

AGENDA ITEM 5

- Public Hearing
- Ordinance
- Consent Calendar
- Discussion/Transaction

WALNUT CITY COUNCIL

AGENDA DATE: JULY 14, 2021

TO: Mayor Pacheco and Council Members

VIA: Rob Wishner, City Manager *RW*
Tom Weiner, Assistant City Manager – Development Services *TW*

FROM: Chris Vasquez, Senior Planner *CW*

SUBJECT: Brookside Project – Adoption of Resolution No. 21-26 denying Conditional Use Permit (CUP) 2015-006 for a Residential Planned Development (RPD) on a 25.8-acre Property located at 800 Meadowpass Road (APN: 8709-093-001, 002, & 003)

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 21-26; denying CUP 2015-006 for a Residential Planned Development and subsequent development of the Brookside Project.

PROJECT PROPONENT

Property Owner: Spring Meadows Homes LLC/Meadow Pass Estates LLC
Attn: Mr. Jack Su
18217 Gale Avenue, Suite A
City of Industry, CA 91748

BACKGROUND

On May 26, 2021 the City Council conducted a Public Hearing related to the development of the Brookside property (a 25.8-acre(s) located at 800 Meadowpass Road within the RPD 28,500 – 1.3 DU; Residential Planned Development [RPD] Zoning District). Following the close of the Public Hearing, the City Council continued the item to June 23, 2021 requesting that the property owner submit additional documentation to address concerns about the proposed “Brookside Park” improvements on Lot K and concerns relating to the Project’s flood analysis. The Public Hearing was re-opened on June 23, 2021.

The Applicant presented revised plans for the Project based on previous City Council feedback, which included the following:

- Three (3) alternative concept plan(s) for Brookside Park (Lot K), including site improvements and construction costs.
- An increase of Lot K (Brookside Park) to 41,620 square-feet (an approximate 1,150 square-foot increase).
- Information related to the one hundred (100)-year flood analysis.

A copy of the June 23, 2021 City Council Meeting Minutes is provided (Attachment 2).

DISCUSSION/STAFF ANALYSIS

During the June 23, 2021 Public Hearing, the City Council raised concerns that the proposed residential planned development (with reduced Lot sizes) failed to provide for better designed open space area(s), such as Open Space Lot K (Brookside Park). WMC Section 6.24.030(F) outlines criteria that should be considered when an RPD under the CUP mechanism is proposed. WMC Section 6.40.040 provides the Findings that must be made (by Resolution) in order to support approval of any CUP. A copy of WMC Section(s) 6.24.030(F) and 6.40.040 is provided (Attachment 3).

During the Public Hearing, the Council emphasized the importance of increasing the size of Open Space Lot K (Brookside Park) beyond 41,620 square-feet in order to provide sufficient park area for the use and enjoyment of the site as common open space, developed for recreational purposes (as required by WMC Section 6.24.030(F)). Based on the documentation presented, public testimony and the comments of the applicant, staff, and the Council, a majority of the City Council determined that the proposed subdivision design is not desirable as an RPD under the CUP mechanism and that the proposed Project did not further the objectives of the RPD as set forth in WMC Section 6.24.030.F.

In addition, a majority of the City Council determined that findings could not be made to support approval of a CUP (consistent with the provisions of WMC Section 6.64.040) due to the limited size and site improvements presented for the Brookside Park.

Subsequently, a City Council motion to approve the Brookside Project did not pass. With no alternative motion made, the Council directed Staff to return with a Resolution denying CUP 2015-006 for an RPD development related to the Project.

Resolution No. 21-26 (Attachment 1) for the Council's consideration, sets forth findings to deny the Project, as presented at the May 26 and June 23, 2021 City Council meetings. Specifically, Section 3 of the Resolution explicitly outlines the inconsistencies of the proposed CUP with the WMC and Walnut General Plan (WGP). Based on the denial of the CUP, the TTM does not meet the requirements for a Residential Planned Development.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

An Environmental Impact Report (EIR) was prepared for the Brookside Project and presented to the City Council during the June 23, 2021 Public Hearing. However, no action was taken with respect to the EIR because CEQA does not apply to a denial of a proposed project. Therefore, the Council's adoption of Resolution No. 21-26 denying CUP 2015-006 and the Brookside Project does not require an environmental determination and/or action under the provisions of CEQA.

CONCLUSION

Resolution No. 21-26 (Attachment 1) has been prepared to confirm the City Council's decision to deny CUP 2015-006 for the Brookside Project. A copy of the Draft June 23, 2021 City Council Meeting Minutes have also been provided (Attachment 2). Upon adoption of Resolution No. 21-26, the Council's decision to deny the Brookside Project shall become immediately effective and final.

Attachments:

1. Resolution No. 21-26
2. Draft June 23, 2021 City Council Meeting Minutes
3. WMC Section(s) 6.24.30 & 6.64

ATTACHMENT 1

Resolution No. 21-26

ATTACHMENT 1

RESOLUTION NO. 21-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALNUT, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA DENYING CONDITIONAL USE PERMIT (CUP) 2015-006 FOR THE DEVELOPMENT OF A RESIDENTIAL PLANNED DEVELOPMENT (RPD) PURSUANT TO WALNUT MUNICIPAL CODE (WMC) SECTION 6.24.030 WITHIN THE RPD ZONING DISTRICT FOR THE BROOKSIDE PROJECT LOCATED AT 800 MEADOW PASS ROAD (APNS: 8709-093-001, -002 & -003)

WHEREAS, on March 4, 2020, the Walnut Planning Commission conducted a duly noticed Public Hearing and adopted PC Resolution No. 20-02 and PC Resolution No. 20-03 recommending that the Walnut City Council approve and certify the Final Environmental Impact Report (FEIR), Mitigation Monitoring Reporting Program and Errata for TTM 72798, and CUP 2015-006 for the Brookside Project and recommending approval of CUP 2015-006 and TTM 72798, subject to Conditions of Approval (COA); and

WHEREAS, the subject Property consists of 25.8-acres acres of land located at 800 Meadow Pass Road (APNs: 8709-093-001, -002 & -003) within the R.P.D. 28,500 – 1.3 DU; Residential Planned Development Zoning District; and

WHEREAS, the Walnut Municipal Code (WMC) Section 6.24.030 (A) ("RPD Zone – Permitted Uses and Procedures") states that property in an RPD Zone may be used for:

“1. Any use permitted in an R-1 Zone, of the specific minimum lot size specified at the time of change of zone, e.g., RPD (10,000)—3.5, under the same limitations and conditions including area requirements, front, side, and rear yards, garages and auxiliary uses.

