

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

April 21, 2021
Wednesday
6:30 P.M.

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

CHAIR TAPIA This meeting of April 21st is now called to order. Could you please rise for the Pledge of Allegiance and remain standing for the invocation?

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

INVOCATION Lord we thank you for the opportunity to serve. We pray that you give
COMMISSIONER us wisdom in our decisions, and that you bless our City. In his name
CORPIS we pray.

CHAIR TAPIA Thank you for the decline of COVID-19. We ask him to help us and we
have to thank him when he answers.

Roll call.

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

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

CHAIR TAPIA I heard through the grapevine that there are no announcements, but I
will direct it to her. Staff?

ANNOUNCEMENTS

ADMINISTRATIVE There are no announcements for tonight, thank you.
SECRETARY AGUILA

COMMISSIONER I could barely hear Chair Tapia.
HARTMAN

CHAIR TAPIA Testing 1, 2, 3. Can you hear me?

COMMISSIONER Better, thank you.
HARTMAN

SPONTANEOUS COMMUNICATIONS

CHAIR TAPIA This is the time set aside for members of the audience to speak on
items not on this agenda. If there is anyone wishing to say anything that
is not on this agenda, you can raise your hand and be recognized.

ADMINISTRATIVE
SECRETARY AGUILA

Chair Tapia, no hands have been raised.

CHAIR TAPIA

Since there is nobody out there for Spontaneous Communication, we will move on to Item 1, Consent Calendar.

CONSENT CALENDAR

There were no items.

CHAIR TAPIA

The Consent Calendar contains matters of routine business and it is to be approved with one motion unless members of the Commission request separate action on a specific item. At this time, members of the public may asked to be heard regarding an item on the consent calendar. The only item here is minutes. The recommendation is no minutes to be approved. Anyone in the audience have any comments?

CHAIR TAPIA

Seeing there is none, we will move on to New Business.

NEW BUSINESS

There were no items.

CHAIR TAPIA

There is no New Business. We will move on to Item 3, Public Hearings.

PUBLIC HEARINGS

ITEM NO. 3A

ZONING ORDINANCE AMENDMENT NO. 01-2021 (CITY OF IRWINDALE)

CHAIR TAPIA

We have a Public Hearing here, Zone Ordinance Amendment No. 01-2021, City of Irwindale. I will turn it over to our representative staff.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you, Chair and Commissioners. The item before you is Ordinance No. 756. It's an ordinance of the City Council of Irwindale adding Chapter 17.130 [Reclamation of Mines Exempt from the Surface Mining and Reclamation Act also known as "SMARA"] to establish regulations and standards for non-SMARA pits to Title 17 (Zoning) of the Irwindale Municipal Code. The proposed Ordinance No. 756 intent is to impose regulations to the reclamation of mining pits within the City's jurisdiction. The pits that are exempt from SMARA would require an approval by the City with a Development Agreement. Before I go into the purpose of this, I am going to give a bit of background. SMARA was enacted by the California State Legislature in 1976. It was to address the State's need for a continuous supply of mineral resources, and to prevent or minimize negative impacts of surface mining on public health, property, and the environment. What SMARA required was that every surface mining operation have a permit, Reclamation Plan, and financial assurances to implement the planned reclamation, unless it was exempt from the application of SMARA. In response to this, the City had adopted a series of ordinances over the years. The first ordinance added a section regarding mining and geology. Then in 1999, there was a chapter for

mining permits and Reclamation Plans. In 2004, there was a chapter added for quarry zones that established a reclamation fund to provided additional reclamation security for the proper reclamation of certain mining sites. There is an additional ordinance in 2014 that amended the relevant chapter of the Irwindale Municipal Code, to ensure that they would be in accordance with current SMARA requirements. There are several mining pits within the city jurisdiction that are exempt from SMARA compliance. Therefore, the need for this ordinance. The purpose of this ordinance is to protect the public health, safety, and welfare of the community and it provides for regulation of the reclamation of non-SMARA pits. It provides for environmental compliance, Reclamation Planning, and long-term economic improvement in the City. It ensures land uses to be consistent with the City's long term planning goals, and it helps to create a unified process for reclamation and post mining land use availability. The new Chapter 17.130 will be the reclamation of mines exempt from SMARA that would require a Development Agreement. That would be the entitlement for this. It would apply to three separate things. Mining pits, which had mining operations that were conducted prior to January 1, 1976, and are required to have the request of additional reclamation. Secondly, it would apply to mining pits that have been excavated, pursuant to SMARA, but they were not reclaimed, but were required to have or request to have additional reclamation. Third, the mining pits excavated and reclaimed, pursuant to SMARA, and required to have or request additional reclamation. Currently, the City does not have any regulation on the requirements for reclamation of a non-SMARA pit. This proposed ordinance would regulate the reclamation of these with the Development Agreement, which would allow the City and the applicant to reclaim the pits and public benefits that would be negotiated, with the City prior to any activity taking place at the pit. The environmental review is exempt, pursuant to CEQA guidelines section 15061B3. This aerial is the most recent aerial that we have of the City. As you can see, there are several pits still in existence. Some are exempt from SMARA and some that are not. With that, that concludes my presentation.

CHAIR TAPIA

Would you give us the names of the ones allowed before 1975?

