



CITY OF IRWINDALE

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

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CHICO
VICE-CHAIR

ENOCH Y.
BURROLA
COMMISSIONER

LORETTA
CORPIS
COMMISSIONER

ROBERT E.
HARTMAN
COMMISSIONER

AGENDA FOR THE REGULAR MEETING OF THE

PLANNING COMMISSION

February 19, 2020

6:30 P.M.

IRWINDALE CITY HALL/ COUNCIL CHAMBER

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 from 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).



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: Enoch Y. Burrola, Loretta Corpis, Robert E. Hartman; Vice-Chair Richard Chico; Chair Arthur R. Tapia**

SPONTANEOUS COMMUNICATIONS

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

1. CONSENT CALENDAR

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

A. Minutes

- 1. October 30, 2019
- 2. November 20, 2019
- 3. December 18, 2019

2. NEW BUSINESS

3. PUBLIC HEARINGS

A. **DEVELOPMENT AGREEMENT NO. 01-2019 (JOHN DUONG, CLEAR CHANNEL OUTDOOR)**

Request for a Development Agreement to convert two (2) double-sided static freeway-oriented billboards to digital billboards on property located at 15990 Foothill Boulevard (APN 8604-019-003) in the Reliance II Specific Plan zone. **ENVIRONMENTAL REVIEW:** In accordance with the California Environmental Quality Act (CEQA) of 1970, as amended, and the City of Irwindale environmental guidelines, the City, as the Lead Agency, has analyzed the project and has determined that the Project is exempt from the provisions of CEQA pursuant to Section 15061 (b) (3), which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is NOT subject to CEQA.

Recommendation: Adopt Resolution No. 771(19), Entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL APPROVE DEVELOPMENT AGREEMENT NO. 01-2019 TO ALLOW THE CONVERSION OF TWO (2) DOUBLE-FACED STATIC BILLBOARDS TO DIGITAL DISPLAY BILLBOARDS AT THE SOUTH SIDE OF THE RELIANCE II PROPERTY LOCATED AT 15990 FOOTHILL BOULEVARD (APN 8604-019-003), NORTH OF THE I-210 FREEWAY, IN THE RELIANCE II SPECIFIC PLAN ZONE SUBJECT TO CONDITIONS AS SET FORTH HEREIN AND MAKING FINDINGS IN SUPPORT THEREOF

4. **DISCUSSION ITEMS/PRESENTATIONS**
5. **COMMISSIONER COMMENTS**
6. **LEGAL COUNSEL COMMENTS**
7. **COMMUNITY DEVELOPMENT MANAGER/CITY PLANNER'S REPORT**
8. **AGENDA ITEM REQUESTS BY COMMISSIONERS**
9. **ADJOURN**

AFFIDAVIT OF POSTING

I, Berlyn Aguila, Administrative Secretary, certify that I caused the agenda for the regular meeting of the Irwindale Planning Commission to be held on February 19, 2020 to be posted at the City Hall, Library, and Post Office on February 13, 2020.

Berlyn Aguila

Berlyn Aguila
Administrative Secretary

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

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

Absent: Vice Chair Richard Chico

Also present: William Tam, City Manager; Brandi Jones, Senior Planner; Adrian Guerra, Assistant City Attorney; Edwin Arreola, Planning Technician; Lisa Chou, Planning Technician; Berlyn Aguila, Administrative Secretary

**SPONTANEOUS
COMMUNICATIONS**

DUKE CARL Duke Carl shared that individuals are racing on Fourth Street every Thursday night and asked if the police can follow-up on the matter. Chair Tapia thanked Mr. Carl for notifying them and assured him the matter will be followed up.

CONSENT CALENDAR

ADMINISTRATIVE SECRETARY AGUILA Administrative Secretary Aguila stated that an updated version of the July 31, 2019 minutes were placed on the dais.

ASSISTANT CITY ATTORNEY GUERRA Assistant City Attorney Guerra advised Chair Tapia that members of the audience may speak during Consent Calendar.

JESUS ARMAS Jesus Armas, on behalf of MGA Roll Off Services commented on Item No. 1B.

ASSISTANT CITY ATTORNEY GUERRA Assistant City Attorney Guerra stated the decision made for Conditional Use Permit No. 02-2018. He explained the process that must be followed in the case that Planning Commission decides to reconsider the denial.

CHAIR TAPIA Chair Tapia indicated he upholds his denial for Conditional Use Permit No. 02-2018 and stated that the applicant has 20 days to appeal to City Council.

ITEM NO. 1A MINUTES

The following minutes were approved as presented:

- 1) Regular meeting held June 19, 2019
- 2) Special meeting held July 31, 2019

ITEM NO. 1B

Planning Commission Resolution No. 769(19) denying Conditional Use Permit No. 02-2018

A Motion was made by Chair Tapia, seconded by Commissioner Corpis, to approve the Consent Calendar. The motion was unanimously approved.

NEW BUSINESS

There were no items.

PUBLIC HEARINGS

ITEM NO. 3A

CONDITIONAL USE PERMIT NO. 05-2019 AND ZONE VARIANCE NO. 01-2019 (CHAMBERLAIN UNIVERSITY)

PLANNING
TECHNICIAN
CHOU

Planning Technician Chou reported that this is a request submitted by applicant Cary Owens, on behalf of Chamberlain University. They are requesting a Conditional Use Permit for the establishment of a vocational school and Zone Variance to deviate from the minimum required parking ratio located at 4910 Rivergrade Road.

The presentation included an overview of the following:

- 1) Background and history
- 2) Specific Plan overview
- 3) Project description
- 4) Development Plan and Design Review
- 5) Staff's analysis and findings of fact made to support approval of the proposed project
- 6) Environmental review process for the proposed project

Planning Technician Chou concluded her report and stated that staff's recommendation is that the Planning Commission adopt Resolution No. 772(19), approving Conditional Use Permit No. 05-2019 and Zone Variance No. 01-2019 subject to attendant Conditions of Approval.

CHAIR TAPIA

Responding to an inquiry by Chair Tapia, Planning Technician Chou replied that each classroom will hold 30-40 students and have a maximum of 400 students in the program.

Responding to an inquiry by Chair Tapia, Planning Technician Chou stated that there can be a maximum of 400 students per day.

Chair Tapia asked if handicap parking is included in the 976 parking stalls available and if it will be preferred parking. Planning Technician Chou stated that there will be preferred handicap parking available.

Chair Tapia stated that all requests are taken on a case-by-case depending on the subject matter. Assistant City Attorney Guerra added

that each location is different and the uses are taken into consideration to determine a decision.

COMMISSIONER
BURROLA

Commissioner Burrola asked if there is parking exclusively for Chamberlain University. Planning Technician Chou replied that there are ten designated areas reserved for the building. She also added that the parking areas are not fenced.

Responding to an inquiry by Commissioner Burrola, Planning Technician Chou replied that the parking study analysis was based on the 976 parking stalls for the building.

CHAIR TAPIA

Chair Tapia clarified if there will be a sign posted for the designated parking stalls to prevent other tenants parking there. Planning Technician Chou indicated that she did not have that information.

COMMISSIONER
CORPIS

Commissioner Corpis asked for further clarification on how the lack of 528 parking stalls will be compensated. Planning Technician Chou summarized the parking requirement for general assembly use within the Irwindale Municipal Code. Due to the requirement, the applicant was required to provide a parking study to justify how the lack of parking spaces would meet anticipated demand.

CHAIR TAPIA

Responding to an inquiry by Chair Tapia, Senior Planner Jones indicated that staff is in the process of updating the Request For Proposal for a Comprehensive Zoning Code Update that can take up to 18 months. In the meantime, Chapter 17.64 in the Irwindale Municipal Code can be modified.

Chair Tapia asked if the entire zoning code will take a few years to update. Senior Planner Jones suggested that modifying one chapter would be quicker.

COMMISSIONER
BURROLA

Commissioner Burrola asked for further clarification in regards to parking area 8 being enumerated when the Parking Study was published. Planning Technician Chou explained that during the Parking Study, another agency was leasing parking area 8 because their parking area was under construction.

Commissioner Burrola asked if it is currently a factor. Planning Technician Chou indicated that it is not.

OPEN PUBLIC
HEARING

At 6:59 p.m., Chair Tapia opened the public hearing.

DAMIAN
CATALAN

Damian Catalan, agent for the applicant, stated that he is available to answer any questions.

COMMISSIONER

Responding to an inquiry by Commissioner Burrola, Damien Catalan

- BURROLA specified that the applicant contracted More Services for the Parking Study and introduced other members working on the project and are available to answer any questions.
- COMMISSIONER CORPIS Commissioner Corpis asked what the school's maximum number of students is and what would be done if the university surpasses the maximum number of students. Damien Catalan explained that they are expected to start with 35-40 students over the course of 6 years, but comparing sliding scales of similar schools, it can potentially scale up to 400 students. He also added that in the case of reaching maximum capacity, it will be brought forward to Planning Commission again.
- CHAIR TAPIA Responding to several questions by Chair Tapia, Kim Lamar addressed the graduation rate of 67%, tuition cost of approximately \$88,000-\$90,000 varying on transferable credits, the type of degree received and explained the university's accreditation.
- CLOSE PUBLIC HEARING There being no speakers, Chair Tapia closed the public hearing at 7:04 p.m.
- CHAIR TAPIA Chair Tapia asked if the applicant will have to comply with the updated Zoning Code once it gets completed and if the Variance will still be effective. Assistant City Attorney Guerra replied that the parking requirements will be similar to what is stated in the parking study even after the Zoning Code Update. Senior Planner Jones stated that she is unsure of the proposed parking ratio.
- ASSISTANT CITY ATTORNEY GUERRA Assistant City Attorney Guerra clarified that a Variance is attached to the property and will set forth with the conditions in the approval and will not have to comply with any new requirements. He also advised staff to review the parking ratio once the Zoning Code Update has been completed.
- CHAIR TAPIA Responding to an inquiry by Chair Tapia, Assistant City Attorney Guerra agreed that granting multiple Variances can become an issue.
- MOTION A Motion was made by Commissioner Corpis, seconded by Commissioner Hartman to accept the recommended motion as read.
- ITEM NO. 3B SITE PLAN AND DESIGN REVIEW (DA) No. 01-2018 (FLP IRWINDALE LLC, C/O OVERTON MOORE PROPERTIES)
- SENIOR PLANNER JONES Senior Planner Jones reported that this item was a request for the construction of two (2) speculative industrial tilt-up buildings totaling ±233,984 square feet and associated passenger vehicle and trailer parking.
- Senior Planner Jones stated staff's recommendation was that the Planning Commission to recommend that 1.)City Council adopt the

mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) 2.) Recommend that the City Council approve Site Plan and Design Review (DA) No. 01-2018 subject to the City Council adoption of the MND and MMRP, subject to the attached Conditions of Approval.

