AGENDA FOR THE REGULAR MEETING OF THE

PLANNING COMMISSION

August 21, 2019

6:30 P.M.

IRWINDEALE 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).
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 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: No minutes for approval

2. NEW BUSINESS

3. PUBLIC HEARINGS

A. TENTATIVE PARCEL MAP NO. 62063; MODIFICATION NO. 01-2019 TO CONDITIONAL USE PERMIT NO. 03-2008; CONDITIONAL USE PERMIT NO. 02-2019 (IRWINDALE GATEWAY CENTER)

Request for a Tentative Parcel Map to allow the subdivision of one (1) parcel into two (2) parcels for commercial use; modify Conditional Use Permit No. 03-2008 to remove the use of restaurants and to allow the continued use of the sale of beer and wine for off-site consumption, continued operation of a fueling station and a car wash; and a Conditional Use Permit to allow the continued operation of two (2) existing restaurants (one with drive-through service) on property located at 5200 Rivergrade Road in the C-M (Commercial Manufacturing) Zone.

ENVIRONMENTAL REVIEW: The City, as the Lead Agency, has analyzed the project, and has determined that the proposed project is exempt from the provisions of CEQA pursuant to Section 15315 of Title 14 of the California Code of Regulations (Class 15; Minor Land Divisions) and Section 15301 of Title 14 of the California Code of Regulations (Class 1; Existing Facilities) and no further review is required. Also, the City has determined that this project will not have, either individually or cumulatively, an adverse impact on fish and wildlife resources.

Recommendation: Adopt Resolution No. 766(19), Entitled:
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE APPROVING TENTATIVE PARCEL MAP NO. 62063, TO ALLOW THE SUBDIVISION OF ONE (1) PARCEL INTO TWO (2) PARCELS FOR COMMERCIAL USE ON PROPERTY LOCATED AT 5200 RIVERGRADE ROAD IN THE C-M (COMMERCIAL MANUFACTURING) ZONE, SUBJECT TO CONDITIONS AS SET FORTH HEREIN AND MAKING FINDINGS IN SUPPORT THEREOF

Recommendation: Adopt Resolution No. 767(19), Entitled:
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE APPROVING MODIFICATION NO. 01-2019 TO CONDITIONAL USE PERMIT NO. 03-2008 TO REMOVE THE USE OF RESTAURANTS AND TO CONTINUE OPERATION OF: (1) THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION; (2) A FUELING STATION; AND (3) A CAR WASH ON PROPERTY LOCATED AT 5200 RIVERGRADE ROAD, IRWINDALE, CA 91706 IN THE C-M (COMMERCIAL MANUFACTURING) ZONE, SUBJECT TO CONDITIONS AS SET FORTH HEREIN AND MAKING FINDINGS IN SUPPORT THEREOF

Recommendation: Adopt Resolution No. 768(19), Entitled:
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE APPROVING CONDITIONAL USE PERMIT NO. 02-2019 TO ALLOW TWO (2) EXISTING RESTAURANTS (ONE WITH DRIVE-THROUGH SERVICE) FOR PROPERTY LOCATED AT 5200 RIVERGRADE ROAD, IRWINDALE, CA 91706 IN THE C-M (COMMERCIAL MANUFACTURING) ZONE

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

1. Verbal Report from Code Enforcement

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 August 21, 2019 to be posted at the City Hall, Library, and Post Office on August 15, 2019.

Berlyn Aguila
Berlyn Aguila
Administrative Secretary
Date: August 21, 2019

To: Honorable Chair and Members of the Planning Commission

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

Project Planner: Edwin Arreola, Planning Technician

Project: Tentative Parcel Map No. 62063 Conditional Use Permit No. 02-2019 Modification No. 01-2019 to Conditional Use Permit No. 03-2008 Subdivision of one (1) ±1.99 acre commercial property into two (2) parcels for continued retail uses.

Applicant: Gaby Azar, Rivergrade Service Station, LP

Property Owner: Gaby Azar, Rivergrade Service Station, LP

Project Location: 5200 Rivergrade Road (APN: 8535-001-035)
Staff Recommendation: That the Planning Commission take the following actions:

1. Adopt Resolution No. 766(19) approving the proposed Tentative Parcel Map No. 62063 subject to the attendant Conditions of Approval.
2. Adopt Resolution No. 767(19) approving the proposed Conditional Use Permit No. 02-2019 subject to the attendant Conditions of Approval.
3. Adopt Resolution No. 768(19) approving the proposed Modification No. 01-2019 to Conditional Use Permit No. 03-2008 subject to the attendant Conditions of Approval.

REQUEST
This request is for a Tentative Parcel Map, Conditional Use Permit, and Modification to an existing Conditional Use Permit to subdivide a ±1.99 acre site into two (2) parcels and continue the operation of a convenience store, self-serve car wash, fueling station and two (2) restaurants. The current site is fully developed and no additional structures or uses are being proposed for the site. Due to the proposed lot subdivision, a Conditional Use Permit must be entitled for each proposed parcel. Conditional Use Permit No. 03-2008, which currently entitles all uses on the present site, will be modified to entitle uses on Proposed Parcel 1 of the subdivision. Conditional Use Permit No. 02-2019 will entitle uses on Proposed Parcel 2 of the subdivision.

LOCATION AND SITE HISTORY
In 2008, the applicant and property owner, Gaby Azar, applied for Conditional Use Permit No. 03-2008 and Site Plan and Design Review No. 01-2008 in order to develop a vacant lot located at 5200 Rivergrade Road located on the northeast corner of Live Oak Avenue and Rivergrade Road. The request was to allow the construction and operation of a 3,200 square foot convenience store (with sales of beer and wine for off-site consumption), 1,190 square foot self-serve car wash, 4,300 square foot commercial building (with restaurant use), a fuel island (with 6 pumps, 12 dispensers) and a diesel island (with 3 pumps, 6 dispensers). The City Council approved the applicant’s request in May 2008.

The project was deemed complete and received a Certificate of Occupancy in July 2012. The site currently contains a Shell fueling station and car wash, Circle K convenience store, Subway restaurant, vacant commercial/office unit, and Waba Grill restaurant and drive-thru.

GENERAL PLAN AND ZONING
The project site is designated in the General Plan as Commercial and zoned C-M (Commercial Manufacturing). All existing development and uses are consistent with the General Plan and Zoning Code. The site is surrounded by the following uses and zoning:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Existing Land Use</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>San Gabriel River</td>
<td>A-1 (Agricultural)</td>
</tr>
<tr>
<td>South</td>
<td>Warehouse/Office</td>
<td>City of Baldwin Park</td>
</tr>
<tr>
<td>East</td>
<td>Warehouse/Office</td>
<td>M-2 (Heavy Manufacturing)</td>
</tr>
<tr>
<td>West</td>
<td>San Gabriel River</td>
<td>A-1 (Agricultural)</td>
</tr>
</tbody>
</table>
TENTATIVE PARCEL MAP
Chapter 16.02.010(B) of the Irwindale Municipal Code (IMC) states that a tentative parcel map shall be required for a subdivision creating four or fewer parcels; containing less than five acres before the subdivision where each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the legislative body; where each parcel has a gross area of twenty acres or more and has an approved access to a maintained public street or highway; where a parcel or parcels of land have approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; with parcels of a gross area of not less than forty acres or not less than a quarter of a quarter section; or for the creation of an environmental subdivision pursuant to Government Code Section 66418.2, as amended.