COMMUNITY
DEVELOPMENT
DIRECTOR

Up at the former Miller Coors site, there are two pits. The rest have Reclamation Plans that are in effect like Hanson, URP, Vulcan, and Olive Pit, but this ordinance would provide for reclamation in case that SMARA SIMPSON regulations ended. Sometime in the future, if someone wanted to come in and reclaim a pit from the state that it was left, they would have to come in with a Development Agreement for that. The intent is to provide for the environmental impacts if someone should come in to do some kind of filling operation on one of the non-SMARA pits versus just having a grading pit permit. This would allow us to adequately analyze and process it with the Development

Agreement to provide for the public health, safety, welfare and long-term economic impact to the City.

CHAIR TAPIA

These pits aren't that deep, right? Are they over 100 feet deep?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

There are some.

CHAIR TAPIA

It's just strange to me that the type of environmental agencies that they would have allowed someone to be noncompliant, even in 1976. Unless, other powers are greater than theirs. That's the only thing I can think of. Why would you say that you will need the material and go ahead and allow the excavation, with the sake of roadways and then not require for them to be refilled. That doesn't make sense to me at all. I know it wouldn't happen in this day in age, with all the environmental agencies we have now, but what happened then? You don't have to answer that. Why was it allowed then? I know it has to be political, that is for sure.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you, Chair. CEQA was just getting started in 1974 and maybe a little bit earlier. We are talking about 1976 which was a different time and they did look at things a little differently. That might have been one of the things. As I mentioned, there are various ordinances that the City adopted to address the existing SMARA pits that we have. Some things are a work-in-progress. Your point is well taken.

CHAIR TAPIA

I am grateful that this move has been made because this is the first time I know that they're noncompliant granted in that area. Of course, I must have not been at the Council meetings. Anyways, it's going to start and that is a good thing.

COMMISSIONER
CHICO

Let's see if I understand this. Some excavation permits were issued in the late 20's and 30's. If I am not mistaken, those that haven't had any reason to request any additional modifications? Those companies were left exempt from SMARA, is that correct?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

That is correct.

COMMISSIONER
CHICO

It wasn't so much that we didn't want to impose, but couldn't impose. They already had their mining permits intact and had no reason to ask for any modifications. How many of these pits are there? Are there two, three, four, or five?

PLANNING COMMISSION MINUTES
REGULAR MEETING

April 21, 2021
PAGE 5

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

I don't have the total number, but I do know that the abandoned mining pits that come to mind are the two Pabst pits, but this ordinance will also apply to the ones even subject to SMARA, if they should be abandoned. This will still give the City assurance via a Development Agreement that things would be filled, according to the city standards.

CHAIR TAPIA

Any other questions?

VICE-CHAIR
BURROLA

Marilyn, I have a question. This is Enoch. Is anyone else talking or am I talking over someone?

COMMISSIONER
CHICO

No, you are fine.

VICE-CHAIR
BURROLA

Okay. I think what Chair Tapia was saying is for as a list of mines. That would be a good thing to have or to give us later if you can. That way we know what areas are City owned, and we can make a better decision based on the location. If the zoning is going to change, it's hard to make a decision. That is one thing. The other thing is that I know SMARA has requirements that all mines need a Development Agreement, Reclamation Plan and bonds in place just in case they decide to leave without fulfilling their obligations. Don't all these sites post 1976 have Reclamation Plans that they could follow if that happens? This is not the City owned pits; these are URP, Durbin, Vulcan and all those other ones that are being actively mined at this point. Are we going away from their Reclamation Plan because I am hearing that we are not following SMARA anymore, if that case happens? Can you answer that?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you, Vice-Chair Burrola. The only City owned pit that we have is the Olive Pit. Vulcan, Durbin, Reliance I, Hanson, and URP pits are all under SMARA. We are not getting rid of SMARA. What this ordinance is serving to address are other abandoned pits that we have, and provide some sort of regulation that will address environmental issues, filling operations, reclamation of the site and provide for an economic benefit. It is primarily the environmental issues for the abandoned pits that are not subject to SMARA. They wouldn't be subject to them.

VICE-CHAIR
BURROLA

Worst case, Durbin decides to leave today and leave the pit as is. We take their bonding and reclaim the site based on Reclamation Plan. Is that correct?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

That is what the financial assurance bonds are in effect for.

VICE-CHAIR
BURROLA

You are saying that we will still be able to use this ordinance to fill the other half if we wanted to, or if a developer comes in and requests to develop a portion of Durbin, they are going to be able to do it without SMARA regulations? Is that what I am hearing?

CITY ATTORNEY
GUERRA

Let me see if I can help clarify. They are basically two pots of pits. One pot of pit is SMARA pits and that is governed by State law, with mining and reclamation. That is already handled and we are not talking about those. We are talking about other pits that would not be covered. If you have SMARA then we have the financial assurance. We have regulations governing how the pit is reclaimed. So, we have all of the regulations for those. The problem is with the other pot of pits that don't have SMARA to govern. In theory, it is the wild-wild west because there are no regulations governing it. For example, let's say you have an abandoned pit or there's a pit that has been reclaimed, but not at street level and they want it to be at street level. All they would have to do is get a grading permit. It wouldn't come to the Planning Commission for assessment like traffic, noise, and all the issues with reclaiming the pit. There is nothing regulating it because a grading permit is a ministerial act. Whereas anything that comes before the Planning Commission would be a discretionary act, where you can look at what the impacts are of the use and what conditions we can put on it to ensure the public health and safety is mitigated and not impacted in a negative fashion. What we are doing is for that pot of pits that don't have any regulations. We are proposing to do a Development Agreement so if and when one of these abandoned pits wants to reclaim and develop it, we have this mechanism to work with them to address all of the environmental impacts and concerns that we have to ensure that it is done properly and minimize the impacts to the community.

