

October 2, 2019

THE WALNUT CITY PLANNING COMMISSION

A Regular Meeting of the Walnut City Planning Commission (PC) was held on the above-referenced date. Chairperson Dy called the meeting to order at 7:00 p.m.

FLAG SALUTE: Commissioner Koo

ROLL CALL: Commissioners: Dy, Koo, Fernandez, Perez
(*Wu: absent at roll call but arrived shortly thereafter*)

ALSO PRESENT: City Planner Carlson; Assistant City Attorney Mann; Senior Planner Vasquez; Senior Management Analyst Guerra; Associate Planner Yang; Community Development Technician Katigbak.

ORAL COMMUNICATIONS:

C/Dy opened Oral Communications for Public Comment(s).

Resident, Heidi Gallegos briefly discussed concerns regarding the Brookside Equestrian project. She also mentioned that the City is deficient in housing and needs to meet Regional Housing Needs Assessment (RHNA) numbers. Ms. Gallegos requested that when reviewing proposed developments, the PC attempt to maintain the aesthetic values of Walnut and that the residents located in the Creekside neighborhood be notified about upcoming meetings concerning the development of the Brookside project.

ACM/Weiner requested that the PC listen to Ms. Gallegos' input, but not discuss the Brookside Project since it is not an item listed on the Agenda and that it would be unfair to all other parties wishing to weigh in and discuss the details of the project.

C/Dy closed Oral Communications..

APPROVAL OF MINUTES:

1. September 18, 2019 (Regular Meeting Minutes).

VC/Koo motioned to approve the minutes of September 18, 2019. PC/Perez seconded. Motion passed 5-0.

PUBLIC HEARING(S):

2. Development Agreement (DA) and Time Extension Request – San Jose Hills Road Project: A recommendation to the City Council to adopt a DA and approve a time extension request for a previously approved Tentative Tract Map (TTM) 72844 for the residential project at 20650 San Jose Hills Road.

ACM/Weiner stated that AP/Yang will present the Staff Report, and any questions specifically about the DA may be directed towards SMA/Guerra.

AP/Yang presented the Staff Report.

C/Dy opened the item for Public Comment(s).

C/Dy closed the item for Public Comment(s).

PC/Fernandez questioned if the PC conducted a Site Plan and Architectural Review (SPC/AR) for this project.

AP/Yang confirmed that a SPC/AR and the DA were reviewed together.

PC/Fernandez asked if the property the project is located on was sold.

AP/Yang stated that the site and project are currently under the same owner.

PC/Fernandez mentioned that in 2020, all new residential units will be required to comply with the building standards of accommodating solar panels. PC/Fernandez further mentioned that by granting the time extension it may prolong the process of the development.

ACM/Weiner stated that any and all changes made in the Los Angeles County Building Code will be adopted by the City Council and implemented into the Walnut Municipal Code (WMC). ACM/Weiner added that if the time extension is approved and/or denied during tonight's meeting, it will not exempt the applicant from the building regulations at the time of construction.

PC/Fernandez inquired if Los Angeles County had adopted the State code regarding the installation of solar panels.

ACA/Mann stated that it is a timing issue and that the State has mandated it as part of the Building Code.

ACM/Weiner had mentioned that at time of Plan Check, if the plans do not reflect what is required from the State, County, and City Building Codes, the applicant will need to make all necessary corrections to be in compliance.

The PC and Staff further discussed the process and period of time wherein the City and County will adopt the newly regulated Building Code.

C/Dy questioned if the applicant's request is for the approval of the Tentative Tract Map (TM) 72844 or the DA.

ACM/Weiner stated that the DA has a separate time frame for entitlement, not related to the timing of the Building Plan Check for the project.

The PC and Staff further discussed the project's current progress and status.

VC/Koo mentioned that the request for extension was submitted in February of 2019 and inquired if the map was to be approved, if the time allotted would be sufficient enough.

ACM/Weiner stated that the terms outlined within the DA supersede the time extension; in the case the DA is not to be approved, the time extension granted would apply.

PC/Fernandez inquired if the Developer had mentioned any reasons for the project's delay.

ACM/Weiner deferred to the Developer.

PC/Perez asked if there were any issues discovered during the early stages of the project.

