ROLL CALL:
Mayor/Chairman/President: Brent A. Tercero
Mayor Pro Tempore/Vice Chairman/Vice President: Gustavo V. Camacho
Councilmembers/Directors/Commissioners: Raul Elias, Gregory Salcido, Vacant

Meeting jointly and regularly with the Pico Rivera Successor Agency to the Pico Rivera Redevelopment Agency (as needed); Pico Rivera *Housing Assistance Agency (as needed); Pico Rivera Water Authority (as needed); and Public Financing Authority (as needed)

INVOCATION:
PLEDGE OF ALLEGIANCE:

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

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 (within 24 to 48 hours’ notice).

*Commissioners receive a $30.00 stipend per each meeting held and attended.
PUBLIC COMMENTS - IF YOU WOULD LIKE TO SPEAK ON ANY LISTED AGENDA ITEMS OR NON-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.

City Council:

1. **Appeal of the Planning Commission’s Decision to Terminate Nonconforming Structures and Use at 8615 Whittier Boulevard, Pico Rivera, California (Former Whittier Manor Apartment’s).**

   **Recommendation:**
   1. Staff recommends that the City Council of the City of Pico Rivera (City) consider the evidence and uphold the Planning Commission’s determination that:
      - The former Whittier Manor apartment complex (Apartments) is destroyed to the extent of more than fifty percent (50%) of its value, such that Section 18.54.080 of the Pico Rivera Municipal Code (Code or PRMC) justifies terminating its legal nonconforming status;
      - The Apartments ceased operating after their evacuation in or about January 2015, such that Section 18.54.081 of the Code justifies terminating their legal nonconforming status;
      - The nonconforming Apartments may be abated and their use terminated upon the expiration of the applicable amortization period indicated in Section 18.54.070, subdivision H of the Code;
      - The reconstruction, restoration, or rebuilding of the Apartments at their current/prior density will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood (Government Code 65852.25); and
      - The existing nonconforming use of the Apartments would be more appropriately moved to a zone in which the use is permitted, or there no longer exists a zone in which the existing nonconforming use is permitted (Government Code 65852.25).

**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 www.pico-rivera.org, and the Pico Rivera Council Chamber doors which are available for the public to view on this 28th, day of October 2019.

Dated this 28th, day of October 2019

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.
To: Mayor and City Council

From: City Manager

Meeting Date: October 29, 2019

Subject: CONTINUATION - APPEAL OF THE PLANNING COMMISSION'S DECISION TO TERMINATE NONCONFORMING STRUCTURES AND USE AT 8615 WHITTIER BOULEVARD, PICO RIVERA, CALIFORNIA (FORMER WHITTING MANOR APARTMENTS)

Recommendation:

1. Staff recommends that the City Council of the City of Pico Rivera (City) consider the evidence and uphold the Planning Commission's determination that:

   - The former Whittier Manor apartment complex (Apartments) is destroyed to the extent of more than fifty percent (50%) of its value, such that Section 18.54.080 of the Pico Rivera Municipal Code (Code or PRMC) justifies terminating its legal nonconforming status;
   - The Apartments ceased operating after their evacuation in or about January 2015, such that Section 18.54.081 of the Code justifies terminating their legal nonconforming status;
   - The nonconforming Apartments may be abated and their use terminated upon the expiration of the applicable amortization period indicated in Section 18.54.070, subdivision H of the Code;
   - The reconstruction, restoration, or rebuilding of the Apartments at their current/prior density will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood (Gov. Code 65852.25); and
   - The existing nonconforming use of the Apartments would be more appropriately moved to a zone in which the use is permitted, or there no longer exists a zone in which the existing nonconforming use is permitted (Gov. Code 65852.25).

Introduction:

The former Whittier Manor apartment complex located at 8615 Whittier Boulevard (Assessor Parcel Nos. 6373-018-005 and 6373-018-008, (Property)) is a nonconforming structure under the Code, having been converted from a hotel to an apartment complex in the 1970s. In December 2014, the Apartments were red tagged and approximately
200 residents were evacuated from the buildings. A temporary shelter manned by the Red Cross was opened at Pico Park for the immediate housing of the residents. The Whole Child Transitional Housing Services were able to assist several of the residents to find permanent housing.

The Apartments do not comply with various development and zoning standards currently codified in the Code, and therefore constitute a nonconforming structure and land use subject to termination under Chapter 18.54. In particular, the unit density of the Apartments is more than double the maximum density permitted for any residential use in the City (PRMC §§ 18.28.050; 18.42.040(D)).

On August 7, 2017, the Planning Commission took action to terminate the legal nonconforming status of the Apartments for the following reasons: 1) the Apartments are destroyed to the extent of more than fifty percent (50%) of their value; and/or 2) the Apartments ceased operating for a continuous period of six (6) months (PRMC §§ 18.54.080; 18.54.081). Alternatively, the Planning Commission found that the nonconforming Apartments could also be abated and their use terminated upon the expiration of the applicable amortization period indicated in Section 18.54.070, subdivision H of the Code. It also found that the reconstruction or restoration of the Apartments at their current/prior density will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood and there no longer exists a zone in which the existing nonconforming use is permitted (Gov. Code 65852.25). The Apartments’ owner now appeals the Planning Commission’s decision.

Background Facts:

A. The Property

The Property is situated within the northeast quadrant of Whittier Boulevard and Paramount Boulevard, within the corporate limits of the City. The Property comprises two individually assessed land parcels identified as Assessor’s Parcel Nos. 6373-018-005, 008 (Ex. 6). The combined parcels have an irregular land configuration, generally level topography, and contain 49,230± square feet of land area. The Property is accessed via Whittier Boulevard.

The Property has differing zone and general plan land use designations on different portions of the Property. As to zoning, the southerly 152± feet of the parcel, fronting along Whittier Boulevard, is located within the “Commercial-General” (CG) zone, whereas the remaining portion of the site is zoned “Planned Residential Unit Development” (PUD) (Ex. 11, 80, 82 [p.974-976]). The Property is presently improved with a multiple family residential complex originally permitted and operated as a motel facility since construction was completed in or about
1965 (Ex. 1, 2). According to City records, the motel was apparently converted to a 79-unit apartment complex beginning in the mid-1970s (See Ex. 4). The first reference to the apartment use in the City's records is a special request for service dated January 3, 1973 (Ex. 3). Though apartment complexes are a permitted use in the CG zoning district, the Apartments do not comply with current development standards governing such buildings, particularly with respect to density.

**B. The Apartments**

The Apartments comprise of four, three-story buildings generally described as follows: Two-story living area constructed over automobile carports, Class D (wood frame) construction, perimeter concrete foundation, reinforced poured concrete column and wall footings, stucco over wood framing exterior walls with wood fascia, plywood roof deck supported by wood frame truss structure with older rolled asphalt roofing surfacing, concrete slab flooring on first level and plyscore flooring on second level, painted drywall interior walls and ceilings over wood frame studs, double flush hollow and solid core doors, aluminum frame sliding windows, and conventional electrical/plumbing systems (Ex. 1, 82 [p. 977]). The individual building sizes and quantity of units are as follows:

- Building No. 1: 12,696 sq.ft.; 23 units.
- Building No. 2: 18,060 sq.ft.; 40 units.
- Building No. 3: 3,240 sq.ft.; 6 units.
- Building No. 4: 5,400 sq.ft.; 10 units.

The total gross building area, as indicated on the original building permits, amounts to 39,396 square feet, which includes the first floor automobile parking area comprising 65 enclosed carport spaces (Ex. 1, 82 [p. 977]). Los Angeles County Assessor's records indicate a total living area of 28,764 square feet. The complex contains 79 dwelling units; each unit is generally similar in size. The average unit size equates to 364 square feet (Ibid).

**C. Destruction of the Apartments**

In the late evening of December 30, 2014, the Los Angeles County Fire Department responded to a partial collapse of a balcony soffit on the Property (Ex. 30-33, 39). The Building Department of the City was called to the scene in the early morning hours on December 31, 2014 to inspect the area of the collapse. A section of soffit plaster and stucco (approximately 4 ft wide x 25 ft long x 1 inch thick) from the 3rd floor balcony had suddenly and without warning failed and fallen onto the 2nd floor balcony. The units immediately adjacent to the collapse were evacuated that night (Ex. 30-33, 39, 84). The area was secured and an inspection was scheduled for the following morning.

On the morning of December 31, 2014, the City Engineer, James Enriquez, and Building Official, Eric Dennis, returned to the Property for further inspection (Ex. 39). Significant
water and wood rot damage was observed in the collapsed area. Based on these observations, the inspection was expanded to the balconies for the entire Property (Ibid). Multiple locations on the balconies throughout the Property were observed with similar signs of potential soffit stucco failure and were noted to have water dripping from the recent rain (Ibid). The Property manager was advised to engage an engineer to monitor any further inspections that would require removal of stucco at select locations showing signs of failure (Ibid).

A representative from David Angelo and Associates (Owner’s Engineer) arrived at the Property prior to further inspection (Ex. 33). The Owner’s Engineer accompanied the Building Official in walking the entire Property and marking with red paint areas where soffit stucco showed signs of failure. The Owner’s Engineer was also requested to select various marked locations for destructive inspection. The stucco was removed by the Property manager in those areas and similar conditions as the collapsed area were observed including water damage, extensive wood rot, and inadequate anchoring of the plaster and stucco (Ex. 33, 39).

Based on these findings, the Owner’s Engineer could not substantiate the structural integrity of the balconies throughout the Property nor ensure that a similar collapse was not imminent. Since the balconies provide the only ingress and egress to all units, the Building Official declared the buildings “unsafe” to occupy and recommended evacuation (Ex. 33, 39). All residents were evacuated and relocated by the City shortly thereafter (Ex. 30-39).

Sometime after the incident, the City was provided with a copy of an undated report prepared by David Angelo and Associates entitled Structural Damage Observation Report. (Ex. 33.) The report summarized numerous areas of concern with the condition of the Property based on a visual inspection performed by David Angelo and Associates on January 12, 2015. It also recommended further assessment through exploratory demolition before complete recommendations for repairs could be developed and engineered. (Ibid.)

Representatives for the Property owner applied for and were issued a permit for limited demolition of balconies on the Property on March 17, 2015 (Ex. 36). The City has observed that the balconies were stripped to the framing throughout most of the Property, but no requests for inspection have been received to date (Ex. 39). The Apartments are in a general state of disrepair and plagued with dry rot, mold, water damage, and other conditions calling into question not only the structural integrity of the Apartments, but their suitability for habitation (Ex. 84 [Photos]). The City received an estimate for the repairs equaling $2,726,647.76 on or about February 8, 2017 (Ex. 64).

D. The Apartments Are Nonconforming And Do Not Meet The Current Requirements In The Code Or The General Plan.
An investigation of the Property was initiated by the Planning Commission on or about July 18, 2016 (Ex. 55-57). That investigation revealed that the Apartments do not comply with various development and zoning standards currently codified in the Pico Rivera Municipal Code and therefore constitute a nonconforming structure and land use under Chapter 18.54 of the Code. Specifically:

- The front portion of the Property is zoned “Commercial-General” (CG), and is designated in the City’s General Plan for “Commercial” land uses (Ex. 10,11, 80). Multi-unit residential uses are only permitted upon issuance of a conditional use permit (PRMC §§ 18.28.040; 18.40.040(D)(62)). No conditional use permit has been issued for the Apartments;
- The rear portion of the Property is zoned “Planned Residential Unit Development” (PUD), and is designated in the City’s General Plan for “Medium Density Residential” (Ex. 10,11, 80). The PUD zone does not permit multi-family dwelling units (PRMC §§ 18.16.040; 18.40.040(B)(7));
- The unit density of the Apartments is more than double the maximum density permitted for any residential use in the City (PRMC §§ 18.28.050; 18.42.040(D)). Given the Property’s size, a maximum of thirty (30) dwelling units is permitted by the Code; and
- The Code requires multi-family dwelling units to have two (2) parking spaces in a garage or carport for each dwelling unit (PRMC § 18.44.040(A)(2)). The Apartments lack the requisite number of parking spaces given the number of units.

According to the City’s records, the Apartments may have first become nonconforming on or about September 7, 1993, when the City adopted its zoning map designating the rear of one parcel and the entire second parcel as PUD (Ex. 7-12).

E. **The Apartments Cease Operating and Require Substantial Repairs.**

The Apartments ceased operating following their evacuation on or about January 2015 (Ex. 32). The current Property owner, Group XIII Properties, L.P (Owner), purchased the vacant Property for $4,030,000 over nine (9) months after the Property was evacuated – on or about October 14, 2015 (Ex. 41). The sale price is computed from the documentary transfer tax ($4,433, indicated on deed) which is based on $1.10 per $1,000. The mathematical equation is:

\[ \frac{4,433}{1.10} \times 1,000. = 4,030,000 \]

Public records also indicate the transaction involved a first deed note in the full amount of the purchase price of $4,030,000 with Western Alliance Bank (Ex. 42).
The Owner retained PAMA Management, Inc. (PAMA) to manage the Property who, in turn, retained Patel Burica & Associates, Inc. (PBA) to prepare plans for repairing the Property. On or about November 9, 2015, the Owner submitted plans and accompanying documents for the repair of the Apartments (Ex. 45). The City denied the submitted plans in December 2015, indicating that substantial revisions were needed, including but not limited to interior remodel details (Ex. 45-46). The City further received and forwarded to PAMA substantial plan-check comments from its Consulting Plan Checker, JAS Pacific Consulting Services (Ex. 46). The plans were denied based on the corrections indicated on the plans and the comments provided by the Plan Checker.

PAMA retained Blue Mountain Development Inc. (BMD) to provide advisory services and project oversight on or about January 2016. In or about February 2016, BMD retained Edenco, Inc. (Edenco) to prepare a forensic inspection of the Apartments. BMD, PAMA and Edenco inspected the Apartments on or about February 10, 2016. BMD met with Ben Martinez, the City’s Director of Economic Development, on or about March 17, 2016 to discuss the Apartments and request that the previous plan check be “tossed out” as it was being reviewed against a contractor bid to repair the building not a due diligence level report prepared by a licensed professional.

On or about April 7, 2016, BMD submitted plans and accompanying documents for the repair of the Apartments (Ex. 48). Included in the submittal was a “Structural Architectural Specific Due Diligence Study” prepared by Edenco, dated March 25, 2016 (Due Diligence Study) (Ex. 47). Following the submittal, the Owner and City staff agreed that a site inspection was necessary. This inspection occurred on April 21, 2016, resulting in the City’s conclusion that the submittal did not address all structural deficiencies and damage observed during the inspection, nor did they address all conditions identified in the Due Diligence Study (Ex. 52). In addition, the Owner’s structural engineer on-site acknowledged that the full extent of the damage had not been assessed because portions of the structure had not yet been exposed for inspection by the design team (Ibid). The Due Diligence Study also warned on page 3 that, after two site visits by the Owner’s structural engineer, “the suggested remediation recommendations contained in this report are professional observations predicated on the limited exposed existing conditions of the Project. Upon further demolition of the Project, additional and more stringent remediation measures may be required” (Ex. 47).

On May 5, 2016, BMD requested via email the timing of the plan check comments on the April 7, 2016 submittal (Ex. 51). The City responded by way of letter dated May 26, 2016, reiterating that additional demolition is needed in order to truly assess the damages that needed to be repaired (Ex. 52). Specifically, the City’s May 26, 2016 letter provided as follows:

Given the extensive evidence of the structures’ non-compliance with the PRMC and the California Building Code, the City requires exploratory demolition be completed to fully
assess the extent of the damage to the buildings generally, and to specific locations of the buildings, prior to completing plans, calculations, and related reports for the repairs. (PRMC §§ 15.08.020 (104.11.2), (106.1), (109.3.8).)

