

- ☒ City Council
- ☒ Successor Agency
- ☐ Housing Authority
- ☐ Reclamation Authority
- ☐ Joint Powers Authority

City of
IRWINDALE
AGENDA REPORT

Date: February 24, 2021

To: Honorable Mayor and Members of the City Council; Honorable Chair and Members of the Successor Agency

From: William K. Tam, City Manager/Executive Director

Issue: Materials Recovery Facility & Transfer Station Project including: Certification of the 2020 Final Environmental Impact Report (SCH#2013051029); Approval of a Disposition and Development Agreement; General Plan Amendment No. 02-2016; Zone Ordinance Amendment No. 04-2016; Development Agreement No. 02-2016; Conditional Use Permit No. 08-2016; Site Plan & Design Review (DA) No. 06-2016; and a Franchise & Facility Operations Agreement for the development of the Project located at 2200 Arrow Highway. (APN: 8535-001-911)

City Manager's Recommendation:

That the City Council and Successor Agency take the following actions:

1. Adopt Resolution No. CC 2021-08-3270 and Resolution No. SA 2021-13-3275 certifying the 2020 Final Environmental Impact Report (2020 FEIR) and adopting the MMRP, Findings of Fact & Statement of Overriding Considerations (SCH# 2013051029); and
2. Adopt Resolution No. CC 2021-09-3271 and Resolution No. SA 2021-14-3276 approving a Disposition and Development Agreement (DDA); and
3. Authorize the City Attorney/Agency Counsel to make non-substantive changes to each of the agreements

AND

That the City Council take the following actions:

1. Adopt Resolution No. 2021-10-3272 approving General Plan Amendment (GPA) No. 02-2016; and
2. Introduce Ordinance No. 752; and
3. Introduce Ordinance No. 753; and
4. Adopt Resolution No. 2021-11-3273 approving Conditional Use Permit No. 08-2016; and
5. Adopt Resolution No. 2021-12-3274 approving Site Plan & Design Review (DA) No. 06-2016; and
6. Adopt Resolution No. 2021-06-3268 approving a Franchise & Facility Operations Agreement.

Administrative Actions:

Submitted & Prepared by:

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Reviewed by:

Adrian Guerra, City Attorney/Agency Counsel

Electronically approved

Eva Carreon, Finance Director / City Treasurer

Approved by:

William Tam, City Manager



REQUEST

Athens Services, the Applicant, is proposing the development of a Materials Recovery Facility/Transfer Station (MRF/TS) and convenience store with a public gas station (Project) at 2200 Arrow Highway (APN # 8535-001-911). The EIR for the proposed Project was previously certified by the Irwindale City Council in 2016 and the Project was previously approved by the Irwindale City Council in 2017. Entitlements for the proposed project include: 1) certification and adoption of the 2020 Final Environmental Impact Report for the project; 2) approval of a Disposition and Development Agreement for the sale of the property; 3) a General Plan Amendment to change the land use designation from Commercial to Commercial/Industrial; 4) a Zone Ordinance Amendment to revise the distance requirements for the sale of alcoholic beverages and also to allow a Materials

Recovery Facility/Transfer Station as a permitted land use in the M-2 zone with approval of a Development Agreement; 5) a Development Agreement between the City and the Applicant, allowing the Applicant to construct and operate a Materials Recovery Facility and Transfer Station and convenience store/public gas station at 2200 Arrow Highway; 6) a Conditional Use Permit for the establishment of a public gas station and the sale of alcoholic beverages at the convenience store; 7) a Site Plan and Design Review (DA); and 8) approval of a Franchise & Facility Operations Agreement that establish the terms to allow Athens Services to operate the MRF/TS.

Site Location/Vicinity Map

PROJECT DESCRIPTION

Athens Services, the applicant, is proposing the following at 2200 Arrow Highway:

- A ± 262,641 square foot Materials Recovery Facility/Transfer Station (MRF/TS), including
- A ± 2,587 square foot Convenience store with an 8-pump public gas station

BACKGROUND/HISTORY

The proposed Project was previously approved by the Irwindale City Council in 2017. The purpose of the Project is to provide the City and its residents, as well as the region at large, with a state-of-the-art facility for solid waste disposal, recycling and source reduction.

Specifically, on October 11, 2017, the City Council conducted a duly noticed public hearing and approved the Project via adoption of Resolution No. 2017-72-2970 (approving a General Plan Amendment), Resolution No. 2017-75-2973 (granting a Conditional Use Permit), and Resolution No. 2017-76-2974 (approving a site plan and design review permit). In addition, on October 25, 2017, the City Council adopted Ordinance No. 718 (amending the City's Municipal Code) and Ordinance No. 719 (approving the Project's Development Agreement). After the City's approval of the Project, two lawsuits were subsequently filed in Los Angeles County Superior Court, challenging the resolutions and ordinances on the basis of, among other things, alleged inadequacies in the Project's environmental review. On September 5, 2019, the Court issued rulings in the two cases. While the Court dismissed the vast majority of the lawsuits' claims, the Court did determine that the environmental review for the Project requires additional analysis in regards to four discrete issues. As is customary in such Rulings, the Court ordered that the City vacate the prior approvals until the four discrete issues identified by the Court are addressed in subsequent environmental review.

Since issuance of the rulings, the City has addressed the four discrete issues in additional environmental review. This additional environmental review did not find that any new, previously undisclosed, significant environmental impacts would occur as a result of the Project. Now that this additional environmental review is completed, the Project returns to the Planning Commission and City Council for certification of the revised environmental analysis and re-approval of the Project.

The subject property was purchased by the former Irwindale Community Redevelopment Agency (ICRA) on July 9, 1990. At the time of purchase, the site was vacant and the ICRA sought to facilitate development of the site for an after-market auto related use and other retail development. The after-market auto related use did not move forward.

In 2005, the Site was recognized, by virtue of its size and location relative to freeways and arterial roadways, as a suitable site for the development of the MRF/TS which would enable the City to meet its obligations with respect to waste disposal. Specifically, the State of California, through enactment of the California Integrated Waste Management Act of 1989 (Public Resources Code Sections 40000 et seq. (the "Act")), had previously directed all local jurisdictions to promote recycling and to maximize the use of feasible source reduction, recycling and composting options in order to reduce the amount of solid waste required to be disposed of by land disposal. On June 25, 2008, the ICRA entered into a Memorandum of Understanding with Athens Services, Inc. relating to a solid waste materials recovery facility/transfer station.

On June 8, 2016, the Successor Agency of the ICRA approved a Disposition and Development Agreement (DDA) to allow the applicant, Athens Services, to purchase the site in order to develop and operate the MRF/TS and convenience store/public gas station. The development of the site pursuant to the DDA would provide the City and its residents with a state-of-the-art facility for solid waste disposal, recycling and source reduction.

The environmental review for the proposed Project was originally certified in 2016. Specifically, on June 8, 2016, the City Council certified the 2016 Final Environmental Impact Report (2016 FEIR) for the Project. In July 2017, Addendum No. 1 to the 2016 FEIR was prepared and adopted to address minor, internal site plan adjustments made in the final design of the Project. On October 11 and October 25, 2017, the City Council approved land use entitlements for the development and operation of the Project.

As described above, two lawsuits challenging the City Council's approval of those land use entitlements and permits were subsequently filed. The first was filed by the City of Baldwin Park. The second was filed by Waste Management, a direct competitor of the Applicant and one that had itself unsuccessfully bid for the opportunity to build and operate the MRF/TS within Irwindale. Both lawsuits raised similar issues and were processed together by the Court. All claims raised in both lawsuits relating to the City's General Plan and Zoning Ordinance were found to be without merit, and the vast majority of claims relating to the Project's environmental review were also rejected by the Court. However, the Court did find that the environmental review for the Project required additional analysis in relation to four discrete issues:

- Truck Fueling Operations
- Greenhouse Gas Emissions
- Transportation Energy Use
- Project-specific Health Risks from Emissions of ROG, NOx and Ozone

As is customary in such Rulings, the Court ordered that the City vacate the Project's prior approvals until the four discrete issues identified by the Court were addressed in subsequent environmental review. Consistent with the Court's Ruling, in late 2019, the City Council adopted Resolution No. 2019-63-3147 and SA Resolution No. 2019-64-3148,

rescinding the prior approvals for the Project. (See **Attachment M, Planning Commission Staff Report**). Subsequently, the City prepared a 2020 Recirculated Draft Environmental Impact Report (2020 RDEIR) addressing the four discrete issues identified by the Court. (See **Attachments A & B, 2020 Draft EIR & 2020 Final EIR, Resolution No. CC 2021-08-3270 & Resolution No. CC 2021-13-3275 Certifying the 2020 Final EIR.**) All other parts of the Project's environmental review were determined by the Court to be adequate and consistent with the law, and therefore were not revisited and remain valid.

The 2020 RDEIR was circulated for public review and comment, as required by the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). All comments received during the 2020 RDEIR public review and comment period, and the City's written responses to those comments, have been included in the 2020 Final EIR. (See **Attachment B, 2020 Final EIR.**)

The Project now requires certification of the 2020 Final EIR, approval of the Disposition and Development Agreement, and re-approval and re-adoption of the Resolutions and Ordinances vacated by the City Council in late 2019. The joint requests before the City Council and Successor Agency pertain to the 2020 FEIR and DDA necessary for the sale of this former redevelopment site. The entitlement requests before the City Council include the GPA, ZOA, DA, CUP, SP&DR(DA), and Franchise & Facility Operations Agreement.