CONDITIONAL USE PERMIT
The following uses require a Conditional Use Permit:

1. IMC Subsection 17.80.030(22) – Service stations (excluded from the A-1, R-1, R-2 and R-3 zones)
2. IMC Subsection 17.40.015(18) – Mechnical auto wash
3. IMC Subsection 17.58.030(A) – Sale of beer and wine for off-site consumption
4. IMC Subsection 17.80.030(21) – All restaurants and eating establishments

ENVIRONMENTAL REVIEW
Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, as amended, and the City of Irwindale environmental guidelines, the City, as the Lead Agency, has analyzed the project and has determined that the Project is Categorically Exempt from the provisions of CEQA pursuant to Section 15315 of Title 14 of the California Code of Regulations (Class 15; Minor Land Divisions) and Section 15301 (Class 1; Existing Facilities) and no further review is required. Also, the City has determined that this project will not have, either individually or cumulatively, an adverse impact on fish and wildlife resources.

The proposed two (2) lot subdivision falls under the threshold of four (4) lot subdivisions as defined by Class 15 of Section 15315. Additionally, all uses and facilities will remain unchanged from what is currently on site.

PROJECT DESCRIPTION
The proposed subdivision of the existing commercial property consists of two (2) new parcels. The tenants are all currently operating and occupying the site and no additional tenants or uses are being proposed with this project. Upon approval of the subdivision, the existing buildings will be separated into two (2) parcels as follows:
Proposed Parcel 1
The proposed size of Parcel 1 will be 60,404 square feet (±1.39 acres) and located on the western portion of the current lot. The following buildings/structures and uses will now be part of this newly created lot:

- Circle K convenience store (3,200 square feet)
- All operations of the Shell fueling station and car wash
- Fuel island with 6 pumps and 12 dispensers
- Diesel island with 3 pumps and 6 dispensers
- Air/water supply and vacuum (relocated)

The modification to Conditional Use Permit No. 03-2008 will eliminate the approved restaurant uses. However, the entitlement of the permitted sale of beer and wine for off-site consumption, the car wash, and fueling station will remain in effect. Parcel 1 will have the address 5200 Rivergrade Road.

Proposed Parcel 2
The proposed size of Parcel 2 will be 26,209 square feet (±0.60 acres) and located on the eastern portion of the current lot. The following buildings/structures and uses will now be part of this newly created lot:

- Commercial building (4,300 square feet), which includes a 950 square foot Subway restaurant and a 1,800 square foot Waba Grill restaurant with a drive-thru.

Conditional Use Permit No. 02-2019 will grant approval to the existing restaurant uses due to the subdivision of the existing property. Parcel 2 will have the address 13835 Live Oak Avenue.

### Table 1. Project Summary

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Total Floor Area (Square Feet)</th>
<th>Total Gross Area (Square Feet)</th>
<th>Parking Spaces Required</th>
<th>Parking Spaces Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4,385</td>
<td>60,404</td>
<td>13</td>
<td>27</td>
</tr>
<tr>
<td>2</td>
<td>4,300</td>
<td>26,209</td>
<td>33</td>
<td>25</td>
</tr>
<tr>
<td>Total</td>
<td>8,685</td>
<td>86,614</td>
<td>46</td>
<td>52</td>
</tr>
</tbody>
</table>

### Parking
The existing property, as a whole, is consistent with the parking requirements set forth by Chapter 17.64 of the Irwindale Municipal Code. Due to the proposed subdivision, Proposed Parcel 2 does not meet the required amount of parking (as depicted in Table 1). A reciprocal parking and access agreement will be recorded as a requirement of the Conditions of Approval to provide adequate access to the all available parking.

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1 **Retail**: 1 space for each 250 sq. ft. of gross floor area. **Office**: 1 space for each 350 sq. ft. of gross floor area. **Restaurant**: 1 space for each 100 sq. ft. of gross floor area **Storage**: 1 space for each 1,000 sq. ft. of gross floor area.
Table 2. Proposed Parcel 1 Parking Calculation

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Ratio</th>
<th>Total Floor Area</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circle K (Retail)</td>
<td>1/250 sq. ft.</td>
<td>3,200 sq. ft.</td>
<td>13</td>
</tr>
<tr>
<td>Shell (Car Wash)</td>
<td>N/A</td>
<td>1,185 sq. ft.</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total Required</strong></td>
<td></td>
<td></td>
<td><strong>13</strong></td>
</tr>
</tbody>
</table>

Table 3. Proposed Parcel 2 Parking Calculation

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Ratio</th>
<th>Total Floor Area</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waba Grill (Restaurant)</td>
<td>1/100 sq. ft.</td>
<td>1,800 sq. ft.</td>
<td>18</td>
</tr>
<tr>
<td>Subway (Restaurant)</td>
<td>1/100 sq. ft.</td>
<td>950 sq. ft.</td>
<td>10</td>
</tr>
<tr>
<td>Office</td>
<td>1/350 sq. ft.</td>
<td>1250 sq. ft.</td>
<td>4</td>
</tr>
<tr>
<td>Storage</td>
<td>1/1000 sq. ft.</td>
<td>300 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total Required</strong></td>
<td></td>
<td></td>
<td><strong>33</strong></td>
</tr>
</tbody>
</table>

**Landscaping**
Both proposed parcels exceed the required 10% of minimum landscaping per property as summarized in Table 4, “Parcel Landscaping,” in compliance with the City’s Zoning Code.

Table 4. Parcel Landscaping

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Total Landscape Area Provided</th>
<th>Total Gross Area</th>
<th>Landscape Area as a % of Total Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>8,895 sq. ft.</td>
<td>60,404 sq. ft.</td>
<td>14.7%</td>
</tr>
<tr>
<td>2</td>
<td>3,842 sq. ft.</td>
<td>26,209 sq. ft.</td>
<td>14.7%</td>
</tr>
</tbody>
</table>

**Access and Circulation**
Ingress and egress to the site are provided from one (1) driveway on Live Oak Avenue and two (2) driveways on Rivergrade Road. All driveways are designed for use by automobiles and large trucks, including emergency vehicles. As a result of the proposed subdivision, a Condition of Approval requiring the recordation of a reciprocal parking and access agreement will be included in the Conditions of Approval. This agreement will also ensure adequate access to the private drive, fire lane, and ingress/egress easements to the site.

**Trash Enclosures**
Per Building Code Manual 312, Article 2 and in accordance with Title 14, Division 7, Section 17313 of the California Code of Regulations, all properties require their own trash enclosures. Furthermore, National Pollutant Discharge Elimination System and Low Impact Development standards require trash enclosures to have solid roof structures to prevent pollutant runoff. The proposed property line encompasses a separate trash enclosure for each property. A requirement for a solid roof structure over the existing trash enclosures shall be conditioned.
ANALYSIS

Tentative Parcel Map

In order to recommend that the Planning Commission approve the request for the Tentative Parcel Map, the Planning Commission is required to make each of the following findings:

1. The proposed Application for the subdivision is consistent with the City's General Plan Land Use Designation (Commercial), the State Subdivision Map Act, the Zoning Designation of C-M (Commercial Manufacturing).

