



CITY OF IRWINDALE

5050 N. IRWINDALE AVE., IRWINDALE CA 91706 • PHONE: (626) 430-2200

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CHICO**
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**SUZANNE E.
GOMEZ**
COMMISSIONER

**ROBERT E.
HARTMAN**
COMMISSIONER

**DAVID
FUENTES**
COMMISSIONER

AGENDA FOR THE REGULAR MEETING OF THE

PLANNING COMMISSION

January 19, 2022

6:30 P.M.

IRWINDALE COUNCIL CHAMBER

(Limited Public Access)

Pursuant to Irwindale Resolution No. Resolution No. 2022-02-3251

The Irwindale City Council has authorized the conduct of hybrid meetings of the City Council, including all City Commissions and committee meetings, and all regularly scheduled meetings that would normally take place in the City Council Chambers, under the provisions of Government Code Section 54956 § E, as authorized by AB 361.

The public's health and well-being are the top priority for the City, and you are urged to take all appropriate health safety precautions. To facilitate this process, the meeting and opportunities to participate are available through the following:

In-Person at the City Council Chambers (In-Chamber Attendance Limited to nine members of the public with overflow seating available in the Outer Council Chamber)

Join Webinar at

<https://us02web.zoom.us/j/86349691359>

Webinar ID

863 4969 1359

Submit public comments by email to jjhernandez@irwindaleca.gov prior to the start of the meeting. Comments will be read by the Administrative Secretary during public comment.

Lengthy public comment may be summarized in the interest of time.



Spontaneous Communications: The public is encouraged to address the Planning Commission on any matter listed on the agenda or on any other matter within its jurisdiction. The Planning Commission will hear public comments on items listed on the agenda during discussion of the matter and prior to a vote. The Planning Commission will hear public comments on matters not listed on the agenda during the Spontaneous Communications period.

Pursuant to provisions of the **Brown Act**, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The Planning Commission may request staff to investigate and/or schedule certain matters for consideration at a future Commission or City Council meeting.

Americans with Disabilities Act: In compliance with the ADA, if you need special assistance to participate in a Commission meeting or other services offered by this City, please contact City Hall at (626) 430-2200. Assisted listening devices are available at this meeting. Ask the Chief Deputy City Clerk if you desire to use this device. Upon request, the agenda and documents in the agenda packet can be made available in appropriate alternative formats to persons with disabilities. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Note: Staff reports are available for inspection at the Planning Division Counter, 16102 Arrow Highway or at City Hall, 5050 N. Irwindale Avenue, during regular business hours (8:00 a.m. to 6:00 p.m., Monday through Thursday) by appointment only, and by contacting the Planning Division at 626-430-2208.

Code of Ethics

As City of Irwindale Planning Commissioners, our fundamental duty is to serve the public good. We are committed to the principle of an efficient and professional local government. We will be exemplary in obeying the letter and spirit of Local, State and Federal laws and City policies affecting the operation of the government and in our private life. We will be independent and impartial in our judgment and actions.

We will work for the common good of the City of Irwindale community and not for any private or personal interest. We will endeavor to treat all people with respect and civility. We will commit to observe the highest standards of morality and integrity, and to faithfully discharge the duties of our office regardless of personal consideration. We shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of others.

We will inform ourselves on public issues, listen attentively to public discussions before the body, and focus on the business at hand. We will base our decisions on the merit and substance of that business. We will be fair and equitable in all actions, claims or transactions. We shall not use our official position to influence government decisions in which we have a financial interest or where we have a personal relationship that could present a conflict of interest, or create a perception of a conflict of interest.

We shall not take advantage of services or opportunities for personal gain by virtue of our public office that are not available to the public in general. We shall refrain from accepting gifts, favors or promises of future benefit that might compromise our independence of judgment or action or give the appearance of being compromised.

We will behave in a manner that does not bring discredit or embarrassment to the City of Irwindale. We will be honest in thought and deed in both our personal and official lives.

Ultimate responsibility for complying with this Code of Ethics rests with the individual elected official. In addition to any other penalty as provided by law, violation of this Code of Ethics may be used as a basis for disciplinary action or censure of a Commissioner.

These things we hereby pledge to do in the interest and purposes for which our government has been established.

IRWINDALE PLANNING COMMISSION



- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. INVOCATION
- D. ROLL CALL: Commissioners: Robert E. Hartman, Suzanne E. Gomez, Richard Chico, David Fuentes; Vice-Chair Enoch Y. Burrola
- E. ANNOUNCEMENTS
- F. REORGANIZATION OF PLANNING COMMISSION

SPONTANEOUS COMMUNICATIONS

This is the time set aside for members of the audience to speak on items not on this agenda. State law prohibits any Commission discussion or action on such communications unless 1) the Commission by majority vote finds that a catastrophe or emergency exists; or 2) the Commission by at least four votes finds that the matter (and need for action thereon) arose within the last five days. Since the Commission cannot (except as stated) participate it is requested that all such communications be made in writing so as to be included on the next agenda for full discussion and action. If a member of the audience feels he or she must proceed tonight, then each speaker will be limited to 3 minutes, unless such time limits are extended.

In the hybrid format, both in-person and hybrid audience members will participate in the following order:

Tier 1: In-person attendees

Tier 2: Teleconference attendees

Tier 3: In-person attendees who have not previously provide comments on the matter(s) being discussed by the legislative body

Tier 4: Teleconference attendees who have not previously provide comments on the matter(s) being discussed by the legislative body

1. CONSENT CALENDAR

The Consent Calendar contains matters of routine business and is to be approved with one motion unless a member of the Commission requests separate action on a specific item. At this time, members of the audience may ask to be heard regarding an item on the Consent Calendar.

A. Minutes

Recommendation: Approve the following minutes:

1. Adjourned meeting held August 09, 2021
2. Regular meeting held August 18, 2021
3. Regular meeting held September 15, 2021

2. NEW BUSINESS
3. PUBLIC HEARINGS
4. DISCUSSION ITEMS/PRESENTATIONS
5. COMMISSIONER COMMENTS/REQUESTS
6. LEGAL COUNSEL COMMENTS
7. COMMUNITY DEVELOPMENT DIRECTOR REPORT
8. ADJOURN

AFFIDAVIT OF POSTING

I, Jesus Hernandez, Administrative Secretary, certify that I caused the agenda for the regular meeting of the Irwindale Planning Commission to be held on January 19, 2022 to be posted at the City Hall, Library, and Post Office on January 13, 2022.

Jesus Hernandez

Jesus Hernandez,
Administrative Secretary



**CITY OF IRWINDALE
PLANNING COMMISSION MEMORANDUM**
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION



Agenda Item No. F

DATE: January 19, 2022
TO: Honorable Chair and Members of the Planning Commission
FROM: Marilyn Simpson, AICP, Community Development Director
SUBJECT: Reorganization of Planning Commission

RECOMMENDATION:

That the Planning Commission elect the Chair and Vice-Chair.

SUMMARY:

It is appropriate at this time to reorganize the Planning Commission, including the selection of a Chair and Vice Chair. In order to complete the re-organization, the following procedure is suggested:

1. The Planning Commission Secretary opens the nominations for the office of Chair. Any Commissioner may nominate another Commissioner or themselves. No second to the nomination is required.
2. After receiving all nominations, the Planning Commission Secretary closes the nominations.
3. The Planning Commission Secretary then conducts the election of the Chair by roll call vote. If there is more than one nomination, a roll call vote is conducted in the order nominated until a Chair is elected by majority vote.
4. Once selected, the new Chair then opens nominations for Vice-Chair in the same manner.
5. After receiving all nominations, the Chair closes the nominations.
6. The Chair then conducts the election of the Vice-Chair by roll call vote. If there is more than one nomination, a roll call vote is conducted in the order nominated until a Vice-Chair is elected by majority vote.

The Irwindale **PLANNING COMMISSION** met in adjourned meeting at the above time and place.

PLEDGE OF ALLEGIANCE I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

INVOCATION COMMISSIONER GOMEZ Father God, we thank you for this day. For this time. For your protection. We ask you to guide us, give us wisdom, justice eternal. Amen.

CHAIR TAPIA Roll call.

ROLL CALL: Present: Commissioners; Robert E. Hartman; Richard Chico; Suzanne Gomez; Vice Chair Enoch Burrola; Chair Arthur R. Tapia

Also present: William Tam, City Manager; Adrian Guerra, City Attorney; Jamie Traxler, Assistant City Attorney, Marilyn Simpson, Community Development Director; Arsanious Hanna, City Engineer/Building Official; Daniel Co, Assistant City Engineer; Lisa Chou, Associate Planner, Iris Espino, Economic Development Coordinator; Elizabeth Rodriguez, Public Works Services Manager; Berlyn Aguila, Administrative Secretary

ANNOUNCEMENTS

CHAIR TAPIA Any comments to make?

ADMINISTRATIVE SECRETARY AGUILA No comments, thank you.

SPONTANEOUS COMMUNICATIONS

CHAIR TAPIA We move to Spontaneous Communication. This is the time set aside for members of the audience to speak on items not on this agenda. State law prohibits any Commission discussion or action as such communications unless the Commission by majority finds that a catastrophe or emergency exists. Number 2, the Commission by at least four votes, finds the matter in need for action thereon arose within the last five days. Since Commission cannot accept as stated, it is requested that such communication can be made in writing, as to be included in the next agenda for full discussion and action. If a member of the audience feels as if he or she, must proceed tonight then each speaker will be limited to three minutes, unless such time limits are extended. If anyone in the audience wishes to say anything on

Spontaneous, which is not related to tonight's Public Hearing could you please raise your hand.

ADMINISTRATIVE SECRETARY AGUILA Chair Tapia, we do have quite a few individuals who have raised their hands. I will now be unmuting Errol Daly.

CHAIR TAPIA Go ahead sir.

ADMINISTRATIVE SECRETARY AGUILA Mr. Daly you are self-muted.

ERROL DALY I would like to support the project going forward.

CHAIR TAPIA This is not the time, this is Spontaneous Communication. When we open up the Public Hearing, for this particular item then you can raise your hand again.

ERROL DALY Okay will do, thank you very much.

ADMINISTRATIVE SECRETARY AGUILA The next individual who I will be unmuting will be Carmen Roman.

CARMEN ROMAN Hello.

ADMINISTRATIVE SECRETARY AGUILA Hey, we can hear you.

CARMEN ROMAN I am not talking about this subject because it is listed in the Agenda tonight. But when we get to the subject, I would like to know if you could summarize or go over the key points, because it was a very long meeting last time. I don't think we want to go back to square one. Maybe you can consider going over key points. Thank you.

CHAIR TAPIA Thank you, next.

ADMINISTRATIVE SECRETARY AGUILA The next member of the public that I will be unmuting is Frank Rojo.

FRANK ROJO I will wait for the public to speak.

ADMINISTRATIVE SECRETARY AGUILA There are no more hands raised.

CHAIR TAPIA Okay at this time we will close Spontaneous Communications.

PUBLIC HEARINGS

ITEM NO. 3C

GENERAL PLAN AMENDMENT NO. 02-2017; SITE PLAN AND DESIGN REVIEW (DA) NO. 04-2017 (MARK GABAY, FIVE POINTS, LLC).

CHAIR TAPIA

At this time we will open up the Public Hearing for General Plan Amendment No. 02-2017; Site Plan and Design Review (DA) No. 04-2017. But before we do that, we have to have a process of drawing straws, between three of the Commissioners here. Since we live within 1,000 feet of the project. Staff.

ASSISTANT
CITY ATTORNEY
TRAXLER

Thank you Mr. Chair, good evening Commissioners. Yes, it is my understanding that for this item, which involves property located at 5175 Vincent Avenue, three Commissioners have a financial interest in real property, located more than 500 feet but less than 1,000 feet from the property line. So I will give you the general rule regarding Conflicts of Interests, no public official at any level of local government shall make, participate in making, or in any way attempt to use his or her official position, to influence a governmental decision in which he or she has reason to know they have a financial interest. A public official has a financial interest in a decision, if it is reasonable foreseeable that the decision will have a material financial effect on the official, or a member of his or her immediate family that is distinguishable from its effect from the public generally. If the interest is not especially involved in the decision a financial impact or effect is reasonably foreseeable, if the effect can be recognized as a realistic possibility in more of a hypothetical or theoretical, a financial effect need not be likely to occur, to be considered reasonably foreseeable. It is my understanding that three commissioners have a financial interest in real property, located more than 500 feet but less than 1,000 feet from the property. Those are Chair Tapia, Commissioner Chico, and Commissioner Gomez.

CHAIR TAPIA

Could you repeat those feet again, please?

ASSISTANT
CITY ATTORNEY
TRAXLER

Yes. A financial interest in real property located more than 500 feet but less than 1,000 feet from the property line. So under the regulations there are several factors we must go through to determine, whether this decision will have a material financial effect. I will go through those with each of you and will give you my recommendation. Then you will be able to make a determination whether or not to recuse yourselves. I will start with Mr. Chair. There is a material financial effect on the property, if the decision would change whether positive or negative the property's development potential and income producing potential, highest and best use, character, by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels, air quality, or the market value.

CHAIR TAPIA

Do you have the number of feet, the distance I am from the site?

ASSISTANT
CITY ATTORNEY
TRAXLER Yes, Mr. Chair. I have here that the property is 963 feet away from the property line of the project. Which is within the 500 to 1,000 feet.

CHAIR TAPIA Thank you.

ASSISTANT
CITY ATTORNEY
TRAXLER You are going to recuse yourself?

CHAIR TAPIA Pardon?

ASSISTANT
CITY ATTORNEY
TRAXLER You are going to recuse yourself?

CHAIR TAPIA Yes.

ASSISTANT
CITY ATTORNEY
TRAXLER Okay. It is my recommendation that you recuse yourself. Yes. Commission Chico, I will go through the same materiality factors. There is a material financial effect if the decision would change whether positive or negative the property's development potential, income producing potential, highest and best use, character, by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels, air quality, or the market value. I have here for the record the amount of feet for your property. Your property is located 717 feet from the property line.

COMMISSIONER
CHICO I understand that. What are my options?

ASSISTANT
CITY ATTORNEY
TRAXLER Your options are to recuse yourself, or you could participate in the decision.

COMMISSIONER
CHICO Well if he recuses himself, I recuse, and she recuses herself, what are we left with?

ASSISTANT
CITY ATTORNEY
TRAXLER We are left without a quorum, and we would have to draw straws. Same as the last meeting.

COMMISSIONER
CHICO I like to go with the straws.

ASSISTANT Commissioner Gomez I have the amount of feet if you would like that on record.

COMMISSIONER GOMEZ	No. I heard the recommendation and the outline, and I would like to recuse myself as well.
CITY ATTORNEY TRAXLER	Same as the last time.
ASSISTANT CITY ATTORNEY TRAXLER	Okay. Separate and apart from the financial conflicts the City Attorney's Office has been informed that Commissioner Gomez, signed a petition against the project as a member of the public in 2019. In an abundance of caution it would be my recommendation, that you recuse yourself also from the drawing of straws. However, the final decision is up to you.
COMMISSIONER GOMEZ	I have a question.
ASSISTANT CITY ATTORNEY TRAXLER	Yes.
COMMISSIONER GOMEZ	The 2019 petition was particular to the information prior to this most updated Environmental Review Report, is that correct?
ASSISTANT CITY ATTORNEY TRAXLER	Yes, that is correct.
COMMISSIONER GOMEZ	I need a moment.
ASSISTANT CITY ATTORNEY TRAXLER	We can take a recess, Commissioner, if you like.
CHAIR TAPIA	We are going to take a short break.
RECESS	Chair Tapia recessed the meeting at 6:45 p.m.
RECONVENED	Chair Tapia reconvened the meeting at 6:57 p.m.
CHAIR TAPIA	We reconvene at this time. The meeting is called to order again.
CITY ATTORNEY GUERRA	Thank you Mr. Chair, so prior to the break we did go through the conflicts of interest analysis for Commissioner Chico, Gomez, and Chair Tapia. One additional factor is a petition that was signed by Commissioner Gomez. We are advising that she further recuse herself on that basis, and I will go into further detail. From my understanding, there was a petition regarding an earlier version of this project back in

2019. There is an argument, and even though I believe Commissioner Gomez will be true, independent, and unbiased in making a decision, if she were to make a decision. There is a case that came out a few years back involving the City of Sacramento, where a Council Member had provided his or her opinion about the project, before it actually went to the City Council. The project was challenged on that basis that he was biased. The court said, you know what, he is biased because he had already provided his view on the project. In an abundance of caution, and Commissioner Gomez wants to do what's in the best interest of the City, to avoid any exposure of litigation on that basis, she has agreed to recuse herself from the drawing, if she is selected. With that I think that we will move forward with the drawing of straws.

COMMISSIONER
CHICO

We have just two victims?

ADMINISTRATIVE
SECRETARY AGUILA

Just for the record, Chair Tapia selected the shortest straw.

CHAIR TAPIA

How are you Mr. Burrola?

VICE-CHAIR
BURROLA

Hanging in there. Can you hear me?

CHAIR TAPIA

Yes.

VICE-CHAIR
BURROLA

I just want to apologize. I am feeling sick. I have a cough and slight fever. I did not want to be there with you guys and spread it all, so I decided to stay home. I didn't want to drag this meeting out any longer than it needs to be.

CHAIR TAPIA

Thank you sir. Okay at this time Staff. Staff will have the presentation at this time, followed by the developer.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you Chair and Commission, the request before you tonight from the applicant, Mark Gabay, Five Points LLC, is a request for a General Plan Amendment to change a designation from a portion of a property located at 5175 Vincent Avenue from residential to Industrial/Business Park and a Site Plan and Design Review (DA) for the construction of a 545,735 square-foot concrete tilt-up building. The site is zoned M-2 (Heavy Manufacturing), and the General Plan designation is Industrial/Business Park. A little bit of the background and the history of this site is that mining of the 26-acre site began in the 1930's and was completed in the 1970's. The City acquired the northern portion of the pit in the late 1980's, from LA County. Then the City began backfilling the site with a variety of construction materials and inert materials. In 2007, Windrow Earth Transport was awarded the contract to perform remediation of the site. On November 6, 2008, the Planning Commission approved a CUP and adopted a Mitigated Negative

Declaration (MND), for the remediation and filling of the former Manning Pit. In 2009, the Planning Commission approved modification, to modify the hours of operation of the filling. Operations began approximately in May 2010, and were completed in April of 2019. In December 2013 the City, Windrow Earth Transport, and the Developer entered into an Exclusive Negotiating Agreement (ENA) that stated that the subject property was to be developed to include light industrial and/or commercial development. On October 28, 2015, the City and the developer, Five Points, entered into an agreement for the purchase, sale and development of the property. This PowerPoint just shows the existing site that has been filled. As I mentioned this application includes a General Plan Amendment, there is a portion of the site that is towards the east side, approximately just under 7-acres, but still on a General Plan map had it identified as residential. We believe that was a map error due to the type of technology that we had at the time, when they were designating the site and separating the 10-acres that is off of Allen from the subject property at 5175 Vincent. So the project description is proposed for the construction of a single building 545,735 square-foot concrete tilt-up, with associated passenger vehicle and truck parking. The building consists of approximately 10,000 square feet of office. 5,000 square feet on the ground floor, and 5,000 square feet on the mezzanine. There was a Community Meeting that was held on August of 2018. The Planning Division hosted the meeting over at the Irwindale Community Center. The purpose of the meeting was to provide an opportunity to review and comment on the proposal, ask questions and review the process. The meeting was well attended and several areas of concern were identified. There was also a Tribal Consultation that was held in December of 2018, with the representatives for the Kizh Nation. Originally, the project was looked at via CEQA, with a Mitigated Negative Declaration, and it was determined after some of the comments had come in, after the Community Meeting and after public notification of the meeting that an Environmental Impact Report would be prepared. So a Scoping Meeting was held in February of 2020, to gather information for the scope of the environmental document to be prepared. An additional public outreach was provided. This was a non-City sponsored community event that was held on July 15, 2021 at Family Christian Church. This was a Community Meeting that was hosted by the applicant. Also, the applicant's team distributed approximately 1,500 flyers to nearby Irwindale and County of Los Angeles neighborhoods, and followed up with door-to-door direct contact. The project also includes a Site Plan and Design Review this is a single building concept that you see. The development standards for this in the M-2 zone: the front yard setback minimum requirement is 20 feet, what is being proposed is a set back from Vincent between 167 feet to 205 feet. side yard setback in the M-2 is zero, the applicant is proposing between 75 feet and 93 feet. A rear yard setback has no minimum requirement in the M-2 zone, the applicant is proposing 155 feet to 196 feet setback. The building height in the M-2 zone: there is

not a maximum building height, the applicant is proposing a 51 foot maximum height of the building. The proposed project has been looked at with the desired design elements with the Commercial and Industrial Design Guidelines that include incorporating towers at the end of the building as focal points, breaking up the expansive exterior walls with architectural projections, and details around the windows including arches. There are arched parapets and a multi-color palette that are in compliance with the Commercial and Industrial Design Guidelines. On the top of the screen, this is showing the east elevation and what you will see from Vincent that is showing the trailer screening. The east elevation without the screen wall is showing on the lower portion. For landscaping a minimum of 10 percent is required per the Municipal Code, and 10 percent is being provided. The landscaping includes a combination of parking lot shade trees, shrubs, and groundcover. There is a proposed overhead trellis to act as an architectural feature, which also supports vertical landscaping and provides additional visual screening of the trailer court. So access and circulation to the site are provided via two driveways, on the north side of the site and along the south side. Parking for the property: the project requires 183 stalls and what is being proposed is 199 standard sized stalls. There is also parking that is being provided for bicycles. There are 18 bicycle parking stalls and space for 181 trailer stalls. The current Irwindale Municipal Code does not have a minimum stall size for trailers; however, the proposed stalls measure 10'-0 x 53'-0 which is adequate for trailer parking. One of the alternatives that was looked at, instead of a single building, was a three building concept that you see here. The three building concept, it does not have as great building buffers between the property line, but it does exceed the minimum requirements for the Irwindale Municipal Code. The applicant would like the single building concept, but they have provided information on the three building concept. The elevation would remain the same with tower features that would be on each end of the building. It would include the arches, some of the other detailing, and the color palette. As part of this I mentioned that per CEQA, the environmental analysis was done, so as part of staff's presentation we have the environmental consultant, Steve McMurtry from De Novo, who is here as part of Staff presentation. He will go into the detail of the CEQA analysis.

