

March 6, 2019

THE WALNUT CITY PLANNING COMMISSION

A Regular Meeting of the Walnut City Planning Commission (PC) was held on the above-referenced date. Chairperson Perez called the meeting to order at 6:59 p.m.

FLAG SALUTE: Commissioner Fernandez

ROLL CALL: Commissioners: Perez, Dy, Fernandez, Koo

ABSENT: Commissioner: Wu

ALSO PRESENT: Assistant City Manager – Development Services Weiner; City Planner Carlson; Assistant City Attorney Mann; Senior Planner Vasquez; Associate Planner Yang; Assistant Planner Munoz; Community Development Technician Katigbak.

ORAL COMMUNICATIONS:

C/Perez opened Oral Communications for Public Comments.

Scott Newman, Resident inquired about the status for the project located on Bourdet Street. Mr. Newman further shared concerns regarding the closure of the equestrian trail that is adjacent to the project, which is temporarily closed. Mr. Newman asked for assistance in reopening the equestrian trail and a possible point-of-contact in sharing his concerns.

C/Perez deferred to ACM/Weiner.

ACM/Weiner stated that the City Prosecutor is currently assigned to this specific Code Enforcement matter and that the property owner has obtained legal counsel to contest to the City's substandard declaration on the property due to the lack of performance in constructing the wall that is located between the property and the equestrian trail. ACM/Weiner noted that the horse trail was closed for safety precautions. ACM/Weiner stated that a meeting with the City Manager may be arranged and the City Council is aware of this matter.

Mr. Newman suggested that the Planning Department place conditions or a mechanism on projects that abut an equestrian trail that will not allow the project to impede or disrupt access or use to the equestrian trail.

C/Perez commented that the PC would like to look further into this issue.

PC/Fernandez commented that Mr. Newman's request was very reasonable and questioned why a bond was not placed on public infrastructure.

ACM/Weiner stated that the City Engineer, who is not present, would be best to confirm why a bond was not placed but that the project was not anticipated to take this long, however, due to the topography of the site and complications with the project, the wall underwent re-engineering. ACM/Wiener mentioned that a bond would be a good alternative in the future.

VC/Dy questioned why the equestrian trail was shut down if the project was not proposing any work within the Public Right-of-Way.

ACM/Weiner stated that along the equestrian trail a retaining wall was needed to be placed to ensure pedestrians were safe to utilize the trail due to the dirt potentially being compromised.

VC/Dy asked for clarification on whether the trail sits below or above the retaining wall.

ACM/Weiner confirmed that the equestrian trail sits above the retaining wall.

VC/Dy asked if there are any setback requirements regarding retaining walls.

ACM/Weiner stated no, however, it is something Staff can look further into as they prepare for the Code update.

VC/Dy commented that he would like specific requirements City wide near all public rights-of-way.

ACM/Weiner stated that it may be difficult due to almost every project being adjacent to a right-of-way.

PC/Fernandez questioned the negative impacts of a bond and if this project was bonded, would the City be able to utilize the bond because the Bourdet project is in litigation.

ACM/Weiner stated that there are no negative impacts to a bond; however, the City Engineer should confirm.

ACA/Mann stated that the bond is used for that reason and is based on quantities, in the case of the Bourdet project, quantities may not be enough to cover the cut. ACA/Mann noted that he is unsure if the bond was inadequate or expired and that the downside to a bond is that they have a significant cost and will increase the cost of the proposed project.

The Commission and Staff further discussed bonds and possible alternatives.

VC/Dy suggested for projects to have time restraints to grading to enhance project performance, additionally, expiring a permit after a certain number of weeks.

ACM/Weiner stated that by placing a time restraint, if the permit expires the applicant can and may leave, thus leaving an unfinished project rather than renewing and paying additional fees.

C/Perez stated that the discussion will continue on a separate occasion and that ACM/Weiner and the Planning Department have no desire to re-create an issue similar to the project located on Bourdet Street.

C/Perez moved to close Oral Communications. PC/Fernandez seconded. Without objection motion passed 4-0.

APPROVAL OF MINUTES:

1. February 6, 2019 (Regular Meeting Minutes).

C/Perez moved to approve the minutes of February 6, 2019. PC/Fernandez seconded. Motion passed 4-0.

PUBLIC HEARING:

2. Development Agreement (DA) for the Francesca Specific Plan residential project at 780 and 808 Francesca Drive (APN: 8735-023-169/170).

CP/Carlson presented the Staff Report.

C/Perez questioned the process of vesting the Entitlements to the applicant.

CP/Carlson clarified that it serves to share benchmarks back and forth between the City and the Developer.

VC/Dy asked what the status was in regards to the parks within the two developments.

AP/Yang commented that the applicant has been working with the City on the park location and the plan is tentatively scheduled to the City Council in April.