PLANNING COMMISSION REVIEW

On January 20, 2021, the Planning Commission voted unanimously to recommend that the City Council certify the 2020 EIR and approve the entitlements for the Project (**Attachment M**).

GENERAL PLAN AND ZONING

The current General Plan land use designation is Commercial. One of the requests is to change the General Plan land use designation from Commercial to Commercial/Industrial. The proposed use will be consistent with the Commercial/Industrial General Plan land use designation. The property is zoned M-2 (Heavy Manufacturing).

A Zone Ordinance Amendment (ZOA) is proposed, in conjunction with a Development Agreement to allow the MRF/TS as a permitted use in the M-2 zone. The ZOA is also proposed to revise the distance requirements for the sale of alcoholic beverages. The site is surrounded by the following uses and zoning as described in Table 1, "Surrounding Land Use".

Table 1. Surrounding Land Use

Direction	Existing Land Use	Zoning District
North	Santa Fe Dam	A1 (Agricultural)
South	City of Baldwin Park	Industrial: fronting Arrow Highway; Residential: approx.. 500' south of the Industrial Uses
East & Northeast	Santa Fe Dam & LADWP Power Lines	A1 (Agricultural)

PROJECT ENTITLEMENTS

The proposed project requires the following entitlements, which are described in detail in this staff report:

- Final Environmental Impact Report certification
- Disposition and Development Agreement
- General Plan Amendment
- Zone Ordinance Amendment
- Development Agreement
- Conditional Use Permit
- Site Plan & Design Review Permit
- Franchise & Facility Operations Agreement

ENVIRONMENTAL REVIEW

The entirety of the environmental review for the proposed Project is contained within the 2020 Final EIR, State Clearinghouse No. 2013051029, which is the document before the City for certification. The 2020 Final EIR contains the original 2014 Draft EIR, 2014 Recirculated Draft EIR, 2016 FEIR, Addendum No. 1 to the 2016 FEIR, the 2020 RDEIR (which address the four discrete issues identified by the Court as requiring additional analysis), all written comments received during the public review period for the 2020 RDEIR, the City's written responses to those comments, and all errata and revisions to the 2020 RDEIR resulting from the written comments and responses.

An EIR is the most comprehensive form of environmental documentation under CEQA and the CEQA Guidelines; it is intended to provide an objective, factually supported analysis and full disclosure of the environmental consequences of a proposed project with the potential to result in significant, adverse environmental impacts.

In compliance with CEQA, a Notice of Completion (NOC) and Notice of Availability (NOA) for the 2020 RDEIR were prepared by the City and distributed to the State Clearinghouse, Office of Planning and Research, the Los Angeles County Clerk, responsible agencies, and other interested parties. The NOC and NOA identified a 45-day public review and comment period for the 2020 RDEIR beginning on June 22, 2020 and ending on August 5, 2020. A copy of the 2020 RDEIR was posted on the City's website at <https://www.irwindaleca.gov/177/Materials-Recovery-Facility-Transfer>, and was available by request at the City Clerk's Office, Irwindale Library, and Community Development Department. A Tribal Consultation with the Kizh Nation was held on August 27, 2020.

As discussed above, the environmental review for the proposed Project was upheld by the Court with the exception of four discrete areas of analysis. Therefore, via the 2020 RDEIR, the City has revised and recirculated only those sections of the prior environmental review relating to these four issue areas. The remainder of the prior environmental review remains valid.

- **Fueling Operations:** The 2020 RDEIR includes an assessment of fueling operations for all commercial waste hauling vehicles using the MRF/TS and provides

further clarity on the fact that the public gas station proposed as part of the Project will be separate from the MRF/TS and serve public vehicles, like any typical gas station of similar size, associated with a convenience store. The analysis included in the 2020 RDEIR concludes that there are no adverse environmental impacts caused by these fueling operations.

- **Greenhouse Gas Emissions:** The 2020 RDEIR revises the Project's greenhouse gas emissions analysis. The analysis applies a "net zero GHG" quantitative threshold, meaning that the Project will not result in impacts associated with greenhouse gas emissions only if the net greenhouse gas emissions resulting from Project implementation are less than zero (i.e., less than the quantity of emissions generated currently, and which will continue to be emitted if the MRF/TS is not constructed). The analysis documents how construction of the Project and provision of an additional materials sorting and transfer station in an urban area, closer to existing waste generating markets, will result in fewer miles traveled by existing waste hauling trucks. As explained in detail within the 2020 RDEIR and 2020 Final EIR, this results in a net reduction of greenhouse gas emissions as a result of the Project. Therefore, the analysis concludes that there are no potentially significant GHG impacts, and no mitigation is needed.
- **Transportation Energy Impacts:** The 2020 RDEIR includes an assessment of potential energy impacts based upon energy questions in the CEQA Guidelines *Appendix G: Environmental Checklist form, section VI., Energy*, that were added to the CEQA Guidelines in 2019, and an analysis of the proposed Project's transportation energy use requirements. The analysis recognizes that the proposed MRF/TS would not generate waste but would instead process waste that would be redirected from the Athens City of Industry MRF/TS or other MRF/TS facilities in the region. The regional efficiencies obtained with reduced average travel distances for waste collection and haul trucks results in a net reduction in fuel demand. The analysis concludes that with the regional efficiencies obtained by processing materials at this site rather than at locations at greater distance from collection sources and/or processing and disposal facilities, there are no adverse environmental impacts caused by the transportation energy use required for waste collection and materials hauling operations.
- **Project-Specific Health Risks from Emissions of ROG, NO_x and Ozone:** The 2020 RDEIR includes an assessment of the potential health impacts from the Project's previously-documented and disclosed significant and unavoidable air pollutant emissions of ROG, NO_x, and ozone. This chapter provides further details regarding the health assessments that were presented in the prior environmental review documents and explains why additional modeling to isolate project-specific ozone-related health effects that may be attributable to local and regional emissions is not technically feasible and would not provide additional meaningful information.

In addition to the four issue areas described above, the prior environmental review for the proposed Project, which is incorporated into the 2020 Final EIR, also includes detailed environmental analysis of the following: Aesthetics, Agricultural and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse

Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation and Circulation, Utilities and Service Systems, Wildfire, and Truck Fueling.

Alternative sites were considered for the Project and included the review of seven (7) different locations for potential siting. Each has been determined to be infeasible based in part on not meeting some or all of the project objectives, as well as not reducing, or avoiding potential impacts to a greater extent than the proposed Project.

As required by CEQA, an alternative analysis was considered in detail in the 2014 RDEIR that included 1) a Reduced Tonnage Capacity Alternative, 2) a Source-Separated MRF Alternative, and 3) a No Project Alternative.

The 2020 FEIR identifies three significant and unavoidable adverse impacts, as defined by CEQA, that would result from implementation of the proposed project. These impacts have not changed since the City Council's prior approval of the Project. Unavoidable adverse impacts may be considered significant on a project-specific basis, cumulatively significant, and/or potentially significant. The City must prepare a "statement of overriding considerations" before it can approve the project, attesting that the decision-making body has balanced the benefits of the proposed project against its unavoidable significant environmental effects and has determined that the benefits outweigh the adverse effects, and therefore the adverse effects are considered acceptable. The impacts that were found in the EIR to be significant and unavoidable are related to:

- **Operational Air Quality Impacts:** The environmental analysis has determined that unmitigated emissions for operation of the Project would exceed significance thresholds for daily ROG and NO_x emissions, but not for CO, PM₁₀, or PM_{2.5}. The environmental analysis identifies several Mitigation Measures that reduce emissions of ROG and NO_x to the extent feasible by requiring ROG emission control devices and CARB-certified vapor recovery systems and spill boxes at the public gas station, and by requiring that any heavy-duty diesel trucks accessing the site be properly tuned and maintained, requiring that trucks meet or exceed 2010 engine emission standards, requiring that on-site off-road heavy-duty equipment meet at least EPA Tier 3 emissions standards, and mandating idling limitations.
- **Ambient Noise Impacts:** The environmental analysis determined that Project operation could result in a significant increase in ambient noise levels and a cumulatively considerable contribution to traff-related noise on Arrow Highway. The analysis identifies several mitigation measures that would reduce ambient Project noise to the extent feasible. However, the analysis also determined that the only potential mitigation for this impact would be construction of soundwalls. The scale of the wall required would not be consistent with the development along Arrow Highway, and would not contribute to public health and safety, given that no sensitive activities (such as schools or residences) are located along the portion of Arrow Highway at issue.

- **Traffic Impacts:** The environmental analysis determined that the Project would contribute to traffic impacts on Caltrans facilities associated with I-605. The analysis also determined that these impacts can be reduced to less than significant with the installation of a traffic signal, right turn lane, and westbound through lane at the intersection of the I-605 NB Off Ramp and Live Oak Avenue. These improvements are required by the Project's Mitigation Measures; however, because they are located within Caltrans jurisdiction, the City has limited power to ensure and guarantee that the improvements will be completed. While Caltrans has indicated in correspondence that it will support construction of these improvements, because the improvements are within Caltrans jurisdiction, in an abundance of caution the City has determined it cannot ensure the measures will be implemented prior to the completion of the Project, and for that reason, the impact is considered significant.

