

May 3, 2017

THE WALNUT CITY PLANNING COMMISSION

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

FLAG SALUTE: Commissioner: Koo

ROLL CALL: Chairperson: Natividad
Commissioners: Fernandez, Dy, Koo
Vice-Chairperson: Wu Excused

ALSO PRESENT: Community Development Director Weiner; City Planner Carlson; Assistant City Attorney Mann; City Engineer Gilbertson; Associate Planner Vasquez; Associate Planner Guerra; Community Development Technician Munoz.

ORAL COMMUNICATIONS:

C/Natividad opened Oral Communications for Public Comment.

C/Natividad moved to close Oral Communications. Without objection motion passed 4-0.

APPROVAL OF MINUTES:

1. April 5, 2017 (Regular Minutes)

PC/Koo moved to approve the minutes of April 5, 2017. PC/Dy seconded. Motion passed 4-0.

PUBLIC HEARING:

2. Time Extension – A request for a twelve (12) month time extension in order to complete land use entitlements for Tentative Parcel Map (TPM) 73055.

AP/Guerra presented the staff report.

C/Natividad opened the Public Hearing for Public Comment.

C/Natividad motioned to close Public Comment. Without objection motion passed 4-0.

MOTION ON ITEM 2

PC/Koo motioned to approve the twelve (12) month Time Extension for TPM 73055. PC/Dy seconded.

ROLL CALL:

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

Motion to approve passed 4-0.

3. Conditional Use Permit (CUP) 2017-002 (International Art Education Center) – A request to establish a child related business (dance studio) within a 1,776 square-foot unit (Unit #H) at the Walnut Tech Business Center located at 355 S. Lemon Avenue.

CDT/Munoz presented the staff report.

PC/Koo asked what the distance was from the liquor store off of Valley Boulevard to the subject site.

CDT/Munoz verified that there is roughly a 500 foot distance between the liquor store and the subject site.

C/Natividad opened the Public Hearing for Public Comment.

C/Natividad motioned to close Public Comment. Without objection motion passed 4-0.

PC/Dy asked about the existing entitlements for the business.

CDT/Munoz stated that in July 2014 the dance studio, International Art Education Center, received approval for the same operation at the location 20311 Valley Boulevard #I.

C/Natividad asked why the applicant did not operate at the previously approved location.

Applicant's Representative/Mary Chen spoke about conflicts with the previous business partner.

MOTION ON ITEM 3

PC/Dy motioned to adopt PC Resolution No. 17-05 approving CUP 2017-002 subject to the attached Conditions of Approval (COA). PC/Fernandez seconded.

ROLL CALL:

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

Motion to approve passed 4-0.

4. Tentative Tract Map (TTM) No. 53924 (Harijanto) – A request to subdivide two (2) existing lots comprising 5.14 acres of land into six (6) residential lots located on undeveloped land west of Silver Valley Road (APN: 8709-020-001 & 8709-019-010).

AP/Vasquez presented the staff report.

PC/Dy abstained from discussion and voting of the item due to the proximity of his residence to the subject site.

PC/Fernandez asked for a brief overview of the project and the subject site for the Commissioners who were not present during that time.

AP/Vasquez mentioned that there had been a number of iterations for this project since 2006, during which the proposal included to subdivide the land with a greater number of lots. However, the current owner submitted an application in 2013, which received approval by the Planning Commission, consisting of six (6) total lots.

AP/Vasquez explained that the approval was appealed to the City Council with concerns that the development did not address the existing on-site trees. Subsequently, the City Council overturned the Planning Commission's approval and denied the application. AP/Vasquez further stated that the current application contains the same number of lots but has modifications to the pad areas to work around and preserve the Walnut and Oak Trees on site.

PC/Fernandez asked if the comments in the letter written by four (4) residents have been addressed.

AP/Vasquez mentioned that the comments made by the residents are addressed within the Environmental and Tree Preservation Report but for further assurance, staff wanted to make clear that the trees are to be preserved as part of the COA.