STEVE MCMURTRY

My name is Steve McMurtry. I live in 3590 Falkirk Way, El Dorado Hills. I am Steve McMurtry, I am a Principal Analyst with De Novo Planning Group. I was one on primary authors/managers of the Environmental Impact Report. I have just a few slides I wanted to take you through. Starting with a little bit about CEQA, just to start with a background with that CEQA is, and what an EIR is. Then we will jump into a little bit of the process. Then I wanted to wrap it up with the discussion of the Findings of Facts and the Statement Overriding Considerations. What those are, what they mean, and why they are presented to you? So starting here. What is CEQA? At its core, it is a public process. When the legislators wrote the law, the intent was to try

to foster an inner agency coordination process. At the time, it was more the cities and counties, who were making a decision on their own, and this law brought in other agencies and it also enhanced public participation. It created a process to bring the public into the overall process, for decision makers to consider. It is a requirement to disclose twenty-one environmental topics. We analyzed the topics and disclosed what the impacts are relative to that topic, if a project were to be developed. Also at its core, through the analysis to try to prevent environmental damage. This is done in a couple of different ways. First and foremost we develop mitigation measures. The intent of the Mitigation Measure is to try and avoid an impact, if possible or to try and minimize an impact, if it is feasible. Also to try to minimize environmental damage, you develop alternatives to a project. It is a requirement to reduce an environmental impact of at least one environmental topic, through any alternatives that are considered. Lastly, the intent is to disclose reasons for approving a project with significant environmental impacts. If you take a project, you've disclosed that there is environmental impacts and ultimately you approved that project, you need to do two things. You have to adopt the Findings of Facts and you also need to make Statement of Overriding Considerations. I will go into detail a little bit more of each of those two topics, on some later slides here. Jumping into an EIR. An EIR is an informational document, its lot of information much more substantial than a Mitigated Negative Declaration. The intent is to take a lot of technical studies, to bring it into one document, synthesize it in sorts of layman's terms, and disclose that to the public and also to decision makers. What an EIR is not, it is not intended to be persuasive to deny a project, or to get a project approved. It is truly a neutral document. So again it is not for or against a project, it is just there to disclose the facts for decision makers to consider. The context of an EIR, it starts with a project description. Each chapter, each environmental topic is going to have a setting, which is sort of your baseline conditions that exist, at this point in time. There is also a regulatory setting, this is a summary of all of the rules and laws at the state, federal, and local levels that apply to a certain environmental topic. Then you jump into the actual analysis, the impact analysis. Within that analysis, also you need to consider cumulative topics. What would the impacts be if a project were approved, when you consider all other projects that are either already developed or approved and not yet developed? Lastly, it includes an alternatives analysis. Which I mentioned is a way, to try to mitigate environmental impacts, if feasible. Jumping into the Environmental Review Process, the original decision was to prepare a Mitigated Negative Declaration and this type of decision is pretty common based on some statutes that are refer to as deferring statutes. There are a variety of statutes within the CEQA guidelines. 15183 is one that allows projects that are consistent with the General Plan for which an EIR is certified, to be exempt from further environmental review that has already been disclosed in that certified General Plan EIR. The caveat is, in certain circumstances

there are nuances to that project that were not known at the time of the original EIR certification. The CEQA guidelines requires you to analyze those special circumstances or those circumstances that were not known at that time, and disclose those facts to the public. That is disclosed through a variety of environmental documents. Mitigated Negative Declaration is the most common, it can be through supplemental or subsequent Environmental Impact Reports. The deferring statutes apply to all the cities, and it is pretty common to move forward with projects, if you make that determination that the project is consistent, with the General Plan as long as the General Plan EIR is certified. That decision was made early on. The Mitigated Negative Declaration went out for a thirty day public review period, and during that period we received feedback from both the public and also from public agencies. The interest was that, this project really required more detailed level of analysis in the EIR. Regardless of whether there is significant unavoidable impacts, or there is triggers and warrants for an EIR. The idea was to do a more detail level of analysis in the EIR. The City staff made the decision to move forward with the EIR. In February of 2020, a Notice of Preparation was prepared and circulated to the public. A Notice of Preparation is a document that you send out to really initiate the EIR process. What it is doing is it lets the whole world know that you are going to prepare an EIR. It also lets the world know what the scope of that EIR is, so what environmental topics are you going to analyze. It is also a step in the process to try to get feedback from the public, to try to help you if you miss something within your scope. If there is something else that should be studied. Part of that is through written comment, and part of that is also through a Scoping Meeting. An in person Scoping Meeting that is held during that 30-day public review period. We held a Scoping Meeting on February 20, 2020, to solicit any feedback relative to the scope and any environmental topics, that we should be analyzing and ultimately we move forward to the preparation of the Draft EIR. After the NOP process, as we were preparing the Draft EIR, we did some inter agencies consultation. We met and had a variety of discussions with the local Air Quality Management District, and also with the Attorney General's Office. We had multiple meetings. They were most interested in air quality topics. The Air District wanted to review the models, the modeling data, the inputs, and assumptions that we made in both the Health Risk Assessment, which is a dispersion model and also the CalEEMod, which is what you use to analyze criteria pollutant. They reviewed that and ultimately bedded and approved that use of the model that we included within the Environmental Impact Report. The Attorney General's Office was also very concerned with having diesel particulates, which come out of semi-trucks, so close to some of the neighboring residences. They looked at ways you can revise the designs, which ultimately led to the three building alternative. The three building alternative, the purpose of it, was to take the diesel trucks that would be idling and using the bays on the outside, which is closest to Vincent Ave and the residents and move them to the inside, so that

they were sort of buffered from the actual building. It created a large separation, and also there is a level of abatement in the dispersion of air emissions, if you concentrated them in the middle of the site. That alternative was developed through recommendations from the Attorney General's Office. Ultimately, we use what received from the NOP process, the Scoping Meeting, and the inter agencies consultation process. We develop the Environmental Impact Report. As I mentioned before, there is a variety of technical studies that are included in those. The most notable; air quality, noise, and traffic studies that were prepared. Those were included as an appendix, but they also have their own chapter, within the EIR that really synthesizes all of the modeling data and sort of the technical information into the EIR chapter. That document was finalized and ultimately published with a Notice of Availability. That document is letting the whole world know what we prepared in this EIR. You have the opportunity to review it and provide comments. There is a 45 day public review period for people to comment on. During that period we received 11 comment letters. After the public review period is over, we break down each individual comment within the letter and we prepare a detailed response. We acknowledge what the comment is, in certain cases you point them to certain pages in the EIR where a topic was analyzed. In some cases a question or a comment that they made calls for an edit to the text of the Draft EIR. That edit is made in the form of an errata. An errata is sort of a consolidated document that takes the text that is being revised. It shows it in a track-changed form, so underlined text for anything that is added, a strikethrough text for anything that is being deleted. All of that is in the final EIR. The last component of the final EIR is Mitigation Monitoring and Recording Program. What this is, it takes all of the Mitigation Measures from the Draft EIR, and also any edits that were made and reflected in the errata, and consolidates it into a single document. That document, the purpose of it is ultimately if the project were to be approved, to use that document as the project use to develop. So it identifies the timing, when that Mitigation Measure needs to be implemented, and who is responsible for doing the Mitigation Measure. Also monitoring that the Mitigation Measure was actually performed. That is the Final EIR. The last part is the Findings of Fact and the Statement of Overriding Considerations, which I'll discuss here on the following slide. Findings of Fact, they're defined in 15090, and there is a series of CEQA guidelines in sort of in chronology. You'll see changing one digit at the end there that takes you through the Findings of Fact and the Statement of Overriding Considerations. 15090 requires an EIR to be certified before project approval. The subsequent statute 15091, requires findings to be made for each identified significant impact, so each topic that is analyzed. There are three findings that can be made. First and foremost, changes or alterations have been required in or incorporated into such project, which avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. Such changes or alterations are within the responsibilities and jurisdiction of another

public agency, and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted, by such other agency. Lastly, and this really ties in to the Statement of Overriding Considerations, is a specific economic, legal, social, technological, or other considerations including provision of employment opportunities for highly trained workers, make infeasible the Mitigation Measures or project alternatives identified in the Environmental Impact Report. Those are the Findings of Fact. Statement of Overriding Considerations under 15092, allows the lead agency to make a decision of whether or how to approve or carry out a project, after considering the Findings of Fact. It says that the agency may approve a project, with significant and unavoidable environmental effects, if there are specific economic, legal, social, technological, or other considerations that outweigh those significant environmental effects. CEQA guidelines 15093, requires the lead agency to document and substantiate any such determination, in the Statement of Overriding Considerations as part of the record. Where we are going with this is, there was one topic that we identified, concluded that there was a significant and unavoidable environmental impact. I am going to go with a little bit of more detail on that, why we made that determination. A little bit of background on that conclusion. It was under air quality impacts. It is important to know that all the other environmental topics that were analyzed in the EIR, were determined to be less than significant or they were reduced to an insignificant level with the implementation of the Mitigation Measures. Jumping into air quality. We concluded under four environmental questions that there were significant unavoidable impacts. The first impact 3.2-1 the proposed project has the potential to conflict with or abstract implementations of an air quality plan. 3.2-2 the proposed project operation has the potential to expose sensitive receptors to substantial pollutant concentrations, or result in a cumulatively considerable net increase of any criteria of pollutant for which the project region is in nonattainment, under applicable federal or state ambient air quality standards. Impact 3.2-5 the proposed project has the potential to cause substantial adverse effects on human beings either, directly or indirectly. The last one, impact 4.2, which is cumulative impact on the region's air quality. It is important to dive into that a little bit more, and why we came up with that conclusion. When we ran the air quality model, based on the project as proposed, also including some Mitigation Measures that were recommended by the Attorney General's Office, the local Air Quality Management District, and the California Air Resources Board, we found that the nitrogen dioxide thresholds were exceeded. There were a variety of Mitigation Measures that are incorporated in, but the model told us that the nitrogen dioxide emissions exceeded the thresholds that were established by the local Air Quality Management District. A couple of things that are really important to note, the local Air Quality Management District has approved a regulation called the Omnibus regulation. What this does is it requires engines, the NO_x the nitrogen

dioxide emissions coming out of engines, to be cut by 75 percent below the current standards by 2024. That is not happening in engines yet, but it is anticipated in two and a half years that, that Omnibus regulation will go in effect. That reduction alone is going to bring the total emissions to below the threshold. On top of that the Omnibus regulation extends to 2027. By 2027 there is a 90 percent below current stands reduction. So the rule, in also in addition to those NO_x reductions it also places nine additional regulatory requirements on new heavy duty trucks and engines, so semi-trucks. The reason I bring that up is that the existing of this regulation, and that it is going to happen in the existing foreseeable future, might lead you to a conclusion that it is really not a significant and unavoidable impact. It is less than significant when you adopt both the Mitigation Measures and regulations that are sort of going to reduce the emissions to below the threshold. What we did is we took a very conservative approach in this conclusion. What we said is that the City is not in charge of this regulation, it is not operational yet. There is no indications that it won't become operational or go into effect, and actually reduce the emission but the City does not control that. Because it is not guaranteed by the City, we concluded that the facts did not fully support the insignificant conclusion, that there would be an argument that somebody could make, that it is not guaranteed and that the conclusions should be significant and unavoidable. Our final conclusion, a very conservative conclusion was that it would be a significant and unavoidable impact. I know that it is debatable on which way the ultimate conclusion could go, but we felt that it was important to disclose to the public that it was not a guarantee by the City and the City did not control that. So the air quality Statement of Overriding Considerations, as a mentioned in 15093, there is a requirement for the City to adopt Statement of Overriding Considerations any time that they approve a project that has significant and unavoidable impacts. What it does is it asks the City's decision makers a question. It is, does the City find that detrimental environmental air quality effects are outweighed and counter balanced by the economic, legal, social, technological, or other considerations generated by the project. For each one of those topics, we have identified a bullet point for consideration. Under the land use and zoning consideration, the City established a General Plan land use and zoning, to accommodate the City's needs for growth. This site was designated and zoned for industrial type uses, which are what is proposed. Legal considerations, there is a Purchase of Sales Agreement and a transfer of the property from the City to the applicant with disclosure, the purpose of the use would be industrial or commercial type of uses. Economic considerations, project land uses are intended to generate jobs and tax revenue. Project increase, the project would increase local jobs that could be served by citizens of Irwindale reducing the number of citizens commuting. The project would generate tax revenue that the City would not otherwise benefit from, if the project was not developed. Social considerations, these are job creating uses, industrial opportunities, and tax benefits that would

be anticipated to improve the overall quality of life in the City of Irwindale. Environmental considerations, environmental detriments have been minimized to the extent feasible through Mitigation Measures. An important consideration is that the air quality environmental detriments that are anticipated, are anticipated to be further reduced by the federal and local regulations, specifically the Omnibus regulation which is a 75 percent reduction of NO_x by 2024. Which would actually reduce the impact to an insignificant level, really deeming Statement of Overriding Considerations even a moot point. But as I mentioned we made that conservative finding. With that said, I will turn it back to Marilyn.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you, Steve. So again the project requires a General Plan Amendment and a Site Plan and Design Review. As far as the Plan Amendment it's to change a designation for a portion of the property. Their prospective use is currently unknown and any of the uses would be looked at with the Irwindale Municipal Code for permitted or conditionally permitted uses. However, there were three uses that have been expressly excluded for this site. That includes fulfillment centers, parcel hubs, and any cold storage. Staff's recommendation would be to adopt Resolution No. 803(21) recommending that the City Council certify the FEIR, adopt the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program. The other recommendation is to adopt Resolution No. 804(21) recommending that the City Council approve General Plan Amendment No. 02-2017. And finally adopt Resolution No. 805(21) recommending that the City Council approve Site Plan and Design Review No. 04- 2017 subject to the proposed Conditions of Approval for the single or three building alternative. With that if the Planning Commission's direction should be the three building alternative then there are a few additional modifications that would need to be made to the Conditions of Approval to be included. Staff would be prepared to review those with you. With that, that concludes Staff's presentation. We are available for comments and questions. We do have the applicant's representatives here when the Public Hearing opens.

CHAIR TAPIA

I don't have any questions. Thank you for the presentation, thank you for both of the presentations. Is there anyone else that would like to say anything on behalf of the project? You have to come up to the podium.

CITY ATTORNEY
GUERRA

Before we move forward I would just like to make sure that Commissioner Burrola did not have any questions, for Staff at this time. Or the consultant.

CHAIR TAPIA

Okay. Commissioner Burrola?

VICE-CHAIR BURROLA Chair, I do have questions pertaining more to the General Plan. Is this a time to discuss it.

CHAIR TAPIA It may not be the time to discuss it, but a time to ask for clarification.

VICE-CHAIR BURROLA Correct. If you bear with me, I have several questions on the General Plan.

CHAIR TAPIA Okay.

VICE-CHAIR BURROLA This is more towards, I guess, to the Staff. I just want to start by saying, it seems that we always amend the City's official documents, i.e. the General Plan to accommodate property owner or developments. We should have the developers or the property owner follow our guidelines, more closely. Why does it seem like we are always rushing to develop sites? We should take our time and follow the General Plan accordingly. I am not saying that they didn't, but I am just saying these are the things I found. On page 37 of the General Plan, in the Community Development Plan it states, "The City is committed to the development of a Comprehensive Land Use Plan that will enhance the City's livability and economic base for future generations." Going on to Policy 3, "The City of Irwindale will continue to ensure that the type, location, and intensity of all new development and intensified developments adhere to the requirements that are specified, for their particular land use category and the General Plan. Which brings me to the Zoning Conforming Program on page 39, which states, "The City will continue to review the City's Ordinance and the Subdivision Ordinance of the Municipal Code, to ensure that the development standards are consistent with those identified in this Community Development Element. The City will initiate appropriate changes to the Zoning Map to ensure that it is consistent with the Community Development Element." Going further with Element 17 page 38, "The City of Irwindale will continue to encourage a balance of commercial uses to avoid an over concentration of uses to best serve the residents, employee population, and business community." In fact policy 8 states, "The City of Irwindale will promote and support development of a regional commercial center." What concerns me is that on table 2-1 on page 24, shows that only 2.5 percent of total land is devoted to commercial major land use. That is a very low number considering other cities. If you look at that table that is concerning. Anyways so, we can change this with all the new mine sites that are being developed and are being filled for future developments including the Manning Pit. Furthermore, the General Plan talks about a Civic Center Specific Plan. I guess this is for Staff. Have we developed this plan? Is this site in question part of this plan because it should be given the future development falls very close to our Civic Center, our Recreation Center, our Parks, and our future housing. I suggest we slow down and we refer back to the General Plan a little closer, and look more closely at the Zoning Conformity Program, the Community

Development Projects 17 and 8, Civic Center, and Specific Plan.
That's all I have right now.

CHAIR TAPIA Any explanation or anything from Staff?

VICE-CHAIR BURROLA There is no explanation at this time that is needed.

CHAIR TAPIA That is just your comment?

VICE-CHAIR BURROLA Correct.

CHAIR TAPIA Okay, if there is no further comments we are going to open up the Public Hearing at this time. We will take a five minute recess at this time.

RECESS Chair Tapia recessed the meeting at 7:44 p.m.

RECONVENED Chair Tapia reconvened the meeting at 7:51 p.m.

CHAIR TAPIA Okay, we will reconvene at this time. The meeting is now back in order. At this point in time we will open up the Public Hearing. State your name and address for the record please.

OPEN PUBLIC HEARING At 7:52 p.m., Chair Tapia opened the Public Hearing.

SARAH WITHERS Thank you Chair and Commissioners, my name is Sarah Magana Withers and address is 9034 Sunset, West Hollywood. Thank you for giving us the opportunity to come before you today. It has been a long road. We have been very, very committed to the City of Irwindale. We are a family owned company. We have been in business over 40 years and this is a long term holding for us. As you know we have been here for a long time. Many of you may have been familiar with Brett MacDonald, our former Project Manager, unfortunately, he unexpectedly passed away earlier this year, so I have taken over this project and I will see it through the end. Let me go ahead and proceed, I have a few comments. For over fifteen years, the City of Irwindale has work on backfilling and transforming the 35-acre former Manning Pit into a clean compatible use. Many legal and financial challenges have been overcome by the City's partnership with our company, who helped the City backfill the former Manning Pit, paid millions of dollars to settle lawsuits against the City, and provided 10-acres of the property to the City for its future use and development. Recently the City Council requested their Staff to prepare a report, for their Council consideration, to review and discuss the designated uses of the City owned 10-acres. It is important to understand the City's long-term partnership and agreement with Five Points for the development of this

25-acre light industrial uses. This has been going on since 2005. We stepped in, in approximately 2013, right after the Redevelopment Agencies were dissolved by the State of California. In 2013, the City went out and appraised the site. The experts estimated a potential lead contamination on the property, which would amount anywhere from 11 to 19 million dollars.

CHAIR TAPIA I need to interrupt you for just a second?

SARAH WITHERS Yes sir.

CHAIR TAPIA I want to tell this to the public, who can raise their hands. She is not limited to three minutes because she is disclosing. She is letting you know the history of the company, and what they have done in order to prepare for this presentation. This is a presentation but it is based on the open Public Hearing. Just in case you are wondering why is she taking so long. This is the reason why.

SARAH WITHERS Thank you sir. As I mentioned right after the 19 million dollar appraisal for the cleanup of the property, we stepped in. In 2013, Waste Management also sued the City accusing the City of violating its own schedule for the filling of the former Manning Pit in the City. That same year the City approved an Exclusive Negotiation Agreement with our company Five Points and Windrow Earth Transport. Five Points assumed financial and environmental risk for the Manning Pit, for mitigation and reclamation. That is something that is very important. Basically, the City was off the hook at that point. In October 2015, the City approved the Purchase, Sale and Development Agreement, to sell the Manning Pit to Five Points, establishing the community benefits of the blight removal, requiring the reservation of 10-acres to the City, and stating that the future project shall be light industrial and/or commercial in nature, with aesthetic enhancements. In 2017 our company, Five Points, paid 2.1 million dollars to help the City settle with Waste Management and applied to the City for development of light industrial. In 2019, the California Attorney General requested an EIR which delayed the project. We went ahead and we agreed to the EIR, to make sure that crossed all the t's and dotted all the i's. In 2021, the site is ready to remove the blight for light industrial development. If we move forward, or actually when we move forward with this project with your approval, the 25 acres will be developed into either three buildings or the one building. We obviously prefer the one building. We feel that with the significant set backs on the property, which is four times larger than what will be provided for the setbacks on the other three. We feel that it would be more conducive. When we did our community outreach, the community was very much in support of having those setbacks. With the three and the way the code is written, it is only required to have twenty feet. With the one building proposal it's over a 125 feet set back, so it is very significant. During construction we project that there will be over 500 temporary

construction jobs, and between 250 and 500 permanent local jobs. That is not meaning that it will be directly here but there are impacts throughout the community. The most important thing is that we have been a partner for many years. We have listened to the community. We want to continue to be very transparent. We want to make ourselves available. This is something that is a long term holding for us. We are community stakeholders, we are not going anywhere. A very important matter to remember is that we designed the project that is by right, that is per the code. The mapping error that was presented earlier, that is something that is within the City to be able to clean up at this time. If you have any questions we are here. We will remain available at any time for you. Thank you very much.

CHAIR TAPIA

For the people in the audience who will be raising their hands and you heard the presentation. You will also be given a chance to ask questions, when we start with the audience. I want to thank you for that. That will make it less complicated.

SARAH WITHERS

Thank you sir. We also have Matt Hinks our Project Attorney here to answer any questions. Thank you.

MATTHEW HINKS

Hey, good evening I am Matthew Hanks, 1900 Avenue of the Stars, Los Angeles, CA. I just wanted to highlight a couple of things. To make the Commission aware of the posture of which this project comes before the Commission. This is somewhat of an unusual posture for a project to come before you. This is not a typical applicant driven development project. You've heard reference to the Purchase and Sale Agreement and the contracts between the City and Five Points. I just wanted to highlight the Purchase and Sale Agreement, some aspects of the Agreement. I wrote you a letter a couple of weeks ago discussing the Purchase and Sale Agreement. I hope you had an opportunity to read it. I hope you had an opportunity to flip through the Purchase and Sale Agreement. There is a few highlights that I wanted to bring to your attention in the Agreement. There is a property that my client, Five Points, has paid over three million dollars to the City in order to purchase. It was purchased and sold for the specific purpose of developing a commercial or light industrial development on the site. Which is exactly the project that you have before you. The Agreement quite clearly provides that the site shall be developed with light and/or commercial uses. The City represented and warranted in the Agreement that a light industrial project is consistent with the General Plan and consistent with the Zoning Ordinance. The Agreement further provides that the City has already approved the conceptual plans and scope of development upon which this project is based. This is a commitment that the City has already made to this project. A commitment that my client has made to the City as well, in the form of millions of dollars in terms of purchase of the property, in terms of cleanup of the site and in terms of assisting the City in certain legal obligations. What's before you here tonight? There is a Site Plan

Review that is before you. There is a Design Review. What I would submit to you that the use of the project for an industrial development like this, is not really before you tonight. That is something that the City Council has already passed on, in the Purchase of Sale Agreement. In terms of the General Plan Amendment as Staff has already pointed out, that was just a mapping error. I know that there were questions about whether or not this project was consistent with the General Plan. As I pointed out the City has already represented, warranted that it is. The only reason why we are here asking for a General Plan amendment is because of a simple mapping error. It was always the intent, as I understand it, maybe Staff can help explain that a little better, but the intent was that the project site was always intended industrial. This is a project that is consistent with the General Plan. It is consistent with the Zoning Ordinance. It is something that my client has already invested in. In reliance upon the obligations that the City made to the project. I am also here to answer any questions.

CHAIR TAPIA

Thank you. I have a question for our Staff. I want to make sure I understand this. I read and I heard two different things tonight about the 10-acres. One was that it was granted to us. The other one before we purchased it. I like to know what the standing is on the 10-acres.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

The 10-acres was part of the Manning Pit, the entire site, and at the time, I believe, when the filling and remediation came about that at the same time in 2008 when we were doing the General Plan and the Housing Element, we identified the 10-acres that is off of Allen Street to be identified as residential. At the same time they were filling the entire Manning pit and they were also filling the 10-acre side as well. That was the City's portion. My understanding is that the 10-acres was not part of the Sales Agreement for that. It was excluded from the Purchase and Sale Agreement. It was the 26-acres that was sold.

CHAIR TAPIA

The first speaker said that it was granted to us by them.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

They did the filling of that. They did not purchase the entire site. Basically 35-acres was the entire Manning pit.

CHAIR TAPIA

Did they purchase the entire acres?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

I have to look at the details of the PSA, but I believe it was only the 26-acres that was purchased. The agreement included filling the 10-acres for use for residential purposes for the City.

CHAIR TAPIA

In the past it was stated that we sold the 25-acres so that we could make sure we have enough money for the housing, the 10-acres. All I

want to know is who was it purchased by? Was it granted to us by the same people that have the 25-acres now? What is the real story here?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

In October 28, 2015 as the part of the Purchase and Sale Agreement for the sale of the City owned property, of what was called the Manning Pit, one of the criteria was retention by the City of approximately 10-acres of the site. In there it says, "The City will retain approximately 10-acres on the west side of the site for residential and other compatible uses." With that, I guess we are looking at the site as a whole, the entire Manning Pit.

CHAIR TAPIA

It wasn't granted to us?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

No.

CHAIR TAPIA

That is what I wanted to clarify. Yes sir.

CITY MANAGER
TAM

Chair, members of the Commissions if I may. The City, as Director Simpson explained, we owned the entire site, during the execution of the Purchase and Sales Agreement, we retained the 10-acres of the entire site. We only sold to the developer the remaining, so it is roughly about 26-acres. So we retained the 10-acres.

CHAIR TAPIA

Thank you very much that answers my question. Anyone else? I wish that the speakers that came up we could have had them before I opened up the Public Hearing. That would have probably gone a little smoother, but that is okay. If anyone is there that needs to say anything else, please come up to the podium so that you can be heard. Other than that I am going to open it up to the audience. At this particular time it is open to the audience. For starters, can you please state your concerns and then later you can ask questions. We will open it up again for three minutes so that you can ask the participants that came up, to describe their program and everything. That is the way we are going to perceived tonight. One thing I want to say before we get started, is that all of this processes have a chain of command and so nothing can be approved by our Attorney, our City Manager, or our Planning Department. The Planning Commission can approve to recommend. The final analysis, the final decision, the final approval on anything is at the Councils description. I just want you to keep that in mind during your input. Now it will be open.

