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

April 20, 2022
Wednesday
6:32 P.M.

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

PLEDGE OF ALLEGIANCE

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

INVOCATION COMMISSIONER FUENTES

Dear heavenly Father, we just come before you this evening thanking you so much for your love, your grace, and your mercies that you give to us so richly and so freely. Father God, we just ask for your wisdom to be bestowed down upon us now, dear Lord, wisdom beyond our years to make decisions tonight concerning the City and the Items that are on the Agenda. Father, we just pray dear Lord, for the nation of Ukraine. I just ask that you bless that country, dear Lord, that you will be with them and that you protect them, and that this assault upon them would end. I ask these things in Jesus name, amen.

CHAIR GOMEZ

Roll call.

ROLL CALL:

Present: Commissioners; Robert E. Hartman; David Fuentes, Via Zoom; Richard Chico; Vice Chair Enoch Burrola; Chair Suzanne Gomez

Also present: Julian Miranda, City Manager; Jamie Traxler, Assistant City Attorney; Marilyn Simpson, Community Development Director; Daniel Co, Assistant City Engineer; Brandi Jones, Senior Planner; Lisa Chou, Associate Planner; Martin Romero, Planning Technician; Jeff Tyler, Senior Code Enforcement Officer; Jesus Hernandez, Administrative Secretary

ANNOUNCEMENTS

NONE

SPONTANEOUS COMMUNICATIONS

CHAIR GOMEZ

This time is set aside for Spontaneous Communications for the audience to speak on items not on the agenda, and Jesus will review the format that we will be using.

ADMINISTRATIVE SECRETARY HERNANDEZ

In the hybrid format, both in-person and hybrid audience members will participate in the following order; Tier 1: In-person attendees, Tier 2: Teleconference attendees, Tier 3: In-person attendees who have not previously provide comments on the matter(s) being discussed by the legislative body, and Tier 4: Teleconference attendees who have not previously provide comments on the matter(s) being discussed by the legislative body.

CHAIR GOMEZ — And further during Spontaneous Communications, the Commission by majority vote finds that a catastrophe or emergency exists. State law prohibits any Commission discussion or action on such communications unless 1) I just read. 2) The Commission by at least four votes finds that the matter and the need for action thereon arose within the last five days. Since the Commission cannot, except as stated, participate it is requested that all such communications be made in writing so as to be included on the next agenda for full discussion and action. If a member of the audience feels he or she must proceed tonight, then each speaker will be limited to 3 minutes, unless such time limits are extended. Do we have anybody for Spontaneous Communications at this time?

ADMINISTRATIVE SECRETARY HERNANDEZ — We do not.

CHAIR GOMEZ — And none in our audience as well, thank you. We are going to move on to the Consent Calendar.

CONSENT CALENDAR

CHAIR GOMEZ — The Consent Calendar contains matters of routine business and is to be approved with one motion unless a member of the Commission requests separate action. At this time, members of the audience may ask to be heard regarding an item on the Consent Calendar. Do we have any requests? I would like them to be approved, there is two that I need to recuse myself on. I think one of the other Commissioners, as well. So if we can have a motion to do them separately and individually that would work well.

COMMISSIONER HARTMAN — I also have a question about the Minutes. On January 19, 2022 and February 16, 2022, it states right after the Invocation that Chair Tapia asked for a Roll Call.

ADMINISTRATIVE SECRETARY HERNANDEZ — I see that, we can make the corrections.

CHAIR GOMEZ — Okay anything else? Let's make the motions for each one shall we, fellas?

COMMISSIONER HARTMAN — Motion to approve the Minutes of Number 1, Adjourned meeting held August 09, 2021.

CHAIR GOMEZ — Roll call please.

ADMINISTRATIVE SECRETARY HERNANDEZ: We need a second.

COMMISSIONER CHICO: I have a question before, for our City Attorney. Which is more practical, or is it even possible to vote in the affirmative for that time of that meeting that I was present, or is it just best to abstain for that whole meeting?

CHAIR GOMEZ: My recollection is, previously when we did Roll Call on Minutes that I wasn't here, I would abstain. Also, in the last time we reviewed those meetings were we recused we just abstained.

COMMISSIONER CHICO: Right.

ASSISTANT CITY ATTORNEY TRAXLER: Chair Gomez is correct, yes.

COMMISSIONER CHICO: I am… sorry?

ASSISTANT CITY ATTORNEY TRAXLER: Chair Gomez is correct, yes. If you were not here for the meeting but you have reviewed the meeting, and you are familiar with what the meeting stated and that the Minutes align with what the meeting stated, you can still vote. You would just have to be familiar with what happen at the meeting, and whether the Minutes accurately reflect that.

COMMISSIONER CHICO: Yeah, to qualify my vote. Okay.

CHAIR GOMEZ: Alright, Roll Call please for Number 1.

ADMINISTRATIVE SECRETARY HERNANDEZ: I need a second.

CHAIR GOMEZ: Sure.

VICE-CHAIR BURROLA: I will second.

ADMINISTRATIVE SECRETARY HERNANDEZ: Thank you. Commissioner Chico.

COMMISSIONER CHICO: Yes, for the time of the meeting I was in attendance. Is that…

ASSISTANT CITY ATTORNEY TRAXLER: As long as we have at least a majority vote for the other portion of the Minutes that would be fine. I would recommend abstaining if you are not voting on the whole Minutes.

COMMISSIONER CHICO: On the advice from Counsel, I will abstain.

ADMINISTRATIVE SECRETARY HERNANDEZ: Thank you.

ADMINISTRATIVE SECRETARY HERNANDEZ: Commissioner Fuentes.

COMMISSIONER FUENTES: Abstain, I wasn't here for that meeting.

ADMINISTRATIVE SECRETARY HERNANDEZ: You reviewed them.

COMMISSIONER FUENTES: Oh okay, are those the ones? Oh okay, I am sorry, yes.

ADMINISTRATIVE SECRETARY HERNANDEZ: Commissioner Hartman.

COMMISSIONER HARTMAN: Yes.

ADMINISTRATIVE SECRETARY HERNANDEZ: Vice-Chair Burrola.

VICE-CHAIR BURROLA: Yes.

ADMINISTRATIVE SECRETARY HERNANDEZ: Chair Gomez.

CHAIR GOMEZ: I abstain.

ADMINISTRATIVE SECRETARY HERNANDEZ — Thank you.

CHAIR GOMEZ — We are now on Number 2, the meeting of September 15, 2021. I have to abstain so I need a motion and a second.

VICE-CHAIR BURROLA — I will motion to approve the September 15, 2021 Minutes.

COMMISSIONER HARTMAN — Second.

ADMINISTRATIVE SECRETARY HERNANDEZ — Thank you. Commissioner Chico.

COMMISSIONER CHICO — Abstain.

ADMINISTRATIVE SECRETARY HERNANDEZ — Commissioner Fuentes.

COMMISSIONER FUENTES — Yes, approve.

ADMINISTRATIVE SECRETARY HERNANDEZ — Commissioner Hartman.

COMMISSIONER HARTMAN — Yes.

ADMINISTRATIVE SECRETARY HERNANDEZ — Vice-Chair Burrola.

VICE-CHAIR BURROLA — Yes.

ADMINISTRATIVE SECRETARY HERNANDEZ — Chair Gomez.

CHAIR GOMEZ — I abstain.

ADMINISTRATIVE SECRETARY HERNANDEZ: Thank you.

CHAIR GOMEZ: So we can move on to 3 and 4 on the Consent Calendar. We can hold those together, January 19, 2022 and February 16, 2022. I make a motion to approve.

COMMISSIONER FUENTES: Second.

CITY ATTORNEY TRAXLER: If I may, just so we are clear with the added correction of who made the Roll Call.

COMMISSIONER FUENTES: Correct.

ADMINISTRATIVE SECRETARY HERNANDEZ: Thank you. Commissioner Chico.

COMMISSIONER CHICO: Yes.

ADMINISTRATIVE SECRETARY HERNANDEZ: Commissioner Fuentes.

COMMISSIONER FUENTES: Yes.

ADMINISTRATIVE SECRETARY HERNANDEZ: Commissioner Hartman.

COMMISSIONER HARTMAN: Yes.

ADMINISTRATIVE SECRETARY HERNANDEZ: Vice-Chair Burrola.

VICE-CHAIR BURROLA: Yes.

ADMINISTRATIVE SECRETARY HERNANDEZ: Chair Gomez.

CHAIR GOMEZ — Yes.

ADMINISTRATIVE SECRETARY HERNANDEZ — Thank you.

NEW BUSINESS

No Items

PUBLIC HEARINGS

CHAIR GOMEZ — Now we move on to New Business and we are going to get the presentation and then a Staff Report. Please step forward, thank you.

CITY MANAGER MIRANDA — Chair, if I may.

CHAIR GOMEZ — Yes.

CITY MANAGER MIRANDA — I have a statement here, Good evening Chair and members of the Planning Commission. The next item on the agenda is Conditional Use Permit No. 02-2021. The staff report will be presented by Martin Romero, Planning Technician. Before I hand it off to Martin, I would like to start with a short synopsis of the project and process thus far. The Conditional Use Permit is for the on-site sale and outdoor storage of bulk landscape and gardening materials and outdoor storage of grandstand equipment. The site is located in the northern part of the City, adjacent to the 210 freeway and the City of Duarte. Cal Blend Soils is a family-owned and run business that has called Irwindale home for nearly 20 years. After the approval of the Park at Live Oak Specific Plan, formerly the JH Pit, they had limited time remaining to operate at that location and sought to find another suitable site in Irwindale. Irwindale staff have been working closely with the applicant and the City of Duarte to address any potential impacts. Staff has gone the extra mile with respect to providing an in-depth environmental analysis for a Categorically Exempt project, traffic counts, noise monitoring, conference calls, site visits and postponing the item as a professional courtesy to Duarte so they could have additional time for document review. At this time, I'll had it over to Martin Romero to present his report. Thank you Chair, and Vice Chair, and Commissioners.

CHAIR GOMEZ — And may I ask who the letter was from?

CITY MANAGER MIRANDA — This is a statement by myself, Julian Miranda, City Manager.

CHAIR GOMEZ — Okay, thank you so much.

