CITY OF IRWINDALE
PLANNING COMMISSION STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

Date: February 19, 2025 **Agenda Item No. 4-B**

To: Honorable Chair and Members of the Planning Commission

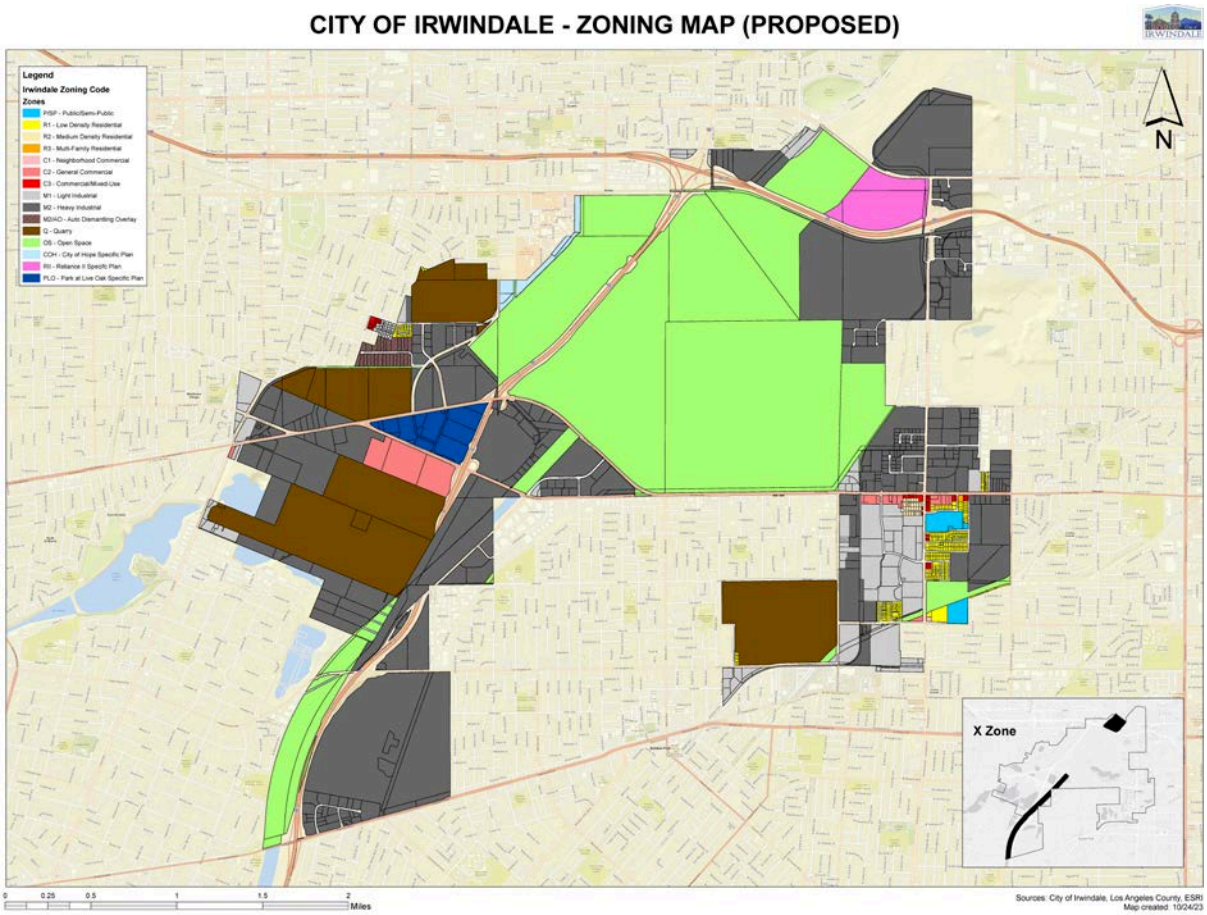
From: Marilyn Simpson, AICP, Community Development Director

Project Planners: Community Development Staff

Project: Comprehensive Title 17 Zoning Code Update

Applicant: City of Irwindale

Project Location: Citywide



Staff Recommendation: That the Planning Commission consider the following:

1) Adopt Resolution Nos. 828(24) and 829(24), with additional, revised, or alternative recommendations to the City Council, and direct staff to report back to the City Council;

AND

2) Recommend that the City Council adopt findings of consistency with the City's previously certified General Plan Environmental Impact Report (SCH# 2005071047), and finding the project exempt from further environmental review, pursuant to CEQA Guidelines section 15183, and 15162

PROJECT SUMMARY

The project consists of a proposed comprehensive update to Title 17, Zoning, of the Irwindale Municipal Code to eliminate constraints to the maintenance, improvement, and development of housing pursuant to Government Code Section 65583(c)(3); implement the City's General Plan and Housing Element policies and programs, incorporate changes to State law and reflect recent case law; better define land uses, regulations, exceptions, and improve usability of the Zoning Code; address zoning districts in accordance with the General Plan Land Use Element; facilitate development and redevelopment; and remedy imperfect code amendments and map errors. The update includes text and map updates and is attached as Exhibit A.

BACKGROUND/HISTORY/PUBLIC HEARING MEETINGS:

September 20, 2023:

The draft Title 17 Zoning Code was presented to the Planning Commission at the September 23, 2023 meeting. Minor corrections were made to the draft Zoning Code, reflecting the comments received from the Planning Commissioners.

During that meeting, Staff was also instructed by the Planning Commission to conduct a survey to get feedback from community members regarding the rezoning of residential properties from A-1 (Agricultural) to R-1 (Single-Family Residential). This proposed change was originally adopted in the 2013 Housing Element, Program 6, which states: The City will rezone all A-1 (Agricultural) property to R-1 (Single-Family Residential). Staff prepared a survey, which was mailed out to 418 households and also made available to complete online. The survey was active from September 28, 2023 to October 13, 2023. During this time, Staff received a total of sixteen (16) responses; four (4) hard (paper) copies and twelve (12) electronic responses resulting in a 3.8% rate of participation. Of the responses, ten (10) were supportive of a change to R-1 (Single-Family Residential), four (4) were not supportive of a change to R-1 (Single-Family Residential), one (1) did not answer and one wrote in "maybe" with some additional written commentary.

OCTOBER 30, 2023:
The Planning Commission did not conduct the hearing, but instead received further public comment and input on the proposed Zoning Code and Zoning Map Update and continued the item to a date uncertain.
The Planning Commission directed staff to extend the survey until November 8, 2023. Again, the survey was mailed out to 418 households and made available online. During this time, Staff received a total of nine (9) responses; two (2) hard (paper) copies and seven (7) electronic responses resulting in a 2.2% rate of participation. Of the responses, six (6) were supportive of a change to R-1 (Single-Family Residential), two (2) were not supportive of a change to R-1 (Single-Family Residential), and one (1) did not answer. Between the two (2) open survey periods, the survey received twenty-three (23) total responses for an overall resident participation rate of 6%.

NOVEMBER 13, 2023:
On November 13, 2023, the draft Title 17 Zoning Code was to be presented to the Planning Commission during the public hearing portion of the meeting. Before the item was presented by staff, the Planning Commission voted to continue the item to a future date.

FEBRUARY 21, 2024:
The draft Title 17 Zoning Code was presented to the Planning Commission at the February 21, 2024 meeting and the following recommendations were made:

1. The Comprehensive Zoning Code Update was presented to the Planning Commission at the public hearing and the Planning Commission recommended that the City Council adopt findings of consistency with the City's previously certified General Plan Environmental Impact Report (SCH# 2005071047), and finding the project exempt from further environmental review, pursuant to CEQA Guidelines section 15183, and 15162; and
2. The Planning Commission adopted Resolution No. 819(23) recommending that the City Council adopt Ordinance No. 772, approving a City-initiated application for a Zone Ordinance Amendment (ZOA 03-2023) to repeal and replace Title 17 "Zoning" of the Irwindale Municipal Code in its entirety with a Comprehensive Zoning Code Update with the recommendations listed above; and
3. The Planning Commission adopted Resolution No. 820(23) recommending that the City Council consider and adopt Zone Change No. 04-2023 to amend the official Zoning Map of the City of Irwindale to reflect updates to Title 17 (Zoning) consistent with Ordinance No. 772.

Additionally, the Planning Commission made the following recommendations to be included with any additional recommendations to the City Council at the April 10, 2024 City Council meeting:

1. Amend the definition of major arterials in the Zoning Code to be consistent with the definition in the Irwindale General Plan.
2. Add the Billboard Chapter to the Zoning Code as currently written.

3. Keep the SMARA Chapter as is, with direction to bring back the amended Chapter at a later date, for consistency with state law.
4. Minor Variances: add Community Development Director authority to default to 30%, if not listed in the document.
5. For Administrative Approvals by the Community Development Director, document all approvals in the application file.
6. Modify Section 17.09.080a, Planned Development, time extension from 2 years to 1 year.
7. For all commercial and industrial zones, institute a 50-foot setback for new development, measured from the property line for the side facing and abutting any residentially zoned property.

APRIL 10, 2024:
On April 10, 2024, the draft Title 17 Zoning Code Update was presented to the City Council at a public hearing. At that meeting, the City Council heard various comments from the public and directed staff to have the Planning Commission review the Update in light of the public comments

JULY 17, 2024:
The draft Title 17 Zoning Code was again presented to the Planning Commission at the July 17, 2024 meeting, with the directive from the City Council to have the Planning Commission review the update in light of public comments made at the April 10, 2024 City Council meeting.

The Planning Commission heard the staff presentation and received public comments and made the following recommendations:

- Maximum building height is 35 feet in the C-1, C-2, and C-3 zones
- C-3 is to remain Commercial/Residential zone. No mixed use.
- Maximum building height is 40 feet in the M-1 zone
- Maximum building height is 50 feet in the M-2 zone if abutting or adjacent to residential zone
- Maximum building height is 60 feet in the M-2 zone
- Maximum building height is 50 feet in the M-2 zone within a 500-foot buffer measured from the Town Center area identified in the General Plan

The Planning Commission directed staff to provide visual graphics of M-2 zones with the proposed setbacks from residential and the 500-foot buffer for further discussion. Additionally, the tables below reflect the direction provided by the Planning Commission at the August 21, 2024 meeting:

Tables 17.05.030 and 17.06.030:

Revisions to Commercial, Industrial, and Office Development Standards

Table 17.05.030 - Development Standards - Commercial Zones, prescribes the development standards for the Commercial Zones. Additional regulations are denoted in the righthand column. The specific regulations in the referenced section shall apply to the use in addition to other applicable provisions in other sections of this Zoning Code.

Table 17.05.030 Development Standards - Commercial Zones			
Standard	C-1	C-2	C-3
Density and Lot Requirements			
Density (units/acre)			
Maximum Density	-	-	20
Minimum Lot Size (square feet)	5,000	10,000	10,000
Minimum Lot Width (feet)	50	60	80
Building Form and Location			
Floor Area Ratio (FAR)			
Minimum	0.25	0.30	0.30
Maximum	0.5	1.5	2.0
Maximum Height (feet)	35	35	35
Minimum Setbacks (feet)			
Front	20	20	20
Street Side	10/20 abutting a street adjacent to R zoned parcel	10/20 abutting a street adjacent to R zoned parcel	15/50 abutting a street adjacent to R zoned parcel
Interior Side	10/20 abutting a street adjacent to R zoned parcel	10/20 abutting a street adjacent to R zoned parcel	15/50 abutting a street adjacent to R zoned parcel
Rear	10/20 abutting a street adjacent to R zoned parcel	10/20 abutting a street adjacent to R zoned parcel	15 /50 abutting a street adjacent to R zoned parcel
Alley	10	10	10

Table 17.06.030 Development Standards – Industrial and Office Zones, prescribe the development standards for the Industrial and Office Zones. Individual letters in parenthesis refer to subsections that directly follow the table. Additional regulations are also denoted in the right-hand column. Section numbers in this column refer to other sections of this Title.

Table 17.06.030-1 Development Standards					
City of Irwindale Development Standards - Industrial and Office Zones					
Land Use Classification	**M-1 Light Industrial Zone**		**M-2 Heavy Industrial Zone**		**BP Business Park**
Lot and Density Standards					
Minimum Lot Size (square feet unless otherwise indicated)	-		-		3 acres
Minimum Lot Width (feet)	-		-		-
Building Form and Location Standards					
Maximum Floor Area Ratio (FAR)	0.75		1.0		1.0
Maximum Height (see definitions for details)	50 feet	35 feet if within the 500 foot residential buffer	60 feet	35 feet if within the 500 foot residential buffer	65
Minimum Setbacks (feet)					
Front	20 feet M2 Zone: Minimum of 30 feet for a property abutting/adjacent to a Residential zone.				
Street Side	15 feet M2 Zone: minimum of 50 feet for a property abutting/adjacent to a Residential Zone.				
Interior Side	0 feet on each side, except that a minimum of 15 feet is required along each property line abutting a Commercial Zone. M1 and BP Zone: minimum of 30 feet for a property abutting a Residential Zone. M2 Zone: minimum of 50 feet for a property abutting a Residential Zone.				
Rear	0 feet; 15 feet abutting a Commercial Zone. M-2 Zone: Minimum 50 feet for a property abutting/adjacent to a Residential Zone.				
Alley	10 feet		10 feet		10 feet

Transitional Height Standards. When an industrial use is within 50 Feet from the property line of a Residential Zoned lot, the maximum height is 40 feet. After 50 feet, the maximum height of the industrial zoning district applies. See Figure 17.06.030-1 Transitional Height Standards.

AUGUST 21, 2024:
The draft Title 17 Zoning Code was again presented to the Planning Commission at the August 21, 2024 meeting for further discussion and consideration of a 500-foot buffer zone and M-1 and M-2 building heights. The Planning Commission made the following recommendations:

- Create a buffer of 500 ft around all residential zones that would limit height of all buildings to 35 feet in industrial zones
- Outside the 500-foot buffer, a maximum building height of 50 feet in M-1 Zone
- Outside the 500-foot buffer, a maximum building height of 60 feet in M-2 Zone
- The M-2 street side setback shall be 50 feet if abutting residential zone.
- The M-2 rear yard setback shall be 50 feet if abutting residential zone.
- The maximum building height in all Commercial zones shall be 35 feet
- All Site Plan & Design Review applications are to go to the Planning Commission for recommendation to the City Council and remove Administrative approvals.

