

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

October 20, 2021
Wednesday
6:32 P.M.

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

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

INVOCATION
COMMISSIONER
GOMEZ Father God, we thank you for all your blessings. We thank you for clarity, truth and justice, and for the rain, for the season to end our drought, and for all the residents, employees, and people of Irwindale. Amen.

CHAIR TAPIA It seems like every month we've lost some angels from Irwindale. In the last two weeks here, we've lost three of them Tony Zepeda, Willy Padilla, and Christina Orosco. We will adjourn this meeting in honor and remembrance of their voyage. 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; Brandi Jones, Senior Planner; Lisa Chou, Associate Planner; Jeff Tyler, Senior Code Enforcement Officer; Berlyn Aguila, Management Analyst; Martin Romero, Planning Technician; Jesus Hernandez, Administrative Secretary

ANNOUNCEMENTS

CHAIR TAPIA And do we have any announcements?

MANAGEMENT
ANALYST AGUILA There are no announcements for tonight.

CHAIR TAPIA Thank you.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON Excuse me Chair Tapia and Planning Commissioners. I do have two announcements to make, a little bit of out of order than usual. I want to do two introductions here. I want to introduce Jesus Hernandez as our new Administrative Secretary replacing Berlyn Aguila, as she moves on. Then I also want to introduce our new Planning Technician Martin Romero. He comes to us from the City of Woodland, the City of Winters as well where he worked in the Planning Division. He is a graduate from UC Davis as well. I just want to introduce them. Thank you.

CHAIR TAPIA Welcome. We move on the Spontaneous Communications.

**SPONTANEOUS
COMMUNICATIONS**

CHAIR TAPIA This is the time set aside for members of the audience to speak on items not on this agenda. So if you have any items that you wish to make a statement on, now is the time to do that. You will be called upon raising your hand. Thank you.

MANAGEMENT
ANALYST AGUILA Chair there are no members of the public who have raised their hand. No members.

CHAIR TAPIA Okay, since there is no hands raised we will move on to Consent Calendar.

CONSENT CALENDAR

CHAIR TAPIA The Consent Calendar contains matters of routine business and is approved with one motion unless a member of the Commission request separate action on a specific item. At this time, members of the audience may ask to be heard regarding an item on the Consent Calendar. Items in the Consent Calendar today pertain to the Minutes. Recommendation to approve the following Minutes; Regular Meeting held July 22, 2021. If there is anyone in the audience wishing to make any statements on these Minutes, please raise your hand.

MANAGEMENT
ANALYST AGUILA Excuse me Chair, for the Minutes for July 21, 2021 there has been a couple of changes on page forty-seven. Those updated Minutes have been placed on your dais and I will be reading the changes out loud. On page forty-seven the open Public Hearing began at 9:20 p.m. by Chair Tapia and closed Public Hearing, "There being no more speaker's Chair Tapia closed the Public Hearing at 9:21 p.m." Those are the only changes.

CHAIR TAPIA Okay thank you. Well if there is any one in the audience that wishes to speak, please raise your hand. None?

MANAGEMENT
ANALYST AGUILA There are none.

CHAIR TAPIA Okay we go over to Item 2, New Business there is none. Skip over to item...

MANAGEMENT
ANALYST AGUILA Excuse me, we need to approve the minutes.

CHAIR TAPIA Sorry, thank you.

COMMISSIONER
CHICO Motion to approve.

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COMMISSIONER
HARTMAN Second.

CHAIR TAPIA Roll Call.

MANAGEMENT
ANALYST AGUILA Commissioner Hartman.

COMMISSIONER
HARTMAN Yes.

MANAGEMENT
ANALYST AGUILA Commissioner Gomez.

COMMISSIONER
GOMEZ Yes.

MANAGEMENT
ANALYST AGUILA Commissioner Chico.

COMMISSIONER
CHICO Yes.

MANAGEMENT
ANALYST AGUILA Vice-Chair Burrola.

VICE-CHAIR
BURROLA Yes.

MANAGEMENT
ANALYST AGUILA Chair Tapia.

CHAIR TAPIA Yes.

MANAGEMENT
ANALYST AGUILA Thank you.

CHAIR TAPIA Okay thank you very much. Skip over to Item 2, New Business there is none.

NEW BUSINESS

NONE

PUBLIC HEARINGS

ITEM NO. 3A

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

CHAIR TAPIA

We go to Item 3, Public Hearings. Conditional Use Permit No 08-2021 Robert Urband, IBY, LLC. Staff.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you Chair and Commission, this item will be presented to you by our Planning Technician, now that you are well acquainted with him after the introduction. Martin Romero.

PLANNING
TECHNICIAN
ROMERO

It is an honor to work for your community.

CHAIR TAPIA

Can I ask a question before? Is the applicant here today or will he be here?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yes, he will be participating remotely. He is in virtual attendance.

CHAIR TAPIA

Go ahead sir. Let me ask you one question. We had another paper here, is that a revised copy or? What was that?

PLANNING
TECHNICIAN
ROMERO

Yes.

CHAIR TAPIA

Could you tell us what the revisions were please, before we get started?

PLANNING
TECHNICIAN
ROMERO

Yes, there has been an amendment for Public Works Services Condition E.1 in Resolution Number 811(21), which should read as follows: "The parkway along the south side of 1st Street just west of the railroad tracks to where the fork splits between the Irwindale Brew Yard Service Road and Martin Road shall be improved with ground covering such as mulch, rock gravel or decomposed granite. The ground covering material shall be approved by the Public Services Director or designee."

CHAIR TAPIA

Okay, thank you.

