information relating to the future occupant / tenant is currently unknown, and the land use data provided by the project team and agreed upon by the City of Irwindale was used in the traffic analysis. See new Condition of Approval in response to Comment O2-3.
- O2-5 Please refer to Responses O2-3 and O2-4.
- O2-6 Specific information relating to the future occupant / tenant is currently unknown, and the land use data provided by the project team and agreed upon by the City of Irwindale was used in the traffic analysis. See the condition of approval in response to Comment O2-3.
- O2-7 The commenter notes that the Health Risk Assessment incorporated as Appendix B of the IS/MND does not reflect toxic air contaminants (TAC) that would arise from the higher truck trips generated from an Amazon last-mile delivery station. The commenter requests that this scenario be analyzed in the IS/MND.

Amazon last-mile facilities generally generate fewer heavy- and medium-duty truck trips than manufacturing and warehousing uses as analyzed in the IS/MND. Heavy- and medium-duty trucks typically use diesel, which generates TACs associated with health impacts to sensitive receptors. An Amazon last-mile delivery station would result in an increase in passenger and light-duty trucks that typical use gasoline or are electric vehicles.

1. Response to Comments

Therefore, the Health Risk Assessment in the IS/MND is a more conservative analysis when it comes to health risk.

Nevertheless, and in reference to the response to comment O2-3, the City will impose a Condition of Approval that would ensure that any environmental impacts that arise from Amazon occupying the proposed project would be evaluated prior to the issuance of any occupancy permit.

The commenter also reiterates the point that ITE codes 155 and 156 should have been used for this project. Please refer to the response to comment O2-4 regarding the traffic analysis methodology.

- O2-8 Please refer to the response to comments O2-3 and O2-7. Additionally, the commenter notes that the analysis of TACs and their health risks in the IS/MND only addresses the increased health risk caused by stationary sources on the site itself, ignoring the potential for emissions caused from vehicles. The Health Risk Assessment considers the health impact to sensitive receptors (including residential uses and schools) from diesel trucks and diesel-fueled off-road equipment (i.e., forklifts and yard trucks) operating on the site. Operational emissions from trucks were evaluated for diesel trucks traveling on-site over the ingress and egress driveways and idling at truck loading areas as well as the emissions from diesel trucks traveling to and from the site along surface streets (Azusa Canyon Road and Los Angeles Street).
- O2-9 The commenter indicates that the proposed project's parking is insufficient. Please see Response O2-3. The commenter is correct in noting that the project would not comply with requirements for an Amazon last-mile facility. The project has not been designed for such use. Nevertheless, CEQA does not require an evaluation of parking impacts.
- O2-10 The commenter states that the proposed project would create poor-quality, dangerous, and lower-paying jobs that may result in work-related injuries and high turnover rates. These are not CEQA-related issues; however, the comment is noted and will be forwarded to decision makers.
- O2-11 Please refer to Responses O2-3 through O2-10.

1. Response to Comments

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1. Response to Comments

LETTER O3 – Lozeau Drury, LLP, Supporters Alliance for Environmental Responsibility (SAFER) (1 page)



O3

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Via Email

January 19, 2022

Brandi Jones, Senior Planner
Community Development Department
City of Irwindale
16102 Arrow Highway, Second Floor
Irwindale, CA 91706
BJones@IrwindaleCA.gov

Re: Comment on Mitigated Negative Declaration, 4416 Azusa Canyon Road (SCH 2021120500)

Dear Ms. Jones:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared for the 4416 Azusa Canyon Road Project (SCH 2021120500), including all actions related or referring to the proposed construction of a concrete tilt-up warehouse, office, and manufacturing facility with a footprint of 125,500 square feet, located at the northeastern corner of the Azusa Canyon Road / Los Angeles Street intersection, on APN 8417-004-006, in the City of Irwindale ("Project").

After reviewing the IS/MND, we conclude the IS/MND fails as an informational document, and that there is a fair argument that the Project may have adverse environmental impacts. Therefore, we request that the City of Irwindale ("City") prepare an environmental impact report ("EIR") for the Project pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000, et seq.