2. A residential planned development, if a Conditional Use Permit has first been obtained as provided in Chapter 6.64, which will provide the same or a lesser density of dwelling units than specified in the RPD Zone designation as applicable to the subject property...”; and

WHEREAS, the WMC 6.24.030 authorizes an RPD to create lots smaller than the minimum lot size applicable within the R-1 Zone, subject to approval of a CUP and subject to the designated maximum density specified in the RPD Zone. Specifically, WMC 6.24.030(O) ("RPD Zone – Permitted Uses and Procedures") states:

“...Where the proposed division would create one or more lots or parcels of land having an area of less than that specified if developed as provided in subsection (A)(1) of this section, such map shall also delineate the relationship between such lots or parcels of land and open space provided as required in subsection F of this section.

The conditional use permit shall consider whether the proposed separation provides as well or better for planned development within the intent of this section”; and

WHEREAS, the Applicant is proposing CUP 2015-006 pursuant to WMC 6.24.030(O);
and

WHEREAS, a Notice for the City Council Public Hearing was published in the San Gabriel Valley Tribune at least ten (10) days prior to the May 26, 2021 meeting date, to consider the FEIR for the Brookside Project and proposed CUP 2015-006, Tentative Tract Map (TTM) 72798, and Development Agreement (DA) 2019-02. Notices were also posted at Walnut City Hall, the Walnut Senior Center and The Walnut Post Office. Furthermore, the notices were also mailed to all Property Owners within a five-hundred (500’) foot radius of the subject property informing them of the May 26, 2021 City Council meeting; and

WHEREAS, on May 26, 2021, the Walnut City Council held a duly noticed and advertised Public Hearing to receive oral and written testimony relative to CUP 2015-006 and TTM 72798 related to the Brookside Project; and

WHEREAS, the City Council continued the Brookside Project to the regularly scheduled City Council meeting on June 23, 2021, with direction to the Applicant to provide detailed plans, alternatives and costs related to the Brookside Park (Lot K). Said plans were also to include updated Hydrology Report for the Project site and to include analysis of the Site under a one hundred (100)-year flood scenario; and

WHEREAS, on June 23, 2021 the City Council continued with the Public Hearing relative to CUP 2015-006 and TTM 72798 related to the Brookside Project; and

WHEREAS, during the June 23, 2021 City Council Public Hearing a motion to adopt Resolution No. 21-25 approving CUP 2015-006 did not pass, and the City Council directed Staff to prepare a Resolution reflecting the Project’s subsequent denial as a result of a failed motion to approve CUP 2015-006; and

WHEREAS, the Walnut City Council has sufficiently considered the recommendation and Findings of the Planning Commission as well as all evidence and testimony presented by the Community Development Department and all interested persons with respect to this Item in order to make the following determination.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Walnut as follows:

SECTION 1. City Council took no action and did not certify the FEIR with Mitigation Measures pertaining to CUP 2015-006 and TTM 72798.

SECTION 2. The City Council has reviewed and analyzed the proposed Brookside Project pursuant to the appropriate Planning and Zoning Laws, the Walnut General Plan (WGP), and the Walnut Zoning Map (WZM) and hereby finds and determines that CUP 2015-006 is not consistent with the WMC and WGP Goals and Objectives, and that the CUP does not provide for a better planned development of the site within the RPD Zone with respect to providing and preserving Open Space, public trail(s), and other protecting/preserving unique natural qualities of the site (e.g. Lemon Creek). In particular, the City Council finds that the proposed Brookside Park (Lot K) provides insufficient park area for the use and enjoyment of the site as common open space developed for recreational purposes (as required by WMC Section 6.24.030(F)) and that the characteristics of such open space and the manner in which the open space is to be improved and maintained does not further the objectives of the RPD.

SECTION 3. The City Council hereby finds and determines based on the evidence presented at the Public Hearing that the facts and conditions necessary to approve CUP 2015-006 in accordance with WMC Section 6.64 ("Conditional Use Permits") do not exist and that CUP 2015-006 is hereby denied based on the following findings of fact:

A. That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of this Chapter, and is not detrimental to existing uses or to uses specifically permitted in the Zone in which the proposed use is to be located.

FINDING: *The proposed CUP 2015-006 to subdivide the 25.8-acre Brookside Property is contrary to the above referenced criteria. The Applicant has applied for CUP 2015-006 in order to allow for an RPD that incorporates reduced Lot sizes (as allowed by the WMC for a RPD), resulting in an increase to the public benefit of greater Open Space, public trails, and the Brookside Park (Open Space Lot K)*

However, the proposed CUP for the RPD is inconsistent with WMC Section 6.24.030(F)(1) ("RPD Zone – Permitted Uses and Procedures"), due to the insufficient size and inadequate recreational opportunities of Lot K (Brookside Park). Specifically, the Section states:

"In approving the Conditional Use Permit, the following open space uses shall be considered by the Planning Commission and City Council and a determination made as to which of such uses shall, in their judgment, be necessary for the health, safety, use and enjoyment of the Residential Planned Development or appropriate phase thereof:

- a. Common open space developed for recreational purposes.*
- b. Areas of scenic or natural beauty forming a portion of the proposed development.*
- c. Present or future recreational areas of a noncommercial nature including parks and playgrounds.*
- d. Present or future hiking, riding, or bicycle trails.*
- e. Landscaped portions adjacent to streets or highways which are in excess of minimum required rights-of-way."*

At 41,620 square-feet, the proposed size of Lot K lacks the following:

- *Adequate area(s) to accommodate the overall use and enjoyment of the Public Park by the Community;*
- *Common Open Space that would be developed for recreational purposes;*
- *Adequate space for present or future recreation of a noncommercial nature, including parks and playgrounds.*

Therefore, the proposed CUP is inconsistent with WMC 6.64.040 (B) ("Conditional Use Permits – Procedure for Obtaining"), and findings cannot be made to justify approving CUP 2015-006 for a Residential Planned Development with reduced Lot sizes.