Only after such demolition and associated inspections have been competed will the City be in a position to adequately evaluate if the submittal completely and thoroughly addresses remediation measures for all identified unsafe conditions and issue building permits for the repairs. Although the City recognizes that some unanticipated conditions will likely be encountered during construction, performing the investigative demolition after issuance of building permits to the extent suggested in the documents submitted is not an acceptable methodology for the Project.

The letter expressly provides that, “[b]ased on the City’s review of the plans and comments and the onsite inspection in coordination with [BMD’s] design team, the City is unable to provide specific comments at this time since the submittal falls substantially short of addressing the extent and degree of the structural deterioration of the buildings” (Ex. 52). The City requested that the Owner obtain demolition permits to complete an exploratory inspection of the Apartment’s structural condition (Ibid).

A meeting was held at the City with Ben Martinez, Director of Community and Economic Development, James Enriquez, P.E., City Engineer, Ken Fields, Building Official, PBA and BMD, to discuss the City’s May 26, 2016 letter. Throughout the various meetings with the Owner’s representatives, the Owner continued to reject the additional exploratory demolition needed to assess the full extent of the damages, and requested that the City approve the submitted plans and impose conditions providing for future exploratory investigations to identify additional repairs as needed/ identified.

On or about July 8, 2016, the City issued a Notice of Substandard Building to Owner. By way of the Notice, the Owner was directed to, within 30 days, take action to demolish the structures or notify the City of their election to repair (Ex. 53). If the Owner elected repair, the City requested a complete structural report within 60 days analyzing the entire structural integrity of the Property, and outline the repairs necessary to bring the Property into compliance with all applicable laws. The scope of the report was required to include exploratory demolition necessary to test and inspect the Apartments’ foundation and structural support systems. The Owner was also required to submit a plan and project schedule within 90 days (Ibid).

By way of letter dated July 11, 2016, the City explained that BMD’s efforts have not resulted in a remediation plan that would ensure the safety of the entire structure (Ex. 54).
The plans submitted by BMD were based on a Due Diligence Study that was limited to the “visual, nondestructive review of the existing conditions” of the Apartments, which indicated that “[u]pon further demolition of the Project, additional and more stringent remediation measures may be required” (Ex. 47). The City again requested that the Owner pull a demolition permit for exploratory work in order to fully investigate the Apartments’ structural integrity and determine the repairs necessary to comply with all applicable laws. On July 20, 2016, the City and the Owner’s representatives met with City staff to discuss exploratory demolition plans (Ex. 58).

In or about September 2016, BMD submitted a new set of plans (Ex. 59) and on or about September 20, 2016, the City’s Consulting Plan Checker, JAS Pacific Consulting Services provided comments to the plans (Ex. 60). In or about October 2016, BMD submitted revised plans. The City’s Consulting Plan Checker, JAS Pacific Consulting Services, again, provided comments on or about November 23, 2016 (Ex. 62).

On or about December 4, 2016, the Owner received a cost estimate for the repairs equaling $1,269,767.16 (Ex. 63) and on January 12, 2017, the Owner submitted revised repair plans. The City retained the construction consultant firm of Bert L. Howe & Associates, Inc. to review the Owner’s cost estimate. The review determined numerous construction items were missing in the Owner’s cost estimate (Ex. 64). Total repair/renovation costs were estimated by Howe to be $2,726,648 (Ibid).

On or about February 8, 2017, the Owner submitted an updated repair estimate and final repair plans and completion schedule based on comments received from the City (Ex. 66). Although the structural integrity and extent of requisite further repairs remained unknown to some extent, the City worked with the Owner to develop building plans for the repair of the buildings over the past year and a half. The building plans were in the final plan check. Because the full extent of the damage to the Apartments was unknown, however, the costs to repair the Apartments would more than likely exceed the $2,726,648 estimate.

F. The Planning Commission Hearing

In or about March 14, 2017, City Staff advised the Owner that they were going to recommend to the Planning Commission that it schedule a public hearing on the issue of terminating the Apartments’ nonconforming use. Pursuant to the Owner’s request, City Staff thereafter met with the Owner and its representatives on March 27, 2017 to discuss City Staff’s proposed recommendation. In that meeting, the Owner and its representatives requested that City Staff delay placing the matter on the Planning Commission’s agenda so that the Owner could explore the possibility of voluntarily reducing the Apartments’ density, thus making them conforming. That request to delay the proposed recommendation was formalized in an email correspondence from the Owner’s representative dated March 29, 2017 (Ex. 65).
At the Owner’s request, City Staff thereafter met with the Owner’s representatives on April 27, 2017, to discuss the possibility of reducing the Apartments’ density. The Owner’s representatives indicated that, among other things, it would revisit the idea of combining units to reduce the density, consider removing a portion of one building to create an offset from the sidewalk and reduce the number of units, and consider additional aesthetic architectural features that would improve the Apartments’ curb appeal from Whittier Boulevard. Following that meeting, the Owner’s representative merely submitted some rendering showing proposed facade enhancements on May 17, 2017. But he expressed that the Owner was unwilling to reduce the Apartments’ density.

On June 8, 2017, City Staff notified the Owner’s representative that it was moving forward with the recommendation that the Planning Commission schedule a hearing to terminate the Apartments’ nonconforming use and that the recommendation would be presented to the Planning Commission at its meeting scheduled for June 19, 2017. Despite objections by the Owner at its June 19, 2017 meeting, the Planning Commission adopted Resolution No. 1249, declaring its intent to conduct a public hearing on the termination of the Apartments’ nonconforming use, setting the hearing for July 19, 2017 and directing that notice be given as required by Section 18.54.130 of the Code (Ex. 67-70).

Pursuant to Planning Commission Resolution No. 1249, City Staff published notice of the Planning Commission hearing in a newspaper of general circulation within the City on July 6, 2017 (Ex. 71 [p. 538]). Not less than ten days prior to the date set for the hearing, City Staff also mailed notice to the Owner, BMD, Western Alliance Bank, and to all owners of property within a radius of three hundred feet measured from the external boundaries of the Property (Ex. 71). In addition, a copy of the notice was posted on the Property by July 6, 2017.

A public hearing considering whether the legal nonconforming status of the Apartments should be terminated was duly held on July 17, 2017, at which all interested parties were provided an opportunity to be heard and to provide evidence bearing on the Planning Commission’s decision in the matter (Exs.88-95). By way of its Resolution No. 1251 (Ex. 99), adopted August 7, 2017 (Ex. 102-103), the Planning Commission timely adopted a Statement of Decision terminating the nonconforming structures and use at the Property (Decision) (Ex. 100), which was based upon an examination and review of all evidence submitted at the hearing (Ex. 1-84, 88-94).

G. This Appeal Hearing

Owner, BMD and Western Alliance Bank were notified of the Decision by way of letter dated August 9, 2017 (Ex. 140) and timely filed an appeal to the City Council pursuant to Section 17.64.060 of the Code (Ex. 105). Section 17.64.060 and Chapter 18.54 of the Code provides for a process for the City Council to conduct a public hearing to consider
the appeal of the Decision. The City scheduled the appeal hearing for December 18, 2017 and notice was provided to the interested parties and the public. (Ex. 108.)

Due to the lack of a quorum of the City Council, the City Council’s December 18, 2017 hearing was cancelled. After an attempt to reschedule the hearing, the parties tried to settle the matter without the need for an appeal hearing. (Exs. 110 - 112.) Unable to settle the matter, the City rescheduled the appeal hearing for September 25, 2019.

City Staff published notice of this appeal hearing in a newspaper of general circulation within the City on September 13, 2019. (Ex. 115.) Not less than ten days prior to the date set for the appeal hearing, City Staff also mailed notice to the Owner, BMD, Western Alliance Bank, and to all owners of property within a radius of three hundred feet measured from the external boundaries of the Property. (Ex. 114.) In addition, a copy of the notice was posted on the Property by November 22, 2017. (Ex. 116.)

**THE CITY IS JUSTIFIED IN TERMINATING THE APARTMENTS’ LEGAL NONCONFORMING USE STATUS**

Zoning ordinances establish the regulatory scheme for the use and development of land within the City as required by the City’s General Plan. They also establish discrete zones that allow appropriate uses and forbid other uses that impair the development and stability of the area. The general purpose of zoning ordinances is to achieve conformity in the uses permitted and to eventually terminate all nonconforming uses. Courts define a nonconforming use as a “lawful use existing on the effective date of the zoning restriction and continued since that time in nonconformance to the ordinance.” ([City of Los Angeles v. Gage](https://westlaw.jonesday.com/西部法网) (1954) 127 Cal. App. 2d 442, 453.) As a term of art, “nonconforming use” means that the use lawfully existed before a change in the zoning regulations which subsequently rendered the use unlawful.

“The ultimate purpose of zoning is to confine certain classes of buildings and uses to particular localities and to reduce all nonconforming uses within the zone to conformity as speedily as is consistent with proper safeguards for the interest of those affected.” ([Dienelt v. County of Monterey](https://westlaw.jonesday.com/西部法网) (1952) 113 Cal. App. 2d 128, 131.) Given the objective of zoning, cities can provide for the elimination of nonconforming uses under certain circumstances. ([Nat’l Adver. Co. v. County of Monterey](https://westlaw.jonesday.com/西部法网) (1970) 1 Cal.3d 875, 875, 880; [County of San Diego v. McClurken](https://westlaw.jonesday.com/西部法网) (1951) 37 Cal. 2d 683, 686-87.) For example, cities may restrict the extension or expansion of a nonconforming use, prohibit replacement of a nonconforming structure if it is destroyed, and preclude renewal of a nonconforming use after discontinuance. ([Los Altos v. Silvey](https://westlaw.jonesday.com/西部法网) (1962) 206 Cal. App. 2d 606; [Edmonds v. County of Los Angeles](https://westlaw.jonesday.com/西部法网) (1953) 40 Cal. 2d 642, 651; [City of Los Angeles v. Gage](https://westlaw.jonesday.com/西部法网) (1954) 127 Cal. App. 2d 442, 459 ["The presence of any nonconforming use endangers the benefits to be derived from a comprehensive zoning plan"]; [Sabeck, Inc. v. County of Monterey](https://westlaw.jonesday.com/西部法网) (1951) 113 Cal. App. 2d 128, 131.)
Sonoma (1987) 190 Cal. App. 3d 163, 168 [upholding loss of nonconforming status when remodeling costs were more than 15 percent of a structure’s appraised value]).

Here, the City is justified in immediately terminating the Apartments’ legal nonconforming status for two reasons: 1) the Apartments are destroyed to the extent of more than fifty percent (50%) of their value (PRMC § 18.54.080); and 2) the Apartments ceased operating for over six (6) months after their evacuation in or about January 2015 (PRMC § 18.54.081). In addition, the nonconforming Apartment structures may be abated and their use terminated upon the expiration of the applicable amortization period indicated in Section 18.54.070, subdivision H of the Code.

A. The Apartments Were Destroyed To The Extent Of More Than Fifty Percent (50%) Of Their Value, Such That Section 18.54.080 Of The Code Justifies Termination Of Their Legal Nonconforming Status.

Courts support the natural elimination of nonconforming uses by obsolesces or destruction. (See County of San Diego v. McClurken, supra, 37 Cal. 2d 683; Rehfeld v. City & County of San Francisco (1933) 218 Cal. 83). Consequently, if a building’s value is destroyed by a certain percentage, the owner may not rebuild and resume a nonconforming use. To partially compensate an owner for termination of the nonconforming use by destruction, Government Code section 43007 allows for property tax relief for owners of property that is destroyed and cannot be rebuilt because of zoning prohibitions.

Here, section 18.51.080 of the Code provides:

Any nonconforming use of land shall be terminated if destroyed to the extent of more than fifty percent at the time of its destruction physically by fire, explosion or other casualty or act of God, and/or destroyed to the extent of more than fifty percent of the value existing prior to the time of such destruction. For the purposes of arriving at such value, the building official shall determine the valuation of such nonconforming use that existed prior to such destruction by such accepted principles, practices, methods and other resources available.

The City’s counsel retained Scott Lidgard of Lidgard and Associates, Inc. to conduct an appraisal study pertaining the Apartments. Unfortunately, Mr. Lidgard is now deceased; therefore, the City’s Counsel retained Sharon Hennessey of Hennessey & Hennessey, LLC. to conduct a review of Mr. Lidgard’s market data and appraisal methodology and
testify as to the completeness and accuracy of his opinions and conclusions. The intended use of the appraisal study is to assist the City in determining the Apartments’ market value as it relates to the Pico Rivera Legal Nonconforming Structure Status with respect to the 50% damage threshold level set forth in section 18.54.080 of the Code.

Its purpose is to express the fair market value of the Property assuming a renovated condition adequate for operation of the Apartments similar to that which existed prior to evacuation in January 2015. The appraiser also determined the market value of underlying land as if vacant and readily available for development so that the value of the improvements may be isolated.

The market data, appraisal methodology, and reasoning supporting the analysis, opinions and conclusions are set forth in the appraisal reports, copies which are attached to the Compendium of Exhibits as Exhibits 82 and 83 and are incorporated herein. After considering the various factors which influence value, the respective fair market values of the Property, again assuming a renovated condition adequate for the operation of the Apartments similar to that which existed prior to evacuation in 2015, are as follows:

- Market value of underlying land parcel: $1,655,000.
- Contributory value of improvements: $4,795,000.
- Total market value as improved: $6,450,000.

Because the value of the underlying land is unrelated to the Property’s nonconforming apartment use, the contributory value of improvements ($4,795,000) is the relevant figure to assist the Planning Commission in determining whether the Apartments have been destroyed to the extent of more than fifty percent (50%) for purposes of terminating its legal nonconforming status under Section 18.54.080 of the Code. Because the “nonconforming use” is what is being valued for purposes of determining whether the 50% threshold in section 18.51.080 of the Code has been met, it is the value of the apartment use – not the land value – which must be considered. As set forth in the appraisal, the respective fair market values of the apartment improvements, assuming a renovated condition adequate for the operation of the Apartments similar to that which existed prior to evacuation in 2015, was $4,795,000.

Total repair/renovation costs for the Apartments was estimated by the City’s construction consultant, Bert L. Howe & Associates, Inc. to be $2,726,648 (Ex. 64). Because the full extent of the damage to the Apartments is unknown, however, the costs to repair the Apartments will undoubtedly exceed that $2,726,648 estimate. Regardless, the

---

1 Ms. Hennessey’s curriculum vitae is attached to the Compendium of Exhibits as Exhibit 113). She is a certified general real estate appraiser with over 35 years of experience. She is a MAI designated member of the Appraisal Institute, which is the highest standing that is available to an appraiser.
$2,726,648 in repair/renovation costs exceeds 50% of the $4,795,000 value of the Apartments. Because the estimated repairs cost more than 50% of the value of the Apartments assuming a renovated condition adequate for the operation similar to that which existed prior to evacuation in 2015, termination of the legal nonconforming status of the Apartments is justified by Section 18.54.080 of the Code.

Notably, the current Owner purchased the property (both land and improvements) on October 14, 2015 (after the January 2015 evacuation) for $4,030,000 (Ex. 35-36). The market value of the underlying land was also appraised as of the October 14, 2015 purchase date to be $1,725,000. Because the value of land does not change with the damage to the improvements, the price paid for the improvements is isolated by deducting the value of the underlying land, as follows:

<table>
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<th>Description</th>
<th>Amount</th>
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<tr>
<td>Total purchase price (as improved)</td>
<td>$4,030,000</td>
</tr>
<tr>
<td>Market value of underlying land parcel</td>
<td>$1,725,000</td>
</tr>
<tr>
<td>Amount paid for the improvements</td>
<td>$2,305,000</td>
</tr>
</tbody>
</table>

The after condition price of the improvements on the Property where, thus, $2,305,000 and the value of the improvements assuming a renovated condition adequate for the operation of the Apartments similar to that which existed prior to evacuation in 2015, was $4,795,000. $2,305,000 is more than 50% less than $4,795,000. Thus, termination of the legal nonconforming status of the Apartments is justified by Section 18.54.080 of the Code. Why? Because the Apartments were destroyed to the extent of more than fifty percent (50%) of the value.