PLANNING TECHNICIAN ROMERO	Good Evening Honorable Chair and members of the Planning Commission, the next item of discussion is a request for a Conditional Use Permit, for Cal Blend Soils located at 1399 Las Lomas Road. The applicant is Michael McKain of Cal Blend Soils. The property owner is Michael Brown of Mike Brown Grandstands. Before we begin, I would like to call attention to the three letters placed on the dais. One is a letter from Carlos T. Bea, the Manager of the neighboring Mount Olive Storage site. The Second letter is from Dave Sorem, an Engineer on behalf of Mount Olive Storage. The third letter is from Thai Phan, the City Attorney for the City of Duarte.
CHAIR GOMEZ	Thank you Mr. Romero, can you please hold one moment? We are going to take a moment to, our monitors are not showing the presentation. So Jesus, I don't know…
COMMISSIONER FUENTES	Madame Chair? Madame Chair?
CHAIR GOMEZ	Yes, Commissioner Fuentes.
COMMISSIONER FUENTES	Are those the letters that are in the packet, or are these additional letters to the packet?
CHAIR GOMEZ	These are additional letters.
COMMISSIONER FUENTES	Excuse me?
CHAIR GOMEZ	These are additional letters, Commissioner Fuentes, yes.
COMMISSIONER FUENTES	Okay, so I don't have access to those.
CHAIR GOMEZ	Unfortunately, you don't at this time.
COMMISSIONER FUENTES	Okay.
CITY ATTORNEY TRAXLER	Madame Chair, if I may, you can call a brief recess so you can have that.
CHAIR GOMEZ	Yes, at this time we are going to take a five minute recess. Thank you.
RECESS	Chair Gomez recessed the meeting at 6:43 p.m.
RECONVENED	Chair Gomez reconvened the meeting at 6:51 p.m.

CHAIR GOMEZ

We are commencing the presentation of the Staff regarding New Business, a Conditional Use Permit No. 02-2021 for 1399 Las Lomas Road. Thank you, please come forward.

PLANNING TECHNICIAN ROMERO

Good Evening Honorable Chair and members of the Planning Commission, the next item of discussion is a request for a Conditional Use Permit, for Cal Blend Soils located at 1399 Las Lomas Road. The applicant is Michael McKain of Cal Blend Soils. The property owner is Michael Brown of Mike Brown Grandstands. I would like to call attention to the three letters placed on the dais. One is a letter from Carlos T. Bea, the Manager of the neighboring Mount Olive Storage site. The Second letter is from Dave Sorem, an Engineer on behalf of Mount Olive Storage. The third letter is from Thai Phan, the City Attorney for the City of Duarte. To continue, the applicant is requesting a Conditional Use Permit, for the outdoor storage and onsite sale of bulk landscaping and gardening materials, and outdoor storage of grandstand equipment. The site is bounded on the northern property line by Mount Olive Storage, Edison transmission towers on the southern property line, the City of Duarte on the eastern property line, and the 210 freeway on the western property line. Pictured here is an aerial of the Eastern property line of the site. The green is the neighboring Mount Olive Storage site; the blue is the SoCal Edison site. The red line shows the property line for the only Duarte residence that directly touches the Cal Blend Soils site. Cal Blend Soils is located in an M-2 (Heavy Manufacturing) Zone with a General Plan designation of Industrial/Business Park. The proposed project is categorically exempt from CEQA per Section 15301 Class 1; Existing Facilities. Cal Blend Soils is a wholesale landscaping and gardening material supplier, located at 1399 Las Lomas Road, which sells a variety of products such as topsoil, soil mixes, decomposed granite, sand, gravel, and river rock cobble. They have conducted business in Irwindale for nearly twenty years. They were previously granted three Conditional Use Permits, at two previous locations before moving to the 1399 Las Lomas Road property. On November 2, 2006, the Planning Commission approved CUP No. 12-06 for the establishment of a plant nursery and demonstration garden, located at 1270 East Arrow Highway. On November 7, 2002, the Planning Commission approved CUP No. 09-02 for the establishment of a plant nursery and demonstration garden, located at 13530 Live Oak Avenue. Additionally, the Planning Commission approved CUP No. 12-03 on March 4, 2004 for an extension of CUP No. 09-02. The business relocated to the current location, after the approval and subsequent grading of the Park at Live Oak. Mike Brown Grandstands is a stage and event seating business, also located at 1399 Las Lomas Road. Mike Brown Grandstands uses the southwest part of the property for its outdoor operations. They use the project site for the storage, shipping, and receiving of grandstands, spectator seating, and other materials for grandstands. Although not part of the proposed project, it should be noted that Mike Brown Grandstands, as the property owner,

has granted approval of an easement deed in July 2020, to allow the City of Irwindale to construct the Las Lomas Road cul-de-sac within the northeastern portion of the site. Cal Blend Soils' site sits on the northeastern side of a 4.9 acre parcel, as shown in the top portion of the site plan. Mike Brown Grandstands stores equipment on the southwestern portion of the parcel, as shown on the bottom portion of the site plan. On the eastern edge of the northern property line is a locked gate that was conditioned in Mount Olive Storage's CUP 15-04, to be used only as an emergency access gate. The outdoor storage consists of twenty-nine material bunkers, placed on the northern and southern property lines. Eleven material bunkers have dimensions fourteen by twenty-six, with a height of four feet, and eighteen material bunkers have dimensions fourteen by forty-six, with a height of four feet. The materials stored in the bunkers are organized in such a manner that would place the most scented materials further from the nearby residential area. Gravel, aggregates, and other odorless materials are positioned towards the northern edge of the property line, closest to the residential area. Bark and mildly scented materials are positioned on the southern edge. Mulch and other more scented materials are positioned towards the back, western end of the southern property line. Pictured here is an example of the kind of materials stored in the storage bunkers, depending on the bunker's location. As you can see, the bunkers on the northern property line hold aggregates, gravel, stones, and other materials as such and the bunkers on the southern property line hold organic materials such as bark and mulch further away from Duarte's residential area. Cal Blend Soils takes into account the neighboring properties when conducting its business operations. As noted before, they store organic materials away from the residential area. They also have a posted speed limit on the premises to aid dust control. They screened the fences closest to the residential areas. They hand out a truck route stapled to the receipts, to avoid the residential area, spray materials with the onsite water truck, sweep the site with the onsite street sweeper, and replenish supplies according to weather conditions. Mike Brown Grandstands stores spectator seating equipment at the western edge of the parcel. Pictured are materials used for grandstands. Staff recommends to adopt Resolution No. 815 (22) recommending that the Planning Commission approve Conditional Use Permit No. 02-2021, subject to the proposed Conditions of Approval. I would like to note that Mike Brown would like to modify Condition of Approval B.4, changing it from: "Business hours shall be limited to the hours of 7:00 am to 5:00 pm, Monday through Friday, 7:00 am to 2:00 pm, Saturday, and closed on Sunday." change to: "Cal Blend Soil's business hours shall be limited to the hours of 7:00 am to 5:00 pm, Monday through Friday, 7:00 am to 2:00 pm, Saturday, and closed on Sunday." His reasoning for the change is that his business is sporadic, and there are times where he needs to access the site outside Cal Blend's business hours. Additionally, condition B.7. would be modified from, "No landscape material piles shall exceed 30'-0" in diameter or 12'-0" in

height." change to, "No landscape material piles shall exceed 30'-0" in diameter or 8'-0" in height." This concludes my presentation.

CHAIR GOMEZ — Thank you for the presentation and Staff Report, correct? So we are going to now open it for Public Hearing and for public comments. Do we have anybody at this time? Jesus is going to explain the public comment process.

PLANNING TECHNICIAN ROMERO — Chair Gomez.

CHAIR GOMEZ — Yes?

PLANNING TECHNICIAN ROMERO — I would like to add that we have the environmental consultant, as Staff.

CHAIR GOMEZ — Okay, so if we have any questions I will refer to that person as well.

ADMINISTRATIVE SECRETARY HERNANDEZ — We can open up the Public Hearing, I'll read the letters, and then we will have, if the applicant would like to speak, he can speak first, then we will go ahead and go into our tier system.

CHAIR GOMEZ — Okay.

ADMINISTRATIVE SECRETARY HERNANDEZ — As Martin mentioned, we received three letters. I will give you a brief summary of each. We received a letter from Carlos Bea, Manager of Mount Olive Storage, specifically clarifying Exhibit F, specifying that there is an easement on the property. We received another letter from Dave Sorem, a representative for Mount Olive Storage, requesting that the drainage and access issues be addressed prior to the approval of the CUP. Lastly we received a letter from Thai Viet Phan, from Rutan and Tucker, urging the Planning Commission not to approve this project without first fully complying with CEQA.

CHAIR GOMEZ — Thank you.

ADMINISTRATIVE SECRETARY HERNANDEZ — If the applicant would like to say something before our members.

MICHAEL MCKAIN — Good evening members of the Planning Commission Board, Chair. I am privileged to be here tonight. I appreciate the opportunity to plead my case, and to put forward our feelings from a family business standpoint. We have always been a very community-oriented business. We go out of our way to accommodate and be neighborly. We have reached out to Mount Olive Storage and actually helped them with some issues on their property, at no charge, just to be a good

neighbor. I can assure you and I can promise you that our presence on that property, we will do whatever is necessary. I was just made aware of the easement that is there, that Mount Olive legally possesses. If in fact we encroach on that easement then we will make adjustments to our business operations, to accommodate that and apologize for not knowing it. The way that we conduct our businesses is from a very high standard. We have been in this business primarily because we have high standards. We don't look to climb over someone to put ourselves in a better position, we would rather work with people. We make donations to Eagle Scout projects, to community gardens, most recently to a restoration to a home in Monrovia that had some historical significance. I can assure you that we would do anything in our power. We have done as much as we can think to do at this point to make our presence acceptable where we are at. We regularly water our yard. We regularly keep our materials wet. We have purchased two street sweepers to keep the property that we are on clean. People enter our company and often times make comments like, "Wow, this is a soil company? You guys are pretty good." City of Irwindale itself has made mention of our good housekeeping practices. We are proud of those things. I just want to say that we are open to working with anybody. I am supported tonight by my wife. Thank you.

CHAIR GOMEZ — Thank you. Welcome. We appreciate your business and your commitment to the community. If you can just stand by we are opening the Public Hearing, we might have additional questions for you.

COMMISSIONER FUENTES — Just a minute Chair.

CHAIR GOMEZ — Yes, Commissioner.

COMMISSIONER FUENTES — I am sorry, I did not catch his name or who he is with.

CHAIR GOMEZ — Please, sir could you please restate your name and your business.

MICHAEL MCKAIN — My name is Michael McKain, the owner of Cal Blend Soils.

COMMISSIONER FUENTES — Okay, thank you.

CHAIR GOMEZ — He is accompanied by his lovely wife.