2. The improvement of the proposed subdivision is consistent with the General Plan and applicable development standards of the C-M zone.

3. The subdivision is physically suitable for the existing commercial development, as established in the Zoning Code.

4. The subdivision is physically suited for the type of parcel density. The lots will fall under the fifty percent (50%) lot coverage maximum for the C-M zone.

5. The design or proposed improvements of the subdivision will not cause any substantial environmental damage or substantially injure fish, wildlife, or their habitats, or cause serious public health problems in that the Application will create two (2) parcels from one (1) existing, developed parcel in a commercial-industrial area. The subdivision is located in an urbanized area and is not the habitat of fish or wildlife.

6. The design of the proposed Application for the subdivision and the type of improvements are not likely to cause serious public health problems because the existing uses will not be changed by the approval of the Application.

7. The proposed Application for the subdivision and proposed improvements will not conflict with public easements for access through, or use of, property within the site, as public streets are provided that will efficiently carry both pedestrian and vehicular traffic to the proposed subdivided lots. Additionally, a reciprocal parking and access agreement will be recorded to allow access to all available on-site parking.

8. Discharge of waste from the proposed subdivision into the existing sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board as the facilities on site are existing and in compliance with any requirements prescribed.

9. The requirements of CEQA have been satisfied as it has been determined that the proposed subdivision is Categorically Exempt from the provisions of CEQA.
10. The proposed subdivision does not consist of five hundred or more residential dwelling units, therefore, "sufficient water supply," as that term is defined in the Subdivision Map Act, will not be required to serve the proposed subdivision.

**Conditional Use Permits**

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

1. That the site for the existing use is adequate in size and shape.

   The proposed parcels offer sufficient space and provide the required parking and circulation areas, through the recordation of a reciprocal parking and access agreement, to adequately support the existing uses.

2. 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 existing use.

   The subject parcel is bordered by Rivergrade Road on the west and Live Oak Avenue on the south. Access to the I-605 Freeway is provided via Live Oak Avenue.

3. That the existing use will not have an adverse effect upon adjacent properties.

   The existing uses, as conditioned herein, will not have an adverse effect upon adjacent properties since the tenants, who have occupied the site for approximately seven (7) years, provide goods and services to surrounding industrial parks and commuters on Live Oak Avenue, Rivergrade Road, and the I-605 Freeway. There is no proposed intensification of the on-site uses that would constitute an adverse impact on the surrounding properties.

All of the findings contained in IMC Section 17.58.040 can be positively made:

The location of the existing licensed off-sale alcoholic beverage establishment would not be located within 300 feet from another such establishment or any residential use, church or other place of worship, or hospital; or within 1000 feet from an educational institution, nursery school, day camp, daycare center, public park, or playground, as such distances are measured from the closest property line of each use.

A comparison of the location of these uses with the location of the existing use shows that there are no such uses within 300 feet or 1,000 feet respectively of the site of the existing use.
All of the findings contained in IMC Section 17.58.050 can be positively made:

1. That the existing use serves the public convenience or necessity, based upon the factors outlined in Section 17.58.060.
   
a. The issuance of the Conditional Use Permit would not duplicate services and therefore contribute to an over-concentration of alcoholic beverage establishments;
   
b. Alcohol sales are related to the function of the existing use in that all convenience stores sell beer and wine, and it would be economically infeasible for such a use to operate in a viable manner without alcoholic beverage sales;
   
c. The existing establishment will serve a niche in the market not filled by other alcoholic beverage establishment licenses in the area;
   
d. The existing establishment will provide the convenience of purchasing alcoholic beverages in conjunction with other specialty food sales or services;
   
e. The aesthetic character and ambiance of the existing establishment will be consistent with the City’s Commercial and Industrial Design Guidelines;
   
f. There are conditions of approval that prescribe the manner in which the existing establishment is to be conducted, including the extent to which the establishment will provide an adequate and well trained staff (refer to Resolution No. 535(08), specifically Conditions of Approval listed under Section B “Community Development Department.”)
   
g. The existing establishment complements the established or proposed businesses in the surrounding area in that it will provide services to the surrounding industrial and warehouse businesses and commuters;
   
h. The existing establishment, location and/or operator has no history of law enforcement problems;
   
i. The crime rate in the reporting district and adjacent reporting districts is comparable to other areas in the city and adjacent cities;
   
j. The number of alcohol-related police calls for service, crimes or arrests in the reporting district and in adjacent districts is comparable to other areas of the city and adjacent cities;
   
k. The existing establishment will maintain security, or surveillance, both inside and outside the premises and comply with all applicable laws.
2. That the existing establishment will comply with the conditions of approval at Section 17.58.070; 17.58.080; and 17.58.090 of this chapter.

The conditions of approval contained in Sections 17.58.070; 17.58.080; and 17.58.090 of the IMC have been incorporated into the conditions of approval for this proposal, with the exception of Subsection 17.58.070(B)(1). Subsection 17.58.070(B)(1) requires construction of a decorative masonry wall around the parking area of off-sale establishments when said area is adjacent to properties zoned or used for residential purposes or any other sensitive use, as listed in Section 17.58.040. In this case, the parking area for the convenience store is not adjacent to any residentially zoned property, or any property used for residential purposes, or any other sensitive uses.

3. That the existing use will not adversely affect nearby residents and facilities primarily devoted to use by children, families, and the general public, after giving consideration to the distance or proximity of the existing alcoholic beverage establishment to residential districts, educational institutions, nursery schools, day camps, day care centers, public parks, playgrounds, places of worship or hospitals.

A comparison of the location of these uses with the location of the existing use shows that there are no such uses within 300 feet or 1,000 feet respectively of the site of the existing use and, therefore, will not adversely affect the residents and facilities devoted to use by children, families, and the general public.

CONCLUSION
That the Planning Commission take the following actions:

1. Adopt Resolution No. 766(19) approving the proposed Tentative Parcel Map No. 62063 subject to the attendant Conditions of Approval.
2. Adopt Resolution No. 767(19) approving the proposed Conditional Use Permit No. 02-2019 subject to the attendant Conditions of Approval.
3. Adopt Resolution No. 768(19) approving the proposed Modification No. 01-2019 to Conditional Use Permit No. 03-2008 subject to the attendant Conditions of Approval.