All other potentially significant impacts identified in the Project's environmental analysis have been determined to be feasibly avoided or mitigated to a less than significant level through the imposition of conditions and/or Mitigation Measures identified in the Mitigation Monitoring and Reporting Program for the Project.

Staff recommends that the City Council find that the significant unavoidable adverse impacts of the Project are outweighed by the economic, social, technological, and other benefits of the Project, as set forth in the Statement of Facts and Findings and Statement of Overriding Considerations. These considerations include:

- The Project will be a regional asset needed to address and implement a series of legislative measures over the years designed to both promote and mandate the time-certain reduction, recycling, and reuse of solid waste in California.
- The City desires current and ongoing economic development of underutilized City-owned property, including lands that have been targeted for redevelopment.
- The City of Irwindale seeks long-term economic development that provides a range of employment opportunities to local citizens.
- The Project will facilitate the generation of additional property tax, utility user tax, and host fees for the City of Irwindale.
- The Project will provide a state-of-the-art waste processing and transfer facility that reduces environmental impacts to the extent feasible through the imposition of mitigation measures, and will provide its services in a fully enclosed building, compatible with adjacent land uses, and utilizing modern, energy efficient, sustainable project design.
- The Project effectively utilizes a location with nearby Interstate access, minimizing traffic on local streets and on the regional transportation network.
- The Project provides a disposal outlet accessible to local waste haulers during non-peak traffic hours to reduce traffic loading to area roads during peak hours.
- The Project meets and fulfills several objectives and goals of the City's 2020 General Plan, including Community Development Element Policy 10, Community Development Element Policy 12, Community Development Element Policy 13, and Community Development Element Policy 15.

DISPOSITION AND DEVELOPMENT AGREEMENT

No changes to the proposed DDA have been made since the City Council's prior approval of the Project, other than updated dates. The DDA is required pursuant to California State Redevelopment law. Pursuant to the dissolution of redevelopment agencies per Assembly Bill ("AB") ABX1 26 (Chapter 5, Statutes of 2011) and ABX1 27 (Chapter 6, Statutes of 2011), and subsequent legislation, AB 1484 (Chapter 26, Statutes of 2012) (altogether, "Dissolution Act"), the City of Irwindale ("City") adopted Resolution No. 2012-08-2547 on January 11, 2012, electing to serve as Successor Agency to the former Irwindale Community Redevelopment Agency (ICRA). At the time of redevelopment dissolution, the property was one of 25 properties owned by the ICRA. The Successor Agency's Long Range Property Management Plan (LRPMP) approved by the State Department of Finance in 2014, indicated that the Successor Agency intended to sell the property. Prior to ABX1 26, the former ICRA had entered into a Memorandum of Understanding with the Applicant, Arakelian Enterprises, Inc., dba Athens Services, to sell the subject property for the purposes of developing a MRF/TS.

The proposed Disposition and Development Agreement (DDA) is required to allow Athens Services, to purchase the 17.22-acre site from the Successor Agency to the former Irwindale Community Redevelopment Agency in order to develop and operate the MRF/TS and public gas station/convenience store. The Disposition and Development Agreement will allow the Applicant, Athens Services, to purchase the 17.22 acres located at 2200 Arrow Highway for fair market value from the Successor Agency to the former Irwindale Community Redevelopment Agency in order to develop and operate the MRF/TS and public gas/convenience store. Pursuant to California Health & Safety Code Section 33433 ("Section 33433"), a Summary Report has been prepared and is included as **Exhibit 2 to Attachment E, Disposition and Development Agreement**, "33433 Summary Report". Under Section 33433, a redevelopment agency must issue a report providing specified information regarding any sale or lease of property that was purchased with tax increment money. As such, this requirement has been met and identified in Resolution No. SA 2021-16-3278.

Additional key provisions of the DDA include the following:

1. Host Fee. The Host Fee to the City is \$1.70 per ton of materials processed at the MRF/TS.
2. Most Favored Nations Clause. If Athens agrees to pay any other city a higher host fee when all terms are considered and equalized with the terms between the City and Athens, as analyzed by a financial consultant mutually selected by the parties, the host fee for the Irwindale MRF will be adjusted to match the other city's deal.
3. Indemnification. Athens will indemnify the City for any damages or claims related to its construction and operation of the MRF/TS.
4. Schedule of Performance. Athens will secure all approvals and construct the MRF/TS per a set time schedule attached to the DOA.
5. Payment of City Costs. Athens has paid for all City's consultant costs and will continue to do so leading to the development of the MRF/TS. However, from the date of the Second Amendment to the MOU, for every additional \$200,000 paid to cover City's consultants, the term of the franchise solid waste agreement with Athens extends by 1 year.
6. Additional development and operation obligations related to the MRF/TS shall be

addressed in the Development Agreement and Franchise Operations Agreement to be considered for approval by the City separately.

MRF/TS

No changes to the MRF/TS have been proposed since the City Council's prior approval of the Project. (See **Attachment L, Project Plans.**) The MRF/TS is a regional facility where residential, commercial, an/or industrial municipal solid waste and recyclable materials are delivered by commercial and non-commercial haulers, and sorted and processed in one central location prior to delivery at end use distributors. The MRF/TS consists of a fully enclosed building with the interior designed to provide separate areas to receive, process, and transfer mixed municipal solid waste (MSW), green waste, construction and demolition (C&D) materials, and waste hauled in by self-haulers. MRF/TS operations would consist of sorting, consolidating, and compacting received materials, and then re-loading all material into transfer trucks for transport to additional processing and/or disposal facilities (end use distributors). Four (4) scale houses for weighing are located to the west, north, and south around the MRF/TS building. The building also houses operations and administrative offices, and a maintenance facility for the transfer trucks and heavy equipment servicing the facility. The maintenance area also contains maintenance bays and storage. Entry and exit from the fully enclosed MRF/TS facility would be at controlled access points to mitigate odors, dust and litter. Negative pressure will be maintained at the building entrance to minimize the amount of untreated air leaving the building. An odor neutralizer may be mixed with dust control water in the ceiling mounted misting systems for extra odor mitigation, as needed. The building will be equipped with exhaust fans to provide multiple air exchanges ever hour, as needed. The air leaving the building at the roof exhaust fans will be treated by an odor neutralizing misting system to mitigate any odors.

The proposed MRF/TS site is a vacant, triangular-shaped parcel of approximately 17.22 acres. The site is located in an existing industrial area, with various commercial/industrial and recreational land uses in surrounding areas. Existing land uses that currently surround the site include a mixture of commercial and industrial to the west, east, and south, recreation/open space use to the north, and residential to the south beyond the commercial/industrial districts in the City of Baldwin Park.

There is a total of 326 parking stalls for employee and visitor parking. Parking is provided adjacent to the building, along the north property line, and toward the south property line near the convenience store. Flex spaces and truck stalls are located at the south building elevation. The Los Angeles Department of Water and Power (LADWP) is allowing parking under their transmission line easement at the south area of the site and in the easement along the east side of the site along Arrow Highway.

A loadout tunnel is located adjacent to the MRF/TS on the south side of the building and is a critical component of the project. The tunnel has an efficient east-west configuration. A bridge over the tunnel has been added at the west side of the project to improve circulation by separating collection/commercial traffic from the transfer truck traffic. The recyclable loading dock is located to the south side of the project.

All commercial traffic and visitor traffic enters and exits from Arrow Highway. Employee traffic primarily enters and exits from the intersection at Live Oak Avenue and Baldwin Park Boulevard. Five (5) driveways serve the property, including Driveways 1, 2, 4, and 5 which

are located on Arrow Highway. Driveway 2 has a trucks only ingress lane and a second entrance with ingress and egress for the employee parking lot. Driveway 3 remains in the same location on Live Oak Avenue for access to employee parking.

The MRF/TS facility will be designed to receive, process and transfer up to a maximum of 6,000 tons per day (tpd), based upon estimated averages of 3,000 tpd of municipal solid waste, 1,000 tpd of green waste, 1,000 tpd of construction & demolition materials, and 1,000 tpd of self-haul waste. Actual processing volume of each type of material per day could exceed these estimated averages and will depend on market factors and seasonal variations, but in no event will exceed 6,000 tpd in total. The overall volume of 6,000 tpd is based upon anticipated future market demand, which will be shaped in part by Athens' ability to competitively serve new communities in the San Gabriel / Los Angeles region, and in part by the response to new integrated waste management mandates arising under several pieces of legislation in California. Hazardous wastes would be prohibited at the MRF/TS. Only non-hazardous solid waste and non-hazardous recyclables are accepted at the transfer station sites.

The MRF/TS is proposed to be open for waste receipt 24 hours per day, 7 days per week, with the majority of waste receipt typically occurring between the hours of 6:00 AM to 8:00 PM from Monday through Friday; 6:00 AM to 4:00 PM on Saturday, and from 8:00 AM to 4:00 PM on Sunday. The MRF/TS is proposed to be open 24 hours per day, 7 days per week to provide service operations and activities that require off-hour waste management services (Caltrans off-hour road maintenance, emergency-related clean ups, etc.), and to encourage waste hauling during non-peak traffic hours to reduce traffic congestion. While the MRF/TS project is proposed to operate 24/7, the facility will not be required to be operated 24/7, and actual operating hours will be dependent upon market conditions. Table 2 describes the MRF/TS hours of operation and anticipated employee numbers and work shifts.