The Planning Commission directed staff to implement the above listed changes into the final resolution and present the updated draft to the Planning Commission for their consideration. These recommendations are reflected in the revised section 4 of the proposed Resolution No. 828(24).

SEPTEMBER 18, 2024:
The draft Title 17 Zoning Code was again presented to the Planning Commission at the September 18, 2024, meeting for further discussion about building heights in the M-1 and M-2 zones, including higher building heights adjacent to freeways.

There was additional discussion about the nonconforming section of the draft document. The Planning Commission requested that the item be continued to the November 20, 2024, Planning Commission meeting to review the restoration and amortization sections of the proposed Code update and revise any “vague” language. The following revisions to Chapter 17.18 Nonconforming Uses, Sites, and Buildings are recommended:

- Add specific requirements to section 17.18.070 Elimination of Nonconforming Uses and Structures to include 1) Building Code violations, Public Nuisance substantiated reports, Code Enforcement violations, Illegal activities as determined by the Irwindale Police Department.
- Replace the words “be completed” with “commence” in Section 17.18.090.C(2)(b) Nonconforming Structures.
- Revise the amortization time period to be determined by the City Council for a nonconforming use to be removed
- Remove the burden of proof from the property owner in determining a nonconforming status
- Revise Table 17.18.050 Nonconforming Sites as follows:

Table 17.18.050 Nonconforming Sites	
Proposed Building Expansion	**Required Site Improvements**
Less than ***20 percent (20%)*** increase in floor area or 500 square feet of expansion, whichever is less	Exempt; no site improvements required.
Twenty percent (20%) or greater increase in floor area	Landscaping shall be installed along street and building frontages to the extent possible
Thirty percent or greater increase in floor area	One of the improvements below shall be made with the construction of the increased floor area, if enough site area is available: a. Installation of additional parking to achieve as much compliance with parking requirements as possible; b. Installation of landscaping to achieve as much compliance with landscaping requirements as possible.
Fifty percent or greater increase in floor area	Both of the items below shall be completed with the construction of the increased floor area, if enough site area is available: a. Installation of additional parking to achieve as much compliance with parking requirements as possible; b. Installation of landscaping to achieve as much compliance with landscaping requirements as possible.

DECEMBER 18, 2024:

The draft Title 17 Zoning Code was again presented to the Planning Commission at the December 18, 2024, meeting for further discussion about building heights in the M-1 and M-2 zones, including higher building heights adjacent to freeways, the proposed 500-foot buffer, and the non-conforming section of the Code. Additional information was requested on the number of properties and existing building heights within the residential buffer to include a 250-foot buffer, parapet height, the administrative review process, and clarification on non-conforming amortization to be presented at the next meeting.

Buffer Comparison of Parcels in M-1 and M-2

Interwest analyzed the number of M-1 and M-2 parcels within 250 feet of existing zoning districts that allow residential uses (A1, R1, R2, R3, and C3). The total number of M1 and

M2 parcels affected by the 250 foot buffer was 70 properties. The breakdown of properties affected within a 500-foot buffer and a 250-foot buffer is shown in the table below.

M1- 24 parcels (located in Town Center, Park, and Fraijo neighborhoods)

M2- 46 parcels (located in Town Center, Mountain, and Fraijo neighborhoods)

Zoning	Parcels Affected	
M-1 Light Industrial	500' buffer around residential	37
	250' buffer around residential	24
M-2 Heavy Industrial	500' buffer around residential	60
	250' buffer around residential	46

Administrative Site Plan & Design Review Process

At the August 21, 2024, Planning Commission meeting, a change was proposed that eliminated staff review of Site Plan & Design Review applications. After the meeting, staff received concerned comments from the public and developers asking for clarification of the revised process, the timeline, and increase in application cost. After researching other zoning codes, in an effort to address the concerns raised, an alternative is provided in the table below for the Planning Commission's review and discussion

	Current Zoning Code	Proposed Draft Code	Proposed at September PC	Discussion with PC in January
Maximum to be approved by Director	1,000 square feet	Director approval up to 25,000 sq. ft.	No Director Review permitted	15% of existing area, not to exceed 25,000 sq. ft.
Application	Site Plan Review + Design Review	Site Plan Review + Design Review	Site Plan Review + Design Review	Site Plan Review + Design Review
Process to approve	Administrative - Director	Administrative - Director	Planning Commission + City Council	Director, option to take to Planning Commission
Processing time	2-4 weeks	4-6 weeks	3-5 months	2 weeks – 2 months
Cost to applicant	$1,600	$2,188	$24,057	$2,188

Parapet Height
There were questions regarding maximum parapet height for buildings. The Code currently has a maximum parapet height limit of 10 feet. Interwest revised the height of parapet walls from 10 feet to 8 feet in Section 17.13.080, which are calculated separately from the maximum height.

Proposed Changes to Non-conforming Uses & Structures
After discussion regarding the non-conforming section of the proposed Code, the following revised language is proposed:

Article III- Nonconforming section- changes based on December PC direction:

- Added structures may be continued and maintained, explicitly "including routine repairs" in 17.18.040
- Included "structures" to 17.18.060 to include non-conforming structures in addition to uses
- Modify language in 17.18.060 for "Modifications" to explicitly state that non-conforming use shall not result in expansion of intensity or physical footprint.
- Modify language in Elimination of Nonconforming Uses and Structures 17.18.070 Elimination of Nonconforming Uses and Structures to include: *substandard buildings as defined by Health & Safety Code section 17920.3*.

Planning Commission Recommendations
A complete list of Planning Commission recommendations, to date, is attached as Exhibit A to Resolution No. 828(24).

PUBLIC NOTICE:
On January 31, 2025, a notice of public hearing was published in the San Gabriel Tribune, a newspaper of general circulation in accordance with the California Government Code. A notice of public hearing describing the proposed Comprehensive Zoning Code Update and Zoning Map Update was posted at Irwindale City Hall, Irwindale Library, the Community Development Department, and the local Post Office. The notice was also mailed or delivered at least 20 days prior to the public hearing, as required by AB 2094, to all owners of the subject real property proposed to undergo zone changes or amendments, interested parties, as well as all owners of real property within 500 feet of the real property subject to the Zone Changes or amendments, in accordance with the California Government Code.

COMMENT LETTERS
Planning staff received the following written comments, attached as Exhibit O.:

- Letter dated 12.18.24 from NAIOP requesting reconsideration of the M-1 and M-2 building height limit and modification to Section 17.18.060.A regarding nonconforming uses.
- Letter dated 12.18.24 from Buchalter requesting reconsideration of building height limits within the 500-foot residential buffer and revision to Section 17.18.040, 17.18.070, and 17.18.090 regarding nonconforming uses and structures
- Email, dated 12.20.24 from Craig Furniss regarding the Alderson Business Park, Section 17.13.140, Outdoor Storage to increase the solid masonry wall height to

eight (8) feet and include screening of a wrought iron fence with mature, fast-growing, closely planted evergreen hedges of eight (8) feet.

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 proposed Comprehensive Zoning Code Update was assessed in the Environmental Impact Review for the City's General Plan and, pursuant to CEQA Guidelines Sections 15183 and 15162, and is consistent with the previously certified EIR for the City's General Plan, therefore no subsequent EIR, Negative Declaration, or addendum is required for approval of the Comprehensive Zoning Code Update.

CONCLUSION

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

1. Adopt Resolution Nos. 828(24) and 829(24), with additional, revised, or alternative recommendations , and direct staff to report back to the City Council;
   AND
2. Recommend that the City Council adopt findings of consistency with the City's previously certified General Plan Environmental Impact Report (SCH# 2005071047), and finding the project exempt from further environmental review, pursuant to CEQA Guidelines section 15183, and 15162.

ATTACHMENTS

Exhibit A: February 2025 Draft Title 17 Zoning Code Update with proposed revisions (link below)
https://www.irwindaleca.gov/DocumentCenter/View/11230/Zoning-Code-February-2025

Exhibit B: Proposed Resolution No. 828(24) for ZOA No. 03-2023

Exhibit C: Proposed Resolution No. 829(24) for ZC No. 04-2023

Exhibit D: Ordinance No. 772

Exhibit E: December 18, 2024 Planning Commission staff report and attachments (link below)
https://irwindaleca.portal.civicclerk.com/event/149/files/agenda/1597

Exhibit F: September 18, 2024 Planning Commission staff report and attachments (link below)
https://irwindaleca.portal.civicclerk.com/event/146/files/agenda/1481

Exhibit G: August 21, 2024 Planning Commission staff report and attachments (link below)
https://irwindaleca.portal.civicclerk.com/event/145/files/agenda/1450

Exhibit H: July 17, 2024 Planning Commission staff report and attachments (link below)
https://irwindaleca.portal.civicclerk.com/event/144/files/agenda/1409

Exhibit I: February 21, 2024 Planning Commission staff report and attachments (link below)
https://irwindaleca.portal.civicclerk.com/event/957/files/agenda/1305

Exhibit J: November 13, 2023 Planning Commission staff report and attachments (link below)
https://irwindaleca.portal.civicclerk.com/event/680/files/agenda/830

Exhibit K: October 30, 2023 Planning Commission staff report and attachments (link below)
https://irwindaleca.portal.civicclerk.com/event/681/files/agenda/831

Exhibit L: September 20, 2023 Planning Commission staff report and attachments (link below)
https://irwindaleca.portal.civicclerk.com/event/713/files/agenda/894

Exhibit M: April 2024 Draft Title 17 Zoning Code Update (link below)
ZONING-CODE-DRAFT-April-2024 (irwindaleca.gov)

Exhibit N: 500-foot residential buffer maps - (Park, Galen, Fraijo, Town Center Peppertree-Breceda, Town Center Arrow-Peppertree, Mountain)

Exhibit O: Comment letters: 1) NAIOP letter dated December 18, 2024;; 2) Buchalter letter dated December 18, 2024; 3) Craig Furniss, Alderson Business Park, email, received December 20, 2024

Exhibit P: 250-foot residential buffer maps – (Park, Galen, Fraijo, Town Center Peppertree-Breceda, Town Center Arrow-Peppertree, Mountain)

Exhibit “A”
Draft Title 17 Zoning Code

February 2025

https://www.irwindaleca.gov/DocumentCenter/View/11230/Zoning-Code-February-2025

EXHIBIT "B"
RESOLUTION NO. 828(24)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL (1) ADOPT FINDINGS OF CONSISTENCY WITH THE CITY'S PREVIOUSLY CERTIFIED GENERAL PLAN ENVIRONMENTAL IMPACT REPORT, AND FINDING THE PROJECT EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW, PURSUANT CEQA GUIDELINES SECTIONS 15183, AND 15162; AND (2) ADOPT ORDINANCE NO. 772, A CITY-INITIATED APPLICATION FOR A ZONE ORDINANCE AMENDMENT (ZOA NO. 03-2023) REPEALING AND REPLACING TITLE 17 (ZONING) OF THE IRWINDALE MUNICIPAL CODE IN ITS ENTIRETY WITH A COMPREHENSIVE ZONING CODE UPDATE

A. RECITALS.

(i) The City of Irwindale Municipal Code section 17.84.010 provides that, "The provisions of this title [Zoning], including, but not limited to, the classification of property, shall be amended whenever the public interest and necessity so require."

(ii) There is currently a need to update the City's Zoning Code, contained in Title 17 of the Irwindale Municipal Code ("Zoning"), to incorporate current best practices, industry standards, and recent State planning mandates.

(iii) In accordance with these needs, the City of Irwindale retained Interwest Consulting Group to prepare the proposed Comprehensive Zoning Code Update, attached herein as Exhibit A. The Comprehensive Zoning Code Update would implement, but is not limited to, the following improvements and changes:

(a) Streamline the development process by providing clear development standards that eliminate ambiguity in the City's permit requirements and approval process;

(b) Reorganize the Zoning Code to a modern, streamlined format, making it easier to read and navigate, and eliminating internal inconsistencies and errors;

(c) Comply with recent changes in state law imposing additional requirements on cities and counties statewide, including, for example, amending "objective design standards" for multi-family housing and updating regulations on Accessory Dwelling Units ("ADUs");

(d) Implementing the City's General Plan by making changes to the Zoning Code that are directed by the General Plan's vision and policies.

(iv) The thirty-day public review period for the draft Comprehensive Zoning Code Update began on June 15, 2023. The initial thirty-day public review period was extended until August 15, 2023. During the review period, the Community Development Department and Planning Department solicited and accepted public comments regarding the Comprehensive Zoning Code Update. Additionally, the Community Development Department and Planning Commission conducted a public information session regarding the draft updates to the Zoning Code on July 19, 2023, during which they received questions and comments from the public. The City later published staff responses to comments and questions received during the session.

(v) The Community Development Department and the Planning Commission have conducted additional public outreach efforts, including the following:

(a) Informational tables at Music in the Park, which took place on Thursdays from 7 PM to 9 PM at Irwindale Park, and the Irwindale Public Library Spring Book Festival on March 26, 2023;

(b) Stakeholder interviews with property owners, businesses, development professionals, and City residents on August 31, 2020, September 2, 2020, September 14, 2020, September 21, 2020 and September 30, 2020;

(c) Flyer distributions made to each residential property in the City, through the Irwindale Chamber of Commerce, and to all Irwindale Business License holders. Informational and meeting flyers publicly posted at City Hall, the Irwindale Public Library, the Irwindale Senior Center, and the Community Development Department.

(vi) The draft Comprehensive Zoning Code Update was presented to the Planning Commission on September 20, 2023, for comment and review by the Commission.

(vii) 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 proposed Comprehensive Zoning Code Update was assessed in the Environmental Impact Review for the City's General Plan (SCH# 2005071047) and, pursuant to CEQA Guidelines Sections 15183 and 15162, and is consistent with the previously certified EIR for the City's General Plan, therefore no subsequent EIR, Negative Declaration, or addendum is required for approval of the Comprehensive Zoning Code Update.

(viii) On October 20, 2023, a notice of public hearing describing the proposed Comprehensive Zoning Code Update was published in the San Gabriel Valley

Tribune, a newspaper of general circulation, in accordance with the California Government Code.

