



CITY OF IRWINDALE

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

ARTHUR R.
TAPIA
CHAIR

ENOCH Y.
BURROLA
VICE-CHAIR

RICHARD
CHICO
COMMISSIONER

SUZANNE E.
GOMEZ
COMMISSIONER

ROBERT E.
HARTMAN
COMMISSIONER

AGENDA FOR THE REGULAR MEETING OF THE PLANNING COMMISSION

October 20, 2021

6:30 P.M.

IRWINDALE COUNCIL CHAMBER

(Closed to the Public)

Pursuant to Executive Order N-29-20

The Governor has declared a State of Emergency to exist in California as a result of the threat of COVID-19 (aka the "Coronavirus"). The Governor also issued Executive Order N-25-20, which directs Californians to follow public health directives including canceling large gatherings. The Executive Order also allows local legislative bodies to hold meetings via conference calls while still meeting state transparency requirements.

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 will also be available through the following options:

Join Webinar at

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

Webinar ID

863 4969 1359

Submit public comments by email to baguila@irwindaleca.gov before or during the meeting, prior to the close of public comment on an item. 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; Vice-Chair Enoch Y. Burrola; Chair Arthur R. Tapia
- E. ANNOUNCEMENTS

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.

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. Regular meeting held July 21, 2021

2. NEW BUSINESS

3. PUBLIC HEARINGS

A. CONDITIONAL USE PERMIT NO. 08-2021 (ROBERT URBAND, IBY, LLC)

Request for a Conditional Use Permit for the expanded operation of an existing brewery, in the M-2 (Heavy Manufacturing) at 15801 1st Street (APNs: 8533-009-021, -024, and -907), including beverage operations and rectifying, which is the mixing and blending of wine and spirits. ENVIRONMENTAL REVIEW: The proposed project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301 (Class 1; Existing Facilities) of the CEQA Guidelines. The project is to allow modification Alcoholic Beverage Control (ABC) license types at an existing use and does not include any additional square footage. The project is not located in an environmentally sensitive area. If action is taken to approve the project, a Notice of Exemption (NOE) will be filed with the Los Angeles County Clerk Recorder. The NOE is on file at the Community Development Department and available for review by the public.

Recommendation: Adopt Resolution No. 811(21)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE APPROVING CONDITIONAL USE PERMIT NO. 08-2021 FOR THE EXPANDED OPERATION OF AN EXISTING BREWERY, INCLUDING BEVERAGE OPERATIONS (TYPE 1 BEER MANUFACTURER, TYPE 9 BEER AND WINE IMPORTER) AND RECTIFYING (TYPE 2 WINEGROWER, TYPE 12 DISTILLED SPIRITS IMPORTER, TYPE 24 DISTILLED SPIRITS RECTIFIER'S GENERAL), FOR PROPERTY LOCATED AT 15801 1st STREET, IRWINDALE, CA 91706 (APNs: 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).

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 October 20, 2021 to be posted at the City Hall, Library, and Post Office on October 14, 2021.

Jesus Hernandez

Jesus Hernandez,
Administrative Secretary

IRWINDALE COUNCIL CHAMBER
5050 N. IRWINDALE AVENUE
IRWINDALE, CALIFORNIA 91706

July 21, 2021
Wednesday
6:36 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.

COMMISSIONER GOMEZ
INVOCATION

Father God we thank you for this day. We thank you for your protection, for your guidance and today we just ask that you continue to bless us. We give you all the glory and we ask for justice and truth in all that we do. Amen.

CHAIR TAPIA

Before we get started with roll call, I would like staff to introduce the new commissioner and our attorney. Please.

COMMUNITY
DEVELOPMENT

Thank you Chair and Commission it is my pleasure to introduce our newest Planning Commissioner Suzanne Gomez. She is very familiar

DIRECTOR
SIMPSON

with the city and has served the City so she'll be a good addition to the Planning Commission. Do you want to say a few words?

COMMISSIONER
GOMEZ

No, just thank you.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

And then I would like to introduce Jamie Traxler from our City Attorney's Office.

ASSISTANT
CITY ATTORNEY
TRAXLER

Thank you Director Simpson.

COMMISSIONER
CHICO

You're going to have to speak up I can't hear anything.

ASSISTANT
CITY ATTORNEY
TRAXLER

Can you hear me now?

COMMISSIONER
CHICO

There you go.

ASSISTANT
CITY ATTORNEY
TRAXLER

Good. Okay. Good evening gentlemen, Chair, members of the Commission. Just wanted to introduce myself, my name is Jamie Traxler. I am from the City Attorney's Office and I am looking forward to working with you tonight.

CHAIR TAPIA

Thank you, Commissioner Chico has a comment to make.

COMMISSIONER
CHICO

Same thing I just said to the lady. Because of these masks everyone is going to have to speak a little slower and a little clearer. Cause everything comes out garbled. I know you can hear yourselves but I can't hear you. So please I would appreciate it.

CHAIR TAPIA

Well I would like to welcome Suzanne Gomez. She is familiar with the Planning Commission, she was a Planning Commissioner, and she was also a council person. She found her way back home and I know that my aunt would be very happy and honored to know that she is back, and I am too. I know that she will do a good job for the City.

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; Marilyn Simpson, Community Development Director; Lisa Chou, Associate Planner; Daniel Co, Assistant City Engineer; Berlyn Aguila, Administrative Secretary

CHAIR TAPIA

Okay moving on to E, Announcements. Berlyn has an announcement to make.

ANNOUNCEMENTS

ADMINISTRATIVE
SECRETARY AGUILA

Yes. Per Executive Order N-25-20, Californians are directed to follow Public Health directives including canceling large gatherings. The Executive Order also allows local legislative bodies to hold meetings via conference call while still meeting state transparency requirements. The City of Irwindale has made tonight's meeting available in a virtual setting. Public comments can be submitted by email to the Community Development Department at Baguila@irwindaleca.gov. During the Spontaneous Communications portion of the virtual meeting, Administrative Secretary will first read any public comments sent by email. Next, the Chair will open the floor to those who are participating via webinar or phone. Please use the Raise Your Hand feature to be added to the queue of speakers. If you have called in please dial *9 and you'll be added to the queue. Once called upon, you will have three minutes to address the Planning Commission unless such time limits are extended. So that each member of the public will have the opportunity to speak, individuals will be limited to a single time to address the Planning Commission during Spontaneous Communications. If your hand is raised and you have spoken, you will not be given another opportunity to speak. During the discussion items on the agenda, members of the public are asked to use the Raise Your

Hand feature to be added to the queue of speakers and you will be unmuted from our central console at the appropriate time. Each speaker will be have 3 minutes to address the Planning Commission unless such time limits are extended. If your hand is raised and you have spoken, you will not be given another opportunity to speak. That is all, thank you.

CHAIR TAPIA

Thank you. I would like to ask our attorney. Are you going to be permanent with us? Are you going to be here on a permanent basis or just today. Or?

ASSISTANT
CITY ATTORNEY
TRAXLER

For now, I am just covering this meeting today. The City Attorney is in another meeting and he will be joining us shortly as well.

CHAIR TAPIA

We welcome you and we know that you come from a well-established firm, so we will be looking for your advice. Thank you.

ASSISTANT
CITY ATTORNEY
TRAXLER

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 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. So at this time Spontaneous Communications is now open to the audience and if you have anything that you would like to talk about that's not on this agenda could you please raise your hand so that you can be recognized.

ADMINISTRATIVE
SECRETARY AGUILA

Yes Chair, we do have a few members of the public who have raised their hands. The first individual who I would be unmuted, would be Fredrick Barbosa.

CHAIR TAPIA

Mr. Barbosa go ahead.

ADMINISTRATIVE

He has now been unmuted.

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SECRETARY AGUILA

CHAIR TAPIA Mr. Barbosa you can proceed with your comments.

ADMINISTRATIVE
SECRETARY AGUILA Mr. Barbosa it looks like you're self-muted. Can you please unmute yourself? Mr. Barbosa? If it is okay with you, I can go on to the next individual.

CHAIR TAPIA Okay.

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

DENA ZEPEDA Thank you Chair. I would like to congratulate Suzanne Gomez for joining the team. We appreciate your effort to want to go in there and make Irwindale a good city to live in and stuff. Welcome Suzanne, Thank you.

CHAIR TAPIA Thank you for your comments.

ADMINISTRATIVE
SECRETARY AGUILA The next individual that I will be unmuting will be Megan Zepeda.

MEGAN ZEPEDA Good evening I just wanted to give Carmen Roman my minutes for the meeting tonight. Thank you.

CHAIR TAPIA What was that comment?

ADMINISTRATIVE
SECRETARY AGUILA She will be giving her minutes to Carmen Roman. So the next individual will be Carmen Roman. You are now unmuted.

CARMEN ROMAN Okay. Good evening, I would also like to welcome Suzanne Gomez. She has done a great job for the City in the past for planning and as a Council Member. We are happy to have her back. I am speaking as a resident so I am just going to read my things here. If someone could please take notes because I will come back for answers. I know you can't answer everything tonight, thank you. I am speaking as a resident for myself and for others, for years we continue to protest against building more high industrial buildings like on Arrow Highway and Allen. It looks like a grey ugly prison that takes away from our beautiful mountain views. I am talking about the pit project between Arrow Highway, Allen, and Vincent now. It is too close for these high buildings that they are talking about building there.

CHAIR TAPIA Carmen let me interrupt you for just a second. That is going to be discussed and you will have an opportunity at that time, because that is on the agenda. That particular item is on the agenda for tonight. So could you stay with us and bring your comments at that time.

- CARMEN ROMAN Yes I will but I do have another thing to talk about. We like to speak on behalf of the residents on Allen Street and myself, as a visitor to that street because I have family there. It's a great concerns about this residential street turning into a parking lot for the carwash, commercial buildings, and businesses that are parking. You know those big commercial trucks that has a front part and then it looks like a big box in the back. There was a couple of those parked, I think for over a week over there. These trucks are hard to see around, they are not supposed to be in a residential place. On street cleaning days the residents have to scamper to find where to park, instead of being able to park across from their house. They might have to go down the street. There are several near misses of terrible accidents that could happen. Some of you might have experiences coming from Arrow Highway on to Allen especially on the weekends; Friday through Sunday when the carwash has so many patrons here. They park almost to the middle of the street and that is a two lane street, a small residential. Their employees get out there early on the weekend and take out all the parking. It is getting ridiculous and extremely dangerous. I would hate for any of our residents to be in a terrible accident or worse because of the carwash. I would like patrols there during the weekend and also during the week. Who are the ones that go and check to make sure that everything is in code? Code Enforcement. Code Enforcement to also travel, because I believe every building has to have so many parking for their establishment. So if you could please take care of that and make it a priority. Thank you.
- CHAIR TAPIA Thank you for those comments. Yes, I agree with you. Don't forget to come back during the other proceedings.
- CARMEN ROMAN I will thank you.
- ADMINISTRATIVE SECRETARY AGUILA The last member of the public would be Mr. Fredrick Barbosa. Which is still self-muted.
- CHAIR TAPIA Well if he by any chance gets in tune with us, we will let him speak at that particular time.
- ADMINISTRATIVE SECRETARY AGUILA Okay.
- CHAIR TAPIA Is there any other hands?
- ADMINISTRATIVE SECRETARY AGUILA There are no other hands raised.
- CHAIR TAPIA At this time we are going to close Spontaneous Communication and I thank those who participated. We don't get participation very often. The comments that were made were constructive and helpful to the

individuals and to the City. So at this particular time we will go to Item 1, Consent Calendar.

CONSENT CALENDAR

CHAIR TAPIA	The Consent Calendar contains matters of routine business and is to be approved in one motion unless a member of the Commission request 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. At this time A would be Minutes but there is no minutes to be approved. B will be a General Plan Consistency Determination of a 10-Acre Parcel located at 5100 Allen Drive, City of Irwindale. Staff.
ASSISTANT CITY ATTORNEY TRAXLER	Before we get into Public Comment as to the General Plan Consistency, it is my understanding that we have a couple of conflicts on the Commission that we need to address.
COMMISSIONER CHICO	A little louder.
ASSISTANT CITY ATTORNEY TRAXLER	I am sorry I don't want to yell into the mic. Before we get into this item, it is my understanding that we have a couple of conflicts of interest that we need to address. It is my understanding that there are three Commissioners who have a financial interest, due to ownership of real property, I will address each in turn. I just want to give an overview of the regulations beforehand.
CHAIR TAPIA	I want to take one break to ask a person a question. I want to take one break because you said that they have property. Okay. I don't know if it is proper for me to mention the name, but the property may not be in that person's name. If it is not in that person's name, then they just live there. They are not the property owner, at this particular time. I do not know that but that might qualify that person to be able to vote, since they just live there and they are not the owners at this present time.
ASSISTANT CITY ATTORNEY TRAXLER	Let's take a brief recess and I can consult with you regarding that item.
CHAIR TAPIA	Let me whisper it in your ear then.
Recess Reconvened	Chair Tapia recessed the meeting at 6:53 p.m. Chair Tapia reconvened the meeting at 6:54 p.m.
CHAIR TAPIA	I want to reconvene at this point this meeting has now reconvened.
ASSISTANT CITY ATTORNEY	Thank you Mr. Chair, so we have determined that there are three Commissioners who have a financial interest due to a direct or indirect

TRAXLER interest in real property, a financial interest. It is my understanding that Commissioner Chico has a financial interest in real property, located 500 feet or less from the property at issue. The 10-acre Parcel located at 5100 Allen Drive. Under the regulations, under the conflict of interest regulations, if the decision is located 500 feet or less from the property line of the parcel, there is a presumed material financial effect. Unless there is presented clear and convincing evidence, that the decision will not have any measurable impact on the official's property. Unless Commissioner Chico has clear and convincing evidence, to support that this decision will not have any measurable impact on the property, it would be my recommendation that Commissioner Chico has a conflict of interest, and therefore should recuse himself from this decision.

COMMISSIONER CHICO What would be clear and what did you say? Clear and?

ASSISTANT CITY ATTORNEY TRAXLER Clear and convincing evidence.

COMMISSIONER CHICO Give me an example of that.

ASSISTANT CITY ATTORNEY TRAXLER An example of that would be any documentation that would prove it.

COMMISSIONER CHICO That doesn't answer my question. I think that's why the law is very very vague. I wish I had to money to hire an attorney to challenge it, in this particular situation. One of the reasons is because the law focuses in you say measurable value. It doesn't allow the person involved or the person affected to do anything, if in fact this project or any project is going to reduce the property value. Therefore, there is no way for me to protect myself even though the law is obeyed. So I am not going to challenge it because fortunately I hope that there will be enough people to deal with the situation. So be it, but it is vague. Clear and convincing evidence that does not mean a thing, because you can't give me an example. Nobody can give me an example. No one can give me an example of how it would not affect the value of the property.

ASSISTANT CITY ATTORNEY TRAXLER I understand your position Commissioner. The way that the regulations are written it would have a measurable impact whether positively or negatively, both are taken into consideration.

COMMISSIONER CHICO But yet as a City Attorney, you are going to disqualify me. Is that correct?

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ASSISTANT CITY ATTORNEY TRAXLER	The regulations under the conflict of interest under the Fair Political Practices Commission.
COMMISSIONER CHICO	That is your interpretation.
ASSISTANT CITY ATTORNEY TRAXLER	That would be my recommendation.
COMMISSIONER CHICO	So it is your interpretation that this affects the value of my property?
ASSISTANT CITY ATTORNEY TRAXLER	Unless you can present clear and convincing evidence otherwise.
COMMISSIONER CHICO	We are going around in circles. Okay I have to go. I don't have the resources to challenge it. But I made my point for the record.
CHAIR TAPIA	What if he has a first and a second on the house. I don't know, if he does or not but let's just say. If a person owes his life to the company store does that still apply? Because now the company store owns the property. They own the right until they get paid. So how does that work?
ASSISTANT CITY ATTORNEY TRAXLER	Can you clarify your question?
CHAIR TAPIA	Okay if I have a first and a second on my property. Now that property, no matter if this project is going to be beneficial or not for my property. I don't owe my property at the present time even though I still have to pay taxes, and I still have to pay everything else. I owe for the first mortgage and second mortgage. How does that apply to the conflict of interest?
COMMISSIONER CHICO	The law does not make allowance for that. I can already give you the answer. Again, the law is very vague. There is no use in challenging it.
CHAIR TAPIA	I just thought I would bring that up.
ASSISTANT CITY ATTORNEY TRAXLER	Commissioner I would ask you to remain seated because I think that we are going to have to draw straws in order to have a quorum on this issue. So I would just ask that you remain seated for the time being. Dealing with the next conflict. I understand that Chair Tapia and Commissioner Gomez each have a financial interest in real property, located more than 500 feet but less than 1,000 feet from the property

line, of the 10-acre parcel. Under the regulations, there are several factors that we must go through in order to determine whether, there is a material financial effect on the property. I will go through each of those with you, give you my recommendation, and then you will be able to make a determination whether to recuse yourself from this decision. I will start with Chair Tapia. There is a material financial effect if the decision would change whether positive or negative the development potential of the property. There is a material financial effect if the decision would change the income producing potential of the property. There is a material financial effect if the decision would change the highest and best use of the property.

