CITY COUNCIL AGENDA

Tuesday, January 28, 2014

Regular Session 6:00 p.m.
Council Chamber
6615 Passons Blvd.
Next Resolution No. 6746
Next Ordinance No. 1082
Next Agreement No. 14-1454

ROLL CALL:

Brent A. Tercero, Mayor
Gregory Salcido, Mayor Pro Tempore
Bob J. Archuleta, Councilmember
David W. Armenta, Councilmember
Gustavo V. Camacho, Councilmember

COMMISSIONERS SCHEDULED TO BE PRESENT:

None appointed as of January 28, 2014.

INVOCATION:

(In accordance with the Court's Decision in Rubin v. City of Burbank, only nonsectarian prayers/invocations are allowed during the invocation)

PLEDGE OF ALLEGIANCE:

SPECIAL PRESENTATIONS:

- Certificate of Recognition presented to Pico Rivera Dons Football Midget Division (13-14 years old) – Undefeated San Gabriel Valley Junior All-American Conference Champions and Undefeated Arroyo League Champions
- Sheriff's Department – Cybercrime and Identity Theft Information

PLEASE TURN OFF ALL PAGERS AND/OR PHONES WHILE MEETING IS IN SESSION AND PLEASE REFRAIN FROM TEXTING DURING THE MEETING

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In compliance with the Americans with Disabilities Act of 1990, the City of Pico Rivera is committed to providing reasonable accommodations for a person with a disability. Please call the City Clerk's office at (562) 801-4389, if special accommodations are necessary and/or if information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.

PUBLIC HEARING(S):

1. **Continued Public Hearing – An Ordinance of the City of Pico Rivera for Zone Code Amendment No. 165 Amending Chapter 18 (Zoning) of the City of Pico Rivera Municipal Code Pertaining to the Regulations for Residential Driveway Expansions, Walkways and Porte-Cocheres.** (1300)
   a. Open Hearing
   b. Memo from City Manager
   c. Written Communications
   d. Oral Communications
   e. Close Hearing
   f. **Recommendation:**
      1. Adopt Resolution approving Zone Code Amendment No. 165; and
      2. First reading and Introduction of Ordinance amending Title 18, Zoning, of the City of Pico Rivera Municipal Code.

      Resolution No. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, ADOPTING AN AMENDMENT TO TITLE 18 OF THE PICO RIVERA MUNICIPAL CODE PERTAINING TO THE REGULATION OF RESIDENTIAL DRIVEWAY EXPANSIONS, PORTE-COCHERES AND WALKWAYS HEREIN KNOWN AS ZONE CODE AMENDMENT NO. 165

      Ordinance No. _____ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPROVING ZONE CODE AMENDMENT NO. 165 AMENDING TITLE 18 (ZONING) OF THE PICO RIVERA MUNICIPAL CODE PERTAINING TO THE REGULATION OF PORTE-COCHERES, DRIVEWAY EXPANSIONS, AND WALKWAYS **(FIRST READING AND INTRODUCTION)**

2. **Public Hearing: Zone Code Amendment No. 172 and Zone Reclassification No. 315 to Amend Title 18, Zoning of the Pico Rivera Zoning Ordinance and per the Adopted 2014-2021 Housing Element.** (1300)
   a. Open Hearing
   b. Memo from City Manager
   c. Written Communications
   d. Oral Communications
   e. Close Hearing
   f. **Recommendation:**
      1. Introduce the attached ordinances, amending Title 18 of the Pico Rivera Municipal Code adding state required provisions as adopted in

the 2014-2021 Housing Element and minor changes to development standards; and

2. Adopt the resolutions approving the zone code amendments, zone reclassification and establishing a fee for a reasonable accommodations application of $70 for minor residential additions and $345 for new structures.

Ordinance No. _____ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AMENDING TITLE 18, ZONING, OF THE PICO RIVERA ZONING ORDINANCE AMENDING HEIGHT, SIDE SETBACKS, DEFINITIONS AND ADDING THE PROVISIONS FOR DENSITY BONUS, REASONABLE ACCOMMODATIONS UNDER THE FAIR HOUSING ACT, SINGLE-ROOM OCCUPANCY (SROs), TRANSITIONAL HOUSING, SUPPORTIVE HOUSING, COMMUNITY CARE FACILITIES, SECOND UNIT DWELLINGS AND THE CREATION OF AN EMERGENCY SHELTER OVERLAY ZONE DESIGNATED HEREIN AS ZONE CODE AMENDMENT NO. 172 **(FIRST READING AND INTRODUCTION)**

Resolution No. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, ADOPTING AMENDMENTS TO TITLE 18, ZONING, OF THE PICO RIVERA ZONING ORDINANCE PER THE ADOPTED 2014-2021 HOUSING ELEMENT AMENDING DEFINITIONS, HEIGHT, SETBACKS AND ADDING THE PROVISIONS FOR DENSITY BONUS, REASONABLE ACCOMMODATIONS UNDER THE FAIR HOUSING ACT, ESTABLISHING A REASONABLE ACCOMMODATIONS APPLICATION FEE, SINGLE-ROOM OCCUPANCY (SROS), TRANSITIONAL HOUSING, SUPPORTIVE HOUSING, COMMUNITY CARE FACILITIES, SECOND UNIT DWELLINGS AND EMERGENCY SHELTERS IN THE CITY OF PICO RIVERA DESIGNATED HEREIN AS ZONE CODE AMENDMENT NO. 172

Ordinance No. _____ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPROVING A ZONE RECLASSIFICATION TO ADD THE EMERGENCY SHELTER OVERLAY ZONE TO THE PROPERTIES AS DESCRIBED IN ATTACHMENT "A" ATTACHED HERETO AND FURTHER DESIGNATED HEREIN AS ZONE RECLASSIFICATION NO. 315 **(FIRST READING AND INTRODUCTION)**

Resolution No. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPROVING ADOPTION OF AN EMERGENCY SHELTER OVERLAY ZONE IN AN INDUSTRIAL AREA AS ADOPTED PER THE 2014-2021 HOUSING ELEMENT IN THE CITY OF PICO RIVERA DESIGNATED HEREIN AS ZONE RECLASSIFICATION NO. 315

3. **Public Hearing: Zone Code Amendment No. 173, An Ordinance Amending Chapter 18.52 Under Home Occupations and Adding Provisions for Cottage Food Operations.** (1300)

a. Open Hearing
b. Memo from City Manager
c. Written Communications
d. Oral Communications
e. Close Hearing
f. **Recommendation:**
   1. Introduce the attached ordinance, amending Chapter 18.52 to Title 18 of the Pico Rivera Municipal Code adding provisions for cottage food operations; and
   2. Adopt the resolution establishing a fee for a cottage food operation application of $110.

Ordinance No. _____ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AMENDING CHAPTER 18.52 REGARDING HOME OCCUPATIONS AND ADDING PROVISIONS FOR COTTAGE FOOD OPERATIONS **(FIRST READING AND INTRODUCTION)**

Resolution No. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AMENDING CHAPTER 18.52 REGARDING HOME OCCUPATIONS, ADDING PROVISIONS FOR COTTAGE FOOD OPERATIONS AND ESTABLISHING AN APPLICATION FEE IN THE CITY OF PICO RIVERA DESIGNATED HEREIN AS ZONE CODE AMENDMENT NO. 173

1st PERIOD OF PUBLIC COMMENTS - IF YOU WOULD LIKE TO SPEAK ON ANY LISTED AGENDA ITEMS, PLEASE FILL OUT A GREEN PUBLIC COMMENT REQUEST FORM AND PROVIDE IT TO THE STAFF MEMBER AT THE BACK TABLE BEFORE THE MEETING STARTS.

When you are called to speak, please come forward and state your name and city of residency for the record. You have three (3) minutes to make your remarks. In

accordance with Government Code Section 54954.2, members of the City Council may only: **1)** respond briefly to statements made or questions posed by the public; **2)** ask a question for clarification; **3)** provide a reference to staff or other resources for factual information; **4)** request staff to report to the City Council at a subsequent meeting concerning any matter raised by the public; and **5)** direct staff to place a matter of business on a future agenda. City Council members cannot comment on items that are not listed on a posted agenda.

CONSENT CALENDAR ITEMS:

All items listed on the Consent Calendar may be acted on by a single motion without separate discussion. Any motion relating to a Resolution or Ordinance shall also waive the reading of the titles in full and include its adoption as appropriate. If discussion or separate vote on any item is desired by a Councilmember or staff, that item may be pulled from the Consent Calendar for separate consideration.

4. Minutes:

- City Council meeting of January 14, 2014

Recommendation: Approve

- Planning Commission meeting of December 2, 2013; and
- Planning Commission meeting of January 6, 2014.

Recommendation: Receive and File

5. 11th Warrant Register of the 2013-2014 Fiscal Year. (700)

Check Numbers: 260227-260307; 260310-260457
Special Checks Numbers: 260308-260309
Recommendation: Approve

6. Parks and Recreation; Sister City and Planning Commission Appointments.

Recommendation: (300)

1. Adopt resolutions approving City Council appointments to the Parks & Recreation Commission, Sister City Commission, and Planning Commission.

   Resolution No. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPOINTING THE FOLLOWING CITY ELECTORS: PATRICIA SAUCEDO, RODNEY TORRES, JOSEPH A. PALOMBI, JOHN R. GARCIA, AND CARLOS CRUZ TO THE PARKS AND RECREATION COMMISSION FOR A ONE YEAR TERM SAID TO EXPIRE DECEMBER 2014

Resolution No. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPOINTING THE FOLLOWING CITY ELECTOR: GUSTAVO CONTRERAS TO THE SISTER CITY COMMISSION FOR A TWO YEAR TERM SAID TO EXPIRE DECEMBER 2015

Resolution No. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPOINTING THE FOLLOWING CITY ELECTORS: WILLIAM PAUL GOMEZ, TOMMY ELISALDEZ, ESTHER CELIZ, RUBEN L. GARCIA, AND FRED ZERMENO TO THE PLANNING COMMISSION FOR A TWO YEAR TERM SAID TO EXPIRE DECEMBER 2015

7. **Supplemental Agreement No. 92-505-12 – Street Sweeping and Bus Shelter Maintenance Services – Nationwide Environmental Services.** (500)

Recommendation:

1. Approve Supplemental Agreement No. 92-505-12 for Nationwide Environmental Services (NES) to provide for removal and depositing of debris collected during street sweeping on a month-to-month basis for a not to exceed amount of $17,000; and
2. Appropriate $120,000 from the General Fund Reserves to the Contracted Services Account 010-4200-44500 for FY 13-14 necessary to fund disposal of street sweeping debris.

8. **West Coast Arborist, Inc. – Authorization of a Change Order for Tree Maintenance Services for FY 13-14 Under Agreement No. 05-938.** (500)

Recommendation:

1. Authorize the City Manager to approve a change order to Purchase Order No. 31521 in an amount not to exceed $99,000 which is necessary to direct West Coast Arborists to plant 2,000 trees under Agreement No. 05-938, and in accordance with the scope or work and fee proposal attached as Enclosure No. 1; and
2. Appropriate $99,000 in "Green Trees for the Golden State Program Grant Funds" to the Street Maintenance Contracted Services Account (010-4200-44500), under Tree Care Services.

9. **Sidewalk Improvements, CIP No. 21271 – Authorization to Bid.** (500)

Recommendation:

1. Approve Plans, Specifications and Estimate (PS&E) for Sidewalk Improvements, CIP No. 21271; and
2. Authorize the City Clerk to publish the Notice Inviting Bids; and

3. Approve the Notice of Exemption for the subject project and authorize the City Clerk to file with the County Recorder.

10. Traffic Safety Improvements Citywide, CIP No. 21251 – Award Professional Services Agreement for Engineering Services. (500)

Recommendation:

1. Award a Professional Services Agreement to JMD to provide engineering design services for Traffic Safety Improvements Citywide, CIP No. 21251, for an amount not-to-exceed $83,077, and authorize the Mayor to execute the Agreement in a form approved by the City Attorney; and
2. Appropriate $23,077 in Prop C funds to the Traffic Safety Improvements, Safe Routes to School Infrastructure Project, CIP. 21251.

Agreement No. _____

CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION:

LEGISLATION:

11. Bug House Property – 8841 East Slauson Avenue. (1600)

Recommendation:

1. Accept and file report; and
2. Direct staff to prepare and issue a Request for Qualifications/Proposals (RFQ/P) to seek qualified developers to build an affordable housing development for low-income veteran families.

NEW BUSINESS:

OLD BUSINESS:

2ND PERIOD OF PUBLIC COMMENTS - THIS TIME IS RESERVED FOR COMMENTS THAT HAVE NOT BEEN ADDRESSED ALREADY OR THAT ARE NOT LISTED ON THE AGENDA. PLEASE FILL OUT A BLUE PUBLIC COMMENT REQUEST FORM AND PROVIDE IT TO THE STAFF MEMBER AT THE BACK TABLE BEFORE THE MEETING STARTS.

When you are called to speak, please come forward and state your name and city of residency for the record. You have three (3) minutes to make your remarks.

CLOSED SESSION(S):

a. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Government Code Section 54956.9 subdivision (d) paragraph (1)
Jeff Tracy, Inc. dba Land Forms Construction v. City of Pico Rivera
Case No. VC063151

ADJOURNMENT:

AFFIDAVIT OF POSTING

I, Anna M. Jerome, City Clerk, for the City of Pico Rivera, DO HEREBY CERTIFY, under penalty of perjury under the laws of the State of California, that the foregoing notice was posted at the Pico Rivera City Hall bulletin board, Pico Rivera website, Pico Rivera Post Office and Parks: Smith, Pico and Rivera and full agenda packets distributed to the Pico Rivera County Libraries, which are available for the public to view on this 24th day of January 2014.

Dated this 24th, day of January 2014

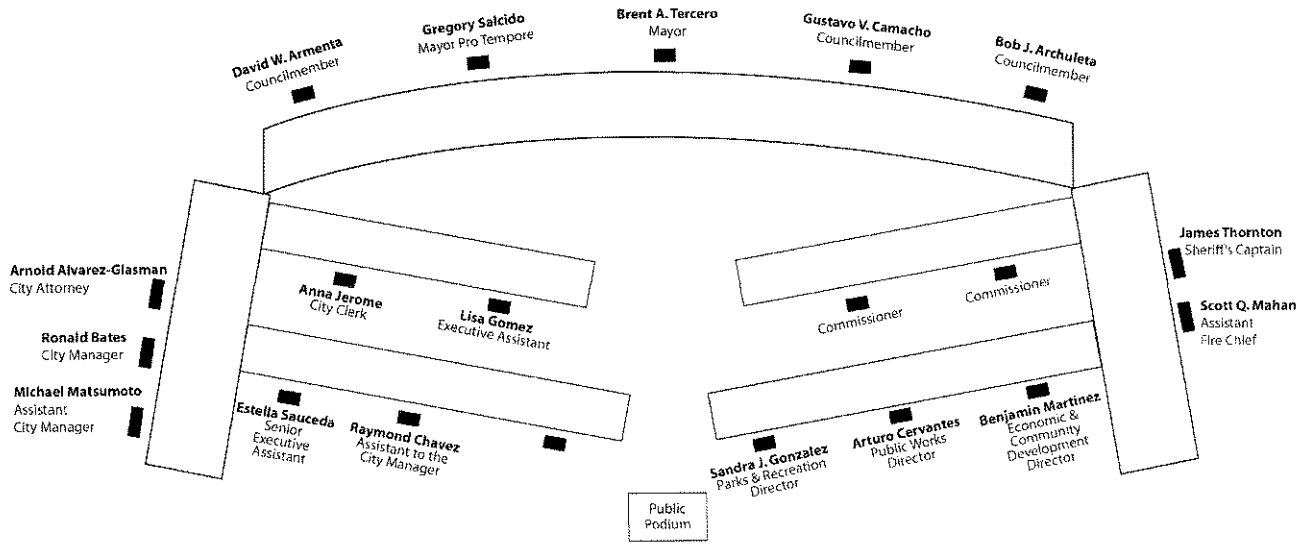
Anna M. Jerome

Anna M. Jerome, CMC
City Clerk

SB343 NOTICE

In compliance with and pursuant to the provisions of SB343 any public writing distributed by the City Clerk to at least a majority of the City Council Members regarding any item on this regular meeting agenda will be available on the back table at the entrance of the Council Chamber at the time of the City Council meeting and at the counter of City Hall at 6615 Passons Boulevard, Pico Rivera, California during normal business hours.

Council Meeting Seating Chart



STATEMENT REGARDING DECORUM AT CITY COUNCIL MEETINGS

If you wish to speak at the time set aside for public comments, the City Council has established the following standards and Rules of Decorum as allowed by State law.

- Public comment is limited to those portions of the meeting referred to as Public Comments. These portions are intended for members of the public to address the City Council, Redevelopment Agency, Housing Assistance Agency or Water Authority on matters related to agendas or any other items under the subject matter jurisdiction of the City Council or Agencies.
- A yellow Public Hearing Comment Request card must be completed to speak during a Public Hearing.
- A green Public Comment Request – Agenda Items Only card is for those wishing to address the Council/Agency on agenda items only during the 1st Period of Public Comments.
- A blue Public Comment Request – All other City-Related Business card is for those wishing to address the Council/Agency on any other items under the subject matter jurisdiction of the Council/Agency during the 2nd Period of Public Comments.
- Citizens may address the Council, Redevelopment Agency or Housing Assistance Agency once for a **maximum of three minutes**. After each speaker returns to his/her seat, the Mayor shall determine the time and manner of response, but typically if answers are available, they will be given after all speakers have had an opportunity to address the City Council.
- Members of the audience are asked to refrain from clapping or otherwise speaking from their seats. Those not meeting the standards for decorum may be escorted from the meeting.

RULES OF DECORUM CAN BE FOUND IN THE PICO RIVERA MUNICIPAL CODE SECTION 2.08.050 AS ESTABLISHED BY ORDINANCE 783 ADOPTED ON AUGUST 20, 1990 AND AMENDED BY ORDINANCES 822 (SEPTEMBER 21, 1992) AND 1020 (MARCH 21, 2006).

CITY COUNCIL **AGENDA REPORT**

To: Mayor and City Council

From: City Manager

Meeting Date: January 28, 2014

Subject: CONTINUED PUBLIC HEARING – AN ORDINANCE OF THE CITY OF PICO RIVERA FOR ZONE CODE AMENDMENT NO. 165 AMENDING CHAPTER 18 (ZONING) OF THE CITY OF PICO RIVERA MUNICIPAL CODE PERTAINING TO THE REGULATIONS FOR RESIDENTIAL DRIVEWAY EXPANSIONS, WALKWAYS AND PORTE-COCHERES

Recommendations:

1. Adopt Resolution approving Zone Code Amendment No. 165; and
2. First reading and Introduction of Ordinance amending Title 18, *Zoning*, of the City of Pico Rivera Municipal Code.

Fiscal Impact: No impact.

Discussion:

At the January 14, 2014 meeting, the City Council directed staff to revise the draft ordinance to include a blanket provision which allows larger-sized lots to construct a porte-cochere which projects from the front building line of the residence so long as it maintains a minimum front-yard setback of 30′-40′. The City Council reasoned that larger-sized lots often are developed with the home set farther back from the street therefore such properties should be allowed to construct porte-cocheres which project from the building line of the residence.

The attached ordinance follows City Council direction including a provision which allows the construction of a porte-cochere which projects from the front building line of the home if it maintains a 40′ front-yard setback and is attached to the home by a minimum 5′ long shared wall. Staff believes that a 40′ setback requirement would alleviate concerns regarding aesthetics and also be far enough back so the porte-cochere does not appear to be obtrusive or prominent towards the street.

Properties which do not meet the 40' setback requirement may apply for a minor or major variance application, and such permits may be approved if the required findings can be made. Variance applications are generally approved for properties which have some type of hardship which makes development particularly difficult, such as a smaller lot size, a unique lot shape or steep topography.

All other portions of the draft ordinance remain unchanged.

Ronald Bates

RB:BM:GA:ll

Attachments:

1.) Resolution adopting Zone Code Amendment No. 165
2.) Ordinance
3.) Resolution No. 1210 – Planning Commission Recommendation to City Council

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, ADOPTING AN AMENDMENT TO TITLE 18 OF THE PICO RIVERA MUNICIPAL CODE PERTAINING TO THE REGULATION OF RESIDENTIAL DRIVEWAY EXPANSIONS, PORTE-COCHERES AND WALKWAYS HEREIN KNOWN AS ZONE CODE AMENDMENT NO. 165

THE CITY COUNCIL OF THE CITY OF PICO RIVERA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, existing Zoning Code, Ordinance No. 534, was adopted on April 1, 1975; and

WHEREAS, the Planning Commission of the City of Pico Rivera conducted a public hearing to amend Title 18 of the Pico Rivera Municipal Code at a legally noticed public hearing held on December 2, 2013; and

WHEREAS, the Planning Commission Adopted Resolution No. 1202 recommending approval to the City Council for Zone Code Amendment No. 165; and

WHEREAS, the City Council of the City of Pico Rivera conducted a public hearing to amend Title 18 of the Pico Rivera Municipal Code at a legally noticed public hearing held on January 14, 2014 and January 28, 2014; and

NOW, THEREFORE, be it resolved by the City Council of the City of Pico Rivera that:

SECTION 1. Pursuant to the State of California Public Resources Code and State Guidelines for the California Environmental Quality Act (CEQA), the Planning Commission finds that there is no possibility that the project will have a significant effect on the environment and as a result, no further CEQA review is necessary. This determination is in accordance with Section 15061 (b)(3) of the CEQA Guidelines that states, a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 2. The City Coucil hereby FINDS that the approval of said amendment to the Municipal Code will not be detrimental to the health, safety and welfare of the general public and recommends that the City Council concur with the determination that the amendment will not have a significant effect on the environment pursuant to Section 15061 (b)(3).

SECTION 3. Pursuant to Chapter 18.62, Article II of the Pico Rivera Municipal Code, the Planning Commission of the City of Pico Rivera hereby recommends to the City Council of the City of Pico Rivera, the approval of an Ordinance amending Title 18 of the Pico Rivera Municipal Code, modifying Chapters 18.42 and 18.44 as specifically described in draft ordinance designated herein as Attachment "A" made a part hereof and further designated as Zone Code Amendment No. 165.

SECTION 4. The City Council finds that the amendment to Title 18 of the Pico Rivera Municipal Code shall be approved for the following reasons and findings:

a) The majority of the City's single-family housing stock was constructed prior to 1960 and at such time only a single-car garage was required. Due to changing demographics and lifestyle trends, most households no longer have a single-driver and are in need of additional parking amenities.

b) That there is a vital need to adapt to the changing household driving trends by amending current regulations to provide additional options to accommodate for additional off-street parking and loading.

c) That the proposed Amendment will provide a means by which the quality of life can be protected in compliance with Objective A.1.2 of the City's General Plan. The new provisions allowing porte-cocheres will ensure that residents have the option to construct a well-designed covered area to allow for convenient loading and off-loading from their vehicles and into their residence. The new provisions will also provide additional options for residential driveway expansions to accommodate for the demographics' growing parking needs.

d) That the proposed Amendment is consistent with the spirit and integrity of the Municipal Code as to the intent of Chapters 18.42 and 18.44 pertaining to the property development and off-street parking regulations.

APPROVED AND ADOPTED this _____ day of _____, 2014 by members of the City Council of the City of Pico Rivera, voting as follows:

_____
Brent A. Tercero, Mayor

ATTEST:

_____
Anna M. Jerome, City Clerk

APPROVED AS TO FORM:

_____
Arnold M. Alvarez-Glasman, City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPROVING ZONE CODE AMENDMENT NO. 165 AMENDING TITLE 18 (ZONING) OF THE PICO RIVERA MUNICIPAL CODE PERTAINING TO THE REGULATION OF PORTE-COCHERES, DRIVEWAY EXPANSIONS AND WALKWAYS

THE CITY COUNCIL OF THE CITY OF PICO RIVERA DOES ORDAIN AS FOLLOWS:

SECTION 1. The official Zoning Ordinance of the City of Pico Rivera is hereby amended as provided in this Ordinance pursuant to public hearings both before the Planning Commission and City Council.

SECTION 2. Pursuant to the State of California Public Resources Code and State Guidelines for the California Environmental Quality Act (CEQA), the City Council finds that there is no possibility that the project will have a significant effect on the environment and as a result, no further CEQA review is necessary. This determination is in accordance with Section 15061 (b)(3) of the CEQA Guidelines that states, a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 3. The City Council finds that the amendment to the Zoning Code is consistent with the General Plan.

SECTION 4. The City Council further finds that the proposed amendment is consistent with the spirit and integrity of the Municipal Code as to the intent of Chapters 18.42 and 18.44.

SECTION 5. Table 18.44.040 (A) of Chapter 18.44 of Title 18 of the Pico Rivera Municipal code is hereby amended as follows:

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Table 18.44.040
OFF-STREET PARKING AND LOADING

	Land Use	***R-E, S-F, R-I, and PUD Zones***	***R-M Zone***
A.	***Residential Uses***	***Parking Spaces and/or Facilities Required***	***Parking Spaces and/or Facilities Required***
1.	*Single-family dwelling units, duplexes and garage conversions.*	*Two parking spaces in a garage for each dwelling unit with the exception of nonconforming dwellings requiring compliance to Section 18.54.060.*	
	a. Guesthouse	*One garage or carport attached to the guesthouse.*	
2.	*Multiple-family dwelling units*	*Two parking spaces in a garage or carport for each dwelling unit*	
	a. Apartment developments containing eight or more dwelling units		*One open guest parking space that shall be provided for each eight dwelling units or fraction thereof*
	b. Rooming houses and boarding-houses, and other similar such uses having guestrooms		*Two parking spaces in a garage or carport for each three guestrooms. In dormitories, each 100 square feet of habitable floor area shall be considered equivalent to one guestroom.*
3.	*Other uses permitted in residential zones*		
	a. Child care centers, day nurseries and such other similar uses	*One open parking space for each 300 square feet of net building floor area, or for each 10 children the facility is designed and/or licensed for, whichever is greater.*	
	b. Religious places of worship	*One open parking space for each four fixed seats or for each 40 square feet of floor area used for seating purposes and educational classrooms, whichever provides the greater number of parking places. No additional parking required for classrooms solely dedicated to the instruction of children under the age of 18. Adequate instructor parking to be provided.*	

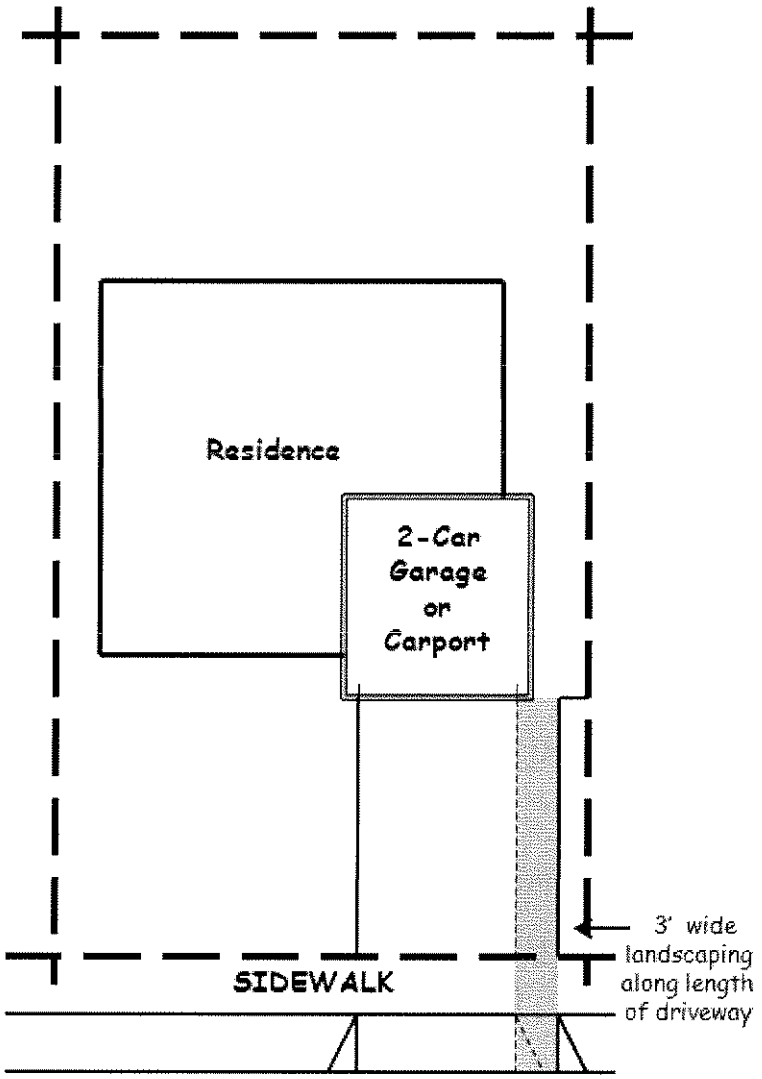
	c. Convalescent, nursing and/or resthomes	*One open parking space for each two beds and/or residents for which the facility's capacity is licensed*	
	d. Mobilehome parks		*Two open parking spaces on each mobilehome site, and one open guest parking space for each four mobilehome sites*
	e. Senior citizen housing		*One parking space for each three dwelling units*
4.	*Other applicable regulations governing off-street parking requirements*	*(1, 2-a, 3, 4-10, 18, 19, 20, 23, 24, 25, 26, 27)*	*(1, 2-a, 3,4, 6-10, 12-20, 23)*

SECTION 6. Note 2 (a)(iii) of Chapter 18.44 of Title 18 of the Pico Rivera Municipal Code is hereby amended as follows:

(iii) Existing driveways located within the front yard setback or side yard setback ~~of a corner lot~~ may be expanded beyond the width of a garage or carport, subject to the following conditions: ~~provided that the expansion not exceed a total of nine feet in width and none of the nine feet shall be located in front of the dwelling. The driveway approach shall be widened to match the driveway expansion width. Landscape screening shall also be provided between the driveway expansion and the side or rear property lines, as determined by the zoning administrator. Construction of a six-foot high block wall reduced to forty-two inches in the front setback area shall also be provided for the entire length of the driveway expansion. The driveway may also be expanded between the garage or carport and the adjoining property line or structures provided that the distance is no less than seven and one-half feet. The maximum driveway width expansion shall not exceed twelve feet. In no case shall the driveway expansion exceed twenty feet in depth from the dwelling and/or attached garage or carport, such driveway expansion requires a six-foot high solid gate to conceal visibility from the public right-of-way. Expansion of a driveway that does not lead to a garage or carport is prohibited except as permitted in Section 18.54.060 of this title. Walkways adjoining a driveway shall not exceed six feet in width and not project more than six feet into the front yard setback area except as permitted by Section 18.42.050B(27) of this title.~~

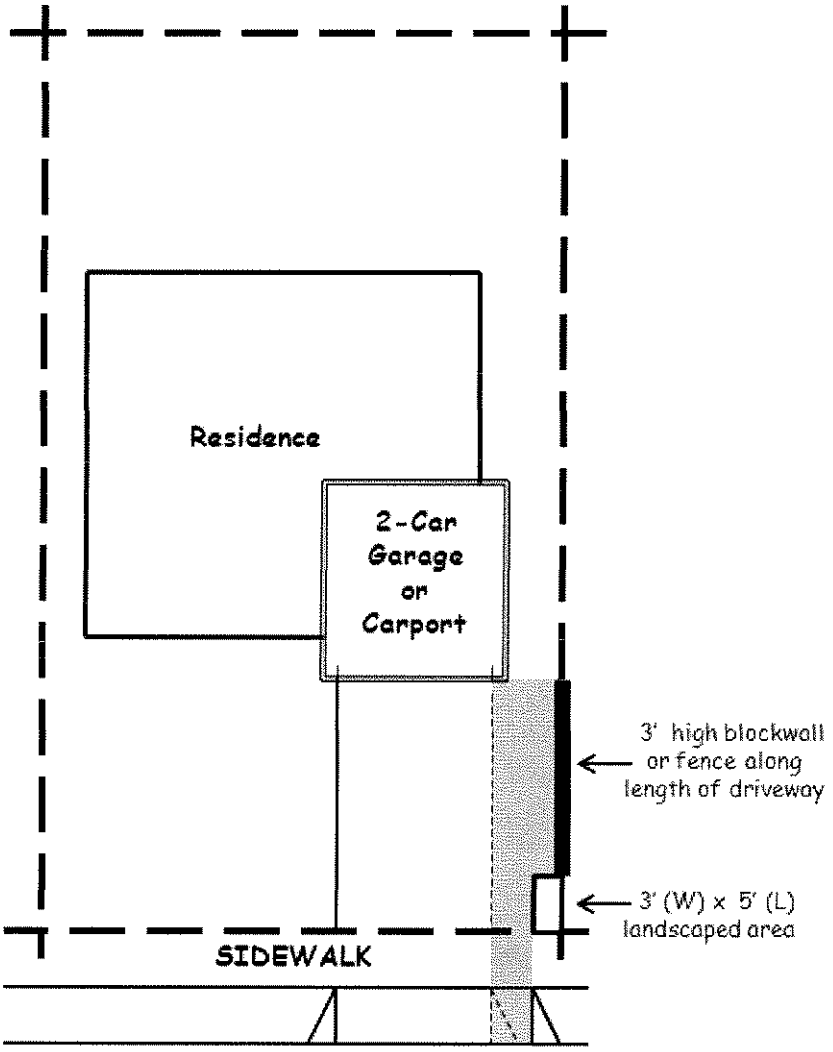
1) The driveway may be expanded between the garage or carport towards the adjoining property line provided that the driveway is separated from the side property line by a landscaped area not less than three feet in width as shown in Figure A, or;

FIGURE A



2) The driveway may be expanded between the garage or carport up to the adjoining property line provided that a minimum three-foot high blockwall, wrought iron fence, solid wooden fence or vinyl fence is installed at the property line along the entire length of the driveway. Chain link fencing, chicken wire, picket fencing, lattice and other non-decorative fencing materials are not acceptable. A three-foot wide by five-foot long landscaped planter shall also be installed at the base of the driveway adjacent to the side property line and sidewalk/street, as shown in Figure B, and;

FIGURE B



3) The driveway approach shall be widened to match the width of the driveway, in compliance with the Department of Public Works' standards and subject to necessary permits and issuance fees. Permits for improvements within the public right-of-way will only be issued to appropriately licensed and insured individuals pursuant to Chapter 12.08 of this code. Accessibility design compliance, topographic feature relocations and an engineering analysis may also be required as a condition of approval, as determined by the City Engineer, at the expense of the property owner, and;

4) Driveways, driveway expansions and driveway approaches shall not consist of asphaltic materials, stepping stones, gravel, small stones or mulch, and;

5) Driveways serving side loading garages shall maintain a minimum inside turning radius of 15'; and,

6) Expansion of a driveway that does not lead to a garage or carport is prohibited except as permitted in Section 18.54.060 of this title; and,

7) Walkways adjoining a driveway shall be subject to Section 18.42.050B(27) of this title, and;

8) In addition to provisions in Section 18.44.050 (B)(Note 2)(a)(iii)(1-7), non-conforming single-family dwellings with a legally permitted attached one-car garage or carport may expand the driveway to a maximum width of eighteen feet provided that not more than four feet of the width of the driveway is located within the frontage of the residence as shown in Figure C. Side-loading one-car garages and carports may also expand the driveway to a maximum width of eighteen feet provided that a minimum interior turning radius of 15' is provided,, as shown in Figure D. Corner lots containing a one-car garage or carport may expand the driveway to a maximum width of eighteen feet provided that no portion of the driveway nor the approach is located between the points of curvature as shown in Figure E.

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FIGURE C

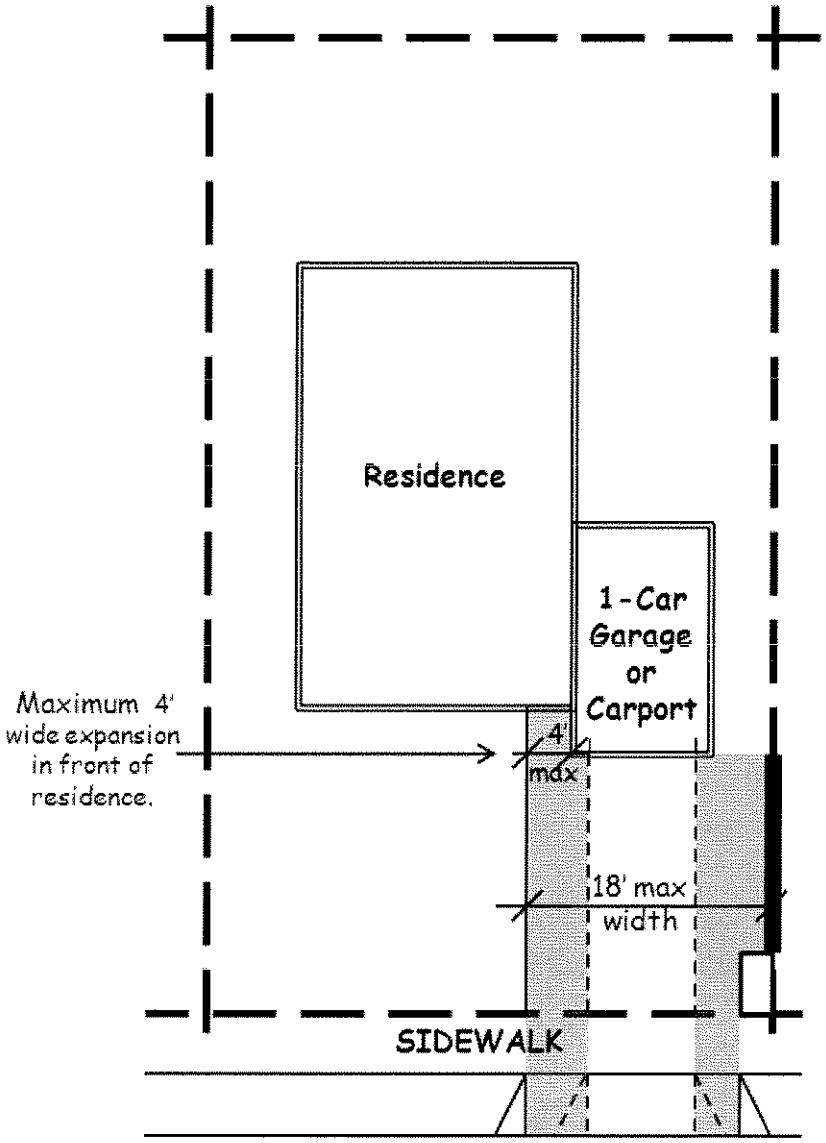

Residence
1-Car Garage or Carport
Maximum 4' wide expansion in front of residence.
4' max
18' max width
SIDEWALK

FIGURE D

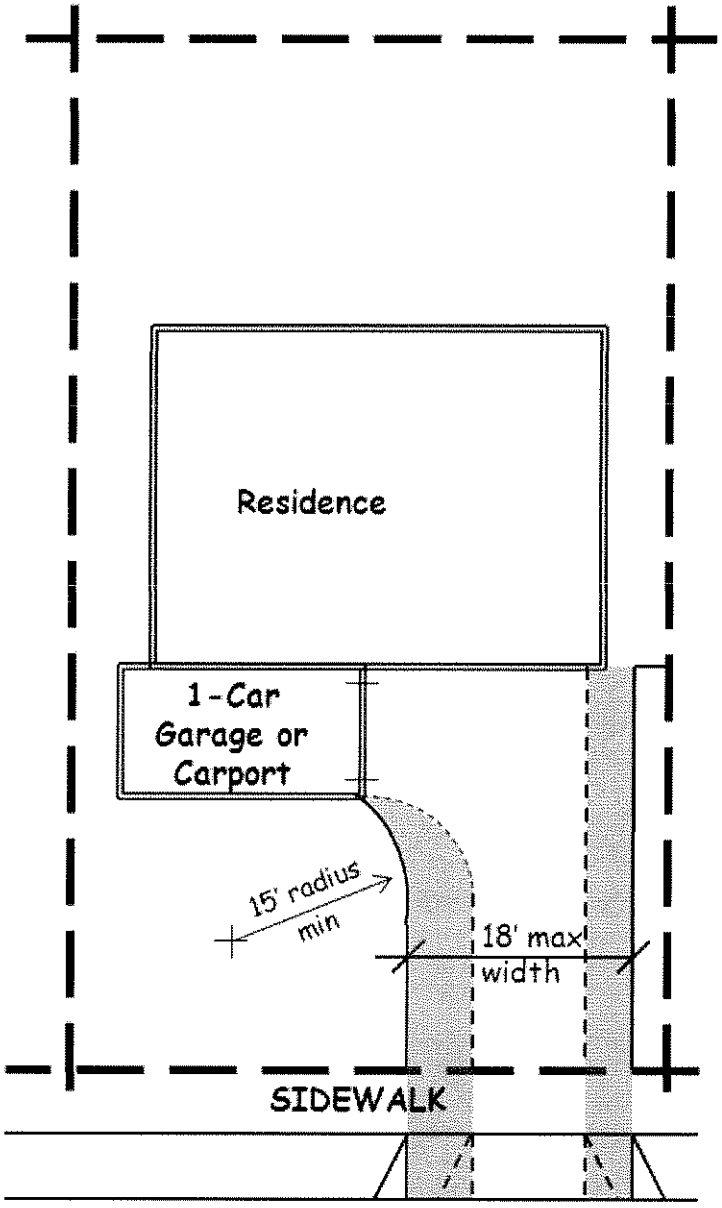
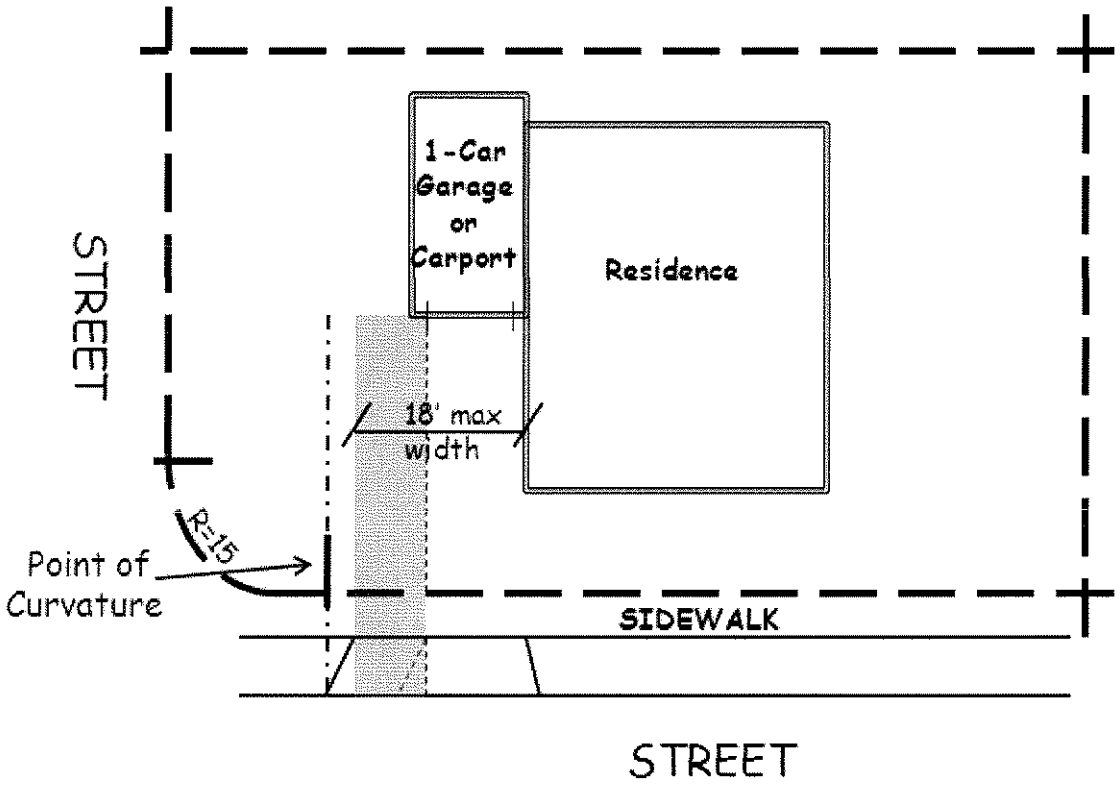

Residence
1-Car
Garage or
Carport
15' radius
min
18' max
width
SIDEWALK

FIGURE E



SECTION 7. Note 9 (a)(ii) of Chapter 18.44 of Title 18 of the Pico Rivera Municipal Code is hereby amended as follows:

(ii) All driveways shall be unencumbered from the pavement upward~~.~~, with the exception of legally permitted porte-cocheres.

