

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

August 09, 2021
Wednesday
6:32 P.M.

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

PLEDGE OF
ALLEGIANCE

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

INVOCATION
COMMISSIONER
GOMEZ

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

CHAIR TAPIA

Roll call.

ROLL CALL:

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

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

ANNOUNCEMENTS

CHAIR TAPIA

Any comments to make?

ADMINISTRATIVE
SECRETARY AGUILA

No comments, thank you.

**SPONTANEOUS
COMMUNICATIONS**

CHAIR TAPIA

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

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	Spontaneous, which is not related to tonight's Public Hearing could you please raise your hand.
ADMINISTRATIVE SECRETARY AGUILA	Chair Tapia, we do have quite a few individuals who have raised their hands. I will now be unmuting Errol Daly.
CHAIR TAPIA	Go ahead sir.
ADMINISTRATIVE SECRETARY AGUILA	Mr. Daly you are self-muted.
ERROL DALY	I would like to support the project going forward.
CHAIR TAPIA	This is not the time, this is Spontaneous Communication. When we open up the Public Hearing, for this particular item then you can raise your hand again.
ERROL DALY	Okay will do, thank you very much.
ADMINISTRATIVE SECRETARY AGUILA	The next individual who I will be unmuting will be Carmen Roman.
CARMEN ROMAN	Hello.
ADMINISTRATIVE SECRETARY AGUILA	Hey, we can hear you.
CARMEN ROMAN	I am not talking about this subject because it is listed in the Agenda tonight. But when we get to the subject, I would like to know if you could summarize or go over the key points, because it was a very long meeting last time. I don't think we want to go back to square one. Maybe you can consider going over key points. Thank you.
CHAIR TAPIA	Thank you, next.
ADMINISTRATIVE SECRETARY AGUILA	The next member of the public that I will be unmuting is Frank Rojo.
FRANK ROJO	I will wait for the public to speak.
ADMINISTRATIVE SECRETARY AGUILA	There are no more hands raised.
CHAIR TAPIA	Okay at this time we will close Spontaneous Communications.

PUBLIC HEARINGS

ITEM NO. 3C

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

CHAIR TAPIA

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

ASSISTANT
CITY ATTORNEY
TRAXLER

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

CHAIR TAPIA

Could you repeat those feet again, please?

ASSISTANT
CITY ATTORNEY
TRAXLER

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

CHAIR TAPIA

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

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ASSISTANT CITY ATTORNEY TRAXLER	Yes, Mr. Chair. I have here that the property is 963 feet away from the property line of the project. Which is within the 500 to 1,000 feet.
CHAIR TAPIA	Thank you.
ASSISTANT CITY ATTORNEY TRAXLER	You are going to recuse yourself?
CHAIR TAPIA	Pardon?
ASSISTANT CITY ATTORNEY TRAXLER	You are going to recuse yourself?
CHAIR TAPIA	Yes.
ASSISTANT CITY ATTORNEY TRAXLER	Okay. It is my recommendation that you recuse yourself. Yes. Commission Chico, I will go through the same materiality factors. There is a material financial effect if the decision would change whether positive or negative the property's development potential, income producing potential, highest and best use, character, by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels, air quality, or the market value. I have here for the record the amount of feet for your property. Your property is located 717 feet from the property line.
COMMISSIONER CHICO	I understand that. What are my options?
ASSISTANT CITY ATTORNEY TRAXLER	Your options are to recuse yourself, or you could participate in the decision.
COMMISSIONER CHICO	Well if he recuses himself, I recuse, and she recuses herself, what are we left with?
ASSISTANT CITY ATTORNEY TRAXLER	We are left without a quorum, and we would have to draw straws. Same as the last meeting.
COMMISSIONER CHICO	I like to go with the straws.
ASSISTANT	Commissioner Gomez I have the amount of feet if you would like that on record.

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

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

COMMISSIONER
CHICO

We have just two victims?

ADMINISTRATIVE
SECRETARY AGUILA

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

CHAIR TAPIA

How are you Mr. Burrola?

VICE-CHAIR
BURROLA

Hanging in there. Can you hear me?

CHAIR TAPIA

Yes.

VICE-CHAIR
BURROLA

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

CHAIR TAPIA

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

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

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

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

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

STEVE MCMURTRY

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

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

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

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

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

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

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

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

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

CHAIR TAPIA

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

CITY ATTORNEY
GUERRA

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

CHAIR TAPIA

Okay. Commissioner Burrola?