CHAIR TAPIA

My property?

ASSISTANT
CITY ATTORNEY
TRAXLER

There is a material financial effect if the decision.

CHAIR TAPIA

Can I Ask? Can I interrupt you? If my property is already located and this is just a question. My property is already located in a residential zoning, R1. How can that apply? Can you restate that question or the statement that you made? Could you restate the point that you made about my property? The last statement that you made could you restate that?

ASSISTANT
CITY ATTORNEY
TRAXLER

Yes. There is a material financial effect if the decision would change the highest and best use of the property.

CHAIR TAPIA

Okay. That is what I mean. What is the highest and best use of the property if it is R1? I cannot use it for anything else.

ASSISTANT
CITY ATTORNEY
TRAXLER

So that would be the highest and best use, if it had a material financial effect on the highest and best use of the residence, of the property.

CHAIR TAPIA

Okay.

ASSISTANT
CITY ATTORNEY
TRAXLER

Going on to the fourth factor, there is a material financial effect if the decision would change the character by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels or air quality. And lastly there is a material financial effect if the decision would change the market value of the property.

CHAIR TAPIA

I have a question. The first time that this General Plan Consistency Determination came to us, one of the members that would have been the third voted that does not live within the distance did not come to the meeting. We didn't have a quorum. So the next meeting, however, I was going to be allowed to vote. Although I was not allowed to vote at

that particular meeting. Now on the next meeting I was going to be allow to vote. How did that come to play? How? How is that? I was still within the 1,000 feet but now I was going to be allowed to vote to make the quorum. Now the stipulation is that after I was allowed to vote, now I am not going to be allow to vote. So what happen from that point in time to this point in time that now I am disqualified?

ASSISTANT
CITY ATTORNEY
TRAXLER

It is my understanding that it was recommended that there would be a lack of a quorum, and for that reason the vote was going to be allowed to go through, due to legally required participation. Meaning there would be no ability to make a decision on the item, because there was a lack of a quorum, a majority of the members present. For that reason.

CHAIR TAPIA

See that I think that's what begins to get frustrating and a feeling of things being unreasonable, and a feeling that there's different definitions of whatever it is that can be brought out. If this doesn't apply, if that applies, if we don't have a quorum, if we have a quorum now we have three. I understand all that but it's very frustrating you know? It's a real frustrating situation. All this does not have anything to do with how I would vote. I just want to get a better concept on what all this entails and how it works. You know? How can an exception not be made when I wasn't allowed to vote the first time? Now because there is a couple more, well Mr. Chico. Commissioner Chico is within the 500 feet. Now that Commissioner Gomez is here now we can to draw straws. Commissioner Chico doesn't have a leg to stand on because he lives within the 500 feet. He can't even draw straws for this, because he lives within the 500 feet so now.

ASSISTANT
CITY ATTORNEY
TRAXLER

To clarify he would be allow to draw straws. So I'll give you the law. Under the Conflict of Interest Regulations if there is no alternative source of decision, meaning there cannot be a decision made because there is a lack of a quorum. Then we don't have the minimum amount of commissioners needed to make a decision. In this case the regulations allow a conflicted commissioner to be selected at random to participate in the decision.

CHAIR TAPIA

Okay I know that statue was put in there for those particular cases. I understand all that. You have clarified it and I just want to make sure that in the future I ready know what to expect and what not to expect. So I thank you for that.

ASSISTANT
CITY ATTORNEY
TRAXLER

Thank you Mr. Chair.

CHAIR TAPIA

I am not challenging there is no need for it, because there is going to be a quorum anyway. Regardless.

ASSISTANT CITY ATTORNEY TRAXLER: It would be my recommendation that Mr. Chair you do have a conflict of interest and that you recuse yourself. If you want you can go on ahead and do that now and I can move on to Commissioner Gomez.

CHAIR TAPIA: I accept that I have a conflict of interest. I am fine with that decision.

ASSISTANT CITY ATTORNEY TRAXLER: Commissioner Gomez it is my understanding that you have an indirect financial interest in real property. The financial interest is more than \$2,000 and is located more than 500 feet, but less than 1,000 feet from the property line of the 10-acre parcel. So under the regulations, just like I went through with Mr. Chair Tapia, I'll go through the same factors with you. To determine whether there would be a material financial effect. There is a material financial effect, if the decision would change whether positive or negative the development potential of the property.

COMMISSIONER GOMEZ: So the real property, the home that I live on 16106 Calle de Paseo is not my property. It is in my mother's name Elizabeth Gomez. The advantages or disadvantages would not affect me directly and that is to say though, that my mother has a living trust. I have two brothers and quite a few nieces and nephews. So that financial obligation according to the living trust is varied. So the direct impact that would benefit me or not benefit me is minimal, if at all. So I am not sure that I would qualify to recuse myself, based on that information. Could you expand and tell me what that would look like and why?

ASSISTANT CITY ATTORNEY TRAXLER: One moment while I pull the regulation. So under the Fair Political Practices Regulation under Title 2 Division 6, of the California Code of Regulations Section 18700 Subsection C6B. Just want to make that clear. So under that section a financial interest means anything or anyone listed in the following sub paragraphs, and includes an interest in the public official's own personal finances and those of a member of the official's immediate family. For, if we go to subsection B, any real property in which the public official has a direct or indirect interest of at least \$2,000.

COMMISSIONER GOMEZ: So indirect or direct is cited as to the family members is that correct? Would be grounds for recusing.

ASSISTANT CITY ATTORNEY TRAXLER: A member of your immediate family.

COMMISSIONER GOMEZ: Okay. I get that.

ASSISTANT CITY ATTORNEY TRAXLER: So with that in mind, I will go through the material financial effects factors with you. So the first one is a material financial effect if the decision would change the development potential of the property.

COMMISSIONER GOMEZ	If I owned the property, yeah that could have.
ASSISTANT CITY ATTORNEY TRAXLER	There is a material financial effect if the decision would change the income producing potential of the property.
COMMISSIONER GOMEZ	That would be the same answer yeah.
ASSISTANT CITY ATTORNEY TRAXLER	There is a material financial effect if the decision would change the highest and best use of the property.
COMMISSIONER GOMEZ	That is a potential factor. Yes.
ASSISTANT CITY ATTORNEY TRAXLER	There is a material financial effect if the decision would change the character by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels or air quality.
COMMISSIONER GOMEZ	Okay. Yes.
ASSISTANT CITY ATTORNEY TRAXLER	There is a material financial effect if the decision would change the market value. So it would be my recommendation that Commissioner Gomez, you have a conflict of interest and you should recuse yourself from this decision.
COMMISSIONER GOMEZ	So the recommendation is be to recuse myself, because I live there and there is potential negative or positive impact to the home that is in my mother's name. Is that correct?
ASSISTANT CITY ATTORNEY TRAXLER	It's simplified. There is a potential material financial effect that would directly or indirectly impact you based on your interest in your mother's home. Yes.
COMMISSIONER GOMEZ	Well I was listening to the discussion from Chair Tapia and Commissioner Chico and I think that it is a matter of interpretation of the Law, that would have to derive whether I benefit or not by abstaining on this vote. However, after listening carefully to the City Attorney I would recuse myself for the benefit of the City, in that we are going to draw straws to have a quorum. Correct?
ASSISTANT CITY ATTORNEY	Yes.

TRAXLER

COMMISSIONER
GOMEZ

So I still agree with Commissioner Chico on some of his arguments, in his discussion earlier. That would be my reply. I will recuse myself on this issue pending the drawing of the straws, in where I can participate.

ASSISTANT
CITY ATTORNEY
TRAXLER

Okay. So at this point three commissioners have recused themselves from this decision, and as a result, we have lost a quorum necessary to continue hearing this item. Under the conflict of interest regulations, a public official who has a final interest in a decision may establish that they are legally required to participate in a decision, if there is no alternative source of decision. Here there is no alternative source, because of the conflicts there would not be a quorum, the minimum amount of commissioners needed to render a decision on this item. In this case it would need to be three commissioners. In this case then, the regulations allow a conflicted Commissioner to be selected at random, to participate in the decision. And at this time Ms. Aguila, will have each of the three commissioners draw straws to determine who will participate. For the record Ms. Aguila will have the three commissioners draw straws, and whoever draws the shortest straw will be the legally required participant in this decision.

CHAIR TAPIA

Before we go on Commissioner Burrola has a question for you.

VICE-CHAIR
BURROLA

This is a general question. I am not familiar with the law. So I wanted to know if this law is a City Law, County, or is it a State Law. Does it affect each City the same? Or is it per area, per square mile of city, per population, or is it just a general law for all cities in the State of California.

ASSISTANT
CITY ATTORNEY
TRAXLER

This is a general law for any Public Official of the State Legislature, of any County Legislature, of any City Legislature. It applies across the board to any Public Official rendering a decision.

COMMISSIONER
CHICO

You are fading away again.

ASSISTANT
CITY ATTORNEY
TRAXLER

I apologize. This regulation is a state regulation. It applies to any Public Official State, County, City, it applies across the board. The same way to any Public Official making a decision.

CHAIR TAPIA

Would this be considered a bill? Could you give? I would like the nomenclature of the bill. If it is called a Bill or whatever it's called. The 1,000 feet.

ASSISTANT
CITY ATTORNEY
TRAXLER

This is a regulation of the Fair Political Practices Commission, and this is codified in Title 2 Division 6 of the California Code of Regulations.

CHAIR TAPIA	Is there a specific number?
ASSISTANT CITY ATTORNEY TRAXLER	So there are specific section numbers. It starts with section 18700, and that rule gives the basic rule and guide to the conflict of interest regulations. I can read that rule into the record right now. So the basic rule is that a Public Official, at any level of State or Local Government, has a prohibited conflict of interest and may not make, participate in making, or in any way use or attempt to use the official's position to influence a governmental decision. When the official knows or has reason to know the official has a disqualifying financial interest. A public official has a disqualifying financial interest, if the decision will have a reasonable foreseeable material financial effect distinguishable from the effect of the public generally, directly on the official or the official's immediate family or any financial interest described in Sub-Division C6 A-F here in. And that just defines the conflict of interest prohibitions that is C6 A-F here in.
CHAIR TAPIA	You have the date when that was formulated? It would have to be within the last three years.
ASSISTANT CITY ATTORNEY TRAXLER	I unfortunately I do not have the date, but I can come back to that if you like.
CHAIR TAPIA	Okay. I mean yeah, because I want to get a timetable because the 500 feet was in existence for so long, and then all of a sudden the other 500 feet. Isn't it more than 1,000 feet isn't it 1,200 or something like that? Actually it's not just 1,000 feet it is more than 1,000 feet.
ASSISTANT CITY ATTORNEY TRAXLER	Let me pull the regulation for that.
COMMISSIONER CHICO	500, 1,000, and 1,500.
CHAIR TAPIA	Yes that's what I am saying. What would the 1,500 be?
COMMISSIONER CHICO	Another criteria. Nobody knows the criteria.
ASSISTANT CITY ATTORNEY TRAXLER	Okay so if it is 500 feet or less from the property, there is a presumed material financial effect on the property. If it involves property located more than 500 feet, but less than 1,000 feet, then we go through those the materiality factors that we just went through. And if the financial effect is on a property 1,000 feet or more, from the property line then it is presumed to not be material. I'll give you the regulation numbers for that too because that is different. That is in the same regulations, the same title, division California Code of Regulations and that section

number is 18702.2. That goes over the materiality standard of the financial interest in real property.

CHAIR TAPIA

Okay. Thank you very much.

COMMISSIONER
CHICO

Before I get kicked out of here I would like to make a formal request to the Attorney's Office and the staff, to give us an example of clear and convincing evidence to override this law, to override our exemption.

ASSISTANT
CITY ATTORNEY
TRAXLER

We can certainly look into that and come back with examples.

COMMISSIONER
CHICO

I appreciate it very much.

VICE-CHAIR
BURROLA

I guess I'll read it later, but is there any exemptions to this at all? Is there anything in that law that there is exemptions, because I am just thinking of the future? Irwindale is a small city, and we are going to have a lot of development going on and especially when the mining pits are filled in. We have a Civic Center but we also have residential in different corners of the City that might be affected, if one of us lives there. But I am just saying for the future because it seems like these developments are going to affect someone in some way. So I was just wondering, if there's an exemption to this law at all? Is there something we can do for the future meetings so we do not get into this mess again?

COMMISSIONER
CHICO

Great question.

ASSISTANT
CITY ATTORNEY
TRAXLER

That is a good question. We can certainly look into that as part of the presentation. One of the exemptions that we are going through right now, would be legally require participation. As long as there is a quorum I wouldn't recommend recusal, without application of any exemption, because the quorum would be able to render a decision. That decision would be more likely to be upheld in a court of law if a situation like this arose, where there was a quorum and the conflicted commissioner recused themselves. But we will bring a full presentation back, to give everyone a full overview of the Conflict of Interest Laws.

CHAIR TAPIA

We would appreciate that very much. Any other questions? No? No other questions at this time, so I guess the short end of the stick wins this time.

COMMISSIONER
CHICO

Is there a price for the winner?

ASSISTANT

Yes, you get to stay in your seat. So Ms. Aguila will go up to each of

CITY ATTORNEY TRAXLER	you, and each of you will draw one straw.
CHAIR TAPIA	I have a question for the Attorney.
ASSISTANT CITY ATTORNEY TRAXLER	Yes, Mr. Chair.
CHAIR TAPIA	Mr. Chico, Hold on. If there is no conflict. If there is not going to be scrutiny, I would like to just give up my chance at getting the short end of the stick, and just let Commissioner Chico and Commissioner Gomez have their pick. Unless if it is regulation then I will, but if not I don't mind making it a little simple.
ASSISTANT CITY ATTORNEY TRAXLER	If that's what you would like to do you can go ahead and do that. Since we would have a quorum regardless, you would be free to choose whether or not you would like to draw a straw or not.
CHAIR TAPIA	I will withdraw from choosing a straw, as long as there is no repercussions. Is that okay?
ASSISTANT CITY ATTORNEY TRAXLER	I would recommend that you still draw a straw and still participate. In order to ensure that there is a truly random selection, of which Commissioner votes.
CHAIR TAPIA	Okay that's fine. That's okay.
ASSISTANT CITY ATTORNEY TRAXLER	Actually if we could do this, because it is being recorded, and so that public can be aware of what is going on. I would recommend that each commissioner come down to Ms. Aguila, in front of the camera, and straws be drawn.
CHAIR TAPIA	Okay, I will let them go first and if one of them gets the short straw I will not have to go down. Oh you want to do it all together?
ASSISTANT CITY ATTORNEY TRAXLER	Yes, let's have all three of you, yes.
CHAIR TAPIA	If you pick a straw and one of them picks the short end, I would not have to go down.
COMMISSIONER GOMEZ	Should we do it up there?
ASSISTANT CITY ATTORNEY	Yeah, we can do it up there Mr. Chair.

TRAXLER

ADMINISTRATIVE
SECRETARY AGUILA

Just for the record Commissioner Chico has drawn the short end of the stick. Has drawn the short stick.

ASSISTANT
CITY ATTORNEY
TRAXLER

I have a little blurb that I need to read into the record. For the record, Commissioner Chico has been randomly selected to participate in this decision. His conflict of interest involves an interest in real property that has been determined to have a reasonable foreseeable, material financial effect. However, because there is a lack of a quorum on this item the Commissioner's participation is legally required, and was selected at random. I think we can continue with this item at this point.

