

## RESOLUTION NO. 793(21)

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING THAT THE CITY COUNCIL APPROVE DEVELOPMENT AGREEMENT NO. 02-2016 ATHENS SERVICES TO ALLOW THE CONSTRUCTION AND OPERATION OF A MATERIALS RECOVERY FACILITY AND TRANSFER STATION, CONVENIENCE STORE AND PUBLIC GAS STATION ON PROPERTY LOCATED AT THE 2200 ARROW HIGHWAY (APN 8535-001-911) SUBJECT TO CONDITIONS AS SET FORTH HEREIN AND MAKING FINDINGS IN SUPPORT THEREOF**

### **A. RECITALS.**

- (i.) Athens Services, 14048 Valley Boulevard, City of Industry, CA 91746, the Applicant, has made a request for a General Plan Amendment to allow for the construction and operation of a Materials Recovery Facility and Transfer Station (MRF/TS) with a convenience store and public gas station located at 2200 Arrow Highway – APN 8535-001-911 (“Project”). The proposed Development Agreement (DA No. 02-2016) is attached hereto as Attachment 1 and incorporated herein. Ordinance No. 753, approving Development Agreement No. 02-2016 is attached as Attachment 2.
- (ii.) The Property is located on a 17.22-acre parcel on the south side of Arrow Highway. The convenience store will be approximately 2,587 square feet and there will be eight gas or diesel pumps on an island with an overhead canopy. The convenience store will sell beer and wine. The Subject Property is zoned M-2 (Heavy Manufacturing).
- (iii.) On January 20, 2021, the Planning Commission, at a public hearing, at which time they received input from staff, the City Attorney, and the Applicant; heard public testimony; discussed the proposed project; closed the public hearing; and, after discussion, approved this Resolution.
- (iv.) The City has not received any comments or additional information constituting substantial new information requiring recirculation of any portion of the environmental review for the Project under Public Resources Code section 21092.1 and State CEQA Guidelines section 15088.5.
- (v.) All the requirements of CEQA, the State CEQA Guidelines, and the City of Irwindale’s Local CEQA Guidelines have been satisfied by the City in the 2020 FEIR, which is sufficiently detailed such that all of the potentially significant effects of the Project have been adequately evaluated.
- (vi.) All other legal prerequisites to the adoption of this Resolution and Ordinance have occurred.

## **B. RESOLUTION.**

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

SECTION 1. The Planning Commission hereby specifically finds that all of the facts set forth in Recitals, Part A, of this Resolution are true and correct.

SECTION 2. The Planning Commission hereby specifically finds and determines that the Project, as proposed and including Development Agreement No. 02-2016, has been adequately analyzed in the 2020 FEIR (SCH#2013051029) that the Planning Commission has separately recommended be certified by the City Council. A copy of the EIR and Mitigation Monitoring and Reporting Program was posted on the City's website.

SECTION 3. The Planning Commission hereby specifically finds and determines the project, as proposed, pursuant to the authority and criteria contained in CEQA of 1970, as amended, the State CEQA Guidelines, and the City of Irwindale environmental guidelines, the City, as the Lead Agency, has reviewed and considered the 2020 FEIR, including 2020 Recirculated Draft Environmental Impact Report ("2020 RDEIR") for the proposed Materials Recovery Facility and Transfer Station ("MRF/TS") Project in Irwindale, California that identified and evaluated specific environmental effects of the proposed project as directed by the Superior Court of California in its September 2019 Decision and Writ of Mandate. All other portions of the 2014 Final EIR and Addendum No. 1, upheld by the Court, remain a part of the 2020 Recirculated DEIR and 2020 FEIR and the Findings attached as Exhibit A to Resolution No. 790(21). The 2020 RDEIR addressed four (4) specific environmental topics, including: 1) Truck Fueling Operations; 2) Greenhouse Gas Emissions; 3) Transportation Energy Use; and 4) Project-Specific Air Emissions Health Risks. The analyses concluded that truck fueling operations, greenhouse gas emissions and transportation energy will have less-than-significant environmental effects. The analysis of project-specific air emissions concluded that it is scientifically infeasible to substantively connect an individual project's criteria air pollutant emissions to public health consequences of regional air quality conditions. A copy of the 2020 FEIR and Mitigation Monitoring and Reporting Program was posted on the City's website. The Planning Commission has reviewed and considered the 2020 FEIR as a basis of its decision making for the proposed Project.

SECTION 4. Based upon the substantial evidence and conclusions set forth herein above, this Planning Commission hereby recommends that the City Council approve the proposed Development Agreement subject to the terms and conditions set forth in the Development Agreement attached hereto and by this reference incorporated herein, which conditions are deemed necessary to protect the public health, safety and general welfare and are reasonable and proper in accordance with the intent and purposes of Title 17 of the Irwindale Municipal Code.

SECTION 5. That the provisions of the proposed Development Agreement are consistent with the City's General Plan, as amended by General Plan Amendment No. 02-2016. The project site land use designation will be Commercial/Industrial, which permits



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**ATTACHMENT 1  
DEVELOPMENT AGREEMENT NO. 02-2016**

**ATTACHMENT 2  
ORDINANCE NO. 753 FOR  
DEVELOPMENT AGREEMENT NO. 02-2016**