PC/Koo questioned what would happen to the park fees if the developer does not complete the project within the five (5) year period.

CP/Carlson mentioned that the park fees are paid during Building Permit issuance. If the Building Permit is not pulled within five (5) years the approval will expire.

PC/Koo asked if the City would keep the park fees.

ACM/Weiner clarified that there are two (2) separate fees, the State mandated park fee and the development agreement fee. ACM/Weiner noted that the park fees must be paid at the time of Building Permit issuance, same goes for the DA and if the permits are not pulled, the City will not collect the park and DA fees.

PC/Koo clarified if the park fees are due prior to the approval of the Final Map.

ACA/Mann stated that the park fees may be paid prior or after the approval of the final map.

PC/Koo questioned what happens to the paid park fees if the project becomes terminated.

ACA/Mann stated that the applicant would not be entitled to a refund because the applicant would have the benefit of the approved Final Map.

ACM/Weiner commented that the map would stay active if the project is not built and clarified that the DA benefits both the City and the applicant. ACM/Weiner further explained that the City would receive monetary gain and at the same time the applicant receives the benefit of a wider window for construction development to prevent time extensions.

VC/Dy asked what occurs after five (5) years when the development permit expires and the applicant decides to develop additional units.

ACM/Weiner stated that the design review would not take effect and that the applicant would have to redesign and resubmit to the Planning Department for review.

VC/Dy asked if that was the case, would the City request additional park fees.

ACM/Weiner explained that the City would not request additional park fees, moreover, the City could request for additional development fees.

ACA/Mann added that all Entitlements would be waived and the DA provides the city with a certain amount of fees and the applicant with a time period to develop the proposed plan.

ACM/Weiner clarified that the Specific Plan (SP) would not expire and if the project was not to be developed, all new proposed plans would have to meet the design guidelines provided in the SP.

PC/Koo asked ACA/Mann to take look at Section 3.22 of the DA which addresses the park fees.

AP/Yang confirmed that the park fee has been calculated and is located within the DA on page seven (7).

PC/Koo stated that the development plan is clear and concise, however, questioned what occurs to the park fees if the project was to be terminated.

ACM/Weiner stated that the park fees are tied to the Subdivision Map and once the Map is recorded, the park fee must be collected by the City. ACM/Weiner further explained that if the Subdivision is not recorded, the park fees are no longer required. ACM/Weiner noted that park fees are distributed to improve public amenities throughout the City.

CP/Carlson stated that in addition to the five (5) year development period, the developer must provide benchmarks to the City such as recording the Final Map within twenty-four (24) months.

PC/Koo wanted to clarify if the permits on the project were more stringent to prevent any delays to the project.

ACA/Mann commented that there may not be a project delay provision in the DA.

VC/Dy asked if the City can apply a mechanism that would prevent any issues from occurring, similar to that of the Bourdet project.

ACA/Mann stated that it is understandable for delays to occur and that there is a reasonable amount of time for delays.

C/Perez opened the item for Public Comments.

C/Perez motioned to close the item for Public Comments.

MOTION ON ITEM 2

C/Perez motioned to approve the Development Agreement (DA) for the Francesca Specific Plan Residential Project at 780 and 808 Francesca Drive. VC/Dy seconded.

ROLL CALL:

AYES: Perez, Dy, Fernandez, Koo

NOES: None

ABSTAIN: None

ABSENT: Wu

Motion to approve passed 4-0.

3. Amendment 1 – Conditional Use Permit (CUP) 72-86 (Chevron Extra Mile): A request to amend the

Conditions of Approval (COA) for CUP 72-86 in order to permit the sale of beer and wine for off-site consumption at 1203 N. Grand Avenue.

AP/Munoz presented the Staff Report.

PC/Fernandez inquired about the Walnut Municipal Code (WMC) in regards to the distance of alcoholic beverages near school facilities.

AP/Munoz stated that there is a WMC section that addresses distances required from liquor stores to school facilities, however, the project site is deemed as a convenience store.

PC/Fernandez questioned what the minimum distance is between liquor stores and school facilities.

AP/Munoz stated that the minimum distance between a liquor store and a school facility is three-hundred (300') feet.

VC/Dy questioned what the rationale was for the original CUP 72-86 in relation to the restriction of prohibiting the sale of alcoholic beverages.

AP/Munoz stated that when reviewing the minutes from the August 1986 City Council meeting, the reasoning for prohibiting sales of alcoholic beverages was not specified.

C/Perez opened the item for Public Comments.

Applicant, Steve Rawlings, stated that the Regional Manager and Representative adhere to all of the conditions placed by Staff.

PC/Fernandez questioned if the project location currently has any exterior security cameras.

Davide Mopera, Chevron Business Consultant stated that there are no external security cameras located on site.