CONSENT CALENDAR

Item No. 1A

MINUTES

RECOMMENDATION:

No minutes for approval

Item No. 1B

GENERAL PLAN CONSISTENCY DETERMINATION – 10-ACRE
PARCEL LOCATED AT 5100 ALLEN DRIVE (CITY OF IRWINDALE)

VICE-CHAIR
BURROLA

Okay so we left off at Consent Calendar Item B, General Plan Consistency Determination – 10-Acre Parcel Located at 5100 Allen Drive (City of Irwindale). Staff? Are we actually going to be doing a vote on this?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yes.

VICE-CHAIR
BURROLA

Even though it is part of the Consent Calendar?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yes, that you are recommending approval of the Consent Calendar.

VICE-CHAIR
BURROLA

Got it. Thank you.

COMMUNITY
DEVELOPMENT
DIRECTOR

Let the record reflect that Vice Chair Burrola is chairing the meeting now. Thank you Chair and Commissioners, so this item is a recommendation to make a General Plan consistency determination, for

SIMPSON

the proposed transfer of ownership of property, by the City of Irwindale to the City of Irwindale Housing Authority. This property is located at

5100 Allen Drive and the item went to the City Council on May 26, 2021. The City Council approved a resolution authorizing the transfer of the 10-acre parcel on Allen Drive, to the Irwindale Housing Authority. At the same meeting the Irwindale Housing Authority accepted the transfer, subject to the Planning Commission's determination, that the transfer of the real property is consistent with the Irwindale General Plan. Staff evaluated the location and the purpose of the transfer, to be consistent with the Irwindale General Plan based on the Community Development Element Policies of the City's commitment to Comprehensive land use planning, and provision of land that is zoned for housing. The General Plan designation for the site is currently Industrial Business Park, and the General Plan Map however, shows that the site is residential. Staff believes at this time that the designation was an illustration error on the map. Staff is proposing formal applications to the General Plan Map, to amend it from Industrial Business Park to residential, and a zone change from its current zoning M-2 (Heavy Manufacturing) to Planned Development, which is consistent with the General Plan information in the housing element. The future development would provide new housing opportunities in the Town Center Neighborhood that has been identified, in the Housing Element. This concludes my presentation.

COMMISSIONER
CHICO

I have two questions for you. If we approve this, this only affects the 10 acres and has no effect on any of the surrounding property, correct?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

That is correct. This is just simply the transfer of the 10 acres from the City to the Irwindale Housing Authority.

COMMISSIONER
CHICO

Right. Once the transfer is completed, at that point the Irwindale Housing Authority will have all the rights and the authority to develop the property without it ever coming to the Planning Commission, correct?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Not necessarily.

COMMISSIONER
CHICO

I don't know what that means.

COMMUNITY
DEVELOPMENT
DIRECTOR

It depends. There is no project that is being proposed at this time, but the determination is that the Irwindale Housing Authority would be in the best position to follow through, with the Housing Element's policies with

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SIMPSON	that. There are projects that could come forward, whether it's the tract maps that come forward, or could be a Site Plan and Design Review in the future. We do not know until we get a project proposed at that time.
COMMISSIONER CHICO	Got it. Let me tell you why I asked the question. It is not so much why I or we, or the commission, would like control of what's happening. Not that much. It's more of a dissemination of information, if it comes to us we know what is happening, and we can tell the public what we know. That was my only purpose for asking that question.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Point well taken. Thank you.
VICE-CHAIR BURROLA	I have a few questions. I understand, why we are transferring the property to the Housing Authority. But it also states that this 10 acre parcel and it is also states in Program 14 of the General Plan that three acres are designated for, I guess 21 dwellings per acre a total of 63. If we agree with this transfer are we agreeing with that three acres as well? Meaning that once we agree with this whole 10-acres, then the three acres is going to be for the dwelling units. Or is that something that was just put in there for an option for the future, when the pit was still a hole?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	When the Housing Element was adopted in 2013 the three acres, it was identified and approved by the State Housing Community Development and the City Council that the three acres would be identified as a maximum of 21 dwelling units per acre. That is already in our Housing Element, it has been. That is not being voted on or changed, that is going to stay.
VICE-CHAIR BURROLA	Okay. Is there any way we can get an understanding on how this units are going to look like, and how are they going to be used? You know, are they going to be low income dwelling units? I am not sure if you could say that at this time. Do you know at this time?
ADMINISTRATIVE SECRETARY AGUILA	Excuse me to interrupt. Vice Chair Burrola could you please speak a little closer to the mic?
VICE-CHAIR BURROLA	I am sorry. So my question is, do you know what these units are going to be like or is that something that we are going to vote on in the future or see in the future, as a development for these 10-acres?
COMMUNITY DEVELOPMENT	There is no project that has been proposed. That is not part of this consistency. This determination of consistency is just simply for the

DIRECTOR SIMPSON	transfer of the ownership. At such time, when it should it get develop then that would go through the City process. We don't know what would be developed or what would be proposed at this time.
VICE-CHAIR BURROLA	But we know that that the three acres is to be designated for these dwelling units.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Yes.
VICE-CHAIR BURROLA	And that is something that we can't vote on today. It is just the 10-acres?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	No. The three acres has been in place since the adopting of the existing Housing Element. So that stays in place.
VICE-CHAIR BURROLA	Okay. And that was already voted on, you're saying, by the City Council?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Yes, back in 2013 when that Housing Element was approved by the State and adopted by the City.
VICE-CHAIR BURROLA	And there is no change to that?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	No.
COMMISSIONER CHICO	I understand there was a requirement of the State, we had to do that.
VICE-CHAIR BURROLA	I see in order to transfer it. Alright thank you.
ADMINISTRATIVE SECRETARY AGUILA	I would also like to note that we have a few members of the audience, who have raised their hands.
VICE-CHAIR BURROLA	Okay thank you. Are we leaving it for three minutes as well?

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ADMINISTRATIVE
SECRETARY AGUILA

Correct.

VICE-CHAIR
BURROLA

Okay.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Anymore questions from the Commission?

VICE-CHAIR
BURROLA

I think that we are good.

ADMINISTRATIVE
SECRETARY AGUILA

I will be beginning with Fredrick Barbosa I am going to go ahead and unmute you now, Mr. Barbosa.

FREDRICK BARBOSA

Good evening commissioners, staff, and residents. My name is Fred Barbosa, I live in 16164 Calle de Paseo. The question I had about that 10-acres I know they did designate three acres for residential, so is the other seven going to be sold to the developer that wanted it in the first place? Or are going to make sure that that designation goes to all 10-acres. Thank you.

VICE-CHAIR
BURROLA

Staff are you going to answer that question, or are we going to do it after all questions are asked?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

I can go ahead and answer. There has been nothing proposed for that. It has been anticipated to be residential. As I mentioned, the site in the General Plan, is currently Industrial Business Park however, the General Plan Map shows it as residential. There is an inconsistency but the intent would be to have a General Plan Amendment, for the consistency. But that is not something that we know, whether, it would be sold or developed with something else. The entire 10-acres is a transfer from the City to the Housing Authority.

ADMINISTRATIVE
SECRETARY AGUILA

The next member that I would be unmuting would be Steven Piepkorn. Mr. Steven you are self-muted.

VICE-CHAIR
BURROLA

Is there anyone else in line?

ADMINISTRATIVE
SECRETARY AGUILA

I will move on to the next individual. The next individual that I will be unmuting will be Dena.

DENA ZEPEDA

Thank you Chair. I appreciate your questions Commissioner Chico and Vice Chair Burrola, those were a couple of questions I had. We have been recognizing and noticing that a lot of things are going over our

Commissioner's heads. And this is one of them and another project that is on the Agenda. That is why we are here. We are here to back up our Commissioners because we feel we put you there, because we trust in you guys. We have you guys there to make the good decisions, and you guys know best. I don't feel staff has been giving you all the right information, for every one of these projects so far. So with this right now, I would like to see this come back with more information and eliminate all these little details, as far as what we are going to do with our property and housing. We have never been told what to do. I understand the State regulations and everything but they have just renewed new State regulations, new laws, and new legislation. If we can look into all that before we make a decision on how it is written. I am not trusting staff right now. Sorry. I've spoke to them, they know how I feel. I am speaking out now because I see a little something in my Planning Commission Department, that I don't feel you guys are being heard. We trust in you guys. I would like to see this rewritten and rewritten right, to make sure that it is all for housing. We have been blinded. We have been lied to. We have been BS. All of this, and it is not you guys, it is our staff. I did not like that they didn't have all the information that you guys needed for the laws of conflict of interest. Management doesn't even have that, and I've been complaining about all that. We are all aware of all of this going on. You guys are not getting all your full information. I would like to see this being look into before we vote on it. Unless it is thoroughly going into housing and there is new State laws. We don't want to bind ourselves into that State law that has changed. Thank you.

ADMINISTRATIVE
SECRETARY AGUILA

Ms. Carmen Roman you will now be unmuted.

CARMEN ROMAN

Okay before I get started I have a question. Will we be speaking about the mining pit what will be happening with that and the building in a later issue? Or are we going to be speaking with it right now or is this just to do with the 10-acre?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

This item is just for the 10-acre parcel.

CARMEN ROMAN

On the 10-acres, I don't know when the mistake happened that it was changed from R-1, or zoned for residential, to that M-2 manufacturing, and all the maps and everything cited it as M-2. The residents, we have been coming back again and again that we want that 10-acre earmarked as residential. I understand of the 10-acres, three acres are designated for high density homes. That would be the 21 times three, so would have 63 homes. I believe that would be a townhome setting not like apartments or duplexes, but very classy homes. I think that's what our younger generation wants. They do not want big yards and a

bunch of stuff to have to keep up. I am in an agreement with the 63 like that, but I do want the entire 10-acres to be earmarked and shown on our maps and documentations, as residential. This issue does affect all the residents and mostly the surrounding ones. Our Commissioners, as Ms. Zepeda said, our Commissioners are the ones we put our trust in, and our Council Members. I agree that staff may have a different agenda. We are worrying about what is happening to us. When industry does come in that is going to change the amount of money people can sell their homes for, pollution and all of that must be taken into effect. For right now I hope that you will listen to the people, and make that change, changing the ownership from the City to the City Housing Development, and that you keep it for the residents. We do not have much housing left, but we do have a lot of generations to come. I hope our Commissioners will vote for us and keep that 10-acres earmarked as residential, in the Zoning Department. Thank you.

ADMINISTRATIVE
SECRETARY AGUILA

We have no more speakers.

VICE-CHAIR
BURROLA

Okay. Good comments. I guess we already answered some of their comments as far as this is going to be for housing. It is going to the Housing Authority and that is what we are going to approve tonight.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yes, Thank you Chair. If I may add, when this item went to the City Council and to the Housing Authority, the City Council approved the transfer and the Housing Authority choose to accept it. At that time as part of the report, it was clear that they supported and recommended that any General Plan Amendment, any zoning continue to make it residential. That's what's also part of the staff report, is that we are proposing that formal applications, would be made for the general amendment and the zoning to further residential.

VICE-CHAIR
BURROLA

Okay so we are going to go ahead and rezone that area as well to residential R-1 and R-3?

ADMINISTRATIVE
SECRETARY AGUILA

Excuse me, could you speak a little louder?

VICE-CHAIR
BURROLA

We are going to ahead and rezone that area, the 10-acres, to R-1 and R-3 accordingly.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

I don't know the exact zoning at this time. That will be one of the future applications, but it will be residential as directed by City Council.

VICE-CHAIR
BURROLA

Okay, so we can move on and make a recommendation.

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COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Recommendation to approve that item on the Consent Calendar.
VICE-CHAIR BURROLA	Yes. Who starts recommendation? I think it was the attorney.
ASSISTANT CITY ATTORNEY TRAXLER	The motion would be to approve the transfer of property, 5100 Allen Drive a General Plan Consistency Determination, recommendation that the Planning Commission find the acquisition to be in conformance with the Irwindale General Plan. Is there such a motion?
VICE-CHAIR BURROLA	And that it is going to be transfer to the Housing Authority for residential use only. Is that what it states?
ASSISTANT CITY ATTORNEY TRAXLER	Just the consistency with the General Plan it is just the transfer of the title of the property from the City to the Housing Authority.
COMMISSIONER CHICO	Motion.
VICE-CHAIR BURROLA	Second.
ADMINISTRATIVE SECRETARY AGUILA	Thank you. Commissioner Hartman.
COMMISSIONER HARTMAN	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Chico.
COMMISSIONER CHICO	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Vice-Chair Burrola.
VICE-CHAIR BURROLA	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Just for the record Commissioner Gomez and Chair Tapia have recused.
VICE-CHAIR	Okay. At this time let's go ahead and take a five minute break, so we can

BURROLA reconvene with the others.

Recess Chair Tapia recessed the meeting at 7:52 p.m.
Reconvened Chair Tapia reconvened the meeting at 7:55 p.m.

NEW BUSINESS

NONE

CHAIR TAPIA This meeting is now called to order again. We have reconvene after a short break. We are on to Item 2, New Business. There is none.

PUBLIC HEARINGS

ITEM NO. 3A A SITE PLAN AND DESIGN REVIEW (DA) NO. 03-2021 (BRENDAN DWYER, CARLILE COATSWORTH ARCHITECTS)

CHAIR TAPIA Then we go to Item 3, Public Hearings. The first Public Hearing that we will be attending to is Site Plan and Design Review (DA) No. 03-2021 (Brendan Dwyer, Carlile Coatsworth Architects). Staff, you can start the presentation.

ASSOCIATE
PLANNER
CHOU Thank you. Can everyone see the presentation?

CHAIR TAPIA Yes, you can start the presentation.

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. 03-2021 at 5462 Irwindale Avenue. The applicant is Brendan Dwyer, from Carlile Coatsworth Architects and the property owner is GF Signet. The applicant, on behalf of GF Signet, is requesting for a Site Plan and Design Review approval for the exterior renovation, of an existing industrial building. The existing building was built in 1985 and was occupied by a variety of uses such as manufacturing, wholesale, general office, auto repair and sale of auto parts. In 2020, GF Signet purchased the property and begun interior tenant improvements. The company begun operations March 2021.

CHAIR TAPIA I have a question. Why are we calling it a Site Plan and Design Review, if it is just going to be renovated? That is one thing that has been puzzling me. We never called anything, any renovations, exteriors where there is not going to be any additions, interior, square footage, and that type of thing. I would just like to know, why it feel on to Site Plan and Design Review.

ASSOCIATE
PLANNER Thank you Chair. The exterior renovation is extensive in the street facing Irwindale Avenue. Although they are not proposing any addition

CHOU in square footage, they are proposing new landscaping in the street facing side of the building.

ASSISTANT
CITY ATTORNEY
TRAXLER Mr. Chair if I may, I would recommend that the Commissioners reserve all questions until the end of staff presentation. At which time she will be available for questions.

