CITY OF WEST COVINA

PLANNING COMMISSION - REGULAR MEETING

TUESDAY, FEBRUARY 11, 2025 - 7:00 PM
REGULAR MEETING

CITY HALL COUNCIL CHAMBERS
1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790

Sheena Heng, Chair
Livier Becerra, Commissioner
Nickolas Lewis, Commissioner
Dario Castellanos, Commissioner

Please turn off all cell phones and other electronic devices prior to entering the Council Chambers

AMERICANS WITH DISABILITIES ACT
The City complies with the Americans with Disabilities Act (ADA). If you need special assistance at Planning Commission meetings, please call (626) 939-8433 (voice) or (626) 960-4422 (TTY) from 8 to 5 Monday through Thursday. Please call at least one day prior to the meeting date to inform us of your particular needs and to determine if accommodation is possible. For sign language interpreter services at Planning Commission meetings, please request no less than four working days prior to the meeting.

PUBLIC COMMENTS/ADDRESSING THE COMMISSION
Any person wishing to address the Planning Commission on any matter listed on the agenda or on any other matter within their jurisdiction is asked to complete a speaker card that is provided on the speaker podium and submit the card to a Planning Division staff member.

Please identify on the speaker card whether you are speaking on an agenda item or non-agenda item. Requests to speak on non-agenda items will be heard during "Oral Communications" before the Public Hearing section of the agenda. Generally, comments are limited to five minutes per speaker unless further time is granted by the Chairperson. ***The Chairperson may also, at his or her discretion, further limit the time of each speaker in order to accommodate a large number of speakers and/or to ensure that the business of the Planning Commission is effectively conducted.***

Any testimony or comments regarding a matter set for Public Hearing will be heard during the public hearing for that item.

MOMENT OF SILENT PRAYER/MEDITATION

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

1. Regular meeting, January 28, 2025

ORAL COMMUNICATIONS

This is the time when any member of the public may speak to the Commission on any matter within the scope of duties assigned to the Commission relating to non-agendized or consent calendar items. Other matters included on this agenda may be addressed when that item is under consideration. For all oral communications, the chairperson may impose reasonable limitations on public comments to assure an orderly and timely meeting. The Ralph M. Brown Act limits the Planning Commission and staff's ability to respond to public comments at this meeting. Thus, your comments may be agendized for a future meeting or referred to staff. The Commission may ask questions for clarification, if desired, at this time.

By policy of the Commission, Oral Communications at this time on the agenda is limited to a total of 15 minutes.

CONSENT CALENDAR

All matters listed under CONSENT CALENDAR are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the Planning Commission request specific items to be removed from the Consent Calendar for separate discussion or action.

2. **FINDING OF CONFORMANCE WITH THE CITY'S GENERAL PLAN FOR AN EASEMENT TO BE DEDICATED TO THE CITY AT 1731 W. SAN BERNARDINO ROAD**

PUBLIC HEARINGS

3. **PRECISE PLAN NO. 23-05**
   CONDITIONAL USE PERMIT NO. 23-04
   VARIANCE NO. 24-02
   MITIGATED NEGATIVE DECLARATION
   APPLICANT: Nick Hermann for West Covina Medical Center
   LOCATION: 725/741 S. Orange Avenue
   REQUEST: The proposed construction consists of a four-story, 42,000 square-foot, 71-bed behavioral health facility addition to the existing West Covina Medical Center building. The existing 38 trees to the east side of the property (25 of which are significant trees) will be removed as a part of the project. A Variance is required because the site, with the proposed construction, does not comply with the required number of off-street parking spaces with a 79-parking space deficiency (229 spaces are required, 150 parking spaces are provided). The site is located in Urban Center Zone of the Downtown Plan and Code Area and has a Commercial General Plan land use designation.

NON-HEARING ITEMS

4. **REVIEW OF UNCLASSIFIED USE PERMIT NO. 348**
   CATEGORICAL EXEMPTION
   PERMITTEE: Roger Desai
   ADDRESS: 2748 E. Garvey Avenue South (Five Star Inn)

TEN-DAY APPEAL PERIOD: Actions taken by the Planning Commission that are not recommendations to the City Council will become final after ten (10) calendar days unless a written appeal with the appropriate fee is lodged with the City Clerk's Office before close of business on the tenth day.

COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

This is the time when any member of the Commission may bring a matter to the attention of the full Commission that is within the scope of duties assigned to the Commission. Any item that was considered during the Agenda is not appropriate for discussion in this section of the agenda. NO COMMISSION DISCUSSION OR ACTION CAN BE CONSIDERED AT THIS TIME. If the Commission desires to discuss an issue raised by a speaker or take an action, the Commission may vote to agendize the matter for a future meeting.

CITY COUNCIL ACTION

This is an oral presentation of City Council matters and actions, which are in the Commission's area of interest

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

ADJOURNMENT

City of West Covina
Memorandum
AGENDA

ITEM NO. 1

TO: Planning Commission
DATE: February 11, 2025
FROM: Planning Division
SUBJECT: Regular meeting, January 28, 2025

Submitted by:

Attachments

Minutes 1.28.25

DRAFT

MINUTES
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF WEST COVINA
Tuesday, January 28, 2025

The regular meeting of the Planning Commission was called to order at 7:01 p.m. in the West Covina City Council Chambers, 1444 West Garvey Avenue, West Covina, California.

MOMENT OF SILENT PRAYER/MEDITATION

The Commission observed a moment of silent prayer and meditation.

PLEDGE OF ALLEGIANCE

Chair Heng led the Pledge of Allegiance.

ROLL CALL

Present:	Heng, Becerra, Castellanos, Lewis
City Staff Present:	Koo, Burns, Machado, Ramirez

APPROVAL OF MINUTES

1. Regular meeting, December 10, 2024
   Regular meeting, January 14, 2025

   Motion by Castellanos, seconded by Lewis, to approve the minutes as presented.

   Motion carried 4-0.

ORAL COMMUNICATIONS

This is the time when any member of the public may speak to the Commission on any matter within the scope of duties assigned to the Commission relating to non-agendized or consent calendar items. Other matters included on this agenda may be addressed when that item is under consideration. For all oral communications, the chairperson may impose reasonable limitations on public comments to assure an orderly and timely meeting. The Ralph M. Brown Act limits the Planning Commission and staff's ability to respond to public comments at this meeting. Thus, your comments may be agendized for a future meeting or referred to staff. The Commission may ask questions for clarification, if desired, at this time.

By policy of the Commission, Oral Communications at this time on the agenda is limited to a total of 15 minutes.

Armando Herman spoke regarding comments by President Trump.

CONSENT CALENDAR

All matters listed under CONSENT CALENDAR are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the Planning Commission request specific items to be removed from the Consent Calendar for separate discussion or action.

2. **FINDING OF CONFORMANCE WITH THE CITY'S GENERAL PLAN FOR A TRAFFIC SIGNAL EASEMENT TO BE DEDICATED TO THE CITY AT 1211 BADILLO STREET.**

Chair Heng requested information regarding the traffic signal easement. Deputy Community Development Director Burns explained to the Commission why the easement is necessary.

Motion by Castellanos, seconded by Lewis, to waive further reading and adopt Resolution No. 25-2160 determining that the proposed dedication of a 1,464 square foot traffic signal easement at 1211 Badillo Street in the City of West Covina is in conformance with the goals and policies of the General Plan. Motion carried 4-0.

PUBLIC HEARINGS

3. **CONDITIONAL USE PERMIT NO. 24-08**
CATEGORICAL EXEMPTION
APPLICANT: Kate Hirsh (Habitat Health)
LOCATION: 702 N. Azusa Avenue
REQUEST: The applicant is requesting the approval of a Conditional Use Permit (CUP) to allow the operation of an adult day care facility within a building located in the "Neighborhood Commercial Mixed-Use" (NMU) Zone.

Associate Planner Miriam Machado presented the staff report.

Chair Heng opened the public hearing.

PROPONENT:

Kate Hirsh, Susan Waschevski, Mare Weiss, representing Habitat Health, and Armando Herman spoke in favor of the project.

OPPONENTS:

No one spoke in opposition.

Chair Heng closed the public hearing.

Motion by Lewis, seconded by Castellanos, to waive further reading and adopt Resolution No. 25-6159, approving Conditional Use Permit No. 24-08. Motion carried 4-0.

Chair Heng said that this action is final unless appealed in writing to the City Clerk's office within ten days.

4. **CONDITIONAL USE PERMIT NO. 24-06**
CATEGORICAL EXEMPTION
APPLICANT: JNK Petroleum
LOCATION: 201 N. Grand Avenue
REQUEST: The applicant is requesting a Conditional Use Permit (CUP) to allow the off-site sale of beer and wine (Type 20) within an existing 784 square foot convenience store at a service station, known as Arco, located in the "Service Commercial Mixed-Use" (SMU) Zone.

Planning Intern Melina Ramirez presented the staff report. There was a short discussion by the Commission and staff regarding flock cameras in this area for this type of use.

Chair Heng opened the public hearing.

PROPONENTS:

Erica Diaz and Nathan T spoke to the Commission regarding the conditions of approval, maintenance of the property, and the sales of beer and wine as an amenity to their customers.

OPPONENTS:

No one spoke in opposition.

Chair Heng closed the public hearing.

There was a short discussion by the Commission regarding requiring conditional use permits for alcohol sales at service stations.

Motion by Lewis, seconded by Castellanos, to waive further reading and adopt Resolution No. 25-6158, approving Conditional Use Permit No. 24-06. Motion carried 4-0,

Chair Heng said this decision is final unless appealed in writing to the City Clerk's Office within ten days.

NON-HEARING ITEMS - None

TEN-DAY APPEAL PERIOD: Actions taken by the Planning Commission that are not recommendations to the City Council will become final after ten (10) calendar days unless a written appeal with the appropriate fee is lodged with the City Clerk's Office before close of business on the tenth day.

COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

This is the time when any member of the Commission may bring a matter to the attention of the full Commission that is within the scope of duties assigned to the Commission. Any item that was considered during the Agenda is not appropriate for discussion in this section of the agenda. NO COMMISSION DISCUSSION OR ACTION CAN BE CONSIDERED AT THIS TIME. If the Commission desires to discuss an issue raised by a speaker or take an action, the Commission may vote to agendize the matter for a future meeting.

Becerra spoke regarding her experience with dispatchers not wanting to send emergency personnel.

Chair Heng asked if there was a way to deal with disgruntled citizens during Oral Communications. Deputy City Attorney Koo spoke regarding a revisions in the Brown Act that allows disruptive speakers to be removed when they are impeding the meeting.

5. **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:**

Deputy Community Development Director Jo-Anne Burns said Planning Commissioner's Academy will be held from March 5 to March 7, 2025 in Santa Rosa if any commissioner would like to be registered. Commissioners Heng and Becerra will be attending.

Ms. Burns also spoke about the Negative Declaration for the West Covina Medical Center which will be heard on February 11, 2025, and said it is available for their review and if any of the Commissioners would like a printed copy please notify her.

6. **CITY COUNCIL ACTION:**

This is an oral presentation of City Council matters and actions, which are in the Commission's area of interest

ADJOURNMENT

Chair Heng adjourned the meeting at 8:04 p.m.

Respectfully submitted:

Lydia de Zara
Senior Administrative Assistant

City of West Covina
Memorandum
AGENDA

ITEM NO. 2

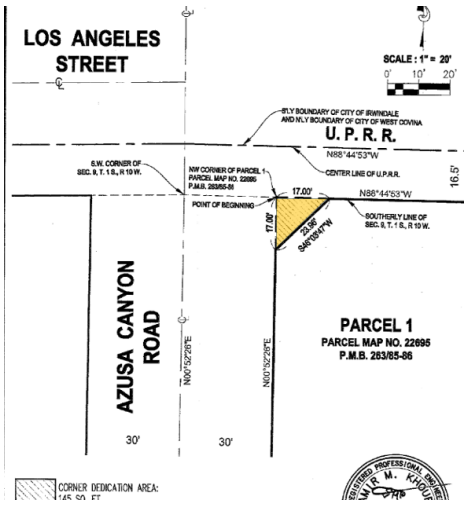
TO: Planning Commission **DATE: February 11, 2025**

FROM: Planning Division

SUBJECT: FINDING OF CONFORMANCE WITH THE CITY'S GENERAL PLAN FOR AN EASEMENT TO BE DEDICATED TO THE CITY AT 1731 W. SAN BERNARDINO ROAD

BACKGROUND:

The City of Irwindale is installing a new signal at the intersection of North Azusa Canyon Road and Los Angeles Street to improve the transportation of export from a local landfill through the City of Irwindale. As part of this improvement, the City of Irwindale will be doing Americans with Disabilities Act (ADA) upgrades to the railroad crossing located to the south of the intersection along North Azusa Canyon Road and installing a raised median along a portion of North Azusa Canyon Road. In order to install the new ADA crossing at the railroad track, the City of Irwindale is working with the property owner of 1731 W. San Bernardino Road and the City (West Covina), so that an easement could be dedicated to the City because there is not enough room in the public right of way for the ADA improvements. The proposed easement is approximately 144.5 square feet. The easement agreement and easement information are included in this report as Attachment No.2 and is indicated in the following map:



California Government Code (Section 65402) states: (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

DISCUSSION:

In order for the City to accept an easement dedication, the Planning Commission is required to make a determination of conformity with the City's General Plan. The easement does not conflict with the goals and policies of the City of West Covina's General Plan and is consistent with the following policies and actions:

Our Accessible Community

> **Policy 4.2** Accommodate multimodal mobility, accessibility and safety needs when planning, designing, and implementing transportation improvements, improving access and circulation for all users of City streets.

Our Resilient Community - Circulation

> **Action 5.1** Adjust development regulations and review processes to require new development and redevelopment projects to provide a fine-grained, interconnected, multimodal transportation network with a balance motor vehicle, pedestrian, bike, and transit amenities.

The easement is required to allow for the installation of ADA improvements necessary to improve public safety and access for pedestrians, bicyclists, and motorists. The ADA improvements and associated street/sidewalk improvements will be installed by the City of Irwindale.

Following the Planning Commission's finding of conformance with the City's General Plan, the easement will be presented to the City Council for acceptance.

RECOMMENDATION:

It is recommended that the Planning Commission adopt Resolution No. 25-6161, determining that the easement at 1731 W. San Bernardino Road to be dedicated to the City is in conformance with the goals and policies of the West Covina General Plan.

Submitted by: Jo-Anne Burns, Deputy Community Development Director

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Attachments

Attachment No. 1 - General Plan Conformance Resolution

Attachment No. 2 - Easement Agreement

ATTACHMENT NO. 1

PLANNING COMMISSION

RESOLUTION NO. 25-6161

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, DETERMINING THAT THE PROPOSED DEDICATION OF AN EASEMENT AT 1731 W. SAN BERNARDINO ROAD IN THE CITY OF WEST COVINA IS IN CONFORMANCE WITH THE GOALS AND POLICIES OF THE GENERAL PLAN

WHEREAS, The California Government Code Section 65402 requires that the Planning Commission review the dedication of any property, including easements, to the City for conformity with the adopted General Plan; and

WHEREAS, the Planning Commission review is intended to assure that the easement dedication is consistent with the City's long-range objectives; and

WHEREAS, the subject property is a 144.5 square feet (approximately) portion of the property located at 1731 W. San Bernardino Road located adjacent to Azusa Canyon Road.

WHEREAS, the easement is needed in order to allow the City of Irwindale to install the necessary Americans with Disabilities Act (ADA) compliant improvements to the railroad crossing and sidewalk.

WHEREAS, the easement dedication is consistent with the following policies and actions of the West Covina General Plan:

Our Accessible Community

Policy 4.2 Accommodate multimodal mobility, accessibility and safety needs when planning, designing, and implementing transportation improvements, improving access and circulation for all users of City streets.

Our Resilient Community - Circulation

Action 5.1 Adjust development regulations and review processes to require new development and redevelopment projects to provide a fine-grained, interconnected, multimodal transportation network with a balance motor vehicle, pedestrian, bike, and transit amenities.

The easement is required to allow for the installation of ADA improvements necessary to improve public safety and access for pedestrians, bicyclists, and motorists. The ADA improvements and associated street/sidewalk improvements will be installed by the City of Irwindale.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of West Covina as follows:

SECTION 1: The Planning Commission hereby determines that the easement dedication of 144.5 square foot portion of the property located at 1731 W. San Bernardino Road located adjacent to Azusa Canyon Road for railroad crossing and associated ADA improvement purposes is in conformance with the adopted General Plan.

SECTION 2: The Planning Commission Secretary shall certify to the adoption of this resolution and shall enter it into the book of original resolutions.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 11th day of February 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: February 11, 2025

_____

Sheena Heng, Chair
Planning Commission

_____

Jo-Anne Burns, Secretary
Planning Commission

ATTACHMENT NO. 2

RECORDING REQUESTED BY:
AND WHEN RECORDED MAIL TO:

Community Development Director
City of West Covina
1444 West Garvey Avenue South
West Covina, CA. 91790

(Space Above Line for Recorder's Use Only)

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (this "Agreement") is entered into and effective as of _____ 2024 (the "Effective Date "), by and between NATURAL GREEN FARMING LLC, a California limited liability company (***"Grantor"***), and THE CITY OF WEST COVINA, a municipal corporation in the County of Los Angeles, State of California (***"Grantee"***), on the basis of the following facts:

RECITALS

A. Grantor is the owner of that certain real property located in the County of Los Angeles, State of California, more particularly described on Exhibit A attached hereto (the ***"Grantor's Parcel"***).

B. Grantee is requiring easements for pedestrian access and traffic signal maintenance over a portion of the Grantor's Parcel, more particularly described and depicted on Exhibit B attached hereto (the ***"Easement Area"***).

C. Grantor and Grantee (collectively, the ***"Parties"***) now desire to enter into this Agreement for the purpose of establishing such easements, subject to the terms and conditions set forth herein.

AGREEMENT

IT IS HEREBY AGREED, on the basis of the foregoing facts and for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, as follows:

1. Grant of Easements. Grantor hereby grants to Grantee (i) for the benefit of the public, a non-exclusive easement for purposes of pedestrian access upon, over, on, across and through the Easement Area, together with the right to grant all or a portion to others (the ***"Pedestrian Access Easement"***), and (ii) a non-exclusive easement for traffic signal purposes, including the right to, at its own cost and expense, construct, use, maintain, alter, add to, repair, replace, and remove all facilities therefor or connected therewith, upon, over, on, across and through the Easement Area, together with the right to grant all or a portion to others (the ***"Traffic Signal Easement"***, and together with the Pedestrian Access Easement, collectively, the ***"Easements"***). Grantee shall have the right to take all actions necessary with respect to the maintenance and repair of the Easements.

2. Maintenance. Grantee at all times shall maintain the Easements in good and safe condition and repair and in compliance with all laws, at Grantee's sole cost and expense.

3. Indemnity. Grantee shall indemnify, defend and hold harmless Grantor from and against any and all claims, demands, causes of action, damages, liabilities, suits and expenses (including reasonable attorneys' fees) for property damage or bodily injury arising out of exercising the rights hereunder by Grantee or its Permitted Users, except to the extent the property damage or bodily injury is caused by the gross negligence or willful misconduct of Grantor.

4. Insurance. Grantee shall procure and maintain in full force and effect, at all times while this Agreement is in effect, general public liability and property damage insurance against claims for personal injury, death or property damage occurring upon, arising out of the use of the Easements granted herein, to afford protection to the limit of not less than One Million Dollars ($1,000,000.00) for injury or death of a single person, and to the limit of not less than One Million Dollars ($1,000,000.00) for any one occurrence, and to the limit of not less than One Hundred Thousand Dollars ($100,000.00) for property damage. Such insurance may be written by additional premises endorsement on any master policy of insurance carried by Grantee which may cover other property in addition to the property covered by this Agreement. Grantor shall be named as an additional insured under all policies of such insurance.

