

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

September 16, 2020
Wednesday
6:36 P.M.

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

CHAIR TAPIA	In remembrance of one of our friends Eddie Diaz. His dad Santos Diaz was a Council Member here and his picture is up on the wall. He passed away recently. I would like if he can be remembered.
COMMISSIONER HARTMAN	I can't understand anything that is being said
CITY ATTORNEY GUERRA	The audio is not very good.
CHAIR TAPIA	Staff?
ADMINISTRATIVE SECRETARY AGUILA	Jeff is working on it, excuse me.
CHAIR TAPIA	Okay, thank you.
VICE-CHAIR CHICO	Adrian, does it surprise you that the Big Ten went back to playing football?
CITY ATTORNEY GUERRA	No.
VICE-CHAIR CHICO	Doesn't surprise me either. Makes the guy from the Pac 12 look like an idiot.
CITY ATTORNEY GUERRA	I'm hoping sometime in November.
ADMINISTRATIVE SECRETARY AGUILA	Chair Tapia, can you hear me?
CHAIR TAPIA & COMMISSIONERS	Yes.
ADMINISTRATIVE SECRETARY AGUILA	We are ready to begin.
CHAIR TAPIA	Can you hear me now?
CHAIR TAPIA	Number one, Adrian I would appreciate if you would come over here after the meeting is over. Number two, I want to close this meeting in remembrance of Edward "Eddie" Diaz. His father was Council Member in the beginning. His name was Santos Diaz and his name is up on the top. I would like to honor him now and at the end of the meeting.

CITY ATTORNEY
GUERRA

Mr. Chair, I am not at City Hall.

CHAIR TAPIA

Oh, you're not at City Hall. Berlyn brought me Resolution number 686(20) for me to sign, but I told her that I felt kind of weird signing it because there are no minutes and because we didn't get the Resolution of Denial. There was no minutes. I feel like why am I supposed to sign something that is not allocated in the minutes.

ADMINISTRATIVE
SECRETARY AGUILA

Sorry Chair, the Resolution that I gave you was for Site Plan and Design Review No. 03-2020 that was presented by Planning Technician Lisa Chou that was approved.

CHAIR TAPIA

I didn't say that it wasn't approved.

CITY ATTORNEY
GUERRA

Berlyn or Lisa, is this time sensitive? Can this hold?

ADMINISTRATIVE
SECRETARY AGUILA

Yes because it's going to be prepared to be noticed for City Council on the upcoming meeting. We can wait until after the meeting for it to be signed or possibly sometime this week or next.

CITY ATTORNEY
GUERRA

Okay, that's fine.

CHAIR TAPIA

I want to know if it's legal. I want to know if I am legally okay. I will sign it if I am okay, but there are no minutes for this week and in the minutes, it says recommendation - no minutes for approval. So I am kind of stuck. I was kind of leery about signing that. If it's fine, I will sign it if not, I will not sign it.

CITY ATTORNEY
GUERRA

Okay, maybe we can talk about that after the meeting. If that is okay.

CHAIR TAPIA

Commission meeting of September the 16th has now been called to order. Please stand for the Pledge of Allegiance and remain standing for the invocation.

PLEDGE OF
ALLEGIANCE

INVOCATION
COMMISSIONER
CORPIS

Lord, in your name we praise you and we thank you for this day. For your blessings, your grace and your mercy. We lift up to this country, we lift up to California with our fires, we pray father that you would help the fire fighters, protect them, the animals – protect them, the people – protect them, the homes –protect them and father in Jesus name, just be with us. That we learn to do good and do right and the right still stays right and wrong remains wrong and we will always know the

difference. That you just be with us, lord and tonight that you would just be with us as well making decisions, discussing the subjects in hand and we thank you for the opportunity to serve and that we always remember that we are servants to serve and not to be served. In his name we pray, amen.

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; Brandi Jones, Senior Planner; Berlyn Aguila, Administrative Secretary

**ADMINISTRATIVE
SECRETARY AGUILA**

Per executive order N-25-20, California 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. 1) Pre-registering for the Planning Commission meeting on Go To Webinar and email submission of public comments to the Planning Commission Department at Baguila@irwindaleca.gov. During the spontaneous communications portion of the virtual meeting, Administrative Secretary will first read any public comments sent by email. Next, the chair will open the floor to those who are participating via webinar or phone. Please use the Raise Your Hand feature to be added to the queue of speakers. 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 ls 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

Adrian, I have a question for you regarding audience participation. Since we are just here to clarify the findings, what type of feedback is going to be appropriate from the audience?

CITY ATTORNEY

For spontaneous communication, we allow anybody to speak on any

GUERRA item that is not on the agenda. That's part one. When we get to the agenda item itself, it is an item on the agenda so the public may speak on it. It is not a notice of public hearing in the sense that we did not make any special notice, but because it is an item on the agenda, the public does have a right to speak.