SECTION 8. Note 27 of Chapter 18.44 of Title 18 of the Pico Rivera Municipal Code is hereby amended as follows:

Note 27. *~~Driveway widths cannot be expanded beyond the width of the garage.~~ Porte-cocheres shall be subject to the following conditions:*

1. *Porte-cocheres must be placed over a driveway which leads to a permitted garage or carport.*
2. *Porte-cocheres must be attached to the residence as follows:*

a. *A porte-cochere must be fully attached to the side of the residence. The porte-cochere may not project beyond the adjacent front porch, as shown in Figure F, or the adjacent street-facing residential building wall, as shown in Figure G, and shall not be located within any required setback area; or,*
b. *Properties with a permitted circular driveway may also place a porte-cochere over the circular driveway if the length of said structure is fully attached to the front of the residence, as shown in Figure H; or,*
c. *Where the existing location of an attached garage makes it impossible to place the porte-cochere attached to the side of the residence, the porte-cochere may be constructed attached to the front of the garage provided that the porte-cochere does not exceed six feet in depth and is not located within any required setback area as shown in Figure I; or,*
d. *A porte-cochere which projects beyond the adjacent street-facing residential building wall may be constructed if such porte-cochere is attached to the residence via a 5' long shared wall and maintains a 40' front-yard setback, as shown in Figure J.*

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FIGURE E

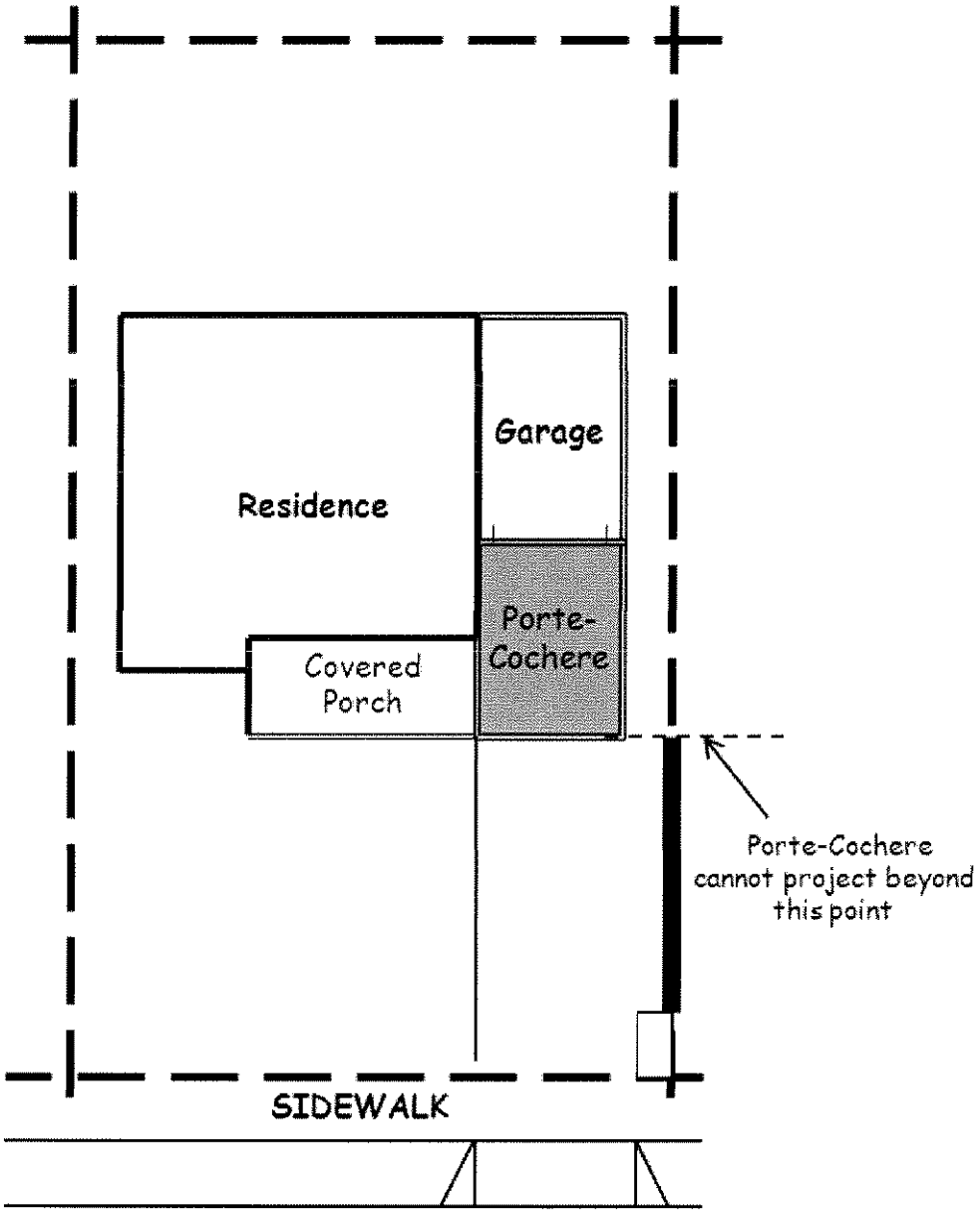

Garage
Residence
Porte-
Cochere
Covered
Porch
Porte-Cochere
cannot project beyond
this point
SIDEWALK

FIGURE G

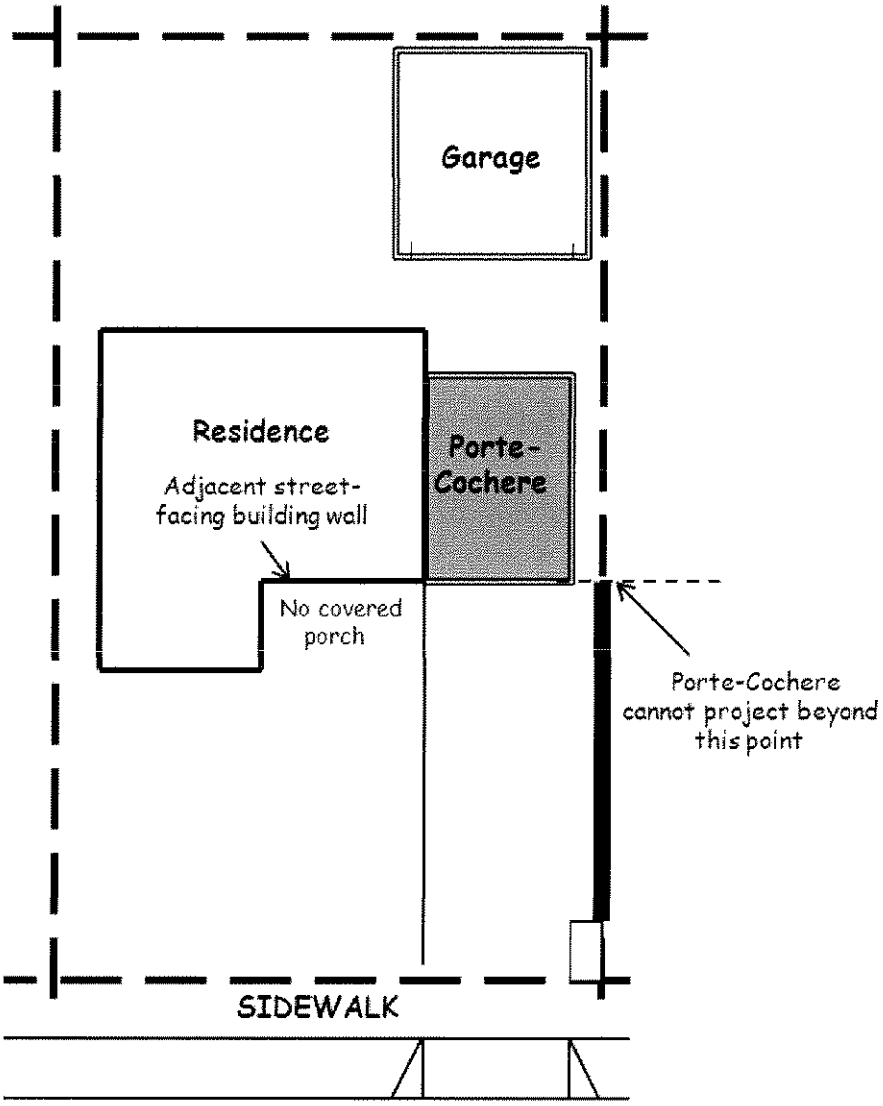

Garage
Residence
Adjacent street-facing building wall
Porte-Cochere
No covered porch
Porte-Cochere cannot project beyond this point
SIDEWALK

FIGURE H

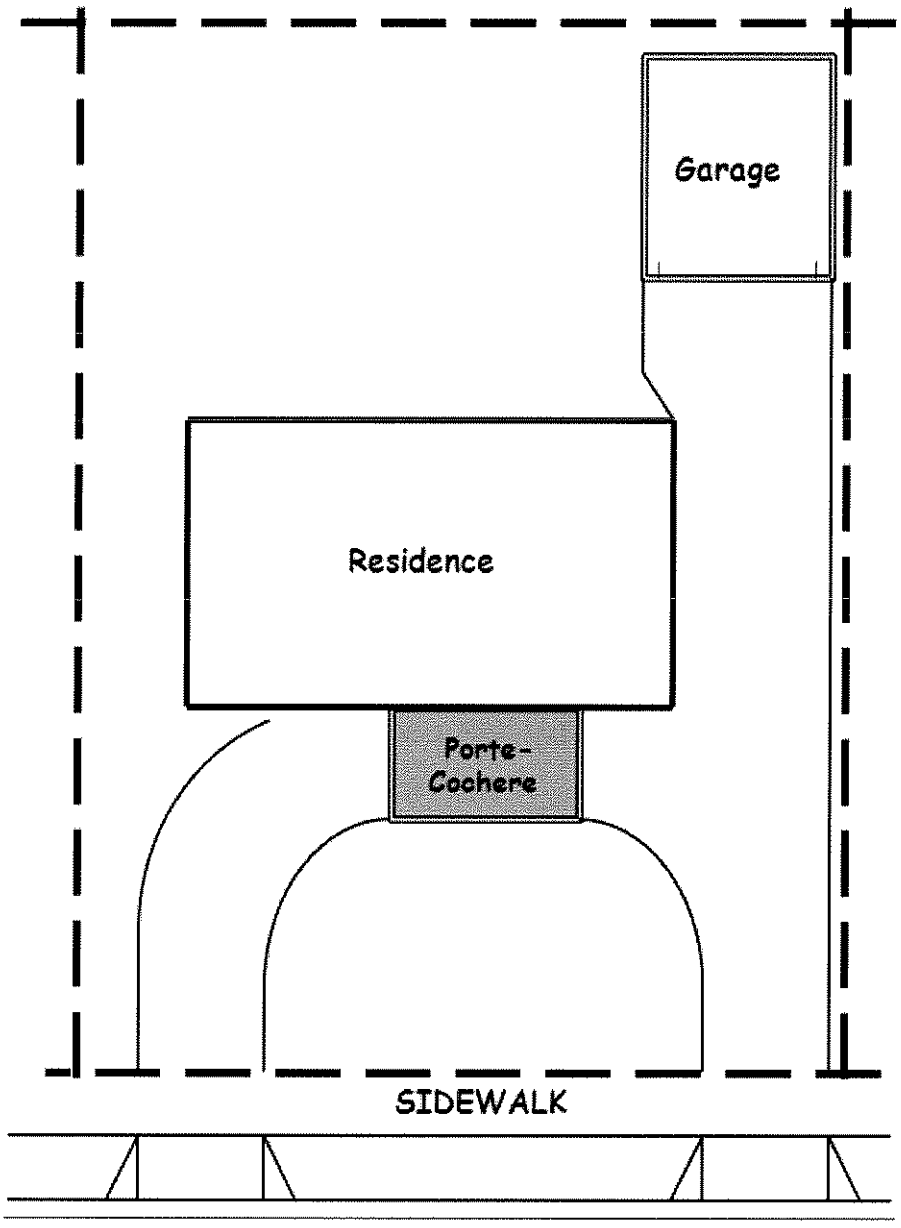


FIGURE I

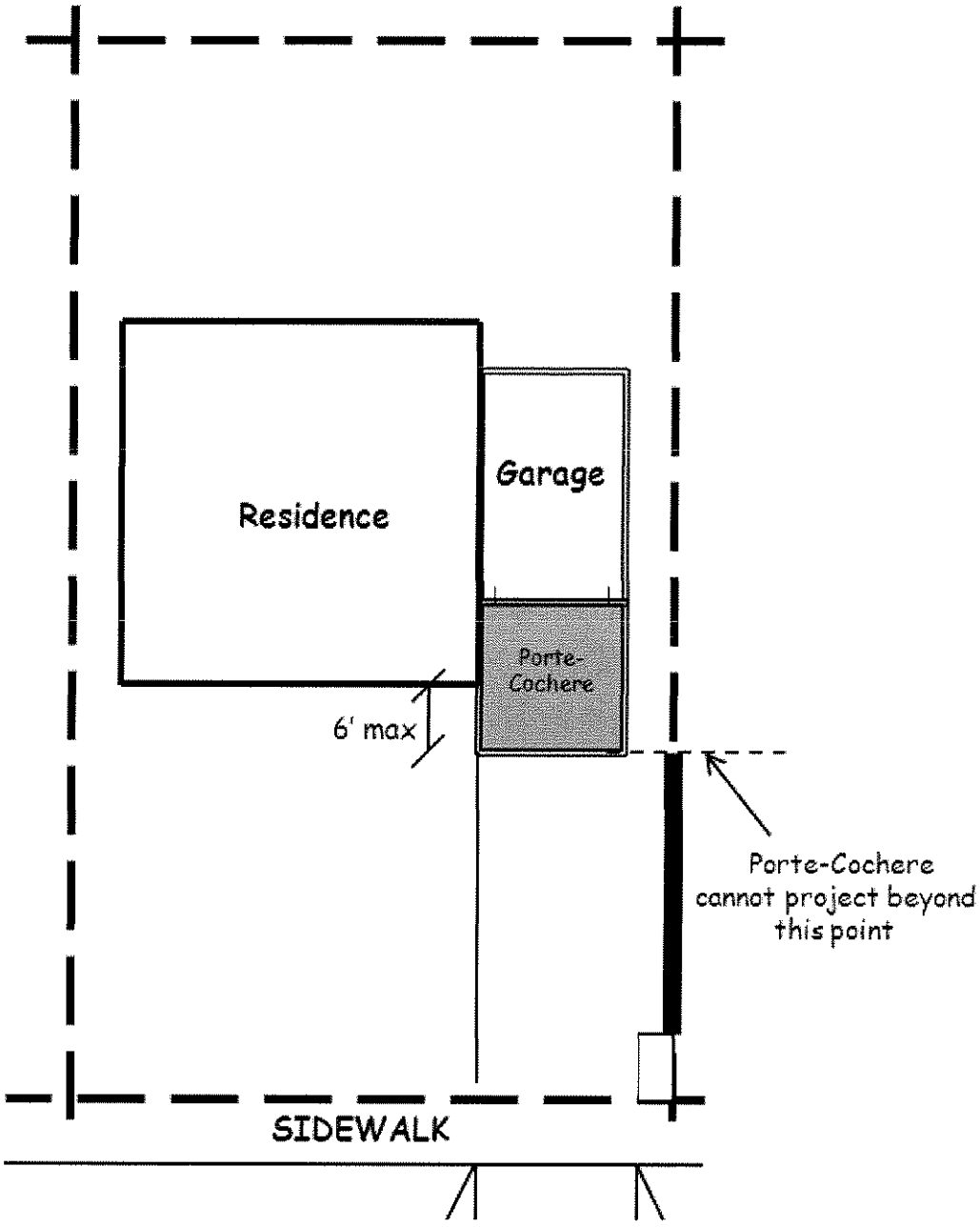
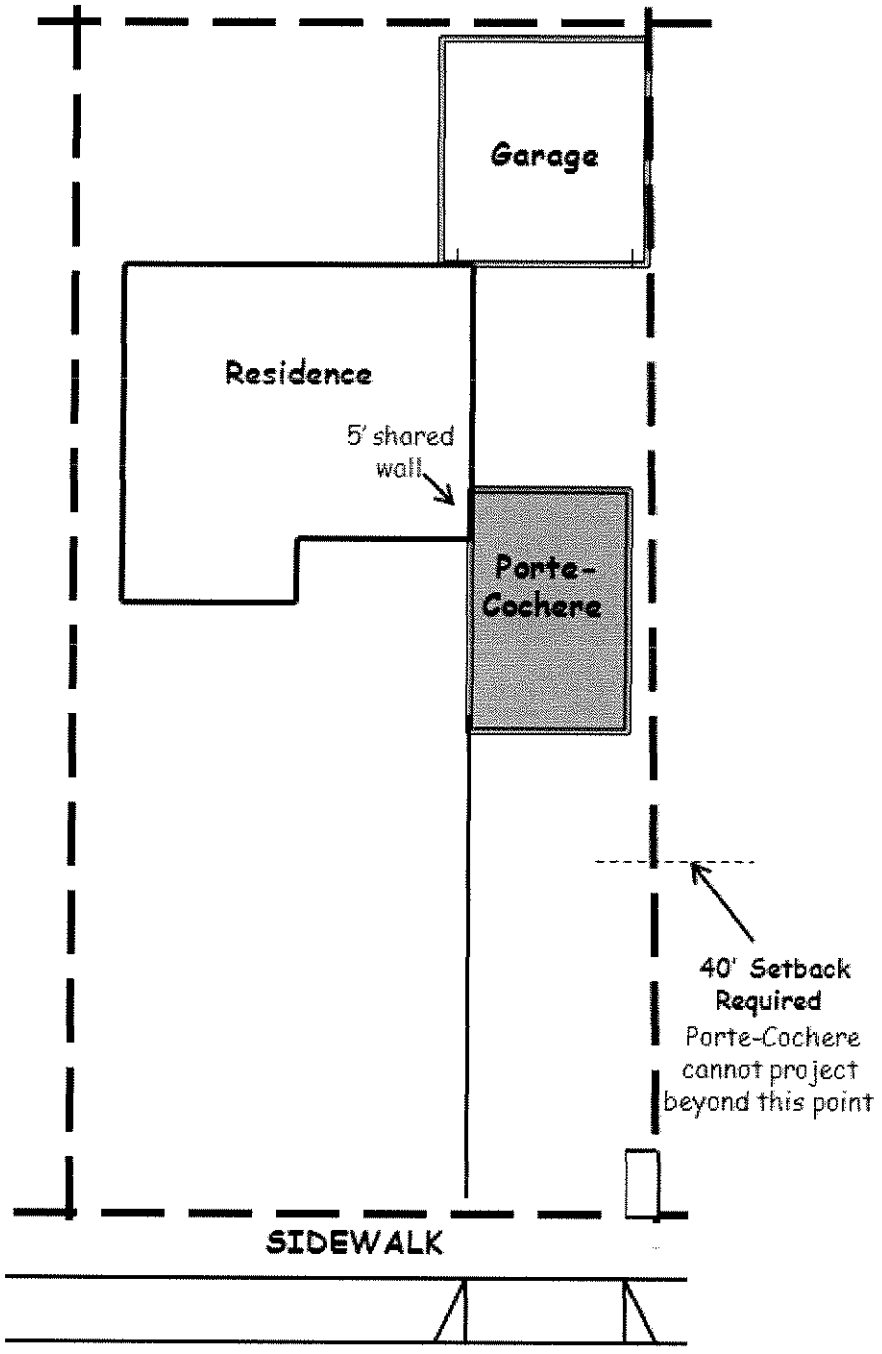

Residence
Garage
Porte-
Cochere
6' max
Porte-Cochere
cannot project beyond
this point
SIDEWALK

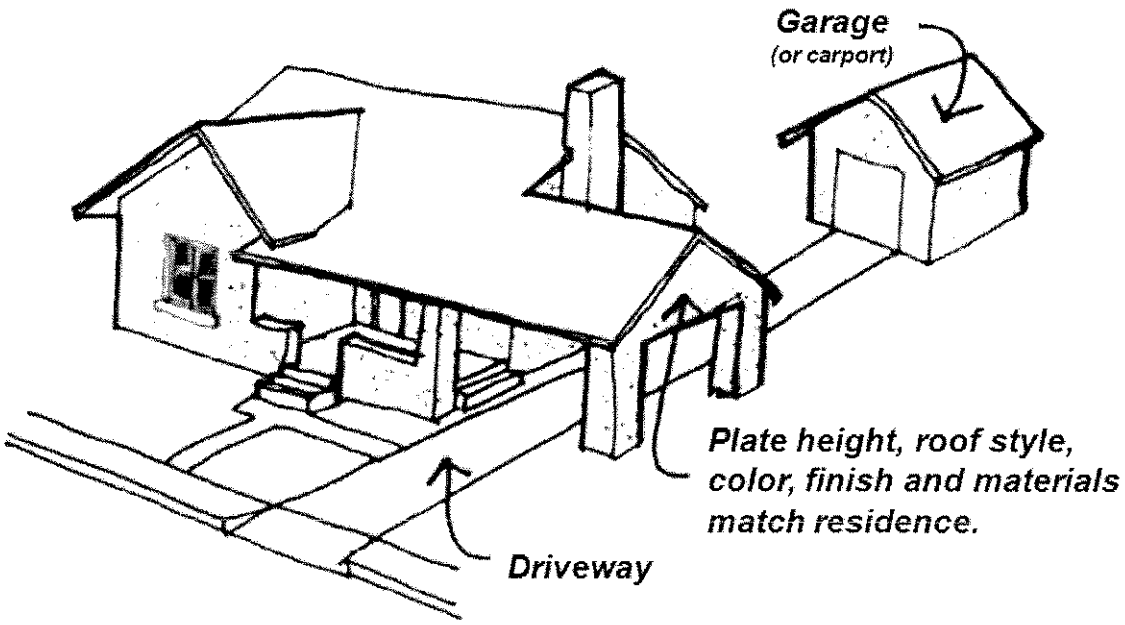
FIGURE J



3. *All porte-cocheres must comply with setback requirements except as permitted in Chapter 18.42.050 (B) Note 27.*
4. *Porte-cocheres must have a minimum width opening of nine-feet, a maximum length of forty feet and a maximum sheltering capacity of two*

vehicles at 9' x 20' per vehicle. The porte-cochere can accommodate the two vehicles in tandem or side-by-side.

5. *The roof style, colors, finish, materials and plate height of the porte-cochere shall match the residence, as shown in the following figure:*



6. *Porte-cocheres shall be limited solely to roof supporting posts or columns and shall not be enclosed nor have any walls except for the common walls of the residence and/or garage. Storage space may be provided within the attic space of the porte-cochere provided that access to the storage area is by means of a pull-down ladder. Said ladder shall remain closed when not in use. Habitable space, storage rooms and/or roof decks cannot be located above the porte-cochere.*
7. *The roof height for a porte-cochere shall not exceed the roof height of the dwelling.*
8. *Metal or plastic supporting columns are not permitted unless encased with masonry, wood or other decorative and compatible treatment so as to match the residence.*
9. *Porte-cocheres shall be used solely for the shelter of operable vehicles and shall not be used for the storage or shelter of any articles, furniture or other property.*

SECTION 9. Section 18.42.050 (B) Note 27 of Title 18 of the Pico Rivera Municipal Code is hereby amended as follows:

Note 27. *Projections Permitted into Required Yards. The following projections may be permitted to intrude or encroach into any required yard, but shall not occupy more than fifty percent of any required yard area, except paragraph e of this subsection. In the R-E and R-M zones, none of the following shall extend more than ten feet into a required front yard, and in the S-F zone, not more than six feet into a required front yard nor more than three feet into a side or rear yard, except paragraphs a, d, ~~and~~ e and i of this subsection.*

a. Arbor-type entry structures constructed or erected over driveways or other similar-type architectural features not exceeding sixteen feet in height;

b. Cornices, roof eaves, belt courses, sills, buttresses, bay windows, or such other similar architectural features;

c. Fireplace structures not exceeding a width greater than twelve feet, measured parallel with the wall or portion thereof of which it is or forms a part;

d. Stairways and balconies, open-roofed porches, platforms, walkways, and such other similar features. Walkways not exceeding ~~six~~ four-feet in width may be extended to the front property line. Walk-ways shall maintain a ~~six~~ three-foot landscaped setback from an existing driveway or a ~~three~~ one-foot setback if a raised planter is constructed of decorative block or brick between the entire length of the driveway and the walkway. The raised planter shall be permanently mounted onto the ground and must be a minimum of ~~three feet~~ one-foot in width and one-foot in height. Walkways located directly adjacent to a driveway shall consist of decorative paving materials such as brick, scored or tinted concrete, aggregate concrete or other impervious materials so as to clearly distinguish the walkway from the driveway. Such pavers shall be used either as a decorative border or throughout the entire walkway area. Non-permanent or moveable pavers such as stepping stones, pebbles and river rocks are not permitted adjacent to a driveway. Parking is not permitted on any portion of the driveway.;

e. Constructed landscape planter area not exceeding three and one-half feet in height above finished grade, natural landscape plant material and landscaping earth mounds and other similar features;

f. Planned unit developments (Column B only) permitted the following projections into the required yards:

Side yards: one-foot projection on interior lot line for fireplace or chimneys.

Rear yards: roofed, open sided patios must maintain a five-foot rear setback, inclusive of overhang. Patio coverage not to exceed fifty percent of the rear yard area. Barbecues, decks, or spas permitted to project into rear yard.

g. Residential infill zone developments permitted the following projections into required yards:

Side yards: One foot projection for fireplaces or chimneys.

Rear yards: Roofed, open sided patios must maintain a ten foot setback, inclusive of overhang. Patio and accessory coverage not to exceed fifty (50) percent of rear yard area. Patio slabs or decks may encroach within five feet of property line.

h. Such other features which, in the opinion of the zoning administrator, will produce desired effects not detrimental to the general nature and character of the area.

i. Porte-cochere structures may encroach up to two-feet into the required interior side-yard setback of single-family zoned lots, inclusive of the overhang. Porte-cochere structures may also project up to six-feet into the required front-yard setback if attached to a permitted front porch. In such cases, the porte-cochere shall maintain the same setback as the front porch but shall not project more than six feet into the required front-yard setback.

SECTION 10. Severability. The City Council hereby declares that it would have passed this ordinance sentence by sentence, paragraph by paragraph, and section by section and does hereby declare that the provisions of this Ordinance are severable, and if, for any reasons, any sentence, paragraph, or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 11. The City Clerk shall certify to the adoption of this Ordinance. The City Council hereby finds that there are not newspapers of general circulation published and circulated within the City. The City Clerk shall therefore cause this Ordinance to be posted in five public places within the City as specified in the Pico Rivera Municipal Code within fifteen days of its final passage and this Ordinance shall take effect thirty days following its final passage.

[Signatures on following page]

APPROVED AND ADOPTED this _____ day of _____, 2014 by members of the City Council of the City of Pico Rivera, voting as follows:

_____
Brent A. Tercero, Mayor

ATTEST:

_____
Anna M. Jerome, City Clerk

APPROVED AS TO FORM:

_____
Arnold M. Alvarez-Glassman, City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:

RESOLUTION NO. 1210

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PICO RIVERA, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF ZONE CODE AMENDMENT NO. 165 AMENDING TITLE 18 PERTAINING TO THE REGULATION OF RESIDENTIAL DRIVEWAY EXPANSIONS, PORTE-COCHERES AND WALKWAYS

THE PLANNING COMMISSION OF THE CITY OF PICO RIVERA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, existing Zoning Code, Ordinance No. 534, was adopted on April 1, 1975; and

WHEREAS, the Planning Commission of the City of Pico Rivera held a legally noticed public hearing on March 4, 2013 and adopted Resolution No. 1204 recommending City Council approval of Zoning Code Amendment No. 165; and,

WHEREAS, the City Council of the City of Pico Rivera held a legally noticed public hearing on March 26, 2013 and did not approve the recommended amendment; and,

WHEREAS, the City Council of the City of Pico Rivera directed staff to conduct further research on the proposed regulations for porte-cocheres to allow greater flexibility on the location and setbacks of such structures; and,

WHEREAS, the Planning Commission of the City of Pico Rivera conducted a public hearing on the matter of amendment to Title 18 of the Pico Rivera Municipal Code at a legally noticed public hearing held on October 14, 2013 and December 2, 2013; and

WHEREAS, this resolution supersedes Resolution No. 1204 adopted by the Planning Commission on March 4, 2013; and,

NOW, THEREFORE, be it resolved by the Planning Commission of the City of Pico Rivera that:

SECTION 1. Pursuant to the State of California Public Resources Code and State Guidelines for the California Environmental Quality Act (CEQA), the Planning Commission finds that there is no possibility that the project will have a significant effect on the environment and as a result, no further CEQA review is necessary. This determination is in accordance with Section 15061 (b)(3) of the CEQA Guidelines that states, a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 2. The Planning Commission hereby FINDS that the approval of said

amendment to the Municipal Code will not be detrimental to the health, safety and welfare of the general public and recommends that the City Council concur with the determination that the amendment will not have a significant effect on the environment pursuant to Section 15061 (b)(3).

SECTION 3. Pursuant to Chapter 18.62, Article II of the Pico Rivera Municipal Code, the Planning Commission of the City of Pico Rivera hereby recommends to the City Council of the City of Pico Rivera, the approval of an Ordinance amending Title 18 of the Pico Rivera Municipal Code, modifying Chapters 18.42 and 18.44 as specifically described in draft ordinance designated herein as Attachment "A" made a part hereof and further designated as Zone Code Amendment No. 165.

SECTION 4. Further, this Resolution with staff report and the recommended Ordinance attached hereto in this matter shall constitute a report of the Planning Commission to the City Council.

SECTION 5. The Planning Commission finds that the amendment to Title 18 of the Pico Rivera Municipal Code shall be approved for the following reasons and findings:

a) The majority of the City's single-family housing stock was constructed prior to 1960 and at such time only a single-car garage was required. Due to changing demographics and lifestyle trends, most households no longer have a single-driver and are in need of additional parking amenities.

b) That there is a vital need to adapt to the changing household driving trends by amending current regulations to provide additional options to accommodate for additional off-street parking and loading.

c) That the proposed Amendment will provide a means by which the quality of life can be protected in compliance with Objective A.1.2 of the City's General Plan. The new provisions allowing porte-cocheres will ensure that residents have the option to construct a well-designed covered area to allow for convenient loading and off-loading from their vehicles and into their residence. The new provisions will also provide additional options for residential driveway expansions to accommodate for the demographics' growing parking needs.

d) That the proposed Amendment is consistent with the spirit and integrity of the Municipal Code as to the intent of Chapters 18.42 and 18.44 pertaining to the property development and off-street parking regulations.

APPROVED AND ADOPTED this 2nd day of December, 2013 by members of the Planning Commission of the City of Pico Rivera, voting as follows:

Tommy Elizaldez, Chairperson

ATTEST:

Benjamin A. Martinez, Secretary
Planning Commission
Community and Economic Development Director

APPROVED AS TO FORM:

John W. Lam, Assistant City Attorney

AYES: Celiz, Elisaldez, Garcia, Martinez, Zermeno
NOES:
ABSENT:
ABSTAIN:

CITY COUNCIL **AGENDA REPORT**

To: Mayor and City Council

From: City Manager

Meeting Date: January 28, 2014

Subject: PUBLIC HEARING: ZONE CODE AMENDMENT NO. 172 AND ZONE RECLASSIFICATION NO. 315 TO AMEND TITLE 18, *ZONING* OF THE PICO RIVERA ZONING ORDINANCE AND PER THE ADOPTED 2014-2021 HOUSING ELEMENT

Recommendation:

1. Introduce the attached ordinances, amending Title 18 of the Pico Rivera Municipal Code adding state required provisions as adopted in the 2014-2021 Housing Element and minor changes to development standards; and

2. Adopt the resolutions approving the zone code amendments, zone reclassification and establishing a fee for a reasonable accommodations application of $70 for minor residential additions and $345 for new structures.

Fiscal Impact: None.

Background:

On October 8, 2013 the City Council adopted the 2014-2021 Housing Element as part of the Pico Rivera General Plan. State law now requires the City to implement the action statements as written in the Housing Element by February 11, 2014. The action statements require the City to update the zoning ordinance incorporating a series of state laws that prohibit discrimination in affordable housing. Staff is also recommending that minor changes to the development standards be amended to encourage development on major thoroughfares.

On January 6, 2014, the Planning Commission approved a recommendation by resolution to the City Council to amend the zoning ordinance per state law, the 2014-2021 Housing Element and minor changes to development standards.

The following is a summary of items incorporated into the 2014-2021 Housing Element required by the state to be amended into the zoning ordinance by February 11, 2014.

1. Density Bonus. Allows a greater density up to 35% for residential housing above the City's maximum subject to the prescribed ratio of affordable housing provided.
2. Reasonable Accommodations. Allows disabled applicants to apply for variances from development standards to provide equal and adequate housing. Allows cities to establish an application fee. Staff recommends a fee of $345 for new structures and $70 for minor residential additions similar to existing fees for zoning plan check review established by the 2009 City of Pico Rivera fee study.
3. Single Room Occupancy (SROs). Permits the development and conversion of existing buildings into 200-400 square feet units to provide a source of affordable housing.
4. Second Unit Dwellings. Also known as "Granny Flats" permits the ministerial development of second units.
5. By-right housing developments. Requires cities to eliminate entitlements for the development of multi-family housing.
6. Supportive and Transitional Housing. Requires that cities permit supportive and transitional housing only subject to those restrictions that apply to other residential dwellings. Supportive housing is permanent rental housing linked to a range of support services designed to enable residents to maintain stable housing. Transitional housing is a type of supportive housing to facilitate the movement of homeless individuals and families to permanent housing.
7. Community Care Facilities. Requires that cities permit community care facilities to provide nonmedical residential care, day treatment, adult day care or foster family agency services to children and/or adults with six or less occupants in residential zones.
8. Emergency Shelter Overlay Zone. Requires that cities designate an area to permit homeless shelters limited to an occupancy of six months or less. Through the adopted 2014-2021 Housing Element, the City identified an area bordered by Beverly Boulevard to the north, Tobias Road to the west, San Gabriel River to the east and the Union Pacific Railroad to the south. The underlying zones within this industrial area would remain the same.

Staff is also recommending that the height and interior side setbacks between buildings in the General-Commercial (C-G) zone be amended to encourage new development. The C-G zone is mainly found along major thoroughfares throughout the City such as Rosemead, Washington and Beverly Boulevard. An increase in height would help to encourage development of adequately sized buildings to meet parking demands and help a project make financial sense. Staff recommends that the height be raised from 38 feet to 42 feet, similar to the existing Professional and Administrative Zone also found along major thoroughfares throughout the City. Inclusive, staff has found that requiring a five foot (interior) side setback between buildings for every story above two prohibits new development. As such, staff recommends that the side setback for developments in the C-G zone be limited to five feet with the submittal of a landscape plan and line of sight analysis.

Environmental Review:

Pursuant to the State of California Public Resources Code and the California Environmental Quality Act (CEQA), staff finds the environmental impacts of this action were reviewed in the Mitigated Negative Declaration conducted for the 2014-2021 Housing Element Update adopted on October 8, 2013. The proposed action is not a project pursuant to Public Resources Code Section 21080(a) and Section 15002(i) of the CEQA Guidelines, which indicate that CEQA applies to discretionary projects carried out or approved by public agencies. There is no possibility that the project will have a significant effect on the environment and as a result, no further CEQA review is necessary. This determination is in accordance with Section 15061 (b) (3) of the CEQA Guidelines that states, a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion:

The eight amendments as described above were incorporated in the 2014-2021 Housing Element and are required to be adopted by state law to assist in the development of affordable housing. By not adopting these amendments the City would be in conflict with state law, subject to legal scrutiny, and would be limited to the standards as prescribed in state law versus the additional standards recommended in the draft ordinance. The amendments to the height and side setbacks in the C-G zone are

recommended to encourage development on major thoroughfares as the existing standards have been found by staff to discourage new development.

Ronald Bates

RB:BM:JG:ll

Attachments:

1.) ZCA No. 172 Ordinance
2.) ZCA No. 172 Resolution
3.) ZR No. 315 Ordinance
4.) ZR No. 315 Resolution
5.) ZCA No. 172 Planning Commission Resolution
6.) ZR No. 315 Planning Commission Resolution
7.) Mitigated Negative Declaration

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AMENDING TITLE 18, *ZONING*, OF THE PICO RIVERA ZONING ORDINANCE AMENDING HEIGHT, SIDE SETBACKS, DEFINITIONS AND ADDING THE PROVISIONS FOR DENSITY BONUS, REASONABLE ACCOMMODATIONS UNDER THE FAIR HOUSING ACT, SINGLE-ROOM OCCUPANCY (SROs), TRANSITIONAL HOUSING, SUPPORTIVE HOUSING, COMMUNITY CARE FACILITIES, SECOND UNIT DWELLINGS AND THE CREATION OF AN EMERGENCY SHELTER OVERLAY ZONE DESIGNATED HEREIN AS ZONE CODE AMENDMENT NO. 172

WHEREAS, pursuant to its police power, the City may enact and enforce laws within its boundaries which promote the public health, morals, safety, or general welfare of the community, and are not in conflict with general laws;

WHEREAS, comprehensive zoning regulations lie within the police power of the City;

WHEREAS, On October 8, 2013 the City Council adopted the 2014-2021 Housing Element, a plan which promised action via zoning ordinance amendments and text changes in conformity with state law, which included the amendments contained herein;

WHEREAS, in 2004, the California State Legislature enacted SB 1818 revising several aspects of the density bonus law related to the provision of affordable housing (Government Code Section 65915) for which affordable housing projects would be eligible based on the percentage of affordable units provided in a project; requiring localities to offer a minimum of one to three incentives based on the type of affordable housing project; introducing land donations, and inclusion of child care facilities in developments as a means of obtaining a density bonus; and

WHEREAS, state housing law requires jurisdictions to provide density bonuses and development incentives to all developers who propose to construct affordable housing on a sliding scale, where the amount of density bonus and number of incentives vary according to the amount of affordable housing units provided consistent with the provisions of Government Code Section 65915;

WHEREAS, the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation in their land use and zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities an equal opportunity to housing;

WHEREAS, the City finds it necessary to amend the Zoning Code to add a formal procedure for the granting of reasonable accommodation to persons with disabilities;

WHEREAS, state housing law requires each local government Housing Element to include

an analysis of the special housing needs of the disabled and to identify resources to address the housing need of the disabled which can include local land use and zoning constraints;

WHEREAS, State housing law requires each local government Housing Element to include an analysis of the special housing needs of the disabled, including the developmentally disabled, and to identify resources to address the housing need of the disabled which can include local land use and zoning constraints;

WHEREAS, state housing law requires each local government Housing Element to include the removal of governmental constraints with respect to second dwelling units pursuant to state law; and

WHEREAS, state law requires the ministerial approval of community care facilities with less than seven occupants; and

WHEREAS, state law requires the approval ministerial approval of transitional, supportive and Single Room Occupancy (SROs); and

WHEREAS, the state requires the removal of development of constraints and the City desires to encourage development in General-Commercial (C-G) zoned areas by making minor amendments to the height and interior side setbacks; and

WHEREAS, the City Council of the City of Pico Rivera desires to amend the Pico Rivera Municipal Code as set forth herein.

THE CITY COUNCIL OF THE CITY OF PICO RIVERA DOES ORDAIN AS FOLLOWS:

SECTION I. Pursuant to the State of California Public Resources Code and State Guidelines for the California Environmental Quality Act (CEQA), the City Council finds the environmental impacts of this action were reviewed in the Mitigated Negative Declaration conducted for the 2014-2021 Housing Element Update adopted on October 8, 2013. It can be seen with certainty that there is no possibility that the actions identified herein will have a significant effect on the environment beyond that which was analyzed in the Mitigated Negative Declaration. Therefore, the proposed action is exempt from CEQA.

This proposed action is not a project pursuant to Public Resources Code Section 21080(a) and Section 15002(i) of the CEQA Guidelines, which indicate that CEQA applies to discretionary projects carried out or approved by public agencies. The proposed actions herein are ministerial actions in that the Housing Element requires that the City take the actions identified in the Housing Element as submitted and approved by the California Department of Housing and Community Development.

To the extent that the actions constitute a project, there is no possibility that the project will have a significant effect on the environment and as a result, no further CEQA review is necessary. This determination is in accordance with Section 15061 (b) (3) of the CEQA Guidelines that states, a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 2. The City Council finds that the proposed amendments are consistent with the spirit and integrity of the General Plan and the recently adopted 2014-2021 Housing Element, as the purpose of the code is to protect the public health, safety and general welfare of the public.

SECTION 3. Title 18, *Zoning*, of the Pico Rivera Zoning Ordinance is herby amended to redefine family and include a definition for Integrated family, Community Care Facility, Second Unit Dwelling, Emergency Shelter, Integrated Household, Single-Room Occupancy (SRO) Unit, Emergency Shelter, Supportive Housing, Transitional Housing; include provisions for Density Bonus, Reasonable Accommodations under the Fair Housing Act, Single-Room Occupancy (SROs), Transitional Housing, Supportive Housing, Community Care Facilities, Second Unit Dwellings, the creation of an Emergency Shelters Overlay Zone and amend regulations pertaining to height and setbacks.

SECTION 4. Section 18.04.360, *Definitions*, of Title 18 of the Zoning Ordinance of the Pico Rivera Municipal Code is hereby amended to read as follows:

18.04.360 Family.

"Family" means one or more persons related or unrelated, living together as a single integrated household ~~by blood or marriage, or not more than five persons not related by blood or marriage, excluding servants, but living together as a single household~~ in a dwelling unit.

SECTION 5. Chapter 18.04, *Definitions*, of Title 18 of the Pico Rivera Zoning Ordinance is hereby amended to add the following definitions:

18.04.242 Community Care Facility.

"Community Care Facility" means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes the types of facilities listed in the California Health and Safety Code Section 1500-1518 (California Community Care Facilities Act).

18.04.332 Dwelling Unit, Second.

"Second dwelling unit" means a second permanent dwelling that is accessory to a primary dwelling on the same site. A secondary unit provides complete, independent living facilities for one or more

persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

18.04.353 Emergency Shelter.

"Emergency shelter" means a facility that provides immediate and short term housing and supplemental services to homeless persons or families. Supplemental services may include food, counseling, and access to other social programs.

18.04.463 Household, Integrated.

"Integrated Household" means one or more persons living together who function as a united group.

18.04.728 Single-Room Occupancy (SRO) Unit.

"Single Room Occupancy Unit" also known as an efficiency unit and considered a type of transitional housing, means housing consisting of single-room dwelling units typically with no more than 400 square feet of habitable space that is the primary residence of its occupant or occupants. The unit must contain either food preparation or sanitary facilities (and may contain both). An accessory structure (i.e. garage) does not qualify as an SRO.

18.04.777 Supportive Housing.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

18.04.787 Transitional Housing.

"Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

SECTION 6. Chapter 18.42, *Property Development Regulations*, of Title 18 of the Pico Rivera Zoning Ordinance is hereby amended to include the following:

Article III.

DENSITY BONUS PROVISIONS

Sections:
18.42.140 Intent and Purpose.
18.42.150 Types of Bonuses and Incentives Allowed.
18.42.160 Additional Density Bonus for Donations of Land.

18.42.170 Condominium Conversions.
18.42.180 Childcare Facilities.
18.42.190 General Provisions Governing Density Bonus Calculations.
18.42.200 Incentives and Concessions for Affordable Housing.
18.42.210 Waivers and Modifications of Development Standards.
18.42.220 Parking Incentives.
18.42.230 Standards for Density Bonus Housing Developments.
18.42.240 Application Requirements.
18.42.250 Application Review.
18.42.260 Developer Affordable Housing Agreement.

18.42.140 Intent and Purpose.

This chapter provides incentives for the development of housing that is affordable to the types of households and qualifying residents identified in Section 18.42.150, below. The incentives include the ability to construct up to thirty-five percent (35%) more residential dwelling units than the maximum residential density permitted by the applicable general plan designation and applicable zoning, and other incentives provided by this chapter. In offering these incentives, this chapter is intended to implement the requirements of state law (Government Code Sections 65302, 65913, and 65915-65918 et seq). In enacting this chapter, the City also intends to implement the goals, objectives and policies of the City's General Plan Housing Element to encourage the production of affordable housing in the City.

18.42.150 Types of Bonuses and Incentives Allowed.

A. Very Low And Lower Income Housing And Senior Citizen Housing: Upon written request to the city, an applicant for a housing development is eligible for one density bonus of twenty percent (20%) over the maximum residential density (except in the case of senior citizen housing, as provided below), provided that the applicant agrees to construct the housing development in accordance with one of the following criteria:

1. Very Low Income Households: Five percent (5%) of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable rent or ownership costs to very low income households; or

2. Lower Income Households: Ten percent (10%) of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable rent or ownership costs to lower income households; or

3. Senior Citizen Housing Development: For senior citizen housing developments, the density bonus shall be twenty percent (20%) of the number of senior housing units provided.

B. Moderate Income Housing: Upon written request to the city, an applicant for a housing development is eligible for one density bonus of five percent (5%) over the maximum

residential density if the applicant agrees to construct the housing development in accordance with all of the following criteria:

1. At least ten percent (10%) of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable ownership costs to moderate income households; and

2. The housing development is a common interest project as defined by section 1351 of the California Civil Code; and

3. All of the dwelling units in the housing development are offered for sale to the public.

C. Higher Density Bonus For Greater Contribution Of Affordable Units: Upon written request to the city, an applicant for a housing development that is eligible for a density bonus based upon the contribution of affordable units, may receive a higher amount of density bonus if the percentage of very low, lower, and moderate income housing units exceeds the base percentage established in subsection A or B of this section, as follows:

1. Very Low Income Units: For each one percent (1%) increase above five percent (5%) in affordable units for very low income households, the density bonus shall be increased by two and one-half percent (2.5%) up to a maximum of thirty five percent (35%), as follows:

Table 1: Very Low Income Units	
Percentage of Very Low Income Units	**Percentage of Density Bonus**
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

2. Lower Income Units. For each one percent (1%) increase above ten percent (10%) in the affordable units for lower income households, the density bonus shall be increased by one and one-half percent (1.5%) up to a maximum of theory-five percent (35%), as shown in Table 2:

Table 2: Lower Income Units	
Percentage of Very Low Income Units	**Percentage of Density Bonus**
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

3. Moderate Income Units. For each one percent (1%) increase above ten percent (10%) in affordable units offered for sale to moderate income households, the density bonus shall be increased by one percent (1%) up to maximum thirty-five percent (35%), as shown in Table 3:

Table 3: Moderate Income Units	
Percentage of Very Low Income Units	**Percentage of Density Bonus**
10	5
11	6
12	7
13	8
14	9

15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32

38	33
39	34
40	35

D. Continued Affordability: Affordable units qualifying a housing development for a density bonus shall remain affordable as follows:

1. Very low income and low income household units shall remain affordable to the designated income group for a minimum of thirty (30) years, or for a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the dwelling units.

2. Moderate income household units shall remain affordable for a minimum of thirty (30) years, or for a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program applicable to the dwelling units.

3. Upon resale, the city shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The equity sharing agreement shall include the following provisions:

a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy as defined in subsection D(3)(b) of this section, and its proportionate share of appreciation, as defined in subsection D(3)(c) of this section, which amount shall be used within five (5) years for any of the purposes described in Health and Safety Code section 33334.2(e).

b. The city's initial subsidy shall be equal to the fair market value of the home at the time of the initial sale minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

c. The city's proportionate share of appreciation shall be equal to the ratio of the city's initial subsidy to the fair market value of the home at the time of initial sale.

4. Any contract, deed restriction, or other instrument used to implement the continued affordability pursuant to this section, shall be signed by the applicant and by the city as parties. If the housing development is located in or found by the Pico Rivera Housing Assistance Agency to benefit a previously identified redevelopment project area, such contract, deed restriction, or other instrument shall be signed by the Pico Rivera Housing Assistance Agency as a party or, at the Pico Rivera Housing Assistance Agency's election, the contract, deed restriction, or other instrument shall identify the

Pico Rivera Housing Assistance Agency as an express third party beneficiary with the right to enforce the terms of such contract, deed restriction, or other instrument.

E. Specification of Basis for Density Bonus: Each applicant who requests a density bonus pursuant to this section, shall elect whether the bonus will be awarded on the basis of subsection A.1, A.2, A.3 or B of this section. Each housing development is entitled to only one density bonus, which may be selected based on the percentage of either very low income affordable housing units, lower income affordable housing units or moderate income affordable housing units, or the development's status as a senior citizen housing development.

18.42.160 Additional Density Bonus for Donations of Land.

A. Land Suitability: Upon written request, when an applicant for a tentative map, subdivision map, parcel map, or other residential development approval qualified for a density bonus pursuant to section 18.42.150 of this article also donates land to the city in accordance with this section, the applicant shall be entitled to an additional density bonus. Applicants donating land to the city shall be eligible for an additional fifteen percent (15%) density bonus at the site of the housing development if the donated land is suitable for the construction of very low income units equaling at least ten percent (10%) of the market rate units being constructed for the project. The density bonus provided pursuant to this section shall be in addition to any density bonus granted pursuant to section 18.42.150 of this article, up to a maximum combined density bonus of thirty five percent (35%).

B. Qualification Criteria: To qualify for the additional density bonus described in subsection A of this section, the donation of land must meet all of the following criteria:

1. The tentative map, subdivision map, parcel map, or other residential development must otherwise be subject to a density bonus pursuant to section 18.42.150 of this article; and

2. The land must be transferred no later than the date of the approval of the final subdivision map, parcel map, or housing development application; and

3. The developable acreage and zoning classification of the land being transferred must be sufficient to permit construction of dwelling units affordable to very low income households in an amount not less than ten percent (10%) of the total number of market rate dwelling units in the proposed development (i.e., the proposed development before the addition of any density bonus); and

4. The donated land is at least one acre in size or is large enough to permit development of at least forty (40) units, has the appropriate general plan land use designation, has the appropriate zoning and development standards for affordable housing and, at the time of project approval is, or at the time of construction will be, served by adequate public facilities and infrastructure; and

5. No later than the date of approval of the final map, parcel map, or other development application for the housing development, the donated land must have all of the

applicable permits and approvals (other than building permits) necessary for the development of the very low income housing units on the donated land, except that the city may subject the proposed housing development to subsequent design review to the extent authorized by California Government Code section 65583.2 subsection (i) if the design is not reviewed by the city prior to the time of transfer; and

6. The donated land is subject to a deed restriction ensuring continued affordability of the very low income units consistent with subsection 18.42.150 (D) of this article, which deed restriction shall be recorded upon the donated property at the time of its transfer; and

7. The land will be transferred to the city, the Pico Rivera Housing Assistance Agency, or to a housing developer approved by the city. The city reserves the right to require the applicant to identify a developer and to require that the land be transferred to that developer; and

8. The land is within the boundary of the proposed housing development or within one-fourth (1/4) mile of the boundary of the proposed housing development; and

9. No later than the date of approval of the final map, parcel map, or other development application for the housing development, a proposed source of funding for the construction of the very low income units shall be identified.

C. Additional Density Bonus Based On Greater Suitability Of Land For Very Low Income Housing: For each one percent (1%) increase above the minimum ten percent (10%) in the number of very low income housing units that can be accommodated on the donated land, the maximum density bonus shall be increased by one percent (1%), up to a maximum of thirty five percent (35%), as follows:

Table 4: Land Donation

Percentage Of Very Low Income Units That Can Be Accommodated On Donated Land	**Percentage Of Additional Density Bonus**
10	15
11	16
12	17
13	18
14	19
15	20

16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

18.42.170 Condominium Conversions

A. An applicant for a conversion of existing rental apartments to condominiums is eligible for either a density bonus or other incentives of equivalent financial value, at the option of the city, if the applicant agrees to provide: 1) at least thirty three percent (33%) of the total units of the proposed condominium project to persons and families of low or moderate income as defined in section 50093 of the Health and Safety Code, or 2) at least fifteen percent (15%) of the total units of the proposed condominium project to lower income households as defined in section 50079.5 of the Health and Safety Code, and 3) the applicant agrees to pay for the reasonably necessary administrative costs incurred by the city pursuant to this section.

B. Condominium conversions qualified under subsection A of this section, may receive one of the following, at the city's option:

1. A flat density bonus of twenty five percent (25%) to be provided within the existing structure or structures proposed for conversion, except that a condominium conversion is ineligible for this bonus if the apartments to be converted originally received a density bonus or incentives pursuant to any other provisions of this article or pursuant to California Government Code section 65915. An applicant may choose to implement a lower density bonus.