PLANNING
TECHNICIAN
ROMERO

Good Evening Honorable Chair and members of the Planning Commission. The next item of discussion is a request for a Conditional Use Permit for Irwindale Brew Yard located at 15801 1st Street. Paul Garry is the applicant's representative and the applicant is Robert Urband of IBY, LLC. The property owner is IBY, LLC. 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). This is a table that displays the requested ABC licenses and their privileges. The site 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. The site consists of three existing Assessor Parcels; APNs: 8533-009-021, -024, and -907. The Irwindale Brew Yard campus is located in an M-2 (Heavy Manufacturing) Zone with a General Plan designation of Industrial/Business Park. The proposed project is categorically exempt from CEQA per section 15301 Class 1; Existing Facilities. This is a floor plan of the existing facility located in the northeast quadrant of the project site. Irwindale Brew Yard was originally owned by Molson Coors and manufactured beers such as Coors Light, Miller Lite, and Miller High Life. The Molson Coors facility was established prior to the requirement of a Conditional Use Permit therefore the previous use was considered "legal nonconforming." The forty year old facility ceased production in September 2020. The sale of Molson Coors' Irwindale brewery property to IBY, a subsidiary of Pabst Brewing Company, was completed in November 2020. Per the Irwindale Municipal Code Subsection 17.76.100, a discontinuance of a legal nonconforming use for more than six months shall terminate the right to continue such use. Because on-site production ceased for more than six 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 the approval to the City Council of Site Plan and Design Review No. 04-2021 and Conditional Use Permit No. 05-2021 for the construction of a filtration building and a Conditional Use Permit to allow the storage and use of cleaning chemicals for an existing brewery. The project is tentatively scheduled for the October 27, 2021 City Council Meeting. Recommendation, to adopt Resolution No. 811(21) recommending that the Planning Commission approve Conditional Use Permit No. 08-2021, subject to the proposed Conditions of Approval. The revised resolution was placed on your dais which reflects the change we spoke of. This concludes my presentation; the applicant also has prepared a presentation.

CHAIR TAPIA

Any questions? Most of my questions are for the applicant.

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PLANNING TECHNICIAN ROMERO	Okay.
CHAIR TAPIA	Well I guess I can. No it's fine. My questions were primarily for the applicant. Well, thank you sir for the presentation. Is the applicant here?
COMMISSIONER HARTMAN	Good job.
CHAIR TAPIA	Yeah good job, you hit a grand slam. So where is the applicant? We need to see what the applicant needs.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	We need to open the Public Hearing for the applicant to present.
CHAIR TAPIA	Well I got a lot of questions for the applicant that should not be subjected to a Public Hearing. I don't know how this is going to work.
CITY ATTORNEY GUERRA	Normally we open the Public Hearing, the applicant provides a presentation or comments and then you can follow up with comments.
CHAIR TAPIA	Right, and normally the applicant also speaks after our Staff right?
CITY ATTORNEY GUERRA	Correct but it is part of the Public Hearing.
CHAIR TAPIA	Okay and today that is not gonna happen? He is not here?
CITY ATTORNEY GUERRA	He is here virtually.
CHAIR TAPIA	Okay, well can he give the presentation then so we can ask him questions?
CITY ATTORNEY GUERRA	Yes.
CHAIR TAPIA	Okay
CITY ATTORNEY GUERRA	So we will open the Public Hearing and then we will call him first.
CHAIR TAPIA	The questions I have may seem like I may not be for it. You have advised us that we should not ask questions along that line. I have a lot of questions that I think need to be corrected. The writings that were

presented, a lot of the words you know I think there should be other words there. They are misleading. One of findings I don't believe it's correct. I will just say it now then.

CITY ATTORNEY
GUERRA

To be clear, if you have questions about what is written on the Staff Report or some of the findings, you are welcome to ask those questions now.

CHAIR TAPIA

Okay, but they are also part of what the applicant should be telling us. So, I will go ahead and look at my notes then and ask staff.

CITY ATTORNEY
GUERRA

And again, after the applicant does speak you can ask questions.

CHAIR TAPIA

Okay, then I'll open up the Public Hearing also.

COMMISSIONER
CHICO

I have a technical question of Staff, you Adrian specifically. If I understand this correctly, right now there are no operations at least no operations that are legal, is that correct? Their legal non-conforming use was terminated.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

When Miller Coors was in operation, it was prior to any Conditional Use Permit. The applicant was allowed to continue during a specific period of time to continue some operations that were exactly what Molson Coors was doing. The legal non-conformity has ended. Now they are asking for a Conditional Use Permit, and they are asking for their different ABC or Alcohol Beverage Control licenses. That is what is before you.

COMMISSIONER
CHICO

I know what they are asking for, but my question was according to what I read, at this moment there are no operations there, at least none that are legal.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

As far as I know, they are not operating right now.

COMMISSIONER
CHICO

Okay.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

They are getting the equipment to operate.

COMMISSIONER
CHICO

My second question references to the same thing. How is it that we processed a request for a Conditional Use Permit, for a location and an operation that was non-existent, so to speak. Not in operation. Not

legal. I don't know how else to put it. How is it that we could process a Conditional Use Permit for a location as such? I don't understand.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Are you speaking of the filtration building?

COMMISSIONER
CHICO

Yeah, the one that we were asked to approve and the Council is gonna consider shortly. But how is it that that kind of process can take place, for a business and a location that is technically not legal.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

That was a Site Plan and Design Review to include a filtration building with the equipment. It was a Site Plan and Design Review not a Conditional Use Permit.

COMMISSIONER
CHICO

That does not answer my question. As it is written here, Miller brewery never received because it was never an existing Conditional Use Permit. They have been operating by a new standard under what we call a legal non-conforming use. That was terminated because of the inactivity of more than six months. Therefore, this location and business technically came to a standstill because they had no permission to operate. Yet we processed a request for a Conditional Use Permit, where it was non-existent to begin with. The one that we approved was only a segment of the business. I don't understand. I am just asking this on a technical level.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

The filtration building was a Site Plan and Design Review that...

COMMISSIONER
CHICO

I don't understand what that has to do with anything.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Well, there was a Conditional Use Permit that was for the cleaning chemicals, to approve those...

COMMISSIONER
CHICO

I know what it was for. I don't understand technically how this could happen. What makes it legal? I don't understand. There is only a segment of the operation, an operation that was illegal. I don't understand.

CITY ATTORNEY
GUERRA

Okay, so when the legal non-conforming use expired you are starting from scratch.

COMMISSIONER
CHICO

What does that mean, they started from scratch?

CITY ATTORNEY
GUERRA

That there is no existing use. They have to comply with our codes to operate. So they first applied for a Site Plan and Design Review, which in our City we allow Site Plan and Design Review to go first. Sometimes we don't even know what the use is going to be. The Spancrete site for example, where we approved the Site Plan and Design Review before we even know what uses is going to go in. The fact that the Site Plan and Design Review went first is really par for the course here. The CUP for the chemicals and things of that sort, that was to allow the chemicals. Again, that is complying with the code. They are now coming back to comply with the code with respect of the overall use of the site.