5. Non-Interference. Grantor shall not (and shall not permit its tenants, permitees or other occupiers of the Grantor's Parcel to) (a) unreasonably limit or interfere with Grantee's use of the Easement, or (b) obstruct or permit any obstruction to any part of the Easement Area.

6. Performance of Work. Grantee covenants that it shall perform all work required and exercise all rights granted hereunder at its sole cost and expense and in a safe and clean manner and shall minimize any interference with Grantor's Parcel, and it shall at all times comply with applicable laws, rules, regulations, ordinances and rulings applicable to the Grantor's Parcel. Grantee shall provide Grantor not less than five (5) business days' notice (in accordance with Section 6 below) prior to commencing any work on the Grantor's Parcel.

7. Term. This Agreement and the Easement granted herein shall continue in full force and effect in perpetuity. Notwithstanding anything to the contrary contained herein, this Agreement shall terminate in all events with the unanimous written consent of all of the Parties and all mortgagees or trust deed beneficiaries.

8. Easements to Run With the Land. The easement and the covenants herein shall run with the land and shall be binding on the successors, heirs, and assigns of all parties hereto.

9. Notices. Any notice, payment, demand, offer or communication required or permitted to be given by any provision of this Agreement shall be deemed to have been sufficiently given or served for all purposes if sent by registered or certified mail, postage and charges prepaid, or by overnight courier addressed to the applicable Party as set forth below:

To Grantor: Natural Green Farming, LLC
1731 W. San Bernardino Rd.
West Covina, CA. 91790

Attn: _____

To Grantee: City of West Covina
1444 West Garvey Avenue South
West Covina, CA. 91790
Attn: _____

Any such notice shall be deemed to be given on the date of delivery to the address set forth above as may be changed from time to time, or the date of refusal of delivery. The address for notice may be changed by either party by giving notice of such change to the other party in the manner provided herein for giving notice. For the purposes of changing such address, unless and until such written notice is received, the last address stated herein shall be deemed to continue in effect for all purposes.

10. Amendment. This Agreement may only be changed by a written amendment executed by all the Parties.

11. Attorneys' Fees. In any lawsuit to interpret or enforce this Agreement, the prevailing party shall be entitled to recover its reasonable court costs and reasonable attorneys' fees from the opposing party.

12. Interpretation. This Agreement shall be interpreted and construed in accordance with the laws of the State of California. The Parties acknowledge that this Agreement represents a negotiated document reflecting a joint effort in the drafting of its provisions. As a result, neither Party shall be viewed as a drafter with respect to interpretation of this Agreement.

13. Partial Invalidity. If any provision of this Agreement is determined (by a court of competent jurisdiction) to be unenforceable or void under applicable law, that provision shall be deleted, but the remaining provisions shall remain in full force and effect.

14. No Waiver. A waiver of any right under this Agreement must be set forth in writing and signed by the waiving Party in order to be effective. Any waiver shall be strictly construed and shall not waive any rights not expressly set forth in the written waiver.

15. Time of the Essence. Time is expressly of the essence as to every act and obligation set forth in this Agreement.

16. Counterparts. This Agreement may be signed in counterparts.

17. Incorporation. The recitals hereto and all exhibits, schedules and attachments attached to this Agreement are incorporated herein and made a part of this Agreement by this reference.

18. Section Titles. Section titles in this Agreement are for convenience only and shall not be construed to alter the content of sections.

19. Cooperation. The Parties shall reasonably cooperate with each other in connection with this Agreement.

20. Binding Effect. This Agreement shall be binding upon and shall inure to the benefit

of the (a) Parties and their respective heirs, successors and permitted assigns; and (b) all future owners of any portion of the Real Property.

21. Merger. This Agreement, together with any documents referred to herein, sets forth the full agreement between the Parties regarding the matters addressed in this Agreement. All prior agreements and understandings that conflict with the foregoing are terminated and of no further force or effect.

22. Warranty of Authority. Each person signing this Agreement represents and warrants that he or she has full power and authority to do so, and that no other authorizations or approvals of any kind are necessary.

[Signatures appear on next page]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date and to be effective upon recordation in the Official Records of Los Angeles County, California.

"GRANTOR":

NATURAL GREEN FARMING LLC,
a California limited liability company

By: _____
Name: KEVIN BAI
Title: CEO

By: _____
Name: MIN LI
Title: CFO

"GRANTEE"

THE CITY OF WEST COVINA,
a California general law municipality

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
City Clerk

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF Los Angeles)

On December 16, 2024 before me, Armando Hegdahl Notary Public
personally appeared Min Li and Kevin Bai ,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ **(Seal)**

ARMANDO HEGDAHL
Notary Public - California
Los Angeles County
Commission # 2470622
My Comm. Expires Nov 10, 2027

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF _____)

On _____ before me, _____
personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature_____ **(Seal)**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF _____)

On _____ before me, _____
personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature_____ **(Seal)**

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF WEST COVINA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

BEING A PORTION OF PARCEL 1 OF PARCEL MAP NO. 22695, FILED IN BOOK 263 PAGES 85 AND 86 OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARY DESCRIBED AS FOLLOWS.

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF PARCEL 1 OF SAID PARCEL MAP; THENCE SOUTH 88®44'53" EAST 17.00 FEET; THENCE SOUTH 46®03'47" WEST 23.96 FEET MORE OR LESS TO WESTERLY LINE OF SAID PARCEL 1; THENCE NORTH 00®52'26" EAST 17.00 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 145 SQUARE FEET, MORE OR LESS.

A.P.N. 8435-015-040

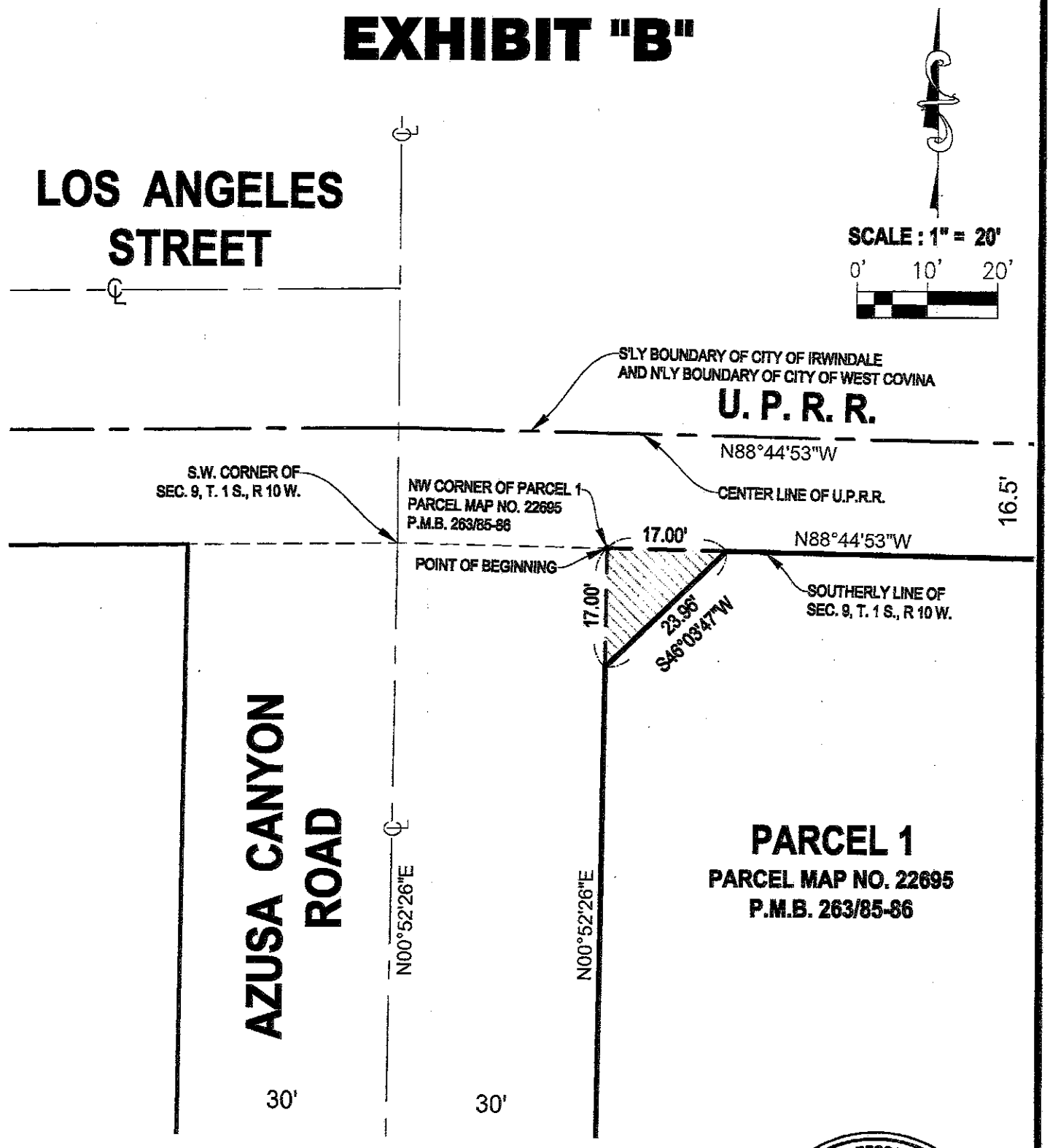
DESCRIPTION PREPARED BY:

SAMIR M. KHOURY



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EXHIBIT "B"



CORNER DEDICATION AREA:
145 SQ. FT.

BASIS OF BEARING:

THE BASIS OF BEARINGS USED ON THIS EXHIBIT IS THE BEARING NORTH 00°52'26" EAST OF CENTERLINE OF AZUSA CANYON ROAD, AS SHOWN ON THE PARCEL MAP NO. 22695, P.M.B. 263/85-86.

REGISTERED PROFESSIONAL ENGINEER
SAMIR M. KHOURY
No. 30567
EXP. 3-31-2024
CIVIL
STATE OF CALIFORNIA

August 31,2023 - 7:53 am ; User: DTran ; P:\DWG\739-101\DWG\EXHIBITS\739-101 SE CORNER DEDICATION.dwg

AGENDA
ITEM NO. 3
DATE: February 11, 2025

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

PRECISE PLAN NO. 23-05
CONDITIONAL USE PERMIT NO. 23-04
VARIANCE NO. 24-02
MITIGATED NEGATIVE DECLARATION
APPLICANT: Nick Hermann for West Covina Medical Center
LOCATION: 725/741 S. Orange Avenue
REQUEST: The proposed construction consists of a four-story, 42,000 square-foot, 71-bed behavioral health facility addition to the existing West Covina Medical Center building. The existing 38 trees to the east side of the property (25 of which are significant trees) will be removed as a part of the project. A Variance is required because the site, with the proposed construction, does not comply with the required number of off-street parking spaces with a 79-parking space deficiency (229 spaces are required, 150 parking spaces are provided). The site is located in Urban Center Zone of the Downtown Plan and Code Area and has a Commercial General Plan land use designation.

BACKGROUND

The project site is located northeast of the South Orange Avenue and the West Cameron Avenue intersection, south of the Interstate 10 Freeway. The overall project site is composed of three (3) separate parcels totaling 154,286 square feet in area. The site is currently occupied by the West Covina Medical Center hospital and medical office building. The site is designated for commercial land use by the General Plan and is in the Urban Center Zone of the Downtown Plan and Code area.

ITEM	DESCRIPTION
ZONING AND GENERAL PLAN LAND USE DESIGNATION	Urban Center Zone of the Downtown Plan and Code; Commercial
SURROUNDING ZONING AND LAND USES	North: Interstate 10 Freeway East: Interstate 10 Freeway on/off-ramp South: Urban Center Zone of the Downtown Plan and Code; Commercial (Floor and Decor) West: General Urban Zone of the Downtown Plan and Code; Commercial (Parking Lot and Office Building)
CURRENT DEVELOPMENT	Hospital and Medical Office Building
LEGAL NOTICE	Notice of the Public Hearing was mailed to all owners of properties within five hundred (500) feet of the subject site, as well as published in the San Gabriel Valley Tribune. Additionally, a notice of the Public Hearing was posted on the site.

DISCUSSION

Precise Plan

Approval of a Precise Plan is required for the site plan and architectural review of the project. The project would add a behavioral health facility to the eastern portion of the existing West Covina Medical Center building. The proposed addition would be approximately 42,000 square feet in size and four stories high. It would adjoin and connect to an existing one-story medical hospital building on the project site.

The proposed building addition would have a total of 71 licensed beds and would be up to 70 feet in height. The patient drop-off area would be located to the southeast of the proposed building. The first floor of the proposed facility would consist of an ambulance drop-off area, a loading and receiving area, a kitchen services area, a lobby/reception area, staff areas, and utility rooms (e.g., electrical and information technology rooms). The kitchen services area would be developed to serve the 46 patient beds in the existing medical facility and the 71 patient beds in the proposed building. The second (2nd) through fourth (4th) floors would each have 12 patient rooms, exam/consultation rooms, a nursing station and offices, a dining area, and utility rooms. Indoor activity space is proposed on the western end of the second and third floors, and outdoor activity space is proposed at the eastern end of the second floor and at the western end of the fourth floor. Mechanical service units would be provided on the rooftop of the proposed building and would be screened by a parapet wall.

Vehicular and pedestrian access to the project site would be located on Orange Avenue, with an existing driveway on the east side of the existing three-story medical office building. Sidewalks are located adjacent to the project site along Orange Avenue and Cameron Avenue.

Architectural Design

The proposed addition is designed to complement and be compatible with the existing medical office and hospital buildings. The exterior finish is proposed to be a smooth white/cream-colored stucco with gray and light yellow stucco/plaster finishes, and metal trim details.

Landscaping and Tree Removal

Existing vegetation on the eastern portion of the project site, including 38 existing trees, would be removed to accommodate the proposed project. Of the 38 existing trees that would be removed, 25 trees are classified as significant trees per Section 26-258 of the WCMC. Landscaping is proposed along the southeastern perimeter of the project site; on the southeast side of the patient drop-off area; and to the north, east, and south sides of the proposed building. The new landscaping would be drought-tolerant shrubs and cobblestones. A condition of approval has been added to the draft precise plan resolution requiring at least one 24-inch box sized (minimum) tree to be installed on the planter island in front of the proposed hospital addition and pay an in lieu amount equivalent to five (5) 24-inch box sized trees and five (5) 36-inch box size trees to the City's tree fund to be used to plant replacement trees on the City public right-of-way or publicly owned properties (i.e., Civic Center, parks), if additional replacement trees can not be accommodated on the site.

The table below summarizes how the project compares with the WCMC standards:

	PROPOSED	**STANDARDS**
LOT AREA	Existing 2.83 acres (123,823 square feet)	----------
BUILDING AREA 1st Floor 2nd-4th Floors	Total: 103,000 square feet Existing - 61,000 square feet New - 42,000 square feet 1st - 8,600 square feet 2nd - 11,300 square feet 3rd - 11,050 square feet 4th - 11,050 square feet	----------
HEIGHT	70 feet / 4 stories	70 feet / 5 stories
BUILDING COVERAGE	0.55 (68,350 Square Feet)	----------

SETBACKS Front (East) Side (South) Side (North) Rear (West)	Front (South) - N/A (Existing) Side (West) - N/A (Existing) Side (East) - 32'-10" Rear (North) - 32-8"	Front (South) - N/A (building is existing) Side (West) - 0 Side (East) - 0 Rear (North) - 5 Feet (Minimum)

Conditional Use Permit
The Downtown Plan and Code requires a Conditional Use Permit for mental institutions and hospitals. The proposed use is for a 71-bed behavioral health facility. According to the business operation plan (Attachment No. 5), the facility provides patients with behavior health assessment/evaluations and intensive psychiatric treatment and rehabilitation (i.e., medication changes and attending group therapies). All patients are expected to be transported to the proposed behavioral health facility via ambulance or non-medical emergency transport van from another facility (such as a skilled nursing or residential care facility). A comprehensive and safe discharge plan is developed, so the patient can return to the originating facility or be referred to a lower level of care or a continuum of care facility, as needed. To ensure that patients are not discharged onto the street or without proper housing, a condition of approval has been included requiring a discharge plan to have all patients transferred to another facility or to a family member's care.

Community Benefit
The applicant offered to allow the City to drop-off unhoused individuals in need of mental health care to either receive care onsite or at another nearby facility operated by the West Covina Medical Center ownership group at a rate not to exceed 10 patients per day. This community benefit has been included as a condition of approval to the draft CUP resolution.

Parking Variance
A Variance is required because the site, with the proposed construction, does not comply with the required number of off-street parking spaces.

The West Covina Medical Center owns and utilizes the existing parking lot located on the west side of Orange Avenue, across the street from the project site. This parking lot has 132 off-street parking spaces, and would remain unchanged. The parking lot at the eastern portion of the project site currently has 55 parking spaces. With implementation of the proposed project, this parking lot would have six (6) parking spaces remaining. The existing ten (10) parking spaces located on the north side of the existing building will be retained, while the carport and the majority of parking spaces located on the west of the existing building will be removed/demolished with only two (2) parking spaces remaining. A total of 150 off-site surface parking spaces will be provided. Based on a parking ratio of one parking space per 250 square feet for the existing medical office building, and 1.5 parking spaces per 0.75 beds for the hospital (existing and proposed addition - 117 total beds), the site requires 351 off-street parking spaces based on the West Covina Development Code alone. Since the site is located in the Urban Center Zone of the Downtown Plan and Code area, the required parking ratio is 0.65 of the Development Code requirement. The site with the proposed use and construction would require a total of 229 parking spaces, which results in a 79 parking space deficit.

	REQUIRED	**PROVIDED**
Medical Office Building	116.8 x 0.65 = 76	--
Hospital	234 x 0.65 = 153	--
TOTAL	229 Parking Spaces	150 Parking Spaces

A parking analysis was prepared for the project. According to the parking analysis, the project would require 31 parking spaces based on a peak demand of 25 employees per shift, 5 ambulances, and 1 visitor. The parking analysis also calculated the existing demand for the medical office building and existing hospital. The parking accumulation counts were conducted in 60 minute increments from 9 AM to 7 PM during two consecutive weekdays and one Saturday. The highest peak demand occurred at 10 AM on a Wednesday with 123 parking

spaces being occupied. All other time-frames ranged from 13 to 119 parking spaces being occupied, with the weekend having the lowest demand.

Based on the parking analysis, the total peak parking demand would be 154 parking spaces, 4 parking spaces more than the number of off-street parking spaces provided by the project. However, based on the unique characteristics of the proposed use, in combination with the vacation of the existing medical office tenants and anticipated expansion of an adult day care program, the parking demand for the site is expected to be lower than the current parking demand. The expansion of the adult day care program would require a separate conditional use permit application and review by the Planning Commission at a future meeting. To address parking concerns, a condition of approval has been added to the draft CUP and Variance approval resolutions, requiring Planning Commission review and potential modification of the CUP and Variance if parking becomes an issue. In addition, to ensure that the parking lot on Orange Avenue, across from the project site, continues to provide parking for the West Covina Medical Center, a condition of approval was also added requiring this parking lot to remain a parking lot serving the West Covina Medical Center.

Development Impact Fees
The City adopted Development Impact Fees in December 2015. For this project, the applicant will be required to pay Development Impact Fees of $1.73 per square foot (or current fee). Based off the proposed square footage, the estimated cost for the development impact fee is $72,660.

Art in Public Places
The proposed project is subject to the provisions of the Art in Public Places ordinance (WCMC Section 17-41). The applicant may elect to pay an in-lieu fee, or provide public art on site at a rate of 1% of the total project costs, excluding land.

REQUIRED FINDINGS

Precise Plan
Findings necessary for the approval of a Precise Plan are as follows:

a. The proposed development plans and the uses proposed are consistent with the General Plan and any applicable specific plan.