VICE-CHAIR
BURROLA

That's great because my other question is that these pits are pre 1976 and there was no SMARA at the time. Now that there is SMARA, for example Durbin, they are only filling half the pit and the other half is going to be open. If a developer wants to come in and develop the other half that is open after Durbin is gone. Are they able to do that with this new ordinance?

CITY ATTORNEY
GUERRA

If it is a SMARA pit, then we go after the financial assurance.

VICE-CHAIR
BURROLA

After Vulcan is gone and done. They have fulfilled the requirements through SMARA, Reclamation Plan, and Development Agreement is done. That pit is going to remain open for water use. Now that Durbin is gone, that open pit is just vacant land. Would that be under this ordinance to be developed at a future time? That was my question; I guess I wasn't asking clearly.

PLANNING COMMISSION MINUTES
REGULAR MEETING

April 21, 2021
PAGE 7

CITY ATTORNEY
GUERRA

I don't know what the Reclamation Plan provides. I don't know the answer to that.

VICE-CHAIR
BURROLA

What I remember is that they are going to reclaim half of that pit and half of it is going to stay open, as a water recharge basin or something of that sort. Anyways, that was my concern because there are a lot of Reclamation Plans that are not filling the pits completely in, they are only filling a portion of it I am thinking, okay this ordinance will come in to allow us to reclaim it to the full grade and develop correct? So that goes into my other question, if we go into the Development Agreement, where it comes through the Planning Commission, do we get to see it all. There are requirements in SMARA like the ITAC committee they came in and they developed requirements to filling pits. Are we still going to be using these requirements because I think it is part of the Building Code? But if you can fill me in on that. I want to make sure that these pits are reclaimed correctly, you know. I know it might be a Grading Permit but we still want to hold them to a standard. You see what I am saying?

CITY ATTORNEY
GUERRA

Correct. The Development Agreement would come to the Planning Commission for a recommendation to the City Council. All the requirements that we would want for the reclamation would be part of the Development Agreement.

CHAIR TAPIA

Marilyn has some input.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you Chair and Commissioners. I just want to point out that we do have a Resolution in 2005 that approved the technical guidelines, for open pit mines and we adopted them. They are part of the City policy. We do have that in place. In answer to your previous question, it was specifically about the Durbin pit, there is a third of it that is subject to the Reclamation Plan. There is two-thirds that is not and you pointed that out. In that case, it's the second bullet point it says "the mining pits excavated, pursuant to SMARA, but not reclaimed and are required to or have requested additional reclamation".

VICE-CHAIR
BURROLA

Okay, it was hard to understand that. Thank you, that's perfect.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you.

CHAIR TAPIA

Thank you, Marilyn. Any other questions?

PLANNING COMMISSION MINUTES
REGULAR MEETING

April 21, 2021
PAGE 8

COMMISSIONER CHICO	If we could just imagine if I just purchased these exempt mining pits. The legal part of the question is; do I need to get permission in order to start backfilling or reclaiming, if that's a better word. Do I need to get permission from the City or any agency in order to start reclaiming this pit?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	We're talking about one of the abandoned pits?
COMMISSIONER CHICO	One of the exempt pits, yes.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	As it currently stands, they would just need a Grading Permit which is called a Ministerial Permit. It would not be something that goes before the Planning Commission, City Council, or any other type of entitlement. That is what this proposed ordinance will be hoping to address.
COMMISSIONER CHICO	That is what I wanted to know. The second half of the question is technical. What is the definition of reclamation or reclaiming? Is that a shovel full of dirt, a truck? What is the definition of trying to reclaim a pit? What is the legal definition? Good question?
CITY ATTORNEY GUERRA	That is a good question.
COMMISSIONER CHICO	I can drive 10, 15, or 20 trucks in there with clean materials just make sure that I don't violate anything and dump them in there. I am not violating anything. Once again, what is the definition of reclamation for the purpose of these ordinances and resolutions?
CITY ATTORNEY GUERRA	That's a good question. That may be something that we might want to add the definition to the ordinance.
CHAIR TAPIA	It will be to replace the material that has been taken out, unless the City agrees to a lower level.
VICE-CHAIR BURROLA	Would this be part of the Development Agreement, which they would have to send through by any developer that comes in?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	If I may, let me answer the reclamation question. Anything that would not be excavation, we could consider that it is reclamation and they would need to provide a Filling Operations Plan with the City. That is how we would look at it with the Development Agreement process.
VICE-CHAIR BURROLA	That would be part of the Development Agreement?

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	They would have to provide a Filling Operations Plan.
COMMISSIONER CHICO	Yes, you could give it a definition. I was just asking for this very purpose.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	I am going to say that if they took a spoonful and put it on there, they are not excavating, but reclaiming it. The point is well taken and our City Attorney can put in definitions.
CITY ATTORNEY GUERRA	That is a good question. It doesn't hurt to add a definition.
CHAIR TAPIA	Anyone else?
VICE-CHAIR BURROLA	Commissioner Chico brings up a good point. Are we interchanging the meaning of reclamation and grading? Are they the same?
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	No, they are not the same. There is definition in our existing chapter for that. We can add that to this or refer to reclamation. Which is, if they are not excavating and they are putting something in, they are reclaiming.
CITY ATTORNEY GUERRA	Under our SMARA ordinance, we do have a definition of reclamation and I could read it for you if you'd like, but we could incorporate that definition into this ordinance. I'll read it just so you have it. The language would state, "Reclamation means that the combined process of land treatment that maximizes post mining land uses, compatible to the Zoning and the General Plan and minimizes water deprivation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mining. So that minded lands are reclaimed as rapidly and reasonably feasible to usable conditions, which is readably adaptable for alternate land uses and create no danger to public health safety. The process may extend to affected land surrounding mine minded lands and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures. We could incorporate that language into this draft ordinance if the Commission directs us. I think that is a good observation and recommendation.
CHAIR TAPIA	Go ahead sir.

