

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

January 17, 2024  
Wednesday  
6:30 P.M.

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

PLEDGE OF  
ALLEGIANCE

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

INVOCATION  
CHAIR FUENTES

Heavenly Father we come before you, this evening, thanking you so much for your love, your grace, your mercy that you bestow upon each and every one of us in the city. Father I just pray as this new year starts, Lord, that you would enlighten us, and you would guide us to make any decisions that would be pleasing to you for this city. Father, I pray for this community, I pray for this State, and this nation. Dear Lord. I ask you to be with us now, in Jesus' name Amen.

**ROLL CALL:**

Present: Commissioners; Albert Acosta; Richard Chico; Joseph V. Rodriguez II, Vice Chair Maricela Frymark; Chair David Fuentes

Also present: Julian Miranda, City Manager; Jamie Traxler, Assistant City Attorney; Marilyn Simpson, Community Development Director; Eddie Chan, Director of Engineering/Building Official; Elizabeth Rodriguez, Director of Public Services; Brandi Jones, Senior Planner; Martin Romero, Planning Technician; Jesus Hernandez, Administrative Secretary; Karen Ruiz, Office Specialist.

CHAIR  
FUENTES

Let's see we have AB 2449 Disclosures. Do we have someone that is going to be giving a presentation or...

**AB 2449  
DISCLOSURES**

ADMINISTRATIVE  
SECRETARY  
HERNANDEZ

We don't have any disclosures for tonight.

CHAIR FUENTES

We do not have anything, okay. We will move on to Consent Calendar. Do we have a motion for the Consent Calendar?

**ANNOUNCEMENTS**

ADMINISTRATIVE  
SECRETARY  
HERNANDEZ

We have no Announcements or Consent Calendar tonight.

**CONSENT CALENDAR**

CHAIR FUENTES

Alright, can we get a motion for the Minutes? Or there are no Minutes. I am sorry. Okay, Spontaneous Communications.

**SPONTANEOUS  
COMMUNICATIONS**

ADMINISTRATIVE  
SECRETARY  
HERNANDEZ

This is the time set aside for members of the audience to speak on any items not on this agenda that is within the Planning Commission's subject matter jurisdiction. The Planning Commission is an advisory body appointed by the City Council to review and provide recommendations on matters related to land use, planning, and development within the City. Except for very limited circumstances, state law prohibits any Commission discussion or action on items that are not on the agenda. All members of the public are asked to observe the City's Rules of Procedure and Public Meeting Decorum. The City's Rules of Procedure and Public Meeting Decorum can be found on the City's website, and Chapter 2.40 of the Irwindale Municipal Code. You may also contact the City Clerk's Office for copies. Each speaker will be limited to 3 minutes unless such time limits are extended. If a member of the public wishes to donate their time to another speaker, both persons must be physically present and in attendance of the meeting. The Presiding Officer may, in his or her discretion, extend the 3-minute time limitation for the particular subject for all speakers. In no event shall the total amount of speaking time exceed 6 minutes per person for the subject under discussion. Organized groups of persons wishing to address the Board on the same subject should select a spokesperson to represent the group, so as to avoid unnecessary repetition. The Commission may regulate a speaker who is speaking too long or out of order, being unduly repetitious, discussing irrelevancies, or extending to items not within the subject matter jurisdiction of the Commission. Please be reminded that discrimination, abusive use of profanity, unruly disruption, and violent or physically threatening conduct is discouraged. Members of the public shall not disrupt the orderly conduct of the meeting. The Presiding Officer will request that a person cease any disruptive conduct, and if not immediately stopped, will direct the person to be removed from the meeting. In the hybrid format, both in-person and hybrid audience members will participate in the following order: Tier 1: In-person attendees, Tier 2: Teleconference attendees, and Tier 3: In-person and teleconference attendees who have not previously provide comments on the matter(s) being discussed by the legislative body.