We reserve the right to supplement these comments, including but not limited to at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

Richard Drury

03-1

1. Response to Comments

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1. Response to Comments

O3. Response to Comments from Richard Drury, Lozeau Drury LLP, SAFER, dated January 19, 2022.

O3-1 The commenter states that the Initial Study/Mitigated Negative Declaration (IS/MND) fails as an informational document and there is a fair argument that the proposed project may have adverse environmental impacts, and therefore, an Environmental Impact Report should be prepared.

The commenter's statement is unsubstantiated. Since the commenter does not describe specific areas of inadequacies in the CEQA analysis or conclusions, it is not possible to address this allegation. Therefore, no changes to the Initial Study/Mitigated Negative Declaration are necessary.

1. Response to Comments

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EXHIBIT "G"

February 2022 | Mitigation Monitoring and Reporting Program

4416 AZUSA CANYON ROAD

City of Irwindale

Prepared for:

City of Irwindale

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Table of Contents

Section	Page
MITIGATION MONITORING AND REPORTING PROGRAM.....	1
1. PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM	1
2. PROJECT LOCATION.....	2
3. PROJECT SUMMARY.....	2
4. MITIGATION MONITORING	3

List of Tables

Table	Page
Table 1 Mitigation Monitoring Requirements	3

Table of Contents

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Mitigation Monitoring and Reporting Program

1. PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program has been developed to provide a vehicle by which to monitor mitigation measures and conditions of approval outlined in the 4416 Azusa Canyon Road Initial Study/Mitigated Negative Declaration (IS/MND), State Clearinghouse No. 2021120500. The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with Section 21081.6:

- (a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:
 - (1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.
 - (2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

The State CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation. The City of Irwindale is the lead agency for the 4416 Azusa Canyon Road project and is therefore responsible for implementing the MMRP. The MMRP has been drafted to meet the requirements of Public Resources Code Section 21081.6 as a fully enforceable monitoring program.

The MMRP consists of the mitigation program and the measures to implement and monitor the mitigation program. The MMRP defines the following for the mitigation measure outlined in Table 1, *Mitigation Monitoring Requirements*:

- **Definition of Mitigation.** The mitigation measure contains the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.
- **Responsible Party or Designated Representative.** Unless otherwise indicated, the project applicant is the responsible party for implementing the mitigation, and the City of Irwindale or a designated

Mitigation Monitoring and Reporting Program

representative is responsible for monitoring the performance and implementation of the mitigation measures. To guarantee that the mitigation measure will not be inadvertently overlooked, a supervising public official acting as the Designated Representative is the official who grants the permit or authorization called for in the performance. Where more than one official is identified, permits or authorization from all officials shall be required.

- **Time Frame.** In each case, a time frame is provided for performance of the mitigation measure or review of evidence that mitigation has taken place. The performance points selected are designed to ensure that impact-related components of project implementation do not proceed without establishing that the mitigation is implemented or ensured. All activities are subject to the approval of all required permits from local, state, and federal agencies with permitting authority over the specific activity.

The numbering system in Table 1 corresponds with the numbering system used in the IS/MND. The last column of the MMRP table will be used by the parties responsible for documenting when implementation of the mitigation measure has been completed. The ongoing documentation and monitoring of mitigation compliance will be completed by the City of Irwindale. The completed MMRP and supplemental documents will be kept on file at the City of Irwindale Community Development Department.

2. PROJECT LOCATION

The approximately 5.89-acre project site is in the southeastern portion of Irwindale in Los Angeles County. The city is approximately 20 miles east of downtown Los Angeles, with neighboring cities of West Covina, Baldwin Park, the unincorporated area of Vincent, Azusa, Duarte, El Monte, North El Monte, and Monrovia. The project site is at the northeastern corner of the Azusa Canyon Road/Los Angeles Street intersection. It is bound by Big Dalton Wash to the north, Los Angeles County Metro (LA Metro) railroad and Los Angeles Street to the south, a railroad spur to the east, and Azusa Canyon Road to the west. The project site's Assessor's Parcel Number is 8417-004-006.

Regional access to the project site is from Interstate 10 (I-10), approximately 1.4 miles to the south via North Orange Avenue, West San Bernardino Road, and Azusa Canyon Road, and from I-605 approximately 2.5 miles to the northwest via Live Oak Avenue, Arrow Highway, and Azusa Canyon Road. State Route 39 (SR-39) also provides regional access to the project site and is approximately 2 miles east of the site. Local access to the project site is via Azusa Canyon Road and Los Angeles Street.

