

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; Chair Arthur R. Tapia

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

**CHAIR TAPIA** Before proceeding, Chair Tapia stated that a speaker will now have 3 minutes instead of 2 during Spontaneous Communications. He also added that Robert Rules of Order have been adopted and will notify when it becomes official for Planning Commission.

**SPONTANEOUS COMMUNICATIONS** There were no speakers.

**CONSENT CALENDAR**

**ITEM NO. 1A** MINUTES

The following minutes were approved as presented

- 1) Special meeting held May 30, 2019

**NEW BUSINESS** There were no items.

**PUBLIC HEARINGS**

**ITEM NO. 3A** CONDITIONAL USE PERMIT NO. 02-2018 (MGA ROLL OFF SERVICE INC)

**PLANNING TECHNICIAN ARREOLA** Planning Technician Arreola reported that this is a request submitted by applicant Jesus Armas, Armas Consulting Group, on behalf of Mauricio Gomez, MGA Roll Off Service. The request is for a Conditional Use Permit to operate a roll-off truck storage yard on a property with an existing industrial building at 15615 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) Environmental review process for the proposed project

Planning Technician Arreola concluded his report and stated that staff's recommendation is that the Planning Commission adopt Resolution No. 769(19) approving the proposed Conditional Use Permit No. 02-2018 subject to attendant Conditions of Approval.

CHAIR TAPIA

Responding to an inquiry by Chair Tapia, Planning Technician Arreola replied that the dimensions of the roll off trucks are 35 feet long, by 8 feet wide. He also added that he does not have the height measurement of the roll off containers but deferred to the applicant.

Chair Tapia asked what type of materials will be loaded in the bins and where are the materials being retrieved. Planning Technician Arreola explained that he is unsure of the type of materials because the materials will not be allowed to be stored on-site. The materials will be retrieved from surrounding counties.

COMMISSIONER  
BURROLA

Commissioner Burrola asked for further explanation in reference to the floor area ratio. Planning Technician Arreola explained that the floor area ratio means the percentage ratio of the building floor area to the total area of the property.

Commissioner Burrola asked if the floor area ratio meets the requirements. Planning Technician Arreola replied that it does meet the 1:1 requirement and restated that the floor area could equal the total property area. He also explained that the property area is 34,000 square feet and the total floor area can be the same amount, but other requirements such as landscape have to be considered.

Commissioner Burrola asked if the building will be consistent with the other office buildings located in the Industrial Business Park. Planning Technician Arreola explained that other industrial businesses need the same zoning designation to be allowed to be established in the Industrial Business Park or other sites.

Commissioner Burrola asked if having offices and storage containers are consistent with the Industrial Business Park General Plan. Community Development Manager/City Planner Simpson indicated that the location is an industrial use and consistent with the M-2 (Heavy Manufacturing) Zone.

Responding to an inquiry by Commissioner Burrola, Community Development Manager/City Planner Simpson replied that the applicant is not proposing any changes to the exterior of the building. Planning Technician Arreola added that the applicant could potentially have new building requirements that will need to meet ADA requirements. Interior

improvements do not have to follow the Commercial and Industrial Design Guidelines.

CHAIR TAPIA

Chair Tapia asked if the site will be open to the general public or only contractors. Planning Technician Arreola replied that employees will be present, but is unsure if customers will be allowed on site.

Chair Tapia asked if the electrical, plumbing and sewer line will be inspected. Planning Technician Arreola stated that an electrical, plumbing and sewer lines are Building and Safety requirements for an Occupancy.

Responding to an inquiry by Chair Tapia, Planning Technician Arreola replied that there is no record of staff visiting the site or testing for seismic activity. City Engineer Hanna added that according to Code, the owner can volunteer to seismically retrofit the building. The State does not enforce seismic retrofit.

Chair Tapia asked in the case of an earthquake, will the owner have to fix any damages to the building. City Engineer Hanna explained that the owner is responsible for their building, unless the City is at fault.

Chair Tapia asked the possibility of the City being accountable for any damages not repaired by the owner. City Engineer Hanna explained the process to get an Occupancy Permit and Business License. He restated that the Building and Safety could not enforce seismic activity unless there is a complaint, legal action or plan submittal for Tenant Improvements.

Chair Tapia asked if the soil was tested for contamination. City Engineer Hanna explained that soil testing is not required, unless the owner is doing any additions to the building.

Chair Tapia expressed concern in approving the Conditional Use Permit without testing the soil and gave an example of a previous property that had contaminated soil. City Engineer Hanna stated that the owner would be responsible for doing any additional testing on the property.

VICE CHAIR  
CHICO

Vice Chair Chico gave an example of a property in Baldwin Park that had been tested for soil contamination. He also added that a soils report is required when purchasing any property. City Engineer Hanna stated that Building and Safety is not responsible for any soils reports.