MICHAEL MCKAIN — I am accompanied by my spectacular wife.

CHAIR GOMEZ — Thank you. So now we move to opening the Public Hearing. We are going to open it up for public comments and discussion by Commissioners.

OPEN PUBLIC HEARING

At 7:10 p.m., Chair Gomez opened the Public Hearing.

ADMINISTRATIVE SECRETARY HERNANDEZ

So we will go ahead to Tier 1, which is our in-person attendees.

CHAIR GOMEZ

Any comments? Please state your name for the record.

TOM BEA

Hi, my name is Tom Bea and I am representing Mount Olive Storage. I would like to bring up a couple of the points that we addressed in the letter, and that was not mentioned this evening. Yes, we did write a letter regarding the access and our easements that we have over Mike Brown's property onto our property. Also, I wanted to mention as well as the easement, the City had mentioned that in our CUP that we have only an easement just for emergency access that is not the case. We actually have a recorded easement to our property and it is thirty foot wide over Mike Brown's property, as well as a seventy-five foot opening entering our property. Also, I wanted to address that we are concerned about the drainage. We want to make sure that the City, that building out the improvements mentioned for the drainage, that they comply with their 2005 agreement between Brown and the City of Irwindale. Okay. We want to make sure that is addressed and that the drainage is taken care of as well. That is it for now. If you have any questions for me.

CHAIR GOMEZ

Yes.

COMMISSIONER CHICO

There is an agreement in place that addresses the drainage issue?

TOM BEA

Yes, the drainage and the street improvement on Las Lomas.

COMMISSIONER CHICO

My next question would be, is that agreement part of this package? Is it related?

ASSISTANT CITY ATTORNEY TRAXLER

If I may, the agreement that he is referring to is a completely separate project that has already been approved by the City. It is not a part of this Conditional Use Permit application.

COMMISSIONER CHICO

Is the agreement worthless to this request? In other words, if that agreement has nothing to do with this request, then we have not addressed the drainage issue?

ASSISTANT CITY ATTORNEY TRAXLER

I'll let the Public Works Department address the drainage issue. However, with regards to what we are focusing on now, we are focusing on the use of the property at 1399 Las Lomas. We are not focusing on the street improvement project, that is completely separate.

TOM BEA We are requesting that for them to get their Conditional Use Permit that that drainage and street be completed and done, prior to issuance of the Conditional Use Permit for Cal Blends and Mike Brown. Okay. We are going back to your agreement of the 2005 Agreement between Mike Brown and the City of Irwindale.

CHAIR GOMEZ If I may, I have a question. Outside of the street repair, does the drainage between your property and the property in question impact how the water flows, or part of your property, or traffic? How does it impact Mount Olive Storage?

TOM BEA The drainage comes down Las Lomas and then crosses over Mike Brown's property, then crosses over to our property.

CHAIR GOMEZ So in the last rains, did you notice, did it impact Mount Olive Storage area?

TOM BEA It flows on to Mount Olive.

CHAIR GOMEZ Okay, and it pools there or?

TOM BEA It flows on to Mount Olive, substantially, as well as it also comes over as well from SoCal Edison's property.

CHAIR GOMEZ And the project that is not relevant to this is actually building a drainage so that will pull into the sewer or? Since we don't know about that project, the project we have is to finish the street and build a…

TOM BEA Not the project that I have. The project that the City of Irwindale and Mike Brown agreed to, to complete. As part to complete this project, we ask that the street and the drainage be done prior to issuing a CUP to Cal Blend, because we believe that because the City of Irwindale has signed an agreement with Mike Brown or Mike Brown signed it with them, with the City of Irwindale, to address the issue and then they will take over the cul-de-sac and take responsibility so it is an agreement. Because it impacts us we would like to make sure it is addressed.

CHAIR GOMEZ Any other questions for this gentleman at this time?

COMMISSIONER FUENTES Commissioner, Chair?

CHAIR GOMEZ Yes.

COMMISSIONER I got a question. This agreement I understand it doesn't have to do with

FUENTES — this project or this approval but in some ways I believe it does. It is a drainage issue and I know that this last torrential downpour we had in January, I can only imagine how that was impacted upon his business. If there is an agreement that was made back in 2005, which I don't know if any of the Staff was here at that point, why are we here seventeen years later and it hasn't been addressed?

CHAIR GOMEZ — We will have the Planning Department and Public Works speak to that please. Thank you Mr. Tom.

TOM BEA — It has been approved and there have been plans approved by the City, I believe. There was also a bond posted with the City as well. I don't know why it hasn't been completed.

CHAIR GOMEZ — Thank you.

ASSISTANT CITY ATTORNEY TRAXLER — If I may Chair Gomez.

CHAIR GOMEZ — Sure.

ASSISTANT CITY ATTORNEY TRAXLER — This project, the road improvement project has not been agendized, so if we can keep any discussion of that very brief.

CHAIR GOMEZ — Absolutely, however, we will have to see how this impacts the current project that we are discussing. We will keep it separate though, as much as we can. Thank you.

ASSISTANT CITY ENGINEER CO — I will just comment briefly on that.

CHAIR GOMEZ — Sure.

ASSISTANT CITY ENGINEER CO — Yes, there is an agreement between the City and the Mike Brown property. Back in 2005, I believe there was a Lot Line Adjustment that Mike Brown had processed through the City, and as a condition, the City conditioned that he improve the street. Right now, if you guys have been there, the street is in pretty bad shape. It is paved but there is no sidewalk, curb and gutter, and it is in pretty poor shape. The City wanted to improve it with curb and gutter, sidewalk, street lighting, and utilities. That agreement is still in place. That condition is still in place with Mike Brown. We do have plans that were approved by the City. We kind of hit a road block around 2016, the final approval of construction is contingent on approvals from the City of Duarte for the sewer improvements. There is an easement in place that the City had acquired for that sewer. We have submitted plan checks to the City of Duarte and since then we have not been able to secure that approval.

The project sort of stalled since then. We kept the communication with the City of Duarte Public Works Department, but maybe a couple of years ago they deferred to their legal department, so that communication stopped. That is kind of where we left it at. In terms of the drainage, this project is not proposing to change any drainage, any grading, this is strictly a Conditional Use Permit for the use of the site. The site plan shows the drainage pattern. We have seen a Topographic Survey prepared by their civil engineer. The drainage pattern of the site goes to the south. It does take water from the SCE side from Las Lomas Street. The construction of the road shouldn't really change much of the drainage pattern. The street is already paved, we are coming in and just improving the street. The overall storm water is going to be the same amounts going south direction, going through the Mike Brown property. On the south side of Mike Brown's property there is a swale, a concrete swale, drainage ditch that accepts the water and it takes it down to Cal Trans to the 210 Freeway. There is a public drain there that accepts all the rainwater to the south. Again, this project is not proposing to change any drainage pattern, move any dirt, so strictly, it is just for the use.

CHAIR GOMEZ — Thank you for the update. We do have additional questions.

VICE-CHAIR BURROLA — Did you guys do a drainage study back then, you said 2005?

ASSISTANT CITY ENGINEER CO — No, we got a Topographic Survey from Cal Bend. They did one back...

VICE-CHAIR BURROLA — So how did you guys determine the flow of the water? Through the Topographic Survey?

ASSISTANT CITY ENGINEER CO — Through that, and by visiting the site. I was out there today. I took pictures of the drainage ditch.

VICE-CHAIR BURROLA — But was this business, Cal Blend, was that present at the time you guys did that study for the water flow?

ASSISTANT CITY ENGINEER CO — The Topographic Survey was done by their engineer. I think it was in 2019, it might have been when they were there already.

VICE-CHAIR BURROLA — This new project, not project, this new business that is there, Cal Blend, is that changing the way the water flow is? You are saying there is a public sewer I am sorry not sewer, but storm drain on the back end, right? Did you guys take into consideration, I know you guys are not doing an environmental study so do you guys take into consideration the type of soil that is going to be placed there with Cal Blends, and if it is going to pollute the storm water in anyway.

ASSISTANT CITY ENGINEER CO: Yeah that is one of the items that was brought up in some of the letters, is that they are proposing a basin on the…

VICE-CHAIR BURROLA: But if you didn't do a study, how do you know this basin, I read it too, the basin you guys are talking about, is that going to be adequate enough to hold all that storm water that does through there?

ASSISTANT CITY ENGINEER CO: That will be done during design. When we do a plan check we can take a look at that.

VICE-CHAIR BURROLA: So you are going to look at the storm drain make sure no pollutants go in, and you are also going to make sure that the basin is going to capture the runoff from way up Las Lomas and all the property at Edison and all the way down. That is a big basin. I mean, just kind of thinking about it, if everything is coming down south and you are going to put a basin, you got to have enough room in that property to construct it. That is all I am asking.

ASSISTANT CITY ENGINEER CO: Well the water coming from the street will have its own channel. That basin that they are proposing is only to capture the runoff from their site, where they are storing their material.

VICE-CHAIR BURROLA: But you are saying everything is coming down from the top end of Las Lomas, Southern California Edison, Mount Olive property, and everything comes down to their property, right?

ASSISTANT CITY ENGINEER CO: That is how it is right now. Once we get the approvals to improve the streets, then we will construct a curb drain from Las Lomas that will go on the west side of their property.

VICE-CHAIR BURROLA: Okay. I am just making sure because if everything goes as you are saying it is going to go, are we going to have enough to do this basin? Are we going to make sure of that? Because we do not do a study with this operation in place, that is my concern.

ASSISTANT CITY ENGINEER CO: Again the studies, like a Hydrology Study or a Hydraulic Study, that is typically done through the design process, not really part of the entitlement. Again, the street is a separate project but…

VICE-CHAIR BURROLA: I am not concern about the street. I am just concern about…

ASSISTANT CITY ENGINEER CO: We will take it under consideration. Again this is just for the use and that is a design for the street. Again, as Staff, we are aware of both projects but today we are looking at the Cal Blend's CUP.

VICE-CHAIR BURROLA: Okay. So you are kind of confident enough that this basin and the water runoff from this operation is going to be adequate.

ASSISTANT CITY ENGINEER CO

That is how it has been. Again the current condition the water is being accepted on the south end. With the construction of the road and with this use coming in, the use again is not changing the drainage pattern, it is not moving some dirt around, it is not grading. Same with the street, there will be some grading on the street but the runoff is essentially going to be the same, the amount of runoff.

VICE-CHAIR BURROLA

Okay. Thank you.