Table 2: MRF/TS Project Hours of Operation

Planned Activity	Days	Hours
Receipt of Material	Monday – Sunday	24/7
Transfer of Material Off-site (both solid waste and recovered materials)	Monday – Sunday	24/7
Processing of Materials (indoors)	Monday – Sunday	24/7
MRF/TS maintenance (indoors)	Monday – Sunday	24/7
Vehicle maintenance	Monday – Sunday	24/7

EMPLOYMENT

The MRF/TS anticipates to employ approximately 345 full-time employees. There would be three (3) full-time working shifts. Employee shifts are likely to be scheduled as follows:

- Shift 1) 6:00am – 2:30pm
- Shift 2) 2:30pm – 10:30pm
- Shift 3) 10:00pm – 6:30am

CONVENIENCE STORE/PUBLIC GAS STATION

In addition to the MRF/TS, on-site improvements include a convenience store/public gas station. No changes to the convenience store/public gas station have been proposed since the City Council's prior approval of the Project. The convenience store/public gas station is a separate structure located in the south-eastern portion of the site adjacent to Arrow Highway. The anticipated hours of operation for the convenience store are 4:00 AM to 12:00 AM. An operator of the convenience store has not yet been determined, but the store is expected to operate in a typical fashion as other convenience/public gas station operations such as Arco AM/PM, 7-11, etc. The public gas station is planned for eight gas and diesel pumps on an island with an overhead canopy. Parking intended for the convenience store use is provided in front of and southwesterly to the store.

Total building specifics for the project are provided in the table below.

Project Building Specifications (MRF/TS & Convenience Store)

Project Building Elements	Specifications (Square Feet - SF)
Materials Recovery Facility/Transfer Station	104,732
Material Staging	25,000
Construction & Debris	41,500
Self-Haul - Construction & Debris	52,000
Office	12,780
Maintenance	17,180
Employee Area	9,249
Scale Houses	200
Convenience Store	2,587
Total	265,228
Parking Spaces Provided¹	
MRF/TS Standard, ADA Parking Stalls, & Charging Stations	247
Convenience Store Standard, ADA Parking Stalls & EV Charging Stations	26
Flexible & Transfer Truck Stalls	53
Bicycle (Short & Long-term)	14
Total Parking Stalls	326

GENERAL PLAN AMENDMENT

No changes or revisions to the proposed General Plan Amendment have been made since the City's Council's prior approval of the Project. (See **Attachment B, Resolution No. 2021-10-3272 General Plan Amendment No. 02-2016.**) Pursuant to California Government Code Section 65358(a) (Amendments), "If it deems it to be in the public interest, the legislative body may amend all or part of an adopted general plan."

¹ Parking requirements based upon the number of employees: 345 employees divided by 3 shifts equals 115 spaces required, plus Office and Convenience Store parking (32 spaces), for a total of 147 required parking stalls.

According to the General Plan, the subject property is designated as Commercial. The Applicant is requesting a General Plan Amendment (GPA) to change the respective land use designation to Commercial/Industrial. The GPA will resolve an inconsistency between the current M-2 (Heavy Manufacturing) zoning designation and current General Plan land use designation. The Community Development Element Policy 3 mandates that the type, location, and intensity of new development meet with the requirements specified by the particular land use category in the General Plan. With the proposed GPA, the project site will be designated Commercial/Industrial, which permits, among other uses, light industry, heavy industry, and commercial uses. The proposed MRF/TS and convenience store/public gas station falls within these land use categories. Therefore, the proposed use will be consistent with both the land use designation as well as with the existing M-2 (Heavy Manufacturing) zoning classification.

ZONE ORDINANCE AMENDMENT

Pursuant to the provisions of Chapter 17.84 (Amendments) of the Irwindale Municipal Code (IMC), “the classification of property ‘or existing zoning designation’ may be amended whenever the public interest and necessity so require.”

A Zone Ordinance Amendment (ZOA) is proposed to permit materials recovery facilities and transfer stations (MRF/TS) in the M-2 (Heavy Manufacturing) zone subject to the approval of a development agreement, to establish criteria for granting a franchise agreement for the operation of a MRF/TS, and to modify the distance requirements for alcoholic beverage establishments.

The proposed ZOA (. (See **Attachment G, Ordinance No. 752 for Zone Ordinance Amendment No. 04-2016**) to include a MRF/TS as a permitted use in the M-2 (Heavy Manufacturing) zone, subject to a Development Agreement is consistent with other industrial type uses conditionally permitted in the M-2 zone, including a variety of manufacturing/processing businesses. Additionally, the M-2 zone conditionally allows recycling facilities and the ZOA modifies the definition of recycling facilities to include a MRF/TS that is operated by a city-franchised waste hauler. Finally, the proposed ZOA is consistent with the General Plan policies and goals. The project falls within the land use categories for heavy industry and light industrial uses. Heavy industry is characterized by intensive industrial operations and light industry is defined as industrial uses that are located inside buildings in a clean, well-maintained setting such as the MRF/TS project. The following code sections have been revised:

- Section 8.20.370 – Right to grant a franchise
- Section 17.56.025 – Uses requiring a development agreement
- Section 17.56.030 – Limitation on permitted uses
- Section 17.56070 – Recycling facilities – Definitions
- Section 17.56.080– Recycling facilities-Criteria and Standards
- Section 17.56.020 - Adding 43. Material Recovery Facilities/Transfer Stations

Exhibit B details the changes to the relevant sections of the Municipal Code related to the MRF/TS as follows:

“8.20.370 - Right to grant franchise.

A. In order to protect public health, safety, and welfare, to control pest and nuisance vectors and to carry out the mandatory duties imposed on the city by the State of California, the City Council may authorize one or more contractors to make arrangements with generators of solid waste for the collection, transportation, recycling and disposal of solid wastes within and throughout the City. To this end, the City Council, subject to all applicable State laws, specifically retains the right to grant a limited, non-exclusive or exclusive franchise or franchises for the (i) collection of solid waste from any residential unit or commercial premises, and/or (ii) operation of a Material Recovery Facility/Transfer Station (as such term is defined in Section 17.56.080).

B No solid waste enterprise or other person shall undertake the (i) collection of solid waste from any residential unit or commercial premises, and/or (ii) operation of a Material Recovery Facility/Transfer Station (as such term is defined in Section 17.56.080) without first obtaining a franchise granted by the City Council, in writing, naming the contractor. Any specific exceptions to the foregoing franchise requirement may be designated in the city's duly-adopted franchise contract.

C. The term of each franchise shall be set forth in the franchise agreement. A reasonable franchise fee shall be included within every franchise granted pursuant to this chapter. The amount and payment thereof shall be determined by the city council, and shall be set forth in the franchise agreement. A penalty for late payments may be imposed.

D. A grant of franchise pursuant to this Section shall be made in the discretion of the City Council and consistent with Irwindale City Charter Section 608.”

Section 17.56.025 is added to the Irwindale Municipal Code to read, in its entirety, as follows:

“17.56.025 – Uses requiring a development agreement.

The uses listed below shall be allowed in the M-2 zone with either (A) a conditional use permit, or (B) a development agreement that (i) meets the requirements of Government Code sections 65864-65869.5, and (ii) includes development standards that ensure the public's health, safety and welfare and that any development is consistent with the City's General Plan and any other applicable land use plan(s):

1. Material Recovery Facility/Transfer Station, if said facility is also approved in conjunction with a franchise agreement granting a limited, non-exclusive or exclusive franchise for operation of said Material Recovery Facility/Transfer Station.
2. (Reserved).

When a use is allowed by development agreement or conditional use permit in this Section, all ancillary uses can be approved by such development agreement or conditional use permit so long as appropriate and required findings can be made. Approval of a development agreement pursuant to this Section shall also qualify as an entitlement approval equivalent to that of approval of a conditional use permit, and shall be treated as a conditional use permit approval, for the purposes of any other provisions of this Title 17. Nothing in this section is intended to limit other uses that may be included in a development agreement as otherwise allowed in Sections 17.56.010 and 17.56.020 for the M-2 zone.”

Section 17.56.030, at Subsection A, of the Irwindale Municipal Code is amended to read, in its entirety, as follows (new text, if any, is identified in underlined, deleted text, if any, is identified in ~~strike through~~), with all provisions of Subsections B and C remaining unmodified and in full effect

17.56.030 - Limitation on permitted uses.

Every use permitted in the M-2 zone shall be subject to the following limitations:

A. Unless a specific provision of this Chapter 17.56 authorizes lesser setback requirements, the following general requirements apply. When an M-2 lot fronts or sides upon a street, public or private, when adjacent to residential and agricultural zones, there shall be maintained front and side yards of not less than fifty feet in depth along such thoroughfare. When an M-2 lot fronts or sides upon a street, public or private, when adjacent to commercial and M zones, there shall be maintained front and side yards of not less than twenty feet in depth along such thoroughfare. A landscaping area, not less than twenty feet in width, shall be maintained along all street frontage of such lots. The following accessory uses shall be permitted in such front or side yard areas:

1. Landscaping;
2. Passenger vehicle parking (only if surfaced in such manner as to eliminate dust or mud);
3. Employees' recreational area without structures;
4. An ornamental, open type fence, not over eight feet in height, made of material such as woven wire, wood, welded wires, chain link, or wrought iron.
5. Utility or other easements.

....”