B. That the site for the intended use is adequate in size and shape to accommodate said use and all of the yards, setbacks, walls or fences, landscaping and other features required in order to adjust said use to those existing or possible future uses on land in the neighborhood.

FINDING: *The subject Property is 25.8-acre(s) in size. The Applicant is requesting approval of CUP 2015-006 in order to allow for RPD that proposed reduced residential Lot sizes in order to cluster residential Lots within the Project area, and to maximize the amount of public amenities such as Open Space, trails, and provide a passive public park (Lot K Brookside Park). WMC 6.24.030(F)(1) ("RPD Zone – Permitted Uses and Procedures") states the following:*

"In approving the Conditional Use Permit, the following open space uses shall be considered by the Planning Commission and City Council and a determination made as to which of such uses shall, in their judgment, be necessary for the health, safety, use and enjoyment of the Residential Planned Development or appropriate phase thereof:

- a. Common open space developed for recreational purposes.*
- b. Areas of scenic or natural beauty forming a portion of the proposed development.*
- c. Present or future recreational areas of a noncommercial nature, including parks and playgrounds.*
- d. Present or future hiking, riding, or bicycle trails.*
- e. Landscaped portions adjacent to streets or highways which are in excess of minimum required rights-of-way."*

The City Council during the June 23, 2021 Public Hearing determined that CUP 2015-006 does not provide "as well" or "better" planned development, as the Project does not allocate appropriately sized common open space(s) developed for recreational purposes. The Project lacks area(s) for present or future recreation of a noncommercial nature, including parks and playgrounds that are necessary for the health, safety, use, and enjoyment of the RPD, as required by WMC Section(s) 6.64.040 (A – B) ("Conditional Use Permits – Procedure for Obtaining").

The size of Lot K (Brookside Park) totals 41,620 square-feet and is not sufficient to allow for adequate site improvements and amenities that would be dedicated for the public's use and

enjoyment of the site. A public park larger in size (square-footage) would better serve the Community.

Consequently, the proposed CUP is inconsistent with WMC 6.64.040 Section C (“Conditional Use Permits – Procedure for Obtaining”), and Findings cannot be made to justify approving CUP 2015-006 for an RPD with reduced Lot sizes.

SECTION 4. CUP 2015-006, as a result of inconsistencies with WMC Section(s) 6.24.030 (“RPD Zone – Permitted Uses and Procedures”) and 6.64.040 (“Conditional Use Permits – Procedure for Obtaining”), is equally inconsistent with the WGP GOAL COR-11 and Policy COR-11.1.

FINDING: *WGP GOAL COR-11 and Policy COR-11.1 state(s) the following:*

“GOAL COR-11: A vibrant park system that meets the evolving community needs.

Policy COR-11.1: Park System: Develop and maintain parks, recreational, and cultural facilities that reflect the broadest range of interest that meet the needs, desires, and interests of the Walnut Community.”

CUP 2015-006 for the reduction of residential Lot sizes in order to create an RPD fails to establish adequate Public Open Space that is of a desirable size to meet the needs of the Community and allow for the use and enjoyment of the Open Space Lot K (Brookside Park). The limited size presented in the Brookside Project development plan does not reflect the broadest range of interests that meet the needs, desires, and interest of the Walnut Community.

SECTION 5. Based upon all of the evidence presented, and the above Findings that the Brookside Project is inconsistent with WMC 6.24.030 (“RPD Zone – Permitted Uses and Procedures”), WMC 6.64.040 (“Conditional Use Permits – Procedure for Obtaining”), and the WGP Goal COR-11 and Policy COR 11.1, the City Council hereby denies CUP 2015-006 for the Brookside Project, for the development of a RPD allowing a reduction in the minimum size of lots and subject to a maximum density of 1.3 DU/acre, as presented on TTM 72798.

SECTION 6. Pursuant to the WMC Section 6.24.030 (A) (“RPD Zone – Permitted Uses and Procedures”), TTM 72798 for a proposed Residential Planned Development cannot be approved based on the denial of CUP 2015-006.

SECTION 7. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 8. This Resolution shall take effect immediately upon its adoption.

SECTION 9. The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED and ADOPTED this 14th day of July 2021.

Mayor

ATTEST:

Teresa De Dios, City Clerk

**STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF WALNUT)**

I, Teresa De Dios, City Clerk, do hereby certify that I am the duly appointed City Clerk of the City of Walnut and that the foregoing Resolution No. 21-26:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALNUT, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA DENYING CONDITIONAL USE PERMIT (CUP) 2015-006 FOR THE DEVELOPMENT OF A RESIDENTIAL PLANNED DEVELOPMENT (RPD) PURSUANT TO WALNUT MUNICIPAL CODE (WMC) SECTION 6.24.030 WITHIN THE RPD ZONING DISTRICT FOR THE BROOKSIDE PROJECT LOCATED AT 800 MEADOW PASS ROAD (APNS: 8709-093-001, -002 & -003)

was adopted and approved by the City Council of Walnut on the 14th day of July 2021, by the following vote:

AYES: COUNCILMEMBER(S):
NOES: COUNCILMEMBER(S):
ABSENT: COUNCILMEMBER(S):
ABSTAIN: COUNCILMEMBER(S):

Teresa De Dios, City Clerk

ATTACHMENT 2

Draft June 23, 2021 City Council Meeting Minutes

WALNUT CITY COUNCIL MEETING

CALL TO ORDER: Mayor Pacheco called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE: MPT/Ching led the flag salute.