(ix) A notice of public hearing describing the proposed Comprehensive Zoning Code Update and Zoning Map Update was notice was posted at Irwindale City Hall, Irwindale Library, the Community Development Department and the local post office. As a courtesy, a copy of the notice was also mailed to each residential household. The notice was also mailed or delivered at least 10 days prior to the public hearing to all owners of the subject real property proposed to undergo zone changes or amendments, as well as all owners of real property within 500 feet of the real property subject to the Zone Changes or amendments, in accordance with the California Government Code.

(x) A duly noticed public hearing was originally scheduled for October 30, 2023. The Planning Commission received further public comment and input on the proposed Zoning Code and Zoning Map Update, and continued the item to a date uncertain.

(xi) On November 3, 2023, a notice of public hearing describing the proposed Comprehensive Zoning Code Update was published in the San Gabriel Valley Tribune, a newspaper of general circulation, in accordance with the California Government Code.

(xii) On November 13, 2023, the draft Title 17 Zoning Code was to be presented to the Planning Commission during the public hearing portion of the meeting. Before the item was presented by staff, the Planning Commission voted to continue the item to a future date.

(xiii) On February 9, 2024, a notice of public hearing describing the proposed Comprehensive Zoning Code Update was published in the San Gabriel Valley Tribune, a newspaper of general circulation, in accordance with the California Government Code.

(xiv) On February 21, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff.

(xv) On February 21, 2024, the Planning Commission adopted Resolution Nos. 819(23) and 820(23), recommending that the City Council adopt Ordinance No. 772, repealing Title 17 of the Irwindale Municipal Code (“Zoning”) in its entirety, and adopting the Comprehensive Zoning Code Update in its entirety as Title 17 of the Irwindale Municipal Code with the following additional recommendations: 1) Amend the definition of major arterials to be consistent with the General Plan, 2) Add the existing billboard chapter to the Zoning Code

as currently written, 3) Keep the SMARA chapter as is and direct Staff to amend the chapter to be consistent with State law and present the draft to the Planning Commission for review, 4) Authorize the Community Development Director to grant approvals up to a 30% deviation from the measurable standard, if not explicitly listed in the Minor Variances section, 5) All administrative approvals granted by the Community Development Director shall be documented in writing and on file, 6)Planned Development permits, per Subsection 17.09.070.A(1), shall expire in one (1) year instead of two (2) years, 7) All commercial and industrial zones shall institute a 50 foot setback measured from the property line on the side of any new development that abuts or faces any residentially zoned property.

(xvi) On April 10, 2024, the City Council conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the City Council by City staff.

(xvii) On April 10, 2024, the City Council directed staff to bring the Comprehensive Zoning Code Update back to the Planning Commission for reconsideration.

(xviii) On July 17, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff and continued the item to the regularly scheduled Planning Commission meeting on August 21, 2024, and directed staff to prepare visual graphics of M-2 zones with proposed setbacks from residential and the proposed 500-foot buffer from the Town Center area.

(xix) On August 21, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff and continued the item to the regularly scheduled Planning Commission meeting on September 18, 2024, and directed staff to incorporate the recommendations into written form for Planning Commission review at the next regularly scheduled meeting.

On September 18, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff and continued the item to the regularly scheduled Planning Commission meeting on November 20, 2024, and directed staff to incorporate the

recommendations into written form for Planning Commission review at the next regularly scheduled meeting on the proposed Comprehensive Zoning Code Update,

(xx) The November 20, 2024 Planning Commission meeting was cancelled. A Special Planning Commission meeting was held on November 13, 2024, but the Comprehensive Zoning Code Update was not discussed.

(xxi) On December 18, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff and continued the item to the regularly scheduled Planning Commission meeting on February 19, 2025, and directed staff to provide clarification on certain sections of the proposed zoning code.

(xxii) On February 19, 2025, the Planning Commission concluded the public hearing. The Planning Commission now wishes to recommend that the City Council of the City of Irwindale approve proposed Ordinance No. 772, adopting the Comprehensive Zoning Code Update to Title 17 of the Irwindale Municipal Code.

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

2. **Findings.** Based upon substantial evidence and testimony taken from the record as a whole, and received at the public hearing, both oral and written, including the staff report, and all attachments thereto, all of which shall constitute the entire record of the matter, the Planning Commission hereby finds that the proposed Comprehensive Zoning Code Update, attached herein as Exhibit A, is necessary and consistent with and will implement the City's vision, goals, and policies of the Irwindale 2020 General Plan. The Planning Commission further finds that the Comprehensive Zoning Code Update is consistent with state law, and the proposed revisions to the Zoning Code are in the interest of the public and are necessary to comply with state law. In particular:

a. The General Plan contains six land use categories that do not have zoning districts that implement these land use categories within the current Zoning Code. The Zoning Code Update would modify or create

new zoning districts to be consistent with the General Plan, consistent with California Government Code section 65300 *et seq.* and the Infrastructure and Resource Management Elements of the City's General Plan; and

b. The Zoning Code Update would modify Zoning Code districts/regulations to allow for infill and redevelopment in the City, allowing for land use plans and development patterns that allow succession of use and economic development, consistent with General Plan Community Development Element Policy 7, Community Development Element Policy 9, and Community Development Element Policy 10; and

c. The Zoning Code Update would create a new landscaping chapter, as to consolidate all landscaping regulations in the Zoning Code and provide adequate buffers, screening, and landscaping, and require and retain trees and plantings, consistent with General Plan Resource Management Element Policy 29; and

d. The Zoning Code Update would create new performance standards and additional site design regulations to minimize conflicts of industrial uses with residential neighbors, consistent with General Plan Resource Management Element Policy 19, Resource Management Element Policy 20, Resource Management Element Policy 21; and

e. The Zoning Code Update would update development standards, nonconforming regulations, and sign code regulations to address regulatory impediments of new businesses and business expansions, consistent with General Plan Community Development Element Policy 16; and

f. The Zoning Code Update would update residential lot requirements and development standards, allow new housing types and update Accessory Dwelling Unit regulations to encourage varied housing types, sizes, and tenure opportunities, and encourage creative and efficient residential site developments consistent with General Plan Housing Element Policies 16, 17, and 20, Resource Management Element Policy 11, Program No. 9, and Promotion of Energy and Water Conservation to Existing Residents and in City Sponsored Housing Projects; and

g. The Zoning Code Update would update residential development standards and allow new housing types in order to codify inclusionary housing requirements and associated policies under state and local law, consistent with General Plan Housing element Policy 4; and

h. The Zoning Code Update would update the Zoning Code to comply with State mandates, including SB 35, SB 330, the Housing Accountability Act, SB 9, and other Accessory Dwelling Unit Requirements, consistent with Housing Element Policy 14 and Housing Element Policy 19.

3. **CEQA Findings.** The Planning Commission hereby recommends that the City Council find 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 City, as the Lead Agency, has analyzed the project, and has determined that the proposed Comprehensive Zoning Code Update was assessed in the Environmental Impact Review ("EIR") for the City's General Plan (SCH# 2005071047) and, pursuant to CEQA Guidelines Sections 15183 and 15162, is consistent with the previously certified EIR for the City's General Plan, therefore no subsequent EIR, Negative Declaration, or addendum is required for approval of the Comprehensive Zoning Code Update.

4. **Recommendation.** On the basis of these findings, the Planning Commission hereby recommends that the City Council adopt Ordinance No. 772, repealing Title 17 of the Irwindale Municipal Code ("Zoning") in its entirety, and adopting the Comprehensive Zoning Code Update (Ordinance No. 772, attached as Exhibit D) in its entirety as Title 17 of the Irwindale Municipal Code with the following recommendations as listed in Exhibit A to this Resolution, and incorporated herein by this reference as though set forth in full.

5. **Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the application of any other section, subsection, sentence, clause, phrase, or portion of this Resolution, and to this end the invalid or unconstitutional section, subsection, sentence, clause, phrase of this Resolution are declared to be severable. The City Council hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

6. **Certification.** The Secretary of the Planning Commission shall certify the adoption of this Resolution, and a copy shall be transmitted to the City Council.

ADOPTED AND APPROVED this 19th day of February 2025.

Maricela Frymark, Chair
City of Irwindale Planning Commission

ATTEST:

_____
Marilyn Simpson, AICP, Secretary

I, Marilyn Simpson, AICP, Community Development Director of the City of Irwindale, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Irwindale held on the 19th day of February 2025, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

_____
Marilyn Simpson, AICP, Secretary

EXHIBIT "A" TO RESOLUTION NO. 828(24)

List of Proposed Zoning Code Changes

1. Added the Billboard Chapter to the Zoning Code as currently written.
2. Retained the SMARA Chapter as is, with direction to bring back the amended Chapter at a later date, for consistency with state law.
3. Modified Section 17.09.080a, Planned Development, time extensions shall be approved for not more than two years.
4. Maximum building heights changed to 35 feet in the C-1, C-2, and C-3 zones.
5. C-3 renamed to Commercial/Residential zone.
6. Maximum building height is 50 feet in the M-1 zone
7. Maximum building height is 60 feet in the M-2 zone
8. Maximum building height is 35 feet in the M-1 zone within 500 feet of a residential-zoned property
9. Maximum building height is 35 feet in the M-2 zone within 500 feet of a residential-zoned property
10. In the M-2 zone, the minimum side setback was revised to 50 feet for properties adjacent to a residential zoned property.
11. In the M1, M2, and BP zones, the rear minimum setback was revised to 50 feet for properties adjacent to a residential zoned property.
12. Table 17.13.070-B updated to include evergreen hedges for screening required in yard area for commercial and industrial zones.
13. Reduced the height of parapet walls from 10 feet to 8 feet in Section 17.13.080, which are calculated separately from the maximum height.
14. Chapter 17.13.140 updated as follows: B. Outdoor Storage Areas. Outdoor storage areas shall be screened from view from any adjacent public street or freeway; existing or planned residential area; or publicly accessible open space area with a solid masonry wall a minimum of six eight feet in height or wrought iron fence with mature, fast-growing, closely planted evergreen hedges of eight feet height. Such wall or fence must meet minimum setback requirements for the applicable zone.
15. Added specific requirements to section 17.18.070 Elimination of Nonconforming Uses and Structures to include 1) Building Code violations, Public Nuisance substantiated reports, Code Enforcement violations, Illegal activities as determined by the Irwindale Police Department.
16. Replaced the words "be completed" with "commence" in Section 17.18.090.C(2)(b) Nonconforming Structures.
17. Revised the amortization time period to be determined by the City Council for a nonconforming use to be removed.
18. Removed the burden of proof from the property owner in determining a nonconforming status.

EXHIBIT “A” TO RESOLUTION NO. 828(24) continued

19. Revised Table 17.18.050 Nonconforming Sites to include the following: A) Less than 20 percent (20%) increase in floor area or 500 square feet of expansion, whichever is less, there will be no site improvements required. When there is a twenty percent (20%) or greater increase in floor area, landscaping shall be installed along street and building frontages to the extent possible.
20. Added structures may be continued and maintained, explicitly “including routine repairs” in 17.18.040
21. Included “structures” to 17.18.060 to include non-conforming structures in addition to uses
22. Modified language in 17.18.060 for “Modifications” to explicitly state that non-conforming use shall not result in expansion of intensity or physical footprint.
23. Modified language in 17.18.070 Elimination of Nonconforming Uses and Structures to include: *substandard buildings as defined by Health & Safety Code section 17920.3*
24. In Table 17.24.050-1 Review Authorities for Decisions and Appeals, the Site Plan and Design Review for Administrative Approvals for Industrial Zones was revised.
25. In Chapter 17.31 Minor Variance, for an item not listed, the Community Development Director can reduce or increase a standard by up to 20%.
26. Amended the definition of major arterials in the Zoning Code to be consistent with the definition in the Irwindale General Plan.

EXHIBIT "C"
RESOLUTION NO. 829(24)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF IRWINDALE ADOPT A RESOLUTION APPROVING THE CITY-INITIATED APPLICATION FOR ZONE CHANGE NO. 04-2023 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF IRWINDALE TO REFLECT UPDATES TO TITLE 17 (ZONING) CONSISTENT WITH ORDINANCE NO. 772

A. RECITALS.

(i) The is currently a need to update the City's Zoning Code, contained in Title 17 of the Irwindale Municipal Code ("Zoning"), to incorporate current best practices, industry standards, and recent State planning mandates.

(ii) In accordance with these needs, the City of Irwindale retained Interwest Consulting Group to prepare the proposed Comprehensive Zoning Code Update. The Comprehensive Zoning Code Update would implement, but is not limited to, the following improvements and changes:

(a) Streamline the development process by providing clear development standards that eliminate ambiguity in the City's permit requirements and approval process;

(b) Reorganize the Zoning Code to a modern, streamlined format, making it easier to read and navigate, and eliminating internal inconsistencies and errors;

(c) Comply with recent changes in state law imposing additional requirements on cities and counties statewide, including, for example, amending "objective design standards" for multi-family housing and updating regulations on Accessory Dwelling Units ("ADUs");

(d) Implementing the City's General Plan by making changes to the Zoning Code that are directed by the General Plan's vision and policies.

(iii) In tandem with the proposed Comprehensive Zoning Code Update, the City has also prepared a proposed Zoning Map Update, attached herein as Exhibit A, which would incorporate any and all changes caused by the proposed Comprehensive Zoning Code Update to the current Zoning Map. The Zoning Map Update would implement, but is not limited to, the following improvements and changes:

(a) Reflect updated zones in the Comprehensive Zoning Code Update, including:

1. Eliminating Zone A1 – Agricultural Zone;

2. Creating Zone P/SP – Public/Semi-Public;

3. Re-naming Zone R1 from Single Family Residential to Low Density Residential;

4. Re-naming Zone R2 from Light-Multiple Residential to Medium Density Residential;

5. Re-naming Zone R3 from Heavy-Multiple Residential to Multi-Family Residential;

6. Re-Naming Zone C2 Heavy Commercial to General Commercial;

7. The C3 Heavy Commercial-Residential zone will remain unchanged as a mixed-use zone;

8. Eliminating Zone CM – Commercial Manufacturing.

(b) Reflect updates to the zoning of particular parcels, consistent with the Comprehensive Zoning Code Update.