CHAIR TAPIA

Responding to several questions by Chair Tapia, Senior Planner Jones stated that Parcel One is zoned both M-1 (Light Manufacturing) and M-2 (Heavy Manufacturing) and Parcel Two is zoned M-2 (Heavy Manufacturing), while using the stricter standards of the M-1 (Light Manufacturing) zone overall. She also added that most uses in that zoning area are Commercial Manufacturing therefore, proposing a zone change to M-2 to be consistent.

COMMISSIONER
BURROLA

Commissioner Burrola asked who owns the Reciprocal Access Agreement. Senior Planner Jones indicated that the Reciprocal Access Agreement is owned by the property owner because it has no relation with the public right away. The Reciprocal Access Agreement allows access through Parcel One to get to Parcel Two.

Commissioner Burrola asked for further clarification on the Reciprocal Access Agreement. Assistant City Attorney explained that the Reciprocal Access Agreement will continue with the land and if the agreement is not recorded with the property, it will not be approved.

Responding to an inquiry by Commissioner Burrola, Senior Planner Jones advised that nothing can be built across property lines. She also explained the need for a Reciprocal Parking Agreement and added that Parcel One has to have two zoning designations although it is split.

Commissioner Burrola expressed concern over having two parcels instead of four parcels will cause any issues. Senior Planner Jones indicated that the Reciprocal Access Agreement will be recorded to avoid any issues.

CHAIR TAPIA

Chair Tapia asked if times of operation can be included as a Condition of Approval. Senior Planner Jones replied that the time of operation can be included in the Conditions of Approval if needed.

COMMISSIONER
BURROLA

Commissioner Burrola asked if certain uses for the tilt ups will have to be brought forward to the Planning Commission. Senior Planner Jones stated that the only uses that require a Conditional Use Permit will be brought forward to the Planning Commissioner for a decision. She also added that some uses are permitted by right, such as an office, general warehousing or storage.

Commissioner Burrola asked if staff knows what type of uses will be occupying the tilt-up. Senior Planner Jones stated that staff does not take the tenant in consideration when reviewing the application.

Responding to an inquiry by Commissioner Burrola, Assistant City Attorney Guerra reported that entitlements have to be established before finding a user.

Commissioner Burrola asked if the building must be occupied in order to issue an Occupancy Permit. Senior Planner Jones explained the difference between an Occupancy Permit and Certificate of Occupancy. She also added that when the tenant applies for an Occupancy Permit, staff will determine whether the use is permitted by right, permitted at all or requires a Conditional Use Permit.

Commissioner Burrola asked if the building permits will be brought forward to the Planning Commission. Senior Planner Jones indicated that the Planning Commission is the recommending body for City Council. Building and Safety issues the building permits.

Commissioner Burrola asked for further clarification on determining the front or rear yard for building two. Senior Planner Jones stated that the yard facing west is determined as the front yard although the Irwindale Municipal Code does not require a side or rear yard unless it is adjacent to a residential zone.

Responding to an inquiry by Commissioner Burrola, Senior Planner Jones replied that another industrial park is located to the east of Parcel Two and the only residential area is located across the street in the City of Baldwin Park.

COMMISSIONER
HARTMAN

Commissioner Hartman congratulated Senior Planner Jones on her report.

COMMISSIONER
BURROLA

Commissioner Burrola noted a few trailer parking spaces on the east side of the building and asked for further clarification. Senior Planner Jones indicated that the trailer parking is to accommodate a potential user, but not to be used as additional storage. Most users that are warehousing have trailers.

Commissioner Burrola referenced another business whose primary use is outdoor storage and/or trailer parking. Senior Planner Jones stated that other location are used to rent parking spaces for trailers, RVs and outside storage therefore, those specific locations are subject to a Conditional Use Permit.

OPEN PUBLIC
HEARING

At 7:38 p.m., Chair Tapia opened the public hearing.

- JASON HINES Jason Hines introduced himself as the applicant and representative for Overton Moore Properties. He thanked City staff for working on the project and thanked the Planning Commissioner for the opportunity. He introduced the architect, general contractor and their financial partner and stated that they were all available to answer any questions that the Planning Commission might have.
- ERNESTO PANTOJA Ernesto Pantoja from Labors Local 300 stated his support for this project. He explained that Labors Local 300, an apprentice program, gives members of the community a second chance to start a new career and build a better life for their families. He also shared the history of the program. Chair Tapia asked if the school is located in El Monte and shared memories of when he was part of the program. Ernesto Pantoja replied that the program was previously known as Labors Local 282.
- JASON BIAS Jason Bias, member of Labors Local 300, stated his support for the project because it will give local members of the community an opportunity to learn valuable trades. He also shared a personal success story in relation to the union.
- JOSH BOURGEOIS Josh Bourgeois, from Golden State Environmental Justice Alliance, stated that he stands by the comment letter he provided regarding the study.
- ROGELIO REYES Rogelio Reyes, member of Labors Local 300, stated his support for the project because it provides an opportunity to further the trade and helping other members of the community. Chair Tapia assured Rogelio Reyes of his great work.
- CHAIR TAPIA Responding to an inquiry by Chair Tapia, Ernesto Pantoja explained that Labors Local 300 has merged with other local unions from Los Angeles County, Ventura County, and San Bernardino County.
- Chair Tapia asked if Hawaiian Gardens has merged with Labors Local 300. Ernesto Pantoja indicated that Hawaiian Gardens is part of Union 1309.
- TONY LOCACCIATO Tony Locacciato introduced himself as a Planning Consultant for Meridian Consultants who helped prepare the comments for the environmental document. Concluding that the comments did not change the analysis, but support the adoption of the Mitigated Negative Declaration.
- CHAIR TAPIA Chair Tapia provided works of encouragement to the members of the Labors Local 300.
- CLOSE PUBLIC HEARING There being no speakers, Chair Tapia closed the public hearing at 7:46 p.m.

COMMISSIONER CORPIS Commissioner Corpis asked if all concerns regarding the Mitigated Negative Declaration were addressed. Tony Locacciatto explained that as part of the Monitoring and Reporting Program, the local Native American Tribes will be consulted during grading activities, as well as noise and traffic mitigation measures will be made during the construction process.

Commissioner Corpis asked for further clarification. Tony Locacciatto stated that City departments work on a measure-by-measure basis.

MOTION A Motion was made by Commissioner Corpis, seconded by Commissioner Hartman to accept the recommended motion as read.

ASSISTANT CITY ATTORNEY GUERRA Assistant City Attorney noted that the motion is for the approval of Resolution Nos. 770(19) and 764(19).

CHAIR TAPIA Chair Tapia commented on enjoying local eating establishments.

COMMISSIONER CORPIS Commissioner Corpis congratulated Senior Planner for her clear and excellent report.

ASSISTANT CITY ATTORNEY GUERRA Assistant City Attorney Guerra advised that this is only to 1) make a recommendation to the City Council to adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and 2) to make a recommendation to the City Council to approve the Site Plan and Design Review.

DISCUSSION ITEMS/ PRESENTATIONS There were no items.

COMMISSIONER COMMENTS

COMMISSIONER HARTMAN Commissioner Hartman commented that the hedges between Fraijo Avenue and Nora Avenue are turning brown.

COMMISSIONER CORPIS Commissioner Corpis stated that a Dead End Sign should be posted before entering Alpha Street.

CHAIR TAPIA Chair Tapia made a comment regarding street striping near the intersection of Irwindale Avenue and Gladstone Street.

COMMISSIONER BURROLA Commissioner Burrola reminded staff that the settlement on the railroad road tracks on Arrow Highway has not been fixed. City Engineer Hanna replied that it has been discussed with Public Works Manager Elizabeth Rodriguez and it is now in process with Union Pacific to be filled.