PC/Koo inquired about the Black Walnut Tree that is identified in the report to be removed.

AP/Vasquez stated that there is one (1) Black Walnut Tree slated to be removed and that it is currently located where the new street will be located. AP/Vasquez further stated that the Black Walnut Tree will be replaced at a 2:1 ratio and will have to come before the Planning Commission for a Tree Removal/Replacement Permit.

C/Natividad opened the Public Hearing for Public Comment.

Linda Wilford, resident, stated her concern for the welfare and protection of the existing Oak and Walnut Trees within the proposed project. Ms. Wilford further stated her concern for the proposed equestrian trail and suggested an alternative location that will help the natural open space purposes.

Carol Coy, resident, thanked City Staff for assisting the residents with questions and concerns in regards to the proposed project and encouraged the Commission to protect all on-site Walnut and Oak Trees.

Lisa Jensen, resident, mentioned her concern for the retaining wall that is adjacent to her property.

Applicant/Handaja Harijanto stated he is available for any questions and is willing to work with everyone on this project.

PC/Fernandez asked the applicant if he is acceptable to the COA and the new location of the equestrian trail.

Applicant/Harijanto stated he accepts the new COA and has no issues with the new location of the equestrian trail, but noted the steepness of the site.

CDD/Weiner indicated that staff will work with the applicant and the neighbors on redesigning the trail and noted the possible need for retention due to the steepness of the site.

PC/Fernandez addressed the concerns that were submitted by Commissioner Dy and directed them to the City Engineer.

CE/Gilbertson mentioned that the V-ditch needs to be on the development side of the property line to collect the natural run-off from the hillside.

CE/Gilbertson stated that the project engineer will provide calculations to determine the amounts of water that will define what size V-ditch is needed. CE/Gilbertson further stated the height of the freestanding wall is at the discretion of the Commission and that retaining the dirt will ultimately be a Code Enforcement component.

C/Natividad questioned if the item comes back for review to the Commission for the redesign of the equestrian trail and the retaining walls.

CDD/Weiner confirmed that it is at the discretion of the Commission.

CE/Gilbertson stated that the trail easement was added later in 2013 and that only a dedication of a trail easement was required, not the construction of a trail. CE/Gilbertson mentioned that if the Commission prefers a trail to be constructed at this time, then a COA must be added. CE/Gilbertson further specified that the trail will be a City easement and it needs to be safe and maintained as a competent surface.

C/Natividad inquired about cost.

CE/Gilbertson stated that there will be substantial cost to the construction of the trail and that at this time; only the dedication of the easement is required.

PC/Fernandez asked who is responsible for the construction of the trail.

CE/Gilbertson confirmed that the actual improvements of the trail will be the City's cost at a later date.

PC/Koo mentioned that City Staff is working well with the developer and community and is inclined to have staff proceed further with decisions for the development of the trail.

PC/Fernandez thanked the developer and agreed with PC/Koo on letting City Staff further work with the developer in regards to the trail.

PC/Koo asked the City Engineer about the clean-up and clogging of a V-ditch versus a flat-bottom drainage surface.

CE/Gilbertson stated that there will be a limited number of problems with clogging but it will be inherent on the property owner to maintain.

C/Natividad thanked the applicant and staff.

MOTION ON ITEM 4

PC/Fernandez motioned to adopt PC Resolution 17-06 approving TTM No. 53924, and adopting the Mitigated Negative Declaration (MND), subject to the attached COA with the additional COA that the perimeter freestanding wall not retain dirt and the equestrian trail be revised and approved by Planning Staff. PC/Koo seconded.

ROLL CALL:

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

Motion to approve passed 3-0.

OLD BUSINESS:

None

NEW BUSINESS:

5. Site Plan Case and Architectural Review (SPC/AR) 2017-029 (Yang) – A request to construct a two (2) - story, single-family home with a two (2) car garage and a single-story accessory structure on a vacant lot located on a private driveway off of Gartel Drive (between 20540 Gartel Drive and 20546 Gartel Drive) APN: 8709-012-053.