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

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

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

CHAIR TAPIA Okay.

VICE-CHAIR
BURROLA This is more towards, I guess, to the Staff. I just want to start by saying, it seems that we always amend the City's official documents, i.e. the General Plan to accommodate property owner or developments. We should have the developers or the property owner follow our guidelines, more closely. Why does it seem like we are always rushing to develop sites? We should take our time and follow the General Plan accordingly. I am not saying that they didn't, but I am just saying these are the things I found. On page 37 of the General Plan, in the Community Development Plan it states, "The City is committed to the development of a Comprehensive Land Use Plan that will enhance the City's livability and economic base for future generations." Going on to Policy 3, "The City of Irwindale will continue to ensure that the type, location, and intensity of all new development and intensified developments adhere to the requirements that are specified, for their particular land use category and the General Plan. Which brings me to the Zoning Conforming Program on page 39, which states, "The City will continue to review the City's Ordinance and the Subdivision Ordinance of the Municipal Code, to ensure that the development standards are consistent with those identified in this Community Development Element. The City will initiate appropriate changes to the Zoning Map to ensure that it is consistent with the Community Development Element." Going further with Element 17 page 38, "The City of Irwindale will continue to encourage a balance of commercial uses to avoid an over concentration of uses to best serve the residents, employee population, and business community." In fact policy 8 states, "The City of Irwindale will promote and support development of a regional commercial center." What concerns me is that on table 2-1 on page 24, shows that only .25 percent of total land is devoted to commercial major land use. That is a very low number considering other cities. If you look at that table that is concerning. Anyways so, we can change this with all the new mine sites that are being developed and are being filled for future developments including the Manning Pit. Furthermore, the General Plan talks about a Civic Center Specific Plan. I guess this is for Staff. Have we developed this plan? Is this site in question part of this plan because it should be given the future development falls very close to our Civic Center, our Recreation Center, our Parks, and our future housing. I suggest we slow down and we refer back to the General Plan a little closer, and look more closely at the Zoning Conformity Program, the Community

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

CHAIR TAPIA Any explanation or anything from Staff?

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

CHAIR TAPIA That is just your comment?

VICE-CHAIR
BURROLA Correct.

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

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

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

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

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

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

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

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

SARAH WITHERS Yes sir.

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

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

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

CHAIR TAPIA

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

SARAH WITHERS

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

MATTHEW HINKS

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

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

CHAIR TAPIA

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

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

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

CHAIR TAPIA

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

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

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

CHAIR TAPIA

Did they purchase the entire acres?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

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

CHAIR TAPIA

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

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

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

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

CHAIR TAPIA

It wasn't granted to us?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

No.

CHAIR TAPIA

That is what I wanted to clarify. Yes sir.

CITY MANAGER
TAM

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

CHAIR TAPIA

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

ADMINISTRATIVE
SECRETARY AGUILA

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

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

CARMEN ROMAN

Hello?

ADMINISTRATIVE
SECRETARY AGUILA

Yes, we can hear you.

CARMEN ROMAN

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

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

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

ADMINISTRATIVE
SECRETARY AGUILA

Your time has ended Ms. Roman.

CARMEN ROMAN

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

ADMINISTRATIVE
SECRETARY AGUILA

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

CARMEN ROMAN

I had more minutes.

ADMINISTRATIVE
SECRETARY AGUILA

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

CARMEN ROMAN

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

ADMINISTRATIVE
SECRETARY AGUILA

Ms. Shahanian you have now been unmuted.

NICOLE SHAHENIAN

Hey can you hear me?

ADMINISTRATIVE
SECRETARY AGUILA

Yes.

NICOLE SHAHENIAN

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

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

ADMINISTRATIVE
SECRETARY AGUILA

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

ROBERT DIAZ

Hello?

ADMINISTRATIVE
SECRETARY AGUILA

Yes, we can hear you.

ROBERT DIAZ

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

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

ADMINISTRATIVE
SECRETARY AGUILA

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

ROBERT DIAZ

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

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

ADMINISTRATIVE
SECRETARY AGUILA

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

ROBERT DIAZ

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

ADMINISTRATIVE
SECRETARY AGUILA

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

JEANETTE FLORES

Good evening, can you hear me?

ADMINISTRATIVE
SECRETARY AGUILA

Yes we can hear you.