2. Incentives of equivalent financial value in the form of a reduction or waiver of requirements or fees which the city might otherwise apply as conditions of conversion approval. "Other incentives of equivalent financial value" shall not be construed to require the city to provide cash transfer payments or other monetary compensation to the condominium conversion project or its applicant.

C. The city reserves the right to place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value pursuant to this section as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.

D. Condominium conversions are eligible only for the granting of a density bonus or incentive of equivalent value pursuant to this section, which bonus or incentive may not be granted in addition to, or combined with, any other incentives, concessions, density bonuses or waivers and reductions of development standards pursuant to other sections of this article. Nothing in this section shall be construed to require the city to approve a proposal to convert rental apartments into condominiums.

18.42.180 Childcare Facilities

A. A housing development that is eligible for a density bonus pursuant to section 18.42.150 of this article, and also includes a childcare facility qualified under this section is eligible for either of the following, at the option of the city, if requested in writing by the applicant:

1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility; or

2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.

B. A childcare facility will only qualify the housing development for an additional density bonus or incentive or concession if it is: 1) located on the premises of, as part of, or adjacent to the housing development, and 2) the housing development is otherwise eligible for a density bonus pursuant to section 18.42.150 of this article. As a condition of approving the additional density bonus for the housing development, the childcare facility must meet all of the following criteria:

1. The childcare facility may be used only for childcare for a period of time that is as long as or longer than the period of time during which the affordable units are required to

remain affordable as stated in deed restrictions and pursuant to subsection 18.42.150(D) of this article; and

2. Of the children who attend the childcare facility, the percentage of children of very low income households, lower income households, or moderate income households shall be equal to or greater than the percentage of dwelling units that are proposed to be affordable to very low income households, lower income households, or moderate income households pursuant to section 18.42.150 of this article.

C. Notwithstanding any requirement of this section, the city shall not be required to provide a density bonus or concession or incentive for a childcare facility if it makes a written finding, based upon substantial evidence, that the community already has adequate childcare facilities.

18.42.190 General Provisions Governing Density Bonus Calculations

A. For the purposes of any provisions in this article, an applicant may elect to accept a lesser percentage of density bonus than that to which the housing development is eligible.

B. When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded up to the next larger whole number.

C. For the purpose of calculating a density bonus, the dwelling units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the affordable units are located.

D. For the purposes of this article, the "total units" or "total dwelling units" in a housing development does not include those units added by any density bonus.

E. Regardless of the number or extent of affordable units, senior housing, land dedication, childcare facilities or other qualifications for a density bonus provided in any single housing development, no housing development may be entitled to a total density bonus of more than thirty five percent (35%).

Table 5: Density Bonus Summary

Types Of Affordable Units Providing Eligibility For A Density Bonus	Minimum Percent	Bonus Granted	Additional Bonus For Each 1% Increase In Affordable Units	Percent Of Affordable Units Required For Maximum 35% Bonus
Affordable Housing Type:				
Very Low Income	5%	20%	2.5%	11%

Lower Income	10%	20%	1.5%	20%
Moderate Income	10%	5%	1%	40%
Senior Citizen Housing	Qualified development	20% of the units	-	-
Land Donation for Very Low Income Housing	Land donated can accommodate 10% of market rate units, plus housing development qualified for density bonus as an affordable or senior project.	15%	1%	30% of market rate units (assuming housing development provides 5% very low income units)
Condominium Conversions:				
Lower Income	15%	25%[1]	-	-
Low/moderate Income	33%	25%[1]	-	-
Childcare Facility	Housing Development qualifies for density bonus as an affordable or senior project	Square feet in childcare facility[1]		

Note:

1. Maximum of 25 percent bonus for condominium conversions, or an incentive of equal value, at the city's option.

18.42.200 Incentives and Concessions for Affordable Housing.

A. Definition of a Qualified Incentive or Concession. A qualifying project shall be entitled to at least one but no more than three of the following incentives identified by state law:

1. A reduction in the parcel development standards (e.g. coverage, setback, zero lot line and/or reduced parcel sizes, architectural design requirements and/or parking requirements). Development standard means any ordinance, general plan element, specific plan, condition, law, policy, resolution, or regulation. In no case may the city

apply a development standard that will have the effect of precluding the construction of affordable units. A waiver or modification to development standards may be requested by the applicant, and shall be approved unless such waiver or modification creates an adverse impact as described in subsection C(2), below.

2. Approval of mixed use zoning in conjunction with the housing project if nonresidential land uses will reduce the cost of the housing project, and the nonresidential land uses are compatible with the housing project and existing or planned development in the area where the proposed development will be located.

3. Other regulatory incentives or concessions proposed by the applicant or the city that will result in identifiable, financially sufficient and actual cost reductions.

B. Number of Incentives or Concessions. The number of incentives shall be based on the percentage of affordable units in the project:

1. One (1) incentive or concession shall be entitled for projects where at least five percent (5%) of the total units are for very low income households, ten percent (10%) of the total units are for lower income households, or ten percent (10%) of the total units in a common interest development are sold to moderate income households.

2. Two (2) incentives or concessions shall be entitled for projects where at least ten percent (10%) of the total units are for very low income households, twenty percent (20%) of the total units are for lower income households, or at least twenty percent (20%) of the total units in a common interest development are sold to moderate income households.

3. Three (3) incentives or concessions shall be entitled for projects where at least fifteen percent (15%) of the total units are for very low income households, thirty percent (30%) of the total units are for lower income households, or thirty percent (30%) of the total units in a common interest development are sold to moderate income households.

Table 6: Incentives and Concessions Summary

Affordable Units or Category	**Percent of Affordable Units**		
Affordable Housing Types:			
Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Moderate Income	10%	20%	30%
Maximum incentive(s)/concession(s)[1, 2, 3]	1	2	3

Notes:

1. An incentive or concession may be requested without obtaining a density bonus.
2. Incentives or concessions may be selected from only 1 category (very low, lower, or moderate).

3. No incentives or concessions are available for land donation.

C. Findings to Deny Incentive or Concession. The city shall grant the incentive or concession requested by the applicant unless the city makes a written finding based upon substantial evidence of any of the following:

1. The incentive or concession is not required in order to provide for affordable housing costs or for affordable rents for the restricted units; or

2. The concession or incentive would have a specific adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate-income households. A specific adverse impact means a significant, unavoidable impact, as provided in written standards, policies, or conditions; or

3. The incentive or concession would be contrary to state or federal law.

D. Exceptions: This section does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city or the waiver of fees or dedication requirements. Nor does any provision of this section require the city to grant an incentive or concession found to have a specific adverse impact.

E. Amendment, Zone Change: The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

18.42.210 Waivers and Modifications of Development Standards.

A. Applicants granted a density bonus pursuant to section 18.42.150 of this article may, by written proposal, seek a waiver, modification or reduction of development standards that would otherwise have the effect of physically precluding the construction of the housing development at the densities or with the concessions or incentives permitted pursuant to this article. The applicant may also request a meeting with the city to discuss such request for waiver and modifications.

B. In order to obtain a waiver or modification of development standards, the applicant shall show that the development standards will have the effect of precluding the construction of a housing development meeting the criteria of section 18.42.150 of this article, at the densities or with the concessions or incentives permitted by this article.

C. A proposal for the waiver or reduction of development standards pursuant to this section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to section 18.42.200 of this article.

D. The city may deny a request for any waiver, modification or reduction of development standards if the wavier, modification or reduction would have a specific adverse impact.

18.42.220 Parking Incentives.

Upon the written request of the applicant for a housing development meeting the criteria for a density bonus under section 18.42.150 of this article, the city shall not require a vehicular parking ratio that exceeds the following:

A. Zero to one bedroom units: One onsite parking space.

B. Two (2) to three (3) bedroom units: Two (2) onsite parking spaces.

C. Four (4) and more bedroom units: Two and one-half (2 1/2) parking spaces.

Guest parking and handicapped parking shall be included within the maximum number of spaces that may be required. If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a housing development may provide onsite parking through tandem parking or uncovered parking, but not through on street parking. For purposes of this article, the parking ratios set forth in this section shall be deemed a concession or incentive available to the applicant under section 18.42.200 of this article.

18.42.230 Standards for Density Bonus Housing Developments.

A. Affordable units qualifying a housing development for a density bonus shall be reasonably dispersed throughout the housing development and compatible with the design of market rate units in terms of appearance, materials, and finished quality. The applicant may reduce the interior amenities and square footage of inclusionary units, provided all units conform to all other requirements of this municipal code.

B. For developments with multiple market rate units containing differing numbers of bedrooms, affordable units qualifying a housing development for a density bonus shall be representative of the market rate unit mix.

C. All building permits for affordable units qualifying a housing development for a density bonus shall be issued concurrently with, or prior to, issuance of building permits for the market rate units, and the affordable units shall be constructed concurrently with, or prior to, construction of the market rate units. Occupancy permits and final inspections for affordable units qualifying a housing development for a density bonus shall be approved concurrently with, or prior to, approval of occupancy permits and final inspections for the market rate units.

18.42.240 Application Requirements.

A. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this section shall be submitted with the first approval of the housing development and processed concurrently with all other applications required for the housing development.

B. For affordable units qualifying the housing development for a density bonus, the application shall include the following information:

1. A site plan identifying the base project without the density bonus, number and location of all inclusionary units, affordable units qualifying for the project for a density bonus, and proposed density bonus units; and

2. Proposed category(ies) qualifying the housing development for a density bonus; and

3. Level of affordability of all affordable and inclusionary units and proposals for ensuring affordability, if applicable; and

4. A description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards.

5. If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in section 18.42.160 of this article can be made.

6. If the density bonus or incentives of equivalent financial value are based upon a condominium conversion with affordable units or senior citizen housing, the application shall demonstrate that the project meets the qualifications and findings stated in section 18.42.170 of this article.

7. If a density bonus or concession is requested for a childcare facility, the application shall show the location and square footage of the childcare facility and provide evidence that the findings included in section 18.42.180 of this article can be made.

C. Upon submission of the application to the city, the Zoning Administrator or designee shall determine if the application is complete and conforms to the provisions of this article. No application for a first approval for a housing development requesting a density bonus, incentives, concessions, or waivers may be deemed complete unless an affordable housing plan is submitted conforming to the provisions of this article.

D. A request for a minor modification of an approved application may be granted by the Zoning Administrator or designee if the modification is substantially in compliance with the original application and the conditions of approval. Other modifications to the affordable housing plan shall be processed in the same manner as the original application.

18.42.250 Application Review.

A. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this article shall be reviewed as part of the first approval of the housing development by the approval body with authority to approve the housing development, unless additional review by the planning commission or city council is required. An applicant proposing a housing development pursuant to this article, may submit a preliminary application prior to the submittal of any formal request for approval of a housing development.

B. Within ninety (90) days of receipt of the preliminary application the city shall provide to an applicant, a letter which identifies project issues of concern and the procedures for

compliance. The Zoning Administrator shall inform the applicant that the requested additional incentives shall be recommended for consideration with the proposed housing development, or that alternative or modified additional incentives pursuant to section 18.42.200 of this article shall be recommended for consideration in lieu of the requested incentives. If alternative or modified incentives are recommended by the Zoning Administrator, the recommendation shall establish how the alternative or modified incentives can be expected to have an equivalent affordability effect as the requested incentives.

C. Before approving an application for a density bonus, incentive, concession, waiver, or modification, the approval body shall make the following findings:

1. The housing development is: a) eligible for a density bonus, and/or b) any concessions, incentives, waivers, modifications, or reduced parking standards requested conform to all requirements of this article, and c) supported by a financing mechanism for all implementation and monitoring costs.

2. If the density bonus is based all or in part on dedication of land, the application meets the qualifications and findings stated in section 18.42.160 of this article.

3. If the density bonus or incentives of equivalent financial value are based upon a condominium conversion with affordable units or senior citizen housing, that the application meets the qualifications and findings stated in section 18.42.170 of this article.

4. If the density bonus, incentive, or concession is based all or in part on the inclusion of a childcare facility, the application meets the qualifications and findings stated in section 18.42.180 of this article.

5. If a waiver or modification is requested, the applicant has shown that the waiver, modification or reduction of development standards meets the qualifications and findings stated in section 18.42.210 of this article.

D. If the findings stated in subsection C of this section can be made, and a request for an incentive or concession is otherwise consistent with this article, the approval body may deny a concession or incentive based upon written findings of any of the factors stated in section 18.42.200 of this article for the denial or disqualification of a concession or incentive.

E. If the required findings stated in subsection C of this section can be made, and a request for a waiver or modification is otherwise consistent with this article, the approval body may deny the requested waiver or modification based upon written findings of any of the factors stated in section 18.42.210 of this article for the denial or disqualification of a waiver or modification.

F. Nothing in this section shall be interpreted to require the city to grant an incentive or concession or to waive or reduce development standards if that incentive, concession, waiver, or reduction has a specific adverse impact upon health, safety, or the physical

environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

G. Any decision regarding a density bonus, incentive, concession, waiver, modification, or revised parking standard may be appealed pursuant to Chapter 18.64 of Title 18 of the Pico Rivera Municipal Code. In accordance with state law, neither the granting of a concession or incentive, nor the granting of a density bonus, shall be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

18.42.260 Developer Affordable Housing Agreement.

A. Applications requesting a density bonus shall agree to enter into a density bonus housing agreement with the city. The terms of the draft agreement shall be reviewed and revised as appropriate by the Zoning Administrator, who shall formulate a recommendation to the planning commission for final approval. A density bonus housing agreement shall be made a condition of the discretionary planning permits for all housing developments pursuant to this article and shall be recorded as a restriction on any parcels on which the affordable units or density bonus units will be constructed.

B. The density bonus housing agreement shall be recorded prior to final or parcel map approval, or, where the housing development does not include a map, prior to issuance of a building permit for any structure in the housing development. The density bonus housing agreement shall run with the land and bind future owners and successors in interest.

SECTION 7. Chapter 18.67, entitled *Requests for Reasonable Accommodations under the Fair Housing Act*, of Title 18 of the Pico Rivera Zoning Ordinance is hereby added as follows:

Chapter 18.67

REQUESTS FOR REASONABLE ACCOMMODATIONS UNDER THE FAIR HOUSING ACT

Sections:

18.67.010 Purpose of provisions
18.67.020 Applicability
18.67.030 Application Requirements
18.67.040 Approval Process
18.67.050 Findings and Decision
18.67.060 Appeal Determination

18.67.010 Purpose of provisions.

The intent and purpose of this chapter is to provide a formal procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the

application of zoning laws and other land use regulations, policies and procedures, and to establish relevant criteria to be used when considering such requests.

18.67.020 Applicability.

In order to make specific housing available to an individual with a disability, any person may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing- related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This Chapter applies only to those persons who are defined as disabled under the Acts.

18.67.030 Application Requirements.

A. Requests for reasonable accommodation, in a form approved by the Zoning Administrator, together with the appropriate fee, as established by resolution adopted by the City Council, and other required information, shall be filed with the Planning Division.

B. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval under this Title (including but not limited to a conditional use permit, design review, variance, general plan amendment or zone change), the application shall be submitted and reviewed at the same time as the related applications.

18.67.040 Approval Process.

A. Approval Authority.

1. Administrative Review - The Zoning Administrator or designee has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter. The Zoning Administrator or appointed designee may refer the matter to the Planning Commission, as appropriate.

2. Planning Commission Review - The Planning Commission has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter, when referred by the Zoning Administrator or when a reasonable accommodation request includes any encroachment into the front yard setback area, results in a building size increase above what is allowed in the applicable zoning district with respect to height, lot coverage and floor area ratio maximums, or whenever a reduction in required parking is requested.

B. Notice. No advance notice or public hearing is required for consideration of reasonable accommodation requests by the Zoning Administrator. Requests for reasonable accommodation subject to review by the Planning Commission shall require advance notice and a public hearing pursuant to the requirements of Chapter 1.12.

C. Decision. The Zoning Administrator or an appointed designee shall render a decision or refer the matter to the Planning Commission within 30 days after the application is complete, and shall approve, approve with conditions or deny the application, based on the findings set forth in Section 18.67.050. The decision shall be in writing and mailed to the applicant.

If the application for reasonable accommodation involves another discretionary decision, the reviewing body for that decision shall accept as final the determination regarding reasonable accommodation by the Zoning Administrator or an appointed designee, unless the reasonable accommodation request has been referred by the Zoning Administrator or an appointed designee to the Planning Commission for consideration.

If the application for reasonable accommodation is referred to, or reviewed by, the Planning Commission, a decision to approve, approve with conditions, or deny the application shall be rendered within 20 working days after the close of the public hearing, based on the findings set forth in Section 18.67.050.

18.67.050 Findings and Decision

A. Any decision on an application under this chapter shall be supported by written findings addressing the criteria set forth in this subsection. An application under this chapter for a reasonable accommodation shall be granted if all of the following findings are made:

1. The housing, which is the subject of the request, will be used by an individual disabled as defined under the Federal Fair Housing Act and the California Fair Employment and Housing Act.
2. The requested reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Federal Fair Housing Act and the California Fair Employment and Housing Act.
3. The requested reasonable accommodation would not impose an undue financial or administrative burden on the City.
4. The requested reasonable accommodation would not require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.
5. The requested reasonable accommodation would not adversely impact surrounding properties or uses.
6. There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the City's applicable rules, standards and practices.

B. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Subsection (A) above.

18.67.060 Appeal Determination

Any decision on an application under this chapter shall be subject to appeal pursuant to Chapter 18.64 of the Municipal Code.

SECTION 8. Table 18.40.040, *Land Use Chart*, of Title 18 of the Pico Rivera Zoning Ordinance is hereby amended as follows:

	Land Use	**Zone**						
B.	**Residential Uses***	**R-E**	**S-F**	**R-I**	**PUD**	**R-M**	**P**	**E-S**
1.	Accessory buildings and uses	X	X	X	X	X		
2.	Animals, poultry and fowl, keeping of	3	3	3	3	3		
3.	(Unassigned)							
4.	Boardinghouses					2, 4		
5.	Farms, limited to agriculture crops only	2	2					
6.	Guest houses, limited to one only	X	X					
7.	Multiple-family dwellings					76, 35		
8.	Planned residential unit developments				76	76		
9.	Single-family dwellings	6	6	76	76	X		
10.	Two-family dwellings					5		
11.	Senior citizen					76		
12.	Community care facility (≤6 persons)	X	X	X	X	X		
13.	Community care facility (7+ persons)	1	1	1	1	1		
14.	Emergency shelters, up to 20 occupants within City							73
15.	Emergency shelters, more than 20 occupants within City							1,73
16	SRO (Efficiency units)			74		74		
17.	Supportive Housing	X	X	X	X	X		

	Land Use	Zone						
B.	**Residential Uses***	**R-E**	**S-F**	**R-I**	**PUD**	**R-M**	**P**	**E-S**
18.	Transitional Housing	X	X	X	X	X		
17.	Second Dwelling Units	75	75		75			

Notes:
*Refer to zoning administrator determinations, on file in community development department planning division

SECTION 9. Title 18, *Zoning*, of the Pico Rivera Zoning Ordinance is hereby amended to add Chapter 18.39 entitled *Emergency Shelters Overlay Zone*, as follows:

Chapter 18.39

EMERGENCY SHELTERS OVERLAY ZONE

Sections:
18.39.010 Establishment
18.39.020 Intent and Purpose
18.39.030 Applicability-Criteria
18.39.040 Permitted Uses
18.39.050 Property Development Conditions

18.39.010 Establishment.

There is hereby established a zone which shall hereinafter be known as the "E-S Emergency Shelter Overlay Zone," and which shall function and serve as set out in this chapter.

18.39.020 Intent and purpose.

The intent and purpose of the E-S zone is to principally designate, classify, and distinguish certain areas within the city that may best facilitate the development and use of emergency shelters.

18.39.030 Applicability–Criteria.

A. The E-S zone is a land use classification which, in part, assists in the implementation of the land use and housing elements of the general plan. It is a zone classification designed to be applied on selective areas of the community where an emergency shelter can be located and served by accessible public transportation, job centers, and public and community services.

B. Application of the E-S zone must be clearly defined within the scope and purpose of qualifying land for an emergency shelter, and should account for environmental constraints, such as flooding, seismic hazards, chemical contamination, slope instability or erosion that could make building an emergency shelter infeasible.

C. Uses of land which do not qualify and which are not specifically permitted in the E-S zone are hereby expressly prohibited.

18.39.040 Permitted uses.

Regulations governing permitted uses of land in the E-S zone are specifically set forth in Chapter 18.40 of this title.

18.39.050 Property development conditions.

Regulations governing the development of property in the E-S zone are specifically set forth in Chapter 18.40 of this title.

SECTION 10. Section 18.40.050, *Special use conditions and chart notes*, of the Pico Rivera Zoning Ordinance is hereby amended to include the following:

Note 73. Emergency Shelters. Emergency shelters for homeless persons shall be subject to and comply with the following standards and regulations.

a. A single Emergency Shelter for 20 occupants, or a combination of multiple shelters with a combined capacity not to exceed 20 occupants, shall be allowed as a permitted use, consistent with section 65583 (4) (A) of the Government Code. All Emergency Shelters, regardless of the number of occupants, shall meet all applicable development standards applicable to the zoning districts in which they are permitted by-right and minimum standards contained herein below. Any Emergency Shelter with a capacity greater than 20 occupants shall also be subject to the approval of a conditional use permit, as set forth in Chapter 18.56.

b. (i) A single Emergency Shelter for 20 occupants or a combination of multiple shelters with a combined capacity not to exceed 20 occupants shall be allowed as a permitted use per Chapter 18.39. The Emergency Shelter Overlay Zone shall be applied to the area located south of Beverly Boulevard, north of the Union Pacific Railroad, east of Tobias Avenue and west of the San Gabriel River.

b. The facility shall operate on a first-come, first serve basis with clients only permitted on-site and admitted to the facility between 6:00 p.m. and 7:00 a.m. during Pacific Daylight Time, and 5:00 p.m. and 7:00. a.m. during Pacific Standard Time. Clients must vacate the facility by 8:00 a.m. and have no guaranteed bed for the next night. A curfew of 10:00 p.m. (or earlier) shall be established and strictly enforced and clients shall not be admitted after the curfew.

c. To avoid over-concentration of Emergency Shelter facilities, a minimum distance of 300 feet shall be maintained from any other Emergency Shelter, as measured from the property line.

d. Emergency Shelters shall not be located within 1,000 feet of a public or private school (pre-school through twelfth grade), universities, colleges, student housing, senior housing, child care facilities, public parks, businesses licensed for on- or off-site sales of alcoholic beverages or parolee/probationer home as defined in Chapter 18.04 (Definitions) and as measured from the property line.

e. Service providers shall provide sufficient numbers of male and female toilets - restrooms for clients and prospective clients to have access to use on a twenty-four (24) hour basis. For group housing and other similar shelter programs, adequate private male and female showers shall be provided along with lockers for clients to temporarily store their belongings.

f. Any outdoor storage, including, but not limited to, items brought on-site by clients for overnight stays, shall be screened from public view by a minimum six foot tall decorative wall or fence. Shopping carts are not permitted on-site.

g. Adequate waiting areas must be provided within the premises for clients and prospective clients including 10 square feet per bed, minimum 100 square feet to ensure that public sidewalks or private walkways are not used as queuing or waiting areas.

h. Facility improvements shall comply with the Pico Rivera Municipal Code and the most current adopted Building and Safety Code, specific to the establishment of dormitories and shall additionally provide:

(i) A minimum of 1 toilet for every 8 beds per gender.

(ii) A minimum of 1 shower for every 8 beds per gender.

(iii) Private shower and toilet facility for each area designated for use by individual families.

i. An emergency shelter facility shall provide off-street parking at the ratio of 1 space per 4 beds, and/or 0.5 per bedroom designated as a family unit with children, plus 1 space per staff member. Service providers are responsible to provide and maintain adequate parking and freight loading facilities for employees, clients and other visitors who drive to the premises.

j. Bike rack parking shall be provided at the facility.

k. Exterior lighting shall be provided for the entire outdoor and parking area of the property per the lighting standards of Chapter 18.44.050 of the Code.

l. The facility may provide the following services in a designated area separate from sleeping areas:

(i) A recreation area inside the shelter or in an outdoor area visually separated from public view by a minimum six foot tall visually screening decorative wall or fence.

(ii) A counseling center for job placement, educational, health care, legal services, or mental health services.

(iii) Laundry facilities to serve the number of clients at the shelter.

(iv) Kitchen and dining area.

(v) Client storage area.

m. Similar types of facilities to address the needs of homeless clients, as determined by the Zoning Administrator. A shelter management plan shall be submitted as a part of the permit application, which addresses all of the following:

(i) Service providers shall maintain sufficient monetary resources to enable them to operate the facility per the shelter management plan, and shall demonstrate to the city prior to approval of the permit application that such funds shall be available for use upon first occupancy of the proposed project and shall reasonably be expected to be available for the life of the project.

(ii) A minimum of one staff member per 15 beds shall be awake and on duty when the facility is open. Facility staff shall be trained in operating procedures, safety plans, and assisting clients. The facility shall not employ staff who has been convicted of a felony or who are required to register as a sex registrant under Penal Code 290.

(iii) Service providers shall maintain up-to-date information and referral sheets to give clients and other persons who, for any reason, cannot be served by the establishment.

(iv) Service providers shall provide criteria to screen clients for admittance eligibility, with the objective to provide first service to individuals with connections to Pico Rivera.

(v) Service providers will maintain information on individuals utilizing the facility and will ensure that the maximum stay at the facility shall not exceed 120 days in a 365-day period.

(vi) Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served by the provider because of time or resource constraints, the monitor shall inform the client of alternative programs and locations where he or she may seek similar service.

(vii) Service providers will educate on-site staff to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income, including referrals to outside assistance agencies. An annual report on this activity will be provided to the City.

(viii) Service providers shall provide for the timely removal of litter attributable to clients within the vicinity of the facility every 24-hour period.

(ix) Service providers will maintain good communication and have procedures in place to respond to operational issues which may arise from the neighborhood, City staff, or the general public.

(x) Service providers shall establish standards for responding to emergencies and incidents expelling clients from the facility. Re-admittance policies for clients who have previously been expelled from the facility shall also be established.

(xi) Alcohol and illegal drug use is prohibited on-site. Service providers shall expel clients from the facility if found to be using alcohol or illegal drugs.

(xii) The establishment shall implement other conditions and/or measures as determined by the city, in consultation with other city/county agencies necessary to ensure that management and/or clients of the establishment maintain the quiet, safety and cleanliness of the premises and the vicinity of the use.

(xiii) Other requirements as deemed necessary by the city to ensure that the facility does not create an adverse impact to surrounding properties.

(xiv) On a monthly basis, provide an updated list of Emergency Shelter residents to the Sherriff's Department.

(xv) All graffiti on the premises shall be removed by the business operator within 24 hours.

(xvi) Installation of anti-loitering signs.

n. The facility shall comply with all other laws, rules, and regulations that apply including, but not limited to, Building and Fire Codes. The facility shall be subject to City inspections prior to the commencement of operation. In addition, the City may inspect the facility at any time for compliance with the facility's Management Plan and other applicable laws and standards.

o. Emergency Shelter operator shall obtain a City Business License.

Note 74. Single-Room Occupancy (SRO) Units. Single-room occupancy (SRO) units, also known as efficiency units, shall be subject to and comply with the following standards and regulations.

a. Each SRO facility shall comply with all applicable development standards for the applicable zoning district and minimum standards contained herein below.

b. Units shall have a minimum size of 200 square feet and a maximum of 400 square feet.

c. Each unit shall accommodate a maximum of two persons.

d. Exterior lighting shall be provided for the entire outdoor and parking area of the property per the lighting standards of Chapter 18.44.050 of the Code.

e. Laundry facilities must be provided in a separate enclosed room at the ratio of one washer and one dryer for every twenty units of fractional number thereof, with at least one washer and dryer per floor.

f. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO (efficiency) unit facility.

g. Each unit required to provide a separate bathroom containing a water closet, lavatory and bathtub or shower.

h. Each unit shall be provided with a kitchen sink, functioning cooking appliance and a refrigerator, each having a clear working space of not less than 30 inches in front.

i. Each SRO (efficiency) unit shall have a separate closet.

j. SRO (efficiency) units shall comply with all requirements of the California Building Code. All units shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible.

k. An SRO (efficiency) unit project shall not be located within five hundred (500) feet of any other SRO (efficiency) unit project, emergency shelter, or other similar program, unless such program is located within the same building or on the same lot.

l. An SRO (efficiency) unit project with 10 or more units shall provide on-site management. A project with less than 10 units may provide a management office off-site.

m. Tenancy of SRO (efficiency) units shall not be less than 30 days and maximum period of 12 months.

n. SRO (efficiency) unit parking shall be provided as follows:

(i) One (1) uncovered parking space for every three (3) SRO (efficiency) units.

(ii) Two (2) uncovered parking spaces for an onsite manager unit.

(iii) Each efficiency unit shall be provided at least one (1) lockable bicycle parking space in a location that is adjacent to that SRO (efficiency) unit.

o. Applications for SRO (efficiency) units projects shall be processed in a manner consistent with procedures for a multiple-family residential projects.

Note 75. Second Dwelling Units. Second dwelling units shall be subject to and comply with the following standards and regulations.

a. This section provides standards for the establishment of secondary dwelling units. Pursuant to Government Code 65852.2 local governments have the authority to adopt regulations designed to promote second units. A second unit which conforms to the requirements of this Section shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential unit which is consistent with the General Plan and zoning classification for the lot.

b. The application for a secondary dwelling unit shall be considered a ministerial action without discretionary review or a public hearing, notwithstanding any other requirements of state law or this development code. The permit applicant shall be the owner and resident of the main dwelling.

c. One (1) secondary dwelling unit shall be allowed on a single-family parcel.

d. A parcel proposed for a secondary dwelling unit shall comply with all the following requirements:
(i) The parcel shall have a minimum area of the underlying zoning district;
(ii) The parcel shall be developed with only one existing owner occupied single-family detached main dwelling unit;
(iii) Either the principal or secondary living unit shall be the primary residence of the record owner of the property; and

(iv) A secondary dwelling unit shall not be sold, but may be rented. A covenant shall be recorded in the Los Angeles County clerk's office against the title declaring that the property owner must occupy either the primary residence or the secondary dwelling unit.

e. A secondary dwelling unit may be either attached to the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

f. A secondary dwelling unit shall:

(i) Have a floor area not exceeding thirty (30) percent of the existing living area of the main dwelling;
(ii) Be architecturally compatible with the main dwelling unit and the surrounding neighborhood in terms of height, roofing, bulk and mass, landscaping, and architectural materials;
(iii) Comply with height and setback requirements for the applicable zone;

(iv) Contain separate kitchen and bathroom facilities and have a separate entrance from the main dwelling;
(v) Not exceed 1,200 square feet; and
(vi) Have a designated open space area of 300 square feet directly adjacent to the second unit.

g. The secondary dwelling unit shall be provided one covered garage off-street parking space, in addition to that required for the main dwelling unit, in compliance with Chapter 18.44.

h. The following findings shall be made, in addition to those requirements to approve a site plan:
(i) The secondary dwelling unit is compatible with the design of the main dwelling unit and the surrounding neighborhood in terms of scale, exterior treatment, height, setbacks and landscaping, and will not cause excessive noise, traffic, or other disturbances or result in adverse effects on public services and re-sources; and
(ii) The secondary dwelling unit will not contribute to a high concentration of these units sufficient to change the character of the surrounding neighborhood .

Note 76. A project shall be approved with a streamlined administrative Site Plan /Zoning Consistency Review. Landowners and developers that propose uses, structures, designs and site improvements shall comply with the following:

a. Application. The applicant shall submit a Site Plan Application/Zoning Consistency Review to the Zoning Administrator with the number of prints of the plans specified, together with a filing fee. The contents of the Site Plan Review applicant shall be specified by the Zoning Administrator.
b. Completeness. If the Zoning Administrator determines the application to be incomplete, the applicant will be notified within thirty (30) days, indicating what additional information is required to complete the application. The application will not be processed until that information is received by the City Planner.
c. Findings. The Zoning Administrator shall make the following findings in approving or conditionally approving an application for Review:
    i. That the site plan is consistent with the goals and policies of the General Plan
    ii. That the proposed development is in accordance all provisions of the Pico Rivera Municipal Code.
    iii. That the proposed development's site plan and its design features, including architecture and landscaping will integrated harmoniously and enhance the character and design of the site, the immediate neighborhood, and the surrounding areas of the City;
    iv. That the site plan and location of the buildings, parking areas, signs, landscaping, luminaries, and other site features indicate that proper consideration has been given to both the functional aspects of the site development, such as automobile and pedestrian circulation, and the visual effects of the development from the view of the public streets;

v. That the proposed development will improve the community appearance by preventing extremes of dissimilarity or monotony in new construction or in alterations or in alterations of facilities; and

vi. That the site plan and design considerations shall tend to upgrade property in the immediate neighborhood and surrounding areas with an accompanying betterment of conditions affecting the public health, safety, comfort, and welfare;

d. Building Permit. A building permit shall be issued pursuant to the site plan approval. If there is a substantial change from the original site plan as determined by the Zoning Administrator, a revised application shall be resubmitted.

e. Appeal. Denial of the application by the Zoning Administrator may be appealed pursuant to Chapter 18.64 of Title 18 of the Pico Rivera Municipal Code.

SECTION 11. Section 18.42.040, *Property Development Regulations Chart*, Subsection H entitled Building Height of the Pico Rivera Zoning Ordinance is hereby amended as follows:

	Zone						
	P-A	**C-N**	**C-C**	**C-G**	**C-M**	**I-L**	**I-G**
H. Building Height	42 feet (28)	24 feet (28)	38 feet (28)	~~38~~ 42 feet (28, 48)	38 feet (28, 48)	38 feet (28, 48)	38 feet (28, 48)

SECTION 12. Section 18.40.050, *Special use conditions and chart notes*, of the Pico Rivera Zoning Ordinance is hereby amended as follows:

Note 24. No minimum side yard building setback shall be required, except as may hereinafter respectively apply or be required.

b. Whenever the side lot line of a lot located in this zone abuts the side or rear lot line of a lot in the R-E, S-F, R-I, PUD or R-M zone, there shall be a side yard building setback of not less than twenty feet. Not less than ten feet of such required side yard shall be fully landscaped. A complete landscape plan, showing the design, schedule of plant material and location and method of permanent irrigation, shall be prepared, submitted to and approved by the city planner, and such landscaping shall be installed and planted according to such approved plan, and shall thereafter be continuously and permanently maintained. This side yard building setback requirement shall apply whether or not an alley intervenes. A line of sight analysis shall be provided ensuring the privacy of the abutting residential properties in the R-E, S-F, R-I, PUD or R-M zone. Should privacy not be achieved with landscaping or other approved methods, the building shall be further setback until sufficient privacy has been determined by the Zoning Administrator. When not in conflict with building codes, windows facing residential properties shall be offset and/or raised to preserve privacy.

c. In the case of interior side setbacks for parcels located in the General- Commercial (C-G) zone the setback shall not be less than five feet provided that windows are offset or raised to preserve privacy and that a landscaping plan is provided. A line of sight of plan analysis shall be provided for interior setbacks at the discretion of the zoning administrator.

Note 26. Rear Yard. No minimum rear yard building setback shall be required, except, when a lot located in this zone abuts the side or rear lot line of a lot located in the R-E, S-F, R-I, PUD or R-M zone, there shall be a rear yard building setback of not less than twenty-five feet. Not less than ten feet of such required rear yard shall be fully landscaped. A complete landscape plan, showing the design, schedule of plant material, and location and method of permanent irrigation, shall be prepared, submitted to and approved by the director of building and planning, and such landscaping shall be installed and planted according to such approved plan, and shall thereafter be continuously and permanently maintained. This rear yard building setback requirement shall apply whether or not an alley intervenes. A line of sight analysis shall be provided ensuring the privacy of the abutting residential properties in the R-E, S-F, R-I, PUD or R-M zone. Should privacy not be achieved with landscaping or other approved methods, the building shall be further setback until sufficient privacy has been determined by the Zoning Administrator. When not in conflict with building codes, windows facing residential properties shall be offset and/or raised to preserve privacy.

SECTION 13. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this article, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this article or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this article irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end, the provisions of this article are declared to be severable.

SECTION 14. The City Clerk shall certify to the passage and adoption of this Ordinance and it shall take effect thirty (30) days after its passage.

[Signatures on following page]

APPROVED AND ADOPTED THIS _____DAY OF _____, 2014

_____
Brent A. Tercero, Mayor

ATTEST:

_____
Anna M. Jerome, City Clerk

APPROVED AS TO FORM:

_____
Arnold M. Alvarez-Glasman, City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, ADOPTING AMENDMENTS TO TITLE 18, *ZONING*, OF THE PICO RIVERA ZONING ORDINANCE PER THE ADOPTED 2014-2021 HOUSING ELEMENT AMENDING DEFINITIONS, HEIGHT, SETBACKS AND ADDING THE PROVISIONS FOR DENSITY BONUS, REASONABLE ACCOMMODATIONS UNDER THE FAIR HOUSING ACT, ESTABLISHING A REASONABLE ACCOMMODATIONS APPLICATION FEE, SINGLE-ROOM OCCUPANCY (SROS), TRANSITIONAL HOUSING, SUPPORTIVE HOUSING, COMMUNITY CARE FACILITIES, SECOND UNIT DWELLINGS AND EMERGENCY SHELTERS IN THE CITY OF PICO RIVERA DESIGNATED HEREIN AS ZONE CODE AMENDMENT NO. 172

WHEREAS, existing Zoning Code, Ordinance No. 534, was adopted on April 1, 1975; and

WHEREAS, on October 8, 2013, at the recommendation of the Planning Commission, the City Council adopted the 2014-2021 Housing Element as part of the Pico Rivera General Plan; and

WHEREAS, on November 12, 2013 the State Department of Housing and Community Development determined that the 2014-2021 Housing Element was in full compliance with the State housing element law (Article 10.6 of the Government Code); and

WHEREAS, updates must be made to the Title 18, *Zoning*, of the Pico Rivera Zoning Ordinance to fully actualize the goals, policies and actions as described in the adopted housing element; and

WHEREAS, per the zone code amendment ordinance, a fee must be established for a Reasonable Accommodations Application; and

WHEREAS, the Planning Commission of the City of Pico Rivera conducted a public hearing and recommended adoption to the City Council on the matter of amendments to Title 18, *Zoning*, of the Pico Rivera Municipal Code at a legally noticed public hearing held on January 6, 2014; and

WHEREAS, the City Council of the City of Pico Rivera conducted a public hearing and approved adoption of amendments to Title 18, *Zoning*, of the Pico Rivera Municipal Code at a legally noticed public hearing held on January 28, 2014; and

NOW, THEREFORE, be it resolved by the City Council of the City of Pico Rivera that:

SECTION 1. Pursuant to the State of California Public Resources Code and State Guidelines for the California Environmental Quality Act (CEQA), the City Council finds the environmental impacts of this action were reviewed in the Mitigated Negative Declaration conducted for the 2014-2021 Housing Element Update adopted on October 8, 2013. It can be seen with certainty that there is no possibility that the actions identified herein will have a significant effect on the environment beyond that which was analyzed in the Mitigated Negative Declaration. Therefore, the proposed action is exempt from CEQA.

This proposed action is not a project pursuant to Public Resources Code Section 21080(a) and Section 15002(i) of the CEQA Guidelines, which indicate that CEQA applies to discretionary projects carried out or approved by public agencies. The proposed actions herein are ministerial actions in that the Housing Element requires that the City take the actions identified in the Housing Element as submitted and approved by the California Department of Housing and Community Development.

To the extent that the actions constitute a project, there is no possibility that the project will have a significant effect on the environment and as a result, no further CEQA review is necessary. This determination is in accordance with Section 15061 (b) (3) of the CEQA Guidelines that states, a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 2. Pursuant to Chapter 18.62, Article II of the Pico Rivera Municipal Code, the City Council of the City of Pico Rivera approves the Ordinance amending Title 18, *Zoning*, of the Pico Rivera Municipal Code amending the provisions for Height, Setbacks, Density Bonus, Definitions, Reasonable Accommodations under the Fair Housing Act, Single-Room Occupancy (SROs), Transitional Housing, Supportive Housing, Community Care Facilities, Second Unit Dwellings and Emergency Shelters.

SECTION 3. Further, this Resolution with reports, findings and recommendations herein contained and the recommended Ordinance attached hereto in this matter shall constitute a report of the City Council.

SECTION 4. The staff report as considered by the City Council public hearing conducted on January 28, 2014, analyzed a fee of $70 for minor residential additions and $345 when involving new structures. The fees were determined to be similar to the established planning Zoning Consistency Review per the Pico Rivera Fee Study Update adopted on January 13, 2009 by Resolution No. 6414 and is determined to cover no more than the City's reasonable costs in connection with processing said applications.

SECTION 5. The City Council finds that the amendment of Title 18 of the Pico Rivera Municipal Code should be approved for the following reasons and findings:

a) The proposed amendment is consistent with the spirit and integrity of the General Plan as the recently adopted housing element prescribes goals, policies and actions that must be realized in the zoning ordinance for legal consistency.

b) That the amendments to the zoning ordinance in regards to Density Bonus, Definitions, Reasonable Accommodations under the Fair Housing Act, Single-Room Occupancy (SROs), Transitional Housing, Supportive Housing, Community Care Facilities, Second Unit Dwellings and Emergency Shelters are all required per state law as set forth in Article 10.6 of the Government Code and the City of Pico Rivera's 2014-2021 Housing Element program objectives.

c) That the amendments to height and setbacks in major thoroughfares although not specifically required per the recently adopted 2014-2021 Housing Element are necessary to encourage development in blighted areas to reach the City's maximum density and adequate parking regulations; and

d) That the amendments to height and setbacks are complimentary to the amendments per the adopted housing element to facilitate and remove barriers that may discourage developers from building appropriate housing.

SECTION 6. The City Council hereby transmits approves Ordinance___ adopting Zoning Code Amendment No. 172.

APPROVED AND ADOPTED this _____ day of January 2014.

_____
Brent A. Tercero, Mayor

ATTEST:

_____
Anna M. Jerome, City Clerk

APPROVED AS TO FORM:

_____
Arnold M. Alvarez-Glassman, City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:

ORDINANCE NO._____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPROVING A ZONE RECLASSIFICATION TO ADD THE EMERGENCY SHELTER OVERLAY ZONE TO THE PROPERTIES AS DESCRIBED IN ATTACHMENT "A" ATTACHED HERETO AND FURTHER DESIGNATED HEREIN AS ZONE RECLASSIFICATION NO. 315

WHEREAS, Section 18.62.230 of the Pico Rivera Municipal Code authorizes the City Council of City of Pico Rivera, upon receipt of Resolution from the Planning Commission of the City of Pico Rivera, upon holding of public hearing, upon hearing all testimony, upon examination and review of the investigative staff report and upon conclusion of a public hearing to make determinations and findings of fact as deemed necessary in the best interest of all parties involved and approve the Planning Commission recommendation to approve a change of zoning classification; and

WHEREAS, the City Council of the City of Pico Rivera conducted a public hearing to consider a Zone Reclassification to add the Emergency Shelter Overlay zone designation; and

WHEREAS, the State of California Department of Housing and Community Development requires that cities identify an adequate area to allow for Emergency Shelters; and

WHEREAS, on October 8, 2013 the City Council adopted the 2014-2021 Housing Element in which properties where identified to add an Emergency Shelter Overlay Zone; and

WHEREAS, on November 12, 2013, the City received notice that the adopted housing element is in full compliance with the State housing element law (Article 10.6 of the Government Code); and

WHEREAS, the City must fully implement the adopted 2014-2021 Housing Element via the addition for the Emergency Shelter Overlay Zone in the Zoning Ordinance; and

WHEREAS, the City Council of the City of Pico Rivera has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing; and

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Pico Rivera as follows:

SECTION 1. In accordance with Section 18.66.040, *Zone Classifications* of the Pico Rivera Municipal Code, the Zone Classification to add the Emergency Shelter Overlay Zone to the real properties listed below, which are more particularly described and depicted in Attachment "A", is hereby amended to add the Emergency Shelter Overlay Zone, and further designated herein as Zone Reclassification No. 315.

No.	Assessor Parcel Number	Site Address
1	8122-011-027	9612 Beverly Boulevard
2	8122-011-022	9531 Beverly Boulevard
3	8122-011-019	9603 Beverly Boulevard
4	8122-011-901	9633 Beverly Road
5	8122-011-024	9607 Beverly Boulevard
6	8122-011-025	9611 Beverly Road
7	8122-011-015	9629 Beverly Boulevard
8	8122-011-900	9633 Beverly Road
9	6375-008-008	9500 Beverly Boulevard
10	6375-008-006	4616 Tobias Avenue
11	6375-008-005	4622 Tobias Avenue
12	6375-008-004	4700 Tobias Avenue
13	6375-008-003	4706 Tobias Avenue
14	6375-008-002	4714 Tobias Avenue
15	6375-008-001	4718 Tobias Avenue
16	6375-009-002	9602 Beverly Boulevard

SECTION 2. The Zone Reclassification shall be in accordance with the provisions of the Zoning Ordinance adopted by the City Council of the City of Pico Rivera by Ordinance No. 534, adopted April 7, 1975.

SECTION 3. In accordance with Section 18.08.060, *Official Zone Map* and 18.66.090, *Statutory and City Council Authority*, is hereby amended to add the Emergency Shelter Overlay Zone which is comprised of the real properties described in Section 1 and as shown on Attachment "A" attached hereto.

SECTION 4. This Zone Reclassification is adopted by Ordinance pursuant to public hearings held before the City Planning Commission and City Council.

SECTION 5. Pursuant to the State of California Public Resources Code and State Guidelines for the California Environmental Quality Act (CEQA), the City Council finds the environmental impacts of this action were reviewed in the Mitigated Negative Declaration conducted for the 2014-2021 Housing Element Update adopted on October 8, 2013. It can be seen with certainty that there is no possibility that the actions identified herein will have a significant effect on the environment beyond that which was analyzed in the Mitigated Negative Declaration. Therefore, the proposed action is exempt from CEQA.

This proposed action is not a project pursuant to Public Resources Code Section 21080(a) and Section 15002(i) of the CEQA Guidelines, which indicate that CEQA applies to discretionary projects carried out or approved by public agencies. The proposed actions herein are ministerial actions in that the Housing Element requires that the City take the actions identified in the Housing Element as submitted and approved by the California Department of Housing and Community Development.

To the extent that the actions constitute a project, there is no possibility that the project will have a significant effect on the environment and as a result, no further CEQA review is necessary. This determination is in accordance with Section 15061 (b) (3) of the CEQA Guidelines that states, a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 6. The City Council finds that the Zone Reclassification is consistent with the General Plan as amended per the 2014-2021 Housing Element which determined the properties in which the Emergency Shelter Overlay zone is required.

SECTION 7. If any part of this Ordinance, or its application to any person or circumstance, is held to be invalid, the remainder of the ordinance, including the application or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this ordinance are severable.

SECTION 8. The City Clerk shall certify to the passage and adoption of this Ordinance, causing it to be posted as required by law, and it shall be effective thirty (30) days after its adoption.

APPROVED AND ADOPTED this _____ day of January 2014.

