



CITY OF IRWINDALE

5050 N. IRWINDALE AVE., IRWINDALE CA 91706 • PHONE: (626) 430-2200 • FACSIMILE: 962-2018

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COMMISSIONER

PATRICIA
GONZALES
COMMISSIONER

LORETTA
CORPIS
COMMISSIONER

AGENDA FOR THE REGULAR MEETING OF THE PLANNING COMMISSION

JANUARY 20, 2016

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 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 Department Counter, 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: Loretta Corpis, Patricia Gonzales, Robert E. Hartman,
Vice-Chair Richard Chico, Chair Arthur R. Tapia**
- E. **REORGANIZATION OF PLANNING COMMISSION**

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 2 minutes and each subject limited to 6 minutes, unless such time limits are extended.

1. CONSENT CALENDAR

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

A. Minutes

Recommendation: Approve the following minutes:

1. Regular meeting of December 16, 2015

2. NEW BUSINESS

- a. Manning Pit Update

3. OLD BUSINESS

4. PUBLIC HEARINGS

A. CONDITIONAL USE PERMIT NO. 28-2015 (ROY REVIERE VERNINAS)

Request for a Conditional Use Permit to Allow for the Operation of an Automotive Repair and Service Facility in an Existing Building Located at 16343 Arrow Highway in the M-2 (Heavy Manufacturing) Zone.

Recommendation: Adopt Resolution No. 670(16), Entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE APPROVING CONDITIONAL USE PERMIT NO. 28-2015 FOR THE OPERATION OF AN AUTOMOTIVE REPAIR FACILITY IN AN EXISTING BUILDING LOCATED AT 16343 ARROW HIGHWAY, IRWINDALE IN THE M-2 (HEAVY MANUFACTURING) ZONE, SUBJECT TO CONDITIONS AS SET FORTH HEREIN AND MAKING FINDINGS IN SUPPORT THEREOF

5. DISCUSSION ITEMS

- a. City Attorney Presentation on Recommended Procedures for Conducting Public Hearings and General Meeting Protocols

6. COMMISSIONER COMMENTS

7. CITY MANAGER'S REPORT

8. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

9. ADJOURN

AFFIDAVIT OF POSTING

I, Cathy Huicochea, Administrative Secretary, certify that I caused the agenda for the regular meeting of the Irwindale Planning Commission to be held on January 20, 2016 to be posted at the City Hall, Library, and Post Office on January 14, 2016.

Cathy Huicochea

Cathy Huicochea
Administrative Secretary

**PLANNING COMMISSION MEMORANDUM
CITY OF IRWINDALE**

DATE: JANUARY 20, 2016
TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION
FROM: GUSTAVO ROMO, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: REORGANIZATION OF PLANNING COMMISSION

RECOMMENDATION:

That the Planning Commissioners elect the Chair and Vice-Chair.

SUMMARY:

Following general elections, it is the appropriate time to reorganize the Planning Commission through the selection of a Chair and Vice Chair. In order to complete the reorganization, the following procedure is currently in place:

1. Following roll call as part of the general agenda, the Community Development Department opens the nominations for the office of Chair. Any Commissioner may nominate and no second to the nomination is required.
2. After receiving all nominations, the Community Development Department closes the nominations.
3. The Community Development Department then conducts the election of the Chair by roll call vote. If there is more than one nomination, a roll call vote is conducted in order nominated until a Chair is elected by majority vote.
4. The new Chair then opens nominations for Vice-Chair in the same manner as above.
5. After receiving all nominations, the Chair then closes the nominations.
6. The Community Development Department then conducts the election of the Vice-Chair by roll call vote. If there is more than one nomination, a roll call vote is conducted in the order nominated until a Vice-Chair is elected by majority vote.

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

**DECEMBER 16, 2015
WEDNESDAY
6:30 P.M.**

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

ROLL CALL:

Present: Commissioners Loretta Corpis; Patricia Gonzales; Robert E. Hartman; Vice-Chair Richard Chico; Chair Arthur R. Tapia

Also present: Gustavo Romo, Community Development Director; Adrian Guerra, Assistant City Attorney; William Tam, Director of Public Works/City Engineer; Brandi Jones, Associate Planner; Cathy Huicochea, Administrative Secretary

SPONTANEOUS COMMUNICATIONS

There were no Spontaneous Communications to report.

1. CONSENT CALENDAR

A. APPROVAL OF MINUTES

The floor was opened for review and approval of the minutes of November 18, 2015. Vice-Chair Chico motioned to approve the minutes as presented.