COMMISSIONER
CHICO

I understand what we are trying to do now. I have no problem with it. I don't want you to misunderstand me. I am looking for an answer to the technicalities. See if this is a good example, I remember when I was in the services this buddy of mine, he was late for roll call and obviously you get an Article 15. The same week the Company Commander was recommending him for a promotion, and when the headman got a hold of it and said how can you promote somebody that just got an Article 15. My point is how can you process a Conditional Use Permit for a business that is illegal.

CITY ATTORNEY
GUERRA

Again, it is not necessary illegal it is just they are not operating. They need a CUP to operate and that is what they are applying for.

COMMISSIONER
CHICO

I still don't understand. I understand you are saying operating is a key word here. I don't understand it because they shouldn't be operating.

CITY ATTORNEY
GUERRA

As Ms. Simpson indicated, they have not been operating. They should not have been operating since the legal non-conforming use expired. From that point forward is as if they are starting fresh. They do not have anything ongoing. They have to comply with our codes to actually begin operations. That is what they are doing now.

COMMISSIONER
CHICO

Well that is not really answering my questions, but we will let it go. It doesn't clarify the issue.

CHAIR TAPIA

Okay, my first question. If Staff can answer it or even if Staff answers it, I am going to ask the applicant. I want an explanation and a definition to start off with. Define the rectifying process and what does it entail. Rectify is a word, which is in the dictionary. I want to know what the term rectifying means in this process.

PLANNING
TECHNICIAN
ROMERO

Rectifying is the mixing and blending of spirits and wine, but the applicant could elaborate in their presentation.

CHAIR TAPIA I don't see, that doesn't explain anything. Rectifying is the process of mixing wine, what is it? What is the process? Why the term rectify? It could be any other term. Why was the term rectifying, what is the term applying?

COMMUNITY Thank you Chair, I think that the applicant can clarify that. You know,
DEVELOPMENT where the term came from.
DIRECTOR
SIMPSON

CHAIR TAPIA Okay, so see that's what my questions are based on to begin with. Let me go on to this next page here, "including beverage operations and rectifying, which is the mixing and blending of wine and spirits." I know that this is technical but I am technical. To me that sentence means that you can mix wine and spirits. "Which is the mixing and blending of wine and spirits" instead of blending of wine and of spirits. It is not identified right there. It is a conjunction and it puts two subjects together, wine and spirits. That to me indicates, and I know better but you know what I am not going to go with I know better. I don't want there to be any cause of interpretation. Here, it is open to interpretation. We did put "and wine and spirit." I don't believe that, that is what it means. I believe that it means they want to blend wines with wines and spirits with spirits. That is not what that sentence says. That is not what that sentence says. I don't know how I can make a proper decision when the sentences are not saying what they are supposed to say. Or maybe they are, I don't know. Then I go down to, "Conditional Use Permit was required to continue and expand operations. Once operational, IBY will be the largest" oh no never mind. That is kind of funny though to me, that we say that. I know what it means too, "will be the largest full-service, low-alcohol". I know that would mean the beer but now we are including wine and spirits, which is not the lowest alcohol beverage contract. That is another one. If you turn to "project description" which is on page three of fourteen, "The request would also include a new process, known as rectifying, which is the mixing and blending of wine and spirits." I wanted to ask the applicant. In my notes here I put, "Are we mixing and blending the wines?" "Are we mixing and blending the spirits." Again the 'and' that brings them together saying that they are like a little family. Are we gonna mix wine with spirits? I don't know, it is possible you know. Anything is possible. Then I go to page three, second to last sentence wait that's the one I just said. We will go to page four of fourteen, "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." Okay, here is my thinking, how is the material going to get there? How is it going to be imported and exported? I don't want to be sarcastic but how is it going to be, when it says there is not going to be any increased material or change in trucks, that is an interesting

statement right there. They have to go in and they have to go out. How are they going to be imported? What is going to bring the materials in? Once it is established how is it going to go back out? Is it going to be distilled in the building or is it just a process that they are going to go through, because it says mixed. Mixed to me means there is going to be tubs or tanks of some kind that are going to be mixing these wines and spirits. That is another one. This would be again for the applicant; I want an explanation in page six, A. Recitals (I), "to recognize and authorize "as a fully permitted use" the existing legal non-conforming uses including beverage manufacturing, mixing, blending, bottling, packaging" then it says beverage operations, Type one beer manufacturer I don't know what that is. There is no explanation in our packet as to what that means at all. "Type 9 beer and wine importer," I don't know what that is either. Type 9; you know I don't know what that is. What I am saying is none of these have been identified as to what they are. How can I vote on something that I do not know what it is, with a clear conscious? Thinking that I think that's what it is, I should trust them they know what they are doing but I can't do that, that way. Then let's go down to page seven, "Conditional Use Permit" second paragraph it says, "Rectifying uses will be incorporated into the existing buildings and structures, and will not increase the overall capacity or square footage." I understand that but the statement here that says, rectifying uses will be incorporated into the existing buildings, plural, and structures, plural again. That means to me that they could establish the wine and the spirits anywhere there is a building or a structure. It does not identify where the spirits and the wine are going to be mix, there is a picture and a map but it is very vague, it just says winery ten by twelve foot. I can't understand how a winery can be ten by twelve foot. Then distilled spirits p-something else ten by twelve foot and according to the map, I don't really know where it is at. There is no description on where it is at or anything. It leaves me in limbo again. My main thing is that it could be interpreted in any way. How can I vote on something that does not identify what it is going to be, where it is going to be, what are they going to do, when are they going to do it? None of that information is in this report. Turn to page eight of fourteen; this is one of the findings that if I really wanted to oppose this project I could use this finding to oppose it, "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," again I don't know how they are going to make the wine. "or change truck or vehicle access to the Project Site," I don't know how the wine is going to get in, and I don't know how the wine is gonna get out. "Rectifying uses will also not generate additional truck and employee trips," well who is going to bring it in? Is it going to be an outside source? Is it going to be an outside contractor? They are still bringing them in, and there is still the traffic that is coming in and out of there. That is one of the findings. I am just saying that I don't agree with the findings. Anyways, those are the things that struck me. This little map here that outlines two little locations, it doesn't tell me

anything. I don't know anything about what is going on. How can I possibly go any further? I don't know. That is it.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you Chair and Commission, I think that if you can open the Public Hearing and have the applicant give their presentation, I think they can answer some of those questions. Then staff can clarify some of the other ones after their presentation.

