



CITY OF IRWINDALE

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

ARTHUR R.
TAPIA
CHAIR

RICHARD
CHICO
VICE-CHAIR

ENOCH Y.
BURROLA
COMMISSIONER

LORETTA
CORPIS
COMMISSIONER

ROBERT E.
HARTMAN
COMMISSIONER

AGENDA FOR THE REGULAR MEETING OF THE PLANNING COMMISSION

November 18, 2020

6:30 P.M.

IRWINDALE COUNCIL CHAMBER

(Closed to the Public)

Pursuant to Executive Order N-29-20

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

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

Join Webinar at
Registration URL

<https://attendee.gotowebinar.com/register/4390747259632792846>

Webinar ID
182-675-795

You will be connected to audio using your computer's microphone and speakers (VoIP).
A Headset is recommended.

Submit public comments by email to baguila@irwindaleca.gov before or during the meeting, prior to the close of public comment on an item. Comments will be read by the Administrative Secretary during public comment. Lengthy public comment may be summarized in the interest of time.



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

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

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

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

Code of Ethics

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

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

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

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

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

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

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

IRWINDALE PLANNING COMMISSION



- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. INVOCATION
- D. ROLL CALL: Commissioners: Enoch Y. Burrola, Loretta Corpis, Robert E. Hartman; Vice-Chair Richard Chico; Chair Arthur R. Tapia
- E. ANNOUNCEMENTS

SPONTANEOUS COMMUNICATIONS

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

1. CONSENT CALENDAR

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

A. Minutes

Recommendation: Approve the following minutes:

- 1. July 15, 2020
- 2. October 21, 2020

B. GENERAL PLAN CONSISTENCY DETERMINATION – RELIANCE II BILLBOARD EASEMENT ACQUISITION AND ASSUMPTION OF LANDLORD OBLIGATIONS AND RIGHTS OF BILLBOARDS LEASE AGREEMENT (MICHAEL LINTON FOR CALMAT COMPANY)

Request that a General Plan consistency determination be made regarding a proposed gift/donation to the City of Irwindale of Calmat Co.'s right, title, interest in and to Calmat's Billboard Lease Agreement with Clear Channel Outdoor LLC for property located at 15990 Foothill Boulevard (APN: 8604-019-003).

Recommendation: Staff recommends that the Planning Commission find the acquisition to be in conformance with the Irwindale General Plan.

- 2. NEW BUSINESS
- 3. PUBLIC HEARINGS
- 4. DISCUSSION ITEMS/PRESENTATIONS

5. COMMISSIONER COMMENTS/REQUESTS
6. LEGAL COUNSEL COMMENTS
7. COMMUNITY DEVELOPMENT MANAGER/CITY PLANNER'S REPORT
9. ADJOURN

AFFIDAVIT OF POSTING

I, Berlyn Aguila, Administrative Secretary, certify that I caused the agenda for the regular meeting of the Irwindale Planning Commission to be held on November 18, 2020 to be posted at the City Hall, Library, and Post Office on November 12, 2020.

Berlyn Aguila

Berlyn Aguila
Administrative Secretary

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

CHAIR TAPIA Chair Tapia addressed that there will be no need to stand for the Pledge of Allegiance.

ROLL CALL:

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

Also present: Marilyn Simpson, Community Development Manager/City Planner; Adrian Guerra, Assistant City Attorney; Brandi Jones, Senior Planner; Berlyn Aguila, Administrative Secretary

ADMINISTRATIVE
SECRETARY AGUILA

Administrative Secretary Aguila read Executive Order N-29-20 and directions for any public comments.

**SPONTANEOUS
COMMUNICATIONS**

There were no speakers.

CONSENT CALENDAR

A motion was made by Chair Tapia, seconded by Commissioner Corpis. The motion was unanimously approved.

ADMINISTRATIVE
SECRETARY
AGUILA

Secretary Aguila stated the changes made to the minutes.

ITEM NO. 1A

MINUTES

The following minutes were approved:

- 1) Regular meeting held June 17, 2020

NEW BUSINESS

ITEM NO. 2A

**Provide to staff on the regulations of Unmanned Aircraft
Systems/Drones**

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON

Community Development Manager/City Planner Simpson introduced the item that was directed by City Council at the May 13, 2020 meeting.