CHAIR FUENTES

Thank you, Jesus. At this time do we have anybody in the audience wishing to speak on Spontaneous Communication? Seeing none, we will move on. Jesus, is there anybody on Teleconference attendees?

ADMINISTRATIVE SECRETARY HERNANDEZ We do, yes. I will go ahead and unmute Judy Stroyer. Ms. Stroyer, you are muted. Do you mind unmuting your mic? It looks like you are unmuted. If you would like to speak, you can speak now. It does not seem like they want to speak, so we will go ahead and move on to the next speaker. We will go ahead and unmute Alex Weaver. Mr. Weaver if you would like to speak you can go ahead and speak. We will try the next speaker, Mittzy Bèphe.

MITTZY BÈPHE Hi, can you guys hear me?

CHAIR FUENTES Yes.

MITTZY BÈPHE Oh, great. Hi, my name is Mittzy Bèphe. I really wanted to talk to you guys today.

CHAIR FUENTES Mittzy can you state your full name and address, please.

MITTZY BÈPHE Mittzy Bèphe. Do you need me to spell that at all?

CHAIR FUENTES No, we are good.

MITTZY BÈPHE (Made hateful comments)

CHAIR FUENTES Can you shut them off?

MITTZY BÈPHE Don't mute me, that is rude. Okay, I wanted to talk...

CHAIR FUENTES Thank you, can we move on to our next...

ASSISTANT CITY ATTORNEY TRAXLER Mr. Chair, at this time we can admonish the speaker to address the Planning Commission regarding items within its subject matter jurisdiction, that is planning and zoning issues pertaining to the City of Irwindale. Otherwise, the speaker will not be allowed to speak any further.

CHAIR FUENTES I got a question. I don't care to hear anything she has to say anymore. Can we just cut her off completely or do we have to leave it open?

ASSISTANT CITY ATTORNEY TRAXLER We do have to admonish her and give her the opportunity, but if she continues addressing irrelevancies we can cut her off. Yes.

CHAIR FUENTES Thank you.

ADMINISTRATIVE SECRETARY HERNANDEZ I will go ahead and unmute Mittzy, just with the recommendation...

ASSISTANT CITY ATTORNEY TRAXLER	To address the Planning Commission regarding items within its subject matter jurisdiction.
MITTZY BÈPHE	Hi, can you guys hear me?
CHAIR FUENTES	Sure can.
MITTZY BÈPHE	(Made hateful comments)
CHAIR FUENTES	Can you cut her off now, please? She is done.
ADMINISTRATIVE SECRETARY HERNANDEZ	Should we go ahead and try the other ones that weren't...
CITY MANAGER MIRANDA	Chair, can we just ask for a five-minute break?
CHAIR FUENTES	Yes, can we please have a five-minute break.
RECESS	Chair Fuentes recessed the meeting at 6:39 p.m.
RECONVENED	Chair Fuentes reconvened the meeting at 6:41 p.m.
ADMINISTRATIVE SECRETARY HERNANDEZ	We will move on to Tier 3, anyone in person or teleconference that would like to talk that hasn't talked still. It looks like we provided everyone an opportunity to speak... You can go ahead and...
CARMEN ROMAN	Hi, Carmen Roman, Irwindale Resident. I just want to welcome back all our Planning Commissioners and Staff. And to welcome, Mr. Joseph Rodriguez as the newest member. I hope you guys all have a fantastic year.
CHAIR FUENTES	Albie is also one of the new members.
CARMEN ROMAN	Oh, I am sorry Albert, you too. Albert, welcome. We are so excited to have you here too. Hope you have a wonderful year.
CHAIR FUENTES	Thank you. Is there anyone else wishing to speak on Spontaneous Communication?
ADMINISTRATIVE SECRETARY HERNANDEZ	We do have another person online.
ASSISTANT CITY ATTORNEY TRAXLER	As long as they have not previously been given an opportunity to speak.

ADMINISTRATIVE SECRETARY HERNANDEZ Okay, I am going to go ahead and unmute Dindu. You are unmuted. It looks like they don't need to speak so we will go ahead and move on.

