

RESOLUTION NO. 2021-11-3273

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE APPROVING CONDITIONAL USE PERMIT No. 08-2016 TO ALLOW A PROPOSED CONVENIENCE STORE TO SELL BEER AND WINE FOR OFF-SITE CONSUMPTION (TYPE 20 OFF SALE BEER & WINE), AND FOR THE OPERATION OF A PUBLIC GAS STATION ON PROPERTY LOCATED AT 2200 ARROW HIGHWAY IN THE M-2 (HEAVY MANUFACTURING) ZONE, 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 entered into a Disposition and Development Agreement with the City of Irwindale Successor Agency to construct and operate a Materials Recovery Facility and Transfer Station (MRF/TS) with a convenience store and public gas station on a property located at 2200 Arrow Highway – APN 8535-001-911. The Applicant has made a request for a Conditional Use Permit (CUP 08-2016) for the establishment of a convenience store that sells beer and wine for off-site consumption and the operation of a public gas station, located at 2200 Arrow Highway, pursuant to Sections 17.80.030(22), and 17.36.010(23) of the Irwindale Municipal Code. The Subject Property is zoned M-2 (Heavy Manufacturing).
- (ii) 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, adopted Resolution No. 794(21) for CUP No. 08-2016.
- (iii) On January 20, 2021, the Planning Commission, adopted Resolution No. 790(21) recommending that the City Council approve the adoption and certification of the project FEIR (SCH# 2013051029).
- (iv) On February 24, 2021, the City Council conducted a duly noticed public hearing, as required by law, on the Application and 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 the Application at that same meeting, subject to the approval of a Resolution, which would detail the specific Conditions under which the Application was approved.
- (v) All legal prerequisites to the adoption of this Resolution have occurred.

A. RESOLUTION.

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

1. The City Council hereby specifically finds that all of the facts set forth in Recitals, Part A, of this Resolution are true and correct and incorporated into this Resolution by reference as findings of fact.

2. The City Council hereby specifically finds and determines the project, as proposed, and including CUP No. 08-2106, has been adequately analyzed in the 2020 Final Environmental Impact Report (2020 FEIR) (SCH#2013051029). In making this determination, the City Council, as Lead Agency, has reviewed and considered the information in the 2020 FEIR, the written and oral testimony provided to the City, and the remainder of the administrative record for the project. The City Council has separately certified, via City Council Resolution No. 2021-08-3270 that the 2020 FEIR has been completed in compliance with the California Environmental Quality Act (Pub. Resource Code, § 21000 et seq.), reflects the City of Irwindale's independent judgment and analysis, and that all mitigation measures available to reduce to the project's impacts to the extent feasible have been adopted in the project's Mitigation Monitoring and Reporting Program. The City Council has also separately adopted a Statement of Overriding Considerations and CEQA Findings of Fact, attached as Exhibit A to Resolution 2021-08-3270. A copy of the 2020 FEIR and Mitigation Monitoring and Reporting Program was posted on the City's website

3. Based upon substantial evidence presented to this City Council during the public hearing conducted with regard to the Application, including written staff reports, verbal testimony, site plans and Conditions of Approval attached hereto as Attachment A, this City Council hereby specifically makes the following findings for Conditional Use Permit No. 08-2016 as follows:

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

The site is adequate in size and shape for the proposed use for the following reasons: The site is 17.22 acres and zoned M-2 (Heavy Manufacturing). The proposed 2,587 square foot convenience store is less than .3% of the site. The proposed CUP is for a the operation of a public gas station and Type 20, Off-Sale Beer and Wine permit and alcohol sales will be a small part of the merchandise sold at the convenience store. No more than 500 square feet of floor area is permitted for the sale of beer and wine. The store will also sell non-alcoholic beverages, snacks, and sundries. The proposed use is a typical product sold at similar-type convenience stores. The convenience store is carefully designed and located on the site to adequately accommodate parking and on-and-off site circulation with access from multiple driveways along Arrow Highway. 26 parking stalls are provided for the convenience store use, located in front of the store and to the west of the store.

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

The site is bordered by Arrow Highway on the North and Northeast and Live Oak Avenue on the South. Access to the I-605 Freeway is provided via Arrow Highway and Live Oak

Avenue. The certified EIR (SCH#2013051029) analyzed traffic volumes, trip distances, and overall circulation of the project, including the convenience store and public gas station. The site has sufficient access to streets and highways adequate to carry the quantity of traffic generated by the proposed use because Arrow Highway, a multi-lane street, is classified in the General Plan as a major arterial, sufficient to accommodate additional travel generated by the use.