ADMINISTRATIVE
SECRETARY AGUILA

Thank you Chair, before we open to the public, I would like to address some comments and emails that we have received. We have received the letters and emails for Item 3C and I will address them by name and affiliation only. Copies of the following emails and letters were placed on the dais at the Planning Commission Meeting, held on July 21,

2021, which are as follows. Email received on July 21, 2021 by Jimmy Elrod and affiliation with Southwest Regional Council of Carpenters. Letter received on July 19, 2021 by Matthew D. Hinks in affiliation with Jeffer, Mangels, Butler & Mitchell LLP. Letter received on July 19, 2021 by the pastor in affiliation with Family Christian Church – Covina. Email received in July 21, 2021 by Peter Hidalgo in affiliation with Irwindale Charter Communications. The following copies of the emails and letters received during or after July 21, 2021 have been placed in the dais tonight, which are the following. Voicemail by Los Angeles County resident Ed Curran on July 21, 2021. Email received on July 21, 2021 by Josh Bourgeois in affiliation with Golden State Environmental Justice Alliance. Letter received on August 3, 2021 by Josh Bourgeois in affiliation with Golden State Environmental Justice Alliance and SWAPE. Two emails received on July 21, 2021 by Ruth and Manny Salcedo, residents of the City of Covina. Petition received on July 21, 2021 by City of Irwindale resident Robert Diaz. Letter received on August 9, 2021 by City of Irwindale resident Robert Diaz. During tonight's meeting we have also received two other comments. The first comment was send via chat on Zoom from Richard Burns that states, "I would like to see the building to start and help people get back on their feet, as this pandemic is making it hard for families to find work at a living wage. The second comment that we have received is via email by James Trencamp that reads, "One, we are facing a future of climate change in greenhouse gases. Second, this monster that you are building will be sitting here for the next 50 years or more. Third, place a couple of gates on the Irwindale side so that 2,000 to 2,500 Irwindale workers can walk to work instead of having to drive around, and cause more traffic problems. Fourth, the airflow in each building and office is going to need the exchange three times an hour or more to prevent this current virus and others that are going to come. This will protect all the workers. Lastly, the attached pages are from two years ago with other questions that need to be answered. We are still waiting on those answers." The pictures that Mr. James Trencamp provided were letters received by the Planning Department two years ago, that are included in the Final EIR. Those are all the comments and email that we have received since the last meeting until now. Now we will open the Public Hearing to the public. The first individual that I will be unmuting will be Carmen Roman. And once again just for the record Megan Zepeda has donated her time, so Ms. Roman has a total of six minutes to speak. I am so sorry, it just switched on me one second.

CARMEN ROMAN

Hello?

ADMINISTRATIVE
SECRETARY AGUILA

Yes, we can hear you.

CARMEN ROMAN

Okay so I have some thought of my own and thoughts that people have gave me, with concerns for this project. In no order, I am just going to read everything I have. I have been in contact with some

environmentalists that are interested in the EIR, land use, and with the safety of the residents around. I am aware that there is a contract. However, I am not aware that the public surrounding this land are being made clearly aware of this project and the negative impact that it has on ourselves, our children, our future family, animals, and environment. We are aware now. That is why we are here. We are here because there is concerns about pollution, air, ground, dust, water, traffic, and diesel. We are erasing our natural view of the environment and mountain. We may very well have. It may have an impact on people's home values in the future, when people try to sell their homes and see this. I like how the gentleman called it, a monster of a building. When they see that and they hear complains about our health and safety, our home values will go down. You say that it was published, well we no longer get like the Times newspaper we would run to the corner to get. I like to know when it is public. I need to know where it is published. You said you had eleven comments, I've gone to most of the meetings held over the years throughout this, and I have left comments; on card, letters and papers. Not once have I received a response from anyone. I figured all of those have been filed in the trash. You talk about millions of dollars paid to the City that sound like backdoor deal as well. Let me rephrase that. It sound like deals were made through staff and these companies over money, and we will take over the debt. But you left us out, the people. We are not willing to live with this pollution. The trucks. The other week I went down Vincent and I was behind 7 trucks, and that was the late afternoon. How many trucks are going to go through here, through our City? You say with the diesel that you can, what back it up to one fence or one part, and we are not going to get it. It goes into the air and what goes up, must come down. Your statistics and numbers don't add up in my book. We have had these 10-acres. I spoke to Mr. Tam about three weeks ago and he assured me that it was still marked for residential. All this granting, giving, taking back, buying that is our land it always has been. Who ever made a mistake that is the most recent mistake for this meeting? Because I have not heard about any mistakes and I've been here for eight to ten years, for just about every meeting. I have never heard about a mistake from Planning, Staff, or anyone else. So I do not believe that. We don't want any more 5G towers. Another thing you said 1,500 flyers went out there is only 1,400 people here. You would have had to give every child, elderly, and baby one. If you are including Covina residents, then you are still just went to the surrounding streets, right around this area. You didn't go up to Nora. We have approximately 400 homes it sounds like you hit 40 Irwindale residents. I don't buy these statistics. You talk about setbacks. I don't recall in any of the meetings, myself, other Irwindale residents, or Covina talking about setbacks. It wasn't a done deal, why would we talk about that. 500 jobs again we only have 1,400 people here. Those are jobs you are going to bring in people, cars, and pollution. There is not 500 people in need of a job surrounding this pit. I can guarantee you that. That 10-acres, the one and only change made by

Government, was that three of those ten acres be condensed homes and seven acres remain the same. That is a bunch of malarkey about an error. I don't believe it and I haven't seen it until tonight. That is the only mistake was bringing that tonight. When you say that meeting was well attended, I attended that meeting over in the community center and I beg to pardon it was not well attended by Irwindale. There were maybe ten people, because it happen to be schedule on our biggest music in the park. Our Pepe Foundation last

ADMINISTRATIVE
SECRETARY AGUILA

Your time has ended Ms. Roman.

CARMEN ROMAN

Music in the Park kids give away. So everyone in the City was over there. There were only ten people there. I know you had sandwiches or something. I didn't even take one, I was eating at the park. We were not heavily attended. You were there a lot of business people, there was also some Covina people but not that much.

ADMINISTRATIVE
SECRETARY AGUILA

The next individual that I will be unmuting will be Nicole Shahenian.

CARMEN ROMAN

I had more minutes.

ADMINISTRATIVE
SECRETARY AGUILA

I am sorry Ms. Roman you only had a total of six minutes.

CARMEN ROMAN

Okay. I requested that you give us a minute warning. You cut us off and we have no idea. That is very rude of whoever that person is.

ADMINISTRATIVE
SECRETARY AGUILA

Ms. Shahenian you have now been unmuted.

NICOLE SHAHENIAN

Hey can you hear me?

ADMINISTRATIVE
SECRETARY AGUILA

Yes.

NICOLE SHAHENIAN

Good evening Nicole Shahenian, President and CEO of the Irwindale Chamber of Commerce. On behalf of the Irwindale Chamber of Commerce, I am here to support the proposed Five Point development project at 5175 Vincent Avenue. The Chamber respectfully encourages your approval of this project. I congratulate the City and the developer for creating a partnership, and an agreement that has transform this property from a blighted, dusty, contaminated site to a clean ready to build 25.4-acre industrial development, with 10-acres back filled and retain for future use for the City. The Chamber believes this project exemplifies the public/private approach to accomplished shared goals of economic development, job creation, increased property values, beautification, and revenue generation for the City, community, and the

San Gabriel Valley. We need projects like this to boost our post COVID-19 recovery. The partnership between the City and the developer, Five Points, is a model for what cities can do to meet the needs of their residents, businesses, and the community. By collaborating with business and investors, the City is making the right kind of choices to meet the need for housing, jobs, infrastructure, and services. Thank you in advance for the consideration of this important project. We look forward to working with you to aim to promote a robust and driving Irwindale economy. Thank you.

ADMINISTRATIVE
SECRETARY AGUILA

The next individual that I will be unmuting does not have a phone number. It looks like he called in. The only thing I am able to see on my end is their direct number so please state your name once you have been unmuted.

ROBERT DIAZ

Hello?

ADMINISTRATIVE
SECRETARY AGUILA

Yes, we can hear you.

ROBERT DIAZ

My name is Robert Diaz, 2408 S. Mountain Ave. Irwindale. Honorable Planning Commissioners and Chairperson, thank you for the opportunity. You should have received a petition signed by over 200 Irwindale residents urging you to deny the project, on the grounds that it would have a negative health and safety, noise, and traffic impact upon residents nearby. Also there could still be negative impacts, since no specific use has yet been identified. The petition was circulated by Linda Strobehn, Esther Tapia, and myself. It was presented to you at the last Planning Commission Meeting. I urge you to deny, both the original plan and the alternative multi building plan, for the same reasons stated in the petition. First of all, how could the City of Irwindale consider the project when it does not meet the terms of the contract, between the developer owner and the City of Irwindale? When the City sold the land to the developer owner part of the deal was that the proposal is to be developed for light industrial or commercial use. Exhibit A that you have there. However, the projects both the original single building and the alterative multiple building design are identified as M-2 (Heavy Manufacturing) use, and do not meet the terms of the Agreement. Why then would you allow it? Why aren't we considering light industrial or commercial uses as indicated in the contract? Additional, why doesn't the Environmental Impact Report, the EIR, include any commercial or light industrial options for the site. If the City is to continue to consider the proposal use, the use as indicated in the agenda, then deny the request because it is unhealthy to have a distribution center with 100 or more diesel trucks, within 1,000 feet of residents. The California Air Resources Board, CARB, has made this recommendation that you have in Exhibit B. I have estimated the 40 trucks, using Exhibit C figure from the South Coast Management District, actually there is more than 290 truck trips per

day if you look at the EIR. Clearly you have too many trucks it is a health impact. It should be noted that the nearest residents in sight are at risk individuals, children, and elderly are most impacted by the proposed development. The City has plans to develop the property directly west of the site for residents and possible extend Irwindale Park, where you can expect children to play. Also there are senior citizens that live in the senior housing at Arrow and Ayon. Why impact their health? Deny the project. It should be noted that the contract between Irwindale and the Development owner states that there should be a residential buffer area, separating the residents from the proposed project.

ADMINISTRATIVE
SECRETARY AGUILA

Excuse me, Suzanne Gomez has donated three minutes to Robert. I am going to go ahead and restart the timer now.

ROBERT DIAZ

Thank you. The Developer owner proposal proposed the wall and landscaping appeared too small, to be consider a residential buffer area. It is important to note that the noise impact analysis and air quality analysis have omitted some important information, which could have affected their conclusions. As part of the City's housing program, housing is expected to be built directly west of the site in question, perhaps zero feet away from the project. Yet the air quality impact that has been calculated with the idea of the nearest resident, 75 feet away on Vincent Avenue. The noise impact identifies residents on the opposite side of Allen Drive there, therefore noise and air impact pollutions could be greater than calculated. Some measures are unquantifiable, we have that in Exhibit C and F. For example, as to be expected there will be electric power trucks to replace diesel trucks in the future. No one can say in certainty when that can happen. It could take years before diesel trucks are off the road from this site. Let's not be guinea pigs to see if the Mitigation Measures work. In Exhibit D, from the California State Attorney General's Office, has indicated census tract area is negatively impacted by population already, and it is also an area of low income residents. Which we are impacted more severely than other areas. Other concerns is enforcing some of the Mitigation Measures. If diesel trucks go more than fifty minutes, who will monitor them, and who will pay for the monitoring? There should be an economic impact study, to evaluate all the cost of the project. Including the damage to public road ways from heavy truck traffic and the cost to repair them or replace. The EIR concluded that the risk of getting cancer is not so significant. They base their assessment on proposed exposure on toxic pollutants, for a thirty year period instead of the 70 year period used by CARB. Which recommends 1,000 feet separation on the proposed project and residents, Exhibit A. No explanation is given why they used the 30 year exposure period over the 70 year that CARB uses. Also the EIR thinks to compare apples to oranges. They compare the pollution from the site as small, compared to the Los Angeles Region. While the statement may be true it is also misleading, because it doesn't address the health impacts that the

project may cause to nearby resident. That is exhibit I. There are two studies, one that shows that in New England, people over 65 show negative health effects on days where regional air quality was consider healthy. Therefore, regional air quality standards do not necessarily reflect the local negative health impacts.

ADMINISTRATIVE
SECRETARY AGUILA

Excuse me, you have been donated an additional three minutes by Theresa Ortiz. They are starting now.

ROBERT DIAZ

Regarding the pollution and noise, certain Mitigation Measures are proposed, such as adding vegetation and walls for it to block out and filter, noise and pollutions. Yet in the entry ways and exits, there will still be unfiltered noise and pollution. In my experience, noise from truck bells and whistles, they are loud. Even hundreds of feet away. A single passing diesel truck is loud from 150 feet from my house. Why bring hundreds and make it worse. As for safety with trailers, using two lanes to complete their right turns from number three, East Ball Lane and Arrow Highway onto the southbound Vincent Avenue right turn lane. They use two lanes to complete the turns, which is not necessarily safe. It doesn't seem safe now, if you add hundreds more a day that is not going to help. And of course you have pedestrians and the bus stop that will be impacted, especially in rush hours. Deny the proposal that are unhealthy, unsafe, noisy, unsafe and negative impacts. I do want to state the experts disagree. It is up to the Council to decide which experts they are going to believe. I believe you should consider the CARB recommendations, and take to heart what they say. Don't put that place within 1,000 feet of residents. Deny it. Thank you very much. I am done.

ADMINISTRATIVE
SECRETARY AGUILA

The next individual that I will be unmuting is Jeanette Flores. You have now been unmuted.

JEANETTE FLORES

Good evening, can you hear me?

ADMINISTRATIVE
SECRETARY AGUILA

Yes we can hear you.

JEANETTE FLORES

Thank you so much. Good Evening Chair and members of the Planning Commission, thank you for the opportunity to speak this evening. My name is Jeanette Flores I live at 1446 E. Level Street in Covina. I am also a local elected School Board Member in the region, and I strongly support the Five Points project. This project will only spur economic development in the region, which is something that is greatly needed as we address COVID-19 and the economic challenges. Please address this eyesore in the community that not only impacts the region of Irwindale, but also surrounding communities. We need jobs, we need growth, and we need economic vitality again as we face the challenges of economic downturn. Please support this project. Let's fill the hole. Let's ensure that we have addressed this issue and

the life that it brings to the region. I urge your support this evening and I recommend that you please pass the resolutions thank you.

ADMINISTRATIVE
SECRETARY AGUILA

Next member of the public that I will now be unmuting is Jessie Loretta. You have now been unmuted. Mr. Loretta you are self-muted.

JESSIE LORETTA

Thank you Commissioner, my name is Jessie. I live in the City of Covina next to the dirt pit at 5175 Vincent. It is time to do something positive and stop the dirt that blows into our neighborhood, and in my home. Develop something that creates work for those that need work, because of the COVID they lost a lot of jobs. About eight years ago this area burned down and it can burn down again. We cannot risk this again. The tax revenue will provide services for us in the local community. I strongly urge you to pass this development. Thank you for your time.

ADMINISTRATIVE
SECRETARY AGUILA

The next member of the public that I will be unmuting will be Dena. Just for the record Angelia Villalba has donated three minutes of their time. So Ms. Dena you have a total of six minutes.

DENA ZEPEDA

Thank you Chair for this opportunity. First of all, I am a resident of Irwindale. I have lived here for many years and I have sadly watched many of our residents pass away from cancer. Our small community is very close. We all know each other. We all get along with each other. I mean we don't all get along but we all love each other when it comes down to it. We have too many, too many residents with cancer. With lung cancer, with emphysema, with all this and they don't even smoke, just being here in Irwindale. We have a lot of patients that we can't even identify where the cancer came from. My thing to you guys is, we don't need this. Our lives aren't for sale. We don't want this. I went to every meeting and it was always no, no, no. They never heard us at all. They never gave us the opportunity to sit down and talk, or anything. I agree lets fill it up but let's do a market. That stays open all the time even through COVID. But no, they never sat down with us. They never checked the environment. We have two buildings coming in. We don't even know what the air quality is going to be, until they come in and then they come in. No. I urge you guys to say no, take it back. In 2014, the City agreement and them, light industrial, they purchased the sale of the property. They lied about giving us 10-acres. They lied about sending us letters. They lied about trying to be neighborly. These people that are speaking on behalf of it they don't live here in Irwindale. The wind blows here. We get all the dust. It has been blowing here for a while, and yes we are going to be doing something with it. We don't want to kill our residents just because somebody needs money, or somebody is in a hurry to go do something. I agree with Commissioner Burrola. There is no rush. We need to look at this. We need to look this over before. You are telling us that in three years you'll fix the air and in 14 years it will be okay. No. No. That is not good for me, and I don't like to be threatened with a

lawsuit. I mean come on now. The Attorney General even said the air quality was no good and he had a lot of concerns. There was a lot of concerns there. It is not done. You guys didn't go do what you were supposed to do. You haven't shown me. You haven't shown me anything and I've been there. I have a big mouth and you know I've been there. But you have not answered any of my questions, none at all, or concerns. All you want is the building that you want. You never came, sit down and let's talk. You might have talk to one Councilman, the greedy one, but no. They don't run that. The people run the City now and we are taking our City back, and we are saying no. We are saying, no and you guys are not listening. Not our Commissioners, I am talking about the company, they are not listening, and our Staff. I am very, very upset with my Staff. I am wondering, who do they work for? You go home at night, we stay here. We hired you to work for us. Not for them. Not for them and not for them. For us. Yes, there is a stage of commands. The people run the City, the Council is next, the Commission is next, then comes the Staff. The Staff hasn't been listening to our Commissioners and I am very, very upset about that. Our Commissioners are saying a lot tonight. They have spoken last meeting. They haven't been listen too. We lost a Commissioner for some reason, but no it is not going to happen like that no more. The residents are backing up, no to this project. No. Two million dollars, you are threaten us with two million dollars. What happen to that friendly neighbor you were. All of a sudden because you don't get your way. No let's set down and bring a market in here. We do not want cancer. We do not want to get killed anymore. We don't want to choke. And we do not like your darn building either. It's ugly. No trees no nothing there for us. So I am saying no, and I am sorry I have to be the rude one but you guys came up here trying to turn things around. Twist things around so people can say it sounds good. No it doesn't sound good, to us. We have been saying no from day one. Since 2014, no and you still keep going. Still keep going. Where is the respect? I am going to stop here so any minutes I have left I am going to pass them on to Carmen Roman. Thank you for listening Commissioners, we got your back. We say no. No. No. No. Thank you.

ADMINISTRATIVE
SECRETARY AGUILA

The next individual that I will be unmuting is Ted Jimenez. You have now been unmuted.

TED JIMENEZ

How is that? Can you hear me?

ADMINISTRATIVE
SECRETARY AGUILA

Yes we can hear you.

TED JIMENEZ

Okay great. Thank you Commissioners for this evening, and this opportunity. My name is Ted Jimenez and I am a representative with the Southwest Carpenters out of Los Angeles. I represent over 34,000 members in Southern California. This is an opportunity for Irwindale to stimulate their local economy, and their surrounding communities. To

help their communities uplift and thrive, after this pandemic. This is not something that is new, it has been going on for fifteen years. The residents, I can hear them making their comments but it sounds like they are not back up or any support. You know this is about jobs, economic recovery. This is about providing for high school students, who are going to be coming out in the near future from local schools in the nearby area, and needing somewhere to go get a job. Somewhere to work. You have to consider the future, the tax revenue, and the City growth. The tax revenue is going to help local economic recoveries and communities, and provide. In front of this 500 temporary construction jobs. People need to work. People need to work and provide for their families and their loved ones. You know they are going to talk about medical issues and possibilities that is like reaching out in the air, saying that something specific like this is creating the problem, but it could actually be the dirt itself that is blowing around. We need to get rid of that hole. Two hundred and fifty to five hundred permanent local jobs, yeah you need them. You are going to need them. There is a lot of people that are going to need work coming up. We are in strong support for your approval. You either keep a dirt hole, or you provide local wealth that helps your local community thrive. We urge you. We urge you with strong support to think about the future of Irwindale, and what it needs. The tax dollars to help build and provide, especially for the ones that are concerned and are having issues tonight. Thank you for your time.

ADMINISTRATIVE
SECRETARY AGUILA

I will now be unmuting Ms. Roman. Once again three minutes were donated by Mario Chico to Dena Zepeda. Who Dena Zepeda, donated that time to Ms. Roman and we are adding the additional minute that was left for Dena Zepeda's. So you have a total of four minutes Ms. Roman.

CARMEN ROMAN

Okay, thank you. First of all, I want to know if there is a conflict.

ADMINISTRATIVE
SECRETARY AGUILA

Ms. Roman, can you hear me?

CARMEN ROMAN

Hello, can you hear me?

ADMINISTRATIVE
SECRETARY AGUILA

Yes, now we can hear.

CARMEN ROMAN

Okay, let's start over. I think there is some confusion here about Staff. Marilyn did a fantastic job in that report for the industry but I did not hear anything about Irwindale's residents or safety. It was all that. Also there was someone from the Chamber that spoke. Is that a conflict of interest? Do any of these industries, supporters, carpenters, anything, do they donate money to the Chamber? If they do I believe that is a conflict. If you can answer that. I go along with Commissioner Burrola, who spoke on behalf of the people, and his concerns. And Chair Tapia,

who spoke about the chain of command. There is too much going on behind the scenes with developers and Staff. They need to bring it to the appropriate places, to Planning, to the Council, and to the people. They are doing whatever they want and then they are saying, "This is what we did." Now here we are fighting against what has happen behind those doors that we know nothing about. I would really like to know if that is a conflict. Whatever was approved with light industrial, I can't say it enough, light industrial. Light industrial and light commercial. It was never stated that you were going to have, such heavy industry and diesel trucks in and out, and all this pollution. This gentlemen said consider the future, we are considering our future. The Irwindale future of our descendants to come. Waiting until 2027 so that the pollution will die down to a good level, no. We are polluted with your 5Gs and everything else. We want you to stop. If our Staff needs to go back and do something. Maybe they need to talk to the Council and we need to go through that chain of command, because the residents do not want it. We do not want it here in our backyard. If you want to go put it up in Covina, in LA, or Hollywood wherever you want. You need all those jobs and stuff, go right ahead. I am thinking about our 1,400 residents. We are not a big city and what we have we want to keep. Stop lying about that 10-acres, it is residential and it is ours. Stop trying to change that. We don't appreciate that. I hope we get time to ask questions later, when you get back because we are not satisfied with all these deals that were made. You can hear it tonight. This is coming from a lot of residents. I appreciate you thinking about us, our lives, and our future. We do not want that pollution, diesel, and dirt killing us. And all that nitro, you know what nitro does? There goes all our oxygen. Thank you, give us a clean life. Change your industry. Okay, I am done.

ADMINISTRATIVE
SECRETARY AGUILA

So we have two more additional speakers. The next individual that I will be unmuting will be Johnny. You have now been unmuted.

JOHNNY SANCHEZ

Can you hear me?

ADMINISTRATIVE
SECRETARY AGUILA

Yes.

JOHNNY SANCHEZ

Sweet. My name is Johnny Sanchez, I am a stakeholder in the community, and I am for the proposed project of Five Points. I am sick and tired of that site being there, and it is pretty much useless right now. With the times that we have been having, bringing jobs to our local community is going to benefit each and every one of us. Not just individually, let's say I go and I am either part of the project or I benefit as a worker from the project. It is going to bring revenue to our communities, we've been in helping people right now because of the Coronavirus. Rent money for this, everyone is on unemployment, EBT, CRB, and all the other whatever programs that there is. It is all been negative money right now. We need to build our community. We need

to build new revenue. We need to enrich our community and if it's going to take this project that is going to have you know 500 workers just to build that project. That is already an immense amount of money that is going to help our community. If it is also going to bring between 200 to 500 permanent jobs after the project then by all means. I mean, that is all beneficiary to all of us here. I am for the project. Yes, it is unfortunate of people being sick and all of that stuff, but we live in LA. It is a very populated city that is what it is. There is other places we can live. There is other places we can go, where there is less smog. It is cheaper but at the same time you can't have your cake, you have to share it. You can't just have your cake and eat it too. I mean there is going to be pros and cons. We live in LA like I said. Not everyone is going to like what everyone else is doing. This is definitely going to be a positive. It is going to be a positive impact to our community and I am all for it thank you.

