

PLANNING COMMISSION

RESOLUTION 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