(iv) The thirty-day public review period for the draft Comprehensive Zoning Code Update and Zoning Map Update began on June 15, 2023. The initial thirty-day public review period was extended until August 15, 2023. During the review period, the Community Development Department and Planning Department solicited and accepted public comments regarding the Comprehensive Zoning Code Update. Additionally, the Community Development Department and Planning Commission conducted a public information session regarding the draft updates to the Zoning Code on July 19, 2023, during which they received questions and comments from the public. The City later published staff responses to comments and questions received during the session.

(v) The Community Development Department and the Planning Commission have conducted additional public outreach efforts, including the following:

(a) Informational tables at Music in the Park, which took place on Thursdays from 7 PM to 9 PM at Irwindale Park, and the Irwindale Public Library Spring Book Festival on March 26, 2023;

(b) Stakeholder interviews with property owners, businesses, development professionals, and City residents on August 31, 2020, September 2, 2020, September 14, 2020, September 21, 2020 and September 30, 2020;

(c) Flyer distributions made to each residential property in the City, through the Irwindale Chamber of Commerce, and to all Irwindale Business License holders. Informational and meeting flyers publicly posted at City Hall, the Irwindale Public Library, the Irwindale Senior Center, and the Community Development Department.

(vi) The draft Comprehensive Zoning Code Update was presented to the Planning Commission on September 20, 2023, for comment and review by the Commission.

(vii) 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 proposed Comprehensive Zoning Code Update was assessed in the Environmental Impact Review for the City's General Plan (SCH# 2005071047) and, pursuant to CEQA Guidelines Sections 15183 and 15162, and is consistent with the previously certified EIR for the City's General Plan, therefore no subsequent EIR, Negative Declaration, or addendum is required for approval of the Zoning Map Update.

(viii) On October 20, 2023, a notice of public hearing describing the proposed Comprehensive Zoning Code Update and Zoning Map Update was published in the San Gabriel Valley Tribune, a newspaper of general circulation, in accordance with the California Government Code.

(ix) A notice of public hearing describing the proposed Comprehensive Zoning Code Update and Zoning Map Update was notice was posted at Irwindale City Hall, Irwindale Library, the Community Development Department and the local post office. As a courtesy, a copy of the notice was also mailed to each household. The notice was also mailed or delivered at least 10 days prior to the public hearing to all owners of the subject real property proposed to undergo zone changes or amendments, as well as all owners of real property within 500 feet of the real property subject to the Zone Changes or amendments, in accordance with the California Government Code.

(x) A duly noticed public hearing was originally scheduled for October 30, 2023. The Planning Commission received further public comment and input on the proposed Zoning Code and Zoning Map Update and continued the item to a date uncertain.

(xi) On November 3, 2023, a notice of public hearing describing the proposed Comprehensive Zoning Code Update was published in the San Gabriel Valley Tribune, a newspaper of general circulation, in accordance with the California Government Code.

(xii) On November 13, 2023, the draft Title 17 Zoning Code was to be presented to the Planning Commission during the public hearing portion of the meeting. Before the item was presented by staff, the Planning Commission voted to continue the item to a future date.

(xiii) On February 9, 2024, a notice of public hearing describing the proposed Comprehensive Zoning Code Update was published in the San Gabriel Valley Tribune, a newspaper of general circulation, in accordance with the California Government Code.

(xiv) On February 21, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff.

(xv) On April 10, 2024, the City Council conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the City Council by City staff; and

(xvi) On April 10, 2024, the City Council directed staff to bring the Comprehensive Zoning Code Update back to the Planning Commission for reconsideration; and

(xvii) On July 17, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff and continued the item to the regularly scheduled Planning Commission meeting on August 21, 2024, and directed staff to prepare visual graphics of M-2 zones with proposed setbacks from residential and the proposed 500-foot buffer from the Town Center area; and

(xviii) On August 21, 2024 the Planning Commission conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff and continued the item to the regularly scheduled Planning Commission meeting on September 18, 2024, and directed staff to incorporate the recommendations into written form for Planning Commission review at the next regularly scheduled meeting.

(xix) On September 18, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff and continued the item to the regularly scheduled Planning Commission meeting on November 20, 2024, and directed staff to incorporate the recommendations into written form for Planning Commission review at the next regularly scheduled meeting on the proposed Comprehensive Zoning Code Update.

(xx) The November 20, 2024 Planning Commission meeting was cancelled. A Special Planning Commission meeting was held on November 13, 2024, but the Comprehensive Zoning Code Update was not discussed.

(xxi) On December 18, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff and continued the item to the regularly scheduled Planning Commission meeting on February 19, 2025, and directed staff to meet with Planning Commissioners on a one by one basis, to provide clarification on certain sections of the proposed zoning code.

(xxii) On February 19, 2025, the Planning Commission concluded the public hearing. The Planning Commission now wishes to recommend that the City Council of the City of Irwindale adopt Zone Change No. 04-2023, approving the proposed Zoning Map Update and adopting the Zoning Map Update as the Official Zoning Map of the City of Irwindale, to reflect updates and changes to the Zoning Map consistent with the Comprehensive Zoning Code Update.

(xxiii) Irwindale Municipal Code section 17.12.020 provides, “The official zoning map for the city may be amended by reference thereto, and by reference to this section.”

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

2. **Findings.** Based upon substantial evidence and testimony taken from the record as a whole, and received at the public hearing, both oral and written, including the staff report, and all attachments thereto, all of which shall constitute the entire record of the matter, the Planning Commission hereby finds that the proposed Zoning Map Update, attached herein as Exhibit A, is necessary and is consistent with the Comprehensive Zoning Code Update, and will implement the City's vision, goals, and policies of the Irwindale 2020 General Plan, is consistent with state law, and the proposed revisions to the Official Zoning Map are in the interest of the public and are necessary to comply with state law.

3. **CEQA Findings.** The Planning Commission hereby recommends that the City Council find 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 City, as the Lead Agency, has analyzed the project, and has determined that the proposed Zoning Map Update was assessed in the Environmental Impact Review ("EIR") for the City's General Plan (SCH# 2005071047) and, pursuant to CEQA Guidelines Sections 15183 and 15162, is consistent with the previously certified EIR for the City's General Plan, therefore no subsequent EIR, Negative Declaration, or addendum is required for approval of the Zoning Map Update.

4. **Recommendation.** On the basis of these findings, the Planning Commission hereby recommends that the City Council adopt and approve Zone Change No. 04-2023, approving the proposed Zoning Map Update and adopting the Zoning Map Update as the Official Zoning Map of the City of Irwindale (Exhibit A), in accordance with Irwindale Municipal Code section 17.12.020.

ADOPTED AND APPROVED this 19th day of February 2025.

_____
Maricela Frymark, Chair
City of Irwindale Planning Commission

ATTEST:

_____
Marilyn Simpson, AICP, Secretary

I, Marilyn Simpson, AICP, Community Development Director of the City of Irwindale, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Irwindale held on the 19th day of February 2025, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Marilyn Simpson, AICP, Secretary

Exhibit A to Reso 829- CITY OF IRWINDALE - ZONING MAP (PROPOSED)

Legend

Irwindale Zoning Code

Zones

- P/SP - Public/Semi-Public
- R1 - Low Density Residential
- R2 - Medium Density Residential
- R3 - Multi-Family Residential
- C1 - Neighborhood Commercial
- C2 - General Commercial
- C3 - Commercial/Mixed-Use
- M1 - Light Industrial
- M2 - Heavy Industrial
- M2/AO - Auto Dismantling Overlay
- Q - Quarry
- OS - Open Space
- COH - City of Hope Specific Plan
- RII - Reliance II Specifc Plan
- PLO - Park at Live Oak Specific Plan

N

X Zone

0 0.25 0.5 1 1.5 2 Miles

Sources: City of Irwindale, Los Angeles County, ESRI
Map created: 10/24/23

EXHIBIT "D"

ORDINANCE NO. 772

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE REPEALING TITLE 17 OF THE IRWINDALE MUNICIPAL CODE ("ZONING") IN ITS ENTIRETY AND ADOPTING THE COMPREHENSIVE ZONING CODE UPDATE AS TITLE 17 OF THE IRWINDALE MUNICIPAL CODE, MAKING FINDINGS IN SUPPORT THEREOF AND MAKING CEQA FINDINGS

WHEREAS, a city has the power make and enforce regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health, the public morals, or the public safety; and

WHEREAS, in executing that power, a city council may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws; and

WHEREAS, Title 17 of the Irwindale Municipal Code ("Zoning"), otherwise known as the Zoning Code, regulates land use and development within the City of Irwindale ("City") to protect public health, safety, and welfare of its residents; and

WHEREAS, the City Council of the City of Irwindale ("Council") finds that there is a need to update the City's Zoning Code, contained in Title 17 of the Irwindale Municipal Code, to incorporate current best practices, industry standards, and recent State mandates, and to further protect public health, safety, and welfare of its residents; and

WHEREAS, the Irwindale Community Development Department, Irwindale Planning Department, and other City of Irwindale staff have prepared, since April 2020, the proposed Comprehensive Zoning Code Update, attached herein as Exhibit A. The Comprehensive Zoning Code Update would implement, but is not limited to, the following improvements and changes:

(a) Streamline the development process by providing clear development standards that eliminate ambiguity to the City's permit requirements and approval process;

(b) Reorganize the Zoning Code to a modern, streamlined format, making it easier to read and navigate, and eliminating internal inconsistencies and errors;

(c) Comply with recent changes in state law imposing additional requirements on cities and counties statewide, including, for example, amending "objective design standards" for multi-family housing and updating regulations on Accessory Dwelling Units ("ADUs");

(d) Implementing the City's General Plan by making changes to the Zoning Code that are directed by the General Plan's vision and policies; and

WHEREAS, the Community Development Department and Planning Commission conducted a public information session regarding the draft updates to the Zoning Code on July 19, 2023, during which they received questions and comments from the public. The City later published staff responses to comments and questions received during the session. The Community Development Department and Planning Department additionally solicited and accepted public comments regarding the Comprehensive Zoning Code Update until August 15, 2023; and

WHEREAS, on November 13, 2023, the Planning Commission conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff; and

WHEREAS, on November 13, 2023, the Planning Commission voted to continue the item to a future date; and

WHEREAS, on February 21, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff; and

WHEREAS, on February 21, 2024, the Planning Commission recommended that the City Council of the City of Irwindale approve proposed Ordinance No. 772, adopting the Comprehensive Zoning Code Update to Title 17 of the Irwindale Municipal Code, with additional recommendations; and

WHEREAS, on April 10, 2024, the City Council conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the City Council by City staff; and

WHEREAS, on April 10, 2024, the City Council directed staff to bring the Comprehensive Zoning Code Update back to the Planning Commission for reconsideration; and

WHEREAS, on July 17, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff and continued the item to the regularly scheduled Planning Commission meeting on August 21, 2024, and directed staff to prepare visual graphics of M-2 zones with proposed setbacks from residential and the proposed 500-foot buffer from the Town Center area; and

WHEREAS, on August 21, 2024, the Planning Commission conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff and continued the item to the regularly scheduled Planning Commission meeting on September 18, 2024, and directed staff to incorporate the recommendations into written form for Planning Commission review at the next regularly scheduled meeting; and

WHEREAS, on September 18, 2024, conducted a duly noticed public hearing, as required by law, on the proposed Comprehensive Zoning Code Update to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff and continued the item to the regularly scheduled Planning Commission meeting on November 20, 2024, and directed staff to incorporate the recommendations into written form for Planning Commission review at the next regularly scheduled meeting; and

WHEREAS, the November 20, 2024 Planning Commission meeting was cancelled. A Special Planning Commission meeting was held on November 13, 2024, and the Comprehensive Zoning Code Update was not discussed.

WHEREAS, on December 18, 2024, the Planning Commission conducted a duly noticed public hearing and to receive testimony and other evidence regarding the proposed Comprehensive Zoning Code Update, including without limitation, information provided to the Planning Commission by City staff and continued the item to the regularly scheduled Planning Commission meeting on February 19, 2024, and directed staff to meet with Planning Commissioners on a one by one basis, to provide clarification on certain sections of the proposed zoning code; and

WHEREAS, on February 19, 2025, the Planning Commission concluded the public hearing and recommended that the City Council of the City of Irwindale approve proposed Ordinance No. 772, adopting the Comprehensive Zoning Code Update to Title 17 of the Irwindale Municipal Code, with certain recommendations; and

WHEREAS, the City Council now desires to approve the Comprehensive Zoning Code Update in its entirety in order to update the City's Zoning Code to incorporate current best practices, industry standards, and recent State mandates, and to further protect public health, safety, and welfare of its residents; and

WHEREAS, the proposed Comprehensive Zoning Code Update is consistent with and will implement the City's vision, goals, and policies of the Irwindale 2020 General Plan; and

WHEREAS, the City has prepared a Notice of Determination ("NOD") using the City's General Plan Environmental Impact Report ("EIR"), after determining that the Comprehensive Zoning Code Update was assessed during the City's General Plan EIR,

and no subsequent EIR, negative declaration, or addendum is required for approval of the Comprehensive Zoning Code Update; and

WHEREAS, all legal prerequisites for the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IRWINDALE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The facts set forth in the recitals in this Ordinance are true and correct and incorporated herein by reference.

SECTION 2. The City Council hereby repeals Title 17 of the Irwindale Municipal Code ("Zoning") in its entirety.

SECTION 3. The City Council hereby adopts the Comprehensive Zoning Code Update in its entirety, attached herein as Exhibit A, as Title 17 of the Irwindale Municipal Code ("Zoning").

SECTION 4. The City Council hereby finds and determines based upon the independent judgment of the City Council, after consideration of the whole of the administrative record, that the Comprehensive Zoning Code Update was assessed in the Environmental Impact Review for the City's General Plan (SCH# 2005071047), adopted on June 25, 2008 and, pursuant to CEQA Guidelines Section 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Comprehensive Zoning Code Update. City staff is directed to file a Notice of Determination incorporating these findings and determination regarding the Comprehensive Zoning Code Update.

SECTION 5. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional due to the writs of mandate issued by the Court.

SECTION 6. The Mayor shall sign this Ordinance and the City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect 30 days after its final passage. City Staff are directed and authorized to inform and educate the public regarding the adoption of this Ordinance prior to its taking effect.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Irwindale this _____ day of _____, 2025.