Section 17.56.070 of the Irwindale Municipal Code is amended to read, in its entirety, as follows (new text, if any, is identified in underlined, deleted text, if any, is identified in ~~strike through~~):

“17.56.070 - Recycling facilities—Definitions.

For the purpose of carrying out the purpose of this code, the words, phrases and terms included in this title shall have the meaning ascribed to them in this chapter. The use of the terms "collection facilities" or "processing facilities" herein, whether large or small, shall not apply to either (i) materials recovery facilities and transfer stations (MRF/TS), which are facilities operated by a city-franchised waste hauler for the recovery of recyclable materials from the municipal waste stream, including its city-approved related or incidental uses; (ii) auto dismantling/recycling facilities or junk/salvage/scrap yards; (iii) asphalt plants; (iiiiv) concrete plants; (iv) concrete product manufacturing, (vi) rubberized materials/tire recycling and (vii) landfills.

A. Large Collection Facilities. A center for the acceptance by donation, redemption or purchase of recyclable materials from any person. Such a facility uses power driven processing equipment. Large collection facilities have storage areas that occupy more than five hundred square feet.

B. Large Processing Facilities. A facility used for the collection and processing of recyclable materials that occupies twenty-five thousand square feet or more of gross collection, processing and storage area.

C. Small Collection Facilities. A center for the acceptance by donation, redemption or purchase of recyclable materials from the public. Such a facility does not use power driven processing equipment. Small collection facilities have storage areas that occupy no more than five hundred square feet.

D. Small Processing Facilities. Same as large processing facility, but occupies twenty-four thousand nine hundred ninety-nine square feet or less of gross collection, processing and storage area.

E. Material Recovery Facilities/Transfer Stations (MRF/TS). Facilities operated by a city-franchised waste hauler for the recovery, processing and/or transfer of recyclable materials, refuse and solid waste from the municipal waste stream, including its city-approved related or incidental uses."

Section 17.56.080 of the Irwindale Municipal Code is amended to add a new subsection C to read as follows, with all provisions of Subsections A and B remaining unmodified and in full effect:

"17.56.080 - Recycling facilities—Criteria and standards.

....

C. Material Recovery Facilities/Transfer Stations (MRF/TS).

1. Must be approved by development agreement and limited, non-exclusive or exclusive franchise agreement, pursuant to which additional standards beyond those required in this subsection C may apply.

2. Any storage containers or other equipment or materials must be stored in a manner so as to be adequately screened from the public right of way.
3. Any storage container must be located a minimum of ten feet from any property line.
4. Containers must be constructed and maintained with durable waterproof and rustproof materials, adequately painted and maintained in good condition.
5. Sufficient parking for operator's commercial and employee vehicles, as well as visitor parking, in the amount required per Section 17.64 shall be provided.
6. Must have all applicable permits from the California Department of Conservation and meet the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.
7. The facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation. Identification and informational signs shall be subject to the sign standards applicable to the zone in which the facility is located. Onsite directional signs, bearing no advertising message, may be installed with the approval of the planning director, if necessary, to facilitate traffic circulation or if the facility is not visible from the public right-of-way. Directional signs shall include the city's logo.
8. The City of Irwindale must receive the source credit for the collections and processing.
9. No hazardous materials, including but not limited to, automotive fluids shall be permitted on site. Any hazardous materials inadvertently introduced into the site shall be disposed of immediately per state law requirements.
10. The facility is subject to annual inspections by the City to verify compliance with approved conditions of approval and applicable law.
11. The facility must submit reports for yearly disposal and diversion amounts to be reviewed by the planning department and finance department. Diversion activities must be in accordance with all applicable federal, state and local requirements.
12. The facility is required to obtain a City business license.
13. Except for small quantities of CRV materials, if warranted as determined by the community development director and in accordance with State law requirements, the facility will be required to maintain a customer log; at which time the customer must show valid identification, such as a state issued driver's license, identification card and/or thumb print where applicable.
14. All portions of the lot, other than approved landscaping areas, shall be paved.

15. Adequate security measures shall be established, including but not limited to, cameras with recording capabilities, motion sensors and lighting.
16. Any request for expansion of an existing facility requires a modification of the previously approved development agreement or conditional use permit, unless such modification meets criteria for minor modifications per the development agreement or conditional use permit conditions.
17. Hours of operation shall be established in the development agreement or conditional use permit.
18. Minor repairs shall be permitted for fleet vehicles and machinery only. All repairs must be done within an enclosed building or shielded from the public right of way and be limited to oil changes, tire changes and the like.
19. Recycling activities must be in accordance with all applicable federal, state and local requirements.
20. Minimum landscaping requirements shall be per the approved site plan and shall not be subject to the minimum requirements otherwise applicable in the M-2 zone.
21. Must comply with all applicable environmental mitigation measures at all times, including odor and noise, and promptly and adequately address all complaints received from the general public and report same to the community development director within 48 hours.
22. To the extent a duly-approved development agreement or conditional use permit contains terms or conditions more specific than the ones contained in this Section or elsewhere in the Code, the more specific terms shall control.”

Section 17.56.020 of the Irwindale Municipal Code is amended to add the following numbered item to the list of uses requiring a conditional use permit: “43. Material Recovery Facilities/Transfer Stations (MRF/TS), conditional use permit or development agreement, if said facility is also approved in conjunction with a franchise agreement and subject to all requirements of Section 17.56.025”. Other provisions of Section 17.56.020 shall remain unchanged.

The proposed ZOA also amends the distance requirements for alcoholic beverage establishments. The Code Section 17.58.040 currently requires a minimum 1000-foot distance between an establishment that sells alcohol from certain uses, including an educational institution, nursery school, day camp, day care center, public park, or playground. The distance is measured from the closest property line of each use. The proposed convenience store is applying for a Conditional Use Permit to sell beer and wine. The closest property line is located approximately 130 feet directly across from the Santa Fe Dam Recreation Area, a public park. However, there is no direct access from the convenience store to the Santa Fe Dam Recreation Area entrance. A 6-foot high metal fence and steep stone slope of the 90-foot high dam, as measured from Arrow Highway, provides a substantial physical barrier that prevents direct access from the convenience

store to the park. Not only is there a physical barrier from the convenience store to the park, Arrow Highway, a 70-foot wide, multi-lane arterial roadway, separates the store from the park (with no access to park facilities at this location). Access from the convenience store to the entrance to the park is well over 1000 feet. The ZOA proposes to waive the minimum distance requirement if it is determined that a substantial physical obstruction or barrier exists that makes it practically infeasible for an individual to travel the distance as measured by property lines if the actual distance travelled would be in excess of the minimum distance requirement.

Ordinance 752 details the changes to the relevant sections of the Municipal Code related to the alcoholic beverage establishment distance requirement as follows:

Subsection A of Section 17.58.040 of the Irwindale Municipal Code is amended to read, in its entirety, as follows (new text, if any, is identified in underlined, deleted text, if any, is identified in ~~strike-through~~):

“A conditional use permit shall not be issued to a proposed on-sale or off-sale alcoholic beverage establishment if the proposed establishment would be located within three hundred feet from another such establishment or any residential use, church or other place of worship, or hospital; or within one thousand feet from an educational institution, nursery school, day camp, day care center, public park, or playground, as such distances are measured from the closest property line of each use. Notwithstanding any provision in this chapter to the contrary, an "existing deemed approved alcoholic beverage establishment" which is seeking to obtain a conditional use permit shall not be required to comply with these distance requirements as part of the conditional use permit process. In addition, these distance requirements shall not apply to the location of any proposed on-sale or off-sale alcoholic beverage establishment within a bona fide restaurant or specialty food store as such terms are defined in Section 17.58.020.

The minimum distance requirement provided in this section may be waived by the development services director or the decision-making body, if in his/her/its reasonable judgment, it is determined that a substantial physical obstruction or barrier exists, such that it is practically infeasible for an individual to travel the distance (including by foot, bicycle or vehicle) as measured by property lines and the actual distance travelled would in reasonable likelihood be in excess of the minimum distance requirement. The substantial physical obstruction or barrier may be natural or man-made, provided it existed before submission of the application for the conditional use permit or development agreement. Examples of types of physical obstructions or barriers that may support a waiver include but are not limited to, restricted access highways or freeways, rivers or creeks, stormwater channels, large embankments or soundwalls.”

DEVELOPMENT AGREEMENT

A development agreement is a contract between the City and the developer. No changes have been made to the proposed Development Agreement since the City's Council's prior approval of the Project, except to update the City's fee schedule and dates. (See

Attachment H, Ordinance No. 753 for Development Agreement No. 02-2016.) The agreement sets the standards and conditions that govern the development of the property. It provides certainty to the developer that the project will move forward over the course of development, but it also contracts the developer to provide benefits to the City, such as infrastructure improvements, or monetary payment into funds, such as “in lieu” fees, in exchange for that certainty. Development Agreement No. 02-2016 (**Exhibit “A” to Attachment H**) outlines the obligations and benefits of the project and the criteria for development and operation of the MRF/TS, convenience store and public gas station.