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

ATTACHMENTS
Exhibit A: Tentative Parcel Map No. 62063
Exhibit B: Site Plan for Conditional Use Permit
Exhibit C: Resolution No. 766(19)
Exhibit D: Resolution No. 767(19)
Exhibit E: Resolution No. 768(19)
RESOLUTION NO. 766(19)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE APPROVING TENTATIVE PARCEL MAP NO. 62063, TO ALLOW THE SUBDIVISION OF ONE (1) PARCEL INTO TWO (2) PARCELS FOR COMMERCIAL USE ON PROPERTY LOCATED AT 5200 RIVERGRADE ROAD IN THE C-M (COMMERCIAL MANUFACTURING) ZONE, SUBJECT TO CONDITIONS AS SET FORTH HEREIN AND MAKING FINDINGS IN SUPPORT THEREOF

A. RECITALS.
   (i) Gaby Azar (Rivergrade Service Station, LP), 710 East Parkridge Avenue, Ste. 106, Corona, CA 92879, the Applicant, has made a request for a Tentative Parcel Map, pursuant to Title 16 of the Irwindale Municipal Code (IMC), to allow the subdivision of one (1) parcel into two (2) parcels on property located at 5200 Rivergrade Road (“Subdivision”). (This Tentative Parcel Map is being processed concurrently with Modification No. 01-2019 to Conditional Use Permit No. 03-2008; and Conditional Use Permit No. 02-2019).
   (ii) The property is zoned C-M (Commercial Manufacturing). Hereinafter in this Resolution, the subject Tentative Parcel Map shall be referred to as the “Application.”
   (iii) On April 3, 2008, the Irwindale Planning Commission conducted a duly noticed public hearing and approved Conditional Use Permit No. 03-2008 [Resolution No. 535(08)].
   (iv) On May 28, 2008, the Irwindale City Council conducted a duly noticed public hearing and approved Site Plan and Design Review No. 01-2008 (Resolution No. 2008-25-2297).
   (v) On August 21, 2019, the Irwindale Planning Commission conducted a duly noticed public hearing, as required by law, on the Application, closed the public hearing and approved the Tentative Parcel Map, subject to the approval of a Resolution, which details the specific Conditions under which the Application was approved.
   (vi) 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, development plans, and Conditions of Approval attached hereto as Exhibit “C,” this Planning Commission hereby specifically finds as follows:
a. The proposed Application for the subdivision is consistent with the City’s General Plan Land Use Designation (Commercial), the State Subdivision Map Act, the Zoning Designation of C-M (Commercial Manufacturing).

b. The improvement of the proposed subdivision is consistent with the General Plan and applicable development standards of the C-M zone.

c. The subdivision is physically suitable for the existing commercial development, as established in the Zoning Code.

d. The subdivision is physically suited for the type of parcel density. The lots will fall under the fifty percent (50%) lot coverage maximum for the C-M zone.

e. The design or proposed improvements of the subdivision will not cause any substantial environmental damage or substantially injure fish, wildlife, or their habitats, or cause serious public health problems in that the Application will create two (2) parcels from one (1) existing, developed parcel in a commercial-industrial area. The subdivision is located in an urbanized area and is not the habitat of fish or wildlife.

f. The design of the proposed Application for the subdivision and the type of improvements are not likely to cause serious public health problems because the existing uses will not be changed by the approval of the Application.

g. The proposed Application for the subdivision and proposed improvements will not conflict with public easements for access through, or use of, property within the site, as public streets are provided that will efficiently carry both pedestrian and vehicular traffic to the proposed subdivided lots. Additionally, a reciprocal parking and access agreement will be recorded to allow access to all available on-site parking.

h. Discharge of waste from the proposed subdivision into the existing sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board as the facilities on site are existing and in compliance with any requirements prescribed.

i. The requirements of CEQA have been satisfied as it has been determined that the proposed subdivision is Categorically Exempt from the provisions of CEQA.

j. The proposed subdivision does not consist of five hundred or more residential dwelling units, therefore, "sufficient water supply," as that term is defined in the Subdivision Map Act, will not be required to serve the proposed subdivision.

3. The Planning Commission hereby specifically finds and determines that, pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, as amended, and the City of Irwindale environmental guidelines, the Project is Categorically Exempt from the provisions of CEQA pursuant to Section 15315 of Title 14 of the California Code of Regulations (Class 15; Minor Land Divisions) and no further review
is required. Also, the City has determined that this project will not have, either individually or cumulatively, an adverse impact on fish and wildlife resources.

4. Based upon the substantial evidence and findings set forth herein above, this Planning Commission hereby approves the Application subject to the conditions set forth in Exhibit “C” 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 16 and 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 21st day of August 2019.

________________________
Chairperson

ATTEST:

________________________
Secretary

I, Marilyn Simpson, AICP, Community Development Manager/City Planner 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 21st day of August 2019, by the following vote:

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

________________________
Secretary
EXHIBIT “C”

PLANNING COMMISSION RESOLUTION NO. 766(19)

Tentative Parcel Map No. 62063
Irwindale Gateway Center
5200 Rivergrade Road
Irwindale, CA 91706

FINAL CONDITIONS OF APPROVAL

A. GENERAL CONDITIONS:

1. The Applicant shall agree and consent, in writing, to each and every Tentative Parcel Map approval set forth herein within twenty (20) days from the adoption of this Resolution by the Planning Commission approving the Tentative Parcel Map.

2. 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.

3. All graffiti shall be adequately and completely removed or painted over to match the surface within 48 hours of such graffiti being affixed on any structure or fence at the proposed subdivision.

4. The Tentative Parcel Map 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 “Revocation”.

5. City inspectors shall have access to the site to reasonably inspect the proposed subdivision during normal working hours to assure compliance with these conditions and other codes.

6. Any and all fees required to be paid to any public agency shall be paid prior to obtaining any permit for this project.

7. All appropriate practices shall be adopted to control dust, odor and vermin.

8. Upon receipt of a complaint related to any condition of approval imposed by this Tentative Parcel Map, 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.

9. The proposed subdivision 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 Tentative Parcel Map.
10. The use and improvements authorized by the Tentative Parcel Map shall conform to the plans as finally approved by the City as conditioned herein, and any appreciable modification as determined by the Community Development Manager shall require the prior approval of the Planning Commission or City Council, as applicable.

11. If applicable, each parcel/property owner shall be subject to the requirements of the approved Covenants, Conditions and Restrictions (CC&R’s). The CC&R’s shall be a legally recorded document bound to each parcel. The CC&R’s shall be approved by the City Council.

B. COMMUNITY DEVELOPMENT DEPARTMENT

1. This Tentative Parcel Map is for the subdivision of one (1) parcel into two (2) parcels, as shown on the Tentative Parcel Map dated July 31, 2019, located at 5200 Rivergrade Road, Irwindale, CA 91706.

2. This Tentative Parcel Map shall expire two (2) years after approval by the Planning Commission. Upon receipt of written request for extension, the granting body, upon good cause shown by the Applicant, may extend the time limitations imposed by Section 66452.11 “One Time Map Extension” of the 2018 Subdivision Map Act for a period not to exceed two (2) years.

3. The Final Conditions of Approval shall be recorded with the Parcel Map.

4. The Applicant shall defend, indemnify and hold harmless the City of Irwindale, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, any approval of the City, its advisory agencies, appeal boards, or legislative body concerning Tentative Parcel Map No. 62063. The City will promptly notify the permittee of any such claim, action, or proceeding against the City and will cooperate fully in the defense.

5. At least 10 percent of the total gross land area of each site shall be landscaped.

6. All plant material, including trees, shall be maintained in good condition and replaced in the event they die or become diseased.

7. A reciprocal parking and access agreement shall be legally recorded for Proposed Parcel 1 and 2.

8. Businesses on Parcels 1 and 2 shall be allowed to advertise on the exiting monument sign that is located on Parcel 1 through the recordation of CC&R’s. The CC&R’s shall stipulate the terms of the shared advertising space.

9. All signage shall conform to the design standards and specifications listed in the Irwindale Gateway Center Sign Guidelines.