The project site is designated as "Commercial" in the City's General Plan and the development of a behavioral health facility hospital addition is consistent with the General Plan's goals. The subject property is located south of the Interstate 10 Freeway. The project site is adjacent to commercial properties to the South, East, and West. The proposed project is consistent with the following General Plan policies:

- Our Prosperous Community P2.4 Build on and grow West Covina's regional appeal
- Our Prosperous Community P2.7a Explore health/medical campus opportunities
- Our Prosperous Community P2.9 Support local businesses.

b. The proposed development is consistent with adopted development standards for the zone and complies with all other applicable provisions of the Municipal Code.

The project includes the construction of a 42,000 square feet hospital addition to the West Covina Medical Center. The proposed hospital addition complies with the Urban Center Zone of the Downtown Plan and Code standards. The project includes a variance application for a 79 off-street parking deficit that is justified based on the analysis of the future parking demands for the site.

c. Granting the permit would not be detrimental to the public interest, health, safety, and welfare and would not unreasonably interfere with the use or enjoyment of property in the vicinity of the subject property.

The proposed project is surrounded by commercial uses, including an office building and a retail center. Therefore, as conditioned, granting the permit would not be detrimental to the public interest, health, safety,

and welfare would not unreasonably interfere with the use or enjoyment of property in the vicinity of the subject property.

d. The site is physically suitable for the type, density and intensity of the development being proposed, including vehicle access and circulation.

The site will be physically suitable for the type, density and intensity of the development being proposed. The project site will be visible from the surrounding areas, which includes the Interstate 10 Freeway and commercial buildings. Vehicles would be able to access the project site via Orange Avenue.

e. The architecture, site layout, location, shape, bulk, and physical characteristics of the proposed development are compatible with the existing and future land uses, and do not interfere with orderly development in the vicinity.

The proposed addition is designed to complement and be compatible with the existing medical office and hospital buildings. The use does not interfere with the orderly development in the vicinity.

Conditional Use Permit

Findings necessary for the approval of a Conditional Use Permit are as follows:

a. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood.

The proposed use is consistent with the Urban Center Zone. The Urban Center Zone is composed primarily of retail and service commercial, recreational, and business office land uses which, by their nature, are of a relatively high intensity. The proposed use is a 42,000 square foot behavioral health hospital facility. As conditioned, the facility will offer a unique service and community benefit by allowing the City to drop-off unhoused individuals in need for mental health care.

b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvement in the vicinity.

The proposed use is a behavioral health hospital facility. Patients arrive at the facility via non-emergency medical vans or ambulances coming from other care facilities, and are never discharged to the street with nowhere to go. Off-street parking will be provided. Based on anticipated parking demands, adequate off-street parking will be available most times. Therefore, there is no evidence that the use will be detrimental to the health, safety, peace or general welfare of surrounding residents or business owners.

c. That the site for proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use to the land and uses in the neighborhood and make it compatible therewith.

The existing building and site are adequate and are properly designed to accommodate all existing and proposed uses. The medical offices and existing hospital are long-standing facilities and uses that have provided adequate off-street parking for a number of years. Based on anticipated parking demands, adequate off-street parking will be available most times. The proposed use will not negatively impact the adjacent commercial retail center and medical office building since a minimal number of patient visitors will be present each day, the patients are dropped-off by vehicles without the use of sirens, the patients are never discharged onto the street, and the building addition is designed to be architecturally compatible with the existing hospital.

d. That the site abuts streets and highways adequate in width and improvement to carry traffic generations typical of the proposed use and that street patterns of such a nature exist as to guarantee that such generation will not be channeled through residential areas on local residential streets.

The subject property abuts Orange and Cameron Avenues and is accessible via driveway on Orange Avenue. The site is accessible through streets located along commercial areas. Since patients are typically dropped off and picked up by a van or ambulance service, these vehicles come directly from the 10 Freeway off-ramp to the site, or from Cameron Avenue to Orange Avenue, and will not be channeled through residential areas. The parking lot across Orange Avenue is a longstanding use and will not be modified as part of this project.

e. That the granting of such Conditional Use Permit will not adversely affect the general plan of the city, or any other adopted plan of the City.

Granting the CUP for the proposed use will not compromise the character of the surrounding neighborhood or be detrimental to the surrounding land uses. Allowing the proposed use is consistent with the policies and actions of the General Plan. The project is consistent with the following General Plan policies:

- Our Prosperous Community P2.4 Build on and grow West Covina's regional appeal
- Our Prosperous Community P2.7a Explore health/medical campus opportunities
- Our Prosperous Community P2.9 Support local businesses.

Variance

Findings necessary for the approval of a variance are as follows:

a. There are special circumstances (which may include, but are not limited to, size, shape, topography, location, or surroundings) applicable to the property which are not applicable to other property in the property's vicinity under identical zoning classification.

The project site's location is unlike other properties in the vicinity in that it exhibits "island-like" characteristics in that it is directly adjacent to the I-10 Freeway to the north, I-10 Freeway off-ramp to the east, Orange Avenue to the south, and Cameron Avenue to the west; the site is not directly adjacent to any privately owned properties which eliminates the possibility of expanding the size of the lot to accommodate more parking onsite.

b. As a result of the special circumstances, the strict application of the Development Code deprives the property of meaningful privileges enjoyed by other property in the vicinity and under identical zoning classification.

Due to its "island-like" features, the site is not directly adjacent to any privately owned properties, which eliminates the possibility of expanding the size of the lot to accommodate more parking onsite. Furthermore, the lot's size and the current development constrain the location of the hospital expansion, necessitating the removal of existing onsite parking spaces. Other properties in the area are either underutilized, with abundant parking and large lots, or have the potential for expansion due to their proximity to other privately owned properties. Thus, the strict application of the code deprives the property of meaningful privileges enjoyed by other properties in the vicinity and under identical zoning classifications.

c. Such variance is necessary to allow the property in question to have the same substantial property right possessed by other property in the same vicinity and zone.

The parking variance is necessary to allow the subject property to have the same substantial property right possessed by other properties in the same vicinity. Due to its "island-like" features, the site is not directly adjacent to any privately owned properties, which eliminates the possibility of expanding the size of the lot to accommodate more parking onsite. Furthermore, the lot's size and the current development constrain the location of the hospital expansion, necessitating the removal of existing onsite parking spaces. Other properties in the area are either underutilized, with abundant parking and large lots, or have the potential for expansion due to their proximity to other privately owned properties.

d. The granting of such variance will not be materially detrimental to the public welfare or materially injurious to residents or owners of nearby properties.

Based on the parking analysis, the total peak parking demand would be 154 parking spaces, 4 parking spaces more than the number of off-street parking spaces provided by the project. However, based on the unique characteristics of the proposed use, in combination with the vacation of the existing medical office tenants and anticipated expansion of an adult day care program, the parking demand for the site is expected to be lower than the current parking demand. As conditioned, granting of the variance will not be materially detrimental to the public welfare or materially injurious to the residents or owners of nearby properties.

e. That the granting of such variance shall be consistent with the adopted General Plan and any applicable specific plans.

The site has a "Commercial" General Plan land-use designation. Approval of the variance does not change the commercial use or land-use designation of the site. The project is consistent with the following General Plan policies:

- Our Prosperous Community P2.4 Build on and grow West Covina's regional appeal
- Our Prosperous Community P2.7a Explore health/medical campus opportunities
- Our Prosperous Community P2.9 Support local businesses.

f. The variance does not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of property.

The variance is to allow a 79 parking space deficit. The proposed behavioral health facility hospital use is allowed within the Downtown Plan and Code area with approval of a Conditional Use Permit.

GENERAL PLAN CONSISTENCY

The City's General Plan Land Use Element designates the subject property for Commercial Uses. The project is consistent with the following General Plan policies:

- Our Prosperous Community P2.4 Build on and grow West Covina's regional appeal
- Our Prosperous Community P2.7a Explore health/medical campus opportunities
- Our Prosperous Community P2.9 Support local businesses.

ENVIRONMENTAL DETERMINATION

Based on the findings of the Initial Study, this project would not result in significant environmental impacts. Mitigation measures for biological resources, geology and soils, cultural resources, geology and soils, hazards and hazardous materials, noise, transportation and tribal cultural resources will be required to reduce impacts to a less than significant level. Accordingly, a Mitigated Negative Declaration (MND) will be adopted, pursuant to Section 21080(c) of the Public Resources Code.

In compliance with CEQA, the State CEQA Guidelines, an MND was prepared and will be considered prior to approval of the Project. The MND serves as a finding that the Project would not have a significant effect on the environment, with the incorporation of mitigation measures, as appropriate.

Based on the environmental analyses, with compliance with applicable regulatory requirements and/or the implementation of mitigation measures, the Project would have less than significant impacts on humans, as it relates to the following environmental issue areas: aesthetics, hydrology and water quality, noise, recreation, utilities and service systems, agriculture and forestry resources, greenhouse gas emissions, land use and planning, population and housing, transportation, wildfire, air quality, energy, mineral resources and public services.

The proposed Project’s impacts on the following issue areas would require the implementation of mitigation measures: biological resources, geology/soils, noise, transportation, cultural resources, and tribal cultural resources. All impacts would be avoided or reduced to less than significant levels after mitigation. Therefore, the proposed Project would not result in environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly, with the implementation of mitigation measures. All impacts would be less than significant after mitigation.

A copy of the MND can be found on the City's Planning Division web page at the following link: Environmental Documents

The MND includes a detailed discussion on all environmental issues related to the project including traffic and noise impacts and how any potential impacts were determined to be less than significant after mitigation.

The MND was circulated for public comment from January 15th through February 3rd. Comments were received from the Los Angeles County Sanitation Districts and the Department of Toxic Substance Control. A Response to Comments was prepared and is provided as Attachment No. 6.

STAFF RECOMMENDATIONS

Planning staff recommends that the Planning Commission adopt Resolution No. 25-6162 certifying the MND, Resolution No. 25-6163 approving Precise Plan No. 23-05, Resolution No. 25-6164 approving Conditional Use Permit No. 23-04, and Resolution No. 25-6165 approving Variance No. 24-02.

LARGE ATTACHMENTS

Plans may be viewed at the West Covina City Hall Planning Division Counter, located at 1444 W. Garvey Avenue South, 2nd Floor - Room 208, West Covina, CA 91790.

Submitted by: Jo-Anne Burns, Deputy Community Development Director

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Attachments

Attachment No. 1 - Resolution Certifying the Mitigated Negative Declaration of Environmental Impact

Attachment No. 2 - Precise Plan Approval Resolution

Attachment No. 3 - Conditional Use Permit Approval Resolution

Attachment No. 4 - Variance Approval Resolution

Attachment No. 5 - Business Operation Plan

Attachment No. 6 - Responses to Comments

ATTACHMENT NO. 1

PLANNING COMMISSION

R E S O L U T I O N N O. 25-6162

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, CERTIFYING THE MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR PRECISE PLAN NO. 23-05, CONDITIONAL USE PERMIT NO. 23-04, AND VARIANCE NO. 24-02 AT 725/741 S. ORANGE AVENUE, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: Nick Hermann

LOCATION: 725/741 S. Orange Avenue

WHEREAS, there was filed with the City, a verified application on the forms prescribed in Chapter 26 of the West Covina Municipal Code, requesting the approval of a Precise Plan to:

> Allow the construction of a four-story, 42,000 square feet behavioral health facility hospital addition to the existing West Covina Medical Center building on a certain property described as:
>
> Assessor's Parcel No. 8474-001-022 in the records of the Los Angeles County Assessor; and

WHEREAS, an application for a Precise Plan was submitted for the physical development of the site, a Conditional Use Permit was submitted to allow the use, and a Variance application was submitted to allow a parking deficit; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act (CEQA); and

WHEREAS, an initial study was prepared for said project; and

WHEREAS, based upon the findings of the initial study, it was determined that the proposed project will not have a significant impact on the environment and will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Fish and Game Code; and

WHEREAS, a Mitigated Negative Declaration of Environmental Impact was prepared for the proposed project pursuant to the requirements of the California Environmental Quality Act of 1970, and mitigation measures are included in said Negative Declaration in support of the finding that there will not be a significant effect on the environment as a result of this project.

WHEREAS, the Planning Commission, upon giving the required notice, did on the 11th day of February 2025, conduct a duly advertised public hearing to consider the subject application, at which time the Planning Commission adopted a resolution approving the Mitigated Negative Declaration; and

NOW, THEREFORE, the Planning Commission of the City of West Covina does hereby resolve as follows:

1. After receiving and considering all determinations, studies, documents, and recommendations, as well as other appropriate public comments, the Planning Commission of the City of West Covina certifies the Mitigated Negative Declaration of Environmental Impact, subject to compliance with the mitigation measures that are recommended in the Mitigated Negative Declaration of Environmental Impact Mitigation Monitoring and Reporting Program as set forth in Exhibit A.

2. Non-compliance with the aforementioned mitigation measures as by the monitoring department/agency and any measures taken to correct said non-compliance shall be immediately reported to the Planning Division on the City of West Covina Monitoring Checklist Form.

3. The applicant agrees to implement the aforementioned mitigation measures and monitoring or reporting requirements.

4. Failure to comply with any aforementioned mitigation measures and/or monitoring or reporting requirements will result in a written notice of violation from the City to the applicant at which time the City may order that all or a portion of pre-construction, construction, post-construction activity or project implementation must cease until compliance is reached.

5. The California Environmental Quality Act (CEQA) and State and local guidelines, rules, regulations, and procedures adopted pursuant thereto permits the City of West Covina to impose any fees or charges associated with implementing the above monitoring program upon the applicant.

I HEREBY CERTIFY, that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 11th day of February, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: February 11, 2025

_____
Sheena Heng, Chair
Planning Commission

_____
Jo-Anne Burns, Secretary
Planning Commission

EXHIBIT A

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING PROGRAM

This Mitigation Monitoring Program (MMP) has been prepared in compliance with the requirements of Public Resources Code (PRC) Section 21081.6 and California Environmental Quality Act (CEQA) Guidelines Section 15097. This MMP describes the procedures that will be followed to implement the mitigation measures identified in the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the West Covina Medical Center Behavioral Health Building Addition project at 725 South Orange Avenue in the City of West Covina (proposed project) and adopted in connection with the approval of the proposed project. The intent of this MMP is to establish the following:

(1) Verify satisfaction of the required mitigation measures identified in the IS/MND;

(2) Provide a methodology to document implementation of the required mitigation measures;

(3) Provide a record of the monitoring program;

(4) Identify monitoring responsibility;

(5) Establish administrative procedures for the clearance of mitigation measures;

(6) Establish the frequency and duration of monitoring; and

(7) Utilize existing review processes wherever feasible.

The City of West Covina, as the Lead Agency, is responsible for overseeing and enforcing implementation of the MMP, which shall be carried out by the City and other entities (e.g., Applicant/Construction Contractor), as shown in **Table 1**.

TABLE 1: MITIGATION MONITORING PROGRAM				
Mitigation Measure	**Monitoring Phase**	**Responsible Party**	**Enforcement / Monitoring Party**	**Action Indicating Compliance**
BIOLOGICAL RESOURCES				
BR-1 All tree removal and tree trimming activities shall be performed prior to or after the bird-breeding season of February 1st through August 31st (i.e., only between September 1 and January 31). If clearing/vegetation removal or tree trimming is planned to occur during the breeding season, a nest survey shall be conducted by a qualified biologist no more than one week prior to any clearing or tree trimming activities. Work may proceed only if no active bird nests are detected. The biologist conducting the nest survey shall document a negative survey with a report indicating that no impacts to active avian nests shall occur.	Prior to Construction	Applicant/ Construction Contractor	Planning / Building Division	Approval of nest survey by Planning Division prior to construction plan approval
CULTURAL RESOURCES				
CR-1 If archaeological resources are encountered during ground-disturbing activities, the City of West Covina Community Development Department shall be immediately informed of the discovery. All work shall cease in the area of the find or diverted away from the discovery to a distance of 50 feet until a qualified archaeologist has evaluated the find in accordance with federal, state, and local guidelines, including those set forth in PRC Section 21083.2. Personnel of the project shall not collect or move any archaeological materials or associated materials. Construction activity may continue unimpeded on other portions of the project site. Construction shall not resume in the locality of the discovery until the identified resources are properly assessed and consultation between the qualified archaeologist, the City of West Covina Community Development Department, the applicant's representative, and all other concerned parties takes place and reaches a conclusion approved by the City of West Covina Community Development Department. The qualified archaeologist shall be retained by the project applicant to determine if the find is classified as a significant cultural resource pursuant to the CEQA definition of historical resources (CEQA Guidelines Section 15064.5[a]) and/or unique archaeological resources (PRC Section 21083.2[g]). If the resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource," the qualified archaeologist shall make recommendations on the treatment and disposition of the find. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Section 21083.2(b) for unique archaeological resources. The treatment plan shall be reviewed by the City of West Covina	During Ground-Disturbing Activities (e.g., site clearing, grading, and excavation)	Applicant/ Construction Contractor	Planning / Building Division	Planning Division approval of report prepared by the qualified archaeologist prior to obtaining Certificate of Occupancy

TABLE 1: MITIGATION MONITORING PROGRAM				
Mitigation Measure	**Monitoring Phase**	**Responsible Party**	**Enforcement / Monitoring Party**	**Action Indicating Compliance**
Community Development Department prior to implementation. Upon approval by the City of West Covina Community Development Department, the treatment plan shall be implemented, and the City shall be provided with a final report on the treatment and disposition of the find prior to issuance of a Certificate of Occupancy. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes. See Mitigation Measure **TR-2** for archaeological material that are Native American in origin.				
GEOLOGY AND SOILS				
GS-1 In the event paleontological resources are encountered during construction, the City of West Covina Community Development Department shall be immediately informed of the discovery. All work shall cease in the area of the find and a qualified paleontologist shall be contacted to evaluate the find before restarting work in the area. The City shall require that all paleontological resources identified on the project site be assessed and treated in a manner determined by the qualified paleontologist. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Any significant paleontological resources found during construction monitoring shall be prepared, identified, analyzed, and permanently curated in an approved regional museum repository under the oversight of the qualified paleontologist. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the project paleontologist. Work in the area of the discovery shall resume once the find is properly documented and the qualified paleontologist authorizes resumption of construction work.	During Ground-Disturbing Activities	Applicant/ Construction Contractor	Building Division	Certificate of Occupancy

TABLE 1: MITIGATION MONITORING PROGRAM				
Mitigation Measure	**Monitoring Phase**	**Responsible Party**	**Enforcement / Monitoring Party**	**Action Indicating Compliance**
NOISE				
N-1 The construction contractor shall develop and implement a Noise Control Plan to minimize excessive noise levels at the existing West Covina Medical Center during construction. At a minimum, the Noise Control Plan shall require the following: • Prior to initiating construction activity, the construction contractor shall coordinate with the West Covina Medical Center administration to discuss construction activities that would generate high noise levels. Coordination between the administration and the construction contractor shall continue on an as-needed basis throughout the construction phase of the proposed project to minimize potential disruption to medical facilities. • Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with muffling devices consistent with manufacturers' standards. All equipment shall be properly maintained to assure that no additional noise would be generated due to worn or improperly maintained parts. • The construction contractor shall use "quiet" gasoline-powered compressors or electrically powered compressors as well as electric rather than gasoline- or diesel-powered forklifts for small lifting, where feasible. • The construction contractor shall locate construction equipment as far as feasible from adjacent or nearby noise-sensitive receptors.	Prior to and During Construction	Applicant/ Construction Contractor	Building Division	Prior to Construction: Planning and Building Divisions' approval of Noise Control Plan During Construction: Field inspection sign-off
TRANSPORTATION				
T1 The existing crosswalk at the Orange Avenue/Cameron Avenue intersection shall be converted to white continental crosswalks to provide greater visibility and safety to pedestrians and motorists.	During Construction	Applicant/ Construction Contractor	Engineering Division	Certificate of Occupancy
T2 The applicant shall comply with all measures identified in the Transportation Impact Study for the proposed project. These measures include the following: • Install red curb markings and signage to prohibit on-street parking along the west side of Orange Avenue along the project site frontage (assuming a north-south orientation for Orange Avenue). The existing red curb marking immediately south of the project site driveway shall be extended by approximately 40 feet to connect with the next southerly red curb marking on Orange Avenue. • All existing red curb markings on Orange Avenue shall be refreshed	During Construction	Applicant/ Construction Contractor	Engineering Division	Certificate of Occupancy