The report included an overview of the following:

- 1) Background
- 2) Direction for discussion
- 3) Supporting documents
- 4) Staff's recommendation

CHAIR TAPIA

Chair Tapia asked why the discussion about drones was brought forward to the City Council. Community Development Manager/City Planner Simpson replied that there was an inquiry about drone regulations in certain zoning districts.

Chair Tapia asked if the regulations were for the public to follow to which Community Development Manager/City Planner Simpson indicated that they were.

Chair Tapia asked if drones are allowed to be operated without any City regulations. Community Development Manager/City Planner Simpson indicated that the drones are subject to State and Federal regulations.

COMMISSIONER
HARTMAN

Commissioner Hartman reported that the Federal Aviation Administration (FAA) regulates all air space including over private property. Additional regulations are implemented by the State and indicated that he follows the same regulations with his personal drone. He also mentioned that he keeps record of all flying data, but stopped flying as soon as he heard about the subject matter. In addition to his comments, he stated his personal opinion in reference to a City Ordinance.

VICE-CHAIR
CHICO

Vice-Chair Chico asked if the purpose of the discussion is to duplicate FAA's regulations on record. Community Development Manager/City Planner Simpson stated that the documents provided are part of FFA and examples of other City regulations. She also read a regulation from another City. Commissioner Hartman stated that the example read is an existing FAA regulation.

Vice-Chair Chico asked if the City is capable of enforcing the regulations or the City will need to refer to the FAA enforcement in the case an individual is caught violating the regulations. Community Development Manager/City Planner Simpson stated that enforcement is a concern and would have to be clarified. She also indicated that the list of ordinances provided by other cities is just a framework to consider during the discussion and not intended for adoption.

Vice-Chair Chico stated that the FAA controls the use of drones and stated his personal opinion.

COMMISSIONER
BURROLA

Commissioner Burrola asked if the City currently has an Ordinance for drones to which Community Development Manager/City Planner Simpson replied that there is not.

Commissioner Burrola commented that law enforcement cannot regulate the use of drones. Commissioner Hartman reported that law enforcement can report any incidents to the FAA and FAA will investigate.

Commissioner Burrola suggested creating an Ordinance in accordance with FAA regulations to help local enforcement regulate. He also gave an example of a City Ordinance that is in accordance to State regulations.

COMMISSIONER
HARTMAN

Commissioner Hartman indicated that the City cannot control air space and read an Ordinance from City of Barstow. Vice-Chair Chico added that there is no need for an Ordinance if FAA has regulations.

ASSISTANT CITY
ATTORNEY GUERRA

Assistant City Attorney Guerra reported that if Federal or State law already addresses the issue, the City is preempted and an Ordinance is not necessary. He also read from the FAA Administration indicating that the FAA rules apply to all air space and a drone can be flown in controlled airspace that is 400 feet above the ground. Commissioner Hartman added that the drone can be flown above 400 feet only with authorization from the control tower.

Assistant City Attorney Guerra added that the City can have control of air space below 400 feet, but is unsure how to enforce.

COMMISSIONER
BURROLA

Commissioner Burrola asked if there is an ordinance in place, will police be able to enforce to which Assistant City Attorney Guerra replied that the ordinance will give police the authority to enforce, but unsure how they will.

ASSITANT CITY
ATTORNEY GUERRA

Assistant City Attorney Guerra asked Commissioner Hartman if there is record kept of how high or low the drone is flying and commented that it can be very difficult to determine the height from the ground. Commissioner Hartman stated that all drone operator's should know how high the drone is, what direction it is headed and how fast it is flying and added that all data is recorded and cannot be deleted. He also mentioned that a drone operator must always have the drone in sight.

COMMISSIONER
CORPIS

Commissioner Corpis asked Commissioner Hartman if the drone has to be flown above 100 feet and below 400 feet. Commissioner Hartman replied that he does not have to because he follows an "unwritten FAA rule".