CHAIR TAPIA What can they say since it is just for clarification?

CITY ATTORNEY
GUERRA We can't control what the speakers say. The only limitation we can have, is that it has to be pertinent to the subject matter. That's really the only limitation, but to be clear when we get there, I'll make it clear that we are not looking for more evidence and we are not looking for more fact gathering. That has already concurred.

CHAIR TAPIA No more letters either.

CITY ATTORNEY
GUERRA Like I said, they can say anything they want and they can speak on anything regarding the project, but for purposes of tonight, the Commission is only looking at clarifying their previous action.

CHAIR TAPIA Thank you.

CHAIR TAPIA Consent Calendar contains matters of routine business and it is to be approved with one motion unless a member of the Commission requests separate action on a specific item. On minutes, we have the word recommendation, but we have no minutes for approval. Go to item two-New Business.

CHAIR TAPIA Item 2A Clarification of Findings for two Resolutions of Denial for Site Plan and Design Review No. 04-2018 and the Environmental Impact Report.

SENIOR PLANNER
JONES (Unintelligible conversation)

CHAIR TAPIA Who's speaking? Is anyone on the frequency? I am trying to read.

SENIOR PLANNER
JONES I couldn't hear you, sorry.

CHAIR TAPIA I am trying to read new business and you are talking about something different. We are in a Commission meeting. Are you in the Commission meeting?

SENIOR PLANNER
JONES Oh, it's Brandi.

CHAIR TAPIA We can hear everything you are saying as I am trying to read this New Business clarification.

CITY ATTORNEY GUERRA Staff, if you can put yourself on mute for the moment, thank you.

CHAIR TAPIA I'll start over. Clarification of Findings for two (2) Resolutions of Denial for Site Plan and Design Review (DA) No. 04-2018 and the associated Environmental Impact Report; a Site Plan and Design Review request by Duke Realty for the development of a 528,170 square-foot, speculative, industrial warehouse building located at 13131 Los Angeles Street (APN: 8535-020-007).

CHAIR TAPIA Legal Counsel, what is the procedure?

CITY ATTORNEY GUERRA Before we open up, Berlyn, did we open this up for Spontaneous Communications? I want to make sure that we did.

CHAIR TAPIA No we didn't.

CITY ATTORNEY GUERRA We probably should do that first and just take care of that.

CHAIR TAPIA We are going to back up. I got ahead of myself here. Back up to Spontaneous Communications. This time is set aside for members of the audience to speak on item not on this agenda. If anyone in the audience wants to speak on something not on this agenda, you can speak now. You want to speak on whatever New Business we have, you will have to wait until that comes up and then you can raise your hand also at that time.

CHAIR TAPIA Is there anyone in the audience wishing to speak on Spontaneous Communication, raise your hand.

ADMINISTRATIVE SECRETARY AGUILA Hi Chair, it looks like we have no speakers.

CHAIR TAPIA In that case, we will close Spontaneous Communications and we will change.

NEW BUSINESS

ITEM NO. 2A Clarification of Findings for two(2) Resolutions of Denial for Site Plan and Design Review (DA) No. 04-2018 and the associated Environmental Impact Report; a Site Plan and Design Review request by Duke Realty for the development of a 528,170 square-foot,

speculative, industrial warehouse building located at 13131 Los Angeles Street (APN: 8535-020-007).

CHAIR TAPIA This is just a repeat. I'm not sure if you take the lead from here or Staff does because Staff wants the Clarification of the Findings. Do we go to the Commissioner that brought up the Denial of the Findings?

CITY ATTORNEY GUERRA I think that the procedure we should go by is, first, we should have a brief introduction from Staff and then I would suggest opening up the Public Comment for anyone that would like to speak on the item. Once that is concluded, we will get direction from full Commission as to the grounds for the Recommendation of Denial.

CHAIR TAPIA Well, it's not the full Commission that introduced. It's one in particular - Vice-Chair Richard Chico. The rest of us voted in favor of what he interpreted. It was not all of the Commission that was involved in the decision or addressed what we are voting on.

CITY ATTORNEY GUERRA I respectfully have to disagree. While Commissioner Chico did articulate his thoughts on the project, the four Commissioners that were present voted to deny and recommended denial of the project. It is incumbent of the four Commissioners who participated to articulate the reasons why they voted to recommend denial and that reasoning we want to include in the Resolution that will be presented to the City Council.

CHAIR TAPIA In other words, Mr. Chico presented the reasons for denial and we agreed with him. All we have to do is say that we agree with what he has said.