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

The proposed use, as conditioned, will not have an adverse effect upon adjacent properties because the Applicant will develop an existing vacant parcel with specific mitigation measures which will be enforced to reduce dust, noise and visibility from adjacent properties. The use will provide goods and services to surrounding businesses and commuters on Arrow Highway and Live Oak Avenue. The site has been designed to accommodate vehicle circulation and meet parking standards. The adjacent properties to the west and south are developed with industrial uses that create loud noise, including a distribution center with heavy trucking. Properties to the south, across Live Oak Avenue (a 4-lane road) have industrial uses including a machining company, an industrial business park, and a large tank facility for the Valley County Water District. The subject site is located at the back of the Santa Fe Dam Recreation Area and is separated by Arrow Highway, a multi-laned arterial roadway and the proposed use is located at such a distance so as not to have an adverse effect on the recreation area.

4. That the proposed use serves the public convenience or necessity, based upon the factors outlined in Section 17.58.060.

This finding is supported by the following facts:

- a. The issuance of the conditional use permit would not duplicate services and therefore contribute to an over-concentration of alcoholic beverage establishments because the nearest off-sale use is over one mile from the subject site;
- b. Alcohol sales are related to the function of the proposed use in that it is common that similar-type convenience stores sell beer and wine, and it would place the business in an economic disadvantage with other similar convenience stores that sell beer and wine;
- c. The proposed establishment will serve a niche in the market not filled by other alcoholic beverage establishment licenses in the area, in that the nearest off-sale use is over one mile from the subject site;

- d. The proposed establishment will provide the convenience of purchasing alcoholic beverages in conjunction with other beverage and food sales as well as other merchandise;
- e. The aesthetic character and ambiance of the proposed establishment will be consistent with the City's Commercial and Industrial Design Guidelines;
- f. There are conditions of approval that prescribe the manner in which the proposed establishment is to be conducted, including the extent to which the establishment will provide an adequate and well trained staff.
- g. The proposed establishment complements the established or proposed businesses in the surrounding area in that it will provide goods and services, including packaged food, alcoholic and non-alcoholic beverages, and sundries to the surrounding industrial and warehouse businesses and commuters;
- h. According to the Irwindale Police Department, the proposed establishment, location and/or operator has no history of law enforcement problems;
- i. According to the Irwindale Police Department, the crime rate in the reporting district and adjacent reporting districts is comparable to other areas in the city and adjacent cities;
- j. According to the Irwindale Police Department, the number of alcohol-related police calls for service, crimes or arrests in the reporting district and in adjacent districts is comparable to other areas of the city and adjacent cities;
- k. Conditions of approval have been included to ensure that the proposed establishment will maintain security, or surveillance, both inside and outside the premises and comply with all applicable laws.
- l. That the proposed establishment will comply with the conditions of approval at Section 17.58.070; 17.58.080; and 17.58.090 of this chapter.

This finding is supported by the following facts:

The conditions of approval contained in Sections 17.58.070; 17.58.080; and 17.58.090 of the IMC have been incorporated into the conditions of approval for this proposal, including, but not limited to, convenience store staff training, adequate exterior lighting, graffiti removal, and requiring the applicant or operator to obtain all required licenses and permits.

5. Based upon the substantial evidence and conclusions set forth herein above, this City Council hereby approves the Application subject to the conditions set forth in Attachment "A" attached hereto and by this reference incorporated herein, which conditions
Resolution No. 2021-11-3273

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.

6. This resolution shall be effective upon adoption.

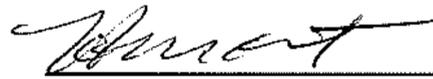
7. The documents and materials that constitute the record of proceedings upon which this Resolution has been based are located at 5050 N. Irwindale Avenue, Irwindale, California. The custodian for these records is the Community Development Manager. This information is provided in compliance with Public Resources Code section 21081.6.

8. A Notice of Determination shall be filed with the County of Los Angeles and the California State Clearinghouse within five working days of final project approval.

9. The Chief Deputy City Clerk shall:

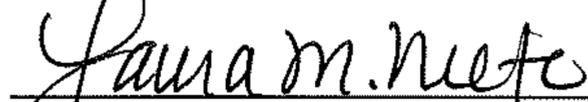
- a. Certify to the adoption of this Resolution; and
- b. Forthwith transmit a certified copy of this Resolution, by certified mail, to the Applicant at the address of record set forth in the Application.

PASSED, APPROVED AND ADOPTED this 24th day of February 2021.



H. Manuel Ortiz, Mayor

ATTEST:



Laura M. Nieto, MMC
Chief Deputy City Clerk

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

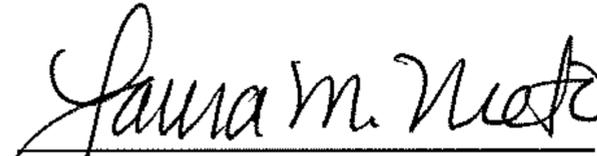
I, Laura M. Nieto, Chief Deputy City Clerk of the City of Irwindale, do hereby certify that the foregoing Resolution No. 2021-11-3273 was duly adopted by the City Council of the City of Irwindale, at a regular meeting held on the 24th day of February 2021, by the following vote:

AYES: Councilmembers: Ambriz, Breceda, Burrola, Garcia, Mayor Ortiz

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: None



Laura M. Nieto, MMC
Chief Deputy City Clerk