CHAIR GOMEZ

Thank you Daniel. I appreciate you answering our questions for clarification. Commissioner Fuentes, did you have any questions for Daniel?

COMMISSIONER FUENTES

No, he had just said that they are going to build a sewer but I think that it will be a storm drain to contain that water, not a sewer.

ASSISTANT CITY ENGINEER CO

Again, there is a sewer being proposed but that is a separate project unrelated to this one. That is part of the Street Improvements Agreement between Mike Brown and the City.

COMMISSIONER FUENTES

Correct, but the water would not go into the sewer. It would have its own storm drain.

ASSISTANT CITY ENGINEER CO

It is separate, yeah.

COMMISSIONER FUENTES

Okay.

CHAIR GOMEZ

I have an additional question on that. Anybody else have questions on that? Okay so if we look at, I was just reviewing the Resolution. Let's turn to page eleven of twelve. On the proposed Resolution, if we approve it and under the general conditions on eleven of twelve, it does make reference. Though this is a separate project, we make reference that this particular thing should be completed. In the reference then it does become part of this project. If you look at E, on page eleven of twelve Public Works Services, it says, "Number one, complete the completion of Las Lomas Road," you can read the prior agreement. It does speak to this but yet we don't have a time factor. If it is in the Resolution, you can clarify it for me if I am going the wrong direction, but it seems to me that since it is in part of the Resolution of general conditions, yet this project has been pending for 2004, you said? 2005?

ASSISTANT CITY ENGINEER CO

Around that time, yeah.

CHAIR GOMEZ — I just want to know when we approve this how does this impact, because we kind of leave it. I understand in reading this that they just have to comply. That Mike Brown and that portion has to only comply through Business License. They are incorporated in the CPU because they are not a new business. How is this going to impact this particular project when it is included in the general terms and conditions? If you can't answer that Daniel, then Planning can.

ASSISTANT CITY ENGINEER CO — This is one of the Public Works Services conditions. It does reference that. Again, the applicant and the owner, Mike Brown, they are eager to construct the streets. The City is eager. We are ready. We approved the plans. Right now, the only thing we are waiting for is approval of that sewer connection through the City of Duarte, which you know has been stalled. Other than that, if we get that approval we are ready to start work on that. It is really good to do it because if you see the condition of the street, you know it would be a great improvement to have those improvements come in.

CHAIR GOMEZ — Especially for Cal Soils they are great. Then I say again, there is no date that we are looking at.

ASSISTANT CITY ENGINEER CO — Again that is out of our control because we require approval from a neighboring jurisdiction.

CHAIR GOMEZ — I am just asking, I might need clarification from Planning. Then if we approve it and if we approve under the general conditions it is wide open for infinity and beyond.

ASSISTANT CITY ENGINEER CO — Again with the sewer improvements, if the City could we would definitely do it.

CHAIR GOMEZ — We would have it done already.

ASSISTANT CITY ENGINEER CO — Yeah. Yeah.

CHAIR GOMEZ — Okay thank you.

ASSISTANT CITY ENGINEER CO — We have done all we can on our end, in terms of approving the plans.

CHAIR GOMEZ — And I appreciate that. I know you have, I appreciate that.

ASSISTANT CITY ENGINEER CO — Okay.

CHAIR GOMEZ — But sometimes we have to really you know get legal counsel to really push a little harder. Thank you Daniel, I really appreciate your input. Okay so any other public comments, please?

VICE-CHAIR BURROLA — I have some comments but I think I will wait till…

CHAIR GOMEZ — Yeah, we will wait until public comments. Please state your name for the record.

THAI VIET PHAN — Good evening Chair, Vice Chair and Members of the Planning Commission. My name is Thai Viet Phan. I am the City Attorney for the City of Duarte. First of all, this is my first time, I don't tend to go to other cities and make comments, but it was really important for the residents of Duarte to be here and make some of our comments. First of all, we like to thank staff for taking time to address some of our concerns, and we would like to say that we are not here to be in the way of a small business working in the City of Irwindale. We want this business to move forward. However, we want to make sure that this business and the City of Irwindale also comply with the requirements under CEQA. So I do want to start, I will summarize my letter because it is kind of long. First off, we do want to have some clarification. The staff report does say that in some of the meetings with Duarte city Staff, that Duarte city Staff was satisfied or otherwise ill-informed about the conditions at the Cal Blend Soils property, and that is just not the case. First of all regarding the traffic and the ingress and egress of cars, Duarte Staff actually set up cameras on Duarte public property to see what kind of traffic was coming in and out of the property. It was then that we illustrated to Irwindale Staff that actually the traffic counts were wrong, and then now there was a new traffic count study. Additionally, at the onsite meeting Duarte Staff was very clear that we had additional comments and concerns given what we saw onsite that day. However, Irwindale Staff refused to give us that additional time to provide those comments, and indicated that this project was going to move forward at the Irwindale Planning Commission less than two weeks after the site visit. That is when I had to send the first letter, so I wanted to clarify some of that background. But really what we are here today is to talk about environmental impacts. First, this is an inadequate project discerption and it is incorrect. As you heard from other public speakers, there was no discussion of the thirty-foot easement, not an emergency easement, a thirty-foot easement and a seventy-five foot access to a neighboring property. None of that was discussed. We do not know how that is going to be impacting that actual property and how Cal Blend Soils will be functioning. There is no discussion, the fact that Cal Blend Soils has been unpermitted for almost two years and illegally operating at this site. As you can see, we are requiring a CUP now even though it has been operating for two years without meeting the requirements of the Irwindale Municipal Code. So that is the first issue. The second, is Staff is utilizing the existing facilities exemption but when you look at Section 15.301, the existing facilities exemption talk about minor negligible or no expansion of existing or former uses. The fact that we are here today for a CUP is because this is not an existing prior use, this is a major expansion of

Mike Brown Grandstands. They are adding concrete structures. This is not a small plumbing situation. This is not about fixing small issues in order to make sure that they meet health and safety codes. This is adding about twenty concrete structures, piles of soil and rock, as well as multiple heavy trucks and vehicles on a site that did not exist before. Just to finish off, with cumulative impacts none of that was discussed. There is going to be more water on this property and as you heard from Staff, there was no discussion on how all that water would be draining onto neighboring sites, onto neighboring public streets, as well as to Mount Olive Storage. There was no discussion as to how all of these piles of rocks and dirt would address nearby areas. And finally and most importantly there was no discussion on the impacts on increased traffic; trucks, large vehicles coming in and out of this property from Huntington intersection at Huntington and Las Lomas, down Las Lomas, as well as a smaller intersection at Maynard and Las Lomas. These are residential areas. These were not meant to accommodate these hundreds of vehicles, or multiple trips a day of large, you know, heavy industrial trucks coming in and out of the streets. In fact, Staff is approving or stating that there is this related project for the street improvement, because it is not ready for this type of project that is why that improvement is there. With all of that put together, we do believe that is possible for this project to move forward. We believe that it is possible to make sure that this business is successful but we want to make sure that these impacts, these cumulative impacts, these environmental concerns are mitigated. Because when we talk about being good partners it's not just looking at traffic on the portion of Las Lomas that affect just Irwindale, it's about the entire road, the multiple intersections that we share, Huntington as well as Las Lomas. Again, we hope that you continue this item so that we can and that Staff can look at these environmental impacts.

CHAIR GOMEZ — Thank you. So you did go over time but I felt like…

THAI VIET PHAN — I apologize for that.

CHAIR GOMEZ — It's very important as good neighbors that we hear what you had to say. At this time though, I want to hear if the Commission have any questions for the representative from the City of Duarte. If not I want to take the time for Planning to address each of your concerns before we move forward but I would also like to continue with the public comments. We will come back to discuss your item with the Planning Department, so we will continue with the Public Hearing. Do we have? Thank you, and we will call you back, if and when Planning is done with their discussion about your comments.

THAI VIET PHAN — Thank you Chair.

CHAIR GOMEZ — I think that it is important that we move in that direction right now. Do we have any other public comments, in the audience, in the outer chamber?

ADMINISTRATIVE SECRETARY HERNANDEZ — Let me check.

CHAIR GOMEZ — Okay.

VICE-CHAIR BURROLA — Can I get some clarification before we move forward?

CHAIR GOMEZ — Absolutely.

VICE-CHAIR BURROLA — I guess for Engineering. So the easement, how is that affecting this CUP in anyway? Talking about that easement how is it affecting it?

ASSISTANT CITY ENGINEER CO — Not sure how, because of the use they just have to keep the easement clear based on the conditions.

VICE-CHAIR BURROLA — Okay, for access. Is there an access issue here?

ASSISTANT CITY ENGINEER CO — I don't see one. We went out to the site today, there were some rocks piled there but Cal Blends said it was temporary. They were going to move it out the way. Again, that is part of the conditions of the easement that they have to keep it clear for vehicles. The Mount Olive Storage did allude to that fact that it is an easement for access but there is a CUP, and Martin could probably speak to it more, for the Mount Olive project that only allows them to use that access for emergency vehicles. Their easement says one thing but their CUP restricts it to only emergency vehicles.

VICE-CHAIR BURROLA — We are talking about Las Lomas coming in to…

ASSISTANT CITY ENGINEER CO — Yeah, from Las Lomas into the Mount Olive Storage site.

VICE-CHAIR BURROLA — And that is the easement we are talking about?

ASSISTANT CITY ENGINEER CO — It is like a thirty foot wide easement that comes from Las Lomas, from the edge of the Mike Brown property to a gate at the Mount Olive property.

VICE-CHAIR BURROLA — Oh okay.

ASSISTANT CITY ENGINEER CO: I am not sure how long it is exactly.

VICE-CHAIR BURROLA: Like a legal description? Like an encumbrance map or something showing the easement.

COMMISSIONER FUENTES: Is that the eight-foot wrought iron gate that they have out here?

ASSISTANT CITY ENGINEER CO: No it is was a chain link gate.

COMMISSIONER FUENTES: No but I am talking on the plan here.

ASSISTANT CITY ENGINEER CO: I am not sure what you are referring to.

COMMISSIONER FUENTES: The Site Plan that was given to us with our packet. The overview.

ASSISTANT CITY ENGINEER CO: How is it labeled? It is labeled as a chain link fence on the Site Plan too.

COMMISSIONER FUENTES: Okay.

ASSISTANT CITY ENGINEER CO: It is labeled thirty-six feet here, but I believe Martin went out there and measured it out. How much?

PLANNING TECHNICIAN ROMERO: The gate was fifteen and a half.

ASSISTANT CITY ENGINEER CO: Fifteen and a half feet.

