

April 4, 2018

THE WALNUT CITY PLANNING COMMISSION

A Regular Meeting of the Walnut City Planning Commission was held on the above-referenced date. Chairperson Fernandez called the meeting to order at 7:02 p.m.

FLAG SALUTE: Commissioner: Wu

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

ALSO PRESENT: Community Development Director Weiner; City Planner Carlson; Assistant City Attorney Mann; Senior Planner Vasquez; Community Development Technician Munoz.

ORAL COMMUNICATIONS:

C/Fernandez opened Oral Communications for Public Comment.

PC/Perez moved to close Oral Communications. C/Fernandez seconded. Without objection motion passed 5-0.

APPROVAL OF MINUTES:

1. March 7, 2018 (Regular Minutes).

VC/Wu abstained due to his absence at the March 7, 2018 PC Meeting.

C/Fernandez moved to approve the minutes of March 7, 2018. PC/Koo seconded. Motion passed 4-0.

PUBLIC HEARING:

2. Continued from the November 1, 2017 Planning Commission Meeting: Municipal Code Amendment No. 2017-01 – A request to amend Title VI, Chapter 25, Article I, Section 25-26.4 (Accessory Housing) of the Walnut Municipal Code (WMC).

SP/Vasquez presented the Staff Report.

PC/Dy inquired if the Ordinance includes Junior Accessory Dwelling Units (JADUs).

SP/Vasquez mentioned that the State is not requiring JADUs and it is not included in the Ordinance for consideration.

C/Fernandez asked if the City does not adopt an Ordinance for JADUs, would the 2016 State Assembly Bill allow for a JADU to be constructed.

ACA/Mann stated that JADUs are optional and that the Cities can choose to allow for JADUs.

C/Fernandez mentioned that in an event that Cities do not adopt a local Ordinance for Accessory Dwelling Units (ADUs), the State regulations will be followed which the requirements are more lenient.

SP/Vasquez indicated that currently, the City is following the State Legislation for the construction of ADUs.

SP/Vasquez further noted that the State Legislature allows for provisions that can be included in a local Ordinance for example, location, design, and owner-occupied requirements.

C/Fernandez asked how stringent a local Ordinance can be for ADUs.

ACA/Mann referenced Cities that have placed stringent requirements for ADUs that essentially make it difficult for a property to allow an ADU. ACA/Mann further indicated that the draft Ordinance is in compliance with the State Law but allows for the City to have control.

The Commission and Staff further discussed other City Ordinances, short-term rentals, and a possible rental-property Ordinance.

PC/Perez commented on the requirement listed in the Ordinance that an ADU needs to be connected to public services and asked if the areas in the City that are on septic tanks are limited to constructing an ADU.

SP/Vasquez stated that the properties that are on septic tanks would need to connect to the public sewer system.

PC/Dy asked if the connection to the public sewer system can be required for both the ADU and the primary residence.

CDD/Weiner stated that the Commission can include a requirement for both the ADU and the primary residence to be connected to the public sewer system.

The Commission and Staff further discuss the requirements for connecting to the public sewer system.

CDD/Weiner noted that the Commission can add an additional Condition that states that all septic tanks shall be abandoned and the primary residence plus the ADU shall be connected to the public sewer system.

PC/Koo inquired about the provision that no separate meter shall be allowed for the ADU.

SP/Vasquez confirmed that the City's Ordinance has a provision that states no separate utility meter shall be used for the ADU as well as no separate address.

PC/Dy indicated that a separate meter would be more suitable for properties with an ADU for the conservation of energy.

The Commission and Staff further discussed utilities for an ADU.

ACA/Mann mentioned that the decision for a separate meter would be up to the property owner.

CDD/Weiner stated that the Commission can make a recommendation to the City Council if they would like to see a provision of a separate meter for an ADU.

VC/Wu asked if ADUs are limited to Residential Zones only.

SP/Vasquez confirmed that ADUs can only be constructed in Residential Zones.