Responding to multiple questions by Commissioner Corpis, Commissioner Hartman indicated that most drones are registered to the operator on an application. He also mentioned that there will be a downloaded application to identify any drone, registration number and operator number.

Commissioner Corpis expressed concern about drone operators who do not register their drone with the FAA. She suggested establishing an ordinance to regulate the privacy of others.

- COMMISSIONER HARTMAN Commissioner Hartman advised that if a drone is over 250 grams, the drone has to be registered with the FAA and expressed his opinion.
- COMMISSIONER CORPIS Commissioner Corpis expressed her concern about other individuals who do not follow FAA regulations and suggested to create an ordinance to follow the guidelines, how to enforce the guidelines and who to contact if there is an issue. Commissioner Hartman restated that the FAA enforces the guidelines and can identify what drones are not registered.
- Commissioner Corpis asked if a resident has a complaint, do they contact the FAA to which Commissioner Hartman replied that FAA should be contacted.
- CHAIR TAPIA Chair Tapia suggested mailing an informational document or survey to the residents and stated the importance of resident input. Secondly, he expressed concern for holding the City financially responsible for enforcing the drones.
- COMMISSIONER HARTMAN Commissioner Hartman advised that a resident can call local police to make a complaint and the police will contact FAA to further investigate or fine the individual. He also provided an example of a regulation.
- COMMISSIONER CORPIS Commissioner Corpis asked what was the advantage of other cities adopting a drone ordinance. Community Development Manager/City Planner Simpson indicated that she is unsure but read that some celebrities raised concerns in the Cities of Beverly Hills, Calabasas and Los Angeles. She added that she will follow up.
- COMMISSIONER BURROLA Commissioner Burrola asked if the FAA has a type of code enforcement. Chair Tapia replied that his question will be answered after Commissioner Corpis's question.
- CHAIR TAPIA Chair Tapia commented on a possible cause that prompted an ordinance for the City of Calabasas.
- Chair Tapia asked Commissioner Corpis if her question was answered. Commissioner Corpis indicated that Community Development Manager/City Planner Simpson will follow up.
- ASSISTANT CITY ATTORNEY GUERRA Assistant City Attorney Guerra stated that he believes that cities with a drone ordinance, have found an ability to regulate the drones and explained that the City of La Canada Flintridge created an ordinance to not allow drones to be flown over City events, for safety reasons. Commissioner Hartman shared that the FAA has a regulation states that a drone cannot be flown above a group of people who have not given consent.

COMMISSIONER BURROLA	Commissioner Burrola asked if there is a FAA regulator's contact number that can be given to residents in case of a complaint. Vice-Chair Chico and Commissioner Hartman stated that they agree with Commissioner Burrola's suggestion.
VICE-CHAIR CHICO	Vice-Chair Chico concurred with Chair Tapia's previous idea to mail a flyer to all residents with FAA enforcement or City Hall contact information if there is a need to report drone activity. Commissioner Burrola added that if the FAA does not follow up or regulate any reports, then an ordinance should be taken into consideration. Vice-Chair Chico stated that he agrees with Commissioner Corpis suggestion. If the FAA does not address a particular matter, then an ordinance should be adopted.
CHAIR TAPIA	Chair Tapia stated that he does not foresee many drones flying in Irwindale.
COMMISSIONER BURROLA	Commissioner Burrola commented that he will be taking a training course to become Unmanned Aerial System Services (UASS) certified for his job and will be learning FAA regulations.
CHAIR TAPIA	Chair Tapia asked if all drones must be registered and if the registered information is public record. He also expressed the importance of the City being aware of all drones uses. Assistant City Attorney Guerra advised that all drones have to be registered and the City would have to establish a program where individuals would inform the City, similar to a Business License. Responding to several questions by Chair Tapia, Assistant City Attorney Guerra advised that the City can possibly contact the FAA to provide a list of individuals who have registered in Irwindale. He added that the FAA is a public agency. Chair Tapia commented that receiving a list of all registered drones in the City will pacify people.
VICE-CHAIR CHICO	Vice-Chair Chico commented that he has not been aware of any drone issues.
COMMISSIONER HARTMAN	Commissioner Hartman expressed his belief that the subject item was not complaint driven to which Vice-Chair Chico agreed that he has not heard of any complaints.
ASSISTANT CITY ATTORNEY GUERRA	Assistant City Attorney Guerra advised Chair Tapia to verify if there is no public comment before giving direction.