ADMINISTRATIVE
SECRETARY AGUILA

Mr. Jose Amador, you have now been unmuted.

JOSE AMADOR

Can you hear me?

ADMINISTRATIVE
SECRETARY AGUILA

Yes, we can hear you.

JOSE AMADOR

Good evening, my name is Jose Amador, I am a special representative of the Southwest Carpenters Union. We strongly support this project. If the City does not then where will you get the revenue? The community won't get new jobs that is local hire. They may be stuck with nothing but dust and weeds for a very long time, like it already has. It is like that old saying, "You gotta spend money to make money." It takes money to build homes, jobs, and people who live there especially during this pandemic. We need good paying jobs, careers with benefits, especially know more than ever. We have members that live in the City of Irwindale. We build this City. We live in this City. Let's build our City back up like it used to be. Thank you.

ADMINISTRATIVE
SECRETARY AGUILA
RICHARD

One additional speaker has raised their hand. There is no name available it is under Zoom user. I will be unmuting them now.
Hello can you hear me?

ADMINISTRATIVE
SECRETARY AGUILA

Yes, we can hear you.

RICHARD

Hello my name is Richard thank you very much for everybody's valuable time. A lot of very good topics tonight. I would like to thank everybody for their input. I am for the project to go forward. Taken in effect with everything that has been discussed tonight, if we could find a happy medium with all of the topics. The work that will help everybody, the 500 jobs and then approximately 250 local jobs. Even if

the residents closest to it don't have those jobs, you still have people coming from the surrounding cities getting gas, getting things from the stores, and that money and revenue will focus into the City and help the neighborhoods. That is pretty much all I have to say. I do support the building. Thank you very much.

ADMINISTRATIVE
SECRETARY AGUILA

The next speaker is Mr. Frank Rojo. You have now been unmuted.

FRANK ROJO

Good evening my name is Frank Rojo and hearing about everything that has been talk about, there are pros and cons. I graduated from Sierra Vista High School in Baldwin Park so I lived right next door to Irwindale. Now I live in Covina, 530 E. Nubia Street. As a kid I drove by there many years riding, my bike and seeing that hole there for who knows, more than 40 years. Rat infestation, you talk about health issues. Talk about Coyotes back in the day. That hole needs to get filled. For people to say that the residents values of their homes will go down, Baldwin Park just put up a commercial tilt up right on Los Angeles Street, and it looks really nice. It actually brought the value up of those homes on Los Angeles Street. You have another tilt-up coming up, north on Arrow Highway right across the street from there that pertains to probably Azusa. These are getting done and they are getting done with strict regulations that are not going to harm anybody, than your car that you drive every day. I mean if we all went electric that would be the ticket but it is not. These trucks that everybody is talking about so negatively, they need to go through strict regulations and Highway Patrol are always checking those trucks, especially on the onramps on Irwindale, Live Oak, and Los Angeles Street. I am for this development. Let's cover this hole up. Let's give the residents of Covina and Irwindale some jobs for these kids that are coming out of school. That are going to be going to school and coming out they have no direction of what to do, and at least they would have something to look forward to. I am for this. Let's move on forward. Let's stop kicking the can and let's get it over with. Thank you.

ADMINISTRATIVE
SECRETARY AGUILA

So there are no additional speakers. However, I did receive an email from Trina Olivares stating, "Housing maybe a market but no more pollution and cancer causing elements in our air." That was the end of her email.

CHAIR TAPIA

We will take a five minute recess and then see if anybody else calls in. I will take those and then we will go from there. Okay we are going to be taking a five minute recess here.

RECESS

Chair Tapia recessed the meeting at 8:56 p.m.

RECONVENED

Chair Tapia reconvened the meeting at 9:02 p.m.

ADMINISTRATIVE
SECRETARY AGUILA

There are no more additional speakers.

CHAIR TAPIA

Okay.

CITY ATTORNEY
GUERRA

Mr. Chair before we close the public comment period we usually have the applicant provide any final comment before we close, for three minutes only.

MATTHEW HINKS

Hey, I am Matthew Hinks again. I will be brief. There were a few concerns raised that I want to address. One of those was a comment that there hasn't been a public process for this project. That is not true, there has been a lengthy public process. There was a public process to approve exclusive negotiations in 2013. There was a public process when the Purchase of Sale Agreement was approved in 2015. There has been a public process for these project entitlements. There was a Draft EIR that was circulated for public comment. The Final EIR that was circulated as well. There has been a lengthy public process. And again in terms of the Public Hearings before City Council, multiple Public Hearing before City Council. So there's been a lengthy public process that has lead us here to today, and that public process continues. There is a comment that this project is inconsistent with the Purchase of Sales Agreement because the contention was that this project is proposing heavy industrial M-2 uses. Well that is not true. That is not true either, that is inaccurate. The zoning for this property is M-2 (Heavy Industrial) but the anticipated uses of this project are light industrial type uses, cleaner type uses, more like the M-1 zone. The current zoning by right permits heavy industrial, M-2 type uses, but this project proposes clearer, light industrial uses consistent to the Purchase and Sale Agreement. There is a lot of comments about environmental concern and I understand that, but when you study these things in an EIR, Mr. McMurtry talked about that EIR and all the studies that were done. The conclusions that were reached based upon the science, show that almost all of the impacts of this project are mitigated to less significant levels. There was only one impact that they found to be significant and unavoidable, and that was the NO_x impact. And even then Mr. McMurtry point out that there are regulations that are in the works that will go in affect by 2024. That will even reduce that impact to less than significant levels. This is not a heavy industrial dirty type project. This is a cleaner project than what current zoning allows by right. Some of the more heavy industrial uses are actually taken out of this project by the project description and conditions of approval would actually limit this project.

ADMINISTRATIVE
SECRETARY AGUILA

10 seconds.

CHAIR TAPIA At this time I will close the Public hearing and open it up to Commissioners Comments to approve or deny. Mr. Burrola are you still with us?

CLOSE PUBLIC HEARING There being no speakers, Chair Tapia closed the Public Hearing at 9:06 p.m.

VICE-CHAIR BURROLA Yes, I am here.

CHAIR TAPIA Right now is our time.

VICE-CHAIR BURROLA I move to disapprove this development.

CHAIR TAPIA You move to deny? I didn't get that.

VICE-CHAIR BURROLA Deny, correct.

CHAIR TAPIA There was one finding, the air quality that was a Statement of Overriding Considerations so you have to come up with a finding that will support your motion.

VICE-CHAIR BURROLA Okay. I deny for that particular reason for the air quality stated in the EIR. They talked about. I am not sure there is two resolutions here. One changing the zoning from residential to, I believe M-2.

CHAIR TAPIA Well if you deny the EIR that kind of puts an end to any other decisions.

VICE-CHAIR BURROLA Okay.

COMMISSIONER HARTMAN I have no comments.

CHAIR TAPIA Okay, I really honestly enjoyed the presentations and all of the professionalism. I know that a lot of the comments were based on that there was going to be a lot of jobs. But one gentleman stated that the jobs are going to be for people that are highly trained. When I hear that jobs are going to be for people that are highly trained, it means that you have to come in with qualifications to the job. I guess that is the way all jobs work, unless its jobs that start at ground level. That has not been mention, no training jobs. I don't know of the residents who are here, who qualifies and who doesn't. The age limits, what ages are predominantly hired. Are they going to need truck drivers or are they already going to be established? Are there going to be Unions or not? If you have a Union, you don't have a prayer unless you are in the

Union. All of those are things that are out there and unaccountable for. This walk through the park, you walk home and you will be right next door. I don't know how many people are going to measure up to that, or be qualified, or have that convenience. That could be across the street also in the Vincent area but I just wrote a little something here. Minus accountability, today's Mitigation Measures less than significant and otherwise could be tomorrow's issues. Whether they were mitigated today. Whether they were insignificant. Whether they are less than significant. At this point there is no accountability nor a monitoring program, to ensure that the EIR reported findings of the mitigation will, continue to be as mitigated as reported. I could not support the Overriding Consideration thus forfeiting air quality. The air we breathe is God given. Genesis 27 states, "The lord formed man out of the ground and breathed into his nostrils. The breath of life and man become a living being," there is too much pollution in general in the Valley as it is. There are thousands of people that suffer from a number of pulmonary health issues. COVID attacks lungs and brings on pulmonary problems that were never there to begin with. Residents in the surrounding areas do not want to wake up or go to sleep hearing backup alarms of forklifts and trucks 24/7, including Saturdays, Sundays, and possible holidays. All the traffic noise and back up alarms are a nuisance. That is what they are. I live on Central Street and I can hear the backup alarm of the dog food place across the street from Arrow Highway, at night. I can hear the backup alarm. I can hear the mill grinding the dog food. I cannot personally approve this EIR as accepted there are no perks or promises than can be regarded more important than the health and wellbeing of mankind. I refer back to my previous comments and move also to deny the EIR, based on the compromises of the Statement of Overriding Considerations. I second the motion to deny the EIR under the same air quality that says that it cannot be. It is there. We know that it is there but that the overriding considerations are more important. I am sorry to say, that they may be more important to some people but they are not more important to the residents of Irwindale. Mr. Burrola did you make a motion. Mr. Burrola? Commissioner Burrola?

VICE-CHAIR
BURROLA

Excuse me, I had it on mute. I believe I did make a motion to deny, based on the EIR and the air quality in the EIR.

CHAIR TAPIA

Okay, and I second it. Roll Call.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

No, Chair Tapia if I may. Just for clarification before a vote is taken on this. The finding for denial is based on the air quality and that the CEQA analysis is insufficient or is it based on the Statement of Overriding Conditions that the benefits do not outweigh?

CHAIR TAPIA

Both.

CITY ATTORNEY GUERRA The whole thing is a recommendation.

CHAIR TAPIA Right but what is the time period? There is no time period?

CITY ATTORNEY GUERRA There is no set time period when you are making a recommendation to approve or deny. It goes to the City Council.

CHAIR TAPIA No, I know that. That is not what I am saying. After it is all said and done next month. What is the time frame to take it to the Council? For the applicant to take it to the Council. We denied it but they can appeal it.

CITY ATTORNEY GUERRA You're not denying anything you are not approving anything. You are recommending approval or you are recommending denial. That recommendation does to City Council regardless of what you recommend.

CHAIR TAPIA Okay.

CITY ATTORNEY GUERRA There is no appeal.

CHAIR TAPIA Back in the day I know there was a period of time that's why.

CITY ATTORNEY GUERRA If there were an appeal then yes there is a certain period of time that they have.

CHAIR TAPIA Okay. I am clear with it now. Thank you sir. Can we go ahead and vote now?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON I think that you made it clear what the finding is. The recommendation of denial is based on the Statement of Overriding Considerations that the benefits do not outweigh the significant and unavoidable impact of the NO_x being over the limit.

CHAIR TAPIA That is clear we don't need any more clarification.

VICE-CHAIR BURROLA Yeah that is correct. It is CEQA findings page 11 and 12 if you want to be specific.

CHAIR TAPIA Go ahead and read it.

VICE-CHAIR BURROLA It states, "Although the mitigation of the proposed project would not generate significant consideration pollutants nearby since the resented proposed project is expected to exceed the SCAQMD max threshold for operation max as modeled."

CHAIR TAPIA Okay thank you. Would you mind making that motion again please?
Mr. Burrola.

VICE-CHAIR
BURROLA Motion to deny based on proposed project is expected to exceed the
SCAQMD max threshold for operation max as modeled.

CHAIR TAPIA And we already clarified it to staff and I second. Roll Call.

CITY ATTORNEY
GUERRA Before we vote. I would just have the maker of the motion to state,
"Direct Staff to bring back a resolution of denial based on the direction
provided to Director Simpson regarding the CEQA findings and also
the Statement of Overriding Consideration.

VICE-CHAIR
BURROLA I agree.

CHAIR TAPIA Second to the statement made. Roll Call.

ADMINISTRATIVE
SECRETARY AGUILA Commissioner Hartman.

COMMISSIONER
HARTMAN Yes.

ADMINISTRATIVE
SECRETARY AGUILA Vice-Chair Burrola.

VICE-CHAIR
BURROLA Yes.

ADMINISTRATIVE
SECRETARY AGUILA Tapia.

CHAIR TAPIA Yes.

ADMINISTRATIVE
SECRETARY AGUILA Thank you.

CHAIR TAPIA At this time the Commission meeting is going to be adjourned.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:22 p.m.

Arthur R. Tapia, Planning Commission Chair

Attest:

Jesus Hernandez, Office Specialist

**IRWINDALE COUNCIL CHAMBER
REMOTELY ACCESSED
5050 N. IRWINDALE AVENUE
IRWINDALE, CALIFORNIA 91706**

Item 1-A.2

**August 18, 2021
Wednesday
6:33 P.M.**

The Irwindale **PLANNING COMMISSION** met in regular session at the above time and place.

PLEDGE OF
ALLEGIANCE

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

INVOCATION
COMMISSIONER
GOMEZ

Father Lord, we thank you for this day. We thank you for your protection. We pray for all those in the Nation of the United States that you would protect them as well. Protect the children and the helpless. Lord. We pray, this amen.

CHAIR TAPIA

Roll call.

ROLL CALL:

Present: Commissioners; Robert E. Hartman; Richard Chico; Suzanne E. Gomez; Chair Arthur R. Tapia

Absent: Vice-Chair Enoch Burrola

Also present: William Tam, City Manager; Adrian Guerra, City Attorney; Jamie Traxler, Assistant City Attorney; Lisa Chou, Associate Planner; Berlyn Aguila, Administrative Secretary.

CHAIR TAPIA

There is no announcements today so we go to Spontaneous Communications?

**SPONTANEOUS
COMMUNICATIONS**

CHAIR TAPIA

This is the time set aside for members of the audience to speak on items that are not on this agenda. Does anyone in the audience that wants to speak on something that they are concern or whatever might be on your mind now is the time to do so. As long as it is not on this agenda.

ADMINISTRATIVE
SECRETARY AGUILA

Thank you Chair, we do have two members of the public who have raised their hands. I will now be unmuting Dena.

DENA ZEPEDA

Thank you Chair. First of all many thanks from the community to our Commissioners. Thank you so very much, for supporting all our residents around the Vincent/Allen project. They really appreciate you. Thank you Enoch, for going that extra mile for us. We really appreciate it. The people have been speaking for a while and they were heard. They want me to give you the thanks because without you guys we don't think we could have gotten this far. With that, thank you so very much. We do appreciate all of you. Every one of you. Thank you.

CHAIR TAPIA I just want to address the audience. Is it open for me to address it?

ADMINISTRATIVE
SECRETARY AGUILA Yes.

CHAIR TAPIA Just in case, well obviously you know that there was a meeting but just in case you were wondering, the denial of resolution for the Vincent Project is not on this agenda. I guess it will probably be on the next meeting. I just wanted to clarify that, in case you are out there listening and wanted to participate, and thought that this item was going to be in today's agenda. It is not thank you.

ADMINISTRATIVE
SECRETARY AGUILA The next individual that I will be unmuting is Fredrick Barbosa. Mr. Barbosa you are now unmuted.

FREDRICK BARBOSA Good evening Chair Tapia, Commissioners, Staff, and residents. Being that this is not on the agenda, I would like to speak about the project on Vincent Avenue. I've gone through the EIR and the DEIR multiple times and there is not one sentence in there that says air quality will improve with this project, just the opposite. The EIR is slated towards the developer, benefiting him. I will give you multiple examples. If you took this project by itself it is not that bad with proper medication measures, but they failed to mention the accumulation effects this will have in Irwindale and the San Gabriel Valley. The project is located on Vincent Avenue, southwest on Irwindale an unincorporated community in Los Angeles County. Vincent Avenue is a busy residential street and single-family homes across the project. Additional single-family homes are on the west, along with the Irwindale Park, Irwindale City Hall, Public Library, the pool, the ball diamond, the skate park, Music in the Park during the week, and the Movies in the Park. Additional family homes are west of Irwindale Park and a public library. Alice E. Elementary School is less than one thousand feet from the east and thirteen other schools are located within approximately 1.5 miles of this project. Pediatricians call these projects diesel death zones. Fumes will come all over Irwindale 24/7, for the rest of our lives and that of our children's children. Do you want to be personally responsible for ruining Irwindale and harming the children? The surrounding community is already highly burdened by pollution. That is what they do not mention in their study. They want to isolate it and just make it this one project, but according to CalEnviroScreen 4.0, which was done on May 3, 2021, it is a screening tool that ranks each Census tract in the state for population and social economic vulnerability. The project census tract ranks worse than ninety-five percent the risk of the state overall. The census tract is one hundred percentile of pollution burden. Meaning it is more polluted than almost all of the Census tracts in the entire state. The project has more solid waste, ground water threats, toxic releases, hazardous waste sites and traffic more than eighty-five percent of the state. The community surrounding the project has a higher portion of babies born with low birth weights than eighty-two percent of the state, which makes those

children vulnerable to asthma and other health issues. We have to tell the developers we are not anti-business, not anti-development, just pro-life. We cannot tolerate anymore. It is literally killing us and it is telling us in writing. We cannot ignore that fact. Like I said the City failed to analyze.

ADMINISTRATIVE
SECRETARY AGUILA

Mr. Barbosa, you have been donated two additional minutes from Dena.

FREDRICK BARBOSA

Thank you Dena, wherever you are. The City did not justify its conclusion in consistent with the Regional Air Quality Plan. Again, the DER, the primary due to the substantial emissions generated by the project vehicle. The DER found significant and unavoidable air quality impacts, specifically the DEIR, which is the final paper determined that the project's operational nitrogen oxide emissions would exceed the significant threshold established by the local air districts. Nitrogen oxide is a primary precursor to smog and a formation and an extended factor in the development of respiratory problems like asthma, bronchitis, and lung irritations. Never listed the DER failed to incorporate feasible mitigation, to reduce sensitive receptors exposure to the projects emissions. Again, this is benefiting the developer. Another thing I take issue with, is the traffic study. The traffic consultant tells us that they can mitigate congestion at the project site by adjusting all the signals surrounding the project, even starting at the freeway. The only problem is the City has no jurisdiction over signals, Caltrans and Department of Transportation are responsible for coordinating the flow of traffic. Again another misrepresentation by the developer. Caltrans also said that the numbers and the flow don't add up on their chart and their study. The numbers need justification.

ADMINISTRATIVE
SECRETARY AGUILA

20 seconds.

FREDRICK BARBOSA

I also take issue with their loading dock noise problem. I am going to read this from the EIR, "To determine typical noise levels associated with the most loading docks noise levels associated."

ADMINISTRATIVE
SECRETARY AGUILA

Your total 5 minutes have ended.

FREDRICK BARBOSA

Okay, well can I just say one more thing? The study done on the noise, they are talking about one hundred and fourteen base. The developer wanted.

ADMINISTRATIVE
SECRETARY AGUILA

That was a total of five minutes.

CHAIR TAPIA Okay thank you. Is there anyone else that wants to speak on Spontaneous Communications?

ADMINISTRATIVE SECRETARY AGUILA No other members have raised their hands.

CHAIR TAPIA Okay then at this time we will close Spontaneous Communications and we will go into the Consent Calendar.

CONSENT CALENDAR

CHAIR TAPIA The Consent Calendar contains matters of routine business and it is to be approved with one motion unless members of the Commission request separate action on a specific item. At this time, members of the audience may be asked to be heard regarding the item on the Consent Calendar. Today's item Number A is Minutes and we have no Minutes for today. We do not have any to be approved. Item B is the Planning Commission Resolution No. 806(21) denying Site Plan and Design Review (DA) No. 03-2021. What was the site? What was that denial because it doesn't have it here? What was the name of the business?

ASSOCIATE PLANNER CHOU Chair if I may, it is 5462 Irwindale Avenue.

CHAIR TAPIA Okay and what was the name of the business?

ASSOCIATE PLANNER CHOU It is Georg Fischer Signet.

CHAIR TAPIA And what they want?

ASSOCIATE PLANNER CHOU It is an exterior renovation.

CHAIR TAPIA Okay that was for that exterior renovation that was denied, due to there was not enough designs pertaining to the Design Guidelines. We are going to make a motion right now to either approve or deny. Make sure that it is in the resolution that was sent to us. So it is open again for a final motion of the denial.

COMMISSIONER CHICO Motion to approve the resolution denying the project.

COMMISSIONER HARTMAN Second.

CHAIR TAPIA Roll call. Oh wait a minute. Is there anyone out there in the audience that wishes to say anything regarding the denial of the project?

ADMINISTRATIVE SECRETARY AGUILA No members of the project have raised their hands.

CHAIR TAPIA Okay, thank you very much. We already have a motion and we have a second. Roll Call

ADMINISTRATIVE SECRETARY AGUILA Commissioner Hartman.

COMMISSIONER HARTMAN Yes.

ADMINISTRATIVE SECRETARY AGUILA Commissioner Gomez.

COMMISSIONER GOMEZ Yes.

ADMINISTRATIVE SECRETARY AGUILA Commissioner Chico.

COMMISSIONER CHICO Yes.

ADMINISTRATIVE SECRETARY AGUILA Chair Tapia.

CHAIR TAPIA Yes.

NEW BUSINESS

CHAIR TAPIA There isn't any.

PUBLIC HEARINGS

CHAIR TAPIA There are none.

**DISCUSSION ITEMS/
PRESENTATIONS**

CHAIR TAPIA Discussion Items/Presentations, there is two items to be presented by legal counsel. Item A is Conflict of Interest and Item B is the Brown Act.

ITEM NO. 4A
ITEM NO. 4B

CONFLICT OF INTEREST
BROWN ACT

CHAIR TAPIA

Is the audience still out there?

ADMINISTRATIVE
SECRETARY AGUILA

Yes.

CHAIR TAPIA

Okay, I want to say something just before we get started. The Vice-Chair, Enoch Burrola, has been ill since the last meeting the 9th, and I do not know if he was ill before. I just want the audience to keep him in mind, late at night when you are retiring, just lift up a little if you want to call it prayer, if you want to call it mediation, whatever you call it just keep him in mind so that he can recover from whatever it is that got into his system. Okay, thank you. Go ahead please.