TABLE 1: MITIGATION MONITORING PROGRAM				
Mitigation Measure	**Monitoring Phase**	**Responsible Party**	**Enforcement / Monitoring Party**	**Action Indicating Compliance**
for visibility. • Remove the existing two-hour parking sign that is located to the north of the existing entrance canopy. • Trim the existing trees and bushes along the west side of the Orange Avenue/freeway off-ramp north of the project site driveway to maintain a clear line of sight between motorists and oncoming motorists. • Install advance warning signs for southbound approaching vehicles coming from the freeway off-ramp on both sides of Orange Avenue to indicate the presence of an intersection/driveway further ahead (see Figure 2-4, Intersection Sight Distance at Project Driveway, of the Transportation Impact Study for the proposed project for the proposed signs and the location of these signs). • Install/refresh the red curb markings for 20 feet on either side of the two driveways for the off-site parking lot (i.e., at the Garvey Avenue South and Orange Avenue driveways). • Install signs at the two driveways of the off-site parking lots to indicate that the usage of the off-site parking lot is for the West Covina Medical Center staff and visitors only.				
TRIBAL CULTURAL RESOURCES				
TR-1 The project applicant shall retain a Native American monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation (Kizh). The Native American monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the proposed project at all project locations (i.e., both on-site and any off-site locations that are included in the project description and/or required in connection with the proposed project, such as public improvement work). "Ground-disturbing activity," as defined by the Kizh, includes, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. The Native American monitor shall complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Kizh. Monitor	Prior to and During Ground-Disturbing Activities	Applicant/ Construction Contractor	Building Division	Prior to Ground-Disturbing Activities: provide contact information of monitor and a copy of the executed monitoring agreement to Planning Division prior to construction plan approval During Ground-Disturbing Activities: provide daily monitoring logs prior to field inspection sign-off After Ground-

TABLE 1: MITIGATION MONITORING PROGRAM

Mitigation Measure	Monitoring Phase	Responsible Party	Enforcement / Monitoring Party	Action Indicating Compliance
logs shall identify and describe any discovered tribal cultural resources, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the lead agency upon written request. On-site tribal monitoring shall conclude upon the latter of the following: (1) written confirmation to the Kizh from a designated point of contact for the project applicant that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the proposed project are complete; or (2) a determination and written notification by the Kizh or Native American monitor to the project applicant and lead agency that no future, planned construction activity and/or construction phase at the project site possesses the potential to impact tribal cultural resources.				Disturbing Activities: provide letter to Planning Division confirming that ground-disturbing activities have concluded or that the construction activity/phase would not have the potential to impact tribal cultural resources
TR-2 Upon discovery of any tribal cultural resources, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered tribal cultural resources has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered tribal cultural resources in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.	During Ground-Disturbing Activities	Applicant/ Construction Contractor	Building Division	Certificate of Occupancy
TR-3 Native American human remains are defined in PRC Section 5097.98(d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC Section 5097.98, are also to be treated according to this statute. If Native American human remains and/or grave goods are discovered or recognized on the project site, construction activities shall be diverted at a minimum of 150 feet from the discovery and an exclusion zone shall be placed around the burial. PRC Section 5097.9 and Health and Safety Code Section 7050.5 shall be followed. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. Work shall continue to be diverted while the coroner determines whether the remains are Native American. If the County Coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, the Native American	During Construction	Applicant/ Construction Contractor	Building Division	Certificate of Occupancy

TABLE 1: MITIGATION MONITORING PROGRAM				
Mitigation Measure	**Monitoring Phase**	**Responsible Party**	**Enforcement / Monitoring Party**	**Action Indicating Compliance**
Heritage Commission shall be contacted by telephone within 24 hours. If the finds are determined to be Native American, the coroner will notify the Native American Heritage Commission as mandated by state law, who will then appoint a Most Likely Descendent. Human remains and grave/burial goods shall be treated alike per PRC Section 5097.98(d)(1) and (2). Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.				
SOURCE: TAHA, 2025				

ATTACHMENT NO. 2

PLANNING COMMISSION

RESOLUTION NO. 25-6163

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING OF PRECISE PLAN NO. 23-05 AT 725/741 S. ORANGE AVENUE

PRECISE PLAN NO. 23-05

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: Nick Hermann

LOCATION: 725/741 S. Orange Avenue

WHEREAS, there was filed with this City, a verified application on the forms prescribed in Chapter 26 of the West Covina Municipal Code, requesting approval of a Precise Plan to:

> Allow for the construction of a four-story, 42,000 square feet facility addition to the existing West Covina Medical Center building on a certain property described as:
>
> Assessor's Parcel No. 8474-001-022 in the records of the Los Angeles County Assessor; and

WHEREAS, consistent with the request, the applicant has also requested a Conditional Use Permit to allow a behavioral health facility hospital use; and

WHEREAS, consistent with the request, the applicant has also requested a Variance to deviate from the development standards and reduce the number of parking spaces required; and

WHEREAS, consistent with the request, the applicant has also requested a Tree Removal Permit to remove thirty-eight (38) trees on the east side of the property; and

WHEREAS, the Planning Commission upon giving the required notice, did on the 11th day of February 2025, conducted a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, studies and investigations made by this Commission and in its behalf reveal the following facts:

1. The applicant is requesting the approval of a Precise Plan to allow the construction of a four-story, 42,000 square feet, seventy-one (71) bed behavioral health facility addition to the existing West Covina Medical Center building.

2. Appropriate findings for approval of a precise plan of design are as follows:

    a. The proposed development plans and the uses proposed are consistent with the General Plan and any applicable specific plan.

    b. The proposed development is consistent with adopted development standards for the zone and complies with all other applicable provisions of the Municipal Code.

    c. Granting the permit would not be detrimental to the public interest, health, safety, and welfare and would not unreasonably interfere with the use or enjoyment of property in the vicinity of the subject property.

    d. The site is physically suitable for the type, density and intensity of the development being proposed, including vehicle access and circulation, utilities, and the absence of physical constraints.

    e. The architecture, site layout, location, shape, bulk and physical characteristics of the proposed development are compatible with the existing and future land uses, and do not interfere with orderly development in the vicinity.

3. Pursuant the requirements of the California Environmental Quality Act (CEQA) of 1970, a MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT has been prepared indicating that although the project could have a significant effect on the environment, there will not be a significant effect due to mitigating measures.

NOW, THEREFORE, the Planning Commission of the City of West Covina does resolve as follows:

1. On the basis of the evidence presented, both oral and documentary, the Planning Commission makes the following findings:

    a. The project site is designated as "Commercial" in the City's General Plan and the development of a behavioral health facility hospital addition is consistent with the General Plan's goals. The subject property is located south of the Interstate 10 Freeway. The project site is adjacent to commercial properties to the South, East, and West. The proposed project is consistent with the following General Plan policies:
        - Our Prosperous Community P2.4 Build on and grow West Covina's regional appeal
        - Our Prosperous Community P2.7a Explore health/medical campus opportunities
        - Our Prosperous Community P2.9 Support local businesses.

    b. The project includes the construction of a 42,000 square feet hospital addition to the West Covina Medical Center. The proposed hospital addition complies with

the Urban Center Zone of the Downtown Plan and Code standards. The project includes a variance application for a 79 off-street parking deficit that is justified based on the analysis of the future parking demands for the site.

c. The proposed project is surrounded by commercial uses, including an office building and a retail center. Therefore, as conditioned, granting the permit would not be detrimental to the public interest, health, safety, and welfare would not unreasonably interfere with the use or enjoyment of property in the vicinity of the subject property.

d. The site will be physically suitable for the type, density and intensity of the development being proposed. The project site will be visible from the surrounding areas, which includes the Interstate 10 Freeway and commercial buildings. Vehicles would be able to access the project site via Orange Avenue.

e. The proposed addition is designed to complement and be compatible with the existing medical office and hospital buildings. The use does not interfere with the orderly development in the vicinity.

2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Precise Plan No. 23-05 is approved subject to the provisions of the West Covina Municipal Code, provided that the physical development of the herein described property shall conform to said plan and the conditions set forth herein which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the Community Development Director, before the use or occupancy of the property is commenced and before the Certificate of Occupancy is issued.

3. That the Precise Plan shall not be effective for any purpose until the applicant (or a duly authorized representative) has filed at the office of the Community Development Director, their affidavit stating they are aware of, and accepts, all conditions of this precise plan as set forth below. Additionally, no permits shall be issued until the applicant (or a duly authorized representative) pays all costs associated with the processing of this application pursuant to City Council Resolution No. 8690.

4. The costs and expenses of any enforcement activities, including, but not limited to attorneys' fees, caused by the applicant's violation of any condition imposed by this approval or any provision of the West Covina Municipal Code shall be paid by the applicant.

5. That the approval of the Precise Plan is subject to the following conditions:

PLANNING DIVISION:

a. Comply with the plans reviewed by the Planning Commission on February 11, 2025.

b. Approval of this precise plan is contingent upon, and shall not become effective unless and until, approval of Conditional Use Permit No. 23-04 and Variance No. 24-02.

c. These conditions of approval shall be printed on, or attached to, the working drawings submitted to the Engineering Division for approval.

d. That the project complies with all requirements of the "Urban Center" Zone and all other applicable standards of the West Covina Municipal Code and Downtown Plan and Code.

e. This approval is to allow for the construction of a 42,000 square foot, 71-bed behavioral health hospital addition.

f. The applicant shall defend, indemnify, and hold harmless the City of West Covina, its agents, officers, and employees from any claim, action or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, approval of this Conditional Use Permit. The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense.

g. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

h. The applicant shall meet any and all monitoring or reporting requirements necessary to ensure compliance with the mitigation measures contained in the Mitigated Negative Declaration of Environmental Impact as those may be determined by the City, including, but not limited to, entering into an agreement to perform and/or for monitoring and reporting during project construction and implementation. The applicant further agrees it will cease construction of the project immediately upon written notice of a violation of such requirement and that such a provision may be part of any agreement of City and applicant.

i. The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.

j. The approved use shall be in compliance with the Noise Ordinance (Chapter 15).

k. This Precise Plan approval shall become null and void if the building permit is not obtained within two (2) years of the date of this approval.

l. The applicant shall sign an affidavit accepting all conditions of this approval.

m. That any proposed change to the approved site plan, floor plan or elevations be reviewed by the Planning, Building, Fire and Police Departments and that the written authorization of the Community Development Director shall be obtained prior to implementation.

n. All outstanding fees and Development Impact Fees will be due at the time of building permit issuance.

o. All new gutters and downspouts shall not project from the vertical surface of the building.

p. This approval does not include approval of signs; a separate sign permit shall be obtained. All signs shall be required to comply with the City of West Covina Sign Code.

q. All approved materials and colors shall be clearly indicated on the plans.

r. All new ground-mounted, wall-mounted and/or roof-mounted equipment not shown on the approved plans shall be screened from all views, in a manner that is architecturally compatible with the main building. Plans and elevations indicating the type of equipment and method of concealment shall be submitted to the Community Development Director for review and approval prior to the issuance of building permits.

s. The location of new electrical transformers, vaults, antennas, mechanical and all other equipment not indicated on the approved plans must be approved by the Community Development Director prior to the issuance of the building permit. Provide construction details prior to the issuance of a building permit.

t. The parking lot shall be resurfaced/repaired and restriped so that there are no visible cracks and/or holes on the surface prior to permit final.
    i. Parking lots or other paved areas with a cracked, broken or otherwise deteriorating surface, in excess of ten (10) percent of the surface area shall be considered a nuisance and shall be repaired.

u. The paved areas at the site shall be maintained clean and free of oil stains. All paved areas shall be pressure-washed as needed to maintain the site in a clean and orderly manner.

v. All new utilities shall be placed underground prior to issuance of Certificate of Occupancy. All relocated on-site utility service lines shall be underground when the cost or square footage of an addition or alteration exceeds 50% of the existing value or area per WCMC 23-273.

w. Any graffiti that appears on the property during construction shall be cleaned or removed on the same business day. During construction, the delivery of materials and equipment, outdoor operations of equipment, and construction activity shall be limited to the hours between 7:00 a.m. and 8:00 p.m.

x. A detailed landscape and irrigation plan in compliance with AB 1881 and executive order 13-29-15 shall be submitted for all planted areas to be affected by project. Plans shall include type, size and quantity of landscape materials and irrigation equipment. All vegetation areas shall be automatically irrigated, and a detailed watering program and water budget shall be provided. All damaged vegetation shall be replaced, and the site shall be kept free of diseased or dead plant materials and litter at all times. The landscape and irrigation plan shall be approved and the landscaping/irrigation installed prior to permit final. A licensed landscape architect shall certify that the landscaping was installed per the approved landscape plan.

y. The landscape plan shall include the planting of at least one 24" box-sized replacement tree to be planted on the planter island directly in front of the hospital addition pursuant to Tree Removal Permit No. 25-01. If 10 additional replacement trees cannot be accommodated on the site, the applicant shall pay an in lieu amount equivalent to five (5) 24-inch box sized trees and five (5) 36-inch box size trees to the City's tree fund to be used to plant replacement trees on the City public right-of-way or publicly owned properties (i.e., Civic Center, parks).

z. Clinging vines shall be installed on all street facing perimeter retaining or freestanding walls to assist in deterring graffiti. The vines shall be installed prior to permit final.

aa. The new development shall comply with the Development Impact Fees (Ordinance No. 2286 and Resolution No. 2015-81). The impact fees will be due at the time of engineering permit issuance.

bb. Comply with all requirements of the "Art in Public Places" ordinance (WCMC Chapter 17), prior to the issuance of building permits. Artwork shall be installed or required fee paid prior to issuance of Certificate of Occupancy or permit final.

ENGINEERING DIVISION:

a. The building shall be addressed as 725 S Orange Ave and an application to assign the address shall be filed with Engineering Division prior to plan check submittal.

b. A grading and drainage plan shall be submitted to the Engineering Division and plans shall be approved prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.

c. Stormwater Planning Program LID Plan Checklist (Form PC) completed by Engineer of Record shall be copied on the first sheet of Grading Plans. The form can be found at the following link https://www.westcovina.org/home/showdocument?id=18427.

d. Reconstruct the driveway approaches located at Orange Avenue at I-10 EB off ramp, Orange Avenue between West Cameron Avenue and West Garvey Avenue South, and on West Garvey Avenue South in accordance with SPPWC Standard Plan 110-2, and as directed by the City Engineer or his/her designee. A new driveway approach will need to meet ADA sidewalk requirements.

e. Remove and replace broken and off grade sidewalk for 725 South Orange Avenue property and adjacent parking lot in accordance with SPPWC standard plan 113-2, and as directed by the City Engineer or his/her designee.

f. Remove and replace broken and off grade curb for 725 South Orange Avenue property and adjacent parking lot and gutter in accordance with SPPWC Standard Plan 120-2, and as directed by the City Engineer or his/her designee.

g. Rehabilitate existing AC street pavement along the length of the property frontage to the centerline of the street as directed by the City Engineer or his/her designee.

h. Project shall be reviewed and approved by the City Traffic Engineer, prior to the issuance of permits.

i. Prior final of the building permit(s), inspection required by Public Works inspector.

j. The existing parking lot should be updated to meet general and ADA requirements (eliminate trip and fall hazards due to uneven pavement and tree roots, add required ADA assessable parking spaces with pavement markings and signage) based on Muni Code Section 26-584.

TRAFFIC DIVISION:

a. Prior to the start of construction, the applicant shall provide to the City, a circulation plan for Deliveries, Trash, Medical Waste Drop Off and any patient access during construction. Construction shall not start until the circulation plan is approved by the City Traffic Engineer.

b. All pedestrian paths from ADA parking spaces on-site to building shall be clear from obstacles as well as be ADA compliant with ramps as well as truncated domes.

c. Refresh all red curb along Orange Avenue – project frontage, prior to permit final.

d. Add 20’ of red curb on the west side of the Orange Ave driveway, prior to permit final.

e. In the parking lot across from the hospital show the location of reserved spaces for staff as well as meet ADA requirements for number of ADA spaces, prior to permit final.

f. Install 20’ of red curb on either side of the hospital parking lot on Garvey Ave S for line of sight, prior to permit final.

g. Provide clear signage noting the parking lot is for employees and guests to the hospital at the parking lot, prior to permit final.

FIRE DEPARTMENT:

a. Continue to utilize 2022 or most current approved California Codes.

b. A written Fire Protection Plan is still required prior to proceeding pass foundation work. Notate on next plan revision.

c. Monitored Fire Sprinklers will be noted as deferred submittal on initial plans submittal.

d. Monitored Fire Alarm will be noted as deferred submittal on initial plans submittal.

e. Monitored Fire Pump will be noted as deferred submittal on initial plans submittal.

f. Smoke Control system(s) noted as deferred submittal on initial plans submittal.

g. ERRCS will be noted as deferred submittal on initial plans submittal.

h. Fire Command Room to be identified on initial plan submittal.

i. After discussion with City Staff and Design Fire, the proposed alternate means and methods for the secondary access is acceptable as noted on page 4A "Fire Department Access Plan" on 2024.10.10 Entitlements Resubmittal A. pdf.
    i. In lieu of Fire Department access from two separate points, the following alternate means and methods shall be required;
        - Fire fighter emergency access pathway/walkway along Cameron shall be provided.
        - Revised fire access turnaround will be required. (See #10)
        - Fire Command Room within behavioral health building to be provided.

j. Fire will identify any additional signage or pavement stenciling to maintain requirements as noted in # 10.

k. An approved and serviceable on-site fire protection system will be required prior to the start of building construction. Notate on plans as deferred submittal on initial plans submittal.

l. A preliminary on-site fire protection plan will be required as part of the initial plan submittal.

m. Hydrant installation shall be completed prior to combustible construction commencement.

n. As per submittal, current available fire flow is 5000gpm, at 74psi, for 5hrs.

o. This requirement has been remediated by #9 alternate means and methods.

p. Knox box location and installation to be noted on plans.

q. This requirement has been remediated by #9 alternate means and methods.

r. This requirement has been remediated by #9 alternate means and methods and #10.

***NOTE: Additional Fire Department Requirements may be set upon future review of a full set of architectural plans.**

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 11th day of February 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: February 11, 2025

_____
Shenna Heng, Chair
Planning Commission

_____
Jo-Anne Burns, Secretary
Planning Commission

ATTACHMENT NO. 3

P L A N N I N G C O M M I S S I O N

R E S O L U T I O N NO. 25-6164

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 23-04 AT 725/741 S. ORANGE AVENUE

CONDITIONAL USE PERMIT NO. 23-04

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: Nick Hermann

LOCATION: 725/741 S. Orange Avenue

WHEREAS, there was filed with the City, a verified application on the forms prescribed in Chapter 26, of the West Covina Development Code, requesting the approval of a Conditional Use Permit to:

Allow the operation of a 42,000 square-foot, 71 bed behavioral health facility hospital on certain property described as follows:

Assessor Parcel No. 8443-003-022 as shown on the latest rolls of the Los Angeles County Tax Assessor; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 11th day of February 2025, conduct a duly advertised public hearing as prescribed by law to consider said application; and

WHEREAS, studies and investigations made by this Commission and on its behalf reveal the following facts:

1. The applicant is requesting approval of a Conditional Use Permit to allow for the use of a 42,000 square-foot, 71 bed behavioral health facility hospital in the "Urban Commercial Zone" in the Downtown Plan and Code.