ASSOCIATE
PLANNER
CHOU The subject property is zoned M-2 (Heavy Manufacturing) and the General Plan designation is Industrial Business Park. The project is categorically exempt from CEQA pursuant to Section 15301 (Class 1; Existing Facilities). Located on 3.25 acres fronting Irwindale Avenue, the existing industrial building is a concrete tilt-up and there is no proposed increase to floor area and most of the shell building structure will be preserved. Much like the subject site, the surrounding buildings were built in the 1980's and reflect similar designs. The proposed design seeks to update the building while blending into the existing adjacent industrial buildings. The proposed redesign of the exterior façade is to align the building aesthetics with the company's image of innovative and technological professionalism in the field of advanced plumbing engineering solutions. Per Section 17.70.010, subsection B.1 of the Irwindale Municipal Code, applicants may request for an exemption from the Commercial and Industrial Design Guidelines if the addition of floor area is less than 30% of the existing floor area. Such an exemption may only be used once in a 10 year period and the exemption is subject to the discretion of the Planning Commission or City Council. There are no proposed increase to square footage and no previous exemptions have been granted for the property. In return for the exemption, staff is recommending the following condition be included in lieu of compliance with the Design Guidelines. The applicant must provide improvements to portions of the property that are visible from major arterials, secondary highways, or any residential property, such as additional landscaping, a fountain, public art or similar improvement. Although the applicant is seeking an exemption from the Commercial and Industrial Design Guidelines, the proposed design includes many of the desired concepts in terms of design principles, architectural detailing, and materials. The goal of the proposed new exterior façade design is to enhance and strengthen the focal nature of the main entry corner, update the landscaping to serve as a visual buffer, and accentuate the structural systems to add visual interest while blending into the existing industrial buildings along Irwindale Avenue. The new landscaping will include palms and canopy trees, along with a sculptural water feature, to soften the transition between Irwindale Avenue and the building. Repetition of the framed windows along the westerly elevation creates rhythm and complements the enhanced main entry area. Materials like river rock and corten steel will also be utilized to allude to historical and cultural context of the City. The proposed renovation will include a wooden trellis providing shade for an employee break area that is visible from Irwindale Avenue. Staff Recommends that the Planning Commission

adopt Resolution No. 801(21) recommending that the City Council approve Site Plan and Design Review (DA) No. 03-2021, subject to the proposed Conditions of Approval. I would like to note that there is correction in Exhibit A, Resolution No. 801(21) for Condition B6. The condition should read "No additional exemptions to the Commercial and Industrial Design Guidelines shall be granted until August 25, 2031." That concludes staff report, staff and applicant are available for any questions. Thank you.

CHAIR TAPIA

Any questions for staff?

VICE-CHAIR
BURROLA

I have some notes here. We got this packet on Sunday, so I had to kind of rush through this. There are these general questions I have. Maybe you can answer them, maybe you can't. One of the things that I noticed, we have these plans and they show extensive renovation as far as what do you call them, façade?

ASSOCIATE
PLANNER
CHOU

Yes, the exterior.

VICE-CHAIR
BURROLA

The Exterior. They put a lot of effort work into this architectural plans. They are looking for an exemption right from our Design Guidelines, correct?

ASSOCIATE
PLANNER
CHOU

Yes.

VICE-CHAIR
BURROLA

But that is the whole point of our guidelines, it's to guide them. When a company comes forth, doing that much work to the outside of their building, to guide them and making it match the City's standards. Which is a Spanish look right? I don't see that at all in this design. I know they are looking for an exemption. Maybe that exemption would be for a little piece of the building, but this is the complete façade that is facing Irwindale and Gladstone. It's the whole building and we are not even toughing this at all. I know that they are asking that the Planning Commission could give their proposed additions. Actually it says, we can ask them to do certain things like put in a fountain or some more landscaping or something. I just wanted to ask that. Did we look into actually looking at the design guidelines or did we just give them an exemption right off the bat? Because it seems that that there is a lot of work going on at this building, and there is nothing that follows our guidelines at all. I know that it is an exemption, but I am just asking that general question. Did we look at that or did we talk to them about that, the Design Guidelines?

ASSOCIATE
PLANNER

Thank you, yes the applicants were directed towards the Design Guidelines and they did include certain elements that were included in

CHOU	the matrix, found in the Design Guidelines. Maybe the architect can better answer this. Because the building is an existing building and there is no proposed addition to the square footage, they are mostly creating some enhancements to enhance the entry feature, to enhance the main entry by including certain features, such as the water feature. Which was encourage as some of the designs with the Design Guidelines.
VICE-CHAIR BURROLA	My understanding then is if they are not adding additional square footage, or any additional rooms, or floors to this building we can't hold them to these standards. Is that correct?
ASSOCIATE PLANNER CHOU	They may request for an exemptions to these standards. Yes.
VICE-CHAIR BURROLA	And that is what they are asking for here.
ASSOCIATE PLANNER CHOU	Yes.
VICE-CHAIR BURROLA	It is something that it is already stated? Since they are not adding any additional square footage, then they are exempt from the guidelines. Is that what I am hearing?
CHAIR TAPIA	No, they are not exempt.
COMMISSIONER HARTMAN	They are asking for an exemption.
VICE-CHAIR BURROLA	Okay, they are asking for an exemption. Thank you.
ASSOCIATE PLANNER CHOU	Thank you.
CHAIR TAPIA	There is something in our Design Guidelines, if the buildings were already established before our Design Guidelines, then they try to conform to what is already there. In this case, they are going above and beyond, with what's already there as far as the façade, and trying to beautify the building to their expectations, versus what is already there. I guess you are calling it Site Plan and Design Review, but actually to me it would just be like a building enhancement. Renovation of the whole building, regardless if it is one side or every side. I know that there is an exemption. We just had that exemption not too long ago on Ayon Street or someplace over there. Where they took

advantage of that exemption. Did something in the back there, and then put a fountain in the front. In this case, they are trying to enhance and beautify their building, which will enhance and beautify Irwindale Ave. and the other street. I don't know if they are going to put the snake back up.

COMMISSIONER
CHICO

That's the next building over.

CHAIR TAPIA

Oh that's the next building, sorry about that. In these cases we even had sections where they want to build something, and this is from the ground up but they go with what is already there. We are not asking them to build this Mediterranean looking building, where there is nothing that would match. It would be like a sore thumb, even though it would be a beautiful building it doesn't go with the other buildings at all. With this building it's not going to go above and beyond. But it may be an example to other businesses, of what they can do to beautify or to make their building a little more pleasant and appealing to them. We came up with that exemption of 10 years a while back, that's was already established. My thing is, as long as the Commission understands that the Site Plan and Design Review category, then it can stay like that. But to me it does not fit what we would normally call Design and Site Plan Review. That is all but other than that it is good.

VICE-CHAIR
BURROLA

These guidelines are strictly for new development? The architectural guidelines that we have in the City of Irwindale are really towards to new development?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

No they guide things. If I may, they guide things for new development. They also allow for the exemptions. If I may address Chair Tapia's comments. The application that we have is Site Plan and Design Review, it encompasses this because you are looking at making a recommendation on the design. That is the application that we have. Sometimes it is not a one size fits all, like in this case. I also want to point out that the Tournament of Roses is still looking for who stole that snake.

CHAIR TAPIA

Some snake stole the snake.

COMMISSIONER
CHICO

My question was, I think from what I understood from the presentation that the applicant did refer to the Design Guidelines and some of those features are incorporated here. Tell me what features.

ASSOCIATE
PLANNER
CHOU

Would the architect like to come and answer a question?

BRENDAN DWYER

Planning Commissioners, city staff, and members of the public my name is Brendan Dwyer, I am here from Carlile Coatsworth Architects.

While we did not use imagery of any historical Spanish or Mediterranean architecture within the imagery of this proposed renovation, we tried to stay true and respectful to the core design principals listed in the Design Guidelines. Some of those principles are shelter, transition, balance, rhythm, integrity, substance and detail. If I may just touch on each of those briefly. The design concept of transition is to bring a smooth approach from the public right away, to the building entry and not have an abrupt architectural influence right on the street view. We have a lot of effort put into redesigning the landscape in these proposed plans, so there is nice screening and transition from the public right away and to the main building entry. As well as creating a focal point in the building entry that still draws people into the site.

ASSISTANT
CITY ATTORNEY
TRAXLER

Mr. Chair I would recommend at this time that the Public Hearing be opened, if you would like to hear from the applicant. If there are no more direct questions for staff.

COMMISSIONER
GOMEZ

I may have some direct questions for staff. I am not certain.

ASSISTANT
CITY ATTORNEY
TRAXLER

I would table this discussion with the architect for now, until we open the Public Hearing and they can give their full presentation. Right now we should just focus on any questions directed towards staff.

COMMISSIONER
GOMEZ

I think that we clarify that we are seeking an exemption based on the architectural design. Are they given a copy of the guidelines when they come in for consultation?

ASSOCIATE
PLANNER
CHOU

Yes, we do provide the guidelines link to them, so they can refer to it when they do their designs.

COMMISSIONER
GOMEZ

Part of the thing that we listed here, I am looking at the graph on L1 which is provided in our agenda. So let's first go to the landscape and the shrubbery. Did you consult with them when you provided this or did you just give them the landscape guidelines?

ASSOCIATE
PLANNER
CHOU

I am sorry you said L1?

COMMISSIONER
GOMEZ

Exhibit L1, the graph of the building.

ASSOCIATE
PLANNER
CHOU

For the planting legend and the design of the landscaping, it is proposed by the applicant. They typically would consult with their landscape architect to make sure they are within the guidelines.

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- COMMISSIONER GOMEZ Do they consult with you as well? Do you make any recommendations as to the landscape?
- ASSOCIATE PLANNER CHOU We do not make recommendations because it is their proposed design.
- COMMISSIONER GOMEZ Okay. I have yet to receive the structural guidelines, however, I could access with easily on the internet, which I did. On the landscape what we have in the city, as you are driving through and you want to make it a new home. I have to say the building is beautiful. It is a beautiful building, beautiful façade but it does not match the integrity of what we have in Irwindale. The façade is ultra-modern, it's ultra-beautiful, and there is not even some consistency. I was wondering what kind of input you had on that when they brought it to you.
- ASSOCIATE PLANNER CHOU So it sounds like your question was about the architectural features as well.
- COMMISSIONER GOMEZ No, my question was what kind of input did we have when they brought it in? Did you have a consultation? Did you sit with them? What kind of guidelines of questioning does the staff provide for the design? Or is it like you say you just take it in? I just want clarification, I am not sure how this goes down.
- ASSOCIATE PLANNER CHOU When we receive the application we will double check with our Irwindale Municipal Code, and make sure that their proposed design does fit the Development Standards, as well as the Design Guidelines. We do refer them to our Design Guidelines for their proposed design and they do include some of the architectural elements, as well as some of the encouraged designs that were included in the Design Guidelines.
- COMMISSIONER GOMEZ If we look at the landscaping. I am just wondering if you noticed that the shrubbery is not particular or consistent, with some of the shrubbery that we already use in Irwindale, like the pepper tree. I was just wondering if you caught that. Or you don't address that when they come to you.
- COMMUNITY DEVELOPMENT DIRECTOR SIMPSON If I may, thank you. We do go over the landscaping and the plant palette with applicants, and that is something that is listed. The prohibited plants are listed in our zoning code. A change that is coming.
- SIMPSON We have something called MWELo, the Model Water Efficient Landscape Ordinance. When they have a change in landscaping, we are looking at any kind of drought tolerant landscaping. So that is permitted to have that. There are certain things that are not permitted,

but if they are proposing the drought tolerant, we encourage that. That is something that is encouraged by the state as well.

COMMISSIONER
GOMEZ

Absolutely. So the question then is, are there particular plants and shrubbery that we continually use in continuity in the City, that are drought tolerant and could be used for a new design? My question is, if you look at graph A8. In your review you indicated that the buildings were built in 1980 with some consistency. That's not to say that this isn't a beautiful building but it takes an extreme opposite direction, of what Irwindale has for other buildings. I think that the waterfall is beautiful, however, the façade is an extreme opposite of what we have implemented, as a City as our design model. As your job is to represent to the coming developers.

CHAIR TAPIA

Let me ask a question right now that would simplify this misunderstanding or misconception. Could you read what the exemption entails please? I know that the exemption is there. Read what it defines.

ASSOCIATE
PLANNER
CHOU

The improvements that they are proposing to request for the exemption.

CHAIR TAPIA

Excuse me. Let's not include them. Let's just go with what has the City established as an exemption, from the Design Guidelines for buildings that were built prior to our Design Guidelines, when our Design Guidelines started. Or buildings that are like campuses and what to build a new building, but we are going to allow them to basically have the same architect that is already there. That is what I believe is confusing everyone. Can you read what we have as a City established as an exemption? The ten year exemption not what they proposed. Not what the applicant proposes.

ASSOCIATE
PLANNER
CHOU

So within the Design Guidelines any alteration or addition of floor area, less than thirty percent of the existing floor area, is exempt from Commercial and Industrial Design Guidelines, subject to the discretion of the Planning Commission or City Council.

COMMISSIONER
GOMEZ

Excuse me Mr. Chair. We are not talking about the floor we are talking about the external façade. Is that correct? So it doesn't affect the 10 year as to the floor plan. What we are speaking to is the design model correct?

ASSOCIATE
PLANNER
CHOU

We are speaking about the external façade, however, because the Design Guidelines was adopted in 2009 and this building was built in 1985, we did built in certain exemptions for existing buildings. So if I may continuing reading this exemption. As I mentioned before, any addition or alteration less than 30 percent of the existing is exempt from the Design Guidelines. Such exemptions can only be used in a 10

year period. In return for the exemption the Planning Commission may require one or more of the following conditions. Condition A: architectural improvements to portions of the existing building that are visible from major arterial, secondary highways, or any residential property. Or B: architectural improvements for other buildings own by the property owner that are visible from major arterial, secondary highways, or any residential property. C: improvements to portions of the property that are visible from major arterial, secondary highways, or any residential property such as additional landscaping, a fountain, public art, or similar improvement. Or D: improvements, implementation of improvements identified by the Planning Commission over a specified time period.

COMMISSIONER
GOMEZ

Yes, I have that and I read that. Thank you Mr. Chair. If we look at A as to the design. So the question is, is that impact how they can design this building? That they can do it ultra-modern or that they can use more of the City's guidelines the Spanish, Mediterranean look that we have. That's the question I have.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

If I may. The Design Guidelines, for someone building something new, would look at the Spanish/Mediterranean type design. But there are several aspects of the Design Guidelines that encourage and talk about massing or depth, or things like that. They have attempted to take some of those elements to improve on the existing building. In addition, asking for an exemption of the full design guidelines, which they can only ask for once in every 10 years. That is what's before you.

COMMISSIONER
GOMEZ

So then the question begs itself. They are asking for an exemption not to do, I may be wrong, not to do the Spanish/Mediterranean look, but a new design that they have. Is that correct?

ASSOCIATE
PLANNER
CHOU

That is correct.

COMMISSIONER
GOMEZ

So then when we propose it for continuity, we let them do their own design. We don't really encourage them to do something that is consistent with the design of the City as the City Council, forefathers, or the Commission has planned and regulated in the past, right? We let them come up with their own design.

ASSOCIATE
PLANNER
CHOU

We let them pull up their own design for their application, yes.

COMMISSIONER
GOMEZ

Okay. That's all the questions I have for staff, Mr. Chair.

COMMISSIONER HARTMAN	There is a point I would like to make. We as a commission along with staff spent many years creating and developing the Site Plan and Design Guidelines for the City. I can't understand why, if a company is going to redesign the façade and outside visible from the main drive, why can't they go along with some of the Spanish/Mediterranean. That is just beyond me. They knew what our guidelines were when they came into this, and they want to go completely different and ask for an exemption. That's my statement. Not a question, just a statement.
ASSISTANT CITY ATTORNEY TRAXLER	Mr. Chair if there are no more questions of staff, I would recommend that the Public Hearing be open and you can allow testimony in favor or against the hearing at this time.
CHAIR TAPIA	Thank you for your presentation. There is no more further questions for you at this time. There may be questions during the commission question period but for now we are going to open up the Public Hearing.
ADMINISTRATIVE SECRETARY AGUILA	The first member of the public that I will be unmuting will be Dena.
CHAIR TAPIA	I haven't opened up the Public Hearing.
ADMINISTRATIVE SECRETARY AGUILA	Oh I am so sorry. I apologize.
CHAIR TAPIA	Just like when someone comes here to the podium. They need to give us their name and their address. Their full name and address for the record. As they tell you who they are, it would be more applicable if they give you their first and last name so you can introduce them, or whoever it may be.
ADMINISTRATIVE SECRETARY AGUILA	So unfortunately, I am not able to provide their last name if they do not indicate it, only their first name. For example, the first participant will be Dena, she does not provide her last name but maybe when we do unmute her she can provide her full name and address.
ASSISTANT CITY ATTORNEY TRAXLER	Mr. Chair before we go into Public Comment the applicant is here, would like to give a brief presentation, and speak to the Commissioners briefly. If you would allow it.
CHAIR TAPIA	Prior to?
ASSISTANT CITY ATTORNEY TRAXLER	Prior to Public Comment, yes. As soon as you open up the Public Hearing.

