



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

September 18, 2019

6:30 P.M.

IRWINDALE CITY HALL/ COUNCIL CHAMBER

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 from 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).



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**

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. May 30, 2019

2. NEW BUSINESS

3. PUBLIC HEARINGS

A. CONDITIONAL USE PERMIT NO. 02-2018 (MGA Roll Off Service Inc.)

Request for a Conditional Use Permit for the establishment of a roll-off truck storage yard for a property zoned M-2, located at 15615 Arrow Highway (APN 8619-001-013). ENVIRONMENTAL REVIEW: The proposed project is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15332 (Class 32; In-Fill Developments), which exempts infill development within urbanized areas that are consistent with the General Plan and Zoning, would not result in any significant traffic, noise, air quality, or water quality impacts, and can be adequately served by all utilities and public services.

4. DISCUSSION ITEMS/PRESENTATIONS

5. COMMISSIONER COMMENTS

6. LEGAL COUNSEL COMMENTS

7. COMMUNITY DEVELOPMENT MANAGER/CITY PLANNER'S REPORT

8. **AGENDA ITEM REQUESTS BY COMMISSIONERS**

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 September 18, 2019 to be posted at the City Hall, Library, and Post Office on September 12, 2019.

Berlyn Aguila

Berlyn Aguila
Administrative Secretary

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

ROLL CALL:

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

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

SPONTANEOUS COMMUNICATIONS

There were no speakers.

CONSENT CALENDAR

**ITEM NO. 1A
MINUTES**

MINUTES

The following minutes were approved as presented:

- 1) Special meeting held March 25, 2019.

NEW BUSINESS

There were no items.

PUBLIC HEARINGS

There were no items.

**DISCUSSION ITEMS/
PRESENTATIONS**

There were no items.

ITEM NO. 4A

Commercial and Industrial Design Guidelines Review and Direction to staff

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER MARILYN
SIMPSON

Community Development Manager/City Planner Simpson reported that Commissioner Corpis had informed staff about her absence prior to the meeting.

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER MARILYN
SIMPSON

Community Development Manager/City Planner Simpson stated that the Commissioners have received a copy of the Commercial and Industrial Design Guidelines and the three exemptions that have been made. She also states that staff recommends additional time for Commissioners to review the Commercial and Industrial Design Guidelines and existing exemptions in order to provide direction to staff at the following Planning Commission meeting. Any changes to the Commercial and Industrial Design Guidelines will be brought forward to the City Council for approval.

- CHAIR TAPIA Chair Tapia asked if only the adjustments will be brought forward. Community Development Manager/City Planner Simpson replied that the adjustments and any changes to prior exemptions will be taken as a whole to City Council.
- CHAIR TAPIA Chair Tapia asked if the active “grandfathered” businesses must be up-to-date with the City’s guidelines. Assistant City Attorney Guerra replied that unless the business asks for an entitlement or a new development, they do not have to adhere to the City’s current guidelines.
- CHAIR TAPIA Chair Tapia asked if the city can legally make an adjustment where the “grandfathered” businesses will have to comply with the current guidelines. Assistant City Attorney Guerra replied that only if a business asks for a land use entitlement or a building permit, they do not have to comply.
- COMMUNITY DEVELOPMENT MANAGER/CITY PLANNER MARILYN SIMPSON Community Development Manager/City Planner Simpson reminded the commissioners to send all comments regarding the Commercial and Industrial Design Guidelines directly to her. Assistant City Attorney Guerra added that all comments sent directly to Community Development Manager/City Planner Simpson will be presented to the Commissioners and should not be discussed between each other because it can violate the Brown Act.
- VICE CHAIR CHICO Vice Chair Chico asked if the Brown Act does not allow them to speak to one another and provided an example. Assistant City Attorney Guerra clarified that they are able to socially speak to one another but not involving any items on the agenda.
- VICE CHAIR CHICO Vice Chair Chico gave an example of what could possibly be a Brown Act violation. Attorney Guerra added that the Brown Act can also be violated by text or email.
- ITEM NO. 4B New FPPC Conflict of Interest Regulations Pertaining to Real Property Interests
- ASSISTANT CITY ATTORNEY GUERRA Assistant City Attorney Guerra announced new California Fair Political Practices Commission (FPPC) updates. He stated that the prior regulation applied to decision makers/individuals within 500 feet of the subject site, therefore it would be a conflict of interest and that person would not be able to participate in the project review and decision making.
- VICE CHAIR Vice Chair Chico asked if these regulations only pertain to City