PLANNING COMMISSION MINUTES
REGULAR MEETING

April 21, 2021
PAGE 10

COMMISSIONER
CHICO

Adrian, is one able to interpret what you just said to cover the quality of the material coming into the pit? In other words, we want to make sure that we don't get bad stuff, right? Does that fall under what you just read?

CITY ATTORNEY
GUERRA

Well again that would just define when the ordinance would get triggered. I would think that it is part of the Development Agreement itself that we could ensure that the fill use is clean and appropriate fill.

CHAIR TAPIA

Especially if it is going to go into the water table.

VICE-CHAIR
BURROLA

Don't we have ITAC guidelines for that?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yes there are already things in place. There are outside agencies that we have to deal with regarding that type of fill, including the Water Agency and Water Authority.

CHAIR TAPIA

So they also have to approve, if you will, the material that is coming in.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Yes.

VICE-CHAIR
BURROLA

And the compaction, I believe, correct?

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON

Yes, that is correct.

VICE-CHAIR
BURROLA

Okay.

CHAIR TAPIA

Anybody else? I have one comment that kind of goes with the flow with Mr. Chico's question here. I decided to write it, so here it goes. As we move forward, with the concept of the new proposed Ordinance No. 756, Chapter 17.130, I would also like to propose the term surface mining be reconsidered or rethought, altered, to excluded the term surface because it is not surface mining all though it does indicate pit, it does indicate quarry, it does indicate this and that. But surface mining on that report it is there about thirty times. Alter the word such as excavation, pit, quarry, mining, and exclude the term surface mining since the term is self-explanatory. Okay, I made sure I was not going to get myself in trouble, do not mistake my next comment as sarcasm.

But surface mining does not imply a pit 450 feet deep. That's the one thing. Then the other is regarding the non-compliant or the non-reclamation SMARA pits. Is there any way to negotiate with them, any alternatives that we could come up with, instead of going out to all these regulations and changes, that we are going to impose, they might want to grant some of the land to us, or all of the land. I just wanted to make sure that maybe we take that into consideration. That's my spiel.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

If I may, Chair Tapia, the word surface on there that is something, the surface mining, that's per State law. We would need to be in compliance with that, to be consistent with all of the applications and regulations.

CITY ATTORNEY
GUERRA

Well stated Director Simpson.

CHAIR TAPIA

Are we off the air right now? Are we still on? Okay, well thank you. I mean I had a feeling there was a reason for it, but you know I just didn't

COMMISSIONER
CHICO

It just distinguishes us from tunnel mining, that's all. That's the only difference.

CHAIR TAPIA

Okay any other question for Staff? Or our Attorney or City Manager, any other questions for them? Okay, thank you very much for the report. Now we will open up the Public Hearing. This Public Hearing is now open, anyone out in the audience wishing to speak on this matter, for or against it, could you please raise your hand to be recognized.

OPEN PUBLIC
HEARING

At 7:09 p.m., Chair Tapia opened the Public Hearing.

ADMINISTRATIVE
SECRETARY AGUILA

Chair Tapia, no hands have been raised.

CLOSE PUBLIC
HEARING

There being no speakers, Chair Tapia closed the Public Hearing at 7:09 p.m.

CHAIR TAPIA

In that case we will now close the Public Hearing. We will open it to the Commission for any further comments or a motion.

VICE-CHAIR
BURROLA

One quick question, I just want to clarify real quick. This is just for City owned mining sites correct? For reclaiming? Or is this all sites, even privately owned?

PLANNING COMMISSION MINUTES
REGULAR MEETING

April 21, 2021
PAGE 12

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

It's all sites within the City.

VICE-CHAIR
BURROLA

Okay.

CHAIR TAPIA

Good question there. Anything else? Okay open for a motion.

CITY ATTORNEY
GUERRA

Before I read the motion, I just want to confirm, do we want to add the definition of reclamation to the ordinance? I assume yes, correct?

CHAIR TAPIA

Yes.

CITY ATTORNEY
GUERRA

I would recommend it. It would be a good idea.

CHAIR TAPIA

That would simplify it for future generations.

CITY ATTORNEY
GUERRA

Right. Okay, so then the appropriate motion would be to read by title only and waived reading of Resolution No. 798(21) a Resolution of the Planning Commission of the City of Irwindale recommending approval to the City Council of an Ordinance No. 756, adding Chapter 17.130 [Reclamation of mines exempt from the Surface Mining And Reclamation Act ("SMARA")] to establish regulations and standards for Non-SMARA pits to Title 17 (Zoning) of the Irwindale Municipal Code (IMC) subject to the recommendation, to add language to the draft resolution, adding the definition of reclamation as previously stated and authorize the City Attorney, along with Director Simpson to tailor that language into that draft Ordinance. Is there a motion and a second.

CHAIR TAPIA

Will this negotiation

COMMISSIONER
HARTMAN

Motion to approve as read.

CHAIR TAPIA

Hold up, just a second please. Will these negotiations be with the owners of these pits? Are they going to be involved in what they accept, or what they don't accept?