ROLL CALL:

PRESENT: COUNCILMEMBERS: M/Pacheco, MPT/Ching, C/Freedman, C/Tragarz, C/Wu
ABSENT: COUNCILMEMBERS: None

Also present: City Manager Wishner; Assistant City Manager Weiner; Assistant City Manager Rooney; City Attorney Leibold; Finance Officer Cortez; Deputy Community Services Director Jensen; Community Services Superintendent Barcelo; City Engineer Gilbertson; Senior Planner Vasquez; Senior Management Analyst Layman; Senior Management Analyst Guerra; Finance Analyst Meza, Planning Assistant Munoz; Finance Analyst Russel; Planning Technician Katigbak; Public Information Officer Maio; Administrative Assistant Markel; and City Clerk De Dios

INVOCATION – NON-DENOMINATIONAL: Mark Statema from Young Life Ministry led the invocation.

PRESENTATIONS:

- **Lov Ch Ch Churros and Chocolate – Welcome to the City/Business Recognition**

Council recognized and welcomed Lov Ch Ch Churros and Chocolate to the city.

- **Athena Guan, Walnut High School**

Council recognized Athena Guan for her efforts on her Fold a Wish program.

ORAL COMMUNICATIONS FOR THE CITY COUNCIL:

Deidre Vail expressed safety concerns in the area of Heidelberg and Amar Road.

William Harrison thanked Athena Guan for the work she is doing with her Fold a Wish program.

There being no further input, it was moved by MPT/Ching to close oral communications; seconded by C/Tragarz. Motion carried.

MINUTES:

1. **Approval of the June 9, 2021 Study Session**
3. **Approval of the June 9, 2021 Successor Agency Special Meeting**
4. **Approval of the June 9, 2021 City Council Meeting**

MOTION ON ITEMS 1, 3 & 4

C/Wu made a motion to approve Items 1, 3 & 4; seconded by MPT/Ching. Motion carried by the following rollcall vote:

AYES: COUNCILMEMBERS: Pacheco, Ching, Freedman, Tragarz, Wu
NOES: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None

PUBLIC HEARINGS:

5. **Continued from the May 26, 2021 City Council Meeting (Brookside) - A proposal to subdivide a 25.8-acre property into twenty-eight (28) single-family residential lots and other on-site improvements as 800 Meadowpass Road (APN: 8709-093-001, 002, & 003)**

Recommendation: That the City Council:

1. Open the Public Hearing;
2. Hear the Staff Report;
3. Solicit public input on this item;
4. Discuss amongst the City Council Members;
5. Close the Public Hearing; and
6. Accept the Planning Commission's March 4, 2020 recommendation(s) and approve the Brookside Project with the following actions:
 - a. Adopt Resolution No. 21-25 certifying the Final Environmental Impact Report (FEIR) with Statement of Findings;
 - b. Adopt Resolution No. 21-26 approving Conditional Use Permit (CUP) 2015-006;
 - c. Adopt Resolution No. 21-27 approving Tentative Tract Map (TTM) No. 72798; and
 - d. Introduce by title only and waive further reading of Ordinance No. 21-02, "An Ordinance of the City Council of the City of Walnut, County of Los Angeles, State of California Approving A Development Agreement for the Brookside Project Located at 800 Meadowpass Road (APN: 8709-093-001, -002, -003)" and agendize for adoption at the regularly scheduled City Council meeting of July 14, 2021.

M/Pacheco opened the public hearing.

SP/Vasquez presented a staff report.

Applicant Jack Su and his team provided a presentation on the project.

M/Pacheco opened public comment.

CC/De Dios read into the record letters from Drexel Smith, Donna Daigle, and Rose Zafra.

Diana Coronado, Jesse Rodriguez, Anabelle Pacheco, and Hassan Sassi expressed support for the proposed project.

Vijay Vakil, Neri Garcia, Daniel Tashroudian, and William Harrison expressed opposition to the proposed project.

Deidre Vail, Heidi Gallegos, Wendy Toy, Trenton Vail, Vijay Vakil, Lorraine Francis, and Hassan Sassi provided input on the proposed park concepts.

There being no further input, it was moved by C/Freedman to close public comment; seconded by C/Tragarz. Motion carried.

Discussion took place amongst Council and staff regarding the following: the proposed park concepts, maintenance costs of the park, function and use of the park concepts, potential safety concerns of the park, the city's general plan and conditional use permits, the environmental impact report, budget for park construction, and the development agreement.

C/Tragarz expressed concerns regarding maintenance costs of the proposed concepts. She stated that she is in favor of concepts 1 or 3, but would like Lot 4 included in the park.

C/Freedman expressed support for adding Lot 4 to the proposed park.

C/Wu expressed concerns regarding the hydrology and stated that he would like Lot 3 and 4 included into the proposed park.

M/Pacheco expressed support for the first proposed park concept, but would also support the expansion of Lot K with nearby open space.

Developer representative stated that they cannot offer Lot 4 to the City.

MOTION ON ITEM 5

M/Pacheco made a motion to adopt Item 5; seconded by MPT/Ching. The motion was denied by the following rollcall vote:

AYES: COUNCILMEMBERS: Pacheco, Ching,
NOES: COUNCILMEMBERS: Freedman, Tragarz, Wu
ABSTAIN: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None

CA/Leibold suggested that Council direct staff to return to the next Council meeting with a resolution documenting the findings discussed and that the objectives of the RPD zones were not met and the circumstances supporting a CUP were not present.

M/Pacheco directed staff to bring back a report to Council supporting the basis for the denial.

Discussion took place amongst Council and staff regarding options for the developer moving forward.

ORDINANCE: None scheduled.

COUNCIL CONSENT CALENDAR:

6. **Resolution No. 21-36 - A Resolution of the City of Walnut Allowing Certain Claims and Demands in the Amount of \$731,371.69, Demand No. 162721 through No. 162774, Both Inclusive**

Recommendation: That the City Council adopt Resolution No. 21-36.