CHAIR GOMEZ: Fifteen and a half feet you said?

ASSISTANT CITY ENGINEER CO: The gate out there is fifteen and a half feet wide.

CHAIR GOMEZ: Any additional questions for Daniel at this time? We can call him back up again.

VICE-CHAIR BURROLA: So we can talk about the easement. You can show me where the easement is?

ASSISTANT CITY ENGINEER CO: Yeah, no I will be happy to, yeah.

VICE-CHAIR BURROLA: Okay.

ASSISTANT CITY ENGINEER CO: Since I am up here I can address some of the comments made by Duarte.

CHAIR GOMEZ: Sure, absolutely.

ASSISTANT CITY ENGINEER CO: They made a comment about traffic counts and cameras. Our initial estimate was based on the description of the project, information from the operator. We did receive comments from Duarte staff that they set up cameras out there and they believe it is higher, the number of traffic and vehicles coming into the site is higher than what we had estimated. We asked them for those counts. We asked them for the footage. They did not produce those for us. We went ahead, just to do our own due diligence; we went ahead and ordered our own counts for seventy-two hours. Based on our own counts, we set up cameras ourselves at the site, we did a three day average, and based on our own counts we provided it on the Staff Report. We analyzed the trip generation based on CEQA. CEQA has the vehicle miles traveled and analysis applied to it now. The State's Office of Planning and Research, the OPR, that's the agency that came up with these VMT rules. Under their guidelines, they screen out projects that produce less than one hundred and ten passenger car trips in a day, which means it is a very low number so they consider that as a low impact. We followed their guidelines, which the City has adopted, and this project does not exceed that. It has been screened out for CEQA analysis for traffic impact and that is described in the staff report.

CHAIR GOMEZ: Yes we did see that, thank you Daniel. What you are saying is that, we did a complete scientific analysis with the provided data to justify our conclusion, and you came forth with that data. Thank you for that.

ASSISTANT CITY ENGINEER CO: Yeah, correct. And then there is a comment regarding truck traffic. Based on the counts, the amount of trucks that come in per day range from five to seven. Even relatively speaking, even an absolute amount is not a huge amount.

CHAIR GOMEZ: That was also done at the same time the count was done with scientific data.

ASSISTANT CITY ENGINEER CO: Our counts categorized between passenger cars, three axel, four axel.

CHAIR GOMEZ: I did read that, thank you. That was adequate proof of following the seventy-two hours of business operations in this business.

ASSISTANT CITY ENGINEER CO: Absolutely. Just in terms of counts, and data, and evidence this is the only information that we have. Again, the information requested from Duarte was not produce. It was not given to us.

CHAIR GOMEZ: Thank you for doing your due diligence.

VICE-CHAIR BURROLA: For the record, that easement is not hindering any access to Cal Blend Soils in anyway?

ASSISTANT CITY ENGINEER CO: They kind of share that space, because they both use that area to access, but Mount Olive's easement does not hinder Cal Blend's access. So it does not affect, as long as Cal Blend keeps the area clear then nobody's access will be impeded.

VICE-CHAIR BURROLA: Okay, thank you.

CHAIR GOMEZ: Daniel, I did have one more question on that. So when, we've had this discussion before, when we do this Traffic Analysis we are going on the basis of current operations, correct? Meaning traffic on a business day of general operations, but when you expand your business isn't it the hope that you will get more business?

ASSISTANT CITY ENGINEER CO: As I understand it, the business, as it is before you, they are not requesting to expand their business in anyway.

CHAIR GOMEZ: Oh okay. So that was one of the contentions that the City of Duarte is saying that they are expanding their business and making it, is that so? No. Okay. I just want to clarify that. So she had some additional questions would you be addressing those? Thank you.

COMMISSIONER FUENTES: Chair. Chair.

CHAIR GOMEZ: Yes.

COMMISSIONER FUENTES: I believe what she meant was that the existing staging company was expanding to allow Cal Blend to be there, not that they were trying to expand their business. I believe that is what she meant, but I could be wrong.

CHAIR GOMEZ: Thank you. She is nodding affirmative, so I guess that would be. We need to discuss that as well but we will have Ms. Marilyn Simpson, our Planner, address those issues.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON

Thank you Chair and Commission, so the first thing just to briefly address is regarding that access easement. This was part of the CUP from Mount Olive Storage and there is a Condition of Approval Resolution Number 460-05 and it does read, "The access to the site from Las Lomas Road shall be used as a secondary emergency access only. The entrance to the site from Las Lomas Road shall be gated and kept locked as stated in Condition of approval number D3, twenty-four hour emergency access and all entrances shall be provided." So it was designated as an emergency access.

CHAIR GOMEZ

Thank you.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON

Regarding the cameras, there had been some discussion that planning staff, myself included, have had with Duarte Staff. Duarte Staff is here including the Staff that I spoke to. They had informed me that they had cameras that showed some of the truck traffic. You know, some of the early morning truck traffic and some issues with that. We did ask if they could provide that to us, which they didn't provide. However, Mike McKain from Cal Blend did actually set up cameras and what he found, was that it was from the SCE site, the subcontractors who provide emergency utility services when there are windstorms, when there is some kind of emergency. It was their trucks. So Cal Blend was being, I don't want to say fingered as the culprit in this but Staff looked at the footage that came from Cal Blend and so we were able to confirm that. If that provides some clarification.

CHAIR GOMEZ

Thank you.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON

And then let's see, regarding the thing with the bunkers, the concrete things. I prefer to call them dividers that divide the products. The existing storage that was on that site, there were shipping containers, multiple shipping containers, and other things that had to do with Mike Brown Grandstands for their operation of their business. Instead of having shipping containers there is permeable "bunkers," if you will, that have the gravel and stone so that is not an intensification. I believe that Daniel addressed the traffic.

CHAIR GOMEZ

I would like some clarification. They alleged that staging, the other business is expanding, is that correct?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON

I am going to have Planning Technician Romero…

CHAIR GOMEZ

Okay, Thank you.

PLANNING TECHNICIAN ROMERO: Hello, the reason for the Conditional Use Permit is because there was an increase in volume of outdoor storage, in the form of an added user. Currently outdoor storage is grandfathered in on the site, so it is deemed legal non-conforming. The added user allowed us to bring the site into conformity through the CUP, which is why we are here today.

CHAIR GOMEZ: Thank you, I appreciate that. Commissioners do we have any other additional questions at this time?

VICE-CHAIR BURROLA: I have a question about the CUP. I am looking at it as two different operations. Maybe you can clarify that because I am kind of confused because we are taking the CUP from the grandstands, and then we are trying to modify that CUP or you know, update it to include Cal Blend Soils. Is that what we are doing here today?

PLANNING TECHNICIAN ROMERO: Yes, the outdoor storage of landscaping and gardening materials and the outdoor storage of grandstand materials are both for this CUP.

VICE-CHAIR BURROLA: Per our M2 Zoning Ordinance?

PLANNING TECHNICIAN ROMERO: Yes, so in the Code it does not define the use, it just defines outdoor storage. For the Conditional Use Permit, it doesn't specify the difference between grandstands and gardening and landscape equipment. It is just outdoor storage.

VICE-CHAIR BURROLA: You can have a mixture of outdoor storage operations and you put it all in one CUP? Is that what we are doing? And could they do that, another business can do that too? Or is there a different operations going on there? I know they are outdoor storage, I understand that part, but it is a total different operation. Different trucks. Right? Different vehicles coming in and out, taking the grandstand material and then you got other trucks that are taking soil material, correct? Are they the same kind of trucks? I mean we are kind of blending this CUP it seems to me.

COMMISSIONER FUENTES: The way I see there is two different businesses all together.

ASSISTANT CITY ATTORNEY TRAXLER: Mr. Vice-Chair, if I may.

VICE-CHAIR BURROLA: Yes.

ASSISTANT CITY ATTORNEY TRAXLER

The application is for a Conditional Use Permit for the entirety of the site. What this does is govern strictly the use, what the site is allowed to be used for. In terms of business operations, that is outside the scope of this CUP application. The City would still require any compliance with its Business License, its permitting requirements for these two business to operate on site. Because the CUP controls the whole of the property, we are only focusing on one CUP.

CHAIR GOMEZ

That is correct, but I think if you read those in Exhibit A, and that would be on page eleven of one seventy-seven, it speaks to the non-conformity. I think the question is that, again when we are reviewing the zoning that is coming up in our City, is that it is factual. The CPU is particular to the property but on the property it is two businesses. We understand that it is non-conforming legally, therefore then, we are looking at the property. However, then how do we monitor Mike Brown Grandstand? And even though they are in compliance they still have to comply with the City's Municipal Code and also get a Business License, but how do we monitor that when they expand without us addressing it, even though we are addressing, you know the first business which is Cal Blend Soils. So do you see what the questions is? It is the relevance of this non-conformity when there is two businesses on one property, and yes we are aware that the CPU address to the entire property and the other business has to comply by the Business License and the Municipal Code. But how do we continue to monitor that property separately in its own entity and still have it comply with the, you know, the City of Irwindale's Municipal Code. Do you see what the question is? The question is, we know the relevant that it is non-conforming, that it is legally. That is the questions is awareness that there is two business. It seems to me that Cal Blend is an awesome company, they do well, and they are doing their best to expand and take proper precautions to expand, and then we run in to our own issues from our Municipal Code. That is basically the bottom line, right? Am I incorrect? Please interject.

COMMISSIONER CHICO

I can add to that question.

CHAIR GOMEZ

Yes.

COMMISSIONER CHICO

If we approve the request as is, in the future what is to keep grandstands from taking all the property or compost from taking all the property without any process of permission?

PLANNING TECHNICIAN ROMERO

That would require a modification to the Conditional Use Permit. Any further intensification of either business would require…

COMMISSIONER CHICO

I want to make sure, it is specific as to area? Each business has its own area.

PLANNING TECHNICIAN ROMERO — As they currently are, yes.

CHAIR GOMEZ — We can suggest a modification to the CPU at this time. A recommendation?

ASSISTANT CITY ATTORNEY TRAXLER — At the close of the Public Hearing.

CHAIR GOMEZ — Okay.

ASSISTANT CITY ATTORNEY TRAXLER — But if I may, because the Conditional Use Permit runs with the land, even though Mike Brown Grandstands is not here, they would still be required to comply with the Conditional Use Permit because it is attached physically to the land.

CHAIR GOMEZ — Okay, so are there any guidelines in the CPU…

COMMISSIONER FUENTES — Chair?