CHAIR FUENTES Very good. We will now close Spontaneous Communication. We will move on to New Business.

**NEW BUSINESS**

CHAIR FUENTES It looks like we have no New Business. So we have a Public Hearing.

**PUBLIC HEARINGS**

CHAIR FUENTES Development Agreement No.01-2020; 4800 Rivergrade Road a digital billboard conversion.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON Thank you Chair and Commission, this item will be presented to you by our Planning Technician Martin Romero.

PLANNING TECHNICIAN ROMERO Good evening, Honorable Chair and members of the Planning Commission. Tonight, we will be discussing a request for a Development Agreement for the property at 4800 Rivergrade Road. Both the applicant and property owner is Rivergrade Holding LLC. The applicant is requesting a Development Agreement for the conversion of an existing static billboard into a digital billboard. A Development Agreement is a contract between the City and a developer to define a project's rules, regulations, commitments, and policies for a specific period of time. The site is located west of the 605 freeway, east of Rivergrade Road within the former Hallet Boat site. There is an existing static billboard sitting 500 feet away from the subject billboard. The site is located in an M-2 (Heavy Manufacturing) zone, with a General Plan designation of Industrial/Business Park. The proposed project is categorically exempt from CEQA per Section 15302 Class 2: Replacement and Reconstruction. I would like to call out some changes from the Staff Report and the Resolution. The proposed billboard is proposed to be 14' by 48'. I believe, page two of the Staff Report under Project Description/Analysis, I had stated that it was going to be 16 feet 4.8 inches by 50' but the useable billboard face is proposed to be 14' by 48'.

CHAIR FUENTES It is actually smaller. It's smaller.

PLANNING  
TECHNICIAN  
ROMERO

The applicant is proposing to convert an existing static billboard consisting of two, 14' x 48' digital panels arranged in a "V" formation having both north and south facing panels facing both directions of the 605 Freeway. Some key provisions from the Development Agreement are the developer will pay the city a total of \$70,000 a year for the digital billboard, that is \$35,000 per face. This figure will increase by 12.5% every five years for a total of 30 years. The developer will provide advertising space to the City free of charge on a space available basis. The developer will not advertise tobacco, marijuana, adult entertainment, or any explicit advertising. The City Council will have the right to review this agreement annually at the developer's sole cost. The developer will indemnify the City of any damages or claims related to the construction and operation of the billboard. Staff recommends the adoption of Resolution No. 821(24) recommending that the Planning Commission recommend approval of Development Agreement No. 01-2020 to the City Council, subject to the proposed Conditions of Approval. This concludes my presentation.

CHAIR FUENTES

Thank you.

ADMINISTRATIVE  
SECRETARY  
HERNANDEZ

If the applicant would like to say...

PLANNING  
TECHNICIAN  
ROMERO

The applicant is also here.

CHAIR FUENTES

Please come forward if there is anything you would like to speak on.

ANDY GOODMAN

My name is Andy Goodman. I represent Rivergrade Holding, LLC. We are here to answer any questions that the Commissioners may have. I would like to thank Staff for doing a very good job on the presentation and we are here to answer any questions. Thank you.

CHAIR FUENTES

I have a question for Staff. The processing fees, there are some processing fees here for different things. That is above and beyond the 35,000 per billboard?

PLANNING  
TECHNICIAN  
ROMERO

Processing fees? Do you mean for the application?

CHAIR FUENTES

Correct.

PLANNING  
TECHNICIAN  
ROMERO

That is an entirely different...

CHAIR FUENTES                    Okay, so it is not included in that okay.

PLANNING  
TECHNICIAN  
ROMERO                            Yeah.

CHAIR FUENTES                    Okay, good. Alright, thank you. Go ahead. I am sorry are there any Commissioner questions?

COMMISSIONER  
CHICO                                I am looking at our presentation, anyway, it says the applicant is Rivergrade Holding LLC, property owner, Rivergrade Holding LLC. On page 2 of the Development Agreement, paragraph E says Luos Investment LLC owns the real estate, owns the property. Which one is it?

