

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 than 30 days) and construction monitoring (cases related to unpermitted construction are not closed until the building permit is finalized). 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

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