- CHAIR TAPIA Chair Tapia thanked Administrative Secretary Aguila for the business cards and thanked staff for their hard work.
- Chair Tapia stated that Staff and the Planning Commission need to work together to determine what is best for City of Irwindale. He also suggested having a system that City Council can be aware of what is being brought forward to the Planning Commission.
- Chair Tapia shared that in the past, Redevelopment Agency was a good source of income for the City of Irwindale
- COMMISSIONER BURROLA Commissioner Burrola stated that the Zoning Map needs to be updated in order to reflect the direction the City of Irwindale wishes to develop. He also asked when does the General Plan get updated. Senior Planner Jones indicated that the General Plan gets updates every ten years and she believes the next update will be in 2020. She also added that the Zoning Code update will help to meet those accomplishments.
- COMMISSIONER CORPIS Commissioner Corpis expressed concern over individuals drifting on Fourth and Tapia Streets.
- ADMINISTRATIVE SECRETARY AGUILA Administrative Secretary Aguila asked what time does the drifting typically occur. Commissioners Corpis and Burrola replied that it happens at around 1:00 a.m. or 2:00 a.m. Chair Tapia and Commissioner Hartman agreed that it is very loud.
- SENIOR PLANNER JONES Senior Planner Jones indicated that City Council approved participation in the SB2 Planning Grants Program. The application included approval for having a standard set of plans for accessory dwelling units and help fund the residential zoning requirement update.
- CHAIR TAPIA Chair Tapia requested staff to provide a Robert Rules of Order handbook.
- Chair Tapia welcomed Senior Planner Jones back after an extended absence.
- SENIOR PLANNER JONES Senior Planner Jones asked Commissioner Burrola what day he receives his Planning Commission Packet. Commissioner Burrola indicated that he sometimes receives them on Friday and asked if having 3-4 days to review is standard? Senior Planner Jones stated that the packets are typically prepared on Thursday and are to be immediately delivered.

COMMISSIONER
BURROLA

Commissioner Burrola asked if the Planning Commission can receive standard plans for the accessory dwelling units and if there are different types of units that can be built. Senior Planner Jones replied that if it is a standard unit, there are pre-designed plans.

Responding to an inquiry by Commissioner Burrola, Senior Planner Jones stated that the garage can be converted into an accessory dwelling unit.

LEGAL COUNCIL

There were no items.

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

There were no items.

**AGENDA ITEM
REQUESTS BY
COMMISSIONERS**

There were no items.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 8:12 p.m.

Chair Arthur R. Tapia

Attest:

Berlyn Aguila, Administrative Secretary

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

ROLL CALL:

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

Absent: Commissioner Loretta Corpis

Marilyn Simpson, Community Development Manager/City Planner; Adrian Guerra, Assistant City Attorney; Brandi Jones, Senior Planner; Edwin Arreola, Planning Technician; Lisa Chou, Planning Technician; Berlyn Aguila, Administrative Secretary

SPONTANEOUS COMMUNICATIONS

There were no speakers.

CONSENT CALENDAR

A motion was made by Chair Tapia, seconded by Vice-Chair Chico and Commissioner Hartman, to approve the Consent Calendar. The motion was unanimously approved.

ITEM NO. 1A

MINUTES

The following minutes were approved as presented:

- 1) Regular meeting held August 21, 2019.

NEW BUSINESS

There were no items.

PUBLIC HEARINGS

ITEM NO. 3A

DEVELOPMENT AGREEMENT NO. 01-2019 (JOHN DUONG, CLEAR CHANNEL OUTDOOR)

COMMUNITY
DEVELOPMENT
CITY PLANNER
MARILYN SIMPSON

Community Development Manager/City Planner Simpson reported that this is a request submitted by applicant John Duong on behalf of Clear Channel Outdoor. They are requesting a Development Agreement to allow installations of two (2) two-panel freeway oriented digital display billboards along the south portion of the Reliance II Pit located at 15990 Foothill Boulevard and north of the Interstate 210 Freeway.

Community Development Manager/City Planner Simpson stated that staff's recommendation is that the Planning Commission open the Public Hearing and continue the item to the next regular Planning Commission meeting scheduled for December 18, 2019.

OPEN PUBLIC HEARING

At 6:35 p.m., Chair Tapia opened the public hearing.

ASSISTANT CITY ATTORNEY GUERRA	Assistant City Attorney Guerra advised Chair Tapia to invite the public to speak on the item.
ROBERT DIAZ	Robert Diaz asked questions regarding the project and any City Ordinance for digital billboards.
COMMUNITY DEVELOPMENT MANAGER/CITY PLANNER SIMPSON	Community Development Manager/City Planner Simpson indicated that the item was scheduled for this meeting, but after the public notice was posted, issues arose on the Development Agreement that needed to be reviewed and to allow the applicant some time to respond. City of Irwindale has a current Ordinance that will be referenced during the project presentation, but the billboard is in conformance with the City and California Department of Transportation criteria
CHAIR TAPIA	Chair Tapia asked if the item was posted for today. Community Development/City Planner Simpson stated that the public hearing was published in the newspaper and mailed to the 500-foot radius for the November Planning Commission meeting.
COMMISSIONER BURROLA	Commissioner Burrola asked where he is able to find the requirements, to which Community Development Manager/City Planner Simpson referenced the Zoning Code section for Outdoor Billboards.
ASSISTANT CITY ATTORNEY GUERRA	Assistant City Attorney Guerra asked if the requirements will be included in the Staff Report. Community Development/City Planner Simpson stated that they will be included.
VICE-CHAIR CHICO	Responding to an inquiry by Vice-Chair Chico, Community Development Manager/City Planner Simpson explained that there are currently five static billboards and the proposed Development Agreement is for billboards two and four located west to east on the 210 Freeway.
CHAIR TAPIA	Chair Tapia asked if the item will be presented during the next schedule Planning Commission meeting or if more time is needed. Community Development/City Planner Simpson stated that the recommendation is for the next scheduled meeting.
	Responding to an inquiry by Chair Tapia, Community Development/City Planner Simpson advised that if needed, the item will be scheduled to the following Planning Commission meeting.
MOTION	A Motion was made by Vice-Chair Chico, seconded by Commissioner Hartman to accept the recommended motion as read.
CHAIR TAPIA	Chair Tapia stated that he recognized some members of the public. Community Development Manager/City Planner Simpson indicated

applicants, Edward and Tony Spinrad from Irwindale Partners and resident Robert Diaz are among the members of the audience.

**DISCUSSION ITEMS/
PRESENTATIONS**

ITEM 4A

Planning – Back to Basics

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER MARILYN
SIMPSON

Community Development Manager/City Planner Marilyn Simpson introduced this item and stated that it would be presented by Planning Technicians Edwin Arreola and Lisa Chou.

PLANNING
TECHNICIANS EDWIN
ARREOLA AND
LISA CHOU

Planning Technicians Arreola and Chou's presentation included an overview of the following items:

- Entitlements – Land Use
- Entitlements – Legislative Action
- Entitlements – Subdivision
- Reciprocal Access and Parking Agreement
- California Environmental Quality Act (CEQA)

VICE-CHAIR
CHICO

Vice-Chair Chico asked for further clarification in regards to a Zone Variance. Planning Technician Arreola explained that a Zone Variance is a deviation from the Zoning Code. He also provided an example.

Responding to multiple inquiries by Vice-Chair Chico, Planning Technician Arreola indicated that a Zone Variance will be tied to the use of the land and will be added to the deed. A Zone Variance will be voided if there is a change of use or site.

CHAIR TAPIA

Responding to multiple inquiries by Chair Tapia, Planning Technician Arreola addressed that every Zone Variance is individually reviewed and can only be granted under certain circumstances.

Chair Tapia voiced his concern that certain sites can ask for a Zone Variance. Planning Technician Arreola distinguished the difference between a Conditional Use Permit and a Zone Variance. He added that Zone Variances do not address intent of use.

COMMISSIONER
BURROLA

Commissioner Burrola asked who initiates and approved a Zone Variance. Planning Technician Arreola replied that the applicant initiates the request for a Zone Variance and then it will be brought before the Planning Commission for approval.

VICE-CHAIR

Responding to an inquiry by Vice-Chair Chico, Planning Technician

- CHICO Chou indicated that the type of Lot Line Adjustment depends how many parcels are on site and provided an example. Community Development Manager/City Planner Simpson also added that a Tentative Parcel Map is included in the Subdivision Code and it applies to industrial properties with four or fewer parcels.
- CHAIR TAPIA Responding to a concern by Chair Tapia, Community Development Manager/City Planner Simpson explained that the final approving body is the Planning Commission and the final details of the property will be legally recorded and documented. Commissioner Burrola further commented on the legal recording process.
- Chair Tapia asked if a Reciprocal Parking Agreement is tied to the land. Planning Technician Arreola stated that the Reciprocal Parking Agreement is recorded with the land, but it will not be brought before the Planning Commission.
- Chair Tapia asked if the agreement can be removed, to which Assistant City Attorney Guerra replied that it cannot be removed, but both property owners and the City need to approve the agreement.
- COMMISSIONER BURROLA Responding to a question by Commissioner Burrola, Community Development Manager/City Planner Simpson indicated that the agreement would be created by staff and Assistant City Attorney Guerra. Assistant City Attorney Guerra stated that a standard model form is being created for staff to reference.
- VICE-CHAIR CHICO Vice-Chair Chico asked if the form can be used for all agreements. Assistant City Attorney Guerra replied that it will include consistent principles but the language will vary from project to project.
- CHAIR TAPIA Chair Tapia noted his concern regarding CEQA and circumstances that may change during a ten year period and if CEQA-exempt projects are affected and reviewed again. Community Development Manager/City Planner Simpson gave a brief explanation of statutory and categorical exemptions and explained that CEQA does get updated by the State. She added that when a project is approved and is exempt, it is documented with the Los Angeles County Clerk.
- VICE-CHAIR CHICO Responding to an inquiry by Vice-Chair Chico, Community Development Manager/City Planner Simpson explained that if a project is approved and is not in compliance with the Conditions of Approval, Code Enforcement will be made aware. If needed, projects may be required to provide additional studies. Assistant City Attorney Guerra clarified that environmental reports are informational documents that study the past and what is projected in the future. If there are mitigation measures, they will be enforced.