CHAIR TAPIA Chair Tapia stated that this is not a public hearing, but resident input is welcomed. He asked if there is any public comment to which Administrative Secretary Aguila replied that there is no public input.

ASSISSTANT CITY ATTORNEY GUERRA Assistant City Attorney asked Commissioners for direction.

VICE-CHAIR CHICO Vice-Chair Chico advised to follow Chair Tapia's suggestion to mail a flyer to the residents indicating that the City is aware of drone activity and provide the number for FAA enforcement. Chair Tapia suggested what wording to use.

CHAIR TAPIA Chair Tapia stated what should be included on the flyer to not raise any concerns. Vice-Chair Chico stated what further information should be included on the flyer.

COMMISSIONER HARTMAN Commissioner Hartman agreed with Chair Tapia and Vice-Chair Chico.

COMMISSIONER CORPIS Commissioner Corpis asked if they will need to vote. Chair Tapia explained that it is a consensus and is looking for her input.

Commissioner Corpis stated that she agrees to send out the flyer and if a need arises, it will be handled at that time.

COMMISSIONER BURROLA Commissioner Burrola agreed with Commissioner Corpis statement.

CHAIR TAPIA Chair Tapia suggested mailing a poll to every resident and encourages the residents to participate.

COMMUNITY DEVELOPMENT MANAGER/CITY PLANNER SIMPSON Community Development Manager/City Planner Simpson reiterated City Council's request and stated that the Planning Commission's recommendation is to send a flyer with information about drones and FAA contact number.

COMMISSIONER HARTMAN Commissioner Hartman welcomed all to view his Irwindale Park photos on Google.

CHAIR TAPIA Chair Tapia stated that Planning Commission's direction is to send out a poll to the residents. Community Development Manager/City Planner Simpson added that additional residential input will be included on the flyer.

Chair Tapia suggested what verbiage should be used on the flyer to avoid raising concerns. Commissioner Hartman agreed with Chair Tapia's comment.

ASSISTANT CITY ATTORNEY GUERRA Assistant City Attorney Guerra asked if the Commission have consent to which Commissioners agreed.

CHAIR TAPIA Chair Tapia thanked everyone for their input.

PUBLIC HEARINGS

ITEM NO. 3A SITE PLAN AND DESIGN REVIEW (DA) NO. 03-2020 (ONE WEST)

COMMUNITY DEVELOPMENT MANAGER/CITY PLANNER SIMPSON Community Development Manager/City Planner Simpson introduced this item and stated that it would be presented by Planning Technician Lisa Chou.

PLANNING TECHNICIAN CHOU Planning Technician Chou reported that this is a request submitted by applicant One West on behalf of Sierra Alloys Company. The applicant is requesting a Site Plan and Design Review (DA) No. 03-2020 for the development of an approximate 2,256 square foot addition for maintenance and storage for property located at 5467 Ayon Avenue.

Planning Technician Chou stated that Staff's recommendation is that the Planning Commission continue Site Plan and Design Review (DA) No. 03-2020 to the next regularly scheduled Planning Commission meeting at this time.

VICE-CHAIR CHICO Vice-Chair Chico asked Assistant City Attorney Guerra if there is a need to motion.

CHAIR TAPIA Chair Tapia indicated that he must first open up the Public Hearing. Assistant City Attorney Guerra agreed.

OPEN PUBLIC HEARING At 7:41 p.m., Chair Tapia opened the public hearing.

CHAIR TAPIA Chair Tapia opened the discussion for Commissioners and advised that the item will continue to remain open for the next Planning Commission meeting in August.

MOTION A motion was made by Vice-Chair Chico, seconded by Commissioner Corpis and Commissioner Hartman to accept the recommended motion as read.