7. **Third Amendment to the Contractor Services Agreement with Network Paratransit Systems for the Walnut Way Dial-A-Cab Program**

Recommendation: That the City Council:

1. Authorize the City Manager to grant a one (1) year extension to the Agreement through June 30, 2022, with adjustments to the Per Mile and Flag Drop rates, and the Administrative Surcharge.

8. **Approval of Vendor Services Agreement with Ontario Refrigeration for the Replacement of Five (5) Heating Ventilating Air Conditioning (HVAC) Units with UV-C Filtration for Virus Protection at the Gymnasium/Teen Center**

Recommendation: That the City Council:

1. Approve the Agreement for Vendor Services with Ontario Refrigeration in the amount of \$136,567.00 for the purchase, installation, and programming of five (5) HVAC units with UV-C filtration for virus protection at the Gymnasium/Teen Center; and
2. Authorize the City Manager to sign the contract on behalf of the City in substantially the form attached and in such final form as approved by the City Attorney; and
3. Reduce Capital Improvement (25) Fund budget for FY 2020-21 HVAC Replacement project (25-6134-6227) by \$150,230; and
4. Appropriate \$150,230 from American Rescue Plan Act (ARPA) Fund (08) Reserves to the FY 2021-22 HVAC Replacement project (08-6134-6227); and
5. Authorize staff to issue a Purchase Order to Ontario Refrigeration in the amount of \$136,567.00
6. Authorize staff to issue change order not to exceed 10% of the Agreement amount (\$13,656.70) to Ontario Refrigeration for project contingencies.

9. Approval of Plans and Specifications and Authorization to Advertise and Receive Formal Bids for the FY 2021-22 Area 1 Slurry Seal Project

Recommendation: It is recommended that the City Council approve the plans and specifications, and authorize the City Engineer to advertise to receive formal bids for the FY 2021-22 Area 1 Slurry Seal Project.

10. Walnut Valley Pony Baseball's Request to Host the Super Region, Bronco Zone and Mustang World Series Tournaments July 6 - July 26, 2021 at Creekside Park with Fees Waived

Recommendation: It is recommended by staff that the City Council approve Walnut Valley Pony Baseball's (WVPB) request to host the Super Region, Bronco Zone 11U tournaments and the Mustang 9U World Series from July 6- July 26, 2021 at Creekside Park and waive applicable fees.

11. Commission Appointments to the Planning, Parks and Recreation, Senior Citizens, and Youth Advisory Commissions

Recommendation: That the City Council appoint the nominees recommended by each City Council Member to the Planning, Parks and Recreation, Senior Citizens, and Youth Advisory Commissions:

Planning Commission

Fernando Perez (M/Pacheco); Heinrich Dy (MPT/Ching); Mark Fernandez (C/Freedman); Stephen Sam (C/Tragarz); Sherry Wang (C/Wu).

Parks & Recreation Commission

Richard Cajulis (M/Pacheco); Gloria Munguia (MPT/Ching); Jodi Lepp (C/Freedman); Tom Pedersen (C/Tragarz); Dino Pollalis (C/Wu).

Senior Citizens Commission

Flora Coday-Lamb (M/Pacheco); Jean Sherwood Scott (MPT/Ching); Louis Simonelli (C/Freedman); Sharon Joanne Miller (C/Tragarz); Lisly Lee (C/Wu).

Youth Advisory Commission

Hudson Dy, Nicholas Hernandez (M/Pacheco); Vianna Lai, Anna Cai (MPT/Ching); Chelsea Yeh, Chloe Young (C/Freedman); Rachel Chen, Kyle Yeh (C/Tragarz); Robert McCormick, Kian Chou (C/Wu).

MOTION ON ITEMS 6 - 11

C/Wu made a motion to adopt Items 6 - 11; seconded by C/Tragarz. Motion carried by the following rollcall vote:

AYES: COUNCILMEMBERS: Pacheco, Ching, Freedman, Tragarz, Wu
NOES: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None

SUCCESSOR AGENCY CONSENT CALENDAR: None scheduled.

COUNCIL DISCUSSION/TRANSACTION ITEMS: None scheduled.

ANNOUNCEMENTS (COUNCIL MEMBERS AND STAFF):

A. Councilmembers' report on meetings attended at the expense of the local agency

C/Wu shared information regarding a San Gabriel Valley Council of Governments meeting as well as a San Gabriel Valley Mosquito and Vector Control meeting.

M/Pacheco shared information from a Sanitation District meeting.

B. Individual Members' comments and updates

C/Tragarz asked Council to close the meeting in memory of Ken Gunn and Barbara Hahn.

C/Freedman congratulated the local softball team for making it to the State Championships.

M/Pacheco invited the community to attend the Independence Day Drive-Thru event on July 3rd.

COUNCIL LATE BUSINESS: None.

COUNCIL ADJOURNS TO WALNUT PUBLIC FINANCING AUTHORITY

WALNUT PUBLIC FINANCING AUTHORITY

12. **Convene Annual Meeting of Walnut Public Financing Authority** - The Walnut Improvement Agency established the Walnut Public Financing Authority for the purpose of issuing bonds, and the Authority is required to hold an annual meeting. The officers of the Authority are the same as the officers of the City Council.

A. **Notice of Meeting** – Walnut Public Financing Authority – “As properly posted, this is now the time and place for the annual meeting of the Walnut Public Financing Authority.”

B. **Call to order**

AM/Pacheco called the meeting to order at 10:14 p.m.

C. **Roll call**

Authority Members: Pacheco, Ching, Freedman, Tragarz, Wu

D. **Oral Communications**

There being no input, it was moved unanimously by the Authority to close oral communications.

E. **Approval of minutes of the regular meeting of June 24, 2020.**

MOTION ON ITEM 12-E

AM/Ching made a motion to approve Item 12-E; seconded by AM/Tragarz. Motion carried by the following rollcall vote:

AYES: Authority Members: Ching, Pacheco, Freedman, Tragarz, Wu

NOES: Authority Members: None

ABSTAIN: Authority Members: None

ABSENT: Authority Members: None

F. **Discussion/Transaction Items** – None scheduled.

G. **Adjournment**

AM/Pacheco adjourned the meeting the 10:16 p.m.