10. All perimeter fencing, block walls, etc. shall be maintained in satisfactory condition in accordance with all applicable codes.
11. The Applicant shall be required to submit plans for future development to the Community Development Department.

12. The existing air/water supply and vacuum shall be relocated to a location on Proposed Parcel 1.

13. All utility equipment such as backflow units and transformers shall be screened with evergreen screen shrubs as allowed.

14. All mechanical equipment such as gas meters, electrical meters, electrical transformers (those not owned by the public utility) or other obstructions will be located either underground or within a designated area built directly into a building and screened with a cabinet door. The location of said utilities/equipment shall be shown in the Site Plan and subject to the approval of the Director of Community Development.

15. This approval is subject to approval of Modification No. 01-2019 to Conditional Use Permit No. 03-2008 [(per Resolution No. 767(19)] and Conditional Use Permit No. 02-2019 [(per Resolution No. 768(19)] by the Planning Commission.

16. The Conditions of Approval approved per Resolution No. 535(08) and Resolution No. 2008-25-2297 shall remain in effect.

C. FIRE DEPARTMENT

1. A copy of the Final Map shall be submitted to the Fire Department for review and approval prior to recordation.

2. Access as noted on the Tentative and the Exhibit Maps shall comply with Title 21 (County of Los Angeles Subdivision Code) and Section 503 of the Title 32 (County of Los Angeles Fire Code), which requires an all-weather access surface to be clear to sky.

3. The Private Driveway shall be labeled as “Private Driveway” on the Final Map. The portion of the private driveway intended for fire apparatus access shall be identified as “Fire Lane” on the Final Map. All widths and dimensions shall be clearly delineated with a reciprocal access agreement required for all private driveways. Compliance required prior to Final Map clearance.

4. All on-site Fire Department vehicular access roads shall be labeled as “Private Driveway and Fire Lane” on the site plan along with the widths clearly depicted on the plan. Labelling is necessary to assure the access availability for Fire Department use. The designation allows for appropriate signage prohibiting parking. Provide a minimum unobstructed width of 26 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance “clear to sky” Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building. Fire Code 503.1.1 & 503.2.2.
5. All fire lanes shall be clear of all encroachments, and shall be maintained in accordance with the Title 32, County of Los Angeles Fire Code.

6. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.

7. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official. Fire Code 503.2.2.1.

8. All hydrants shall measure 6”x 4”x 2-1/2” brass or bronze, conforming to current AWWA standard C503 or approved equal.

9. All required public fire hydrants shall be installed, tested, and accepted prior to clearance of the Final Map. Fire Code 501.4.

10. The required fire flow for the public fire hydrants is 2500 gpm for 2 hours at 20 psi.

11. Additional water systems requirements, including new public fire hydrants will be determined upon on the review of the requested Fire Flow Availability Form, Form 196.

D. PUBLIC WORKS DEPARTMENT

STREETS

1. All off-site improvements within the Public Right-of-Way shall be performed in accordance with City Standards to the satisfaction of the City Engineer. Construction plans shall be reviewed and approved by the City Engineer.

2. Adequate “on-site” parking shall be provided per City requirements.

3. The owner and/or developer shall remove and reconstruct all damaged or deficient sidewalk, driveways, curb and gutter as directed by the City Engineer.

4. The owner/developer shall bear the full cost of upgrading the existing street lights along the Live Oak Avenue and Rivergrade Road frontage to more energy efficient fixtures (LED). Street lighting upgrade shall meet the City of Irwindale and County of Los Angeles Street Lighting Design Standards.

CITY UTILITIES

5. Storm drains, catch basins, connector pipes, and appurtenances for the site specific storm drain system shall be designed and constructed in accordance with Los Angeles County standards and the City Engineer’s requirements. The owner/developer shall submit grading and drainage plans to the City Engineer for review and approval. The grading and drainage plans shall be prepared by a licensed civil engineer and comply with Los Angeles County grading permit requirements. A hydrology study shall be included with the drainage plan.
6. Fire hydrants shall be installed as required by the Fire Department. Existing public fire hydrants adjacent to the site, if any, shall be upgraded if required by the City Engineer and/or Fire Department.

PARCEL MAPS

7. Final parcel map shall be prepared and submitted to the Public Works Department for review and approval. The applicant shall be responsible for all fees associated with the review and processing of the final map. The developer shall comply with Los Angeles County’s Digital Subdivision Ordinance (DSO) and submit final maps to the City and County in digital format.

8. The developer, under the direction of a certified land surveyor and at no cost to the City, shall install all required property boundary monuments, centerline ties and City monuments subject to the Public Works Director/City Engineer's approval.

9. The owner/developer shall provide, at no cost to the City, one mylar print of the recorded parcel map from the County of Los Angeles Department of Public Works.

10. The owner/developer shall relocate the City’s storm drain utility easement to the satisfaction of the City Engineer. All associated costs shall be borne by the owner/developer.

11. An Easement Agreement for all easements (e.g., reciprocal access; surface drainage; utilities, etc.) shall be prepared for each parcel, and shall be executed and recorded in the Office of the Los Angeles County Recorder. Such agreements and any CC&Rs shall be subject to the approval of the City Attorney.

FEES

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

MISCELLANEOUS

13. The owner/developer shall comply with the National Pollutant Discharge Elimination System (NPDES) program and shall require the general contractor to implement storm water/urban runoff pollution prevention controls and Best Management Practices (BMPs) on all construction sites in accordance with the City Code. The owner/developer will also be required to submit a Certification for the project and may be required to prepare a Storm Water Pollution Prevention Plan (SWPPP). Projects over five acres in size will be required to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB). The owner/developer can obtain the current application packet by contacting the SWRCB, Construction Storm Water Unit, at (866) 563-3107 or by downloading the forms from their website at: www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml. The project shall also conform to the City's Ordinance regarding the requirements for the submittal of a Standard Urban Storm Water Mitigation Plan (“SUSMP”), and the
requirements of Low Impact Development ("LID"). The SUSMP includes a requirement to implement Post Construction BMPs to infiltrate the first 3/4" of runoff from all storm events and to control peak-flow discharges.

14. Unless exempted by the Los Angeles Regional Water Quality Control Board, a Covenant and Restriction ensuring the provisions of the approved SWPPP shall also be required.

E. BUILDING AND SAFETY

1. Building and grading permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the current Irwindale Building & Residential Code. Any applicable Building plans must contain the following items in order to be submitted for plan check:

a. **Site Plan:** Dimension setbacks from proposed property line. Ensure vehicular circulation meets minimum requirements per City Planning.

b. **General Notes:** Applicable codes, occupancy classification, type of construction.

c. **Floor Plans (if applicable):** Walls, doors and window locations and schedule.

d. **Disabled Access Requirements:** Complete path of travel from public right of way to building entrances and from accessible parking stalls to building entrances, number of parking spaces required/provided for each lot and required/provided accessible parking stalls, ramps, curbs. All details must be cross referenced on the plan. If existing, indicate on plans and to be V.I.F.

e. **Exterior Elevations (if applicable):** window/door locations.

f. **Schedules (if applicable):** Doors and windows.

g. **Details:** Complete accessible path of travel.

2. Comply with 2017 LA County Building Code Table 602. As applicable, any modification to building envelope may require structural analysis, window/door schedules, elevation views, etc.