COMMUNITY DEVELOPMENT MANAGER/CITY PLANNER SIMPSON Community Development Manager/City Planner asked if the public hearing closed. Chair Tapia replied that the public hearing will stay open. Assistant City Attorney Guerra also advised to leave it open.

**DISCUSSION ITEMS/
PRESENTATIONS**

There were no items.

**COMMISSIONER
COMMENTS**

CHAIR TAPIA

Chair Tapia notified commissioner that any additional comments about the drones should be stated during Commissioner Comments.

Chair Tapia thanked Commissioner Hartman for his knowledge and information about drones.

LEGAL COUNCIL

There were no items to report by legal counsel.

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

Community Development Manager/City Planner reported that an updated Conflict of Interest map was included in their packets for their records. She also reported that the City is supporting local businesses by creating a no fee Temporary Outdoor Dining Permit.

CHAIR TAPIA

Responding to multiple inquiries by Chair Tapia, Assistant City Attorney Guerra explained what conflict of interest is defined under the Fair Political Practices Commission (FPPC) guidelines and what factors are evaluated to determine a conflict of interest.

VICE-CHAIR
CHICO

Vice-Chair Chico asked if a project devalues a property, would that be considered a conflict of interest to which Assistant City Attorney indicated that it would be.

**AGENDA ITEM
REQUESTS BY
COMMISSIONERS**

Community Development Manager/City Planner introduced Senior Planner Jones and stated that she will be answering Commissioner Burrola's question from June's Planning Commission meeting regarding residential wall height requirements.

SENIOR PLANNER
JONES

Senior Planner Jones discussed a memo prepared of all City Code sections that would be applicable to determining wall height of residential property when adjacent to a commercial property.

COMMISSIONER
BURROLA

Responding to multiple inquiries by Commissioner Burrola, Senior Planner Jones explained where the setback is measured from and reported the various wall height requirements.

Commissioner Burrola asked about the previous bank building that exceeds the six-foot wall height requirement. Senior Planner Jones indicated that it could be a different zone and research needs to be completed.

Commissioner Burrola asked about the wall height requirements of the new housing being built on Mountain Avenue. Senior Planner Jones explained the procedure taken to determine the height requirement.

Commissioner Burrola thanked Senior Planner Jones for her research.

CHAIR TAPIA

Chair Tapia made a comment in reference to Senior Planner Jones absence and stated that it was nice hearing from her.

Chair Tapia commended Commissioner Burrola.

COMMISSIONER
HARTMAN

Commissioner Hartman thanked Chair Tapia for his comment about his drone professionalism.

CHAIR TAPIA

Chair Tapia made a comment about possibly hiring Commissioner Hartman as a drone instructor. Commissioner Hartman indicated that he spoke with the Police Chief about possibly conducting a type of surveying, but stated that he must be licensed in order to be compensated.

Chair Tapia

Chair Tapia wished everyone well.

ADJOURNMENT

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

Chair Arthur R. Tapia

Attest:

Berlyn Aguila, Administrative Secretary

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

PLEDGE OF
ALLEGIANCE

INVOCATION
COMMISSIONER
CORPIS

We thank you for technology that allows us to have these meetings, considering everything that is taking place in our country. We pray for all of the people that have lost loved ones. We pray for those that struggle and we pray that we be good neighbors and personally, I thank you for the honor to serve on this Commission that humbly and conscientiously serves our City. I ask, we ask, that you continue to bless us. In his name, we pray, amen.

CHAIR TAPIA

Before we start, Enoch has lost two family members in Texas and we will be adjourning in their memory.

CHAIR TAPIA

Roll call.