PC/Fernandez asked if there is any opposition to acquiring external security cameras.

Mr. Mopera stated no opposition.

PC/Koo questioned the process of amending CUP 72-86 and how the enforcement the COA that prohibits the sale of single serve containers would be addressed.

Mr. Rawlings mentioned that the Alcoholic Beverage Control (ABC) License would state prohibition of single serve sales and that the point of sales (POS) program would not allow the sales of any individual alcoholic beverage, the system will only allow sales of the pre-packaged packs.

PC/Koo asked for clarification that the POS would be able to transact a single serve container and if there are any other types of individual cocktail drinks proposed.

Mr. Rawlings further explained that the system would not be able to scan the item and that there are no other cocktails.

C/Perez commented that Stater Bros. has interior and exterior cameras to file reports rather than physical confrontation.

Mr. Rawlings stated that there is no issue to installing exterior surveillance cameras within the project's vicinity.

VC/Dy stated that since the approval of the use was granted, prohibiting the sale of alcoholic beverages, what the reasoning is behind the request to serve alcoholic beverages at this location.

Mr. Rawlings stated that over half of all Chevron Extra Mile stores operate with beer and wine sales and that there is a demand at this location.

C/Perez motioned to close the item for Public Comments.

PC/Fernandez mentioned that in Rancho Cucamonga and Brea a convenience store had a standard condition to add and implement exterior security surveillance, especially, due to the proximity to the school. PC/Fernandez asked ACM/Wiener if the City consults with the Sheriff's department.

ACM/Weiner commented that the City can consult with the Sheriff's Department.

PC/Fernandez commented to defer the action of selecting locations of the surveillance cameras to the professionals.

C/Perez agreed that a surveillance system could deter certain situations from occurring and asked ACM/Weiner if the Sheriff's Department would be available to do a walk-through of the site to select the best locations.

ACM/Weiner stated that the Sheriff's Department are available for consultation.

VC/Dy agreed that placement of security cameras in a strategic location is a great idea and stated that a specific reason why alcoholic beverage sales were conditioned to be prohibited was due to its proximity to Mt. SAC. Further discussed potential risks to approving amendment.

C/Perez mentioned that by granting a Public Convenience Necessity (PCN) it will allow the applicant to continue the process and conduct their own analysis. C/Perez further described the demographics of the area.

The Commission and Staff further discussed the Amendment and other locations with the same ABC license.

PC/Fernandez recommended adding a COA to assess the situation in regards to increased police reports, disturbances or any related circumstances in a year.

VC/Dy suggested a six (6) month review.

AP/Munoz mentioned that Condition #30 states that a six (6) month review will be conducted by the Assistant City Manager once the sale of alcohol beverages commences.

VC/Dy further discussed a continuous review.

ACM/Weiner stated that after the six (6) month review there will be no obligation for a continuous review unless it was for revocation; however, it is entirely up to the PC to place a condition for continuous review.

C/Perez asked if there are triggers within the CUP that would prevent it from becoming a continuous issue.

VC/Dy agreed that a six (6) month review would be necessary and suggested that in a few years a second review would be a good way to make sure that it continues in that direction, in addition to the installation of security surveillance.

The Commission and Staff further discussed the process of continuous review and revocation of the CUP.

Mr. Saunders, Residents addressed that ABC has a stringent protocol and process when revoking a business's license to sell.

C/Perez added that Chevron is a national corporate owned brand and with the opportunity to sell alcoholic beverages, they would protect their business at all costs and address all issues in a professional manner.

PC/Koo mentioned Condition #30 and asked if the review is done by the PC.

PC/Fernandez suggested that it should be brought back to the PC after one (1) year and that within the ten (10) year period the business would have to re-apply for another CUP, similar to a sunset clause.

ACA/Mann stated that a sunset clause requires a revocation hearing.

The Commission and Staff further discussed the alternatives other than a CUP such as a Temporary Use Permit (TUP).

PC/Fernandez asked VC/Dy what are his main concerns with amending CUP 72-86, and asked if further a main concern is consumption on-site and disturbance to the public.

ACM/Weiner mentioned that these types of CUPs are profitable for businesses and that management typically does a good job at keeping things under control. ACM/Weiner further noted that a review security surveillance and a review are both great ideas but the CUP is in place for the business to follow certain rules.

PC/Fernandez stated that safety is another main concern and that a review would be more valuable opposed to a six (6) month evaluation.

VC/Dy agreed with a one (1) year evaluation and a concern in growth in this area may be presented in the future.

PC/Fernandez stated that there would be more of a concern if 7-11 had reported problems related to alcoholic beverages.

The Commission further discussed potential issues by granting the amendment to CUP 72-86.

C/Perez closed the item for Public Comments.

C/Perez closed the discussion between the Commissioners.