CITY ATTORNEY
GUERRA

Yes they will be, it will be through a Development Agreement. Obviously it only gets triggered when the property owner says, "Hey we want to reclaim the pit." So that is when this ordinance would get triggered. It's when we get to a Non-SMARA ordinance, and then per the Zoning Code that we would be adopting we would work with them on an agreement to ensure that all the City's concerns are addressed. So yes, they would be a part of it.

PLANNING COMMISSION MINUTES
REGULAR MEETING

April 21, 2021
PAGE 13

CHAIR TAPIA	Thank you. Go ahead.
CITY ATTORNEY GUERRA	So there's a motion on the floor is there a second?
CHAIR TAPIA	We're starting?
COMMISSIONER CHICO	I'll second.
CHAIR TAPIA	Was the motion made?
CITY ATTORNEY GUERRA	Yes motioned by Commissioner Hartman and second by Commissioner Chico.
CHAIR TAPIA	Alright, roll call.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Hartman.
COMMISSIONER HARTMAN	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Commissioner Corpis. Commissioner Corpis. Commissioner Corpis you are self-muted.
COMMISSIONER CORPIS	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Thank you. And Chair Tapia
CHAIR TAPIA	Yes.
COMMISSIONER CHICO	Forgot me.
VICE-CHAIR BURROLA	And me.
ADMINISTRATIVE SECRETARY AGUILA	I am so sorry. Commissioner Chico.
COMMISSIONER CHICO	Yes.
ADMINISTRATIVE SECRETARY AGUILA	Vice-Chair Burrola.

PLANNING COMMISSION MINUTES
REGULAR MEETING

April 21, 2021
PAGE 14

VICE-CHAIR
BURROLA Yes.

ADMINISTRATIVE
SECRETARY AGUILA Chair Tapia.

CHAIR TAPIA Yes.

CHAIR TAPIA Very good report thank you for the report. I want to thank the legal staff for the work that they put in, and I know you're going to do a great job in the rest of the report.

**DISCUSSION ITEMS/
PRESENTATIONS**

ITEM NO. 4A IRWINDALE ACTIVE TRANSPORTATION PLAN PRESENTATION

CHAIR TAPIA Okay moving on to Number. 4, Discussion Items and Presentations. Irwindale Active Transportation Plan Presentation.

COMMISSIONER
HARTMAN Before we continue tonight, can I ask everybody to turn their audio off or can you put it on mute, because I hear some feedback?

COMMISSIONER
CHICO Today's meeting was the worse audio.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON Thank you Chair and Commissioners so the presentation tonight is regarding the Irwindale Active Transportation Plan, and just a little bit of background with this. This actually began in 2015, when the City applied for a grant with Caltrans, to prepare a Citywide Non-Motorized Active Transportation Plan with design guidelines. Then in 2016, Caltrans did award the grant to the City, from their 2015 Active Transportation Program. Then in 2018 the City Council approved a contract with Placeworks, to prepare the document. So the purpose of the Active Transportation Plan, it's intended to identify the need for non-motorized transportation options within the City. The focus is primarily on pedestrian and bicycle travel. The presentation tonight will be given by Michael Nilsson with Placeworks.

MICHAEL NILSSON Thank you, you guys can see my screen, correct?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON Yes, that is correct.

MICHAEL NILSSON

Perfect. Great. Well thank you so much for letting me present tonight, on the City of Irwindale Active Transportation Plan. As Marilyn mentioned, we have been the lead consultant with the City in preparation of this plan. The main purpose of this plan is to improve walking and biking throughout the City. So as part of this plan, which all of you received about a month ago, is organized basically in five different chapters. From an executive summary to existing conditions, policy frame work to plan recommendations, and the final chapter is funding and implementation. The design guidelines are included as part of the appendices, as well as various background pieces of the remaining portions of the plan. As part of the extensive existing condition balances we have all the sidewalk, crosswalk, and bikeway conditions that currently exists throughout the City. We also looked at how the walking and biking conditions were like, to get to various City destinations like Irwindale Park, the Santa Fe Dam Recreation Area, Irwindale Gold Line Station, and various other attractions throughout the City. We also evaluated the collisions that are occurring between bicyclist and vehicles, as well as pedestrians and vehicles throughout the City. We also assist a variety of different adopted plans that were in place prior to the Active Transportation Plan. We conducted robust community outreach as part of this plan. We did a variety of in-person events, as well as online surveys, we also send out a number of e-blast to stakeholder groups, and put together information about the plan in a variety of City newsletters. We also met with a variety of stakeholder groups, including the Chamber of Commerce and Senior Center. That resulted in over 200 people providing input on the plans. What you're really seeing is a reflection of the feedback that we received from members of the community. Some of the takeaways included, request to have better walking and biking access to a variety of different Irwindale destinations, including the San Gabriel River Trail and the Irwindale Gold Line Station. And then, really improving safety and access throughout, for all ages and ability, so people can comfortably walk and bike in the City. Incorporating those improvements, having a focus in growth areas. When I say growth areas those are areas that have a greater mix of businesses that are transitioning from mining, over into your commercial and light industrial uses, and really connecting to your surrounding jurisdictions. As part of the plan we also came up with a set of goals, polices, and actions and really launching on nationwide and state practices, but also directly reflecting community input. Providing that framework so the City can move forward on projects and that opted in Chapter 4, where we have recommended up to 71 pedestrian improvement projects. So this really kind of lays out, as part of this plan, it kind of lays out the first step in terms of what the public may want to see, in terms of walking and biking improvements. This really lays out the ground work so that the City can move forward, with additional steps, which may include additional planning studies and/or engineering studies. This kind of lays out the groundwork in where new crossing, new sidewalks, new medium refuge islands may be desired. This sort of summarizes that