MOTION: Vice-Chair Chico

SECOND: Commissioner Hartman

Ayes: Commissioner Gonzales, Commissioner Hartman, Vice-Chair Chico, Chair Tapia

Noes: None

Abstain: Commissioner Corpis

2. NEW BUSINESS

There were no New Business items to report.

3. OLD BUSINESS

There were no Old Business items to report.

4. PUBLIC HEARINGS

A. TENTATIVE PARCEL MAP NO. 72834 (STEPHEN ROMERO)

Prior to this item being presented, Assistant City Attorney Adrian Guerra stated for the record that Commissioners Corpis and Hartman had asked to recuse themselves due conflicts of interest in that they both own property within a 500 square foot radius of the subject site. They both recused themselves and exited the Council Chamber.

Associate Planner Brandi Jones began the presentation and reported that this is a request to subdivide an existing vacant parcel into three parcels for residential use on property located at 4618 Nora Avenue. The following information was included in the presentation:

- Existing parcel has a total area of approximately 21,612 square feet and each new parcel will be developed with a single family home.

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- On July 15, 2015 the Planning Commission continued this item to the September 16, 2015 meeting at the request of the Public Works Department due to additional analysis for the project. During the public hearing, comments were received from residents with concerns about the proposed project. As a result, a community meeting was held on August 3, 2015 with the Irwindale Housing Authority, staff and the developer, IMD Enterprises, Inc. Density and proposed heights of the housing units were primary concerns which led to redesigning the project to a single-story three (3) lot subdivision. The item was brought back at the September 16, 2015 Planning Commission meeting but no action had been taken due to a lack of quorum.
- The Irwindale Housing Authority and developer are moving forward with developing single family housing units through the subdivision of individual parcels. For this project the City is providing the land to the applicant.
- The applicant is requesting a concession for three (3) development standards (lot size, front setback and rear setback). With the inclusion of the concessions, each proposed lot would be considered a legal lot creation and would not be considered non-conforming. Other nearby subdivisions had been approved under the same concessions as were three (3) previous subdivisions for this project.
- There are currently three (3) proposed floor plans and elevation combinations. They are all single story units and were completely redesigned as a result of the input from the community. The proposal was also reduced from four (4) to three (3) parcels.

Associate Planner Jones completed the report and staff's recommendation was that the Planning Commission adopt Resolution No. 665(15) recommending that the City Council approve Tentative Parcel Map No. 72834 subject to the stated Conditions of Approval.

Assistant City Attorney Adrian Guerra indicated there was one Public Works Condition of Approval that staff requested be amended. It was staff's recommendation that Public Works Condition of Approval No. 9 be stricken as currently written and reworded to read as follows: ***"Sanitary sewers shall be constructed in accordance with City specifications to serve the subject development. The plans for the sanitary sewer shall be approved by the City Engineer."*** He added that if action is taken to approve this item that the approval would be subject to the proposed revision.

Since there were no inquiries the public hearing was opened for public input. Seeing none, the public hearing was closed and the floor was opened for a motion. Vice-Chair Chico motioned to accept staff's recommendation to adopt Resolution No. 665(15) with the revised Conditions of Approval, recommending that the City Council approve Tentative Parcel Map No. 72834.

MOTION: Vice-Chair Chico
SECOND: Commissioner Gonzales
Ayes: Commissioner Gonzales, Vice-Chair Chico, Chair Tapia
Noes: None
Abstain: None

Chair Tapia thanked staff for keeping the resident's concerns in mind and for redesigning the project. Commissioner Corpis and Commissioner Hartman re-entered the Council Chamber and the meeting carried on to the next item on the agenda.

B. ZONE ORDINANCE AMENDMENT NO. 01-2015 (CITY OF IRWINDALE)

Assistant City Attorney Guerra presented the report and stated that this is a request for a Zoning Ordinance amendment to adopt an Ordinance of the City Council to add Chapter 17.110 to Title 17 of the Irwindale Municipal Code to prohibit the establishment of medical marijuana dispensaries and to further prohibit marijuana cultivation and mobile marijuana dispensaries Citywide; to amend and add Definitions in Chapter 17.08 of Title 17 of the Irwindale Municipal Code; and to repeal Section 17.32.015 of Chapter 17.32 of Title 17 of the Irwindale Municipal Code to delete duplicative provisions.

