

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

ROLL CALL:

Present: Commissioners Loretta Corpis; Patricia Gonzales; Robert E. Hartman; Vice-Chair Richard Chico; Chair Arthur R. Tapia

Also present: Gustavo Romo, Community Development Director; Adrian Guerra, Assistant City Attorney; Brandi Jones, Associate Planner; William Tam, Director of Public Works/City Engineer; Cathy Huicochea, Administrative Secretary

REORGANIZATION OF THE PLANNING COMMISSION

Office of Chair:

Administrative Secretary Cathy Huicochea opened the floor for nominations for Chair. Vice-Chair Chico nominated Chair Tapia and he accepted the nomination. There being no further nominations, the floor was closed and on a call for the vote Chair Tapia was unanimously appointed to the office of Chair.

Office of Vice-Chair:

Chair Tapia opened the floor for nominations for Vice-Chair. Vice-Chair Chico nominated Commissioner Gonzales and she accepted the nomination. There being no further nominations, the floor was closed and on a call for the vote Commissioner Gonzales was unanimously appointed to the office of Vice-Chair.

SPONTANEOUS COMMUNICATIONS

There were no Spontaneous Communications to report.

1. CONSENT CALENDAR

A. APPROVAL OF MINUTES

The floor was opened for review and approval of the minutes of December 16, 2015. Commissioner Chico motioned to approve the minutes as presented.

MOTION: Commissioner Chico

SECOND: Commissioner Corpis

Ayes: Commissioner Corpis, Commissioner Hartman, Commissioner Chico, Vice-Chair Gonzales, Chair Tapia

Noes: None

2. NEW BUSINESS

A. Manning Pit Update

Public Works Director William Tam reported that in response to direction received at the December 16, 2015 Planning Commission meeting, staff has put together a brief update of the Manning Pit remediation and grading project. He indicated that photos will be presented describing the status of the project as well as a summary on a few areas of completion.

The following topics were discussed during the course of the presentation:

- Future plans have been made by L.A. County to convert their side of the Manning Pit into a fully functional ground water recharge basin which was not planned for at the beginning of the project. The recharge basin will require the construction of a dam to hold the water.
- City staff is currently working with L.A. County to determine if the City will actually construct the dam for L.A. County and if the City will be allowed to encroach onto the L.A. County side of the pit in order for the City to be able to access their whole portion of the pit.
- Details were shared regarding the existing berm on the west side of the Manning Pit. It was noted that the berm is a temporary stockpile surcharge and according to the contractor will be removed six months after completion of the surcharge portion of the pit.
- Completed milestones were also presented for the work in progress.
- Geotechnical reports are provided to the City on a quarterly basis and each report documents all fill locations, quantity of fill, fill performance and results of compaction testing.
- With regard to project completion, surface area is less than five acres and the anticipated remaining volume is close to 1.1 million cubic yards. The timing based on the progress over the past year is 12 to 15 months, at which time the entire site will be filled.
- Goal for compaction and settling is to have normal type of sediment potential to allow for normal construction of buildings without implementing any special type of foundation.
- Sediment monuments installed so far will keep track of sediment being recorded over the course of the filling. Based on that, the geotechnical engineer will specify design criteria for the building engineer to design the footing.
- Monitoring and compliance with all City standards and regulations will continue. The site is also regulated by outside agencies and the L.A. Regional Water Quality Control Board (RWQCB) has issued a waste discharge permit requirement. The City will continue to receive quarterly reports for all testing performed until the site is closed.
- Load checking program has been implemented to track all import and screening on a daily basis before truck loads can enter the site. Import fill is checked for cleanliness and must meet RWQCB regulations; this will also continue until the process is completed.
- City currently has two consultants assigned to the project - a source group for environmental reporting procedures and a geotechnical firm overseeing the geotechnical side of the project.
- Each import fill site is lab tested before approval is given to haul in their import fill. Records for every site are located in the onsite job trailer. These records are also included in the quarterly reports submitted to the RWQCB for approval.
- After filling is complete, geotechnical reports also filed with the City will be provided to the future owner.
- City has so far received 16 quarterly reports for the past four years of continuous filling since the beginning of the project. During the development phase it will be up to the owner's discretion to determine how many drilling locations will be cored to verify information presented in the geotechnical reports.