ROLL CALL:

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

Also present: Adrian Guerra, Assistant City Attorney; Marilyn Simpson, Community Development Manager/City Planner; Brandi Jones, Senior Planner; Berlyn Aguila, Administrative Secretary

ANNOUNCEMENTS

ADMINISTRATIVE
SECRETARY AGUILA

Per executive order N-25-20, Californians are directed to follow Public Health directives including canceling large gatherings. The Executive Order also allows local legislative bodies to hold meetings via conference call while still meeting state transparency requirements. The City has made tonight's meeting available in a virtual setting and by phone. Public comments and participation are welcomed through the following means. Pre-registering for the Planning Commission meeting on Go To Webinar and email submission of public comments to the Planning Commission Department at Baquila@irwindaleca.gov. During the spontaneous communications portion of the virtual meeting, Administrative Secretary will first read any public comments sent by email. Next, the chair will open the floor to those who are participating via webinar or phone. Please use the Raise Your Hand feature to be added to the queue of speakers. Once called upon, you will have three minutes to address the Planning Commission unless such time limits are extended. So that each member of the public will have the opportunity to speak. Individuals will be limited to a single time to address the Planning Commission during spontaneous communications if your hand is raised and you have spoken, you will not be given another opportunity to speak. During the discussion items

on the agenda, members of the public are asked to use the raise your hand feature to be added to the que of speakers and you will be unmuted from our central console at the appropriate time. Each speaker will be have 3 minutes to address the Planning Commission unless such time limits are extended, So each member Is afforded the opportunity to speak. Individuals will be limited to a single time to address the planning commission. If your hand is raised and you have spoken, you will not be given another opportunity to speak. We welcome your feedback so that we continue to improve the City's engagement with its residents and members of the public. Thank you.

CHAIR TAPIA Thank you.

SPONTANEOUS COMMUNICATIONS

CHAIR TAPIA This is the time set aside for members of the audience to speak on items not on this agenda. If we have anyone out there in the audience, who wishes to speak on items not on this agenda you can do so at this time by raising your hand.

CHAIR TAPIA Anyone Berlyn?

ADMINISTRATIVE SECRETARY AGUIIA We do not have anyone raising their hand.

CONSENT CALENDAR

Item No. 1A MINUTES

- 1) Regular meeting held August 19, 2020
- 2) Regular meeting held September 16, 2020

CHAIR TAPIA We will close Spontaneous Communications and we will go to Consent Calendar. Today we have the approval of the minutes for August 19th and the minutes for September 16th .

COMMISSIONER CORPIS Chairman, I have a request. If I could abstain for August 19th because I was not there and I will only able to approve September 16th. Can I do that?

CHAIR TAPIA Yes. Legal Counsel?

CITY ATTORNEY GUERRA Absolutely. Yes, you can do that.

CHAIR TAPIA The Consent Calendar contains matters of routine business and is to be approved with one motion unless a member of the Commission requests separate action on a specific item. I have a question for Adrian on the minutes for August 19th. I said a couple of things that one, is misleading and one, I missed for about eleven years. On page 24, talking about people that died of cancer, it says “my own wife and other Councilmen’s wives have died of cancer”. Well, my wife is more alive than I am right now. I need to fix that. Are you there Adrian?

CITY ATTORNEY
GUERRA Yes, I am here. I am listening and looking at the minutes.

CHAIR TAPIA The other mistake I made is that instead of saying twelve years I said “in the last year alone” and I don’t know why that even came out of my mouth, but it did. Twenty-two people is not feasible if they would die in one year. It’s been twelve years and it is about twenty-two people. Those two items I am asking what to do with them.

CITY ATTORNEY
GUERRA What my recommendation is that you note these comments and these comments will be included in this meeting’s agenda, but the minutes that are presented is reflecting what was said at that meeting and I am reluctant to change it if it is accurate. If it is accurate to what you said, then that should stay in there. However, in this meeting minutes, we can add your clarifications so that it is on the record.

CHAIR TAPIA I would like that. So, do we need to request for that?

CITY ATTORNEY
GUERRA No, you have made the request and that will be included in the minutes for tonight’s meeting.

CHAIR TAPIA Okay. I don’t know if there is a reason for this or not, but on page, one second.

ADMINISTRATIVE
SECRETARY AGUILA Just for clarification, will he still be able to sign these minutes presented tonight.

CITY ATTORNEY
GUERRA Yes, that is correct. Just to be clear, the minutes reflect what was said at the meeting and my understanding from staff is that this was said verbatim at the meeting. The minutes are accurate; they will be adopted and can be signed tonight. What the Chair is asking is for clarification. That clarification has been made and that will be incorporated into tonight’s meeting minutes.