Vice-Chair Chico asked for additional clarification regarding sound measures included in the Mitigated Negative Declaration. Assistant City Attorney Guerra explained that many cities have a noise ordinance for what is expected for certain uses within the Zoning Code standards. If a report deems noise to be a significant impact, as part of the CEQA process the consultants will recommend options to keep the noise level below the threshold.

Responding to an inquiry by Vice-Chair Chico, Assistant City Attorney Guerra stated that Environmental Impact Reports, Mitigated Negative Declarations and a Negative Declaration are only reports. The Planning Commission can deny a request according to the findings and explained the process if a project has negative findings but is beneficial to the city. Planning Technician Arreola indicated that further explanation is included in the documents provided.

COMMISSIONER
BURROLA

Commissioner Burrola asked whether it would be possible to be more specific on a Conditional Use Permit to include the foundation of the development. Assistant City Attorney Guerra indicated that a Conditional Use Permit is a permitted use-subject to conditions. He also added that the Planning Commission can include specific conditions, but Building and Safety reviews the foundation of a development. Community Development Manager/City Planner Simpson added that Building and Safety and Engineering could request an analysis of the soil.

VICE-CHAIR
CHICO

Vice-Chair Chico asked if Building and Safety can mandate the foundation necessary for the development. Community Development Manager/City Planner Simpson replied that it is part of Building and Safety review during the Plan Check process based on the standards of the adopted Building Code.

ASSISTANT CITY
ATTORNEY GUERRA

Assistant City Attorney Guerra distinguished the difference between what Planning Commission and Building and Safety review.

COMMISSIONER
BURROLA

Responding to several inquiries by Commissioner Burrola, Assistant City Attorney Guerra restated that all reports are informational documents for public review and mitigation elements can be identified to improve a project.

CHAIR TAPIA

Chair Tapia requested a study that indicates how to approach or improve businesses that have been established prior to requiring an Environmental Impact Report, Mitigated Negative Declaration or a Negative Declaration. He also referenced Huy Fong Foods.

Chair Tapia thanked staff for their presentation.

**COMMISSIONER
COMMENTS**

COMMISSIONER HARTMAN Commissioner Hartman commented on the continuing street racing on Tapia Street and 4th Street between the hours of 10:00 p.m. – 11:00 p.m. Community Development Manager/City Planner Simpson replied that she will follow up with Police Chief Henshaw.

CHAIR TAPIA Chair Tapia wished a Happy Thanksgiving and thanked staff, Assistant City Attorney Guerra and residents.

LEGAL COUNCIL There were no items.

COMMUNITY DEVELOPMENT MANAGER/CITY PLANNER'S REPORT Community Development Manager/City Planner Simpson provided the following updates:

1. Holiday City wide closure will be from December 22, 2019 – January 4, 2020 and will be resuming normal business hours on January 6, 2020.
2. Beginning January 6, 2020, the Senior Center will be temporary located at West Covina Welcome Center on Lark Ellen Avenue while the Senior Center is being renovated to be ADA compliant.
3. 5010 Azusa Canyon Road Site Plan and Design Review was approved by City Council.
4. The United States Census 2020 is hiring and provided a flyer.
5. The Environmental Impact Report and the Specific Plan for Park @ Live Oak was place on the dais for Commissioners to review. The project will be brought forward to the Planning Commission on December 18, 2019.
6. Commissioner Corpis gave advanced notification of her absence.

CHAIR TAPIA Chair Tapia asked who can the general public get in contact if they have any questions during the holiday closure. Community Development Manager/City Planner Simpson replied that the general public can contact the Police Department and they will direct them to the appropriate person/department. She also stated that Public works will be available and Code Enforcement will be on-call.

AGENDA ITEM REQUESTS BY COMMISSIONERS

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

Chair Arthur R. Tapia

Attest:

Berlyn Aguila, Administrative Secretary

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

ROLL CALL:

Present: Commissioners Enoch Burrola; Robert E. Hartman; Loretta Corpis; Vice Chair Richard Chico;

Absent: Chair Arthur R. Tapia

Also present: Marilyn Simpson, Community Development Manager/City Planner; Adrian Guerra, Assistant City Attorney; Daniel Co, Assistant Engineer; Edwin Arreola, Planning Technician; Berlyn Aguila, Administrative Secretary

VICE-CHAIR
CHICO

Vice-Chair Chico reported that Chair Tapia will not be present due to illness.

SPONTANEOUS COMMUNICATIONS

There were no speakers

CONSENT CALENDAR

ADMINISTRATIVE
SECRETARY
AGUILA

Administrative Secretary Aguila stated the changes made to the September minutes.

A Motion was made by Commissioner Corpis, seconded by Commissioner Hartman, to approve the Consent Calendar. The motion was unanimously approved.

ITEM NO. 1A

MINUTES

The following minutes were approved as presented

- 1) Regular meeting held September 18, 2019

NEW BUSINESS

There were no items.

PUBLIC HEARINGS

ITEM NO. 3A

TENTATIVE PARCEL MAP NO. 82419 (FORBIX VENTURES LLC)

PLANNING
TECHNICIAN
ARREOLA

Planning Technician Arreola stated that this is a request by Forbix Ventures LLC for a Tentative Parcel Map and staff's recommendation is to continue the item to the next regular Planning Commission meeting of January 15, 2020. Continuing the item will allow staff for additional time for review.

OPEN PUBLIC
HEARING

At 6:33 p.m., Vice-Chair Chico opened the public hearing

MOTION

A motion was made by Commissioner Corpis, seconded by Commissioner Burrola to accept the recommended motion as read.

ASSISTANT CITY
ATTORNEY
GUERRA

Assistant City Attorney Guerra stated that the motion is to continue the item to The next regular Planning Commission meeting at the regular scheduled time.

ITEM NO. 3B

DEVELOPMENT AGREEMENT NO. 01-2019 (JOHN DUONG, CLEAR CHANNEL OUTDOOR)

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON

Community Development Manager/City Planner Simpson stated that this is a request by John Duong for Clear Channel Outdoor for a Development Agreement and staff's recommendation is to continue this item to a date uncertain. Continuing the item will provide staff additional time to finalize details on the Development Agreement. She also added that the item will be renoticed at that time.

OPEN PUBLIC
HEARING

At 6:35 p.m., Vice-Chair Chico opened the public hearing.

MOTION

A motion was made by Commissioner Hartman, seconded by Commissioner Corpis to accept the recommended motion as read.

ITEM NO. 3C

ZONING ORDINANCE AMENDMENT NO. 03-2018 (CITY OF IRWINDALE)

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON

Community Development Manager/City Planner Simpson stated that this is a request for a City-Initiated Code Amendment and staff's recommendation is to continue this item to the next regular Planning Commission meeting. Continuing the item will provide staff additional time to finalize details on the Zoning Ordinance.

OPEN PUBLIC
HEARING

At 6:36 p.m., Vice-Chair Chico opened the public hearing

MOTION

A motion was made by Commissioner Corpis, seconded by Commissioner Hartman to accept the recommended motion as read.

ITEM NO. 3D

ZONE VARIANCE NO. 02-2019 & ZONE VARIANCE NO. 03-2019 (ISMAEL MAYANS FOR IMC ENTERPRISES, LLC)

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON

Community Development Manager/City Planner Simpson introduced this item and stated that it would be presented by Planning Technician Arreola.

PLANNING
TECHNICIAN
ARREOLA

Planning Technician Arreola reported that this is a request submitted by applicant Ismael Mayans for IMC Enterprises, LLC. They are requesting a Zone Variance to exceed the maximum height allowable of walls, fences, or hedges within the required front yard setback, on properties located at 5134 and 5138 Irwindale Avenue.

The presentation included an overview of the following:

- 1) Background and zoning history of the subject property
- 2) Project description
- 3) General Plan Designation
- 4) Environmental review
- 5) Staff's analysis and findings of fact made to support approval of the proposed project

Planning Technician Arreola concluded his report and stated that staff's recommendation is that the Planning Commission adopt Resolution No. 780(19) approving Zone Variance No. 02-2019 and Resolution No. 781(19) approving Zone Variance No. 03-2019, finding the projects exempt from the California Environmental Quality Act (CEQA) and, subject to the attendant Conditions of Approval.

CHAIR TAPIA

Responding to several Inquiries by Commissioner Burrola, Planning Technician Arreola explained that a Zone Variance must be approved before the completion of a project and stated that the Planning Commission is the final approving body for a Zone Variance.

COMMISSIONER
CORPIS

Commissioner Corpis asked for further clarification about the height of the fence. Planning Technician Arreola stated that the limit is based on the zoning of the existing property. Community Development Manager/City Planner Simpson added that height limit for a fence in the front yard of a residential property is 3 feet, but a 4 foot fence was installed for safety reasons.

Commissioner Corpis asked if the property owners had any input about the fence prior to the installment. Community Development Manager/City Planner Simpson replied that the owners opted for a fence. She introduced Assistant City Manager Olivares to further explain.

ASSISTANT CITY
MANAGER OLIVARES

Assistant City Manager Olivares elaborated on the reasoning for the height and why City Council requested to add fencing to the properties at 5134 and 5138 Irwindale Avenue.

VICE-CHAIR
CHICO

Responding to an inquiry by Vice-Chair Chico, Community Development Manager/City Planner Simpson stated that the fencing will be 4 feet tall.