Key provisions of the DA include the following:

1. *Scope of Development.* Developer will develop the MRF/TS site in conformance to the City’s adopted ordinances, guidelines, and policies related to design.
2. *Host Fee.* The Host Fee to the City is \$1.70 per ton of materials processed at the MRF/TS.
3. *Offsite Improvements.* Developer will construct all off-site improvements or fulfill this obligation via in-lieu and fair-share fees.
4. *Community Benefit.* Developer will construct a waste processing facility and transfer station enabling the City to meet its obligations with respect to waste disposal per the California Integrated Waste Management Act of 1989. The project will serve the materials and waste management needs of other jurisdictions in the region, reducing municipal costs, and protecting public health and safety. Also, the project will benefit the City by creating 345 new jobs in the community and revitalizing a blighted area.
5. *Indemnification.* Developer will indemnify the City for any damages, claims, or litigation arising out of or resulting from the City’s approval of the DA.

For approval of a development agreement, a finding shall be made that the provisions of the proposed development agreement are consistent with the general plan and any applicable specific plan. With the proposed GPA, the project site will be designated Commercial/Industrial, which permits, among other uses, light industry, heavy industry, and commercial uses. The proposed MRF/TS and convenience store/public gas station falls within these land use categories. Therefore, the proposed use will be consistent with both the land use designations.

CONDITIONAL USE PERMIT

No changes to the proposed Conditional Use Permit have been made since the City Council’s prior approval of the Project, except to update certain conditions of approval to ensure they are consistent with the most recent version of the California Building Code and any other statutory requirements. (See **Attachment I, Resolution No. 2021-11-3273 for Conditional Use Permit No. 08-2016.**) In order to engage in the retail sale of alcoholic beverages, the Applicant must obtain a Conditional Use Permit (CUP) pursuant to Section 17.58.030 of the Irwindale Municipal Code (IMC). The CUP is for a Type 20, Off-Sale Beer and Wine permit for off-site consumption. Before any CUP is approved, the applicant must show, to the satisfaction of the Planning Commission or the City Council on appeal, the existence of the following findings of fact. Staff has determined that the findings can be made based on the analysis below.

1. 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 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.

2. That the site had 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 FEIR (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.

3. 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.

In addition to the Conditional Use Permit Findings for an alcoholic beverage use, IMC Section 17.58.060, requires that findings be made regarding whether the public convenience or necessity would be served by the proposed alcoholic beverage establishment. Staff has determined that the findings can be made based on the analysis below.

1. 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.

2. 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.

SITE PLAN AND DESIGN REVIEW (DA) PERMIT

No changes to the proposed site plan and design review permit have been made since the City's Council's prior approval of the Project. (See **Attachment J, Resolution No. 2021-12-3274 for Site Plan and Design Review Permit (DA) No. 06-2016.**) Pursuant to the provisions of Chapter 17.70 (Site Plan and Design Review) of the Irwindale Municipal Code (IMC), "No person shall construct any building or structure or make structural and physical improvements, additions, extensions and/or exterior alterations, and no permit shall be issued for such construction until the site plan and design review has been submitted to, reviewed by, and approved in accordance with this chapter. The property may only be developed, used and maintained in accordance with the approved site plan and design review."

Development Standard	Minimum Requirement	Project Proposal
Front Yard Setback (from Arrow Hwy)	20'-0"	±155' – 30'
Side Yard Setback	0'-0"	±60'-0"
Rear Yard Setback	N/A	±60'-0"
Floor Area Ratio (F.A.R.)	1:1.0	.35:1.0
Building Height	N/A	50'-6" – 21'-0"
Landscaping	10%	15%
Parking	188	326

Landscaping

Approximately 110,057 square feet (15%) of the project site is proposed to be landscaped in compliance with the "City of Irwindale Commercial and Industrial Design Guidelines" and the Zoning Code requirements for parking area landscaping. The proposed landscape plan is comprised of a combination of parking lot shade trees, procession of palm trees along the Arrow Highway entrance to the site, with shrubs and groundcover.

Building Height

There is no established maximum allowable height standard in the M-2 (Heavy Manufacturing) zone. The proposed buildings range in heights from 50'-6" for the MRF/TS building and 21' for the convenience store.

Access and Circulation

Ingress and egress to the site are provided via five driveways: Driveways 1, 2, 4, and 5 on Arrow Highway and Driveway 3 on Live Oak Avenue, with a Fire Department access entrance at the southwest corner of the property. Driveway 2 includes a trucks only ingress lane and a second entrance with ingress and egress for the employee parking lot. Addendum No. 1 to the FEIR evaluated the minor, internal site plan adjustments made for the final design of the project that included off-site improvements resulting from the internal site changes. The overall circulation of the project has remained similar to the FEIR site plan. All commercial traffic and visitor traffic enters and exits from Arrow Highway. Employee traffic primarily enters and exits from the intersection at Live Oak Avenue and Baldwin Park Boulevard.

Parking

A total of 188 parking spaces are required and 326 spaces are provided for employees and visitors, with a surplus of 138 parking spaces. Parking is provided adjacent to the building, along the north property line, and toward the south property line near the convenience store. Flex spaces and truck stalls are located at the south building elevation. The Los Angeles Department of Water and Power (LADWP) is allowing parking under their transmission line easement at the south area of the site and in the easement along the east side of the site along Arrow Highway. 247 parking spaces are provided for the MRF/TS; 26 parking spaces are provided for the convenience store/public gas station; 34 Flexible stalls are provided for either use and 19 parking spaces are provided as transfer truck stalls. In addition, the parking provides the required number, size and design for ADA parking stalls and EV Charging Stations. Short and long-term bicycle racks are provided.

Signage

IMC Section 17.56.050 "Signs" provides the maximum allowable sign area for freestanding and wall signs. Based on the approximate square footage of the MRF/TS building, the allowable amount of wall signage would equate to $\pm 7,500$ square feet. The convenience store would be allowed 250 square feet of signage. Freestanding signs would be limited to 150 square feet regardless of building size. Like other recently approved, large-scale projects, staff incorporates a Condition of Approval that requires the applicant to prepare a comprehensive sign program. The sign program includes, but is not be limited to, sign type, square footage allowances, scale, placement, illumination, quantity, colors and materials.

Building Design/Design Guidelines

The proposed project is a two-story MRF/TS building and single-story convenience store located on the triangular-shaped property. The proposed office building incorporates desired design elements from the Commercial and Industrial Design Guidelines including but not limited façade elements, roofs and parapets, materials and colors. The layout, landscaping and design of the site also incorporated encouraged design principles. For example, the articulated arched façade elements with translucent panels are provided to break up the building massing. Additionally, the building elevations are scored vertically and horizontally to provide architectural interest. The building also features raised decorative accent elements with metal crosspieces over the bay doors. Neutral beige and tan colors are proposed on the building façade, with bronze translucent panels and dark trim color for the building accents.

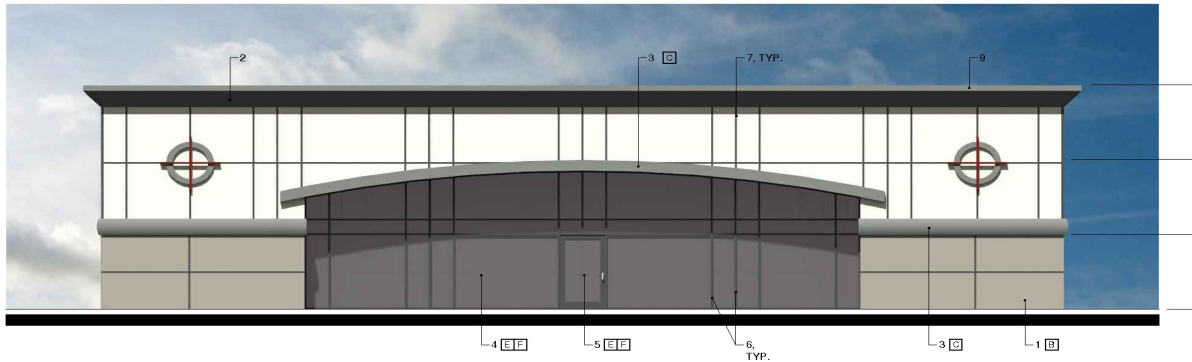
The convenience store exhibits the same color palette and architectural design elements including the raised decorative accents with metal crosspieces and vertical and horizontal

scoring to break up building massing. The store features an enhanced front façade with an arched eyebrow canopy over the entrance. A horizontal band course provides dimension and color change around the building. The renderings below show the design of the MRF/TS and the following Design Guidelines Matrix gives specific design principles from the Commercial and Industrial Design Guidelines, which principles are discouraged and how the project responds.

Project Renderings



Convenience Store:



NORTH ELEVATION

Design Guidelines Matrix

Irwindale Materials Recovery and Transfer Station Project

9/7/2017

Site Design & Landscaping

Design Objectives and Siting

Encouraged	Discouraged	As Applied to Project
Majority of frontage at public sidewalk	Parking in front	Due to the scale and massing of the Project, the building has been set back from the public street to provide a landscape buffer and transition zone from vehicle/pedestrian scale to the larger building scale.
Historical structures and land forms incorporated	Building set back entirely from sidewalk with no mitigating landscaping or garden structure	No adjacent landforms or nearby historical structures to provide Project adjustments or contextual adherence
Cluster buildings, incorporate plazas and walkways on larger sites	Large self contained building	Entrance, and Convenience Store) are all clustered off of the main entry at Arrow Highway. It is critical to provide separation of public and commercial areas for safety and efficiency of operations. Operations of the facility require large contiguous building areas sufficient to accommodate waste transfer and recovery. Project massing has been broken up into smaller masses and clusters around larger MRF/Transfer Building.