Vice Chair Chico suggested that the City can ask for a soils report to view the current status of the soil. City Engineer Hanna replied that according to the Code, if the owner is not requesting any tenant improvements, Building and Safety is not able to require it.



Responding to an inquiry by Chair Tapia, Assistant City Engineer Co stated that the run-off water from the truck washes will not drain in the same location. City Engineer Hanna added that the truck wash is industrial and the run-off water must be collected and treated before it enters the storm drain.

COMMISSIONER  
BURROLA

Commissioner Burrola asked if the storm water retention area is part of best management practice (BMP) and what practice is being followed. City Engineer Hanna stated that the Building and Safety follows Los Angeles County BMP practice.

Commissioner Burrola asked if the Los Angeles County BMP practice is part of the Building Code. City Engineer Hanna replied that it is part of the Second Building Code book. He also added that the applicant has not submitted any plans to be reviewed.

Commissioner Burrola stated that the dimensions of the storm water retention are provided, but asked if the basin is larger than expected. City Engineer Hanna replied that when the plans are reviewed they will determine if the proposed basin has the maximum capacity.

Commissioner Burrola asked if the bio-retention basin captures all of the contaminated water. City Engineer Hanna agreed and explained the functioning of the bio-retention basin.

Commissioner Burrola asked if and when the bio-retention basin reaches max capacity, will it drain into the storm drain. City Engineer Hanna advised that reaching full capacity of the basin is to be avoided.

OPEN PUBLIC  
HEARING

At 7:10 p.m., Chair Tapia opened the public hearing

JESUS ARMAS

Jesus Armas, on behalf of Mauricio Gomez, MGA Roll Off Service spoke regarding approving the staff recommendation to approve Conditional Use Permit 02-2018 and stated the following:

1. Noted that the site has been vacant for a number of years and would be a great opportunity to clean the site.
2. The site has been a subject of graffiti and has been fixed within 24 hours of being notified from Code Enforcement.
3. Will be making changes to the exterior and interior of the building to conform to building and electrical requirements and meet ADA provisions.
4. Intent of use will be for container storage.
5. Contract will only be with commercial and industrial clients and will not be open to the general public.

6. Items will be picked up at the worksite and be transported to the appropriate disposal location. The empty containers will be returned to site with no debris.

VICE-CHAIR  
CHICO

Vice Chair Chico asked if staff recommends to approve Conditional Use Permit 02-2018. Community Development Manager/City Planner stated that staff recommended approval of the project.

COMMISSIONER  
BURROLA

Commissioner Burrola asked what type of exterior work will be done. Jesus Armas stated the building will be painted, but no structural modification will be done.

CLOSE PUBLIC  
HEARING

There being no additional speakers, Chair Tapia closed the public hearing at 7:15 p.m.

VICE-CHAIR  
CHICO

Vice Chair Chico expressed his concern in creating additional traffic on Arrow Highway because of the two intersections, railroad and busy shopping center across the street, therefore does not see it right to approve the Conditional Use Permit.

COMMISSIONER  
BURROLA

Responding to multiple inquiries by Commissioner Burrola, Planning Technician Arreola stated that the traffic study included the turning truck radius when entering the site entrance. Commissioner Hartman indicated that there is a middle lane for turning and Vice Chair Chico added that the middle lane is not a designated left turn.

COMMISSIONER  
CORPIS

Commissioner Corpis mentioned that she understand there will be no transfer of trash and debris, but she believes it will still cause an impact in traffic, negatively impact businesses and restaurants because the trucks and containers will be on site. She also referenced another business that is located on Live Oak Avenue that although there are three available lanes, the business is still impacted by heavy traffic.

CHAIR TAPIA

Chair Tapia shared a memory of how Irwindale was when he was attending school. He expressed his concern on approving the applicant's type of use while having a multimillion dollar businesses on the opposite side of the street.

Chair Tapia asked if the site next-door is residence. Vice Chair Chico indicated that it is a business.

Chair Tapia stated a few reason why he will not be approving the applicant's request which are the following:

1. The type of business is not congruent with the surrounding businesses
2. In order to cover an approximately 6 foot roll off bin, a 9 - 10 foot wall must be built next to a 4 foot neighboring wall.
3. When traveling west to east, the truck must cross a median and can create traffic with other vehicles.

4. Create additional air pollution, considering the City of Irwindale already exceeded the limit of air contamination.
5. The roll off bins will create noise when loading and unloading.
6. Cannot guarantee what type of insects can be transported with the different types of materials in the bin.
7. The roll off bins can track odor from the materials being transported.

VICE-CHAIR  
CHICO

Vice Chair Chico stated trucks from other businesses are creating pollution for about ten hours a day. He also reminded the Commissioners that when issuing a Conditional Use Permit, it will be issued forever and adding that other similar businesses have been grandfathered.