- COMMISSIONER BURROLA
Commissioner Burrola asked for further clarification as to why the property owner at 5130 Irwindale Avenue refused to install the fence and if it was properly documented. Assistant City Manager Olivares explained that the property owner had closed escrow before the fence installation and the developer had to obtain permission from the property owner, to which the property owner declined on a legal written document.
- OPEN PUBLIC HEARING
At 6:46 p.m., Vice-Chair Chico opened the public hearing.
- CLOSE PUBLIC HEARING
There being no additional speakers, Vice-Chair closed the public hearing at 6:46 p.m.
- RESOLUTION NO. 780(19)
ADOPTED
"A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE APPROVING ZONE VARIANCE NO. 02-2019 TO EXCEED THE MAXIMUM HEIGHT LIMITATION OF FRONT YARD WALL, FENCES OR HEDGES FOR PROPERTY LOCATED AT 5134 IRWINDALE AVENUE, IRWINDALE, CA 91706 IN THE C-3 (HEAVY MANUFACTURING-COMMERCIAL RESIDENTIAL) ZONE, SUBJECT TO CONDITIONS SET FORTH HEREIN AND MAKING FINDINGS IN SUPPORT THEREOF, AND FINDING THAT THE PROJECT IS EXEMPT FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT."
- MOTION
A motion was made by Vice-Chair Chico, seconded by Commissioner Hartman to accept the recommended motion as read.
- RESOLUTION NO. 781(19)
ADOPTED
"A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE APPROVING ZONE VARIANCE NO. 03-2019 TO EXCEED THE MAXIMUM HEIGHT LIMITATION OF FRONT YARD WALLS, FENCES OR HEDGES FOR PROPERTY LOCATED AT 5138 IRWINDALE AVENUE, IRWINDALE, CA 91706 IN THE C-3 (HEAVY MANUFACTURING-RESIDENTIAL) ZONE, SUBJECT TO CONDITIONS AS SET FORTH HEREIN AND MAKING FINDINGS IN SUPPORT THEREOF, AND FINDING THAT THE PROJECT IS EXEMPT FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT."
- MOTION
A motion was made by Vice-Chair Chico, seconded by Commissioner Hartman to accept the recommended motion as read.
- ITEM NO. 3E
THE PARK @ LIVE OAK SPECIFIC PLAN EIR, GPA NO. 01-2017, ZOA NO. 01-2019, ZC NO. 01-2017, DA NO. 01-2017, AND TPM (TONY SPINRAD FOR IRWINDALE PARTNERS II, LLC)
- COMMUNITY DEVELOPMENT
Community Development Manager/City Planner Simpson reported that this is a request submitted by applicant Tony Spinrad with Irwindale

MANAGER/CITY
PLANNER
SIMPSON

Partners II. The request is for the approval of the Park @ Live Oak Specific Plan (SP), General Plan Amendment, Zone Ordinance Amendment, Zone Change, Development Agreement, and Tentative Parcel Map for property located at 1200, 1220, and 1270 Arrow Highway.

The presentation included an overview of the following:

- 1) Background and history
- 2) Specific Plan Overview
- 3) Project Description
- 4) Development Plan and Design Review
- 5) Staff's analysis and findings of fact made to support approval of the proposed project
- 6) Type of uses
- 7) Environmental Review

Community Development Manager/City Planner Simpson concluded her report and stated that staff's recommendation is that the Planning Commission recommends the City Council adopt Resolution No. 774(19) for Specific Plan Final Environmental Impact Report, Resolution No. 775(19) for General Plan Amendment No 01-2017, Resolution No. 776(19) for Zoning Ordinance Amendment No. 01-2019, Resolution No. 777(19) for Zone Change No. 01-2017, Resolution No. 778(19) for Development Agreement No. 01-2017, and Resolution No. 779(19) for Tentative Parcel Map No. 82551.

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER
SIMPSON

Community Development Manager/City Planner Simpson presented the Consultant that prepared the Specific Plan, applicant, and the architect team and stated that they are all available to answer any questions.

COMMISSIONER
CORPIS

Commissioner Corpis asked for further clarification on the elimination of litigation against the City. Community Development Manager/City Planner Simpson referenced page 26, section 6.6 of the Development Agreement.

COMMISSIONER
CORPIS

Responding to an inquiry by Commissioner Corpis, Community Development Manager/City Planner Simpson indicated that the litigations have been closed. Assistant City Attorney Guerra added that the agreement is to ensure the closure of the litigation and clarified that it is a form of release by the City.

COMMISSIONER
BURROLA

Responding to several inquiries by Commissioner Burrola, Community Development Manager/City Planner Simpson stated that the developers accepted responsibility of the previous fill. The developers were issued a grading and remediation permit and the site has been inspected. The compaction follows the State requirements.

- COMMISSIONER CORPIS
Commissioner Corpis asked if the pit was a certified fill. Community Development Manager/City Planner Simpson indicated that it was certified filled at the beginning of the remediation, but is unsure of the details.
- COMMISSIONER BURROLA
Commissioner Burrola expressed several concerns about the previous filling of the site and the city's responsibility. Assistant City Attorney Guerra reported that the provision states that the city is released from any claims or items that are included with the pit.
- VICE-CHAIR CHICO
Vice-Chair Chico announced that it would be beneficial to discuss the item with staff during the Public Hearing. Assistant City Attorney Guerra suggested Commissioners to ask questions during the item presentation and staff or the consultants will answer any questions during the open Public Hearing.
- COMMISSIONER BURROLA
Commissioner Burrola asked for further clarification about the zoning. Community Development Manager/City Planner Simpson explained that the zone will be called The Park @ Live Oak Specific Plan and mentioned that there are currently two other zoned specific plans: Reliance II Specific Plan and City of Hope Specific Plan
- VICE-CHAIR CHICO
Vice-Chair Chico asked if The Park @ Live Oak would be its own jurisdiction. Community Development Manager/City Planner replied that it would be for development standards.
- COMMISSIONER BURROLA
Responding to an inquiry by Commissioner Burrola, Community Development Manager/City Planner Simpson explained that the Specific Plan is only for the project site. Assistant City Attorney Guerra clarified that the Specific Plan will be replacing the existing zoning of the property.
- Commissioner Burrola asked for further explanation as to how other businesses will be connected to the development such as sidewalks and traffic signals. Community Development Manager/City Planner Simpson identified the driveways, sidewalks, and landscape improvements. She referred to Assistant City Engineer Co for any outside improvements.
- Responding to several questions by Commissioner Burrola, Assistant City Engineer Co identified all sidewalks and traffic signals and explained that the city will have control of the traffic signals and sidewalks because it is part the of Cities right-of-way.
- Commissioner Burrola asked about available grants and if it can cover the traffic signal costs. Community Development Manager/City Planner Simpson explained the different type of grants available at the moment. Assistant City Engineer Co stated that the developers are

responsible for the cost of the traffic signal. He stated that it is included in the Environmental Impact Report and in the Specific Plan.

COMMISSIONER
BURROLA

Responding to several questions by Commissioner Burrola, Community Development Manager/City Planner Simpson stated that all uses are verified before being approved, but if the use is conditionally permitted, it will be presented to Planning Commission and the City Council if needed. She also added that a Specific Plan has its own zoning and development standards.

Commissioner Burrola referenced uses that were stated in the Specific Plan. Community Development Manager/City Planner Simpson provided an example of a use that is currently at the site that required a Conditional Use Permit and was consistent with the M-2 (Heavy Manufacturing) zone, which will be relocating in the near future. She also briefly explained the process should a discretionary application be proposed.

Commissioner Burrola commented about motor vehicle storage to which Vice-Chair Chico agreed to the comment. Community Development Manager/City Planner Simpson stated that motor vehicle storage is not auto dismantling and can only be an indoor use.

VICE-CHAIR
CHICO

Vice-Chair Chico asked if the uses are more restrictive. Community Development Manager/City Planner Simpson stated that it is more restrictive and indicated that the applicant would prefer Light Manufacturing even if M-2 (Heavy Manufacturing) is permitted.

COMMISSIONER
BURROLA

Commissioner Burrola asked for further clarification about items on the Tentative Parcel Map. Community Development Manager/City Planner Simpson indicated the eleven separate proposed parcels and stated that the construction of the water well will be shared with City of Hope.

Commissioner Burrola asked if commercial and industrial uses can be adjacent. Community Development Manager/City Planner Simpson clarified that the industrial park will be composed of commercial and industrial uses to offer flexibility for future tenants. She stated that it will be subdivided into eleven parcels with 39.3 acres of industrial and 39.0 acres of commercial land use and staff will verify that uses will not exceed what is stated in the Specific Plan.

VICE-CHAIR
CHICO

Vice-Chair Chico expressed concern in keeping track of what is being developed on site. Community Development Manager/City Planner Simpson indicated that staff uses a mechanism to keep track accordingly. Assistant City Attorney Guerra added that when a project comes forward, staff will verify if the project is consistent with the zoning in the Specific Plan.

COMMISSIONER
BURROLA

Responding to an inquiry by Commissioner Burrola, Community Development Manager/City Planner replied that staff will keep track of the square footages and will refer to the Specific Plan to ensure that it is consistent with the Development Agreement.

Commissioner Burrola asked if there is a certain square footage for each Land Use Designation. Community Development Manager/City Planner Simpson stated that there is a certain square footage for each land use and added that buildings cannot cross any parcel lines.

Commissioner Burrola asked if the Implementation Plan in the Specific Plan is a legal document. Community Development Manager/City Planner Simpson clarified that the Specific Plan is a legal document like the Irwindale Municipal Code and Zoning Code.

Responding to an inquiry by Commissioner Burrola, Community Development Manager/City Planner Simpson identified the different type of uses and explained that staff must make the findings of conformance for uses. If not, the project is presented to Planning Commission and if necessary, to City Council. Assistant City Attorney Guerra clarified that staff, the Planning Commission and the City Council can approve projects.