_____
Larry G. Burrola, Mayor

ATTEST:

_____
Laura M. Nieto, MMC
Chief Deputy City Clerk

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

I, Laura M. Nieto, Chief Deputy City Clerk of the City of Irwindale do hereby certify that the foregoing Ordinance No. 772 was introduced for first reading at a special meeting of the City Council of the City of Irwindale held on _____, 2025, and adopted on second reading at a regular meeting of the City Council of the City of Irwindale held on _____, 2025, and was carried by the following roll-call vote of the Council:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

_____
Laura M. Nieto, MMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Laura M. Nieto, MMC, Chief Deputy City Clerk, certify that I caused a copy of Ordinance No. 772 adopted by the City Council of the City of Irwindale at its regular meeting held _____, 2025 to be posted at the City Hall, Library, and Post Office on _____, 2025.

_____ Dated:_____
Laura M. Nieto, MMC
Chief Deputy City Clerk

Exhibit E

December 18, 2024 Planning Commission staff report and attachments (link below)
https://irwindaleca.portal.civicclerk.com/event/149/files/agenda/1597

Exhibit F

September 18, 2024 Planning Commission staff report and attachments (link below)
https://irwindaleca.portal.civicclerk.com/event/146/files/agenda/1481

Exhibit G

August 21, 2024 Planning Commission staff report and attachments (link below)

https://irwindaleca.portal.civicclerk.com/event/145/files/agenda/1450

Exhibit H

July 17, 2024 Planning Commission staff report and attachments (link below)

https://irwindaleca.portal.civicclerk.com/event/144/files/agenda/1409

Exhibit I

February 21, 2024 Planning Commission staff report and attachments (link below)
https://irwindaleca.portal.civicclerk.com/event/957/files/agenda/1305

Exhibit J

November 13, 2023 Planning Commission staff report and attachments (link below)
https://irwindaleca.portal.civicclerk.com/event/680/files/agenda/830

Exhibit K

October 30, 2023 Planning Commission staff report and attachments (link below)

https://irwindaleca.portal.civicclerk.com/event/681/files/agenda/831

Exhibit L

September 20, 2023 Planning Commission staff report and attachments (link below)

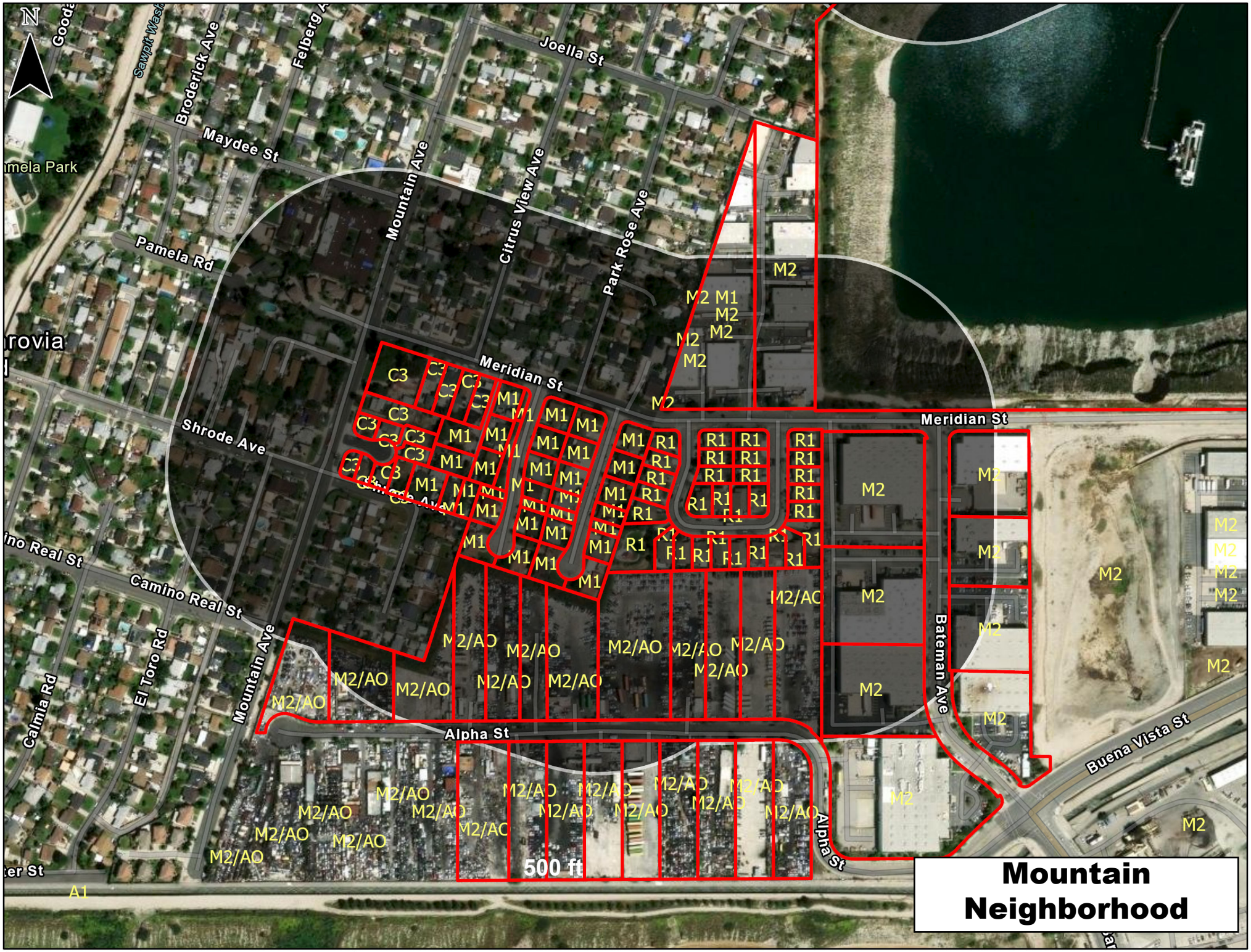
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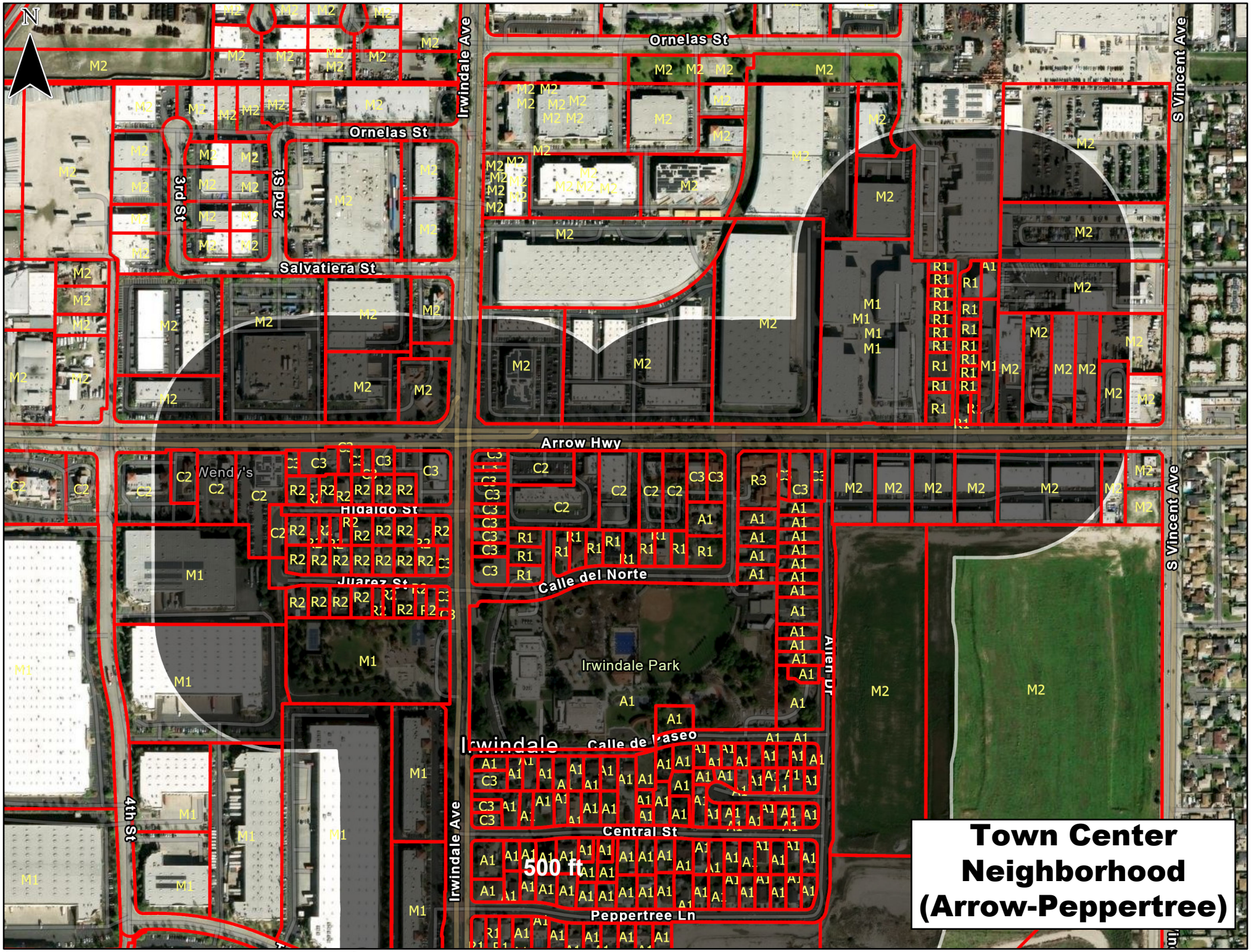
Exhibit M

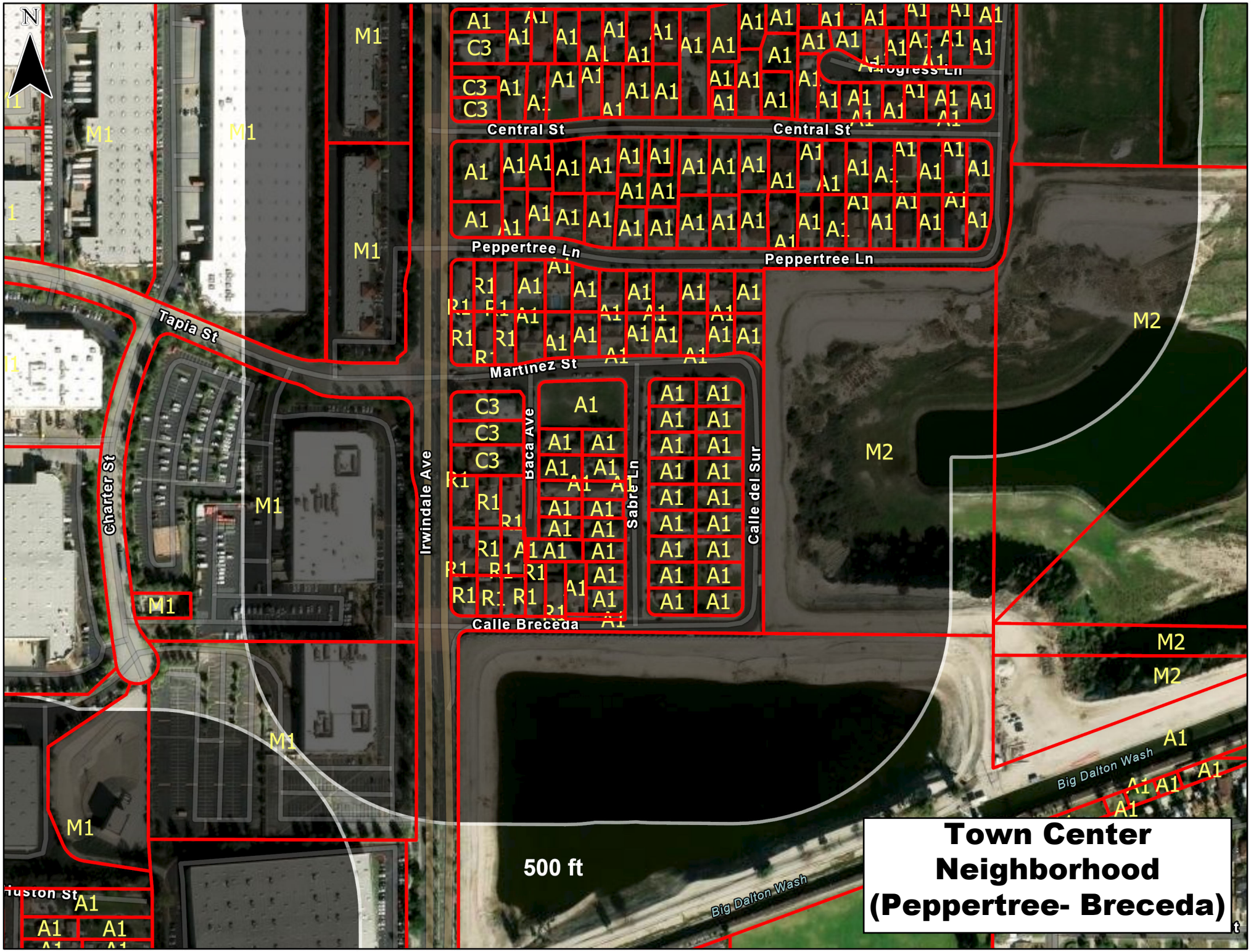
April 2024 Draft Title 17 Zoning Code Update
(link below)
ZONING-CODE-DRAFT-April-2024
(irwindaleca.gov)