3. PROJECT SUMMARY

The project applicant proposes to develop the 5.89-acre project site with a stand-alone concrete tilt-up warehouse, office, and manufacturing facility at the project site. The warehouse and manufacturing businesses would operate out of a proposed building that would encompass a total of 129,830 square feet, with 17,000 square feet of manufacturing space, 103,670 square feet of warehousing space, and 9,160 square feet of ancillary office space to support the industrial and warehousing tenant(s). The proposed project would also include 18 dock door positions within a secured truck court area on the southeastern side of the site. Other project components include vehicular and pedestrian access and circulation improvements, asphalt parking areas, utility and infrastructure improvements, and various hardscape and landscape improvements.

Mitigation Monitoring and Reporting Program

4. MITIGATION MONITORING

Table 1 Mitigation Monitoring Requirements

Mitigation Measure		Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
3.3 Air Quality					
AQ-1	Prior to issuance of a business license, if a prospective business tenant has the potential to emit nuisance odors beyond the property line, an odor management plan shall be prepared by the prospective business tenant, subject to review and approval by the City of Irwindale Community Development Department or Planning Commission. Types of uses that have the potential to generate nuisance odors include, but are not limited to: • Wastewater treatment plants • Composting, green waste, or recycling facilities • Fiberglass manufacturing facilities • Painting/coating operations • Large-capacity coffee roasters • Food-processing facilities The odor management plan shall show compliance with the SCAQMD's Rule 402 for nuisance odors. The odor management plan shall identify the best available control technologies for toxics (T-BACTs) that will be utilized to reduce potentially odors to acceptable levels, including appropriate enforcement mechanisms. T-BACTs may include but are not limited to scrubbers (i.e., air pollution control devices) at the industrial facility.	Prospective Business Tenant	Prior to the issuance of a business license	City of Irwindale Community Development Department	
3.5 Cultural Resources					
CUL-1	If construction personnel, including the Native American monitor, identify cultural resources during ground-breaking activities, they shall inform the site construction superintendent who shall notify the City and project applicant. The project applicant shall then contact a qualified archaeologist and all work must halt within 50 feet of the find until the archaeologist can determine the	Project Applicant, Qualified Archaeologist	During ground-breaking activities	City of Irwindale Community Development Department Building and Safety	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure		Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
significance. No soil shall be exported from within the 50-foot buffer around the find until a determination of significance is made. The qualified archaeologist will also determine if archaeological monitoring is warranted. If the qualified archaeologist determines that the find qualifies as a significant cultural resource, the archeologist shall make recommendations on the treatment and disposition of the deposits, which shall be developed in accordance with all applicable provisions of California Public Resource Code Section 21083.2 and State CEQA Guidelines Sections 15064.5 and 15126.4. If significant cultural resources are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan. The archaeologist shall prepare a final report describing monitoring methods and results that includes a catalog of all cultural resources identified for submission to the City. The City shall determine disposition of collected cultural resources, which may include return to landowner/applicant, transfer to a consulting Native American group, donation to school or museum, or long-term curation at an approved curation facility. The applicant shall be financially responsible for costs associated with cultural resources monitoring, including artifact curation, up to the limits imposed by Public Resources Code Section 21083.2.					
3.7 Geology and Soils					
GEO-1	If construction personnel, including the Native American monitor, identify paleontological resources during ground-disturbing activities, they shall inform the site construction superintendent who will notify the City and project applicant. The project applicant shall then contact a qualified paleontologist and all ground-disturbing activity shall cease in the immediate area of the find (within a 50-foot buffer) until the paleontologist can evaluate the find. If the discoveries are determined to be significant, full-time paleontological monitoring will be recommended for the remainder	Project Applicant, Qualified Paleontological	During ground-disturbing activities	City of Irwindale Community Development Department Building and Safety	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure		Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
of ground disturbance for the project. Paleontological monitoring shall entail the visual inspection of excavated or graded areas and trench sidewalls. If a paleontological resource is discovered, the monitor shall have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and collected. Monitoring efforts can be reduced or eliminated at the discretion of the project paleontologist. Upon completion of fieldwork, all significant fossils collected shall be prepared in a properly equipped paleontology laboratory to a point ready for curation. Preparation shall include the careful removal of excess matrix from fossil materials and stabilizing and repairing specimens, as necessary. Following laboratory work, all fossil specimens shall be identified to the most specific taxonomic level possible, cataloged, analyzed, and delivered by the Natural History Museum of Los Angeles County for permanent curation and storage. The cost of curation is assessed by the repository and shall be the responsibility of the project applicant. At the conclusion of laboratory work and museum curation, a final Paleontological Monitoring Report shall be prepared describing the results of the paleontological mitigation monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project area geology and paleontology, a list of taxa recovered, an analysis of fossils recovered and their scientific significance, and recommendations. A copy of the report shall be submitted to the Natural History Museum of Los Angeles County.					
3.9 Hazards and Hazardous Materials					
HAZ-1	Any subsurface materials exposed during construction activities that appear suspect for contamination, either from visual staining or odors, shall require immediate cessation of excavation activities. Soils suspected of contamination shall be tested for potential contamination. If contamination is found to be present per the	Project Applicant, Construction Contractor	During construction activities	City of Irwindale Community Development Department Building and Safety	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure		Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