Responding to an inquiry by Commissioner Burrola, Assistant City Attorney Guerra reported that more delegation is given to staff if it is consistent with the Specific Plan, but some projects may require a Conditional Use Permit.

Commissioner Burrola noted staff's review on the document. Community Development Manager/City Planner Simpson stated that staff is recommending that the Planning Commission make a recommendation to City Council for approval.

Commissioner Burrola asked for further clarification if the City will be responsible for the sidewalk and landscaping maintenance for new developments. Assistant Engineer Co reported that the City will be responsible if it is within the public right-of-way and specified that any maintenance in private property is maintained by the property owner.

VICE-CHAIR
CHICO

Vice-Chair Chico asked if there will be enough space for a sidewalk and landscaping on the corner of Live Oak Avenue and Arrow Highway. Assistant Engineer Co clarified that the public right-of-way is eight feet behind the curb and there is enough room for a sidewalk and landscaping.

COMMISSIONER

Commissioner Corpis asked for further clarification about the private

- CORPIS drive. Assistant Engineer Co stated that the private drive's intended use is for access to the site, and they are not allowed to block traffic as stated in the Specific Plan.
- VICE-CHAIR
CHICO Vice-Chair Chico asked if the property owner will be allowed to close the private drive. Assistant Engineer Co reported that the Specific Plan allows through traffic.
- COMMISSIONER
BURROLA Responding to an inquiry by Commissioner Burrola, Assistant Engineer Co stated that a California Department of Transportation improvement off the I-605 Freeway on Live Oak Avenue is for widening, realignment and signalization.
- COMMISSIONER
CORPIS Commissioner Corpis stated her concern about the private drive A becoming a means to get to the 605 freeway.
- COMMISSIONER
HARTMAN Commissioner Hartman asked if there will be a signal on Arrow Highway and private drive B. Assistant Engineer Co indicated that there will be a signal.
- Commissioner Hartman asked if there will be total of three intersections. Assistant Engineer Co indicated that there will be three intersections.
- VICE-CHAIR
CHICO Responding to an inquiry by Vice-Chair Chico, Community Development Manager/City Planner Simpson explained that the Specific Plan has been identified and studied environmentally to which the developer must meet all requirements in the Specific Plan. Assistant City Attorney Guerra added that if the Zoning Code was consistent with the proposed project, there would be no need for a Specific Plan.
- Vice-Chair Chico commented on a potential conflict between the Development Standards and the Zoning Code. Assistant City Attorney Guerra reported that the intent is to have a different zoning for the property and provided an example. Community Development Manager/City Planner Simpson stated that the Specific Plan has a reference to the Zoning Code.
- Vice-Chair Chico stated his concern in regards to having the site be brought to street level. Assistant Engineer Co replied that the intention is for the property be brought to street level and referred to the applicant.
- Vice-Chair Chico asked for further clarification about adding a third east bound through lane and not having enough space. Assistant Engineer Co indicated the report is preliminary and will be further evaluated when the design is submitted. He also added that the pavement needs restriping

OPEN PUBLIC HEARING	At 7:47 p.m., Vice-Chair Chico opened the public hearing.
JOHN EDWARDS	John Edwards, project applicant, introduced himself, thanked the Planning Commission and staff for their time, and proposed a few suggestions. He also addressed Assistant City Attorney Guerra, to which Assistant City Attorney Guerra advised to complete the team's presentation and stated that the Planning Commission may ask questions after the Public Hearing has been closed.
IGNACIO CRESPO	Ignacio Crespo, project architect, presented the proposed architectural features that follow the Irwindale Commercial and Industrial Design Guidelines.
ASSISTANT CITY ATTORNEY GUERRA	Assistant City Attorney Guerra advised staff to place the projection boards for public view.
MIKE GILL	Mike Gill, RGA Architects, presented the proposed landscaping for the project.
ERNESTO PANTOJA	Ernesto Pantoja from Labors Local 300 stated his support for the project.
GONZALO RAMOS	Gonzalo Ramos spoke highly about Labors Local 300 and the benefits with working with the Union and his support for the project.
LUIS MOTA	Luis Mota spoke highly about Labors Local 300, the importance of being involved with the community and stated his support for the project.
ROBERT DIAZ	Robert Diaz thanked the Planning Commission for their questions and expressed his concerns about the traffic and sales tax fluctuations.
JOSH BOURGEOIS	Josh Bourgeois, from Golden State Environmental Justice Alliance, stated that he stands by the comment letter he provided and thanked the Planning Commission for the opportunity.
ASSISTANT CITY ATTORNEY GUERRA	Assistant City Attorney Guerra stated that the applicant and his team can respond to any questions before closing the Public Hearing.
JOHN EDWARDS	John Edwards commented on concerns about the traffic on private drive A, revenue for the City and retail bases uses. He also thanked the Planning Commission for their time.
VICE-CHAIR	Vice-Chair Chico asked for further clarification about the offset fee of

- CHICO sales tax. John Edwards explained that if the City does not earn \$350,000 in sales revenue, the developer would make up the difference, per terms in the Development Agreement.
- VICE-CHAIR
CHICO Responding to an inquiry by Vice-Chair Chico, John Edwards stated that he is unsure of any easement for street widening, but the Environmental Impact Report determined the impact of traffic on a worst case scenario.
- Vice-Chair Chico commented about potentially creating wider lanes in the future once nearby sites are developed.
- COMMISSIONER
CORPIS Commissioner Corpis asked if bike lanes will be created or taken into consideration. Assistant Engineer Co stated that bike lanes cannot be created because the volume of traffic and industrial developments, but will consider pedestrian walkways. Community Development Manager/City Planner Simpson stated that the City has received a grant from California Department of Transportation for an Active Transportation Plan with Design Guidelines that is currently being prepared by consultants and will be brought forward to the Planning Commission.
- VICE-CHAIR
CHICO Vice-Chair Chico stated his concern about approved items being permanent. Assistant City Attorney Guerra stated that all projects must follow the same process and the environmental impacts will be reviewed during that time.
- TRACY ZINN Tracy Zinn, consultant from T & B Planning, explained the methodology process for the Specific Plan/Environmental Impact Report and stated that the air quality consultant and traffic engineer are available to answer any questions.
- COMMISSIONER
BURROLA Commissioner Burrola asked if surrounding sites are taken into consideration when conducting the Environmental Impact Report. Tracy Zinn indicated that surrounding potential developments were taken into consideration and added that it did not change any analytical conclusion.
- COMMISSIONER
CORPIS Commissioner Corpis asked if the Environmental Impact Report included private drive A being open to the public. Tracy Zinn stated the analysis was based on private drive A as a connected through street.
- TRACY ZINN Tracy Zinn explained the air quality analysis on a worst case scenario and stated that the analysis took into consideration all state and federal government requirements.
- CLOSE PUBLIC
HEARING There being no additional speakers, Vice-Chair closed the public hearing at 8:44 p.m.

VICE-CHAIR CHICO	Vice-Chair Chico requested to include that the site grading be brought up to street level.
COMMISSIONER BURROLA	Commissioner Burrola requested to strike any mulching use for the site.
VICE-CHAIR CHICO	Vice-Chair Chico requested to make clear of the offset involving the sales tax revenue.
COMMUNITY DEVELOPMENT MANAGER/CITY PLANNER SIMPSON	Community Development Manager/City Planner Simpson stated that the agreement will be drafted by the City Attorney's office.
ASSISTANT CITY ATTORNEY GUERRA	Assistant City Attorney Guerra asked for any additional requests for revisions.
COMMUNITY DEVELOPMENT MANAGER/CITY PLANNER SIMPSON	Community Development Manager/City Planner Simpson advised that grading up to street level can be included in the Conditions of Approval for the Tentative Parcel Map.
RECESS	At 8:48 p.m., the Planning Commission took a short recess.
RECONVENE	At 9:00 p.m., the Planning Commission reconvened.
ASSISTANT CITY ATTORNEY GUERRA	Assistant City Attorney Guerra stated that the grading to street level will be included in the Tentative Parcel Map Resolution and Conditions of Approval. He also advised that there will be no need to revise the provisions for payments and taxes between the City and developers in the Development Agreement.
JOHN EDWARDS	John Edwards states his interpretation of the Development Agreement.
ASSISTANT CITY ATTORNEY GUERRA	Assistant City Attorney Guerra read the provision.
COMMUNITY DEVELOPMENT MANAGER/CITY PLANNER SIMPSON	Community Development Manager/City Planner Simpson asked if mulching will be removed from the use table and if the applicant agrees.
MANAGER/CITY PLANNER SIMPSON	Assistant City Attorney Guerra indicated that the applicant agrees to strike the mulching.
COMMISSIONER BURROLA	Commissioner Burrola asked if the development agreement is for ten years. Assistant City Attorney Guerra advised that the agreement for PILT payment is for ten years.

RESOLUTION NO.
774(19)
ADOPTED

“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL (1) CONSIDER AND CERTIFY THE ENVIRONMENTAL IMPACT REPORT, STATE CLEARING HOUSE (SCH# 2018041001); (2) ADOPT THE FINDINGS REQUIRED BY CEQA GUIDELINES, SECTION 15091; (3) ADOPT THE PROPOSED MITIGATION MONITORING AND REPORTING PROGRAM; AND (4) ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE PARK @ LIVE OAK SPECIFIC PLAN.”

MOTION

A motion was made by Commissioner Corpis, seconded by Commissioner Hartman to accept the recommended motion as read.