Parking/Access

Encouraged	Discouraged	As Applied to Project
Reciprocal access	Curb cuts in arterial streets	All commercial and public traffic is provided via primary and secondary access points from Arrow Highway. Employee parking access provided off of Live Oak Avenue.
Parking to rear if secure; to side as alternate	Front parking more than 60 feet deep	Parking and landscaping has been provided at perimeter of building to provide significant buffer at Live Oak Avenue and Arrow Highway. Parking is located as necessary to provide a sufficient setback to lessen the building's massing along street frontages.
Vehicle and pedestrian connections between adjacent uses	Poorly designated pedestrian walkways	Pedestrian walkways have been provided between the parking areas and buildings as well as to Arrow Highway. As the surrounding areas are industrial, there are no adjacent uses that are suitable for pedestrian connections.
Safe and well designated pedestrian path of travel		Controlled pedestrian access is provided at perimeter of facility to encourage safe travel of employees to and from parking areas to building. Designated crosswalks are provided at vehicle circulation areas.

Open Space

Encouraged	Discouraged	As Applied to Project
Courtyards, visible from buildings or street	Termination of existing linkage	Administration Building is L-Shaped to provide a courtyard-public area visible from main entry at Arrow Highway.
Public spaces for relaxation and rest		Exterior employee break area provided adjacent to Administration Building.
Outdoor dining with permit		Not applicable.
Shading of open spaces & parking lot	Unshaded parking lot and unshaded public open space areas	Significant shading is provided at parking and public areas.

Screening

Encouraged	Discouraged	As Applied to Project
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		Decorative concrete block wall with landscaping and stepped configuration is provided at entire perimeter of Project.
Parking lot screening at street periphery		
Berming with landscaping preferred		Due to limited setback between public right-of-way and perimeter screen wall, landscape berming has not been provided.
Solid walls with landscaping for trash and storage facilities		Decorative concrete block wall with landscaping is provided at trash enclosures.
Proper slope planting techniques to provide screening		Not applicable to this Project.
Sound attenuation walls, buffer zone and landscape screening at commercial /residential interface	Ground covers and flowering perennials alone	Significant setback of building from Live Oak Avenue and Arrow Highway is provided to allow for landscape and parking areas buffer. Decorative concrete block wall is provided at entire site perimeter for visual screen and sound attenuation.
Landscaping	Encouraged	Discouraged
		As Applied to Project
Minimum 10% of total gross site landscaped	Overused, generic plants, High water-use plants, High water-use plants, compatibility of plants	14% of gross site area is landscaped.
Minimum 10% of parking area landscaped		Parking lot area landscaping exceeds 10%.
Define the road edge, entrances & exits with landscaping		Landscaping is provided at all entry, roadways and driveway to define edge.
Consistency & compatibility in style/design of paving & site amenities	Inconsistent design style of paving & site amenities	Decorative paving provided at primary Project vehicle entries at Arrow Highway and at exterior employee break area. Break area also has decorative screen wall and landscaping. Due to industrial use of facility, limited site amenities are provided.
Lighting for safety and accent		Lighting provide at all exterior areas. Accent lighting provided at building perimeter and at public areas.
Incorporation of local quarried stone		Not provided for this Project.
Planting	Encouraged	Discouraged
		As Applied to Project
Enhanced project entries		Enhancements provided at project entries including use of Washingtonia Palms and Crape Myrtles.
Native plants		Native plants are integrated into the landscape design.
Drought tolerant / low water usage plants	High water usage plants, Irrigation overspray and waste	Onsite landscaping uses 31% less water than allowable. Right-of-way landscaping uses 30% less water than allowable.
Appropriate groupings of plant materials	Large areas of sod that require intense maintenance	Variety of planting materials are used with very limited use of turf.
Vine pockets on walls & buildings		To protect building and screen walls, no vine pockets have been provided. Five varieties of landscape shrubs have been provided at screen walls and building walls.
Theme trees, Mexican Fan Palm preferred		Washingtonia Palms and Crape Myrtles have been used extensively at Project entry and highlight areas.
Building Design & Signs		
Design Principles	Encouraged	Discouraged
		As Applied to Project
Balance, rhythm, symmetry		The operational aspect of this building required a large interior clear area, thus providing a challenge for varied building massing and forms. A varied series of panel types within the design allow for building access (doors), ventilation (louvers), ambient light (polycarbonate panels) and vision (glass). The panel types are arranged in like-panel runs that are symmetrically bookended with arched panels. The same rhythm of arched panels is used at the Administration area with enhanced recesses and detail.

			The entire building is supported by a base layer, above the base layer are field panels that are capped with a large projecting cornice. Additional architectural detailing and fenestration is provided at corners with enhanced detailing at public interface locations. Panels and building forms are also stepped to provide additional depth and layering to the building massing.
Layering / detail / depth		Applied ornament as substitute for integrity and interest of massing	
Vertical / horizontal balance			The run of horizontal panels have been broken up with varying vertical heights at mid-span of long runs as well as between the two large building masses and the attached Administration Area.
Enhanced street corners			Large areas of polycarbonate panels at the MRF/Transfer Building and vision glass at the Administration Building have been located at all corner areas. Enhanced eyebrow reliefs have been placed above the arched openings at these locations as well as architectural detailing in the panel field above the arch.
Pedestrian vitality			The majority of the building is placed a large distance from pedestrian access to allow for safety of the pedestrian and better operational vehicle circulation. Pedestrian accessible building areas are articulated with deep arched recesses with glazing, additional landscaping, colored horizontal metal ACM soffits and enhanced paving.
Style	Encouraged	Discouraged	As Applied to Project
			The exterior can best be described as a modern adaptation of the Mission style, which is representative of the City's history. For instance, the Project incorporates significant horizontal and vertical variation to add richness and variety to the building mass, the use of arches, and light primary colors. This is an appropriate hybrid given the use and scale of the Project.
Authentic period styles compatible with City context		Mimicry of mission bells, etc.	the recently designed Alderson Business Park, including arches, mixtures of light colors, and building fenestration and articulated roof lines. These design characteristics are consistent with the Mission style prevalent within the City.
New buildings that draw upon the fundamental characteristics of existing buildings in Irwindale		Historic-look-alike building	The exterior wall planes have been stepped at the perimeter of the building creating a sawtooth floor plate.
Facades with depth of planes		Parabolic arches	The clean lines and forms of this Project are an adaption of mission style elements for a modern industrial application. The challenge is adjusting the scale and detail that is more typical of smaller developments. The key solution was to slightly oversize the architectural features and create repetitive patterns (IE: groups of doors or windows) that read a single larger element. These feature fit well within the larger scale of the Project.
Develop contemporary interpretations of the traditional context		Stock building plans or typical corporate or franchise operation designs	
Architectural Detailing			
- Facade Elements	Encouraged	Discouraged	As Applied to Project
Recessed heavy wooden doors			Not applicable for this Project.
Deeply recessed windows with planter boxes			All exterior fenestrations at public areas are deeply recessed into arched openings.
Arcades, columns for scale, balance & rhythm		Long, unbroken façade, Flush windows, Neon window perimeter strips	As noted above, series and groups of elements have been linked together to break up the longer runs of panels. All panel runs are also terminated on each end with arched translucent panels that glow from within during the nighttime.
Base & cornice expression			The exterior has a defined based and cornice.
Detailed balconies			Not applicable for this Project.

Simple awning / canopy shapes		Small canopies and shades are the not appropriate scale for this Project. Large recessed opening with soffits are created at public entry areas.
Custom ornamentation	Oversized, novelty, or generic ornament	Simple ornamentation is provided at and above all glazed panel areas. Ornamental lighting is also placed throughout all panel locations.
Continue façade variations on all sides, including roof line	Permanent, non-retractable or exterior security grate/bars	Design features have been carried throughout the Project.
Architectural Detailing -		
Roofs & Parapets	Encouraged	Discouraged
Varied rooflines- low pitch		Low pitched roof used.
	Varying roof pitches, Unbroken ridge lines	
Flat roof behind detailed parapet	Visibly thin parapets, Prominent generic arch or gable	All parapets are topped with a deep cornice. Where parapets end are exposed the parapet is returned to express the building mass.
Large eave overhang		No eaves on this Project.
Rails expressing roof deck		Not applicable for this Project.
Architectural Detailing -		
Materials & Colors		
Smooth or lightly troweled stucco	Unraced concrete, concrete block or cultured stone	Exterior wall are concrete tilt-up with smooth trowel finish. All walls will be sacked and patched as required.
Metal, glass, wood, brick, stone, appropriate to context & style		Primary exterior elements are concrete walls, aluminum window frames, glazing, polycarbonate panels, steel doors and pre-manufactured cornices and detailing, all of which provide context and style differentiation for the Project.
Light harmonious colors with accent color for trim	Excessive color saturation + brightness	Light warm tones have been used on the Project with an accent color at doors, trim, and soffits.
Mission clay tile, Spanish tiles or clay shingle	Modular units (tiles, blocks, etc.) too large for building scale	Smaller building materials such as tile were not used on this Project given the scale.
Signs		
Encouraged	Discouraged	As Applied to Project
Monument, Wall, Projecting, Window & Awning Signs	Internally illuminated, can signs, flags, banners, moveable letter, off premises, electronic, roof-mounted & billboards	Signage not yet designed for this Project.
Integrate with architecture		Signage not yet designed for this Project.
Simple, legible, & durable		Signage not yet designed for this Project.
High quality materials	Neon window strips	Signage not yet designed for this Project.