ASSISTANT
CITY ATTORNEY
TRAXLER

Thank you Mr. Chair, good evening Commissioners, members of the public, Staff. At the Board's meeting on July 21, 2021 the Board requested the City Attorney's Office to come back, specifically with a conflicts of interest training. However, with a new Commissioner, Commissioner Gomez, we thought it would be a good idea to give an overview of the Brown Act as well as Conflicts of Interest. With that I will get started. The first part is the Brown Act. The Brown Act is known as the Open Meeting Laws and it covers virtually every type of local government body, elected or appointed, decision making or advisory type of body. It requires that, "All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency." The purpose of the Brown Act is to aid in the conduct of the people's business and the proceedings of public agencies must be conducted openly so that the public may remain informed about the business that is being carried on. All City business must be conducted at open meetings and that requires all meetings to be open and public, including meetings of the City Council, City Commissions, and any committee bodies. That also requires a majority of specifically in this case, Planning Commissioners, not consult outside a properly noticed meeting open to public. There are narrow exceptions to this rule which are; individual contacts between a member of the legislative body and any other person, a conference or similar gathering open to the public that addresses general issues, community meetings held by another organization, other legislative body meetings, standing committees, or social or ceremonial events. It is important to note that this law does not apply to Staff; City Staff, agency Staff, but they can facilitate a violation by acting as a conduit for a gathering. This also includes communication, by phone, fax, e-mail, text messaging, or similar means of communication. Under the Brown Act, a meeting is defined as any gathering of a majority of the members of a legislative body to hear, discuss, or deliberate upon any item which is within the board's subject matter jurisdiction. It is aimed at prohibiting non-public

meetings about City business. For example, if the commissioners were having a personal conversation, it wouldn't really be in violation of the Brown Act as long as City business was not discussed. A meeting includes any use of direct communication that includes email, text messaging, Facebook, Twitter, and social media. A meeting is deemed to have taken place if a quorum of the legislative body receives information on, discusses, or deliberates on any item on which the body may legally act. The purpose here is to collect a collective concurrence, a collective decision on an issue before it comes to the board in an open meeting. There can also be serial meetings, a meeting that at one time involves only a portion of a legislative body, but eventually involves a majority. There are generally two ways in which a serial meeting can occur. That is either by a "daisy-chain" or a "hub-and-spoke". Those are the common refer to names. In the daisy-chain scenario, for example it would be as if Commissioner Gomez spoke to Commissioner Hartman, and then Commissioner Hartman spoke to Chair Tapia, and Chair Tapia spoke to Commissioner Chico, and eventually everyone was discussing the same item and came to a consensus on that item. Basically it is a game of telephone. The hub-and-spoke violation involves, for example, one member or a City Staff person that reaches out to each individual person, gives them information or develops a consensus about a decision and that would also be qualified as a serial meeting. Included in this are emails, like I said email and text messages. It doesn't matter if you are emailing or text messaging from a personal device or personal email account, those may be subject to public disclosure under the Public Records Act. It is really important that if you are emailing you do not reply all. You just reply individually to whoever you are speaking with because if you reply all and a majority of the Commissioners are on the email that would be a violation of the Brown Act. Okay, Agenda requirements. A written agenda must be prepared for every meeting and it must be posted 72 hours in advance. It must include all matters to be transacted or discussed. No action can be taken if an item is not on the agenda. Each item must include a brief description, sufficient to inform the public of the nature of the business that will be occurring. All matters on the Agenda must be discussed. It must include reasonable period of time for public to comment on each item that is going to be taken place. If for some reason a new matter needed to be added to the Agenda after it's posted, so within the 72 hour period. The legislative body must find on the public record that the matter arose after agenda was posted, immediate action is necessary to be taken at that meeting, and there must be a 2/3 vote of everyone in order for the matter to be heard. It can be unanimous if there is less than 2/3 people present. An example of this would be Staff just learned of an opportunity for a state grant that needed approval in two days, and needed authorization to submit the application for the grant. If everyone agreed that it was necessary for that action to be taken, in this case it would be since they had two days, they could vote on it and put it on the agenda. So that is how that would work. Like I said no

discussion of any item not on the agenda except for; brief responses, statements or questions, questions for clarification, reference to Staff or other resources for factual information, and request Staff to report at a subsequent meeting. The key here is brief, there can be no deliberations on items that are not on the agenda. Public participation anyone can attend open meetings. The commission can encourage, but not require names, or really any conditions to attendants of the meeting. The public can record the proceedings and if the meeting is willfully interrupted and cannot be restored by only removing the disrupting individuals, the commission could order the room cleared. In this instance since the emergency, Coronavirus rules apply, all of the meetings are being held remotely so it is not really much of an issue. During the public comment period the public has the right to talk about anything that's not on the agenda. Members of the public get to speak on each and every item of the agenda before any deliberations has been made. During the public comment period it is recommend that you don't engaging in a debate with public because it can kind of go off track and enter into discussion of items that are not on the agenda. Closed Sessions are not really applicable to the Planning Commission because they typically only apply to City Council but under the Brown Act there are four grounds for holding a Closed Session. That is pending/anticipated litigation, real property negotiations, labor negotiations, and personnel matters. For Closed Session, those conversations are privileged and do not get disclosed to the public other than a simple discloser statement. Penalties for failing to comply with the Brown Act result in a decision being nullified. Intentional violations can result in criminal misdemeanor charges if convicted up to 6 months in jail or a \$1,000 fine. Someone can bring a suit for injunction, mandamus & declaratory relief, which would prevent in this case the Planning Commission from further action or declare the decision void. All of that must happen within a small window, any corrective action, any litigation would have to be initiated within 90 days of the action, or if there is an issue with the agenda it would have to be done within 30 days. Important takeaways for the Brown Act; all discussions, deliberations and recommendations should be made in open session, public comment is a crucial part of the process because the public needs to know what is going on and what is being discussed, and if it's not on the agenda, don't talk about it. Okay, part two, Conflicts of Interest. The Political Reform Act of 1974 referred to as the "PRA," regulates Conflicts of Interest. This is kind of covered by the Fair Political Practices Commission, and they have adopted detailed regulations implementing the PRA that sets forth what constitute a conflict. Those regulations can be found in Title 2 of the California Code of Regulations, starting at Sections 18700. The General Rule under the PRA for Conflicts of Interest is that no public official at any level of state or local government shall make, participate in making, or in any way use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. So what this means is that

officials must refrain from participating in the decision-making process when it is reasonably foreseeable that the decision will have a material financial effect on the Official's financial interest that is distinguishable from that of the public generally. It is important to note that these rules also apply to the public official and his or her immediate family, such as spouse or children. There are steps that should be followed to determine if a public official has a conflict of interest, which may prevent them from participating in a decision. Step one: are you a public official? Step two: Are you making participating in, or influencing a governmental decision? Step three: Do you have a disqualifying financial interest involved in the decision? Step four: Is it reasonably foreseeable that the governmental decision will have a financial effect on any of the public official's financial interests? Step five: Will the reasonably foreseeable financial effect be material? Step six: Can the public official demonstrate that the material financial effect on the public official's financial interest is indistinguishable from its effect on the public generally? Step seven: Is the public official making, participating in making, or in any way attempting to use his or her official position to influence a governmental decision? It is important to note, if at any one of the steps that the answer is no, then the inquiry ends and there is no conflict of interest. Okay applying the steps. Are you a public official? "Public official" is defined broadly so Planning Commissioners are public officials subject to the Conflict of Interest Rules because it includes every member, officer, employee, or consultant of a state or local government agency. Are you making, participating in or influencing a governmental decision? A governmental decision is any action taken by a government agency that has a financial effect on any person other than the governmental agency. This applies not only when you are making a decision, but when you participate in a decision such as giving advice or making recommendations to the Commission or influencing a decision such as communicating with other decision makers or City Staff. There are five categories of economic interests which constitute a financial interest. Those are; economic interests in business entities, economic interests in sources of income to the public official, economic interests in gifts, personal and financial effects, and economic interests in real property. For business entities there are two rules. First is which you have an economic interest in a business entity in which you, your spouse, your children or anyone acting on your behalf has invested \$2,000 or more, or if you are a director, officer, partner, trustee, employee, or hold any position of management in the business. Sources of Income. If you received \$500 or more in income within 12 months prior to the decision then you have an economic interest in a source of income. It is important to note here that sometimes Planning Commissioners are appointed to the Commission after an election in which they ran for City Council. So in that case if a Planning Commissioner for example received a campaign donation, from a certain person or a business entity then that would be a financial conflict of interest, and the Commissioner would be disqualify from participating in a decision

because they had accepted campaign contributions. A person who has given or promised you gifts which total \$520 or more within 12 months prior to the decision is an economic interest in a source of gifts, so you would be disqualified in participating in that decision. Personal finances such as personal expenses, income, assets, or liabilities, as well as those of your immediate family is an economic interest in personal finance. If these are likely to go up or down, having a positive or negative effect as a result of the decision then it would constitute an economic interest in personal finance. Real Property, if you or anyone in your immediate family or anyone acting on your behalf has an interest in real property worth \$2,000, or more, and also if you have certain leasehold interests then you would have an economic interests in real property. Once you identified what type of financial interest then you move on to step four. Is it reasonably foreseeable that the governmental decision will have a financial effect on any of the public official's financial interests? Reasonably foreseeable does not need to be likely. It just needs to be a realistic probability that there will be a financial effect more than hypothetical or theoretical. There are two ways to look at this. The first is a Direct Financial Interest and that would be the actual financial interest whatever is the subject itself of the action and that includes the issuance of the permit on the property that you own for example. An Indirect Financial Interest which would be as we discussed previously an action which could theoretically enhance or decreased property would be an indirect financial interest, and that requires a list of six factors to be considered. Those are; the extent to which the occurrence of the financial effect is contingent upon intervening events, whether anticipation of a financial effect is a potential outcome under normal circumstances using appropriate due diligence and care, the financial interest is the type that would typically be affected by the governmental decision or would affect businesses and individuals similarly situated to those in which the public official has a financial interest, whether the financial effect might compromise an official's ability to act in the best interests of the public, whether the decision will provide or deny an opportunity, or create an advantage or disadvantage for one of the official's financial interests, and lastly whether the public official has the type of financial interest that would cause a similarly-situated person to weigh the advantages and disadvantages of the governmental decision in formulating a position. Step five, will the reasonably foreseeable financial effect be material? This is kind of where it gets a little bit complicated and the factors for determining materiality are pretty complex, and those can all be found in Section 18702. I won't go through all of them for each of the financial interest because we would be here all night, but specifically focusing on real property interest. There are three specific categories on materiality based on the location of the real property and there are different standards of materiality for each location. When the interest in real property is 500 feet or less, there is presumed to be a conflict unless that presumption is rebutted by clear and convincing evidence. Clear and Convincing Evidence requires a finding of high probability, or

evidence so clear as to leave no substantial doubt. That is a legal standard and requires that the proof be really strong, so that pretty much any reasonable person would agree that there is clear and convincing evidence that there is no material effect on the property. A question was raised on what would be an example of clear and convincing evidence sufficient to overcome this standard. To be honest there is not much. What would happen usually someone would hire an appraiser to go look at the property and do an appraisal of the property against the project, and determined whether there would be any financial effect. It is a pretty high standard to overcome. The second category is real property interest that is between 500 and 1,000 feet of the property line and there is no presumption, there are a complicated set of factors which I have gone over with you before. Those are the development potential, the income-producing potential, the highest and best use, the market value, or if it would change the properties character by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels, or air quality. And lastly, if the property is over 1,000 feet from the property line there is presumed not to be a conflict, unless there is evidence to the contrary.

CHAIR TAPIA

Up to what feet?

ASSISTANT
CITY ATTORNEY
TRAXLER

Anything over 1,000 feet.

CHAIR TAPIA

Anything?

ASSISTANT
CITY ATTORNEY
TRAXLER

Yes.

CHAIR TAPIA

5,000 feet?

ASSISTANT
CITY ATTORNEY
TRAXLER

Yes.

CHAIR TAPIA

On these three items, do you need a representative? Do you need a lawyer? To prove your point do you need an attorney? Does the person need an attorney? Say that I wanted to challenge the 500 feet, do I need an attorney to challenge that, and who determines what I am saying is valid or not?

ASSISTANT
CITY ATTORNEY
TRAXLER

To answer your first question, no you do not need an attorney. It would be a personal decision whether a Commissioner felt strongly enough about the project that they wanted to hire a personal attorney. As far as who would make the determination that information would be presented to the City Attorney's Office, and the City Attorney's Office would evaluate and give a recommendation based on the evidence provided. However, the ultimate decision lays on the hands of the Commissioners, whether to recuse themselves or not.

CHAIR TAPIA

So you just can't come to a meeting and say, I don't think that it pertains to me, I don't see how it could? I couldn't go on because I would have to go to the City Attorney first for him to make a decision?

ASSISTANT
CITY ATTORNEY
TRAXLER

It is recommended that you go to the City Attorney first but that is not required.

CITY ATTORNEY
GUERRA

If I may, one additional point. The City Attorney does not represent each of you in this respect. We provide guidance and our thoughts but in the end it is your decision as a Commissioner or, with the respect of the Council, as a Council Member. All we can do is provide our guidance.

CHAIR TAPIA

Who determines, say not that the business that you were saying is not going to affect them at all, now can they challenge you? Can they challenge my decision?

CITY ATTORNEY
GUERRA

We will get into that in the presentation, a little further.

CHAIR TAPIA

Okay, thank you.

COMMISSIONER
CHICO

Question, because you are both kind of toned it down when you were making the statement. Who is the final decision maker or makers as the case might be? The City Council? In other words we can have you review it, you are going to give an opinion to whom?

ASSISTANT
CITY ATTORNEY
TRAXLER

The City Attorney's Office would give an opinion to whoever had the conflict. For example, if you requested an opinion on whether you had a conflict, we would provide that analysis to you and give you a recommendation either to recuse yourself or not. The ultimate decision whether to recuse yourself would be your decision.

COMMISSIONER
CHICO

So that being the case, I am going to say me as an individual in any given case decides to proceed forward I would then be at risk, if you will, from the petition or from the applicant right? That would be what we are facing. At that point the applicant would probably say, no we don't agree with "me" you're in conflict, we want the decision reversed. What happens then?

CITY ATTORNEY
GUERRA

We will get into that.

COMMISSIONER
CHICO

Okay.

ASSISTANT
CITY ATTORNEY
TRAXLER

Okay, step six. Is the material financial effect indistinguishable from its effect on the public generally? The effect is indistinguishable when it has been established that a significant segment of the public is affected, and the effect on the official's financial interest is not unique. A significant segment of the public is defined as at least twenty five percent of all business or non-profit entities, real property, or individuals within the jurisdiction. There are also a list of factors to determine whether the effect on the financial interest is unique. Step seven, is the public official making, participating in making, or in any way attempting to use his or her official position to influence a governmental decision? If the analysis has proceeded all the way to this step, and it is pretty likely that there is a conflict, so if it is reasonably foreseeable that a governmental decision will have a material effect on a financial interest of the public official, then the official cannot make, participate in making, or attempt to use his or her position to influence the government decision. It would be recommended that, that official recuse themselves. There are two exemptions to the conflict of interest rules. One of them we just discussed which is the public generally, if the financial effect would be indistinguishable from the effect on the public generally. The second is legally required participation, this applies as we also done here when there are no other means to get a decision. For example, if a majority of the Commissioners were conflicted out and there would be no legal way to render a decision, then it would be necessary to legally require the participation of at least one Commissioner, depending if there is a quorum or not. It requires a random selection of the participating Commissioner. Those are the only two exemptions. The mere existence of a conflict does not imply any wrongdoing unless you don't disqualify yourself when you should. Abstaining from a decision is what you do, when you feel like maybe there is a conflict you are not really sure, but you just feel like maybe it might look like there could be one so you abstain from that decision. However, a disqualification, if there is found a financial interest that is sufficient to disqualify you from the decision then that would be legally required.

COMMISSIONER CHICO Will you go back to step six. I believe about four screens back. Right there. I am interested in the way that this is worded because as I understand it, if the effect on the official is the same as it would be on his neighbors then he is not in conflict. Am I saying the correctly?

ASSISTANT CITY ATTORNEY TRAXLER Depending on the type of decision, it would have to be twenty five percent of the public generally. That could include your neighbors but it wouldn't necessarily only apply to your neighbors.

COMMISSIONER CHICO I understand. That is what I mean when I complain about this because it is so vague. What it is saying is that twenty five percent of the population of the City of Irwindale, and twenty five percent is not going to be affected, obviously. One hundred percent of the people within 500 feet of me are going to be affected, however, this law does not recognize that.

ASSISTANT CITY ATTORNEY TRAXLER For distinguishing effect on the public as a whole, which is what step six is referring to?

COMMISSIONER CHICO I understand that, yes as a whole. It should not be as a whole it should be the area.

ASSISTANT CITY ATTORNEY TRAXLER Fully noted.

COMMISSIONER CHICO But anyways there is nothing we can do about that.

ASSISTANT CITY ATTORNEY TRAXLER Blame the State.

COMMISSIONER CHICO If I were smart enough to be an attorney, I would use that as my argument to challenge this law.

ASSISTANT CITY ATTORNEY TRAXLER Okay so going back to disqualification. What to do if you are disqualified? Immediately prior to the consideration of the matter, the Commissioner should publicly identify the financial interest that gives rise to the conflict, recuse himself or herself from discussing and/or voting on the matter, and leave the room until after the discussion, vote, or whatever happens to the item. There are two new requirements under the PRA. If an official leaves a meeting in advance of the item in which they are disqualified, they have to publicly identify the agenda item and the financial interest prior to leaving the meeting. If it is the first thing on the calendar and the official joins after consideration of the item, once the Commissioner comes back into the

room they still must publicly identify the item and the financial interest immediately upon joining the meeting. If you are disqualified don't discuss or influence Staff or your colleagues. You are required to identify nature of the conflict, leave the room, do not vote or discuss the matter, and a disqualification means that you are not counted towards a quorum. There must be a majority of the members that are legally required without the disqualified Commissioner. And I will just note on this that, this does not preclude any Commissioner from speaking on any item as a member of the public. The Commissioners still retain their First Amendment rights to speak on any item as a member of the public that they wish. Penalties for failing to disqualify yourself when it is legally required. A person would challenge the decision in a court and if it's found that you had a disqualifying conflict of interest and you failed to disqualify yourself, then they would invalidate the decision. This could also result in a, how do I say this, a penalty which would prevent you from holding public office in the future. It could also result in a misdemeanor, criminal conviction which would include jail time and penalties, criminal and civil fines, five thousand dollars to ten thousand dollars per violation, you could be sanctioned with attorney's fees, and it could be embarrassing both personally and politically.

CHAIR TAPIA

All this so that I can't have a vote.

ASSISTANT
CITY ATTORNEY
TRAXLER

Now that we are passed financial conflict of interest there are also Common Law Bias issues to be aware about. These are not any statute in the California Code they are just judge made laws insentiently. It is a Common Law rule made through Case Law. That says that a Common Law is violated if a decision maker is tempted by his or her personal or pecuniary interests. This could be a financial interests or a non-financial interests. Really what Common Law Bias is getting at is that all decisions that come before the Commissioners must be decided in a fair and impartial matter. Where a Common Law conflict of interest exists, the official is disqualified from taking any part in the discussion and vote regarding the particular matter. In this case, an example of that would be a case out of the City of Sacramento where a City Council member spoke on an item as a member of the public before it got to the City Council and then voted on the item, when it got to the City Council and denied the item. In that case the decision of the City Council was challenged. It was found that the City Council member violated the Common Law Bias Doctrine and the decision was reversed and set back to the Council to have another public meeting with the City Council member recusing himself, in order for there to be a fair and impartial hearing. That is kind of how that would work. Resources, if you have a question regarding whether you have a conflict of interest the FPPC, the Fair Political Practices Commission, gives free advice. You can either call the hotline or email the email address listed, and also the Institute for Local Government

has resources that would be available to you as well. Okay, I am available for questions if you have any.

CHAIR TAPIA

I think that you gave an excellent presentation. I do not agree with what is written and I would like to see if it can get it in printed form and give each one of us a copy.

ASSISTANT
CITY ATTORNEY
TRAXLER

Yes I can certainly do that.

CHAIR TAPIA

I know that the public can make comments on anything during the meeting. What I am wondering is if say that a member of the public is misinformed and they say a lot of things that are really not in target, at the end of the day when we have Commissioner comments, I have common sense to not ruffle up anyone's feathers, but could a person address a comment then? That someone made during the presentations of the public and be within the Commissioner's right to address that comment.

ASSISTANT
CITY ATTORNEY
TRAXLER

I am going to give you a classic answer it depends. If the item was on the agenda and it was just a few clarifying comments that would be not a big issue, however, if it was an item that was not on the agenda and the Commissioner engaged in a discussion, clarifying facts, putting issues out into the public record for an item that it not on the agenda then that could be a violation of the Brown Act, because it is discussing something that is not on the agenda.

CHAIR TAPIA

Common sense basically.

ASSISTANT
CITY ATTORNEY
TRAXLER

Correct, yes.

CHAIR TAPIA

What if a business person or a resident talks to all five members of the council, or all five members of the commission, or all ten members? So where are we there? As long as the five people don't start talking to each other. Or the ten people don't start taking to each other. Now you got a businessman that wants to put a business here, but he wants to get a little insight on how that councilmen votes. He wants to read between the lines to see what he has to say or what he needs to do to maybe get a favorable vote. He kind of talks to each of the members about the same thing. Where are we there?

ASSISTANT
CITY ATTORNEY
TRAXLER

So if the purpose of that, I am going to use your business person example, if the purpose of that business person is to get a consensus of the Commissioners that would be the hub-and-spoke example, where he talks to each Commissioner or each council member individually and through those communications gathers a consensus. The caveat to that is if this is just a one on one communication between a Commissioner and a member of the public, or a Commissioner and a business owner just a one off or even multiple conversations where you are not really discussing anything specifically and you are just communicating about personal issues, life, or whatever that would not be an issue. The issue is when you are getting information trying to make a decision discussing an item that should be agendized and discussed on the public record.

CITY ATTORNEY
GUERRA

One thought, my recommendation is, if you ever do get a business person coming to you for insight, not to give them any insight.

CHAIR TAPIA

How about a resident?

CITY ATTORNEY
GUERRA

It could be a resident as well. I recommend that you are welcome to take in information but I would not disclose any information, what your thoughts are, what you think the Commission is going to do, or what you are going to do. Because imagine if that comes out at a meeting, "Well you said this," "Well you told me this" then it looks like you already made a decision or you are participating in a decision before it even comes to the Commission. My recommendation is, if a resident comes to you or a business person comes to you, more than welcome to listen but I would not provide them any information.

CHAIR TAPIA

I am going to use an example here, let's say that a business initially started off and now five years have elapsed, and the business has brought in different developments and they have not been improved. In those five years, you may have the same Commissioners or the same councilmen that initially where there when that started. How many times can a Commissioner or a councilman talk to another Commissioner during those years? It was the same company but now it is a different project. We are talking about the same applicant but not the same project, not what was brought to light. How do we deal with that? As far as talking to each other, say that I talked to Councilman Chico and Councilman Hartman the first year and then I don't talk to them about it the second year; I talked to Councilwoman Gomez and Councilman Burrola the second year, but the third year I talked to a couple more and so on and so forth. Now am I violating the Brown Act?

ASSISTANT
CITY ATTORNEY
TRAXLER

The way that I am understanding your scenario, yes that is a violation of the Brown Act because there are a majority of the Commissioners discussing the item that is not on the agenda. If your communications were done out in public during the public meeting there is no issue. If these were conversations in private that would be a violation of the Brown Act, each year that you described.

COMMISSIONER
GOMEZ

Mr. Chair, what if you were communicating as a resident outside of a meeting in conversation, in that scenario.

ASSISTANT
CITY ATTORNEY
TRAXLER

In this scenario, where City business is being discussed. In this scenario?

COMMISSIONER
GOMEZ

The scenario that the Chair spoke to.

ASSISTANT
CITY ATTORNEY
TRAXLER

Where one of the people was a resident?

COMMISSIONER
GOMEZ

You're a Commissioner but you are speaking as a resident.

CITY ATTORNEY
GUERRA

As a Commissioner you are always a Commissioner.

COMMISSIONER
GOMEZ

Earlier you indicated that you can speak when you are recused. If there is not a parallel when you are recused and you speak as a resident therefore, then that differs than speaking as a resident even though you are a Commissioner in private, at a conversation of City business that interests you. So that is what you are saying, even then you are a Commissioner you are not a resident?

CITY ATTORNEY
GUERRA

Correct. The example we gave regarding the public comment period, as a Commissioner you still have a free speech right to participate in the discussion, but only during the three minutes of the public comment period. That is during the actual preceding but otherwise the way the FPPC is going to look at it, the way the DA is going to look at it, is you are a Commissioner. Whatever you do on the outside they are going to say Commissioner so and so did this, it isn't going to be resident so and so, it is going to be Commissioner so and so.

COMMISSIONER
GOMEZ

I appreciate that clarification.

CHAIR TAPIA

It is like a top secret clearance in the military. Ferme la bouche s'il vous plait.

CITY ATTORNEY GUERRA And again the example you gave of having discussions over the years, I agree with Jamie, it can be construed as a Brown Act violation, if you are having discussions about the subject matter. The other point is, it should be a subject matter that is within the Planning Commission's jurisdiction and something that would be coming to you at some point. That's where it gets a little tricky. If something came before you, absolutely, you can't discuss it with more than one Commissioner.

COMMISSIONER HARTMAN Even if you are talking to that one, would you say it is okay? You do not know if that other Commissioner is going to talk to somebody else and so on, which would be a violation.

CITY ATTORNEY GUERRA Correct.

COMMISSIONER HARTMAN So zip it.

CITY ATTORNEY GUERRA So legally yes, you can talk to one person, that doesn't mean you should. So you hit a good point there. You can, but you shouldn't. If I give you a recommendation, because you are correct, you send an email to one person you do not know where that email is going to go. Same thing with a conversation.