2. Findings necessary for approval of a Conditional Use Permit are as follows:

    a. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.

b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

c. That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use to the land and uses in the neighborhood and make it compatible therewith.

d. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets.

e. That the granting of such conditional use permit will not adversely affect the general plan of the city, or any other adopted plan of the city.

3. Pursuant the requirements of the California Environmental Quality Act (CEQA) of 1970, a MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT has been prepared indicating that although the project could have a significant effect on the environment, there will not be a significant effect due to mitigating measures.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of West Covina as follows:

1. On the basis of evidence presented, both oral and documentary, the Planning Commission makes the following findings for approval of a Conditional Use Permit:

   a. The proposed use is consistent with the Urban Center Zone. The Urban Center Zone is composed primarily of retail and service commercial, recreational, and business office land uses which, by their nature, are of a relatively high intensity. The proposed use is a 42,000 square foot behavioral health hospital facility. As conditioned, the facility will offer a unique service and community benefit by allowing the City to drop-off unhoused individuals in need for mental health care.

   b. The proposed use is a behavioral health hospital facility. Patients arrive at the facility via non-emergency medical vans or ambulances coming from other care facilities, and are never discharged to the street with nowhere to go. Off-street parking will be provided. Based on anticipated parking demands, adequate off-street parking will be available most times. Therefore, there is no evidence that the use will be detrimental to the health, safety, peace or general welfare of surrounding residents or business owners.

   c. The existing building and site are adequate and are properly designed to accommodate all existing and proposed uses. The medical offices and existing

hospital are long-standing facilities and uses that have provided adequate off-street parking for a number of years. Based on anticipated parking demands, adequate off-street parking will be available most times. The proposed use will not negatively impact the adjacent commercial retail center and medical office building since a minimal number of patient visitors will be present each day, the patients are dropped-off by vehicles without the use of sirens, the patients are never discharged onto the street, and the building addition is designed to be architecturally compatible with the existing hospital.

d. The subject property abuts Orange and Cameron Avenues and is accessible via driveway on Orange Avenue. The site is accessible through streets located along commercial areas. Since patients are typically dropped off and picked up by a van or ambulance service, these vehicles come directly from the 10 Freeway off-ramp to the site, or from Cameron Avenue to Orange Avenue, and will not be channeled through residential areas. The parking lot across Orange Avenue is a longstanding use and will not be modified as part of this project.

f. Granting the CUP for the proposed use will not compromise the character of the surrounding neighborhood or be detrimental to the surrounding land uses. Allowing the proposed use is consistent with the policies and actions of the General Plan. The project is consistent with the following General Plan policies:

- Our Prosperous Community P2.4 Build on and grow West Covina's regional appeal
- Our Prosperous Community P2.7a Explore health/medical campus opportunities
- Our Prosperous Community P2.9 Support local businesses.

1. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 23-04. is approved subject to the provisions of the West Covina Municipal Code provided that the physical development of the herein described property shall conform to said Conditional Use Permit and the conditions set forth herein which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the Community Development Director before the use or occupancy of the property is commenced and before a certificate of occupancy is issued, and the violation of any of which shall be grounds for revocation of said Conditional Use Permit by the Planning Commission or City Council.

2. On the basis of the evidence presented, both oral and documentary, the Planning Commission finds and determines that pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt, pursuant to Section 15301 (Class 1, Existing Facilities) in that it consists of minor alterations of the existing structure in order to operate the requested use.

3. The Conditional Use Permit shall not be effective for any purpose until the owner of the property involved (or their duly authorized representative) has filed at the office of the Community Development Director their affidavit stating they are aware of, and accepts, all conditions of this Conditional Use Permit as set forth below. Additionally, no permits shall be issued until the owner of the property involved (or a duly authorized representative) pays all costs associated with the processing of this application pursuant to City Council Resolution No. 8690.

4. The costs and expenses of any enforcement activities, including, but not limited to attorney's fees, caused by the applicant's violation of any condition imposed by this approval or any provision of the West Covina Municipal Code shall be paid by the applicant.

5. That the approval of the Conditional Use Permit is subject to the following conditions:

   a. Comply with the plans reviewed by the Planning Commission on February 11, 2025.

   b. Comply with all applicable sections of the West Covina Municipal Code.

   c. Comply with all requirements of the "Urban Center Zone of the Downtown Plan and Code.

   d. Approval of this precise plan is contingent upon, and shall not become effective unless and until, approval of Precise Plan No. No. 23-05 and Variance No. 24-02.

   e. This approval is to allow for the construction of a 42,000 square foot, 71-bed behavioral health hospital addition.

   f. Staff shall closely monitor any parking complaints or concerns filed regarding the West Covina Medical Center. The applicant and/or business operator shall work with staff to address any parking issues. In the event where issues remain unresolved, the Planning Commission shall review the Conditional Use Permit for the use and may, at its discretion, modify or impose new conditions.

   g. During construction, the delivery of materials and equipment, outdoor operations of equipment and construction activity shall be limited to the hours between 7:00 a.m. and 8:00 p.m.

   h. All construction equipment, stationery or mobile, shall be equipped with properly operating and maintained mufflers.

   i. That any proposed change to the approved site plan, floor plan, or elevations be reviewed by the Planning, Fire, and Police Departments and Engineering, and that

the written authorization of the Community Development Director shall be obtained prior to implementation.

j. The operation of the facility shall comply with the West Covina Noise Ordinance.

k. This approval does not include the approval of signs; a separate sign permit shall be obtained. All signs shall be required to comply with the City of West Covina Sign Code.

l. That any proposed change to the approved site plan, floor plan, or elevations be reviewed by the Planning, Building, Fire, and Police Departments and the Community Development Commission, and that the written authorization of the Planning Director shall be obtained prior to implementation.

m. The Conditional Use Permit may be revoked, amended and suspended by the Planning Commission under the provisions of Section 26-268 of the West Covina Development Code.

n. The applicant shall defend, indemnify, and hold harmless the City of West Covina, its agents, officers, and employees from any claim, action or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, approval of this Conditional Use Permit. The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense.

o. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

p. To ensure that patients are not discharged onto the street or without proper housing, the business operator and/or property owner shall have a discharge plan to have all patients transferred to another facility or to a family member's care upon the conclusion of treatment and/or hospital discharge.

q. The hospital operator shall allow the City to drop-off unhoused individuals in need of mental health care to either receive care onsite or at another nearby facility operated by the West Covina Medical Center ownership group at a rate not to exceed 10 patients per day.

r. To ensure that the parking lot on Orange Avenue, across from the project site, continues to provide parking for the West Covina Medical Center, recorded legal

documentation shall be filed requiring the parking lot to remain a parking lot serving the West Covina Medical Center.

s. **TRAFFIC DIVISION**

i. The applicant should provide to the City, a circulation plan for Deliveries, Trash, Medical Waste Drop Off and any patient access during construction.

ii. All pedestrian paths from ADA parking spaces on-site to building should be clear from obstacles as well as be ADA compliant with ramps as well as truncated domes.

iii. Refresh all red curb along Orange Avenue – project frontage.

iv. Add 20’ of red curb on the west side of the Orange Ave driveway.

v. In the parking lot across from the hospital show the location of reserves spaces for staff as well as meet ADA requirements for number of ADA spaces.

vi. Install 20’ of red curb on either side of the hospital parking lot on Garvey Ave S for line of sight.

vii. Provide clear signage noting the parking lot is for employees and guests to the hospital at the parking lot.

t. **FIRE DEPARTMENT**

i. Continue to utilize 2022 or most current approved California Codes.

ii. A written Fire Protection Plan is still required prior to proceeding pas foundation work. Notate on next plan revision.

iii. Monitored Fire Sprinklers will be noted as deferred submittal on initial plans submittal.

iv. Monitored Fire Alarm will be noted as deferred submittal on initial plans submittal.

v. Monitored Fire Pump will be noted as deferred submittal on initial plans submittal.

vi. Smoke Control system(s) noted as deferred submittal on initial plans submittal.

vii. ERRCS will be noted as deferred submittal on initial plans submittal.

viii. Fire Command Room to be identified on initial plan submittal.

ix. After discussion with City Staff and Design Fire, the proposed alternate means and methods for the secondary access is acceptable as noted on page 4A "Fire Department Access Plan" on 2024.10.10 Entitlements Resubmittal A. pdf.
   i. In lieu of Fire Department access from two separate points, the following alternate means and methods shall be required;
      - Fire fighter emergency access pathway/walkway along Cameron shall be provided.
      - Revised fire access turnaround will be required. (See #10)
      - Fire Command Room within behavioral health building to be provided.

x. Fire will identify any additional signage or pavement stenciling to maintain requirements as noted in # 10.

xi. An approved and serviceable on-site fire protection system will be required prior to the start of building construction. Notate on plans as deferred submittal on initial plans submittal.

xii. A preliminary on-site fire protection plan will be required as part of the initial plan submittal.

xiii. Hydrant installation shall be completed prior to combustible construction commencement.

xiv. As per submittal, current available fire flow is 5000gpm, at 74psi, for 5hrs.

xv. This requirement has been remediated by #9 alternate means and methods.

xvi. Knox box location and installation to be noted on plans.

xvii. This requirement has been remediated by #9 alternate means and methods.

xviii. This requirement has been remediated by #9 alternate means and methods and #10.

***NOTE: Additional Fire Department Requirements may be set upon future review of a full set of architectural plans.**

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 11th day of February 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: February 11, 2025

_____
Sheena Heng, Chair
Planning Commission

_____
Jo-Anne Burns, Secretary
Planning Commission

ATTACHMENT NO. 4

P L A N N I N G C O M M I S S I O N

R E S O L U T I O N NO. 25-6165

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING VARIANCE NO. 24-02 AT 725/741 S. ORANGE AVENUE.

VARIANCE NO. 24-02

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: Nick Hermann

LOCATION: 725/741 S. Orange Avenue

WHEREAS, there was filed with this City a verified application on the forms prescribed in Chapter 26 of the West Covina Municipal Code, requesting approval of a variance for:

A 79 parking space deficit and the reduction of the required off-street parking spaces on that certain property generally described as follows:

Assessor Parcel No. 8474-001-022, as shown on the latest rolls of the Los Angeles County Tax Assessor; and

WHEREAS, the Planning Commission upon giving the required notice did on the 11th day February 2025, conduct a duly advertised public hearing as prescribed by law to consider said application; and

WHEREAS, studies and investigations made by this Commission and in its behalf reveal the following facts:

1. The Zoning Code in combination with the Downtown Plan and Code, based on the existing use and building area, number of beds (proposed and existing), and use, the project requires a minimum of 229 off-street parking spaces. The applicant is proposing to have 150 parking spaces.

2. Appropriate findings for approval of a variance are as follows:

    a. That there are exceptional or extraordinary circumstances not applicable generally to the other property or class of use in the same vicinity and zone.

    b. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone but which is denied to the property in question.

c. That granting such variance will not be materially detrimental to the public welfare or injurious to property or improvements in such vicinity and zone in which property is located.

d. That granting such variance shall be consistent with the adopted General Plan and any applicable Specific Plans.

3. Pursuant the requirements of the California Environmental Quality Act (CEQA) of 1970, a MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT has been prepared indicating that although the project could have a significant effect on the environment, there will not be a significant effect due to mitigating measures.

NOW, THEREFORE, the Planning Commission of the City of West Covina does resolve as follows:

1. On basis of evidence presented, both oral and documentary, the Planning Commission makes the following findings:

a. The project site's location is unlike other properties in the vicinity in that it exhibits "island-like" characteristics in that it is directly adjacent to the I-10 Freeway to the north, I-10 Freeway off-ramp to the east, Orange Avenue to the south, and Cameron Avenue to the west; the site is not directly adjacent to any privately owned properties which eliminates the possibility of expanding the size of the lot to accommodate more parking onsite.

b. Due to its "island-like" features, the site is not directly adjacent to any privately owned properties, which eliminates the possibility of expanding the size of the lot to accommodate more parking onsite. Furthermore, the lot's size and the current development constrain the location of the hospital expansion, necessitating the removal of existing onsite parking spaces. Other properties in the area are either underutilized, with abundant parking and large lots, or have the potential for expansion due to their proximity to other privately owned properties. Thus, the strict application of the code deprives the property of meaningful privileges enjoyed by other properties in the vicinity and under identical zoning classifications.

c. The parking variance is necessary to allow the subject property to have the same substantial property right possessed by other properties in the same vicinity. Due to its "island-like" features, the site is not directly adjacent to any privately owned properties, which eliminates the possibility of expanding the size of the lot to accommodate more parking onsite. Furthermore, the lot's size and the current development constrain the location of the hospital expansion, necessitating the removal of existing onsite parking spaces. Other properties in the area are either underutilized, with abundant parking and large lots, or have the potential for expansion due to their proximity to other privately owned properties.

d. Based on the parking analysis, the total peak parking demand would be 154 parking spaces, 4 parking spaces more than the number of off-street parking spaces provided by the project. However, based on the unique characteristics of the proposed use, in combination with the vacation of the existing medical office tenants and anticipated expansion of an adult day care program, the parking demand for the site is expected to be lower than the current parking demand. As conditioned, granting of the variance will not be materially detrimental to the public welfare or materially injurious to the residents or owners of nearby properties.

e. The site has a "Commercial" General Plan land-use designation. Approval of the variance does not change the commercial use or land-use designation of the site. The project is consistent with the following General Plan policies:

   i. Our Prosperous Community P2.4: Build on and grow West Covina's regional appeal
   ii. Our Prosperous Community P2.7a: Explore health/medical campus opportunities
   iii. Our Prosperous Community P2.9: Support local businesses.

f. The variance is to allow a 79-parking space deficit. The proposed behavioral health facility hospital use is allowed within the Downtown Plan and Code area with approval of a Conditional Use Permit.

2. That pursuant to all evidence presented, both oral and documentary, and further based on the findings above, Variance No. 24-02 is approved subject to provisions of the West Covina Municipal Code, provided physical development of the herein described property shall conform to said plan and conditions set forth herein which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the Planning Director, before use or occupancy of the property is commenced and before the Certificate of Occupancy is issued, and violation of any of which shall be grounds for revocation of said variance by the Planning Commission or City Council.

3. That the variance shall not be effective for any purpose until the owner of the property involved (or a duly authorized representative) has filed at the office of the Planning Department his affidavit stating he is aware of, and accepts, all conditions of this variance as set forth below. Additionally, no permits shall be issued until the owner of the property involved (or a duly authorized representative) pays all costs associated with processing this application pursuant to City Council Resolution No. 8690.

4. Costs and expenses of enforcement activities, including, but not limited to attorneys' fees, caused by applicant violation of any condition imposed by this approval or any provision of the West Covina Municipal Code shall be paid by applicant.

5. That pursuant to all evidence presented, both oral and documentary, and further based on the findings above, Variance No. 24-02 is approved as follows, subject to the following conditions:

a) Comply with the plans approved by the Planning Commission on February 11, 2025.

b) The project shall comply with all requirements of the Urban Center Zone of the Downtown Plan and Code.

c) The approval is to allow a 79-parking space deficit and parking reduction to accommodate 42,000 square feet, 71-bed behavioral health facility hospital.

d) The applicant shall defend, indemnify, and hold harmless the City of West Covina, its agents, officers, and employees from any claim, action or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, approval of this Conditional Use Permit. The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense.

e) In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

f) The applicant shall meet any and all monitoring or reporting requirements necessary to ensure compliance with the mitigation measures contained in the Mitigated Negative Declaration of Environmental Impact as those may be determined by the City, including, but not limited to, entering into an agreement to perform and/or for monitoring and reporting during project construction and implementation. The applicant further agrees it will cease construction of the project immediately upon written notice of a violation of such requirement and that such a provision may be part of any agreement of City and applicant.

g) The approved variance shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.

h) Staff shall closely monitor any parking complaints or concerns filed regarding the West Covina Medical Center. The applicant and/or business operator shall work with staff to address any parking issues. In the event where issues remain unresolved, the Planning Commission shall review the Conditional Use Permit for the use and may, at its discretion, modify or impose new conditions.

i) To ensure that the parking lot on Orange Avenue, across from the project site, continues to provide parking for the West Covina Medical Center, recorded legal documentation shall be filed requiring the parking lot to remain a parking lot serving the West Covina Medical Center.

j) Any proposed changes to the approved site plan, floor plan or elevations shall be reviewed by the Planning Division, and the written authorization of the Community Development Director shall be obtained prior to implementation.

k) This approval shall become null and void if permit is not obtained within two (2) years of the date of this approval.

I HEREBY CERTIFY foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 11th day of February 2025 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: February 11, 2025

_____
Sheena Heng, Chair
Planning Commission

_____
Jo-Anne Burns, Secretary
Planning Commission

WEST COVINA MEDICAL CENTER

To: City of West Covina

Subject: Business Operations Plan

Date: July 11, 2024

The West Covina Medical Center (WCMC) is a one-story, for-profit licensed acute care hospital located at 725 South Orange Avenue in West Covina, California.

The project being submitted to planning is a four-story 42,000 square-foot psychiatric inpatient facility (WCMC Behavioral Health Addition) constructed on the east side of the WCMC site featuring three levels of nursing units over an at-grade arrival lobby. The total capacity for inpatient care will be 71 beds.

WCMC Behavioral Health Addition will have:

- 50 total number of staff
- 16 average number of staff during peak shift with staff shifts occurring from 7 am–7 pm and 7 pm–7 am
- Less than five visitors per day and general hours for visitors will be 9 am-5 pm
- Approximately 10 drop-offs per day number by emergency ambulance
- Average Length of stay for one inpatient is 8-10 days

General daily business operations:

All patients admitted to this proposed 71-bed psychiatric hospital will arrive via ambulance or non-medical emergency transport van, with very few exceptions. No sirens will be used. All patients admitted are called Direct Admit, meaning they don't go through an emergency room. Their physician/psychiatrist issues the order for the Direct Admit. These patients almost entirely come from their institutional place of living, such as skilled nursing and residential care facilities. Patients are NEVER discharged from the hospital to the street.

Upon admission, the ambulances/vans will arrive to awaiting staff at the rear entrance on the north side of the property next to the freeway. The same holds true when discharged. Upon admission, the patient will undergo a behavior health assessment and evaluation as a routine part of their inpatient care. Then, they will undergo intensive psychiatric treatment and rehabilitation, i.e., medication change(s) and attending group therapies. A comprehensive and safe discharge plan is developed so the patient can return to the originating facility or be referred to a lower level of care or a continuum of care facility, as needed.

This psychiatric hospital will be a satellite hospital for our L.A. Downtown Medical Center main campus located at 1711 W Temple Street, Los Angeles, visible from the 101 freeway between Glendale Blvd. and Alvarado Blvd., about 30 minutes away. L.A. Downtown Medical Center is a General Acute Care Hospital (GACH) that provides traditional hospital services such as Radiology, Labs, Operating Rooms, and hospital beds. If a patient is admitted to the West Covina Psychiatric Hospital is in need medical care, they will be transferred to the main campus in Los Angeles. Patients are admitted to the psychiatric hospital for non-medical reasons.

At West Covina Medical Center, we are no longer a General Acute Care Hospital, as we gave up the 13 medical surgical beds as unnecessary duplications with our Los Angeles Campus. The two Operating Rooms will instead become an Outpatient Surgery Center. The remaining 33-bed Sub Acute Hospital will continue, located next to the new psychiatric building. A Sub Acute is a level of care below a General Acute Care Hospital but above Skilled Nursing. They are all long-term patients likely to spend the remainder of their lives in this setting due to the severity of their illness/injury.