At the hearing before the Planning Commission, the Owner attempted to argue that Bert L. Howe & Associates, Inc.’s total repair/renovation cost estimate should not be considered because it includes items that are not related to “structural damage”. But this argument was properly rejected by the Planning Commission. Nothing in section 18.51.080 of the Code limits the damages to “structural damage”. By making such an argument, the Owner would have the City not account for damage to things such as electrical, plumbing and fire safety – all of which are non-structural. That is clearly not the intent of Section 18.51.080.

B. **The Apartments Ceased Operating After Their Evacuation On Or About January 2015, Such That Termination Of Their Legal Nonconforming Status Is Justified By Section 18.54.081 Of The Code.**

Case law is replete with admonitions of a strict policy against extension or expansion of nonconforming uses (See e.g., *See County of San Diego v. McClurken*, supra, 37 Cal. 2d 683). Consistent with that policy, PRMC § 18.54.081 provides that “[a]ny nonconforming use of land shall be terminated if it ceases such use for a continuous period of six months”.

Here, the Property has not been used as an apartment complex since it was evacuated in or about January 2015 (Ex. 30-32). Indeed, because the use of the Apartments ceased for over 6 months before the current Owner even purchased the Apartments (Ex. 41 [Grant Deed]), the termination of their legal nonconforming status is justified by Section 18.54.081 of the Code.

Some cases have held that, absent contrary language in the local ordinance, cessation of use alone does not constitute abandonment for purposes of terminating a nonconforming use; rather, intent to abandon is required. Here, however, cessation is the only criteria for terminating the nonconforming use under Section 18.54.081 of the Code. The Code does not require a showing of any intent on the part of the Owner to abandon the nonconforming use. Thus those cases, which apply a different “abandonment” standard, are inapplicable to the instant case.

League to Save Lake Tahoe v. Crystal Enterprises (Crystal Enterprises) (9th Cir. 1982) 685 F.2d 1142, 1146 is instructive. There, the predecessors in interest of appellant contractor began construction of a fifteen story hotel/parking garage complex (Id. at 1444). The county building department granted a building permit for the construction on August 20, 1970 (Ibid). By the end of June, 1971, construction had ceased (Ibid). The governmental entity’s zoning ordinance became effective on April 11, 1972 (Ibid). Under the ordinance, the project was a non-conforming use (Ibid). However, the ordinance contained a grandfather clause which exempted projects upon which construction has commenced prior to February 10, 1972 (Ibid). The exemption did not apply, however, if any such use ceases for a period of one (1) year (Ibid). The contractor asserted that, despite the presence in the ordinance of a definite period of discontinuance of a nonconforming use, intent to abandon must still be proved (Id. at 1146). The court disagreed. It held that when a regulation which terminates a use contains a time limit, it is not necessary to show intent on the part of the property owner:

Generally, the right to a nonconforming use exists only so long as the use continues to exist. A nonconforming use may terminate in one of several ways. These include amortization, abandonment, nonuse or discontinuance for a prescribed period, and voluntary or involuntary destruction. [Citation] Some zoning ordinances provide that if a nonconforming use is "discontinued" for a designated period of time it may not be resumed. The apparent objective of a provision using the term "discontinued" or "ceased" is to avoid the problem of having to prove intent to abandon a nonconforming use. [Citation].

Appellants assert that despite the presence in the ordinance of a definite period of discontinuance of a nonconforming use, intent to abandon must still be proved. We disagree. [The
ordinance] presumes abandonment after the designated period of non-use has passed. "A nonconforming use may be terminated by ordinance after the lapse of a reasonable period of time regardless of whether the property owner intends to abandon that use" [Citation].

(Crystal Enterprises, supra, 685 F.2d at 1146, internal citations omitted).

Like the ordinance in Crystal Enterprises, section 18.54.081 of the Code provides that the nonconforming use terminated after a lapse of a reasonable time regardless of whether the Owner subjectively intended to abandon the use. The question is whether the nonconforming use ceased for a continuous period of six months – not whether the use was subjectively intended to be “abandoned.” Thus, those cases suggesting that cessation of use alone does not constitute “abandonment” are inapplicable here.

Because the Apartments ceased operating after their evacuation on or about January 2015, their legal nonconforming status should be terminated by section 18.54.081 of the Code.

C. Alternatively, The Nonconforming Apartment Structures May Be Abated And Their Use Terminated Upon The Expiration Of The Period Of Time Indicated In Section 18.54.070, Subdivision H Of The Code.

The ultimate purpose of zoning is to bring all nonconforming uses within the zone into conformity as quickly as possible while safeguarding the interests of those affected (Dienelt v. County of Monterey, supra, 113 Cal. App. 2d at 131). In fact, courts constantly uphold requirements to terminate a use of structure within a prescribed period (an “amortization period”) as justifiable protection against the indefinite continuance of nonconforming uses (National Advir. Co. v. County of Monterey, supra, 1 Cal. 3d 875; County of San Diego v. McClurken, supra, 37 Cal. 2d 683). Zoning codes may properly look to “the eventual liquidation of nonconforming uses within a prescribed period commensurate with the investment involved” (Livingston Rock & Gravel Co. v. County of Los Angeles (1954) 43 Cal. 2d 121,127).

Courts do not require that the nonconforming property have no value at the termination date of the amortization period. Rather, amortization “involves a process of weighing the public gain to be derived from a speedy removal of the nonconforming use against the private loss which removal of the use would entail” (Metromedia, Inc v. City of San Diego (1980) 26 Cal. 3d 848, 882, rev’d on other grounds in Metromedia, Inc v. City of San Diego (1981) 453 U.S. 490).

On August 21, 1989, the City adopted an ordinance setting the amortization periods for terminating nonconforming structures (Ex. 5; PRMC Section 18.54.070). The Code
specifies amortization periods for various types of legally nonconforming structures (PRMC § 18.54.070(H)). These amortization periods run from August 21, 1989 (the date the relevant provisions of section 18.54.070 of the Code were effective) or the date the structure first became nonconforming, whichever is later (PRMC § 18.54.070(A)). Upon the expiration of the applicable time period, the nonconforming use may be terminated (Ibid).

Here, the Apartments are wood frame structures, which have an amortization period of 35 years (PRMC § 18.54.070(H)(1)). Available records indicate that the Apartments became nonconforming upon the adoption of a zoning map in 1993 when a portion of the Property became designated as PUD (Ex. 7-11). Because the amortization period began in 1993 when a portion of the Property became designated as PUD, the nonconforming use and structures terminate by operation of law in 2028.

D. Due To The Nonconforming Status Of The Structure, The Owner Does Not Have An Automatic Right To Repair The Structure.

The Owner has argued to the City that it is entitled to repair the structure. The Owner relies on Hawthorne Savings and Loan Ass’n v. City of Signal Hill (1993) 19 Cal. App. 4th 148, 158-159 for its argument. However, the facts in that case are not analogous to the current situation. There, the city sought to demolish an apartment complex that was in a substandard and dangerous condition as defined by the State Housing law (Health & Saf. Code § 17980, subd. (b)) (Hawthorne, supra, 19 Cal. App. 4th at 158). The court found that, prior to ordering demolition, the city had a constitutional and statutory duty to first afford the owner the choice of repairing or demolishing the buildings, a reasonable time in which to make that choice and, if the owner chose to repair, a reasonable opportunity to do so (Ibid). Notably, the termination of a nonconforming legal status was not an issue in Hawthorne.

Here, unlike Hawthorne, the City is not ordering the demolition of the Apartments based on a finding of substandard condition. Rather, the City is simply seeking to terminate the Apartments’ nonconforming use based on (i) their destruction and (ii) the fact that they ceased operating for a continuous period of six (6) months. The termination of nonconforming use in this case is consistent with the City’s Code and longstanding policies supporting the natural elimination of nonconforming uses by obsolesces or destruction. Neither an order to demolish the Apartments nor a finding of the Apartments’ substandard condition is involved here, as was the case in Hawthorne. Indeed, it is entirely possible that much of the existing structures may be made conforming.

The City has noted that the following actions, among others, could bring the Apartments into compliance with existing zoning provisions: 1) a general plan and zoning code amendment changing the designation and zoning for the rear portion of the Property; 2) obtaining a conditional use permit; 3) removing approximately fifty (50) of the Apartments’
existing units; 4) adding additional parking spaces contingent on the number of units retained; 5) compliance with all development regulations governing multi-family dwelling units set forth in the Pico Rivera Municipal Code; and 6) compliance with all conditions of approval for the conditional use permit.

The Owner similarly argues that “repairs are expressly permitted to be made pursuant to PRMC § 18.54.060(B),” which provides:

Each and every nonconforming use may be continuously maintained and utilized, provided that no intensification or increase in the degree of nonconformity shall be permitted. Continuation of such nonconforming use shall be limited by and subject to the provisions and application of Sections 18.54.070, 18.54.080 and 18.54.090(A) of this chapter, and in the following cases: . . . .B. Exception II. Structural alterations, required by law, may be constructed.”

This argument misses the point. The City is not preventing the Owner from making any alternations required by law. Rather, it is terminating the nonconforming structures and use because the Apartments are damaged more than 50% of their value and ceased operating for a continuous period of six (6) months.

By arguing that it must be given the opportunity to fix the extensive damage to the Apartments prior to the termination of the nonconforming use and structure, the Owners would have the exemption swallows the rule. Indeed, if the City were to adopt the Owner’s interpretation, it would be impossible to terminate a nonconforming use under PRMC § 18.54.080.

ANY RESTORATION OF THE APARTMENTS WILL BE DETRIMENTAL OR INJURIOUS TO THE HEALTH, SAFETY, OR GENERAL WELFARE OF THE NEIGHBORHOOD AND THERE NO LONGER EXISTS A ZONE IN WHICH THE EXISTING NONCONFORMING USE IS PERMITTED.

In order to prohibit the reconstruction, restoration, or rebuilding of a multi-family dwelling that is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy, the Planning Commission or City Council must make the following findings:

(1) The reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood.
(2) The existing nonconforming use of the building or structure would be more appropriately moved to a zone in
which the use is permitted, or that there no longer exists a
zone in which the existing nonconforming use is permitted.

(Gov. Code 65852.25.)

Here, the Apartments were not involuntarily damaged or destroyed by fire, other
catastrophic event, or the public enemy. Rather, they were destroyed by an ongoing
failure to maintain. Thus, the City Council or Planning Commission arguably need not
make the above referenced findings to prohibit the restoration of the Apartments.

However, even if such findings were required to prohibit the reconstruction, restoration,
or rebuilding of the Apartments, these findings are easily made here. As set forth above,
the rear portion of the Property is zoned PUD, and is designated in the City’s General
Plan for “Medium Density Residential” (Ex. 11). The PUD zone does not permit multi-
family dwelling units (PRMC §§ 18.16.040; 18.40.040(B)(7)). The unit density of the
Apartments is more than double the maximum density permitted for any residential use
in the City (PRMC §§ 18.28.050; 18.42.040(D)). Given the Property’s size, a maximum
of thirty (30) dwelling units is permitted by the Code.

The purpose and intent of the PUD land use district is to create a better living environment
by promoting residential land use amenities and design flexibility of residential acreage
that could not otherwise be obtained under more conventional methods and development
(Ex. 10, 29). These high density Apartments do not meet the purposes and intent of the
PUD land use designation and any reconstruction would be detrimental to the general
welfare of persons residing or working in the surrounding neighborhoods.

The Apartments are a hotbed of service calls to the police (Ex. 81). The calls range from
disturbing the peace to assault, battery, breaking and entering, theft, burglary, buying or
selling stolen property, drug use, drug dealing, sex abuse, rape, suicide attempts,
vandalism, domestic abuse, hit and run, gang activity, shooting, unlawful occupancy,
stolen vehicles and homicide (Ibid). Frustrated neighbors routinely contact City Hall
seeking relief from these disruptive activities. Moreover, the high-density Apartments are
routinely provided with Code violation notices from the City (Ex. 13-25, 27).

The front portion of the Property is zoned CG, and is designated in the City’s General
Plan for “Commercial” land uses (Ex. 11). The purpose and intent of the commercial land
use designation is to provide for a full range and wide variety of retail commercial stores
and service establishments that are not dependent on marketing and trading area support
solely within the corporate boundaries of the City but also rely on consumer purchasing
power outside the established community (See Ex. 10, 29). The Apartments do not meet
the purposes and intent of the commercial land use designation and their reconstruction
would be detrimental to the general welfare of persons residing or working in the
surrounding neighborhoods.
There no longer exists a zone in which the existing nonconforming use is permitted.

**Conclusion:**

It is recommended that the City Council consider the evidence and uphold the Planning Commission’s determination that:

- The Apartments are destroyed to the extent of more than fifty percent (50%) of their value, such that Section 18.54.080 of the Code justifies terminating their legal nonconforming status;
- The Apartments ceased operating after their evacuation in or about January 2015, such that Section 18.54.081 of the Code justifies terminating its legal nonconforming status;
- The nonconforming Apartments may be abated and their use terminated upon the expiration of the applicable amortization period indicated in Section 18.54.070, subdivision H of the Code;
- The reconstruction, restoration, or rebuilding of the Apartments at their current/prior density will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood (Gov. Code 65852.25); and
- The existing nonconforming use of the Apartments would be more appropriately moved to a zone in which the use is permitted, or there no longer exists a zone in which the existing nonconforming use is permitted (Gov. Code 65852.25).

Steve Carmona

SC:JG:smc

Enclosure: 1) Compendium of Exhibits
BEFORE THE PLANNING COMMISSION OF THE
CITY OF PICO RIVERA

In the Matter of:
TERMINATION OF NONCONFORMING STRUCTURE AND USE AT 8615 WHITTIER BOULEVARD, PICO RIVERA, CALIFORNIA (FORMER WHITTER MANOR APARTMENTS)

CITY OF PICO RIVERA’S COMPENDIUM OF EXHIBITS

Hearing:
Date: December 18, 2017
Time: 4:00 p.m.