ADMINISTRATIVE
SECRETARY AGUILA Thank you.

CHAIR TAPIA On page, 28 and 29, where it says roll call – there is nothing else after that and is there a reason for that? It is usually a yes or no and the Commissioners names are usually on there. I’ve never seen that

before that is why I would like to know if that is something new. It says "Chair Tapia" then it says "roll call" and there is nothing else after that.

CITY ATTORNEY GUERRA Berlyn, do you have comments on that?

ADMINISTRATIVE SECRETARY AGUILA Yes, we are looking at the minutes now, one second.

CITY ATTORNEY GUERRA I think what he is trying to say is that the minutes usually reflect the vote that occurred.

ADMINISTRATIVE SECRETARY AGUILA Adrian, the motion is there for the vote. I wrote it exactly how Chair Tapia mentioned it. After the motion, Chair Tapia did roll call and that is why. If needed, I can go back and include everyone who has was present at the time.

CITY ATTORNEY GUERRA I think it should and the Chair is correct. It should reflect what the vote was on the motion.

ADMINISTRATIVE SECRETARY AGUILA Okay, I can definitely go back and add that.

CITY ATTORNEY GUERRA Looking at page 28 and 29, for example, there is a motion on the floor and then the chair says roll call, meaning call for the vote, and there is no indication of what the vote was.

ADMINISTRATIVE SECRETARY AGUILA Okay.

CITY ATTORNEY GUERRA I think that is a correct point. My recommendation is to probably hold both minutes if that is the same situation on both minutes.

ADMINISTRATIVE SECRETARY AGUILA If needed, I can have this updated before we end the meeting and have it signed.

CITY ATTORNEY GUERRA Okay.

CHAIR TAPIA As long as it is completed, it will be okay to sign it, right?

CITY ATTORNEY GUERRA Yes. I think the appropriate motion is to go ahead and adopt the minutes of August 19th and September 16th with direction to Staff to include the votes on all action items taken.

CHAIR TAPIA Sounds good.

VICE-CHAIR CHICO	So moved.
CHAIR TAPIA	Is there a motion to approve the minutes.
VICE-CHAIR CHICO	That was my motion.
CHAIR TAPIA	I'll second it.
CHAIR TAPIA	Roll call.
ADMINISTRATIVE SECRETARY AGUILA CITY ATTORNEY GUERRA	For clarification, did Commissioner Richard Chico motion? Yes. Who seconded?
CHAIR TAPIA	I did.
ADMINISTRATIVE SECRETARY AGUILA	Thank you.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Burrola.
COMMISSIONER BURROLA	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Hartman.
COMMISSIONER HARTMAN	Yes.
CITY ATTORNEY GUERRA	Berlyn?
ADMINISTRATIVE SECRETARY AGUILA	One second, we are trying to add Commissioner Hartman back on.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Hartman.
COMMISSIONER HARTMAN	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Corpis.

ADMINISTRATIVE SECRETARY AGUILA	Chair Tapia.
CHAIR TAPIA	Yes.
CITY ATTORNEY GUERRA	Commissioner Corpis did you vote?
COMMISSIONER CORPIS	I did not.
ADMINISTRATIVE SECRETARY AGUILA	I am sorry. Commissioner Corpis.
COMMISSIONER CORPIS	For August 19 th I abstain and for September 16 th , yes.
CHAIR TAPIA	Vice-Chair Chico, did you vote? We didn't hear you.
VICE-CHAIR CHICO	No I didn't.
ADMINISTRATIVE SECRETARY AGUILA	Excuse me, we are having a bit of issues with our internet connection. Can I do roll call once again?
CITY ATTORNEY GUERRA	Yes, just so it is clear.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Burrola.
COMMISSIONER BURROLA	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Hartman
COMMISSIONER HARTMAN	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Corpis
COMMISSIONER CORPIS	August 19 th abstain and September 16 th yes.
ADMINISTRATIVE SECRETARY AGUILA	Vice-Chair Chico.

VICE-CHAIR
CHICO Yes.