AP/Guerra presented the staff report.

PC/Fernandez inquired about Staff's recommendation to deny the item.

AP/Guerra stated that the location of the guest house is disconnected from the main structure and per Walnut Municipal Code (WMC), accessory structures should not be located in front of the main home. AP/Guerra further mentioned that because the lot is a unique shape, the applicant felt that the location of the accessory house was not in front of the main home, so a difference of justification was presented. AP/Guerra commented on the layout and access of the proposal being the main concern for staff.

CDD/Weiner noted that staff does not have a problem with a guesthouse at the subject site but simply the orientation along the private driveway.

PC/Dy asked how many houses use the private driveway for access and if any neighbors have voiced their concerns.

AP/Guerra confirmed that there are currently three (3) homes utilizing the private driveway and that staff has not received anything in writing but did have a resident come to City Hall with questions and concerns for the design and location.

PC/Koo inquired about parking.

AP/Guerra confirmed that per the WMC standards, parking is not met, however the applicant wanted direction as to the feasibility of the proposed locations of the structures prior to further development and design of the project.

C/Natividad asked for an example of a more feasible location for the structures.

AP/Guerra stated that one (1) option is reducing the proposed size of the main structure on the south side of the property, and to locate the accessory structure behind it.

C/Natividad opened the item for Public Comment.

Laurie Bleick, resident, stated that her property will be the most impacted by the proposed development and that two (2) homes on the subject property will not be feasible. Ms. Bleick further stated her concern for the private easement being unable to handle traffic going in and out of the property for construction and ownership.

Applicant/Juintow Lin mentioned that there were multiple designs for the layout and that one (1) of them had the main structure at the top of the property and the guesthouse at the bottom. Ms. Lin indicated that the layout was not presented with that design to be sensitive to the neighbors and that the southern portion of the property is not visible from the private easement. Ms. Lin specified that there is an existing graded pad where the main home should be placed. Ms. Lin further noted the concern of the disconnect from the accessory structure to the main structure but explained that the existing lot shape creates that disconnect.

Applicant/Michael Fox indicated that he reached out to the neighbors surrounding the subject site and spoke with them about the proposed project. Mr. Fox noted that the accessory structure would be best located at the northern portion of the subject site.

PC/Fernandez asked if the applicant is opposed to the guesthouse driveway being constructed as a pathway.

Applicant/Fox responded that a pathway can be used and noted that the guesthouse has no kitchen facilities.

PC/Fernandez agreed with the accessory structure being located on the northern portion of the subject site but noted the concern of two (2) separate dwelling units being created with a separate driveway.

Applicant/Fox asked how to assure the Commission, staff, and the neighbors that the residence on the subject site will not become a rental property.

CDD/Weiner stated that with any guesthouse being constructed, a covenant would be filed with Los Angeles County for the guesthouse. The covenant would indicate that the guesthouse is not be used for rental purposes.

CDD/Weiner indicated that the main home, schematically, is roughly 3,700 square-feet, which would be one (1) of the larger homes on that street. CDD/Weiner mentioned that it would be more feasible to reduce the size of the main home and place the guesthouse behind it. CDD/Weiner further reiterated that the owner has a right to a guesthouse because of the square-footage of the lot; however, the orientation of the two (2) separate structures is a concern.

Ms. Bleick noted that the residence north of the subject property, has a current Code Enforcement case regarding a multi-rental and/or possibly boarding house issue.

PC/Dy questioned why the guesthouse cannot be placed behind the pool and noted that some adjustments would need to be made.

Applicant/Lin mentioned the limited opportunities due to the unique shape of the lot and that if the northern portion of the lot is undeveloped then the space will be wasted. Ms. Lin explained the possibility of the pool

being located at the northern portion of the property but the distance away from the main structure would be problematic.

PC/Fernandez asked if it is possible to abandon the existing driveway.