<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Document</th>
<th>Page No.</th>
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<tbody>
<tr>
<td>1</td>
<td>Building Permit for construction of a motel on the property located at 8615 Whittier Boulevard (Assessor Parcel Nos. 6373-018-005 and 6373-018-008, the “Property”) in the City of Pico Rivera (the “City”) dated 1965</td>
<td>1</td>
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<td>2</td>
<td>Certificate of Use and Occupancy for New Structure of Building named “The Carlton” on the Property dated May 18, 1965</td>
<td>6</td>
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<tr>
<td>3</td>
<td>Special Request for Services dated January 3, 1973 and September 15, 1976 for an apartment complex (the “Apartments”) located on the Property</td>
<td>9</td>
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<td>4</td>
<td>Building Permit to repair fire damages at the Apartments dated April 6, 1978</td>
<td>11</td>
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<td>Exhibit</td>
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<td>5.</td>
<td>City Ordinance No. 765 Revising Various Sections of Title 18, the</td>
<td>13</td>
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<td>Zoning Code, of the City with Respect to Regulation of Such Matters as</td>
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<td>an Amortization Schedule</td>
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<td>6.</td>
<td>Assessor’s Map of the Property dated 1986</td>
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<td>18 “The Zoning Ordinance of the City of Pico Rivera Municipal Code,”</td>
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<td>adopted February 1, 1993.</td>
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<td>Ordinance No. 834 Amending and Revising Various Sections of the Title</td>
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<td>18 “The Zoning Ordinance of the City of Pico Rivera Municipal Code,”</td>
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<td>9.</td>
<td>Ordinance No. 840 of the City Council of the City Amending Section 18.08.</td>
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<td>08.060 and 18.66.040 of the Pico Rivera Municipal Code (“PRMC” or the</td>
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<td>“Code”) by Adoption of a New Zoning Map for the Corporate Limits of the</td>
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<td>10.</td>
<td>Pico Rivera General Plan Excerpt, Table I-2, General Plan Land Use</td>
<td>101</td>
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<tr>
<td></td>
<td>Designations and Zoning Consistency Matrix</td>
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<td>11.</td>
<td>Pico Rivera General Plan Land Use and Zoning Atlas</td>
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<td>12.</td>
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<td>of the Environmental Impact Report for the Pico Rivera General Plan</td>
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<td>13.</td>
<td>November 16, 1999 Notice of Violation to Excel Residential Services Re:</td>
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<td>8615 Whitter Boulevard, Pico Rivera, CA 90660 Assessor Parcel Number</td>
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<td>14.</td>
<td>November 30, 1999 Second Notice of Violation to Excel Residential</td>
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<td>Parcel Number 6373-018-005</td>
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<td>15.</td>
<td>December 6, 1999 Notice to Commonwealth Manor, Inc. Re: 8615 Whitter</td>
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<td>Boulevard, Unit 201, Pico Rivera, CA 90660 Assessor Parcel Number</td>
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<td>6373-018-005</td>
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<td>Boulevard, Unit 105, 201 and Premises, Pico Rivera, CA 90660 Assessor</td>
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<td>Parcel Number 6373-018-005</td>
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<td>17.</td>
<td>February 24, 2000 letter to Commonwealth Manor, Inc. Re: 8615 Whitter</td>
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<td>Boulevard, Unit 105, 201, 204, 240 and 241, Pico Rivera, CA 90660</td>
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<td>18.</td>
<td>March 29, 2000 letter to Commonwealth Manor, Inc.</td>
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<td>19.</td>
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<td>20.</td>
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<td>29.</td>
<td>General Plan Update, Land Use Element, October 2014</td>
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<td>31.</td>
<td>Notice: Unsafe, Do not Enter or Occupy, By Order of the City of Pico Rivera, Building Division dated December 31, 2014</td>
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<td>32.</td>
<td>Notice Re: Electricity and Water Shut Off – “Dear Residents, Please be advised that the electricity and water would be off JANUARY 8TH 2015 FOR SAFETY PURPOSES, it will be off indefinitely. LW Home, LLC”</td>
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<td>34.</td>
<td>Letter dated March 3, 2015 from David Wallach REA, CMR to LW Home LLC Re: 8615 Whitter Boulevard, Pico Rivera-Walkways</td>
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<td>36.</td>
<td>Expired Building Permit Application dated March 17, 2015 for Exploratory Demolition on the Property</td>
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<td>37.</td>
<td>Letter from David Morse &amp; Associates to the City dated May 26, 2015 Re: Claim # PR14100525 (Insured: LW Home LLC)</td>
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APPLICATION FOR A
BUILDING PERMIT
CITY OF PICO RIVERA, CALIFORNIA

TRACRO TRACTOR STATE IC NO.

MAILING ADDRESS

DESCRIPTION OF WORK

FLOOR AREA

NOTE: Provide Plot Plans on Both Sides of Original Copy Only

VALUATION Note: Islanda Labor, Inc.,
Writing, Plans, Drafts, etc.

$24,872

INFORMATION PROVIDED BY BLDG. SECTION

WATER

PLANNING

I have carefully read and understood the above statement and certify that the work to be done hereon has been approved by the Planning Department. The plans and specifications of the building construction will be checked with whether the said work has been done or not. Any violation of the code shall be considered in violation of the said Code of Pico Rivera. In case of violation or other breaches of any building or conducted by the owner, the owner shall be held liable for any damage or loss that may be caused.
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3


CERTIFICATE OF USE AND OCCUPANCY
FOR NEW STRUCTURE OR BUILDING
CITY OF PICO RIVERA

Name
The Carlton

Use & Occupancy Address
8615 Whittier Blvd, #1

Use Motel
Occupancy H
Type Bldg. V-1


JOHN F. LAWSON, Jr., Director
Dept. of Building and Planning

(ORDINANCE NO. 238 REQUIRES THAT THIS CERTIFICATE BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES AND SHALL NOT BE REMOVED EXCEPT BY THE DIRECTOR OF BUILDING & PLANNING.)
CERTIFICATE OF USE AND OCCUPANCY
FOR NEW STRUCTURE OR BUILDING
CITY OF PICO RIVERA

Name: The Carlton
Use & Occupancy Address: 8615 Whittier Blvd. #4

Use: Hotel
Occupancy: H
Type Bldg.: V-1

This certifies that so far as ascertained by or made known to the below named party, the building at the above address complies with the applicable requirements of the housing code, all building, plumbing and electrical ordinances, the fire prevention code, and the zoning appendix of the Pico Rivera municipal code, and that all floor load and room capacity signs have been installed.

JOHN F. LAWSON, Jr., Director
Dept. of Building and Planning

(Ordinance No. 233 requires that this certificate be posted in a conspicuous place on the premises and shall not be removed except by the Director of Building & Planning.)
CITY OF PICO RIVERA

SPECIAL REQUEST FOR SERVICE

SERVICE REQUESTED

9-15-1976

BY

Richard J. Gannon

1596-7507

7227 S. Greenleaf, Whittier, Cal.

KIND OF SERVICE REQUESTED:

KENNEDY/RAINING ON 2nd FLOOR ATT.

AT: 8615 Whittier Blvd. Pico Rivera

NOTE: VERY LOOSE & DANGEROUS

(Overhanging + Whittier)

LOCATION:

SAME ABOVE

REFERRED FOR ACTION TO:

- PUBLIC WORKS
- TRAFFIC & SAFETY
- POLICE
- FIRE
- HEALTH
- POUND

ACTION TAKEN

Barrier rail in loose - complaint valid

Issued 14 day notice

To repair - not dangerous
to require less time.

9-23-76

CITY USE ONLY

PERSON WHO REQUESTED SERVICE NOTIFIED: YES

NAME: "

Phone No.

Address

KIND OF SERVICE REQUESTED:

8617 & 8615 Whittier have

A DETERIORATED ROCK WALL

BEHIND PROPERTIES WHICH WAS

REQUIRES FOR API DEVELOPMENT

LOCATION:

8615 Whittier

REFERRED FOR ACTION TO:

- PUBLIC WORKS
- TRAFFIC & SAFETY
- POLICE
- FIRE
- HEALTH
- POUND

ACTION TAKEN

Please investigate and

report to me

Two slopes base M/H

corners, Sande eap, missing

cast driveway, hazard

NO VIOLATION, FILE

DATE: 1-3-73

CITY USE ONLY

PERSON WHO REQUESTED SERVICE NOTIFIED: YES

NAME:

Phone No.

Address

KIND OF SERVICE REQUESTED:

8617 & 8615 Whittier have

A DETERIORATED ROCK WALL

BEHIND PROPERTIES WHICH WAS

REQUIRES FOR API DEVELOPMENT

LOCATION:

8615 Whittier

REFERRED FOR ACTION TO:

- PUBLIC WORKS
- TRAFFIC & SAFETY
- POLICE
- FIRE
- HEALTH
- POUND

ACTION TAKEN

Please investigate and

report to me

Two slopes base M/H

corners, Sande eap, missing

cast driveway, hazard

NO VIOLATION, FILE

DATE: 1-3-73
**Building Permit Application**

**Department of Building and Planning**

**City of Pico Rivera**

6515 Passons Boulevard  
Tel: 612-0401

---

**Owner:** George H. & Sara S. Parker  
**Address:** 6515 Passons Boulevard

**Mailing Address:**  
**City:** Montebello  
**Tel:** 726-2075

**Contractor:** SELF WE REF LICENSE

---

**CITY OF PICO RIVERA**

**Address:** 6515 Passons Boulevard  
Tel: 612-0401

---

**NOTES:**

- Approval
- Date
- Signature

---

**IN gravation RECORD**

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</tr>
<tr>
<td>Framing</td>
<td>Roof</td>
</tr>
<tr>
<td>Railing</td>
<td>Structural</td>
</tr>
<tr>
<td>Reinforcing</td>
<td>Stair</td>
</tr>
<tr>
<td>Trenches</td>
<td>Interior</td>
</tr>
<tr>
<td>Forms</td>
<td>Lathing or Gyp. Board</td>
</tr>
<tr>
<td>Interior</td>
<td>Interior</td>
</tr>
<tr>
<td>Lathing</td>
<td>Lathing</td>
</tr>
<tr>
<td>Board</td>
<td>Board</td>
</tr>
<tr>
<td><strong>Type of Work:</strong></td>
<td><strong>Description of Work:</strong></td>
</tr>
<tr>
<td><strong>NEW</strong></td>
<td>Fire Damage Replace</td>
</tr>
<tr>
<td><strong>Add</strong></td>
<td>Two Non Bearing Studs 2½&quot;</td>
</tr>
<tr>
<td><strong>Alter</strong></td>
<td>Replace Drywall Damaged</td>
</tr>
<tr>
<td><strong>Repair</strong></td>
<td>By Needed Checking By Fire Dep</td>
</tr>
<tr>
<td><strong>Demolish</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Description of Work:**

- Fire Damage Replace
- Two Non Bearing Studs 2 1/2"
- Replace Drywall Damaged
- By Needed Checking by Fire Dep

**Use of Existing Structure:** Apartment Bldg.

---

**VALUATION OF TOTAL WORK:** $300.00

---

**SEWER LOCATION**

- Permit Fee: 10.00
- Permit Expires: 10-1-78
- Total Fee: 10.00

---

**SIGNATURE OF PERMITTEE**

---

This is a Building Permit when properly filled out, signed and validated, and is not transferable.

---

**INSPECTION COPY**
ORDINANCE NO. 765

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA AMENDING, REVISIONING AND DELETING VARIOUS SECTIONS OF TITLE 18, THE ZONING CODE, OF THE CITY OF PICO RIVERA WITH RESPECT TO REGULATION OF SUCH MATTERS AS AN AMORTIZATION SCHEDULE, COMPACT PARKING, LARGE/SMALL FAMILY DAY CARE HOMES, TEMPORARY USES, CONSTRUCTION HOURS, LOT COVERAGE, MULTIPLE FAMILY PARKING, CHURCHES, TRADE SCHOOLS, AND OTHER USES AND REGULATIONS AND TO THE CHANGING OF CERTAIN ADMINISTRATIVE PROVISIONS OF THE ZONING CODE.

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 a public hearing before the Planning Commission and the City Council.

SECTION 2. Section 18.04.150 of Chapter 18.04, of the Pico Rivera Municipal Code is hereby amended to read as follows:

18.04.150. "Building Coverage" means that certain portion of land surface which is or MAY be occupied by a building, but excluding roof eaves or cantilevered roof projections which do not extend beyond three (3) feet from a supporting wall or column, and those permitted projections as set forth in Chapter 18.42 of this Title; in addition as balconies, roof decks, patios, swimming pools, and cabanas with protective roof covering and with one side remaining open are defined as part of the outdoor living space. These structures do not count as part of the building coverage. (See Diagram No. No. 3 at end of this Chapter)

SECTION 3. Section 18.04.362 is hereby added to Chapter 18.04 of the Pico Rivera Municipal Code as follows:

18.04.362. "Family Day Care Home" means a home which regularly provides care, protection, and supervision of 12 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away and includes the following:

1) "Large family day care home" which means a home which provides family day care to 7 to 12 children including children who reside at home.
Ordinance No. 765
Zoning Ordinance/Amendment

2) "Small family day care home" which means a home which provides family day care to six (6) or fewer children including children who reside at home.

SECTION 4. Section 18.04.380 of Chapter 18.04 of the Pico Rivera Municipal Code is hereby amended to read as follows:

18.04.380. "Floor Area," GROSS means the total space in a building enclosed by exterior walls.

SECTION 5. Sections 18.04.381 and 18.04.411 are hereby added to Chapter 18.04 of the Pico Rivera Municipal Code as follows:

18.04.381. "Floor Area," NET means the total space in a building enclosed by exterior walls, excluding the exterior walls, stairwells, elevator shafts, equipment rooms, utility rooms, common hallways, restrooms and other similar areas as determined by the Zoning Administrator.

18.04.411 "Garage Sale/Yard Sale" means any sale held for the purpose of selling, trading or otherwise disposing of unwanted, used household furnishings personal goods or other tangible properties of the person holding such sale and conducted on premises in a residential zone.

SECTION 6. Section 18.04.490 of Chapter 18.40 of the Pico Rivera Municipal Code is hereby amended to read as follows:

18.04.490. "Lot Area" means the net total ground surface area of land or property within the boundary lines of lot exclusive of any casement or other conveyances to a public agency for such purposes as, but not limited to, streets and alleys, parks, flood control rights-of-way, electrical transmission facilities, railroad right-of-way, and any other similar purposes controlled by a public or governmental agency. Whenever the term "gross lot area or acre of land" is used in the PUD Zone provisions, such term shall mean the same as herein provided, but may include the required open space land for the purposes of calculations only.

total area within the lot lines of a lot, excluding any streets, rights-of-way. (See Diagram No. 5 at end of this Chapter).
SECTION 7. Section 18.04.611 and 18.04.612 are hereby added to Chapter 18.04 of the Pico Rivera Municipal Code as follows:

18.04.611 "Nurseries, Landscape Plant Material Only" means those plant nurseries which are primarily retail in character, but allowing associated wholesale and growing operations which are clearly subordinate to the primary use. In no case shall the wholesale or growing operations encompass more than 30% of the gross lot area of nursery use.

18.04.612 "Nurseries, Wholesale" means a use for the growing and raising of plants for wholesaling purposes only with no retail sales of plant materials allowed except as permitted by Chapter 18.61, Temporary Uses.

SECTION 8. Section 18.04.615 of Chapter 18.04 of the Pico Rivera Municipal Code is hereby amended to read as follows:

18.04.615. "Outdoor Living Space" means any usable area designed and/or to be used for outdoor living recreation or landscaping which SHALL be unobstructed and unoccupied from the ground upward to the sky except for landscape materials. In addition thereof, outdoor living space MAY include an unenclosed balcony, roof deck, patio, swimming pool and open cabana in single family zones may be so included as long as one side of the structure remains entirely open. Rear and side yard areas located within the space devoted to outdoor living, MAY be included without outdoor living space except where such side and/or rear yard is less than twice the required yard width and except for single family zones where the minimum dimensions of rear and side yard widths necessary to be included in the outdoor living space computation shall be 10 feet regardless of special side or rear yard setback requirements. Driveways, rubbish storage areas, pedestrian access ways to buildings, and off-street parking spaces shall not be considered as outdoor living space except for single family zones where driveways and pedestrian access ways may be included in the outdoor living space computation provided that they are located in the rear of the required front yard setback line.
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Rubbish storage areas may not be included in the computation of outdoor living space.

SECTION 9. Section 18.04.781 is hereby added to Chapter 18.04 of the Pico Rivera Municipal Code as follows:

18.04.781. "Trade Schools" means a business conducted for profit consisting of a place for training and instruction in a specific field, skill, trade or occupation including business colleges, vocational schools, and similar facilities.

SECTION 10. Section 18.32.040j of Chapter 18.32 of the Pico Rivera Zoning Code is hereby amended to read as follows:

18.32.040j. Sign painting, fabrication and repair.

SECTION 11. Section 18.32.061 is hereby added to Chapter 18.32 of the Pico Rivera Municipal Code as follows:

Temporary uses permitted by Chapter 18.61 of Title 18.