There is a Medical Office Building at the corner of Cameron Avenue and Orange Avenue, separate from the sub-acute and future psych hospital. On July 10, 2024, the tenants in the MOB (all on month-to-month leases) were issued a termination notice of their lease(s) and required to vacate the premises effective December 31, 2024. There is a Psychiatric Day Treatment Group Therapy Program with six (6) professional staff treating residents who come from residential care facilities to maintain their treatment. These individuals have a long history of psychiatric hospitalizations and need continued treatment. They are transported via three (3) minivans making multiple trips in the morning and returned by the same vehicles in the afternoon. The vehicles are required to use our main driveway and patient loading/unloading drop-off. We have about 30-40 Adult Day Care patients that attend this day program Monday through Friday. Others are via Telehealth. This program is slated for expansion on January 1, 2025, and will require two (2) additional professional staff. We will spread patients out between the third floor and the second floor for a more comfortable therapeutic environment.

Lastly, West Covina campus was approved by the State and Federal governments to be merged into LA Downtown Medical Center license, last January 1, 2023, allowing administrative staff to be consolidated at the LA Downtown campus which reduced the number of employees at WCMC sub-acute hospital by six (6).

Existing Sub Acute Hospital

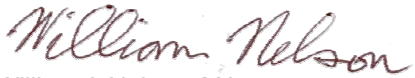
- 10 total number of staff during peak
- 8 drive and remaining use public transportation or are dropped off
- 1-2 visitors per day, Patients are long-term

Medical Office Building

- Zero tenants and no more visitors
- Eight (8) total number of professional staff (considering future expansion 1/1/2025)
- 30 – 40 patients per day dropped off by three minivans using main drop-off

The main building entrance to the new psychiatric hospital visible to the front will go mostly unused, although some staff may use it or maintenance workers performing duties around the campus, plus government inspectors. The few family member visitors that arrive may use this entrance as well, but that's pretty much it. The building will be discrete and will blend into the neighborhood, although we are largely hidden with the freeway to the north, Floor & Decor to the east, and our parking lot across the street to the south on Cameron Avenue. We anticipate the in and out traffic using the main driveway on Orange Avenue will be reduced. Our staff will no longer park on the main campus, utilizing our parking lot to the south on Cameron Avenue and Orange Avenue.

Submitted by



William A Nelson, MA
Chief Executive Officer

COMMENTS AND RESPONSES

The Initial Study/Mitigated Negative Declaration (IS/MND) for the West Covina Medical Center Behavioral Health Building Addition project at 725 South Orange Avenue (proposed project) was circulated for a 20-day public review period that began on January 15, 2025 and ended on February 3, 2025. The City of West Covina received two written comment letters on the IS/MND. California Environmental Quality Act (CEQA) Guidelines Section 15074(b) requires the decision-making body of the lead agency to consider the proposed IS/MND and comments received during the public review process. The comment letters and responses are provided in this document in accordance with CEQA.

Table 1 lists the public agency that submitted written comments on the IS/MND, along with the page number on which the commenter's letter response appears.

TABLE 1: LIST OF WRITTEN COMMENT LETTERS RECEIVED

Letter No.	Agency/Individual	Date	Response Page No.
1	Department of Toxic Substance Control	January 22, 2025	5
2	Los Angeles County Sanitation Districts	January 28, 2025	8

The body of the comment letter is separated into individual comments, which are numbered. This results in a tiered numbering system.

COMMENT LETTER 1

Department of Toxic Substances Control

Yana Garcia
Secretary for
Environmental Protection

Katherine M. Butler, MPH, Director
8800 Cal Center Drive
Sacramento, California 95826-3200
dtsc.ca.gov

Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

January 22, 2025

Jo-Anne Burns
Deputy Community Development Director
City of West Covina
1444 West Garvey Avenue South
West Covina, CA 91790
jburns@westcovina.org

RE: MITIGATED NEGATIVE DECLARATION FOR THE WEST COVINA MEDICAL CENTER BEHAVIORAL HEALTH BUILDING ADDITION DATED JANUARY 15, 2025, STATE CLEARINGHOUSE NUMBER 2025010474

Dear Jo-Anne Burns,

The Department of Toxic Substances Control (DTSC) reviewed the Mitigated Negative Declaration (MND) for the West Covina Medical Center Behavioral Health Building (Project). The proposed Project would construct a 4-story 42,000-square-foot behavioral health facility on the east side of the 2.83-acre West Covina Medical Center property. The existing 55 parking spaces located in the eastern portion of the Project site would be removed and 4 parking spaces would remain. The carport and parking spaces to the west of the existing building would be removed with only 2 parking spaces remaining. DTSC recommends and requests consideration of the following comments: 1-1

1. If buildings or other structures are to be demolished on any Project sites included in the proposed Project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, 1-2

sampling near current and/or former buildings should be conducted in accordance with DTSC's Preliminary Endangerment Assessment (PEA) Guidance Manual. 1-2 (cont.)

2. DTSC recommends that all imported soil and fill material should be tested to assess any contaminants of concern meet screening levels as outlined in DTSC's PEA Guidance Manual. Additionally, DTSC advises referencing the DTSC Information Advisory Clean Imported Fill Material Fact Sheet if importing fill is necessary. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of prior land use. Additional information can be found by visiting DTSC's Human and Ecological Risk Office (HERO) webpage. 1-3

DTSC appreciates the opportunity to comment on the MND for the West Covina Medical Center Behavioral Health Building Addition. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via our CEQA Review email for additional guidance. 1-4

Sincerely,

Tamara Purvis

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

cc: (via email)

Governor's Office of Land Use and Climate Innovation
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Teresa Li
Senior Planner
Terry A. Hayes Associates Inc.
taha@webtaha.com

Nick Hermann
Vice President of Energy
Building Resources.
nhermann@brco.com

Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Scott Wiley
Associate Governmental Program Analyst
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov

LETTER 1

Tamara Purvis, Associate Environmental Planner
HWMP – Permitting Division – CEQA Unit
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826-3200

Response 1-1

The introductory comment summarizes the project description. The comment does not address the adequacy or accuracy of the IS/MND. No further response is required.

Response 1-2

The comment states that if buildings or other structures are to be demolished, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. The comment further states that the removal, demolition, and disposal of these chemicals should be conducted in compliance with California environmental regulations and policies. Additionally, sampling near current and/or former buildings is recommended to be conducted in accordance with the Department of Toxic Substances Control's (DTSC) Preliminary Endangerment Assessment (PEA) Guidance Manual.

No buildings or other structures would be demolished as a result of the proposed project. The proposed building would be located on an existing surface parking lot on the east side of the project site and would adjoin the existing medical hospital. As discussed in Response to Checklist Question 3.9a-b, all hazardous materials during construction and operational activities associated with the proposed project would be handled in compliance with applicable standards and regulations. Impacts would remain less than significant, and no revisions to the IS/MND are required in response to this comment.

Response 1-3

The comment states that DTSC recommends that all imported soil and fill material should be tested to assess whether any contaminants of concern meet the screening levels that are outlined in the DTSC PEA Guidance Manual. DTSC also advises the developer to reference the DTSC Information Advisory Clean Imported Fill Material Fact Sheet if importing fill is necessary. The comment also includes information on how to obtain more information on soil sampling.

The proposed project would comply with applicable federal, state, and local standards and regulations pertaining to hazardous materials. The use of imported soil and fill material is not expected for the proposed project. Nevertheless, the applicant will be made aware of DTSC's PEA Guidance Manual and Information Advisory Clean Imported Fill Material Fact Sheet. This comment does not change the impact conclusions of the IS/MND. Impacts would remain less than significant, and no revisions to the IS/MND are required in response to this comment.

Response 1-4

The concluding comment states that DTSC appreciates the opportunity to comment on the IS/MND for the proposed project, and thanks the City of West Covina for its assistance in protecting the state's people and environment from the harmful effects of toxic substances. The comment also provides information on how to respond to DTSC's comments. The comment does not address the adequacy or accuracy of the IS/MND. No further response is required.

COMMENT LETTER 2

LOS ANGELES COUNTY SANITATION DISTRICTS
Converting Waste Into Resources

Robert C. Ferrante
Chief Engineer and General Manager

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
(562) 699-7411 • www.lacsd.org

January 28, 2025

Ref. DOC 7411854

VIA EMAIL jburns@westcovina.org

Ms. Jo-Anne Burns, Deputy Development Director
City of West Covina, Planning Division
1444 West Garvey Avenue S, Room 208
West Covina, CA 91790

Dear Ms. Burns:

NOI Response to West Covina Medical Center Behavioral Health Building Addition Project

The Los Angeles County Sanitation Districts (Districts) received a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration (MND) for the subject project located in the City of West Covina on January 21, 2025. The proposed project is located within the jurisdictional boundaries of District No. 22. We offer the following comments regarding sewerage service: 2-1

1. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' 30-inch diameter Joint Outfall H – Unit 8M Trunk Sewer, located in South Orange Avenue, east of West Durness Street. This trunk sewer has a capacity of 19.1 million gallons per day (mgd) and conveyed a peak flow of 7.3 mgd when last measured in 2021. 2-2

2. The expected average wastewater flow from the project, described in the Initial Study as 42,000 square feet of behavioral health facility with a kitchen services area that would serve 117 patient beds, is 27,225 gallons per day. A copy of the District's average wastewater generation factors is available on our website at Table 1, Loadings for Each Class of Land Use. 2-3

3. The wastewater generated by the proposed project will be treated at the San Jose Creek Water Reclamation Plant (WRP) located adjacent to the City of Industry, which has a capacity of 100 mgd and currently processes an average recycled flow of 60.1 mgd. All biosolids and wastewater flows that exceed the capacity of the San Jose Creek WRP are diverted to and treated at the A.K. Warren Water Resource Facility (formerly known as the Joint Water Pollution Control Plant) in the City of Carson. 2-4

4. The Districts are empowered by the California Health and Safety Code to charge a fee to connect facilities (directly or indirectly) to the Districts' Sewerage System or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is used by the Districts for its capital facilities. Payment of a connection fee may be required before this project is permitted to discharge to the Districts' Sewerage System. For more information and a copy of the Connection Fee Information Sheet, go to www.lacsd.org, under Services, then Wastewater (Sewage) and select Rates & Fees. In determining the impact to the Sewerage System and applicable connection fees, the Districts will determine the user category (e.g. Condominium, Single Family Home, etc.) that best represents the actual or anticipated use of the parcel(s) or facilities on the parcel(s) in the development. For more specific information regarding the connection fee application procedure and fees, please contact the Districts' Wastewater Fee Public Counter at (562) 908-4288, extension 2727. 2-5

5. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CAA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service but is to advise the City that the Districts intend to provide this service up to the levels that are legally permitted and to inform the City of the currently existing capacity and any proposed expansion of the Districts' facilities. 2-6

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2742, or phorsley@lacsd.org.

Very truly yours,

Patricia Horsley

Patricia Horsley
Environmental Planner
Facilities Planning Department

PLH:plh

cc: D. Hatch
A. Howard

LETTER 2

Patricia Horsley, Environmental Planner
Facilities Planning Department
Los Angeles County Sanitation Districts
1955 Workman Mill Road
Whittier, CA 90601-1400

Response 2-1

The introductory comment is an acknowledgement from the Los Angeles County Sanitation Districts (Districts) that it received the Notice of Intent to Adopt an MND for the proposed project. The comment also states that the proposed project is located within the jurisdictional boundaries of District No. 22. The comment does not address the adequacy or accuracy of the IS/MND. No further response is required.

Response 2-2

This comment states that wastewater flow originating from the project site would be discharged to a local sewer line for conveyance, which is not maintained by the Los Angeles County Sanitation Districts (Districts), to the Districts' Joint Outfall H – Unit 8M Trunk Sewer. The trunk sewer has a capacity of 19.1 million gallons per day (mgd) and conveyed a peak flow of 7.3 mgd when last measured in 2021.

Based on the information provided by the Districts, Joint Outfall H – Unit 8M Trunk Sewer would have sufficient available sewer capacity to meet the demands of the proposed project.

Response 2-3

The comment states that the expected average wastewater flow from the proposed 42,000-square-foot behavioral health facility with 117 patient beds would be 27,225 gallons per day (gpd).

The proposed project would provide 71 new licensed beds. The existing medical facility currently has 46 beds and would remain unchanged. Response to Checklist Question 3.19a in the IS/MND states that the proposed project would result in the generation of approximately 36,423 gpd of wastewater, which is higher than the estimate provided by the comment. The estimated wastewater generation presented in the IS/MND represents a more conservative analysis. The information provided by this comment does not raise any new significant environmental issues and the impact conclusion would remain the same. The Districts' trunk sewer would have sufficient available sewer capacity and San Jose Creek Water Reclamation Plant (WRP) would have adequate remaining available treatment capacity to accommodate the proposed building on the project site, and impacts would remain less than significant.

Response 2-4

The comment states that wastewater generated by the proposed project will be treated at the San Jose Creek WRP, which has a capacity of 100.0 mgd and currently processes an average flow of 60.1 mgd. It further states that all biosolids and wastewater flows that exceed the capacity are diverted and treated at the A.K. Warren Water Resource Facility (formerly known as the Joint Water Pollution Control Plant).

Response to Checklist Question 3.19a in the IS/MND states that wastewater generated from the project site would be treated at the San Jose Creek WRP. The WRP treats approximately

58.5 mgd of wastewater and has the capacity to treat up to 100 mgd of wastewater. The IS/MND presents a lower amount of wastewater that is currently treated at the San Jose Creek WRP than provided by the commenter. Based on the comment's average wastewater flow at the San Jose Creek WRP, the WRP currently has an available remaining capacity of 39.9 mgd. Using the Districts' expected average wastewater flow of 27,225 gpd from the proposed project and available remaining capacity, the San Jose Creek WRP would have adequate remaining available treatment capacity to accommodate the proposed project. Using the average wastewater flow of 36,423 gpd that was presented in the IS/MND, which is a more conservative estimate, and the available remaining capacity provided by the Districts, the San Jose Creek WRP would still have adequate remaining available treatment capacity to accommodate the proposed project. The information provided by this comment does not raise any new significant environmental issues and does not change the impact conclusions. Impacts would remain less than significant.

Response 2-5

The comment states that payment of a connection fee may be required before the proposed project is permitted to discharge to the Districts' Sewer System. The comment also includes information on how to obtain more information regarding the connection fee application procedure and fees, as well as a copy of the Connection Fee Information Sheet.

The applicant will be made aware of the sewer connection fee. The information provided by the Districts does not raise any new significant environmental issues and does not change the impact conclusions of the IS/MND. Impacts to wastewater facilities would remain less than significant.

Response 2-6

The comment states that the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Government (SCAG). The comment further states that all expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the regional growth forecasts. The available capacity of the Districts' treatment facilities will be limited to levels associated with this regional growth forecast. The letter does not constitute a guarantee of wastewater service but is to advise the City that the Districts intend to provide this service up to the levels that are legally permitted and to inform the City of the currently existing capacity and any proposed expansion of the Districts' facilities.

The applicant will be made aware of the Districts' intent to provide wastewater services up to the levels that are legally permitted. The existing capacity for Joint Outfall H – Unit 8M Trunk Sewer and at the San Jose Creek WRP is acknowledged. As discussed in Response to Checklist Question 3.14a of the IS/MND, the proposed project would provide a net increase of approximately 50 jobs in the City that can be filled by the local labor force. While the proposed project would increase the number of employees on the project site, it is expected that workers from nearby communities would be available to serve the needs of the proposed project. Employees are not expected to relocate to the surrounding area and, thus, would not result in a substantial permanent increase in population. Thus, the proposed project is expected to be within SCAG's growth forecasts for the City. The information provided by the Districts does not raise any new significant environmental issues and does not change the impact conclusions of the IS/MND. Impacts to wastewater facilities would remain less than significant.

AGENDA
ITEM NO. 4
DATE: February 11, 2025

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

REVIEW OF UNCLASSIFIED USE PERMIT NO. 348
CATEGORICAL EXEMPTION
PERMITTEE: Roger Desai
ADDRESS: 2748 E. Garvey Avenue South (Five Star Inn)

BACKGROUND

Five Star Inn is located on the south side of East Garvey Avenue South, mid-block between Citrus Avenue and Barranca Street, in the Service Mixed Use (SMU) Zone. The site is adjacent to Crestview Cadillac to the west, Days Inn Motel to the east, and Walnut Creek Wash to the south (rear). The closest residential property to the site is located approximately 64 feet to the south, across Walnut Creek Wash.

Unclassified Use Permit (UUP) No. 348 (Resolution No. 12-87-3579 is included as Attachment No. 1) was approved on December 2, 1987, which allowed the construction of a 76-unit motel (including one manager quarter unit). Revision 1 for UUP No. 348 was approved on April 5, 1989 (Resolution No. 4-89-3728 is included as Attachment No. 2), which reduced the number of units from 76 to 75 (including one manager quarter unit). The conditions of approval included in both resolutions are standard conditions tied to the construction of the building. Special conditions of approval pertaining to the operation of the use were not added at the time of approval.

At the August 13, 2024, Planning Commission Meeting (staff report is Attachment No. 3), the Planning Commission received information on the operations of the Five-Star Inn, including Code Enforcement case and Police Department calls for service history. The Planning Commission directed staff to bring back the review of the business operations in five months from the time the Planning Commission last conducted the review.

DISCUSSION

Code Enforcement

Since the August 13, 2024, Planning Commission Meeting, the one long-standing code enforcement case remains open for the site (opened May 3, 2023). The code enforcement case remains open because as some violations are addressed, new violations are also observed. The following is a list of violations observed at the site since August 2024:

- August 30, 2024 - Green swimming pool
- September 17, 2024 - Graffiti on wall; swimming pool was cleaned
- September 21, 2024 - Green swimming pool and unpermitted roll-off bin (10/10/2024 violations addressed)
- October 28, 2024 - Walkways are being blocked by items left out by residents
- October 30, 2024 - Loud music
- November 6, 2024 - Illicit discharge, graffiti, windows without protective screens, abandoned shopping carts, piles of trash, loitering, improperly connected equipment in laundry room, improperly stored water heater, expired fire extinguishers, dead landscaping, loitering, and a transit van dropping off a person from Union Station Los Angeles.
- November 26, 2024 - Numerous bicycles stored, outdoor storage, and individuals/families occupying multiple rooms for extended duration
- January 16, 2025 - Business owner's contract with a nonprofit that dropped off unhoused individuals to the site for temporary housing appears to have ceased; there is still graffiti and dirt on floors.

- February 3, 2025 - Graffiti has been abated and window screens have been added

Per Section 26-30 of the WCMC, the definition of "motel" in the WCMC is *a group of attached buildings containing individual sleeping units or suites available to the transient public for compensation where a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located to each unit, all for the temporary use by automobile tourists or transients where such an individual remains as a guest of the establishment less than thirty (30) days; and such words of this definition shall include motor lodges.* Since Five Star Inn has housed long-term residents (other than the manager) that have been residing in the building for longer than 30 days, the business has been in violation of its UUP.

According to the business owner, long-term tenants are mostly removed, and all homeless voucher programs have been terminated.

Police Department Calls for Services
There have been 90 calls for service for the site from January 2024 to January 2025, and 95 calls for services from January 2023 to December 2023. A summary of the Police Department calls for service is included in this report as Attachment No. 4.

Process for Revocation or Modification of Use Permit
Per Section 26-269 of the West Covina Municipal Code (WCMC), revocation proceedings may be initiated by a majority vote of a quorum of the City Council or the Planning Commission or by the Community Development Director or their designee.

The Planning Commission may revoke, amend, or suspend the UUP upon finding that:

a. The use is detrimental to the public health, safety or welfare or is a nuisance; or
b. The permit was obtained by fraud; or
c. The use has not been exercised prior to the expiration date of the permit; or
d. The use has ceased or been suspended for a period of six (6) months or more; or
e. The conditions of approval have not been complied with; or
f. The required findings for the permit have been violated; or
g. The use is not being operated in the manner or for the purpose contemplated by the approval of the permit; or
h. The development entitlement dependent thereon has been revoked or suspended; or
i. The use is being operated in violation of any federal, state or local law which results in detriment to public health, safety or welfare.