WPFA ADJOURNS TO THE WALNUT HOUSING AUTHORITY

RECESS TO THE MEETING OF THE WALNUT HOUSING AUTHORITY

WALNUT HOUSING AUTHORITY MEETING

CALL TO ORDER: Authority Chair Pacheco called the meeting to order at 10:16 p.m.

ORAL COMMUNICATIONS FOR HOUSING AUTHORITY:

There being no one present wishing to speak during oral communications, it was unanimously moved by the Authority to close oral communications. Motion carried.

AUTHORITY PUBLIC HEARINGS: None scheduled.

AUTHORITY CONSENT CALENDAR:

2. Approval of the June 9, 2021 WHA Special Meeting
13. Resolution No. 21-07 WHA - A Resolution of the Walnut Housing Authority Allowing Certain Claims and Demands in the Amount of \$610,428.28, Demand No. 100404 through No. 100404, Both Inclusive

Recommendation: That the Authority adopt Resolution No. 21-07 WHA.

MOTION ON ITEMS 2 & 13

VC/Ching made a motion to adopt Items 2 & 13; seconded by AM/Wu. Motion carried by the following rollcall vote:

AYES: AGENCY MEMBERS: Ching, Pacheco, Freedman, Tragarz, Wu
NOES: AGENCY MEMBERS: None
ABSTAIN: AGENCY MEMBERS: None
ABSENT: AGENCY MEMBERS: None

AUTHORITY DISCUSSION/TRANSACTION ITEMS: None scheduled.

AUTHORITY LATE BUSINESS: None scheduled.

AUTHORITY ADJOURNS TO CITY COUNCIL MEETING

CLOSED SESSION: None scheduled.

ADJOURNMENT: There being no further business, the City Council adjourned the meeting in honor of Ken Gunn and Barbara Hahn at 10:17 p.m.

PASSED AND APPROVED this 14th day of July 2021.

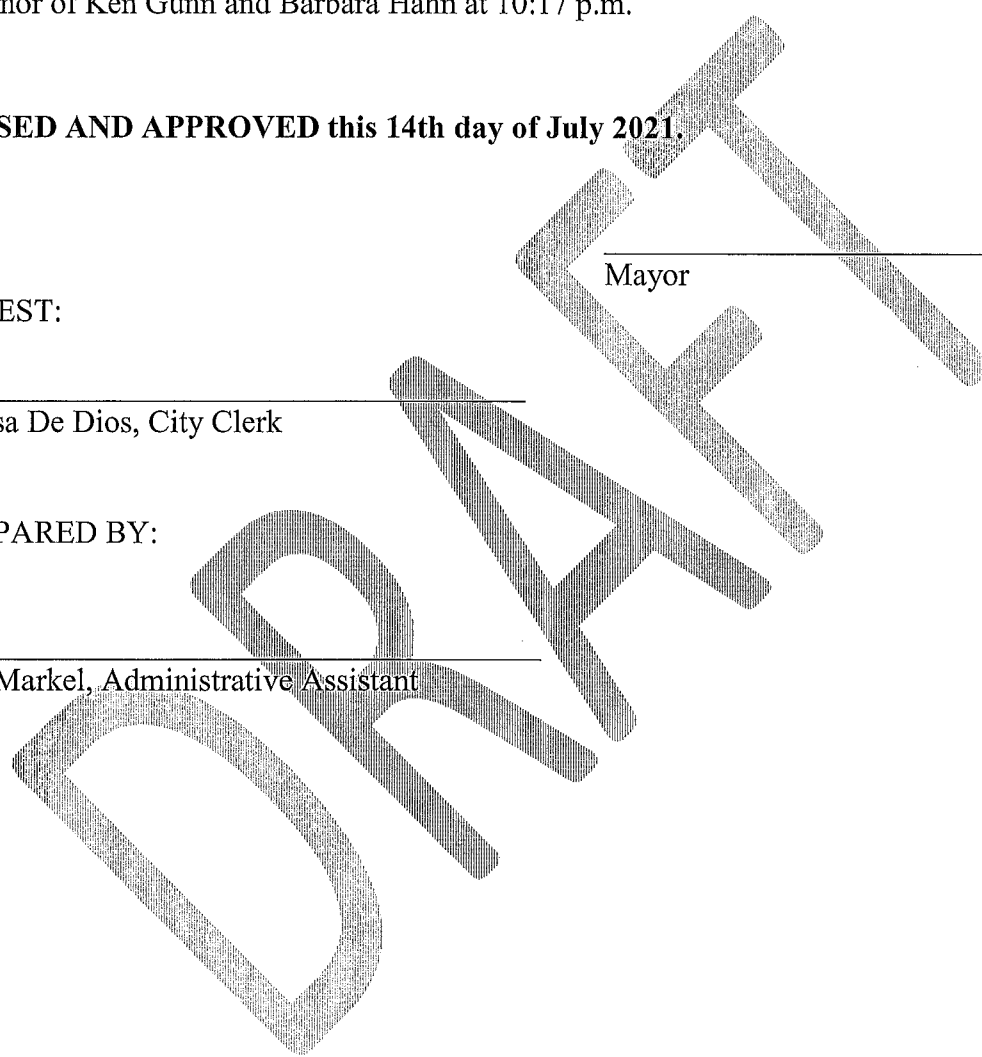
Mayor

ATTEST:

Teresa De Dios, City Clerk

PREPARED BY:

Ray Markel, Administrative Assistant



ATTACHMENT 3

WMC Sections 6.24.030 & 6.64

Chapter 6.64 CONDITIONAL USE PERMITS

6.64.010 Purpose.

The principal objective of this chapter is to provide for the proper location of various types of land use, and to that end to classify, insofar as it is practicable to do so, types of land use in order to provide one or more zones in which such uses shall be permitted. It is recognized, however, that certain types of land use require special consideration prior to their being permitted in a particular zone, the reasons for requiring such special consideration involving, among other things, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to their operation, the effect which such uses may have on adjoining land uses and on the growth or development of the community as a whole. This chapter, therefore, provides that certain uses may be permitted in any zone unless expressly prohibited, subject to the securing of a conditional use permit. The Commission, therefore, upon application being made to it, in accordance with the provisions hereinafter set forth, as an administrative act, may grant a conditional use permit for any use listed, whenever it is found necessary or desirable for the development of the community, and in harmony with the various elements or objectives of this chapter, and not detrimental to the existing uses or the uses specifically permitted in the zone in which the proposed use is to be located. In granting any such conditional use permit the Commission may impose such conditions, which shall be set forth in the permit, as it may determine to be necessary in order to safeguard and protect the public health, safety and general welfare, and to mitigate or eliminate adverse impacts on surrounding properties, residents or businesses. Nothing construed herein shall be deemed to require the Commission to grant a conditional use permit.