SECTION 12. Section 18.40.040A of Chapter 18.40 of the Pico Rivera Municipal Code is hereby amended by adding the following:

Land Use Zone Civic Center

18.40.040A Public Uses

9. Nurseries, wholesale

10. Temporary uses

SECTION 13. Section 18.40.040C.1 of Chapter 18.40 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Land Use Zone C-1 S-E PUD R-M P

18.40.040C.1 Special Uses

1. Churches and related facilities
Ordinance No. 765
Zoning Ordinance/Amendment

SECTION 14. Section 18.40.040C of Chapter 18.40 of the Pico Rivera Municipal Code is hereby amended by adding the following:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zone</th>
<th>R-E</th>
<th>S-F</th>
<th>PUD</th>
<th>R-M</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.40.040C Special Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17. Family day care home</td>
<td></td>
<td>40</td>
<td>40</td>
<td>40</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>18. Garage sales</td>
<td></td>
<td>41</td>
<td>41</td>
<td>41</td>
<td>41</td>
<td></td>
</tr>
<tr>
<td>19. Temporary uses</td>
<td></td>
<td>42</td>
<td>42</td>
<td>42</td>
<td>42</td>
<td></td>
</tr>
</tbody>
</table>

Section 15. Section 18.40.040D18 of Chapter 18.40 of the Pico Rivera Municipal Code is hereby amended to read as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zone</th>
<th>P-A</th>
<th>C-N</th>
<th>C-C</th>
<th>C-G</th>
<th>CPD</th>
<th>C-M</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.40.040D18 Commercial Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18. Clothing &amp; wearing apparel stores of new retail merchandise only.</td>
<td></td>
<td>x</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 16. Section 18.40.040D of Chapter 18.40 of the Pico Rivera Municipal Code is hereby amended by adding the following:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zone</th>
<th>P-A</th>
<th>C-N</th>
<th>C-C</th>
<th>C-G</th>
<th>CPD</th>
<th>C-M</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.40.040D Commercial Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>60. Resthomes</td>
<td></td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>65. Temporary uses</td>
<td></td>
<td>42</td>
<td>42</td>
<td>42</td>
<td>42</td>
<td>42</td>
<td></td>
</tr>
<tr>
<td>66. Trade Schools</td>
<td></td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 17. Section 18.40.040E of Chapter 18.40 of the Pico Rivera Municipal Code is hereby amended to read as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zone</th>
<th>R-D</th>
<th>C-N</th>
<th>I-L</th>
<th>I-G</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.04.040E Industrial Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>28. Sign Shop</td>
<td></td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>29. Nurseries, wholesale</td>
<td></td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30. Temporary uses</td>
<td></td>
<td>42</td>
<td>42</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Ordinance No.765
Zoning Ordinance/Amendment

SECTION 18. Section 18.40.050B Note 28 of Chapter 18.40 of the Pico Rivera Municipal Code is hereby deleted.

SECTION 19. Section 18.40.050B Note 38 of Chapter 18.40, of the Pico Rivera Municipal Code is hereby amended to read:

Note 38. Amateur Radio/Citizen Band Radio Antennas not exceeding the following standards shall be subject to the approval of a Precise Plan of Design.

a) **Number:** No more than one tower utilized as an antenna support structure shall be permitted on a lot or parcel less than 15,000 square feet in size, but in no instance shall there be more than two (2) such towers per lot or parcel.

b) **Height:** The height of an antenna and antenna support structure shall not exceed thirty-eight (38) feet above the maximum height of any building within 50 feet of where said antenna and antenna support structures are affixed to the ground or to any existing structure.

c) **Location:** No antenna or antenna support structure shall be affixed to the ground in any required yard area and no guy-lines shall be anchored within the required front yard or corner side yard. In addition, no portion of an antenna shall extend beyond the property lines and no tower utilized as an antenna support structure shall be located other than to the rear of the main residential building but in no event closer than fifty (50) feet to the front property line.

d) **Appearance:** Towers utilized as antenna support structures shall be maintained in an appropriate manner at all times to minimize the visual impact to the satisfaction of the Zoning Administrator. In addition, wooden utility poles shall not be utilized as antenna support structures.
Ordinance No. 765
Zoning Ordinance/Amendment

e) **Waiver of Standards:** Where a proposed antenna and/or support structure would not meet the standards enumerated above, a variance is required. In granting such variance, the Planning Commission may consider topographic features of the site and surrounding area, lot or parcel configuration and/or any other circumstances or factors deemed relevant by the Commission that make it obviously impractical to require literal compliance with said standards. The burden of proof for any modification shall be borne by the applicant who shall make a clear and convincing demonstration that usable radio or electromagnetic signals cannot be transmitted or received under the limitations of the above standards. In coming to a determination to modify any specific standard and to what extent, the Planning Commission shall consider a modification to the extent to allow reception of usable radio or electromagnetic signals while attempting to mitigate the visual impact of said antenna from adjoining streets and from adjoining residentially zoned properties. In addition, the Planning Commission, at its discretion, shall seek whatever technical advice it deems necessary to review these matters with the cost of such technical advice to be paid by the applicant.

f) **Conformance:** All amateur radio and citizens band antennas and antenna support structures shall comply with the requirements of the Uniform Building Code, as adopted by the City of Pico Rivera. Amateur radio and citizen band antennas and antenna support structures which to not conform to the provisions of this Ordinance and which were constructed and in place prior to September 9, 1987 are declared to be provisionally legal so long as the present owner retains ownership of the property on which they are erected and so long as any license granted by the Federal Communication Commission remains in effect. At such time as the property is sold or where said licenses have lapsed, then any antenna or antenna support structures shall be required to conform with the provisions of this ordinance or to be removed from the property.
Ordinance No. 765
Zoning Ordinance/Amendment

SECTION 20. Section 18.40.050B of Chapter 18.40 of the Pico Rivera Municipal Code is hereby amended by adding Notes 40, 41 and 42 as follows:

Note 40. Large family day care homes shall be subject to the following:

a) All necessary permits from the State Department of Social Services to operate a large family day care home to be obtained.

b) A City Business License must be obtained.

c) Proof of compliance with the standards of the State Fire Marshal to be obtained.

d) The proposed home shall not be located within one thousand feet (1000') of any other large family day care home along the same street.

e) One on-site parking space to be provided for each non-resident employee.

f) An on-site drop-off/pick-up area to be provided.

Note 41. Garage/yard sales shall be subject to the following:

a) That not more than three (3) such sales shall be permitted on any lot during any one 12 month period; and

b) That no such sale shall have a duration in excess of three (3) consecutive calendar days; and

c) That the merchandise offered for sale shall be predominately used household goods belonging to the property owner or occupant; and

d) That no signs shall be erected within any public right-of-way.

Note 42. Temporary Uses permitted by Chapter 18.61 of Title 18.

SECTION 21. Section 18.42.040E1. through 18.42.040E6 of Chapter 18.42, of the Pico Rivera Municipal Code are deleted.
Ordinance No. 765
Zoning Ordinance/Amendment

SECTION 22. Section 18.42.040I of Chapter 18.42 of the Pico Rivera Municipal Code is amended to read as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zone</th>
<th>R-E</th>
<th>S-F</th>
<th>P U D</th>
<th>R-M</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.42.040I Lot Coverage</td>
<td></td>
<td>35%</td>
<td>40%</td>
<td>80%</td>
<td>50%</td>
</tr>
<tr>
<td>Zone&gt;</td>
<td>P-A</td>
<td>C-N</td>
<td>C-C</td>
<td>C-G</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>60%</td>
<td>45%</td>
<td>60%</td>
<td>60%</td>
</tr>
<tr>
<td>Zone&gt;</td>
<td>I-L</td>
<td>I-G</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>60%</td>
<td>80%</td>
<td></td>
<td>(30)</td>
</tr>
<tr>
<td>Lot Area</td>
<td></td>
<td>(30)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 23. Section 18.42.040L of Chapter 18.42 of the Pico Rivera Municipal Code is amended to read as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zone</th>
<th>R-E</th>
<th>S-F</th>
<th>P U D</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.42.040L Other Conditions</td>
<td></td>
<td></td>
<td>(33 thru 39, 47, 49, 50)</td>
<td></td>
</tr>
<tr>
<td>Requirements and Use Limitations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zone&gt;</td>
<td>R-M</td>
<td>P-A</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(33-39, 41, 42)</td>
<td>(33-39, 43, 44)</td>
<td>47,48,50</td>
<td>45,50</td>
</tr>
<tr>
<td>Zone&gt;</td>
<td>C-N</td>
<td>C-C</td>
<td>C-G</td>
<td>I-L</td>
</tr>
<tr>
<td></td>
<td>(33-39, 44, 45, 50)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 24. Section 18.42.050B, Note 15 of Chapter 18.42, of the Pico Rivera Municipal Code is hereby amended to read as follows:

SECTION 18.42.050B15

15. Each dwelling unit shall contain the minimum required enclosed floor area exclusive of garage or carport.

Note 15.a. Each apartment or dwelling unit in a complex developed specifically and exclusively for occupancy by senior citizens and/or physically handicapped persons.
SECTION 25. Section 18.42.050.B16 through 18.42.050B17 of Chapter 18.42, of the Pico Rivera Municipal Code are deleted.

16. In no case shall there be less than an average floor area of 1300 square feet computed from all proposed dwelling units to be developed on the lots created and as shown on the recorded tract map or maps as the ease may be.

17. Each additional bedroom or other rooms which are designed and/or could be utilized for use as a bedroom shall contain not less than square 150 square feet of enclosed floor area.

SECTION 26. Section 18.42.050B, Note 28 of Chapter 18.42 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Note 28. No building or structure shall exceed this maximum building height, except in the case where the architectural design of a roof structure enhances the overall design features, such roof may project above the maximum height not more than six (6) feet. Mechanical equipment, communications antenna or masts, chimneys, plumbing riser pipes, ventilators, and similar such facilities located on or extending above the surface of any roof structure shall not be installed, placed, erected or maintained above the maximum building height permitted except for amateur radio/citizen band radio antenna and antenna support structures which shall be regulated by Section 18.40.050B.38. Any such facilities located on or extending above the roof surface shall be adequately screened and/or so design as to present a monolithic visual appearance of being a part or feature of the building or structure that such facilities are intended to serve.

SECTION 27. Section 18.42.050B, Note 31b of Chapter 18.42 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Note 31b. Accessory building and dwelling or portions thereof may either be attached by means of a common wall or there shall be a distance maintained between such buildings of not less than seven (7) feet with the separation of any roof eaves at least (4) feet.
SECTION 28. Section 18.42.060.B, Note 32f of Chapter 18.42 of the Pico Rivera Municipal Code is hereby amended to read as follows:

32f. Whenever a lot located in this zone abuts a lot in the O-S, R-E, S-F, PUD or R-M zone, a six (6) foot high solid masonry wall shall be constructed, installed and erected from finished grade of the commercial site continuously along all sides and/or rear property lines abutting such O-S, R-E, S-F, PUD or R-M Zoned property, except within any required front yard, in which case such wall shall be incrementally reduced to a height of not more than two and one-half (2 1/2) feet within the front 15 feet of the lot. In all cases, a Building Permit shall be obtained for the design and construction of said wall. If an alley intervenes, said required wall shall be located either on this zoned property contiguous to the alley right-of-way or on the O-S, R-E, S-F, PUD or R-M Zoned property contiguous to the alley right-of-way.
ORDINANCE NO. 765
ZONING ORDINANCE/AMENDMENT

SECTION 29. Section 18.42.050B, Note 34. of Chapter 18.42 of the Pico Rivera Municipal Code is hereby amended by adding to read as follows:

Note 34. Underground Utilities - All utility services and appurtenances, including electrical and communication services, shall be installed and located underground and shall be completely concealed from view. In no case shall there be any new or additional overhead electrical or communication facilities or utility poles placed, installed, or erected in order to provide underground utility service facilities. However, when building permits are issued for remodeling and/or additions, undergrounding shall be required where practical when the valuation of the permit is greater than 50% of the value of the existing structure as determined by the latest assessment rolls of the Los Angeles County Assessor. The practicality of undergrounding shall be determined by the Director of Building and Planning or his designated representative.

SECTION 30. Section 18.42.050, Note 45 of Chapter 18.42 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Note 45. Uses of Land Restricted - Except for off-street parking and loading facilities, every permitted use of land shall be conducted within an entirely enclosed building unless specifically permitted in Section 8208.040D and 18.40.040D and 18.40.040E.

SECTION 31. Sections 18.42.050B, Note 47d and 18.42.050B, Note 47e of Chapter 18.42 of the Pico Rivera Municipal Code are hereby amended to read as follows:

Note 47d. R-M-2000 Zone - Outdoor living space requirements for this zone shall be the same as required for the R-M-3000 Zone except that the required area shall be not less than 450 square feet and the minimum dimension for a common area shall be not less than 25 feet.

Note 47e. R-M-1450 ZONE - Outdoor living space requirements for this Zone shall be the same as required for the R-M-3000 Zone, except that the required area shall be not less than 350 square feet and the minimum dimension for a common area shall be not less than 30 feet.
Ordinance No. 765
Zoning Ordinance/Amendment

SECTION 32. Section 18.42.050B, Note 50 is hereby added to Chapter 18.42 of the Pico Rivera Municipal Code as follows:

Note 50. ALL construction activities on any lot or parcel shall take place only between the hours of 7:00 a.m. and 7:00 p.m., except for purposes of emergencies.

SECTION 33. Section 18.44.040A2a of Chapter 18.44 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Land Use R-E, S-F & PUD Zone R-M Zone
A. Residential Uses (1)
2a. Multiple Family
   - One (1) parking space in a garage or carport and one half (1/2) open parking space for each dwelling unit.
   - Two (2) parking spaces in a garage or carport for each dwelling unit.

SECTION 34. Section 18.44.040A3a of Chapter 18.44 of the Pico Rivera Municipal Code is hereby amended to read as follows:

3. Other Uses Permitted in Residential Zones
   a. Child Care
      - Centers, Day Nurseries and other similar uses.
      - One (1) open parking space for each 300 sq. feet of gross not building floor area or for each ten (10) children the family is designated and/or licensed for, whichever is greater.