- CHICO Officials. Assistant City Attorney Guerra clarified that it includes all City Officials and decision makers. He also stated that their financial interest of the project will be considered.
- VICE CHAIR
CHICO Vice Chair Chico questioned if there is no financial benefit, will it still be considered a conflict of interest. Assistant City Attorney Guerra replied that it also includes a detriment.
- VICE CHAIR
CHICO Vice Chair Chico asked about the possibility of a detriment being within 500 feet. Assistant City Attorney Guerra stated that whether it has a positive or negative impact, it will still be considered a conflict of interest.
- CHAIR TAPIA Chair Tapia asked for further clarification.
- ASSISTANT CITY
ATTORNEY GUERRA Assistant City Attorney Guerra compared the previous California Fair Political Practices Commission (FPPC) regulations and the new updates. He also provided examples of both regulations.
- VICE CHAIR
CHICO Vice Chair Chico asked about the appeal process considering that proposed project could possibly be within the 500 to 1000 foot radius and it can take up to six months for an analysis from the FPPC. Assistant City Attorney Guerra replied that the Commissioners will be informed of a proposed project as soon as the application is submitted, therefore, allowing enough time to receive a response from FPPC. He also added that an analysis must be made in order to avoid it being challenged.
- COMMISSIONER
HARTMAN Commissioner Hartman stated his concern over having no quorum in the case of three commissioners being considered an interest of conflict. Assistant City Attorney Guerra explained that FPPC has a procedure in the case of no quorum. He stated that one of the three exempt commissioners will be selected to have the third vote.
- VICE CHAIR
CHICO Vice Chair Chico referenced the size of the city and the potential of it being considered a conflict of interest. Assistant City Attorney Guerra stated that FPPC has a financial conflict and the Common Law Bias to be considered when a commissioner must make a determination. Vice Chair Chico replied that the applicant's project could likely be approved even though it's detrimental.
- ASSISTANT CITY
ATTORNEY GUERRA Assistant City Attorney Guerra indicated that the exempt Commissioners have a right under the First Amendment and as members of the public to make any comments during the staff presentation, but will not be allowed to vote. Vice Chair Chico asked if the exempt Commissioners are able to speak about the project to another individual. Assistant City Attorney Guerra replied that they continue to have their rights as a citizen.

ASSISTANT CITY
ATTORNEY GUERRA

Assistant City Attorney Guerra stated that this regulation is placed so the decision maker is biased about an upcoming project. Vice Chair Chico gave an example of a biased decision and asked why the new update has been approved. Assistant City Attorney Guerra replied that each city has adopted a zoning code that allows certain uses, therefore every decision must adhere what is stated in the code.

VICE CHAIR
CHICO

Vice Chair Chico stated that there are still Variances and potential Zone Changes. Assistant City Attorney Guerra replied that the city is in the works of updating the Zoning Code. Vice Chair Chico stated his opinion about the interest of conflict and the decrease in property value.

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER MARILYN
SIMPSON

Community Development Manager/City Planner Simpson reported that when an application is submitted and there is a conflict of interest with a Commissioner, the individual will be excused and they become a citizen/resident and is able to submit comments to staff. She also added that the commissioner will not be identified and the comment will be brought forward as a "concern from a resident".

VICE CHAIR
CHICO

Vice Chair Chico gave an example of a project submittal that is considered a conflict of interest and stated that staff should advise the affected Commissioner, Assistant City Attorney Guerra and begin the analysis with FPPC, otherwise the applicant will receive a response before the analysis from FPPC is complete. Assistant City Attorney Guerra replied that the Commissioner will be notified, but the analysis can be completed a month prior to the Planning Commission meeting.

VICE CHAIR
CHICO

Vice Chair Chico stated that a Commissioner needs to be advised if they will be allowed to vote on the upcoming project. Assistant City Attorney Guerra replied that in order for the Commissioner to receive a response, the analysis must be made, but can take months. Commissioner Hartman made a comment in reference to the analysis.

CHAIR TAPIA

Chair Tapia asked if there is a case on file where the requested proposal is easily accepted with the new regulation. Assistant City Attorney Guerra replied that there no such case yet, but the new update is not to facilitate the applicant's request.

CHAIR TAPIA

Chair Tapia asked why the FPPC updated their regulation. Assistant City Attorney Guerra replied that he will follow up, but believes it could be because 500 to 1000 feet allows flexibility to determine if there is a conflict of interest.

CHAIR TAPIA

Chair Tapia asked how long this has been an issue. Assistant City Attorney Guerra replied that it could be possibly a year or several years.

VICE CHAIR
CHICO Vice Chair Chico expressed his opinion about benefiting the developer.

COMMISSIONER
BUROLLA Commissioner Burrola asked if the Zone Change will be made before accepting any more applications from developers. Vice Chair Chico asked if the City Council can issue a moratorium. Community Development Manager/City Planner Simpson stated that there will be a new Zoning Code update and uses will include the following: Permitted by right or conditionally permitted, development standards, and compatibility of uses. She also added that the Zoning Code is the City's law and the Commissioners will be able to make a decision when the update is brought forward in the future.