The following information was included in the presentation:

- As background, voters approved medicinal marijuana use in 1996 via Proposition 215. Through the proposition and subsequent legislation, the State of California effectively decriminalized the use of marijuana for medical marijuana purposes. State law also authorized the cultivation and distribution of marijuana. In 2013 the California Supreme Court confirmed that cities had the authority to ban medical marijuana land uses in their respective jurisdictions. In 2008, the City prohibited medical marijuana dispensaries via Ordinance No. 624 and the Supreme Court's decision reaffirmed this action.
- In 2015 the State Legislature and Governor Brown enacted three (3) laws. Under these laws, three state agencies will oversee a dual licensing program which will include seventeen (17) different state licenses authorizing marijuana.
- While the State has the authority to issue the licenses for cultivation and distribution of marijuana, the City still has the right to permit or not permit cultivation and distribution. State law also authorizes cities to prohibit distribution and cultivation if they so choose.
- The key reason for bringing the proposed ordinance before the Planning Commission at this time is if there are no regulations on cultivation in effect by March 1, 2016, the State will deem to govern and the City will have no right to regulate it at that point.
- Three (3) objectives are being proposed as part of the ordinance. The first is to reinforce the City's current prohibition on medical marijuana fixed dispensaries; second is to affirmatively prohibit mobile marijuana dispensaries; and third is to prohibit the cultivation or growing of marijuana.
- If action is taken to recommend City Council approval of the proposed ordinance, it would be introduced for first reading at the first meeting in January 2016 and, if approved by the City Council, will be introduced for second reading at the second meeting in January 2016. The new ordinance would then be effective in mid February 2016 before the March 1, 2016 deadline.

Assistant City Attorney Guerra completed the report and recommended that the Planning Commission adopt Resolution No. 669(15) recommending that the City Council approve Zone Ordinance Amendment No. 01-2015.

The floor was opened for inquiries and the following issues were discussed:

- In response to an inquiry by Commissioner Gonzales, Assistant City Attorney Guerra replied that the City does not have the authority to govern marijuana being transported

- through the City to an area outside of the City; that is governed by state law. The City can only govern the actual stopping and delivery of marijuana into the City.
- Vice-Chair Chico asked if the definition of “dispensing” covers dispensing for money, dispensing for free, dispensing for barter or dispensing for any other reason. Assistant City Attorney Guerra replied that the definition of “dispensing” would cover anything, meaning any type of delivery is what is governed.
 - Chair Tapia referenced the first paragraph of Page 26, a portion of which states the following: *“On May 13, 2015 the City Council adopted Interim Urgency Ordinance No. 691, which imposed a temporary moratorium on the commercial and industrial cultivation, processing and distribution of medical marijuana in all non-residential zones, pending the completion of studies and the preparation of an update to the City’s Zoning Code.”* He emphasized that although the A-1 zone is not zoned residential, it still allows for residential and he wanted to ensure there are no loopholes since this could be open for interpretation. Assistant City Attorney Guerra replied that although Interim Urgency Ordinance No. 691 only applies to non-residential zones, the proposed ordinance will apply to all zones.

There were no further questions and the public hearing was opened for public input.

Abner Zelnick – no address given

Mr. Abner David Zelnick introduced himself and shared that he is interested in opening up a medical marijuana cultivation facility in Irwindale. He previously spoke with the Planning Department and was told about the public hearing. He referenced reports from the Justice Department and other agencies which basically stated that if cities do not regulate the dispensing, growing, cultivation and production of medical marijuana products, their territories will be left completely open for cartels and other criminal organizations. He noted that cities such as Los Angeles, where dispensaries are legalized, have resulted in a major decrease of that type of illegal activity. He hoped that the City would find a way to allow him and his business partners to rent warehouse space for the cultivation and possibly production and dispensing of marijuana for medical use. He added that this type of industry will create jobs and keep out the criminal element. He offered to provide pamphlets and other materials from a seminar he attended earlier in the year. The seminar focused on the dangers of resisting legalization of medical marijuana dispensaries and had been conducted by U.S. Attorney General Loretta Lynch. He emphasized that these types of uses can generate a great deal of revenue and can also be used to help support the community and the City itself.

Abner Zelnick

In response to an inquiry by Mr. Zelnick regarding a prohibition on marijuana cultivation, Assistant City Attorney Guerra replied that the City does have a prohibition currently in place.

Abner Zelnick

Mr. Zelnick shared additional information and emphasized that when marijuana cultivation is not regulated, people tend to grow it in improper conditions. Pesticides are also used and when the product is later consumed it can be dangerous. He referenced storm drainage and indicated that chemicals are probably being dumped into storm drains, which is inappropriate and dangerous. If the City regulated marijuana cultivation, business license revenue would be generated and inspectors would have the ability to ensure chemicals and waste are being disposed of properly. He expressed with some certainty that marijuana is likely already being cultivated in Irwindale and in locations such as garages, basements, attics and other areas that are not intended for marijuana cultivation and can therefore create dangerous situations.

Since there was no further public input the public hearing was closed and the floor was opened for further discussion.