AP/Yang commented that there were no issues discovered.

ACM/Weiner stated that there were merchant home builders inquiring about the site and requested to make major modifications related to lessening the architecture and adding on more units.

The PC and Staff briefly discussed the DA fees.

SMA/Guerra commented that the DA fees would be collected at Building Permit issuance.

VC/Koo asked about the Park fees.

SMA/Guerra stated that the park fees will be collected prior to approval of the Final Map.

C/Dy inquired about the Development Impact Fee.

ACA/Mann stated the DA can serve as a mechanism to allow a TTM a longer period of time to complete, with the consideration of the Development Impact Fee.

SMA/Guerra mentioned that as outlined within the DA, the Applicant must obtain the Final Map within two (2) years of the effective date of the DA and Building Permits within three (3) years; moreover, that the life of the DA is no longer than five (5) years.

ACM/Weiner reiterated that the Applicant has thirty-six (36) months to pull Building Permits.

The PC and Staff discussed that if the DA were to default, the Applicant would still be held liable to pay the DA fee.

VC/Koo inquired how the development fee for the Terraces project was determined.

SMA/Guerra followed that the City initially proposed that The Terraces be charged at the amount of \$3.50 per square-foot, however, the Applicant requested that it be a per unit fee; it was determined that a per unit fee of approximately \$7,200.00 is equivalent to a fee assessed by square-footage.

ACM/Weiner further discussed the process in which the development fee is determined for projects.

C/Dy expressed concerns with the time extension of the TTM. However, he was inclined to approve the project due to the development fees required to be paid to the City regardless of whether or not the development proceeds.

PC/Fernandez requested that C/Dy open the Public Hearing for the PC to hear the Applicant's update on the project timeline and explanation on the request for the time extension.

C/Dy re-opened the item for Public Comment(s).

Project Representative, Vincent Lin mentioned that there were unsolicited offers from potential buyers, however, the current owner decided to move forward with the development. Mr. Lin updated the PC that the

project is ready for grading. Mr. Lin also mentioned that the site improvements can range from nine (9) to twelve (12) months and that the structural plans approved are final. The project proposes to break ground with grading within the next ten (10) days.

C/Dy closed the item for Public Comment(s).

MOTION ON ITEM 2

PC/Fernandez motioned to adopt PC Resolution 19-14 recommending to the City Council for approval of the DA for the project at 20650 San Jose Hills Road and adopt PC Resolution 19-15 recommending to the City Council for approval of a twelve (12) month time extension for TTM 72844, subject to the previously approved Conditions of Approval (COA). C/Dy seconded.

ROLL CALL:

AYES: Dy, Koo, Fernandez, Perez, Wu
NOES: None
ABSTAIN: None
ABSENT: None

Motion passed 5-0.

OLD BUSINESS:

None Scheduled.

NEW BUSINESS:

3. Zoning Code Amendment (ZCA) 2019-01: An amendment to the Walnut Municipal Code.(WMC) Section 6.80 – Procedure Generally.

SP/Vasquez presented the Staff Report.

C/Dy commented that the ZCA will create changes to the WMC because the CC has to ratify the decisions made by the PC.

SP/Vasquez confirmed and stated that any amendments to the proposed resolution would act as a recommendation to the City Council, should the PC decide to make enhancements and/or improvements.

VC/Koo commented that the process in which the City Council may pull up any PC items is in full effect and questioned if the ZCA presented is more than a notification process.

SP/Vasquez stated that it is two-fold; it introduces the notification process and the process of the Council to elect to pull-up any PC items. SP/Vasquez stated that currently there is no code that would allow the Council to pull PC items up unless an appeal is filed.

ACM/Weiner stated that procedurally what will occur based off the recommendation is that at every Council meeting there will be a list of all PC approvals, informing and allowing the City Council to elect to discuss an item for review by majority vote.

ACA/Mann further discussed common issues wherein the resident who would like to file an appeal, is not only the appellant but a decision maker. ACA/Mann stated that the ZCA would allow Councilmembers to exercise the right to review projects wherein there are concerns, without filing an appeal.

PC/Wu asked if there are other cities that exercise this process.

The PC and ACA/Mann further discussed that the ZCA is the most common process to provide the applicant with a fair hearing.