as part of that, not only did we map out all those improvements but we also come out with a summary example that outlines the amount that would cost, approximately to construct. And any outside coordination that is identified and then the fate and priority of the project. Some of those improvements include high visibility cross walks, curb extensions, rapid flashing beacons, as well as new sidewalks, which will extend some of the improvements that cities are already making, in terms of pedestrian improvements. We also came up with a list of biking improvements. Outlining a variety of different type of bicycle projects from closed bicycle lanes, neighboring greenways, where cars may still share the road with bicyclist, and also some extensions of the existing multiuse trail system, and bicycle lanes that have additional buffers to protect bicyclist from vehicles. Again, we have a map illustrating where the recommendations are. As well as the summary table, similar to the pedestrian recommendations where we outline the cost to construct additional outside coordination and phasing. These are just a couple of photos illustrating, some examples of some of the bicycle infrastructure that we would be proposing. From dedicated trails, to striped bike lanes, to share routes that bikes would share with cars, and then your buffer bike lanes that have an additional physical protection between bikes and vehicles. Then from there we also have a set of recommended programs. These programs directly line up with goals and policies that we have suggested, in the earlier chapters of the plan. We outlined the coordination with other agencies and then suggest the ease of implementation and the implementation phase that we would recommend, based on the input that we received from the community. On top of that, the real defining aspect from this plan, is that what we received layouts, the blueprint from recommendations to be consider for implementation, on top of that, we outlined the implementation of strategies as well as funding opportunities. The great part about this plan is that it really sets up the City well, in terms of being competitive for those funding sources. It is part of the funding and implementation chapter, it outlines that process and strategies and identifies those funding opportunities that the city may pursue, including one that grant funding grounds may occur. I'll give it back to Marilyn and she will summaries some of the next steps on this plan.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you Michael. The draft plan was released in April 2021 for public review. We have a dedicated web page on the City's website for the ATP. This includes various things from the plan itself, and to the community outreach efforts that were made. Now we will incorporate comments received by the public. I have already received comments and they have been very favorable and good comments. We are anticipating taking this to the City Council in May of this year. The adoption of the plan, well it will enable the City to be competitive for grant funding, this is the first step just to have a Non-Motorized Active Transportation Plan. I think, more importantly it is to guide the City for bicycle and pedestrian safety, for the community. With that, that concludes the presentation.

PLANNING COMMISSION MINUTES
REGULAR MEETING

April 21, 2021
PAGE 17

CHAIR TAPIA Okay. Any questions for Staff? Okay, I am going to open this up to the public. Anyone out there in the audience wishing to make any comments, now is the time. Raise your hand please.

ADMINISTRATIVE We do have a hand raised, from Topher Mathers. I am going to be
SECRETARY AGUILA unmuting them now. Mr. Mathers you are self-muted.

TOPHER MATHERS Hello?

ADMINISTRATIVE We can hear you.
SECRETARY AGUILA

TOPHER MATHERS Hey, I just wanted to make a comment. I am glad that Irwindale is taking the steps to make the streets safer for all road users. I don't live in Irwindale, but I spend a lot of time in Irwindale. My family lives in unincorporated Monrovia, and my father had multiple business in Irwindale. Just one thing I like to know, whether or not the City can communicate with Kathryn Barger's office, as my family lives in unincorporated Monrovia. We don't have any sidewalks so even if the City puts in a multi-use path along the Sawpit Channel, there would be no safe way for my family to walk or bike to get to it. We live in a part of Myrtle, between Brisbane and the Dootson Industrial Park. There is a three block section that doesn't have a sidewalk but there is a sidewalk north of it, and a sidewalk south of it. And on California there is no sidewalks either. I know that it is not in your jurisdiction, but I would like to know if you can connect with Kathryn Barger's office, the county, to see if they can do any improvements in their unincorporated areas. So there might be better connectivity for the neighboring residents, who might want to utilize some of those facilities that Irwindale would in place. Thank you.

CHAIR TAPIA Anyone else?

ADMINISTRATIVE No other hands have been raised.
SECRETARY AGUILA

CHAIR TAPIA Okay thank you very much. We will. Thank you very much for the presentation and we look forward to the progress. Now we will move on to Commissioner Comments and request.

COMMISSIONER
COMMENTS

CHAIR TAPIA Any Commissioner Comments or request?

COMMISSIONER I have a question.
CHICO

PLANNING COMMISSION MINUTES
REGULAR MEETING

April 21, 2021
PAGE 18

CHAIR TAPIA

Yes sir?

COMMISSIONER
CHICO

I like to briefly go back to this mining thing. It's been taken care of, but I have a question. In all the rules and regulates and legislation, regarding mining and reclamation is there somewhere imbedded in this documents the words, I guess I would say, that would prevent a possible confusion on when a pit starts to be reclaimed as supposed to, I am going to say grading. Because grading allows you to move material around. My concern and my point for asking a question is, is there something that would prevent the owner/operator of the reclamation site, from bringing material in under the guise of reclaiming a pit, and then removing material from that same pit after the fact, which would be more of a grading operation. I am not concern with the semantics. Is there something that prevents removal of material that has been imported for reclamation purposes? Very specifically.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you for the question. I am going to defer to our City Engineer for that.