3. Provide a trash enclosure for each lot. Trash enclosures shall conform to requirements set forth in Building Code Manual 312 Article 2. The trash enclosures shall require a solid roof structure to cover the enclosure.
RESOLUTION NO. 767(19)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE APPROVING MODIFICATION NO. 01-2019 TO CONDITIONAL USE PERMIT NO. 03-2008 TO REMOVE THE USE OF RESTAURANTS AND TO CONTINUE OPERATION OF: (1) THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION; (2) A FUELING STATION; AND (3) A CAR WASH ON PROPERTY LOCATED AT 5200 RIVERGRADE ROAD, IRWINDALE, CA 91706 IN THE C-M (COMMERCIAL MANUFACTURING) ZONE, SUBJECT TO CONDITIONS AS SET FORTH HEREIN AND MAKING FINDINGS IN SUPPORT THEREOF

A. RECITALS.

(i) Gaby Azar (Rivergrade Service Station, LP), 710 East Parkridge Avenue, Ste. 106, Corona, CA 92879, the Applicant, has made a request for a Modification to a Conditional Use Permit, pursuant to Section 17.80.160 of the Irwindale Municipal Code to remove the use of restaurants and to continue operation of the sale of beer and wine for off-site consumption; a fueling station; and a car wash on property located at 5200 Rivergrade Road. (This Modification to a Conditional Use Permit is being processed concurrently with Tentative Parcel Map No. 62063; and Conditional Use Permit No. 02-2019).

(ii) The Subject Property is located at 5200 Rivergrade Road (APN 8535-001-035). The Subject Property is zoned C-M (Commercial Manufacturing). Hereinafter in this Resolution, the subject Conditional Use Permit shall be referred to as the “Application.”

(iii) On April 3, 2008, the Irwindale Planning Commission conducted a duly noticed public hearing and approved Conditional Use Permit No. 03-2008 [Resolution No. 535(08)].

(iv) On May 28, 2008, the Irwindale City Council conducted a duly noticed public hearing and approved Site Plan and Design Review No. 01-2008 (Resolution No. 2008-25-2297).

(v) On August 21, 2019, the Irwindale Planning Commission conducted a duly noticed public hearing, as required by law, on the Application, closed the public hearing and approved the Conditional Use Permit, which details the specific Conditions under which the Application was approved.

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

B. RESOLUTION.

Planning Commission Resolution No. 767(19)
Page 1 of 9
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 “D,” this Planning Commission hereby specifically finds as follows:

Before any Conditional Use Permit is granted, the applicant must show, to the satisfaction of the Planning Commission or the City Council (if appealed), 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 existing use is adequate in size and shape.

The proposed parcel offers sufficient space and provide the required parking and circulation areas, through the recordation of a reciprocal parking and access agreement, to adequately support the existing uses.

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 existing use.

The subject parcel is bordered by Rivergrade Road on the west and Live Oak Avenue on the south. Access to the I-605 Freeway is provided via Live Oak Avenue.

C. That the existing use will not have an adverse effect upon adjacent properties.

The existing uses, as conditioned herein, will not have an adverse effect upon adjacent properties since the tenants, who have occupied the site for approximately seven (7) years, provide goods and services to surrounding industrial parks and commuters on Live Oak Avenue, Rivergrade Road, and the I-605 Freeway. There is no proposed intensification of the on-site uses that would constitute an adverse impact on the surrounding properties.

Before any Conditional Use Permit for Alcoholic Beverage Establishments is granted, the applicant must show, to the satisfaction of the Planning Commission or the City Council (if appealed), the existence of the following findings of fact. Staff has determined that the findings can be made based on the analysis shown:

All of the findings contained in IMC Section 17.58.040 can be positively made:

Planning Commission Resolution No. 767(19)
Page 2 of 9
The location of the existing licensed off-sale alcoholic beverage establishment would not be located within 300 feet from another such establishment or any residential use, church or other place of worship, or hospital; or within 1000 feet from an educational institution, nursery school, day camp, daycare center, public park, or playground, as such distances are measured from the closest property line of each use.

A comparison of the location of these uses with the location of the existing use shows that there are no such uses within 300 feet or 1,000 feet respectively of the site of the existing use.

All of the findings contained in IMC Section 17.58.050 can be positively made:

A. That the existing use serves the public convenience or necessity, based upon the factors outlined in Section 17.58.060.
   1. The issuance of the Conditional Use Permit would not duplicate services and therefore contribute to an over-concentration of alcoholic beverage establishments;
   2. Alcohol sales are related to the function of the existing use in that all convenience stores sell beer and wine, and it would be economically infeasible for such a use to operate in a viable manner without alcoholic beverage sales;
   3. The existing establishment will serve a niche in the market not filled by other alcoholic beverage establishment licenses in the area;
   4. The existing establishment will provide the convenience of purchasing alcoholic beverages in conjunction with other specialty food sales or services;
   5. The aesthetic character and ambiance of the existing establishment will be consistent with the City’s Commercial and Industrial Design Guidelines;
   6. There are conditions of approval that prescribe the manner in which the existing establishment is to be conducted, including the extent to which the establishment will provide an adequate and well trained staff (refer to Resolution No. 535(08), specifically Conditions of Approval listed under Section B “Community Development Department.”)
   7. The existing establishment complements the established or proposed businesses in the surrounding area in that it will provide services to the surrounding industrial and warehouse businesses and commuters;
   8. The existing establishment, location and/or operator has no history of law enforcement problems;
9. The crime rate in the reporting district and adjacent reporting districts is comparable to other areas in the city and adjacent cities;

10. The number of alcohol-related police calls for service, crimes or arrests in the reporting district and in adjacent districts is comparable to other areas of the city and adjacent cities;

11. The existing establishment will maintain security, or surveillance, both inside and outside the premises and comply with all applicable laws.

B. That the existing establishment will comply with the conditions of approval at Section 17.58.070; 17.58.080; and 17.58.090 of this chapter.

The conditions of approval contained in Sections 17.58.070; 17.58.080; and 17.58.090 of the IMC have been incorporated into the conditions of approval for this proposal, with the exception of Subsection 17.58.070(B)(1). Subsection 17.58.070(B)(1) requires construction of a decorative masonry wall around the parking area of off-sale establishments when said area is adjacent to properties zoned or used for residential purposes or any other sensitive use, as listed in Section 17.58.040. In this case, the parking area for the convenience store is not adjacent to any residentially zoned property, or any property used for residential purposes, or any other sensitive uses.

C. That the existing use will not adversely affect nearby residents and facilities primarily devoted to use by children, families, and the general public, after giving consideration to the distance or proximity of the proposed alcoholic beverage establishment to residential districts, educational institutions, nursery schools, day camps, day care centers, public parks, playgrounds, places of worship or hospitals.

A comparison of the location of these uses with the location of the existing use shows that there are no such uses within 300 feet or 1,000 feet respectively of the site of the existing use and, therefore, will not adversely affect the residents and facilities devoted to use by children, families, and the general public.

3. The Planning Commission hereby specifically finds and determines that, pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, as amended, and the City of Irwindale environmental guidelines, the Project is Categorically Exempt from the provisions of CEQA pursuant to Section 15301 (Class 1; Existing Facilities) and no further review is required. Also, the City has determined that this project will not have, either individually or cumulatively, an adverse impact on fish and wildlife resources.