CHAIR TAPIA	At this time the applicant is here and would like to make a presentation, and that is acceptable. Could you please come up, where ever you are going to come up to make your presentation, and state your name and address for the record please?
ASSISTANT CITY ATTORNEY TRAXLER	Mr. Chair if you would just on the record open the Public Hearing.
CHAIR TAPIA	Okay at this time we are going to open up the Public Hearing but before we take any comments from the audience the applicant wishes to make a presentation. We will be opening this up for comments after the presentation and after
ASSISTANT CITY ATTORNEY TRAXLER	Would you like to take a brief recess Mr. Chair? We can take a brief recess. A two minute recess.
CHAIR TAPIA	Okay yes we will take a brief recess at this time. Not more than five minutes. I know this is going to be a long session but this is what we are here for. Thank you.
Recess Reconvened	Chair Tapia recessed the meeting at 8:01 p.m. Chair Tapia reconvened the meeting at 8:02 p.m.
CHAIR TAPIA	We are going to reconvene and we are going to open up the Public Hearing at this time. At this time the applicant is going to make a presentation. Which the audience that is out there can also ask questions of the applicant and have whatever comments they already have. At this time the applicant can state their name and address for the record, and give us the presentation.
OPEN PUBLIC HEARING	At 8:02 p.m., Chair Tapia opened the public hearing.
BRENDAN DWYER	My name is Brendan Dwyer, I am with Carlile Coatsworth Architects. We are the architects representing Georg Fischer at 5462 Irwindale Ave. While we were working on presenting this design, to our client Georg Fischer we were trying to be conscious of their desire to have a new building façade. Something that would be good imagery for their business, here in Irwindale as high technology, in the water monitoring, and metering device manufacturing. We are also trying to be conscious of the surrounding neighborhood and the existing architecture, within the neighboring properties of this building that they now own. In the Design Guidelines we kind of interpreted two sections. There is the desire for Irwindale to have this mass historical context reflecting in their architecture. On further Design Guidelines it lists the design principles, that should be used to implement that type of architecture into a new building or a large scale renovation, that increased floor

area of a building that goes beyond the requirements of the exemption. The surrounding area of this property that is in question is existing industrial buildings that were all built what seems to be around the same time in the mid 80's. In these days it is looking a little tired in that neighborhood. So we are trying to be respectful of the industrial architecture, that will kind of bring a more modern imagine of industrial architecture into the City, that isn't completely conflicting with the surrounding neighborhood of other industrial buildings. The other industrial buildings in the area are similar looking to 5462 Irwindale Avenue. In fact they are pretty much flat facades with not a lot of depth, not a lot of interest along that frontage on Irwindale Avenue. The goal here was to keep an industrial design look that could kind of be a part of the neighborhood, with all those existing buildings. Yet pull in more modern design concepts from industrial buildings. While we were incorporating those more modern elements into the existing façade, we were one, trying to be respectful of the existing structure. We are working with the existing buildings, so we are limited on what we can do to that structure, and how we can kind of manipulate it and change it. We are trying to utilize what we have there, in a sense, and give it a face lift. The elements that we included, we tried to follow the criteria that is listed in the Design Guidelines for implementation of this design. I began to talk about transition before, we were using the landscape features and the renovation of the open area, parking, in front of the building to create a much softer transition to the public right away to the building face. Right now there is almost no landscaping. We are trying to create screening, nice trees, and other things that will kind of help blend this more into a desert look along Irwindale Ave. Another thing we tried to do is balance. The existing building façade, is again kind of flat, and there isn't a lot of consistency in the design elements. We wanted to kind of strip away the building back to its barebones of structure, and then add elements that would create a nice balance along that façade, along Irwindale Ave. That is the added windows, the enhanced entry, and the frames that go around the windows. It kind of creates a sense of balance between the main entry and the rest of the building. The main entry is heavier and these new elements, and as you go down the building it kind of tapers off. This elements repeat themselves but in a way it kind of balances the heavier main entry. Another one of the main design principals listed in the Design Guidelines is rhythm. We tried to repeat elements that were similar looking, but not all of the same elements down that façade. We kind of had a rhythm that expressed the structure of the existing building. This is something that the Design Guidelines, stated that it was nice to have a building structure express the design elements. So we wanted to kind of express the concrete nature of the exterior walls, of this building and punch openings in them that would work with the structure, and work with the structural rhythm that is already established by those wall panels. That is why you see the openings that are kind of similar in nature going down the façade, at a similar dimension each way. That is just repeating those elements through the

structural system of that existing building. Another item is integrity within the Design Guidelines. That is just to provide a design that is not going to deteriorate over time. We are using materials with integrity like concrete, steel, glass, things that will last, and things that will not degrade over time with weather or use. We want to create something for Irwindale that will look good for both the client, the City, and that will last over time. A few other items listed in the guidelines that we tried to adhere to were substance of detail. We tried to bring in smaller details with those window frames. Our proposal is to have those clad with a metal cladding system, that will create some nice details and lines that help delineate the different scales that we have in that façade. Our goal was not to ignore the Design Guidelines or the desire to have some sort of Spanish influence or Mediterranean influence in the architecture. Ultimately we wanted to let the landscape architecture do as much as possible, to adhere to the design guidelines to have a more Spanish or Mediterranean influence. I believe that the Design Guidelines for landscaping were followed pretty closely in the landscape design. We might not have some of the plant materials that you see around the City. We tried to do all drought resistant landscaping with river rock throughout it, even some river rock block walls out in front, and some low block walls to help screen the parking area and create a softer transition to the building. We were very much aware of the your Design Guidelines and we are trying to be as conscious of them as possible, while giving respect to the surrounding industrial buildings, the neighborhood, and the property owners desire to have a building that was more indicative of higher technology. Something that they are really proud of in their manufacturing process. That pretty much sums up how we are trying to tailor this design to our client and to the City's guidelines.

CHAIR TAPIA

Thank you very much for that presentation, and how you analyzed and took into account to renovate your structure to enhance and beautify it. Not necessary the Mediterranean look that a new building gets, but that's why it would have been, to me, if we could have introduced this with a different concept. If another concept would have been brought in instead of Design Guidelines, because right away that brings the Mediterranean Design Guidelines. We have worked and spent lots of money on that. I accept what you are doing, and I know what we have established with the Design Guidelines, and with existing buildings especially prior to our Design Guidelines. I think that you are doing a great job. So I am going to open up the Public Hearing now, and during Commissioner comments we will get back to you okay. Thank you very much for your presentation. At this time we are going to open up, well the Public Hearing is already open, but we are going to start looking at the hands that are up to participate.

ADMINISTRATIVE
SECRETARY AGUILA

Thank you Chair. The first individual that I will be unmuting will be Dena.

DENA ZEPEDA

Thank you Chair and I apologize for not giving you my first and last name and address, but at the Council Meetings they said because they had our email address it was good enough. I am Dena Zepeda 4658 Fraijo, Irwindale 91706, and thank you for your time. I kind of feel insulted. I have to agree with Hartman and Gomez, I would have liked to see that staff would have taken care of this and showed them our guidelines, and stuck to it and kind of guided them through it. Lately we have been feeling like all these corporate businesses, industrial offices, and everything are just taking us and swallowing us up. If they were just follow our guidelines, it might help but they are not. I feel insulted when you say we want to beautify this building, but we can't do it how you guys want because ours is prettier. You know this is our City. We have pride in what we picked. I have to agree with Hartman 100 percent. We went over this over and over. We push this to a lot of buildings. For us to just sit there and bow to someone that is going to sit there and tells us we want it this way, no. Come on we need to get our City back. We want it the way we said we want it. Shame on our staff because that should have came from you. My Commissioners here are to be here to do these proposals, projects, and stuff this could have been taken care of in the building. If he didn't agree then it comes and the owner is not even here. I am going to say no to this. I don't even know why he even brought it if the owner is not here. I am saying no and I hope that you guys back it up and start sticking to what we want. Thank you.

CHAIR TAPIA

Thank you, next.

ADMINISTRATIVE
SECRETARY AGUILA

The next member of the public that I will be unmuting will be Carmen Roman. Ms. Roman you have now been unmuted.

CARMEN ROMAN

Hey. Carmen Roman 4817 Sabre Lane, Irwindale. I like to agree with Ms. Dena Zepeda and what she is talking about. Bringing things to our Planning Commission before staff and developer sit down and make their rules, go over, and have a nice little meeting and decided what is best for the City. I am talking about staff sitting down with the developer, applicants, and owners and going over the features. They need to do that but bring it to the Planning Commission before the decision is made. These people have spent, I am sure, a great deal of money based on a meeting with staff. There is a pecking order, you're putting the cart before the horse. Our Commission, they just got the paper work Sunday. How long has staff had it? I liked to know that. How long has this documentation been sitting in someone's office, that you disrespectfully just give it to our Commission on Sunday? This is not in any way negative on the part of the applicant, in my word, it goes towards the power of staff. Why has our Planning Commissioners been left out? It is just not fair. And asking for an expectation, no. That is why so much time has been put in by Planning, the Council, and Staff to get these things in order. You just can't say, okay exempt in 10 years. First you need to do a presentation to our planning and then

decide if there is an exemption. You know there is aesthetics and landscaping. We looked at plants and trees that are indigenous to our area, to Irwindale. Drought resistant plants. And it is a Spanish architecture and when you are talking about façades, awnings, archways, and enhancements to an existing building, you guys know more than me, this is where this comes into play. Okay, use archways, awnings, and façades to create that Spanish look. We want it to look like the rest of our City. Even if you look AM/PM or our parking structure before the 210. Things existing or changed hands through ownerships, we want these plans to be looked at. I find it very disrespectful for staff to sit down and make the decision. What if our Planning Commissioners tonight said no, no exemptions? These poor people would have wasted all that money, time, effort, and plans because staff sat down over a cup of coffee, I know they didn't do that. But you can't just go with staff, there is a pecking order. We have a very intelligent and knowledgeable Planning Commission.

ADMINISTRATIVE
SECRETARY AGUILA

Excuse me Ms. Roman your three minutes time is over.

CARMEN ROMAN

Okay, I would like a warning like I have thirty seconds or something, instead of just cutting me off to be respectful. I will get off but I want our Planning to be in the plans. Staff stop making decisions for the whole City. Thank you.

CHAIR TAPIA

Thank you, next.

ADMINISTRATIVE
SECRETARY AGUILA

The next individual that I will be unmuting will be Fredrick Barbosa.

FREDRICK BARBOSA

Good Afternoon Commissioners, can you hear me?

CHAIR TAPIA

Loud and clear.

FREDRICK BARBOSA

I hope they get that exemption. Here is the facts, this is a building that was built in 85 like they brought to everybody's attention, and just because it is not Irwindale looking that kind of late that's after the fact. Then to ask them to all of a sudden make all these adjustments, the bottom line is maybe why they didn't is because it is going to be expensive. Nobody thinks about the cost. They are trying to do the best with what they have. We should be happy that they are taking pride in their building. Trying to paint it, fix it up. Make it look as much as they can presentable. To all of a sudden tell them you want these arches you want that, then hey chip in, give them some money. Give them a grant so the City can pay for what they want. I am sorry but I hope they get the exemption, because that's the only way you are going to keep companies that are barely making it along. If you put too much demands on them that they cannot meet financially, it is not going to work. You are going to break Irwindale. Like the Chairman

Tapia said, he is for it and so am I. Good luck gentleman thank you very much.

CHAIR TAPIA

Thank you, next.

ADMINISTRATIVE
SECRETARY AGUILA

Mike Smith you've now have been unmuted.

MIKE SMITH

Thank you. I really appreciate the public comments, conversation, and the Commission's consideration as well as the Planning Committee. I do want to acknowledge, I was responsible at the time as the president of the company, for the purchase of the Irwindale facility on Irwindale Avenue. I want to really recognize and appreciate the comments from Carmen and Fredrick this was a significant investment. Not only deciding to locate in Irwindale and move our facility from El Monte, in Los Angeles County, to Irwindale to allow for our expansion but to really create a new home. Georg Fischer is a global corporation based in Switzerland, so not in the Mediterranean. We represent a technology company that is looking to actively grow on a global scale. We export over 60 percent of what we make in Southern California to the rest of the world. We wanted to create a home that was both responsible for the area, which our employees reside and are actively looking to grow and develop. As well as create a foundation for a headquarters what provided an image for a global scale. This effort wasn't done in isolation, it was done with the planning committee to help really present a package. We are not trying to circumvent any rules. We are just really trying to represent who we are. To make sure that we are providing a home that is attractive for new talent, so that we can bring jobs into the community and really build a sense of presence in the area. And upgrade the area because we want to see more businesses like ourselves continue to upgrade, and locate in the area to really develop and grow with the community. Georg Fischer Corporation has been recognize by the Wall Street Journal as one of the top ten sustainably managed corporations in the globe, because we do look at sustainable environment and investment requirements. So that we can really protect the environment and really invest in communities, because it is that collaboration and corporation that determines not only who we are but where we go on the future. Sustainable manage, especially to water systems, is core to who we are and the products that we provide. Our people believe in that sense of purpose. What we are trying to create is that collaborative environment that is attractive to new talent, to bring jobs into Irwindale. To really demonstrate who we are as a corporation, to not only the community but to our customers. Whether they be local in Southern California, like a lot of our other customer bases that design and implement our products, but also on a Global scale that look to us for leadership, in who we are and what we bring to their businesses as well as the community side.

ADMINISTRATIVE

10 seconds.

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SECRETARY AGUILA

MIKE SMITH I just want to make sure that, that perspective is given and I give the thanks and credit to the Planning Department and the Commission for our consideration. Thank you.

CHAIR TAPIA Thank you, anybody else raising their hand to participate?

ADMINISTRATIVE SECRETARY AGUILA Yes, we have one more individual who has raised their hand. I will be now unmuting Megan Zepeda. You have now been unmuted.

MEGAN ZEPEDA Good evening, like I said earlier I wanted to give Carmen Roman my time.

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

MEGAN ZEPEDA Megan Zepeda Allen Drive, Irwindale. So I am giving Carmen Roman my time for any subject that comes up tonight. Thank you.

ADMINISTRATIVE SECRETARY AGUILA There are no more hands raised.

CHAIR TAPIA Okay are you giving your minutes? We want to acknowledge that you are gave your minutes. Is Carmen there to acknowledge what we are talking about right now?

ADMINISTRATIVE SECRETARY AGUILA I will unmute Carmen Roman.

CARMEN ROMAN Hello?

ADMINISTRATIVE SECRETARY AGUILA Hi Ms. Roman.

CARMEN ROMAN I just left the room for a minute. I was not requesting to speak right now we are still on the Georg Fischer Corporation. Was I given time or?

ADMINISTRATIVE SECRETARY AGUILA Yes, by Megan Zepeda.

CARMEN ROMAN I would like to say again. I find the fault on staff, leaving the Commission out, not on the owner or the manufacturer. Like Mr. Barbosa said, they are doing the best that they can, however, staff needs to get back in order to include our Planning Commission. They know their stuff and they might have ideas that could save these people money. It just needs to go in the right order, and not have all the decisions made between staff and the owner, before it even comes to our Commission. Thank you.

CHAIR TAPIA	Thank you. Any other hands out there?
ADMINISTRATIVE SECRETARY AGUILA	Yes we do have one more hand. Joel McNicoll you have now been unmuted.
JOEL MCNICOLL	Hello Council Members, My name is Joel McNicoll I am not a resident of Irwindale, I am the landscape architect for the applicant. I wanted to speak to some issues that were brought up, mainly for the landscape design. We pretty much followed the Design Guidelines to the letter, I wanted to make sure that you are aware of that. Specifically with the plant material choices they are all drought tolerant, but also with a Mediterranean flavor. We have punctuated the street frontage with palm trees, which is specifically mentioned in the Design Guidelines as a unifying element throughout the City. The other tree species, I heard mentioned specifically pepper trees, but we used something that has a very similar feel, texture, and color because California pepper trees are on the invasive plant list, and we are not allowed to use them anymore. We incorporated river rock as part of the Design Guidelines to screen the parking exactly as its specified. And several other elements including the trees, the accent flowering trees, to frame entries, drive entries, pedestrian entries, and things of that nature. I wanted to tell you that. Again, we did not have any inkling of trying to circumvent anything in the Design Guidelines. If you look at the tabulations on the L1 sheet that was mentioned earlier, you'll see that we have followed them to the letter. As best as we can with the limited space that we have to work with, being that it is an existing non-conforming condition. That's all I have to say thank you.
CHAIR TAPIA	Thank you, any other hands?
ADMINISTRATIVE SECRETARY AGUILA	Thank you chair, there are no more speakers.
CHAIR TAPIA	Thank you, we will give about thirty seconds here to see if anybody else raises their hands. Before I close the Public Hearing would the applicant like to come forward again for any reason or any other explanation? State your name and address for the record if you do. Okay at this time we will close the Public Hearing.
ADMINISTRATIVE SECRETARY AGUILA	I just received one hand raised would you like me to accept?
CHAIR TAPIA	I haven't closed the Public Hearing yet. Officially, so yes go ahead.
ADMINISTRATIVE SECRETARY AGUILA	I will now be unmuting Rosie Ochoa.
ROSIE OCHOA	Hey can you guys hear me okay?