Alternatively, the Planning Commission may modify the UUP by adding conditions of approval.

The purpose of this item is to provide the Planning Commission with the information requested previously. However, if the Planning Commission directs staff to start the UUP modification or revocation process, staff will provide the proper public hearing notification to review the UUP and set the matter for hearing at a future Planning Commission meeting date.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), this item is categorically exempt, pursuant to Sections 15301 (Class 1, Existing Facilities) and 15321 (Class 21, Enforcement Actions by Regulatory Agencies).

STAFF RECOMMENDATIONS

It is recommended that the Planning Commission discuss UUP No. 348 and UUP No. 348 Rev. 1. The Planning Commission may direct staff to start the UUP modification or revocation process with the proper public hearing notification.

Submitted by: Jo-Anne Burns, Deputy Community Development Director

Attachments

Attachment No. 1 - Resolution No. 12-87-3579
Attachment No. 2 - Resolution No. 4-89-3728
Attachment No. 3 - August 13, 2024 Staff Report
Attachment No. 4 - Police Department Calls for Service

ATTACHMENT NO. 1

PLANNING COMMISSION

RESOLUTION NO. 12-87-3579

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING UNCLASSIFIED USE PERMIT NO. 348 AND CERTIFYING THE NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT THEREFOR.

UNCLASSIFIED USE PERMIT NO. 348

NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: Chen-Lung Kuo

LOCATION: 2748 East Garvey Avenue South

THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission, requesting an unclassified use permit under the provisions of Chapter 26, Article VI of the West Covina Municipal Code, to permit the following use:

A 75 unit plus manager's quarters motel,

on that certain property described as follows:

That portion of Lot 74, Tract No. 930 in the City of West Covina, County of Los Angeles, State of California, as per map recorded n Book 17, Page 38 of Maps, in the Office of the County Recorder of said County; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 2nd day of December, 1987, conduct a duly advertised public hearing as prescribed by law to consider said application; and

WHEREAS, studies and investigations made by this Commission and in its behalf reveal the following facts:

1. The applicant is requesting approval of an unclassified use permit to demolish an existing one-story, 21-unit motel, and construct a 76-unit motel at the above location in the Medium-Commercial (C-2) Zone.

2. The project meets or exceeds the requirements of the Medium-Commercial (C-2) Zone.

3. Findings necessary for approval of an unclassified use permit:

a. That the proposed use at the particular location is necessary to provide a service or facility which will contribute to the general well being of the neighborhood or community.

Replacing an outdated motel with one offering modern accommodations and amenities is desirable in that it enhances the City's image along the freeway and better serves the people passing through the City.

b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

Upgrading of the site with a more modern version of the existing use that has served the community for years will not be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

c. That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use with the land and uses in the neighborhood and make it compatible thereto.

The precise plan of this unclassified use, by supplying the parking, landscaping, and other features required by Code and the design standards of the Eastland Redevelopment Project Area pertaining to motels, demonstrates that the site is adequate in size to accommodate the use and make it compatible with adjacent properties.

d. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed uses and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets.

The site fronts on Garvey Avenue with direct access to Citrus and Barranca Avenues, and freeway off and on ramps. These streets are adequate in width and improvements to carry traffic generated by the use and will not channel traffic through residential areas on local residential streets.

e. That the granting of such unclassified use permit will not adversely affect the General Plan of the City, any other adopted plan of the City, or the adopted plan of any other governmental agency.

The proposed use is consistent with the C-2 Zone, a less intense zone than Service-Commercial (S-C). It is also consistent with the East Hills Specific Plan and the Eastland Redevelopment Plan designation of Service-Commercial, and the General Plan designation of Service and Neighborhood Commercial. Granting of an unclassified use permit for a use that is consistent with the General Plan and all other adopted plans will not adversely affect those plans.

4. An initial study has disclosed that, because of its location between a principal and minor arterial on Garvey Avenue South, a frontage road of the San Bernardino Freeway, and compliance with the General Plan and Municipal Code of the City of West Covina, the project will have no significant impact on the environment, and a negative declaration of environmental impact has been prepared pursuant to the California Environmental Quality Act of 1970, as amended.

NOW, THEREFORE, BE IT RESOLVED, that Unclassified Use Permit No. 348 be APPROVED and the Negative Declaration of Environmental Impact CERTIFIED subject to the provisions of the West Covina Municipal Code, provided that the physical development of the herein described property shall conform to said Plan and the following conditions which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the Planning Director before the use or occupancy of the property is commenced and before a Certificate of Occupancy is issued, and the violation of any of which shall be grounds for revocation of said Unclassified Use Permit by the Planning Commission or City Council. The Unclassified Use Permit shall not be effective for any purpose until the owner of the property involved (or his duly authorized representative) has filed at the office of the Planning Director his affidavit stating he is aware of, and accepts, all conditions of this Unclassified Use Permit as stated below:

1. Comply with Study Plan "A", dated December 2, 1987.

2. Comply with Exhibits 1 thru 3 (Elevations and Floor Plans).

3. Comply with the requirements of the Medium Commercial (C-2) Zone.

4. The front yard areas, between the building frontage and the Garvey Avenue sidewalk, are to be kept free and clear of any and all mechanical equipment.

5. All utilities shall be installed underground.

6. A five-and-one-half foot high masonry or concrete block trash enclosure shall be provided pursuant to Section 26-568(b).

7. Gutters and downspouts are not to project from the vertical surface of the building.

8. All ground-mounted, wall-mounted and/or roof-mounted equipment not shown on the approved Study Plans, shall be screened from public view in a manner that is architecturally compatible with the main building. Plans and elevations indicating the type of equipment and method of concealment shall be submitted to the Planning Director for review and approval prior to the issuance of building permits.

9. Prior to the issuance of building permits, applicant shall submit a detailed landscaping plan to the Planning Director for review and approval. Said plan to include type, size and quantity of landscaping materials as well as a fully automatic comprehensive watering system. Landscaped areas are to be kept free of litter and diseased or dead plants.

10. Engineering Department requirements:

a. Comply with all conditions contained in Planning Resolution No. 567.

b. Sidewalks, nine feet wide with trees in tree wells shall be constructed along Garvey Avenue adjacent to curb .

c. Adequate provision shall be made for acceptance and disposal of surface drainage entering the property from adjacent areas.

d. Parking lot and driveway improvements on private property shall comply with Planning Commission Resolution No. 2513 and be constructed to the City of West Covina Standards.

e. Water service facilities shall be constructed to at least meet the requirements for fire flow established by the City's Fire Department and the requirements of the subsequent water purveyor/owner of the facilities.

f. Prior to issuance of a Building Permit, all of the following requirements shall be satisfied:

i. A final grading and drainage plan showing existing and proposed elevations and drainage structures and showing existing and proposed on-site and off-site improvements shall be submitted to and approved by the Planning, Building and Engineering Departments.

ii. A parking lot lighting plan showing electrolier types in conformance with City Standard Drawing T-33 and locations, average illumination levels, points of minimum illumation and photometric data in conformance with Planning Commission Resolution No. 2513 and as requested shall be submitted to and approved by the City Engineer and Planning Director.

iii. An itemized cost estimate for all on-site and off-site improvements to be constructed, except buildings, shall be submitted to the Engineering Department for approval. Based upon the approved cost estimates, required fees shall be paid and improvement securities for all on-site and off-site improvements, except buildings, and 100% labor/material securities for all off-site improvements, shall be posted prior to final approval of the plans.

11. Building Department Requirements:

a. Comply with all requirements of the following Codes of the City and State:

i. 1982 Uniform Building Code
ii. 1982 Uniform Plumbing Code
iii. 1982 Uniform Mechanical Code
iv. 1984 National Electric Code
v. Title 24 State of California Energy/Insulation Regulations and Handicapped Persons Standards.
vi. West Covina Security Ordinance

12. Fire Department Requirements:

Post "No Parking" along both sides of the 20-foot driveway at rear of property.

13. Police Department Requirements:

No requirements.

14. Redevelopment Agency Requirements:

Comply with Motel/Hotel Design Standards for locations adjacent to the San Bernardino Freeway within the Eastland Redevelopment Area.

FINALLY RESOLVED, that the Secretary be instructed to forward a copy of this Resolution to the applicant, Building and Safety Director and City Council, respectively, for their attention.

I HEREBY CERTIFY, that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 2nd day of December, 1987, by the following vote:

AYES: Commissioners Adams, Connolly, Gordon, Schoonover, and Chairman Smith

NOES: None

ABSENT: None

DATE: December 2, 1987

EXPIRATION DATE:
December 2, 1988

Stanley Smith, Chairman
Planning Commission

Patricia Haley, Secretary
Planning Commission

ATTACHMENT NO. 2

PLANNING COMMISSION

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING UNCLASSIFIED USE PERMIT NO. 348 REVISION 1.

UNCLASSIFIED USE PERMIT NO. 348, REVISION 1

NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

(PREVIOUSLY CERTIFIED)

APPLICANT: Chen-Lung Kuo

LOCATION: 2748 East Garvey Avenue South

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission, requesting an unclassified use permit under the provisions of Chapter 26, Article VI of the West Covina Municipal Code, to permit the following use:

A 74 unit plus manager's quarters motel,

on that certain property described as follows:

That portion of Lot 74, Tract No. 930 in the City of West Covina, County of Los Angeles, State of California, as per map recorded n Book 17, Page 38 of Maps, in the Office of the County Recorder of said County; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 5th day of April, 1989 conduct a duly advertised public hearing as prescribed by law to consider said application; and

WHEREAS, studies and investigations made by this Commission and in its behalf reveal the following facts:

1. The applicant is requesting approval of an unclassified use permit to demolish an existing one-story, 21-unit motel, and construct a 75-unit motel at the above location in the Medium-Commercial (C-2) Zone.

2. The project meets or exceeds the requirements of the Medium-Commercial (C-2) Zone.

3. Appropriate findings for approval of an unclassified use permit:

   a. That the proposed use at the particular location is necessary to provide a service or facility which will contribute to the general well being of the neighborhood or community.

b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

c. That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use with the land and uses in the neighborhood and make it compatible thereto.

d. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed uses and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets.

e. That the granting of such unclassified use permit will not adversely affect the General Plan of the City, any other adopted plan of the City, or the adopted plan of any other governmental agency.

4. This project is a revision of Unclassified Use Permit No. 348, for which a Negative Declaration of Environmental Impact has be previously certified.

NOW, THEREFORE, the Planning Commission of the City of West Covina does hereby resolve as follows:

1. On the basis of the evidence presented, both oral and documentary, the Planning Commission makes the following findings for an unclassified use permit:

a. That replacing an outdated motel with one offering modern accommodations and amenities is desirable in that it enhances the City's image along the freeway and beter serves the people passing through the City.

b. That upgrading of the site with a more modern version of the existing use that has served the community for years will not be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

c. That precise plan of this unclassified use, by supplying the parking, landscaping, and other features required by Code and the design standards of the Eastland Redevelopment Project Area pertaining to motels, demonstrates that the site is adequate in size to accommodate the use and make it compatible with adjacent properties.

d. That the site fronts on Garvey Avenue with direct access to Citrus and Barranca Avenues, and freeway off and on ramps. These streets are adequate in width and improvements to carry traffic generated by the use and will not channel traffic through residential areas on local residential streets.

e. That the proposed use is consistent with the C-2 Zone, a less intense zone than Service-Commercial (S-C). It is also consistent with the East Hills Specific Plan and the Eastland Redevelopment Plan designation of Service-Commercial, and the General Plan designation of Service and Neighborhood Commercial. Granting of an unclassified use permit for a use that is consistent with the General Plan and all other adopted plans will not adversely affect those plans.

2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Unclassified Use Permit No. 348, Revision 1, is approved subject to the provisions of the West Covina Municipal Code, provided that the physical development of the herein described property shall conform to said Unclassified Use Permit and the conditions set forth herein which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the Planning Director before the use or occupancy of the property is commenced and before a Certificate of Occupancy is issued, and the violation of any of which shall be grounds for revocation of said Unclassified Use Permit by the Planning Commission or City Council.

3. That the Unclassified Use Permit shall not be effective for any purpose until the owner of the property involved (or his duly authorized representative) has filed at the office of the Planning Director his affidavit stating he is aware of, and accepts, all conditions of this Unclassified Use Permit as set forth below.

a. Comply with Study Plan "A", dated April 5, 1989.

b. Comply with Exhibits 1 thru 4 (Elevations and Floor Plans).

c. Comply with the requirements of the Medium Commercial (C-2) Zone.

d. The front yard areas, between the building frontage and the Garvey Avenue sidewalk, are to be kept free and clear of any and all mechanical equipment.

e. All utilities shall be installed underground.

f. A five-and-one-half foot high masonry or concrete block trash enclosure shall be provided pursuant to Section 26-568(b).

g. Gutters and downspouts are not to project from the vertical surface of the building.

h. All ground-mounted, wall-mounted and/or roof-mounted equipment not shown on the approved Study Plans, shall be screened from public view in a manner that is architecturally compatible with the main building. Plans and elevations indicating the type of equipment and method of concealment shall be submitted to the Planning Director for review and approval prior to the issuance of building permits.

i. Prior to the issuance of building permits, applicant shall submit a detailed landscaping plan to the Planning Director for review and approval. Said plan to include type, size and quantity of landscaping materials as well as a fully automatic comprehensive watering system. Landscaped areas are to be kept free of litter and diseased or dead plants.

j. Engineering Department requirements:

   i. Comply with all conditions contained in Planning Resolution No. 567.

   ii. Sidewalks, nine feet wide with trees in tree wells shall be constructed along Garvey Avenue adjacent to curb.

   iii. Adequate provision shall be made for acceptance and disposal of surface drainage entering the property from adjacent areas.

   iv. Parking lot and driveway improvements on private property shall comply with Planning Commission Resolution No. 2513 and be constructed to the City of West Covina Standards.

   v. Water service facilities shall be constructed to at least meet the requirements for fire flow established by the City's Fire Department and the requirements of the subsequent water purveyor/owner of the facilities.

vi. Prior to issuance of a Building Permit, all of the following requirements shall be satisfied:

a. A final grading and drainage plan showing existing and proposed elevations and drainage structures and showing existing and proposed on-site and off-site improvements shall be submitted to and approved by the Planning, Building and Engineering Departments.

b. A parking lot lighting plan showing electrolier types in conformance with City Standard Drawing T-33 and locations, average illumination levels, points of minimum illumation and photometric data in conformance with Planning Commission Resolution No. 2513 and as requested shall be submitted to and approved by the City Engineer and Planning Director.

c. An itemized cost estimate for all on-site and off-site improvements to be constructed, except buildings, shall be submitted to the Engineering Department for approval. Based upon the approved cost estimates, required fees shall be paid and improvement securities for all on-site and off-site improvements, except buildings, and 100% labor/material securities for all off-site improvements, shall be posted prior to final approval of the plans.

k. Building Department Requirements:

a. Comply with all requirements of the following Codes of the City and State:

i. 1985 Uniform Building Code
ii. 1985 Uniform Plumbing Code
iii. 1985 Uniform Mechanical Code
iv. 1987 National Electric Code
v. Title 24 State of California Energy/Insulation Regulations and Handicapped Persons Standards.
vi. West Covina Security Ordinance

l. Fire Department Requirements:

Post "No Parking" along both sides of the 20-foot driveway at rear of property.

m. Police Department Requirements:

No requirements.

n. Redevelopment Agency Requirements:

Comply with Motel/Hotel Design Standards for locations adjacent to the San Bernardino Freeway within the Eastland Redevelopment Area.

4. The Secretary is instructed to forward a copy of this Resolution to the applicant, Building and Safety Director and City Council, respectively, for their attention.

I HEREBY CERTIFY, that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 5th day of April, 1989, by the following vote:

AYES: Commissioners Gordon, Schoonover, and Vice Chairman Connolly

NOES: None

ABSENT: Commissioner Adams, and Chairman Adams

DATE: April 5, 1989

EXPIRATION DATE
April 5, 1990

Edward J. Connolly, Vice Chairman
Planning Commission

Patricia Haley, Secretary
Planning Commission

AGENDA
ITEM NO. 3
DATE: August 13, 2024

PLANNING DEPARTMENT STAFF REPORT

SUBJECT

REVIEW OF UNCLASSIFIED USE PERMIT NO. 348
CATEGORICAL EXEMPTION
PERMITTEE: Roger Desai
ADDRESS: 2748 E. Garvey Avenue South (Five Star Inn)

BACKGROUND

Five Star Inn is located on the south side of East Garvey Avenue South, mid-block between Citrus Avenue and Barranca Street, in the Service Mixed Use (SMU) Zone. The site is adjacent to Crestview Cadillac to the west, Days Inn Motel to the east, and Walnut Creek Wash to the south (rear). The closest residential property to the site is located approximately 64 feet to the south, across Walnut Creek Wash.

Unclassified Use Permit (UUP) No. 348 (Resolution No. 12-87-3579 is included as Attachment No. 1) was approved on December 2, 1987, which allowed the construction of a 76-unit motel (including one manager quarter unit). Revision 1 for UUP No. 348 was approved on April 5, 1989 (Resolution No. 4-89-3728 is included as Attachment No. 2), which reduced the number of units from 76 to 75 (including one manager quarter unit). The conditions of approval included in both resolutions are standard conditions tied to the construction of the building. Special conditions of approval pertaining to the operation of the use were not added at the time of approval.

DISCUSSION

During the June 26, 2024, Planning Commission meeting, the Planning Commission voted (3-2) to include the review of the Five-Star Inn UUP conditions of approval and directed staff to present information on the Police Department calls for service for the site. A summary of the Police Department calls for service from January 1, 2023, to December 31, 2023, is included in this report as Attachment No. 3.

On July 22, 2024, staff spoke with the property owner, Roger Desai, regarding the Planning Commission requested review of the UUP. The telephone conversation was followed-up with an email with the Planning Commission meeting information and a copy of UUP No. 348 and UUP No. 248 Rev. 1 attached. According to property records, Mr. Desai's corporation has been the property owner since December 2022.

Code Enforcement

Since 2020, there have been a total of 8 code enforcement cases/violations on record for the Five Star Inn. The code enforcement cases range from property maintenance issues (e.g. graffiti, wall that is falling apart, landscaping not being maintained), inoperable vehicles, illegal dumpster (non franchise), unpermitted banners, to unpermitted construction. There is currently one open code enforcement case for the site (opened May 3, 2023). The open code enforcement case pertains to an inoperable vehicle, unpermitted construction, landscaping maintenance, long-term residents of the motel, and an abandoned boat being stored on the site. The inoperable vehicle and abandoned boat have been removed. A building permit for interior remodeling of the motel has also been issued and is active (bathroom remodel). On August 7, 2024, staff verified that there are no graffiti or landscape maintenance issues on the site. The code enforcement case remains open with the pending items long-term residents of the motel (stays longer then 30 days) and construction monitoring (cases related to unpermitted construction are not closed until the building permit is finaled). The property owner and motel operator have changed throughout the duration of the code enforcement case. Code Enforcement has been working with the current property owner to obtain voluntary compliance.

Per Section 26-30 of the WCMC, the definition of "motel" in the WCMC is *a group of attached buildings containing individual sleeping units or suites available to the transient public for compensation where a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located to each unit, all for the temporary use by automobile tourists or transients where such an individual remains as a guest of the establishment less than thirty (30) days; and such words of this definition shall include motor lodges.* Since Five Star Inn has housed long-term residents (other than the manager) that have been residing in the building for longer than 30 days, the business operation has been in violation of its UUP.

Revocation or Modification of Use Permit

Per Section 26-269 of the West Covina Municipal Code (WCMC), revocation proceedings may be initiated by a majority vote of a quorum of the City Council or the Planning Commission or by the Community Development Director or their designee.