ADMINISTRATIVE
SECRETARY AGUILA Chair Tapia

CHAIR TAPIA Yes.

ADMINISTRATIVE
SECRETARY AGUILA Thank you.

ITEM NO. 2B Site Plan and Design Review (DA) No. 04-2018 (Michael Weber, Duke Realty)

CITY ATTORNEY
GUERRA This is Consent Calendar item so there is no staff report.

CHAIR TAPIA I see. I get it now.

CITY ATTORNEY
GUERRA Unless the Commission has any questions or if there is a member of the public that would like to speak on the item, we can go straight to a vote.

CHAIR TAPIA Do I open it up to the public?

CITY ATTORNEY
GUERRA Berlyn, is there anybody that would like to speak on the item, they are welcome to speak on the item. Otherwise, we can go straight to the vote.

ADMINISTRATIVE
SECRETARY AGUILA Nobody has raised their hand to speak.

VICE-CHAIR
CHICO I will make a motion.

VICE-CHAIR
CHICO I will make a motion to accept recommendation of Resolution 788(20). Adrian, I will let you read into that motion if you need to.

CITY ATTORNEY
GUERRA Since it is a Consent Calendar item; I don't think it is necessary. You can just say that you approve Staff's recommendation as stated on the staff report, which is to adopt two resolutions.

VICE-CHAIR
CHICO So moved.

CHAIR TAPIA Roll Call.

CITY ATTORNEY
GUERRA Is there a second?

COMMISSIONER HARTMAN Robert Hartman. Second.

ADMINISTRATIVE SECRETARY AGUILA Roll call. Commissioner Burrola

COMMISSIONER BURROLA Yes.

ADMINISTRATIVE SECRETARY AGUILA Commissioner Hartman

COMMISSIONER HARTMAN Yes.

ADMINISTRATIVE SECRETARY AGUILA Commissioner Corpis

COMMISSIONER CORPIS Abstain.

ADMINISTRATIVE SECRETARY AGUILA Vice-Chair Chico.

VICE-CHAIR CHICO Yes.

ADMINISTRATIVE SECRETARY AGUILA Chair Tapia

CHAIR TAPIA Yes.

NEW BUSINESS There were no items.

PUBLIC HEARINGS There were no items.

**DISCUSSION ITEMS/
PRESENTATIONS** There were no items.

**COMMISSIONER
COMMENTS**

CHAIR TAPIA I have something here that I would like to read and it is a statement of clarification. The request that I made during the August 19th Planning Commission meeting was solely intended to understand this process and all it entails. What part of the Planning Staff, the applicant and the Planning Commission play. It was certainly not intended to question

the qualifications, experience, morals or work ethics of any Staff. I made the same request last year, later part of the year, and I expressed the same basic questions at that time. By using the word Staff, I used it in a general sense. To me, both past and present, Staff handled the process the same. In conclusion, I would like to sincerely apologize for the misunderstanding and stress from the request I made may have caused. Those were not my intentions and I hope this particular incident can be forgiven and we continue to work as a team in harmony without dissolution.

CHAIR TAPIA Anybody else wishes to make a comment.

CHAIR TAPIA Community Development Manager/City Planner's report.

COMMUNITY DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON Did we do legal comments?

VICE-CHAIR
CHICO No we haven't.

COMMUNITY DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON I always want to give Adrian an opportunity to speak.

LEGAL COUNCIL

CITY ATTORNEY
GUERRA No worries because I do not have any comments for tonight, but thank you.

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

CHAIR TAPIA If no Commissioners have any questions, Commissioner Burrola is going to adjourn this meeting.

COMMISSIONER
BURROLA Thank you Chair Tapia. I want to close this meeting in memory for my brother-in-law Spirit Padilla, Navy vet, who passed away on September 25, 2020 with health related issues and also my mother-in-law Viviana Padilla who passed away on October 10, 2020. May god embrace them as they make their journey to heaven. They will be missed. That is why I wanted to close the meeting tonight. Thank you, Chair Tapia.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 6:56 p.m.

Chair Arthur R. Tapia

Attest:

Berlyn Aguila, Administrative Secretary

Exhibit A