ADMINISTRATIVE
SECRETARY AGUILA

Yes.

ROSIE OCHOA

Hey I am Rosario Ochoa, I work with Georg Fischer Signet and I am the Director of Corporations. I live in 168 W. Green Street, Apt 204, Pasadena, California. Just to add with what Mike had said, we moved to Irwindale at the end of March. We have been working and running productions, while we are trying to do construction in these new building. We appreciate the time of the entire team that has helped us go through the permit, as well as the planning of the exterior design. We appreciate the feedback tonight as far as, how everybody feels in regards to the design. The only thing I will say, I would like to remind everyone this is not just the look of the City. We would appreciate if you also take into consideration what we bring to the city, we have hired a lot of new employees, we have planned to hire more employees, and continue to grow. There is also that portion that we are bringing besides that looks, and what we are doing with the entire exterior of the building. That is all I have thank you.

CHAIR TAPIA

Thank you, anyone else? Any other hands?

ADMINISTRATIVE
SECRETARY AGUILA

No other hands have been raised, thank you.

CHAIR TAPIA

Okay at this time we will close the Public Hearing and we will open it up to Commissioner Comments.

CLOSE PUBLIC
HEARING

There being no speakers, Chair Tapia closed the public hearing at 9:02 p.m.

CHAIR TAPIA

At this time the Commissioners can address the applicant, the attorney, or our staff. Maybe I will get the ball rolling here. I above anyone here, I believe that you know. When I would go get blood exams the needles would break, because I had so much rock and sand in my blood. That is how much I love Irwindale. Now I have been on the Planning Commission since the onset of this Architectural Design Guidelines. It started off in full force and we were not giving any exemptions of any kind. I don't believe, I can't be convince that any one is more of a stickler than I am on this Design Guidelines. I know how much time has been spent on it. I know how much money has been spent just in our participation, staff's participation, attorney's participation and consultants, consultants, consultants. How much money have we spent? Through the years there has been different changes that have occurred, and now the Design Guidelines more than any other time, are being adhered by new construction. We make sure that the Design Guidelines are going to be adhered to. In the meantime exemptions have come up, different exemptions. Where did they come from? They were finalized in the Council. We did not finalized any of the exemptions that there is here. As a matter of fact,

we said our peace to some of these exemptions. Especially when others are considered, like Edison and this type of things. But they still occurred. I just want to give you an example of what I am thinking about in my mind right now, Okay? We have that building as it is. Do you mean to tell me that you would rather have it look like that, then looks like what the presentation is? These Design Guidelines, Mediterranean Design Guidelines, do not apply to this building. They do not apply to it. That is why I wish that staff wouldn't have put Design Guidelines on here because it is a renovation. A total renovation that is specifically using as many Design Guidelines as possible, but at the same time still the continuity of what's already existing. That is what we also have, continuity of buildings that are already existing, prior to our Design Guidelines. I wouldn't be saying this, if I felt like they were avoiding or evading the Design Guidelines but this does not fit. It's like that gas station. It doesn't matter how you pretty up that gas station. How many architectural designs or thoughts, it is still a gas station. This building here is a plain Jane building right now. They are trying to prep it up, but because of the Design Guidelines mentality we are trying to say that they should follow the Mediterranean Design Guidelines. To me, rather than using the word it doesn't make sense, it doesn't fit. It doesn't flow. The Design Guidelines would not flow. It would stick out like a sore thumb there where everything is. Next door there is a petroleum place there, with a tons of trucks there. This would kind of take up that look and give us a different look. That's my input. I am obviously for giving this company the 10 year exemption because it already exists. The exemption already exists. It is not something that we are making up. It is not something that they are taking advantage of. In our sense they are, but they have a right to, because it is in our Design Guidelines and in the Irwindale Municipal Code. That is my input. Anybody else? I understand the other inputs I heard from Commissioners, and I am not down playing it but this is the way I understand it. From my point of view. This is how I understand the situation that we are in right now and are about to make a decision on. So is there any more input from the Commissioners?

COMMISSIONER
CHICO

With due respect for the applicant, I understand in your presentation some of the things you were striving for was a modern looking building. You were striving for something that would reflect the type of business that was going to occupy the building. I understand that. I too am bewildered why. You mentioned that your adherence to the Design Guidelines had to do with transitions, balance, and with rhythm. However, I don't see anything on this picture, if you will, that has any visual effects coming from our Design Guidelines. At least I don't see them. That's the reason I had asked the question in the first place. What did you use from the Design Guidelines? I don't see anything. And another thing that I am thinking about. We are looking at this and the applicant is making a request for an exemption? What are we going to tell the other applicants in the future? That if they are striving for a modern effect in reflection to their business and we have already

set precedence. We have to give them the exemption. I don't know. Another thing that is bewildering to me, is the comment made about expense. I understand that there was expense in coming up with this design. I understand that, and I don't mean to cost the applicant more expense than necessary. However, again I don't see any arches, I don't see any color, and I don't see anything that resembles the Guidelines. Nothing at all. Again I have to be redundant. If we approve this then we are going to have to throw the guidelines away. Throw them away, because from that point on any other applicant is going to say you did it to them, you almost have to do it for me. So as the Chairman says that is my two cents worth.

CHAIR TAPIA

Anyone else?

VICE-CHAIR
BURROLA

I have a question. It states here, "in return for the exemption the Planning Commission may require one or more of the following conditions." Did we look at that? It says, "It will be incorporated in the final conditions of approval." Is it recommendations that we have or changes to the architectural design. Is that what it is saying? Can we make recommendations?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yes you can. I want to point out that this is a discretionary application. It is at the discretion of the Planning Commission that the Design Guidelines and the Irwindale Municipal Code do allow for the exemptions, at your discretion. This is a recommendation to the City Council so you can add your recommendations to that. Staff will take note when we take it to the City Council for the final approval, we will state that those are recommendations from the Planning Commissioners.

VICE-CHAIR
BURROLA

Two recommendations that I would say. With the awnings, I am not sure what you would call that in architectural language, the windows, can we make those an arch? Also incorporate arches to that and rectangles. And also like Commission Chico was saying, the color. Can we change the color to match a more Spanish look in accordance to our guideline? Those are the two recommendations I would say. Everything else, like all the other commissioners were saying, it's beautiful but let's incorporate some of these colors and arches, and stuff into this design if we can. It is not a big change I would say, just to incorporate some of that stuff. That's my recommendation.

COMMISSIONER
GOMEZ

Chair? I have a question. On these recommendations, does it come back to us or does it go straight to City Council regardless of how we vote?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

You would be making a recommendation to the City Council and it would go to them, to the City Council.

COMMISSIONER
GOMEZ

I think that those are some good suggestions. I do like the landscaping, it's beautiful. I think that there is two things that were said. Even though the other buildings are plain Jane this is extreme. If we are going to go extreme, we might as well use some of the architectural design like the windows and the paint, and any other kind of small cost modifications, that you might make as an architect to enhance it. It is not to say that we are not appreciative and that we don't love businesses. We do, and we welcome you. We are glad that you are here since March. This is a reflection of our community and how we want our design. It is about continuity, legacy, and history. It is true what we do for one we do for others. We do appreciate you being here in all sincerity. Even the plants, the palm trees absolutely speak to the consistency in the city. The landscape is beautiful. That's the only comments I have Mr. Chair.

CHAIR TAPIA

I liked to ask, usually we have the options. I don't have the paper before me. Can you give us the options of approval, denial, and there is one to go back to the drawing board? I think. Something along that line.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

The options would be to adopt the resolution as is, subject to the existing Conditions of Approval, or alternatively to ask staff to prepare a Resolution of denial based on recommended findings of fact to be brought back to the Planning Commission, or request that the applicant revise the project and continue to hearing to a date certain. If the Planning Commission so desires to make recommendations for some architectural improvements we have the architect here. We can open the Public Hearing again and have the architect accept the proposed architectural changes or suggestions/recommendations at this time. If that is what the Planning Commission desires.

CHAIR TAPIA

One more question before we address that. If it is denied do they have the right to appeal it to the Council?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

If it is denied, we would take your recommendation of denial to the City Council but we would have to prepare a Resolution of denial.

CHAIR TAPIA

I just want everyone to know what the options are. That is all. So there is a recommendation, if the Commission wants me to reopen the Public Hearing, and speak to the architect to see what features he can add that would be accommodating, to your pleasure. Let me know if you want the Public Hearing to be reopen or you are ready to make a decision.

VICE-CHAIR
BURROLA

It is not to our pleasure though, it is to our guidelines.

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CHAIR TAPIA	That would be our pleasure. The Design Guidelines. I'll restate the word, what changes we think need to be made to be closer to the Design Guidelines then they are now.
COMMISSIONER GOMEZ	Mr. Chair, I would like to reopen the Public Hearing to see what the architect feels is doable.
CHAIR TAPIA	Is that agreeable with everyone? Okay at this time we will reopen the Public Hearing and we will speak with the architect, to see if we can accommodate both the commission and the applicant.
Public Hearing open	
BRENDAN DWYER	It has come to our attention that the building owner would not like to consider any recommendations from the Commissioners.
CHAIR TAPIA	Doesn't want to consider any recommendations? Okay then, we will close the Public Hearing again then. Thank you. So it's open for a decision here from the Commission.
Public Hearing closed	
VICE-CHAIR BURROLA	It says here, "In return for exemption the Planning Commission may require one or more of the following conditions." You guys have A, B, C, and D stated there. What I just heard he is not willing to accept any of this, correct?
CHAIR TAPIA	He is not willing to make additional changes.
VICE-CHAIR BURROLA	As part this exemption A, B, C he doesn't want us to.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	That is correct.
VICE-CHAIR BURROLA	Okay, I just want to make sure.
CHAIR TAPIA	It is open for a motion.
COMMISSIONER CHICO	If he is not willing to make changes, I make a motion to deny.
COMMISSIONER HARTMAN	I second.
CHAIR TAPIA	Roll Call. Well first of all we need to get some language from counsel.

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ASSISTANT CITY ATTORNEY	So the recommendation would be to direct staff to draft a Resolution, recommending denial and bring that Resolution before the Commission
TRAXLER	on a date certain at the next meeting, which would be August 18, 2021.
COMMISSIONER CHICO	Motion.
VICE-CHAIR BURROLA	Second.
CHAIR TAPIA	Roll Call.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Hartman.
COMMISSIONER HARTMAN	A yes would mean the denial? 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	No.
ADMINISTRATIVE SECRETARY AGUILA	Thank you.
<u>ITEM NO. 3B</u>	<u>CONDITIONAL USE PERMIT NO. 04-2021 (DANIEL SUSDORF, NATIONAL READY MIXED CONCRETE COMPANY)</u>

CHAIR TAPIA

We will move on to Item B here Conditional Use Permit, Daniel Susdorf, National Ready Mixed Concrete Company. Staff.

ASSOCIATE
PLANNER
CHOU

I just want to double check that everyone can see the presentation okay. No? Thank you. The next item on the agenda is Conditional Use Permit No. 04-2021 at 1245 Arrow Highway. The applicant is Daniel Susdorf from National Ready Mixed Concrete Company and the property owner is United Rock Products Corporation. The Applicant is requesting a Conditional Use Permit to allow for the operation of Renewable Natural Gas fueling dispensers for an existing ready mixed concrete company. The National Ready Mixed Concrete Company is a part of Vicat, an international group of cement manufacturers based in Lyon, France. The company has served the Southern California region since 1989 and has operated from URP#4 since 1999. The company has 11 plants throughout Southern California and delivers ready-mixed concrete to customers via fleet vehicles. In an effort to significantly reduce transportation emission, the State of California made funding available through the Carl Moyer Memorial Air Quality Standards Attainment Program with a contract administered by the South Coast Air Quality Management District. In 2019, the company invested in the necessary matching capital improvements for the infrastructure and begin to replace fifteen (15) diesel powered delivery fleet vehicles with RNG delivery fleet vehicles. The site is zoned M-2 (Heavy Manufacturing) and designated in the General Plan as Quarry Overlay. The proposed project is categorically exempt from CEQA, pursuant to Section 15303 (Class 3; New Construction or Conversion of Small Structures) of the CEQA Guidelines. The proposed project utilizes Renewable Natural Gas, or RNG, as a fuel alternative to diesel. RNG is produced when carbon emissions are captured when methane is emitted from the breakdown of organic waste in landfills or manure. The biogas is then processed to become natural gas pipeline quality and fed through utility gas companies. The proposed RNG fueling dispensers will receive natural gas from existing SoCal Gas pipelines and utilize new infrastructure onsite to compress the gas into useable fuel for RNG vehicles. The proposed new Renewable Natural Gas (RNG) equipment pads total approximately 3,912 square feet and will be located at existing truck parking. There are twelve (12) parking spaces required and forty (40) are provided. The new equipment will occupy 0.27% of the total site. The RNG infrastructure will serve the majority of the fleet vehicles to replace diesel powered vehicles. There are no proposed changes to the size of the existing building, operation, parking or circulation. There are 31 time-fills and 1 fast fill RNG fueling dispensers proposed. The Renewable Natural Gas (RNG) equipment will serve the RNG fleet vehicles that are replacing existing diesel fleet vehicles. The company intends to convert the remaining fleet as technology and funding allows. The proposed RNG fueling dispensers is less intensive than the existing diesel dispensers and vehicles in terms of noise and emissions. Renewable Natural Gas is a carbon-

negative fuel source and RNG trucks has the lowest greenhouse gas (GHG) emissions of any vehicle fuel. Staff recommends that the Planning Commission adopt Resolution No. 802(21) approving Conditional Use Permit No. 04-2021, subject to the proposed Conditions of Approval. That concludes staff's report. Staff and applicants are available for any questions. Thank you.

CHAIR TAPIA Questions for Staff? Any questions? No? Thank you.

ASSOCIATE
PLANNER
CHOU Thank you.

CHAIR TAPIA Open up the Public Hearing at this point.

OPEN PUBLIC
HEARING At 9:30 p.m., Chair Tapia opened the public hearing.

ADMINISTRATIVE
SECRETARY AGUILA Thank you Chair, we do have a couple of speakers. I will be now unmuting Frederick.

CHAIR TAPIA Okay but I was going to do the same thing with the applicant. Let them make a presentation, if that is what they want to do. Prior to calling on people in the audience.

DANIEL SUSDORF Is it okay if I pull my mask down?

CHAIR TAPIA Oh sure, just state your name and address for the record please.

DANIEL SUSDORF My name is Danny Susdorf, address 1245 Arrow Highway. I work for National Ready Mixed Concrete Company. I just wanted to provide a little bit of insight about the company. Like Lisa said it is owned by the Vicat group, which has been family owned and is currently on the 7th generation of ownership. It has been over 165 years of operating. National has operated the site starting in 1999 and the site has been operated as a ready mix plant since 1984. We have been an industry leader in creating optimal low carbon solutions, really pushing the envelope to be great environmental stewards of the nearby community. We pinpointed this RNG technology, which is a huge environmental benefit. In a sense, it is going to be an equivalent of reducing 14,000 metric tons of greenhouse gas admissions. Which is equivalent of removing 3,200 cars off the road or planting 248,000 trees. Overall it is a great story, a great environmental impact. We are really hoping you guys consider our CUP. Thanks.

CHAIR TAPIA Okay thank you. We are going to ask for comments from the audience now and then when Commissioner comments come up, we can ask you questions. Thank you. It is open to the audience at this point.