_____
Brent A. Tercero, Mayor

ATTEST:

_____
Anna M. Jerome, City Clerk

APPROVED AS TO FORM:

_____
Arnold M. Alvarez-Glasman, City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:

Attachment "A"

ZONE RECLASSIFICATION NO. 315
ZONE DESIGNATION EMERGENCY SHELTER OVERLAY ZONE

PLANNING COMMISSION ACTION: **RESOLUTION NO. _____**

Signed _____ **ADOPTED** _____
Ben Martinez (Date)
Planning Commission
Community & Economic Development Director

CITY COUNCIL ACTION: **RESOLUTION NO. _____**

Signed_____ ADOPTED: _____
Anna M. Jerome
City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPROVING ADOPTION OF AN EMERGENCY SHELTER OVERLAY ZONE IN AN INDUSTRIAL AREA AS ADOPTED PER THE 2014-2021 HOUSING ELEMENT IN THE CITY OF PICO RIVERA DESIGNATED HEREIN AS ZONE RECLASSIFICATION NO. 315

WHEREAS, existing Zoning Code, Ordinance No. 534, was adopted on April 1, 1975; and

WHEREAS, on October 8, 2013, at the recommendation of the Planning Commission, the City Council adopted the 2014-2021 Housing Element; and

WHEREAS, on November 12, 2013 the State Department of Housing and Community Development determined that the 2014-2021 Housing Element was in full compliance with the State housing element law (Article 10.6 of the Government Code); and

WHEREAS, per the recently adopted housing element an industrial area was designated to include the newly created Emergency Shelter Overlay Zone; and

WHEREAS, the underlying zone in the designated industrial area will be preserved and the Emergency Shelter Overlay Zone will act as an additional zone; and

WHEREAS, the area is bordered by Beverly Boulevard to the north, Tobias Road to the west, San Gabriel River to the east and the Union Pacific Railroad to the south; and

WHEREAS, the Planning Commission of the City of Pico Rivera conducted a public hearing and recommended adoption to the City Council of amendments to Title 18, *Zoning*, of the Pico Rivera Municipal Code at a legally noticed public hearing held on January 6, 2014; and

WHEREAS, the City Council of the City of Pico Rivera conducted a public hearing and approved adoption of amendments to Title 18, Zoning, of the Pico Rivera Municipal Code at a legally noticed public hearing held on January 28, 2014; and

NOW, THEREFORE, be it resolved by the City Council of the City of Pico Rivera that:

SECTION 1. Pursuant to the State of California Public Resources Code and State Guidelines for the California Environmental Quality Act (CEQA), the City Council finds the environmental impacts of this action were reviewed in the Mitigated Negative Declaration conducted for the 2014-2021 Housing Element Update adopted on October 8, 2013. It can be seen with certainty that there is no possibility that the actions identified herein will have a significant effect on the environment beyond that which was analyzed in the Mitigated Negative

Declaration. Therefore, the proposed action is exempt from CEQA.

This proposed action is not a project pursuant to Public Resources Code Section 21080(a) and Section 15002(i) of the CEQA Guidelines, which indicate that CEQA applies to discretionary projects carried out or approved by public agencies. The proposed actions herein are ministerial actions in that the Housing Element requires that the City take the actions identified in the Housing Element as submitted and approved by the California Department of Housing and Community Development.

To the extent that the actions constitute a project, there is no possibility that the project will have a significant effect on the environment and as a result, no further CEQA review is necessary. This determination is in accordance with Section 15061 (b) (3) of the CEQA Guidelines that states, a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 2. Pursuant to Chapter 18.62, Article II of the Pico Rivera Municipal Code, the City Council of the City of Pico Rivera approves the amendments to Title 18, *Zoning*, of the Pico Rivera Municipal Code adding the newly created Emergency Shelter Overlay Zone to an industrial area as described in the attached Ordinance and Attachment A to that Ordinance.

SECTION 3. Further, this Resolution with reports, findings and recommendations herein contained and the Ordinance attached hereto in this matter shall constitute a report of the City Council.

SECTION 4. The City Council finds that the amendment of Title 18, *Zoning*, of the Pico Rivera Municipal Code shall be approved for the following reasons and findings:

a) The proposed amendment is consistent with the spirit and integrity of the General Plan as the recently adopted housing element prescribes goals, policies and actions that must be realized in the zoning ordinance for legal consistency.

b) That the amendments to the zoning ordinance in regards to the Emergency Shelter Overlay Zone are required per state law as set forth in Article 10.6 of the Government Code and the City of Pico Rivera's 2014-2021 Housing Element program objectives.

c) That industrial area selected to include the Emergency Shelter Overlay zone is the same area as described in the adopted 2014-2021 Housing Element.

d) That the industrial area selected for the Emergency Shelter Overlay Zone was selected due to its proximity to amenities such as jobs, transportation, public and community services that would assist persons in need.

SECTION 5. The City Council hereby approves adoption of draft Ordinance No. __ adopting Zoning Reclassification No. 315.

APPROVED AND ADOPTED this_____ day of January 2014.

_____
Brent A. Tercero, Mayor

ATTEST:

_____
Anna M. Jerome, City Clerk

APPROVED AS TO FORM:

_____
Arnold M. Alvarez-Glassman, City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:

RESOLUTION NO. 1212

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PICO RIVERA, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF AMENDMENTS TO TITLE 18, *ZONING*, OF THE PICO RIVERA ZONING ORDINANCE PER THE RECENTLY ADOPTED 2014-2021 HOUSING ELEMENT AMENDING DEFINITIONS, HEIGHT, SETBACKS AND ADDING THE PROVISIONS FOR DENSITY BONUS, REASONABLE ACCOMMODATIONS UNDER THE FAIR HOUSING ACT, ESTABLISHING A REASONABLE ACCOMMODATIONS APPLICATION FEE, SINGLE-ROOM OCCUPANCY (SROs), TRANSITIONAL HOUSING, SUPPORTIVE HOUSING, COMMUNITY CARE FACILITIES, SECOND UNIT DWELLINGS AND EMERGENCY SHELTERS IN THE CITY OF PICO RIVERA DESIGNATED HEREIN AS ZONE CODE AMENDMENT NO. 172

WHEREAS, existing Zoning Code, Ordinance No. 534, was adopted on April 1, 1975; and

WHEREAS, on September 3, 2013 the Planning Commission recommended approval of the 2014-2021 Housing Element; and

WHEREAS, on October 8, 2013, at the recommendation of the Planning Commission, the City Council adopted the 2014-2021 Housing Element; and

WHEREAS, on November 12, 2013 the State Department of Housing and Community Development determined that the 2014-2021 Housing Element was in full compliance with the State housing element law (Article 10.6 of the Government Code); and

WHEREAS, certain updates must be made to the Title 18, *Zoning*, of the Pico Rivera Zoning Ordinance to fully actualize the goals, policies and actions as described in the adopted housing element; and

WHEREAS, per the zone code amendment ordinance, a fee must be established for a Reasonable Accommodations Application; and

WHEREAS, the Planning Commission of the City of Pico Rivera conducted a public hearing on the matter of amendments to Title 18, *Zoning*, of the Pico Rivera Municipal Code at a legally noticed public hearing held on January 6, 2014; and

NOW, THEREFORE, be it resolved by the Planning Commission of the City of Pico Rivera that:

SECTION 1. Pursuant to the State of California Public Resources Code and State Guidelines for the California Environmental Quality Act (CEQA), the City Council finds the

environmental impacts of this action were reviewed in the Mitigated Negative Declaration conducted for the 2014-2021 Housing Element Update adopted on October 8, 2013. It can be seen with certainty that there is no possibility that the actions identified herein will have a significant effect on the environment beyond that which was analyzed in the Mitigated Negative Declaration. Therefore, the proposed action is exempt from CEQA.

This proposed action is not a project pursuant to Public Resources Code Section 21080(a) and Section 15002(i) of the CEQA Guidelines, which indicate that CEQA applies to discretionary projects carried out or approved by public agencies. The proposed actions herein are ministerial actions in that the Housing Element requires that the City take the actions identified in the Housing Element as submitted and approved by the California Department of Housing and Community Development.

To the extent that the actions constitute a project, there is no possibility that the project will have a significant effect on the environment and as a result, no further CEQA review is necessary. This determination is in accordance with Section 15061 (b) (3) of the CEQA Guidelines that states, a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 2. Pursuant to Chapter 18.62, Article II of the Pico Rivera Municipal Code, the Planning Commission of the City of Pico Rivera hereby recommends to the City Council of the City of Pico Rivera the approval of an Ordinance amending Title 18, *Zoning*, of the Pico Rivera Municipal Code amending the provisions for Height, Setbacks, Density Bonus, Definitions, Reasonable Accommodations under the Fair Housing Act, Single-Room Occupancy (SROs), Transitional Housing, Supportive Housing, Community Care Facilities, Second Unit Dwellings and Emergency Shelters.

SECTION 3. Further, this Resolution with reports, findings and recommendations herein contained and the recommended Ordinance attached hereto in this matter shall constitute a report of the Planning Commission to the City Council.

SECTION 4. The staff report as considered by the Planning Commission public hearing conducted on January 6, 2014, analyzed and recommends a fee to the City Council of $70 for minor residential additions and $345 when involving new structures. The fees were determined to be similar to the established planning Zoning Consistency Review per the Pico Rivera Fee Study Update adopted in 2009 by Resolution and is determined to cover no more than the City's reasonable costs in connection with processing said applications..

SECTION 5. The Planning Commission finds that the amendment of Title 18 of the Pico Rivera Municipal Code should be approved by the City Council for the following reasons and findings:

a) The proposed amendment is consistent with the spirit and integrity of the General Plan as the recently adopted housing element prescribes goals, policies and actions that must be realized in the zoning ordinance for legal consistency.

b) That the amendments to the zoning ordinance in regards to Density Bonus, Definitions, Reasonable Accommodations under the Fair Housing Act, Single-Room Occupancy (SROs), Transitional Housing, Supportive Housing, Community Care Facilities, Second Unit Dwellings and Emergency Shelters are all required per state law as set forth in Article 10.6 of the Government Code and the City of Pico Rivera's 2014-2021 Housing Element program objectives.

c) That the amendments to height and setbacks in major thoroughfares although not specifically required per the recently adopted 2014-2021 Housing Element are necessary to encourage development in blighted areas to reach the City's maximum density and adequate parking regulations; and

d) That the amendments to height and setbacks are complimentary to the amendments per the adopted housing element to facilitate and remove barriers that may discourage developers from building appropriate housing.

SECTION 6. The Planning Commission hereby transmits and recommends approval of draft Ordinance adopting Zoning Code Amendment No. 172 to the City Council of the City of Pico Rivera.

APPROVED AND ADOPTED this 6th day of January, 2014.

Tommy Elisaldez, Chairperson

ATTEST:

Benjamin A. Martinez, Secretary
Planning Commission
Community and Economic Development Director

APPROVED AS TO FORM:

John W. Lam, Assistant City Attorney

AYES: Celiz, Elisaldez, Garcia, Martinez, Zermeno
NOES:
ABSENT:
ABSTAIN:

RESOLUTION NO. 1213

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PICO RIVERA, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF AN EMERGENCY SHELTER OVERLAY ZONE IN AN INDUSTRIAL AREA AS ADOPTED PER THE 2014-2021 HOUSING ELEMENT IN THE CITY OF PICO RIVERA DESIGNATED HEREIN AS ZONE RECLASSIFICATION NO. 315

WHEREAS, existing Zoning Code, Ordinance No. 534, was adopted on April 1, 1975; and

WHEREAS, on September 3, 2013 the Planning Commission recommended approval of the 2014-2021 Housing Element; and

WHEREAS, on October 8, 2013, at the recommendation of the Planning Commission, the City Council adopted the 2014-2021 Housing Element; and

WHEREAS, on November 12, 2013 the State Department of Housing and Community Development determined that the 2014-2021 Housing Element was in full compliance with the State housing element law (Article 10.6 of the Government Code); and

WHEREAS, per the recently adopted housing element a industrial area was designated to include the newly created Emergency Shelter Overlay Zone; and

WHEREAS, the underlying zone in the designated industrial area will be preserved and the Emergency Shelter Overlay Zone will act as an additional zone; and

WHEREAS, the Planning Commission of the City of Pico Rivera conducted a public hearing on the matter of amendments to Title 18, *Zoning*, of the Pico Rivera Municipal Code at a legally noticed public hearing held on January 6, 2014; and

NOW, THEREFORE, be it resolved by the Planning Commission of the City of Pico Rivera that:

SECTION 1. Pursuant to the State of California Public Resources Code and State Guidelines for the California Environmental Quality Act (CEQA), the City Council finds the environmental impacts of this action were reviewed in the Mitigated Negative Declaration conducted for the 2014-2021 Housing Element Update adopted on October 8, 2013. It can be seen with certainty that there is no possibility that the actions identified herein will have a significant effect on the environment beyond that which was analyzed in the Mitigated Negative Declaration. Therefore, the proposed action is exempt from CEQA.

This proposed action is not a project pursuant to Public Resources Code Section 21080(a) and Section 15002(i) of the CEQA Guidelines, which indicate that CEQA applies to discretionary

projects carried out or approved by public agencies. The proposed actions herein are ministerial actions in that the Housing Element requires that the City take the actions identified in the Housing Element as submitted and approved by the California Department of Housing and Community Development.

To the extent that the actions constitute a project, there is no possibility that the project will have a significant effect on the environment and as a result, no further CEQA review is necessary. This determination is in accordance with Section 15061 (b) (3) of the CEQA Guidelines that states, a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 2. Pursuant to Chapter 18.62, Article II of the Pico Rivera Municipal Code, the Planning Commission of the City of Pico Rivera hereby recommends to the City Council of the City of Pico Rivera the approval of an Ordinance amending Title 18, *Zoning*, of the Pico Rivera Municipal Code adding the newly created Emergency Shelter Overlay Zone to an industrial area as described in the attached Ordinance and Attachment A to that Ordinance.

SECTION 3. Further, this Resolution with reports, findings and recommendations herein contained and the recommended Ordinance attached hereto in this matter shall constitute a report of the Planning Commission to the City Council.

SECTION 4. The Planning Commission finds that the amendment of Title 18, *Zoning*, of the Pico Rivera Municipal Code shall be approved for the following reasons and findings:

a) The proposed amendment is consistent with the spirit and integrity of the General Plan as the recently adopted housing element prescribes goals, policies and actions that must be realized in the zoning ordinance for legal consistency.

b) That the amendments to the zoning ordinance in regards to the Emergency Shelter Overlay Zone is required per state law as set forth in Article 10.6 of the Government Code and the City of Pico Rivera's 2014-2021 Housing Element program objectives.

c) That industrial area selected to include the Emergency Shelter Overlay zone is the same area as described in the adopted 2014-2021 Housing Element.

d) That the industrial area selected for the Emergency Shelter Overlay Zone was selected due to its proximity to amenities such as jobs, transportation, public and community services that would assist persons in need.

SECTION 5. The Planning Commission hereby transmits and recommends approval of draft Ordinance No. ____ adopting Zoning Reclassification No. 315 to the City Council of the City of Pico Rivera.

[Signatures on following page]

APPROVED AND ADOPTED this 6th day of January, 2014.

Tommy Elisaldez, Chairperson

ATTEST:

Benjamin A. Martinez, Secretary
Planning Commission
Community and Economic Development Director

APPROVED AS TO FORM:

John W. Lam, Assistant City Attorney

AYES: Celiz, Elisaldez, Garcia, Martinez, Zermeno
NOES:
ABSENT:
ABSTAIN:

CEQA INITIAL STUDY

PROJECT NAME:	City of Pico Rivera 2014-2021 Housing Element Update General Plan Amendment No. 50
PROJECT LOCATION:	City of Pico Rivera (citywide).
PROJECT APPLICANT:	City of Pico Rivera Community and Economic Development Department 6615 Passons Boulevard Pico Rivera, CA 90660
LEAD AGENCY:	City of Pico Rivera Community and Economic Development Department 6615 Passons Boulevard Pico Rivera, CA 90660 Contact: Julia Gonzalez, Deputy Director (562) 801-4447 juliagonzalez@pico-rivera.org
PUBLIC REVIEW PERIOD:	August 14, 2013 to September 3, 2013

This Mitigated Negative Declaration and Initial Study Checklist have been prepared pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000, et seq.) and the State CEQA Guidelines (California Code of Regulations, Section 15000, et seq.).

Written comments regarding this Mitigated Negative Declaration shall be made to the Lead Agency listed above prior to 5:00 p.m. on the last day of the Public Review Period.

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SECTION I. Introduction

1. Project Location:

The city of Pico Rivera is located in the central portion of the County of Los Angles approximately eight miles east of downtown Los Angeles. Pico Rivera is bounded by the cities of Montebello on the north and east, Whittier on the east, and the cities of Downey and Commerce on the south. The city is located between the Rio Hondo River (west) and the San Gabriel River (east). A regional location map is provided in Exhibit 1. A city-wide map is provided in Exhibit 2.

2. Project Description:

a) Overview

The proposed project consists of the adoption of the updated City of Pico Rivera General Plan Housing Element, referred to herein as the "project", "Housing Element", or "Element". State law requires every City and County to adopt a general plan containing at least seven mandatory elements (chapters). One required element is the Housing Element, which must be updated every eight years. The proposed updated Housing Element covers the planning period of 2014 to 2021.

Section 65583 of the Government Code sets forth the specific components to be contained in a community's Housing Element. These requirements include obligation on the part of the local jurisdictions to provide their "fair share" of regional housing needs. Local governments and Councils of Governments (COGs) are required to determine existing and future housing need and the allocation of said need must be approved by the California Department of Housing and Community Development (HCD). Pico Rivera is a member of the Southern California Association of Governments (SCAG) COG and SCAG is responsible for preparing the RHNA for the six-county territory that it represents.

The project consists of the adoption of the 5th cycle Housing Element update for the City of Pico Rivera. The housing allocation for each jurisdiction is divided into four household income categories used in Federal and State programs: Very Low (50 percent of Area Medium Income (AMI)); Low (50-80 percent of AMI); Moderate (80-120 percent of AMI); and Above-Moderate Income (over 120 percent of AMI). The allocations are further adjusted to avoid an over-concentration of lower income households in any one jurisdiction.

HCD established the planning period for the current RHNA from January 1, 2014 to September 30, 2021. For the 2014-2021 planning period, SCAG allocated to Pico Rivera a total of 850 units, including 217 for very low-income, 131 for low-income, 140 for moderate-income, and 362 for above moderate-income households.

State law requires that all Housing Elements address four key topic housing areas: special needs groups, constraints, resources, and planning. Each of these groups are discussed in detail below.

b) Special Needs Groups

State law recognizes that certain households have more difficulty in finding adequate and affordable housing due to special circumstances. Special needs populations include the elderly, persons with disabilities, female headed households, large households and farm workers. Many often have lower incomes as a result of their condition. Each of these population groups, as well as their appropriate housing needs is described in the Housing Element.

c) Housing Constraints

The Housing Element identifies constraints on the production of new housing, including governmental, environmental, and market constraints. By identifying these constraints, the City recognizes possible barriers to housing development and can adopt policies and programs in the Housing Element to remove or significantly reduce those barriers.

The City of Pico Rivera Housing Element identifies the following circumstances that may act as barriers to development:

- Land use controls
- Residential development standards
- Provisions for a variety of housing types: multi-family rental housing, mobile homes/manufactured housing, second units, transitional housing and emergency housing, and housing for persons with disabilities
- Development Impact and Planning Entitlement Fees
- Building codes and enforcement
- Local processing and permit procedures
- On-and off-site improvement requirements
- Construction cost
- Land availability and cost
- Financing

d) Regional Housing Needs Allocation (RHNA)

As discussed above, Pico Rivera's RHNA for the 2014-2021 planning period is 850 housing units (see **Table 1-1**).

Table 1-1: Regional Housing Needs Allocation 2014-2021

Income Group	Number of Units	Percent of Total
Very Low	217	25.5%
Low	131	15.4%
Moderate	140	16.5%
Above Moderate	362	42.6%
Total	**850**	**100%**

Source: Regional Housing Needs Assessment, SCAG October 2012.

However, while the Housing Element for the 2006-2014 planning period was adopted in 2012 and certified by HCD, the City chose not to complete the rezoning necessary to accommodate the lower income RHNA at that time because the City subsequently embarked on a comprehensive General Plan update. Consequently, the City is required to plan for the current planning period of 2014-2021 as well as any unaccommodated shortfall identified from the previous (2006-2014) planning period. The 2006-2014 RHNA for Pico Rivera is shown in **Table 1-2**. The two planning period allocations combined result in a total fair share allocation for Pico Rivera for the combined planning periods of 1,705 units (see **Table 1-3**).

Table 1-2: Regional Housing Needs Allocation 2006-2014

Income Group	Number of Units	Percent of Total
Very Low	211	24.7%
Low	134	15.7%
Moderate	143	16.7%
Above Moderate	367	42.9%
Total	**855**	**100%**

Source: Regional Housing Needs Assessment, SCAG July 2007 and October 2012.

Table 1-3: Combined 2006-2014 and 2014-2021 RHNA

	Very Low	Low	Moderate	Above Moderate	Total
2006-2014 RHNA	211	134	143	367	855
2014-2021 RHNA	217	131	140	362	850
Total	**428**	**265**	**283**	**729**	**1,705**

Source: Regional Housing Needs Assessment, SCAG July 2007.

As Pico Rivera's 2006-2014 Housing Element was adopted, but not fully implemented the City must determine their exact shortfall in compliance with Assembly Bill (AB) 1233. First, as the RHNA process establishes January 1, 2006 as the baseline for growth projections for the Housing Element planning period of 2006-2014, jurisdictions may count any new units built or approved since January 1, 2006 toward their 2006-2014 RHNA allocation.

As shown in **Table 1-4,** between 2006 and 2012, the City approved and developed 66 above moderate-income units. Based on the requirements of AB 1233, the City must accommodate a total of 1,639 units, including 428 units for very low-income, 265 units for low-income (a total of 693 lower income units), 283 units for moderate income, and 663 units for above moderate income, in the 2014-2021 Housing Element.

Table 1-4: 2014-2021 RHNA Including AB 1233 Shortfall

	Very Low	Low	Moderate	Above Moderate	Total
2006-2014 RHNA	211	134	143	367	855
2006-2014 Units Accommodated by Credits of Units Constructed	0	0	0	66	66
Subtotal	**211**	**134**	**143**	**301**	**789**
2014-2021 RHNA	217	131	140	362	850
TOTAL	**428**	**265**	**283**	**663**	**1,639**

Source: Regional Housing Needs Assessment, SCAG July 2007.

e) Housing Resources and Availability of Sites

The Housing Resources section of the Housing Element focuses on development opportunities to meet the RHNA. The most critical component of the Housing Resources section is the sites inventory, which identifies locations available to support new housing at all income categories.

Table 1-5: Housing Opportunities

	Very Low	Low	Moderate	Above Moderate	Total
Remaining RHNA	428	265	283	663	1,639
Current Residential Zoned Sites (Appendix A)	0	0	18[(a)]	20[(a)]	38
Sites in Rezoning Program (Table 6-7)	1,588		15	0	1,603
TOTAL[(b)] **(Remaining RHNA minus Current Residentially-Zoned Sites and Sites in Rezonng Program)**	**(895)**		**250**	**643**	**2**
Unaccommodated RHNA	**0**		**0**	**0**	**0**

Notes:

[(a)] Densities of 24 units per acre are appropriate to facilitate the development of moderate and above moderate income housing; therefore the unit potential has been divided evenly between the two income categories.

[(b)] Parentheses indicate a surplus of units.

It is important to note that as a policy document, the Housing Element does not propose development on any of the Housing Opportunity or program locations. If and when development occurs within the city the project is subject to comply with the applicable General Plan policies and programs, Municipal Code regulations, CEQA requirements and any other regulating documents.

The City will implement the following land use measures as a means to accommodate its assigned housing need:

- *Vacant/Underutilized Residential Land.* There are number of vacant or underutilized sites currently zoned residential that are currently appropriate to accommodate a portion of the City's remaining RHNA. A total of 38 housing units can be theoretically possible within these parcels (see Exhibit 3).

- *Newly Identified Sites for Mixed-Use development (Planning areas 1 - 13).* The city has vacant land zoned R-E, R-I, S-F, PUD, or R-M and has identified a number of appropriately zoned sites that currently underutilized and are suitable for redevelopment. The mixed-use development could be a combination of commercial and residential uses within the same parcel and/or structure. A total of 90 acres of land have been identified as a candidate for mixed-use change in the applicable general plan land use and zoning designations. The specific development standards for mixed-use development would be defined as part of the City's upcoming 2014 General Plan update and Zoning Ordinance revision. A total of 1,603 housing units would possible if all properties included in the mixed-use designation were developed at densities of 24 du/ac and 30 du/ac, respectively (see Exhibit 4).

Additionally, as part of the Housing Element, the City would create a newly established Emergency Shelter Overlay Zone that would be applied to the area bounded by Beverley Boulevard on the north, Tobias Avenue on the west, the San Gabriel River channel on the east, and the Burlington Northern and Santa Fe (BNSF) railroad right-of-way on the south. At a minimum, the applicable zoning would permit the development and operation of an emergency shelter that would accommodate the City's identified need for emergency shelters. See Exhibit 5 for a map of Emergency Shelter Overlay Zone.

f) Resources to Meet Housing Needs

A variety of potential funding sources are available to finance housing activities in Pico Rivera. In previous years, the primary source of funds for affordable housing activities in Pico Rivera was the Redevelopment Agency housing set-aside fund. The City of Pico Rivera Redevelopment Agency was dissolved as of February 1, 2012, and the City selected the Pico Rivera Housing Assistance Agency to be the Successor Agency responsible for all enforceable obligations owed. For the 2014-2021 planning cycle, the City is investigating new funding sources to continue administering its existing programs. Federal, State, county, local and private potential financial resources available for housing activities, identified by the City are listed in Financial Resources Available for Housing Activities Table 6-9, in the 2014-2021 Housing Element.

g) Housing Plan

The Housing Plan section of the Element establishes the goals, policies, and programs that would guide City decision-making on housing issues. The goals, policies, and programs of the Housing Plan are intended to promote the production of housing, and therefore, may result in the direct or indirect environmental impacts based on the nature of residential development. The goals and policies of the Housing Plan are:

Goal 1: Preserve and improve existing housing

Policy 1.1: Encourage the maintenance and repair of the City's housing stock through code enforcement and rehabilitation programs.

Policy 1.2: Preserve the integrity of the existing single-family neighborhoods in the community.

Goal 2: Encourage access to opportunities for affordable housing

Policy 2.1: Support and promote the creation of new opportunities for affordable housing.

Policy 2.2: Cooperate with private and public sector entities in identifying strategies that will be effective in the development of new affordable housing.

Policy 2.3: Promote and support those programs that will assist lower-income households in the purchase of their homes.

Goal 3: Ensure an adequate supply of housing for households with special needs

Policy 3.1: Cooperate with housing providers and developers to promote the development of housing to accommodate those households with special needs.

Policy 3.2: Pursue the feasibility of providing additional senior housing opportunities in the City.

Policy 3.3: Recognize the basic shelter needs of homeless persons.

Goal 4: Provide adequate sites to meet the existing and future housing needs of the City

Policy 4.1: Support the development of higher density housing along selected arterial corridors as a means to accommodate the City's projected housing need.

Policy 4.2: Establish a mixed-use overlay zone and increase minimum density in identified areas to meet the City's housing need.

Goal 5: Remove Governmental Constraints

Policy 5.1: Continue to support changes to the City's Zoning Ordinance as a means to streamline the development process.

Policy 5.2: Continue to support reduced fees and/or development standards for those developments that meet the criteria for being affordable.

Policy 5.2: Continue to encourage the use of energy-saving technology in the design and construction of new housing.

Goal 6: Promote Equal Housing Opportunities

Policy 6.1: Continue to promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color or the presence of disabled persons.

Policy 6.2: Continue to promote greater awareness of tenant and landlord rights.

The Housing Element includes various implementation programs to meet the provision of its goals and policies. Programs that promote housing and are key for the environmental analysis include the following:

Program 7 - Section 8 Rental Assistance

Program Objective: Continue to provide assistance to households through the Section 8 program and encourage rental property owners to register their units with the City. The Housing Division will continue to monitor the number of residents accessing the program and units available for rent.

Program 11 – Emergency Shelter, Transitional and Supportive Housing Program

Program Objective: Ensure that the housing need of all residents is met by providing opportunities for transitional and supportive housing, emergency shelters, and SRO units to be accommodated within the City. Prioritize available incentives for extremely low-income households.

Program 12 – Development of Housing for Large Households

Program Objective: Ensure that the housing need for large households is met by prioritizing available incentives for large households.

Program 13 – Development of Second Units

Program Objective: Encourage the development of second units.

Program 14 – Provision of Adequate Sites for Housing Development

Program Objective: Provide appropriate land use designations/classifications and maintain an inventory of suitable sites for residential development. Make the vacant and underutilized residential sites inventory available on the City's website to non-profit and for-profit housing developers.

Program 15 - Lot Consolidation

Program Objective: Encourage lot consolidation of smaller parcels to accommodate projects including a minimum of 16 units to at least 30 dwelling units per acre or higher.

Program 17 - Density Bonus

Program Objective: Inform and encourage developers to utilize the density bonus program by promoting the program on the City's website and by offering Staff assistance at City Hall.

Program 22 – Reasonable Accommodation for Persons with Disabilities

Program Objective: Administer the Housing Rehabilitation Loan and Grant Program to assist households with persons with disabilities with architectural modifications to their homes and continue to implement the provisions of the California Americans with Disabilities Act (Cal ADA). Provide information in public places regarding the City's reasonable accommodation ordinance and the Housing Rehabilitation Loan and Grant Program.

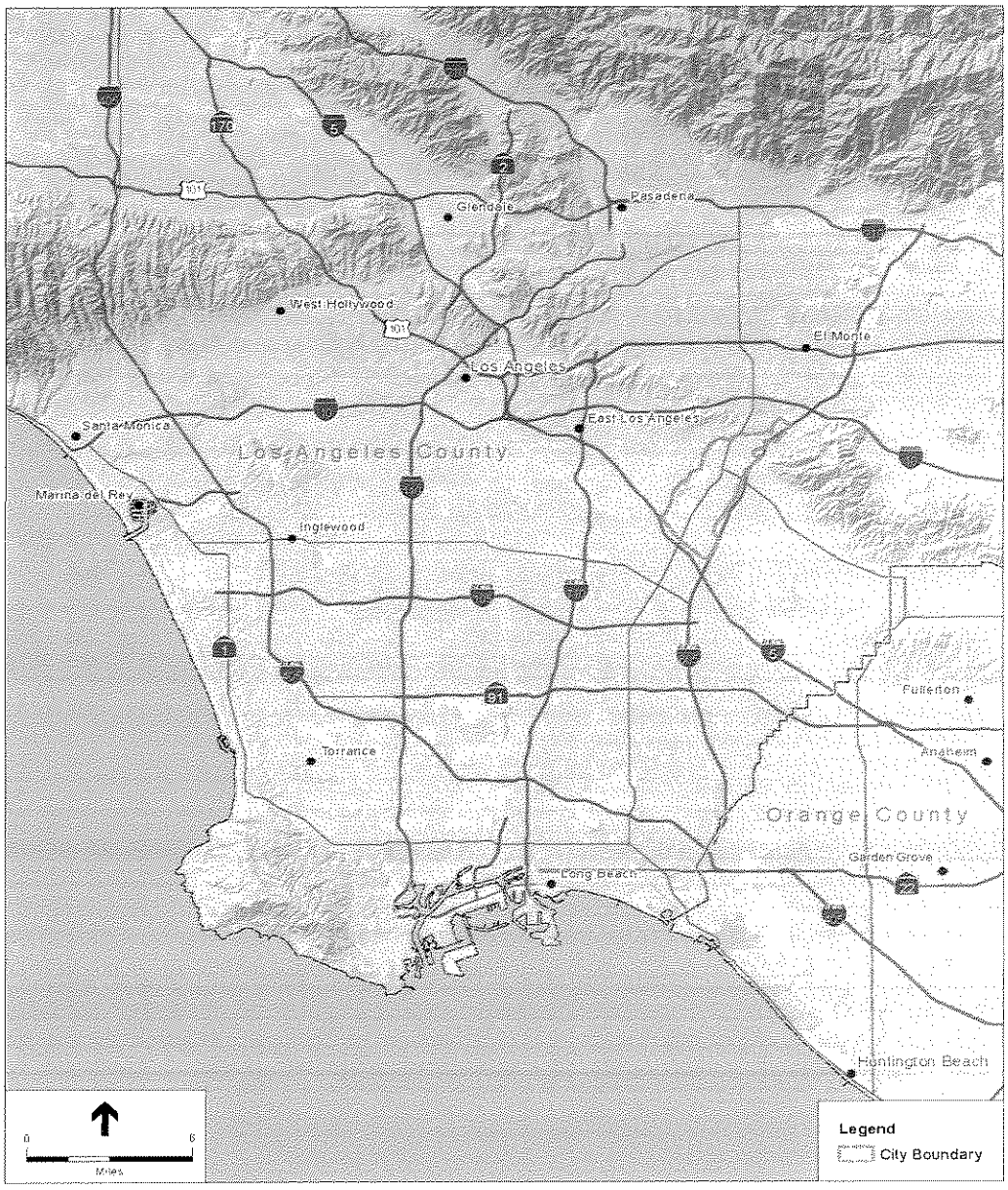
Program 23 – Fair Housing

Program Objective: Continue to assist households and refer fair housing complaints to the Southern California Housing Rights Center.

3. Required Approvals:
The State of California, Department of Housing and Community Development will review the Housing Element for compliance with State law and indicate whether the adopted Element can be certified as in compliance (Sections 65580-65589.9 of the Government Code). The Housing Element will be reviewed and adopted by the Pico Rivera Planning Commission and City Council prior to certification.

4. Other public agencies whose approval is required:
The State of California, Department of Housing and Community Development will review the Housing Element for compliance with State law and indicate whether the adopted Element can be certified as in compliance (Sections 65580-65589.9 of the Government Code). The Housing Element would be reviewed and adopted by the Pico Rivera Planning Commission and City Council prior to certification.

Exhibit 1: Regional Location



Source: ESA, 2013

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Exhibit 2: City of Pico Rivera

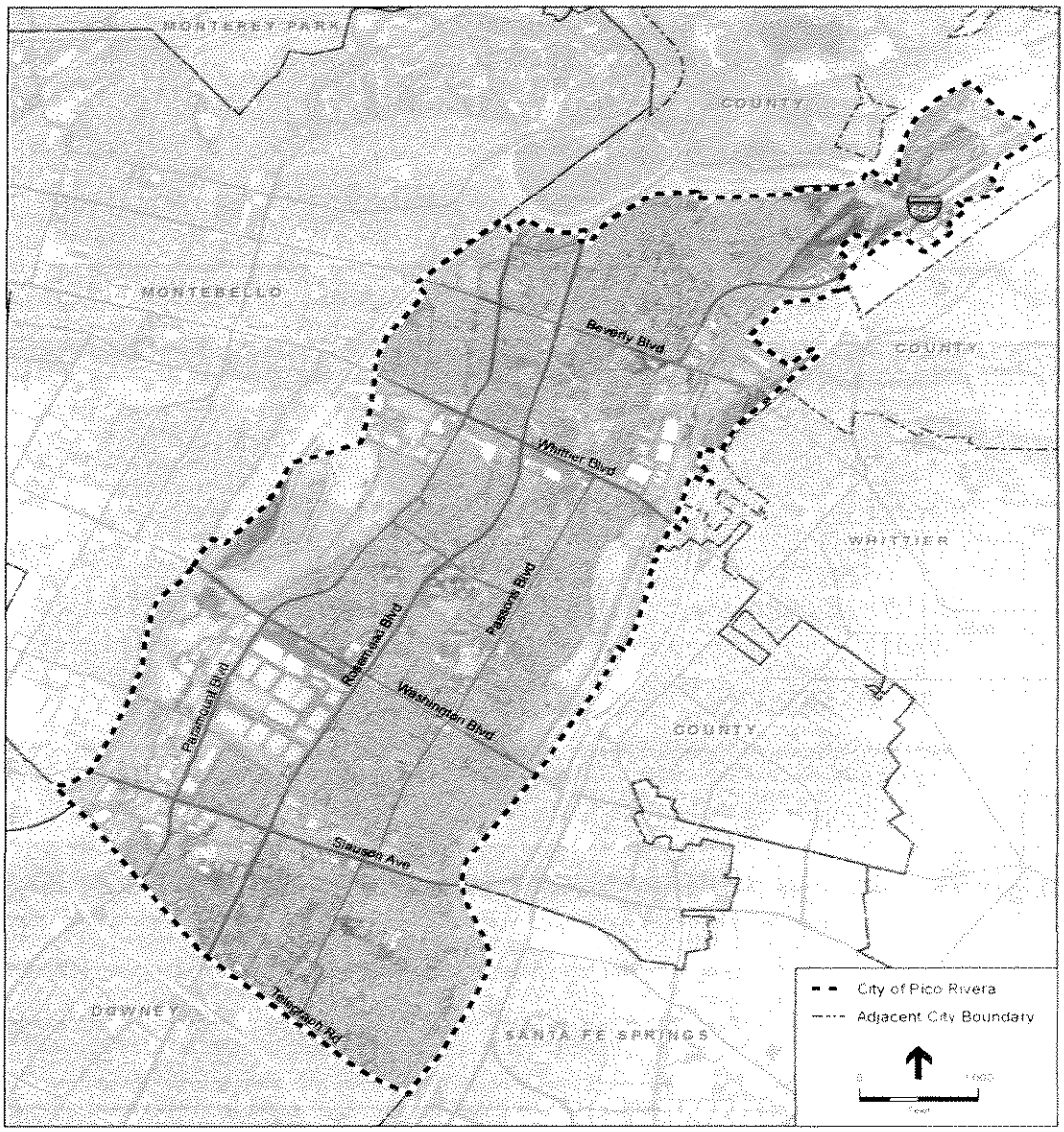

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Exhibit 3: Residentially Zoned Opportunity Sites

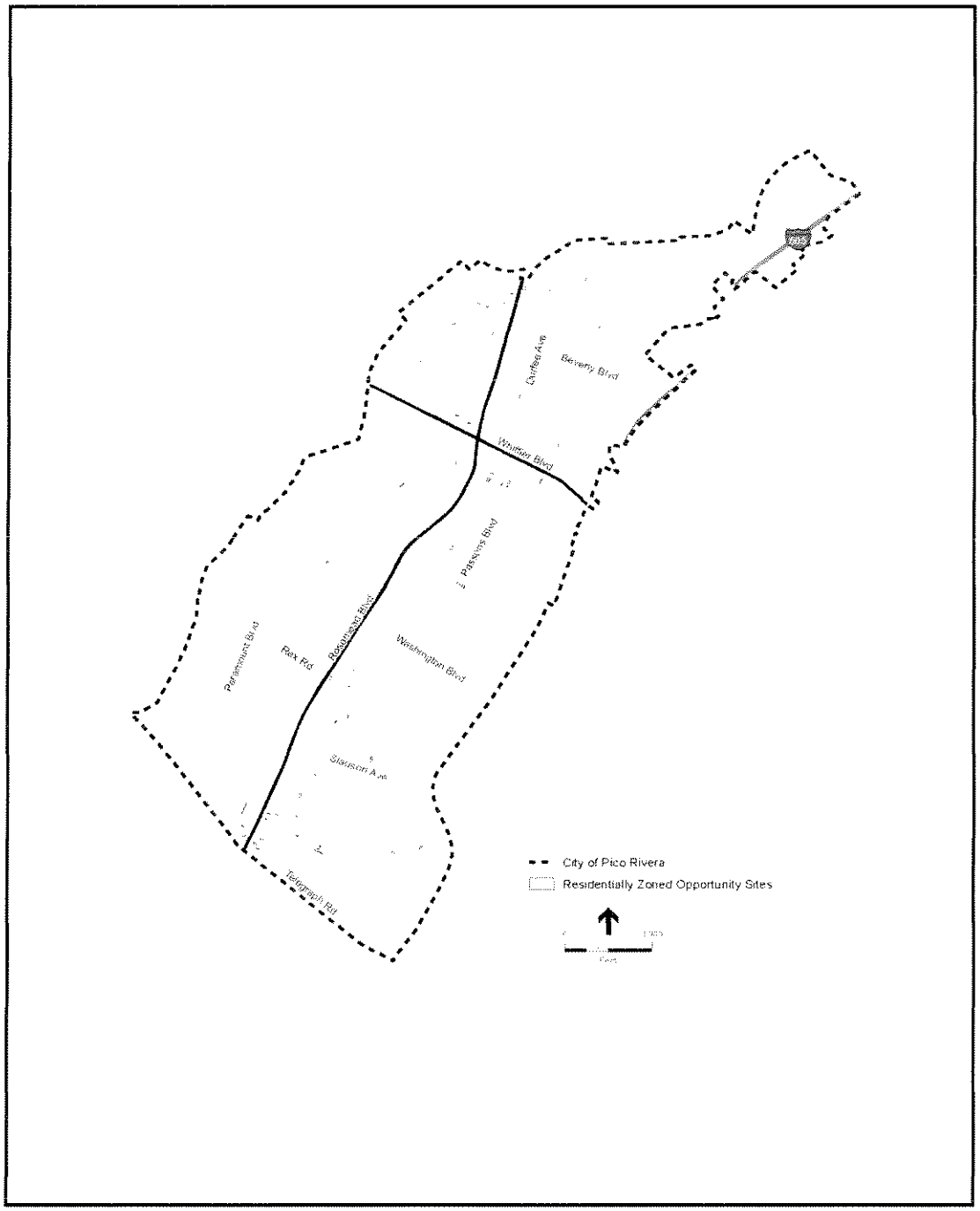

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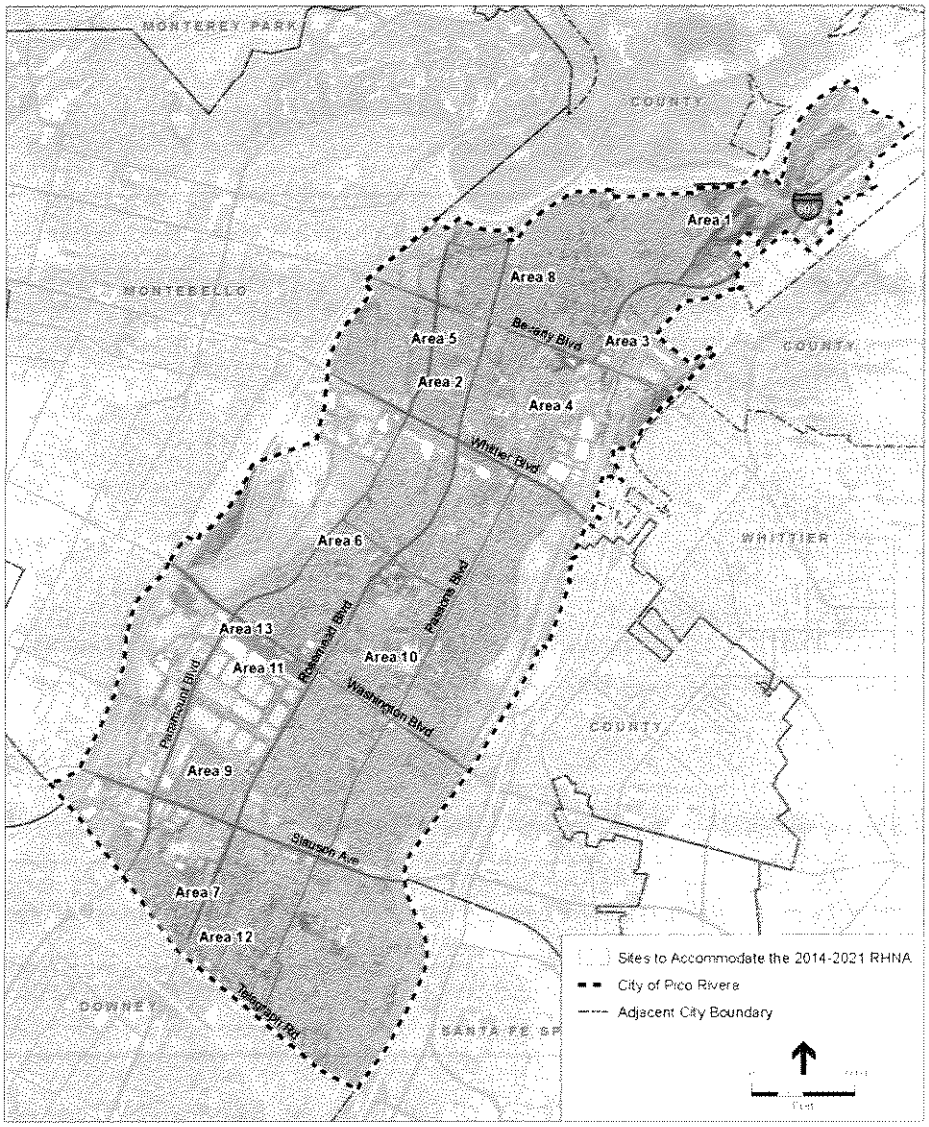
Exhibit 4: Rezoned Residential Opportunity Sites



Source: ESA, 2013

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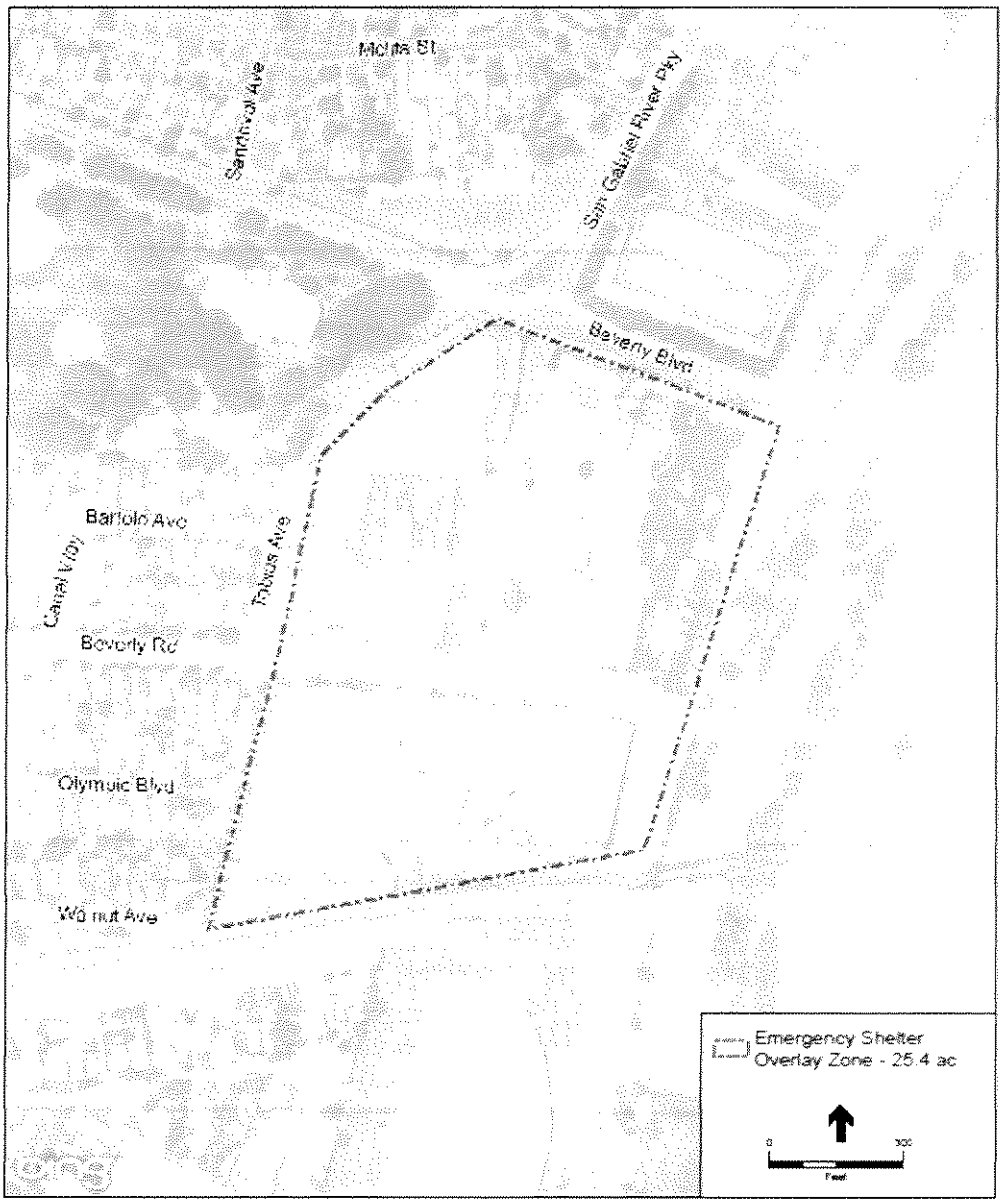
Exhibit 5: Emergency Shelter Overlay Zone



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SECTION II. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist in Section III.