CHAIR TAPIA I would like to have a discussion similar to what we had here, a presentation about the businesses and the Brown Act. A business can get aid. They can get help around the world for whatever they want, from whoever they want. They can speak to all the Planning Department, everyone in the department of the City. They can go to every city. They can look up all the laws and everything and they can get aid from any attorney they want, that is willing to help them. But we cannot talk to more than two people about the same business that wants to find a way to put a wrench in the game, or do what they can for themselves. I would like to see, are they subject to any laws besides ethics? Is there any such a thing, a tool that they need to abide by besides the ethics and of course once they get in besides the governmental requirements and all that? I am not talking about none of that. If they can get advice from around the world, in a year or two how much insight can they get in a year or two, and then it is presented to us. In four days we have to come up with a decision that it took a Staff and a business and everyone else around them to help them. Two years it took them to come up with the Final EIR or the final analysis and all we have to do is. What is that word it escapes me? Where you have to find that they don't meet a certain standard, that's the only way you can challenge it. What is that?

ASSISTANT CITY ATTORNEY TRAXLER Findings?

- CHAIR TAPIA Findings, right. If you can't find the findings, hey baby you are sailing smooth. If there is not one finding that you can use to say I don't think that fits here then it doesn't matter. I would like to get some more insight on how that works.
- ASSISTANT CITY ATTORNEY TRAXLER We can certainly look into that and bring something back for the Commission. As far as the Brown Act, specifically in this scenario the Brown Act only applies to legislative bodies, governmental entities, and so if it is a private business, in this scenario, the Brown Act and any violations or penalties would not apply to that private business.
- CHAIR TAPIA But Robert's Rules of Order, does that include business?
- CITY ATTORNEY GUERRA There is no requirement that anybody subscribes to Robert's Rules of Order that is normally what public agencies and legislative bodies use. There is another one Rosenberg's but that is just how meetings are conducted. Private businesses usually do not, maybe their board of directors will but that is optional.
- CHAIR TAPIA Alright thank you. Anyone else? No? Thank you very much. Are we going to have the second presentation or do you want to include that on another day?
- CITY ATTORNEY GUERRA We did both?
- CHAIR TAPIA Oh we did both? Oh okay, I must have been in Hawaii somewhere. Okay well again that was a great presentation and very informative. I always thought that each presentation that is brought to us should be copied and put in a library in our Planning Department, so that anytime we want to refer to something we can just go and go check it out or get a copy of it. Okay, well thank you. Commissioner Comments.

**COMMISSIONER
COMMENTS**

- CHAIR TAPIA Any Commissioner Comments?
- COMMISSIONER HARTMAN I don't have a comment, I have a question. What is going with the bank property over here? I see a lot of activity going on over there. They are cleaning it up, doing some roofing.
- ASSOCIATE PLANNER CHOU A new business, a security company, will be using it as office and they have received their Occupancy Permit, so they will be occupying the building soon.
- COMMISSIONER HARTMAN Thank you.

CHAIR TAPIA Anything else? Any other comments? Okay Legal Council

LEGAL COUNCIL

CITY ATTORNEY Nothing for tonight, thank you.
GUERRA

CHAIR TAPIA Staff any comments?

**COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER'S REPORT**

CITY MANAGER Nothing for tonight.
TAM

CHAIR TAPIA Okay, you are representing the Community Development Director. Do you have anything to report today?

ASSOCIATE Nothing for tonight, thank you.
PLANNER
CHOU

CHAIR TAPIA Okay, again, I just have a burden for Commissioner Burrola and I just want to close this meeting with a thought of healing. Anyone else have anything before I adjourn? Okay thank you very much this meeting is now adjourned.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 7:49 p.m.

Planning Commission Chair

Attest:

Jesus Hernandez, Administrative Secretary

The Irwindale **PLANNING COMMISSION** met in regular session at the above time and place.

CHAIR TAPIA One was Stacy Gonzalez and that was David Barbosa's step daughter, Margaret Tapia my first cousin's wife, and Olivia Grijalva, I need to say a little bit about her.

ADMINISTRATIVE SECRETARY AGUILA Excuse me I believe your mic is muted.

CHAIR TAPIA Olivia Grijalva and my first cousin Sammy Grijalva, they were instrumental in giving us, my generation as teenagers, we were the first generation when this City started as far as summer youth programs and going to various places, entertainment places, and stuff. At the time there was no seatbelt rules. We used to pile up on the back of a big truck and there we go, wherever we want Pacific Ocean Park, Long Beach, you name it. We were all in the back. We also had a girl's baseball team and a boy's baseball team, and they were instrumental in taking us, supervising us, taking the responsibility for all that, and they helped us be teenagers. You know? And so that was Olivia and her husband Sammy. Margaret Tapia is also my first cousin's wife, Mario Tapia, who worked here in the City for many years, he retired already but he worked here all his life. Obviously we were close. My dad, Arthur F. Tapia, was his uncle so obviously his dad was my uncle. So we have a close relationship and his wife was in dialysis, and you know, she lost the battle to dialysis. Stacy Gonzalez unfortunately was a victim of the COVID and did not make it. May their souls rest in peace and we will adjourn this meeting in their name. As we proceed with this meeting could you please rise for the Pledge of Allegiance and stay on your feet for invocation please.

PLEDGE OF ALLEGIANCE I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

INVOCATION COMMISSIONER GOMEZ God we pray for our land, for our nation, for our state, for our city. We ask for protection and healing for our residents, and all those in service. We pray this. Amen.

CHAIR TAPIA Roll call.

ROLL CALL: Present: Commissioners Robert E. Hartman; Suzanne E. Gomez; Richard Chico; Vice-Chair Enoch Burrola; Chair Arthur R. Tapia

Also present: Adrian Guerra, City Attorney; Marilyn Simpson, Community Development Director; Brandi Jones, Senior Planner; Lisa Chou, Associate Planner; Berlyn Aguila, Administrative Secretary; Jesus Hernandez, Office Specialist.

ANNOUNCEMENTS

CHAIR TAPIA Do we have any announcements?

ADMINISTRATIVE SECRETARY AGUILA There are no announcements for tonight, thank you.

SPONTANEOUS COMMUNICATIONS

CHAIR TAPIA Now we go to Spontaneous Communication. This is the time set aside for members of the audience to speak on items not on this agenda. State law prohibits any Commission discussion or action as such communications unless 1, the Commission by majority finds that a catastrophe or emergency exists. Number 2, the Commission by at least four votes, finds the matter in need for action thereon arose within the last five days. Since Commission cannot accept as stated, it is requested that such communication can be made in writing, as to be included on the next agenda for full discussion and action. If a member of the audience feels he or she, must proceed tonight then each speaker will be limited to three minutes, unless such time limits are extended. So at this time Spontaneous Communications is open to the public, or any one in here so could you please raise your hand if you wish to participate in Spontaneous Communication. Thank you.

ADMINISTRATIVE SECRETARY AGUILA Chair, we do have one member of the public who has raised their hand. Their name is Bill Quisenberry. I will go ahead and unmute them.

CHAIR TAPIA Go ahead sir.

BILL QUISENBERRY Good evening Commissioners and staff. My name is Bill Quisenberry. I am a member of LIUNA, Laborers' International Union of North America, and I am in support of the 5175 Vincent Avenue project. This project will create many jobs for residents in the local community. The construction jobs will be good paying jobs and include

CHAIR TAPIA Excuse me sir, when we get to the Consent Calendar what is when this will be presented, and that will be the time for you to give some input. Okay, because it is in the Consent Calendar and unless it is not on the Consent Calendar then that pertains to Spontaneous Communication. Since it is on the Consent Calendar it will be before you in a couple of minutes.

BILL QUISENBERRY Very well I thought maybe it would be on the...

CHAIR TAPIA Thank you. Anyone else?

ADMINISTRATIVE SECRETARY AGUILA We have no other hands raised.

CHAIR TAPIA Okay. At this point in time we will close Spontaneous Communication and we will continue with Item Number 1, Consent Calendar

CONSENT CALENDAR

CHAIR TAPIA The Consent Calendar contains matters of routine business and it is to be approved with one motion unless a member of the Commission request separate action on a specific item. At this time, members of the audience may asked to be heard regarding items on the Consent Calendar. Today the Consent Calendar includes approval of the Minutes of February 2nd and the Regular Meeting held May 19th, 2021. I thought this isn't on the Consent Calendar then.

CITY ATTORNEY GUERRA Mr. Chair, there are two items on the Consent Calendar. One is the Minutes and the second one regarding 5175 Vincent Avenue. So both are on the Consent Calendar.

CHAIR TAPIA Okay so that is May the 19th? I thought it was.

CITY ATTORNEY GUERRA Well there is two sets of Minutes.

CHAIR TAPIA I thought it was August the 9th.

ADMINISTRATIVE SECRETARY AGUILA No August the 9th Minutes have not been prepared just yet. The only Minutes for tonight are for February 3rd and May 19th.

CHAIR TAPIA So what does May 19th pertain to?

CITY ATTORNEY GUERRA The Minutes of that meeting.

CHAIR TAPIA Cause we did not talk about the Vincent Project until the 9th.

CITY ATTORNEY GUERRA That is separate from the Vincent Project.

CHAIR TAPIA What does May the 19th pertain to?

ADMINISTRATIVE SECRETARY AGUILA The Minutes were included in your packet.

CHAIR TAPIA Pardon?

ADMINISTRATIVE SECRETARY AGUILA The Minutes for May 19th were included in your packet.

CHAIR TAPIA Okay, could you enlighten me on what it is?

ADMINISTRATIVE
SECRETARY AGUILA

Give me one minute please.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

The May 19, 2021 Minutes, the item that was before you was Conditional Use Permit Number 03-2021 and a Zone Variance Number 01-2021 for Hidden Strength Gym. That was the item that was on that meeting.

CHAIR TAPIA

What is that?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

That was the item that was on the May 19th Agenda. So these are the Minutes from...

CHAIR TAPIA

But what was that again? Please, I did not hear you.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

It was Conditional Use Permit Number 03-2021 and Zone Variance Number 01-2021 Hidden Strength Gym.

CHAIR TAPIA

Oh the Gym.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yes.

CHAIR TAPIA

Oh okay. So I am going to have to back up here. I am sorry sir, I thought that the Vincent Project was on this Agenda.

CITY ATTORNEY
GUERRA

Mr. Chair?

CHAIR TAPIA

Yes?

ADMINISTRATIVE
SECRETARY AGUILA

It actually is under Item A under the Consent Calendar those are the Minutes of the Meeting of February and May, I believe. But Item B relates to the Vincent Project.

CHAIR TAPIA

Oh, I see what you are saying. Okay.

CITY ATTORNEY
GUERRA

So what I would recommend to the Commission, because we had some conflicts of interest on the Vincent Project, is we address both Consent Calendar Items separately. First we all vote on the Minutes and then after that we have the two Commissioners that had a public conflict step out, then we can vote on the Vincent project.

CHAIR TAPIA Oh, okay. I kind of got mix up here because I thought it would have been 3, instead of Item B. Minutes A and if it is in the Minutes on recommendation of approval, it is not identifying something that we have done before. That is what threw me off. Now I will be careful to make sure that I understand it next time. Anyway, if there is anyone in the audience that wishes to have any input on the approval of the Minutes or anything that was on the Minutes on February 3rd, 2021 or May 19th, 2021, please raise your hand to be recognized. If no hands are showing we will move on to approval or disapproval. If anyone in the Commission has anything they like to add or delete from the Minutes, otherwise.

COMMISSIONER CHICO Motion to approve the Minutes of February 3rd, 2021 as presented.

COMMISSIONER HARTMAN Second.

CHAIR TAPIA Roll Call.

ADMINISTRATIVE SECRETARY AGUILA Thank you, Commissioner Hartman.

COMMISSIONER HARTMAN Yes.

ADMINISTRATIVE SECRETARY AGUILA Commissioner Gomez.

COMMISSIONER GOMEZ I will be abstaining I wasn't on the Commission at that time.

ADMINISTRATIVE SECRETARY AGUILA Commissioner Chico.

COMMISSIONER CHICO Yes.

ADMINISTRATIVE SECRETARY AGUILA Vice-Chair Burrola.

VICE-CHAIR BURROLA Yes.

ADMINISTRATIVE SECRETARY AGUILA Chair Tapia.

CHAIR TAPIA Yes.

ADMINISTRATIVE
SECRETARY AGUILA

Thank you.

CHAIR TAPIA

Okay, I need an explanation here because usually on the Consent Calendar it is one motion, and today it is not one motion. Could you please explain that to me, on Item B?

CITY ATTORNEY
GUERRA

We have conflicts of interest where the Commissioners are required to recuse themselves from the decision. In the abundance of caution I am recommending that they leave the room for the discussion, because we are going to have a speaker and I understand that there is an email included. In the abundance of caution I am recommending that they leave the room for the item.

CHAIR TAPIA

So whoever got the short end of the stick needs to leave for now. That would be Commissioner Gomez and Commissioner Chico.

COMMISSIONER
CHICO

We haven't approved the Minutes of May 19th.

CHAIR TAPIA

Well we approved both of them.

VICE-CHAIR
BURROLA

No, we approved one.

CHAIR TAPIA

Wait a minute, isn't it one motion whether it is approved or disapproved? That's the way it was always done.

VICE-CHAIR
BURROLA

It could have been.

ADMINISTRATIVE
SECRETARY AGUILA

Yes, the way the way that it was motion by Commissioner Chico and second by Commissioner Hartman were to approve both minutes.

COMMISSIONER
CHICO

No they weren't. I clearly said February the third.

VICE-CHAIR
BURROLA

We need a second motion for the other minutes.

ADMINISTRATIVE
SECRETARY AGUILA
VICE-CHAIR
BURROLA

Okay.

So I motion to approve the Regular Meeting held on May 19th, 2021.

COMMISSIONER
CHICO

Second.

CHAIR TAPIA

Roll call.

ADMINISTRATIVE SECRETARY AGUILA Commissioner Hartman.

COMMISSIONER HARTMAN Yes.

ADMINISTRATIVE SECRETARY AGUILA Commissioner Gomez.

COMMISSIONER GOMEZ Abstain.

ADMINISTRATIVE SECRETARY AGUILA Commissioner Chico.

COMMISSIONER CHICO Yes.

ADMINISTRATIVE SECRETARY AGUILA Vice-Chair Burrola.

VICE-CHAIR BURROLA Yes.

ADMINISTRATIVE SECRETARY AGUILA Chair Tapia.

CHAIR TAPIA Yes. Okay counselor, can you?

CITY ATTORNEY GUERRA I think the two Commissioners have heard and they are going to be leaving the room. Then we will have a few speakers and then a vote.

Commissioner Gomez and Commissioner Chico recused themselves and left the room at 6:48 p.m.

CHAIR TAPIA Okay moving on to Item B on the Consent Calendar and now the audience can participate. The General Plan Amendment Number 02-2017; Site Plan and Design Review (DA) Number 04-2017 Mark Gabay, Five Points. Well does that include the EIR? General Plan Amendment, I don't see anything here about the EIR that we negated. That was the whole issue.

CITY ATTORNEY GUERRA Mr. Chair on page five on the Agenda, on the very top paragraph, there is the resolution for recommendation of denial of the CEQA document.

- CHAIR TAPIA Right but this statement on Item B does not state that. It says General Plan Amendment. What does that mean? General Plan Amendment Site Plan and Design Review that does not have anything to do with the EIR? That is what we did not approve, the EIR. The General Plan Amendment was just like the domino effect of us not approving the EIR. I do not know why the EIR is not on here.
- CITY ATTORNEY GUERRA It is, that is just the heading of the entitlements that are being presented to the Council, but if you look on page five each of the resolutions that are to be acted upon include a recommendation of denial of the CEQA document, which is required before any action on the entitlements then you have the General Plan and Site Plan and Design Review.
- CHAIR TAPIA Okay, so this statement is attached to A, B, and C then.
- CITY ATTORNEY GUERRA That is correct.
- CHAIR TAPIA I understand now. Okay, so Item B General Plan Amendment Number 02-2017; Site Plan and Design Review (DA) Number 04-2017. Okay, so staff.
- CITY ATTORNEY GUERRA There is no Staff Report, it is on Consent Calendar so the only thing we are going to have is communications from the public before we take a vote.
- CHAIR TAPIA Oh okay, first of all we are going to open it up to the public. If you have any input now is the time to raise your hand and give us your input.
- ADMINISTRATIVE SECRETARY AGUILA Thank you Chair. I will begin with reading the two emails received tonight, and then I will open to those who have raised their hands. The first email received tonight is from Richard Leserio, he states, "Good evening Chair, Commissioners, and Staff thank you for the work you do to support the community. I would like to express my support for the concrete tilt-up building and associated parking for the property located on 5175 Vincent Avenue, Irwindale California 91706. This project will bring well paid jobs with benefits that will assist our community during the COVID-19 pandemic. I am thanking you in advance for your support for this project. Thank you Richard Leserio." The second email received tonight was from Alex Zamora, "Good Evening Honorable Chair, Vice Chair, Commissioners, and Staff my name is Alex Zamora and I am a very proud member of LIUNA, the Labor's International Union of North America. I am in full support of this project moving forward. Projects just like the one proposed have been the lifeblood of the construction trade unions throughout this pandemic. Giving many of our existing members more opportunities to catch up in jobs that have been sheltered or shut down. Giving new and potential members the opportunity for a new lifeline to provide for their families. Also I truly

believe that good responsible developers like Five Points, partnered with responsible and highly trade workers is a win-win for the great City of Irwindale. Again I am in full support of this project and I hope we can go to work in building something beautiful for the City of Irwindale very soon. Thank you so much for your time. God Bless, Alex Zamora. Now I will be opening it to the members of the public who have raised their hands. I will now be unmuting Bill Quisenberry.

BILL QUISENBERRY

Good evening Commissioners and staff, as I stated a little earlier my name is Bill Quisenberry member of LIUNA, Labor's International Union of North America. I too am in support of the 5175 North Vincent Avenue Project. The project will create many jobs for residents in the local community. The construction jobs will be good paying jobs that include fringe benefits like fully covered family medical, a defined benefit pension, and even a vacation check. The project, if approved, also means that the paychecks earned constructing the project will be spent here locally, rather than be spent elsewhere for not having a contractor with their outside labor brought in. Also the contractors that employ local union members and who have partnered with responsible developers like Mark Gabay, Five Points, they understand that a skilled trained workforce means productivity and safety are optimized. That will likely happen if this project gets approved. This project will also meet another opportunity for some of our twenty-seven hundred active apprentices, to accumulate on the job training hours that is required of them to complete the program and become full fledge journey workers. In construction, much like many other industry sectors, training a workforce for tomorrow is a constant undertaking. Any worthwhile project proposal that is approved means more experience gained for our construction professionals, who will be tasked to build our future surrounding infrastructure as well. Lastly, it has been reported the air quality in the region will be compromised if this project is built. I believe that after reading between the lines that the social and economic benefits outweigh these cumulative regional environmental effects, so that both our membership and the residents of Irwindale would overall benefit from the approval of this project. So for these reasons and many others is why this is a good project and I ask that you approve the project tonight. Thank you for letting me speak.

CHAIR TAPIA

Thank you sir.

**ADMINISTRATIVE
SECRETARY AGUILA**

The next individual that I will be unmuting is Ernesto Pantoja. You have now been unmuted.

ERNESTO PANTOJA

Good evening honorable chair and commissioners, my name is Ernesto Pantoja I am here on behalf of Sergio Rascon, Business Manager for Laborers Local 300. We are the local for LIUNA that covers this area. I have spoken before this body many times before, and I am interested to know why this esteemed body had chosen not to make this an actionable item before the Planning Commission. I

grew up in the City of San Fernando, which is not too different from the City of Irwindale. The Planning Commission plays such a vital role in a community, especially such a small community as Irwindale. As ours did in the City of San Fernando, with trying to educate residents as to pretty much life altering projects that are going to be going on in their cities. It just confuses us why this project was automatically put on consent straight to Council and not brought forward, not brought before the public for questions and answers, and you know obviously the ability to kind of change the project based on normal protocols. The projects normally go through the Planning Commission, as they play such a vital role in developing in cities, especially the City of Irwindale. We are in support of this project it is going to create a lot of jobs, a lot of jobs for veterans, a lot of jobs for formerly incarcerated, a lot of jobs for your local residents that would be coming into our craft that would be building a lifelong career. I was just a little confused as to why the Planning Commission chose to forgo the typical process but we do support this project. Thank you.

ADMINISTRATIVE
SECRETARY AGUILA

The next member of the project that I will be unmuting is Jose Garcia.

JOSE GARCIA

Good evening chair and Planning Commission, can you hear me?

ADMINISTRATIVE
SECRETARY AGUILA

Yes, we can hear you.

JOSE GARCIA

My name is Jose Garcia and a proud member of LIUNA for the past thirty three years. For those years my family and thousands of other families have depended on Boards such as the Planning Commission, to pass projects that are brought before them and get them approve so that jobs in our community are available for our citizens. I am in full support of the project at 5175 Vincent Avenue and believe you should be as well. Due to the economic blow COVID brought to our community and has brought so much devastation to many families in our community, we are in no position in turning down any project at this time of recovery in our community. We have a great developer that is willing to pay good wages with benefits, and provide hundreds of jobs for our community that are very needed. Please reconsider and support and pass the project at 5175 Vincent Avenue and keep our community thriving. Thank you for allowing me the time to speak, good night.

ADMINISTRATIVE
SECRETARY AGUILA

We have no more speakers.

CHAIR TAPIA

Commissioners wish to speak? I have a few questions here. Number one I would like to kind of direct maybe staff to begin with the reason the R1 zone and that type of thing was not identified, could not be identified. I did not know why, it just slipped my mind for a while there.

The Manning brothers, which I was maybe twelve or eleven years old, I used to go to the Manning brothers with my little red wagon and pick up sand, sweep the scales, and whatever a ten, eleven, twelve year old would do. I would not get no money for it and I really did not care, because it was fun and I enjoyed it. I brought the rock and sand home. The older brother, his name was Dutch Manning. I cannot remember the brother in between because it was three brothers, because he was more or less the liaison. He was out there hustling. Then other brother was Dewey Manning. Dutch Manning, he had a house off of Vincent Street right where the pit is. Right where the road way is. He had a house there. It was a fun house. I had the privilege of going over there and having breakfast with him, with Dutch Manning and his wife. It was a house that had you know the farm and the whole bit - horse, cow, chickens, whatever. At that time it was not a city. It was county. I do not know if we looked into the county to see what there was. To see if it reflected anything but for sure Dutch Manning lived there, in the house. Big two story house, Victorian type house with a farm on it. Me personally, I believed that is why it was zoned R1 and A1 because that is basically what Irwindale was zoned, A1. That is just a little tidbit there. "To change the General Plan designation a portion of the subject property from residential to industrial business park for the construction of the new," okay so that is part of what I am saying. We as a City could not find why that was deemed R1 or A1 and I believe that is the reason why. The Manning brothers employed many employees plus maybe close to ten people here from Irwindale. Anyway I just thought that I would throw that in so maybe staff can look into it. This is on exhibit A item, I guess too it says, "The Subject Property is currently zoned M-2." The subject property, which to me includes twenty-six acres it does not refer to the part that has not been amended yet. I would like to know if that is what this means because that is not what I read. "The Subject Property is currently zoned M-2 (Heavy Manufacturing). Hereinafter in this Resolution, the subject Site Plan and Design Review shall be referred to as the Application," I want to know does this include the extra acres. I think it was...

CITY ATTORNEY
GUERRA

This only applies to 5175 Vincent Avenue in that statement.

CHAIR TAPIA

So this does not apply to residence okay.

CITY ATTORNEY
GUERRA

It applies to that property.

CHAIR TAPIA

Okay thank you. On page six, the first paragraph it says, "These documents, along with any documents submitted to the decision-makers, including all documents specified under applicable State law shall comprise the entire record of proceedings for any claims under CEQA." I like to know specifically what that means, the decision-makers.

CITY ATTORNEY
GUERRA

That means any Commission and eventually the City Council, when it goes to the City Council.

CHAIR TAPIA

Okay, thank you. That is Item A, okay. August the 9th when we have this meeting there was also a report from the IPCC, Intergovernmental Panel on Climate Change. The IPCC experts say, "Strong and sustained reduction in emissions of carbon dioxide (CO₂) and other greenhouse gases could quickly make the air, and in twenty to thirty years global temperature could stabilize. The report prepared by two hundred and thirty-four scientist from different countries say that the human influence has warmed the climate at a rate that is unprecedented in at least the last two thousand years. Methane emissions, greenhouse gas emissions, aerosol pollutions. In 2019, atmospheric CO₂ concentrations were higher than at any time in the last two million years. Concentration of methane and nitrous oxide were higher than any time in the last eight-hundred thousand years. Greenhouse gases, carbon dioxide, methane, nitrous oxide, fluorinated gasses, fossil fuel, combustion and industrial processes are out of control," and you can find this information on the internet.