RESOLUTION NO.
775(19)
ADOPTED

“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL OF IRWINDALE AMEND THE COMMUNITY DEVELOPMENT ELEMENT AND LAND USE PLAN MAP OF THE CITY’S GENERAL PLAN (GPA NO. 01-2017) FROM REGIONAL COMMERCIAL TO THE PARK @ LIVE OAK SPECIFIC PLAN FOR THREE PARCELS LOCATED IN THE CITY OF IRWINDALE AT 1200, 1220, AND 1270 ARROW HIGHWAY, GENERALLY BOUNDED BY ARROW HIGHWAY TO THE NORTH; LIVE OAK AVENUE TO THE SOUTH, AND INTERSTATE 605 TO THE EAST AS SET FORTH HEREIN AND MAKING FINDINGS IN SUPPORT THEREOF.”

MOTION

A motion was made by Commissioner Corpis, seconded by Commissioner Burrola to accept the recommended motion as read.

RESOLUTION NO.
776(19)
ADOPTED

“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF IRWINDALE ADOPT ZONE ORDINANCE AMENDMENT NO. 01-2019 THE PARK @ LIVE OAK SPECIFIC PLAN, DEFINING PERMITTED USES, REGULATING THE SIZES AND LOCATIONS OF BUILDINGS, SPECIFYING DESIGN GUIDELINES AND DEVELOPMENT STANDARDS, ADDRESSING MOBILITY AND CONNECTIVITY TOPICS, IDENTIFYING PROJECT INFRASTRUCTURE AND SERVICES, AND PROVIDING ADMINISTRATIVE AND IMPLEMENTATION LANGUAGE FOR PROPERTY LOCATED AT 1200, 1220, AND 1270 ARROW HIGHWAY (APN’S: 8532-001-002, 8532-001-006 & 8532-001007).”

MOTION

A motion was made by Commissioner Hartman, seconded by Commissioner Corpis to accept the recommended motion as read.

RESOLUTION NO.
777(19)
ADOPTED

“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF IRWINDALE ADOPT A ZONE CHANGE (ZC) AND

MODIFY THE CITY OF IRWINDALE ZONING MAP (ZC NO. 01-2017) FROM Q (QUARRY) AND M-2 (HEAVY MANUFACTURING) TO THE PARK @ LIVE OAK SPECIFIC PLAN FOR PROPERTY LOCATED AT 1200, 1220, AND 1270 ARROW HIGHWAY (APN'S: 8532-001-002, 8532-001-006, & 8532-001-007)."

MOTION

A motion was made by Vice-Chair Chico, seconded by Commissioner Burrola to accept the recommended motion as read.

RESOLUTION NO.
778(19)
ADOPTED

"A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL THE APPROVE DEVELOPMENT AGREEMENT NO. 01-2017 WITH IRWINDALE PARTNERS II, LLC TO ALLOW FOR THE APPROVAL OF THE PARK @ LIVE OAK SPECIFIC PLAN TO DEVELOP A LIGHT INDUSTRIAL/COMMERCIAL BUSINESS PARK, ON PROPERTY LOCATED AT 1200, 1220, AND 1270 ARROW HIGHWAY (APN 8532-001-002, 8532-001-006, AND 8532-001-007) AND MAKING FINDINGS IN SUPPORT THEREO."

MOTION

A motion was made by Commissioner Burrola, seconded by Commissioner Hartman to accept the recommended motion as read.

RESOLUTION NO.
779(19)
ADOPTED

"A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL APPROVAL OF TENTATIVE PARCEL MAP NO. 82551 TO MERGE THE THREE (3) EXISTING PARCELS INTO A SINGLE PARCEL AND SUBDIVIDE THE SITE INTO ELEVEN (11) NUMBERED PARCELS AND SEVEN (7) LETTERED PARCELS FOR PROPERTY LOCATED AT 1200, 1220, AND 1270 ARROW HIGHWAY (APNs: 8532-001-002, 8532-001-006, and 8532-001-007) IN THE (QUARRY) ZONE AND M-2 (HEAVY MANUFACTURING) ZONE SUBJECT TO CONDITIONS AS SET FORTH HEREIN, MAKING FINDINGS IN SUPPORT THEREOF WITH THE ADDED CONDITION OF APPROVAL TO BE DRAFTED BY THE CITY ATTORNEY AND COMMUNITY DEVELOPMENT MANAGER/CITY PLANNER TO ENSURE THAT THE GRADING OF THE PROPERTY IS AT STREET LEVEL PRIOR TO DEVELOPMENT. LANGUAGE WILL BE DRAFTED."

MOTION

A motion was made by Vice-Chair Chico, seconded by Commissioner Hartman to accept the recommended motion as read.

MOTION TO
RECONSIDER
RESOLUTION 776(19)

A motion was made by Vice-Chair Chico, seconded by Commissioner Corpis to accept the reconsidered motion.

RESOLUTION NO.
776(19)
ADOPTED

"A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF IRWINDALE ADOPT ZONE ORDINANCE AMENDMENT NO. 01-2019 THE PARK @ LIVE OAK SPECIFIC

PLAN, DEFINING PERMITTED USES, REGULATING THE SIZES AND LOCATIONS OF BUILDINGS, SPECIFYING DESIGN GUIDELINES AND DEVELOPMENT STANDARDS, ADDRESSING MOBILITY AND CONNECTIVITY TOPICS, IDENTIFYING PROJECT INFRASTRUCTURE AND SERVICES, AND PROVIDING ADMINISTRATIVE AND IMPLEMENTATION LANGUAGE FOR PROPERTY LOCATED AT 1200, 1220, AND 1270 ARROW HIGHWAY (APN'S: 8532-001-002, 8532-001-006 & 8532-001007) WITH THE REVISION TO THE TEXT OF THE SPECIFIC PLAN TO STRIKE OUT THE USE OF MOLTCH FROM THE TEXT AS A CONDITIONED PERMITTED USE."

MOTION

A motion was made by Commissioner Burrola, seconded by Commissioner Corpis to accept the recommended motion as read.

ASSISTANT CITY
ATTORNEY GUERRA

Assistant City Attorney Guerra advised that the project is now recommended for approval and adoption by the City Council and asked for the date the project will be presented to the City Council. Community Development Manager/City Planner Simpson indicated that it is anticipated for the first meeting in February.

ASSISTANT CITY
ATTORNEY GUERRA

Assistant City Attorney Guerra stated that the public may attend to raise any concerns, questions or support to City Council. He added that the project will be re-noticed.

**DISCUSSION ITEMS/
PRESENTATIONS**

There were no items.

**COMMISSIONER
COMMENTS**

VICE-CHAIR
CHICO

Vice-Chair Chico called Chair Tapia

CHAIR TAPIA

Chair Tapia expressed his holiday greetings and thanked staff for the well wishes.

COMMISSIONER
BURROLA

Commissioner Burrola thanked the Irwindale Police Department for for an incident that occurred on Nora Avenue.

COMMISSIONER
HARTMAN

Commissioner Hartman thanked staff for their hard work and wished everyone a Merry Christmas and a Happy New Year.

VICE-CHAIR
CHICO

Vice-Chair Chico stated that the Planning Commission goal is to seek the best interest of the city and appreciates staffs hard work.

COMMISSIONER
CORPIS

Commissioner Corpis stated her appreciation for all of the hard work. Vice-Chair Chico stated that he agrees with Commissioner Corpis.

LEGAL COUNCIL

There were no items.

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

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON

Community Development Manager/City Planner Simpson reported that the holiday city-wide closure will begin on December 22, 2019 and will reopen on January 6, 2020, but some staff will be available in case of any questions. She also stated that the Planning Commission reorganization will be in January and thanked staff and the Planning Commission for a good year.

**AGENDA ITEM
REQUESTS BY
COMMISSIONERS**

There were no items.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:27 p.m.

Chair Arthur R. Tapia

Attest:

Berlyn Aguila, Administrative Secretary



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



Date: February 19, 2020 **Agenda Item No. 3-A**

To: Honorable Chair and Members of the Planning Commission

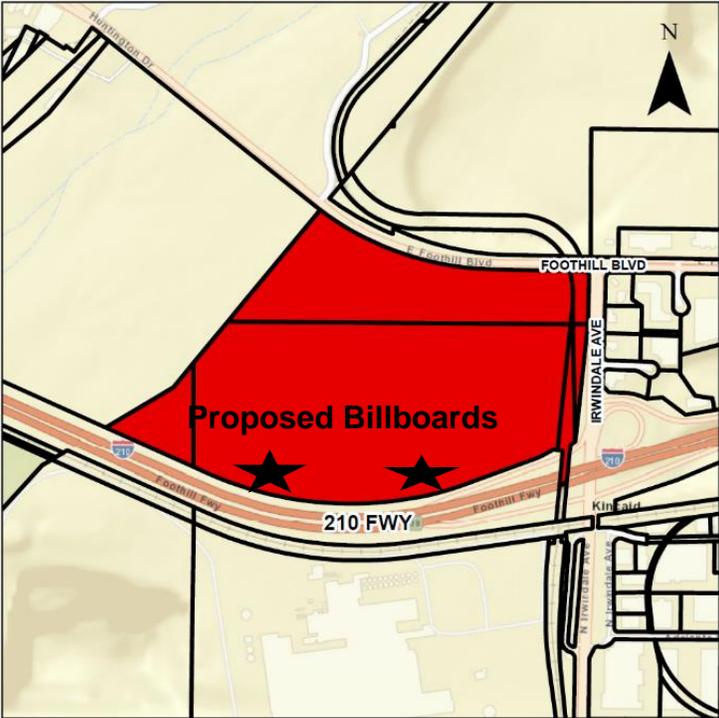
From: Marilyn Simpson, AICP, Community Development Manager/City Planner

Project: Development Agreement No. 01-2019
Reliance II Freeway-Adjacent Digital Billboards

Applicant: John Duong for Clear Channel Outdoor
19320 Harborgate Way, Torrance, CA 90501

Property Owner: Michael Linton for Calmat Company
500 Brand Blvd., Suite 500, Glendale, CA 91203

Project Location: 15990 Foothill Blvd. (APN: 8604-019-003)



Staff Recommendation: That the Planning Commission take the following action:

1. Adopt Resolution No. 771(19) recommending to the City Council approval of Ordinance 739 for Development Agreement No. 01-2019.