Public Works Director Tam completed his presentation and was thanked for the information he shared. He also extended an invitation to the Planning Commission for a site visit if so desired.

3. OLD BUSINESS

There were no Old Business items to report.

4. PUBLIC HEARINGS

A. CONDITIONAL USE PERMIT NO. 28-2015 (ROY REVIERE VERNINAS)

Associate Planner Brandi Jones discussed the staff report and stated that the proposed project is a request to operate an automotive repair and service facility in an existing building at 16343 Arrow Highway in the M-2 (Heavy Manufacturing) zone. The following details were presented during her report:

- Existing site is comprised of a 1.05 acre site partially improved with a 5,000 square-foot building, a 680 square-foot covered patio, and a 3,340 square-foot storage building. The site has also been vacant since September 30, 2015 when the last business ended its lease.
- Staff found no existing discretionary permits on file for the property, other than building permit records for various improvements, including additions and original construction of the existing office, manufacturing, and storage buildings.
- The automotive repair and service will consist of fixing and repairing a variety of automotive makes and models.
- Proposed days and hours of operation are Monday thru Friday, 8am to 5pm and Saturday, 8am to 2pm and the business will be closed every Sunday.
- The main building is broken down into three areas, including a lobby/storage area, office and the main repair area. The existing L-shaped building to the rear of the site is for storage only. The remaining square footage of the lot is unimproved and will not be used for any means such as for storage.
- Staff has added a new Condition of Approval to ensure the site is maintenance free of weeds, parking, and outdoor storage, as well as the installation of a new 6-foot high chain link fence along the eastern property line.
- There are 5 existing parking stalls on the site and a total of 13 parking spaces are required. The applicant is proposing to create 9 additional parking stalls for a total of 14 parking stalls; there is also enough space available for the new parking stalls.
- There is an existing area along the western property line that is currently graveled and will be paved with asphalt or equivalent and then restriped. There are also two existing driveways, one of which is shared with the property to the west of the subject site.

Associate Planner Jones stated that a new Condition of Approval No. B.14 is being proposed which would require that all operations be held within a completely enclosed building. The condition would read as follows: *"All repair activities shall be conducted within a completely enclosed building."* She completed the report and recommended that the Planning Commission adopt Resolution No. 670(16) approving Conditional Use Permit No. 28-2015 subject to the stated Conditions of Approval.

The floor was opened for inquiries for staff and the applicant was also presents. The following comments and inquiries were discussed:

- Chair Tapia asked if past businesses on the site could have contaminated the soil. Associate Planner Jones replied that Branson Sash and Doors and Pacific Panel are the only two businesses with existing records on file and neither operation involved hazardous materials

which would have required a CUP. In response to a second inquiry, staff did not see any record of equipment such as underground tanks and private gas pumps.

- Commissioner Chico asked about the gravel on the western property line set to be paved with asphalt or equivalent and asked what constitutes equivalent. Community Development Director Romo replied the paving would be asphalt or concrete. Commissioner Chico then suggested that this should be specified somewhere in the Conditions of Approval.
- Commissioner Chico voiced concern with the open area and could see where the operator might on occasion park vehicles there. After further discussion regarding the open area, staff suggested a revision to Condition No. B.12 to state that *"the open area shall not be used at anytime for storage of anything."*
- Chair Tapia spoke about aesthetics and suggested that in addition to the wrought iron or tubular steel, to have the whole frontage view obscured with perforated steel screening. He emphasized the importance of the frontage being visually appealing and that the screening would also block the view of the rear area. He added screening could also be installed along a part of the west side of the property. Associate Planner Jones replied that Condition No. B.8 could be modified to state that *"all existing chain-link fencing and gates shall be replaced with decorative view obscuring wrought iron"*. She noted, however, that view obscuring material can increase the opportunity for graffiti. Community Development Director Romo added that depending on lighting there might also be security concerns with not being able to see into the property at night.
- In response to an inquiry by Chair Tapia, Associate Planner Jones clarified that only the frontage will be surrounded by wrought iron or tubular steel as well as the westerly side of the property. The only area proposed for chain link fencing is along the eastern property line in the rear which is a vacant parcel and currently has no separation from the corner lot.
- In response to an inquiry by Chair Tapia regarding the onsite gates, Associate Planner Jones replied that there are two existing gates - one on each side of the building. Chair Tapia suggested leaving one section of each gate uncovered but maybe with planters and again stated his preference not to have the back area visible.
- Commissioner Hartman brought up handicap parking and although he knew it was required through the Building Code, he did not see any handicap parking called out for on the site plans or Conditions of Approval. Associate Planner Jones replied that as part of the Building Department plan check, a determination for handicap parking will be made based on the number of parking stalls there will be on the site. Public Works Director Tam added that in addition the applicant will have to demonstrate required handicap parking along with handicap access from the handicap parking space to the building. Community Development Director Romo suggested adding a new condition of approval recommending that plans submitted to the Planning and Building Department should include a copy of the Conditions of Approval prior to building permit issuance and final occupancy sign off. This would identify planters, pavement, gates and handicap parking and access.
- Chair Tapia indicated that if it is not already referenced in the Conditions of Approval, a slope or new grading should be established because of the new paving. He added that the grading would be located beyond the driveway from where the parking stalls begin so runoff can drain properly into the gutter. Community Development Director Romo replied that