Department of Toxic Substances Control Screening Levels for industrial/commercial land use (DTSC-SLi) and the EPA Regional Screening Levels for industrial/commercial land use (EPA-RSLi), contaminated soils shall be transported and disposed of per state regulations to an appropriately permitted landfill.					
3.17 Transportation					
T-1	Prior to the issuance of occupancy permits, the project applicant shall provide the following improvements at the intersection of Azusa Canyon Road and Los Angeles Street: • A new crosswalk on the east leg of the intersection. • A new crosswalk on the west leg of the intersection. • Restrict on-street parking on the south side of Los Angeles Street, east of Azusa Canyon Road, within 150 feet of the intersection. • Restrict on-street parking on the east side of Azusa Canyon Road, north of Los Angeles Street within 150 feet of the intersection. • Review sight distance and other safety considerations prior to finalization of the proposed driveways.	Project Applicant	Prior to issuance of occupancy permits	City of Irwindale Public Works/Engineering Department	
3.18 Tribal Cultural Resources					
TCR-1	The City of Irwindale shall notify the Gabrielino Tongva Indians of California Tribal Council if prehistoric materials, including Native American burial remains, are found. Any notification by the City of Irwindale to the Tribe of the discovery of burial remains shall be separate from the Native American Heritage Commission (NAHC) process and shall occur regardless of whether the NAHC designates the Tribe as Most Likely Descendant. If Native American burial remains are found, the Tribe shall engage the City of Irwindale in formal Native American consultation.	City of Irwindale	In the event that prehistoric and/or burial remains are found	City of Irwindale Community Development Department	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
TCR-2	A Native American monitor from the Gabrieleño Band of Mission Indians – Kizh Nation shall be retained prior to commencement of ground-disturbing activities: - The project applicant shall retain a Native American monitor (or approved by) the Gabrieleño Band of Mission Indians – Kizh Nation the direct lienal descendants of the project location. The monitor shall be retained prior to the commencement of any ground-disturbing activity for the subject project, at all project locations (i.e., both onsite and any off-site locations that are included in the project description and/or required in connection with the project such as public improvement work). Ground-disturbing activity includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring grading, excavation, drilling, trenching. - A copy of the executed monitoring agreement shall be provided to the City of Irwindale prior to the commencement of any ground-disturbing activity for the project, or the issuance of permit necessary to commence a ground-disturbing activity. - The project applicant shall provide the Tribe with a minimum of 30 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project. - The project applicant shall hold at least one pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where a senior member of the Gabrieleño Band of Mission Indians – Kizh Nation shall inform and educate the project's construction and managerial crew and staff members (including any project subcontractors and consultants) about the tribal cultural resources mitigation measures and compliance obligations, as well as places of significance located on the project site (if any), the appearance of potential tribal cultural resources, and other informational and	Project Applicant, Native American Monitor	Prior to commencement of ground-disturbing activities	City of Irwindale Community Development Department	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
	operational guidance to aid in the project's compliance with the mitigation measures. - The Native American Monitor shall complete daily monitoring logs that shall provide descriptions of the relevant ground disturbing activities, the type of construction activities performed; locations of ground-disturbing activities; soil types; cultural-related materials; and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs shall identify and describe any discovered tribal cultural resources, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the project applicant and/or lead agency upon written request. - Native American monitoring for the project shall conclude upon the latter of the following: (1) written confirmation from a designated project point of contact to the Tribe that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site project location are complete; or (2) written notice by the Tribe to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the project site and at any off-site project location possess the potential to impact tribal cultural resources.				
TCR-3	Discovery of tribal cultural resources, human remains, and or grave goods: Upon the discovery of a tribal cultural resource, all construction activities in the immediate vicinity of the discovery (i.e., not less than surrounding 50 feet) shall cease. The Gabrieleño Band of Mission Indians – Kizh Nation shall be immediately informed of the discovery, and the Kizh monitor shall promptly report to the	Project Applicant, Construction Contractor	Upon discovery of tribal cultural resources, human remains, or grave goods	City of Irwindale Community Development Department	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
location of the discovery to evaluate the tribal cultural resource and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 feet of the discovered tribal cultural resource unless and until the Tribe has completed its assessment, evaluation and recovery of the discovered tribal cultural resource and surveyed the surrounding area. • The Tribe shall recover and retain all discovered tribal cultural resources in the form and/or manner the Tribe deems appropriate in its sole discretion, and for any purpose the Tribe deems appropriate, including but not limited to, educational, cultural and/or historic purposes. • If Native American human remains and/or grave goods are discovered or recognized on the project site or at any off-site project location, then all construction activities shall immediately cease. Native American human remains are defined to include an inhumation or cremation, and in any state of decomposition or skeletal completeness (Pub. Res. Code § 5097.98(d)(1)). Funerary objects, referred to as associated grave goods, shall be treated in the same manner and with the same dignity and respect as human remains. (Pub. Res. Code § 5097.98(a), (d)(1) and (2). • Any discoveries of human skeletal material or human remains shall be immediately reported to the County Coroner (Health & Safety Code § 7050.5(c); 14 Cal. Code Regs. §15064.5(e)(1)(B)), and all ground-disturbing project ground-disturbing activities on site and in any other areas where the presence of human remains and/or grave goods are suspected to be present, shall immediately halt and remain halted until the coroner has determined the nature of the remains (14 Cal. Code Regs. § 15064.5(e)). If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, within				