6.64.020 Grounds for issuance generally.

The uses listed in the foregoing section may be permitted only when the use is deemed by the Commission, after action upon a specific application, that the use will not be detrimental to the neighborhood or the public in general. Nothing construed herein shall be deemed to require the Commission to grant the request.

6.64.030 Other uses for which a conditional use permit may be issued.

Whenever in any zone certain uses are listed as permissible, subject to the issuance of a conditional use permit, a conditional use permit can be issued; provided, that the conditions precedent as set forth in the following section are satisfied and complied with. Further whenever a lot or tract of land cannot reasonably be used for any purpose permitted in the zone in which such property is situated, the Commission, after first finding this to be the fact, may grant a conditional use permit for any other use, even though such use is not mentioned above; provided, that the conditions precedent as set forth in the following section are satisfied and complied with.

6.64.040 Procedure for obtaining.

- A. The applicant shall set forth in detail on forms provided by the Commission, the reasons for the requested conditional use permit; shall show thereon how all the conditions set forth in this section are satisfied and other information requested by the Commission.
- B. All conditional use permits may be granted by the Commission only after a public hearing. Before the Commission may grant any request for a conditional use permit, it must make a finding of fact by resolution that the evidence presented shows that all the following conditions exist:
 1. That the use applied for at the location set forth in the application is property for which a conditional use permit is authorized by this chapter;
 2. That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of this chapter and will not create conditions materially detrimental to the public

health, safety and general welfare, or injurious to or incompatible with other properties or land uses in the vicinity;

3. That the site for the intended use is adequate in size and shape to accommodate the use and all of the yards, setbacks, walls or fences, landscaping and other features required in order to adjust the use to those existing or possible future uses on land in the neighborhood;

4. That the site for the proposed use relates to streets and highways properly designed and improved so as to carry the type and quantity of traffic generated or to be generated by the proposed use.

6.64.050 Appeals from action of Commission.

Any action of the Commission shall be subject to appeal by any interested person pursuant to Section 6.80.170.

6.64.060 Expiration.

A. Every conditional use permit issued shall terminate and become void unless:

1. The applicant shall, within 60 days from the issuance of such permit, file with the City Clerk his or her written acceptance or agreement to the terms and conditions, if any, imposed by such permit;

2. The use authorized by such permit shall be commenced, or construction necessary and incident thereto shall be begun on or before the time limit specified in such permit and thereafter diligently advanced, or if no time is specified, on or before 180 days after the date such permit was approved by the Commission.

B. In all cases, the Commission, for good cause shown, either before or after the expiration of such time limit, may extend such time limit, in which event the permit shall be extended for the time specified.

6.64.070 Termination.

Conditional use permits may be revoked or modified by the Commission or the Council after a public hearing on any one or more of the following grounds:

A. That the approval was obtained by fraud;

B. That the use for which such approval is granted is not being exercised within the time specified in such permit;

C. That the use for which such approval was granted has ceased to exist or has been suspended for one year or more;

D. That the permit granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation;

E. That the use for which the approval was granted has been so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

6.64.080 Existing permits.

Any conditional use permit issued prior to the effective date of this chapter shall remain in full force and effect in accordance with the terms thereof; provided, that such conditional use permit is subject to modification or revocation for any of the reasons set forth in this chapter.

View the [mobile version](#).

6.24.030 Permitted uses and procedures.

- A. Property in an RPD Zone may be used for:
1. Any use permitted in an R-1 Zone, of the specific minimum lot size specified at the time of change of zone, e.g., RPD (10,000)—3.5, under the same limitations and conditions including area requirements, front, side, and rear yards, garages and auxiliary uses.
 2. A residential planned development, if a conditional use permit has first been obtained as provided in Chapter 6.64, which will provide the same or a lesser density of dwelling units than specified in the RPD Zone designation as applicable to the subject property.
 3. Antennas, towers, telecommunication facilities and their support structures pursuant to Chapter 6.88.
- B. Area Master Plan. A residential planned development application of an area greater than 40 acres shall be accompanied by an area master plan (maps and explanatory text), for the entire area to be developed or under one ownership, whichever is the larger area. The area master plan shall set forth the following:
1. Location and boundary of the area proposed for the residential planned development.
 2. Present and proposed topography of the area including natural features that are to be retained (i.e., stands of tree, rock outcroppings, canyons, etc.).
 3. Proposed uses of all land including, but not limited to, residential, commercial and professional centers, school sites, public and private recreational facilities and all common open spaces.
 4. Proposed density of all areas scheduled for single-family residential development. The overall density of all residential development cannot exceed an average of four and two tenths units per net acre.
 5. Proposed site development standards for all residential and commercial development.
 6. The location of all major and secondary highways.
 7. A statement regarding compliance with the general plan of the City adopted in 1967 and amended from time to time.
- C. Area. The proposed development plan shall include a parcel of land containing not less than 10 acres; and exception to the 10-acre minimum is allowed when a new RPD is proposed adjacent to an existing RPD and it can be shown that the two developments can be blended.
- D. Density. The overall density of the proposed residential unit shall be that as set forth in the RPD zone designation, but in no event to exceed four and two tenths dwelling units per acre.
- E. Type of Structures.
1. Detached single-family dwelling units.
 2. Attached single-family dwelling units.
 3. Accessory buildings.
 4. Recreation buildings and areas.
 5. Recreation courts, fields, courses and greens.
 6. Swimming pools.
 7. All permitted structures shall not exceed 35 feet in height.
 8. All dwelling units shall have a minimum floor area as follows:
 - a. All detached dwelling units within any unit of development shall have an average square footage of 1,450 square feet. As used herein, floor area shall be defined as the area within the outside perimeter of the bottom plates of each floor, minus any garage or patio. The average floor area shall be computed from all proposed dwellings within any approved tentative tract, or if such tentative tract is partially recorded,

the floor area shall be computed from all proposed dwellings within the partial recordation. No building permit or group of building permits shall be issued to a single applicant wherein the average floor area requirement, as stated herein, is not met, unless a previous building permit or group of building permits within the same tract, when averaged with the permits requested, meets the average floor area required herein.