CHAIR TAPIA

Chair Tapia stated that he would like to make a motion to deny the Conditional Use Permit. Vice Chair Chico advised to let legal counsel state the verbiage to deny.

VICE-CHAIR  
CHICO

Responding to an inquiry by Vice Chair Chico, Assistant City Attorney Guerra indicated that the Commission can deny the project and direct staff to return the resolution of denial. He also added that staff can draft negative findings for B & C because of insufficient access to street and highways and the project will have an adverse effect on the adjacent commercial center across the street.

CHAIR TAPIA

Chair Tapia shared a conversation he had with another local business owner.

VICE-CHAIR  
CHICO

Vice Chair Chico asked if the air quality report from the State Attorney's General office can be referenced. Assistant City Attorney Guerra replied that it can be directed to staff to be included in the resolution of denial.

RESOLUTION NO.  
769(19) DENIED

"MOTION TO DENY THE PROJECT AND DIRECT STAFF TO PREPARE A RESOLUTION OF DENIAL CONSISTANT WITH THE STATEMENT OF FACTS DISCUSSED BY THE PLANNING COMMISSION AND THE DIRECTION PROVIDED BY THE PLANNING COMMISSION AND THAT A RESOLUTION WILL BE PLACED ON THE NEXT AGENDA AS CONSENT CALENDAR AND THERE WILL BE NO PUBLIC HEARING AT THAT TIME AND THERE WILL BE NO NOTICE FOR THAT HEARING"

MOTION

A motion was made by Chair Tapia, second by Vice-Chair Chico to accept the recommended motion as read.

CHAIR TAPIA

Chair Tapia shared a story about Irwindale and addressed the applicant. He also mentioned that he is seeking the best interest for the City.

ASSISTANT CITY  
ATTORNEY GUERRA

Assistant City Attorney Guerra advised the applicant that he has 20 days to appeal from the date the denial resolution is approved, which will be scheduled during the next Planning Commission meeting.

**DISCUSSION ITEMS/  
PRESENTATIONS**

There were no items.

**COMMISSIONER  
COMMENTS**

COMMISSIONER  
CORPIS

Commissioner Corpis thanked Chair Tapia and Vice-Chair Chico for their due diligence, wanting the best for the City and moving Irwindale forward. She also thanked staff for attending the meetings and mentioned that Commissioners acknowledge their hard work. She congratulated Assistant City Engineer Co for his good work.

COMMISSIONER  
BURROLA

Commissioner Burrola agreed with Commissioner Corpis but indicated that the General Plan and Municipal Code should be changed to meet any future goals for the City.

VICE-CHAIR  
CHICO

Vice Chair Chico asked if a property can be rezoned. Assistant City Attorney Guerra replied that it can be rezoned. Commissioner Burrola suggested that it should be considered.

Vice Chair Chico stated that many properties are zoned heavy manufacturing and mining pits should be changed. Assistant City Attorney Guerra agreed with Commissioner Burrola's statement to consider what the future will be.

COMMISSIONER  
BURROLA

Commissioner Burrola commented that an applicant will follow what the Code states in the book. Assistant City Attorney Guerra stated that this topic can be brought forward during a future meeting.

CHAIR TAPIA

Responding to multiple questions by Chair Tapia, Community Development/City Planner Simpson explained that an individual can request a Site Plan & Design Review or a Conditional Use Permit and if it is permitted by the Code, staff is obligated to move forward. She also explained that the applicant pays the application and study fees, but the City sends out a request for proposal for studies.

COMMISSIONER  
HARTMAN

Commissioner Hartman stated his concern with the traffic study that was completed by the consultant. Assistant City Attorney Guerra advised Commissioners to move forward from the discussion as action has been taken and the applicant is not in attendance.

**LEGAL COUNCIL**

There were no items.



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

Community Development Manager/City Planner Simpson thanked Planner Commissioners for providing clear direction to move forward.

Community Development Manager/City Planner Simpson reported that Senior Center is having some exterior renovations. She also thanked Commissioner Hartman for mentioning it during a previous meeting. Commissioner Hartman made a statement in reference to the budget.

Community Development Manager/City Planner Simpson asked City Engineer Hanna when the Senior Center is expected to be completed. City Engineer Hanna explained that the renovations will begin on Monday, September 16, 2019 and is expected to be completed at the end of December. He also mentioned that the Senior Center will be closed for interior renovations from December until March.

CHAIR TAPIA

Chair Tapia advised to make a change to one of the entryways to the Senior Center. City Engineer Hanna replied that the ramp will be modified to conform with ADA and the plan to solicit contractors for the project will be taken to the upcoming City Council meeting.

**AGENDA ITEM  
REQUESTS BY  
COMMISSIONERS**

**ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 8:07 p.m.

  
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Chair Arthur R. Tapia

Attest:  
  
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Berlyn Aguila, Administrative Secretary