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ADMINISTRATIVE SECRETARY AGUILA	The first individual that I will be unmuting will be Fredrick. Mr. Fredrick you are self-muted.
FREDRICK	I was only going to speak at Item C. I am sorry if I hit the button wrong. I am waiting for Item C, sorry.
ADMINISTRATIVE SECRETARY AGUILA	No worries, I will be muting you now. The next speaker will be Dena.
DENA ZEPEDA	Thank you Chair. The only concern I would have is the safety for us in case of a leak, a blow up, and all that stuff because I've seen all these new equipment, all this new emission put in to other cities and they are having gas leaks, and it is covering the whole city. Those would be my concerns. We have too much here going on so I am not against it, I would really like for you guys to look into the safeness and how it is going to be done and everything before you just say okay. We are a small community and one match and boom. I would just consider the safety of it before we just jump into it. I am not liking any of these subjects that were brought to you guys just Sunday. That is not fair to you guys at all. Then they just bring it to you, without even talking to you guys about it. That is not how it is run and I know things will be changing soon. Staff, I would like to see more to be brought to the residents, to make us feel secure and safe and that this is going to be good for us too. It is good for him and I am not against it you know all for their company. What about the safety? What are they going to offer us if something happens? Are they going to take full responsivity? Are they going to cover everything that we lose? We need to know about that because our liability claims are representative that I am dealing with right now. We don't get nothing covered and it's sad that our residents are not protected. Thank you.
CHAIR TAPIA	Thank you. Next hand.
ADMINISTRATIVE SECRETARY AGUILA	We have no other speakers.
CHAIR TAPIA	No other speakers. We will wait a couple seconds here make sure that no one else is wanting to speak. Okay it seems that there is no more hands. We will close the Public Hearing at this time and we will open it up to Commissioner comments. We want to applicant to come up to the podium. Could you address the concerns that were brought forward?
CLOSE PUBLIC HEARING	There being no speakers, Chair Tapia closed the public hearing at 9:35 p.m.
DANIEL SUSDORF	Yes of course. Dena, I really appreciate your question. When specifying the compression equipment, we did take safety concerns

into place. The compression equipment has a multitude of safety valves built in. If at any case if there is a leak, the safety equipment will pick up the pressure differential and it will shut off an emergency valve. So there will be no gas leaks experience, within the City of Irwindale. On our tanks too. The tanks which are on our trucks, they go to rigorous testing. It is a 10 foot drop fall. The tank manufacture will take our tanks, put it up 10 feet in the air and drop it. They actually pressure test the cylinder. We have been operating our CNG vehicles, for a little over a year and have experience no leaks. Another precaution we take is that we do a yearly and biyearly CNG tank inspection, on the leaks. So we do highly take safety into consideration, when we are building these stations and putting these equipment into service. Again, thank you for your question Dena.

COMMISSIONER CHICO You are also controlled by the federal and state guidelines?

DANIEL SUSDORF Yes, correct. When we design the station the most strict code is the NFPA, National Fire code. Our stations are built to those guidelines, and the California Fire Code and the ASME which is the mechanical piping code. It is all code compliant. We have been through plan check and we have received all approvals.

COMMISSIONER CHICO You are on a regular inspection?

DANIEL SUSDORF Correct, yes.

COMMISSIONER GOMEZ Mr. Chair, if I may. The question I have is, currently you are fueling with diesel. Is that done on site?

DANIEL SUSDORF Yes, we currently fuel with diesel on site. We do have 15 trucks in service and we are fueling off site at a public station.

COMMISSIONER GOMEZ So are you doing away with the onsite diesel?

DANIEL SUSDORF When funding becomes available our intent is to continue to switch out our fleet. We target 15 pieces of equipment. Unfortunately, right now CNG motor equipment isn't currently available, and that is part of our processes. So we need to keep the diesel tanks to fuel our motors to produce ready mixed concrete.

COMMISSIONER GOMEZ I do want to congratulate you. I think that switching over to green is an excellent idea. It safeguards our community and I think that that's an awesome process.

DANIEL SUSDORF We appreciate it.

CHAIR TAPIA	Can I ask you to repeat the analysis that you had? How many cars? How many trucks?
DANIEL SUSDORF	The fuel, like Lisa was saying, we are going to consume is renewable natural gas. The carbon intensity of that product is actually.
CHAIR TAPIA	Explain that renewable natural gas.
DANIEL SUSDORF	Yes, so renewable natural gas is derived from the dairy process. It takes dairy byproduct sends it through a digester. It has pretty strict requirements for gas injection into a SoCal Gas pipeline, or one of main transition pipelines. We actually consume that gas so our carbon intensity of our fuel is actually negative 200. We are actually generating emission reduction metric tons. For the Irwindale site we have calculated, in accordance with the EPA guidelines to help us out with the calculations, it is equivalent to 14,000 metric tons of greenhouse gas reduction. It is equivalent to 3,200 cars off the road. By putting these CNG vehicles into place we're eliminating 3,200 cars and that's a big reason for California's emissions problems.
CHAIR TAPIA	I wanted to you to say that. To clarify, you are not putting any more pollution into the air. You are not taking or eliminating any existing air pollution but you are making sure that you are not adding to it.
DANIEL SUSDORF	We are actually creating negative emission with this.
CHAIR TAPIA	Any other question?
VICE-CHAIR BURROLA	I have a question in general. With the SMARA regulations, during the yearly inspecting, for safety measures you will be able to produce these quarterly/bi-yearly inspections you do to the system, to the SMARA inspectors or Code Enforcement, whoever goes out there. It doesn't say that in the CUP perse but you are saying that you are actually doing maintenance on it.
DANIEL SUSDORF	Just so you know we actually perform weekly maintenance on the system. So the compressors, we will go through them and we will do a leak down check, just to make sure there are no leaks in the system. We keep very good documentation.
VICE-CHAIR BURROLA	Okay. Then just during the SMARA inspections just make sure you show them those and everything is good.
CHAIR TAPIA	Thank you very much. At this time is there a motion to approve or deny or bring it back.
COMMISSIONER GOMEZ	I motion for approval.

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COMMISSIONER HARTMAN	Second. Counsel?
ASSISTANT CITY ATTORNEY TRAXLER	Yes, I just want to make sure that the Public Hearing was closed. Was that on the record?
CHAIR TAPIA	I closed it and then I opened it up for Commissioner comments. I just called the applicant because I told him that during Commissioner comments we could ask him questions.
ASSISTANT CITY ATTORNEY TRAXLER	The appropriate motion at this time is read by title only, waive reading of, and adopt Resolution No. 802(21) a Resolution of the Planning Commission of the City of Irwindale approving Conditional Use Permit No. 04-2021, to allow for the operation of renewable natural gas fueling dispensers for an existing ready mixed concrete company located at 1245 Arrow Highway, Irwindale in the M-2 (Heavy Manufacturing) zone subject to the conditions as set forth herein and making findings in support thereof. Is there such a motion?
COMMISSIONER CHICO	We already made a motion and I second.
ASSISTANT CITY ATTORNEY TRAXLER	Okay.
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.

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VICE-CHAIR
BURROLA Yes.

ADMINISTRATIVE
SECRETARY AGUILA Chair Tapia.

CHAIR TAPIA Yes.

ADMINISTRATIVE Thank you.

CHAIR TAPIA Thank you gentlemen. At this particular time we are going to take a short break here and we will reconvene shortly.

BREAK

ITEM NO. 3C GENERAL PLAN AMENDMENT NO. 02-2017; SITE PLAN AND DESIGN REVIEW (DA) NO. 04-2017 (MARK GABAY, FIVE POINTS, LLC)

This Item was continued to an Adjourned Meeting of the Planning Commission on August 9, 2021.

CHAIR TAPIA We are going to reconvene at this time and it is getting late in the day here and we are considering continuing the next item at a Special Meeting, because this item is really detailed. Our attorney is going to speak regarding the Special Meeting.

ASSISTANT
CITY ATTORNEY
TRAXLER Thank you Mr. Chair. Yes, at this time I would recommend that the meeting be adjourned, and continue to a special meeting to a date certain. Which might occur before the next regular Planning Commission Meeting on the 18th. The date proposed right now is Wednesday, August 4th. I apologize it is not a Special Meeting it is an adjourned regular meeting a continuance of tonight's regular meeting.

CHAIR TAPIA But it is August 4th?

ASSISTANT
CITY ATTORNEY
TRAXLER Yes, it would need to be before the next regularly scheduled Planning Commission Meeting.

CHAIR TAPIA Is everyone one in agreement? Do I take a yay or a nay?

COMMISSIONER
HARTMAN You got an okay for me.

COMMISSIONER
GOMEZ Yes, Mr. Chair

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COMMISSIONER CHICO	Council?
CITY ATTORNEY GUERRA	We are discussing the date because apparently there is a Park and Rec Commission meeting that same time. Hold on one second.
ASSISTANT CITY ATTORNEY TRAXLER	August 11th is the next City Council Meeting. August 18th is the next. Planning Commission meeting.
COMMISSIONER CHICO	We are looking at August 4th?
ASSISTANT CITY ATTORNEY TRAXLER	So the new date, because there is a Parks and Rec. meeting on August 4th, the new proposed date would be Monday, August 9th at 6:30p.m.
CHAIR TAPIA	Is everybody in agreement? Roll call.
CITY ATTORNEY GUERRA	Before we do I just want to be clear for the record that the motion is to adjourn this meeting to a date certain, of August 9th at 6:30 p.m. and essentially that would be a continuance of this meeting. We will pick up on the agenda at that point in time. Once this motion is approved, assuming that it is approve or not, the meeting is over for tonight and will pick up at the next meeting on August 9th.
ADMINISTRATIVE SECRETARY AGUILA	Before continuing I just received a request from a resident, Dena, are we able to open it up for comment?
ASSISTANT CITY ATTORNEY TRAXLER	No.
ADMINISTRATIVE SECRETARY AGUILA	Thank you.
ASSISTANT CITY ATTORNEY TRAXLER	So at this time the appropriate motion would be to adjourn the meeting, continue it to a date certain, August 9th at 6:30p.m., it would be a continuance of tonight's Regular Meeting. Is there such a motion.
CHAIR TAPIA	Motion.
ASSISTANT CITY ATTORNEY TRAXLER	Second?
COMMISSIONER GOMEZ	Second.

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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	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Thank you.

ADJOURNMENT

The meeting was adjourned at 9:51 p.m to an Adjourned Meeting of the Planning Commission on August 9, 2021 at 6:30 p.m.

Arthur R. Tapia, Planning Commission Chair

Attest:

Jesus Hernandez, Administrative Secretary



CITY OF IRWINDALE
PLANNING COMMISSION STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION



Date: October 20, 2021 **Agenda Item No. 3-A**

To: Honorable Chair and Members of the Planning Commission

From: Marilyn Simpson, Community Development Director

Project Planner: Martin Romero, Planning Technician

Project: Conditional Use Permit No. 08-2021

Applicant: Robert Urband, IBY, LLC

Property Owner: IBY Property Owner, LLC

Project Location: 15801 1st Street (APNs: 8533-009-021, -024, and -907)



Staff Recommendation: That the Planning Commission adopt Resolution No. 811(21) finding the project categorically exempt from the California Environmental Quality Act (CEQA) and approve Conditional Use Permit No. 05-2021, subject to the proposed Conditions of Approval.

REQUEST

The Applicant is requesting a Conditional Use Permit for the expanded operation of an existing brewery, including beverage operations and rectifying, which is the mixing and blending of wine and spirits. The requested licenses issued by the Department of Alcoholic Beverage Control include Types 1 (Beer Manufacturer), 2 (Winegrower), 9 (Beer and Wine Importer), 12 (Distilled Spirits Importer), and 24 (Distilled Spirits Rectifier's General).

BACKGROUND/HISTORY

Irwindale Brew Yard (IBY), an existing beverage manufacturing campus, was originally owned by Molson Coors and manufactured beers such as Coors Light, Miller Lite, and Miller High Life. The forty (40) year old facility ceased production in September 2020. The sale of Molson Coor's Irwindale brewery property to IBY, a subsidiary of Pabst Brewing Company, was completed in November 2020. Per the Irwindale Municipal Code (IMC) Subsection 17.76.100, a discontinuance of a legal nonconforming use for more than six (6) months shall terminate the right to continue such use. Because on-site production ceased for more than six (6) months, a Conditional Use Permit was required to continue and expand operations. Once operational, IBY will be the largest full-service, low-alcohol beverage contract production facility in the western United States.

On September 15, 2021, the Planning Commission recommended approval to the City Council of Site Plan and Design Review (DA) No. 04-2021 and Conditional Use Permit No. 05-2021 for the construction of a filtration building and a Conditional Use Permit to allow storage and use of cleaning chemicals for an existing brewery. The project is tentatively scheduled for the October 27, 2021 City Council Meeting.

GENERAL PLAN AND ZONING

The site is designated in the General Plan as Industrial/Business Park and zoned M-2 (Heavy Manufacturing). The site is surrounded by the following zones and uses:

Direction	Existing Land Use	Zoning District
North	Industrial	Reliance II Specific Plan
South	Industrial	M-2 Heavy Manufacturing
East	Industrial	M-2 Heavy Manufacturing
West	Santa Fe Dam Recreation Area	A-1 Agricultural

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301 (Class 1; Existing Facilities) of the CEQA Guidelines. The project is to allow modification of Alcoholic Beverage Control (ABC) license types at an existing facility and use and does not include any additional building square footage. The project is not located in an environmentally sensitive area. If action is taken to approve the

project, a Notice of Exemption (NOE) will be filed with the Los Angeles County Clerk Recorder. The NOE is on file at the Community Development Department and available for review by the public.

PROJECT DESCRIPTION

The applicant is requesting a Conditional Use Permit (CUP No. 08-2021) in the M-2 (Heavy Manufacturing) zone for the expanded line of beverages at an existing brewery, including beverage operations and rectifying. The current brewery, established over 40 years ago, was developed without a CUP and is deemed legal non-conforming. The proposal to expand the line of beverages produced at the facility, would constitute an intensification of the existing uses. This entitlement would resolve the legal non-conforming uses, which include beverage manufacturing, mixing, blending, bottling, packaging, warehousing and distribution operations contained in approximately 983,235 SF of existing buildings and other additions permitted by the City. The request would also include a new process, known as rectifying, which is the mixing and blending of wine and spirits.

Per the IMC Subsection 17.56.020(10) the establishment and operation of a brewery in the M-2 (Heavy Manufacturing) zone shall not be permitted unless a Conditional Use Permit has been granted.

ANALYSIS

Conditional Use Permit

IMC Subsection 17.56.020(10) provides that "[t]he establishment and operation of the following uses in the M-2 (Heavy Manufacturing) zone shall not be permitted unless a Conditional Use Permit authorizing such use has been granted: (10.) Breweries;"

Pursuant to IMC section 17.80.040, before any Conditional Use Permit is granted, the applicant must show, to the satisfaction of the Planning Commission or the City Council, the existence of the following findings of fact. Staff has determined that the findings can be made based on the analysis shown:

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

All beverage operations and rectifying uses will be located within the existing 225.73-acre Irwindale Brew Yard ("Project Site"). The site consists of three existing Assessor Parcels (APNs: 8533-009-021, -024, and -907), and is bounded by the 210-Foothill Freeway to the North, 1st Street to the South, Irwindale Avenue to the East, and Santa Fe Dam Recreation Area to the West.

Rectifying uses will be incorporated into the existing buildings and structures, and will not increase the overall capacity or square footage.

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

The Project site is adequately accessed by two fully paved entrances on 1st Street. An employee passenger vehicle, guest, and pedestrian entrance is located near the intersection of 1st Street and Irwindale Avenue. A gated entrance for freight and manufacturing vehicles is located farther west of the passenger vehicle entrance. Regional Access to the Project site is provided via the 210 Foothill Freeway and the 605-Freeway.

The proposed rectifying uses are consistent in the manner and type of operation with the Project Site's pre-existing beverage operations. The rectifying uses will not result in material increase or change truck or vehicle access to the Project Site. Rectifying uses will also not generate additional truck and employee trips.

- C. That the proposed use will not have an adverse effect upon adjacent property.