CHAIR TAPIA

I liked to know why it is not already in the report. Some of the things that should be on here are on your laps should have been in here. Should have, could have. I am getting frustrated with these reports because they are surface reports. They are not telling me what I need to know. I don't have these materials at home. I don't know where to look for them on the computer, on the internet. I need more of an explanation because I am not going to try to read between the lines anymore. If it is not the English I learned then I am going to make comments on it. Okay anybody else have any questions for Staff?

VICE-CHAIR
BURROLA

Staff, I have some general questions if you could help me out. I just want to know, what is the order of how we are approving the CUPS? We are finding out that it's been six months and you called it where they don't have to rights to sell or make alcohol. Is that correct?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

That is correct, yes.

VICE-CHAIR
BURROLA

Okay, so we find out today that it has been six months and what not, you know their CUP went away. I guess what I am trying to say, they come with a CUP for design to build a new additional building. The City of Irwindale is allowing them to build whatever they want, knowing that they can't actually use it at the time. Is that what we are allowing them to do?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Well they can request to expand their building. They would come before you with the Site Plan and Design Review, and that was for what they were calling a filtration building for their operations. There was not an existing CUP with the former brewery that was there. The CUP that was approved previously was for the cleaning fluids that they would use anyway for the equipment.

VICE-CHAIR
BURROLA

Did we know that the CUP, the six months, during the last meeting was that still valid? Is that something that you guys didn't present last meeting that, you know it went away? I don't know when the six months started.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

They hadn't made the application for this CUP at that time for the different ABC licenses.

VICE-CHAIR
BURROLA

Okay, so it is kind of confusing to me because now we are going into another CUP, where we are going to approve another CUP resolution for them to mix and rectify and do other things, but they still don't have a license. They still don't have an ABC license to do that. Am I seeing this correct?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

That is correct, our code requires a Conditional Use Permit and that is what is before you tonight.

VICE-CHAIR
BURROLA

Okay, so do they get their license first and then we approve the CUP? Or are we approving the CUP and then they get their license after?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

They can apply with ABC at any point in time but ABC would contact the City. In this case, they will let us know that they are applying with the Alcoholic Beverage Control, as well as applying for the Conditional Use Permit. Now with the state agency, ABC, they will contact the City and we will tell them whether it was approved or denied.

VICE-CHAIR
BURROLA

Okay, see I wouldn't feel comfortable to approve a CUP. What if they didn't get the license and we approve the CUP today? Then what happens? The CUP goes away or? How does that work? We are actually approving the CUP tonight, if we approve it. But they still don't have a license. If they get denied the license and we approve the CUP then how does that work? That is why I am kind of uncomfortable. That is my discomfort zone right there. That is why I am asking you what the steps are.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

The steps are they would need a CUP from the City to be able to obtain the license. If the Planning Commission should deny this then they would not get their ABC license. That would be conveyed to them.

VICE-CHAIR
BURROLA

So according to our CUP, we have to approve the CUP first and then they would go get their license.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

That is correct.

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VICE-CHAIR
BURROLA

Okay, it just seems a little weird to me. That's all. That's why I am asking. Going further with what Commissioner Chico was saying, you know we approved another CUP and we did not know at that time that they didn't have a license, or if the six months period was six months or not. What did you say in the report? They had rights, I guess. I guess Miller Brewery Company had a CUP or they did not have a CUP?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

They did not have a CUP. The technical term is legal non-conforming.

VICE-CHAIR
BURROLA

Legal non-conforming, okay. So when was that six months?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

They ceased production in 2020. So that would have been March or April.

VICE-CHAIR
BURROLA

So how come you guys are telling us this now? We didn't know about this last meeting. It didn't have nothing to do with that?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

No, they are applying for it now.

VICE-CHAIR
BURROLA

Okay, thank you.

CHAIR TAPIA

I'd liked to add one more little thing here, that I had written down which contradicts the finding again. Where it says, "will not result in material increase or change" and that type of thing. Page twelve number five, it says, "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." If you are going to have off-site sale of beer and wine that means it's gotta be transported somehow. If it is on-site that means that it was brought in somehow. I don't know. I am confused with this report.

COMMISSIONER
GOMEZ

Mr. Chair if I may, I also had a couple of questions some of them that you already asked, so I won't be redundant. Some of the clarification that I would also ask during the presentation is the definition of winegrower, low alcoholic beverage, and then I liked him to speak to, there is nothing reference to the process to degree of automation inside the manufacturing. It is not spoken to at all. Thank you.

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CHAIR TAPIA	Any more questions? No, okay thank you. At this time, we are going to open up the Public Hearing. We will ask the applicant to make a presentation before we open it up to the public. Can you get the applicant on please?
OPEN PUBLIC HEARING	At 7:19 p.m., Chair Tapia opened the Public Hearing.
MANAGEMENT ANALYST AGUILA	The first individual who I will be unmuting is Anita Hernandez, she is the Director of Communications. She will be making the presentation.
CHAIR TAPIA	Okay, that is for the project right?
MANAGEMENT ANALYST AGUILA	Correct.
CHAIR TAPIA	Thank you. I don't understand what...
PLANNING TECHNICIAN ROMERO	I will be moving the slides for them.
CHAIR TAPIA	Oh okay.
ANITA HERNANDEZ	Can you hear me?
MANAGEMENT ANALYST AGUILA	Yes, we can hear you.
ANITA HERNANDEZ	Hey, good evening, this is Anita Hernandez and we really wish we could have been there in person, I think it might have been a little bit easier. I just wanted to say hello and reintroduce Adam Sher, he was with me at the last visit. Our presentation will answer, if not all your questions, most of them. I think that it will really help explain the process and where we are at today. With that, I would like to go ahead and introduce Adam Sher. I look forward to working with you and I hope you guys approve it this evening. Thank you for hearing us.
MANAGEMENT ANALYST AGUILA	Mr. Sher, you have now been unmuted.
ADAM SHER	Can everyone hear me?
CHAIR TAPIA	Yes.
ADAM SHER	Good to be with you all again. Sorry it couldn't happen in person. Thank you Commissioner Tapia and the rest of the Commission. There were quite a lot of questions coming out there and I want to address