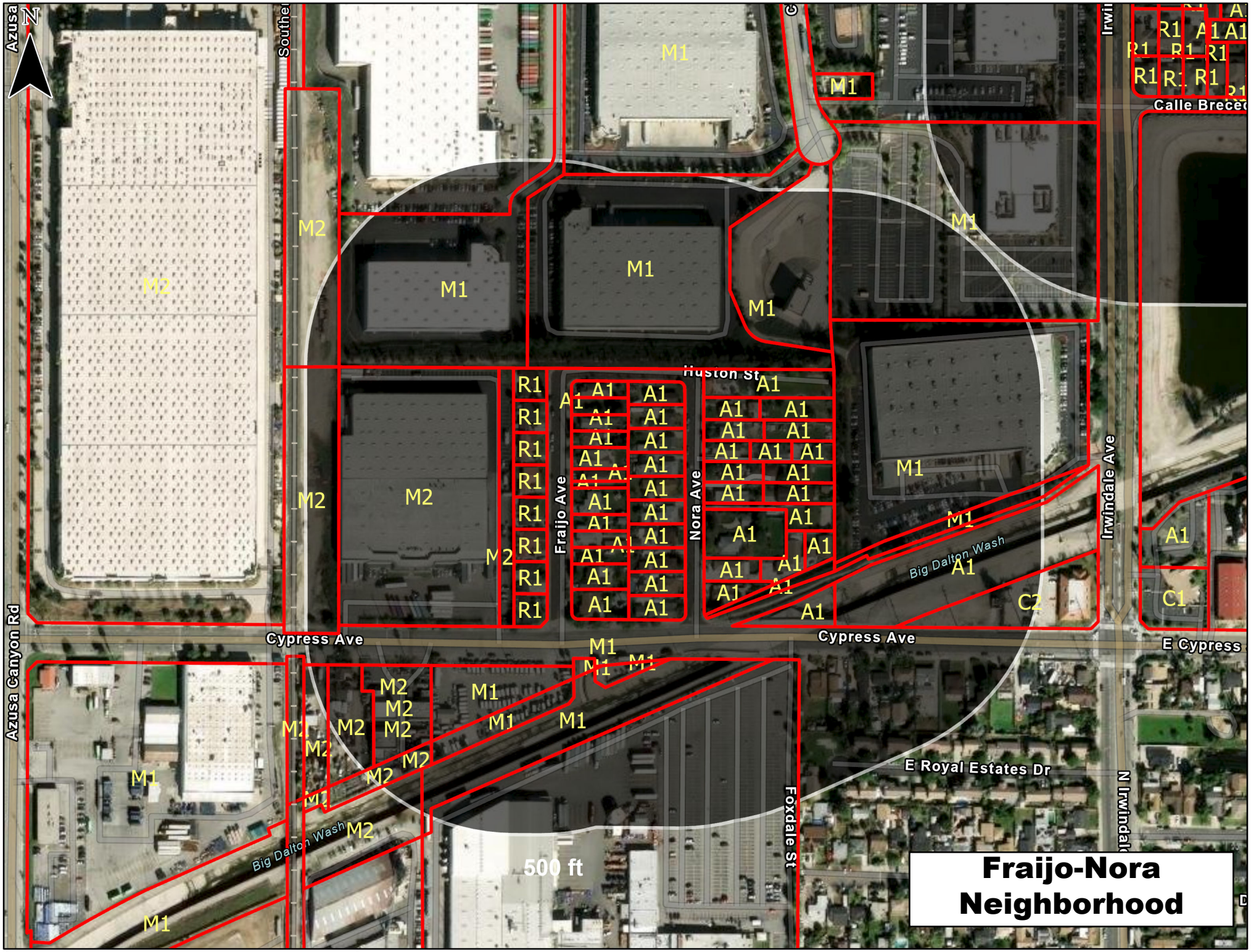
Exhibit N:

Aerials with the 500 Foot Residential Buffer


N
Joella St
Broderick Ave
Maydee St
Mountain Ave
Citrus View Ave
Park Rose Ave
Pamela Park
Pamela Rd
Meridian St
Shrode Ave
Camino Real St
El Toro Rd
Calmia Rd
Alpha St
Bateman Ave
Buena Vista St
500 ft
Mountain Neighborhood
0
250
500
1,000 Feet
Sources: City of Irwindale, Los Angeles County, SCAG, ESRI

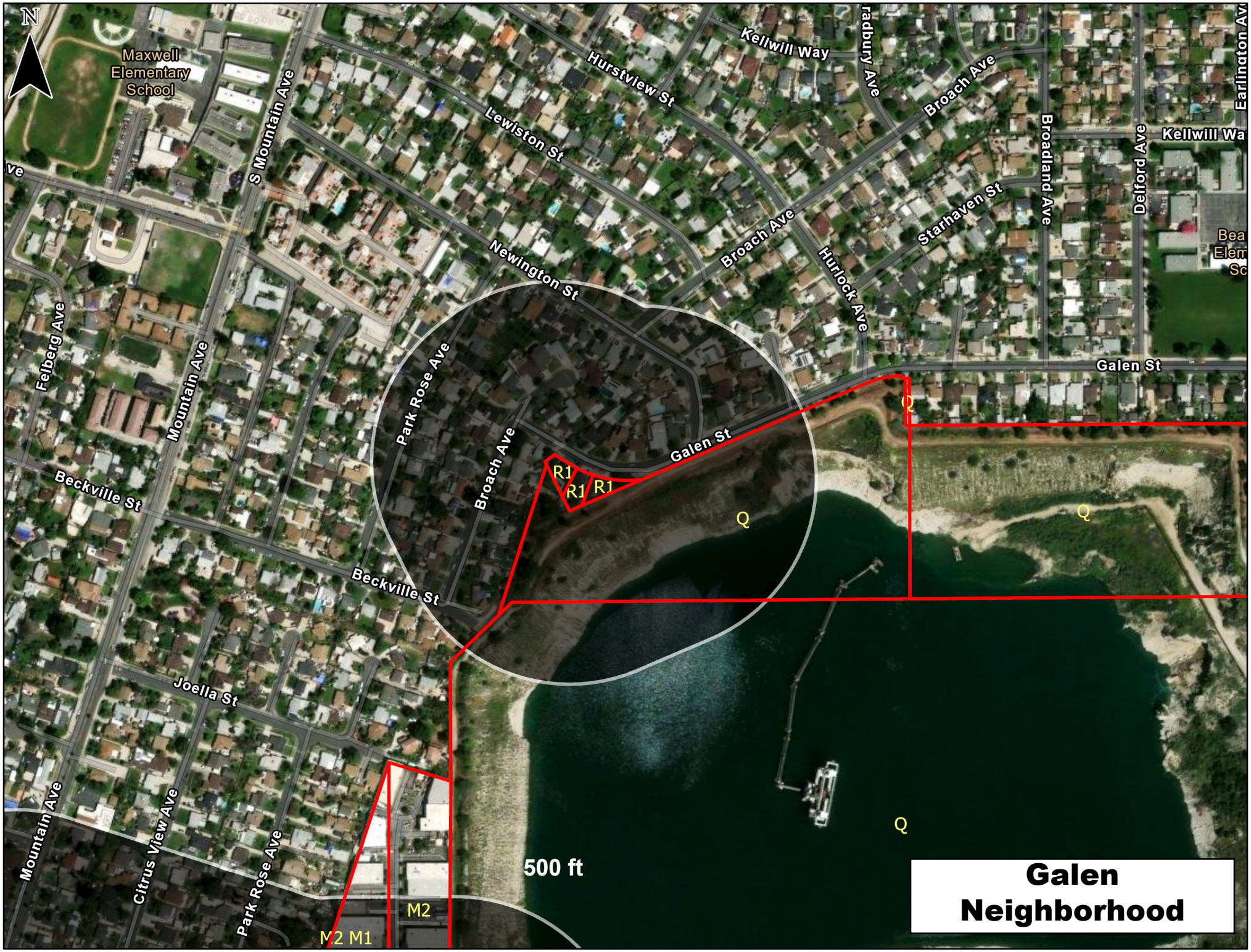

N
Ornelas St
Irwindale Ave
S Vincent Ave
3rd St
2nd St
Salvatiera St
Arrow Hwy
Wendy's
Hidalgo St
Juarez St
Calle del Norte
Irwindale Park
Calle de Paseo
Central St
Peppertree Ln
Allen Dr
4th St
500 ft
Town Center Neighborhood (Arrow-Peppertree)
0
325
650
1,300 Feet
Sources: City of Irwindale, Los Angeles County, SCAG, ESRI


N
Central St
Central St
Peppertree Ln
Peppertree Ln
Tapia St
Martinez St
Charter St
Irwindale Ave
Baca Ave
Sabre Ln
Calle del Sur
Calle Breceda
Big Dalton Wash
Big Dalton Wash
500 ft
Town Center Neighborhood (Peppertree- Breceda)
0
210
420
840 Feet
Sources: City of Irwindale, Los Angeles County, SCAG, ESRI

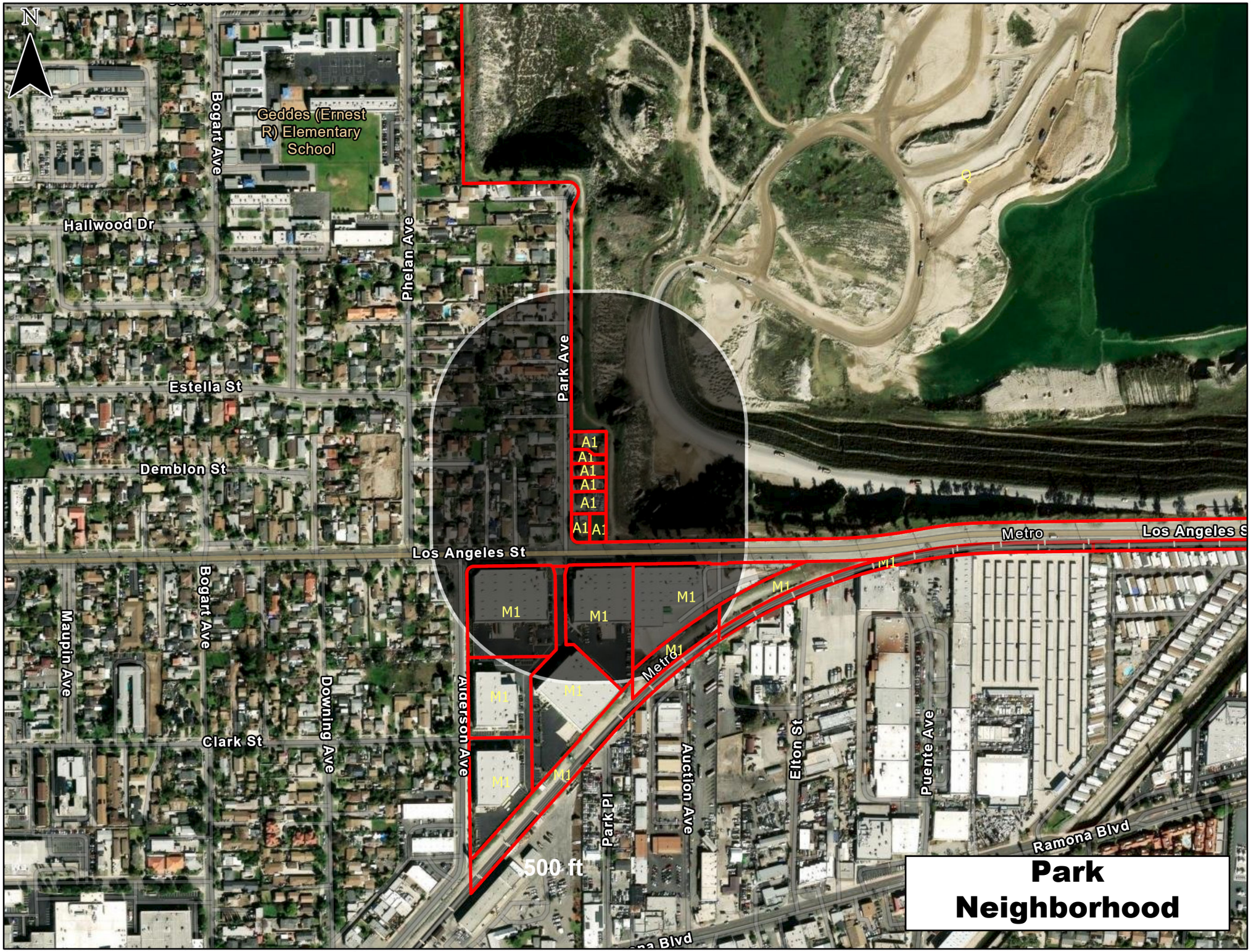


0 210 420 840 Feet

Sources: City of Irwindale, Los Angeles County, SCAG, ESRI



Sources: City of Irwindale, Los Angeles County, SCAG, ESRI



Sources: City of Irwindale, Los Angeles County, SCAG, ESRI

Exhibit O:

Comment Letters

NAIOP
COMMERCIAL REAL ESTATE DEVELOPMENT ASSOCIATION
SoCAL CHAPTER

LEGISLATIVE AFFAIRS

December 18, 2024

City Clerk (cityclerk@irwindaleca.gov)
City of Irwindale
5050 N. Irwindale Avenue
Irwindale, CA 91706

Re: City of Irwindale Zoning Code Update – Opposition and Requested Language Amendments – December 18, 2024 Planning Commission Meeting

Dear Chairlady Frymark and Fellow Commissioners,

I am writing on behalf of NAIOP SoCal to request your reconsideration of proposed language in the City of Irwindale zoning code update, as well as recommended amendments to the current language.

NAIOP SoCal is the leading nonprofit organization for commercial real estate in Los Angeles and Orange counties, with over 1,300 members. NAIOP SoCal members include developers, owners, investors, brokers, architects, engineers, contractors, finance professionals, and other service providers involved in industrial, office, retail, and mixed-use real estate. Several of our members are long-term institutional stakeholders in Irwindale and have a significant vested interest in the city's continued success and growth.

As you know, Irwindale is a vital hub in Southern California's supply chain infrastructure, supporting major industries such as manufacturing, distribution and logistics. These industries provide good jobs for Irwindale residents, helping to create a healthier work-life balance and reducing vehicle miles traveled, which in turn lowers emissions. The city's strategic location near the Ports of Los Angeles and Long Beach, as well as major transportation routes like the 210, 605, 57, 10, and 60 freeways, further reinforces its importance to the regional economy. We urge the Planning Commission to consider these factors when evaluating the zoning code update.

As previously discussed in Planning Commission meetings, NAIOP SoCal has concerns regarding the City's proposed height limit standards. We have participated in several public meetings on the zoning code update and have provided written comments. While we support a fair number of the City's proposed zoning code changes, we respectfully request reconsideration of proposed height limits near residential zones.