CHAIR GOMEZ — That speak to. Yeah, I am sorry Commissioner Fuentes.

COMMISSIONER FUENTES — Yeah I mean, Mike Brown Grandstands is barely even mentioned in this. What do they do? It just says they park equipment there. I mean there is not much said about, you know, their usage there in the CUP. I don't know, I just don't quite get it.

CHAIR GOMEZ — So we are going to continue with the Public Hearing then we will close it and have our own discussions. So thank you. I appreciate all that information. I just really like to call on, ask up the Legal Counsel from Duarte to step forward for a couple of questions. So did we answer your concerns?

THAI VIET PHAN — No…

CHAIR GOMEZ — They may not have been what you wanted to hear, but did we answer your concerns?

THAI VIET PHAN — You did answer some but it also brought up further issues. One issue is this non-conforming use right. The Irwindale Municipal Code, if I am wrong please correct me, but 17.76.090 Termination by change in or increase in use regarding legal Non-Conforming uses. One is the following shall immediately terminate the right to operate or maintain a lawful non-conforming use. B, increasing or enlarging the area, space or volume occupied by or devoted to such nonconforming use, or C. Change of a lawful nonconforming use to a conforming use shall

terminate. But as you can see they are changing indoor storage to outdoor storage changing the materials. Again, some of the Commissioners brought up, there were no discussions of Mike Brown Grandstands.

CHAIR GOMEZ — Thank you. Did we address what you initially proposed, not this part?

THAI VIET PHAN — No, because cumulative impacts even if it was not a traffic impact that is significant under VMT. Cumulative impacts doesn't require that every impact is significant. It is small impacts put together that is reasonably foreseeable that can cause a cumulative impact. Here when you have the Mike Brown Grandstands project, plus Cal Blend Soils, plus they are potentially going to grow their business, plus the paving and the street improvements, and that is going to increase potentially what might happen at Mount Olive Drive in the future, right? All of this things and when we are discussing a CUP with no uses we can also see that in the future they might expand. What else are they going to have there? All of that needs to be addressed and mitigated. We are just asking for some reasonable mitigation, we are not saying don't go forward with the project.

CHAIR GOMEZ — Thank you so much. Thank you for that.

COMMISSIONER FUENTES — I have a question.

CHAIR GOMEZ — Go ahead.

COMMISSIONER FUENTES — I have a question for the attorney of Duarte.

THAI VIET PHAN — Hi.

COMMISSIONER FUENTES — Hi, how are you doing? I was wondering, did the City in fact, our Staff, request the camera footage and also the truck counts that you guys at the City of Duarte took, that you guys did? And is it true that you guys did not turn that over to us to look at?

THAI VIET PHAN — I would defer that to our Duarte Staff. If our Planning Manager, Jason Golding, would like to answer.

COMMISSIONER FUENTES — You represent them so I am just wondering if this is in fact true or not.

THAI VIET PHAN — He is here.

COMMISSIONER FUENTES — That we weren't furnished with what we asked.

THAI VIET PHAN — I do not know that answer to that so I would ask that he provide you with an answer.

COMMISSIONER FUENTES — Okay. Is there someone there? I am not there. So is there someone there too…

CHAIR GOMEZ — Yes, Commissioner Fuentes.

JASON GOLDING — Hi, I am Jason Golding, City Planner, I can tell you that we did provide the numbers to Irwindale Staff, they were provided in the March 1, 2022 letter. This information and the data that was provided was gathered by our Public Safety Department. They informed us that the size of those files were so large they were not able to be sent, and that is all I can really tell you about the video evidence. But the share numbers themselves were provided to your Staff.

COMMISSIONER FUENTES — I mean, hold on there, your City is just right next door to us. You couldn't deliver them so we can look at those? I mean…

JASON GOLDING — Again, we provided those numbers through…

COMMISSIONER FUENTES — I am talking about the video. I am talking about the video not the numbers. I mean they asked for something and we are trying to get some work done here, and we are not being provided with the information we need.

JASON GOLDING — But we were provided information that there would be four truck trips a day and we ended up counting forty-one.

COMMISSIONER FUENTES — Now were those truck trips; were they Edison? Were they Edison crews, or were they strictly Cal Blend, or were they strictly Mike Brown's Grandstand, and how did you distinguished what they were?

JASON GOLDING — Yes, Commissioner. In the video it did show that they were of a certain type of vehicle whether they were Cal Blend or other vehicles. We categorized them into pickup trucks, pickup trucks that were empty or full, delivery trucks empty or full, and these were all related to the Cal Blend operation. We segregated the ones that were not related to their business.

COMMISSIONER FUENTES — Okay.

COMMISSIONER CHICO — I would like to request about a three minute recess. I would like to consult with our attorney about a question that I have.

CHAIR GOMEZ — We are going to take a five minute recess at this time.

RECESS — Chair Gomez recessed the meeting at 8:00 p.m.

RECONVENED — Chair Gomez reconvened the meeting at 8:10 p.m.

CHAIR GOMEZ — We are still currently in the Public Hearing phase and at this time do we have any other speakers for the Public Hearing?

ADMINISTRATIVE SECRETARY HERNANDEZ — We would like to have our environmental consultant speak.

CHAIR GOMEZ — Okay.

ADMINISTRATIVE SECRETARY HERNANDEZ — Okay, I have unmuted our environmental consultant. Margaret if you are ready you can go ahead and speak.

MARGARET PARTRIDGE — Are you able to hear me now?

ADMINISTRATIVE SECRETARY HERNANDEZ — Yes.

MARGARET PARTRIDGE — Hi, good evening Planning Commission, Staff, and Chair. My name is Margaret Partridge. I am a Senior Environmental Project Manager at UltraSystems. UltraSystems Environmental conducted the CEQA document for the proposed project. With regards to some of the points that the City of Duarte has made, we did analysis of cumulative impacts as part of the project. I just wanted to make that clear. Cumulative impacts were addressed in the environmental document on page fifteen. Additionally, the City commented with regards to residential areas adjacent to the project site being impacted by vehicles from the proposed project. As mentioned earlier in this meeting, SCE trucks have been recorded on video from the Cal Blend site as causing some of the traffic issues. Additionally, it is my understanding that there is a truck trip route for the project, which has been specifically design to avoid any residential streets in the project vicinity. The categorical exemption did address traffic impacts on page six, as previously mentioned in the hearing. The City of Irwindale did their own analysis of traffic counts over a three day period, and all that information is included in the environmental analysis. I wanted to point out that under CEQA, we are not beholden to analyze speculative impacts, so any future paving or any of those cul-de-sac improvements discussed earlier, they are not part of the proposed project. They are not part of what is being proposed, and therefore it is not necessary to analyze that at this point in time. I did also want to note that there is going to be no additional impervious pavement or impervious services being added. I want to make that clear that there will not be any additional water on site. In terms of the City of Duarte's comment that

there is no discussion of the easement in the analysis, page one of Attachment A to the categorical exemption does discuss the easement. So that is included in the analysis. Does anyone have any further questions? I am more than happy to answer them.

CHAIR GOMEZ — Thank you for that update and information. Does the Commission have any questions for the environmental consultant? Commissioner Fuentes?

COMMISSIONER FUENTES — No.

CHAIR GOMEZ — Okay. So we will move on. Thank you for that. Thank you for that information. Please hold on in case we do have some questions at the close of the Public Hearing. I think we have some Legal Counsel comments.

ASSISTANT CITY ATTORNEY TRAXLER — Thank you Madame Chair. Yes, so I do want to clarify the record, a little bit, with regards to what we are looking at here. The City of Duarte has asked the Planning Commission to continue this hearing for more environmental review. What they are requesting, in their letters, is that the City conduct a study and prepare an MND, a Mitigated Negative Declaration. In order to meet the standard to prepare a Mitigated Negative Declaration, there has to be substantial evidence presented to the City. While their letters are very nicely drafted on very nice paper, all of the impacts that they are presenting to the Commission at this point are speculative. I just want to read to the Commission the definition of substantial evidence in CEQA. This is in the CEQA guidelines Section 15384, "the definition of substantial evidence as used in this guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to, or are not caused by physical impacts on the environment does not constitute substantial evidence." Subsection B, "Substantial evidence shall include facts, reasonable assumptions predicted upon facts, and expert opinion supported by facts." I would just like to point out to the Commission, as City Staff has already indicated, we haven't been provided any factual evidence from the City of Duarte that there would be any significant impacts on the environment.

CHAIR GOMEZ — Thank you. If there are not any comments from the public we are going to close the Public Hearing at this time.

COMMISSIONER CHICO — Chair, I have a question.

CHAIR GOMEZ — Sure.

COMMISSIONER CHICO — For the representatives of the City of Duarte. Has the City of Duarte received any complaints regarding the operation at this location? I should say operations. It has been stated that they have been operating for two years.

THAI VIET PHAN — I will defer to Staff on that.

COMMISSIONER CHICO — Are there any complaints?

JASON GOLDING — Commissioner, there has been two substantiated complaints both yes to, made over the course of the last two and a half years.

COMMISSIONER CHICO — Marilyn, has the City of Irwindale received any complaints?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON — Thank you Chair and Commission, our Code Enforcement Department has worked closely with the City of Duarte. In conversations with Duarte Staff, when they said that there have been complaints, we gave information on how to contact us since it was within the City of Irwindale and to contact our Code Enforcement Officers. We did receive a complaint, it was regarding odor from the site. Our Senior Code Enforcement Officer went out with the applicant, and they drove and walked the site and what they identified was that the odor was coming from one of the residential properties.

COMMISSIONER CHICO — Thank you.

COMMISSIONER FUENTES — That's in the report isn't it?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON — Yes, that is correct.

COMMISSIONER FUENTES — I believe those two complaints were odor and they were not coming from the company.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON — That is correct.

CHAIR GOMEZ — Thank you, any other additional questions at this time? Any other public comments? Okay at this time I am going to close the Public Hearing and open it up for discussion for the Commission.

CLOSE PUBLIC HEARING — There being no speakers, Chair Gomez closed the Public Hearing at 8:18 p.m.

CHAIR GOMEZ — I just had a couple of comments. I think that being good neighbors that we've addressed sufficiently and adequately in this report some of the concerns of Duarte. In a good faith we have prepared the Planning Department and the Engineering Department have addressed, significantly, many things having to do with Cal Blend. Also if we look at it, I am glad that Cal Blend and the report indicates that they have a machine that helps with water. What do we call those?

COMMISSIONER FUENTES — Water control.