☐	Aesthetics	☐	Land Use and Planning
☐	Agriculture Resources	☐	Mineral Resources
☑	Air Quality	☑	Noise
☐	Biological Resources	☐	Population and Housing
☑	Cultural Resources	☐	Public Services
☐	Geology and Soils	☐	Recreation
☐	Greenhouse Gas Emissions	☐	Transportation/Traffic
☐	Hazards & Hazardous Materials	☐	Utilities & Service Systems
☐	Hydrology & Water Quality	☐	Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☑ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated". An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Signature: _____ Date: 10/14/13

Ben Martinez Director Community & Economic Development Department

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SECTION III. INITIAL STUDY CHECKLIST AND ENVIRONMENTAL EVALUATION

This section analyzes the potential environmental impacts which may result from the proposed project. For the evaluation of potential impacts, the questions in the Initial Study Checklist are stated and answers are provided according to the analysis undertaken as part of the Initial Study. They outline the following issues:

1. Aesthetics
2. Agriculture Resources
3. Air Quality
4. Biological Resources
5. Cultural Resources
6. Geology and Soils
7. Greenhouse Gas Emission
8. Hazards and Hazardous Materials
9. Hydrology and Water Quality
10. Land Use and Planning
11. Mineral Resources
12. Noise
13. Population and Housing
14. Public Services
15. Recreation
16. Transportation and Traffic
17. Utilities and Service Systems
18. Mandatory Findings of Significance

The analysis considers the project's short-term impacts (construction-related), and its operational or day-to-day impacts. For each question, there are four possible responses. They include:

1. ***No Impact.*** Future development arising from the project's implementation will not have any measurable environmental impact on the environment and no additional analysis is required.

2. ***Less Than Significant Impact.*** The development associated with project implementation will have the potential to impact the environment; these impacts, however, will be less than the levels or thresholds that are considered significant and no additional analysis is required.

3. ***Potentially Significant Impact Unless Mitigated.*** The development will have the potential to generate impacts which will have a significant effect on the environment; however, mitigation measures will be effective in reducing the impacts to levels that are less than significant.

4. ***Potentially Significant Impact.*** Future implementation will have impacts that are considered significant, and additional analysis is required to identify mitigation measures that could reduce these impacts to less than significant levels.

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS. Would the project:				
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☑	☐
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☑
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☑	☐
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☑	☐

Response:

(a): The city of Pico Rivera, which is located in southeast Los Angeles County, is an urban environment. The General Plan does not identify any scenic vistas or scenic resources within the city but there are parts of the city, particularly in the northeast, that have views of the San Gabriel mountains. Future development under the Housing Element would include in structures that could potentially affect scenic vistas however; housing would not be built in areas anticipated to block public view corridors that overlook the mountain range. Therefore, the adoption of the Housing Element and subsequent implementation would not have adverse effects on scenic vistas. Impacts would be less than significant.

(b): There are no scenic highways within the city boundaries. No impact would occur.

(c): The adoption of the updated Housing Element would not in itself substantially degrade the existing visual character or quality of the city and its surroundings. Development pursuant to the Housing Element would not adversely affect existing visual character of the proposed housing opportunity areas due to the general requirements of the design review process, which would ensure that new developments would espect the aesthetic value of the site and surrounding character. No adverse impact on aesthetic resources would occur. Impacts would be less than significant.

(d): The adoption of the updated Housing Element would not itself create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Issues related to substantial light and glare resulting from the anticipated future growth and development would be considered at the development review stage to ensure that the visual character and quality of sites is maintained either through zoning code requirements and/or the City's Design Review Board. Impacts related to aesthetic resources would be less than significant.

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
2. AGRICULTURE RESOURCES. Would the project:				
b. Conflict with existing zoning for agricultural use or a Williamson act contract?	☐	☐	☐	☑
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☑
d. Result in loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☑
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☑

Response:

(a and b): The city of Pico Rivera is an urbanized area that is mostly built out with only infill development potential. There are no agricultural lands within the city boundaries. The United States Department of Agriculture, Soil, Conservation Survey for Los Angeles County indicates that the city is located in an area of alluvial fans, plains, and terrace, a soil association that is not considered to be a prime farmland soil. Further, as shown by the California Department of Conservation Los Angeles County Information System, no Williamson Act contracts or other agriculture preserve contracts are active on the proposed housing opportunity areas. No impact would occur.

(c and d): The General Plan does not identify any protected national or State forest areas within the city or its sphere of influence. According to the Land Cover data maps provided by the California Department of Forestry and Fire Protection, the proposed housing opportunity areas are not zoned or designated as woodland, timberland or forest areas, therefore any proposed zone changes or future development identified within the housing opportunity locations would not have an impact on forest land or timberland. No impact would occur.

(e): As mentioned above, with respect to agricultural areas and forest lands no impact would occur.

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3. AIR QUALITY. Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☑	☐
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☑	☐
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☑	☐
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☑	☐	☐
e. Create objectionable odors?	☐	☐	☐	☑

Response:

(a): The city of Pico Rivera is located within the South Coast Air Basin, which covers a 6,600-square-mile area within Orange County, non-desert portions of Los Angeles County, Riverside County, and San Bernardino County. Air quality in the basin is monitored by the South Coast Air Quality Management District (SCAQMD) at various monitoring stations located throughout the area.

Measures to improve the regional air quality are outlined in the SCAQMD's Air Quality Management Plan (AQMP). The California Air Resources Board (CARB) has primary oversight regarding vehicle related emissions. In a joint effort, SCAQMD and CARB adopted the 2012 AQMP, creating policies and programs to address regional air quality. The plan builds upon the approaches taken from the 2007 AQMP for the South Coast Air Basin.

The RHNA housing need represents a mandate required by the State of California as part of the RHNA's implementation. The City is obligated under State law to fulfill the RHNA requirements that been assigned to the City. As part of the RHNA's development, Southern California Association of Government (SCAG) relied on growth projections developed as part of the Regional Transportation Plan (RTP).The South Coast Air Basin has experienced poor air quality because of the area's topography as well as metrological influences that often lead to the creation of inversion layers that prevent the dispersal of pollutants. During the mid-20th century, the South Coast Air Basin experienced the worst air pollution in the nation which gave rise to the various air quality improvement strategies. However, improvements of the region's air quality has been largely due to the elimination of many stationary emission sources, more stringent vehicle emissions controls, and new regulations governing activities that contribute to air pollution (such as open-air fires). The primary criteria pollutants that remain non-attainment in the local area include PM 10, PM2.5 and Ozone.

The Housing Element proposes a population growth of an estimated 1,639 units or 6,179 residents based on identified housing opportunity areas.[1] The projected long-term growth in the city is a small percentage of growth (approximately one percent), when compared to the region at large and within the entire South Coast Air Basin (where regional growth is anticipated for Los Angeles County to increase by 626,000 by 2020). Therefore, population growth supported by the Housing Element does not significantly conflict with growth forecasts developed for the RTP.

Based on the analysis presented above, the project would not conflict with the AQMP, less than significant impacts would occur.

(b): The project would not result in direct development. The remaining housing need of 1,639 units represents a mandate required by the State of California as part of the RHNA's implementation. The City is obligated under State law, to ensure that certain governmental constraints (including land use controls) are removed so that the unmet housing need may be accommodated. As part of the RHNA's development, SCAG relied on growth projections developed as part of the RTP. These growth projections were evaluated, including the attendant air quality impacts, in the environmental studies prepared for the both the RHNA and the RTP. The Pico Rivera Housing Element would not introduce any additional impacts beyond that previously analyzed. As a result, the impacts are considered to be less than significant.

(c): As noted above, the SCAB is designated a non-attainment area for ozone, PM2.5 and PM 10. The future development of residential units would contribute criteria pollutants to the area during short-term project construction as well as daily operation. The following General Plan objective and policies have been adopted to minimize air quality impacts associated with development activity:[2]

Objective A-1: Achieve and maintain reductions in the amount of local air emissions by participating in a regional approach to improve air quality.

Policy A.1.1: Coordinate local air quality improvement efforts with those within southeast Los Angeles County and the region.

Policy A.1.2: Provide for a diverse and efficient ground transportation system that minimized air pollutant emissions.

Policy A.1.3: Maintain a pattern of land use which can be efficiently served by a diversified transportation system and which directly and indirectly minimizes air pollutants.

Policy A.1.4: Minimize particulate emissions from the construction and operation of roads and buildings.

Policy A.1.5: Provide a reduction in overall emission through decreased energy consumption.

Policy A.1.6: Encourage technological advances and changes in business and industry which serve to improve regional air quality.

[1] Total population (6,179) = city of Pico Rivera average person per household (3.77) * number of identified additional housing units in the Housing Element (1,639).

[2] This objective and policies are currently adopted in the 1993 General Plan. The proposed General Plan update would address air quality impacts and be consistent with this objective and policies.

Residential development facilitated by the Housing Element pursuant to adopted General Plan land use policies can be expected to contribute to increases in pollutant loads throughout the basin. The long-term air pollutant emissions associated with the residential development are expected to be significant. Air pollutant emissions associated with new vehicle trips and stationary sources would result in emissions levels that exceed the thresholds established by the SCAQMD for particulate matter less than 10 microns in size (PM10). PM10 results primarily from dust and fume-producing industrial and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities such as wind-raised dust and ocean spray. Residential development does not contribute to PM10 in this manner. Furthermore, depending on the nature of each individual proposed residential project, cumulative air quality impacts would be addressed in supplemental environmental documentation. Impacts would be less than significant.

(d): Sensitive receptors include children, the elderly, pregnant women, and those with existing health problems that are affected by air pollution.[3] The project promotes development of housing for sensitive receptors. The sites identified in the housing opportunity areas as well as development in the proposed Emergency Shelter Overlay would allow for the potential development of a substantial amount of multi-family homes or an emergency shelter in close proximity to the railroad, BNSF, a major emitter of air toxics including diesel particulates, oxides of nitrogen, carbon monoxide, fine particulates, and other air pollutants.[4] To ensure future development would not be exposed to substantial concentrations of diesel emissions, Mitigation Measures MM AQ-1 through AQ-3 would be imposed for the proposed Housing Element, as set forth below.

Mitigation Measures

> **MM AQ-1** For all residential projects proposed adjacent to the BNSF railroad in the sites for rezoning program, an air quality study shall be prepared to determine the most effective buffering technique to ensure the exterior living areas are not exposed to substantial pollutant concentrations from the railroad. Appropriate buffering shall be incorporated into the tentative subdivision map or other form of site plan submitted for approval by the City of Pico Rivera.
>
> **MM AQ-2** All housing sites shall include air filtration systems designed to have a Minimum Efficiency Reporting Value (MERV) of 13 as indicated by the American Society of Heating Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2. The air handling systems shall be maintained on regular bases per manufacturers recommendations by a qualified technician employed or contracted by the project proponent. Operation and maintenance of the system shall ensure that it performs at or above the minimum reporting value.
>
> **MM AQ-3** Any development within the Emergency Shelter Zone shall be designed and sealed with inoperable windows combined with HVAC systems in Mitigation Measure AQ-2.

With implementation of the Mitigation Measures above, the project would result in less than significant impacts related to sensitive receptors.

(e): The project would not directly result in the creation of objectionable odors. There are no significant impacts associated with the creation of objectionable odors resulting from the proposed development of the City's vacant or underutilized residentially zoned lands. The project is a policy document related to the provision of housing,

[3] California Air Resources Board. Air Quality and Land Use Handbook: A Community Health Perspective. April 2005. p.1.

[4] California Air Resources Board. Air Quality and Land Use Handbook. A Community Health Perspective. April 2005. p.A-3.

which is not generally a use that produces objectionable odors. No impact would occur.

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4. BIOLOGICAL RESOURCES. Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☑	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☑	☐
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☑	☐
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☑	☐
e. Conflict with any local policies or ordinances protecting biological resources? (i.e. tree preservation ordinance).	☐	☐	☐	☑
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	☐	☐	☐	☑

Response:

(a): The majority of the potential development sites have been previously developed, and plant life is limited to non-native, introduced, and ornamental species used for landscaping. There are no sensitive or endangered animal or plant species within the city. The housing opportunity areas are completely surrounded by man-made improvements. Animal life within the opportunity sites and the surrounding area consist of a species commonly found in an urban setting. The Department of Fish and Game's Natural Diversity Database (CNDD) was reviewed to determine the presence of sensitive or endangered animal and plant species within the vicinity of the proposed project. The database indicated a sighting of the San Diego Horned Lizard along the Los Angeles River channel in Compton (in the 1930s) and a second occurrence in the Whittier Narrows area. Other sensitive species, found more than twelve miles to the northeast in Montebello Hills, include the California gnatcatcher, golden eagle, bank swallow, rufous-crowned swallow, loggerhead shrike, coastal cactus wren northern harrier, sharp shined

hawk, Cooper's hawk, and Vaux's swift. These species are not expected to migrate to the housing opportunity areas due to lack of suitable habitat in the area, and the nature and extent of existing development. As a result, adoption of the Housing Element adoption and subsequent implementation would result in less than significant impacts related to candidate, sensitive, or special status species.

(b): The Housing Element would not in itself have a substantial effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. None of the housing opportunity sites are near riparian habitat or sensitive natural community resources. As a result, the adoption of the Housing Element adoption and subsequent implementation would result in less than significant impacts.

(c): The city is fully urbanized and no natural wetland habitat is found within the housing opportunity sites. While the Rio Hondo River is identified as a blue-line stream of the United States Geological Survey (USGS) Quadrangle for the area, it is channelized and concrete-lined. There is no natural riparian habitat found within this segment of the river. Portions of the San Gabriel River contain riparian habitat, though none of the proposed housing opportunity areas are located in these areas. Furthermore, according to the published USGS topographic maps, no other blue line streams are within the city. Therefore, adoption of the Housing Element adoption and subsequent implementation would result in less than significant impacts.

(d): As indicated above, the city is fully developed with no natural or native vegetation remaining. Also, no natural open space areas are located in the city that serves as animal migration corridors. The city of Pico Rivera is surrounded by urban development. Impacts would be less than significant.

(e): The City does not have a tree protection ordinance. No locally designated species are found within the housing opportunity areas or surrounding areas. A number of mature trees are found within the opportunity sites, though none of these trees appear to be significant or considered "heritage" trees, or trees that are awarded special status due to their age, size, rarity or other factors. Thus, no impact to local policies and programs related to resource management or tree preservation is expected with the adoption or implementation of the proposed Housing Element.

(f): The city is not located within an area governed by a Habitat Conservation or Community Conservation Plan. As a result, no impacts on local, regional, or state habitat conservation plans would result from the adoption and subsequent implementation of the proposed Housing Element.

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
5. CULTURAL RESOURCES. Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines 5064.85?	☐	☐	☐	☑
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines 5064.5?	☐	☑	☐	☐
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☑	☐
d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☑	☐

Response:

(a): Historic structures and sites are defined by local, State, and Federal criteria. A site or structure may be historically significant if it is locally protected through a local general plan or historic preservation ordinance. In addition, a site or structure may be historically significant according to State or Federal criteria even if the locality does not recognize such significance. The State, through the State Historic Preservation Office (SHPO) also maintains an inventory of those sites and structures that are considered to be historically significant. Finally, the U.S. Department of Interior has established specific guidelines and criteria that includes the manner in which a site, structure, or district is to be defined as having historic significance in the determination of its eligibility for listing on the National Register of Historic Places. There are no historic structures or significant sites within the city boundaries listed on the Federal Register or on any site on local register.[5] Thus, the implementation of the Housing Element and subsequent implementation would not cause any significant adverse impacts on any historic site or other historic structures.

(b): A map and records search conducted by the UCLA Institute of Archaeology identified two prehistoric sites, in the northern portion of the city. The majority of the potential development sites in the city were previously disturbed and no archaeological resources were reported during previous grading and excavation activities in the area. However, depending on excavation depths and other grading activities that could occur during development of individual housing projects, there is still a potential for subsequent projects to affect archaeological resources. While it is unlikely that archeological and paleontological sites would be found since a majority of the sites having been previously developed, the following mitigation measure will ensure that impacts related to archaeological resources are less than significant.

Mitigation Measure

MM CR-1 If currently unknown resources are discovered during grading or demolition, such activity shall be halted or diverted away from the affected area of the project site, until a qualified archaeologist can

[5] California Department of Conservation. State Office of Historic Preservation. 2013.

examine the archaeological resources to determine their significance. If the find(s) are determined to be significant, the archaeologist shall provide recommendations regarding the collection, documentation, and disposition of the archaeological resources and shall provide recommendations on whether the remainder of the site that has not yet been disturbed should be monitored.

(c): The project would not directly or indirectly destroy a unique paleontological resource or unique geologic feature as it is a policy document without a proposal for development. The project promotes residential development to meet the City's RHNA that would include development on primarily developed sites. In regards to the housing opportunity sites, particularly in the northeast most portion of the city, the potential for paleontological resources in the area is considered low due to character of subsurface soils (recent alluvium) and the lack of disturbance associated with the aforementioned past development in the city.[6] Furthermore, as with all construction in the city, should any be discovered on future development sites, the applicant is required to comply with the provisions set forth Section 15064.5 of Title 14, Chapter 3 of the California Code of Regulations (CEQA Guidelines), which states the rules for analysis of historical resources and archaeological resources, as well as limits on the cost of mitigating archaeological resources. Impacts would be less than significant.

(d): No known sites likely to contain human remains have been identified. In the event that human remains are discovered during development of any site, the project proponent will be required to comply with the State Health and Safety Code 7050.5, which prohibits further disturbance until the county coroner has made a determination of the origin and disposition pursuant to Public Resources Code 5097.98. The county coroner must be notified immediately of the find. If the remains are determined to be prehistoric, the coroner is required to notify the Native American Heritage Commission (NAHC), which would determine and notify a Most Likely Descendant (MLD). With the permission of the owner of the land or his/her authorized representative, the descendant may inspect the site of the discovery. The descendant shall complete the inspection within 24 hours of notification of the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Mandatory compliance with the State Health and Safety Code requirements would ensure that this impact is less than significant.

[6] City of Pico Rivera. General Plan, Environmental Impact Report. Page V-26. 1993.

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
6. GEOLOGY AND SOILS. Would the project:				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	☑	☐
2) Strong seismic ground shaking?	☐	☐	☑	☐
3) Seismic-related ground failure, including liquefaction?	☐	☐	☑	☐
4) Landslides?	☐	☐	☐	☑
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☑	☐
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☑	☐
d. Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2001), creating substantial risks to life or property?	☐	☐	☑	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of water?	☐	☐	☐	☑

Response:

(a1 through a3): The adoption of the updated Housing Element would not in itself expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction and landslides. According to the State Department of Conservation, Department of Mines and Geology, there are no areas within the city of Pico Rivera that are delineated on Alquist-Priolo Earthquake fault zone. However, the Los Angeles Basin is crisscrossed by numerous regional earthquake faults, several of which lay in the vicinity of Pico Rivera. While most of these faults are inactive, a few result in occasional earthquakes. Those faults most likely to impact the city as a result of seismic activity include the San Andreas, the Sierra Madre, and the Raymond Hills faults. The primary seismic hazards associated with earthquakes are ground rupture and ground shaking. The extent of both and accompanying levels of damage are dependent upon a number of factors including magnitude of the event, distance from the epicenter, and underlying soil conditions. In addition, ground shaking can induce several seismic hazards that may result in damage. These include liquefaction, differential settlement, landslides, and seiching. The central portion of the city and the Whittier Narrows Dam area has medium liquefaction

potential, while the remainder of the city has low liquefaction potential. While the potential for differential settlement, landslides, and seiches exist within Pico Rivera, given soil, topographic and other conditions, their likelihood and potential severity are generally limited. Parcels identified in the sites inventory were compared with all hazards maps included in the City's Safety Element; none were found to be within areas that have development restrictions due to risk of damage from disasters (such as floods, wildfires, or seismic events). The sites inventoried have a land use designation that was determined based on surrounding land uses and has already examined potential environmental constraints.[7]

The California Building Standards Code, adopted by the City, regulate the design and construction of foundations, building frames, retaining walls, excavation, and other building elements. A key objective of this code is to mitigate the effects of seismic shaking and adverse soil conditions. Thus the adoption and subsequent implementation of the Housing Element would not expose people or structures to potential or substantial adverse effects involving rupture of a known earthquake, strong seismic ground shaking, or seismic-related ground failure.

(a4): Landslides are not considered a potential hazard since the city of Pico Rivera has a relatively flat topography with no steep hills or slopes. No impacts related to landslides would occur.

(b): The project would not directly result in soil erosion or loss of topsoil as no development is proposed. Residential development proposed in accordance with the project may result in soil erosion and loss of top soil. Standard erosion-control practices during construction, including compliance with the National Pollution Discharge Elimination System (NPDES) permitting process and the use of Best Management Practices (BMP), would reduce potential impacts to a level of less than significant. Impacts due to soil erosion would be less than significant after implementation of required erosion-control practices.

(c): The adoption of the updated Housing Element would not in itself result in projects that would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction or collapse. The State Division of Mines and Geology designated all areas within the city a liquefaction zone, which would require geotechnical reports for potential construction projects. Per Public Resources Code Section 2693(c), individual development geotechnical/soils reports would include measures to reduce seismic risk to acceptable levels to address potential impacts related to liquefaction. Compliance with the government code would reduce potential impacts to a less than significant level.

(d): The adoption of the updated Housing Element would not in itself result in the projects that would be located on expansive soils, creating substantial risk to life or property. All of the soil types in Pico Rivera can be compacted to a degree that does not hinder site development. By adhering to accepted soils engineering and grading practices, the risk of settlement for future development proposed in the Element would be reduced to less than significant levels. Therefore, impacts related to expansive soils from the proposed project would be less than significant.

(e): The City of Pico Rivera is an urban area that is served by a sanitary sewer system. Future development would be required to connect with the existing sanitary sewer system. As a result, no impacts associated with the

[7] City of Pico Rivera. 2014-2021 Housing Element update. May 2013.

use of septic tanks would occur as part of the Housing Element's adoption and subsequent implementation.

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
7. GREENHOUSE GAS EMISSION. Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☑	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☑	☐

Response:

(a): Atmospheric gases, which allow solar radiation into the atmosphere but prevent heat from escaping, thus warming the Earth's atmosphere, are often referred to as greenhouse gases. Greenhouse gases (GHGs) are released into the atmosphere by both natural and anthropogenic (human) activity. The principal greenhouse gases resulting from anthropogenic activity that enter and accumulate in the atmosphere are carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), and fluorinated gases such as hydrofluorocarbons. The accumulation of these gases in the atmosphere at levels in excess of natural activity levels increases the Earth's temperature and result in changing climatic conditions in different parts of the planet, including California.

Future residential development in Pico Rivera would be designed and constructed in accordance with the provisions of the Municipal Code and the land use policies of the General Plan. The proposed Housing Element does not change any land use policy or any building regulations that would raise or otherwise change development levels that could contribute to an increase in greenhouse gases.

The 2010 California Building Code regulations, adopted by Pico Rivera in December 2010, would further increase energy efficiency in new residential buildings, which includes standards that would result in reductions in total energy demand; thereby reducing the level of GHG emissions generated from coal, natural gas, and oil-based energy sources. The Housing Element is designed to be in compliance with the all General Plan implementation measures related to GHG, as well as the standards set forth in the 2010 Building Code. In addition, housing development that would occur under the Housing Element would be subject to subsequent environmental analysis to ensure that the sites are in compliance with State laws regulating GHG. Impacts and that their GHG contributions would be less than significant.

(b): A variety of standards and regulations have been passed in California since the 1970s that either directly or indirectly affect greenhouse gas emissions and climate change. Of those regulations, Assembly Bill 32, the California Climate Solutions Act of 2006 (AB 32), is considered the most important legislation designed to decrease greenhouse gas emissions in California history. AB 32 requires that statewide greenhouse gas emissions be reduced to 2000 levels by the year 2010, 1990 levels by the year 2020, and to 80 percent less than 1990 levels by year 2050. These reductions would be accomplished through an enforceable statewide cap on greenhouse gas emissions that will be phased in starting in 2012. In 2008, Senate Bill 375 (SB 375) was adopted to implement AB 32 goals for reduction of transportation-based GHG emissions through the direct linkage

between regional transportation and land use/housing planning.

As discussed in Section 3(a) above, the housing opportunity locations identified in the updated Housing Element are located in areas with existing development where jobs and services are available and primarily along major transit corridors. As such, the targeted housing sites would help achieve the goals of reducing vehicular trips and thereby help reduce total vehicular-based GHG emissions. The 2014-2021 Housing Element is consistent with AB 32, SB 375, and other plans or programs that have been adopted to achieve those legislative mandates. In addition, the City is participating with the SCAG RTP and Sustainable Communities Strategy (SCS) in the development of the region-wide SCS to implement SB 375 by reducing vehicular-based GHG emissions. In Pico Rivera these strategies include, compressed work week for City employees, bus passes sold at City Hall, bicycle and pedestrian improvements, safe routes to school, and traffic signal synchronization. The adoption of the Housing Element would be in compliance with City's General Plan and Municipal Code and would not conflict with applicable plans, policies, or regulation related to greenhouse gas. Impacts would be less than significant.

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
8. HAZARDS AND HAZARDOUS MATERIALS: Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☑	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☑	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☑	☐
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☑	☐
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☑
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☑
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☑	☐
h. Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?	☐	☐	☐	☑

Response:

(a): The adoption and implementation of the updated Housing Element would not involve the routine transport, use, or disposal of hazardous materials. Residential development is characterized by the use of common hazardous materials and household hazardous wastes (HHW) such as paints and motor oil. Impacts would be less than significant.

(b and d): The project does not have the potential to release hazardous materials into the environment. Government Code Section 65962.5 requires the State of California Department of Toxic Substance Control

(DTSC) to maintain a list of known sites that contain hazardous waste and substances (Cortese List). On April 29, 2013, the City consulted the Cortese List; none of the proposed residential sites identified in residential development opportunity areas in the Element were on the DTSC Hazardous Waste and Substances Site List. Furthermore, residential development is not typified by the use of hazardous materials or wastes. Impacts would be less than significant.

(c): Implementation of the Housing Element could result in development within one quarter mile of a school. However, because residential development is not a use that involves substantial hazardous materials or wastes the project would not result in emission of hazardous materials within one-quarter mile of a school. Impacts to schools would be less than significant.

(e and f): The city of Pico Rivera is not located within an airport land use plan nor is it within two miles of a private airstrip. No impact would occur.

(g): The city of Pico Rivera adopted a Standardized Emergency Management System/National Incident Management System (SMES/NIMS) Emergency Response Plan in 2007. The plan provides an overview of operational concepts that identify components of the City's emergency management organization and describes the overall responsibilities of the federal, state, and county entities for protecting life and property assuring the overall well-being of the population in the event of a city-wide emergency. Adoption and implementation of the Housing Element would be consistent with the Emergency Response Plan. Future development consistent with the General Plan would be subject to the requirements of the Emergency Response Plan. Accordingly, no interference with an emergency response or disaster plan is anticipated. Impacts related to adoption of the Housing Element and subsequent implementation to an emergency response plan would be less than significant.

(h): There are no wild lands in the city of Pico Rivera. Therefore the Housing Element would not in itself expose people or structures to a significant risk of loss, injury or death involving wildland fires. No impacts would occur.

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
9. HYDROLOGY AND WATER QUALITY. Would the project:				
a. Violate any water quality standards or waste discharge requirements?	☐	☐	☑	☐
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☑	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☑
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☑
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☑
f. Otherwise substantially degrade water quality?	☐	☐	☑	☐
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☑
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☑
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☑	☐
j. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☑

Response:

(a and f): The project does not involve any development activity and thus would not directly violate water quality or discharge standards. Any development proposed pursuant to the Housing Element policy would be required to comply with water quality standards and waste discharge regulations set forth by the Regional Water Quality Control Board (RWQCB). No industrial wastewater discharges would be associated with the residential uses

anticipated under the Housing Element's implementations. The majority of the potential development sites are currently paved or covered over with impervious surfaces, which could lead to the presence of debris, leaves, soils, oil/grease, and other pollutants being transported into the storm drains on site. Given the developed character of the potential development sites, there is likely to be an improvement in the quality of storm water runoff. Future development projects consisting of five or more acres in land would be required to comply with the NPDES requirements. This includes retaining storm water from the impervious areas created by the project and allowing it to recharge into the ground. By retaining the water onsite, there would be no violations to water quality standards, no additional impact to the storm water system from potential residential development. Impacts due to water quality would be less than significant after compliance with NDPES permitting.

(b): The project is designed to promote the development of housing to meet the City's RHNA. An increase in local population resulting from housing development has the potential to increase demand on water resources, which would result in additional demand in groundwater supplies. The Water Replenishment District of Southern California (WRD) is responsible for maintaining groundwater levels and ensuring acceptable groundwater quality. The WRD established its Groundwater Contamination Prevention Program as a key component of the Groundwater Quality Program in an effort to minimize or eliminate threats to groundwater supplies. The potential development sites are scattered throughout the city and the majority of the sites are served by existing infrastructure. Once specific development sites are slated for development, the City would determine the nature and extent of the required infrastructure as part of the development review and plan check process. As a result, the Housing Element's adoption and subsequent implementation would result in less than significant impacts on groundwater supply or interference with groundwater recharge.

(c and d): A majority of the potential development sites have already been developed and are largely covered over with impervious surfaces, including buildings, asphalt roadways, and parking areas. The housing opportunity sites have been previously graded and there is no natural course or patterns that would be altered or affected, either onsite or offsite. Compliance with NPDES requirements would ensure the project implements specific water quality CMPs to ensure no erosion or siltation as a result of project construction.

(e): There would not be a significant change in the amount of surface runoff volumes from the planning area due to the nature and extent of the existing impervious surfaces. There are no water bodies located within the areas where future residential development is contemplated or in the immediate vicinity that would be affected. The nature and extent of storm water runoff ultimately discharged into the existing storm drain system would not significantly change due to the amount of existing impervious surfaces found within potential development sites. Impacts would be less than significant.

(f): Majority of the identified housing opportunity sites are currently paved or covered with impervious surfaces. However, future development could lead to the presence of debris, leaves, soils, oil/grease, and other pollutants within the parking area onsite in the absence of mitigation. Under Section 402 of the Clean Water Act (CWA), all point source discharges of pollutants to waters of the United States (including lakes, rivers, wetlands, etc.) must be issued a NPDES permit. NPDES permits issued for point sources must contain measures for ensuring any discharges meet water quality-based provisions of Section 301 of the CWA. Discharges must meet an acceptable level of pollution control for that type of discharge, regardless of whether or not that level of control is specifically needed to protect the water body to which the discharge is directed. With implementation of these

regulation and other application requirements, impacts would be less than significant.

(g-h): The majority of the city of Pico Rivera used to be located within a designated AR flood hazard area as identified by the Federal Emergency Management Agency (FEMA). The AR zone was proposed and adopted after the U.S. Army Corp of Engineers (ACOE) determined that flood control systems serving the Los Angeles area were no longer sufficient in terms of protecting nearby areas from inundation by base flood scenario. In Pico Rivera, AR flood zone indicated there was a flood risk from the San Gabriel and Rio Hondo rivers. However, the ACOE completed upstream flood control improvements and the AR flood zone designation was removed. As a result, the Draft Housing Element would not result in the development of housing units within a 100-year flood hazards area. Thus, adoption and implementation of the Housing Element would have no impact relative to the risk to property and life resulting from construction within the 100-year flood zone.

(i): The entire city lies within the flood inundation area of the Whittier Narrows Dam. Flood risk for this structure under normal operation or as a consequence of an event such as an earthquake is classified as high by both the Corps of Engineers Dam Safety Action Classification System, and the Federal Emergency Management agency (FEMA) HAZUS program. However, the City has current design and construction practices and ongoing programs of reviews and modification in place to ensure safety of individuals from dam failure. All potential development that would occur as a result of the Housing Element would be subject to all City design and construction practices that protect people and buildings from dam failure. Thus, adoption and implementation of the Housing Element would have less than significant impacts in regards to exposing people or structures to a significant risk of loss as a result of a levee or dam.

(j): The city of Pico Rivera is approximately 22 miles east from the Pacific Ocean, and therefore would not be exposed to the effects of a tsunami. There are no dams, reservoirs or volcanoes that are located near the city that would present seiche or volcanic hazards. Additionally, there are no surface water bodies in the immediate area of the housing opportunity sites that would result in a potential seiche hazards. As such, no impacts from a seiche, tsunami, or mudflow would occur. Impacts would be less than significant.

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
10. LAND USE AND PLANNING. Would the project:				
a. Physically divide an established community?	☐	☐	☐	☑
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☑	☐
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☑

Response:

(a): The project does not establish any new roadway or other physical feature that would disrupt existing patterns of circulation or socialization within the community. The project is a policy document focused on facilitating preservation of the existing housing stock and accommodating new development to satisfy the RHNA. No impact would occur.

(b): The project is generally consistent with the City's General Plan and Zoning Ordinance and would not conflict with any policy, plan or regulation for the purpose of avoiding or mitigating an environmental effect. While the Housing Element does call for revisions to the Zoning Ordinance and General Plan, it does not impact policies or programs that are intended to avoid or mitigate an environmental effect. The housing opportunity areas have not been identified for the purpose of hazard avoidance. There would be no impact on any plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.

(c): As previously indicated in 4(f), there is no adopted Habitat Conservation Plan, Natural Community Plan, or other Community Conservation Plan within Pico Rivera. No impact would occur.

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
11. MINERAL RESOURCES. Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☑
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☑

Response:

(a): Although the city is surrounded by river beds, there are no sand and gravel resources. The majority of alluvial sediments from the Rio Hondo and San Gabriel rivers are deposited at the foot of the San Gabriel Mountains, several miles north. By the time the river flow reaches Pico Rivera, there is little to no sediment in the water. While the San Gabriel Valley remains an important source of aggregate material, substantial mineral resources are not identified in Pico Rivera. Therefore, no impact would result.

(b): The City does not delineate any important mineral resources in its General Plan or any other plan. No impact would occur.

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
12. NOISE. Would the project:				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☑	☐	☐
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☑	☐	☐
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☑	☐	☐
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☑	☐	☐
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☑
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☑

Response:

(a through d): Because the project is a policy document, it will not directly expose persons to excessive noise levels or ground vibrations, or result in the creation of more noise. Residential land uses constructed pursuant to Housing Element policy are not common sources of excessive noise. The project would not directly contribute to noise, nor will project policies and programs result in the exposure of residents to new significant noise sources or to noise levels that exceed the City's standards. However, the project promotes the production of housing to achieve the City's RHNA. The City regulates noise though Section 8.40 of the Municipal Code. As stated in the Ordinance, no person shall make, cause or suffer, or permit to be made, upon any premises owned, occupied, or controlled by him, any unnecessary noises or sounds that are physically annoying to persons of ordinary sensitiveness, which are so harsh or prolonged or unnatural or unusual in their use, time or peace as to occasion physical discomfort in the inhabitants of any neighborhood. The General Plan Environmental Hazards Element establishes acceptable noise levels for land uses for interior residential standards at a minimum of 45 db(A) and below and exterior standards at 60 db(A) and below.[8] The General Plan EIR found that with continued implementation of Environmental Hazards Element Objective B.3, to protect residents from the harmful and annoying effects of exposure to excessive noise, and per Policies B.3.1 through B.3.5, future development would not expose people to noise levels that exceed the community noise exposure limits set forth in Interior/Exterior

[8] City of Pico Rivera. General Plan Chapter 3, Environmental Management. Page III-16. 1993.

Noise Level Standards shown in Table III-I of the Pico Rivera General Plan.[9] As growth occurs in accordance with the proposed project, this would involve preparation of acoustical studies to asses noise exposure levels for projects along the major transportation noise sources (roadways and railways), where vehicular and railways would prominent noise sources. This would occur most significantly along the City's arterial networks such as Rosemead Boulevard, Beverly Boulevard, Paramount Boulevard, Washington Boulevard, and Whittier Boulevard as well as Union Pacific and BNSF rail lines.

The required acoustical studies would estimate long-term noise levels exposure within the development site, identify the areas and proposed uses that would be exposed to significant or potentially significant noise levels from stationary or mobile sources, and describe measures to reduce noise to acceptable levels through barriers, setbacks and miscellaneous building construction techniques. In order to address these potential impacts, Mitigation Measure NOI-1 has been imposed and will mitigate any potential impacts to a less than significant level.

Future development pursuant to Housing Element policy could contribute to periodic and short-term construction-related noise impacts, including groundborne vibration and groundborne noise levels, which may exceed established noise standards. Mitigation Measure MM NOI-1 would be implemented to ensure construction related impacts would be less than significant.

In addition, the Housing Element policies and programs would not conflict with the existing policies of the General Plan; therefore, impacts would be less than significant with mitigation.

Mitigation Measure

> **MM NOI-1** Concurrent with submittal of a project application at any of the Housing Opportunity locations, the project proponent shall submit a noise study to evaluate existing and projected noise levels that could affect residences within the project sites to assure that exterior and interior noise levels meet City noise standards. If noise standards are exceeded, measures to attenuate noise levels shall be required to attenuate noise to levels that in accordance with City standards. Noise studies shall be prepared to the satisfaction of the City's Community Development Director.

(e and f): The city of Pico Rivera is not located within an airport land use plan, within two miles of a public airport or public use airport, or within the vicinity of a private airstrip. No impacts would occur.

[9] City of Pico Rivera. General Plan Chapter 3, Environmental Management. Page III-15. 1993.

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
13. POPULATION AND HOUSING. Would the project				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☑	☐
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☑	☐
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☑	☐

Response:

(a): The project promotes the production of housing and, therefore, may indirectly induce population growth. The 2013-2035 SCAG RTP documents a residential build-out of 18,700 dwelling units, or 1,700 units above the City's existing (2010) housing stock of 17,000 units. According to the 2010 U.S. Census, the average household size in Pico Rivera is 3.77 persons per unit. The city of Pico Rivera was allocated a total fair share of 1,639 units through the RHNA (as shown in **Table 1-4** of the Project Description). To accommodate the RHNA, the City has identified 38 units on vacant and underutilized residential zoned sites. If the City's total RHNA allocation of 1,639 units is developed and added to the City's 2010 housing count the total is 18,639 units. This total is less than the total housing unit build-out projection in the SCAG RTP. Based on the U.S. Census average house size, 3.77 persons per household, adding 1,639 units would increase the population by approximately 6,179 residents. If this anticipated population is added the 2010 population (62,942 residents), the total population count of 69,121 residents would be within the SCAG RTP estimated build-out population of 70,100 residents. The resulting increase in population based on the increase in housing units would not exceed the population growth anticipated in SCAG's RTP. Therefore, the project promotes housing consistent with adopted land use policy. Impacts would be less than significant.

(b and c): The adoption of the updated Housing Element would not result in the displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. The city is largely built out with most residential development consisting of infill development. The Housing Element is not proposing the City to take properties, rather, retain base zoning and allow for more flexibility with mixed-use overlay. Therefore, the proposed project would result in less than significant impacts related to housing displacement.

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
14. PUBLIC SERVICES. Would the project:				
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1) Fire protection?	☐	☐	☑	☐
2) Police protection?	☐	☐	☑	☐
3) Schools?	☐	☐	☑	☐
4) Parks?	☐	☐	☑	☐
5) Other public facilities?	☐	☐	☐	☑

Response:

(a1): The city of Pico Rivera contracts with the Los Angeles County Consolidated Fire Protection District, which provides fire protection service to a number of incorporated cities and all unincorporated areas. Housing development facilitated by Housing Element policies could place increased demand on fire protection services; however, as shown in 13(a), the population and housing net increases proposed by the Housing Element do not exceed growth projections evaluated in SCAG's build-out projections in the RTP for Pico Rivera. In addition, City of Pico Rivera development impact fees apply to all new development and are designed to offset the potential impacts to public services by new development.[10] As such, any new development within the housing opportunity locations would be required to pay fair share of the fees to alleviate any cumulative impacts associated with fire services. With payment of the mandatory development impact fees, impacts on fire services would be avoided. Further, as the number of housing units proposed in the Housing Element does not exceed the number of units analyzed in SCAG's RTP build-out projections, fire protection facilities and staff serving the area appears to be adequate for the planned development and land uses. Service provides base their staffing projections on the population estimated by SCAG, therefore, the service provides have already anticipated this growth in their staffing and facility needs projects Impacts in regards to fire protection services would be less than significant.

(a2): The City of Pico Rivera contracts with the Los Angeles County Sheriff's Department for police protection and enforcement services. The main sheriff's station serving the area is located in the city of Pico Rivera Civic Center. Housing development facilitated by Housing Element policies could place increased demand on police protection services; however, as shown in 13(a), the population and housing net increases proposed by the

[10] City of Pico Rivera Community and Economic Development fee schedule, 2011.

Housing Element do not exceed the projections for Pico Rivera in the RTP. In addition, as stated above, the City of Pico Rivera collects development impact fees and planning entitlement fess from developers to cover the costs of processing permits and providing necessary services and public services. Further, as the number of housing units proposed in the Housing Element (1,639 units) does not exceed the RTP build-out projections for Pico Rivera, police protection facilities and staff serving the area would be adequate for the planned development and land uses would not require new or altered facilities. Service providers base their staffing projections on the population estimated by SCAG, therefore, the service providers have already anticipated this growth in their staffing and facility needs projects. Impacts in regards to police protection would be less than significant.

(a3): The adoption of the updated Housing Element would not in itself result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities. However, residential development constructed pursuant to the Housing Element may incrementally increase students and place increased demands on local schools. The majority of the city is served by the El Rancho Unified School District though a small portion in the northwest is served by the Montebello Unified School District. School impacts fees and/or dedication of land would be required for future development projects accommodated by the project General Plan pursuant to State law and the requirements of the respective school districts. Under State law, new development projects are required to pay school impact fees. The payment of these fess would ensure impacts based on the adoption of the Housing Element and subsequent implementation to be less than significant.

(a4): The adoption of the updated Housing Element would not in itself result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities. Over time, however, new residences constructed pursuant to the Housing Element have the potential to increase demand for and use of park and recreational facilities and services. Environmental effects associated with the development of such future parks would be assessed and reduced to less than significant through the City's routine parks planning process, including compliance with CEQA. Further, as discussed above, future development would be required to pay its fair share of development fees to alleviate any potential impacts to park services. With the payment of the mandatory free, impacts to the City's park system would be less than significant.

(a5): The Housing Element does not plan for substantial growth beyond that already anticipated by the RTP for Pico Rivera, and therefore, no impacts on other public facilities would occur.

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
15. RECREATION. Would the project:				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☑	☐
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☑	☐

Response:

(a): As discussed in section 14(a)(4) above, the project would result in the indirect need for recreational facilities due to the promotion of housing development. However, with implementation of General Plan policies and implementation actions, including realization of the goals and policies of the Parks and Recreation Commission, these impacts will be less than significant. Furthermore, as discussed in section 14 above, future development would be required to pay its fair share of development fees to alleviate any potential impacts to recreational facilities and services. With the payment of the mandatory development impact fees, impacts would be less than significant.

(b): The project does not include recreational facilities. The construction and expansion of recreational facilities may occur as a result of the new residential development. Those new or expanded park facilities are subject to CEQA review and would be evaluated on a project-by-project basis to determine impacts on the environment. Impacts would be less than significant.

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
16. TRANSPORTATION/TRAFFIC. Would the project:				
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☑	☐
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☑	☐
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☑
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☑	☐
e. Result in inadequate emergency access?	☐	☐	☑	☐
f. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☑	☐

Response:

(a): As a policy document, the Housing Element does not propose any changes or modifications to existing ordinances, plans or policies related to the circulation system within the city of Pico Rivera. The 1993 General Plan identifies location and extent of existing and proposed major thoroughfares, transportation routes, and

terminals, correlated with land use element of the General Plan. Based on the Complete Streets Act (AB 1358) passed in September 2008, the Circulation Element needs to be updated to reflect correlation between the land use and circulation elements. Increase in traffic resulting from the anticipated growth and development of the region have been addressed in the RTP. The Housing Element would have no impact on the updated Circulation Element or any local or regional plans. If transportation strategies identified in the Circulation Element update are implemented and successful, the proposed changes would provide sufficient capacity throughout the City's transportation network to accommodate the traffic forecasted for long-range growth in and outside of Pico Rivera, and would achieve the City's level of service standards. Impacts would be less than significant.

(b): The Los Angeles County Metropolitan Transportation Authority (MTA) is the designated Congestion Management Agency for Los Angeles County, and is responsible for development and implementation of the Los Angeles County Management Program (CMP). The current CMP was adopted on October 28, 2010. CMP statue requires a designation of a system of highways and roadways as well as the establishment of level of service (LOS) standards to measure congestion on the system. There are two CMP monitoring stations in Pico Rivera: Rosemead Boulevard at Washington Boulevard and Rosemead Boulevard at Whittier Boulevard. As shown in the 2009 Reporting Data Tables of the 2010 CMP, LOS for Rosemead Boulevard at Washington Boulevard has an a.m. LOS of D and p.m. LOS of E and Rosemead Boulevard and Whittier Boulevard has an a.m. LOS of C and p.m. LOS of D.[11] Per CMP statue, LOS standards can be set no lower than LOS E, or if the current level is worse than LOS E. These roadways are thus operating at their designated congestion capacity.

Increased traffic as a result of the anticipated growth and development from the proposed project would not exceed either individual or cumulatively, the LOS standard set forth in the 2010 CMP for the city of Pico Rivera. Depending on attribute to each individual project proposal, future development projects would require additional environmental review. Thus, impacts that would occur as a result of the adoption and subsequent implementation of the Housing Element in respect to the CMP would be less than significant.

(c): The adoption of the Housing Element would not have any impact on air traffic patterns, given the nature and location of the anticipated residential development outside of the established airport flight pattern and residential development infilling on existing parcels. No impact would occur.

(d): The adoption of the Housing Element, a policy document, does not involve construction or physical design. Circulation features would be analyzed on a project-by-project basis and would be subject to review and approval by the City's Public Works Department to ensure that hazards related to circulation design features do not occur. Therefore, adoption of the Housing Element would not create hazards due to specific design features or incompatibility in uses. Impacts would be less than significant.

(e): The City of Pico Rivera has designated several evacuation routes in the Multi-Jurisdictional Hazard Mitigation Plan. The east-west evacuation routes are Telegraph Avenue, Slason Avenue, Washington Boulevard, Whittier Boulevard, and Beverly Boulevard, all involving bridge crossings over the Rio Hondo and San Gabriel rivers and the underpass of the 605 Freeway. The only north-south evacuation route is Rosemead Boulevard. There are two residential areas in the city that have limited alternate roadways to a collector street, which could make evacuation especially difficult. The area bounded by Slauson Avenue on the north; the San Gabriel River Channel on the east; and the BNSF railroad on the south must exit by way of Burke Street to Passons Boulevard,

[11] Los Angeles County. Congestion Management Program for Los Angeles County. Appendix A. Page A-38. 2010.

which represents the only way in or out of the neighborhood. Similarly, the homes in the area bounded by Chapelle Avenue on the north and east; and Colfair Street to the south must exit the development via only one exit through Kells Place.[12] The Housing Element does not identify residential development opportunity in either of these two existing residential areas. The City requires that proposals for new development be submitted to the Fire Department for review to ensure that site design allows for adequate access for Department personnel in case of a structural fire. All housing development proposals pursuant to Housing Element policy would be subject to such review. Impacts would be less than significant.

(f): None of the policies or implementation measures contained in the updated Housing Element conflict with the adopted policies, plans, or programs supporting alternative modes of transportation (e.g., bus turnouts or bicycle racks). Future development would be reviewed to ensure no conflicts with existing plans or programs in place. Impacts would be less than significant.

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
17. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☑	☐
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☑	☐
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☑	☐
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☑	☐
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☑	☐
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☑	☐
g. Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☑	☐

Response:

[12] City of Pico Rivera, 2004. Multi-Jurisdictional Hazard Mitigation Plan. 2004.

(a, b, and ,e): All new residential development pursuant to the Housing Element policies and programs would be required to comply with existing water quality standards and waste discharge regulations set forth by the RWQCB to ensure that there is a not a significant effect on the environment. Impacts would be less than significant.

(c): The adoption of the updated Housing Element would not in itself require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. The Whittier Narrows Dam, completed in 1957, captures local storm water flows for groundwater replenishment. Per Municipal Code, Title 16, Chapter 16.04 Storm Water and Urban Runoff Pollution Prevention, prior to construction of new development, the project would be evaluated for its potential to discharge pollutants to the Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County. Further, once a new development project has been evaluated for its potential to discharge pollutants, the city requires BMPs to be installed during construction and following project completion. The established BMPs would be pursuant the municipal NPDES permit as specified by Pico Rivera Water Authority 2010 Urban Water Management Plan. Compliance with the City's Municipal Code and Urban Water Management Plan would ensure that adequate drainage is provided, that future development takes into account existing capacity and infrastructure conditions, and that urban runoff from new development is minimized. Future development would be required to conform to the same policies, and these measures would be adequate to prevent any significant storm water drainage impacts, either through avoidance or through engineered systems. Accordingly, the impacts of adoption and implementation of the Housing Element would be less than significant.