CITY ATTORNEY
GUERRA

Mr. Chair I apologize for interrupting but I just want to remind the Commission procedurally where we are. The Commission heard staff's report, the presentation by the applicant, had a Public Hearing, closed the Public Hearing, deliberated on the matter, and voted on the matter to deny the project. The only thing that is before the Commission tonight is the Commission approving the resolutions that reflect that recommendation of denial. That is really all that is before us. If the Commission wants to get into further discussion then there would have to be a motion for reconsideration to bring it back. As far as staff is and I am understanding the Commission already directed us to present resolutions for a recommendation of denial.

CHAIR TAPIA

I understand but this is for understanding as to why we made that decision. The public has stated why they would like us to continue. They have stated that there is going to be many jobs that because of our decision we are basically taking jobs away. If they are able to express why they wish, even though we have denied it and we know that we have, why can't I as a Commissioner confirm why we made the decision that we made? I will stop there, I had more to say but I will stop my comments at this time. But you know, the public was allowed to express their opinions again. They were allowed the first time and they are allowed again the second time, so that is the point that I would like to make. Anyway I already made the point that I wanted to make.

CITY ATTORNEY
GUERRA

Just so procedurally you understand, the reason people were allowed to speak tonight was because of the Brown Act. They are allowed to speak on any item that is on the agenda. But as a reminder the Public Hearing for the item has been closed. That will not be considered as part of the Public Hearing.

CHAIR TAPIA So we might have to define what the public can say the second time also.

CITY ATTORNEY GUERRA We can never define that.

CHAIR TAPIA Okay. Alright so seeing that there is, does anyone else in the Commission want to say anything? No? Okay, then we will move on to the next phase. I guess to vote to deny or approve, if we changed our mind. Can you lead us in that discussion?

CITY ATTORNEY GUERRA As this is a Consent Calendar item we usually don't read the titles but I will simply note, the motion would be to adopt the three resolutions identified on the agenda Resolution Number 808(21), Resolution Number 809(21), and Resolution Number 810(21).

VICE-CHAIR BURROLA Motion to approve adopt Resolution Number 808, adopt Resolution Number 809, and adopt Resolution Number 810.

COMMISSIONER HARTMAN Second.

CHAIR TAPIA Roll call.

ADMINISTRATIVE SECRETARY AGUILA Commissioner Hartman.

COMMISSIONER HARTMAN Yes.

ADMINISTRATIVE SECRETARY AGUILA Vice-Chair Burrola.

VICE-CHAIR BURROLA Yes.

ADMINISTRATIVE SECRETARY AGUILA Chair Tapia.

CHAIR TAPIA Yes. Okay moving on. New Business there is none.

NEW BUSINESS

There were no items.

PUBLIC HEARINGS

ITEM NO. 3A

**SITE PLAN AND DESIGN REVIEW (DA) NO. 04-2021 AND
CONDITIONAL USE PERMIT NO. 05-2021 (PAUL GARRY, PSOMAS,
ON BEHALF OF IBY, LLC)**

CHAIR TAPIA Item 3, Public Hearings Site Plan and Design Review (DA) No. 04-2021 and Conditional Use Permit No. 05-2021 (Paul Garry, PSOMAS, on behalf of IBY, LLC) Mr. Chico could you please come back in.

Commissioner Gomez and Commissioner Chico return to the dais at 7:14 p.m.

COMMISSIONER
CHICO I thought you did not like us anymore.

CHAIR TAPIA Well that is to be debated. Okay staff, the presentation.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON Thank you, Chair and Commissioners. This item is to be presented by Lisa Chou, our Associate Planner.

ASSOCIATE
PLANNER
CHOU Good evening Honorable Chair and members of the Planning Commission, the next item on the agenda is Site Plan and Design Review (DA) No. 04-2021 and Conditional Use Permit No. 05-2021 for 15801 1st Street. The applicant is Paul Garry from PSOMAS, on behalf of the property owner, IBY, LLC. The Applicant is requesting a Site Plan and Design Review for the construction of a Filtration Building and a Conditional Use Permit to allow storage and use of cleaning chemicals for an existing brewery. Irwindale Brew Yard, or IBY, is an existing beverage manufacturing campus that was originally owned by Molson Coors. Miller Brewing Company first opened the Irwindale facility in 1980. After a series of acquisitions, the Irwindale facility ceased production in September 2020. The sale of Molson Coors's Irwindale brewery property to IBY, a subsidiary of Pabst Brewing Company, was completed November 2020. The site is zoned M-2 Heavy Manufacturing and designated in the General Plan as Industrial/Business Park. The project is categorically exempt from CEQA pursuant to Section 15301 (Class 1; Existing Facilities). The subject property is approximately two hundred twenty-six (226) acres, the proposed Filtration Building will abut the existing beverage manufacturing facility and be located within the interior of the existing campus. The proposed addition will house two independent four-stage filtration systems as well as two eight thousand gallon tanks, two three hundred gallon tanks of cleaning chemicals, and their associated equipment. The filtration system will filter malted beer in support of the existing beverage manufacturing facility. The proposed Filtration Building will consolidate accessory equipment and cleaning chemicals without reconfiguring existing equipment and improve the efficiency of facility operations. There is no limit to building height in the M-2 (Heavy Manufacturing) zone. The proposed height of the Filtration Building is approximately forty-four (44) feet, which is shorter than the existing building of approximately sixty-six (66) feet and nearby fermenting tanks measuring sixty-one (61) feet. The minimum required additional parking spaces needed is five (5) spaces and six (6) spaces will be

provided. The landscaping requirement has been met through plant materials appropriate to the location, building type, and building scale. There will be twenty-eight thousand (28,000) square feet of drought-tolerant planting to replace the thirteen thousand (13,000) square foot reduction of lawn area due to the proposed addition.

The IBY is an existing campus built in 1980 and consists of approximately 983,235 square feet of office, production, and warehouse uses, which have all been constructed in a utilitarian industrial style. Since the campus was built prior to the adoption of the Commercial and Industrial Design Guidelines, the campus was not designed in the desired Spanish mission style. However, all the buildings on campus were built according to development standards for M-2 (Heavy Manufacturing) in terms of height, setback, and landscaping. The IMC allows for an exemption from the Commercial and Industrial Design Guidelines for corporate campuses that are planned, organized, and managed to function as a unified whole with common driveways, common parking, and common landscaping area. Per IMC Subsection 17.70.010(B)(2), any new improvements or new buildings that are less than thirty percent (30%) of the total existing floor area within a corporate campus are exempt from design review, subject to the discretion of the Planning Commission or City Council. The proposed Filtration Building will be one (1%) percent of the total beverage manufacturer facility's floor area. In order for the existing campus to maintain its architectural character, the proposed Filtration building is designed to match the industrial style for consistency. The exemption, as allowed via IMC Subsection 17.070.010(B)(2) will prevent the design of the addition from appearing out of place and detracting from the existing IBY. The Filtration Building will house the cleaning chemicals to support the existing beverage manufacturing facility. Per IMC Subsection 17.80.030(27), the use, sale or storage of any materials classified as toxic or hazardous by either the federal or state government, as a substantial part of the total use shall require a CUP. The Hydrochloric Acid and Caustic Soda Liquid will be stored inside two (2) separate eight thousand (8,000) gallon steel tanks while the Poni Acid is stored in two (2) separate three hundred (300) gallon plastic tanks. All chemicals will be stored in a safe and secure manner that is compliant with Los Angeles County Fire Department regulations. The storage and use of the cleaning chemicals is not expected to generate additional traffic or freight vehicle trips and the Filtration Building will not be visible from off-site views as it is screened by landscaping. Therefore, the impact of the facility on the surrounding properties is expected to be insignificant. In conclusion, it is recommended that the Planning Commission: Adopt Resolution No. 807(21) recommending that the City Council approve Site Plan and Design Review (DA) No. 04-2021 and Conditional Use Permit No. 05-2021, subject to the proposed Conditions of Approval. That concludes staff's report. Staff and applicants are available for any questions. Thank you.

CHAIR TAPIA Any questions for staff? Any questions for staff? My questions are just clarifications. I would like to know, what year or how did this facility become a corporate campus. I don't remember, what is the process or procedure, and what entity and what part of our process titles this as a corporate campus? I would like to know when because I do not remember them, Miller, ever coming to us or anybody else. I do not remember them being called a corporate campus. I know that the City of Hope and that the other facilities had paperwork incorporating that. I like to know what the procedure is. Not that I am oppose to it but like I said I just want clarification.

ASSOCIATE
PLANNER
CHOU Thank you Chair, so the brewery facility was designed as a campus from the get-go, when it was first design and broke ground in 1977 and when it was completed in 1980. It is defined as a campus because they have shared driveways, parking, and landscaping.

CHAIR TAPIA So that option was already there since 1980, you say? 77? The corporate because I never heard of it until City of Hope came around. Never ever had heard of it. I thought that was incorporated to be an exemption with our Design Guidelines but never before had I ever heard of that.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON Thank you Chair and Commission, so the designation of calling it a campus or a corporate campus, is when you have a large piece of property that has multiple buildings for multiple uses. In this case there are offices, there is manufacturing, there is the warehouse, there is the distribution. The designation would be the same as the 3M building that is off of Peck Road. We had that come to the Planning Commission a few years ago, that they were adding some awnings to it and extending some buildings. We considered that as a corporate campus that was exempt from the Design Guidelines. This would be similar to that.

CHAIR TAPIA Does the Planning Department designate who is going to qualify to be a corporate campus?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON No, It is not necessarily that it has to have a specific designation. There is a corporate campus that is off of Rivergrade, that we do call the Corporate Campus. It was labeled that but this is a campus that has their headquarters and offices in there and that is typically what we would call a corporate campus.

CHAIR TAPIA Okay, Yes.

COMMISSIONER
CHICO

Is that a legal term?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

That is a good question, and we have somebody that has some legal experience to answer that.

CITY ATTORNEY
GUERRA

The word campus? I do not recall that in our Zoning Code, myself. I would have to look but I do not recall that being a separate definition. I think something you would consider is like a specific plan that kind of governs the use of the site. But I have never heard of campus as a label, a description.

CHAIR TAPIA

Okay so you answered both of my questions here. I have another here. Number four on page twenty-one. No I am sorry hold up a second.

ADMINISTRATIVE
SECRETARY AGUILA

Excuse me Commissioner Chico, could you please turn on your mic.

COMMISSIONER
CHICO

My mic? I guess I am not close enough.

ADMINISTRATIVE
SECRETARY AGUILA

There we go, thank you.

COMMISSIONER
CHICO

I did not want you to hear me.

CHAIR TAPIA

Okay so my question is number four on twenty-one. I really don't agree with this paragraph or maybe I am not interpreting it right. But the way it reads, it reads this, "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." Okay first of all what is the vicinity? Is it the vicinity within the campus or is it the vicinity around the campus? "Of the subject project while still providing for a variety of designs, forms and treatments." Well I cannot see how it is providing a variety of designs, forms, and treatments so I don't agree. As I read this, as I interrupt it number four shouldn't be there or it should be worded differently.

CITY ATTORNEY
GUERRA

Mr. Chair at this time if you are seeking clarification on what the paragraph means we can definitely provide it. But as a reminder we should not be making any determinations until after the Public Hearing. So if you are asking for clarification I can provide that.

CHAIR TAPIA Well it is a question. Like I stated in the first place, I am just seeking clarification.

CITY ATTORNEY
GUERRA Okay, very good.

CHAIR TAPIA I am just seeking clarification it is not a determination that I am opposed or for it. You know? I just want to be clear on what I am going to vote for. You know? That is my position.

ASSOCIATE
PLANNER
CHOU Thank you Chair, so number four as you stated is a statement in which have to provide findings to justify the project. The paragraph immediately following number four is the finding that would support the statement.

CHAIR TAPIA Can you read that please?

ASSOCIATE
PLANNER
CHOU The finding?

CHAIR TAPIA Yeah, can you read how it is supports it?

ASSOCIATE
PLANNER
CHOU Yes, "Per IMC Subsection 17.70.010(B)(2), any new improvements or new buildings that are less than thirty percent (30%) of the total existing floor area within a corporate campus are exempt from design review, subject to the discretion of the Planning Commission or City Council. The proposed Filtration Building will be one (1%) percent of the total beverage manufacturer facility's floor area. The IBY is an existing campus built in 1980 and consists of approximately 983,235 square feet of office, production, and warehouse uses, which have all been constructed in a utilitarian industrial style. Since the campus was built prior to the adoption of the Commercial and Industrial Design Guidelines, the campus was not designed in the desired Spanish mission style. The IMC allows for an exemption from the Commercial and Industrial Design Guidelines for corporate campuses that are planned, organized, and managed to function as a unified whole with common driveways, common parking, and common landscaping plan. In order for the existing campus to maintain its architectural character, the proposed Filtration building is designed to match the industrial style for consistency. The exemption, as allowed via IMC Subsection 17.070.010(B)(2) will prevent the design of the addition from appearing out of place and detracting from the existing IBY."

- CHAIR TAPIA Okay, I still don't agree with it and I will tell you why. It says, to me I know that it might be redundant, but "the proposed development consistent with applicable design guidelines" that does not make sense because this is not consistent with the applicable City Design Guidelines unless it is exempt. The word exempt is not in there. When it is exempt now that would make a little more sense to me, because now you don't have to follow the guidelines, you just have to match what is already there depending on the design that was there to begin with before the Design Guidelines. It says "with applicable City Design Guidelines and historic design themes," it does not fall into that category. "And provides for appropriate exterior building design and appearance consistent and complementary to present and proposed buildings," that is not true. "And structures in the vicinity," again what is the vicinity because there is a structure on the other side of Irwindale Avenue that looks like the Whitehouse, and for sure that does not look anything like it. What is the vicinity? Is it the vicinity within the campus or is it the vicinity that is around here. "Of the subject project while still providing for a variety of designs," it is not providing a variety of designs it is being constructed to match the design that is already there. Again, I am not oppose but I don't agree with it and I can't. I don't agree with that statement. The statement that you read has nothing to do with this. The statement below explains to me why it is exempt and the footing and all that. This paragraph number four, I would still like clarification for it. I will wait to get more into it but it makes no sense.
- ASSOCIATE
PLANNER
CHOU Thank you Chair, the applicant is seeking an exemption from the Design Guidelines and B2 is an exemption that is allowed for campuses, as long as the addition is less than thirty percent.
- CHAIR TAPIA I understand that but what I am referring to is the paragraph that starts with number four, it has no bearing with what is after. What is after has bearing. I understand that it is exempt but the paragraph in front paints a different picture, period.
- CITY ATTORNEY
GUERRA Are you referencing where it says number four, that the proposed development is consistent (unintelligible)
- CHAIR TAPIA Yes.
- CITY ATTORNEY
GUERRA Okay, that section is from the Municipal Code.
- CHAIR TAPIA Pardon.
- CITY ATTORNEY
GUERRA That section is from the Municipal Code. That is the finding that is set forth in the Municipal Code that the Commissioner is referring to.
- CHAIR TAPIA Then the Municipal Code needs to be changed.

CITY ATTORNEY GUERRA I think we are all in agreement there. For now this is the code section that governs this decision.

CHAIR TAPIA I don't know, the construction has nothing to do with this paragraph here. I know that it is exempt. I know that it does not have to match the Design Guidelines. I am aware of all that but what it says here it doesn't make no sense. Am I alone here? Commissioners, am I alone? Am I tripping or what.

VICE-CHAIR BURROLA No, I see where you are going with it but can we make a suggestion for a change in how it is stated? The proposed development follows the applicable Design Guidelines and exempts or something in that sorts.

CITY ATTORNEY GUERRA I think that can be a discussion for a future meeting in terms of what language is in the code. I will further note that the reason that it needs to be changed because we are actually in the process of doing a Zoning Code Update.

CHAIR TAPIA I don't want to stop the process just because of that.

CITY ATTORNEY GUERRA I understand, but technically we can't this is the Municipal Section that governs.

VICE-CHAIR BURROLA What section is it? Is it 17.70.010(B)(2) because you guys did not state the section of the Municipal Code that you guys stated.

CITY ATTORNEY GUERRA I am not sure.

VICE-CHAIR BURROLA Maybe you can put that there just to clarify things.

CHAIR TAPIA How could somebody write that paragraph on something that is exempt? It doesn't have to follow the Design Guidelines. It makes no sense to me. Anybody else have any suggestions, ideas, or.

COMMISSIONER CHICO I kind of understand, I don't know if you call it confusion, conflict, misunderstanding that the proposed development is consistent and then the second paragraph says that it is exempt. It is because those two are incompatible with one another.

CHAIR TAPIA As long as we all know that we understand what we are voting for. Like I said again, all I want is clarification. That is all I am asking for. I thank you for putting up with me. Okay any other questions for staff?

COMMISSIONER GOMEZ I have a couple of questions Mr. Chair, I don't know if they are for the staff or if the company should answer it. It is on page eighteen. I wanted to do some clarification on the cleaning of the chemicals. I am not sure if they are going to answer that or?

ASSOCIATE PLANNER CHOU Commissioner could you repeat your question.

COMMISSIONER GOMEZ I want to address the cleaning chemicals that they are going to be using at this facility. Is that something you would answer or the owner of the company?

ASSOCIATE PLANNER CHOU Thank you Commissioner I can answer the basics of it.

COMMISSIONER GOMEZ When we go to page eighteen, the start of the third paragraph it addresses the different cleaning chemicals. Are they standard? Is it standard? Did Miller Coors also used those as well?

ASSOCIATE PLANNER CHOU Yes Commissioner.

COMMISSIONER GOMEZ Also the other question is, I know that we are going to be in compliance with the Los Angeles County Fire Department regulations, how is the waste managed to dispose of excess chemicals after the cleaning process?

ASSOCIATE PLANNER CHOU I believe that would be better answered by the applicant.

COMMISSIONER GOMEZ Do you want to do that now or do you want to wait till?

CHAIR TAPIA I'll call the applicant after, if anybody has other questions for staff. No?

COMMISSIONER HARTMAN I can answer part of that.

COMMISSIONER GOMEZ Okay.

COMMISSIONER HARTMAN I work in the food industry for many, many years and everything has to be neutralized before it is released into the water system. Most food processing companies and beverage companies have a, oh gosh I forgot what they call it, it is a series of separation tanks that get filtered, treated, neutralized, and then released down the drain.

COMMISSIONER GOMEZ We need to clarify it. Would that be a similar process? And what guidelines is it? Is it standard to test the water before it is released?

COMMISSIONER HARTMAN It is the LA County Wastewater Management.

COMMISSIONER GOMEZ Okay and then under that process then, and this is just clarification because in the community even though they are really excited about the brewery they are also concern about pollution lately, under the guidelines when there is a natural disaster, do you have a process for a natural disaster? For safety? More than likely with LA County right and the fire department. Then it also speaks to run off.

CHAIR TAPIA Could you please direct that to the applicant so they can gave us an answer?

COMMISSIONER GOMEZ Sure, we can do that. So do you want me to wait until that process?

CHAIR TAPIA Yes.

COMMISSIONER GOMEZ Okay no problem.

CHAIR TAPIA Thank you very much could the applicant step forward please.

VICE-CHAIR BURROLA Chair, before the applicant goes up this is for staff. So what Suzanne was saying, I know for this proposed building it is exempt from CEQA but with this new building going in are they going to be following some sort of CEQA requirement that was already in place, for the actual brewing company when it first started? I guess what I am asking is who is going to be making sure all of this is taken care of? Is there going to be inspections? Code Enforcement going to do it? County going to do it? Who is going to be making sure that everything is safe and filtration is being done properly? Since it does not fall under CEQA it is exempt from CEQA.

ASSOCIATE PLANNER CHOU Thank you Commissioner so the business will be operating according to City guidelines. For hazardous waste and other storage other agencies are responsible. LA County Health will also be, the Health Permit will also be required for the business as part of the Business License that has to be renewed every year. The businesses will stay on top of that.

VICE-CHAIR
BURROLA Does Code Enforcement have any inspections done to these facilities?

ASSOCIATE
PLANNER
CHOU Not regular inspections.

VICE-CHAIR
BURROLA Okay so we leave it up to County to do these inspections?

ASSOCIATE
PLANNER
CHOU Or the Health Department, yes.

VICE-CHAIR
BURROLA Okay so they let us know what findings they have and they send it to you guys?

ASSOCIATE
PLANNER
CHOU Should there be an issue, yes.

COMMISSIONER
CHICO I have a question.

CHAIR TAPIA Yes sir.

COMMISSIONER
CHICO Question, the Health Department will make periodic inspections on this operation, will they report to the City each and every time there is an inspection? Will they also report to the City any violations that may be uncovered?

ASSOCIATE
PLANNER
CHOU They will report to the City any violations and it is up to the business to follow up with the Health Department and the City, to provide the proper documentation.

COMMISSIONER
CHICO Okay, will we get that documentation of the conventional regular schedule inspections?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON Thank you Chair and Commission, I think that the applicant can speak in detail about that. Typically what will happen, is for any food or beverage type businesses, whether it is manufacturing or restaurant, the Health Department makes their inspections. There are things that the businesses will have to post and keep them on file. But the County agencies, whether it is State or County, if they find any violations they do notify the City. We get those.

COMMISSIONER
CHICO In the meantime we can go check those records in their office?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Absolutely, yes.

VICE-CHAIR
BURROLA

Real quick, is this part of our CUP? Is there some statement in our CUP that governs this requirement inspections and so forth?

ASSOCIATE
PLANNER
CHOU

It is required as part of their Business License that must be renewed every year, to provide their Health Permit.

VICE-CHAIR
BURROLA

Which is part of the CUP? Conditional Use Permit.

ASSOCIATE
PLANNER
CHOU

It is part of the Business Operation.

COMMISSIONER
CHICO

That didn't really answer the question. I understand, the Business License is one thing, the CUP is another.

VICE-CHAIR
BURROLA

Can we ask for that in the CUP? Is that something we can ask for? Or is it typically not put in the CUP as a requirement. I guess it would be under, what would it be under Building and Safety? Not Engineering but maybe Community Development Department.

ASSOCIATE
PLANNER
CHOU

So thank you Commissioner, within the Conditions of Approval A10 and A11 it states that, "A City Inspector shall have full access to the site to reasonably inspect the site during normal working hours to insure compliance with these conditions and any other codes and the facility and use thereof should be maintained in full compliance with all codes, standards, policies, and regulations impose by the City, County, State, or Federal agencies with jurisdiction over the facility." So that would include the Health Department, yes.

VICE-CHAIR
BURROLA

Okay, thank you.