Chair Tapia stated that he would have liked to see pamphlets or other materials with more information on the subject. He referenced Page 26 of the staff report and the section pertaining to **New Marijuana Regulations - the Medical Marijuana Regulation and Safety Act**. He read from a portion of the section which he said left him with a number of questions that staff might not be able to answer. He spoke of the following issues:

- Who is responsible for regulating the type of individuals who are allowed to prescribe medical marijuana? Can it be a licensed practitioner, specialist, chiropractor, psychiatrist or even an unlicensed caregiver?
- Are there any limitations on the potency and variety of marijuana that can be prescribed since there are so many different types?
- Is there an agency or organization that governs the type of marijuana that can be cultivated?
- Can cultivators pick and choose which potency and type of marijuana they can sell?
- Who determines testing and individual evaluations with regard to the amount, daily usage and potency of medical marijuana that can be prescribed?
- Who monitors and determines if a patient is or is not benefitting from the general effects of medical marijuana? Can a medical marijuana license be taken away from an individual if a determination is made that there is no benefit?
- Who monitors where medical marijuana is transported? Can it be transported from another county, from out of state or from another country?

Director Romo replied that many of the points referenced by Chair Tapia are exactly why the proposed ordinance is being recommended for approval. Staff and legal counsel believe the legislation is too loose and there are currently no answers to the questions that were raised. Realistically, anyone can run these types of operations since there are no qualifications that specifically state an individual needs to be a licensed professional in order to dispense or cultivate marijuana.

Assistant City Attorney Guerra added that as outlined in the staff report, the legislation was enacted in September 2015 and requires cities to take action by March 1, 2016, which does not allow much time to thoroughly evaluate and interpret the regulations. He added that prohibition on these types of uses is being recommended at this time to ensure the City is protected, and if desired, the City can make changes in the future.

There was no further discussion and the floor was opened for a motion.

Vice-Chair Chico motioned to accept staff's and the Assistant City Attorney's recommendation to adopt Resolution No. 669(15), recommending that the City Council adopt the following Ordinance: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE TO ADD CHAPTER 17.110 TO TITLE 17 OF THE IRWINDALE MUNICIPAL CODE TO PROHIBIT THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES AND TO FURTHER PROHIBIT MARIJUANA CULTIVATION AND MOBILE MARIJUANA DISPENSARIES CITYWIDE, AMEND AND ADD DEFINITIONS IN CHAPTER 17.08 OF TITLE 17 OF THE

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IRWINDALE MUNICIPAL CODE , AND TO REPEAL SECTION 17.32.015 OF CHAPTER 17.32 OF TITLE 17 OF THE IRWINDALE MUNICIPAL CODE TO DELETE DUPLICATIVE PROVISIONS.

MOTION: Vice-Chair Chico
SECOND: Commissioner Corpis
Ayes: Commissioner Corpis, Commissioner Gonzales, Commissioner Hartman,
Vice-Chair Chico, Chair Tapia
Noes: None
Abstain: None

Assistant City Attorney Guerra clarified that the motion is approved 5-0 and the item will be presented to the City Council at the January 13, 2016 City Council meeting with the Planning Commission's recommendation to adopt the ordinance.

5. DISCUSSION ITEMS

There were no Discussion Items to report.

6. COMMISSIONER COMMENTS

Commissioner Gonzales:

- Shared that the original owner of the Ayutla's market recently sold the market and it is now under new ownership.

Commissioner Hartman:

- Stated that the U.S. flag is back up to full mast but the State flag is again no longer being flown. Director Romo replied he had noticed the same thing and a call has been put in to the Police Chief asking why it was removed. He hoped to have an answer the following day.
- Shared that quite a few Christmas decorations on light poles along Irwindale Avenue have not been working and are not lit up.

Vice-Chair Chico:

- Apologized for bringing this matter up again but he still had many concerns about the existing berm on the west side of the Manning Pit adjacent to Allen Drive. He emphasized that the berm is growing higher and he understood from staff at the previous meeting that the berm will be in place for at least one more year. He had asked at the previous meeting if the berm is specified in the CUP for the current operation and posed the same question. He also asked why the berm has been necessary since it is such an eyesore.

Public Works Director William Tam addressed a number of inquiries about the berm and current operation. Assistant City Attorney Guerra later emphasized that the discussion was now evolving into an issue not on the agenda and asked that no further discussions be held. He added that the matter can be included on a future agenda as more of an update and further discussions can be held at that time. He indicated that he did not want to deprive members of the public who might also be interested in this issue. The Commission agreed to agendize the item for a future meeting and Director Romo replied that it will be added to the January 20, 2016 meeting agenda.