4. Based upon the substantial evidence and findings set forth herein above, this Planning Commission hereby approves the Application subject to the conditions set forth in Exhibit “D” 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 21st day of August 2019.

________________________________________
Chairperson

ATTEST:

________________________________________
Secretary

I, Marilyn Simpson, AICP, Community Development Manager/City Planner of the City of Irwindale, do hereby certify that the foregoing Resolution was adopted at a special meeting of the Planning Commission of the City of Irwindale held on the 21st day of August 2019, by the following vote:

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

________________________________________
Secretary
EXHIBIT “D”

PLANNING COMMISSION RESOLUTION NO. 767(19)

Modification No. 01-2019 to Conditional Use Permit No. 03-2008
Irwindale Gateway Center
5200 Rivergrade Road
Irwindale, CA 91706

FINAL CONDITIONS OF APPROVAL

A. GENERAL CONDITIONS

1. The activities authorized by this Conditional Use Permit allow for the operation of a 3,200 square foot convenience store that includes the sale for off-site consumption of beer and wine; a fuel station with six pumps (12 dispensers); a diesel station with three pumps (6 dispensers); and a 1,190 square foot self-serve car wash, 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 Manager at least thirty (30) days prior to such expiration or abandonment. Upon receipt of written request for extension, the Community Development Manager may grant an extension of this Conditional Use Permit approval for a period not to exceed one (1) year from the original date of expiration, or may refer such request to the Planning Commission for determination.

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. 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.

4. All graffiti shall be adequately and completely removed or painted over within 48 hours of such graffiti being affixed on any structure or fence at the site.

5. 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.

6. 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 Modification No. 01-2019 to Conditional Use Permit No. 03-2008 or any of its modifications. The City will promptly notify the permittee of any such claim, action or proceeding against the City and will cooperate fully in the defense.

7. 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.

8. 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.

9. Any and all fees required to be paid to any public agency shall be paid prior to obtaining any permit for this project.

10. 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.

11. The use and improvements authorized by the 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 Director of Planning shall require the prior approval of the Planning Commission.

B. COMMUNITY DEVELOPMENT DEPARTMENT

1. The project shall substantially conform to submitted plans date-stamped July 31, 2019 except as modified herein. Future modifications that are not in substantial conformance, as determined by the Community Development Manager, shall require modification of this approval subject to the provisions of IMC Section 17.80.160 “Modification”.

2. The Conditions of Approval for Conditional Use Permit No. 03-2008 [PC Resolution No. 535(08)] shall remain in effect except for the use of restaurants and any related conditions. Should any condition be found to be inconsistent, the stricter condition shall apply.

3. Any proposed increase in intensity shall be subject to a modification of this CUP.

4. At least 10 percent of the total gross land area shall be landscaped.

5. All plant material, including trees, shall be maintained in good condition and replaced in the event they die or become diseased.

6. All signage shall conform to the design standards and specifications listed in the Irwindale Gateway Center Sign Guidelines.
7. All perimeter fencing, block walls, etc. shall be maintained in satisfactory condition in accordance with all applicable codes.

8. The parking standards for the proposed development shall be consistent with Chapter 17.64 of the City’s Zoning Code. Standard parking stalls shall be nine feet wide by nineteen feet long.

9. The Applicant shall be required to submit plans for future development to the Community Development Department.

10. All approved business operations on-site shall have an Occupancy Permit and Business License prior to commencing operations.

11. This approval is subject to approval of Tentative Parcel Map No. 62063 [(per Resolution No. 766(19)] and Conditional Use Permit No. 02-2019 [(per Resolution No. 768(19)] by the Planning Commission.

12. The Conditions of Approval approved per Resolution No. 535(08) and Resolution No. 2008-25-2297 shall remain in effect.

C. PUBLIC WORKS DEPARTMENT

1. Previously approved Public Works conditions shall remain in effect and shall not be modified without the approval of the City Engineer.

2. Adequate “on-site” parking shall be provided per City requirements.

3. All existing buildings shall be connected to the sanitary sewers.

4. The owner/developer shall comply with the National Pollutant Discharge Elimination System (NPDES) program and shall require the general contractor to implement storm water/urban runoff pollution prevention controls and Best Management Practices (BMPs) on all construction sites in accordance with the City Code. The owner/developer will also be required to submit a Certification for the project and may be required to prepare a Storm Water Pollution Prevention Plan (SWPPP). Projects over five acres in size will be required to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB). The owner/developer can obtain the current application packet by contacting the SWRCB, Construction Storm Water Unit, at (866) 563-3107 or by downloading the forms from their website at: www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml. The project shall also conform to the City’s Ordinance regarding the requirements for the submittal of a Standard Urban Storm Water Mitigation Plan (“SUSMP”), and the requirements of Low Impact Development (“LID”). The SUSMP includes a requirement to implement Post Construction BMPs to infiltrate the first 3/4" of runoff from all storm events and to control peak-flow discharges.
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.

D. BUILDING AND SAFETY

1. Building and grading permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the current Irwindale Building & Residential Code. Any applicable Building plans must contain the following items in order to be submitted for plan check:

   a. Site Plan: Dimension setbacks from proposed property line. Ensure vehicular circulation meets minimum requirements per City Planning.

   b. General Notes: Applicable codes, occupancy classification, type of construction.

   c. Floor Plans (if applicable): Walls, doors and window locations and schedule.

   d. Disabled Access Requirements: Complete path of travel from public right of way to building entrances and from accessible parking stalls to building entrances, number of parking spaces required/provided for each lot and required/provided accessible parking stalls, ramps, curbs. All details must be cross referenced on the plan. If existing, indicate on plans and to be V.I.F.

   e. Exterior Elevations (if applicable): window/door locations.

   f. Schedules (if applicable): Doors and windows.

   g. Details: Complete accessible path of travel.

2. Comply with 2017 LA County Building Code Table 602. As applicable, any modification to building envelope may require structural analysis, window/door schedules, elevation views, etc.

3. Trash enclosures shall conform to requirements set forth in Building Code Manual 312 Article 2. The trash enclosures shall require a solid roof structure to cover the enclosure.

E. FIRE DEPARTMENT

1. Any new building construction in this project shall be submitted to the Fire Department for plan review. (Plans for fire access, hydrant location, fire flow availability and life safety issues).
RESOLUTION NO. 768(19)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE
APPROVING CONDITIONAL USE PERMIT NO. 02-2019 TO ALLOW TWO EXISTING
RESTAURANTS (ONE WITH DRIVE-THROUGH SERVICE) FOR PROPERTY
LOCATED AT 5200 RIVERGRADE ROAD, IRWINDALE, CA 91706 IN THE C-M
(COMMERCIAL MANUFACTURING) ZONE, SUBJECT TO CONDITIONS AS SET
FORTH HEREIN AND MAKING FINDINGS IN SUPPORT THEREOF

A. RECITALS.

(i) Gaby Azar (Rivergrade Service Station, LP), 710 East Parkridge Avenue,
Ste. 106, Corona, CA 92879, the Applicant, has made a request for a
Conditional Use Permit, pursuant to Section 17.80.030(21) of the Irwindale
Municipal Code in order to allow two existing restaurants (one with drive-
through service) on property located at 5200 Rivergrade Road. (This
Conditional Use Permit is being processed concurrently with
Tentative Parcel Map No. 62063; and Modification No. 01-2019 to
Conditional Use Permit No. 03-2008).