The Planning Commission may revoke, amend or suspend the UUP upon finding that:

a. The use is detrimental to the public health, safety or welfare or is a nuisance; or
b. The permit was obtained by fraud; or
c. The use has not been exercised prior to the expiration date of the permit; or
d. The use has ceased or been suspended for a period of six (6) months or more; or
e. The conditions of approval have not been complied with; or
f. The required findings for the permit have been violated; or
g. The use is not being operated in the manner or for the purpose contemplated by the approval of the permit; or
h. The development entitlement dependent thereon has been revoked or suspended; or
i. The use is being operated in violation of any federal, state or local law which results in detriment to public health, safety or welfare.

Alternatively, the Planning Commission may modify the UUP by adding conditions of approval.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), this item is considered to be categorically exempt, pursuant to Sections 15301 (Class 1, Existing Facilities) and 15321 (Class 21, Enforcement Actions by Regulatory Agencies).

STAFF RECOMMENDATIONS

It is recommended that the Planning Commission discuss UUP No. 348 and UUP No. 348 Rev. 1, and take one of the following actions:

1. Direct staff to start the UUP revocation process with the proper public hearing notification to be reviewed by the Planning Commission September 2024; or
2. Direct staff to start the UUP modification process with the proper public hearing notification to be reviewed by the Planning Commission September 2024; or
3. Receive and file.

Submitted by: Jo-Anne Burns, Deputy Community Development Director

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Attachments

Attachment No. 1 - Resolution No. 12-87-3579

Attachment No. 2 - Resolution No. 4-89-3728

Attachment No. 3 - Police Department Calls for Service Summary

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ATTACHMENT NO. 4

Non Self-Initiated Calls for Service

01/01/2024 - 01/27/2025				
	Event #	**Date / Time**	**Call Description**	**Disposition**
1	2401190090	2024-01-19 13:58:51	BATTERY	ADVISED
2	2401230154	2024-01-23 14:28:42	AUTO THEFT RPT	ORIGINAL REPORT TAKEN
3	2402010128	2024-02-01 17:23:21	WELFARE CHECK	CHECKS 10-4
4	2402020034	2024-02-02 06:06:58	MENTAL ILL	GONE ON ARRIVAL
5	2402020209	2024-02-02 22:34:13	SUSP PERSON	WARRANT ARREST
6	2402040037	2024-02-04 08:50:46	KEEP THE PEACE	ASSISTED
7	2402040067	2024-02-04 13:35:58	CONTACT RP BY PHONE	ADVISED
8	2402050141	2024-02-05 19:18:26	DISTURBANCE	CHECKS 10-4
9	2402100010	2024-02-10 02:37:10	SUSP PERSON	CHECKS 10-4
10	2402100068	2024-02-10 12:38:54	TRESPASS	ASSISTED
11	2402190028	2024-02-19 04:53:20	MISSING PERSON	ORIGINAL REPORT TAKEN
12	2402230008	2024-02-23 00:55:59	MENTAL ILL	CHECKS 10-4
13	2402250066	2024-02-25 09:23:05	ROBBERY RPT	ORIGINAL REPORT TAKEN
14	2402270154	2024-02-27 14:11:37	SUSP CIRCS	UNFOUNDED
15	2402280022	2024-02-28 06:43:59	AUTO THEFT RECOV	GOA/UNABLE TO LOCATE
16	2402280151	2024-02-28 20:12:27	DISTURBANCE	ADVISED
17	2403020017	2024-03-02 03:08:02	SUSP PERSONS	GONE ON ARRIVAL
18	2403020153	2024-03-02 16:24:09	REGISTRANT	
19	2403100056	2024-03-10 08:09:46	AUTO THEFT RECOV	ORIGINAL REPORT TAKEN
20	2403120152	2024-03-12 19:07:01	WELFARE CHECK	NO ANSWER
21	2403160172	2024-03-16 20:44:37	DISTURBANCE	CHECKS OKAY
22	2403170029	2024-03-17 02:30:50	DISTURBANCE	CHECKS 10-4
23	2403170152	2024-03-17 19:03:55	DISTURBANCE	ADVISED
24	2403190056	2024-03-19 09:58:53	TRESPASS	GOA/UNABLE TO LOCATE
25	2403220068	2024-03-22 11:45:07	MISSING PERSON	ORIGINAL REPORT TAKEN
26	2403300089	2024-03-30 12:50:54	TRANSIENT	ADVISED
27	2403300122	2024-03-30 17:49:51	TRANSIENT	ARRESTED
28	2403310039	2024-03-31 07:42:34	CIVIL PROBLEM	ASSISTED
29	2404110014	2024-04-11 01:09:21	DISTURBANCE	GOA/UNABLE TO LOCATE
30	2404220111	2024-04-22 13:01:51	WELFARE CHECK	ASSISTED
31	2404290077	2024-04-29 10:32:03	CONTACT RP BY PHONE	ADVISED
32	2405130214	2024-05-13 23:09:40	DISTURBANCE	NO ANSWER
33	2405260034	2024-05-26 06:04:01	DISTURBANCE	ASSISTED
34	2405280183	2024-05-28 20:56:32	SUSP CIRCS	CHECKS 10-4
35	2406020033	2024-06-02 06:25:45	DISTURBANCE	PEACE KEPT
36	2406020122	2024-06-02 18:41:40	DISTURBANCE	FI TAKEN
37	2406040138	2024-06-04 14:47:45	SUSP PERSON	ADVISED
38	2406150160	2024-06-15 18:46:30	DISTURBANCE	GOA/UNABLE TO LOCATE
39	2406180064	2024-06-18 10:13:36	SUSP CIRCS	ARRESTED
40	2406190056	2024-06-19 11:03:08	PD INFORMATION	DETAIL HANDLED
41	2406190119	2024-06-19 16:12:47	DISTURBANCE	ADVISED
42	2406300100	2024-06-30 12:18:25	DISTURBANCE	PEACE KEPT
43	2407040179	2024-07-04 20:51:13	FIREWORKS	GOA/UNABLE TO LOCATE
44	2407110101	2024-07-11 13:42:46	DISTURBANCE	ASSISTED
45	2407190002	2024-07-19 00:18:30	DISTURBANCE	GOA/UNABLE TO LOCATE

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Non Self-Initiated Calls for Service

46	2407200089	2024-07-20 14:32:41	DISTURBANCE	FI TAKEN
47	2408140016	2024-08-14 02:04:31	NOISE DIST	CHECKS 10-4
48	2408170010	2024-08-17 01:09:08	NOISE DIST	ADVISED
49	2408280090	2024-08-28 12:46:16	CONTACT INF	ASSISTED
50	2409030150	2024-09-03 19:40:59	DISTURBANCE	ADVISED
51	2409080016	2024-09-08 01:36:13	SUSP PERSON	UNABLE TO LOCATE
52	2409130055	2024-09-13 10:56:44	DOG BITE	MEDICAL ASSIST
53	2409140034	2024-09-14 03:51:44	CHECK AREA	GOA/UNABLE TO LOCATE
54	2409170076	2024-09-17 12:01:40	KEEP THE PEACE	ADVISED
55	2409180076	2024-09-18 12:35:57	DISTURBANCE	CHECKS 10-4
56	2409220029	2024-09-22 03:37:18	DISTURBANCE	ARRESTED
57	2409220205	2024-09-22 23:34:03	EXTRA PATROL	CHECKS 10-4
58	2409260103	2024-09-26 14:52:31	BURGLARY	CHECKS 10-4
59	2409270184	2024-09-27 21:20:35	EXTRA PATROL	CHECKS 10-4
60	2409300006	2024-09-30 00:59:18	DISTURBANCE	GOA/UNABLE TO LOCATE
61	2409300071	2024-09-30 09:21:48	REPO	INFORMATION OBTAINED
62	2409300158	2024-09-30 17:19:08	VERDUGO TRANS	CLEARING FIRE EVENT
63	2410020074	2024-10-02 12:45:31	DISTURBANCE	CHECKS 10-4
64	2410080185	2024-10-08 21:25:15	DISTURBANCE	CHECKS 10-4
65	2410120002	2024-10-12 00:24:21	SUSP PERSONS	UNABLE TO LOCATE
66	2410120003	2024-10-12 00:33:07	DISTURBANCE	ASSISTED
67	2410130016	2024-10-13 01:51:48	SUSP CIRCS	CHECKS OKAY
68	2410130070	2024-10-13 12:15:24	DISTURBANCE	CHECKS 10-4
69	2410170011	2024-10-17 01:16:31	DISTURBANCE	ADVISED
70	2410240011	2024-10-24 01:44:05	SUSP CIRCS	ASSISTED
71	2410250158	2024-10-25 20:10:23	DOMESTIC VIOLENCE	CHECKS 10-4
72	2410270092	2024-10-27 10:22:28	ASCERTAIN C-4	GONE ON ARRIVAL
73	2411040027	2024-11-04 05:42:16	ANIMAL CRUELTY	CHECKS 10-4
74	2411070012	2024-11-07 02:40:34	DISTURBANCE	ADVISED
75	2411100086	2024-11-10 15:17:27	DISTURBANCE	CHECKS OKAY
76	2411120017	2024-11-12 04:20:31	REPO	INFORMATION OBTAINED
77	2411120018	2024-11-12 04:21:31	REPO	INFORMATION OBTAINED
78	2411140009	2024-11-14 01:03:52	DISTURBANCE	ASSISTED
79	2411140021	2024-11-14 05:05:22	REPO	INFORMATION OBTAINED
80	2411160007	2024-11-16 01:56:55	DISTURBANCE	ADVISED
81	2411160022	2024-11-16 07:10:27	BATTERY	EVENT # GIVEN
82	2411160023	2024-11-16 07:12:25	H&R-PROP DAM	
83	2411170034	2024-11-17 08:40:43	UNK CIRCS	ORIGINAL REPORT TAKEN
84	2411270016	2024-11-27 03:36:15	DISTURBANCE	ADVISED
85	2412010149	2024-12-01 19:37:17	RESCUE BACK	MEDICAL ASSIST
86	2412180157	2024-12-18 16:51:22	TRESPASS	CHECKS 10-4
87	2412240004	2024-12-24 00:24:00	NOISE DIST	UNABLE TO LOCATE
88	2412260007	2024-12-26 00:59:33	DISTURBANCE	ADVISED
89	2412260120	2024-12-26 21:06:46	DISTURBANCE	CHECKS 10-4
90	2501080205	2025-01-08 22:00:45	RESCUE BACK	CHECKS OKAY

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Non Self-Initiated Calls for Service

01/01/2023 - 12/31/2023				
	Event #	**Date / Time**	**Call Description**	**Disposition**
1	2301150152	2023-01-15 21:19:30	WELFARE CHECK	ASSISTED
2	2301230171	2023-01-23 23:17:14	CONTACT INF	ASSISTED
3	2302170210	2023-02-17 21:56:48	DISTURBANCE	CHECKS OKAY
4	2302180032	2023-02-18 03:31:59	BATTERY	GOA/UNABLE TO LOCATE
5	2302190109	2023-02-19 13:12:36	DISTURBANCE	DISTURBING PARTY LEFT
6	2302220182	2023-02-22 20:31:18	TRANSIENT	ADVISED
7	2303080001	2023-03-08 00:02:38	SUSP PERSON	ASSISTED
8	2303160006	2023-03-16 00:41:19	DISTURBANCE	CHECKS OKAY
9	2303160150	2023-03-16 18:01:25	MENTAL ILL	ASSISTED
10	2303290022	2023-03-29 05:20:46	SUSP CIRCS	ASSISTED
11	2303310014	2023-03-31 01:18:54	OVERDOSE	WARRANT ARREST
12	2304020001	2023-04-02 00:09:18	DISTURBANCE	CHECKS 10-4
13	2304030193	2023-04-03 23:44:28	SUSP PERSONS	GOA/UNABLE TO LOCATE
14	2304060153	2023-04-06 19:15:50	APS ASSIST	EVENT # GIVEN
15	2304100158	2023-04-10 18:06:48	TRANSIENT	ASSISTED
16	2304120073	2023-04-12 10:28:07	WELFARE CHECK	5150 Hold
17	2304150113	2023-04-15 12:36:47	DISTURBANCE	ADVISED
18	2304160173	2023-04-16 21:41:12	SUSP PERSONS	GOA/UNABLE TO LOCATE
19	2304190011	2023-04-19 01:29:11	DISTURBANCE	ARRESTED
20	2304240191	2023-04-24 21:12:22	WELFARE CHECK	CHECKS 10-4
21	2304240195	2023-04-24 21:32:23	DISTURBANCE	GOA/UNABLE TO LOCATE
22	2304270092	2023-04-27 12:46:29	KEEP THE PEACE	ARRESTED
23	2305030137	2023-05-03 15:18:37	WELFARE CHECK	UNABLE TO LOCATE
24	2305030166	2023-05-03 19:02:01	DOMESTIC VIOLENCE	CHECKS 10-4
25	2305060115	2023-05-06 14:46:54	WARRANT SVC	Report Taken
26	2305090035	2023-05-09 06:57:39	BATTERY	ORIGINAL REPORT TAKEN
27	2305090037	2023-05-09 07:12:35	BATTERY	
28	2305240137	2023-05-24 17:01:57	SUSP CIRCS	
29	2305270161	2023-05-27 19:53:42	KEEP THE PEACE	PEACE KEPT
30	2305270183	2023-05-27 21:06:35	SAFEKEEPING	DETAIL HANDLED
31	2305290115	2023-05-29 16:58:46	DISTURBANCE	ADVISED
32	2306020106	2023-06-02 12:35:25	DISTURBANCE	ADVISED
33	2306040014	2023-06-04 01:18:36	VANDALISM RPT	Report Taken
34	2306080002	2023-06-08 00:29:51	NOISE DIST	CHECKS 10-4
35	2306130187	2023-06-13 20:35:18	DISTURBANCE	EVENT # GIVEN
36	2306170037	2023-06-17 08:04:36	BUSINESS CHECK	ARRESTED
37	2306180085	2023-06-18 12:52:28	DISTURBANCE	GOA/UNABLE TO LOCATE
38	2306280108	2023-06-28 15:01:27	PD INFORMATION	INFORMATION OBTAINED
39	2306290058	2023-06-29 10:45:55	AUTO THEFT RPT	NO ANSWER
40	2306290087	2023-06-29 14:01:49	WELFARE CHECK	INFORMATION OBTAINED
41	2307010136	2023-07-01 17:26:43	H&R-PROP DAM	INFORMATION OBTAINED
42	2307060064	2023-07-06 12:29:08	CONTACT RP BY PHONE	ADVISED
43	2307060156	2023-07-06 19:39:37	DEPT ASSIST	ARRESTED
44	2307200096	2023-07-20 12:41:19	TRANSIENT	GOA/UNABLE TO LOCATE
45	2307250187	2023-07-25 22:17:41	AUTO THEFT RPT	ORIGINAL REPORT TAKEN

5 Star Inn

Non Self-Initiated Calls for Service

46	2308010018	2023-08-01 04:42:28	DISTURBANCE	CHECKS 10-4
47	2308060024	2023-08-06 01:36:03	DISTURBANCE	Checks Okay
48	2308120140	2023-08-12 16:33:13	SUSP CIRCS	CHECKS 10-4
49	2308130111	2023-08-13 15:24:50	PRIVATE PARTY IMP	INFORMATION OBTAINED
50	2308170169	2023-08-17 19:24:30	WELFARE CHECK	ADVISED
51	2308180081	2023-08-18 11:19:56	PD INFORMATION	ASSISTED
52	2308200098	2023-08-20 12:21:52	CIVIL PROBLEM	ASSISTED
53	2308230086	2023-08-23 13:20:32	SURVEILLANCE	DETAIL HANDLED
54	2308280096	2023-08-28 12:56:35	CONTACT RP BY PHONE	ADVISED
55	2308290178	2023-08-29 22:59:31	505 VEHICLE	GOA/UNABLE TO LOCATE
56	2308300052	2023-08-30 08:45:19	CONTACT RP BY PHONE	ASSISTED
57	2309010024	2023-09-01 05:08:45	OVERDOSE	MEDICAL ASSIST
58	2309030082	2023-09-03 12:03:11	DISTURBANCE	ASSISTED
59	2309100175	2023-09-10 19:09:14	SUSP CIRCS	ASSISTED
60	2309140136	2023-09-14 17:56:25	DISTURBANCE	UNABLE TO LOCATE
61	2309170051	2023-09-17 07:52:33	PEDESTRIAN TFC	CHECKS OKAY
62	2309190049	2023-09-19 08:51:24	TRANSIENT	DUPLICATE CALL
63	2309230153	2023-09-23 20:08:24	CONTACT INF	UNABLE TO LOCATE
64	2309250111	2023-09-25 15:15:42	DISTURBANCE	ORIGINAL REPORT TAKEN
65	2309270111	2023-09-27 16:13:06	CONTACT RP BY PHONE	ADVISED
66	2310010027	2023-10-01 03:14:52	SUSP PERSONS	GOA/UNABLE TO LOCATE
67	2310010039	2023-10-01 08:02:56	MAN W/GUN	FI TAKEN
68	2310100157	2023-10-10 22:29:01	DISTURBANCE	Checks Okay
69	2310110003	2023-10-11 00:44:55	KEEP THE PEACE	ADVISED
70	2310140101	2023-10-14 13:46:40	DISTURBANCE	ADVISED
71	2310140189	2023-10-14 22:09:25	DISTURBANCE	ADVISED
72	2310150058	2023-10-15 08:46:57	DISTURBANCE	ASSISTED
73	2310180067	2023-10-18 11:28:01	DISTURBANCE	ARRESTED
74	2310230150	2023-10-23 18:08:01	SURVEILLANCE	DETAIL HANDLED
75	2310250021	2023-10-25 02:27:49	SUSP PERSON	CHECKS OKAY
76	2310250178	2023-10-25 21:25:29	CONTACT RP BY PHONE	ASSISTED
77	2310250190	2023-10-25 22:43:32	RESCUE BACK	MEDICAL ASSIST
78	2310260134	2023-10-26 15:16:22	DISTURBANCE	GONE ON ARRIVAL
79	2311020008	2023-11-02 02:27:25	WELFARE CHECK	UNABLE TO LOCATE
80	2311020080	2023-11-02 13:00:19	WELFARE CHECK	CHECKS OKAY
81	2311030093	2023-11-03 13:00:32	CONTACT INF	ADVISED
82	2311170091	2023-11-17 09:53:01	KEEP THE PEACE	PEACE KEPT
83	2311210002	2023-11-21 00:02:47	OVERDOSE	CHECKS 10-4
84	2311210145	2023-11-21 23:37:35	DISTURBANCE	ADVISED
85	2311250040	2023-11-25 08:32:17	TRESPASS	ADVISED
86	2312070010	2023-12-07 00:59:23	DOMESTIC VIOLENCE	CHECKS OKAY
87	2312130109	2023-12-13 15:52:18	PRIVATE PARTY IMP	CHECKS OKAY
88	2312140040	2023-12-14 07:20:22	DEPT ASSIST	GOA/UNABLE TO LOCATE
89	2312160065	2023-12-16 09:52:12	KEEP THE PEACE	CHECKS OKAY
90	2312160135	2023-12-16 17:09:14	ASCERTAIN C-4	ASSISTED
91	2312170113	2023-12-17 13:42:39	TRESPASS	ASSISTED
92	2312220025	2023-12-22 04:17:11	DISTURBANCE	CHECKS OKAY

5 Star Inn

Non Self-Initiated Calls for Service

93	2312220087	2023-12-22 12:49:22	OVERDOSE	MEDICAL ASSIST
94	2312290025	2023-12-29 08:05:05	SUSP PERSONS	GOA/UNABLE TO LOCATE
95	2312290101	2023-12-29 16:29:41	PRIVATE PARTY IMP	INFORMATION OBTAINED