CITY ENGINEER
HANNA

Good evening Chair Tapia and the members of the Planning Commission. This is Arsanious, I am here in my office via web. When the owner of the pit would like to reclaim and go into a Development Agreement with the City, there are many factors that would control the timing of reclaiming and filling operation. The Air Quality Management, they limit us how many trucks a day and the hours of operation. There is also a lot of hold, because we have to distribute the material enough to get results. There are many factors that would control that. To put a schedule for filling it would first depend how big is the pit, how deep it is, and the availability for material in the market, and also the regulations because we see more regulations coming out of the State, regarding the air quality and the dust control. If we allow this 24/7 probably it will not work, because of the noise, so any Development Agreement would require an EIR. Which would determine the traffic control or determine how many trucks a day, and the air quality. To give you an exact time we do not have that, it depends on the site. It depends on the regulations at the time, and it depends also on how big it is. Also what kind of filling operation plan we have, are we going to go to the street level or are we going to go below street level. So there are many factors to determine the time.

COMMISSIONER
CHICO

You didn't answer my question.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

If I may, just to clarify the question. You are asking if there was a pit that had been reclaimed, and filled per the Reclamation Plan and then they want to excavate again?

PLANNING COMMISSION MINUTES
REGULAR MEETING

April 21, 2021
PAGE 19

COMMISSIONER
CHICO

No that is not my question at all.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Okay, I am sorry.

COMMISSIONER
CHICO

My question is, if the operator causes there to be imported material for the purposes of reclaiming the pit, is there something in our documentation that specifically prohibits him from removing any of that material in the future? I am not talking excavation. I am just talking, he might recondition the material, he might, I don't know but he might want to move it out, for whatever purpose he might want. That's not the question, is there something to prohibit him from doing that. Period.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

You're saying what they may giveth they may taketh away?

COMMISSIONER
CHICO

I had a situation when I was in the Council, where they started back filling if you will, and then over to the side they were sorting out the material and shipping some of it out. This whole operation was under the understanding of reclaiming a pit. Well they might have been reclaiming a pit, but they were also doing other things which was contrary to reclaiming a pit.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you for the question and the clarification. I think that I am going to have to do some research and I will get back to you on that.

CHAIR TAPIA

And will that come along once you get to a certain point you say, "Okay we are going to start reclaiming the pit." When the owner of that agency says we are going to start reclaiming the pit or refilling it, does that mean that the whole excavating operation is over? Or does that mean that they can still dig in one area, but start reclaiming a certain area? And the point is, the point that I am getting from Commissioner Chico is that, you say that you are going to start reclaiming the pit so you bring in 50 truck-fulls of material to start reclaiming the pit. Next week the material you said that was going to be for reclamation now you took 5 loads out of that. You stated that you were going to reclaim the pit so once the pit is reclaimed, as stated, that it is going to be reclaimed so they should not be able to take out anymore material. They should not be able to transport material, and stating that it is for reclamation and then haul it off somewhere else.

PLANNING COMMISSION MINUTES
REGULAR MEETING

April 21, 2021
PAGE 20

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you Chair and Commission. I am going to piggy back on what our City Engineer, Mr. Hanna had said, regarding the filling operations plan. They would have to obey by that and with the Development Agreement. They would have to obey by that entitlement. If they were to change that, if they wanted to change, if they included that for some reason that would be something that we would look at. That would be something that we would negotiated as part of the Development Agreement, but if they want to come in and change that, then it would be an amendment to that Development Agreement. That's what I would think.

CITY ATTORNEY
GUERRA

And the Reclamation Plan.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

And the Reclamation Plan.

COMMISSIONER
CORPIS

I had a question.

CITY ATTORNEY
GUERRA

Okay

COMMISSIONER
CORPIS

Is it okay?

CITY ATTORNEY
GUERRA

Yes, okay.

COMMISSIONER
CORPIS

I can't believe you guys can hear me, I am shocked. I just figured that with this Development Plan it would, using the previous term, piggy back off of SMARA requirements. That the fill should be certify? But I don't know if the Development Plan would be a place in where you can actually enforce a certified fill. But that's where you wouldn't have to be worried about what's coming in what type of material, whether it's clean or not. That's why I say is it strongly regulated with this Development Agreement, or can they do whatever they want?

CHAIR TAPIA

Loretta can you hold for a second. I am going to ask our attorney, if I should reopen the Public Hearing because we are doing a lot of discussing.

CITY ATTORNEY
GUERRA

Well no, from the sound of it we are not reconsidering the ordinance, we are asking questions. What I would suggest is that maybe everybody asks their questions, and then we could do a little more homework and come back maybe at the next meeting to answer the questions, if Director Simpson is comfortable with that.

PLANNING COMMISSION MINUTES
REGULAR MEETING

April 21, 2021
PAGE 21

CHAIR TAPIA	Go ahead mademoiselle.
COMMISSIONER CORPIS	Is that me?
CHAIR TAPIA	Commissioner Loretta go ahead.
COMMISSIONER CORPIS	I would just like to see, I think our biggest concerns are addressed when you are addressing one of our pits, because they are regulated by SMARA regularly agency. I would think that the closer to that line that you can lean on, with this development that would be great. That is just what I was thinking.
CHAIR TAPIA	Great ideas come from women that think like you do.
VICE-CHAIR BURROLA	And another thing about this Development Agreement as well, in the future when it comes through and we have to look at it, are they going to have to have some sort of bonding or some sort of, like if they go in and say that they are going to reclaim the site, and they don't reclaimed it and they decided go belly up, bankrupt, or something of that sort, what happens then? I know you guys are going to look at this but these are things that are good questions, for when this Development Agreement comes through.
CITY ATTORNEY GUERRA	Right and again we don't have any specific projects in mind but there is at this point. Yes we would definitely include some type of bond, or some type of insurance that we can call upon, should they go belly up. Because we don't want to start the process and it is stop half way through.
VICE-CHAIR BURROLA	Yeah. Safety concerns right?
CITY ATTORNEY GUERRA	Right. So that would be something that we would negotiate, as part of the Development Agreement.
VICE-CHAIR BURROLA	Okay.
CHAIR TAPIA	Anymore input on this subject matter? Mademoiselle? Okay, thank you very much. Oh it was Commissioner Comments. I just have one question. How is the Zoning Update coming along?
VICE-CHAIR BURROLA	Good, good question.