them all. I was trying to raise my hand here but I can start with a quick presentation here, which will hopefully knock out some of those questions off the bat and then we can dig in to any of the others that were not addressed. If we could move to the second slide please. The Irwindale Brew Yard was operating as a legal non-conforming use. I am probably over simplifying but it predates zoning ordinances. The Miller Coors and then Molson Coors plants were operating, recognized as legal but not conforming to your zoning codes. What we are asking is for formal recognition that it is a permitted use. This will give greater operating certainty moving forward. You'll established clear rules that we would have to comply with, the rules of the road here in Irwindale. The conditions that the CUP imposes provides all the traditional businesses licenses, certificate of occupancy, City inspectors can inspect in addition to the fact that we are already subject to inspections by Federal, State, and County agencies. We currently do have an ABC license; I just want to be clear about that. We hold Type 1 and a Type 9 license. Commissioner, those licenses are numbered by the California ABC, which regulates alcohol. They have simple definitions up on their website. We also, more importantly sent a letter outlining the description of each license and how we would use it. We sent that in to Planning Staff and I believe it is part of the record now. I can quickly walk you through those if you like. If we could read from the letter, whatever is easiest? Again, we have the 1 and the 9 that allows us to both brew beer on-site and to bring beer in, for instance if we wanted to bring in malt base and do something with it at the facility. What we are asking for is a 2, a 12, and a 24. Again, this are ABC categories, which would allow us to mix and blend, the term in our industry, these are defined by both the Federal TTB which regulates alcohol, and the California ABC which regulates alcohol, both use the term rectifying. That is the only reason why we are using it; it is because they are using it. It is the mixing and blending, and Commissioner your point is well taken, I would be much more happier with the word 'or' instead of 'and.' We would take wine and mix that with flavors or juice. For instance, you may have seen rosés in a can in some of your markets. We would be doing something along those lines. Or spirits, we are not intending to do big bottles of whiskey. We are not going to be distilling anything on site. What we will be doing, hopefully, is making cocktails in a can or a bottle; you've likely seen those in some of your markets as well, this would be for example a mojito. The alcohol by volume is more comparable to a beer it is not a straight bottle of spirits, it is a cocktail that the percentage of alcohol is closer to what traditionally had in a beer. To one of the Commissioners question, hence the low alcohol statement earlier. These are not the twenty percent alcohol that you would get with a spirit. This is a four percent cocktail that is similar to beer. I feel like I am repeating myself but I want to make sure everyone is following.

ADAM SHER

This would allow, more importantly, us to stay relevant if consumer tastes change. We can weather trends. We can weather fads and keep the doors open and the employees working. The questions you had about how it could be possible to not increase traffic and not increase environmental impact, where are these trucks coming from, point taken. We are not asking to expand the use. We would make all the same amount of beer that was previously made, and then make all these things on top of it. What we are saying is we have a finite amount of space in there and a production line can be converted. That frankly is the Irwindale Brew Yard's business motto, we can pivot on a dime from day to day, it would last for longer than a day. We can reconfigure production lines so that one month we have lagers, PBRs, and the Miller Lites you were used to coming down the line. Another month we can reconfigure and have it ready to make those mojitos. There isn't additional truck traffic coming in and out. Previously you were bringing in raw materials hops, malts, etc. Now we would be tankering in mostly by rail, base spirits which would then be diluted and mixed, or again rectified. I hope that answer some of the questions. If we can go to the next slide.

CHAIR TAPIA

Could you identify winegrower please, number 2.

ADAM SHER

So winegrower, unfortunately this is just the way the ABC defines its categories here. This is not going to be a vineyard as much as it would be nice to transform that into a traditional winery. This is the category that ABC defines as allowing to produce and handle wine. If you give me one second I can pull up the letter that we sent in to Planning Staff, hopefully we are all looking at the same thing. I apologize. Currently we have a Type 1, it's beer manufacturer and Type 9, which is a beer and wine importer. That is what exists today. That is what Miller Coors then Molson Coors both held. We are applying for Type 2 (Winegrower), Type 12 (Distilled Spirits Importer), and Type 24 (Distilled Spirits Rectifier's General). This would let us handle those products. Type 1 is essentially a large brewery license, it is for breweries that produce more than sixty thousand barrels of beer a year. The Type 9 allows the import and export into the state, into the facility of beer and wine, it does not authorize the blending of the wines. Hence, we move to the three new licensees that we are looking for. The Winegrower license the key reason that we want it, is the license allows wine to be mix and blended with flavoring. The ABC considers the mixing of wine with flavors of water as production. We need this production license even though no wine is going to be actually fermented at the facility. It is all going to be brought in and then blended so we can do a Sangria, something along those lines, or the rosé we talked about earlier. The Type 12 is a Distilled Spirits Importer license, this license allows Irwindale Brew Yard to import and export alcoholic beverages specifically spirits. It is essentially the same as the beer and wine importer license that we already hold, it just expands the capabilities. This will let us purchase ingredients for the

blended beverages and then transfer those beverages to market. It does not authorize alcohol production in the sense of a distillery. We will not have a distillery on site, we will not be distilling spirits. We will be bringing in quantities of whatever the base spirit is then we will be diluting, blending, adding juices and flavors. Then lastly, the Type 24 is what the ABC refers to as the Distilled Spirits Rectifier's General License, which is a mouth full. It effectively means spirits can be mixed and blended, rectified, to produce other beverages. That is again what we are hoping to be doing there. It is pretty key to the business model. Being able to take any order from any customer is really part of what has made City Brewery, the parent company for the Brew Yard, able to be successful at its other three locations. I hope those are clear. As far as the space that we take up, it is essentially using the same layout, the same configuration. It is actually using less of the equipment in the facility. Really you wouldn't notice a difference, except that the names in the cans are going to be different. By law, ABC and TTB require that there be a specific bonded area, for the wine and the spirits to be held separately once produced. You spoke to the red rectangles on Staff's map, those are the bonded areas. Quickly I liked to point out that obviously we are not doing it yet, because we are making every effort to comply with all regulations. We do have the federal licenses that would allow us to do this. The California inspectors have been there and have posted. We are in our posting period now. One of the key missing piece is to get the CUP that says the City will allow this to take place. I really appreciate the time to be in front of you here. I am sure there is still questions. I am happy to answer them, I have people much more technically experienced than I who could maybe dig in depending which way this goes. Thank you.