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
	24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed. • Thereafter, construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or grave goods, if the Tribe determines in its sole discretion that resuming construction activities at that distance is acceptable and provide the project manager express consent of that determination (along with any other mitigation measures the Tribal monitor and/or archaeologist deems necessary) (14 Cal. Code Regs. § 15064.5(f)). Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods. • Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes. • Any discovery of human remains and/or grave goods discovered and/or recovered shall be kept confidential to prevent further disturbance.				
TCR-4	• Procedures for burials, funerary remains, and grave goods: • As the Most Likely Descendant ("MLD"), the Koo-nas-gna Burial Policy shall be implemented for all discovered Native American human remains and/or grave goods. Tribal traditions include, but are not limited to, the preparation of the soil for burial, the burial of funerary objects and/or the deceased, and the ceremonial burning of human remains. • If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created. The prepared soil and	Project Applicant, Construction Contractor, Native American Monitor, Qualified Archaeologist	In the event that Native American remains and/or grave goods are discovered	City of Irwindale Community Development Department	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated grave goods are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, as well as other items made exclusively for burial purposes or to contain human remains. Cremations shall either be removed in bulk or by means necessary to ensure complete recovery of all sacred materials. • In the case where discovered human remains cannot be fully recovered (and documented) on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe shall make every effort to divert the project while keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials shall be removed. • In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. The site of reburial/repatriation shall be agreed upon by the Tribe and the landowner and shall be protected in perpetuity. • Each occurrence of human remains and associated grave goods shall be stored using opaque cloth bags. All human remains, grave goods, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items shall be retained and shall be reburied within six months of recovery.				

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
The Tribe shall work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.				