CHAIR GOMEZ — Water control, you know, have a truck right there on the grounds were they can help with the dust. They are conscientious about their neighbors, about being in business, and they've reduced their height to eight feet. I would encourage them during this drought season, where we see, I read a report that says the Santa Ana winds are even more impactful. We really need to be conscious of that just factor this summer until we get out of this drought situation. I have additional comments but the Commissioners have some comments that they want to discuss.

COMMISSIONER FUENTES — Yes.

CHAIR GOMEZ — Okay.

COMMISSIONER FUENTES — Chair.

CHAIR GOMEZ — Commissioner Fuentes, please go forward.

COMMISSIONER FUENTES — I noticed in the report that they said that they monitor the wind, but yet in every picture I look at in the packet and also what they have shown, I did not see any other wind socks or any other items that would gauge the wind. Do they have something in place?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON — Thank you Chair and Commission, yes they do have a wind sock that is on the site.

CHAIR GOMEZ — And that is in the report correct.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON — Excuse me?

CHAIR GOMEZ — This is in our report?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON — Yes.

COMMISSIONER FUENTES — But there is no picture. I did not see a picture of it. With all the numerous pictures that were, I thought maybe one would be in there to show there is in fact a wind sock or two to monitor the wind.

PLANNING TECHNICIAN ROMERO — There is no picture of wind socks or streamers but they do have them on site.

CHAIR GOMEZ — When there is extreme winds do they cover the piles?

PLANNING TECHNICIAN ROMERO — They are conditioned to, yes.

CHAIR GOMEZ — How often do they do that? Do you know?

COMMISSIONER FUENTES — I thought under the conditions now, that they were to have them covered at all times. I didn't know it was just during windy time.

PLANNING TECHNICIAN ROMERO — Yes, they will now be conditioned to cover them at all times.

CHAIR GOMEZ — Okay, thank you.

VICE-CHAIR BURROLA — That was one of my questions.

CHAIR GOMEZ — Commissioner?

COMMISSIONER CHICO — Yes, in the wording I guess the form of the resolution as we are asked to approve, will the drainage issue be addressed? You said we had to wait for something.

ASSISTANT CITY ENGINEER CO: Well there is no drainage issue. I mean there is no problem. We are not changing, again, the project is not changing or proposing any changes. The drainage pattern is going to remain the same, as is.

COMMISSIONER CHICO: And therefore there won't be any runoffs onto anybody else's property?

ASSISTANT CITY ENGINEER CO: As far as I seen in terms of the Topographic Survey and the drainage patterns, no. Again, there is a drainage channel on the south end that drains into Caltrans property.

VICE-CHAIR BURROLA: And you guys stated that there was going to be a catch basin, as well, constructed.

ASSISTANT CITY ENGINEER CO: It is being proposed, yes. That is going to capture the water for the Cal Blend property only, because of the materials that they are storing there.

VICE-CHAIR BURROLA: We did look at the drainage and made sure?

ASSISTANT CITY ENGINEER CO: Again it's going to be part of the permanent process, we are going to look at the design of that.

VICE-CHAIR BURROLA: He just asked that and you… Okay that is fine, that answers the question.

CHAIR GOMEZ: Anything else Commissioner Chico? Okay.

VICE-CHAIR BURROLA: Yeah, because it does talk about dust control. They were only gonna place something on it during windy conditions. Now we are changing that to at all times? I am just asking the question. Is that… Yeah, okay. With this new operation, did you guys look into the sewer? I know there is an eight inch line going in, proposed for a later time but as we stand now will it be able to sustain? I think you guys talked about some kind of, what do you call it? It is not an actual sewage pipe going in to the main sewer line. It is like a containment. So how are they doing sewage now and with this new operation will it be able to handle it?

ASSISTANT CITY ENGINEER CO: So this project, they haven't changed anything in terms of sewer. There is a trailer there. I believe that is being serviced every once in a while. So the sewage is hooked up to the trailer. What we are proposing with the street improvements is to remove that and have them actually hooked up to a sewer, a proper sewer. Right now they are on that trailer sewage system that gets serviced every once in a while, removed and replaced.

VICE-CHAIR BURROLA: Oh, okay.

ASSISTANT CITY ENGINEER CO: This project itself is not changing any of that, that is the way Mike Brown is operating his site, that trailer is existing.

VICE-CHAIR BURROLA: Oh, okay. Thank you. In no particular order here, I know we did not do a study for the traffic but is this new count going to impact the traffic signal? I think it would be up street where the project circulates the trucks into Los Lomas up to Huntington Drive, I believe. That intersection. Did you guys look at that?

ASSISTANT CITY ENGINEER CO: Just in terms of CEQA this is a notice exemption under CEQA.

VICE-CHAIR BURROLA: Just for in-house. I am not taking about…

ASSISTANT CITY ENGINEER CO: Based on our guidelines, the City's guidelines, the number of trucks and vehicle trips did not warrant a study. Our guidelines have a certain threshold, if you reach a certain amount of traffic then we will consider.

VICE-CHAIR BURROLA: But you looked at that. You looked at that to make sure that…

ASSISTANT CITY ENGINEER CO: Yeah exactly. There was a comment form Duarte regarding that too. We did ask that they provide us their guidelines, again, just to do our due diligence for their sake. Because it was a concern, we wanted to take a look at it based on their guidelines. We didn't receive their guidelines, but based on ours they didn't meet that threshold. Again, our threshold is fifty out, fifty trips in one hour. This project has maybe one hundred trips in a whole day. So it is way below that threshold.

VICE-CHAIR BURROLA: Alight, thank you. That's all I got.

CHAIR GOMEZ: Any other discussion? One of the things that we noticed, what I noticed was the non-conformity that it is one property, it is one CPU, and my recommendation would be that we look at just a little bit further into the conditions for the adjacent business, which is leaving my mind right now. What was it the storage?

COMMISSIONER FUENTES: Grand Stand.

CHAIR GOMEZ: I would like to see a modification to this CPU to incorporate more information from that business to be in compliance. Do the Commissioners have any comments to that? No? So I am going to make a motion.

VICE-CHAIR: I feel that it will be beneficial to us if we get more clarification on, we

BURROLA — are not trying to deny anything here because I think Cal Blend Soils is a great company, but we want to make sure that we do things correctly. I feel that having two operations with one CUP, I don't think that it is clear to me in this report why we did this way. I would like more clarification or maybe like the Chair said, have more information on the grandstand as well, cause it seems this CUP is more gearing towards Cal Blend Soils operation.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON — Thank you Chair and Commission, we do have properties or locations that do have two businesses on one site with one CUP, specifically Alpha Street is an example that can have that, that addresses both uses on there. Mike Brown's Grandstands, their use is for the storage of the grandstands as it is now. They do some shipping, some receiving - some type of equipment that they will store for putting up the grandstands, taking them down. If you can give clarification of what other additional information that you'd like…

CHAIR GOMEZ — Did you have something to say to that?

VICE-CHAIR BURROLA — Yeah, I guess what is their operation? As far as, we are using M-2 zoning, correct?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON — That's correct.

VICE-CHAIR BURROLA — That's outdoor storage?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON — Yes.

VICE-CHAIR BURROLA — But this is totally different material than Cal Blend. If we can distinguished that a little bit more in the CUP maybe it will be more clear that we have metal or grandstand material, and then we have soil material.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON — Okay.

CHAIR GOMEZ — Yes, if I may, we recognize that in our Municipal Code that the property is in conformance of the CPU, that there is two businesses. The report that we have here tonight on Cal blend, is excellent and it speaks specifically to the plans and goals of that particular business. I would like to see more information on the other business, detail information so we know exactly what kind of operation is going on. Also, I would like to just to speak in the next report to the easement. I understand that the easement is only access to emergency vehicles so it is not really an issue. It is not an issue so it seems. If we can address that in that report as well, address the other business as well. I am hoping that we are not hindering the success of Cal Blend because we look forward to working with them. The report is excellent in addressing those issues. We want to incorporate the other issues because of the businesses on one CPU. Is that within our legal guidance?

ASSISTANT CITY ATTORNEY TRAXLER — Yes Madame Chair, my only suggestion would be to reopen the Public Hearing before making a motion to continue, that way the Public Hearing will remain open and you can receive all that information.

CHAIR GOMEZ — At this time I would like to reopen the Public Hearing.

OPEN PUBLIC HEARING — At 8:31 p.m., Chair Gomez opened the Public Hearing.

CHAIR GOMEZ — And we want to say a date certain? Is that correct?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON — Yes.

CHAIR GOMEZ — That date would be May 18th?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON — May 18th, yes.

CHAIR GOMEZ — To review this CPU recommendation.

ASSISTANT CITY ATTORNEY TRAXLER — You will need a motion to continue to a date certain, May 18th, with a second.

CHAIR GOMEZ — Can I get a motion? Second?

COMMISSIONER FUENTES — Second.

CHAIR GOMEZ — So I guess I made the motion.

ADMINISTRATIVE SECRETARY HERNANDEZ — Okay, let's do a Roll Call.

CHAIR GOMEZ — Okay.

ASSISTANT CITY ATTORNEY TRAXLER — I will just clarify the motion for the record, I apologize.

CHAIR GOMEZ — Please.

ASSISTANT CITY ATTORNEY TRAXLER — It would be a motion to continue the Public Hearing, Conditional Use Permit Number 02-2021. What's the formal title? 1399 Las Lomas Road to a date certain May 18th.

CHAIR GOMEZ — Do you need more Marilyn? Okay.

ADMINISTRATIVE SECRETARY HERNANDEZ — Okay, let's do a Roll Call. Commissioner Chico.

VICE-CHAIR BURROLA — I am sorry before we go further. We were going to make changes to the dust control as well, and state something in there that says how they are going to have permeant covering. Is that…

ASSISTANT CITY ATTORNEY TRAXLER — Well since the…

COMMISSIONER FUENTES — I thought it was in there already.

VICE-CHAIR BURROLA — Is it in there?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON — There is a Condition of Approval already in.

VICE-CHAIR BURROLA — Okay, I am sorry.

CHAIR GOMEZ — Roll Call.

ADMINISTRATIVE SECRETARY HERNANDEZ: Okay, Commissioner Chico.

COMMISSIONER CHICO: Yes.

ADMINISTRATIVE SECRETARY HERNANDEZ: Commissioner Fuentes.

COMMISSIONER FUENTES: Yes.

ADMINISTRATIVE SECRETARY HERNANDEZ: Commissioner Hartman.

COMMISSIONER HARTMAN: Yes.