Currently, your proposal suggests a 35-foot height limit for any building – commercial or industrial – within 500 feet of residential. We believe that such limitations do not reflect existing structural demands by industrial tenants engaged in cube stacking for their distribution, logistics and warehousing businesses. As a solution, we recommend the following graduated height limits for properties in the M1 and M2 industrial zones within 500 feet of residential:

- Any portion of a building within 0 to 125 feet of a residential property line should have a maximum height of 35 feet.
- Any portion of a building within 126 to 250 feet of a residential property line should have a maximum height of 40 feet.
- Any portion of a building within 251 to 375 feet of a residential property line should have a maximum height of 45 feet.
- Any portion of a building within 376 to 500 feet of a residential property line should have a maximum height of 50 feet

Additionally, we propose that exceptions to the City's proposed building height standards be allowed with a Conditional Use Permit, subject to appropriate analyses regarding shade, shadow, views, and compliance with AB98 for industrial projects.

With respect to nonconforming uses, we note that the language in the proposed code stating that "Nonconforming uses shall not be expanded, modified, or substituted for another nonconforming use except as provided below" may present implementation challenges. In particular, when re-tenanting a structure with existing nonconforming uses, there may be cases where a nonconforming use is replaced by a similar one that does not intensify the use. We request that the language be modified to permit such changes. Specifically, we suggest the following revision to Section 17.18.060.A: "Modifications, substitutions, and/or expansions. Modifications or substitutions of nonconforming uses shall not result in an expansion of intensity and/or physical footprint of the nonconforming use."

We would also like to highlight the importance of AB98, a new California statute governing warehousing and logistics development, which requires all new projects to meet strict buffering and environmental sustainability standards if they are within 900 feet of a sensitive receptor, including residential uses. This new law is relevant to Irwindale's industrial development and should be taken into account as part of any zoning decisions.

As the voice of commercial real estate in Los Angeles County, NAIOP SoCal greatly appreciates the opportunity to share our concerns. We believe that addressing these requests will ensure the long-term viability of our Members' properties and those of other stakeholders in the industrial sector.

If you have any questions or need further information, please feel free to contact me directly at mtoumajan@naiopsocal.org.

Sincerely,

Mihran Toumajan
Government Relations Manager
NAIOP SoCal

CC: Julian Miranda, Irwindale City Manager
Marilyn Simpson, AICP, Irwindale Community Development Director

Marilyn Simpson

From: Craig Furniss <cfurniss@7thsd.com>
Sent: Friday, December 20, 2024 6:13 AM
To: Marilyn Simpson
Cc: Scott Furniss
Subject: City of Irwindale Zoning Ordinance Update - comment letter
Attachments: irwindale outdoor stg screening 17.13.140.JPG

Hello Marilyn:

We appreciated the Irwindale Planning Commission's productive discussion last night (12/18) during the public hearing. One topic that was not mentioned was accessory outdoor storage in M1 and M2 zones. We are in agreement with Table 17.13.110 which provides that "Outdoor Storage is only permitted as an accessory use in the M-1, M-2, BP and P/SP zones and must be screened in accordance with Section 17.13.140 *(note typo in draft which refers to 17.13.160)*. The section further requires: Outdoor Storage must be located outside of all required setbacks, parking and circulation areas and landscaped areas. All Outdoor Storage is subject to CD review. Section 17.13.140 provides requirements for the screening of outdoor storage areas including in industrial zones.

We would like the Planning Commission and staff to consider changing the first sentence of 17.13.140 as follows:

> B. Outdoor Storage Areas. Outdoor storage areas shall be screened from view from any adjacent public street or freeway; existing or planned residential area; or publicly accessible open space area with a solid masonry wall a minimum of ~~six~~ eight feet in height or wrought iron fence with mature, fast-growing, closely planted evergreen hedges of eight feet height. Such wall or fence must meet minimum setback requirements for the applicable zone.

An evergreen hedge (or Greenscreen Trellis Fence) provides a more natural and pleasing appearance than a masonry wall. We believe these walls or fences should be required to meet the minimum setback requirements for the zone. For industrial applications, an eight-foot-high wall or fence is usual height for screening and is also consistent with Table 17.13.070-B which provides for 8 ft high walls in Commercial and Industrial Zones.

Would you please provide this as input to the commissioners as you prepare for the continued public hearing for February?

Thank you
Craig

Craig Furniss
Seventh Street Development
328 E Commercial Rd #107
San Bernardino, California 92408
Phone: 562/427-7718
Fax: 562/427-7774
Email: cfurniss@7thsd.com

Visit our Website at www.SeventhStreetDevelopment.com
CA DRE #01839469

Buchalter

18400 Von Karman Avenue
Suite 800
Irvine, CA 92612
949.760.1121 Phone
949.720.0182 Fax

629.224.6602 Direct
jfarano@buchalter.com

December 18, 2024

VIA E-MAIL (CITYCLERK@IRWINDALECA.GOV)

City Clerk
City of Irwindale
5050 N. Irwindale Avenue
Irwindale, CA 91706

Re: City of Irwindale Zoning Code Update - Planning Commission December 18, 2024

Dear Honorable Planning Commissioners:

This office represents Thrifty Oil Company (Thrifty), which owns properties located at 5200 and 5300 Irwindale Avenue in the City of Irwindale (City) that are zoned M-2 and developed with an office building. We are writing this letter to oppose the Zoning Code Update (Update) as it is proposed in the agenda for the December 18, 2024 Planning Commission and request that you consider some modifications to Chapter 17.06, Industrial and Office Zone Districts and Chapter 17.18 Nonconforming Uses, Sites, and Buildings as discussed below.

Thrifty has actively participated throughout the Zoning Code Update process, attending public hearings, providing comments and engaging with staff. They submitted the attached letter on September 12, 2024, outlining their concerns with the proposed Update and subsequently met with staff to discuss their concerns. It was our understanding that Thrifty's concerns would be addressed in subsequent drafts of the Update, however, that does not appear to be the case.

1. **Table 17.06.030-1 Development Standards – Height Limitations**

The proposed height limitations state that the maximum height for buildings in the M-1 and M-2 zones is 50 feet and "35 feet if within the 500 foot residential buffer." The proposed Update also includes Transitional Height Standards that state "When an industrial use is within 50 Feet from the property line of a Residential Zoned lot, the maximum height is 40 feet. After 50 feet, the maximum height of the industrial zoning district applies."

The 35-foot height limit would render numerous existing buildings in the City nonconforming, including Thrifty's property. Additionally, the 40 foot Transitional Height Standards for buildings within 50 feet of a Residentially Zoned lot is inconsistent with the 35-foot maximum height within the "residential buffer." We therefore request that Transitional Height Standard and the maximum height in the residential buffer be increased to 45 feet.

2. Section 17.18.040 Continuance of a Nonconformity

The Update's proposed language states that a legal nonconforming use or structure "may only be continued and maintained provided there is no alteration, enlargement, addition, or other change to any building or structure or use therein[.]"

We request that "alterations" be removed because it would prohibit regular maintenance and upgrades to a legal nonconforming structure that are necessary to its continued operation. Additionally, including "alterations" would prohibit making changes to accommodate a new tenant or the changing operation of an existing tenant or the landlord.

3. 17.18.070 Elimination of Nonconforming Uses and Structures

The proposed language in Section 17.18.070 states that "The Planning Commission may require other nonconforming uses to be discontinued and removed from their sites within a period determined pursuant to the process set forth in Section 17.18.080." Proposed Section 17.18.080.A states that "The Community Development Director shall submit the nonconforming use or structure and a recommended amortization period, based on the criteria in Section 17.18.080.C.1." It also sets a minimum amortization of three years. (§ 17.18.080.C.2.)

The proposed process to establish an amortization period provides no certainty to property owners that have made significant investments in the City beyond three years after the structure becomes nonconforming. It also gives the City a significant amount of discretion to establish amortization periods on a case-by-case basis. Furthermore, it is inconsistent with the intent of Chapter 17.18 that nonconforming uses and structures only be removed when "their continuation conflicts with the General Plan and public health, safety and general welfare."

Therefore, we request that that the Planning Commission only be permitted to establish an amortization period for the discontinuation of a nonconforming structure upon a finding that the continuation of the existing nonconforming structure will conflict with public health, safety, and general welfare.

4. 17.18.090.C Restoration of Damaged or Destroyed Nonconforming Structures.

When a nonconforming structure incurs significant damage (beyond 50% of the

replacement value), the proposed language requires that in order to be restored "Building permits must be obtained within two years of the date of the damage or destruction and construction shall be completed within one year of issuance[.]"

Given the significant amount of time it takes to go through insurance and get building permits approved through the City, it is very unlikely that permits can be obtained within two years from the date the building is damaged. Additionally, it is very unlikely that repairs are able to be completed within one year of the permits being issued. Therefore, under the proposed language, if any significant damage occurs, the building will likely have to be removed.

We request that the language be revised to state that "Building permits must be submitted within two years of the date of the damage or destruction."

Thank you for your time and consideration on these matters.

BUCHALTER
A Professional Corporation

Jeffrey Farano

Jeffrey Farano

JF:dw

Attachment

THE ORDEN COMPANY

City of Irwindale
Planning Commission
5050 N. Irwindale Avenue
Irwindale, CA 91706

September 12, 2024

RE: Zone Code Amendments at September 18, 2024 Planning Commission

Dear Chair Frymark, Vice Chair Chico and Commissioners Acosta, Miranda and Rodriguez,

On behalf of our family company we urge you to act carefully and deliberately when seeking to modify the City's industrial zoning code at this week's Planning Commission as it could have disastrous, presumably unintended, effects on our properties as well as the City's existing business community. As discussed below, **we strongly oppose the proposed modifications** as our concerns center around height restrictions, non conforming structures and uses, as well as Damage/casualty & reconstruction.

Our company owns two office buildings and one industrial property located at 5200, 5240 and 5300 Irwindale Avenue, respectively. Both properties are zoned Industrial (M-2) and would be impacted by any plan you may have to modify height restrictions in the industrial zones to 35 feet, with increased setbacks from current regulations.

Height Restrictions

Our 2-story office building located at 5200 Irwindale would be the hardest impacted, as the structure is located approximately 400 feet from the edge of a residential zoned parcel and 150 feet from a C-3 zoned parcel, which allows residential uses. The 40 foot office building is fairly new (built in 1990), is a legally permitted use that has been well maintained and its economic life is expected to continue for decades to come. However, as a result of the proposed height restriction it could become a legal non-conforming structure subject to termination and demolition even though it is surrounded by commercial and industrial uses and does not impact any residential property. As such, our company is strongly opposed to any height restrictions in the vicinity of 35-40 feet.

Non Conforming Uses & Structures

The Code's current non conforming use provisions allow a non conforming office building to continue for a total of 55 years from the initial construction and then the use would have to be discontinued and the building removed from the site. Under the current code our building would have to be demolished in 21 years, long before the end of its useful life. However, the proposed new non-conforming language is extremely vague and contemplates as little as 3 years before it would have to be removed from the site.

Neither the current code nor the proposed change to the non-conforming use section give any meaningful amount of time for our company to recoup the investment it made in this office building. We have lease obligations in the building which extend well beyond 5 years, and the proposed 3 years contemplated above would cause us to default under existing legal agreements. We are therefore opposed to any reduction to the existing time periods for termination of non conforming buildings and respectfully request that you extend them to more appropriately reflect the significant investment that we have made.

Damage/Casualty & Reconstruction

Additionally, if the property were to face any unforeseen damage or casualty, the Code requires that the repairs be complete within 1 year from the date of the event, or else the building would have to be torn down, well before the end of its useful life. Given the significant amount of time it takes to go through insurance and get building permits approved through the City, it is impossible to complete repairs within 1 year and, as such, virtually any damage to the building would require it to be removed from the property. We therefore request that a more realistic amount of time be provided to make repairs that adequately accounts for today's reality.

Closing Considerations

Furthermore, it is our understanding that the proposed zoning code height restriction was initially intended to only apply to industrial structures and uses, not office buildings and commercial uses. However, as proposed, the height restriction would apply to commercial uses such as office buildings. The intent of the code is reportedly to protect existing residential homes, yet as drafted, the proposed height limitation would prohibit new and existing buildings near commercially zoned lots because the C-3 zone allows for residential uses. As such, we respectfully request that any language be revised to only apply to future industrial uses (i.e. not industrial parcels) proximity to existing residential structures.

The proposed zoning code changes are punitive and penalize any company who has invested in the city and has the misfortune to be located within the 500 foot perimeter you are now contemplating. One should have an opportunity to earn a reasonable return on one's investment. Like our family, innocent property owners who invested millions of dollars and followed existing codes in effect at the time of their development and received permits may be left unprotected and face severe economic harm.

We have long enjoyed being active members of the City's business community and look forward to working together to continue help the city grow and prosper for many years to come.

There has to be better solutions than those proposed to date. We are happy to work with the city to come to an amicable resolution that addresses the concerns of all parties.