(ii) The Subject Property is located at 5200 Rivergrade Road. The Subject
Property is zoned C-M (Commercial Manufacturing). Hereinafter in this
Resolution, the subject Conditional Use Permit shall be referred to as the
“Application.”

(iii) On April 3, 2008, the Irwindale Planning Commission conducted a duly
noticed public hearing and approved Conditional Use Permit No. 03-2008
[Resolution No. 535(08)].

(iv) On May 28, 2008, the Irwindale City Council conducted a duly noticed public
hearing and approved Site Plan and Design Review No. 01-2008
(Resolution No. 2008-25-2297).

(v) On August 21, 2019, the Irwindale Planning Commission conducted a duly
noticed public hearing, as required by law, on the Application, closed the
public hearing and approved the Conditional Use Permit, which details the
specific Conditions under which the Application was approved.

(vi) 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 “E,” this Planning Commission hereby specifically finds as follows:

Before any Conditional Use Permit is granted, the applicant must show, to the satisfaction of the Planning Commission or the City Council (if appealed), 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 existing use is adequate in size and shape.

The proposed parcels offer sufficient space and provide the required parking and circulation areas, through the recordation of a reciprocal parking and access agreement, to adequately support the existing uses.

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 existing use.

The subject parcel is bordered by Rivergrade Road on the west and Live Oak Avenue on the south. Access to the I-605 Freeway is provided via Live Oak Avenue.

C. That the existing use will not have an adverse effect upon adjacent properties.

The existing uses, as conditioned herein, will not have an adverse effect upon adjacent properties since the tenants, who have occupied the site for approximately seven (7) years, provide goods and services to surrounding industrial parks and commuters on Live Oak Avenue, Rivergrade Road, and the I-605 Freeway. There is no proposed intensification of the on-site uses that would constitute an adverse impact on the surrounding properties.

3. The Planning Commission hereby specifically finds and determines that, pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, as amended, and the City of Irwindale environmental guidelines, the Project is Categorically Exempt from the provisions of CEQA pursuant to Section 15301 (Class 1; Existing Facilities) and no further review is required. Also, the City has determined that this project will not have, either individually or cumulatively, an adverse impact on fish and wildlife resources.

4. Based upon the substantial evidence and findings set forth herein above, this Planning Commission hereby approves the Application subject to the conditions set
forth in Exhibit “E” 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 21st day of August 2019.

   ________________________________
   Chairperson

ATTEST:

______________________________
Secretary

I, Marilyn Simpson, AICP, Community Development Manager/City Planner of the City of Irwindale, do hereby certify that the foregoing Resolution was adopted at a special meeting of the Planning Commission of the City of Irwindale held on the 21st day of August 2019, by the following vote:

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

______________________________
Secretary
EXHIBIT “E”

PLANNING COMMISSION RESOLUTION NO. 767(19)

Modification No. 01-2019 to Conditional Use Permit No. 03-2008
Irwindale Gateway Center
13835 Live Oak Avenue
Irwindale, CA 91706

FINAL CONDITIONS OF APPROVAL

A. GENERAL CONDITIONS

1. The activities authorized by this Conditional Use Permit allow for the operation of a 1,800 square foot restaurant with drive-through service; and a 950 square foot restaurant, 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 Manager at least thirty (30) days prior to such expiration or abandonment. Upon receipt of written request for extension, the Community Development Manager may grant an extension of this Conditional Use Permit approval for a period not to exceed one (1) year from the original date of expiration, or may refer such request to the Planning Commission for determination.

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. Plans for any proposed tenant 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.

4. All graffiti shall be adequately and completely removed or painted over within 48 hours of notification by the City of Irwindale.

5. 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.

6. 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. 02-2019 and/or the environmental
review thereof. The City will promptly notify the permittee of any such claim, action or proceeding against the City and will cooperate fully in the defense.

7. 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 the property owner to ensure complete accessibility.

8. 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.

9. Any and all fees required to be paid to any public agency shall be paid prior to obtaining any permit for this project.

10. 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.

11. The use and interior 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 Manager/City Planner shall require the prior approval of the Planning Commission.

B. COMMUNITY DEVELOPMENT DEPARTMENT

1. The project shall substantially conform to submitted plans date-stamped July 31, 2019 except as modified herein. Future modifications that are not in substantial conformance, as determined by the Community Development Manager/City Planner, shall require modification of this approval subject to the provisions of IMC Section 17.80.160 “Modification”.

2. The uses on the site shall be allowed to operate 24 hours a day, seven days a week. The hours of operation shall be reviewed by the Community Development Manager. If the Community Development Manager determines that the hours of operation should be changed (based upon information such as police call for service to the site, or complaints from the community), the matter shall be referred to the Planning Commission.

3. Any proposed expansion or intensification of the use shall be subject to a modification of this CUP.

4. All approved business operations on-site shall have an Occupancy Permit and Business License prior to commencing operations.

5. At least 10 percent of the total gross land area shall be landscaped.
6. The existing landscaping shall be maintained in good condition at all times, including but not limited to, the replacement of any damaged foliage and replanting, as necessary. It shall be maintained in good and healthy condition and replaced if damaged, unhealthy or dead.

7. All signage shall conform to the design standards and specifications listed in the Irwindale Gateway Center Sign Guidelines.

8. All perimeter fencing, block walls, etc. shall be maintained in satisfactory condition in accordance with all applicable codes.

9. The parking standards for the proposed development shall be consistent with Chapter 17.64 of the City’s Zoning Code. Standard parking stalls shall be nine feet wide by nineteen feet long.

10. The Applicant shall be required to submit plans for future development to the Community Development Department.

11. This approval is subject to approval of Tentative Parcel Map No. 62063 [(per Resolution No. 766(19)] and Modification No. 01-2019 to Conditional Use Permit No. 03-2008 [(per Resolution No. 767(19)] by the Planning Commission.

12. The Conditions of Approval approved per Resolution No. 535(08) and Resolution No. 2008-25-2297 shall remain in affect.

C. PUBLIC WORKS DEPARTMENT

1. Adequate “on-site” parking shall be provided per City requirements.

2. All existing buildings shall be connected to the sanitary sewers.

3. The owner/developer shall comply with the National Pollutant Discharge Elimination System (NPDES) program and shall require the general contractor to implement storm water/urban runoff pollution prevention controls and Best Management Practices (BMPs) on all construction sites in accordance with the City Code. The owner/developer will also be required to submit a Certification for the project and may be required to prepare a Storm Water Pollution Prevention Plan (SWPPP). Projects over five acres in size will be required to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB). The owner/developer can obtain the current application packet by contacting the SWRCB, Construction Storm Water Unit, at (866) 563-3107 or by downloading the forms from their website at: www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml. The project shall also conform to the City’s Ordinance regarding the requirements for the submittal of a Standard Urban Storm Water Mitigation Plan (“SUSMP”), and the requirements of Low Impact Development (“LID”). The SUSMP includes a
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