ACM/Weiner commented that the ZCA was a direct from the City Council. Further, Staff must be transparent when informing the PC/CC on the benefits and constraints of new ideas similar to the proposed ZCA. ACM/Weiner also mentioned that the following modification to the WMC may cause project delays.

The PC and Staff further discussed the reason as to why the ZCA was brought to the PC and in what jurisdictions a Planning Commission has the authority, as far as making recommendations, that can be applied as changes/alterations to the WMC.

VC/Koo questioned what mechanism was used to review The Terraces (49-Acres).

ACM/Weiner stated that the project was intense in terms of General Plan Amendments (GPA), Zone Change (ZC), etc. The WMC states that with projects similar in intensity as The Terraces, the PC's duties are to make recommendations to the CC.

The PC and Staff further discussed the probable circumstances in which the ZCA may alter PC decisions and projects.

PC/Perez inquired how long the appeal process is.

ACM/Weiner stated that an appeal item is agendaized for City Council within forty-five (45) days of filing the appeal.

The PC and Staff discussed the procedure of appealing a project on the CC level.

C/Dy asked if the PC has the opportunity to add to the ZCA, more specifically, shared maintenance of new private roads as a result of new developments.

ACM/Weiner discussed that any and all roads not owned by the City are strictly maintained by the Homeowner's Association (HOA).

C/Dy requested that within the ZCA, Code Enforcement (CE) have the authority to issue violations to residents whom do not comply with the shared private street maintenance.

ACM/Weiner briefly discussed that CE utilizes a mechanism to address similar issues and/or concerns.. Moreover, CE does not participate in civil issues.

ACA/Mann mentioned that though the PC may discuss and propose ideas, adoption occurs at the Council level. ACA/Mann further stated that it appears that the PC is requesting/proposing an assessment mechanism for private roads.

ACM/Weiner mentioned that those driving along the private road are actually meandering along two (2) properties; property lines run all the way to the middle of the street.

Staff further discussed the process in which the City would engage when regulating private roads.

The PC briefly discussed the benefits and constraints the ZCA would impose.

C/Dy opened the item for Public Comment(s).

Resident, Heidi Gallegos shared concerns of the ZCA diluting the authority of the PC and discussed how it may be politicized and certain projects and developments may be hindered.

C/Dy closed the item for Public Comment(s).

The PC and Staff further discussed the process of approval and/or denial of the ZCA.

The PC commented on the potential effects the ZCA would have on the current and future PC decisions.

C/Dy further commented that though he understood his colleagues concerns/comments, he is compelled to abstain from voting on the item.

MOTION ON ITEM 2

PC/Fernandez motioned to adopt a resolution recommending that the CC not approve ZCA 2019-001 as presented. PC/Wu seconded.

ROLL CALL:

AYES: Koo, Fernandez, Perez, Wu
NOES: None
ABSTAIN: Dy
ABSENT: None

Motion passed 4-0.

DISCUSSION/TRANSACTIONS:

NONE SCHEDULED

REPORTS AND COMMENTS:

- ACM/Weiner briefly mentioned the annual Walnut Family Festival being held at Suzanne Park on Saturday, October 12, 2019.
- PC/Fernandez commented on the landscape maintenance of the United States Postal Service (USPS) building off of Lemon Avenue.

- PC/Perez inquired about the digging behind St. Lorenzo Ruiz Catholic Church and whether or not it is related to fiber optics.
- ACM/Weiner had confirmed that there is fiber optic work being conducted in the Meadow Pass region, however, specifics of the location were not discussed.
- PC/Perez mentioned that due to the construction and equipment the Meadow Pass trail is temporarily shut down.
- The PC and Staff briefly discussed the requirements Public Works follows in regards to the stabilized decomposed granite (DG) placed on the trails.

ADJOURNMENT:

This meeting was adjourned at 8:23 p.m. The next Planning Commission Meeting is set for a regular Wednesday, November 6, 2019, at 7:00 p.m. in the City Council Chambers at Walnut City Hall (21201 La Puente Road).

Passed and Approved on the 6th day of November, 2019.



Tom Weiner, Assistant City Manager – Development Services



Chairperson, Heinrich Dy