- CHAIR TAPIA Any questions? Can you remain on the line? Can you remain there so we can ask you questions please?
- ADAM SHER I'd liked to yes.
- VICE-CHAIR BURROLA So I have a question. You stated that you do at this time have a Type 1 and a Type 9 license issued by ABC.
- ADAM SHER Correct.
- VICE-CHAIR BURROLA And you are asking if the CUP gets approved to apply for a Type 2, 12, and 24 license?
- ADAM SHER Yes, and as long as we are before you with this we would like the two that we have to be recognized as a conforming use.
- VICE-CHAIR BURROLA Okay, Chair is this a good time to ask Staff a question?
- CHAIR TAPIA Yes.

VICE-CHAIR
BURROLA

So if we go to the Resolution, page seven number eight, I am just a little confused because it says that, "this CUP 08-2021 specifically authorizes the applicant to apply for ABC License Types 1, 2, 9, 12, and 24." So which ones are they? Is it 2, 12, 24 like the applicant is saying? Or is it all of them; 1, 9, 2, 12, and 24? That is why I was a little confused earlier because I was thinking they didn't have a license at all. He clarified that so that was a good thing.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

In this case it would be to legalize for Irwindale Brew Yard all of the ABC licenses.

VICE-CHAIR
BURROLA

He has to renew 1 and 9?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Excuse me?

VICE-CHAIR
BURROLA

He has to renew Type 1 and Type 9?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Not to renew it but it would be the Conditional Use Permit would legalize those. They would be consistent with our Zoning Code requirements.

VICE-CHAIR
BURROLA

Okay, it is just misleading because it is saying that they are applying for ABC licenses but they already have it.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

That is something that we can clarify in the resolution that it would be to legalize the...

VICE-CHAIR
BURROLA

The existing?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yes, the existing Type 1 and Type 9.

VICE-CHAIR
BURROLA

And they are applying for 2, 12, and 24.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yeah, we can work with the language to clarify that.

VICE-CHAIR
BURROLA

Okay. This is part of the report in the beginning it says, request in the Staff Report page two of fourteen, it also states, "The requested licenses issued by the Department of Alcoholic Beverage" it stays all of them too. That is why I was a little bit confused because it is kind of misleading to me, we don't have a license and we are approving the CUP so. The applicant stated that in order to apply for 2, 12, and 24 they need the CUP approved, is that a correct statement?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

That is correct.

ADAM SHER

Just to clarify because we are being so precise, we don't need it to apply for it, we need it for ABC to one hundred percent approve it. So that is where we are at today, our application is pending.

VICE-CHAIR
BURROLA

Okay, but you need the CUP in order for it to be approved?

ADAM SHER

In order to be doing work with spirits and wines we need both the ABC license and the CUP.

VICE-CHAIR
BURROLA

Okay, thank you.

CHAIR TAPIA

That would indicate that the City approves what they are requesting to ABC.

VICE-CHAIR
BURROLA

Thank you.

CHAIR TAPIA

So what you are saying regarding the material increase or truck change, and that type of thing? From what I heard and I like a clarification on it. What I heard is that Coors in their import and export had a lot more movement and that because some of the things that they did, that you are not gonna do it averages out basically what Coors used to do or maybe even less. I don't want to read into it, could you explain that again?

ADAM SHER

Coors was nearly, not entirely but I say ninety-five percent of what they produced was traditional lager or traditional light lager. What we are doing, which is mirroring the trends in consumer taste, is expanding that. Lager well likely always be a part of what gets produced there but

it would be at lesser quantities. If you think about it as a couple production lines, those production lines remain the same but one of them might have wine on it instead of beer on it. The total amounts coming out are the same but the slice of the pie is smaller for beer.

CHAIR TAPIA

Okay.

ADAM SHER
CHAIR TAPIA

Does that make sense? Do you follow the pie analogy?
Yeah I follow.

ADAM SHER

The size of the pie will always be the same, how it gets sliced up is gonna change depending on what gets order from us.

CHAIR TAPIA

Thank you. Any other questions?

COMMISSIONER
GOMEZ

Yes Chair, if I may. I just need a point of clarification. I don't know whether Staff can answer this, if you look at page number seven of fourteen, I am speaking to B, so they indicated that they don't have as much, maybe they don't say it exactly traffic. Where do we address traffic issues? Is it the CUP? Is it regulations that the City has? We have a lot of large trucks coming in and out of the City. There is certain path ways that certain businesses or industries have to follow, how do we address that in this particular CUP? Mr. Chair, I need some clarifications and guidance on that. I am not sure.

MANAGEMENT
ANALYST AGUILA

Excuse me Commissioner Gomez, can you please put your microphone a little bit closer? Thank you so much.

COMMISSIONER
GOMEZ

That would be a Staff question or, Mr. Chair? As to traffic, how would we address that?

CHAIR TAPIA

I think we can incorporate both right now.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

The applicant would be able to fully describe how the goods are being transported in and out. The project or the application it was looked at by our Public Works Engineering Staff. They look at what was being proposed from the existing to this. I am not a traffic engineer so I can't fully answer the questions regarding traffic. I do know that there is two rail spurs that go to the site. Some of the materials are being delivered via the rail, that's one of the things. It wouldn't be analyzed as far as traffic on the streets because it doesn't go on the streets. As far as the truck operations, the applicant can describe the to and from.

ADAM SHER

This would be consistent with what Molson Coors was doing, where most of the raw materials were coming in by rail. As Marilyn mentioned, there is rail spurs on the site. Most of the beer, raw materials were coming in and the spent grains were coming out both by rail. The product, the beers when they were packaged were primarily going out by truck. That would be nearly identical the only

change would be possibly a slight reduction, for these cocktails and wines there is actually less raw materials needed. We would be bringing in even less then we would if we were doing one hundred percent beer. Traffic is essentially going to stay the same to what it was and the routes are going to be the same.