(d): The project is designed to promote the development of housing to meet the RHNA for Pico Rivera. Increase in population due to new housing development could increase demand on water resources. Water service in the City is provided by the City of Pico Rivera Water Department and Pico Water District. Approximately 80 percent of the City's water supply is provided by groundwater resources pumped through wells and distributed throughout the city. The remaining 20 percent is purchased though agreements with the Metropolitan Water District. Population growth has been accounted for and factored in the 2010 Urban Water Management Plan (UWMP), and indicates that water sources are available to provide water for future growth. The project is not recommending any increase in population in excess of the SCAG projections upon which the 2010 UWMP relied for its water demand projections. Therefore, impacts based on adoption and implementation of the Housing Element to water supplies would be less than significant.

(f and g): Housing development facilitated by Housing Element policies could be place increased demand on solid waste services or landfill capacity; however, as discussed in section 13(a) above, population increase anticipated by the Housing Element does not exceed the proposed projections evaluated in the RTP. Further, solid waste from the proposed projects would be disposed of at Puente Hills landfill. The landfills current permit allows the landfill to continue to operate until October 31, 2013. Upon closure of the landfill, the Sanitation Districts of Los Angeles County has established plans to dispose the County's waste in the Materials Recovery Facility (MRF). The MRF is the starting point of the Waste-By-Rail system. It began operating in July 2005 and is permitted to manage 4,000 tons of waste each day.[13] The capacity of both remote disposal sites, Mesquite Regional Landfill and Eagle Mountain Landfill, could serve the needs of Los Angeles County for the next 100

[13] Los Angeles County Sanitation District. Puente Hills Materials Recovery Facility Fact Sheet. 2012.

years. Potential residential uses in Pico Rivera would use the Mesquite Regional Landfill. The City would also continue to implement solid waste reduction programs in compliance with Section 40050 et seq. of the California Public Resources Code. Each residential development pursuant to Housing Element policy would be required to comply with federal, state, and local statues and regulations related to the disposal of solid waste. Impacts would be less than significant.

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
18. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☑
b. Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☑
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☑

Response:

(a): The adoption of the updated Housing Element would not in itself have the potential to degrade the quality of environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant of animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. As indicated in the discussion above in the Initial Statement checklist, the project will not result in potentially significant impacts with respect to either biological or cultural resources. The project is a policy document that will not have any direct environmental impacts. All residential development facilitated by Housing Element policy would occur pursuant to adopted General Plan land use policy and other General Plan policies

(b): As discussed throughout the Initial Study, there are potential project-level impacts that have been identified. Potential project-level impacts and proposed mitigation measures are presented in the following sections of the Initial Study: Air Quality, Cultural Resources, and Noise.

Overall, the long term development of the Housing Opportunity sites is consistent with the growth projections

identified in the SCAG RTP. It is also important to note that the housing opportunity locations are dispersed throughout the city and development of those sites would not occur all at once; consequently, any future development that occurs on one site would not necessarily combine with site specific impacts of another identified site. As the long term implementation of the Housing Element update is consistent with the growth projections anticipated in the RTP for SCAG, the proposed Housing Element update would not result in new or additional cumulative impacts. With the implementation of the mitigation measures prescribed at the project level, the cumulative impacts would be less than significant.

(c): The Housing Element is a policy document that addresses various issues related to housing needs of the City of Pico Rivera. No aspect of the document, including its implementation measures has the ability to cause substantial adverse effects on human beings, either directly or indirectly. No Impact would occur.

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Section IV. Summary of Mitigation Measures

MM AQ-1 For all residential projects proposed adjacent to the BNSF and Union Pacific railroads in the sites for rezoning program, an air quality study shall be prepared to determine the most effective buffering technique to ensure the exterior living areas are not exposed to substantial pollutant concentrations from the railroad. Appropriate buffering shall be incorporated into the tentative subdivision map or other form of site plan submitted for approval by the City of Pico Rivera.

MM AQ-2 All housing sites shall include air filtration systems designed to have a Minimum Efficiency Reporting Value (MERV) of 13 as indicated by the American Society of Heating Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2. The air handling systems shall be maintained on a regular bases per manufacturers recommendations by a qualified technician employed or contracted by the project proponent. Operation and maintenance of the system shall ensure that it performs at or above the minimum reporting value.

MM AQ-3 Any development within the Emergency Shelter zone shall be designed and sealed inoperable windows combined with HVAC systems in Mitigation Measure AQ-3.

MM CR-1 If currently unknown resources are discovered during grading or demolition, such activity shall be halted or diverted away from the affected area of the project site, until a qualified archaeologist can examine the archaeological resources to determine their significance. If the find(s) are determined to be significant, the archaeologist shall provide recommendations regarding the collection, documentation, and disposition of the archaeological resources and shall provide recommendations on whether the remainder of the site that has not yet been disturbed should be monitored

MM NOI-1 Concurrent with submittal of a project application at any of the Housing Opportunity locations, the project proponent shall submit a noise study to evaluate existing and projected noise levels that could affect residences within the project sites to assure that exterior and interior noise levels meet City noise standards. If noise standards are exceeded, measures to attenuate noise levels shall be required to attenuate noise to levels that in accordance with City standards. Noise studies shall be prepared to the satisfaction of the City's Community Development Director.

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Section V. References

1. ACRONYMS

Air Quality Management Plan	AQMP
Assembly Bill 32, the California Climate Solutions Act of 2006	AB 32
Best Management Practices	BMP
Burlington Northern Sante Fe	BNSF
California Air Resources Board	CARB
California Americans with Disabilities Act	Cal ADA
California Environmental Quality Act	CEQA
Carbon Dioxide	CO_2
carbon dioxide	CO2
Community Development Block Grant	CDBG
Complete Streets Act	AB 1358
Congestion Management Plan	CMP
Councils of Governments	COGs
County Management Program	CMP
Dwellings units per acre	du/ac
Energy and Atmosphere	EA
Environmental Impact Report	EIR
Federal Emergency Management Agency	FEMA
Greenhouse gases	GHGs
Household Hazardous Wastes	HHW
Housing and Community Development	HCD
Leadership in Energy and Environmental Design	LEED
Level of Service	LOS
Materials and Resources	MR
Materials Recovery Facility	MRF
Memorandum of Understanding	MOU
Methane	CH_4
Metropolitan Water District	MWD
Minimum Efficiency Reporting Value	MERV
Municipal Separate Storm Sewer System	MS4
National Pollution Discharge Elimination System	NPDES
Native American Heritage Commission	NAHC
Nitrous Oxide	N_2O

Ozone and Fine Particulate Matter	$PM^{2.5}$
Predevelopment Loan Program	PDLP
Regional Housing Needs Allocation	RHNA
Regional Water Quality Control Board	RWQCB
Second Unit Overlay	SUD
Senate Bill 375, Sustainable Communities and Climate Protection Act of 2008	SB 375
Single-room occupancy	SRO
South Coast Air Quality Management District	SCAQMD
Southern California Association of Governments	SCAG
Standardized Emergency Management System/National Incident Management System	SMES/NIMS
State Historic Preservation Office	SHPO
Sustainable Communities Strategy	SCS
U.S. Army Corp of Engineers	ACOE
Uniform Building Code	UBC
United States Geological Survey	USGS
Urban Water Management Plan	UWMP
Water Efficiency	WE
Water Replenishment District of Southern California	WRD

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CITY COUNCIL **AGENDA REPORT**

To: Mayor and City Council

From: City Manager

Meeting Date: January 28, 2014

Subject: PUBLIC HEARING: ZONE CODE AMENDMENT NO. 173, AN ORDINANCE AMENDING CHAPTER 18.52 UNDER HOME OCCUPATIONS AND ADDING PROVISIONS FOR COTTAGE FOOD OPERATIONS

Recommendation:

1. Introduce the attached ordinance, amending Chapter 18.52 to Title 18 of the Pico Rivera Municipal Code adding provisions for cottage food operations; and

2. Adopt the resolution establishing a fee for a cottage food operation application of $110.

Fiscal Impact: None.

Background:

On September 21, 2012, Governor Brown signed Assembly Bill (AB) 1616, which became effective on January 1, 2013. The bill mandates that cities allow the preparation and selling of food in residential zones as a home occupation. The bill classifies these foods as "cottage food operations" and list several types of food such as breads, pastries, fruit tamales, popcorn, roasted coffee, and dried tea. Foods containing cream, custard, or meat fillings are potentially hazardous and are not allowed.

The Los Angeles County Department of Public Health is tasked with registering and issuing permits. The cottage food operator is required to take a food safety course, create proper ingredient labels, and is limited to gross revenue sales of $45,000 in 2014 and $50,000 by 2015 and on.

On January 21, 2014, the Planning Commission held a public hearing on the matter and approved a recommendation to the City Council based on the standards for approval recommended by staff and listed below. The Planning Commission instructed staff to provide a six month status report to the Commission to discuss any additional amendments that may be warranted once the six months has elapsed.

Analysis:

State law allows cities to implement reasonable standards in relation to spacing, concentration, traffic control and noise to mitigate any impacts to residential neighborhoods. City staff has conducted research and has included the following conditions:

1) Only one permit will be allowed per address and is non-transferable
2) The operation shall not be located within 1,000 feet of another operator
3) The applicant must demonstrate sufficient parking
4) For multi-family complexes or planned unit developments the operator must obtain permission by the owner or Homeowner's Association
5) Deliveries shall be limited for 8:00 a.m. to 7:00 p.m.
6) Sales shall be limited from 8:00 a.m. to 5:00 p.m. Monday through Saturday
7) Visitors may not wait outside whether on foot or in vehicles
8) Outdoor storage and sales are prohibited
9) Only one full time employee is permitted
10) The applicant may not increase noise, vibration, glare, fumes, odors, or trash
11) On-site advertising is prohibited
12) Applicants may not encompass more than 15% of the floor area
13) On-site dinning or tasting events for customers is prohibited

State law also allows cities to establish a fee by resolution to process a cottage food operation application. Because cottage food operations are conducted in a similar manner as a home occupation application, staff recommends that the same fee of $110 be applied to process a cottage food operation application.

Environmental Review:

Pursuant to the State of California Public Resource Code and State Guidelines for the California Environmental Quality Act (CEQA), the Community and Economic Development Department finds that there is no possibility that the project will have a

significant effect on the environment and as a result, no further CEQA review is necessary in accordance with Section 15061 (b) (3) of the CEQA Guidelines.

Conclusion:

Staff has conducted research of existing cottage food operation ordinances throughout the state and compiled the list above to mitigate potential impacts to residential areas. However, the impacts of this law are fairly new and unknown. If the ordinance is not adopted, the city would have to default to the standards prescribed by state law which are not as stringent as those recommended. Staff will continually monitor these types of operations and amend the ordinance as needed to protect the public health, safety and welfare of the community.

Ronald Bates

RB:BM:JG:ll

Attachments:

1.) Ordinance
2.) City Council Resolution
3.) Planning Commission Resolution

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AMENDING CHAPTER 18.52 REGARDING HOME OCCUPATIONS AND ADDING PROVISIONS FOR COTTAGE FOOD OPERATIONS.

THE CITY COUNCIL OF THE CITY OF PICO RIVERA DOES ORDAIN AS FOLLOWS:

SECTION 1. Pursuant to the State of California Public Resource Code and State Guidelines for the California Environmental Quality Act (CEQA), the City Council finds that there is no possibility that the project will have a significant effect on the environment and as a result, no further CEQA review is necessary. This determination is in accordance with Section 15061 (b) (3) of the CEQA Guidelines that states, a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 2. In 2012 the California State Legislature adopted Assembly Bill 1616 which requires among other things, cities to permit Cottage Food Operations as an allowed use in residential zones. The City Council finds that the proposed amendment is consistent with the spirit and integrity of Assembly Bill 1616 and Chapter 18.52, *Home Occupations,* of the Pico Rivera Municipal Code as the purpose of the code is to protect the public health, safety and general welfare of the public.

SECTION 3. Article I of Chapter 18.52 of Title 18, *Home Occupations*, of the Pico Rivera Municipal Code consists of existing Code Sections 18.52.010 through 18.52.090 regarding Home Occupations.

SECTION 4. Article II of Chapter 18.52 of Title 18, Cottage Food Operations is hereby added to the Pico Rivera Municipal Code to read as follows:

Article II. Cottage Food Operations.

18.52.200 Cottage Food Operation.

A "cottage food operation," as that term is defined in California Health & Safety Code 113758(a), as may be amended from time to time, is permitted in the zones enumerated in Section 18.40.040.C(1) subject to the procedures and requirements of this Article II.

A. An application shall be filed on a form prescribed by the city and shall include but not be limited to the following:

1. The applicant name, household member names and address. Name, address and contact information for the property owner, landlord, Homeowners' Association or management

company, as well as the signature to consenting to the use;

2. A copy of the "Self Certification Checklist" registration for a Class A operation or a Class B permit issued by the Los Angeles County Department of Public Health Environmental Health Division;
3. Name of each individual involved and/or employed, whether they are a family member of the operator and the number of vehicles registered to the address and license plate number;
4. Statement of whether the proposed use will involve "direct sales" known as a Class A Permit or "indirect sales" known as a Class B Permit as those terms are defined in the California Health and Safety Code 113758(b) as may be amended;
5. Frequency of loading and deliveries and anticipated consumer or third party retailer visits to the subject residence;
6. A scaled site plan showing (i) location of all the structures on site (ii) all vehicle parking spaces for the home or complex (iii) all delivery and/or loading areas (iv) the location of streets and property lines, driveway, pedestrian walkways, etc;
7. A scaled floor plan showing: (i) all rooms for structures on site; (ii) areas registered and/or permitted by Los Angeles County Department of Public Health Environmental Health Division for cottage food preparation, packaging and related exclusive storage; (iii) all doors and exits; (iv) location of fire extinguishers, etc;
8. Applicant shall pay a processing fee as established by Resolution of the City Council.

B. Action of zoning administrator. Within 60 days after submittal of a complete application and fee as required by this Section the zoning administrator shall approve, approve in modified form, or deny the application in compliance with the authority and requirements set forth in California Government Code § 51035, as may be amended from time to time. The zoning administrator shall grant the Cottage Food Operations Permit if the proposed cottage food operation, as applied for or as modified, complies with the standards set forth in this Article II. Notwithstanding the foregoing, the zoning administrator, in his discretion may condition approval of the use upon the cottage food operations compliance with any additional reasonable standards related to spacing and concentration, traffic control, parking or noise which the zoning administrator, in his sole discretion, deems necessary to mitigate the impact of the proposed use on the surrounding residential neighborhood. The decision of the zoning administrator shall be in writing and supported by reasonable findings. Any action of the zoning administrator may be appealed to the planning commission pursuant to Section 18.64 of this code.

18.52.202 Cottage Food Operation Standards.

A. Cottage food operations must meet the following requirements:

1. The applicant must be the "cottage food operator," as that term is defined in California

Health & Safety Code 113758(b) as may be amended from time to time.

2. Cottage food operations shall not be located within 1,000 feet of the property line of another cottage food operation or located within the same building, apartment complex or other multi-family housing development.
3. Only one cottage food operation occupancy permit is permitted by address.
4. The cottage food operation permit may not be transferred, assigned or used by any person other than the permittee, used at any location other than the one for which the permit is granted.
5. Traffic Control
   a. Parking.
      (1) For single family homes, parking spaces in the property's garage or carport and driveway must be available for the actual parking demand created by the use, including parking spaces for the household member's vehicles and a parking space for an employee if an employee is present.
      (2) For multi-family developments, the cottage food operator's designated space(s) must be available for the actual parking demand created by the use, including parking spaces for the household member's vehicles and a parking space for an employee if an employee is present. On-site parking in an apartment complex or other multi-family residence requires written consent from all of the following that apply: the property owner, landlord, homeowners association or property manager.
      (3) The cottage food operation shall not result in any appreciable increase in traffic, pedestrian or vehicular.
   b. The cottage food operator shall only allow vehicular delivery or loading related to the cottage food operation between the hours of 8:00 a.m. and 7:00 p.m. and indicate where on-site loading and deliveries will be made. For multi-family developments, the cottage food operator must obtain written consent from all of the following that apply: the property owner, landlord, homeowners association or property manager.
   c. The cottage food operator shall not allow any vehicle making a delivery, being loaded, or being used by consumers or third party retailers in relation to the cottage food operation to block or impede the public right-of-way, a vehicular drive aisle or idle at any time.
   d. Visitation to the residence containing the cottage food operation for the purpose of direct or indirect sales is limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday.
   e. Visitors shall not be allowed to queue or wait outside of the residence containing the cottage food operation at any time, either on foot or in vehicles.

6. Outdoor sales at the residence containing the cottage food operation are prohibited.
7. Cottage food operations shall not create noise levels in excess of those allowed in Chapter 8.40 of the Pico Rivera Municipal Code and the Pico Rivera General Plan.
8. The cottage food operation shall conform to all applicable federal, state, and municipal laws and regulations applicable to the residential area in which the cottage food operation is located.
9. The cottage food operator shall not employ more than one full or part-time employee other than a family household member.
10. External use of material or equipment not recognized as being part of the normal practices in the residential zone are prohibited.
11. Equipment which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses are prohibited.
12. On-site advertising is prohibited.
13. Operations shall not exceed the use of more than fifteen percent of the ground floor building area in which it is located or that area as permitted by the Los Angeles County Department of Public Health Environmental Health Division, whichever is greater.
14. The area outside the dwelling shall not be used for the operation in any manner whatsoever, except for one six thousand pound vehicle used in connection with the operation of the home occupation required to be completely stored in the garage.
15. On-site dinning or tasting events for customers are prohibited.
16. Cottage food operations must comply with the restrictions on gross annual sales as set forth in California Health and Safety Code Section 113758. In year 2014 sales cannot exceed $45,000 and for 2015 and beyond, sales cannot exceed $50,000. Should at any time sales exceed the maximum, the permit shall be void and sales may no longer be conducted at the property.
17. Cottage food operators must at all times maintain applicable tax returns or other proof of gross annual income.
18. A Cottage Food Operation shall obtain and renew as required, an operating permit with the Los Angeles Department of Public Health Environmental Health Division.
19. Trash production shall not exceed that which otherwise is produced by normal residential activities.
20. Cottage food operators shall not conduct sales in an attached garage, detached accessory structure or outside of the dwelling.

18.52.204. Inspection.

Per the California Health & Safety Code Section 114365, an initial and no more than one annual inspection may be conducted for a Class B operator that conducts indirect sales. A Class A

operator shall not be subject to initial or routine inspections. An inspection may be conducted for any cottage food operation on the basis of a consumer complaint, reason to suspect that adulterated or otherwise unsafe food has been produced by the cottage food operation or that the cottage food operation is in violation.

18.52.206. Permit Revocable.

A permit to operate a cottage food operation obtained under this section is revocable at any time by the zoning administrator if any of the following conditions exist:

A. That the condition of the cottage food operation permit or provision for this chapter has been violated.

B. That the cottage food operation has become detrimental to the public health or safety, or constitutes a nuisance as designated in Chapter 8.16 of this code.

C. That the permit was obtained in a fraudulent manner.

D. That the cottage food operation no longer maintains a valid Class A or Class B permit.

The zoning administrator shall provide the permit holder with at least ten days prior written notice of the grounds for the proposed revocation. Within 10 days of receipt of the notice of revocation the permit holder may request a hearing before the zoning administrator to contest the revocation of the permit. Upon the receipt of a request for hearing, the zoning administrator shall schedule a hearing with the permit holder within a reasonable time. Within fifteen days after the hearing the zoning administrator shall issue a written decision to the permit holder. The decision shall be supported by findings.

18.52.208. Appeals.

Appeals. Any final action of the zoning administrator made under this Article II may be appealed pursuant to Chapter 18.64 of the Pico Rivera Municipal Code.

SECTION 5. Note 11 of Section 18.40.050.C of Chapter 18.40 of Title 18 of the Pico Rivera Municipal Code is amended to read as follows:

Note 11. Subject to issuance of a home occupation permit or Cottage Food Operations Permit as appropriate per Chapter 18.52.

SECTION 6. Subsection C of Table 18.40.040, LAND USE CHART, of Chapter 18.40 of Title 18 of the Pico Rivera Municipal Code is amended to read as follows:

"Table **18.40.040**
LAND USE CHART (cont'd)

	Land Use	Zone					
C.	**Special Uses***	**R-E**	**S-F**	**R-I**	**PUD**	**R-M**	**P**
1.	Cottage Food Operations	11	11	11	11	11	
2.	Day care centers	2, 7, 8	2, 7, 8	2, 7	2, 7	2, 8	
3.	Educational institutions, private	2, 7	2, 7			2, 7, 9	
4.	Electric distribution substations	1	1	1	1	1	1
4.	Foster care homes	10	10				
6.	Gas metering and control stations	1	1	1	1	1	1
7.	Home occupations	11	11	11	11	11	
8.	Hospitals					2	
9.	Mobilehome parks					1	
10.	Off-street parking facilities						
11.	Private recreation and open spaces		2		2	2	2
12.	Ranches, limited to livestock only	1, 3					
13.	Religious places of worship	1	1	1	1	1	
14.	Rest homes					1	
15.	Water facilities	1	1	1	1	1	1
16.	Satellite dish receiving antenna	X, 52	X, 52		X, 52	X, 52	
17.	Amateur radio/CB radio antennas		2, 38		2, 38	2, 38	2, 38
18.	Family day care home	40	40		40	40	
19.	Garage sales	41	41	41	41	41	
20.	Temporary uses	42	42	42	42	42	42
21.	Wireless telecommunication facilities	65	65	65	65	65	65
22.	Modular classroom/offices	2, 70	2, 70			2, 70	2

* Refer to zoning administrator determinations, on file in community development department planning division."

SECTION 7. Severability. The City Council hereby declares that it would have passed this ordinance sentence by sentence, paragraph by paragraph, and section by section and does hereby declare that the provisions of this Ordinance are severable, and if, for any reasons, any sentence, paragraph, or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 8. No person shall violate any provision, or fail to comply with any of the requirements of this ordinance, and any person violating any provision, or failing to comply with any provision of this ordinance shall be subject to any and all penalties as set forth under the Pico Rivera Municipal Code shall apply to violations of the provisions of this ordinance.

SECTION 9. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published or posted as prescribed by law. The City Council herby finds that there are no newspapers of general circulation published and circulated within the City. The City Clerk shall therefore cause this Ordinance to be posted in five public places within the City as specified in the

Pico Rivera Municipal Code within 15 days of its final passage and this Ordinance shall take effect 30 days following its final passage.

APPROVED AND ADOPTED THIS _____DAY OF _____, 2014.

_____
Brent A. Tercero, Mayor

ATTEST:

_____
Anna M. Jerome, City Clerk

APPROVED AS TO FORM:

_____
Arnold M. Alvarez-Glasman, City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AMENDING CHAPTER 18.52 REGARDING HOME OCCUPATIONS, ADDING PROVISIONS FOR COTTAGE FOOD OPERATIONS AND ESTABLISHING AN APPLICATION FEE IN THE CITY OF PICO RIVERA DESIGNATED HEREIN AS ZONE CODE AMENDMENT NO. 173

WHEREAS, existing Zoning Code, Ordinance No. 534, was adopted on April 1, 1975; and

WHEREAS, the California State Legislature adopted Assembly Bill 1616 (AB 1616), the California Homemade Food Act, which became effective January 1, 2013; and

WHEREAS, Government Code Section 51035(a), authorizes local agencies to establish a nondiscretionary permit process for cottage food operations and include reasonable restrictions concerning spacing, concentration, traffic control, parking and noise; and

WHEREAS, the draft ordinance establishes standards and restrictions necessary to minimize traffic levels and parking shortages and control noise that could otherwise occur in residential neighborhoods as a result of cottage food operations; and

WHEREAS, pursuant to Government Code Section 51035(a)(3) allows the local agency to set a fee for the reasonable costs to implement AB 1616; and

WHEREAS, the City conducted a fee study update on January 13, 2009 approved by Resolution No. 6414 and determined that the reasonable cost of processing a Home Occupation permit was $110; and

WHEREAS, a cottage food operation will be approved in sufficiently the same form and manner as a regular Home Occupation permit and determined that the fee shall be $110; and

WHEREAS, the Planning Commission of the City of Pico Rivera conducted a public hearing on the matter of amendments to Title 18, *Zoning*, of the Pico Rivera Municipal Code at a legally noticed public hearing held on January 21, 2014 and recommended approval to the City Council.

NOW, THEREFORE, be it resolved by the City Council of the City of Pico Rivera that:

SECTION 1. Pursuant to the State of California Public Resources Code and State Guidelines for the California Environmental Quality Act (CEQA), the City Council finds that the ordinance is exempt from CEQA under CEQA Guidelines Section 15061(b)(3), where CEQA only applies to projects which have a potential for causing a significant effect on the environment.

SECTION 2. Pursuant to Chapter 18.62, Article II of the Pico Rivera Municipal Code, the City Council of the City of Pico Rivera hereby approves an Ordinance amending Title 18, *Zoning*, of the Pico Rivera Municipal Code amending the provisions for cottage food operations.

SECTION 3. Further, this Resolution with reports, findings herein contained and the draft Ordinance attached hereto in this matter shall constitute a report of the City Council.

SECTION 4. The staff report as considered by the City Council public hearing conducted on January 28, 2014, evaluated a fee of $110 for a cottage food operation application. The fee was determined to be similar to the established Home Occupation application fee per the Pico Rivera Fee Study Update adopted on January 13, 2009 by Resolution No. 6414 and is determined to cover no more than the City's reasonable costs in connection with processing said application.

SECTION 5. The City Council finds that the amendment of Title 18 of the Pico Rivera Municipal Code should be approved for the following reasons and findings:

a) The proposed amendment is consistent with the spirit and integrity of the General Plan as the restrictions implemented in the ordinance are intended to mitigate impacts with adjacent neighborhoods and land uses therefore buffering incompatible land uses.

b) That the amendments to the zoning ordinance in regards to cottage food operations are consistent with state law and not in conflict with the zoning ordinance that may place the City in potential legal action.

c) The intent of the law was to encourage small businesses development by increasing the opportunities for entrepreneurial development, to help supplement household incomes, prevent poverty and hunger and strengthen local economies.

d) That the fee determined of $110 is the same fee established for regular Home Occupations applications in residential areas and the costs associated are not anticipated to change.

SECTION 6. The City Council hereby approves the draft Ordinance adopting Zoning Code Amendment No. 173.

[Signatures on following page]

APPROVED AND ADOPTED this _____ day of January 2014.

_____
Brent A. Tercero, Mayor

ATTEST:

_____
Anna M. Jerome, City Clerk

APPROVED AS TO FORM:

_____
Arnold M. Alvarez-Glasman, City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:

RESOLUTION NO. 1214

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PICO RIVERA, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF CHAPTER 18.52 REGARDING HOME OCCUPATIONS, ADDING PROVISIONS FOR COTTAGE FOOD OPERATIONS AND ESTABLISHING AN APPLICATION FEE IN THE CITY OF PICO RIVERA DESIGNATED HEREIN AS ZONE CODE AMENDMENT NO. 173

WHEREAS, existing Zoning Code, Ordinance No. 534, was adopted on April 1, 1975; and

WHEREAS, the California State Legislature adopted Assembly Bill 1616 (AB 1616), the California Homemade Food Act, which became effective January 1, 2013; and

WHEREAS, Government Code Section 51035(a), authorizes local agencies to establish a nondiscretionary permit process for cottage food operations and include reasonable restrictions concerning spacing, concentration, traffic control, parking and noise; and

WHEREAS, the draft ordinance establishes standards and restrictions necessary to minimize traffic levels and parking shortages and control noise that could otherwise occur in residential neighborhoods as a result of cottage food operations; and

WHEREAS, pursuant to Government Code Section 51035(a)(3) allows the local agency to set a fee for the reasonable costs to implement AB 1616; and

WHEREAS, the City conducted a fee study update on January 13, 2009 approved by Resolution No. 6414 and determined that the reasonable cost of processing a Home Occupation permit was $110; and

WHEREAS, a cottage food operation will be approved in sufficiently the same form and manner as a regular Home Occupation permit and determined that the fee shall be $110; and

WHEREAS, the Planning Commission of the City of Pico Rivera conducted a public hearing on the matter of amendments to Title 18, *Zoning*, of the Pico Rivera Municipal Code at a legally noticed public hearing held on January 6, 2014; and

NOW, THEREFORE, be it resolved by the Planning Commission of the City of Pico Rivera that:

SECTION 1. Pursuant to the State of California Public Resources Code and State Guidelines for the California Environmental Quality Act (CEQA), the Planning Commission finds that the ordinance is exempt from CEQA under CEQA Guidelines Section 15061(b)(3), where CEQA only applies to projects which have a potential for causing a significant effect on the environment.

SECTION 2. Pursuant to Chapter 18.62, Article II of the Pico Rivera Municipal Code, the Planning Commission of the City of Pico Rivera hereby recommends to the City Council of the City of Pico Rivera the approval of an Ordinance amending Title 18, *Zoning*, of the Pico Rivera Municipal Code amending the provisions for cottage food operations.

SECTION 3. Further, this Resolution with reports, findings and recommendations herein contained and the recommended Ordinance attached hereto in this matter shall constitute a report of the Planning Commission to the City Council.

SECTION 4. The staff report as considered by the Planning Commission public hearing conducted on January 21, 2014, analyzed and recommends a fee to the City Council of $110 for cottage food operations. The fees were determined to be similar to the established planning Home Occupation permit per the Pico Rivera Fee Study Update adopted in 2009 by Resolution No. 6414 and is determined to cover no more than the City's reasonable costs in connection with processing said application.

SECTION 5. The Planning Commission finds that the amendment of Title 18 of the Pico Rivera Municipal Code should be approved by the City Council for the following reasons and findings:

a) The proposed amendment is consistent with the spirit and integrity of the General Plan as the restrictions implemented in the ordinance are intended to mitigate impacts with adjacent neighborhoods and land uses therefore buffering incompatible land uses.

b) That the amendments to the zoning ordinance in regards to the cottage food operation are consistent with state law and not in conflict with the zoning ordinance that may place the City in potential legal action.

c) The intent of the law was to create small businesses by increasing the opportunities for entrepreneurial development to help supplement household incomes, prevent poverty and hunger and strengthen local economies.

d) That the fee determined of $110 is the same fee established for regular Home Occupations in residential areas and the costs associated are not anticipated to change.

SECTION 6. The Planning Commission hereby transmits and recommends approval of draft Ordinance adopting Zoning Code Amendment No. 173 to the City Council of the City of Pico Rivera.

[Signatures on following page]

APPROVED AND ADOPTED this 6th day of January 2014.

Tommy Elisaldez, Chairperson

ATTEST:

Benjamin A. Martinez, Secretary
Planning Commission
Community and Economic Development Director

APPROVED AS TO FORM:

John W. Lam, Assistant City Attorney

AYES: Celiz, Elisaldez, Garcia, Martinez, Zermeno
NOES:
ABSENT:
ABSTAIN:

Tuesday, January 14, 2014

A Regular Meeting of the City Council was held in the Council Chamber, Pico Rivera City Hall, 6615 Passons Boulevard, Pico Rivera, California.

Mayor Tercero called the meeting to order at 6:00 p.m. on behalf of the City Council.

PRESENT: Archuleta, Armenta, Camacho, Salcido, Tercero (Councilmember Archuleta arrived at 6:25 p.m.)
ABSENT: None

COMMISSIONERS PRESENT:
Esther Celiz, Planning Commission

INVOCATION: Councilmember Armenta

PLEDGE OF ALLEGIANCE: Councilmember Camacho

SPECIAL PRESENTATIONS:

Proclamation was presented to Dan Miller of Barney's Coffee Shop for years of Service to Community.

1st PERIOD OF PUBLIC COMMENTS – AGENDA ITEMS ONLY: None.

PUBLIC HEARING(S):

1. **Public Hearing – An Ordinance of the City of Pico Rivera Amending Chapter 18 (Zoning) of the City of Pico Rivera Municipal Code Pertaining to the Regulations for Residential Driveway Expansions, Walkways and Porte-Cocheres.** (1300)

Mayor Tercero opened the Public Hearing and noted that there was no written communications or public comment cards to provide public testimony.

After a brief PowerPoint presentation and discussion amongst City Council regarding property front setbacks, this item was continued to the meeting of January 28, 2014 for further study.

Motion by Councilmember Archuleta, seconded by Councilmember Armenta to continue the public hearing to the meeting of January 28, 2014. Motion carries by the following roll call vote:

AYES: Archuleta, Armenta, Camacho, Salcido, Tercero
NOES: None

CONSENT CALENDAR:

2. Minutes:

- Approved City Council meeting of December 10, 2013

3. Approved 10th Warrant Register of the 2013-2014 Fiscal Year. (700)
Check Numbers: 259764-260226
Special Checks Numbers: None

4. Law Enforcement Services Agreement. (500)

This item was removed from the Consent Calendar for further review and clarification.

5. Mayoral Appointments. (100)

1. Confirmed the Mayor's appointments to various Boards, Agencies and Committees.

6. Installation of Traffic Control Devices – Congestion Relief and Traffic Safety. (1400)

This item was removed from the Consent Calendar for further review and clarification.

7. Smith Park and Rio Vista Park Renovation Projects – Amendment No. 5 to Professional Services Agreement No. 09-1131 – Construction Support Services. (500)

This item was removed from the Consent Calendar for further review and clarification.

8. **Telegraph Road Landscape Median Improvements, CIP No. 21232 – Notice of Completion and Approval of Contract Change Orders.** (500)

1. Accepted as complete, effective September 27, 2013, work performed by All American Asphalt on the Telegraph Road Landscape Median Improvements Project, CIP No. 21232, and instructed the City Clerk to file the Notice of Completion with the Los Angeles County Recorder;
2. Authorized the City Manager to approve contract change orders in the total amount of $287,841 to pay for additional work performed on the project; and
3. Appropriated $34,520 in Measure R funds to the Entrance Monuments Replacement Project, CIP No. 21255, as these funds have been approved by Metro for said project.

Agreement No. 14-1453

9. **Comprehensive Annual Financial Report for Fiscal Year Ending June 30, 2013; Appropriations Limit Calculation and Audit Letters for Fiscal Year Ending June 30, 2013.** (700)

a. Received and filed:
   1. The Comprehensive Annual Financial Report for fiscal year ending June 30, 2013;
   2. The Appropriations Limit Calculation for fiscal year ending June 30, 2013;
   3. The Government Auditing Standards letter for fiscal year ending June 30, 2013; and
   4. The Audit Committee Letter for fiscal year ending June 30, 2013.

Motion by Councilmember Armenta, seconded by Councilmember Archuleta to approve Consent Calendar Items No. 2, 3, 5, 8 and 9. Motion carries by the following roll call vote:

AYES: Archuleta, Armenta, Camacho, Salcido, Tercero
NOES: None

CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION:

4. **Law Enforcement Services Agreement.** (500)

With respect to the recent resignation of Sheriff Baca, Mayor Tercero asked if his resignation affects the agreement. City Manager Bates stated that it does not.

Motion by Councilmember Armenta, seconded by Councilmember Archuleta to approve the agreement with the Los Angeles County Sheriff's Department for law enforcement services for a five year period beginning July 1, 2014 through June 30, 2019. Motion carries by the following roll call vote:

Agreement No. 14-1449

AYES: Archuleta, Armenta, Camacho, Salcido, Tercero
NOES: None

6. Installation of Traffic Control Devices – Congestion Relief and Traffic Safety.

(1400)

Mayor Tercero asked staff to state the reason behind giving the City Manager the authority to approve traffic control devices in the City. Public Works Director Cervantes stated that a resolution was brought before City Council to give the City Manager authority to expedite necessary safety measures to protect the public and the City from any potential liability.

Motion by Mayor Tercero, seconded by Councilmember Archuleta to receive and file the installation of traffic control devices report. Motion carries by the following roll call vote:

AYES: Archuleta, Armenta, Camacho, Salcido, Tercero
NOES: None

7. Smith Park and Rio Vista Park Renovation Projects – Amendment No. 5 to Professional Services Agreement No. 09-1131 – Construction Support Services.

(500)

Councilmember Salcido asked if this item is in regard to design issues to which City Manager Bates responded in the affirmative.

Motion by Councilmember Salcido, seconded by Councilmember Armenta to approve Amendment No. 5 to Professional Services Agreement No. 09-1131 with Hirsch & Associates, Inc. (HAI) for additional construction support services for an amount not to exceed $100,780 and authorize the Mayor to execute Amendment No. 5 in a form approved by the City Attorney. Motion carries by the following roll call vote:

Agreement No. 09-1131-5

AYES: Archuleta, Armenta, Camacho, Salcido, Tercero
NOES: None

LEGISLATION:

10. Selection of Executive Recruitment Firm for City Manager Position. (200)

Councilmember Archuleta suggested that going forward, the recommendation of a recruiting firm come from an Ad Hoc Committee or discussion from City Council rather than from just the mayor with Councilmember Salcido concurring with the suggestion.

Motion by Councilmember Armenta, seconded by Councilmember Archuleta to accept the Mayor's recommendation that the City Council select Bob Murray and Associates to conduct the recruitment for the city manager position.

AYES: Archuleta, Armenta, Camacho, Salcido, Tercero
NOES: None

11. City Council Reorganization.

Mayor Tercero called for the nominations for the Office of Mayor Pro Tempore. Councilmember Salcido was nominated by Councilmember Armenta. Noting no further names, the nomination period was closed.

Councilmember Salcido was nominated and selected to serve as Mayor Pro Tempore of the City of Pico Rivera pursuant to a 5-0 vote.

AYES: Archuleta, Armenta, Camacho, Salcido, Tercero
NOES: None

Recessed to Housing Assistance Agency at 6:47 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Housing Assistance Agency at 6:48 p.m.

ALL MEMBERS WERE PRESENT

NEW BUSINESS: None.

OLD BUSINESS:

Councilmember Archuleta asked for an update and report on the placing of address numbers on homes and in the alley ways for public safety purposes.

2ND PERIOD OF PUBLIC COMMENTS – ALL OTHER CITY-RELATED BUSINESS: None.

ADJOURNMENT

Mayor Tercero adjourned the City Council meeting at 6:50 p.m. in memory of resident Edith Bastidas. There being no objection it was so ordered.

AYES: Archuleta, Armenta, Camacho, Salcido, Tercero
NOES: None

_____
Brent A. Tercero, Mayor

ATTEST:

_____
Anna M. Jerome, City Clerk

I hereby certify that the foregoing is a true and correct report of the proceedings of the City Council regular meeting dated January 14, 2014 and approved by the City Council on January 28, 2014.

_____
Anna M. Jerome, City Clerk

Approved as submitted
January 6, 2014

PLANNING COMMISSION — MINUTES

Monday, December 2, 2013

A regular meeting of the Planning Commission was called to order by Chairperson Elisaldez at 6:00 p.m., in the City Hall Council Chambers, 6615 Passons Boulevard, Pico Rivera, CA.

STAFF PRESENT:
Ben Martinez, Director
Julia Gonzalez, Deputy Director
Guille Aguilar, Senior Planner

ROLL CALL:

PRESENT: Commissioners Celiz, Elisaldez, Garcia, Martinez, Zermeno

ABSENT: None.

FLAG SALUTE: Led by Commissioner Zermeno

APPROVAL OF MINUTES:

November 18, 2013

Motion to approve the minutes was made by Commissioner Martinez and seconded by Commissioner Garcia:

AYES: Celiz, Elisaldez, Garcia, Martinez, Zermeno
NOES: None
ABSTAIN: None
ABSENT: None

PUBLIC HEARING:

CONTINUED PUBLIC HEARING - ZONE CODE AMENDMENT NO. 165 AMENDING TITLE 18 (ZONING) OF THE PICO RIVERA MUNICIPAL CODE PERTAINING TO THE REGULATION OF PORTE-COCHERES, DRIVEWAY EXPANSIONS, WALKWAYS AND LOT COVERAGE

Senior Planner Aguilar presented the staff report. She reported that the zone code amendment includes changes to the regulations for walkways and driveway expansions, providing flexibility for residents who wish to expand their driveways and walkways. It includes changes to allow porte-cochere structures. Staff omitted the portions of the draft ordinance that pertain to lot coverage in order to provide additional time to appropriately study and research the issues.

Staff presented two draft ordinances for the Planning Commission's consideration. The first ordinance follows the Planning Commission's direction from the October 14, 2013 meeting. It requires porte-cocheres flush with the front building line of the residence with two minor exceptions. Staff included an exception for the porte-cochere to extend six feet from the front of the home for a residence with an attached garage where a full length porte-cochere cannot be constructed. The second exception allows for the porte-cochere to match the setback of the home's front porch instead of the front building line of the residence so long as both the porte-cochere and the front porch do not project more than six feet into the front-yard setback.

The second version of the ordinance follows the City Council's direction. Senior Planner Aguilar stated that the ordinance allows a projection based on the distance of the home to the front property line. The ordinance provides a scale so that all homes large or small, depending on the size of the lot and the existing front setback may be allowed to build a porte-cochere towards the front of the home. Staff determined that the larger the lot, the greater the distance between the residence and the front property line. Because of this determination, staff presented an ordinance based on a scale. This approach was discussed and rejected by the Planning Commission during the October 14, 2013 Planning Commission meeting.

Senior Planner Aguilar stated that staff conducted a survey of surrounding cities and found that all cities that have design standards do not allow a porte-cochere to extend beyond the front building line of the residence. She stated that some cities do allow porte-cocheres to project beyond the front building line of the residence due to a lack of design guidelines. Most of the staff members of these cities stated that they discourage such projections and that these requests were unusual. She advised that staff also conducted a windshield survey of existing porte-cocheres throughout the city and found that only one porte-cochere out of twenty-eight projected beyond the front building line of the residence.

Commissioner Garcia asked Senior Planner Aguilar if the examples of porte-cocheres in the presentation were actual porte-cocheres located in the City.

Senior Planner Aguilar responded that the photos are examples of porte-cocheres and are not actual structures in Pico Rivera.

Senior Planner Aguilar briefly discussed lot and building coverage and said staff would present a lot coverage ordinance at a later date. She stated that the current definitions in the zoning ordinance exempt any type of patio covering to be counted towards lot coverage. Most properties in the City are limited to a maximum lot coverage of forty percent that is intended to create uniformity of the building form of neighborhoods, as well as to allow storm water drainage and for aesthetic purposes. Five of the fourteen surrounding cities surveyed do not include patios in their lot coverage. The cities have more stringent open space and setbacks requirements than Pico Rivera. Senior Planner Aguilar stated that the cities require a certain amount of yard area, and/or they do not allow residents to build as close to property lines as Pico Rivera.

Senior Planner Aguilar stated that staff's recommendation is to adopt the first ordinance option which follows the Planning Commission's recommendation from the October 14, 2013 meeting, and which allow minor exemptions for certain porte-cocheres to project slightly beyond the front building line of the residence, but eliminating the portions or the ordinance that pertain to lot coverage.

Chairperson Elisaldez asked if two properties in the presentation with the large patio additions are allowed and/or grandfathered in.

Senior Planner Aguilar responded that one of the properties has legal building permits and is permitted. The second property does not have permits for the expansive patio additions.

Chairperson Elisaldez recommended to open the public hearing. There being no one to speak on the public hearing, it was recommended to open the public hearing by Commissioner Zermeno, seconded by Commissioner Garcia.

Motioned carried by the following roll call vote:

AYES:	Commissioners Celiz, Elisaldez, Garcia, Martinez, Zermeno
NOES:	None
ABSTAIN:	None
ABSENT:	None

Chairperson Elisaldez opened the public hearing for Commission discussion.

Commissioner Garcia asked if the porte-cocheres that project far beyond the front

building line of a residence fall under the porte-cochere guidelines.

Senior Planner Aguilar responded that they did not.

Commissioner Garcia asked if staff could limit the porte-cohere to the length of one vehicle towards the front to satisfy City Council direction.

Senior Planner Aguilar responded that the recommended ordinance limits porte-cocheres to a maximum length of forty feet, which allows for coverage of two vehicles in tandem under the structure. The recommended ordinance will limit the projection of the porte-cochere towards the front, but will not limit the projection of the porte-cochere towards the rear of the property as long as the structure does not exceed the forty foot length or encroach into any setback requirements.

Chairperson Elisaldez stated that the first ordinance draft allows flexibility to the City residents because they can build the porte-cochere towards the rear and would also allow a resident with a smaller property to utilize a porte-cochere for the proper use. He stated that the Planning Commission has discussed several options in regards to porte-cocheres and prefers the first draft ordinance.

Commissioner Celiz asked if staff is proposing to allow the projection only with certain types of properties.

Senior Planner Aguilar responded that the first draft ordinance follows the Planning Commission direction from the October 14 meeting. The ordinance prohibits projections with two minor exceptions. One exception allows a projection into the setback if the projection is flush with the front porch. A second six foot projection is allowed if the garage is attached to the residence. The six foot projection was chosen because it is consistent with projections currently allowed by the zoning code for front porches.

Commissioner Zermeno suggested staff stay with the first draft ordinance. He stated that there are insufficient homes in the City which could or would build a porte-cochere under the concessions listed in the second draft ordinance. Commissioner Zermeno commented that the twenty foot tunnel effect in front of homes will look terrible and that the homeowner has the option of building the twenty foot porte-cohere towards the rear under the first draft ordinance.

There being no further discussion, Commissioner Zermeno recommended approval for the first ordinance draft, which would not allow for a projection, except for two minor exceptions. The motion was seconded by Commissioner Celiz.

Motioned carried by the following roll call vote:

AYES:	Commissioners Celiz, Elisaldez, Garcia, Martinez, Zermeno
NOES:	None
ABSTAIN:	None
ABSENT:	None

City Attorney John Lam clarified for the record that Commissioners approved the ordinance with the removal of Sections 10 and section 11 of the ordinance related to lot coverage.

Deputy Director Gonzalez asked City Attorney Lam to confirm that the City Council may or may not choose to adopt the ordinance recommended by the Planning Commission.

City Attorney Lam stated the City Council can approve any variation or combination of the two ordinances.

Commissioner Zermeno asked if there was an overwhelming consensus from the City Council that the draft ordinance be brought back to the Planning Commission for further review to discuss additional projections beyond the twenty foot projection which was proposed in the previous recommended ordinance.

Director Martinez responded that it was not overwhelming, but there was a consensus from the City Council to again present the ordinance for Planning Commission consideration to provide additional flexibility for larger lots to construct porte-cocheres that project from the front building line of the residence.

PUBLIC COMMENTS – NON-AGENDA ITEMS: None.

NEW BUSINESS: None.

CONTINUED/OLD BUSINESS:

Commissioner Garcia stated that someone driving north on the Passons Underpass drove through a fence onto Maizeland. He requested that something be placed to clearly divide opposing traffic. He stated that this issue was previously mentioned by Chairperson Elisaldez.

PLANNING COMMISSION REPORTS: None

Director Martinez reminded the Planning Commissioners to turn in their Planning Commission applications if they haven't done so.

Commissioner Garcia asked if City Council will meet in December before the Planning Commission meets.

Deputy Director Gonzalez replied that the City Council will meet in December and that the Planning Commission must reorganize thirty days thereafter.

Commissioner Martinez asked if commissioners would be granted any funds to attend any conferences.

Director Martinez will look into any local events and into the budget availability.

Commissioner Zermeno responded that there is the Las Vegas ICSC conference.

Director Martinez responded staff would look for funds primarily for city planning type training conferences.

Chairperson Elisaldez thanked staff and fellow Commissioners for all their assistance.

There being no further business the Planning Commission meeting was adjourned at 6:37 p.m.

Tommy Elisaldez, Chairperson

ATTEST:

Benjamin A. Martinez, Secretary
Planning Commission
Director of Community and Economic Development

Approved as submitted
January 21, 2014

PLANNING COMMISSION — MINUTES

Monday, January 6, 2014

A regular meeting of the Planning Commission was called to order by Chairperson Elisaldez at 6:00 p.m., in the City Hall Council Chambers, 6615 Passons Boulevard, Pico Rivera, CA.

STAFF PRESENT:
Ben Martinez, Director
Julia Gonzalez, Deputy Director
Guille Aguilar, Senior Planner
John Lam, Assistant City Attorney

ROLL CALL:

PRESENT: Commissioners Celiz, Elisaldez, Garcia, Martinez, Zermeno

ABSENT: None.

FLAG SALUTE: Led by Commissioner Celiz

APPROVAL OF MINUTES:

December 2, 2013

Motion to approve the minutes was made by Commissioner Martinez and seconded by Commissioner Celiz:

AYES:	Celiz, Elisaldez, Garcia, Martinez, Zermeno
NOES:	None
ABSTAIN:	None
ABSENT:	None

PUBLIC HEARING:

ZONING CODE AMENDMENT NO. 171 TO ALLOW INSTRUCTIONAL TASTINGS OF BEER, WINE AND DISTILLED SPIRITS IN CONJUNCTION WITH CERTAIN QUALIFIED OFF-SALE RETAIL LICENSED BUSINESSES

Senior Planner Aguilar presented the staff report. The application was submitted to the Commission by Alejandro Ramirez, owner of Ramirez Liquor, who was represented by Elizabeth Peterson Group a Planning Consulting company. The 2,400 sq. ft. business has been in operation since November 2012 and the owners want to attract more clientele, educate customers and compete with the online market.