JEANETTE FLORES

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

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

ADMINISTRATIVE
SECRETARY AGUILA

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

JESSIE LORETTA

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

ADMINISTRATIVE
SECRETARY AGUILA

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

DENA ZEPEDA

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

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

ADMINISTRATIVE
SECRETARY AGUILA

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

TED JIMENEZ

How is that? Can you hear me?

ADMINISTRATIVE
SECRETARY AGUILA

Yes we can hear you.

TED JIMENEZ

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

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

ADMINISTRATIVE
SECRETARY AGUILA

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

CARMEN ROMAN

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

ADMINISTRATIVE
SECRETARY AGUILA

Ms. Roman, can you hear me?

CARMEN ROMAN

Hello, can you hear me?

ADMINISTRATIVE
SECRETARY AGUILA

Yes, now we can hear.

CARMEN ROMAN

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

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

ADMINISTRATIVE
SECRETARY AGUILA

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

JOHNNY SANCHEZ

Can you hear me?

ADMINISTRATIVE
SECRETARY AGUILA

Yes.

JOHNNY SANCHEZ

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

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

ADMINISTRATIVE
SECRETARY AGUILA

Mr. Jose Amador, you have now been unmuted.

JOSE AMADOR

Can you hear me?

ADMINISTRATIVE
SECRETARY AGUILA

Yes, we can hear you.

JOSE AMADOR

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

ADMINISTRATIVE
SECRETARY AGUILA
RICHARD

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

ADMINISTRATIVE
SECRETARY AGUILA

Yes, we can hear you.

RICHARD

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

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

ADMINISTRATIVE
SECRETARY AGUILA

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

FRANK ROJO

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

ADMINISTRATIVE
SECRETARY AGUILA

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

CHAIR TAPIA

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

RECESS

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

RECONVENED

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

ADMINISTRATIVE
SECRETARY AGUILA

There are no more additional speakers.

CHAIR TAPIA

Okay.

CITY ATTORNEY
GUERRA

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

MATTHEW HINKS

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

ADMINISTRATIVE
SECRETARY AGUILA

10 seconds.

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CHAIR TAPIA	At this time I will close the Public hearing and open it up to Commissioners Comments to approve or deny. Mr. Burrola are you still with us?
CLOSE PUBLIC HEARING	There being no speakers, Chair Tapia closed the Public Hearing at 9:06 p.m.
VICE-CHAIR BURROLA	Yes, I am here.
CHAIR TAPIA	Right now is our time.
VICE-CHAIR BURROLA	I move to disapprove this development.
CHAIR TAPIA	You move to deny? I didn't get that.
VICE-CHAIR BURROLA	Deny, correct.
CHAIR TAPIA	There was one finding, the air quality that was a Statement of Overriding Considerations so you have to come up with a finding that will support your motion.
VICE-CHAIR BURROLA	Okay. I deny for that particular reason for the air quality stated in the EIR. They talked about. I am not sure there is two resolutions here. One changing the zoning from residential to, I believe M-2.
CHAIR TAPIA	Well if you deny the EIR that kind of puts an end to any other decisions.
VICE-CHAIR BURROLA	Okay.
COMMISSIONER HARTMAN	I have no comments.
CHAIR TAPIA	Okay, I really honestly enjoyed the presentations and all of the professionalism. I know that a lot of the comments were based on that there was going to be a lot of jobs. But one gentleman stated that the jobs are going to be for people that are highly trained. When I hear that jobs are going to be for people that are highly trained, it means that you have to come in with qualifications to the job. I guess that is the way all jobs work, unless its jobs that start at ground level. That has not been mention, no training jobs. I don't know of the residents who are here, who qualifies and who doesn't. The age limits, what ages are predominantly hired. Are they going to need truck drivers or are they already going to be established? Are there going to be Unions or not? If you have a Union, you don't have a prayer unless you are in the

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

VICE-CHAIR
BURROLA

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

CHAIR TAPIA

Okay, and I second it. Roll Call.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