C/Fernandez directed Staff to let the property owner decide if a separate meter shall be installed for the ADU and inquired if JADUs are similar to the intentions of an Airbnb.

SP/Vasquez indicated that JADUs are more designed for a short-term rental.

PC/Perez noted that the maximum size of an ADU is 1,200 square feet and asked if there is a minimum size requirement.

SP/Vasquez reiterated that the maximum size of an ADU is 1,200 square feet but not to exceed 50% of the existing living area, whichever is more restrictive. SP/Vasquez further stated that there is no minimum size requirement for an ADU.

PC/Dy inquired about an ADU being constructed above a garage.

SP/Vasquez stated that a detached ADU cannot exceed one (1) story in height but an attached ADU will need to conform to the standards that are specified in the Zoning Code. SP/Vasquez further confirmed that an attached ADU can be constructed above a garage space.

The Commission and Staff further discussed ADUs being constructed above an existing garage and the possibility of an ADU being converted to an addition of the main home.

SP/Vasquez noted that if the use of an ADU ceases to operate as it was intended and approved, then the owner is required to fully restore the ADU or permit it as a room addition as listed in the Ordinance.

PC/Koo commented on the requirement of any illegal condition being corrected before the occupancy of an ADU and asked for clarification if nonconforming conditions are included.

SP/Vasquez stated that illegal conditions include code enforcement violations or building and safety requirements.

PC/Koo asked if nonconforming conditions should be included.

The Commission and Staff discussed nonconforming lots.

PC/Koo inquired about ADUs being created within existing square footage versus being constructed above a garage.

SP/Vasquez indicated that if an ADU is constructed above a garage, it would be new square footage that needs to meet the standards of development.

The Commission and Staff continued to discuss an ADU being constructed above a garage.

SP/Vasquez verified that an ADU cannot be constructed above a detached garage, given that an ADU cannot exceed one (1) story or seventeen (17') feet in height.

ACA/Mann indicated that a section can be specified to include the provision of an ADU above a detached garage.

The Commission and Staff further discussed the architectural review process and detached/attached ADUs.

PC/Dy asked if no administrative approval can be made for second-story ADUs that propose new square footage.

ACA/Mann indicated that research and verification will need to be completed to verify if the Commission can review second-story ADUs that include new square footage.

CDD/Weiner asked if the Commission would like to review the request made for second-story ADUs or make the recommendation to the City Council based off of the Assistant City Attorney findings.

The Commission and Staff concluded that a recommendation to the Assistant City Council based off of the City Attorney findings will be satisfactory.

MOTION ON ITEM 2

C/Fernandez motioned to adopt PC Resolution No. 18-02 recommending that the City Council approve Municipal Code Amendment No. 2017-01 and accompanying Initial Study (IS) 2017-01 and Negative Declaration (ND) 2018-01 as presented with possible changes from as recommended by the PC. VC/Wu seconded.

ROLL CALL:

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

Motion to approve passed 5-0.

OLD BUSINESS:

None

NEW BUSINESS:

None

DISCUSSION/TRANSACTION:

None

REPORTS AND COMMENTS:

- CDD/Weiner noted that on Monday, April 23rd, 2018, the General Plan and West Valley Specific Plan will be before the Commission for review.
- CDD/Weiner stated that May 9th, 2018 is tentatively scheduled for the City Council to review the General Plan and West Valley Specific Plan.

- C/Fernandez confirmed that all Commissioners will be present for the April 23rd, Special Meeting.
- C/Fernandez briefly introduced James who is the Liaison for the Planning subcommittee for the NexGen group. C/Fernandez further mentioned that anyone is welcomed to attend the NexGen meetings.

ADJOURNMENT:

This meeting adjourned at 8:42 p.m. The next Planning Commission Meeting is set for a Regular Meeting on Wednesday, May 2nd, 2018, at 7:00 p.m. (Walnut City Hall, 21201 La Puente Road, Walnut)

Passed and Approved on this 2nd day of May 2018.


Chairperson, Mark Fernandez



Tom Weiner, Community Development Director