SECTION 35. Section 18.44.040A4 of Chapter 18.44 of the Pico Rivera Municipal Code is hereby amended to read as follows:

4. Other applicable regulations governing off-street parking requirements (1,2-a,3,4, thru 10, 12 thru 20,23)
**SECTION 36.** Section 18.44.040B1 of Chapter 18.44 of the Pico Rivera Municipal Code is hereby amended to read as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>P-A Zone</th>
<th>C-N Zone</th>
<th>C-M Zone</th>
<th>CC, CG, CPD Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Commercial Uses</td>
<td>Parking Spaces and/or Facilities Required</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. All retail stores and other uses except as provided elsewhere in this Section.</td>
<td>One (1) open parking space for each 250 square feet of gross net building floor area.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**SECTION 37.** Section 18.44.040B5 of Chapter 18.44 of the Pico Rivera Municipal Code is hereby amended to read as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>P-A Zone</th>
<th>C-N Zone</th>
<th>C-M Zone</th>
<th>CC, CG, CPD Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Commercial Uses</td>
<td>Parking Spaces and/or Facilities Required</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Other applicable regulations governing off-street parking and loading requirements.</td>
<td>(1, 2-b, 2-o.3 thru 5, 9-a, 10 thru 22, 23)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**SECTION 38.** Section 18.44.040C of Chapter 18.44 of the Pico Rivera Municipal Code is hereby amended to read as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>R-D Zone</th>
<th>I-L, I-G Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>C. Industrial Uses</td>
<td>Parking Spaces and/or Facilities Required</td>
<td></td>
</tr>
<tr>
<td>1. All types of Industrial uses.</td>
<td>Sufficient facilities shall be provided but in no case shall there be less than one (1) open parking space for each 600 sq. ft. of gross building floor area. (22, 23)</td>
<td>Sufficient facilities shall be provided but in no case shall there be less than one (1) open parking space for each 1,000 sq. ft. of gross net building floor area. (22, 23)</td>
</tr>
</tbody>
</table>
Ordinance No. 765
Zoning Ordinance/Amendment

<table>
<thead>
<tr>
<th>Land Use</th>
<th>R-D Zone</th>
<th>I-L, I-G Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>C. Industrial Uses</td>
<td></td>
<td>Parking Spaces and/or Facilities Required</td>
</tr>
</tbody>
</table>

2. Other applicable regulations (1, 2-b, 2-c, 3 thru 6, 9-a, 10 thru 22, 23) governing off-street parking requirements:

SECTION 39. Section 18.44.050B. Note 9 of Chapter 18.44 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.44.050B

Note 9. Size and Access – The following provisions governing the Size and Access of all off-street parking facilities shall apply.

a. Each open off-street parking space shall have a minimum width of not less than nine (9) feet and a minimum length of not less than 20 feet. The Access to such open off-street parking space shall be as specified in the Parking Standards Diagram for Note B21, of 18.44.050, following Note B21 of this Section.

b. Each off-street parking space in a garage or carport shall have a minimum width of not less than ten (10) nine (9) feet and a minimum length of not less than 20 feet. All carports shall have not less than 160 cubic feet of enclosed storage space for each off-street parking space therein. Access to each such parking space shall be provided with a paved driveway having a minimum width of not less than nine (9) feet except as follows:

1. A two-way driveway serving more than two (2) dwelling units shall have a minimum width of not less than 20 feet.

2. All driveways shall be unencumbered from the pavement upward.
Ordinance No. 765  
Zoning Ordinance/Amendment

SECTION 40. Section 18.44.050B, Note 13 of Chapter 18.44 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.44.050B

Note 13. Surfacing and Drainage - All paved-parking areas shall be surfaced off-street parking areas used by motor vehicles shall be paved and maintained with an impervious material so as to eliminate dust or mud and shall be graded and drained so as to dispose of all surface water. Drainage shall be taken to the curb or gutter and away from adjoining property. In no case shall such drainage be allowed across the surface of a public sidewalk. The paving required above may be waived by the Zoning Administrator through the approval of a Precise Plan of Design as allowed Chapter 18.48.

SECTION 41. Section 18.44.050B, Note 23 is hereby added to Chapter 18.48 of the Pico Rivera Municipal Code as follows:

Note 23. Compact Parking Spaces - Whenever compact parking is proposed, it shall be subject to the following:

a. Compact parking stalls shall measure as a minimum 7.5 feet x 15 feet.

b. Maximum percentage of allowed compact parking shall not exceed 25% of the required parking for commercial and industrial uses.

c. No compact parking allowed for residential uses unless assigned to specific residents and not to exceed 25% of the required residential parking.

d. Back-up distances and aisle width to be the same as that required for standard stalls.

e. Identify compact spaces by signs or other markings be approved by the Zoning Administrator.

SECTION 42. Section 18.46.050E of Chapter 18.48 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.46.050E

E. Permitted Signs and Advertising Regulations
SECTİON 43. Section 18.46.050F of Chapter 18.46 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.46.050F

F. Permitted Signs and C-C, C-G and C-M Zones
Advertising Regulations

SECTİON 44. Section 18.46.060B, Note 8 of Chapter 18.46 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Note 8. Promotional advertising as specified in Section 18.46.040 may be permitted in the C-C and C-G Zones, provided, however, that a Promotional Advertising Permit shall be obtained from the Zoning Administrator for which there shall be a permit issuance fee of $26.00 and cash bond in the amount of $300.00 in amounts established by a Resolution of the City Council posted with the City of Pico Rivera to guarantee the removal of such promotional advertising upon termination of the permit time period, and executed right of entry to the City by the owner. No Promotional Advertising Permit shall be issued for a period of time exceeding thirty consecutive days nor shall a Promotional Advertising Permit be issued for more than three (3) separate times during any one calendar year to the same business, permittee, or for the same location.

SECTİON 45. Section 18.48.040 of Chapter 18.48 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.48.040.

A. Whenever any proposed development is subject to the provisions of this Chapter, the legal owner of property upon which such development is proposed to be located shall file with the Zoning Administrator an application and fee in the amount established by a Resolution of the City Council for Precise Plan of Design approval, verified by said owner on forms prescribed by the Zoning Administrator.

B. The application shall set forth and include such information as the zoning administrator may require, and each such application shall be accompanied by seven (7) copies of a proposed precise plan of design and include the following information:
Ordinance No. 765
Zoning Ordinance/Amendment

SECTION 46. Section 18.06.030B-2 of Chapter 18.06 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.06.030B-2

2. Zoning Permits and Entitlements - No Zoning Permits and/or other entitlements relative thereto shall take effect until a fee in an amount established by a Resolution of the City Council has been paid and until such permits or entitlements have first been granted, issued or otherwise approved by the Zoning Administrator.

SECTION 47. Section 18.06.110A of Chapter 18.06 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.50.110A

A. Application and Interpretations - Whenever, during the course of administration and enforcement of this Division, an ambiguity arises concerning the content of this Zoning Code or the appropriate Zone Classification for a particular use of land, or an ambiguity arises or exists with respect to matters of Zone boundary locations or unforeseen circumstances, including technological changes in processing and manufacturing of materials, any person, firm or corporation may file an Application for Interpretation of Ambiguity with fees in an amount established by a Resolution of the City Council with the Zoning Administrator to ascertain all pertinent facts and shall set forth his findings and interpretations by formal Declaration.

SECTION 48. Section 18.50.090 of Chapter 18.50 of the Pico Rivera Municipal Code is hereby amended by adding the following:

Section 18.50.090

D. Bees. No person shall keep or maintain, or allow to be kept or maintained, upon premises owned or controlled by him or it, in the City of Pico Rivera, a hive of bees. This provision shall not apply to the keeping of bees within an educational institution for study or observation, or within a physician's office or laboratory for medical research, treatment, or other scientific purposes, provided they are not permitted to fly at large.

E. Or any other animals, poultry, or fowl not specifically provided in this Chapter.

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Ordinance No.765
Zoning Ordinance/Amendment

SECTION 49. Section 18.54.070 of Chapter 18.54 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.54.070. Termination - By Operation of Law

A. The nonconforming use of land shall be abated and usage thereof shall be terminated upon the expiration of the periods of time hereinafter set forth in this Subsection. Said periods of time shall be deemed to commence to run as of the effective date of this Section or the date that such nonconforming use of land first became nonconforming by reason of application of this Zoning Code thereto, whichever occurs later.

B. Nonconforming Adult Establishments, Businesses or Other Adult Uses - Discontinuance Required Within Three Years - Notwithstanding other provisions of this code, within three years after the effective date of those Sections of the Pico Rivera Municipal Code relating to land uses characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" shall be discontinued or shall be brought into full compliance with local regulations.

C. Where the property is unimproved, including, but not limited to, areas used for vehicle off-street parking facilities, one (1) year.

D. Where the property is unimproved except for structures of a type for which the Building Code does not require a building permit, three (3) years.

E. Where the property is unimproved except for a structure which contains less than one hundred (100) square feet of gross floor area, three (3) years.

F. A non-conforming use housed in a non-conforming building as set forth by Subsection H or change of use, whichever comes first.

G. A non-conforming use of a conforming building or structure, ten (10) years or change of use, whichever comes first.
Ordinance No. 765
Zoning Ordinance/Amendment

H. Termination of Non-conforming Buildings or Structures by Operation of Law. Non-conforming buildings or structures shall be abated and usage thereof shall be terminated upon the expiration of the period of time indicated hereafter:

1. Type IV and Type V buildings (light in-combustible frame and wood frame) thirty-five (35) years.

2. Type III building (heavy timber construction and ordinary masonry) forty (40) years.

3. Type I and Type II buildings (fire resistive) fifty (50) years.

SECTION 50. Section 18.54.081 is hereby added to Chapter 18.54 of the Pico Rivera Municipal Code as follows:

Section 18.54.081 Termination - By Abandonment

Any nonconforming use of land shall be terminated if it ceases such use for a continuous period of six (6) months and any subsequent uses shall comply fully with the provisions of this Division.

SECTION 51. Section 18.54.130E of Chapter 18.54 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.54.130E

e. Announcement of Findings, Notice, Finality and Decisions - 1. The Planning Commission shall announce its findings and decisions by formal written Resolution within ten (10) forty (40) days after conclusion of the public hearing. Said Resolution shall recite and set forth, among other things, the findings of fact, reasons, conditions, determinations, and other matters which, in the opinion of the Planning Commission, make the termination of a nonconforming use necessary and shall order same.

2. The Planning Commission shall forthwith give the owner, lessee, or other person having a vested interest therein, and the Zoning Administrator written notice of its actions and decisions together with a copy of the Notice of Termination of nonconforming use and such resolution.
Ordinance No. 765
Zoning Ordinance/Amdendment

3. The actions and decisions of the Planning Commission shall be final and conclusive unless otherwise appealed as provided for in Chapter 18.64 of this Title.

SECTION 52. Section 18.52.050 of Chapter 18.52 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.52.050 Permit - Application, Fee and Conditions

A. Any owner or occupant of a single family residence located only in the R-E, S-F, PUD or R-M Zone may file with the Zoning Administrator an application for Home Occupation Permit, verified by said owner or occupant on forms prescribed by the Zoning Administrator, accompanied by a permit application fee of twenty-five dollars ($25.00) in an amount established by a Resolution of the City Council. The application shall set forth and include any information as the Zoning Administrator may require.

B. Issuance of a Home Occupation Permit shall not become effective unless and/or until a Business License has been obtained therefore, and no Business License shall be issued by the City Clerk until documentary evidence of the issuance of a Home Occupation Permit has first been shown.

SECTION 53. Section 18.58.050 of Chapter 18.52 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.58.050 Application and Fees.

Whenever any person, firm, or corporation desires to move any building or structure or part or portion thereof and to relocate same on any real property in the City, other than where same was originally located, the owner of said real property shall file with the Zoning Administrator an Application for Relocation Permit, verified by said owner on forms prescribed by the Zoning Administrator, accompanied by an application filing fee of one hundred dollars ($100.00) in an amount established by a Resolution of the City Council. The application shall set forth and include such information as the Zoning Administrator may require.
Ordinance No. 765
Zoning Ordinance Amendment

SECTION 54. Section 18.60.090 of Chapter 18.60 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.60.090. Application and Fees.

Any owner of property who can show and support the requirements for qualification may file with the Zoning Administrator an application for approval of a Variance Permit, verified by said owner on forms prescribed by the Zoning Administrator, accompanied by an application filing fee of one hundred dollars ($100.00) plus ten dollars ($10.00) for each lot more than one that is included in the application, in an amount established by a Resolution of the City Council. The application shall set forth and include such information as the Zoning Administrator may require.

SECTION 55. Section 18.60.120B of Chapter 18.60 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.60.120B. Announcement of Findings, Notice, Finality, and Decisions.

B. The Planning Commission shall announce its findings and decisions by formal written Resolution within ten (10) forty (40) days after conclusion of the public hearing. Such Resolution shall recite and set forth, among other things, the findings of fact, reasons, conditions, determinations, and other matters which, in the opinion of the Planning Commission, make the approval, conditional approval, or denial of the application considered necessary to carry out the general purpose and provisions of this Title, and shall approve, conditionally approve, or deny same. The Planning Commission shall forthwith give the owner, applicant, and/or any other persons connected with or having an interest in the application, including other City Departments and agencies, written notice of its actions and decisions together with a copy of said Resolution. The actions and decisions of the Planning Commission shall be final and conclusive unless otherwise appealed as provided for in Chapter 18.64 of this Title.
Ordinance No. 765
Zoning Ordinance/Amendment

SECTION 56. Section 18.60.140 of Chapter 18.60 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.60.140. Application and Fees.

Any owner of property who can show and support the requirements for qualification, as hereinabove set forth in Section 18.60.060, and who qualified for a minor variance permit as hereinafter provided, may file with the Zoning Administrator an application for approval of a Minor Variance Permit, verified by said owner on forms prescribed by the Zoning Administrator, accompanied by an application filing fee of fifty dollars ($50.00) plus ten ($10.00) dollars for each lot more than one that is included in the application in an amount established by a Resolution of the City Council. The application shall set forth and include such information as the Zoning Administrator may require.

SECTION 57. Section 18.60.160 of Chapter 18.60 is hereby deleted.

Section 18.60.140—HARDSHIP REMEDY AUTHORITY.

The zoning administrator remedy is established to expedite and relieve, in the public interest, hardships created by minor modifications of lot coverage required by Section 18.42.040 (S-F zone) of this title within the limits established below.

A. Development of any lot within the S-F zone with an existing residential structure shall not exceed the thirty-five percent maximum amount of aggregate total building coverage, except the zoning administrator may permit minor modification of the maximum permitted lot coverage not to exceed forty percent of aggregate total building coverage of lot areas within the S-F zone upon making findings that applicant has met the requirements for qualification set forth in Section 18.60.050.

B. The decision of the zoning administrator shall be final and conclusive unless appealed as provided for in Chapter 18.64 of this title.

C. Lot area coverages exceeding forty percent within the S-F zone shall be subject to Article III of this chapter on minor variance permit procedures, or the variance procedure of this chapter.
SECTION 58. Section 18.56.080A of Chapter 18.56 of the Pico Rivera Municipal Code is hereby amended to read:

Section 18.56.080A.

A. Application and Fees. Whenever a use of land is subject to the provisions of this Chapter, the owner of the property upon which such use of land is proposed to be located shall file with the Zoning Administrator an application for approval of a Conditional Use Permit, verified by said owner on forms prescribed by the Zoning Administrator, accompanied by an application filing fee of two hundred dollars ($200.00) plus ten dollars ($10.00) for each lot more than one that is included in the application, in an amount established by a Resolution of the City Council. The application shall set forth and include any information as the Zoning Administrator may require.

SECTION 59. Section 18.56.080C-6 of Chapter 18.56 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.56.080C-6.

6. Announcement of Findings, Notice, Finality, and Decisions. The Planning Commission shall announce its findings and decisions by formal written Resolution within ten (10) forty (40) days after conclusion of the public hearing. Such Resolution shall recite and set forth, among other things, the findings of fact, reasons, conditions, determinations, and other matters which, in the opinion of the Planning Commission, makes the approval, conditional approval, or denial of the application considered necessary to carry out the general purpose and provisions of this Division, and shall approve, conditionally approve, or deny same. The Planning Commission shall forthwith give the owner, applicant, and/or any other person connected with or having an interest in the application, including other City Departments and Agencies, written notice of its actions and decisions together with a copy of said Resolution. The actions and decisions of the Planning Commission shall be final and conclusive unless otherwise appealed as provided for in Chapter 18.64 of this Title.
Ordinance No. 765
Zoning Ordinance/Amendment

SECTION 60. Section 18.56.100A of Chapter 18.56 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.56.100A

A. Application for Permit - Fees. Any owner of property for which a Conditional Use Permit has been issued and is currently in effect, and who is desirous of a minor modification thereof, may file with the Zoning Administrator an application for approval of a Conditional Use Permit - Minor Modification, verified by said owner on forms prescribed by the Zoning Administrator, accompanied by an application filing fee of fifty dollars ($50.00) plus ten dollars ($10.00) for each lot more than one that is included in the application—In an amount established by a Resolution of the City Council. The application shall set forth and include any information as the Zoning Administrator may require.

SECTION 61. Chapter 18.61 is hereby added to Title 18 of the Pico Rivera Municipal Code as follows:

Section 18.61.010. Intent and Purpose. A temporary use permit is intended to allow for the short-term placement of activities in temporary facilities or outside of buildings. These activities shall be regulated so as to avoid incompatibility between such uses and surrounding areas.

Section 18.61.020. Requirement for a Temporary Use. A temporary use permit shall be required for all uses listed in this Chapter and also as set forth in Chapter 18.40, Land Use Regulations of this Title and shall be approved by the Zoning Administrator prior to the commencement of the use. A public hearing shall not be required for the issuance of a temporary use permit; however, temporary uses may be subject to additional permits, other applicable approvals and licenses and inspections as required by law or regulation.