ADMINISTRATIVE SECRETARY HERNANDEZ: Vice-Chair Burrola.

VICE-CHAIR BURROLA: Yes.

ADMINISTRATIVE SECRETARY HERNANDEZ: Chair Gomez.

CHAIR GOMEZ: Yes.

ADMINISTRATIVE SECRETARY HERNANDEZ: Thank you.

CHAIR GOMEZ: Moving along to the Agenda.

ASSISTANT CITY ATTORNEY TRAXLER: I apologize Madame Chair, I believe the Planning Director has one more comment.

CHAIR GOMEZ: Sure, yes.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON

Thank you Chair and Commission, since we have representatives from the City of Duarte and we have requested information that hasn't been provided, I would like to make a Public Records request now, for any complaints that have been filed with the City of Duarte, any video footage, the actual data that they have for any traffic, anything like that, and any documents that this CUP application has cumulative impacts.

CHAIR GOMEZ

Thank you that would be so kind of our neighbor to provide that information. I am sure they will meet with you. Thank you so much. We look forward for that information from our neighbor city, Duarte. Thank you for coming tonight and participating.

COMMISSIONER FUENTES

I hope that our two entities can work together to resolve this issue that we have.

CHAIR GOMEZ

Thank you.

DISCUSSION ITEMS/ PRESENTATIONS

CHAIR GOMEZ

Okay, now we are moving on to the Agenda Item 4, Discussion Items and presentations. Do we have anything on that?

ADMINISTRATIVE SECRETARY HERNANDEZ

We do not.

COMMUNITY DEVELOPMENT DIRECTOR REPORT

CHAIR GOMEZ

Thank you Jesus. Now we go on to Community Development Director Report.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON

Again thank you Chair and Commission, I am so thankful for you. The report tonight, this is on previous request that have been made by the Planning Commission. I just wanted to point out that the graffiti over by the Metro Station, that has been painted by Caltrans. So that has been done.

CHAIR GOMEZ

Yay.

COMMISSIONER HARTMAN

And it has already been tagged. I saw it today coming home from work.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: Well it is good that we have our Senior Code Enforcement Officer in house, who just heard that so he will follow up on that. Part two, regarding the lights on Irwindale Avenue those were repaired. Unfortunately, they were recently vandalized. Two lights were broken and Code Enforcement has notified the property management company.

COMMISSIONER HARTMAN: You said the lights on Irwindale Avenue?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: The ones that you had mentioned that had a bird's nest in there.

COMMISSIONER HARTMAN: That's on the south end and none of those have been repaired. There are five of them out. Three of them still have broken panes with the bird nest in them. Witnessed today.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: Okay, and again it is good that we have our Senior Code Enforcement Officer, who is a live witness to this. We must have misunderstood which ones.

COMMISSIONER HARTMAN: Possibly, the ones that I am talking about are all at the south end of the property along the meandering sidewalk, right along the wash.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: Okay, thank you.

COMMISSIONER HARTMAN: And also when it comes to the graffiti, the southern most section of that metro under Irwindale Avenue that part was painted over. Like I said, today I saw more graffiti, but the biggest part of the graffiti probably can't be seen by Code Enforcement because in between the two tracks there is a support for Irwindale Bridge. On the other side of that support is where it is really, really bad. If you are in the Metro Station you can't see it. If you are coming of the 210 east bound on Irwindale Avenue, if you look down you can see it.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: Okay.

COMMISSIONER HARTMAN: It's maybe ten times the size of the one that was painted over.

COMMISSIONER FUENTES: It is pretty much where that v ditch is, correct?

COMMISSIONER HARTMAN: Say that again.

COMMISSIONER FUENTES: It is pretty much where that v ditch is, am I correct?

COMMISSIONER HARTMAN: Yes.

COMMISSIONER FUENTES: Oh okay.

COMMISSIONER HARTMAN: That's it.

CHAIR GOMEZ: The Director is going to finish up her report and then it is Commissioner Comments.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: A couple more items. We have a Joint Study Session with Planning Commission and the City Council. That is going to be on Monday, April 25 at 5:30 p.m. in the Irwindale Community Center. This is for a presentation on the General Plan Update Process. A presentation will be provided by the consultant, ESA, who is preparing the document. It will be in person with limited capacity, but it is also going to be in Zoom to make it available to those who cannot attend. Also, we are having an Environmental Scoping meeting for the proposed Speedway Commerce Center Specific Plan project. That will be held on Thursday, April 28 at 6:00 p.m. in the Irwindale Community Center. LSA is the consulting firm that is preparing the Environmental Impact Report. They will provide a presentation regarding the project. We will have representatives from the applicant, from the Irwindale Outlet Center, and they will be in attendance as well. Interested parties will be able to submit comments through May 24th. Again, this will be in person and via Zoom. Finally, one last thing, this is a gentle reminder that I got from Human Resources, that any Commissioner who has not finished any kind of training, please complete the training. I am not looking at anybody. If you need any assistance you can contact Jesus Hernandez or Natalie in Human Resources.

CHAIR GOMEZ: Thank you for that.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON: That is it.

CHAIR GOMEZ — Just a quick comment on the training. It is very informative, but also you can also go to the library if you need time away from your family to get it done. The Librarian is excellent in helping you and prints out your certificate to send it to Human Resources. Jesus can help facilitate that as well.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON — If there is training that is equivalent to the training that would be required here; if that training is available through other means, through your other jobs or anything, please speak to Natalie, if you have to do that. We don't want you to have to repeat something if it is the same training, but you can confirm that with Natalie in the Human Resources. That can save you a little bit of time.

CHAIR GOMEZ — Thank you.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON — Okay, thanks.

LEGAL COUNSEL COMMENTS

CHAIR GOMEZ — We are moving on to 6, which is Legal Counsel Comments, if any.

ASSISTANT CITY ATTORNEY TRAXLER — No comments at this time, thank you.

CHAIR GOMEZ — Thank you.

COMMISSIONER COMMENTS

CHAIR GOMEZ — At this time, Number 7 is Commissioner Comments. If you have any comments or concerns, something to share with the Planning Department please speak now.

COMMISSIONER FUENTES — Chair. Chair.

CHAIR GOMEZ — Yes, Commissioner.

COMMISSIONER FUENTES — After listening to Commissioner Hartman's concerns about the lighting, I am a little disappointed with our Staff. The lights that he was talking about were brought up in the January meeting, and here we are three months later, in the April meeting over three months later, and the original issue has not even been looked up or resolved. I think we need to talk to Staff, when there is a concern from the Commission, from the Council, or whatever it is they need to get out there and look at this correctly instead of just doing a drive by. I don't know what they do. I understand that the lights on Irwindale were fixed, the original ones are still out in the same condition. I am very disappointed about that. Okay, so maybe we can do something about tightening this up.

CHAIR GOMEZ — Yes Mr. Fuentes, I agree.

COMMISSIONER FUENTES — Also on a better note there, thank you for the updates that was part of my questions here since we haven't had any updates since the January meeting. I have asked also to be updated each month about our comments that we make if someone can take care of that stuff, which has been done. I thank you for that. Also I would like to thank, I believe it would be Edison, it looks like throughout the City they are putting new street lights in. They are a lot brighter. They are really nice. They put some up on our street on Peppertree Lane and I don't know who to thank for that, but I am really glad they did.

CHAIR GOMEZ — Thank you. I just wanted to say received a phone call from, I am not sure if this is the place to discuss it but the Planning Director can send it out to whoever. I guess some of the streetlights for residents when they are going on to Irwindale Avenue are taking a bit more time than they used to. So if you can just check in with Daniel, Engineering. Is that your Department, Daniel?

ASSISTANT CITY ENGINEER CO — Yes, what are the locations?

CHAIR GOMEZ — Irwindale Avenue, I am not sure if it was Calle De Paseo or the next signal over, which is what?

ASSISTANT CITY ENGINEER CO — Making a right or a left coming out of…

CHAIR GOMEZ — On to Irwindale Avenue, I think they will be making a left at the signal.

COMMISIONER HARTMAN — Oh traffic lights.

CHAIR GOMEZ — The traffic lights.

COMMISIONER HARTMAN — Oh okay.

CHAIR GOMEZ — Yeah, they used to quicker. It is just hard because there is so much traffic and then by the time it turns.

ASSISTANT CITY ENGINEER CO — I mean we haven't changed the timing there in probably years but we can take a closer look and see if there is some issues there.

CHAIR GOMEZ — Yeah, take a look it was a resident concern.

ASSISTANT CITY ENGINEER CO — Sure.

CHAIR GOMEZ — As far as expediting the concerns we will leave that to the City Manager, who happens to be here. We welcome him. We didn't acknowledge him earlier, but we thank him for being here. I just want to thank the Staff for doing a great job tonight. I think that you covered all the issues and we are appreciative. Who knows what is going to come up and our request for modification has nothing to do with your report, it has to do with your concerns. I thank you for that, and I really appreciate your hard work. Moving forward we are going to change somethings, that is why we are doing the zoning discussion and modification in the future. On that note, Jesus do we have anything else.

ADMINISTRATIVE SECRETARY HERNANDEZ — We do not.

CHAIR GOMEZ — Any other comments, Commissioner?

COMMISSIONER FUENTES — Chair. Chair.

CHAIR GOMEZ — Yes.

COMMISSIONER FUENTES — Please don't forget tomorrow is the City Manager's…

CHAIR GOMEZ — State of the City, yes.

COMMISSIONER FUENTES — Don't forget to mention that.

CHAIR GOMEZ — The Mayor.

CITY MANAGER MIRANDA: The Mayor's State of the City, yes.

COMMISSIONER FUENTES: It's the Mayor or the City Manager?

CHAIR GOMEZ: The Mayor.

CITY MANAGER MIRANDA: Mayor.

CHAIR GOMEZ: It's at 5:30, correct? 5:30 in the gym?

CITY MANAGER MIRANDA: The start time is 6 o'clock.

CHAIR GOMEZ: And they are having light refreshments. Somebody mention that to me. Hopefully the City Manger's springs for some good eggrolls or something.

COMMISSIONER FUENTES: They said light.

CHAIR GOMEZ: Okay, thank you Commissioner Fuentes. On that note we will adjourn the meeting. Thank you so much, goodnight.

ADJOURNMENT: There being no further business to conduct, the meeting was adjourned at 8:41 p.m.

Suzanne E. Gomez, Planning Commission Chair

Attest:

Jesus Hernandez, Administrative Secretary

Approved as presented at the meeting held November 16, 2022