CHAIR TAPIA

One of the things that I am concern with, is like lots like the one where they wanted to put roll offs. That is still open for anyone to come and try to put something else in. Is there something that we can do that is temporary? That it is going to be rezoned but for now, like a safety net for us until it is rezoned. Is there anything along that line that we can take advantage of?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Are you speaking of maybe a moratorium on development or?

CHAIR TAPIA

Yeah, that's the word I was hunting for, but I was not hunting in the right area. I couldn't remember the word, moratorium. Thank you. Yes something along that line, so that someone doesn't see that nice little lot, and wants to do something that we don't want and maybe they will go to I don't know. Maybe they will do legal things, you know take us to court. Do stuff like that, because we won't allow it and that type of thing so, then we might not have a choice if we wait that long.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

We will take a look at some options for that, but just to give you a brief update on what is happening. We send out a flyer to all the residents giving them phone numbers, and some information on there if they want to participate in any kind of a survey, with the consultant who is preparing that. We have a dedicated web page for the Zoning Code Update. We have been working internally with Staff on updates, and reviewing what is being proposed, and we have regular meeting with our consultant. So it is moving along and continually getting the community's input for that. We are getting there. The hard work is at this front end, you know getting it, once we have that you'll see it will go a little smoother, a little faster. But thank you for asking about that.

CHAIR TAPIA

Anyone else? Commissioner Comments?

COMMISSIONER
CORPIS

Do we have an estimated date of completion on that Zoning Code Update?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Right now we are looking at the fall or the winter. Before the end of the year.

COMMISSIONER
CORPIS

Thank you.

CHAIR TAPIA

Okay then. Commissioner Comments? We will move on to Legal Counsel.

LEGAL COUNCIL

CITY ATTORNEY
GUERRA

Nothing from me.

CHAIR TAPIA

Nothing Honey. Okay. Community Development Manager/City Planner's Report?

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

COMMUNITY
DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON

Thank you Chair and Commission. I don't have anything tonight.

CHAIR TAPIA

Thank you, I mean okay. Not thank you that you didn't have anything, but thank you. Okay so if there isn't any more comments or anything that has to be address, this meeting is now open. I mean it's now over.

COMMISSIONER
CORPIS

Oh Chair, before you adjourn if I could is there a specific date where we would be able to meet in person, because this meeting was very difficult. I really had more input on earlier items and the connection wasn't working, and even now I don't have visual. I was just wondering the sooner we can meet. I was wondering if there is any estimated date on that.

VICE-CHAIR
BURROLA

I am okay to go back to the chamber if that is okay with Staff.

COMMISSIONER
HARTMAN

I am okay with it also.

COMMUNITY

The Council has been meeting here. If you are comfortable with that

DEVELOPMENT
MANAGER/CITY
PLANNER SIMPSON

you can come in. There are partitions and we have filtration systems in the chamber. So yes, you are welcome to come back.

CHAIR TAPIA

And tell me if your arm hurt when you got both shots. Madam did your arm hurt when you got both shots?

COMMISSIONER
CORPIS

Only the Moderna because Ma-dern arm hurts. I blew the joke I am sorry.

VICE-CHAIR
BURROLA

Pfizer. You should go with Pfizer that is a good one.

PLANNING COMMISSION MINUTES
REGULAR MEETING

April 21, 2021
PAGE 24

COMMISSIONER
CORPIS They say Maderma because the Ma-dern arm hurts. There it is.

VICE-CHAIR
BURROLA That's a good one.

COMMISSIONER
CHICO Now we got another comedian.

COMMISSIONER
CORPIS I quite my day job Commissioner Chico.

COMMISSIONER
CHICO I don't know what you're going to do? You're going to set up a
GoFundMe page.

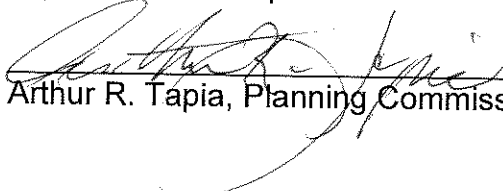
CHAIR TAPIA You better quit your night job too.

COMMISSIONER
CORPIS That's this one.

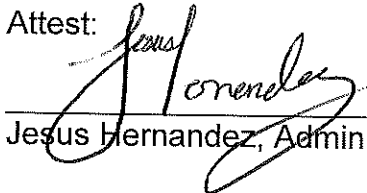
CHAIR TAPIA Okay motion to adjourn on a happy note. Okay. This meeting is now
adjourned.

ADJOURNMENT

There being no further business to conduct, the meeting was
adjourned at 7:47 p.m.


Arthur R. Tapia, Planning Commission Chair

Attest:


Jesus Hernandez, Administrative Secretary

Approved as presented at the meeting held on November 17, 2021