COMMISSIONER
GOMEZ

When you say routes, if I may Mr. Chair. When you say routes, what routes would they be? My recollection is that we don't go through the main thoroughfare of Irwindale. We either go off of the 210/605 or the 210/Irwindale Avenue or we turn down Vincent and Arrow Highway. Do you have a path that you will be taking in terms of your trucks when they are transporting in the middle of the day?

ADAM SHER

We own zero trucks. These are vendors selling us raw materials or the distributors to purchase whatever the products are, taking them to sell.

COMMISSIONER
GOMEZ

I missspoke excuse me, I didn't mean your trucks. I meant whoever is the transportation.

ADAM SHER

I understand. I just want to also clarify that. The truck entrance is the same, it's the entrance off of 1st. Closer to Irwindale and 1st there is an employee visitor entrance, and then further down on 1st there is a truck gate. That will stay the same. The north of the property there is the rail spur and that will stay the same.

COMMISSIONER
GOMEZ

Okay so it will stay the same. The truck traffic will be coming off of the 210 directly on to your site off of Irwindale Avenue, not through the 10 or the 605 on Irwindale or Arrow Highway.

ADAM SHER

I would assume that would be the most efficient route, but you know it is the same truck gate since 1980 or so.

COMMISSIONER
GOMEZ

Absolutely I just want clarification.

ADAM SHER

Again, I don't know because we don't control the trucks.

COMMISSIONER
GOMEZ

Actually, we do control how the trucks transport into Irwindale so that is what I need clarification on. We try to reduce traffic to Irwindale (unintelligible). I would like that part of the Conditional Use.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

If I may Chair and Commission, we have designated truck routes that are identified in the General Plan and they would follow those. That includes Foothill, Irwindale Avenue, Arrow Highway, Vincent. If a truck would get off the 605 then potentially it would go Arrow Highway to Irwindale. That is an example.

COMMISSIONER
GOMEZ

That is all the clarification I need. I appreciate him responding but actually I was actually looking more for your guidance on clarifying that. Thank you.

CHAIR TAPIA

This is just clarification also. It is in one of the Conditions, condition five, "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." I know that it is just stated there but is it going to be on-site sales of beer and wine?

ADAM SHER

I think it is maybe stated because the ABC license grants that privilege along with these, but we have no plans to do that. Not in our business model and frankly nearly all of those are not to sell - they are produced for other customers.

CHAIR TAPIA

Okay thank you. Any other questions? If we do have any other questions we will try to bring you back so hang in there with us, because I am going to open it up to the public right now. Then we will have Commissioner time, and that is when someone might think of something that they forgot. We might call upon you again sir.

ADAM SHER

I appreciate the opportunity and I am here.

CHAIR TAPIA

Okay thank you. Thanks for the information. At this time, we are going to open it up to the public. Could you please raise your hand to be identified?

MANAGEMENT
ANALYST AGUILA

Thank you Chair, We do have one member of the public who has raised their hand. I will now be unmuting Phil Cooper.

PHIL COOPER
CHAIR TAPIA

Okay, I am unmuted. Good evening, can you guys hear me okay?
Yes.

PHIL COOPER

Hey I am Phil Cooper. I am the Principal Officer in Teamsters Local Union 896. We have represented the workers in Irwindale since the brewery open in 1980. I do want to send my condolences out to the three Irwindale city residents that passed away. I was good friends and work with Christina Orosco for years. Nice lady. For many decades the brewery in Irwindale was a great employer, for hundreds of men and women including myself for over thirty years. I have two brothers who actually retired from the brewery. Since Miller Coors closed the brewery in 2020, we have been concern about these good paying jobs, stable jobs. Wondering if they were ever coming back to Irwindale. We were very pleased to be able to work with all the members of Pabst and City Brewery teams, who have been working very hard to ensure the Irwindale Brew Yard can fully reopen as soon as possible. We are also pleased that the Irwindale Brew Yard modernized the business plan, to include producing not only beer but also a range of other beverages as well. Because of this diversity, we are confident that the

	Irwindale Brew Yard can survive changes with consumer trends. The Brew Yard will be stable and a long time business partner for the City of Irwindale, and the hundreds of men and women who will soon be able to work at the Brew Yard. I respectfully ask that you approve the Irwindale Brew Yard Conditional Use Permit tonight. We look forward to getting these people back to work with very good low class jobs. Thank you.
CHAIR TAPIA	Thank you for your presentation that was very insightful.
MANAGEMENT ANALYST AGUILA	Chair, there are no more hands raised.
CHAIR TAPIA	Okay at this time, do we have any more questions for the applicant? Anyone? No? Okay. So at this time we will close the Public Hearing and we will open it up for any Commissioner Comments, or approval, or disapproval, or the other option that we have.
CLOSE PUBLIC HEARING	There being no speakers, Chair Tapia closed the Public Hearing at 7:53 p.m.
CHAIR TAPIA	It is open. Well we are kind of quiet here. It is open for a motion. If you have any feelings regarding this, pro or con, could you please let us know, maybe we have the same feelings? Okay I will step forward here, I came in as open as I could. As I said, I struggled with our packet, with the words, with the presentation. From what I've heard from Staff tonight and the applicant, I am gonna make a motion to approve.
COMMISSIONER GOMEZ	I am going to second that motion.
CHAIR TAPIA	Roll Call
MANAGEMENT ANALYST AGUILA	Commissioner Hartman.
COMMISSIONER HARTMAN	Yes.
MANAGEMENT ANALYST AGUILA	Commissioner Gomez.
COMMISSIONER GOMEZ	Yes.
MANAGEMENT ANALYST AGUILA	Commissioner Chico.
COMMISSIONER	Yes.

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CHICO

MANAGEMENT
ANALYST AGUILA

Vice-Chair Burrola.

VICE-CHAIR
BURROLA

Yes, but are going to go ahead and change eight for a different wording. We didn't specify that.

CHAIR TAPIA

Oh yeah and he want 'or' instead of 'and.'

VICE-CHAIR
BURROLA

They are not applying for a type one and nine right?

CHAIR TAPIA

The applicant also asked for the word 'or' instead of 'and' where it says wine and spirits, wine or spirits. That is in there duplicated several times.