CHAIR TAPIA Chair Tapia suggested staff to create a library that is easily accessible to the public where staff can include what the Commissioner have learned and what the staff has researched. It can be used as reference for Commissioners to look into when there's a question.

ASSISTANT CITY
ATTORNEY GUERRA Assistant City Attorney Guerra suggested that if Commissioners believe they are less than 1000 feet away from the proposed project, they are able to get in contact with staff and they will be guided thereafter.

CHAIR TAPIA Chair Tapia asked if Commissioners own multiple properties, are they able to use either address. Assistant City Attorney Guerra replied that each property is subject to the same regulation. In reference to Vice Chair Tapia's question, the moratorium can be issues by City Council but it has to be on a use-by-use or area basis. He provided an example of a moratorium.

VICE CHAIR
CHICO Vice Chair Chico asked if a public hearing is needed for a moratorium. Assistant City Attorney Guerra replied that there is a hearing required before the City Council. He also stated that if one property is targeted, it can cause an issue. Vice Chair Chico added that new rules will be added and have to be obeyed.

ASSISTANT CITY
ATTORNEY GUERRA Assistant City Attorney Guerra referenced a new a bill that will disregard a cities jurisdiction to regulate certain uses.

CHAIR TAPIA Chair Tapia shared that Commissioners need to understand what is brought forward. Assistant City Attorney Guerra restated that a Commissioner must abstain if there is a personal bias, is an employee of the developer or new development, or if any contract with the property would affect one's decision. Community Development Manager/City Planner Simpson added that the zoning code is to be updated and that a moratorium is being considered on certain uses in specific areas based on comments and concerns that have been presented to staff.

COMMISSIONER BURROLA Commissioner Burrola asked if a third party is being used for the analysis. Community Development Manager/City Planner Simson replied that since the analysis is still in its early stages, it has yet to be determined.

COMMISSIONER COMMENTS

CHAIR TAPIA Chair Tapia congratulated Assistant City Attorney Guerra on the birth of his newborn.

LEGAL COUNSEL

There were no items to report by legal counsel.

COMMUNITY

**DEVELOPMENT
MANAGER/CITY**

PLANNER'S REPORT

Community Development Manager/City Planner Simpson announced that staff will be hosting a second community meeting on Tuesday, June 11th for the Park at Live Oak Specific Plan. She also reported that the San Gabriel Valley Council of Governments (COG) has created a task force to track coyotes that include sightings, near encounters, and attacks. The task force will be brought forward if City Council decides to participate.

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER MARILYN
SIMPSON

Community Development Manager/City Planner Simpson introduced City Manager Tam to answer questions regarding the Manning Pit as mentioned in the previous Planning Commission meeting.

VICE CHAIR
CHICO

Vice Chair Chico asked when will the Conditional Use Permit be terminated for the Manning Pit. City Manager Tam replied that the Conditional Use Permit ended when the pit was filled to street level. Vice Chair Chico asked if the operators and trucks are no longer on sight. City Manager Tam replied that they have been removed.

CITY MANAGER
TAM

City Manager Tam stated a previous question regarding trees placed on sight. He mentioned that the trees on the site were received to plant alongside Irwindale Avenue. The City of Irwindale's portion of the Manning Pit is being used for City operations.

COMMISSIONER
BURROLA

Commissioner Burrola asked how long it took to fill the pit and if it was completed within scheduled time. City Manager Tam replied that it took six to seven years and was not completed as scheduled because there was a recession that affected the amount of fill material available.

VICE CHAIR
CHICO

Vice Chair Chico asked if there is a discussion about homes being built at the Manning Pit. City Manager denied any discussion.

COMMISSIONER

Commissioner Burrola asked if a developer is chosen, will they have

BURROLA the same leasing agreement such as the Olive Pit. City Manager Tam replied that all pits will follow state regulations and added that the library maintains records of every individual pit reclamation.

CHAIR TAPIA Chair Tapia thanked Community Development Manager/City Planner Simpson for the presentation and thanked staff for the additional time to review the Design Guidelines.

ADJOURNMENT There being no further business to conduct, the meeting was adjourned at 7:24 p.m.

Chair Arthur R. Tapia

Attest:

Berlyn Aguila, Administrative Secretary

E. FIRE DEPARTMENT

1. Any new building construction shall require plans to be submitted to the Fire Prevention Engineering Office located at 231 W. Mountain Avenue, Glendora CA 91741. The plans shall include fire access, hydrant location, fire flow availability and life safety information. Plans shall include the project address, assessor's parcel number, type of construction, and occupancy classification.
2. Provide a drive aisle with a minimum unobstructed width of 26 feet "clear to sky".