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

CHAIR TAPIA

Both.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	So what was insufficient in the analysis of CEQA for air quality?
CHAIR TAPIA	Well it stated right there.
VICE-CHAIR BURROLA	It cannot be mitigated.
COMMISSIONER HARTMAN	One thing is the substantial and unavoidable not being over limit which won't be correct for another three years.
CHAIR TAPIA	That is an unknown. We do not know that for sure.
COMMISSIONER HARTMAN	Three years of 75 percent more than what it should be in three years.
CHAIR TAPIA	I personally studied the mountains for the last two weeks. You could not see the mountains in the morning until about one or two in the afternoon for two weeks. Then the air came through and I guess pushed whatever was there out. I don't know. There is too many variables and I want more than anything I want the life, the value of life, to really be consider. To know that people matter. I know that is not the business end, but like they said, things can be taken back to the drawing board. I don't know but this decision is obviously going to be appeal to the Council. And what is it 30 days? 20 days? What is the time frame that you can appeal to the Council?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Thank you Chair, so what we will be doing is this: You are making a recommendation to the City Council to deny this project. We will be bringing back a recommendation of denial to the Planning Commission as quickly as possible. The next regularly scheduled meeting is on the 18th. So I don't think that we will be able to make it, so it is going to be in September. After that it will go to the next available City Council meeting.
CHAIR TAPIA	But the time frame to appeal.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	It is not an appeal.
CITY ATTORNEY GUERRA	Because the Commission is only making a recommendation. There is no appeal, it automatically goes to the City Council meeting.
CHAIR TAPIA	No but once we get the negative declaration back.

CITY ATTORNEY GUERRA	The whole thing is a recommendation.
CHAIR TAPIA	Right but what is the time period? There is no time period?
CITY ATTORNEY GUERRA	There is no set time period when you are making a recommendation to approve or deny. It goes to the City Council.
CHAIR TAPIA	No, I know that. That is not what I am saying. After it is all said and done next month. What is the time frame to take it to the Council? For the applicant to take it to the Council. We denied it but they can appeal it.
CITY ATTORNEY GUERRA	You're not denying anything you are not approving anything. You are recommending approval or you are recommending denial. That recommendation goes to City Council regardless of what you recommend.
CHAIR TAPIA	Okay.
CITY ATTORNEY GUERRA	There is no appeal.
CHAIR TAPIA	Back in the day I know there was a period of time that's why.
CITY ATTORNEY GUERRA	If there were an appeal then yes there is a certain period of time that they have.
CHAIR TAPIA	Okay. I am clear with it now. Thank you sir. Can we go ahead and vote now?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	I think that you made it clear what the finding is. The recommendation of denial is based on the Statement of Overriding Considerations that the benefits do not outweigh the significant and unavoidable impact of the NO _x being over the limit.
CHAIR TAPIA	That is clear we don't need any more clarification.
VICE-CHAIR BURROLA	Yeah that is correct. It is CEQA findings page 11 and 12 if you want to be specific.
CHAIR TAPIA	Go ahead and read it.
VICE-CHAIR BURROLA	It states, "Although the mitigation of the proposed project would not generate significant consideration pollutants nearby since the resented proposed project is expected to exceed the SCAQMD max threshold for operation max as modeled."

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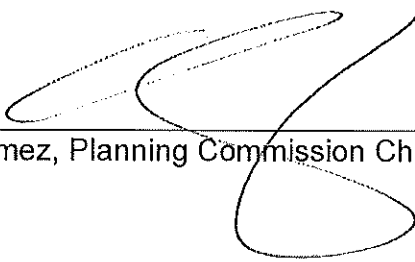
CHAIR TAPIA	Okay thank you. Would you mind making that motion again please? Mr. Burrola.
VICE-CHAIR BURROLA	Motion to deny based on proposed project is expected to exceed the SCAQMD max threshold for operation max as modeled.
CHAIR TAPIA	And we already clarified it to staff and I second. Roll Call.
CITY ATTORNEY GUERRA	Before we vote. I would just have the maker of the motion to state, "Direct Staff to bring back a resolution of denial based on the direction provided to Director Simpson regarding the CEQA findings and also the Statement of Overriding Consideration.
VICE-CHAIR BURROLA	I agree.
CHAIR TAPIA	Second to the statement made. Roll Call.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Hartman.
COMMISSIONER HARTMAN	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Vice-Chair Burrola.
VICE-CHAIR BURROLA	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Tapia.
CHAIR TAPIA	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Thank you.
CHAIR TAPIA	At this time the Commission meeting is going to be adjourned.

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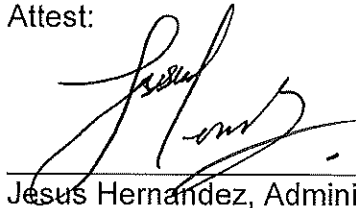
ADJOURNMENT

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



Suzanne E. Gomez, Planning Commission Chair

Attest:



Jesus Hernandez, Administrative Secretary

Approved as presented at the meeting held April 20, 2022