Chair Tapia:

- Recalled that a presentation had been scheduled for a meeting a few months prior regarding meeting protocols. Because of its importance, he had asked at the time to reschedule the item since a few commissioners were not present. He asked if the item can now be added to a future agenda. Director Romo thanked him for the reminder and stated that the item will be placed on the agenda for the January 20, 2016 meeting.
- Stated that there are huge potholes on Irwindale Avenue near the Gold Line station and asked if the matter can be looked into.
- Asked if Code Enforcement can be notified about the vans lined up on Irwindale Avenue near the Santa Fe Importers restaurant. He said they are still parked in the same parking lot and have not moved. He also didn't believe the parking lot was meant for the vans to be parked there.

7. CITY MANAGER'S REPORT

There were no items to report by the City Manager's office.

8. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Director Romo shared the following information:

- Purchase and Sale Agreements for five former Redevelopment Agency properties are currently in escrow, which were approved by the City Council and Oversight Board. The projects are moving forward but before the properties close escrow, some will require entitlements. The projects will come before the Planning Commission in the future for development projects and site improvements.
- The City has received a grant with several other San Gabriel Valley cities for a future 626 Golden Streets event. The event will take place on Sunday, June 26, 2016 and is being put together by the cities of South Pasadena, Duarte, Arcadia, Monrovia, Irwindale and Azusa. It will entail a bicycle route from South Pasadena to Azusa of approximately 19 miles. The bicycle route through Irwindale will be from Huntington Drive as it turns into Foothill Boulevard, then south on Irwindale Avenue to the Gold Line Station and across Optical Drive. Staff is working with Northrup Grumman to gain access through other areas and back up to Foothill Boulevard. Staff has been meeting monthly with the 626 Golden Streets Committee and hopes the event will foster plenty of business goodwill. A street fair will also be set up along the bicycle route and will include a few hubs. Staff expects to receive more information on the event and would like to have a representative from the San Gabriel Valley Bike Coalition give a presentation to the Planning Commission at a future meeting.
- A special event permit has been issued for a New Years Eve event at the Irwindale Event Center. Staff was a bit concerned about an advertisement for approximately 10,000 attendees but this was an error and the event is actually capped at 5,000 attendees. The information was shared in the event any of the commissioners had heard of the advertisement.

9. ADJOURNMENT

There being no further business to conduct the meeting was adjourned at 7:17 pm.

Chair Arthur R. Tapia

ATTEST:

Cathy Huicochea, Administrative Secretary

Approved as presented at the meeting held January 20, 2016.



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



Date: January 20, 2016 **Agenda Item No. 4-A**

To: Honorable Chair and Members of the Planning Commission

From: Gustavo Romo, Community Development Director

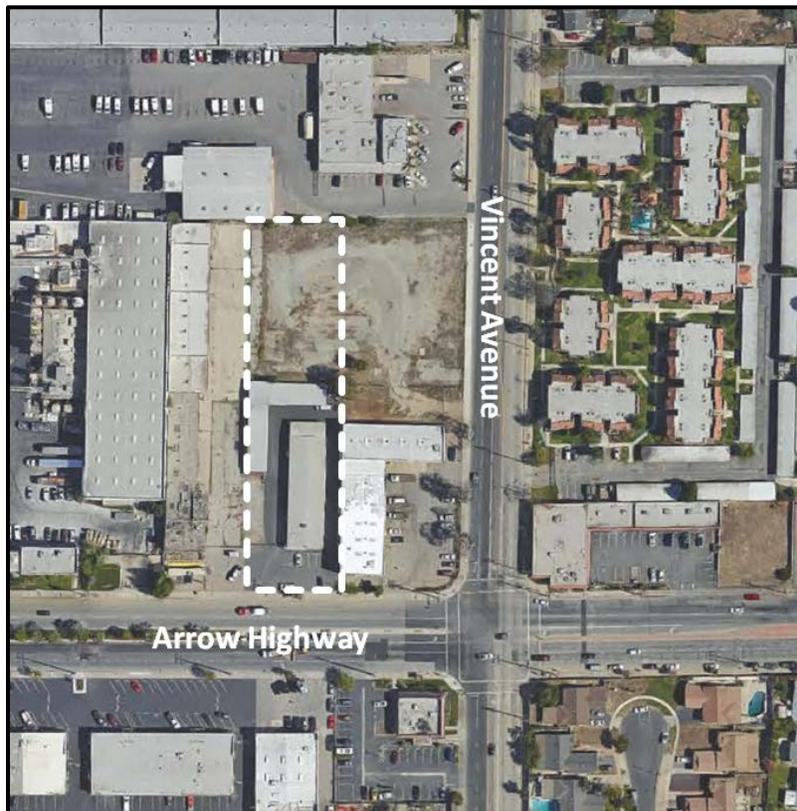
Project Planner: Brandi Jones, Associate Planner

Project: Conditional Use Permit No. 28-2015
Rett's Automotive

Applicant: Roy Reviere Verninas

Property Owner: Branson Enterprises; Jeff L. Branson

Project Location: 16343 Arrow Highway (APN: 8619-012-043)



Staff Recommendation: That the Planning Commission approves Conditional Use Permit No. 28-2015 subject to the attached Conditions of Approval.