when plans are submitted for building permits, tenant improvements and so forth, the plans will need to identify if there are any existing drainage problems on the site, such as ponding.

Since there was no further discussion the public hearing was opened for public input.

Roy Reviere Verninas, 843 West Duarte Rd, Monrovia, Irwindale, CA

The applicant, Roy Reviere Verninas, introduced himself and offered to answer questions on the proposed project.

Roy Reviere Verninas

In response to an inquiry by Chair Tapia regarding commercial vehicle repairs, the applicant replied that large diesels will not be repaired. He did however plan to repair small diesel-powered pickup trucks.

Roy Reviere Verninas

Chair Tapia asked the applicant how he felt about the proposed revisions to the Conditions of Approval and the applicant replied that he was fine with the revisions.

Roy Reviere Verninas

In response to an inquiry by Commissioner Chico regarding the onsite gates, the applicant replied that both gates are swinging gates. The west side entrance will however be installed with rolling gates.

Since there was no further public input the public hearing was closed. Chair Tapia asked how the rest of the Commission felt about the changes he proposed for making the location a little more obscure. He was also willing to compromise by leaving certain areas open to provide some visibility for the police.

Commissioner Chico shared his opinion on view obscuring the frontage and emphasized the importance of being able to see inside the property. He noted that if the property near the auto repair shop is well lit it would minimize exposure to intruders. He added that automotive repair shops by nature have expensive equipment which would be a thief's primary target and view obscuring the frontage would give a thief a better chance of being unnoticed. He indicated that he would rather see the area wide open with plenty of lighting. Chair Tapia stated that these comments made sense and withdraw his previous suggestion for the view obscured screening. He also stated that he was satisfied that the frontage will be enhanced with wrought iron or tubular steel.

In response to an inquiry by Commissioner Chico regarding the height of the fencing, Associate Planner Jones replied that fencing up to six (6) feet high does not require a building permit. Fencing higher than six (6) feet would require a building permit and cannot extend higher than eight (8) feet.

The public hearing was closed and the floor was opened for further discussion.

Assistant City Attorney Guerra went over the proposed revisions to the Conditions of Approval:

- Add the term *"at anytime"* to Condition No. B.12 after the term *"shall not be used"*. This will clarify that storage of anything in the open area shall not be allowed at anytime.
- Add a new Condition No. B.14 as recommended by staff stating that *"All repair activities shall be conducted within a completely enclosed building."*
- Add a new Condition No. B.15 stating that *"Plans reflecting Conditions of Approval and proper drainage shall be submitted to the Planning Division and Building Department prior to building permit issuance and/or final occupancy sign off."*

Assistant City Attorney Guerra then recommended that the public hearing be reopened for the purpose of getting the applicant's approval of the proposed revisions.

The public hearing was reopened and Mr. Reviere Verninas stated that he was in agreement with the proposed changes. Since there was no further input the public hearing was closed and the floor was opened for a motion.