b. All attached dwelling units within any unit of development shall have an average square footage of 1,350 square feet. As used herein, floor area shall be defined as the area within the outside perimeter of the bottom plates of each floor, minus any garage or patio. The average floor area shall be computed from all proposed dwellings within any approved tentative tract, or if such tentative tract is partially recorded, the floor area shall be computed from all proposed dwellings within the partial recordation. No building permit or group of building permits shall be issued to a single applicant wherein the average floor area requirement, as stated herein, is not met, unless a previous building permit or group of building permits within the same tract, when averaged with the permits requested meet the average floor area required herein.

F. **Open Space.** Open space, as defined in paragraphs (1)(a) through (e) of this subsection, shall comprise not less than 20% of the gross area. This requirement shall be in addition to any private individual open space provided within the development. Such private open space shall not be included when computing the 20% factor.

1. In approving the conditional use permit, the following open space uses shall be considered by the Planning Commission and City Council and a determination made as to which of such uses shall, in their judgment, be necessary for the health, safety, use and enjoyment of the residential planned development or appropriate phase thereof:

- a. Common open space developed for recreational purposes.
- b. Areas of scenic or natural beauty forming a portion of the proposed development.
- c. Present or future recreational areas of a noncommercial nature including parks and playgrounds.
- d. Present or future hiking, riding or bicycle trails.
- e. Landscaped portions adjacent to streets or highways which are in excess of minimum required rights-of-way.

2. In approving such open space, consideration shall be given to the project to be developed, the characteristics of such open space, the manner in which the open space is to be improved and maintained and such other information as may be deemed pertinent. Reservation of open space shall be made a condition or approval. Such reservation shall be by public dedication, establishment of a maintenance district, common ownership or other satisfactory means as approved by the City Council to insure the permanent reservation of, and where appropriate, perpetual maintenance of, required open space.

G. **Building Coverage.** The area occupied by buildings and roofed structures shall not exceed 40% of the total gross area of the residential planned development.

H. **Parking.** Provisions of Chapter 6.68 relating to dwellings, places of public assembly and similar uses shall apply; except, that the minimum required for a dwelling unit shall not be less than two off-street parking spaces in a garage per dwelling unit. The conditional use permit may modify the required number of parking spaces for recreational facilities where circumstances justify and may provide additional off-street parking for guests.

I. **Utilities.** The applicant shall submit, and it shall be made a condition of approval, satisfactory evidence that the applicant has made arrangements with the serving utilities to install underground all new facilities necessary to furnish service in the development.

J. **Development Schedule.** The conditional use permit shall contain an approved progress schedule indicating the development of open space related to the construction of residential dwelling units, which shall become a condition of approval. Where development is to be completed in phases, such development may be coordinated between phases as approved in subsection N of this section.

K. **Tentative Division of Land Map.** A tentative map and a plot plan shall be filed indicating the precise location, width and type of improvements for private or public streets and pedestrian walks.

L. **Landscaping.** A plan for landscaping and maintaining all open area, where appropriate shall be submitted and approved by the Planning Commission.

M. Open Space Maintenance District. Special districts, such as park districts, lighting districts and open space maintenance districts (as provided by Chapter 2-5, Part 1 of Division 1 of Title 5 of the State Government Code), together with appropriate dedications for public ownership shall be provided and may include, but shall not be limited to, open land planting and maintenance, flood control facilities, lighting and local improvements.

N. Distribution of Open Space.

1. Planned development projects developed in phases shall be designed so that each successive phase will contain sufficient open space to independently qualify under the provisions of subsection F of this section. A conditional use permit may approve a division of open space encompassing more than one phase if the applicant submits development plans indicating and guaranteeing, to the satisfaction of the City Council, that the development will provide a better planned unit development within the intent of this section.

2. Where a division of open space will encompass more than one phase, the applicant shall provide a map indicating cumulative allocation and utilization of open space for each successive phase in each subsequent application.

O. Division of Lots or Parcels. In addition to a tentative division of land map when required by Section 6.04.030 regarding subdivision regulations where lots or parcels of land are to be sold or separated in ownership from other property in the development or applicable phase thereof, a map shall be submitted indicating the proposed boundaries of the lots or parcels of land to be sold or separated in ownership. Where the proposed division would create one or more lots or parcels of land having an area of less than that specified if developed as provided in subsection (A)(1) of this section, such map shall also delineate the relationship between such lots or parcels of land and open space provided as required in subsection F of this section. The conditional use permit shall consider whether the proposed separation provides as well or better for planned development within the intent of this section.

P. Sale or Separation of Lots or Parcels. Where lots or parcels of land are sold or otherwise separated in ownership, no dwelling unit, lot or parcel of land for a residential building shall be sold or encumbered separately from an undivided interest in the open space appurtenant to such dwelling unit, lot or parcel of land where required by subsection F of this section. Such undivided interest shall include either: (1) An undivided interest in the open space; or (2) a share in the corporation or voting membership in an association owning the open space where approved as provided in subsection F of this section. This provision shall not apply when such required open space has been accepted for public dedication, where held in separate ownership with recreational rights to the required open space reserved to the lot owners and maintenance district or where other satisfactory means to insure permanent reservation of required open space have been approved by the Commission.