CITY ATTORNEY GUERRA That's fine. What I think though, what Staff is looking for is a little more clarification to the reasoning why. If you'd like to defer to Commissioner Chico to articulate that and the rest of the Commission is comfortable with that, that's fine.

CHAIR TAPIA That's what we are going to do because he is the one that came up with it. Then you crafted some kind of verbiage and we all voted for it.

CITY ATTORNEY GUERRA To be clear, I verbalized the action that was being taken, which was to recommend denial, but as you know when we approve a project or deny a project, it's based on reasons and factual basis for the action and that's what we are looking for, clarification. Not the action, but the reasoning for the action.

CHAIR TAPIA Okay, thank you. We'll follow the procedure for us to take. We'll hear from Staff now.

SENIOR PLANNER
JONES

Good evening Chair and members of the Planning Commission. Staff is requesting Clarification of the Findings for the two Resolutions that were mentioned. This item went before the Planning Commission in the August 19 meeting where the Planning Commission voted 4-0 to deny the Resolution, with one Commissioner absent. Staff has reviewed the audio and our notes for the meeting and we would like clarification from the Planning Commission on the findings for denial and to provide detail on which findings cannot be made. Please note that the purpose of this agenda item is solely to get clarification of the findings for inclusion into the Resolution. As such, Staff will not be presenting any report or further evidence or information will be presented. The Commission will be limited to clarifying the reasoning for its decision. Should the Commission desire to have a substantive discussion about the project or reconsider its decision, then Staff will be required to re-notice this item as a public hearing. As the City Attorney stated, before the Commission begins their discussion, now will be the time to invite public comment and that concludes Staff's report.

CHAIR TAPIA

What I don't understand is that if we denied it last month, why would we want to entertain it on a positive note this month. That's my comment.

CITY ATTORNEY
GUERRA

Chair, just to be clear I'm not exactly clear about a positive note. Staff is not requesting that the Commission change its decision or reconsider its decision. Staff is going based on whatever the Commission decided. That's your call. Just for the administrative record, we need to have the proper grounds for denial incorporated in the Resolution.

CHAIR TAPIA

I am going to read what it says here. If the Commission desire to have a substantive discussion about the project or reconsider its decision, then Staff will be required. I'm just saying that why do we need to reconsider.

CITY ATTORNEY
GUERRA

It's more like a procedural note and we included it, again, for the administrative record. We are just trying to limit the scope of this discussion to clarification of the findings or rationale for denial and recommendation of denial of the project. We're just putting that in there so the Commission is aware that if you wanted to get more into detail, more into the evidence and hear more again, we would have to go through another process of going through a public hearing. That is more for informational purpose.

CHAIR TAPIA

Okay, thank you for the clarification. At this point do you have anything to add to Staff?

CITY ATTORNEY
GUERRA

No I do not.

CHAIR TAPIA

At this point, we are going to open up. This is not a public hearing, but we are going to open up the discussion. We are going to open up this

matter regarding the clarification of findings of denying the Environmental Impact Report. If there is anyone out there in the audience that wishes to make any comments, you will have three minutes, as stated before, and you will have one time to state what you want to state. If there is anyone out there that wants to speak for or against, just raise your hand please.

ADMINISTRATIVE
SECRETARY AGUILA

So, we do have a few speakers. We will begin with Jake Smith who is part of Duke Realty and we will follow with the other additional speakers. Jake, you are now unmuted.

JAKE SMITH

Good evening Honorable Chair Tapia and Irwindale Planning Commission. My name is Jake Smith and I am the Vice-President of Duke Realty, property owner and applicant for 13131 Los Angeles Street here in Irwindale. I wanted to take a moment this evening to introduce myself to provide a brief background on Duke Realty and give a little added insight to our proposed project for Irwindale. I don't believe this was properly addressed at the last Planning Commission meeting, but I do believe we have a great story to tell. We understand the purpose of this meeting. However, I would like to take a brief moment of your time. Duke Realty is a leading owner, developer, and manager of industrial properties throughout the United States. Duke Realty is a long-term owner and our projects are best in class and includes state of the art logistics, warehouses and modern environmentally conscious industrial buildings. We strive to be active contributing members in the communities. We serve through community outreach and day of service events. We are proud of our portfolio, which includes tenants such as Disney, Target, Coca-Cola, numerous other Fortune 500 companies. Took great care in designing the building so it can be consistent with City's Design Guidelines, complements the buildings in the vicinity and most importantly, it meets the rich historical culture in the City of Irwindale. The former concrete plant and vacant lot brings a private development that will add quality permanent new jobs for local residents, approximately 80 construction jobs, most of which will be filled with local Union members. One point seven million dollars in Development Impact Fees, a new traffic signal, new street lights, drainage mitigation, long-term economic revenue and many other community benefits. We're pleased that our proposed project is supported by Liuna and Carpenters, both of which are long term partners of Duke. We understand the Commissioners' concern with negative impacts associated with our project. The City has analyzed it properly and has imposed mitigation measures to best offset any negative impacts our project may have. We strongly believe in this project. The many benefits that it will bring to the local communities and our commitment to the contributing long-term partners with the City of Irwindale. Thank you for your time this evening.