Commissioner Corpis motioned to adopt Resolution No. 670(16) approving Conditional Use Permit No. 28-2015 with revised Conditions of Approval.

MOTION: Commissioner Corpis

SECOND: Commissioner Hartman

Ayes: Commissioner Corpis, Commissioner Hartman, Commissioner Chico, Vice Chair Gonzales, Chair Tapia

Noes: None

5. DISCUSSION ITEMS

A. **City Attorney Presentation on Recommended Procedures for Conducting Public Hearings and General Meeting Procedures**

Assistant City Attorney Guerra gave a presentation regarding the above procedures. He stated that he would like to tighten up on a few items and the public hearing that was just heard was a very good example of procedures that should not be done. He noted that as a general overview there are different parts of the public hearing process which he described as follows:

- **Fact Gathering Phase** - Staff presents their understanding of the project, their findings for the project and background information for the project. Afterwards, during the question and answer period, the commission should only be asking questions of staff and should remain neutral in the questions they ask. Opinions and thoughts should not be shared on the project during this phase or how the project could be conditioned. This is very important because if the public sees this type of action they may feel a decision has already been made before the public has been given a chance to speak on the matter. In other words, the commission should not put themselves in the position where somebody argues that the commission has prejudged a case.
- **Public Comment Phase** – The public comment phase should only be a one way dialogue. The public should only be communicating to the commission and the commission should not get into a dialogue with the public or with each other. Questions can be asked of the public to receive information which is always welcome. Many times the public will want to ask questions of the commission and will want answers to their questions. If the public has questions, answers should always be given after public comments have finished.
- **Deliberation Phase** – During this phase, the commission can speak openly on the project; give their opinions; attempt to persuade their fellow commissioners on the project; propose conditions they believe could be helpful and ask that conditions be revised. These actions should come up only during this phase because again, they have heard from staff, their questions have been answered and they have heard from the public. From that point, they should have all the information they need. It would also be helpful to know during deliberations why a decision has been reached and reasons for approving a project. Many times during deliberation, the commission can share details from maybe a site visit they made or if they were in contact with an applicant before the meeting and what may have

been discussed. Also, sharing information that was not disclosed during the public hearing is also beneficial for fellow commissioners and the public will know the commission is communicating as transparent. If modifications are made to conditions of approval during deliberation, it would be important to gather up all the information and reopen the public hearing to ask if the applicant gives their consent to any proposed changes. If the applicant has issues a dialogue can be held before taking any action.

- **Resolution Phase** – Many times during the resolution phase, a motion is made to approve or deny a project followed by a second to the motion and a vote. What is most important during this phase is to understand exactly what is being approved or denied. One way to handle it is to say “motion to approve staff’s recommendation as stated in the staff report.” A second way is to say “motion to approve the proposed resolution”. A third way is to have the city attorney read the motion by saying “to waive reading of and adopt the following resolution” and to then entitle the resolution. A commissioner would then declare “so moved” followed by a second and a vote. It is important to be clear on the record exactly what is being adopted.

Assistant City Attorney Guerra completed his presentation and was thanked for the helpful information. He was asked if anything in writing can be provided and he replied that a hand out will be provide at the next meeting. Discussions were also held regarding the following topics:

- Proper procedures for closing and reopening public hearings;
- How often public hearings can be closed and reopened;
- Questioning applicants during the public comment phase;
- Questioning staff during question and answer phase;
- Contacting staff ahead of time on a project, and
- Recessing meetings to confer with legal counsel or staff and being mindful not to violate the Brown Act during this time.

6. COMMISSIONER COMMENTS

Commissioner Corpis:

- Thanked Public Works Director Tam for his presentation on the Manning Pit and acknowledged that during all the years she worked with him she learned quite a bit about mining, backfilling, certified fill and state requirements with the State Mining and Geology Board. She had complete confidence in his ability to ensure the pit is being filled properly and safely and whatever is constructed on the site subsequent to the fill completion she felt will never come down. She also knew firsthand his dedication and many are unaware how much of his personal time he puts aside and wanted to share her appreciation.
- Requested that the meeting be adjourned in memory of longtime Irwindale resident Ophelia Salazar who passed away in December. Chair Tapia supported this request and shared that during a past City Council meeting he asked to have certain individuals in the community recognized. He recalled how Mrs. Salazar’s previously departed husband would wheel her all over the community on a daily basis. He shared that Mr. and Mrs. Salazar were an inspiration to him and they should both be recognized. He added he is personally going back before the City Council to ask that residents be recognized. They have the jobs of electing the City Council and contribute one way or another to what happens in Irwindale.