REQUEST

The Applicant is requesting a Conditional Use Permit to operate an automotive repair and service facility in an existing building. The use is located within the M-2 (Heavy Manufacturing) zone and, therefore, requires a Conditional Use Permit per IMC Subsection 17.40.015(3) – Automobile repair garage, all operations to be within a completely enclosed building.

LOCATION AND SITE HISTORY

The site to be occupied by the proposed project (Rett's Automotive) is comprised of 1.05± acres (45,738 square-foot) partially improved with one (1) 5,000 square-foot building, 680 square-foot covered patio, and a 3,340 square-foot storage building totaling 9,020 square feet. The property has been vacant since September 30, 2015 when Pacific Panel Products ended their lease. Pacific Panel was the previous occupant and has another location in Irwindale at 15601 Arrow Highway. They are known for manufacturing and assembling store displays and fixtures, shelving material, and garage cabinets, among other products.

There are no existing discretionary permits on file for this property. However, there are files that show permits for various improvements, additions, including the original construction of the existing office, manufacturing, and storage buildings totaling 9,020 square-feet of built space since 1954 to present. The subject parcel was originally developed in 1954 by the owner J. R. Branson Sash and Door Company.

GENERAL PLAN AND ZONING

The site is designated in the General Plan as Industrial/Business Park and zoned M-2 (Heavy Manufacturing).

The site is surrounded by the following zones and uses:

Direction	Existing Land Use	Zoning District
North	Office/Industrial Building (AMR)	M-2, Heavy Manufacturing
South	Industrial Building and Restaurant	M-2, Heavy Manufacturing
East	Industrial Building	M-2, Heavy Manufacturing
West	Vacant Commercial Building	M-2, Heavy Manufacturing

ENVIRONMENTAL REVIEW

The proposed project is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301 (Class 1; Existing Facilities) of the CEQA Guidelines. If action is taken to approve the project, a Notice of Exemption (NOE) will be filed with the

County Clerk. The NOE is on file at the Community Development Department and available for review by the public.

PROJECT DESCRIPTION

The Applicant is proposing to operate Rett's Automotive Repair and Service Facility. The automotive repair and service facility will consist of fixing and/or repairing a variety of automobile makes and models. The proposed days and hours of operation are Monday through Friday; 8:00 A.M. – 5:00 P.M. and Saturday; 8:00 A.M. – 2:00 P.M.; closed every Sunday.

The main 5,000 square-foot building is broken down into three (3) areas. The lobby/storage area is approximately 1,880 square feet; the three (3) small offices are approximately 300 square feet; and the main repair area is approximately 2,820 square feet. The existing approximately 3,340 square-foot, L-shaped building to the rear of the site is for storage only. The remaining ±19,260 square feet of the lot is unimproved and will not be used as part of this request. A condition of approval is included to ensure its maintenance free from of weeds, parking, and outdoor storage as well as a new 6-foot high chain-link fence to be installed along the perimeter.

There are five (5) existing parking stalls on site and a total of thirteen (13) required. The applicant is proposing to create nine (9) additional, standard-sized parking stalls for a total of fourteen (14).

Use	Square Footage	Ratio	Total
Repair	2,820	1/500	6
Storage	5,900	1/1000	6
Office	300	1/350	1
Total	9,020	N/A	13

Seven (7) of the proposed stalls are located perpendicular to the chain-link fence along the western property line. This area is gravel and will be paved with asphaltic or equivalent material as required per IMC subsection 17.64.120 – Parking Areas - Surfacing. The remaining two (2) new stalls will be on existing asphalt and striped accordingly. A condition of approval has been included to ensure all parking areas meet the Zoning Code's landscape requirements.

The site is accessed primarily via Arrow Highway from two (2) existing driveway approaches. One of the existing driveway approaches is shared with the neighboring property to the west.

ANALYSIS

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

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

The site is a rectangular-shaped, ±45,738 square-foot parcel and has adequate area for on-site circulation, parking, and proposed business operations. There are no proposed changes to the size of the building, which would affect the footprint, parking or circulation. The additional proposed parking will have adequate backup and turning areas.

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

Primary ingress and egress are provided via two (2) driveways on Arrow Highway. The proposed use will generate very limited and periodic additional traffic. No additional roadways will be required for the operation of this project.