ANDY GOODMAN                    Thank you again Commissioners, thank you for the question. Luos is the owner of the property. Within that property, as you will see in the Development Agreement, there is an easement as the exhibit. Rivergrade Holding LLC, owns the easement on the property, has an agreement with Luos to be able to get ingress or egress on to that property. The billboard will stay within that easement, so the easement is the ownership of Rivergrade LLC.

COMMISSIONER  
CHICO                                That I understand, it is a little confusing the way everything was worded. They own the easement not the property per se.

ANDY GOODMAN                    They own the easement within the property, correct.

CHAIR FUENTES                    (Inaudible)

COMMISSIONER  
CHICO                                Well I don't know we have to ask our attorney. Is the agreement worded properly?

ASSISTANT  
CITY ATTORNEY  
TRAXLER                            Yes, it has been reviewed by the City Attorney's Office with the correct applicant identified.

PLANNING  
TECHNICIAN  
ROMERO                            So we are not changing the Development Agreement language? It is good as is?

ASSISTANT  
CITY ATTORNEY  
TRAXLER                            I'll just make a caveat when it goes to the City Council, if the Planning Commission approves the project tonight we will do a double check to make sure it is accurately reflected.

CHAIR FUENTES                    Okay.

COMMISSIONER  
CHICO                                Alright.

ASSISTANT CITY ATTORNEY TRAXLER	Chair if I may.
CHAIR FUENTES	Yes.
ASSISTANT CITY ATTORNEY TRAXLER	Before the Commission gets into further questions, I would recommend opening the Public Hearing and receiving public comments.
CHAIR FUENTES	Very good. At this time, I would like to open the Public Hearing on this. Any one wishing to speak from the public please come forward?
OPEN PUBLIC HEARING	At 6:51 p.m., Chair Fuentes opened the Public Hearing.
CARMEN ROMAN	Can you speak into the mic?
FRED BARBOSA	We can't hear you.
CHAIR FUENTES	I am sorry. I am a little soft spoken at times. I would like to open the meeting now to the audience. If anyone would like to speak please come forward now, and speak on the matter.
ADMINISTRATIVE SECRETARY HERNANDEZ	It looks like we have no one in Tier 1, no one in Tier 2, so no one in Tier 3 as well.
CHAIR FUENTES	Very good. Now do I close it and open it for...
ASSISTANT CITY ATTORNEY TRAXLER	For any Commissioner questions if you would like clarification, and then after that you will close it for deliberations.
CHAIR FUENTES	Very good. Okay, do we have any other questions from the Commissioners?
VICE-CHAIR FRYMARK	Thank you Chair, I do have two questions. One is for Staff and one is for Mr. Goodman. I don't know which one we would like to address first. I will start off with Mr. Goodman since you have a nice smile on your face.
ANDY GOODMAN	Sure.
VICE-CHAIR FRYMARK	Good evening, this is just a general question. I am curious to know what would be the energy source that we would draw from for those billboards?