CHAIR TAPIA

Thank you sir.

ADMINISTRATIVE
SECRETARY AGUILA

Our next speaker is Jaime Castillo. Mr. Castillo, you have been unmuted.

CHAIR TAPIA

State your name and address for the record.

JAIME CASTILLO

Good evening, my name is Jaime Castillo. I live at 16135 Peppertree Lane and I worked right here for Clark Pacific right here in Irwindale. In two years we have had jobs dry up and move out of town. We're also drying up where I am working at right now. Some of the jobs have left already and projects like this, I'm a union member at Local 300, allow us to get these jobs in our local community. It allows us to recycle those tax dollars that are produced locally. We can put it right back in coffers to produce more jobs. I have family and friends who are also Liuna members, who depend on these jobs in Irwindale to make sure we can support our families. With this pandemic, we don't know how far we're going to get. We don't know how far this pandemic is going to go. We don't know how many other jobs are going to dry up. This is a private developer who is willing to come into our community and build and put Union workers to work that offers us a good pay and benefits so we can take our kids to the doctor. Please think twice about this and remember that there's not a lot of good jobs out there anymore. There's not a lot of jobs out there with benefits and pensions. Please think twice and let's build this project because after it's built, it is still going to produce revenue for our community. People are going to work there. People are going to shop here. People are going to put gas here and people are going to spend their dollars here. I support this project fully, thank you.

CHAIR TAPIA

Thank you very much sir.

ADMINISTRATIVE
SECRETARY AGUILA

Our next speaker is Jimmy Elrod. Mr. Elrod you have been unmuted.

JIMMY ELROD

Honorable Chairman and Commissioners, my name is Jimmy Elrod and I am a representative with the Southwest Regional Council of Carpenters. With the honor and will to represent roughly 60,000 hardworking and highly skilled carpenters that have built our City, America, bridges, our schools that we take our children, our hospitals that we take our loved ones when they are ill. Thirteen hundreds of which live in the area within Irwindale. These are members that when there's an opportunity to work closer to home, those are cherished moments. Our members find themselves making long commutes to provide for them and their families and have meaningful careers that produce decent level of wage. As my brother from the Labor had stated, with the pandemic at hand, there's no turning a blind eye to the fact that there's a lot of people on unemployment. Why kill jobs in a time when jobs are needed. I ask you, like my brother from the Labor said, reevaluate the thought process behind the decision. Duke Realty has

been a great partner to the Carpenters and I am sure you will find them equally so for the City of Irwindale. Thank you for your time.

CHAIR TAPIA Thank you very much.

ADMINISTRATIVE SECRETARY AGUILA Our next speaker is John Preciado. Mr. Preciado, you have been unmuted.

CHAIR TAPIA Name and address for the record please.

ADMINISTRATIVE SECRETARY AGUILA Mr. Preciado, you are self-muted.

JOHN PRECIADO Am I unmuted now?

CHAIR TAPIA Yes.

JOHN PRECIADO Hi, my name is John Preciado. I am the business manager for the Southern California District Council of Laborers located at 4399 Santa Anita Avenue, El Monte, California. I am following up on the letter that I wrote on September 9th requesting that the Planning Commission reverse their decision to deny Duke Realty the ability to build this project. Duke Realty has been a good partner with the Laborers and the Carpenters for many years and they were the first developers who stepped up and seen that the tilt-up industry was not supplying what was needed in union wages and benefits. They are one of the ones who helped us to get contracts in place, provide good paying self-sustaining jobs and benefits for our members. We represent 32,000 members in Southern California, many of who live in Irwindale. As you heard one of our members from Irwindale speak earlier, the first speaker, and would ask you to please consider letting us work locally. We shouldn't have to drive all of the way to LA to work or the high desert. It's nice to work locally. It's something we rarely get to do. We have many people who would enjoy working on that project. We have a training center that is to the north of you in Azusa. Many apprenticeships will work on this project and we believe if you reconsider this project, you will see that Duke will be the partner that they have been to us. They will provide you with a quality project that will sustain this City time and time again as well as our members. Thank you for your time.

CHAIR TAPIA Thank you sir.

ADMINISTRATIVE SECRETARY AGUILA Our next speaker is Ernesto Pantoja. Mr. Pantoja, you have been unmuted.

ERNESTO PANTOJA Can you hear me?

CHAIR TAPIA Yes. Name and address for the record please.