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

Adjacent properties will not be affected because the existing use will not be altered in any significant way. There is no proposed change to the square footage of the building. As an automotive repair and service facility, adjacent property owners will not be affected by additional noises, smells, waste or other annoyances typically associated with permitted industrial uses in the area. In addition, the proposed use is less intense than many uses permitted by right or conditionally in the M-2 (Heavy Manufacturing) zone. Therefore, the impact of the facility on the surrounding properties is expected to be insignificant.

RECOMMENDATION

That the Planning Commission adopt Resolution No. 670(16) approving Conditional Use Permit No. 28-2015 for the proposed Automotive Repair and Service Facility subject to the attendant Conditions of Approval.

ATTACHMENTS

- Exhibit A: Resolution No.670(16) with Conditions of Approval
Exhibit B: Site Plan and Floor Plan

RESOLUTION NO. 670(16)**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE APPROVING CONDITIONAL USE PERMIT NO. 28-2015 FOR THE OPERATION OF AN AUTOMOTIVE REPAIR FACILITY IN AN EXISTING BUILDING LOCATED AT 16343 ARROW HIGHWAY, IRWINDALE IN THE M-2 (HEAVY MANUFACTURING) ZONE, SUBJECT TO CONDITIONS AS SET FORTH HEREIN AND MAKING FINDINGS IN SUPPORT THEREOF****A. RECITALS.**

- (i) Roy ReviereVerninas, 16343 Arrow Highway, Irwindale, CA 91706, the Applicant, has made a request for a Conditional Use Permit pursuant to Section 17.80 of the Irwindale Municipal Code (IMC), to allow for the operation of an automotive repair facility in an existing building located at 16343 Arrow Highway.
- (ii) The Subject Property is zoned M-2 (Heavy Manufacturing). Hereinafter in this Resolution, the subject Conditional Use Permit shall be referred to as the "Application."
- (iii) On January 20, 2016, the Planning Commission conducted a duly noticed public hearing, as required by law, on the Application and conditionally approved the Application at that same meeting subject to the approval of a Resolution, which would detail the specific Conditions under which the Application was approved.
- (iv) All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION.

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

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

The site is a rectangular-shaped, ±45,738 square-foot parcel and has adequate area for on-site circulation, parking, and proposed business operations. There are no proposed

changes to the size of the building, which would affect the footprint, parking or circulation. The additional proposed parking will have adequate backup and turning areas.

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

Primary ingress and egress are provided via two (2) driveways on Arrow Highway. The proposed use will generate very limited and periodic additional traffic. No additional roadways will be required for the operation of this project.

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

Adjacent properties will not be affected because the existing use will not be altered in any significant way. There is no proposed change to the square footage of the building. As an automotive repair and service facility, adjacent property owners will not be affected by additional noises, smells, waste or other annoyances typically associated with permitted industrial uses in the area. In addition, the proposed use is less intense than many uses permitted by right or conditionally in the M-2 (Heavy Manufacturing) zone. Therefore, the impact of the facility on the surrounding properties is expected to be insignificant.

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

4. Based upon the substantial evidence and conclusions set forth herein above, this Planning Commission hereby approves 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.

5. 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 20th day of January 2016.

Chairman

ATTEST:

Secretary

I, Gus Romo, 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 20th day of January 2016, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Secretary

EXHIBIT "A"**PLANNING COMMISSION RESOLUTION NO. 670(16)**

**Conditional Use Permit No. 28-2015
Rett's Automotive
16343 Arrow Highway**

FINAL CONDITIONS OF APPROVAL**A. GENERAL CONDITIONS**

1. The activities authorized by this Conditional Use Permit are for the operation of an automotive repair facility, which shall commence within twelve (12) months from the date of approval. Thereafter, if the activities have been abandoned for ninety (90) or more days, the Conditional Use 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. The granting body, upon good cause shown by the Applicant, may extend the time limitations imposed by this section for a period not to exceed one (1) year.
2. The Applicant shall agree and consent, in writing, to each and every condition of permit approval set forth herein within twenty (20) days from the adoption of this Resolution by the Planning Commission approving the Conditional Use Permit.
3. The signed Final Conditions of Approval shall be photocopied and included as a sheet in the plans.
4. Plans for any proposed site improvements shall be submitted to the Los Angeles County Fire Department and City Building Department for review and approval prior to the issuance of Building Permits.
5. All graffiti shall be adequately and completely removed or painted over within 48 hours of notification to Rett's Automotive of such graffiti being affixed on any structure or fence at the site.
6. This Conditional Use Permit may be revoked for any violation of or noncompliance with any of these conditions or other codes, regulations of standards enforced by or beneficial to the City of Irwindale in accordance with IMC Section 17.80.140.
7. 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, and approval of the City, its advisory agencies, appeal boards, or

legislative body concerning Conditional Use Permit No. 28-2015. The City will promptly notify the permittee of any such claim, action or proceeding against the City and will cooperate fully in the defense.