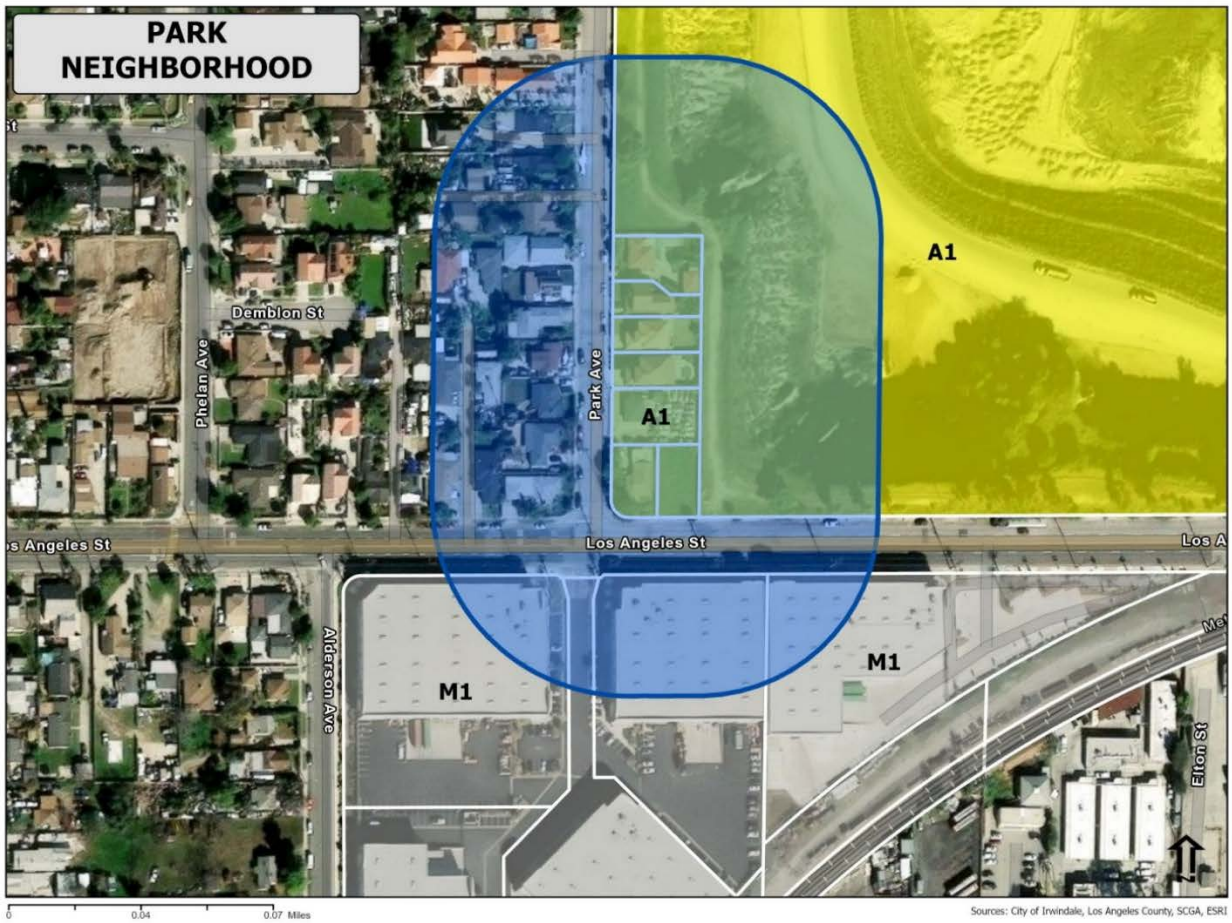
On behalf of our family, thank you for your attention, and hopefully favorable consideration.

Stephane Wandel
Executive Director

CC:

Ms. Marilyn Simpson, City Community Development Director
Mr. Julian Miranda, City Manager
Ms. Theresa Olivares, Assistant City Manager
Mr. Andy Sands, CEO, The Orden Company
Mr. Jeff Farano, Esq., Buchalter
City Clerk

Exhibit P


PARK
NEIGHBORHOOD
A1
A1
Dembion St
Phelan Ave
Park Ave
Los Angeles St
Los Angeles St
Anderson Ave
M1
M1
Elton St
0
0.04
0.07 Miles
Sources: City of Irwindale, Los Angeles County, SCGA, ESRI

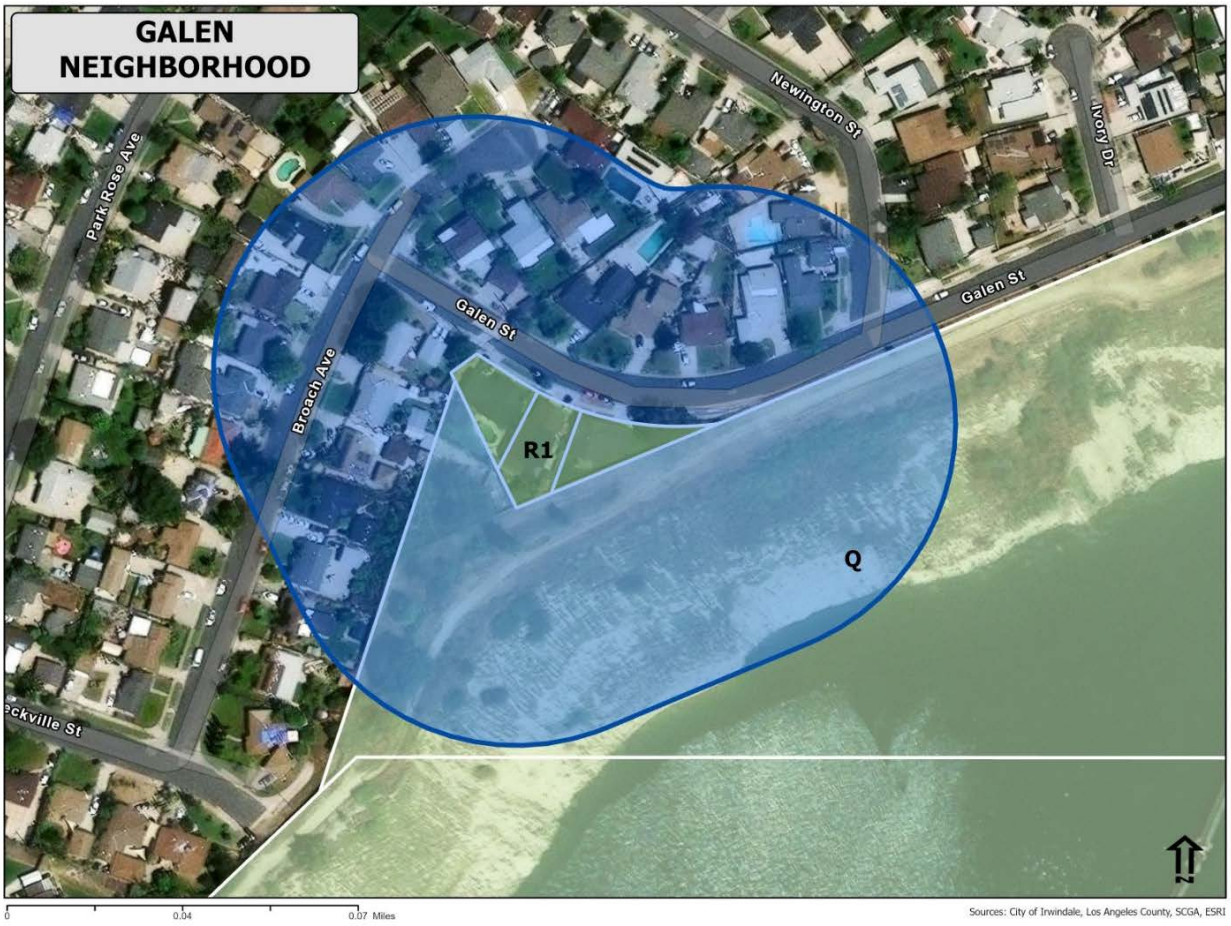
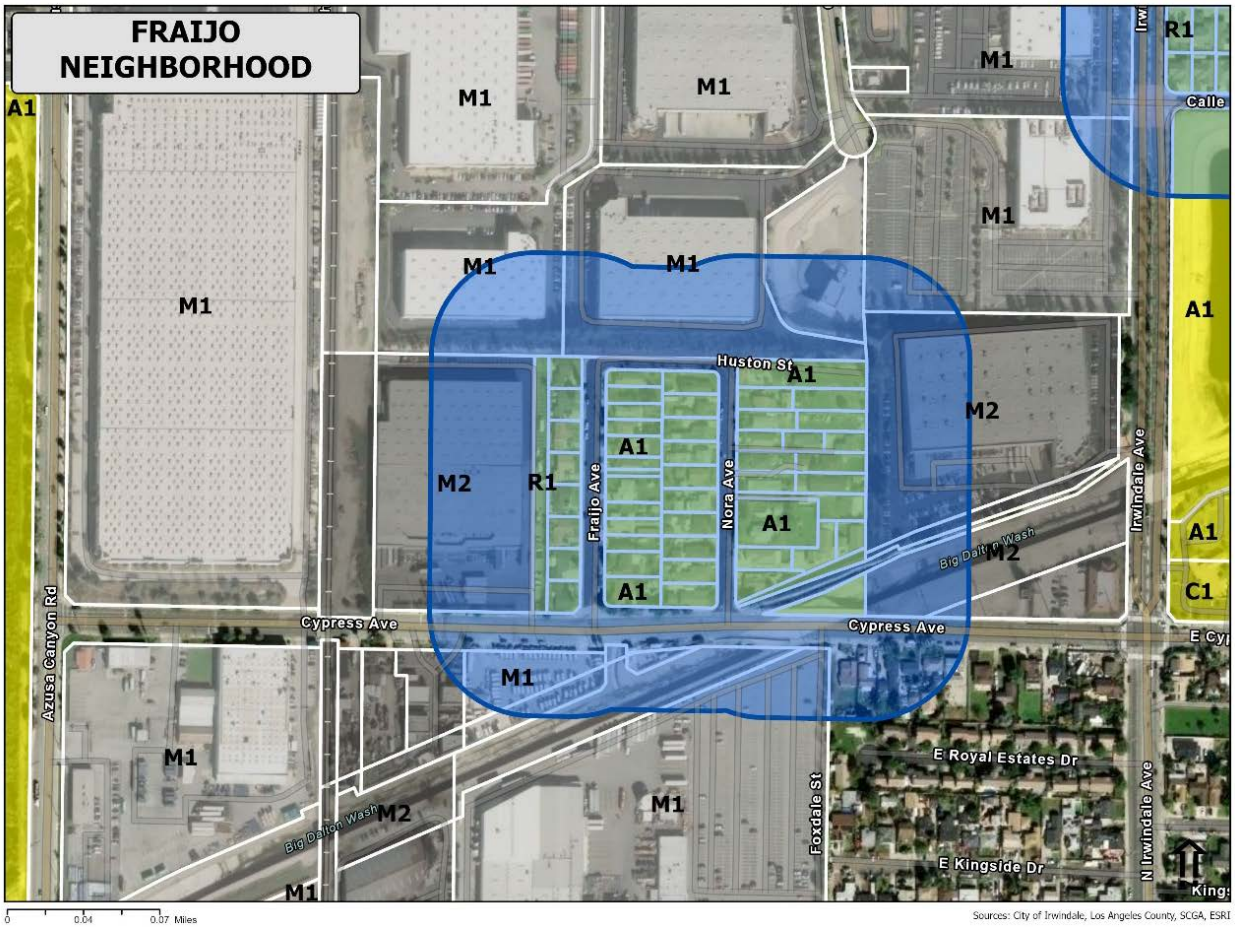

GALEN
NEIGHBORHOOD
Newington St
Ivory Dr
Park Rose Ave
Galen St
Galen St
Broach Ave
R1
Q
0
0.04
0.07 Miles
Sources: City of Irwindale, Los Angeles County, SCGA, ESRI

Exhibit P (continued)



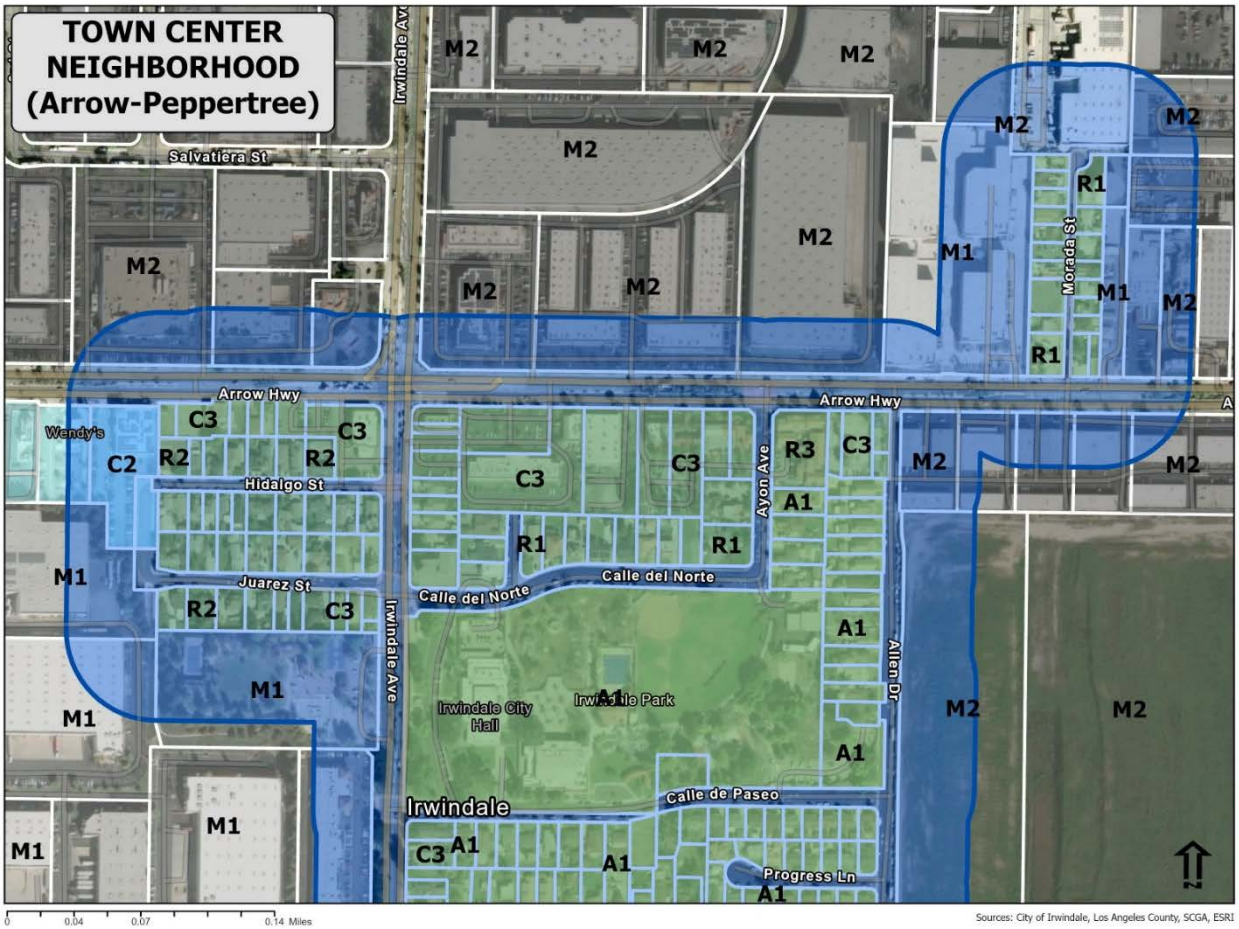


Exhibit P (continued)