Alternative Actions:

2. Direct staff to prepare a resolution or resolutions of denial based on recommended findings of fact to be brought back at the next regularly Planning Commission meeting for adoption; OR
3. Direct staff to work with the applicant to revise the project and continue the hearing to a date certain.

CONFLICT OF INTEREST

None

REQUEST

The Applicant, John Duong, on behalf of Clear Channel Outdoor, is requesting approval of a Development Agreement to allow the installation of two (2) two-panel, freeway-oriented digital display billboards along the south portion of the Reliance II Pit located at 15990 Foothill Boulevard and north of the Interstate 210 Freeway. The proposed digital billboards are intended to replace the static billboards that had been located at this site for several years. Per Irwindale Municipal Code (IMC) Subsection 17.72.030, the repair, replacement, or new installation of a static or digital billboard requires the approval of a Development Agreement with appropriate standards and public benefits to be negotiated with the City and complying with all other standards imposed by the IMC.

BACKGROUND

The site is the Reliance II Pit, a former quarry that has recently been reclaimed for development. The site currently has a total of five (5) static double-sided billboards owned by Clear Channel Outdoor. The static billboards have been located at the site for over 20 years. The site currently has five (5) static billboards, identified on the site plan as Structures #1 – #5, from a west to east direction. The proposed digital billboards are identified on the site plan as Structure #2 and Structure #4.

GENERAL PLAN AND ZONING

The site is designated in the General Plan as Specific Plan and is zoned Reliance II Specific Plan.

The proposed billboard area is surrounded by the following zones and uses:

Direction	Existing Land Use	Zoning District
North	Reliance I Quarry	Quarry Overlay, M-2, Heavy Manufacturing
South	210 Freeway	Caltrans R-O-W
East	Restaurant/Office Use	M-2, Heavy Manufacturing
West	Santa Fe Dam Recreation Area	A-1, Agricultural

PROJECT DESCRIPTION/ANALYSIS

The Applicant is proposing to construct two (2) new digital billboards, each consisting of two 14'x48' digital panels in a V-shape design facing east and west bound traffic just north of the I-210 Freeway. The billboards will be located in the same general locations as the existing static billboards and at the same height. The digital panels of each billboard are proposed on a single pole structure at a total height of 65 feet from the ground consistent with the maximum allowed height of 65 feet as measured from the higher finished grade from which the advertising display is to be viewed. Caltrans Office of Outdoor Advertising provided a preliminary review and identified the proposed digital billboard conversions as conforming to the requirements of the Outdoor Advertising Act at this time.

Key provisions of the DA include the following:

1. *Annual Development Fee.* Developer will pay Seventy Thousand Dollars (\$70,000.00) per billboard structure to the City of Irwindale per year (representing \$35,000 per Digital Display), with an increase of 12.5% at the 6th, 11th, 16th, 21st, and 26th payment.
2. *Community Benefit.* Developer will provide advertising space on the Digital Displays to the City free of charge on a space-available basis. Such advertising space shall only be made available for the use of City-related events or agencies. Additionally, at no cost to the City, an unlit City logo shall be installed on each structure.
3. *Prohibited Use.* Developer will not utilize any of the displays on the Billboard to advertise tobacco, marijuana, hashish, "gentlemen's clubs," adult entertainment businesses, sexually oriented materials, or use sexually oriented images or language, including, but not limited to, ads such as "Adult Con", vulgar or obscene images or language.
4. *Annual Review.* The City Council will review this Agreement annually at City's sole cost, on or before the anniversary of the Term, to ascertain the good faith compliance by Developer with the terms of the Agreement ("Annual Review").
5. *Indemnification.* Developer will indemnify the City for any damages or claims related to its construction and operation of the subject billboards.

DEVELOPMENT STANDARDS COMPLIANCE

Pursuant to the Irwindale Municipal Code (IMC) Section 17.72.050, the proposed digital billboards comply with all of the required development standards, including, but not limited to the following (Refer to Exhibit B for a description of all general billboard standards):

1. *Sign Face Dimensions.*
 - a. The area of the sign face shall not exceed 675 square feet, excluding border, trim, cutouts and other special advertising features or additions and base or apron supports and other structural members.
 - b. Cutouts and other special advertising features or additions to a sign face shall not exceed in area 10% of the total sign face dimensions.
 - c. Three-dimensional design elements shall not extend more than 5 feet beyond the front of the sign face or sign side.

- d. Bidirectional or double-faced signs shall be located on the same structure. For parallel double-faced signs, the distance between sign faces shall not exceed 8 feet. For "V-shaped" double-faced signs, the distance between sign faces shall not exceed 45 feet at their widest point and shall not exceed 8 feet at their closest point.
 - e. Billboard identification signs shall have a minimum character height of two feet.
2. *Structure Design.* Each structure shall have no more than two poles, and shall be constructed of noncombustible material.
3. *Height.* The height shall not exceed 65 feet or, exclusive of cutouts or special additions, measured from the higher of either: The finished grade of the roadway adjacent to the lot on which the structure is located and from which the advertising display is to be viewed; or the finished grade of the base of the sign.
4. *Location.* The location of billboards shall be restricted as follows:
 - a. Each structure shall be located only in area immediately adjacent to the I-210 freeways that is zoned for commercial, quarry or industrial uses.
 - b. Structures shall not be located on public property or rights-of-way. No portion of any sign or structure shall be located on, project into, beneath, or above the public right-of-way.
 - c. Maintenance, repair and other related operations shall be operated completely upon the billboard site and shall not use or encroach on any public right-of-way.
 - d. Structures shall not be located within the setbacks that apply to the zone in which the structure is located.
 - e. Structures shall not be located within 5 feet of a building or other structure.
 - f. New billboards shall not be located within 2,500 feet of another billboard on the same side of the public right-of-way. Existing billboards may not be replaced unless they are outside of a minimum 500-foot buffer of another billboard. For purposes of this section, measurements shall be made from the centerline of the support structure if a single pole and from the angle of intersection if a perpendicular (V-shaped) sign. Development Agreements for new billboard structures with digital displays may provide for a reduced buffer, but not less than 1,500 feet in due consideration of other public benefits provided in the development agreements, including, but not limited to, the concurrent takedown of existing static displays or digital displays within the city.

- g. When the replacement of a static billboard results in the construction of a new digital display, the new billboard shall not be located within a 500-foot radius of any existing billboards (static or digital) on the same side of the public right-of-way. For purposes of this section, measurements shall be made from the centerline of the support structure if a single pole and from the angle of intersection if a perpendicular (V-shaped) sign.

FINDINGS FOR RECOMMENDATION TO THE CITY COUNCIL

California Government Code section 65867.5 provides the following:

“(a) A development agreement is a legislative act that shall be approved by ordinance and is subject to referendum.

(b) A development agreement shall not be approved unless the legislative body finds that the provisions of the agreement are consistent with the general plan and any applicable specific plan.

(c) A development agreement that includes a subdivision, as defined in Section 66473.7, shall not be approved unless the agreement provides that any tentative map prepared for the subdivision will comply with Section 66473.7.

(d) Notwithstanding Section 65803, this section shall also apply to a charter city.”

Accordingly, if the Planning Commission desires to recommend that the City Council approve the ordinance granting the development agreement, the Planning Commission is required to find that the provisions of the development agreement are consistent with both the Irwindale General Plan and the Reliance II Specific Plan. Staff recommends that the Planning Commission make this finding based on the following:

- The Planning Commission hereby finds that the proposed digital billboard conversions are consistent with the General Plan Land Use and Economic Development policies in the Community Development Element. These policies provide for comprehensive land use planning to preserve the overall mix of land uses and development in the community and provide for the pursuit and promotion of economic development to provide revenue to the City.
- The project site is zoned Reliance II Specific Plan, which permits industrial and commercial uses, consistent with the proposed digital billboards. The Reliance II Specific Plan objectives include providing commercial uses that serve users located within and outside of the specific plan area as well as providing opportunities for positive economic benefit to the City including net revenues to the General Fund.

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA) of 1970, as amended, and the City of Irwindale environmental guidelines, the City, as the Lead Agency, has analyzed the project and has determined that the Project is exempt from the provisions of CEQA pursuant to Section 15061 (b) (3), which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is NOT

subject to CEQA. In this case, prior static billboards have existed at the same location for approximately ±20 years and will be removed to make way for the new digital signs. As such, no further review is required. Further, the City has determined this project will not have, either individually or cumulatively, an adverse impact on fish and wildlife resources in that the billboard is proposed within an existing paved area.

Subject to approval of the project by the City Council based on a recommendation by the Planning Commission, a Notice of Exemption will be filed with the office of the Los Angeles County Clerk Registrar.

RECOMMENDATION

That the Planning Commission adopt Resolution No. 771(19) recommending to the City Council approval of Development Agreement No. 01-2019 for the proposed digital billboard subject to the attendant Development Agreement.

ATTACHMENTS

- Exhibit A: Resolution No. 771(19) with Development Agreement
- Exhibit B: Ordinance No. 739
- Exhibit C: (IMC) Section 17.72.050, General (Billboard) Standards
- Exhibit D: Site Plan and Photo Simulations