CHAIR TAPIA

To the applicant, just in general, our questions of clarifications we were not the Commissioner that were back here when Millers open. These questions may be repetitive, they may be commonsense, but we have to ask them so that we can consciously and to the best of our ability give you our honest approval and decision. That is the thing, even though Millers is there and you are going to follow the same procedure, but we don't know what the procedure was at that particular time. That's why we need clarification so that we can make the proper decision. Any other questions? Okay then thank you. I would like to

- ask counsel, if I can call the applicant now to answer questions or do I open up the Public Hearing.
- COMMUNITY DEVELOPMENT DIRECTOR SIMPSON Thank you Chair, it would be appropriate to open the Public Hearing and we can have the applicant give a brief presentation.
- CHAIR TAPIA Okay and then once the applicant makes the presentation do I go to the public first or do the Commissioners ask questions first?
- CITY ATTORNEY GUERRA The Commission would hear from the applicant ask them any questions that you have, and at the conclusion of that you can invite the rest of the public to provide comments.
- CHAIR TAPIA Okay, thank you. If there is no further questions, thank you very much for your report and bearing with us. Now we will open up the Public Hearing and we will call the applicant up to make the presentation. Thank you very much.
- OPEN PUBLIC HEARING At 7:53 p.m., Chair Tapia opened the public hearing.
- ANITA HERNANDEZ Good Evening, my name is Anita Hernandez and I am the Corporate Communications Manager for City Brewery. I was also with Miller Coors for twenty-four years. I had a long history here with the City and the Chamber, IEF, and many of the other City functions here. This is definitely home so it is nice to be back. I wanted to just acknowledge in 2020 it wasn't just a horrible year for COVID, but it was also a horrible year for us with the announcement of the closure and all of the uncertainty that we went through. It is very exciting to have Irwindale Brew Yard back here and to start up production. We are hoping for a very long great relationship just like Miller Coors had with you and Molson Coors. I would like to introduce to you our President of Irwindale Brew Yard, and that is Adam Sher and he will be able to answer a lot of the questions that you might have. Thank you again for the opportunity to be here tonight. We really appreciate it.
- CHAIR TAPIA Thank you. State your name and address for the record please.
- ADAM SHER Adam Sher, Los Angeles, California. I want to thank the Commission for hearing this item tonight. We put some complicated stuff in front of you and I appreciate your patience. I specially want to thank the planning staff, Marilyn, Brandi, Lisa they all done a lot of hard work and have been great to work with. We are here tonight to support the staff recommendation for approval of the new filtration building and respectfully ask for the Commission's yes vote this evening. As staff and Anita noted, when Miller Coors left they temporarily paused commercial production at the brewery. We want to be clear from the

moment we took over we were performing sustaining functions and gearing up, to make sure we can restart the plant as easily as possible. The hand-off I think it was 3 p.m. November 4th and we were there 3:01p.m. November 4th, starting to do our work. On that note, we have been lucky to have many of the Miller Coors employees that were there before come back to work with us. There is a lot of familiarity, comfort, and people that really have some pride in that facility. I want to thank all the men and women who have worked in the brewery, day in and day out to get us here. Returning to tonight's applications, as the staff detailed the filtration building represents just a small, its less than ten thousand square foot in closure next to the existing building. It is in a concrete courtyard. Lisa pointed out it is less than one percent of the existing campus. It will contain equipment that performs the same type of functions that already exists in the brewery today. I understand your concern, when someone hears the word chemicals that's scary. Those chemicals are all in the brewery today cleaning the facility and have been for decades. All we are asking is that we have a tank next to the new filtration system that we want to install. The filtration system is effectively a high efficiency filter removing solids from freshly brew beer that allows us to produce some of the beverage innovations that you are seeing on your supermarket shelves today, the hard seltzers, the hard ice teas. These is where modern consumer tastes are and we want to be able to make them. We can do that in the existing facility but we would have to reconfigure a lot of the equipment that is there now in order to add a proprietary system, which is what this is. City Brewery, which is operating the brewery, does unlike Miller Coors, who produces Miller lite and MGD, they own their beer. City while they will of course be producing PBR as Pabst is an owner of the property, City's model is to produce beer or beverages for other suppliers. Being able to be nimble and accommodate customers that have proprietary formulas that they do not want to share is hugely important. By setting it in a standalone building we can accommodate them. It is also much more efficient, we would not have to uninstall what is there today. As staff explained well, this is a small structure. It will likely be invisible to the public and to some of the Design Guidelines concerns. It is housed in such a way that unless you are in the brewery you will not see this building. It is shielded by other existing utilitarian buildings or by landscaping and we intend to put in some additional landscaping on top of what is there today. This represents a kind of investment in Irwindale that

CHAIR TAPIA

Sir you can take your mask off, if you are more comfortable.

add flavors, juices, something that would make it palatable but not what you would think of probably as a traditional beer.

CHAIR TAPIA So the filtration system is going to be used as the beer is being made, the malted beer? The filtration system?

ADAM SHER So with the caveat that there is some trade secrets in how some of these beverages are produced, no it would be after fresh beer is brewed. It would run through the filter and create the neutral malt base then that would be blended.

CHAIR TAPIA So I liked that clarified. I like to clarify it because as it reads, "The filtration system will filter malted beer," now I got a tank full of malted beer. Now the filtration system is going to kick in and filter the malted beer, while the beer is in there knowing that you are going to use these chemicals. That is what is confusing me.

ADAM SHER Just to clarify the chemicals, in addition to Ms. Gomez's concerns, are regulated. The brewing industry is heavily regulated. As a food and beverage facility and as an alcohol facility, we have both Code Guidelines and inspections that we have to follow from the FDA, from the TTB, which is effectively the Federal Alcohol Agency from California, ABC, from the County Sanitation Department and Health Department, and I can go on but it would be a long time. The chemicals themselves are simply use to clean the equipment

CHAIR TAPIA Not while the beer is in there?

ADAM SHER It is the exact same process that has been going on there for decades.

CHAIR TAPIA Sir, not while the beer is in there?

ADAM SHER No sir.

CHAIR TAPIA Okay.

COMMISSIONER HARTMAN I think I can explain it fairly easy. They do all their processing, they do all their filtration, once that batch is done that is when they run the hydrochloric acid through all the pipelines to clean it, then they run a sanitizer through it, then they run a rinse through it. Then they can start the process all over again.

CHAIR TAPIA I understand that but that is not what this sentence says. I liked that sentence changed somehow to reflect to what you have said and what the Commissioner has said. I understand that but that is not what this statement is saying.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON Thank you Chair and Commission, I appreciate your comments and we will clarify that. This item will go to the City Council and we will make that clarification in that report.

CHAIR TAPIA But I want it to be clarified today, not for the City Council.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON It will be clarified in the Minutes as well.

CHAIR TAPIA Today I want our Counsel to choose the wording that needs to be changed so that we can again make a conscious decision, because the way it reads right there it says, "The filtration system will filter malted beer."

ADAM SHER That is a true statement Commissioner.

CHAIR TAPIA It doesn't say that it is going to clean the tank after the beer is empty. That is my point.

ADAM SHER I think there is some confusion, there is a filter housing this building. For certain type of beverages we will run freshly brew beer through the filter to create a neutral malt base. On occasion we will need to clean the equipment. The chemical tanks are simply there to reduce having to transport chemicals for cleaning. The cleaning chemicals have nothing to do with the brewing process.

CHAIR TAPIA That is making more sense to me know. You know I am getting a better picture of just what it is says here, because that is not what it says here. What you just explained is not what it says here and again it is just clarification. I don't know am I just confused or do you guys read it another way?

COMMISSIONER HARTMAN I understand it.

CHAIR TAPIA No you understand it that's good because you understand that process, but what does it say there in English. You know?

COMMISSIONER HARTMAN That is what the filtration system is going to do. It is going to filter the beer.

CHAIR TAPIA Okay it is going to filter the beer. That is what I've been asking. Is the beer going to be in the hopper or is it not going to be in the hopper? That is what I've been trying to get an answer on. So could somebody please explain it?

ADAM SHER This is Ben Gibson.

BEN SALTSMAN Good evening Chair and members of the Commission, just to clarify.

CHAIR TAPIA Could you state your name and address for the record.

BEN SALTSMAN Ben Saltsman, Los Angeles, California 333 South Grand Avenue, I just want to try to make sure we are being very clear about the statement you had a question on. This is on page seventeen, this is the statement, "The filtration system will filter malted beer in support of the existing beverage manufacturing facility." We agree with how staff categorized it because the filtration system will filter beer. We agree with how staff categorized it, we think that is correct.

CHAIR TAPIA While the beer is in there?

BEN SALTSMAN Correct.

CHAIR TAPIA That is all I wanted to know. While the beer was in there or while it was not. That was confusing to me because what is going to be in the filtration system. It is not going to be filter by the chemicals that clean it right?

BEN SALTSMAN That is correct.

CHAIR TAPIA So see I didn't understand that. Now you have another chemical that is incorporated in the filtration system that is going to do whatever it needs to do to the beer. Now I get it thank you.

BEN SALTSMAN Thank you Mr. Chairman.

CHAIR TAPIA Any other questions? You can go ahead and take a seat, no we are going to open it up to the public they are going to have questions for you. Okay at this time we are going to open up the Public Hearing to the public. Raise your hands if you have any questions now and you will be addressed. Thank you.

ADMINISTRATIVE SECRETARY AGUILA Okay, so the first individual that I will now be unmuting will be Dena.

CHAIR TAPIA Go ahead.

DENA ZEPEDA Thank you chair, I am going to have to agree with Chair Tapia, this whole write up with what you guys have been reading and stuff is so confusing. It is so not right, Shame on staff again. You bring something to the table it should be directly how it is supposed to be. Existing is a big word in there. With a company coming in and taking over, if they are going to be the same kind of company, for instance like Michael's Hamburgers Stand was just bought over by another owner and the

same thing ran. Okay. They sold Millers and it was sold to another brewery, but it is not the same kind of company or they are gonna add more. Existing is using what you have existing. Discretion is you have a right to say yes or no to this. For bring in a new company, a new business, I feel they should start from the beginning and apply and do all this, because they are not existing with Millers Company. They are not doing exactly what Millers was doing. They are changing over. They are changing something else. All these little ins and outs and different sentences and words that they are using is not going with me either. I am understanding where you are coming from Chair Tapia. I understand, Mr. Hartman, the procedure I did work there too. The writing and the way it is written, we gotta protect ourselves because we are always getting stepped on. All because the writing wasn't right and all because it wasn't brought to you guys right. It should come to my Commissioners before it goes to my Council right. I am going to ask my Commissioners to bring it back to the table when they have it done right. I am sorry if the company has to go through this but we need to get it done right. We can't come back in two years and say well you said we can do it because of this or that or exempt. No they are not exempt. Discretion is up to you guys okay. I agree with Tapia, one hundred percent because there is a lot of discrepancy there. I mean I am not understanding. You are saying one thing then you say okay we will change it. Change it and then bring it back. That is my thing. Thank you Chair.

CHAIR TAPIA

Thank you.

ADMINISTRATIVE
SECRETARY AGUILA

The next individual that I will be unmuting is Pearl Virgin.

PEARL VIRGIN

Good evening Chair Tapia and members of the Planning Commission, my name is Pearl Virgin and I am currently the HR Manager for Irwindale Brew Yard, but I am also excited to introduce myself as a new homeowner of Irwindale, as I just became a resident early August. The only reason why I wanted to introduce myself is because I hope that you approve this as the filtration building will be very beneficial. We are going to be able to bring in new customers. As we get this phase going, if approved, it will give us the opportunity of also being able to hire additional employees. As you heard earlier, 2020 was a year of many changes including the plant closing, and it is exciting to be able to be a part of this now and be a part of it reopening and bring this to the City of Irwindale. Thank you for your time.

ADMINISTRATIVE
SECRETARY AGUILA

So once again I will be unmuting Dena, she did have one minute left of the three minutes allow to speak. So Dena you have now been unmuted.

- DENA ZEPEDA Thank you Chair, well that says a lot. Today we had to shut down that new home because they refused to get permits. They were told three times by our City's inspectors and they refused to get permits on that house that was just bought. I can just imagine what we are going to be going through with this company. Again Chair and Commissioners, I am asking you to please table it, have them write it right and bring it back to do it right the way it is supposed to be, because it is not been done right thank you.
- ADMINISTRATIVE SECRETARY AGUILA So Pearl Virgin has also raised her hand once again. She has a minute and a half remaining out of her three minutes to speak. I will now be unmuting her.
- PEARL VIRGIN As mentioned previously and when I introduced myself, yes I am a new resident here. In clarification of Ms. Dena's comment, we did hire an architect so that we can actually make sure that the plans and everything where in place. We did put it in the hands of a professional to make sure. The fact that we received this, my husband and I, is something that we are going back to, to make sure that this doesn't occur because we are trying to avoid anything that would have causes. We realized that it is a home that we purchased but the goal is to do any remodelization to bring it up and also add beautification to the City of Irwindale. As there is many homes, as we look at the City, are trying to improve and make better. That is what our goal is. In no way, though I am a resident of Irwindale and an employee of a company that is in the City of Irwindale. Is there any intention to not follow? That is why we are here today, both as a resident and as an employee of IBY to go through the process, so that we can have a smooth transition and build a partnership between all of us. Thank you so much again for your time.
- ADMINISTRATIVE SECRETARY AGUILA We have no more speakers.
- CHAIR TAPIA Do we have anymore comments from Commission? Okay. At this time we will close the Public Hearing.
- CLOSE PUBLIC HEARING There being no speakers, Chair Tapia closed the public hearing at 8:19 p.m.
- CHAIR TAPIA We will open it up for Commissioners Comments. Do we have any comments or requests? If not we will open for a motion.
- VICE-CHAIR BURROLA I have a comment, just to clarify things because of the back and forth. We are approving the resolution, correct? We are not approving a report by planning, is that correct?
- CHAIR TAPIA I don't know maybe you can ask our attorney.

CITY ATTORNEY
GUERRA

Yes the Staff Report is there just to give you information, background, and it is supplemented by staff's verbal Staff Report. But yes, the only action you would be doing is to adopt the resolution. If that is the desire of the Commission.

VICE-CHAIR
BURROLA

I have a comment just real quick. In the Conditional Use Permit that we are going to approve in the Resolution 807 page 29 of 38 subparagraph A it states, there is two eight thousand gallon tanks, correct? And then on C it talks about the two separate eight thousand gallon tanks, plus a Poni Acid is stored in two separate three hundred gallon tanks. This is just for clarification okay. Going into the CUP, which we are going to be holding them it's a Conditional Use Permit, on page 36 of 38 paragraph 19 it talks about eight thousand Hydrochloric Acid, eight thousand gallons of Caustic Soda Liquid, and then it says six hundred gallons of Poni Acid. Did you guys combine? There is two tanks right? So you combine it into, I know three hundred and three hundred is six hundred but it should be two tanks correct? It is not just one tank of six hundred. That is a little confusing because it states everywhere it is two tanks three hundred, two tanks eight thousand, but over here in the Conditional Use Permit it states six hundred gallons.

ASSOCIATE
PLANNER
CHOU

Yes Commissioner it was combined to six hundred gallons total.

VICE-CHAIR
BURROLA

See the confusion there, in the future though? Just for clarification can we state that there is two tanks at three hundred for the CUP to match the resolution? Or is that something petty? But I feel that in the future it might be confusing, if we hold them to certain things, you know inspections and stuff like that.

ASSOCIATE
PLANNER
CHOU

Yes Commissioner the six hundred is not to exceed limit. We could change the language to reflect the two separate tanks of three hundred gallons.

VICE-CHAIR
BURROLA

No to exceed three hundred for each tank?

ASSOCIATE
PLANNER
CHOU

There is two tanks each three hundred so the not to exceed six hundred. If you like for the language to be changed we can.

VICE-CHAIR
BURROLA

Yeah if you can because we are talking about two tanks at three hundred, not to exceed three hundred for each tank not six hundred gallons.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you Commissioner, what we can do for clarification on the Condition of Approval on page 36 where it says, and six hundred gallons of Poni Acid to be stored in two three hundred gallons tanks.

VICE-CHAIR
BURROLA

That would be good. Just for the future so we can hold them to two tanks not just one six hundred. That is how I am seeing it. I don't know how other Commissioners are see it.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Okay, thank you.

VICE-CHAIR
BURROLA

Are we able to make that change tonight or do we have to table it to next meeting?

CITY ATTORNEY
GUERRA

We can make that change tonight. We can include that as part of the action. I was informed that they wish to call it a tote.

VICE-CHAIR
BURROLA

Okay, is that like some sort of tank? Same thing?

CITY ATTORNEY
GUERRA

They are nodding yes, so I will go with it.

CHAIR TAPIA

Any other questions from staff? I mean from Commissioners. Okay so it is open for a motion.

COMMISSIONER
HARTMAN

I like to make a comment before I make a motion.

CHAIR TAPIA

Okay.

COMMISSIONER
HARTMAN

I know firsthand how strictly monitor food beverage and especially alcohol manufacturing plants are. They are monitored very strictly by multiple different agencies. Knowing that, I make a motion to approve Site Plan and Design Review No. 04-2021 and Conditional Use Permit No. 05-2021, with the language change.

CITY ATTORNEY
GUERRA

Commissioner Hartman, do you mind if I read the title of the resolution.

COMMISSIONER
HARTMAN

Absolutely.

CHAIR TAPIA	The title of the resolution is a resolution of the Planning Commission of the City of Irwindale recommending City Council approval of Site Plan and Design Review (DA) No. 04-2021 and Conditional Use Permit No. 05-2021 for the construction of one new ± 9,907 square foot filtration building and the approval for storage of cleaning chemicals for an existing beverage manufacturing facility (Irwindale Brew Yard, formerly Molson-Coors) for property located at 15801 First Street, Irwindale, CA 91706 (APN: 8533-009-021, -024, -907) in the M-2 (Heavy Manufacturing) zone subject to conditions as set forth herein and making findings in support thereof and finding the project exempt from CEQA pursuant to section 15301 (class 1; existing facilities) with the revision as stated by Community Development Director Simpson to condition B-19.
COMMISSIONER HARTMAN	I motion to approve as read.
COMMISSIONER CHICO	Second.
CHAIR TAPIA	Roll Call.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Hartman.
COMMISSIONER HARTMAN	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Gomez.
COMMISSIONER GOMEZ	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Chico.
COMMISSIONER CHICO	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Vice-Chair Burrola.
VICE-CHAIR BURROLA	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Chair Tapia.

CHAIR TAPIA I am still debating about page twenty-one, number four I do not agree with that sentence that is supposed to be a part of what is written in the code. I do not agree. That does not have anything to do, in my opinion, with exemption. You say there is nothing that can be changed there, counsel?

CITY ATTORNEY GUERRA With respect to the language after the number four in the first paragraph, no that is from the Municipal Code.

CHAIR TAPIA Okay, I want to go on record as I do not agree with number four and it should be changed. Who establishes what is said in our code?

CITY ATTORNEY GUERRA Traditionally it would be a recommendation from the Planning Commission that goes to the City Council for adoption.

CHAIR TAPIA Okay well I would like the City Council to take a real good look at what this says because again I want to read it, "The proposed development is consistent with applicable City design guidelines," which is not applicable with the City Design Guidelines at all. "And historic design themes," it is not Mediterranean or whatever you want to call it. "And provides for appropriate exterior building design," which it does not if you are going to call it Design Guidelines. "And appearance consistent and complementary to present and proposed buildings and structures in the vicinity," we don't know what vicinity it is not clear at all. What vicinity? I don't know. "Of the subject project while still providing for a variety of designs," what variety of designs is it providing? It is not providing any variety of designs, it is just going complementary with the designs that are already there. And it says, "forms and treatments." To me that paragraph has nothing to do with the exemption of this project. It has nothing to do with it. It shouldn't even be in there. Under those circumstances, I am going to go along with the rest of the Commission and vote yes, but I want this to clearly go to the Council and to make sure that when we are given the explanations that we get in our reports are more specific and that we don't have to look into. Yes I have worked in this field for fifteen years so I already know what that means but me I don't. I am a Commissioner, I don't know what you guys know. I need to read it here. I don't need to pull my hair trying to figure out what it means, then come to a meeting and find out that you did not mean it that way, it means this. I would like wherever we are going to be instructed to read, to read it literally. Under those conditions, and you said it will go to the Council? Under those conditions I am going to give my yes vote. Roll call.

COMMISSIONER CHICO We already did it.

CHAIR TAPIA Did we? Oh sorry. So, thank you very much gentlemen. Okay we move on to Discussion Items and Presentations.

**DISCUSSION ITEMS/
PRESENTATIONS**

- CHAIR TAPIA Any Discussion Items and Presentations?
- COMMUNITY DEVELOPMENT DIRECTOR SIMPSON Thank you Chair and Commission, the only presentation I have tonight is I would like to introduce a new Community Development staff member, Jesus Hernandez. He is our Office Specialist. A little bit about Jesus is that he previously worked in Monterey Park for the City Clerk's Office and the City Manager's Office, so he is familiar with city business. He has worked for the Disney Company for several years so he has really great Disney customer service skills. He has a dual degree from the University of La Verne in Criminology and Speech Communications. He had an eye on going to law school, he is shaking his head at me, and then he saw the wisdom of that and joined the City and Community Development.
- COMMISSIONER GOMEZ Well welcome aboard.
- COMMUNITY DEVELOPMENT DIRECTOR SIMPSON Yes, I liked to introduce Jesus Hernandez.
- OFFICE SPECIALIST HERNANDEZ Thank you Chair and Commission, it is an honor.
- CHAIR TAPIA Okay, Commissioner Comments or Request.

**COMMISSIONER
COMMENTS/
REQUESTS**

- CHAIR TAPIA Okay Commissioner Comments and request?
- COMMISSIONER HARTMAN I have one. I don't know if it is a question or a request. You know the Bus Company, that is over on Cypress, maybe because school is over but that bus yard is full of busses now. We as residents nearby are experiencing parking wars. The employees and the drivers of those buses are parking all up and down. Is that proper? Are they supposed to supply parking for their employees?
- COMMUNITY DEVELOPMENT DIRECTOR SIMPSON Thank you Commission that did come to our attention, Code Enforcement is following up on that. It is a new company that came in and they complied with certain things with Code Enforcement. We are working on that because we recognized that its had an impact on the neighborhood.

COMMISSIONER
HARTMAN

A big impact.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yes.

COMMISSIONER
CHICO

Thank you that is all I had.

CHAIR TAPIA

Okay.

COMMISSIONER
GOMEZ

Chair I also had a comment.

VICE-CHAIR
BURROLA

I had a comment too so after Suzanne.

COMMISSIONER
GOMEZ

I want them to pass it on to the correct department. Right at the new Memorial Park, we have low density grass which is really nice, however there is a section north of the tables and benches that is saturated with water and it is muddy. It is dangerous. Somebody could fall. I want it forwarded to the proper department so that they can look into changing the sprinkler density.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

I'll relay that to Public Works Services.

COMMISSIONER
GOMEZ

Thank you.

CHAIR TAPIA

This couple with what Commissioner Hartman said, I know that in some instances you can't report it, but I would like to see what the follow through is on things that we bring up for consideration in the comments. Are they complying or are they not complying? How long will we going to give them to comply and that type of thing? I would like it to come back and let us know the results of the Code Enforcement visits to the facility. Anybody else?

VICE-CHAIR
BURROLA

Yes, so I had a comment a couple meetings before, it's the warehouse west of Fraijo Street between Huy Fong Foods and Fraijo. That company is storing a lot of their scrap metal I guess. I look over the wall, because I live there, it seems like they cleaned up a little bit but more than clearing up they just kind of moved it around. There is still large, what do you call those like a fifth wheel. Someone might be staying in it because I see them coming in and out. There is cars parked there old cars, campers. I asked this before I was wondering if Code Enforcement ever went there. The Chair made a good point we say these comments and then we really don't get a report back, if they actually went out there and talked to the business owner. I was wondering if that was ever taken care of.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you Commissioner, Code Enforcement did go out. When they do an inspection, and on that one the items have been removed. If there is campers and fifth wheels and things like that, we will have Code Enforcement follow up. If we need to we can ask police if somebody is living in that.

VICE-CHAIR
BURROLA

Okay. I just want to do it legally too, whatever is part of the CUP and any other requirements. Code Enforcement does it right and looks into it.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yes they follow up. In fact they may even be listening to the meeting tonight.

VICE-CHAIR
BURROLA.

Okay.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you.

CHAIR TAPIA

Well I like to thank legal counsel for the pamphlet on the Brown Act. That was very concise and should help us out. Any Legal Counsel Comments.

**LEGAL COUNSEL
COMMENTS**

CITY ATTORNEY
GUERRA

No comments but thank you for the compliment. I will let Jamie know.

CHAIR TAPIA

Okay. Community Development Director's Report?

**COMMUNITY
DEVELOPMENT
DIRECTOR REPORT**

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Just a couple of items here. To remind the Commission to please check your City emails on a daily basis. There are some items in there regarding trainings that are required. I believe there are some of the Commissioners that will be getting iPads but when we talked to our IT department, I guess there has been a little bit of a delay in getting those from Apple. Probably in the next month, month and a half you should be getting those. Then a reminder the next meeting that we have in October will be open to the public, and we will have the public coming in. There will be some reconfiguring of some of the seats just for safety purposes. For those Commissioners, who are going to the conference, some of you are going tomorrow and I will be seeing you there. I hope to see you. They sound like good sessions. Thank you.

CHAIR TAPIA

No one else? Okay again, meeting will be adjourn in memory of Olivia Grijalva, Margaret Tapia, and Stacy Gonzalez. May they rest in peace. This meeting is now adjourn.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 8:40 p.m.

Planning Commission Chair

Attest:

Jesus Hernandez, Administrative Secretary