ERNESTO PANTOJA Ernesto Pantoja. 2005 West Pico Boulevard, Los Angeles, California 90006. I am speaking on behalf of Sergio Rascon, business manager of Laborer Local 300. Honorable Chair. I am going to call you brother. At one point, you were affiliated with the laborers and obviously, we always feel like speaking to family. We would really like to ask you guys to reconsider this project for us. We've been before this body for several projects over the last couple of years and when we were before this body on the (unintelligible) project, which was approved. We had a lot of members there to speak who used to work at the precast plant there in Irwindale that shut down years ago. At the time, we had members that came to speak were commuting because they moved to Adelanto and they were really trying to make it work. They were residence of Irwindale. When we were preparing for this meeting and we looked at our rolls, Mr. Castillo is the last one left from that specific plant that is working and still living in Irwindale. Our ranges in Irwindale have shrunk considerably since the plant closed down and it's rare that we have developers like Duke Realty that is willing to work with us and provide these good paying jobs. These are the types of jobs that can transform cities. We give opportunities to veterans returning who have no skill sets that translate to civilian life. Second chance individuals who were formally incarcerated and can't find a real career they can't find anywhere else. We give them those opportunities. We would love to work with you guys on projects like this and have people from your community who are lost and trying to look for these careers. Like my brother said, Mr. Castillo and brothers from the Carpenters, there are jobs that are disappearing where you have good pension and good benefits. We would really like to ask you to please reconsider this project even if it means talking to the developer and working with them. We are all about partnering. That's what we are about and we would really like to ask you to reconsider. Thank you.

CHAIR TAPIA Thank you sir.

ADMINISTRATIVE SECRETARY AGUILA There are no more speakers, Chair.

CHAIR TAPIA At this time, we ask Vice-Chair Chico to clarify the findings that he stated regarding the denial of Environmental Impact Report.

VICE-CHAIR CHICO Thank you Mr. Chairman. First of all, I would like to make a couple of comments. Expressing my thoughts on the subject the last time around, after the public hearing. I obviously disagreed with the recommendation from Staff. However, it was in no way intended to be a personal disagreement or personal affront to any of the staff members. It was just a comment made based on the data that we were furnished and I happened to have disagreed with Staff. If I offended anybody or if I was disrespectful, I sincerely apologize. I didn't intend to do that. After all, we are all on the same team and our goal should be to better the quality

of life for the residents of Irwindale. That being said, I wanted to get to the issue on hand. We were presented with many tables of statistical information from several firms and public agencies regarding the environmental issues involved with this project. In my mind, the purpose of this scientific analysis to our environment was to give us, the decision makers, a means of evaluating the environment effects of the project under consideration. There were a many numbers we had to interpret, many values we had to try to understand and most of all, opinions from various sources we had to evaluate. In my mind what stood out the most was the excessive amounts of toxic emission and greenhouse gases that would be affected by this project. Over and over again the Draft EIR and the EIR state that the toxic emissions would be above the standard set by the Southern California Air Quality Management District. With that in mind, I offer these as my findings for supporting my motion. First of all, CalEPA categorized this area within the top 5% of disadvantaged communities. According to CalEPA, a community that scores exposed to higher concentrations of air pollutants and have a higher pollution burden. Second, regarding the proximity of sensitive receptors. Page 72 of the Final EIR response to comments 3-2 states that the City does not have to conduct an HRA because of the distance of sensitive receptors. Page 3.1-3 of the Draft EIR states that PM2.5 can remain suspended in the atmosphere for days and or weeks and can be transported long distances. Next, nitrous oxide emissions would be generated at 270 pounds per day, which is four times the acceptable threshold, according to Southern California Air Quality Management District. Page 3.1-22 states "Even with implementation of California Air Resources Board and Southern California Air Quality Management District recommendations in mitigation measure AQ-1, project related heavy-duty truck travel would result in Southern California Air Quality Management District daily significant thresholds being exceeded". Also, page 3.1-4 tells us that DPM is a concern because it causes lung cancer. Many compounds found in diesel exhaust are carcinogenic. Page 3.1-18 states that "implementation of the project would result in long-term operational emissions of criteria air pollutants such as particle matter 10, particle matter 2.5, carbon monoxide, and sulfur dioxide as well as ozone precursors such as ROG and nitrous oxide. Project generated increases in emissions would be predominantly associated with motor vehicle use. Page 175 and page 177 says "Finding: The project's impact to air quality is considered cumulatively significant and unavoidable". Page 179 states other finding. The project's impact to greenhouse gas emissions is considered cumulatively significant and unavoidable. Page 3.4-9 reads, even with implementation of California Air Resources Board and Air Quality Management District recommendations contained in mitigation measure GHG-1, project related heavy-duty truck travel would result in the Air Quality Management District industrial land use significance threshold to be exceeded. Also in the transportation section page 180, the finding ends by saying the project's impact to air quality is considered cumulatively

significant and unavoidable. And I interpret accumulates to be forever. That's the end of my findings.