Section 18.61-030. Application for Permit, Fees, and Licensing. Whenever temporary use of land is subject to the provisions of this Section, the owner of the property upon which such use of land is proposed to be located shall file with the Zoning Administrator an application for approval of a temporary use permit on forms prescribed by the Zoning Administrator accompanied by an application filing fee in an amount established by Resolution of the City Council.
The application shall set forth and include any information as the Zoning Administrator may require including that if the applicant is not the owner of the property upon which such use of land is proposed, he/she shall submit written authorization from the property owner to make such application. Issuance of a temporary Use Permit shall not become effective unless and/or until a business license has been obtained. Therefore, no business license shall be issued by the Director of Finance until documentary evidence of the issuance of a Temporary Use Permit has first been shown.

Section 18.61.040. Permitted Uses. A temporary use permit may be issued by the Zoning Administrator for the following uses:

A. Christmas tree/Pumpkin Patch Sales Lots - permitted on a temporary basis for a maximum of 30 days in the CPD, C-G, C-M and I-L zones. Also permitted in the R-E and S-F zones if operated by a community or non-profit group.

B. Circuses and Carnivals - if sponsored by a community or non-profit organization.

C. Fairs, festivals and concerts - when not held within the premises designed to accommodate such events, such as auditoriums, stadiums or other public assembly facilities.

D. Fund raising event - sponsored by a community or non-profit organization.

E. Modular/Trailer Units - Permitted only in Industrial Zones provided that a permanent primary structure is on the premises and prohibited in all other zones except as an office trailer used during construction. This restriction shall not apply to modular/trailer units for government agencies which shall be permitted regardless of the specific zone.
Ordinance No. 765
Zoning Ordinance/Amendment

Permitted modular/trailer units, except for office trailers used during on-site construction, shall be subject to the following review criteria:

1) One year temporary grant.

2) One year maximum extension.

3) Approval of a Conditional Use Permit required if in place for more than two (2) years.
4) Located out of setback areas and not visible from the street.

5) Temporary electrical power to terminate with term of grant.

6) Skirting to be provided and wheel bases to be dismantled.

7) Building Code installation requirements and Title 24 State Handicap requirements to be met.

8) Limited to one (1) unit per parcel less than two acres.
   Limited to one (1) unit per acre per parcel greater than two acres.

9) Modular office to be State licensed and specifically design for office use.

10) Upon termination of the grant, unit to be removed from the premises requiring a two (2) year waiting period for subsequent request.

11) Certification from School District required.

12) 24-hour occupancy is prohibited.

F. Movie production.

G. On and off-site contractor's construction yard related to an active construction project.

H. Outdoor religious activity.
Ordinance No. 765
Zoning Ordinance/Amendment

I. Promotional sales - Temporary outdoor display/sales of merchandise permitted in any commercial zone, provided that there shall be no more than three (3) such displays/sales in any one 12-month period and are not conducted for a period of more than four (4) consecutive days; that such merchandise is customarily sold on the premises, and that such premises are utilized for a permanently established business. Besides the fee required for a Temporary Use Permit, a cash bond in an amount established by Resolution of the City Council shall be posted with the City of Pico Rivera to guarantee the removal of all merchandise.

J. Real estate sales office in conjunction with new residential development.

K. Similar temporary uses - which in the opinion of the Zoning Administrator are compatible with the zone and surrounding land uses.

Section 18.61.050. Determination. Prior to the granting of any temporary use permit, the Zoning Administrator shall first determine whether the application therefor meets the requirements for such and shall consider the following:

A. That the operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare;

B. That the proposed site is adequate in size and shape to accommodate the temporary use;

C. That the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate;

D. That adequate temporary parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at alternate locations acceptable to the Zoning Administrator;
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E. That the use would not jeopardize the public peace, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

Section 18.01.060. Conditions of Approval. In approving an application for a temporary use permit, the Zoning Administrator shall impose such conditions as are deemed necessary to ensure that the permit could be in accord with the above findings. These conditions will involve any pertinent factors affecting the operation of the temporary use and will include but are not limited to:

A. Provision of temporary parking facilities, including vehicular access;

B. Regulation of nuisance factors such as, but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, odors, gases, and heat.

C. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;

D. Provision of sanitary and medical facilities;

E. Provision of solid waste collection and disposal;

F. Provision of security and safety measures;

G. Regulation of signs;

H. Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested;

I. Submission of a performance bond or other surety device to ensure that any temporary facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition with no trash or debris remaining in the surrounding area.

J. Submit a site plan indicating any information required by the Zoning Administrator;
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K. The approval of the temporary use permit is contingent upon compliance with applicable provisions of other ordinances;

L. Such other conditions which will ensure the operation of the requested temporary use in an orderly and efficient manner and in accordance with the intent of this ordinance.

Section 18.61.070. Appeal. The actions and decision of the Zoning Administrator shall be final and conclusive unless otherwise appealed as provided for in Chapter 15 of this Division except that the appeal may be filed no more than three (3) days after the decision of the Zoning Administrator.

Section 18.61.080 Revocation. A temporary use permit may be revoked if the Zoning Administrator finds that one or more of the following conditions exists:

A. Circumstances have changed to such a degree that one or more of the findings of fact required above are no longer true; or

B. The temporary use permit was obtained in a fraudulent manner; or

C. One or more conditions of the temporary use permit have not been complied with.

SECTION 62. Section 18.62.070 of Chapter 18.62 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.62.070F

F. Announcement of Planning Commission Findings and Decisions. The Planning Commission shall announce its findings and decisions by formal written Resolution within forty (40) days after conclusion of the public hearing. Such Resolution shall recite and set forth, among other matters, the findings of fact, reasons, and determinations which, in the opinion of the proposed amendment considered necessary to carry out the general purpose and provisions of the General Plan, and shall recommend the approval, conditional approval, or denial of same.
Ordinance No. 765
Zoning Ordinance/Amendment

The Planning Commission, not more than ten (10) days after concluding its public hearing action shall transmit a copy of said Resolution to the City Council.

SECTION 63. Section 18.62.070I of Chapter 18.62 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.62.070I

I. Announcement of Findings, Notice, Finality and Decisions of the City Council. The City Council shall announce its findings and decisions by formal written Resolution within forty (40) days after conclusion of its public hearing, or upon receipt of a Planning Commission report on the matter of referral thereto. Such Resolution shall recite and set forth, among other matters, findings, of fact, reasons and determinations which, in the opinion of the City Council, make approval, conditional approval, or denial of the proposed amendment considered necessary to carry out the general purpose and provisions of the General Plan, and shall approve, conditionally approve, or deny same. The City Council, not more than ten (10) days after concluding its action, shall transmit a copy of said Resolution to the Planning Commission and the actions and decisions of the City Council shall be final and conclusive.

SECTION 64. Section 18.62.130F of Chapter 18.62 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.62.130F

F. Announcement of Planning Commission Findings and Decisions. The Planning Commission shall announce its findings and decisions by formal written Resolution within forty (40) days after conclusion of the public hearing. Such Resolution shall recite and set forth, among other matters, the findings of fact, reasons, and determinations which, in the opinion of the Planning Commission, make approval, conditional approval or denial of the proposed amendment considered necessary to carry out the general purpose and provisions of the Zoning Code, and shall recommend the approval, conditional approval, or denial of same. The Planning Commission, not more than ten (10) days after concluding its public hearing action shall transmit a copy of the Resolution to the City Council.
Ordinance No.765
Zoning Ordinance/Amendment

SECTION 65. Section 18.62.1301 of Chapter 18.62 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.62.1301

I. Announcement of Findings, Notice, Finality and Decisions of City Council - The City Council shall shall its findings and decisions by formal written Resolution within forty (40) days after conclusion of the public hearing, or upon receipt of a Planning Commission report on the matter of referral thereto. Such Resolution shall recite and set forth, among other matters, findings of fact, reasons and determinations which, in the opinion of the City Council, make approval, conditional approval, or denial of the proposed amendment considered necessary to carry out the general purpose and provisions of the Zoning Code and General Plan, and shall approve, conditionally approve, or deny same. The City Council, not more than ten (10) days after concluding its public hearing action, shall transmit a copy of said Resolution to the Planning Commission and applicant, as the case may be, and the actions and decisions of the City Council shall be final and conclusive.

SECTION 66. Section 18.62.200 of Chapter 18.62 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.62.200. Application and Fees.

Any owner of property may file with the Director of Planning an application for Zone Reclassification, verified by such owner on forms prescribed by the Director of Planning, accompanied by an application filing fee of three hundred dollars ($300.00) in an amount established by a Resolution of the City Council. The application shall set forth and include any information as the Director of Planning may require.
SECTION 67. Section 18.62.230F of Chapter 18.62 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.62.230F.

F. Announcement of Planning Commission Findings and Decisions - The Planning Commission shall announce its findings and decisions by formal written Resolution within 45 forty (45) days after conclusion of the public hearing. Such Resolution shall recite and set forth, among other matters, the findings of fact, reasons, and determinations which, in the opinion of the Planning Commission, make approval, conditional approval, or denial of the proposed Zone Reclassification considered necessary to carry out the general purpose and provisions of the Zoning Code and General Plan, and shall recommend the approval, conditional approval, or denial of same. The Planning Commission, not more than ten (10) days after concluding its public hearing action shall transmit a copy of the Resolution to the City council and applicant, as the case may be.

SECTION 68. Section 18.62.230I of Chapter 18.62 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.62.230I

I. Announcement of Findings, Notice, Finality, and Decisions of the City Council. The City Council shall announce its findings and decisions by formal written Resolution within 20 forty (40) days after conclusion of its public hearing or after receipt of a Planning Commission report on the matter of referral thereto. Such Resolution shall recite and set forth, among other matters, findings of fact, reasons, and determinations which, in the opinion of the City Council may make approval, conditional approval, or denial of the proposed Zone Reclassification considered necessary to carry out the general purpose and provisions of the Zoning Code and General Plan, and shall approve, conditionally approve, or deny same. The City Council, not more than ten (10) days after concluding its action, shall transmit a copy of the Resolution to the Planning Commission and applicant, as the case may be, and the actions and decisions of the City Council shall be final and conclusive.
Ordinance No. 765
Zoning Ordinance/Amendment

SECTION 69. Section 18.64.040A of Chapter 18.64 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.64.040A

A. Application and Fees. Any person appealing the decision of the Zoning Administrator shall file with the Director of Building and Planning an application therefor on forms prescribed thereby, accompanied by an application filing fee—of one hundred fifty dollars ($150.00)—in an amount established by a Resolution of the City Council. The application shall set forth and include any information as the Director of Building and Planning may require. Upon the filing of a verified application, the Director of Building and Planning shall transmit said application forthwith to the Planning Commission, and the Planning Commission shall investigate, examine, review, hear testimony from and on behalf of the applicant, and render its findings and decisions on the matter in the same manner as required for a decision to be rendered by the Zoning Administrator. In event the Zoning Administrator was required to hold and conduct a public hearing, so shall the Planning Commission in the same manner required therefor.

SECTION 70. Section 18.64.040B of Chapter 18.64 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.64.040B

B. Announcement of Planning Commission Decisions. The Planning Commission shall announce its decisions by formal written Resolution within ten (10)—forty (40) days after conclusion of its proceedings on the matter. The Resolution shall recite and set forth, among other things, the facts, reasons, and determinations which, in the opinion of the Planning Commission, make upholding or reversing the actions and decisions of the Zoning Administrator considered necessary to assure that due process and justice has been done, and shall uphold or reverse same. The Planning Commission shall forthwith give the applicant, Zoning Administrator, and/or any other persons having a vested interest therein, written notice of its actions and decisions together with a copy of the Resolution.
Ordinance No. 765
Zoning Ordinance/Amendment

SECTION 71. Section 18.64.050A of Chapter 18.64 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.64.050A

A. Applications and Fees. Any person appealing the decision of the Design Review Board shall file with the Director of Building and Planning an application therefor on forms prescribed thereby, accompanied by an application filing fee of two hundred dollars ($200.00) or an amount as established by a Resolution of the City Council. The application shall set forth and include any information as the Director of Building and Planning may require. Upon the filing of a verified application, the Director of Building and Planning shall transmit said application forthwith to the City Council and the City Council shall investigate, examine, review, and render its findings and decisions on the matter in the same manner as required for a decision to be rendered by the Design Review Board. In the event the Design Review Board was required to hold and conduct a public hearing, so shall the City Council in the same manner require therefor.

SECTION 72. Section 18.64.050B of Chapter 18.64 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.64.050B

B. Announcement of City Council Decisions. The City Council shall announce its decisions by formal written Resolution within ten (10) forty (40) days after conclusion of its proceedings on the matter. Said Resolution shall recite and set forth, among other things, the facts, reasons, and determinations which, in the opinion of the City Council make upholding or reversing the actions and decisions of the Design Review Board considered necessary to assure that due process and justice has been done, and shall uphold or reverse same. The City Council shall forthwith give the applicant, Design Review Board, and/or any other persons having a vested interest therein, written notice of together of its actions and decisions together with a copy of the Resolution.
Ordinance No. 765
Zoning Ordinance/Amendment

SECTION 73. Section 18.64.060A of Chapter 18.64 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.64.060A.

A. Application and Fees. Any person appealing the decision of the Planning Commission shall file with the City Clerk an application therefor on forms prescribed thereby, accompanied by an application filing fee of two-hundred-dollars ($200) in an amount established by a Resolution of the City Council. The application shall set forth and include any information as the City Clerk may require. Upon the filing of a verified application, the City Clerk shall transmit said application forthwith to the City Council and the City Council shall investigate, examine, review, and render its findings and decisions on the matter in the same manner as required for a decision to be rendered by the Planning Commission. In event the Planning Commission was required to hold and conduct a public hearing, so shall the City Council in the same manner be required therefor.

SECTION 74. Section 18.64.060B of Chapter 18.64 of the Pico Rivera Municipal Code is hereby amended to read as follows:

Section 18.64.060B

B. Announcement of City Council Decisions. The City Council shall announce its decisions by formal written Resolution within ten (10) forty (40) days after conclusion of its proceedings on the matter. Such Resolution shall recite and set forth, among other things, the facts, reasons, and determinations which, in the opinion of the City Council, make upholding or reversing the actions and decisions of the Planning Commission considered necessary to assure that due process and justice has been done, and shall uphold or reverse same. The City Council shall forthwith give the applicant, Planning Commission and/or any other persons having a vested interest therein, written notice of its actions and decisions together with a copy of the Resolution.

SECTION 75. 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 reason 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.
Ordinance No. 765
Zoning Ordinance/Amendment

SECTION 76. The City Clerk shall certify to the adoption of this ordinance. The City Council hereby finds and determines there are no newspapers of general circulation both published and circulated within the City and, in compliance with Section 36933 of the Government Code, directs the City Clerk to cause said Ordinance, within fifteen (15) days after its passage, to be posted in at least five (5) public places within the City. This ordinance shall take effect on September 20, 1989 except for Sections 44, 45, 46, 47, 52, 53, 54, 56, 58, 60, 66, 69, 71, 73, which shall take effect October 20, 1989.

ADOPTED AND APPROVED this 21st day of August, 1989.

Mayor, John G. Chavez

ATTEST:

Thelma M. Kail
City Clerk, Thelma M. Kail

APPROVED AS TO FORM:

City Attorney, Samuel Siegel

AYES: Gardner, Natividad, Patronite, Chavez
NOES: None
ABSENT: De La Rosa (excused)
ABSTAIN: None

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 a public hearing before both the Planning Commission and the City Council.