Chair Tapia:

- Recalled that in the past there was an item that was planned to be agendaized with regard to what can happen in the event of an earthquake. Adding this item would allow the commission to have a full discussion since he realized they had gone above and beyond the scope of just asking questions during a previous meeting. He felt it was fitting now that the Manning Pit fill operation is close to completion. He also wanted to be more knowledgeable for the sake of the public especially since buildings will be developed on the site.
- Asked for an update on the vans lined up on Irwindale Avenue near the Santa Fe Importers restaurant. Community Development Director Romo replied that Code Enforcement has been working with the Police Department on this matter. It has been identified that the vans are staying parked overnight and in looking at the City's vehicle code, staff needs to determine how long a vehicle can remain parked on a street which is typically no longer than three days or it is considered storage. Chair Tapia stated that the vans have been parked there for a few years and when the restaurant was originally Victor's Villa, vans were parked there but not as many. Community Development Director Romo replied that staff is attempting to see if the vans can be monitored and there will be enforcement. Again, the Police Department is involved and citing the violator will show that even if the vans are being parked elsewhere and later parked back in the same area it is still a violation. He added that another update will be provided at the next meeting or sooner if possible.

Commissioner Hartman:

- Stated that a wrought iron fence near El Nido Park has been damaged and it appears as if a vehicle went through it and it is still yellow taped. He asked if there are any plans to repair it anytime soon and if the property owner has been notified. Public Works Director Tam replied he believes staff has reported the incident to the property management company and the repair work will need to be scheduled if it hasn't already been done.
- Was informed by a few residents that the middle of El Nido Park seems to be sinking and is very soggy. He wasn't aware if repairs have been made to allow water to flow into the two side storm drains and asked for more information on the situation. Public Works Director Tam replied that he believes the design has a low spot at the center and a rock drainage tunnel should have been built to drain water to the center but he could not confirm this 100%. He stated that staff will look into the matter and report back at the next meeting.
- Stated once again as he has in past meetings that the state flag is still not being flown in front of City Hall. Community Development Director Romo replied that he was a bit surprised and will check into the matter the following day.

7. CITY MANAGER'S REPORT

There were no items to report by the City Manager's office.

8. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Community Development Director Romo shared the following updates:

- A new section has been added to City Council agenda reports on conflicts of interest for properties they may own within a 500 square foot radius. He noted that future Planning Commission agenda reports will include this same information to ensure there are no conflicts with decisions the Planning Commission makes. In response to an inquiry on owning a business within the 500

square foot radius, Community Development Director Romo replied that owning a business within the radius would also be a conflict of interest.

- Form 700's should be coming up soon and can be submitted to the Deputy City Clerk. If any properties are planned to be purchased this coming up year, or if any other changes need to be reported, the Deputy City Clerk should be contacted.
- Four former redevelopment agency properties are currently in escrow and are moving forward. There is one pending for the former Shannon Casket site which should be in escrow very soon.
- City Council took action on January 13th to approve the purchase of a property at 5463 2nd Street for the City's archives which is located near Business Center Drive just north of Arrow Highway. The City is currently looking at the due diligence period and the property is also in escrow. The archives are currently stored at the building on the corner piece of Los Angeles Street and Alderson Avenue and since the building will be demolished a new location was necessary. An inquiry was raised on whether staff would know where to locate certain archives if a request came in for records from a certain time period. Community Development Director Romo replied that records are kept at City Hall, the City Hall Annex and some are also stored at the archives site. Depending on what records are being requested, staff would be able to track where they are being stored.

9. **ADJOURNMENT**

There being no further business to conduct the meeting was adjourned at 8:07 pm in memory of Mrs. Ophelia Salazar.


Chair Arthur R. Tapia

ATTEST:


Cathy Huicochea, Administrative Secretary

Approved as presented at the meeting held February 17, 2016.