Before any Site Plan and Design Review is approved, the applicant must show, to the satisfaction of the Planning Commission and the City Council, the existence of the following findings of fact. Staff has determined that the findings can be made based on the analysis below:

ANALYSIS

1. The proposed project is in conformance with the General Plan, zoning ordinance, and other ordinances and regulations of the City

The subject site is zoned M-2 (Heavy Manufacturing) and has a current General Plan land use designation of Commercial. The applicant is requesting a General Plan Amendment (GPA) in conjunction with this SP&DR (DA) to change the land use designation to Commercial/Industrial and a Zoning Ordinance Amendment (ZOA), to allow a MRF/TS in the M-2 (Heavy Manufacturing) zone with a Development Agreement (DA). Upon approval of the GPA, ZOA and DA, the proposed project will be in conformance with the general plan, zoning ordinance, and other ordinances and regulations of the city. A Conditional Use Permit for the use is being considered as part of the entitlement request for the public gas station and off-sale of beer and wine. The building is designed to generally comply with the development standards for the M-2 zone; and is consistent with the goals and policies of the General Plan and Citywide Design Guidelines.

2. The proposed project is in conformance with any redevelopment plan and regulations of the community redevelopment agency and any executed owner's participation agreement or disposition and development agreement.

The Irwindale Community Redevelopment Agency no longer exists. Therefore this finding is no longer applicable. However, to the extent this finding is applicable, there is an owner's disposition and development agreement (DDA) involved that is being processed concurrently with the Irwindale Successor Agency. The Project is in conformance with the proposed DDA and a condition of approval has been included stating that the Project requires approval of the DDA by the Irwindale Successor Agency.

3. The following are so arranged as to avoid traffic congestion, to ensure the public health, safety, and general welfare, and to prevent adverse effect on surrounding properties:

- a) Facilities and improvements;

The MRF/TS C&D, Maintenance and Material Staging areas of the building are setback over ± 60 feet from the east/northeast and south property lines (the closest property lines). The convenience store maintains a 30-foot setback from Arrow Highway. The buildings are located to provide adequate vehicular circulation on the site. All structures and infrastructure improvements will be constructed to current code and completed prior to Certificate of Occupancy.

- b) Pedestrian and vehicular ingress, egress, and internal circulation;

Ingress and egress to the site is provided via five driveways: Driveways 1, 2, 4, and 5 on Arrow Highway and Driveway 3 on Live Oak Avenue, with a Fire Department access entrance at the southwest corner of the property. Driveway 2 includes a trucks only ingress lane and a second entrance with ingress and egress for the employee parking lot. Addendum No. 1 to the FEIR evaluated the minor, internal site plan adjustments made for the final design of the project that included off-site improvements resulting from the internal site changes. The overall circulation of the project has remained similar to the FEIR site plan. All commercial traffic and visitor traffic enters and exits from Arrow Highway. Employee traffic primarily enters and exits from the intersection at Live Oak Avenue and Baldwin Park Boulevard.

- c) Setbacks;

The project has been designed to comply with the required minimum setbacks for the M-2 zone.

- d) Height of buildings;

There is no maximum building height restriction within the M-2 zone. Nonetheless, the MRF/TS structure has been designed to complement the massing and height of the existing industrial buildings in the City with a maximum height of 50'6". The convenience store has a maximum height of 21'.

- e) Signs;

Signage is not proposed at this time. Future signage will be incorporated into a signage package that eschews garishness and embraces a refined, integrated overall design. A separate sign program will be prepared to address all on-site wall, freestanding, and directional signage.

- f) Mechanical and utility service equipment;
Site has been designed to attractively screen all rooftop and surface level mechanical equipment and storage area.
 - g) Landscaping;
The landscaping requirement has been met through considered choices of plantings appropriate to the location, building type, and building scale.
 - h) Grading;
Project has been designed to take advantage of the existing topography, thus reducing grading activities on site.
 - i) Lighting;
All lighting is designed to complement the structures and oriented to properly illuminate the site as not to create “dark pockets” that could support nefarious activities.
 - j) Parking;
IMC Subsection 17.64.030(M) “Recycling Facilities – Large Collection and Processing Facilities” requires space to be provided on-site for 10 vehicles to circulate and to deposit recyclable materials and 1 parking space for each employee on the largest shift and 1 space for each commercial vehicle associated with the use. The office area requires 1 space for each 350 square feet of office area. The convenience store requires 1 space for each 250 square feet of area. 188 parking spaces are required and 326 spaces are provided; for a surplus of 138 parking spaces.
 - k) Drainage;
A Water Quality Management Plan (WQMP) will address hydrology and drainage.
 - l) Intensity of land use.
The project is located on a 17.22-acre, triangular-shaped parcel. The building footprint covers 34% of the site, with the remaining majority of the site dedicated to landscaping, hardscape, and on-site parking and circulation. The MRF/TS building is located in the center of the parcel with the convenience store located at the northeast corner of the property with wide drive aisles, excess parking, and enhanced landscaping in the setback areas.
4. The proposed development is consistent with applicable city design guidelines and historic design themes, and provides for appropriate exterior building design and appearance consistent and complementary to present and proposed buildings and structures in the vicinity of the subject project while still providing for a variety of designs, forms and treatments.

The proposed development incorporates desired design elements from the Commercial and Industrial Design Guidelines including but not limited to façade elements, roofs and parapets, materials and colors. The architectural style is an adaptation of mission style elements for a modern industrial application. The layout, landscaping and design of the site also incorporated encouraged design principles. For example, the articulated arched façade elements with translucent panels are provided to break up the building massing, and enhanced eyebrow reliefs placed above the arched openings at all corner areas. The development includes arches, mixtures of light colors, and building fenestration and articulated roof lines. Additionally, the building elevations are scored vertically and horizontally to provide architectural interest, as well as featuring raised decorative accent elements with metal crosspieces.

FRANCHISE & FACILITY OPERATIONS AGREEMENT

A Franchise & Facility Operations Agreement (Agreement) has been prepared for the MRF/TS, convenience store/public gas station project to establish the terms by which the City will grant a franchise to Athens for the exclusive operation of a MRF/TS within City limits (**See Attachment K, Franchise & Facility Operations Agreement**). The franchise granted is exclusive to Athens, under the stipulation that Athens fulfills the obligations outlined in the Agreement. The Agreement will go into effect once the project is developed. The only change to the proposed Agreement since the City Council's prior approval of the Project, was Section 5.2 Environmental Performance Standards to be consistent with the Final EIR. Provisions for the Agreement include:

1. *Term*: The term of the Agreement is for an initial term of 30 years, with an automatic 10 year rolling extension.
2. *Construction & Commencement of Operations*: Outlines the site and building development and defines activities of the MRF/TS facility.
3. *Performance Standards*: Odor control equipment is required to be installed and maintained; no hazardous materials will be accepted to the facility; and facility management and employees shall receive specific training relating to their jobs to ensure compliance with all applicable regulations.
4. *Indemnification and Environmental Liability*: The Applicant will indemnify the City for any damages, claims, or litigation arising out of or resulting from the City's approval of the Agreement.

CONCLUSION

Staff recommends that the City Council and Successor Agency certify the 2020 FEIR and approve the DDA for the MRF/TS project. Additionally, staff recommends that the City Council adopt the attached Ordinances and Resolutions for the MRF/TS project.

FISCAL IMPACT

The project is a private development fully funded by the developer. The Disposition and Development Agreement and the Development Agreement provide financial details outlining off-site improvements and other applicant financial obligations to the City.

Section 232 of the DDA stipulates the purchase price for this property at \$10,210,000. This property is owned by the Successor Agency, and therefore proceeds from the sale of the property will be accounted for in the Successor Agency funds. Successor Agency funds are

reported to the State Department of Finance and Los Angeles County for redistribution. The City's General Fund will then receive approximately 10% (\$1,021,000) of these proceeds in the form of Residual Revenue distributed from County over the next couple of years.

ATTACHMENTS:

- A. 2020 Recirculated Draft EIR (SCH# 2013051029) (previously provided)
- B. 2020 Final EIR (SCH# 2013051029) (digital & paper copy previously provided and available at: <https://www.irwindaleca.gov/177/Materials-Recovery-Facility-Transfer>)
- C. Resolution No. CC 2021-08-3270 & Resolution No. SA 2021-13-3275 Certifying the 2020 Final EIR, Adopting the MMRP, Findings of Fact and Statement of Overriding Considerations
- D. Resolution No. CC 2021-09-3271 & Resolution No. SA 2021-14-3276, approving the DDA
- E. Disposition and Development Agreement
- F. Resolution No. 2021-10-3272 General Plan Amendment No. 02-2016
- G. Ordinance No. 752 for Zone Ordinance Amendment No. 04-2016
- H. Ordinance No. 753 for Development Agreement No. 02-2016
- I. Resolution No. 2021-11-3273 for Conditional Use Permit No. 08-2016
- J. Resolution No. 2021-12-3274 for Site Plan and Design Review Permit (DA) No. 06-2016
- K. Resolution No. 2021-06-3268 for Franchise & Facility Operations Agreement
- L. Project Plans
- M. City of Irwindale Planning Commission Staff Report with Attachments, dated January 20, 2021
- N. Resolution Nos. CC 2019-64-3147 and SA 2019-64-3148