- CHAIR TAPIA Thank you very much. We have been told that this meeting was not to change our vote of denial and Staff needed clarification. I'm going to ask Staff at this time if this clarification is enough for you. Is that enough for you to commit to writing the Resolution of denial?
- SENIOR PLANNER JONES I would like to ask Vice-Chair Chico how he would like that written.
- VICE-CHAIR CHICO I will give you a copy of my print out. I want it written exactly as I said it.
- SENIOR PLANNER JONES That's why I am asking because I am not going to make any interpretations or paraphrase it.
- VICE-CHAIR CHICO Okay, I will give you this print out.
- CHAIR TAPIA Is there anything that has been left out to take care of it today.
- CITY ATTORNEY GUERRA Mr. Chair, one question for Brandi and one question for the Commission. Brandi, do you think you have everything you need?
- SENIOR PLANNER JONES It depends. We're only talking about one finding, primarily, just about air quality. So, the denial based on solely about air quality and that's it.
- CITY ATTORNEY GUERRA Yes, that's my understanding. Both for the CEQA document and for the Site Plan and Design Review, is that correct?
- SENIOR PLANNER JONES I think there was some additional discussion for the Site Plan and Design Review. That was unrelated to air quality, if I am not mistaken.
- CHAIR TAPIA I got sidetracked and I visited the Site Plan and Design Review and the other one and that should have been omitted from any of the writings because I got it mixed up with the EIR. The EIR was the main issue. The EIR was denied the other two cannot be considered. I kind of got ahead of myself. Maybe I did confuse the issue, but disregard anything that I said because I did not make a Motion on anything.
- SENIOR PLANNER JONES Things that you said on the record, disregard it?
- CHAIR TAPIA No, I am saying don't try to interpret what I said. I should have keyed into the other part of the EIR and I got ahead of myself and looked at the findings on the other two issues which were not relevant at the time until we took care of the EIR. Anything that I said, don't let that confuse

you. The issue with what Vice-Chair Chico stated. Again, I did not make a motion. I did not make a motion lacking thereof.

CITY ATTORNEY
GUERRA

Brandi, just to confirm, do you have everything you need to work on the Resolution?

SENIOR PLANNER
JONES

Let me look over the Resolution again. I just want to make sure.

CITY ATTORNEY
GUERRA

While Brandi is taking a look at that, I just want to confirm with the full Commission, at least the four members that participated. Does Vice-Chair Chico's comments – is there a consensus that's the basis for the Recommendation for Denial.

COMMISSIONER
HARTMAN

Absolutely, yes.

CHAIR TAPIA

Yes.

CITY ATTORNEY
GUERRA

Okay. We'll just wait to hear from Brandi and we will go from there.

SENIOR PLANNER
JONES

At this point I don't think there's anything that I can ask for since Vice-Chair Chico will be providing the verbatim language. There will be no room for interpretation or any mistakes.

CITY ATTORNEY
GUERRA

I think we have what we need. We can move on with the agenda.

PUBLIC HEARINGS

There were no items.

**DISCUSSION ITEMS/
PRESENTATIONS**

There were no items.

**COMMISSIONER
COMMENTS**

COMMISSIONER
HARTMAN

The abandoned bank building on the corner of Irwindale Avenue and Arrow Highway is looking pretty bad again. There is a lot of dead trees. Right there in the heart of town, it doesn't look real good. The other issue that I have is the address 4607 Nora Avenue, the City; I believe it is as of now, still City owned property. They just got through renovating the property and the house. The landscapers that came in did a very lousy job. As of right now, it's been about two or three weeks since they've put on the landscaping, the weeds are higher than the grass. Where they have the woodchips there was no liner underneath it to

stop the weeds. It was just, in my opinion, a very poor job. That's all I have.

CHAIR TAPIA Thank you very much. Anyone else?

LEGAL COUNCIL There were no items to report by legal counsel.

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER'S REPORT

CHAIR TAPIA Our Community Development Manager is not present today, but do you have anything for us, Brandi?

SENIOR PLANNER JONES Yes, we might have something for you. If you can just give me a second. While we wait, Adrian, can you answer a question about the Resolution? Since the denial was based on the EIR, we don't have to modify the Site Plan and Design Review Resolution.

CITY ATTORNEY GUERRA We will still do a Resolution denying the Site Plan and Design Review, but the basis for the recommendation of denial will be because of the CEQA document is being recommended for denial. It is a much shorter Resolution as I see it.

SENIOR PLANNER JONES Okay, so we don't have to use the standard language.