- ANDY GOODMAN Sure. What we will do is, we will upgrade the electrical on the property. Currently the static sign has electricity to it. We've got our own meter on the property, so we pay for our own electricity. With the upgrade for the digital sign, it would just be an upgrade to the meter there. So we will go to a 60 amp connection to the sign itself, that is what we will draw from. It will be Southern California Edison.
- VICE-CHAIR  
FRYMARK Wonderful. Is there any consideration to do maybe some kind of solar energy?
- ANDY GOODMAN You know, solar energy is a good way to put electricity back into the grid, but it is not a good way for us to be able to run a digital sign. If the Luos Company would like to put solar on the property that would work, but not for Rivergrade. I mean we have a small easement, the billboard fits within that easement to throw a couple of solar panels onto the billboard isn't going to offset the amount of electricity that we are going to be using.
- VICE-CHAIR  
FRYMARK Understood. Thank you.
- ANDY GOODMAN Good question though.
- VICE-CHAIR  
FRYMARK Thank you.
- ANDY GOODMAN We would like to make it that efficient.
- CHAIR FUENTES I got a question that goes along with that. So, there will be no apparatus besides a bigger meter as far as any structures or anything else that will be built to help operate this billboard?
- ANDY GOODMAN Correct. There is already a meter on the property. The transformer, the box, is right there next to the billboard also. It won't be any bigger than it already is right now. Yes, correct.
- CHAIR FUENTES Thank you.
- VICE-CHAIR  
FRYMARK The second question is for Staff. Understanding that it is a \$70,000 per year agreement, if you will, that will increase revenue by about 350,000, right, over the five-year span. Is there plans in place for what to do with those resources, should this be approved? I mean its preliminary and we don't have to have plans in place, but I am just curious if there is any projection.
- CITY MANAGER  
MIRANDA Commissioner, that would be of the discretion of the City Council. It will go straight to the General Fund...

VICE-CHAIR FRYMARK	And then it would be decided upon there?
CITY MANAGER MIRANDA	Yes.
VICE-CHAIR FRYMARK	Sounds good. Thank you.
FRED BARBOSA	Fred Barbosa, 16164 Calle De Paseo. Just for your own information. When you have a solar power, and the energy grid goes down you are inoperative. Those signs won't work if the grid goes down. Just like I have solar, my air conditioner goes down even if I do have solar when there is a power shortage.
CHAIR FUENTES	Thank you. Are there any other comments from Commissioners or from the audience? Very good. Alright, I would like to close the Public Hearing now.
CLOSE PUBLIC HEARING	There being no speakers, Chair Fuentes closed the Public Hearing at 6:55 p.m.
CHAIR FUENTES	Can we get a motion from the Commission?
VICE-CHAIR FRYMARK	I move.
COMMISSIONER ACOSTA	I second.
ADMINISTRATIVE SECRETARY HERNANDEZ	What's your motion?
VICE-CHAIR FRYMARK	To approve, thank you for clarifying.
ASSISTANT CITY ATTORNEY TRAXLER	Mr. Chair, I can read the recommendation into the record.
CHAIR FUENTES	Sure.

ASSISTANT CITY ATTORNEY TRAXLER	We have a motion to approve and adopt Resolution No. 821(24). A resolution of the Planning Commission of the City of Irwindale recommending that the City Council approve Development Agreement No. 01-2020 to allow for the conversion of an existing static billboard located at 4800 Rivergrade Road (APNS: 8535-020-045, 8535-020-047, and 8535-020-048 in the M-2 (Heavy Manufacturing) zone. Subject to the conditions as set forth herein and making findings in support thereof and find the project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15302 (Class 2; Replacement and Reconstruction.)
CHAIR FUENTES	Very good, we have a motion and a second. Can we have a Roll Call please?
ADMINISTRATIVE SECRETARY HERNANDEZ	The motion was from Vice-Chair Frymark and second was Commissioner Chico or Commissioner Acosta?
COMMISSIONER CHICO	Commissioner Acosta.
ADMINISTRATIVE SECRETARY HERNANDEZ	Acosta, okay.
COMMISSIONER CHICO	Put your name on the books.
ADMINISTRATIVE SECRETARY HERNANDEZ	Okay, we will go ahead and do Roll Call. Commissioner Acosta.
COMMISSIONER ACOSTA	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Chico.
COMMISSIONER CHICO	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Rodriguez.
COMMISSIONER RODRIGUEZ	Yes.

ADMINISTRATIVE  
SECRETARY  
HERNANDEZ Vice-Chair Frymark.

VICE-CHAIR  
FRYMARK Yes.

ADMINISTRATIVE  
SECRETARY  
HERNANDEZ Chair Fuentes.

CHAIR FUENTES Yes.

ADMINISTRATIVE  
SECRETARY  
HERNANDEZ Thank you.