The applicant is requesting adoption of the amendment to allow the type 86 Alcohol Beverage license under the permitted land use categories. The tastings must be conducted by a beverage manufacturer or a wine grower, not the actual liquor store owner. The bill was passed and has been in effect since January 2011.

Type 86 license has more restrictions than a type 42 license which also allows tastings. The type 86 license limits the hours of operation from 10 a.m. to 9 p.m. and the events must be conducted by an alcohol beverage manufacturer. There can only be one tasting event per day, and only one item may be sampled. Senior Aguilar stated that the City does not have any distance requirements or density limitations currently in place from liquor stores to sensitive receptor areas. A survey was conducted of ten cities and the distance from sensitive receptors varied from 300 to 1,000 feet. Three of the ten cities had no distance requirements. She stated that there are currently 42 businesses within Los Angeles County that hold tasting events. Preliminary concerns by staff are parking issues, noise, as well as the proximity to sensitive receptors.

Staff asked to continue the public hearing in order to conduct further research and noted that the applicant and their consultant were available for further questions.

Director Martinez encouraged the Planning Commission to ask questions from the applicant and hear the business side of the request.

Chairperson Elisaldez recommended to open the public hearing.

Elizabeth Peterson, the applicant's representative spoke on the applicant's behalf. Ms. Peterson stated that with the approval of the amendment, the applicant would still need to go through the Conditional Use Permit process.

Ms. Peterson stated that a single tasting of distilled spirits shall not exceed one-fourth of one ounce and a single tasting of wine shall not exceed one ounce. No more than three tastings of distilled spirits or wine shall be provided to any person on any day. The tasting of beer is limited to eight ounces of beer per person per day. The wine, beer, or distilled spirits tasted shall be limited to the products that are authorized to be sold by

the holder of the type 86 license.

The Pico Rivera Ramirez specialty market is the second location owned by the Ramirez family. The first Ramirez Liquor has been in operation since 1995 and is located at 736 S. Soto in Boyle Heights without any violations or disciplinary action. The specialty market has an exceptional track record at both locations. They have over 1,200 specialty beers ranging from $3 to $1,000. The store is a family run business by the Ramirez brothers as well as their mother.

Ms. Peterson invited members of the Planning Commission to visit the store.

Chairperson Elisaldez asked about the distance between Salesian High school and Santa Isabel to the Boyle Heights store. He asked if the liquor store was on the northeast corner of Soto Street and Whittier Boulevard.

Ms. Peterson responded that it was, and Senior Planner Aguilar responded that the store was one block away from the schools.

Commissioner Garcia asked about the buffering distances between liquor stores.

Senior Planner Aguilar responded that seven of the ten cities surveyed said they did have buffered distances, but there was no consistency. The distances varied from 150 feet to 1,000 feet.

Commissioner Garcia responded that there has been issues with liquor stores in the past, and staff needs to conduct further research and place controls on these types of requests.

Ms. Peterson stated that the conditional use permit would allow staff to place controls.

Commissioner Zermeno asked if the subject liquor store was a specialty liquor store, and if the City would only allow tastings at specialty stores.

Mr. Alejandro Ramirez stated that the store was a specialty store and did not sell staples such as milk, eggs, cheese.

Commissioner Zermeno asked how the business would market the events.

Mr. Ramirez stated that the manufacturer would be promoting their events. The store would not be advertising throughout the neighborhood.

Commissioner Garcia asked how other tasting events have been marketed.

Ms. Peterson responded that they would research this information and bring the information to the next presentation.

Commissioner Celiz asked staff if the Planning Commission could recommend a buffer distance to bring forward to the City Council.

Commissioner Zermeno asked if this type of event could take place on a daily basis.

Ms. Peterson responded that events could take place once a day.

Commissioner Garcia asked who would be responsible for any violations of the events.

Ms. Peterson responded that the licensee, Ramirez Liquor would be held responsible.

Director Martinez asked if the state Department of Alcohol Beverage Control monitors and conducts site inspections on the type of license.

Ms. Peterson responded that the Department of Alcohol Beverage Control does hold inspections.

Commissioner Garcia asked if the area where the tastings would occur would be enclosed.

Mr. Ramirez responded that it is a temporary enclosed (partitioned) area within the store.

Chairperson Elisaldez asked staff if any written communication was received.

Senior Planner Aguilar responded that staff did not receive any communication.

Commissioner Celiz asked if notices were posted for the public to view.

Senior Planner Aguilar responded that the notices were posted in the usual designated posting areas, which included City Hall, the post office, City parks and libraries.

City Attorney John Lam stated that since this is a City-wide request, it could not be posted at a particular site, but through the CUP process, a notice would be posted at the location.

Commissioner Martinez asked to continue the public hearing to March 3, 2014.

Motioned carried by the following roll call vote:

AYES:	Commissioners Celiz, Elisaldez, Garcia, Martinez, Zermeno
NOES:	None
ABSTAIN:	None
ABSENT:	None

MAJOR VARIANCE NO. 183 – A REQUEST TO DEVIATE FROM DEVELOPMENT STANDARDS TO DEVELOP A TWO STORY DUPLEX AT 4305 ROSEMEAD BOULEVARD IN THE MULTIPLE FAMILY RESIDENTIAL (R-M) ZONE

Deputy Director Gonzalez presented this report. The subject site is on the southwest corner of Ibsen Street and Rosemead Boulevard. At the rear of the site is a 20 foot alleyway. The location was previously Charro's Bar, which was closed since 1996.

A rear setback of 20 feet is required when the structure is over one story in height. The applicant is providing a rear setback of 15 feet. Because this request is under 25%, it is considered a minor variance and would be typically approved by the Zoning Administrator. The 20 foot alley at the rear provides an additional buffer of privacy from the single family homes.

The lot size is 5,523 square feet and the minimum lot size required is 6,000 square feet making the site legal non-conforming.

A total of 1,300 square foot of outdoor living space is required. A total of 743 square feet of outdoor living space can be achieved. The zoning ordinance does not allow the use of the front side setback to be used to calculate the outdoor living space. Deputy Director stated that realistically front yards are utilized. The applicant is requesting an overall variance of 57% of the outdoor living space area requirement. This is considered a major variance request that may only be approved through the Planning Commission.

Deputy Director Gonzalez stated that if the variance is not approved only one single-family unit could be built at the site. Because the site is located on a major thoroughfare and surrounded by two story multi-family uses, a single-family unit would not be compatible.

Commissioner Zermeno recommended the two story duplex development.

Commissioner Garcia asked if the drawings presented were only preliminary.

Deputy Director Gonzalez stated staff asked the applicant for a color board, that these were just preliminary drawings. There would be a 20 feet buffer to the rear of the property and there would be landscape in the front as well as a blockwall.

Commissioner Martinez asked about Public Works improvement requirements and the opportunity to review the conditions of approval.

Deputy Director Gonzalez stated that the conditions of approval were attached with the report.

Chairperson Elisaldez asked how the Planning Commission could keep consistency with approvals of a variance.

City Attorney John Lam responded that a variance may be issued to sites with unique characteristics. Each approval is based on a case-by-case basis due to the unique characteristics of the site which limit development.

Commissioner Garcia asked how many parking spaces were allocated per unit.

Deputy Director Gonzalez responded that each unit would have two garage spaces, and that the driveway which is 15 feet in length could provide additional parking spaces. She stated that the conditions also limit the number of bedrooms to three.

Chairperson Elisaldez requested to open the public hearing.

Deputy Director Gonzalez stated that the applicant, Ruben Martinez was not in attendance but that he was encouraged to attend the hearing and the conditions of approval were emailed to him.

There being no discussion on the hearing, Chairperson Elisaldez requested to close the public hearing.

Commissioner Martinez motioned to close the public hearing.

Motioned carried by the following roll call vote:

AYES: Commissioners Celiz, Elisaldez, Garcia, Martinez, Zermeno
NOES: None

ABSTAIN: None
ABSENT: None

Commissioner Garcia stated that the applicant should have attended the hearing to confirm that they are in agreement with the conditions of approval.

City Attorney John Lam stated that staff requested that the applicant attend the hearing, and by not attending and objecting, they have agreed to the conditions of approval.

Motion to close the public hearing carried by the following roll call vote:

AYES: Commissioners Celiz, Elisaldez, Garcia, Martinez, Zermeno
NOES: None
ABSTAIN: None
ABSENT: None

ZONE CODE AMENDMENT NO. 172 AND ZONE RECLASSIFICATION NO. 315 TO AMEND TITLE 18, *ZONING* OF THE PICO RIVERA ZONING ORDINANCE PER THE ADOPTED 2014-2021 HOUSING ELEMENT

Deputy Director Gonzalez presented the staff report. The zone changes are part of the 2014-2021 Housing Element. The state requires the City to incorporate the following items by February 11, 2014.

- Density Bonus Regulations. Allow residential developments above the City's maximum density up to 35% subject to the prescribed ratio of affordable housing.

- Reasonable Accommodations. Allow disabled applicants to apply for ministerial variances from zoning development standards to provide equal and adequate housing.

- Single Room Occupancy (SROs). Permits the development and conversion of former hotels into small units between 200-400 square feet to provide a source of affordable housing.

- Second Unit Dwellings. Also known as "Granny Flats" permits the ministerial development of second units regardless of zone to maximize limited land resources, provide supplemental income and contribute to the local affordable housing stock.

- By-right housing developments. Requires cities to eliminate entitlements for the developments of multi-family developments.

- Supportive and Transitional Housing. Requires cities to permit supportive and transitional housing only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. Supportive housing is permanent rental housing linked to a range of support services designed to enable residents to maintain stable housing. Transitional housing is a type of supportive housing to facilitate the movement of homeless individuals and family to permanent housing.

- Emergency Shelter Overlay Zone. Requires that cities designate an area to permit homeless shelters limited to an occupancy of six months or less. Through the adopted 2014-2021 Housing Element, the City identified an area bordered by Beverly Boulevard to the north, Tobias Road to the west, San Gabriel River to the east and the Union Pacific Railroad to the south. The underlying zones within this industrial area would remain the same.

- Community Care Facilities. Requires that cities permit community care facilities by-right with six or less occupants.

Deputy Director stated that the creation of a mixed use overlay zone did not need to occur until October 2014. This would be completed in conjunction with the General Plan Update. To help encourage development on major thorough fares, staff recommended that the height and interior side setbacks between buildings in the General-Commercial (C-G) zone be amended. This is not a state law requirement or was adopted as part of the Housing Element. Staff recommended that the height be raised from 38 feet to 42 feet, and limit a five foot (interior) side setback. Deputy Director Gonzalez stated that staff would require windows to be offset and a line of sight analysis. Incorporating the height and interior side setback amendments to the subject ordinance will facilitate adoption and staff time.

Commissioner Zermeno asked if these amendments were recommended to encourage the development of affordable housing complexes.

Deputy Director Gonzalez stated that the first eight changes are state required. The height and interior setback are not required but staff recommended to encourage development.

Director Martinez stated that the City has not met its share of required affordable housing.

City Attorney Lam stated that these changes are state mandated with local city tweaks. If the City does not accept the changes, the City would have to accept the changes made per state law.

Commissioner Celiz asked if Pico Rivera Gardens located on Rosemead fell under the category of transitional housing.

Deputy Director Gonzalez stated that the facility falls under the definition community care facility and is limited to six occupants or less.

Chairperson Elisaldez opened the public hearing.

Resident Angie Price came to speak on behalf of her mother, Elsa Price. They received the notice and attended the meeting to understand what was happening. They wanted to make sure that this amendment did not affect their property.

Commissioner Martinez stated that the amendments would not affect their property and that staff would be available to further discuss the zone code amendment if they requested.

There being no further discussion, it was motioned and seconded to close the public hearing.

Motion carried by the following roll call vote:

AYES:	Commissioners Celiz, Elisaldez, Garcia, Martinez, Zermeno
NOES:	None
ABSTAIN:	None
ABSENT:	None

It was then motioned to approve the amendments adopting the Housing Element.

Motion carried by the following roll call vote:

AYES:	Commissioners Celiz, Elisaldez, Garcia, Martinez, Zermeno
NOES:	None
ABSTAIN:	None
ABSENT:	None

PUBLIC COMMENTS – NON-AGENDA ITEMS: None.

NEW BUSINESS:

Initiate a Zone Code Amendment for the incorporation of the California Homemade Food Act (AB 1616)

Deputy Director Gonzalez presented this staff report. The state adopted the regulation which became effective on January 1, 2014. The legislation requires cities to approve cottage food operations as home occupations. Cottage foods are defined as foods that do not require refrigeration. Some examples of cottage foods include breads, biscuits, churros, cookies, pastries, tortillas, toffee, brittle, dried fruit, dried pasta, dried mole pasta, jellies, preserves, fruit pies, fruit empanadas, fruit tamales, popcorn, roasted coffee, and dried tea.

Staff has many concerns, including parking. The law allows residents to make and sell foods from home. Upon approval of initiation, staff will research how the ordinance may be implemented into the zoning ordinance incorporating language that minimizes impacts to the surrounding residential neighborhood without infringing on the requirements of the state code.

Commissioner Garcia asked if the law would allow homemade food to be sold at yard sales.

Deputy Director Gonzalez responded that all sales must be done within the home.

Commissioner Zermeno asked if the residents would have to obtain a permit from the City to conduct these sales.

Deputy Director Gonzalez stated that it would depend on the type of sales.

Commissioner Zermeno asked if this includes dried nuts. He mentioned an issue that came up in Alhambra where product added to the dried nuts went through air vents and stained neighbors' walls.

Deputy Director Gonzalez stated staff will conduct further research on issues within surrounding cities and add conditions to mitigate impacts.

Commissioner Celiz asked if the law would allow people to sell the homemade food on the street in carts.

Deputy Director Gonzalez stated that they would be able to sell the food products from

their homes but not on the streets with carts.

City Attorney Lam stated that if any issues arose from the sale of food, they would be a civil issue.

Commissioner Garcia asked if there would be a freshness or expiration date required on these items.

City Attorney Lam stated that staff will look into how staff could add conditions without limiting the sale of these items.

Commissioner Zermeno asked if staff would allow banners in the residential zone.

Director Martinez stated we would not allow banners or advertisement at these home based businesses.

Commissioner Martinez stated he felt this would become a problem in the City.

Commissioner Zermeno stated that due to social media, this type of business could grow.

Chairperson Elisaldez stated that this type of business would create problems within the City, such as an increase in crime.

There being no further discussion, it is motioned for staff to conduct further research.

Motion carried by the following roll call vote:

AYES:	Commissioners Celiz, Elisaldez, Garcia, Martinez, Zermeno
NOES:	None
ABSTAIN:	None
ABSENT:	None

CONTINUED/OLD BUSINESS:

Commissioner Celiz had an issue with graffiti on the underpass.

Director Martinez stated that staff will report this issue to Public Works.

Commissioner Martinez is hoping that in 2014 staff could get a response on the newspaper stands issue he brought up months ago.

Commissioner Martinez also printed a list of upcoming 2014 workshops for the Planning Commissioners.

PLANNING COMMISSION REPORTS:

PLANNING COMMISSION REPRESENTATIVE TO THE CITY COUNCIL MEETING OF Tuesday, January 14, 2014.

Commissioner Celiz confirmed her attendance.

There being no further business the Planning Commission meeting was adjourned at 7:26 p.m.

Tommy Elisaldez, Chairperson

ATTEST:

Benjamin A. Martinez, Secretary
Planning Commission
Director of Community and Economic Development

CITY COUNCIL **AGENDA REPORT**

To: Mayor and City Council

From: City Manager

Meeting Date: January 28, 2014

Subject: PARKS AND RECREATION; SISTER CITY AND PLANNING COMMISSION APPOINTMENTS

Recommendation:

Adopt Resolutions approving City Council appointments to the Parks & Recreation Commission; Sister City Commission; and Planning Commission.

Fiscal Impact: None.

Discussion:

Currently, the terms of office of all Parks & Recreation, Sister City and Planning Commissioners expired in December 2013. To continue with the work of these Commissions and to facilitate future meetings, the City Council is being asked to consider these appointments.

The members of the Parks & Recreation Commission are appointed to one-year terms, while the Sister City and Planning Commission members are appointed to two year terms in accordance with the provisions of the Pico Rivera Municipal Code. The City Council has the option of reappointing the existing members or appoint other individuals of their choosing to serve. Staff has received the names submitted by the City Council members and they are included on the attached Resolutions.

Ronald Bates

RB:AJ

Enc: 1) Resolutions (3)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPOINTING THE FOLLOWING CITY ELECTORS: PATRICIA SAUCEDO, RODNEY TORRES, JOSEPH A. PALOMBI, JOHN R. GARCIA, AND CARLOS CRUZ TO THE PARKS AND RECREATION COMMISSION FOR A ONE YEAR TERM SAID TO EXPIRE DECEMBER 2014.

WHEREAS, Section 2.53.010 of the Pico Rivera Municipal Code creates the Parks and Recreation Commission; and

WHEREAS, Section 2.53.020 of said code provides for the appointment of a Parks and Recreation Commission of five members who shall be qualified electors of the City; and

WHEREAS, City Council Ordinance No. 1036 provides for the appointment of Parks and Recreation Commissioners for specified terms; and

WHEREAS, **Mayor Brent A. Tercero** has recommended the appointment of Patricia Saucedo to the Parks and Recreation Commission; and

WHEREAS, Mayor Pro Tempore Gregory Salcido has recommended the reappointment of Rodney Torres to the Parks and Recreation Commission; and

WHEREAS, Councilmember Bob J. Archuleta has recommended the reappointment of Joseph A. Palombi to the Parks and Recreation Commission; and

WHEREAS, Councilmember David W. Armenta has recommended the reappointment of John R. Garcia to the Parks and Recreation Commission; and

WHEREAS, Councilmember Gustavo A. Camacho has recommended the reappointment of Carlos Cruz to the Parks and Recreation Commission.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PICO RIVERA, DOES RESOLVE AS FOLLOWS:

SECTION 1. That the following individuals are hereby appointed to the Parks and Recreation Commission:

Patricia Saucedo
Rodney Torres
Joseph A. Palombi
John R. Garcia
Carlos Cruz

Said term shall commence on January 28, 2014 and expire on December 9, 2014 or at the time a successor is appointed, whichever is later.

SECTION 2. This resolution shall take effect immediately upon passage and adoption.

SECTION 3. That the City Clerk shall certify to the adoption and passage of this resolution and it shall thereupon be in full force and effect.

ADOPTED AND APPROVED this _____ day of January, 2014.

_____
Brent A. Tercero, Mayor

ATTEST:

_____
Anna M. Jerome, City Clerk

APPROVED AS TO FORM:

_____
Arnold M. Alvarez-Glasman, City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPOINTING THE FOLLOWING CITY ELECTOR: GUSTAVO CONTRERAS TO THE SISTER CITY COMMISSION FOR A TWO YEAR TERM SAID TO EXPIRE DECEMBER 2015.

WHEREAS, Section 2.54.010 of the Pico Rivera Municipal Code creates the Sister City Commission; and

WHEREAS, Section 2.54.020 of said code provides for the appointment of a Sister City Commission of five members who shall be qualified electors of the City; and

WHEREAS, City Council Ordinance No. 1037 provides for the appointment of Sister City Commissioners for specified terms; and

WHEREAS, Councilmember Gustavo A. Camacho has recommended the appointment of Gustavo Contreras to the Sister City Commission.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PICO RIVERA, DOES RESOLVE AS FOLLOWS:

SECTION 1. That the following individual is hereby appointed to the Sister City Commission: Gustavo Contreras

Said term shall commence on January 28, 2014 and expire on December 8, 2015 or at the time a successor is appointed.

SECTION 2. This resolution shall take effect immediately upon passage and adoption.

SECTION 3. That the City Clerk shall certify to the adoption and passage of this resolution and it shall thereupon be in full force and effect.

ADOPTED AND APPROVED this _____ day of January, 2014.

_____
Brent A. Tercero, Mayor

ATTEST:

_____
Anna M. Jerome, City Clerk

APPROVED AS TO FORM:

_____
Arnold M. Alvarez-Glasman, City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPOINTING THE FOLLOWING CITY ELECTORS: WILLIAM PAUL GOMEZ, TOMMY ELISALDEZ, ESTHER CELIZ, RUBEN L. GARCIA, AND FRED ZERMENO TO THE PLANNING COMMISSION FOR A TWO YEAR TERM SAID TO EXPIRE DECEMBER 2015.

WHEREAS, Section 2.44.010 of the Pico Rivera Municipal Code creates the Planning Commission; and

WHEREAS, Section 2.44.020 of said code provides for the appointment of a Planning Commission of five members who shall be qualified electors of the City; and

WHEREAS, City Council Ordinance No. 1014 provides for the appointment of Planning Commissioners for specified terms; and

WHEREAS, Mayor Brent A. Tercero has recommended the appointment of William Paul Gomez to the Planning Commission; and

WHEREAS, Mayor Pro Tempore Gregory Salcido has recommended the reappointment of Tommy Elisaldez to the Planning Commission; and

WHEREAS, Councilmember Bob J. Archuleta has recommended the reappointment of Esther Celiz to the Planning Commission; and

WHEREAS, Councilmember David W. Armenta has recommended the reappointment of Ruben L. Garcia to the Planning Commission; and

WHEREAS, Councilmember Gustavo A. Camacho has recommended the reappointment of Fred Zermeno to the Planning Commission.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PICO RIVERA, DOES RESOLVE AS FOLLOWS:

SECTION 1. That the following individuals are hereby appointed to the Planning Commission:

William Paul Gomez
Tommy Elisaldez
Esther Celiz
Ruben L. Garcia
Fred Zermeno

Said term shall commence on January 28, 2014 and expire on December 8, 2015 or at the time a successor is appointed, whichever is later.

SECTION 2. This resolution shall take effect immediately upon passage and adoption.

SECTION 3. That the City Clerk shall certify to the adoption and passage of this resolution and it shall thereupon be in full force and effect.

ADOPTED AND APPROVED this _____ day of January, 2014.

_____
Brent A. Tercero, Mayor

ATTEST:

_____
Anna M. Jerome, City Clerk

APPROVED AS TO FORM:

_____
Arnold M. Alvarez-Glasman, City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY COUNCIL **AGENDA REPORT**

To: Mayor and City Council

From: City Manager

Meeting Date: January 28, 2014

Subject: SUPPLEMENTAL AGREEMENT NO. 92-505-12 - STREET SWEEPING AND BUS SHELTER MAINTENANCE SERVICES – NATIONWIDE ENVIRONMENTAL SERVICES

Recommendation:

1) Approve Supplemental Agreement No. 92-505-12 for Nationwide Environmental Services (NES) to provide for removal and depositing of debris collected during street sweeping on a month-to-month basis for a not to exceed amount of $17,000; and

2) Appropriate $120,000 from the General Fund Reserves to the Contracted Services Account 010-4200-44500 for FY 13-14 necessary to fund disposal of street sweeping debris.

Fiscal Impact: $120,000 (General Fund Reserves)

Discussion:

In prior years, debris collected by sweepers was deposited in the collection site of Whittier Fertilizer, a local business within the City of Pico Rivera. It was then placed in dumpsters and taken away by the City's contracted trash collector at the trash collector's cost. Currently, this is NASA Services, Inc. (NASA). Due to environmental circumstances beyond the City's control, sweepers are no longer allowed to deposit debris at Whittier Fertilizer.

The City's contract with NASA stipulates that debris is to be picked up within City limits. After much investigation, staff could not locate a suitable environmentally acceptable location, within the City, for the sweepers to deposit the debris and for NASA to pick it up. As such, NES began dumping the street sweeping debris at their facility in Norwalk. NES then transports the debris to an appropriate dumping site.

NES has charged the City $77,827 to-date for the additional dumping and transportation costs incurred. These fees are based on dumping fees, labor, gas transportation and other costs associated with the additional work being done. Staff has reviewed what NES charges their other clients for this service and finds that it is in line with what they are currently charging other cities (Enclosure 2).

Approving Supplemental Agreement 92-505-12 (Enclosure 1) provides for disposing of debris and trash on a month-to-month basis, for a not-to-exceed monthly amount of $17,000, until an alternative, and more cost-effective solution, is implemented. The funds requested ($120,000) are necessary to pay for past services rendered ($77,827) and approximately 10 weeks of additional services.

To reduce costs, staff is currently exploring available alternatives options to dispose the debris and trash collected by the street sweepers. In order of cost-effectiveness, some of the options identified thus far are the following:

- Option No. 1 - Build a debris clarifier on City property. A debris clarifier would allow Nationwide to store debris within the City, permit it to drain properly and then be placed in appropriate receptacles by City personnel for pick up by NASA. This could be at the City Yard or other City-owned property. Costs could range from $50,000 to $100,000. This would be a one-time expense.
- Option No. 2 - Negotiate with Whittier Fertilizer to once again use their property. Whittier Fertilizer is preliminarily proposing a $52,000 annual fee, however, this needs further administrative and technical analysis.
- Option No. 3 - Continue the new arrangement with NES at a cost of approximately $204,000 per year.

Any option to be considered will include NASA and Whittier Fertilizer in the discussion.

Ronald Bates

RRB:AC:SG:lg

Enc.

1) Proposed Supplemental Agreement
2) City Survey-Sweeper Disposal Services

SUPPLEMENTAL AGREEMENT NO. 92-505-12
AMENDMENT TO AGREEMENT NO. 92-505

THIS SUPPLEMENTAL AGREEMENT is entered into this _____ day of _____, 2014, by and between the CITY OF PICO RIVERA, a municipal corporation (hereinafter referred to as the "CITY") and NATIONWIDE ENVIRONMENTAL SERVICES, a division of JOE'S SWEEPING, INC., a California corporation (hereinafter referred to as the "CONTRACTOR"), and is expressly agreed to be an amendment to Agreement No. 92-505, entered into between CITY and CONTRACTOR on March 16, 1992, relating to the award of a contract to provide street sweeping services. Agreement No. 92-505, and all previous supplemental agreements, 92-505-1 through and including 92-505-11, are included by reference herein and in consideration of the mutual benefits, promises and agreements set forth herein, is modified, altered and changed in the following respects only:

1. **Section I of Agreement 92-505, is hereby amended as follows:**

CONTRACTOR shall dispose of all debris and refuse collected by hauling the same to CONTRACTOR'S Yard. The CITY will be responsible for the cost of disposal including the handling and transporting of said material. Contractor shall provide monthly invoice for costs of transportation and disposal. **This amended Section I shall remain in effect on a month to month basis until a suitable alternative is implemented.**

2. **Section XVII of Agreement 92-505, is hereby amended as follows:**

XVII. PAYMENT

Section XVII of Agreement 92-505, is hereby supplemented to include the following: For the additional services of handling, transporting and dumping of sweeper debris, the CITY shall pay to contractor a not-to-exceed monthly rate of $17,000 (seventeen-thousand dollars) on an as-needed basis. The total not-to-exceed budget shall be $120,000 (one hundred and twenty thousand dollars). Contractor shall provide a separate monthly invoice of its costs for this service.

IN WITNESS WHEREOF, the Parties have executed this Supplemental Agreement on the date and year first above written.

"CONTRACTOR"
NATIONWIDE ENVIRONMENTAL SERVICES, a division of JOE'S SWEEPING, INC.

By: _____
Ani Samuelian, Vice President

"CITY"
CITY OF PICO RIVERA

By: _____
Brent A. Tercero, Mayor

ATTEST:

_____
Anna Jerome, City Clerk

APPROVED AS TO FORM:

_____
Arnold M. Alvarez-Glasman, City Attorney

ENCLOSURE 2

City Survey on Street Sweeping

City	Department	Current Contractor	Frequency	Total Budget	Disposal	Stored/Collected for Disposal	City's Department Contact Number	Comments
Artesia	Parking Enforcement	Nationwide Environmental Services	Weekly	78,000	Nationwide Environmental Services	Nationwide Environmental Services	(562) 865-6262 Prateet Elayath	
Bellflower	Public Works	CR&R	Weekly	Solid Waste Franchise Agreement	CR&R	CR&R	(562) 804-1424 Ext. 2252 Bernardo Iniguez	
Bell Gardens	Public Works	Nationwide Environmental Services	Weekly	300,000	City is responsible	Nationwide Environmental Services	(562) 806-7700 Carlos Marin	
Compton	Public Works	Clean Street	Weekly	432,000	City is responsible	Collector: Clean Street Stores: At City's Facility	(310) 605-5505 John Strickland	
Downey	Maintenance Services	Nationwide Environmental Services	Weekly	347,671	Sanitation District	Nationwide Environmental Services	(562) 904-7194 Jason Wen	
El Monte	Public Works Maintenance	Nationwide Environmental Services	Weekly	265,000	Valley Vista	Collector: City Stores: City	(626) 580-2250 Randy Perrine	
Huntington Park	Public Works	MAG Sweeping	Weekly	Finance Depart. was unable to give a #	Consolidate Disposal	Collector: Consolidate Disposal Stores: City	(323) 584-6274 Juan	
La Habra	Public Works	Nationwide Environmental Services	Weekly	289,960	City is responsible	Collector: Nationwide Environmental Services Stored: City's Yard	(562) 905-9792 Paul Hamilton	
La Mirada	Public Works	Nationwide Environmental Services	Weekly	654,000	Nationwide Environmental Services	Nationwide Environmental Services	(562) 902-2385 Marlon Munoz	
Montebello	Public Works	Nationwide Environmental Services	Weekly	700,000	Nationwide Environmental Services	NES collects/stores and they send them to their facility for disposal	(323) 480-8000 Ext. 616 Jesse Hernandez	

City Survey on Street Sweeping

Monterey Park	Public Works	Athens Disposal	Weekly	315,000	Athens Disposal	Athens Disposal	(626) 307-1282 Susie Glastian	
Norwalk	Public Works	Nationwide Environmental Services	Weekly	600,000	Nationwide Environmental Services	Nationwide Environmental Services	(562) 929-5511 Ronnie Buvines	Only use water and vacuums to clean out the gutters
Rosemead	Public Works	Athens Disposal	Weekly	175,000	Athens Disposal	Athens Disposal	(626) 569-2262 Martin Jones	
Santa Fe Springs	Public Works	American Sweeping	Weekly	350,000	City	Collector: City Stores: American	(562) 868-0511, ext. 3601 Hailio Espinoza	
South El Monte	Public Works	Athens Disposal	Weekly	62,000	Athens Disposal	Athens Disposal	(626) 579-6540 Jennifer Vasquez	
Whittier	Public Works	In-House	Every Other Week	403,000	City is responsible for dumping it at their own land fill	City Collects and Stores	(562) 567-9540 Howard Miller	Operates two Sweepers
Pico Rivera	Public Works	Nationwide Environmental Services	Weekly	375,000	NASA	Collected: NASA Stores: Whittier Fertilizer	(562) 801-4413	

CITY COUNCIL | AGENDA REPORT

To: Mayor and City Council

From: City Manager

Meeting Date: January 28, 2014

Subject: WEST COAST ARBORISTS, INC. – AUTHORIZATION OF A CHANGE ORDER FOR TREE MAINTENANCE SERVICES FOR FY 13-14 UNDER AGREEMENT NO. 05-938

Recommendation:

1) Authorize the City Manager to approve a change order to Purchase Order No. 31521 in an amount not to exceed $99,000 which is necessary to direct West Coast Arborists to plant 2,000 trees under Agreement No. 05-938, and in accordance with the scope or work and fee proposal attached as Enclosure No. 1; and

2) Appropriate $99,000 in "Green Trees for the Golden State Program Grant Funds" to the Street Maintenance Contracted Services Account (010-4200-44500), under Tree Care Services.

Fiscal Impact: $99,000 (Green Trees for the Golden State Grant)

Discussion:

The City of Pico Rivera received a grant (known as the Green Trees for the Golden State Grant) in the amount of $99,000 from the California Department of Forestry and Fire Protection (CAL FIRE) to plant 2,000 trees at locations citywide. According to the grant requirements, (1) the funds can only be used to pay for planting materials (e.g. trees, soil, stakes, etc.) but cannot be used to pay for any related labor and maintenance, (2) the grant requires community participation by way of volunteers, and (3) the funds must be fully expended by March 30, 2014.

To meet these requirements, the Department of Public Works requires the support of West Coast Arborists (WCA), for the following reasons:

1. Discounted Price Point – The $99,000 budget is not sufficient to purchase and install 2,000 trees. WCA is offering the City trees at a discounted price of $49.50 per tree (purchase and install), instead of their $112.90 price point. This fee for each tree includes labor and maintenance to install the trees, at no cost to the City. *This represents a one-time savings to the City in the amount of $126,800.*

2. No Fees for Maintenance - WCA will water the trees during the three-month establishment period at no additional cost to the City.

3. Volunteers – A few hundred trees will be installed with the support of volunteers during a tree-planting event. To ensure their safety, and to facilitate the planting process, WCA will perform the preparatory work (e.g. dig the hole, etc.) and deliver the trees. These services are included in the $49.50 price point.

West Coast Arborists is under contract with the City for tree maintenance services through June 30, 2014. The total amount programmed is $606,000, or $202,000 annually, and is for regular tree maintenance. This budget is recommended to be increased by $99,000 in order to purchase and install the 2,000 trees. By approving a Change Order to Purchase Order No. 31521, the budget will be increased accordingly.

Trees maintenance services are budgeted for in the 2013/14 Fiscal Year Budget in the Street Maintenance Contracted Services Account in the amount of $202,000. Appropriating $99,000 in "Green Trees for the Golden State Program" grant funds to the account will increase the total budget to $301,000.

The Public Works Department is in the process of selecting the 2,000 sites for the trees. It is the intent to plant most of the trees on City parkways. Once selected, staff will distribute educational material to adjacent properties to educate residents on the project and of the benefits of trees. It is known that some residents do not want trees to be planted in front of their homes. Accordingly, trees will not be planted at the request of residents. The project will be completed by March 30, 2014.

Ronald Bates

RRB:AC:GI:lg

Enc.

1) Exhibit "A" - Purchase Order Requisition (Change Order)
2) Exhibit "B" - Proposal from West Coast Arborist

ENCLOSURE 1
EXHIBIT "A"

CITY OF PICO RIVERA
Finance Requisition

☐ **Request- Credit Card Purchase**
☐ **Request Warrant/Check**
☐ **Request - Petty Cash Checkbook**
☐ **Request - Purchase Order**
☐ **Request - Quote**
☑ **Change Order-PO Number:** 31521

Requesting Dept: Public Works
Requested By: E. Millare for Maria Carrillo
Ordered By: Arturo Cervantes
To be used for: Green Trees for the Golden State Grant

Date: 01/21/14
Date Required:
Requisition Number:
Purchase Order Number:

Vendor Information

Vendor Number: 15573
Vendor Name: West Coast Arborists, Inc.
Address Line 1:
Address Line 2:
City:
State/Province: Postal Code: Country/Region:

Attn:
Telephone Number:
Fax Number:
Email Address:
Web Site Address:
TIN
Check here:
W-9 on File?

Fund	Dept	Object	Project	Qty	Description	Amount
210	7300	44500	00021253		Add acct 210-7300-44500-00021253 to PO 31521 as apprvd by City Council 1/28/14 (see attached)	$99,000.00

Purchase Order Type: Select...
Deliver To:
Delivery Date:
Delivery Location:

Sub Total $99,000.00
Tax
Freight
Total $99,000.00

Authorized Department Signature	**Date**
City Manager Signature	**Date**
Purchasing/Finance Manager Signature	**Date**

Proposal 34361

State Contractors License #366764
Liability Insured

West Coast Arborists, Inc.
2200 E. Via Burton St.
Anaheim, CA 92806
(P) 800.521.3714 (E) 866.936.0739

PROPOSAL FOR TREE MAINTENANCE SERVICES

CUSTOMER:	CITY OF PICO RIVERA	**CONTACT:**	MARIA CARRILLO
ADDRESS:	P.O. BOX 1016, 6615 PASSONS BLVD.	**PHONE / FAX:**	(562) 801-4343 / (562) 949-2525
	PICO RIVERA, CA 90660	**EMAIL:**	mcarrillo@pico-rivera.org
INV. NEEDED:	**Yes**		

JOB LOCATION: Tree planting services at various locations within the City. Planting locations are based on identified vacant tree planting sites.

JOB DESCRIPTION: Furnish and install 15-gallon trees throughout the City.

QTY	DESCRIPTION	U/M	U/P	TOTAL
2000	15-gallon tree	Each	$36.00	$72,000.00
4000	Tree stakes	Each	$3.99	$15,960.00
8000	Ties	Each	$1.00	$8,000.00
2000	Root Collar protection	Each	$1.09	$2,180.00
2000	Arborist prep time	Each	$0.33	$660.00

GRAND TOTAL: $98,800.00

COMMENTS:

ESTIMATED BY: VICTOR M. GONZALEZ **Date:** 12/12/2013

ACCEPTED BY: **Date:**

CITY COUNCIL | AGENDA REPORT

To: Mayor and City Council

From: City Manager

Meeting Date: January 28, 2014

Subject: SIDEWALK IMPROVEMENTS, CIP NO. 21271 – AUTHORIZATION TO BID

Recommendation:

1) Approve Plans, Specifications and Estimate (PS&E) for Sidewalk Improvements, CIP No. 21271; and

2) Authorize the City Clerk to publish the Notice Inviting Bids; and

3) Approve the Notice of Exemption for the subject project and authorize the City Clerk to file with the County Recorder.

Fiscal Impact: $100,000 (Measure R Funds)

Discussion:

The 5-Year Capital Improvement Program budgets concrete improvements on an annual basis. Concrete improvements consist of repairs and replacement of damaged curbs, gutters and sidewalks, installation of new sidewalk, and miscellaneous other concrete improvements. Such improvements are necessary to enhance walkability, pedestrian safety (e.g. removing tripping hazards), and to meet ADA standards.

Accordingly, on July 10, 2013, City Council allocated $100,000 in Measure R funds to the Sidewalk Improvements Project. This project entails construction of approximately 500 feet of new sidewalk, reconstruction of approximately 700 feet of existing sidewalk, concrete improvements in the vicinity of two bus stops necessary to meet ADA standards, and reconstruction of one curb ramp (see Enclosure 1 for the project location map). The engineering estimate is $87,000.

The planning and design phase have been completed. The plans and specifications are available in the Public Works Department for review.

The project has been reviewed for environmental compliance. Pursuant to the guidelines of the California Environmental Quality Act, the Sidewalk Improvements Project is categorically exempt under Class 1(c) for existing facilities. Under CEQA, a

project is exempt if the scope of work is limited to the repair, maintenance, reconstruction or minor alterations of an existing street and/or sidewalk.

The project is ready for construction. Approval from the City Council is necessary to advertise the project for construction bids.

The Sidewalk Improvements Project is fully funded with $100,000 in Measure R funds. The budget will be used for construction and contingency ($90,000), and for staff time ($10,000).

The anticipated schedule is as follows:

Authorization to Bid	January 28, 2014
Bid Opening Date	February 2014
Award Construction	March 2014
Construction	April and May, 2014

The project has been designed by, and construction will be managed and inspected by, the Department of Public Works, Engineering Division.

Ronald Bates

RRB:AC:RG:MN:lg

Enc.

1) Location Map
2) Notice of Exemption

ENCLOSURE 1

CITY OF PICO RIVERA

NOT TO SCALE

CIP NO. 21271 - ANNUAL SIDEWALK IMPROVEMENTS
LOCATION MAP

LEGEND

- DENOTE NEW HANDICAP CURB RAMP TO RECONSTRUCT
- DENOTE BUS STOP AREA TO CONSTRUCT/RECONSTRUCT
- DENOTE AREA OF DAMAGE/NEW SIDEWALKS

REGISTERED PROFESSIONAL ENGINEER
RENE GUERRERO
No. 66263
Exp. 06-30-14
CIVIL
STATE OF CALIFORNIA

Prepared by: MN | Date: 01-13-14

PICO RIVERA

CITY OF PICO RIVERA
DEPARTMENT OF PUBLIC WORKS – ENGINEERING DIVISION
CIP NO. 21271 - ANNUAL SIDEWALK IMPROVEMENTS
LOCATION MAP

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: Los Angeles
12400 Imperial Highway
Norwalk, CA 90650

From: (Public Agency): City of Pico Rivera
6615 Passons Blvd.
Pico Rivera, CA 90660
(Address)

Project Title: Project No. 21271 - Annual Sidewalk Improvements

Project Applicant: City of Pico Rivera

Project Location - Specific:
Citywide

Project Location - City: City of Pico Rivera Project Location - County: Los Angeles

Description of Nature, Purpose and Beneficiaries of Project:
New construction or reconstruction, the project will improve bus stops, curb ramp, and sidewalks on public streets. Bus stops will be reconstructed to provide ADA access. ADA curb ramp that do not meet current ADA standards will be reconstructed; and sidewalks will be reconstructed to meet ADA standards. The beneficiaries of the project are the residents of City of Pico Rivera.

Name of Public Agency Approving Project: City of Pico Rivera

Name of Person or Agency Carrying Out Project: Rene Guerrero, Assistant City Engineer

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Class 1 - Section 15301(C)
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:
This project exempt due to it being a repair, maintenance, reconstruction or minor alternations of an existing bus stops, curb ramp, and sidewalks.

Lead Agency
Contact Person: Rene Guerrero Area Code/Telephone/Extension: 562-801-4417

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☒ Yes ☐ No

Signature: _____ Date: 1/10/14 Title: Assistant City Engineer

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

CITY COUNCIL **AGENDA REPORT**

To: Mayor and City Council

From: City Manager

Meeting Date: January 28, 2014

Subject: TRAFFIC SAFETY IMPROVEMENTS CITYWIDE, CIP NO. 21251 – AWARD PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING SERVICES

Recommendation:

1) Award a Professional Services Agreement to JMD to provide engineering design services for Traffic Safety Improvements Citywide, CIP No. 21251, for an amount not-to-exceed $83,077, and authorize the Mayor to execute the Agreement in a form approved by the City Attorney.

2) Appropriate $23,077 in Prop C funds to the Traffic Safety Improvements, Safe Routes To School Infrastructure Project, CIP No. 21251.

Fiscal Impact: $60,000 (Safe Routes To School (SRTS) Federal Grant Funds)
$23,077 (Proposition C, State Local Return Funds)
$83,077 Total Construction Costs

Discussion:

The Traffic Safety Improvements Citywide, CIP No. 21251, (SRTS Federal Project ID 5153 (25)) is in the City's Capital Improvement Program. This project entails (1) signalizing two intersections (Rosemead Boulevard and Terradell Avenue, and Rosemead Boulevard and Olympic Boulevard), and (2) installing four flashing beacons near schools, approximately 1,500 linear feet of new sidewalk, curb and gutter, and 120 new school crosswalks citywide (Enclosure 2, Vicinity Map).

To begin the design phase, it is necessary to secure an engineering consultant. A Request for Proposal (RFP) was released on December 10, 2013 to ten qualified engineering firms. Services requested are project management, agency & utility coordination, preliminary & final engineering, and construction support services. On January 9, 2014, four proposals were received.

A technical panel (Assistant City Engineer, the Project Manager and an experienced Project Manager from the County of Los Angeles, Traffic and Lighting Division) ranked the proposals. On January 16, 2014, the panel interviewed the four consultants (JMD, Willdan Engineering, Infrastructure Engineers, and MNS Engineering Inc.). The technical panel used qualifications-

based selection criteria to rank the consultants. The selection criteria weighed a number of factors such as project manager and team qualifications, experience on similar projects, and understanding of technical issues (see Enclosure 4 for selection criteria). JMD received the highest ranking from the panel. Accordingly, the City Council is requested to award an $83,077 contract to JMD.

Design services are funded with Federal funds and must follow the consultant selection process stated in Chapter 10 of the Local Assistance Procedures Manual. Design services must be awarded to the consultant that received the highest ranking, pursuant to a qualifications-based selection process. The selection of JMD complies with this Federal requirement. Further, Federal procedures provide that the agency can negotiate with the highest ranked consultant. Upon the selection of JMD as the highest ranked consultant, JMD's fee proposal was negotiated from $94,785 to $83,077. JMD offers the following:

- **Cost Effective Designs** – Proven ability to develop cost effective designs. JMD prepared a feasibility study for the Durfee Underpass Project which led to a concept that was $15 Million less than the original design. This helped in securing funding for the underpass.
- **Previous experiences with the City of Pico Rivera** - JMD provided as-needed engineering services to the City for five (5) years. Also, JMD prepared the study (Durfee Avenue Grade Separation Feasibility Study) that staff utilized to secure funding from ACE for the underpass project.
- **Experienced Project Manager** - With 23 years of experience, the Project Manager is a Registered Engineer with over 150 municipal projects and over 175 traffic signal projects.
- **Superb knowledge of project issues** - JMD demonstrated wide-ranging knowledge of the latest in State and Federal funding guidelines, utility and ADA issues, and impacts to residents, parking and traffic. JMD is also well versed in the latest in traffic equipment technologies that could be implemented in the project.
- **Competitive Fees** – JMD's negotiated fee proposal is the second lowest fee proposal.

Design services are federally funded up to $60,000 in SRTS grant funds and an appropriation of $23,077 in Proposition C funds is needed to cover the local match. Design and construction are anticipated to be completed in June 2014 and March of 2015, respectively. This includes a two-month window to secure funding approvals to being constriction (known as an E-76), as well as a three-month procurement period for materials, which is common for traffic signal projects.

Ronald Bates

RRB:AC:JL:lg

Enc.

1) Professional Services Agreement and Fee Proposal
2) Selection Criteria
3) List of Consultants
4) Vicinity Map - Traffic Signals

AGREEMENT NO. _____
PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF PICO RIVERA AND
JMD

1. IDENTIFICATION

THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement") is entered into by and between the City of Pico Rivera, a California municipal corporation ("City") and JMD, a Sole Proprietorship ("Consultant"). City and Consultant are sometimes hereinafter individually referred to as a "Party" and collectively referred to as "Parties."

2. RECITALS

2.1 City has determined that it requires professional services necessary for the delivery of a Capital Improvement Program project. The Consultant will provide services to develop Plans, Specifications, and Construction Cost Estimates for the Traffic Signal Safety Improvements Citywide, CIP No. 21251, Safe Route To School (SRTS) Federal Project No. 5351 (025), or as set forth in the Consultant's January 9, 2014 proposal to City attached hereto as Exhibit A.

2.2 Consultant represents that it is fully qualified to perform such professional services by virtue of its experience and the training, education and expertise of its principals and employees. Consultant further represents that it is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in this Agreement.

NOW, THEREFORE, for and in consideration of the performance by the Parties of the mutual covenants and conditions herein contained, the Parties hereto agree as follows:

3. DEFINITIONS

3.1 "Scope of Services": Such professional services as are set forth in the Consultant's September 9, 2013 proposal to City attached hereto as Exhibit A and incorporated herein by this reference.

3.2 "Commencement Date": January 29, 2014

3.4 "Expiration Date": June 30, 2015

4. TERM

The term of this Agreement shall commence at 12:00 a.m. on the Commencement Date and shall expire at 11:59 p.m. on the Expiration Date after which it shall continue on a month-to-month basis unless extended by written agreement of the Parties or terminated in accordance with Section 21 below.

5. CONSULTANT'S SERVICES

5.1 Consultant shall perform the services identified in the Scope of Services. City shall have the right to request, in writing, changes in the Scope of Services. Any such changes mutually agreed upon by the Parties, and any corresponding increase or decrease in compensation, shall be incorporated by written amendment to this Agreement. In no event shall the total compensation and costs payable to Consultant under this Agreement exceed the sum of Eighty Three Thousand Seventy Seven Dollars ($83,077) unless specifically approved in advance, in writing, by City.

5.2 Consultant shall perform all work consistent with the professional standards of Consultant's profession and in a manner reasonably satisfactory to City.

6. COMPENSATION

6.1 City agrees to compensate Consultant for the services provided under this Agreement, and Consultant agrees to accept in full satisfaction for such services, payment in accordance with the Approved Fee Schedule.

6.2 Consultant shall submit to City an invoice, on a monthly basis or less frequently, for the services performed pursuant to this Agreement. Each invoice shall itemize the services rendered during the billing period and the amount due. Within ten business days of receipt of each invoice, City shall notify Consultant in writing of any disputed amounts included on the invoice. Within thirty calendar days of receipt of each invoice, City shall pay all undisputed amounts included on the invoice. City shall not withhold applicable taxes or other authorized deductions from payments made to Consultant.