CE/Gilbertson stated that there is a sewer main line that cannot be built on.

PC/Fernandez asked about the new Law mandated by the State regarding Accessory Dwelling Units (ADUs).

ACA/Mann indicated that under the current State Law, a covenant can be placed on one (1) of the structures and an ADU legally can be placed on the northern portion of the property.

The Commission and staff further discuss ADUs.

Applicant/Lin stated that the main structure can be placed on the northern portion of the property and the accessory structure be placed on the southern portion.

CDD/Weiner mentioned that any other direction from the Commission or a request for a redesign is suitable and that from a Planning Department stand-point, the most agreeable layout would have both structures on the southern portion of the property.

C/Natividad asked the applicant if a motion to redesign is preferred over a motion to deny the project.

Applicant/Fox stated that a redesign can be done but asked for clarification on how to design the actual layout.

PC/Koo asked if the owner considered reducing the square-footage of the main home to make room for the guesthouse, so that both structures can fit on the southern portion of the property.

Applicant/Lin commented on residences being larger directly east of the property.

CDD/Weiner confirmed that homes east of the property are larger but have proper egress and ingress unlike the homes off the private driveway. CDD/Weiner further stated that no homes off the private driveway are larger than 3,000 square-feet and anything below that can be considered.

Applicant/Fox inquired if the main home will be more acceptable on the northern portion of the subject lot and the guesthouse on the southern portion.

CDD/Weiner noted that an architectural plan would be needed to make that determination.

Staff and the Applicant further discuss the existing grade of the subject lot.

PC/Dy expressed his concern of having one (1) structure on the northern portion and another structure on the southern portion of the lot.

PC/Koo commented on the owner being aware of the unique orientation of the lot and the possibility of some constraints. PC/Koo further mentioned the size of the structures and how reducing the square-footage can allow for both structures to be placed on the southern portion of the subject site.

PC/Fernandez mentioned that a continuance would be necessary to allow the applicant to reconfigure the structures on the subject site. PC/Fernandez noted that it would be less impactful for the accessory structure to be on the northern portion of the subject lot and the main structure on the southern portion. PC/Fernandez further stated that the driveway off the accessory structure should be changed to a pathway in order to address concerns of a second dwelling unit and for the main structure to be reduced in size.

C/Natividad indicated that he agrees with staff's recommendation and that if a second dwelling unit is built, it needs to be behind the main structure on a smaller scale.

Applicant/Fox discussed the slope that is to the rear of the site and that an accessory structure will be difficult to place behind the main structure.

The Commission, applicants and staff further discuss the size of the main structure.

Ms. Bleick stated for the Commission to look out for the residents of the community.

MOTION ON ITEM 5

PC/Dy motioned to continue SPC/AR 2017-029 pending the applicant to work with staff to find an appropriate layout for the proposal. PC/Koo seconded.

ROLL CALL:

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

Motion to continue passed 4-0.

DISCUSSION/TRANSACTION:

None

REPORTS AND COMMENTS:

- CDD/Weiner advised the Commission of the forthcoming Study Sessions (ADUs, View Ordinance, and Design Guidelines) with the City Council.
- CDD/Weiner noted a possible summer recess for Study Sessions but will keep the Commission aware of future dates.

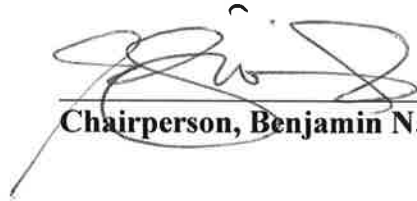
ADJOURNMENT:

This meeting adjourned at 8:36 p.m. The next Planning Commission Meeting is set for a Regular Meeting on Wednesday, June 7, 2017, at 7:00 p.m. (Walnut City Hall, 21201 La Puente Road, Walnut)

Passed and Approved on this 7th day of June 2017.



Tom Weiner, Community Development Director



Chairperson, Benjamin Natividad