MOTION ON ITEM 3

C/Perez motioned to adopt PC Resolution No. 19-04 approving Amendment 1 to Conditional Use Permit (CUP) 72-86 with the condition that the applicant allow the Walnut/Diamond Bar Sherriff's Department to conduct an evaluation with regards to strategic placement of security surveillance cameras in the exterior portion of the property and to comply with the Sheriff's recommendations. In addition, the Planning Commission will conduct a one (1) year evaluation from the day of alcohol sales to evaluate any additional crime, disturbances and complaints not only by residents but also the immediate businesses. PC/Fernandez seconded.

ROLL CALL:

AYES: Perez, Fernandez, Koo

NOES: Dy

ABSTAIN: None

ABSENT: Wu

Motion to approve carried 3-1.

4. Time Extension: A request for a time extension for Tentative Parcel Map (TPM) 74098 and Site Plan and Architectural Review (SPC/AR) 2016-006 located at 451 Avenida Esplendor.

AP/Yang presented the Staff Report.

PC/Fernandez asked if this was the property that Mr. Newman shared concerns for and asked what the reasoning for the time extension request.

AP/Yang clarified that it is not and the project was approved two (2) years ago.

C/Perez opened the item for Public Comments.

Jonathan Ma, Applicant explained that the reason for the time extension was due to personal reasons, however, the applicant since has decided to move forward with the project and recently submitted the final subdivision map.

C/Perez clarified that the time extension was not due to any problems or issues with the site.

Mr. Ma stated that no work has been conducted yet.

C/Perez closed the item for Public Comments.

PC/Fernandez asked of any right-of-ways or equestrian trails abutting the property that may be impacted.

AP/Yang responded that there are no equestrian trails adjacent to the subject location.

C/Perez commented that with the time extension it seems that the project is more organized.

VC/Dy asked for clarification on whether or not the applicant would need a time extension for the TPM if the Final Map has been submitted.

AP/Yang stated that the applicant's TPM has been approved and that the Map would not expire until April 3, 2019. AP/Yang noted that the time extension would allow the applicant to submit the final documents for approval.

MOTION ON ITEM 4

VC/Dy motioned to approve the time extension for Tentative Parcel Map (TPM) 74098 and Site Plan and Architectural Review (SPC/AR) 2016-006. C/Perez seconded.

ROLL CALL:

AYES: Perez, Dy, Fernandez, Koo

NOES: None

ABSTAIN: None

ABSENT: Wu

Motion to approve passed 4-0.

OLD BUSINESS:

None scheduled.

NEW BUSINESS:

5. Site Plan and Architectural Review (SPC/AR) 2017-067 (Saunders): A request to construct at 1,690 square-foot two-story addition and other improvements to an existing structure located 20239 E Walnut Canyon Road (APN: 8709-006-040).

PC/Koo excused himself due to the proximity of his residence.

AP/Munoz presented the Staff Report.

C/Perez opened the item for Public Comments.

Property owner/Marc Saunders introduced himself and stated that the plan would have proposed an RV garage, unfortunately, due to the site's constraints it had to be removed.

VC/Dy asked what the issue would be when constructing an RV garage on the site.

Mr. Saunders stated that due to the width of the RV, the proposed enclosed garage would encroach into the required side yard setback.

C/Perez closed the item for Public Comments.

C/Perez stated that the set of plans seem straightforward, clean and in compliance with the WMC with no neighboring residents that are opposed to the project.

PC/Fernandez added that the design has incorporated multiple decorative materials, stone veneer and window treatments that complement the property.

VC/Dy complimented Mr. Saunders on the overall design.

MOTION ON ITEM 4

PC/Fernandez motioned to approve SPC/AR 2017-067 (Saunders) subject to the attached Conditions of Approval (COA). C/Perez seconded.

ROLL CALL:

AYES: Perez, Dy, Fernandez

NOES: None

ABSTAIN: Koo

ABSENT: Wu

Motion to approve passed 3-0.

DISCUSSION/TRANSACTION:

None scheduled

REPORTS AND COMMENTS:

- ACM/Weiner mentioned that the Special Meeting for April 17, 2019 regarding the 49-Acre Project has been cancelled.
- ACM/Weiner stated that the 49-Acre Project will be resumed on the first meeting in May.
- VC/Dy and ACM/Weiner further discussed the Code Enforcement Case on the Brookside property.

ADJOURNMENT:

This meeting was adjourned at 8:46 p.m. The next Planning Commission Meeting is set for a regular meeting on Wednesday April 3, 2019, at 7:00 p.m. in the City Council Chambers at Walnut City Hall (21201 La Puente Road).

Passed and Approved on the 3rd day of April, 2019.



Tom Weiner, Assistant City Manager – Development Services



Chairperson, Fernando Perez