6.3 Payments for any services requested in writing by City and not included in the Scope of Services shall be made to Consultant by City on a time-and-materials basis using Consultant's standard fee schedule. Fees for such additional services shall be paid within sixty days of the date Consultant issues an invoice to City for such services.

7. BUSINESS LICENSE

Consultant shall obtain a City business license prior to commencing performance under this Agreement.

8. COMPLIANCE WITH LAWS

Consultant shall keep informed of State, Federal and Local laws, ordinances, codes and regulations that in any manner affect those employed by it or in any way affect the performance of its services pursuant to this Agreement. The Consultant shall at all times comply with such laws, ordinances, codes and regulations. Without limiting the generality of the foregoing, if Consultant is an out-of-state corporation or LLC, it must be qualified or registered to do business in the State of California pursuant to sections 2105 and 17451 of the California Corporations Code. The City, its officers and employees shall not be liable at law or in equity occasioned by failure of Consultant to comply with this Section.

9. CONFLICT OF INTEREST

Consultant covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which may be affected by the services to be performed by Consultant under this Agreement, or which would conflict in any manner with the performance of its services hereunder. During the term of this Agreement, Consultant shall not perform any work for another person or entity for whom Consultant was not working at the Commencement Date if both (i) such work would require Consultant to abstain from a decision under this Agreement pursuant to a conflict of interest statute; and (ii) City has not consented in writing prior to Consultant's performance of such work.

10. PERSONNEL

Consultant represents that it has, or will secure at its own expense, all personnel required to perform the services identified in the Scope of Services. All such services shall be performed by Consultant or under its supervision, and all personnel engaged in the work shall be qualified to perform such services. Consultant reserves the right to determine the assignment of its own employees to the performance of Consultant's services under this Agreement, but City reserves the right, for good cause, to require Consultant to exclude any employee from performing services on City's premises. Juan M. Diaz shall be Consultant's project administrator and shall have direct responsibility for management of Consultant's performance under this Agreement. No change shall be made in Consultant's project administrator without City's prior written consent.

11. OWNERSHIP OF WRITTEN PRODUCTS

All reports, documents or other written material ("written products") developed by Consultant in the performance of this Agreement shall be and remain the property of City without restriction or limitation upon its use or dissemination by City. Consultant may take and retain copies of such written products as desired, but no such written products shall be the subject of a copyright application by Consultant.

12. INDEPENDENT CONTRACTOR

Consultant is, and shall at all times remain as to City, a wholly independent contractor. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City or otherwise to act on behalf of City as an agent. Neither City nor any of its officers, employees or agents shall have control over the conduct of Consultant or any of Consultant's employees, except as set forth in this Agreement. Consultant shall not at any time represent that it is, or that any of its agents or employees are, in any manner employees of City.

13. CONFIDENTIALITY

All data, documents, discussion, or other information developed or received by Consultant or provided for performance of this Agreement are deemed confidential and shall not be disclosed by Consultant without prior written consent by City. City shall grant such consent if disclosure is legally required. Upon request, all City data and any copies thereof shall be returned to City upon the termination or expiration of this Agreement.

14. INDEMNIFICATION

14.1 The Parties agree that City, its officers, agents, elected and appointed officials, employees, affiliated public agencies and volunteers should, to the extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, cost, expense, attorneys' fees, litigation costs, or any other cost arising out of or in any way related to the Consultant's negligent performance of this Agreement. Accordingly, the provisions of this indemnity provision are intended by the Parties to be interpreted and construed to provide the fullest protection possible under the law to City. Consultant acknowledges that City would not enter into this Agreement in the absence of Consultant's commitment to indemnify and protect City as set forth herein.

14.2 To the full extent permitted by law, Consultant shall indemnify, hold harmless and defend City, its officers, agents, elected and appointed officials, employees, affiliated public agencies and volunteers from and against any and all claims, demands, lawsuits, causes of action, losses, costs or expenses for any damage due to death or injury to any person and injury to any property to the extent such costs result from or arise out of any alleged intentional, reckless, negligent, or otherwise wrongful acts, errors or omissions of Consultant or any of its officers, employees, servants, agents, or subcontractors in the performance of this Agreement. Such costs and expenses shall include reasonable attorneys' fees incurred by counsel of City's choice.

14.3 City shall have the right to offset against the amount of any compensation due Consultant under this Agreement any amount due City from Consultant as a result of Consultant's failure to pay City promptly any indemnification arising under this Section 14 and related to Consultant's failure to either (i) pay taxes on amounts received pursuant to this Agreement or (ii) comply with applicable workers' compensation laws.

14.4 The obligations of Consultant under this Section 14 will not be limited by the provisions of any workers' compensation act or similar act. Consultant expressly waives its statutory immunity under such statutes or laws as to City, its officers, agents, employees and volunteers.

14.5 Consultant agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this Section 14 from each and every subcontractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. In the event Consultant fails to obtain such indemnity obligations from others as required herein, Consultant agrees to be fully responsible and indemnify, hold harmless and defend City, its officers, agents, elected and appointed officials, employees, affiliated public agencies and volunteers from and against any and all claims, demands, lawsuits, causes of action, losses, costs or expenses for any damage due to death or injury to any person and injury to any property resulting from or arising out of any alleged intentional, reckless, negligent, or otherwise wrongful acts, errors or omissions of Consultant's subcontractors or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. Such costs and expenses shall include reasonable attorneys' fees incurred by counsel of City's choice.

14.6 City does not, and shall not, waive any rights that it may possess against Consultant because of the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement. This hold harmless and indemnification provision shall apply regardless of whether or not any insurance policies are determined to be applicable to the claim, demand, damage, liability, loss, cost or expense.

14.7 **PERS ELIGIBILITY INDEMNITY.** In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement claims or is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of the City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

Notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing service under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in PERS as an employee of City and entitlement to any contribution to be paid by City for employer contribution and/or employee contributions for PERS benefits.

15. INSURANCE

15.1 During the term of this Agreement, Consultant shall carry, maintain, and keep in full force and effect insurance against claims for death or injuries to persons or damages to property that may arise from or in connection with Consultant's performance of this Agreement. Such insurance shall be of the types and in the amounts as set forth below:

15.1.1 Comprehensive General Liability Insurance with coverage limits of not less than One Million Dollars ($1,000,000) per occurrence / Two Million Dollars ($2,000,000) in the annual aggregate, including products and Completed operations hazard, contractual insurance, broad form property damage, independent Consultants, personal injury.

15.1.2 Automobile Liability Insurance for vehicles used in connection with the performance of this Agreement with minimum limits of One Million Dollars ($1,000,000) per claimant and One Million dollars ($1,000,000) per incident.

15.1.3 Worker's Compensation insurance as required by the laws of the State of California.

15.1.4 Professional Liability insurance against errors and omissions in the performance of the work under this Agreement with coverage limits of not less than One Million Dollars ($1,000,000).

15.2 Consultant shall require each of its subcontractors, if any, to maintain insurance coverage that meets all of the requirements of this Agreement.

15.3 The policy or policies required by this Agreement shall be issued by an insurer admitted in the State of California and with a rating of at least A:VII in the latest edition of Best's Insurance Guide.

15.4 Consultant agrees that if it does not keep the aforesaid insurance in full force and effect City may either (i) immediately terminate this Agreement; or (ii) take out the necessary insurance and pay, at Consultant's expense, the premium thereon.

15.5 At all times during the term of this Agreement, Consultant shall maintain on file with City's Risk Manager a certificate or certificates of insurance showing that the aforesaid policies are in effect in the required amounts and, for the general liability and automobile liability policies, naming the City as an additional insured. Consultant shall, prior to commencement of work under this Agreement, file with City's Risk Manager such certificate(s).

15.6 Consultant shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Consultant shall provide such proof to City at least two weeks prior to the expiration of the coverages.

15.7 The general liability and automobile policies of insurance required by this Agreement shall contain an endorsement naming City, its officers, employees, agents and volunteers as additional insureds. All of the policies required under this Agreement shall contain an endorsement providing that the policies cannot be canceled or reduced except on thirty days' prior written notice to City. Consultant agrees to require its insurer to modify the certificates of insurance to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions.

15.8 The general liability and automobile policies of insurance provided by Consultant shall be primary to any coverage available to City. Any insurance or self-insurance maintained by City, its officers, employees, agents or volunteers, shall be in excess of Consultant's insurance and shall not contribute with it.

15.9 All insurance coverage provided pursuant to this Agreement shall not prohibit Consultant, and Consultant's employees, agents or subcontractors, from waiving the right of subrogation prior to a loss. Consultant hereby waives all rights of subrogation against the City.

15.10 Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of City, Consultant shall either reduce or eliminate the deductibles or self-insured retentions with respect to City, or Consultant shall procure a bond guaranteeing payment of losses and expenses.

15.11 Procurement of insurance by Consultant shall not be construed as a limitation of Consultant's liability or as full performance of Consultant's duties to indemnify, hold harmless and defend under Section 14 of this Agreement.

16. MUTUAL COOPERATION

16.1 City shall provide Consultant with all pertinent data, documents and other requested information as is reasonably available for the proper performance of Consultant's services under this Agreement.

16.2 In the event any claim or action is brought against City relating to Consultant's performance in connection with this Agreement, Consultant shall render any reasonable assistance that City may require.

17. RECORDS AND INSPECTIONS

Consultant shall maintain full and accurate records with respect to all matters covered under this Agreement for a period of three years after the expiration or termination of this Agreement. City shall have the right to access and examine such records, without charge, during normal business hours. City shall further have the right to audit such records, to make transcripts therefrom and to inspect all program data, documents, proceedings, and activities.

18. PERMITS AND APPROVALS

Consultant shall obtain, at its sole cost and expense, all permits and regulatory approvals necessary in the performance of this Agreement. This includes, but shall not be limited to, encroachment permits and building and safety permits and inspections.

19. NOTICES

Any notices, bills, invoices, or reports required by this Agreement shall be deemed received on: (i) the day of delivery if delivered by hand, facsimile or overnight courier service during Consultant's and City's regular business hours; or (ii) on the third business day following deposit in the United States mail if delivered by mail, postage prepaid, to the addresses listed below (or to such other addresses as the Parties may, from time to time, designate in writing).

If to City:

Ronald Bates, Ph.D., City Manager
City of Pico Rivera
PO Box 1016
6615 Passons Blvd.
Pico Rivera, California 90660-1016
Facsimile: (562) 801-4765

If to Consultant:

Juan M. Diaz
President/CEO
JMD
18645 East Gale Ave. Suite 212
City of Industry, California 91748-1363
Facsimile: (626) 820-1136

With a courtesy copy to:

Arnold M. Alvarez-Glasman, City Attorney
13181 Crossroads Parkway North,
Suite 400, West Tower
City of Industry, California 91746
Facsimile: (562) 692-2244

20. SURVIVING COVENANTS

The Parties agree that the covenants contained in Sections 13, 14 and Paragraph 16.2 of Section 16, of this Agreement shall survive the expiration or termination of this Agreement.

21. TERMINATION

21.1. City shall have the right to terminate this Agreement for any reason on five calendar days' written notice to Consultant. Consultant shall have the right to terminate this Agreement for any reason on sixty calendar days' written notice to City. The effective date of termination shall be upon the date specified in the notice of termination. Consultant agrees that in the event of such termination, City's obligation to pay Consultant shall be limited to payment only for those services satisfactorily rendered prior to the effective date of termination. Consultant agrees to cease all work under this Agreement on or before the effective date of any notice of termination. All City data, documents, objects, materials or other tangible things shall be returned to City upon the termination or expiration of this Agreement.

21.2 If City terminates this Agreement due to no fault or failure of performance by Consultant, then Consultant shall be paid based on the work satisfactorily performed at the time of termination. In no event shall Consultant be entitled to receive more than the amount that would be paid to Consultant for the full performance of the services required by this Agreement.

22. ASSIGNMENT

Consultant shall not delegate, transfer, subcontract or assign its duties or rights hereunder, either in whole or in part, without City's prior written consent, and any attempt to do so shall be void and of no effect. City shall not be obligated or liable under this Agreement to any Party other than Consultant.

23. NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

23.1 In the performance of this Agreement, Consultant shall not discriminate against any employee, subcontractor, or applicant for employment because of race, color, creed, religion, sex, marital status, national origin, ancestry, age, physical or mental handicap, medical condition or sexual orientation. Consultant will take affirmative action to ensure that subcontractors and applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, religion, sex, marital status, national origin, ancestry, age, physical or mental handicap, medical condition or sexual orientation.

23.2 Consultant will, in all solicitations or advertisements for employees placed by or on behalf of Consultant state either that it is an equal opportunity employer or that all qualified applicants will receive consideration for employment without regard to race, color, creed, religion, sex, marital status, national origin, ancestry, age, physical or mental handicap, medical condition or sexual orientation.

23.3 Consultant will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Agreement except contracts or subcontracts for standard commercial supplies or raw materials.

24. CAPTIONS

The captions appearing at the commencement of the sections hereof, and in any paragraph thereof, are descriptive only and for convenience in reference to this Agreement. Should there be any conflict between such heading, and the section or paragraph thereof at the head of which it appears, the section or paragraph thereof, as the case may be, and not such heading, shall control and govern in the construction of this Agreement. Masculine or feminine pronouns shall be substituted for the neuter form

and vice versa, and the plural shall be substituted for the singular form and vice versa, in any place or places herein in which the context requires such substitution(s).

25. NON-WAIVER

25.1 The waiver by City or Consultant of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or of any subsequent breach of the same or any other term, covenant or condition herein contained. In no event shall the making by City of any payment to Consultant constitute or be construed as a waiver by City of any breach of covenant, or any default which may then exist on the part of Consultant, and the making of any such payment by City shall in no way impair or prejudice any right or remedy available to City with regard to such breach or default. No term, covenant or condition of this Agreement shall be deemed to have been waived by City or Consultant unless in writing.

25.2 Consultant shall not be liable for any failure to perform if Consultant presents acceptable evidence, in City's sole judgment that such failure was due to causes beyond the control and without the fault or negligence of Consultant.

26. COURT COSTS

Each right, power and remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise shall be cumulative and shall be in addition to every other right, power, or remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise. The exercise, the commencement of the exercise, or the forbearance of the exercise by any Party of any one or more of such rights, powers or remedies shall not preclude the simultaneous or later exercise by such Party of any of all of such other rights, powers or remedies. In the event legal action shall be necessary to enforce any term, covenant or condition herein contained, the Party prevailing in such action, whether reduced to judgment or not, shall be entitled to its reasonable court costs, including accountants' fees, if any, and attorneys' fees expended in such action. The venue for any litigation shall be Los Angeles County, California.

27. SEVERABILITY

If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, then such term or provision shall be amended to, and solely to, the extent necessary to cure such invalidity or unenforceability, and in its amended form shall be enforceable. In such event, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

28. GOVERNING LAW

This Agreement shall be governed and construed in accordance with the laws of the State of California.

29. ENTIRE AGREEMENT

All documents referenced as exhibits in this Agreement are hereby incorporated in this Agreement. In the event of any material discrepancy between the express provisions of this Agreement and the provisions of any document incorporated herein by reference, the provisions of this Agreement shall prevail. This instrument contains the entire Agreement between City and Consultant with respect to the transactions contemplated herein. No other prior oral or written agreements are binding upon the Parties. Amendments hereto or deviations herefrom shall be effective and binding only if made in writing and executed by City and Consultant.

TO EFFECTUATE THIS AGREEMENT, the Parties have caused their duly authorized representatives to execute this Agreement on the dates set forth below.

"CITY"

CITY OF PICO RIVERA

_____
Brent A. Tercero, Mayor

Dated: _____

"CONSULTANT"

JMD

Juan M. Diaz

Title: PRESIDENT/CEO

Dated: 1/20/14

ATTEST:

_____
Anna M. Jerome, City Clerk

Dated: _____

APPROVED AS TO FORM:

_____
Arnold M. Alvarez-Glasman, City Attorney

Dated: _____

EXHIBIT "A"

JMD
PLANNING | ENGINEERING | MANAGEMENT

January 9, 2014

Mr. Arturo Cervantes
Director of Public Works/City Engineer
City of Pico Rivera – Department of Public Works
6615 Passons Boulevard
Pico Rivera, CA 90660

2013.1112.0058.00

SUBJECT: Proposal to Provide Engineering Services for Traffic Safety Improvements Citywide, CIP No. 21251, Safe Routes To School (SRTS) Federal Project Id 5153 (25)

Dear Mr. Cervantes:

JMD, a full service engineering firm, is pleased to submit this proposal to provide professional consultant services for the design of traffic safety improvements at multiple intersections in the City of Pico Rivera as part of the Safe Routes To School (SRTS) Federal Project Id 5153 (25). Our proposal, which remains in effect for a period of 120 days, has been prepared in accordance with the City's Request for Proposal, dated December 10, 2013, and outlines our qualifications, approach and scope of services for the subject project.

We have assembled a comprehensive project team with extensive local SRTS, roadway and traffic engineering knowledge, experience and expertise to assist the City of Pico Rivera in achieving the goals of this project in a timely and cost effective manner. Assigned to this project is one of our most qualified Project Managers, **Steve Itagaki, PE, TE, PTOE,** who has 23 years of professional traffic and civil engineering experience. Mr. Itagaki has developed design and construction bid documents as well as provided bidding, advertisement and construction support services, including "as-built" documents to local agencies on over 100 SRTS and traffic signal projects in Southern California. He is extremely familiar with Federal, City, County, Caltrans and local design requirements applicable to the proposed project. He is also highly experienced with traffic, civil and rail engineering standards including the American with Disabilities Act (ADA), California Manual on Uniform Traffic Control Devices (CA MUTCD) and California Public Utilities Commission (CPUC) General Orders as well as standards by the National Electrical Manufacturers Association (NEMA), American Public Works Association (APWA) and Caltrans. His extensive expertise covers traffic, ITS, and roadway which are essential for this project.

Our project approach consists of proactive project management which focuses on completing critical path tasks as well as anticipating and addressing project elements that can delay or increase the project's schedule and scope, respectively. Also, JMD will submit all deliverables involving preliminary engineering services, surveying, design, and preparation of plans, specifications & estimates (PS&E), in accordance with Federal requirements. In addition, we will review the design elements of the 65%, 95% and 100% plans as we are working on them. Draft copies will be submitted for significant work items before the milestone submittal date with follow-up meeting to solicit input. This early coordination will provide us a clear understanding of what the reviewers expect while giving the reviewers a preview of what will be submitted before the actual submittal is made.

JMD's experience includes a wide array of projects ranging from SRTS, traffic, ITS, civil, rail and transit engineering including those listed in Table 1 on the following page.

Table 1 - Related Experience

Discipline	Project	Client
SRTS	ERUSD Safe Routes to Schools, Pico Rivera, CA	City of Pico Rivera
	Cycle 2 Federal Safe Routes to School Project, El Monte, CA	City of El Monte
	Cycle 8 State Safe Routes to School Project, El Monte, CA	City of El Monte
	Safe Routes to School, San Gabriel, CA	City of San Gabriel
Traffic Lighting/ Calming/ Grade Separations	On-Call City Services, Pico Rivera, CA	City of Pico Rivera
	Speed Hump Pilot Study, Pico Rivera, CA	City of Pico Rivera
	Durfee Avenue/UPRR Feasibility Study Report, CA	City of Pico Rivera
	Covina Metrolink Station, Covina, CA	City of Covina
	Chino Avenue/Pipeline Avenue Intersection Improvements, Chino, CA	City of Chino
	Via Scena/Plaza de Monterey Traffic Signal, Palm Desert, CA	City of Palm Desert
	Jefferson Avenue/Sanborn Avenue Traffic Signal, Temecula, CA	City of Temecula
ITS	710 Gap Project, Los Angeles to Pasadena, CA	LACMTA
	ATSAC System-Pico, Wash., Venice & Olympic Blvd (50 Intersections)	City of Los Angeles
	Traffic Signal Coordination (50 Intersections), S. Bern. County, CA	SANBAG
Civil/ Roadways/ Highways	Marine Avenue Roadway Improvements, Lawndale, CA	Los Angeles County
	Prairie Avenue Roadway Improvements, Lawndale, CA	Los Angeles County
	SR-60/Crossroads Pkwy North, Industry, CA	City of Industry
	I-710 Corridor EIR/EIS, Los Angeles County, CA	LACMTA

Supporting our Project Manager is **Juan M. Diaz, MBA, PE,** who will be Principal-In-Charge. With over 27 years of professional engineering experience in the transportation planning and engineering industry, Mr. Diaz' extensive expertise in roadway, traffic, rail and transit engineering has resulted in his management of major transportation projects in Southern California and Pico Rivera.

We are excited about the possibility of serving the **City of Pico Rivera** on this project and firmly believe we have numerous benefits to offer including:

- ✓ An Expert SRTS Team with unique, current Pico Rivera experience.
- ✓ A Project Team with extensive SRTS, traffic and roadway design experience.
- ✓ A Proven Project Manager and Team with understanding of project needs and City requirements.
- ✓ A responsive, innovative and cost effective project approach and reputation for quality.

We appreciate the opportunity to submit our proposal and qualifications for your consideration on this important project and look forward to your favorable reply. Should you have any questions regarding this proposal, please contact me at (626) 820-1137.

Sincerely,
JMDiaz, Inc.

Juan M. Diaz, MBA, PE
President/CEO

Enclosure

Scope of Work

JMD's work plan is based on providing responsive, innovative and effective solutions following a ***Service-Oriented*** approach designed to keep the City informed throughout each effort.

The basic components of JMD's work plan are project/task definition and implementation.

Our proposed work plan has been specified as follows:

Task 1 – Project Management

1. Attend a pre-design (kick-off) meeting with City representatives to review the project in detail, and determine the Cities' specific requirements.
2. Maintain continuous communications with the City of Pico Rivera Project Manager, including meetings to review the initial concept plan and project status at 65%, 95%, and 100% completion.
3. Provide agendas of special items for discussion, and minutes listing actions.
4. Provide a detailed project schedule with updates on a monthly basis.
5. Maintain continuous awareness of the status of each task as it proceeds and make provisions to expedite and resolve any difficulties that may impede progress.
6. The JMD Team will meet with City staff and confirm the project scope, establish key communication personnel, refine time schedules and finalize design criteria. After review of the process to be followed, agreement on the design concept and schedule will be reached. This task also includes coordinating with City staff of the proposed improvements to ensure this project does not conflict or overlap with other concurrent or near future projects. This will avoid confusion and delays later in the project development process and facilitate timely review and approval of submittals.
7. Coordination between the City, School District and JMD will be held to keep all parties informed, resolve issues and successfully complete the project. This task assumes up to four (4) project coordination meetings.

Deliverable(s):

- Meeting Schedules
- Meeting Agendas and Minutes

Task 2 – Agency and Utility Coordination

1. Coordinate with the affected utility companies within the project limits as well as adjacent Agencies as necessary.
2. Prepare an initial request for utility information such as atlas sheets, mapping, or as-built plans, and notify of the need to install planned facilities in the area of the project.
3. Coordinate with utility companies to implement upgrade of their facilities, as needed.
4. Review utility information to determine the impact of the project on the various utilizes, including making contact with each affected utility company to determine profiles of high hazard/high pressure facilities that may interfere with proposed construction.
5. Review utilities that may be affected by or affect the direction of the project.
6. Lead efforts to identify ownership of unknown utility lines.
7. Submit 65%, 95% and 100% plans to the utility companies for review and comment, including notification of date of planned construction start.
8. Maintain a utility contact matrix documenting contacts, issues, etc. with utility companies.
9. JMD will coordinate with utility companies involved to identify existing underground and overhead utility lines that may interfere with the proposed improvements. JMD will send a preliminary notice to each utility company with facilities in each project area. The notices will request plans for any existing or planned improvements, prior rights information and,

if required, a preliminary cost estimate and schedule for each company for any required relocation. JMD will also review the information obtained from the City and utility companies and make recommendations of the locations for underground investigations, including potholing, to determine utility locations and depth. This task does not include the cost for pothole locations.

Deliverable(s):

- Meeting Agendas and Minutes
- Utility notification letters
- Utility Matrix

Task 3 – Preliminary Engineering

Task 3.01 – Design Survey

JMD will obtain documentation available from Los Angeles County and the City of Pico Rivera records pertaining to this project. We will assemble, sort and review existing available information on the project area, including "as-built" plans, maps, studies, existing right-of-way and utility information in order to become familiar with the project, ascertain the completeness and accuracy of available information and determine additional information requirements. JMD will assist in preparing easement documents for improvements that may be located in private property.

JMD's surveying subconsultant, FHA Consulting, will conduct detailed field surveying activities consisting of the following:

- Localized survey elevations at locations requiring detailed analysis of slopes for curb and gutter, sidewalks, curb ramps, and driveways.
- Set target survey control points. Establish horizontal and vertical coordinates on all control points.
- Re-set and record disturbed centerline ties and survey monuments.
- Obtain topographic feature locations for a complete and accurate representation of existing conditions within the public right-of-way.
- Obtain complete record drawings and other documents to show location of all utilities, location and dimensions of all walks and drives, location of all trees and landscaping which may be affected by the improvements.

Deliverable(s):

- Electronic copy of aerial/field survey
- ASCII File of Field Survey

Task 3.02 – Records Research and Field Reviews

Services required include but are not limited to the following:

1. Research and review base data documents including as-built improvement plans, utility information, existing pavement section information, and other available record data.
2. Prepare a Field Condition Assessment Memo. Include the following:
   a. Perform preliminary field reconnaissance and photo-documents of existing conditions.
   b. Identify special conditions that might create conflicts or change orders during construction. Identify how issues will be resolved.
   c. Evaluate and inventory roadway for ADA compliance. Document existing ramps and make recommendation for improvements. Additionally, identify locations not currently complying with ADA and make recommendations.
3. Conduct a Design Review field meeting with City staff at 65% and 95% design completion to evaluate design recommendations against existing conditions.

Field reviews will be performed, as necessary, to verify that existing information is correct or to identify existing facilities unavailable during research.

Field review(s) for the project are anticipated to consist of the following:

The project site will be field inventoried to determine proposed locations of school-related improvements, right-of-way, curb and gutter, sidewalk and miscellaneous topographic features. This inventory will also identify potential utility conflicts.

Recommended additions or deletions to the project will be developed at this time. A recommendation will be made regarding improvements necessary to achieve the City's objectives.

After determination of the desired objectives for the school-related improvements, affected agencies and school districts will be contacted regarding specific requirements that they have and also if they have committed to related improvements which would be implemented within the time frame of the City's project. Any concurrent project encountered will be identified.

Deliverable(s):

- Six Copies of a Field Condition Assessment Memo
- Two Design Review Field Meetings
- A complete set of legible field notes on 24"x36" plan sheets
- A complete set of field photos with a minimum of 10 pictures per traffic signal approach clearly labeled in color

3.03 Safe Route To School (SRTS) Compliance

This project is funded with Federal Safe Route To School funds. The project shall comply with program goals and requirements. JMD will prepare a SRTS Compliance Memo documenting project compliance with the program. Project elements that do not qualify to be funded by the SRTS Program shall be identified.

Deliverable(s):

- Six copies of the SRTS Compliance Memo

3.04 National Pollution Discharge Elimination System (NPDES) Program Compliance

This project shall comply with NPDES program requirements. JMD will prepare a NPDES compliance memo. It shall identify what elements of the program apply to the project, what NPDES Technical Documents are required to be prepared, and make recommendations for cost-effective construction and post construction BMPs, as applicable. JMD will be responsible for the preparation of any required technical documents such as the NOI, SWPPP, BMP design, etc.

The specification shall provide standard specifications for a project-specific Lead Compliance Plan (LCP) and training program required by Caltrans of Office of Environmental Engineering and Corridor Studies (OEECS).

Deliverable(s):

- Six complete sets of draft and final documents referenced in this section
- NPDES compliance memo
- NPDES Technical Documents and Design

Task 4 – Final Engineering

Plans, specifications, and estimates shall be provided at levels of completion of approximately 65%, 95%, and 100% (Mylar). The City of Pico Rivera will provide review comments at the concept, 65% and 95% design stage. It is expected that 100% plans will be complete and include comments and input from all stakeholders.

Plans shall be prepared using the City of Pico Rivera AutoCAD format and plot style. Copies of AutoCAD files shall accompany each level of plan submittal and all AutoCAD files shall be bound to each individual plan.

All work identified herein shall be approved by registered Professional Engineers.

After review and approval of the detailed recommendations, JMD will prepare preliminary construction plans for proposed improvements. JMD will develop a conceptual exhibit to confirm that the proposed improvements will not encroach within private right of way. In addition, plans will comply with the regulations and standards of the City of Pico Rivera and State of California, as applicable.

Project plans shall include, but are not limited, to the following:

1. Title sheet containing a vicinity map, general and construction notes, typical sections construction legend, list of affected utilities, a drawing list and other details covering the project limits.

2. JMD will also prepare a construction detail sheet containing specific details covering the project improvements.

3. Civil design plans. Plans will include removals, existing and proposed improvements, utility base mapping, etc. Where necessary, the plans shall define limits of repairs to pavement, curb, gutter, sidewalk, ADA upgrades, etc. Drainage issues resulting from uplifted curb and gutter will be addressed. The plans shall be at a horizontal scale of 1"=20' and include the following improvements:

   - 1,359 feet of curb and gutter
   - 6,210 feet of sidewalk
   - ADA compliant curb ramps

4. Design elements will comply with the NPDES program.
5. Signing and striping plans at a horizontal scale of 1"=40'. Signing and striping plans will be prepared and meet criteria established in the MUTCD, latest edition. The signing and striping plans shall include high visibility crosswalks and flashing beacons. Due to the minimal amount of detail needed to provide crosswalks and flashing beacon design, JMD proposes to show the designs using aerial photo mapping of the proposed improvement locations.
6. Traffic Signal Plans – Proposed improvements will include new traffic signal installations at Rosemead Boulevard/Terradell Avenue and Rosemead Boulevard/Olympic Boulevard, and installation of pedestrian countdown heads, LED upgrades, and a battery backup system at Durfee Avenue/Beverly Road.
7. Submit 65% and 95% completion plans for Cities' review and comments. Revise plans based on City comments. At 65% submittal, the design engineer and City representative shall do a joint walk through of the entire project.
8. Provide legible copy of field notes for all traffic signal locations at 65% submittal.
9. Provide a minimum of 10 color pictures per approach in a three-ring binder. Each picture shall be properly labeled and submitted at 65% submittal of plans.
10. Submit 100% plans (mylars), project specifications, and estimates, including electronic files, in City approved format.

JMD will consult with the City at such reasonable times and places as may be necessary to accomplish the foregoing. In performing said services, JMD shall use whenever possible the standard specifications and forms including Bid Forms, Notice to Bidders, Contract forms and other Public Forms prepared and approved by the City of Pico Rivera for Public Works Contracts. All drawings and specifications shall be adequate and sufficient for the City of Pico Rivera to solicit bids for the award of the contract for said work.

The following are the estimated plan sheets and quantities proposed for the project:

Project Plan Sheets

Plan Sheets	Qty
Title Sheet	1
Construction Detail Sheet	1
Roadway Improvement Plans	12
Signing and Striping Plans	4
Traffic Signal Plans	3
Total	**21**

Deliverable(s):

- Six sets of plan submittals at 65% and 95% completion milestones
- One full-size mylar of 100% drawings
- Electronic files of final plans

Task 5 – Cost Estimates

JMD will prepare quantity calculations and final construction cost estimates in accordance with City requirements to establish project budget.

JMD will prepare a list of construction bid items and construction cost estimate for the project elements, which will include a proposed item list, estimated quantities, and current unit cost resulting in a line-item cost estimate. At the first plan check, a preliminary cost estimate will be developed for comparison with previous project budget estimates. Back-up of cost estimate calculations showing quantities and unit costs per sheet will be provided to the City for review with each submittal. During final design, JMD will prepare a final estimate to validate construction bids by contractors during the bidding process.

Deliverable(s):

- Cost estimate at Concept, 65%, 95% and 100% completion milestones.
- Electronic files of 100% cost estimates

Task 6 – Specifications

JMD will prepare Technical Special Provisions per City of Pico Rivera requirements for bidding by the City. City will provide boilerplate specifications. Special provisions shall be prepared in Greenbook format, latest edition.

Deliverable(s):

- Special Provisions at the 95% and 100% completion milestones.
- Electronic files of 100% specifications.

Task 7 – Request for Authorization to Proceed with Construction (RFAPC)

Upon completion of design, JMD shall prepare the RFAPC and obtain approval from Caltrans. Work includes but is not limited to the following:

1. Prepare the Request for Authorization (LAPM Exhibit 3-D), Data Sheets (LAPM Exhibit 3-E), Preliminary Estimate of Cost (LAPM Exhibit 12-A), Finance Letter (LAPM Exhibit 15-N), PS&E Certification (LAPM Exhibit 12-C), PS&E Checklist (LAPM Exhibit 12-D), complete the Right-of-Way Certification form and obtain Caltrans approval, Local Agency Construction Contract Administration Checklist (LAPM Exhibit 15-A), Local Programs Agreement Checklist (LAPM Exhibit 4-A) to request the State/FHWA agreement (E-76) for federal funding and the Program Supplement Agreement.
2. Submit to City for input and address City comments.
3. Submit to Caltrans for approval. JMD shall address comments, if issued by Caltrans, and resubmit until approvals are obtained.

Deliverable(s):

- Three copies of Draft and Final RFAPC

Task 8 – Project Advertisement Services

JMD shall provide support during bidding. Work includes but is not limited to the following:

1. Respond to Requests for Information (RFIs) during the project advertisement period and log questions and responses.
2. Prepare project addenda at the direction of the City (assume three).

Deliverable(s):

- Tabulated Response to RFIs
- Addendums, as necessary (assume 3).

Task 9 – Construction Support Services

1. Attend the pre-construction meeting, job walk, and job-site meetings over the course of the construction schedule.
2. Provide response to contractor's requests for information (RFI) about the plans and specifications forwarded to the Consultant by the City. This task includes conferring with the City's Construction Manager regarding the RFI as appropriate. Regularly scheduled construction observation is specifically excluded from this scope of work. It is assumed that ten RFI's will be responded to.
3. Review and approve shop drawings.

Task 10 – Prepare Record Drawings (As-Builts)

Within 60 days following the completion and acceptance of the project, furnish City with a complete set of revised original tracings showing as-built conditions. Revisions will be solely based on as-built information provided by the City's Construction Manager and the Contractor. JMD assumes no responsibility for the accuracy of the information provided by the City's Construction Manager and the Contractor.

Deliverable(s):

- Furnish a complete set of revised original record drawings

Task 11 – Race Neutral and Race Conscious

JMD understands that Race Neutral and Race Conscious participation will be applicable to this project.

As stated in Chapter 9 of the LAPM:

"The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract, or such other remedy as recipient deems appropriate."

JMD will perform Race Neutral and Race Conscious participation for this agreement.

To satisfy federal reporting requirements for Race Neutral and Race Conscious consultant contracts, JMD will complete the following forms:

Deliverable(s):

- Certification of Consultant, Commission and Fees (Exhibit 10-F)
- Consultant Proposal DBE Commitment (Exhibit 10-01)
- Consultant Contract DBE Information (Exhibit 10-02)
- Disclosure of Lobbying Activities (Exhibit 10-Q)
- Non-Discrimination Clause (Exhibit 10-V)
- Final Report-Utilization of Disadvantaged Business Enterprises (Exhibit 17-F)

JMD shall ensure certified Race Neutral and Race Conscious participation in the performance of the contract and shall take all necessary and reasonable steps for such assurance.

JMD

Revised Fee Proposal[a,h]

Traffic Safety Improvements Citywide, Safe Route To School (SRTS) Federal Project

City of Pico Rivera

Submitted by: JMD

January 17, 2014

TASK	DESCRIPTION 2014 Fully Burdened Rates[a]	PRINCIPAL IN CHARGE $184	QA/QC MANAGER $180	PROJECT MANAGER $130	SR DES ENG $79	DES/ CAD OPER $64	INTERN/ CLER $49	TOTAL LABOR HOURS	DIRECT COSTS[e]	TOTAL COSTS	REMARKS
1	Project Management (up to 4 meetings)[b]	1	0	20	0	0	8	29	$ 200	$ 3,371	
2	Agency and Utility Coordination[c]	0	0	2	4	8	8	22	$ 200	$ 1,678	
3.01	Design Survey	0	0	2	8	32	0	42	$ 10,000	$ 12,937	*FHA Surveying
3.02	Records Research and Field Reviews	0	0	10	32	8	24	74	$ 100	$ 5,613	
3.03	SRTS Compliance	0	0	2	8	8	0	18	$ 50	$ 1,454	
3.04	NPDES Program Compliance[f]	0	0	2	8	8	0	18	$ 50	$ 1,454	
4	Final Engineering (21 sheets)[g]	4	6	20	160	280	160	630	$ 200	$ 42,968	
5	Cost Estimates	1	1	2	8	0	8	20	$ 50	$ 1,697	
6	Specifications	1	1	4	8	0	8	22	$ 50	$ 1,957	
7	Request for Authorization to Proceed with Construction (RFAPC)	1	1	2	16	0	8	28	$ 100	$ 2,381	
8	Project Advertisement Services (up to 3 addenda)	0	0	8	0	0	4	12	$ 100	$ 1,334	
9	Construction Support Services (up to 3 meetings and 10 RFI's)[d]	0	0	12	0	8	2	22	$ 200	$ 2,367	
10	Prepare Record Drawings (As-Builts)	0	0	4	8	32	4	48	$ 100	$ 3,492	
11	Race Neutral and Race Conscious	0	0	1	0	0	4	5	$ 50	$ 375	
TOTAL ESTIMATED LABOR HOURS		8	9	91	260	384	238	990			
TOTAL ESTIMATED DESIGN COST									$ 11,450	$ 83,077	

Notes:

a Rates are subject to a 5% annual increase on January 1. Labor rates include overhead rate of 123.91% and 10% profit.

b Assumes up to four (4) meetings during the design process.

c Potholing for the proposed improvements is optional but highly recommended and not included in our cost proposal.

d Assumes up to five (5) meetings and ten (10) RFI's during the construction process.

e Although "Environmental Services" are not specifically described in the RFP, JMD can provide these services at an additional cost.

f BMP design is limited to inclusion of BMP standards in the SWPPP. Permitting fees are not included.

g No. Sheets:
- 1 - Title Sheet
- 5 - Roadway Plans (incl. one Miscellaneous Detail Plan)
- 3 - Traffic Signal or TS Modification Plans
- 12 - Crosswalk Plans

h If needed, JMD can provide construction management services at the above rates.

ENCLOSURE 2

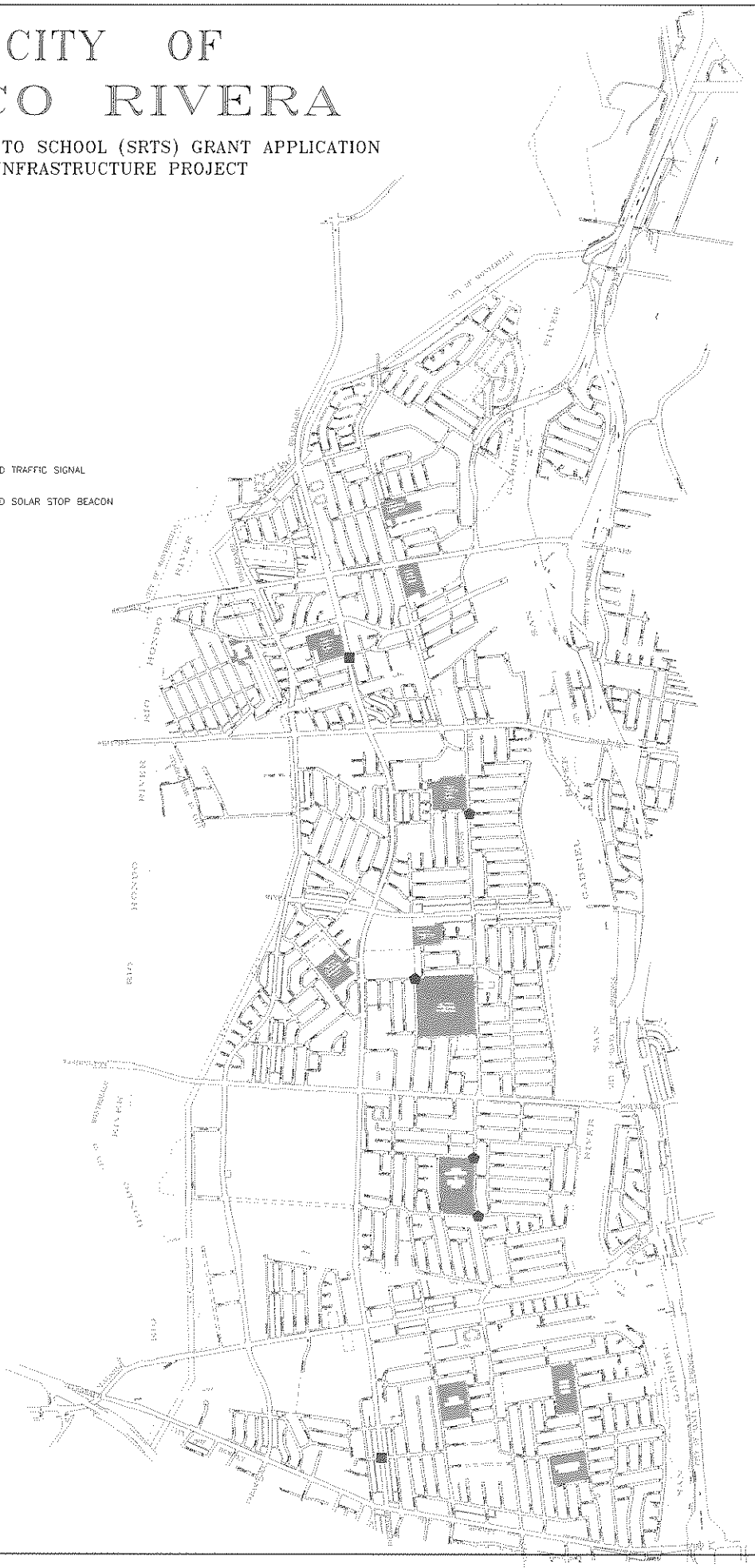
CITY OF PICO RIVERA

SAFE ROUTES TO SCHOOL (SRTS) GRANT APPLICATION
INFRASTRUCTURE PROJECT

LEGEND:

PROPOSED TRAFFIC SIGNAL

PROPOSED SOLAR STOP BEACON



ENCLOSURE 3

City of Pico Rivera
Department of Public Works

Traffic Safety Improvements Citywide, CIP 21251
Safe RouteTo School (SRTS) Federal Project ID 5153 (25)

Summary of Fee Proposals

Firm	Original Fee	Negotiated Fee
JMD	$ 94,785	$ 83,077
Willdan	$ 93,610	
Infrastructure Engineers	$ 72,590	
MNS Engineers	$ 108,486	

Non Responsive Firms
Transtech Engineers
APA
Hatzog and Crabill, Inc.
Harris & Associates
GCM
KOA

TRAFFIC SAFETY IMPROVEMENT CITYWIDE PROJECT - SAFE ROUTE TO SCHOOL - CIP No. 21251

Firm: _____

Evaluator: _____

Date: January 16, 2014

Item	Description	Max. Item Score	Your Score	Comments
1	**Project Understanding** -- Comprehension of the type of services requested and awareness of the City(s) needs.	20		
2	**Project Team** -- Identification of the person(s) to be in responsible charge, including qualifications, technical background and experience of all key personnel to be assigned to a given project.	20		
3	**Experience** -- Nature and quality of completed projects of a similar nature (for public agencies). Familiarity with state and federal contract procedures and laws.	20		
4	**Capabilities** -- Abilitiy to deliver projects on time, within budget, and without issue.	10		
5	**Local Sensivity** -- Knowledge of the City of Pico Rivera sensitivity to local businesses and residents.	10		
6	**Reputation** -- Past clients, repeat business, reliability and record of firm in providing qualified personnel and reference checks.	10		
7	Capability of developing innovative or advanced techniques.	10		
	Total	100		

CITY COUNCIL **AGENDA REPORT**

To: Mayor and City Council

From: City Manager

Meeting Date: January 28, 2014

Subject: BUG HOUSE PROPERTY – 8841 EAST SLAUSON AVENUE

Recommendation:

1. Accept and file report.

2. Direct staff to prepare and issue a Request for Qualifications/Proposals (RFQ/P) to seek qualified developers to build an affordable housing development for low-income veteran families.

Fiscal Impact:

The proposed affordable housing development will require a subsidy from the City of approximately $180,000 to $410,000. The proposed source of this funding is discussed below under "Funding."

Background:

The 1.7 acres of land located at 8841 East Slauson Avenue is owned by the County of Los Angeles and was occupied by the County Department of Agriculture from 1930 to 1994. The property, now commonly known as the *"Bug House,"* was used for offices, beneficial insect breeding, mixing baits for pest control, operation of a pesticide collection program, and incineration of plants quarantined for pests or disease. The property is now vacant and produces no property tax revenue.

In 2011, City staff initiated a discussion with County staff for development of the property with affordable housing and the County expressed interest in transferring ownership of the property to the City. In exchange, the County asked the City to finish cleanup of the soil for residential purposes in a manner acceptable to the Department of Toxics and Substance Control (DTSC), the regulatory agency responsible for oversight

of the property. The estimated cost to do this is $180,000 to $410,000. The County conducted numerous environmental assessment and remediation activities at the site from 1992 to 2008 costing several million dollars.

Staff is seeking direction from the City Council to prepare an RFQ/P to include, but not limited to, the following criteria:

- The developer will demonstrate a track record of developing quality housing developments affordable to lower income families and working with the local community to manage the development process in a timely manner.
- The proposed site plan will make for efficient use of the property which could include single-family and/or duplex-style units.
- The homes will be sold to low-income families earning 80% or less than the Median Family Income for Los Angeles County which for a family of four is $57,271.
- The developer will have experience and knowledge in implementing State or Federal financing programs for special needs populations, such as veterans.
- The development will implement a "sweat equity" component to encourage buyer participation.
- The development will include social programs as an incentive for homebuyers to learn about home maintenance, household budgeting to prevent foreclosure and other counseling services.

Staff considered the proposal to develop the property with a portion of market-rate housing and affordable housing, but doing so will limit the number of affordable units and complicate the process of transferring the property from the County to the City. To streamline this process between the two governmental entities, a public purpose for the property is required, such as a significant number of affordable units. Supervisor Molina's Office has notified the City that they would support the transfer of the property to the City for affordable housing.

Funding:

Although the City does not have funding available for affordable housing, an inter-fund loan can be made to the Low & Moderate Income Housing Fund (LMIHF) from the City's General Fund. Currently, the LMIHF does not have available cash to fund this program, but it does have assets totaling $2 million in the form of receivables from the Pico Rivera Successor Agency. The LMIHF can make annual payments to the General Fund when funds become available from the Successor Agency. The Successor Agency's ability to repay the LMIHF depends on the available funds approved by the

California Department of Finance as stated on the Successor Agency Recognized Obligation Payment schedule. Any repayments from the Successor Agency require Oversight Board approval. Staff estimates the available funds for repayment to be approximately $100,000 per year. Staff recommends a five-year inter-fund loan from the City's General Fund to the LMIHF, with a 5% interest rate.

Staff will make a visual presentation at today's meeting to demonstrate the type of affordable housing development to be solicited in the RFQ/P process.

Ronald Bates

RB:BM:CO:ll

11th WARRANT REGISTER OF THE 2013-2014 FISCAL YEAR

MEETING DATE:	**01/28/14**
TOTAL REGISTER AMOUNT:	**$2,310,825.47**
CHECK NUMBERS:	**260227-260307** **260310-260457**
SPECIAL CHECK NUMBERS:	**260308-260309**

REGULAR CHECK TOTAL:	**$2,096,745.95**
SPECIAL CHECK TOTAL:	**$214,079.52**
TOTAL REGISTER AMOUNT:	**$2,310,825.47**

5

PAYROLL REGISTER P/P 12/27/13 - 01/10/14

Pay Date: 01/16/14

VOID ACH CKS	
	-
VOID CKS	
	-
Scrap:	
387228	
387230	
387286	
SPECIAL CKS	
387229	22,782.36
	22,782.36
CKS	
387231 - 387285	38,979.48
	38,979.48
ACH	
387287 - 387469	230,409.45
	230,409.45
TOTAL	292,171.29