8. City inspectors shall have access to the site to reasonably inspect the site during normal working hours to assure compliance with these conditions and other codes with a 48-hour notification to Rett's Automotive to ensure complete accessibility.
9. The facility and use thereof shall be maintained in full compliance with all codes, standards, policies and regulations imposed by the City, County, State or Federal agencies with jurisdiction over the facility.
10. Any and all fees required to be paid to any public agency shall be paid prior to obtaining any permit for this project.
11. All appropriate practices shall be adopted to control dust, odor and vermin.
12. Upon receipt of a complaint related to any condition of approval imposed by this Conditional Use Permit, the City shall notify the Applicant of the alleged violation, and the Applicant shall commence to cure within ten (10) days after the receipt of the notice.
13. The Subject Site shall be maintained free and clear of any accumulations of trash, debris, waste, and combustible and/or flammable materials, other than the related materials specifically authorized under this Conditional Use Permit.
14. The use and improvements authorized by this Conditional Use Permit shall conform to the plans as finally approved by the City as conditioned herein, and any appreciable modification as determined by the Community Development Director shall require the prior approval of the Planning Commission.

B. COMMUNITY DEVELOPMENT DEPARTMENT

1. The project shall substantially conform to submitted plans date-stamped January 14, 2016, except as modified herein. Future modifications that are not in substantial conformance, as determined by the Community Development Director, shall require modification of this approval subject to the provisions of the IMC Section 17.80.160 "Modification."
2. This Conditional Use Permit is for the authorization to operate an automotive repair facility only.
3. All building structures shall be refurbished by replacing dry rot, i.e., eaves/fascia, where applicable, painting, covering exposed electrical boxes/conduits; intent is

to bring all building to an “almost new” appearance and ensure proper maintenance.

4. Parking lot and driveway asphalt shall be not allowed to enter a state of disrepair. Landscaping shall be provided within parking areas and all existing planters shall be refurbished by painting and repairing where needed.
5. All new parking areas shall be paved and provide landscaped and irrigated planters where parking fronts onto property line or building at a minimum of three (3) feet in width with six (6) inch concrete curbs. Planters shall be placed along entire property frontage. In addition, planters shall be placed along western property line unless it can be shown that reciprocal access exists with the adjacent property located at 16331 Arrow Highway.
6. Fourteen (14) standard-sized parking stalls shall be provided on-site. Each parking stall shall measure 9'-0" x 19'-0".
7. The existing pole sign shall be refurbished as necessary, including paint and new sign face, to be approved separately through a sign permit.
8. All existing chain-link fencing and gates shall be replaced with decorative wrought-iron, or minimum commercial grade tubular steel, and paint to match building accent color.
9. The unpermitted canopy on the south side of the storage building shall be demolished.
10. Paint all garage doors to match building accent color.
11. If Applicant intends to change building color, provide sample colors palette to City Planning Staff for approval.
12. The open area located directly behind the subject property (19,260 square-feet) shall not be used for the storage of anything (i.e., vehicles, equipment, materials, etc.) by the Applicant or property owner. A new chain-link fence shall be installed along the eastern property line to enclose this area.
13. A final inspection conducted by the Community Development Department shall be required.

C. PUBLIC WORKS DEPARTMENT

1. Perform full replacement of all damaged sidewalk, curbs, gutters along with the planting and maintenance of street trees as determined by the City Engineer.

2. Streets abutting the development shall be posted "No Stopping Any Time." The City will cause the offsite signs and curb markings to be installed. The owner shall pay the actual cost of installation.
3. The easterly driveway shall be modified to provide minimum clearance from the existing fire hydrants.
4. That 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 will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP). Said plan shall be prepared by a licensed civil engineer. 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 shall obtain the current application packet by contacting the SWRCB, Division of Water Quality, or by downloading the forms from their web site. The project shall also conform to City ordinances regarding the requirements for the submittal of a Standard Urban Storm Water Mitigation Plan ("SUSMP"). The SUSMP includes a requirement to implement Post Construction BMPs to infiltrate the first $\frac{3}{4}$ " of runoff from all storm events and to control peak-flow discharges.
5. 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.
6. Building permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Irwindale Building Code and all applicable regulations.

D. FIRE DEPARTMENT

1. The Applicant shall obtain all applicable approvals and permits from the Los Angeles County Fire Department.