The 225.73 acre Project Site is bounded the 210-Foothill Freeway to the North. Northern Properties are zoned for the Vulcan Materials Reliance II Landfill Specific Plan. East and South properties are zoned Heavy Manufacturing (M-2) and accommodate a range of industrial manufacturing uses compatible with the existing Project Site. Proposed Rectifying uses will be integrated as a consistent part of the ongoing Beverage operations.

The property to the South and West of the Project Site is zoned Agricultural (A-1) and is occupied by the Santa Fe Dam Recreation Center. All Beverage Operations, including Rectifying uses will be located within an approximately 75-acre "quadrant" at the northeast corner of the Project site. Existing Beverage Operations and proposed Rectifying uses are far removed from the A-1 zoned area.

The closest residential area is approximately 1 mile east of the Project site and there are many industrial and commercial uses in the intervening area. The residential area would not experience any adverse effect from the Beverage Operations, including Rectifying uses.

The proposed general conditions for the CUP are attached as Exhibit "A" to Resolution No. 811(21).

Alcoholic Beverage Control (ABC) Census Tract Analysis

IBY is located within census tract 4046. According to the ABC's database query, as of October 4, 2021, there are 67 active on-sale, off-sale, and non-retail ABC licenses within this census tract. IBY is proposing to continue beer manufacturing operations and adding rectifying uses with License Types 1, 2, 9, 12, and 24.

Census Tract 4046 incorporates all of the City of Irwindale. The following License Types 1, 2, 9, 12, and 24 licenses exist in Census Tract 4046:

- Type 1: Irwindale Brew Yard LLC
- Type 2: Urban Press Spirits LLC
- Type 9: Amazonas Latin Food Imports INC, The Caviar and Champagne Company LLC, Hillside Wines & Spirits LLC, Irwindale Brew Yard, Invoer Ekke LLC, Liberation

- Distribution LLC, MHW LTD, Noble Tuscan Wines LLC, Park Street Imports LLC, Specialty Spirits & Fine Wine LLC, Vi Ni Imports Company INC
- Type 12: Abert Entity LLC, Amazonas Latin Food Imports INC, The Bad Stuff INC, Hillside Wines & Spirits LLC, Liberation Distribution LLC, MHW LTD, Park Streets Imports LLC, Specialty Spirits & Fine Wine LLC, Vi Ni Imports Company INC
 - Type 24: None

The following table defines each License Type and shows the number issued within the Census Tract:

License Type	License Privileges	Number Issued
Type 1	Beer Manufacturer	1
Type 2	Winegrower	1
Type 9	Beer and Wine Importer	11
Type 12	Distilled Spirits Importer	9
Type 24	Distilled Spirits Rectifier's General	0

CONCLUSION

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

1. Adopt Resolution No. 811(21) approving Conditional Use Permit No. 08-2021, subject to the proposed Conditions of Approval.

Alternative Actions:

2. Request that staff prepare a resolution of denial based on recommended Findings of Fact to be brought back at the next regularly scheduled Planning Commission meeting for adoption; OR
3. Request that the applicant revise the project and continue the hearing to a date certain.

ATTACHMENTS

- Exhibit A: Resolution No. 811(21) with Conditions of Approval
 Exhibit B: Project Plans

RESOLUTION NO. 811(21)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE APPROVING CONDITIONAL USE PERMIT NO. 08-2021 FOR THE EXPANDED OPERATION OF AN EXISTING BREWERY, INCLUDING BEVERAGE OPERATIONS (TYPE 1 BEER MANUFACTURER, TYPE 9 BEER AND WINE IMPORTER) AND RECTIFYING (TYPE 2 WINEGROWER, TYPE 12 DISTILLED SPIRITS IMPORTER, TYPE 24 DISTILLED SPIRITS RECTIFIER'S GENERAL), FOR PROPERTY LOCATED AT 15801 1st STREET, IRWINDALE, CA 91706 (APNs: 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).

A. RECITALS.

- (i) Robert Urband, on behalf of Irwindale Brew Yard (IBY, LLC), has made a request for the approval of a Conditional Use Permit (CUP) pursuant to Section 17.56 of the Irwindale Municipal Code (IMC), to recognize and authorize "as a fully permitted use" the existing legal non-conforming uses including beverage manufacturing, mixing, blending, bottling, packaging, warehousing and distribution operations for beer and other malted beverages ("beverage operations") (Type 1 beer manufacturer, Type 9 beer and wine importer) and to also allow for the "rectifying" of wine and spirits (Type 2 winegrower, Type 12 distilled spirits importer, Type 24 distilled spirits rectifier's general).
- (ii) The Subject Property is zoned M-2 (Heavy Manufacturing). Hereinafter in this Resolution, the subject application shall be referred to as the "Application."
- (iii) The City, as the Lead Agency, has determined that, pursuant to the California Environmental Quality Act (CEQA), which lists classes of projects determined not to have a significant effect on the environment and are therefore, categorically exempt from the provisions of CEQA; the proposed Project is categorically exempt pursuant to Section 15301 (Existing Facilities); and a Notice of Exemption (Class 1) has been prepared.
- (iv) Built in 1980, the beverage manufacturing campus was originally owned by Molson Coors and ceased production in September 2020.
- (v) The sale of Molson Coor's Irwindale brewery property to IBY Property Owner, LLC, a subsidiary of Pabst Brewing Company was completed November 2020.

- (vi) On October 20, 2021, the Irwindale Planning Commission conducted a duly noticed public hearing through a conference call/webinar, as required by law on the Application and in compliance with Executive Order N-25-20 (relating to COVID-19), closed the public hearing and approved the Conditional Use Permit, subject to the approval of a Resolution, which would detail the specific Conditions under which the Application was approved.
- (vii) All legal prerequisites to the adoption of this Resolution have occurred.

RESOLUTION.

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

1. The Planning Commission hereby specifically finds that all of the facts set forth in Recitals, Part A, of this Resolution are true and correct and incorporated herein by this reference.
2. Based upon substantial evidence presented to this Planning Commission during the public hearing conducted with regard to the Application, including written staff reports, verbal testimony, site plans and Conditions of Approval attached hereto as Attachment "A," this Planning Commission hereby specifically finds as follows:

Conditional Use Permit

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

All beverage operations, including rectifying uses will be located within the existing 225.73-acre Irwindale Brew Yard ("Project Site"). The site consists of three existing Assessor Parcels (APNs: 8533-009-021, -024, and -907), and is bounded by the 210-Foothill Freeway the North, 1st Street to the South, Irwindale Avenue to the East, and Santa Fe Dam Recreation Area to the West.

Rectifying uses will be incorporated into the existing buildings and structures, and will not increase the overall capacity or square footage.

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

The Project site is adequately accessed by two fully paved entrances on 1st Street. An employee passenger vehicle, guest, and pedestrian entrance is located near the intersection of 1st Street and Irwindale Avenue. A gated

entrance for freight and manufacturing vehicles is located farther west of the passenger vehicle entrance. Regional access to the Project site is provided via the 210 Foothill Freeway and the 605-Freeway.

The proposed rectifying uses are consistent in the manner and type of operation with the Project Site's pre-existing beverage operations. The rectifying uses will not result in material increase or change truck or vehicle access to the Project Site. Rectifying uses will also not generate additional truck and employee trips.

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

The 225.73 acre Project Site is bounded by the 210-Foothill Freeway to the North. Northern Properties are zoned for the Vulcan Materials Reliance II Landfill Specific Plan. East and South properties are zoned Heavy Manufacturing (M-2) and accommodate a range of industrial manufacturing uses compatible with the existing Project Site. Proposed Rectifying uses will be integrated as a consistent part of the ongoing Beverage operations.

The property to the South and West of the Project Site is zoned Agricultural (A-1) and is occupied by the Santa Fe Dam Recreation Center. All Beverage Operations, including Rectifying uses will be located within an approximately 75-acre "quadrant" at the northeast corner of the Project site. Existing Beverage Operations and proposed Rectifying uses are far removed from the A-1 zoned area.

The closest residential area is approximately 1 mile east of the Project site and there are many industrial and commercial uses in the intervening area. The residential area would not experience any adverse effect from the Beverage Operations, including Rectifying uses.

The proposed general conditions for the CUP are attached as Attachment "A" to Resolution No. 811(21).

3. The City, as the Lead Agency, determined that the project as proposed is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1; Existing Facilities), which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination of the CEQA Guidelines.

4. Based upon the substantial evidence and conclusions set forth herein above, this Planning Commission hereby approves the Application subject to the

conditions set forth in Attachment "A" attached hereto and by this reference incorporated herein, which conditions are deemed necessary to protect the public health, safety and general welfare and are reasonable and proper in accordance with the intent and purposes of Title 17 of the Irwindale Municipal Code.

The Secretary shall:

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

ADOPTED AND APPROVED this 20th day of October 2021.

Arthur R. Tapia, Chair
City of Irwindale Planning Commission

ATTEST:

Marilyn Simpson, Secretary

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

I, Marilyn Simpson, AICP, Community Development Director of the City of Irwindale, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Irwindale held on the 20th day of October 2021, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Marilyn Simpson, Secretary

Attachment "A"

PLANNING COMMISSION RESOLUTION NO. 811(21)

Conditional Use Permit No. 08-2021

IBY, LLC

15801 1st Street

A. GENERAL CONDITIONS

1. The use authorized by this Conditional Use Permit allows for the maintenance and operation of an existing brewery, including beverage operations and rectifying uses at 15801 1st Street (also known as Irwindale Brew Yard) as shown on the stamped approved drawing set dated October 13, 2021.
2. The Applicant shall agree and consent, in writing, to each and every condition of permit approval set forth herein within twenty (20) days from the adoption of this Resolution by the Planning Commission approving the Conditional Use Permit.
3. The signed Final Conditions of Approval shall be photocopied and included as a sheet in the building plan set.
4. Plans for any proposed site improvements shall be submitted to the Los Angeles County Fire Department and City Building and Safety Division for review and approval prior to the issuance of Building Permits.
5. Prior to the issuance of a business license and/or occupancy permit and/or final inspection by the Community Development Department, all applicable conditions of approval (except those involving construction permits) shall be completed to the reasonable satisfaction of the City.
6. This Conditional Use Permit may be revoked for any violation of or noncompliance with any of these conditions or other codes, regulations or standards enforced by or beneficial to the City of Irwindale in accordance with IMC Section 17.80.140.
7. All graffiti shall be adequately and completely removed or painted over within 48 hours of such graffiti being affixed on any structure or fence at the site.
8. The Applicant shall defend, indemnify and hold harmless the City of Irwindale, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, any approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 08-2021. The City will promptly notify the permittee of any such claim, action, or proceeding against the City and will cooperate fully in the defense.

9. The use authorized by this Conditional Use Permit shall conform to the plans as finally approved by the City as conditioned herein, and any appreciable modification, as determined by the Community Development Director, shall require the prior approval of the Planning Commission pursuant to the amendments of these entitlements.
10. City inspectors shall have access to the site to reasonably inspect the site during normal working hours to assure compliance with these conditions and other codes.
11. The facility and use thereof shall be maintained in full compliance with all codes, standards, policies and regulations imposed by the City, County, State or Federal agencies with jurisdictions over the facility.
12. Any and all fees required to be paid to any public agency shall be paid prior to obtaining any permit for this project.
13. All appropriate practices shall be adopted to control dust, odor and vermin.
14. Upon receipt of a complaint related to any Condition of Approval imposed by this Conditional Use Permit, the City shall notify the Applicant of the alleged violation, and the Applicant shall commence to cure within ten (10) days after the receipt of the notice.
15. The subject site shall be maintained free and clear of any accumulation of trash debris, waste, and combustible and/or flammable materials, other than the related materials specifically authorized under the Conditional Use Permit.
16. Upon termination of the authorized use for any reason, including abandonment of this use by the Applicant, for 180 consecutive days, or revocation by the City, all materials and equipment shall be removed from the site within 30 days after notice from the City, at the expense of the Applicant. If the Applicant does not remove all materials and equipment, the City shall be authorized to do so, and the Applicant shall pay all costs related to the removal process.

B. COMMUNITY DEVELOPMENT DEPARTMENT

1. The project shall substantially conform to the submitted plans date-stamped October 13, 2021, except as modified herein. Future modifications that are not in substantial conformance shall be reviewed by the Community Development Director, and may require modification of this approval subject to the provisions of IMC Section 17.70.060 "Expiration and Revisions" and IMC Section 17.80.160 "Modification."

2. This Conditional Use Permit shall allow brewing of beer and other malted beverages; the addition of rectifying uses (i.e., mixing and blending) of wine and spirits with juices and flavoring, and the production of non-alcoholic beverages along with the pre-existing Irwindale Brew Yard operations; and, the bottling, packaging, warehousing, parking, loading, distribution operations, and ancillary office uses associated with the foregoing beverage manufacturing operations. This CUP will resolve the prior existing legal non-conformity.
3. The Provisions of this Conditional Use Permit are to run with the land/project and shall bind the current and future owner(s) successor(s) in interest, assignee(s) and /or transferor(s) of said project. This Conditional Use Permit is only valid for 15801 1st Street.
4. All approved business operations on-site shall have an Occupancy Permit and Business License prior to commencing operations.
5. The Applicant shall obtain all necessary approvals and permits from the department of Alcoholic Beverages Control (ABC) regarding the on-site and off-site sale of beer and wine.
6. A copy of these Conditions of Approval and the ABC license are required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
7. The operator shall comply with all provisions of all local, state, or federal laws, regulations or orders including those of the ABC, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations, or orders.
8. Any change in ABC license type or a substantial physical change or character of premises as defined in the Title 4 of the California Code of Regulations Section 64.2(b), shall require a new Conditional Use Permit to continue operation. This CUP No. 08-2021 specifically authorizes the applicant to apply for ABC License Types 1, 2, 9, 12, and 24.
9. Live entertainment shall not be allowed except for special events where a Special Event Permit has been issued by the City of Irwindale.
10. The Applicant shall be required to submit plans for future development to the Community Development Department.
11. Applicant shall obtain approval and permits from the Community Development Department and Building Division for all project signage prior to construction of any signs on the project site.

12. A chain link fence with green screening shall be installed and maintained around the perimeter of the construction site at all times during construction.

C. PUBLIC WORKS/ENGINEERING

STREETS

1. All off-site improvements within the Public Right-of-Way shall be performed in accordance with City Standards to the satisfaction of the City Engineer.
2. Adequate "on-site" parking shall be provided per City requirements.

UTILITIES

3. Storm drains, catch basins, connector pipes, and appurtenances for the site specific storm drain system shall be designed and constructed in accordance with Los Angeles County standards and the City Engineer's requirements. The owner/developer shall submit grading and drainage plans to the City Engineer for review and approval.
4. Fire hydrants shall be installed as required by the Fire Department. Existing public fire hydrants adjacent to the site, if any, shall be upgraded if required by the City Engineer.

MISCELLANEOUS

5. The owner/developer shall comply with the National Pollutant Discharge Elimination System (NPDES) program and shall require the general contractor to implement storm water/urban runoff pollution prevention controls and Best Management Practices (BMPs) on all construction sites in accordance with the City Code. The owner/developer will also be required to submit a Certification for the project and may be required to prepare a Storm Water Pollution Prevention Plan (SWPPP). Projects over five acres in size will be required to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB). The owner/developer can obtain the current application packet by contacting the SWRCB, Construction Storm Water Unit, at (866) 563-3107 or by downloading the forms from their website at: www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml. The project shall also conform to the City's Ordinance regarding the requirements for the submittal of a Standard Urban Storm Water Mitigation Plan ("SUSMP"), and the requirements of Low Impact Development ("LID"). The SUSMP includes a requirement to implement Post Construction BMPs to infiltrate the first 3/4" of runoff from all storm events and to control peak-flow discharges.
6. Unless exempted by the Los Angeles Regional Water Quality Control Board, a Covenant and Restriction ensuring the provisions of the approved SWPPP shall also be required.

D. BUILDING AND SAFETY

1. Building permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Irwindale Building Code.
2. The applicant shall submit site, floor, elevation plans that include all Life & Safety and Accessibility requirements as required by the current Los Angeles County Building Code for any proposed improvements to the existing facility.

E. PUBLIC WORKS SERVICES

1. The parkway on the south side of the project site located between 1st Street and Motor Avenue shall be landscaped with drought tolerant planting and/or mulch/landscape gravel.