CITY ATTORNEY GUERRA Yes. I don't remember if there is a finding in there regarding air quality, but we can talk about that another time.

SENIOR PLANNER JONES Okay.

CHAIR TAPIA Anything else?

SENIOR PLANNER SIMPSON Give me one second.

CHAIR TAPIA Adrian, as soon as the meeting is over, this monitor clicks off. I guess I'll have to call you to ask you the question on Resolution 786(20).

CITY ATTORNEY GUERRA Okay.

CHAIR TAPIA My only concern is that we did approve this Resolution, but it was not included in the minutes and usually they are included in the minutes as to who said what and I just want to make sure that I am legally on board if I sign it.

CITY ATTORNEY GUERRA	Yes, if the Commission adopted the Resolution, you are authorized to execute it. You don't need the minutes. The minutes are just to verify the actions and discussion, but you don't need that to sign the Resolution.
CHAIR TAPIA	Okay, that's the clarification on it. Thank you, Adrian.
CITY ATTORNEY GUERRA	You're welcome.
CHAIR TAPIA	Right now we are waiting for Brandi to come back. Any other comments while we wait for Brandi.
ADMINISTRATIVE SECRETARY AGUILA	We have Marilyn presenting Community Development Manager/City Planner's Report.
SENIOR PLANNER JONES	Can you hear her?
CITY ATTORNEY GUERRA	Barely.
COMMUNITY DEVELOPMENT MANAGER/CITY PLANNER SIMPSON	Good evening Chair and Commissioners and audience members.
SENIOR PLANNER JONES	Is it coming through for you guys?
COMMISSIONER HARTMAN	No.
CITY ATTORNEY GUERRA	Not very well.
CHAIR TAPIA	Sounds like she is drinking sarsaparilla.
COMMUNITY DEVELOPMENT MANAGER/CITY PLANNER SIMPSON	Can you hear me now?
ADMINISTRATIVE SECRETARY AGUILA	I'm sorry, can the Commissioners hear Marilyn?
CHAIR TAPIA	I can hear the bubbles.

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON

Commissioners, can you hear me?

COMMISSIONER
HARTMAN

Now, yes.

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON

Thank you. I am finishing up a Planning Conference, that is where I am now. It is the California American Planning Association annual conference, where Planning trends, tools and issues are discussed and where the responsibilities and obligations for everyone involved in the Planning field are laid out and examined. This includes the basic obligations.

CHAIR TAPIA

You are very broken up. We can't understand what you're saying.

COMMISSIONER
HARTMAN

Very distorted audio.

ADMINISTRATIVE
SECRETARY AGUILA

Technical difficulties. Brandi will be back in a few seconds.

SENIOR PLANNER
JONES

Give me one second.

ADMINISTRATIVE
SECRETARY AGUILA

Marilyn is dialing in. It will be a minute or two.

SENIOR PLANNER
JONES

Okay, we are back. I'm going to read a statement prepared by Marilyn Simpson. "Good evening Chair, Commissioners, staff, and audience. I am finishing up a Planning conference – the California American Planning Association annual conference, where Planning trends, tools, and issues are discussed and where the responsibilities and obligations for everyone involved in the Planning field are laid out and examined. This includes the basic obligations in an adopted statement by APA called the Ethical Principals in Planning – a guide to ethical conduct and responsibilities for all who participate in the process of planning as advisors, advocates, and decision makers. All of Irwindale's planning staff adhere to the principals of our professional organization. Additionally, I am a certified planner; a member of the American Institute of Certified Planners (AICP), with a pledge to uphold high standards of practice, ethics, and professional conduct. Getting my certification involved studying of the history of planning, legal issues in planning, ethics, and staying informed of current planning issues – and passing a comprehensive test that demonstrated my knowledge of all of these items. Being certified also requires continuing education to

maintain this certification. At last month's planning commission meeting, there were several statements made by the Chair that need to be clarified. These statements have left a long shadow over staff, myself, others that were in attendance, and over the City's planning process as a whole. These statements questioned Planning staff's professionalism and ability to work on behalf of the City to process development applications. Staff was accused of having a conflict of interest, being personally and emotionally involved with developers, finding loopholes for applicants, and even the suggestion of money exchanging hands while we are doing our job. I have received multiple calls from the public regarding the comments. These statements need to be clarified publicly since they were made publicly. These can be considered professional charges against me and staff that are potentially defaming. In Planning, we use the "laws" and tools provided to us, which includes the City's General Plan and Zoning Code, any adopted guidelines and policies, CEQA and other applicable State laws. If there is a suspicion of improper and/or illegal conduct by staff, or we fail to follow the laws, there is a process for reporting – which is to go to the City Manager with the charges and proof of any misdeeds. To date, there have not been any reports made to the City Manager regarding any misconduct by myself or other planning staff, including misconduct related to inappropriate relationships with developers, conflicts of interest, or failing to correctly follow the zoning code criteria or general plan policies. And because I am AICP, as a certified planner, I am held to a standard of additional principals and rules of conduct that I have committed to uphold and APA has a mechanism to file a complaint and I invite anyone to file an ethics complaint with them if they feel I have violated the rules or committed any wrongdoing. They will investigate and take necessary action if I am found blameworthy. I have an overall responsibility to serve in the public interest, both my employer, the community, our customers, and my planning colleagues. This involves dealing fairly with all participants in the planning process. So, with that, I am requesting clarification of the public statements that were made regarding staff at the August Planning Commission meeting.