CITY ATTORNEY
GUERRA

Will the maker of the motion and the person who second the motion approve the revision to Condition number eight. I will have Director Simpson read it into the record, so it is clear for the record.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

I may need to work with you on this. As it reads now, Condition number eight on page twelve, "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" and it says to apply for ABC License Types. We can say to apply for ABC License Types 9 12, and 24. Oh, wait I am sorry 2, 12, and 24. They are not applying for it, but to approve the existing Type 1 and Type 9 ABC License. Is that satisfactory to the Commission?

CHAIR TAPIA

Are we clear on that or not before we vote?

VICE-CHAIR
BURROLA

I motion to approve the CUP with those corrections to number eight.

CHAIR TAPIA

And then the word 'or.' The word 'or' instead of "wine and spirits."

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

We will revise to "wine or spirits."

CHAIR TAPIA

Pardon?

COMMUNITY
DEVELOPMENT
DIRECTOR

We will revise to "wine or spirits."

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SIMPSON

CHAIR TAPIA Okay.

CITY ATTORNEY So does the maker of the motion accept those revisions?
GUERRA

CHAIR TAPIA Yes.
VICE-CHAIR Yes with the changes.
BURROLA

CITY ATTORNEY And the person who second it?
GUERRA

COMMISSIONER Yes.
GOMEZ

CITY ATTORNEY Thank you, so can we do a revote on that then?
GUERRA

CHAIR TAPIA Okay. With the verbiage change. I again will make a motion.

COMMISSIONER Second.
GOMEZ

CHAIR TAPIA And we have a second. Now we will have roll call.

MANAGEMENT Commissioner Hartman.
ANALYST AGUILA

COMMISSIONER Yes.
HARTMAN

MANAGEMENT Commissioner Gomez.
ANALYST AGUILA

COMMISSIONER Yes.
GOMEZ

MANAGEMENT Commissioner Chico.
ANALYST AGUILA

COMMISSIONER Yes.
CHICO

MANAGEMENT Vice-Chair Burrola.
ANALYST AGUILA

VICE-CHAIR Yes.

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BURROLA
MANAGEMENT
ANALYST AGUILA

Chair Tapia.

CHAIR TAPIA

Yes.

MANAGEMENT
ANALYST AGUILA

Thank you.

CHAIR TAPIA

Okay, thank you sir and thank you Staff. We will move on now to Discussion Items/Presentations.

**DISCUSSION ITEMS/
PRESENTATIONS**

CHAIR TAPIA

Is there any?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

There are no presentations tonight.

CHAIR TAPIA

Okay thank you.

**COMMISSIONER
COMMENTS**

CHAIR TAPIA

Commissioner Comments/Request?

VICE-CHAIR
BURROLA

I had a request Chair.

CHAIR TAPIA

Yes sir.

VICE-CHAIR
BURROLA

For future meetings can we have Public Works Engineer Staff present, so he can answer some of these questions about traffic and so forth? If that is ok.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

That's fine. Thank you.

CHAIR TAPIA

Or available.

VICE-CHAIR
BURROLA

Or available to talk on the web.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Or they send me back to school. No, we will make the request.

VICE-CHAIR
BURROLA

Thank you.

CHAIR TAPIA

Any other?

COMMISSIONER
CHICO

Yes. In the Minutes that we approved, in that particular meeting I asked on page twenty-one, I am sorry page thirteen, can we have some examples of situations where the property owners? I used the words "too close to the project" are usually exempt from voting however if there was clear evidence that they can present, whoever that property owner may be, they can vote. So I made a request to come from the Attorney's Office, to come back with examples of evidence that would override the cancelation of their vote or their inability to vote. Have we got any examples at all, because of the time of the meeting I had made the complaint five times over? The law is so vague, it says that yes, a property owner that may be within the boundaries can be allowed to vote if there is clear, I am trying not to use the word preposterous but that is what the legal profession use, evidence that says that they are able to vote. I was just wondering if you were made aware of that.

CITY ATTORNEY
GUERRA

I was not but we will look into it and bring something back in the next meeting.

COMMISSIONER
CHICO

Okay, if you refer to the minutes you will see the spirit in which the question was asked.

CITY ATTORNEY
GUERRA

I understand and the standard of proof is clear and convincing evidence. So you need evidence to start but I will see if we can find some examples.

COMMISSIONER
CHICO

Is the law written in such a way that, that particular sentence could never exist, could never work, could never function, could never be operable? That's why I want to see examples.

CITY ATTORNEY
GUERRA

Sounds good, it is a very high standard, I will leave it at that. But I will see if we can find some examples.

COMMISSIONER
CHICO

Okay.

CHAIR TAPIA

Any other comments? Okay legal Counsel Comments.

LEGAL COUNSEL
COMMENTS

ASSISTANT
CITY ATTORNEY
TRAXLER

No comments tonight.

CHAIR TAPIA

Okay, Community Development Director Report.

COMMUNITY
DEVELOPMENT
DIRECTOR REPORT

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you Chair and Commission, I have nothing to report tonight.

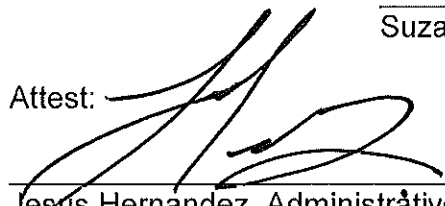
CHAIR TAPIA

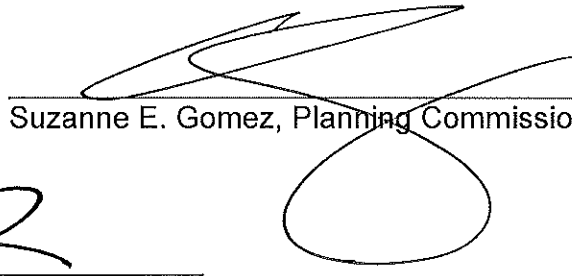
Okay, thank you. In that case again we will be closing in honor and in remembrance of Tony Zepeda, Willy Padilla, and Christina Orosco. Anyone else have anything before we close? No, okay. This meeting is now adjourned.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 8:03 p.m.

Attest:


Jesus Hernandez, Administrative Secretary


Suzanne E. Gomez, Planning Commission Chair

Approved as presented at the meeting held February 16, 2022