CHAIR FUENTES Thank you very much sir.

ANDY GOODMAN Thank you very much. I appreciate it.

CHAIR FUENTES Now we will move on to Discussion Items and Presentations.

**DISCUSSION ITEMS/  
PRESENTATIONS**

CHAIR FUENTES Do we have any presentations or discussions that we need to speak on?

ADMINISTRATIVE  
SECRETARY  
HERNANDEZ We do not.

CHAIR FUENTES Okay, how about the Community Development Director Report? Marilyn, you are up.

**COMMUNITY  
DEVELOPMENT  
DIRECTOR REPORT**

COMMUNITY  
DEVELOPMENT  
DIRECTOR  
SIMPSON Thank you Chair and Commission and for the first time in my life, I have nothing to say.

CHAIR FUENTES Okay, moving on. How about our Legal Counsel, do we have any comments?

**LEGAL COUNSEL**  
**COMMENTS**

ASSISTANT  
CITY ATTORNEY  
TRAXLER Thank you Chair, no comments.

CHAIR FUENTES I just have a comment or a question, I guess for Legal.

ASSISTANT  
CITY ATTORNEY  
TRAXLER Sure.

CHAIR FUENTES In the event this happens again, what happened earlier for the Tier 2, we just go ahead and do the same thing again and just advise them?

ASSISTANT  
CITY ATTORNEY  
TRAXLER Same thing. You might have noticed that the admonishment before Spontaneous Communication was a bit different tonight. The City Council experienced something similar a few months ago. We have been working towards trying to promote civil discourse and, you know, respectful communication. Unfortunately, we are limited in what we can prohibit due to people's free speech rights within the First Amendment, but we are able to allow or prohibit certain disruptive conduct, and that would include conduct that addresses the Commission on items that are not within their subject matter jurisdiction. You know the discussions of the irrelevancies here this evening are not within the Planning Commission's purview or jurisdiction and are irrelevant to the business that we consider, and so that is what we use to determine what speech is appropriate for public meetings.

CHAIR FUENTES Thank you. Commissioner Comments.

**COMMISSIONER**  
**COMMENTS**

CHAIR FUENTES Do we have any Commissioner Comments?

VICE-CHAIR  
FRYMARK I do have three comments to make. One, I just want to thank the Planning team for the comprehensive packet that was put together and delivered to us. It was very thorough. I really appreciate it. Second is, I want to thank City Staff and Legal Counsel for putting together that civil discourse disclaimer at the beginning of tonight's meeting. It was an item that was brought up to the City Council. We did have multiple residents come in to advocate for free speech. I want to just commend the City for finding creative solutions to be able to ensure that we can still do that, while being respectful of everyone here. So, thank you for developing that. Thirdly, I would also like to thank the Police Department for being here. We never know when things are going to happen so having police presence here is reassuring to everyone here

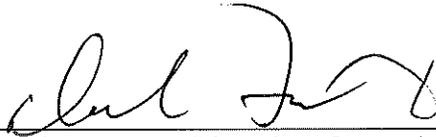
in attendance, so thank you for that. Those are my comments, thank you.

CHAIR FUENTES

Thank you Vice-Chair. Any other comments? I would like to make one comment. I would like to congratulate Dena Zepeda, on the record, for having the honor of Citizen of the Year for City of Irwindale. Great honor. She definitely does a lot for the residents, a public speaker for the residents and an advocate for the residents. Congratulations Dena. Thank you for everyone that voted for her. With that, meeting is adjourned I believe.

**ADJOURNMENT**

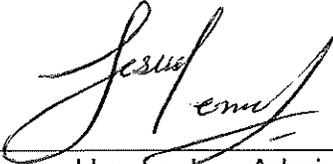
There being no further business to conduct, the meeting was adjourned at 7:01 p.m.



---

David Fuentes, Planning Commission Chair

Attest:



---

Jesus Hernandez, Administrative Secretary

Approved as presented at the meeting held February 21, 2024