CHAIR TAPIA

Thank you for the report. I want to request a tape of that meeting because, in my opinion, things were blowing up. I personally asked if we could have a workshop regarding the procedure of the Planning Department. I stated that the City hires the Planning Department and then when the applicant comes in for some reason or another, which I wanted clarified. The Planning Department works together with the applicant and does whatever it needs to do, procedure wise. If the applicant meets the standard and I believe, from what I heard right now, it was taken way out of context because I just said that it felt to me like there was a conflict of interest. I did not say anytime what I just heard right now. I want a statement of what I just heard also. I want that statement that was just declared right now and I want a copy of the meeting that we just had ASAP because I am going to take care of this. None of what I said was in an accusatory manner. I just had questions

and I don't know how it was taken out of context. I didn't say anything during the regular meeting. My question was when it says "discussion items and presentations". That's when I said what I did because it is very confusing and I also said that it put staff against the Commission because if we don't want something or don't feel like we should have it in our City. I think there should be some kind of flavor as to what we want in this City. Also a scope of what is going to compromise our way of living. I never pointed the finger at anyone. I did make a comment about maybe addressing Staff or asking them questions because this has happened to me already. It's like you go to Staff to get clarification and then other people find out what you want to clarify. If I said anything that hurt anyone or was out of line, maybe that was it, but it's happened to me with legal counsel – not Adrian. I did ask Adrian today if I go to you and I pour out my heart and I ask you things, how much of it is confidential. What are you obligated to let our City Manager know and he explained it to me because I had some issues regarding several things. In my opinion, this was taken way out of context and I don't care if I have to speak in public or not. I am not afraid to speak in public and I know what I said and I know what I said and what my heart feels. Like Loretta said, I am not here to tear anybody down. We are the Commission and we do have a voice in this town and our obligation is to make sure that the best happens for this town. We don't wind up again with a piece that looks like a moon with craters in it. That's one thing that if we are going to call ourselves a City and we are going to want the best for our City, then everyone has to see what is really the best for our City, not for the applicant. With that, I am going to stop before I offend anybody else or before I say anything that I have to go before the public. I, in my heart did not say anything. It's a frustrating situation that the Planning staff gets to work with these applicants, for sometimes a year or two or six months. Everything passes and everything is fine and then it comes to us and we're supposed to deal with this in a matter of days. When it took Staff and the applicant x amount of time to come up with the information or presentation that we are presented. I am going to stop there. But I am requesting, since you are the Senior Planner, Brandi, I am requesting, since you are here, that you send me that statement that you just read and the tape. Thank you very much.

SENIOR PLANNER
JONES

Thank you Chair Tapia. We will provide you with a copy of the meeting and you will also be receiving verbatim minutes once they are completed. They are pretty extensive.

CHAIR TAPIA

That statement is included, right? The statement that was read by someone.

CITY ATTORNEY
GUERRA

Yes, staff will provide you a copy of the statement made and also provide minutes from the last meeting.

CHAIR TAPIA

Okay. Thank you very much.

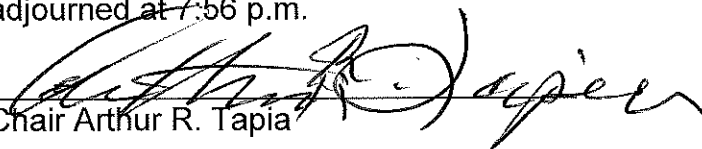
CHAIR TAPIA Anything else before we adjourn?

CHAIR TAPIA Again, I would like to adjourn this meeting in honor and remembrance of Edward Diaz.

AGENDA ITEM There were no items.
REQUESTS BY

CHAIR TAPIA Chair Tapia adjourned the meeting in memory of all individuals who have lost their lives during this worldwide pandemic.

ADJOURNMENT There being no further business to conduct, the meeting was adjourned at 7:56 p.m.


Chair Arthur R. Tapia

Attest:


Berlyn Aguila, Administrative Secretary

Approved as presented at the meeting held October 21, 2020