Section 2. Section 18.04.477 of Chapter 18.04 is hereby added to read as follows:

18.04.477 Landscaping

A mixture of organic plant elements including any combination of trees, turf, shrubs, vines, groundcover and seasonal color may be planted within the front yard setback area. In addition, landscape treatment may include walkways and lighting.

Hardscape consisting of planting borders, decorative stones, fountains and similar decorative features shall also be permissible, provided that these features are incorporated within the organic plant elements.

Section 3. Section 18.06.060 of Chapter 18.06 is hereby amended to read as follows:

The city clerk Director of Finance shall not issue or authorize the issuance of any business license, business occupation permit or any other permit until approved by the Zoning Administrator.

Section 4. Section 18.06.130 of Chapter 18.06 of the Pico Rivera Municipal Code is hereby amended to read as follows:

18.06.130 Violation-Penalty.

Penalties for any violation of this title shall be as follows:

A. Violation of Zoning Code—Misdemeanor. Any person, firm or corporation violating or failing to comply with any of the provisions of this title or any conditions imposed on discretionary applications shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars or imprisonment in the county jail for a period not to exceed six months, or both such fines and imprisonment. Failure to comply with any of the conditions imposed on discretionary applications shall also be subject to revocation proceedings as set forth in this title.

B. Each Day Considered a Separate Offense and Nuisance. Each day during any portion of which any violation of any provision of this title is committed, continued or permitted by such person, firm or corporation, shall be deemed a separate violation and shall be punishable therefor as provided for in subsection A of this section, and such violation shall constitute a public nuisance. (Prior code §9212.01(D)(2))
Section 5. Table 18.40.040C15 is hereby amended to read as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zone</th>
<th>O-S</th>
<th>Civic Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Public Uses:*</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>1. Educational institutions</td>
<td></td>
<td>1</td>
<td></td>
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<tr>
<td>2. Flood control facilities</td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>3. Off-street parking facilities</td>
<td></td>
<td>1,22</td>
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</tr>
<tr>
<td>4. Parks and playgrounds</td>
<td></td>
<td>2</td>
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<tr>
<td>5. Permanent and interim open spaces</td>
<td></td>
<td>2</td>
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<tr>
<td>6. Public utility facilities and structures</td>
<td></td>
<td>2</td>
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<tr>
<td>7. Recreational facilities</td>
<td></td>
<td>X</td>
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<tr>
<td>8. Riding, hiking and bicycle trails</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>9. Nurseries, wholesale</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>10. Temporary uses</td>
<td></td>
<td>42</td>
<td>42</td>
</tr>
<tr>
<td>*Refer to zoning administrator determinations, on file in planning department.</td>
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</table>

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<thead>
<tr>
<th>Land Use</th>
<th>Zone</th>
<th>B-E</th>
<th>S-F</th>
<th>PUD</th>
<th>R-M</th>
<th>P</th>
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</thead>
<tbody>
<tr>
<td>B. Residential Uses:*</td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>1. Accessory buildings and uses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
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<tr>
<td>2. Animals, poultry and fowl, keeping of</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
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<td>3. (Unassigned)</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
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<tr>
<td>4. Boardinghouses</td>
<td>X</td>
<td>X</td>
<td></td>
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<td></td>
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<tr>
<td>5. Farms, limited to agriculture crops only</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
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<tr>
<td>6. Guest houses, limited to one only</td>
<td>X</td>
<td>X</td>
<td></td>
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<tr>
<td>7. Multiple-family dwellings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,35</td>
</tr>
<tr>
<td>8. Planned residential unit developments</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
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<tr>
<td>9. Single-family dwellings</td>
<td>6</td>
<td>6</td>
<td>1</td>
<td>X</td>
<td></td>
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<tr>
<td>10. Two-family dwellings</td>
<td></td>
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<td>5</td>
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<td>11. Senior citizens</td>
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<td></td>
<td></td>
<td>1</td>
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<tr>
<td>*Refer to zoning administrator determinations, on file in planning department.</td>
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<thead>
<tr>
<th>Land Use</th>
<th>Zone</th>
<th>R-E</th>
<th>S-F</th>
<th>PUD</th>
<th>R-M</th>
<th>P</th>
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<tbody>
<tr>
<td>C. Special Uses:*</td>
<td></td>
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<td></td>
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<tr>
<td>1. Churches and related facilities</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Day care centers</td>
<td>2,7</td>
<td>8</td>
<td>2,7</td>
<td>8</td>
<td></td>
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<tr>
<td>3. Educational institutions, private</td>
<td>2,7</td>
<td>2,7</td>
<td>2,7</td>
<td>9</td>
<td></td>
<td></td>
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<tr>
<td>4. Electric distribution substation</td>
<td>1</td>
<td>1</td>
<td>1</td>
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<td>5. Foster care houses</td>
<td>10</td>
<td>10</td>
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<tr>
<td>6. Gas metering and control stations</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
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<tr>
<td>7. Home occupations</td>
<td>11</td>
<td>11</td>
<td>11</td>
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<td>8. Hospitals</td>
<td>2</td>
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<tr>
<td>9. Mobilehome parks</td>
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<tr>
<td>10. Off-street parking facilities</td>
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<td>2</td>
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<tr>
<td>11. Private recreation and open spaces</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>2</td>
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<tr>
<td>12. Ranches, limited to livestock only</td>
<td>1,3</td>
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*Refer to zoning administrator determinations, on file in planning department.
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<tr>
<th>Land Use</th>
<th>R-E</th>
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<th>PUD</th>
<th>R-M</th>
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</thead>
<tbody>
<tr>
<td>1. Rest homes</td>
<td>1</td>
<td>1</td>
<td>1</td>
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<tr>
<td>2. Water facilities</td>
<td>1</td>
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<td>5. Family day care home</td>
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<td>6. Garage sales</td>
<td>41</td>
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<td>41</td>
<td>41</td>
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<td>7. Temporary uses</td>
<td>42</td>
<td>42</td>
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<td>*Refers to zoning administrator determinations, on file in planning department.</td>
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<th>Land Use</th>
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<th>C-N</th>
<th>C-C</th>
<th>C-G</th>
<th>CPB</th>
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<tbody>
<tr>
<td>1. Animal hospitals</td>
<td></td>
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<tr>
<td>2. Antique shops</td>
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<td>3. Automobile leasing and renting</td>
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<td>4. Automobile parts and accessory stores</td>
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<td>5. Automobile repair shops</td>
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<td>6. Automobile sales, new and used</td>
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<td>7. Automobile service stations</td>
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<td>8. Retailers</td>
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<td>9. Banks, savings and loan associations, and other</td>
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<td>similar lending institutions, but excluding pawnshops</td>
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<td>10. Barbershops and beauty shops</td>
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<td>11. Ban and cocktail lounges</td>
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<td>12. Bicycle shops</td>
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<td>13. Bookstores</td>
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<td>14. Bowling alleys, skating rinks and similar recreational facilities</td>
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<td>15. Business offices and services</td>
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<tr>
<td>16. Cages and amusement</td>
<td>1, 13, 20</td>
<td>2, 13, 20</td>
<td>1, 13, 20</td>
<td>1, 13, 20</td>
<td>1, 13, 20</td>
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<tr>
<td>17. Carwash, automatic or coin-operated only</td>
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<tr>
<td>18. Clothing and wearing apparel stores of new retail merchandise only</td>
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<td>19. Confectionery stores</td>
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<tr>
<td>20. Craft and hobby shops</td>
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<td>21. Dairy products stores</td>
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<tr>
<td>22. Dressmaking and millinery shops</td>
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<tr>
<td>23. Drive-in and drive-thru business establishments</td>
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<td>24. Drugstores</td>
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<tr>
<td>25. Dry cleaning, laundry and pressing establishments</td>
<td></td>
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<tr>
<td>26. Electric distribution substation</td>
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<tr>
<td>27. Electric generating and energy support facilities</td>
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<td>28. Feed and fuel stores</td>
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<tr>
<td>Land Use</td>
<td>F-A</td>
<td>C-N</td>
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<tr>
<td>25. Florist shops</td>
<td>2.33</td>
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<tr>
<td>30. Food markets</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>31. Fuel cell generator</td>
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<td>1.28</td>
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</tr>
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<td>32. Furniture and appliance stores</td>
<td>2</td>
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<td></td>
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</tr>
<tr>
<td>33. Galleries, works of art and collections</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>34. Gas metering and control stations</td>
<td>1.28</td>
<td>1.28</td>
<td>1.28</td>
<td>1.28</td>
<td>1</td>
</tr>
<tr>
<td>35. Hardware stores</td>
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<tr>
<td>36. Hotels</td>
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</tr>
<tr>
<td>37. Hotels and motels</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>38. Ice cream parlors and fountains</td>
<td></td>
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</tr>
<tr>
<td>39. Jewelry stores</td>
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<tr>
<td>40. Laundry, self-service only</td>
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<td>41. Liquor stores, package off-sale only</td>
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<td>42. Mobilehome sales, new and used</td>
<td>2.34</td>
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<td>43. Muffler shops, automobile only</td>
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<td>44. Multifamily dwellings</td>
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<td>45. Nurseries, landscape plant material only</td>
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<td>46. Off-street parking facilities, privately</td>
<td>1.20</td>
<td>1.20</td>
<td>1.20</td>
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<td>47. On-sale alcoholic beverages</td>
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<tr>
<td>48. Personal service shops and facilities</td>
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<tr>
<td>49. Pet shops</td>
<td>2</td>
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<td>50. Pharmacies</td>
<td>2.33</td>
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<tr>
<td>51. Photography studios and associated</td>
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<tr>
<td>52. Printing and reproduction establishments</td>
<td>2.30</td>
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<tr>
<td>53. Private clubs, fraternities, sororities,</td>
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<td></td>
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</tr>
<tr>
<td>54. Shoe repair shops</td>
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<tr>
<td>55. Stationary stores, including incidental</td>
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<td>56. Studios, except motion picture</td>
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<td></td>
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<td>57. Theatres</td>
<td>1.20</td>
<td>1.20</td>
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<tr>
<td>58. Upholstery shops, including repairing and</td>
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<td></td>
<td></td>
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<td>59. Yardage stores</td>
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<tr>
<td>60. Rastrooms</td>
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<td>61. Satellite dish receiving antennas</td>
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<tr>
<td>62. Poutineelling</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>63. Coin operated games and game arcades</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(See Section 18.40.220(b))</td>
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<tr>
<td>64. Off-sale of alcoholic beverage at aeroservice stations</td>
<td>1.20</td>
<td>1.20</td>
<td>1.20</td>
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<tr>
<td>65. Temporary use</td>
<td>42</td>
<td>42</td>
<td>42</td>
<td>43</td>
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<tr>
<td>66. Trade schools</td>
<td>1</td>
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<td></td>
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<tr>
<td>67. Automobile upholstery shops</td>
<td></td>
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<tr>
<td>68. Off-sale hazardous waste facility</td>
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</tr>
<tr>
<td>69. On-site hazardous waste facility</td>
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</table>

*Refer to zoning administrator determinations, on file in planning department.
Table 18.40.040 (continued)
LAND USE CHART

<table>
<thead>
<tr>
<th>Land Use</th>
<th>I-L</th>
<th>I-G</th>
<th>C-M</th>
<th>IPD</th>
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<tbody>
<tr>
<td>E. Industrial Uses.*</td>
<td></td>
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</tr>
<tr>
<td>1. Animal hospitals, including livestock</td>
<td></td>
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<tr>
<td>2. Auto service stations</td>
<td>1, 19, 39</td>
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<td>C-M</td>
<td>1, 20, 49</td>
</tr>
<tr>
<td>3. Automobile assembly plants</td>
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<tr>
<td>4. Automobile overhauling and major repairing</td>
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<tr>
<td>5. Bottling plants</td>
<td>2, 20</td>
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<tr>
<td>6. Building materials sales and storage</td>
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<tr>
<td>7. Business offices</td>
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</tr>
<tr>
<td>8. Cafes and restaurants</td>
<td></td>
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<tr>
<td>9. Coin operated games and game arcades</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>10. Contracting equipment storage and rental yards</td>
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<td>18.32</td>
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<tr>
<td>11. Distribution plants and warehouses</td>
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<td></td>
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<td></td>
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<tr>
<td>12. Electric distribution substation</td>
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<tr>
<td>13. Electric generating, transmission substation</td>
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<tr>
<td>14. Electrical and gas appliance assembly plants</td>
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<tr>
<td>15. Fuel cell generators</td>
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<tr>
<td>16. Gas metering and control stations</td>
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<tr>
<td>17. Laundries and cleaning plants</td>
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<td>18. Machine shops</td>
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<tr>
<td>19. Manufacturing of products</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>20. Nurseries, wholesale</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>21. Off-sale of alcoholic beverages at auto/service stations</td>
<td>1, 39</td>
<td>1, 39</td>
<td></td>
<td></td>
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<td>22. Off-site hazardous waste facilities</td>
<td>44, 45</td>
<td>1, 44, 45</td>
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<tr>
<td>23. On-site hazardous waste facilities</td>
<td>44, 45</td>
<td>44, 45</td>
<td>1, 44, 45, 49</td>
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<td>24. Printing, photographic and reproduction activities</td>
<td>2</td>
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<tr>
<td>25. Public utility service yards</td>
<td>2</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>26. Satellite dish receiving antenna</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27. Scientific research centers and laboratories</td>
<td>2</td>
<td>20</td>
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<tr>
<td>28. Sheet metal shops</td>
<td>1</td>
<td>10</td>
<td></td>
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<tr>
<td>29. Sign shop</td>
<td></td>
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<tr>
<td>30. Temporary uses</td>
<td>42</td>
<td>42</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31. Theaters, walk-in</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>32. Transfer, moving and storage facilities for furniture and household goods only</td>
<td>20</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33. Truck repairing, overhauling, and rental and retail sales</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
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<tr>
<td>34. Unclassified uses</td>
<td>48</td>
<td>48</td>
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<tr>
<td>35. Water facilities</td>
<td>1</td>
<td>2</td>
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<td></td>
</tr>
<tr>
<td>36. Wholesale and/or retail sales</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

* Refer to zoning administrator determinations, on file in the planning department.
Section 6. Section 18.40.050B is hereby amended by adding Note 52 to read as follows:

**NOTE 52.**

A) Satellite dish antennas must be ground-mounted and installed within the rear 1/3 of the lot.

B) Ground-mounted satellite dish antennas shall not exceed 14 feet in height.

C) No more than one satellite dish antenna is allowed.

D) Solid fence screening of 6 feet in height is required to conceal visibility from the public street and/or adjoining properties.

E) Landscape screening exceeding 6 feet in height is also required to conceal visibility from the public street and/or adjoining properties.

F) A Precise Plan of Design application is required for roof or pole-mounted satellite dish antennas.

Section 7. Section 18.42.050B(20) of Chapter 18.42 of the Pico Rivera Municipal Code is hereby amended by adding subsection A to read as follows:

**NOTE 20.** Yards and Open Spaces—Generally. Except as may otherwise be permitted in the provisions hereof, every required yard or open-space area shall be maintained completely open and unobstructed from the ground to the sky, excluding natural landscape material. No such yard or open-space area provided for the purpose of complying with the regulations contained herein shall be considered in any way as providing required yards or open-space area for any other building or adjoining lot which is also subject to the provisions herein.

A. Every residential front yard shall be fully landscaped and irrigated with the exception of driveways leading to required parking and walkways not exceeding 6 feet in width. Landscaping shall be continuously provided and maintained free of all weeds, debris, overgrown vegetation and dead plant material. Every residential property shall have 18 months from the adoption of this ordinance to comply with this section.
Section 8. Table 18.44.040A(4) of Chapter 18.44 of the Pico Rivera Municipal Code is hereby amended as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>R-E, S-F and PUD Zones</th>
<th>R-M Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Residential Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Single-family dwelling units and duplexes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Multiple-family dwelling units</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Apartment developments containing eight or more dwelling units</td>
<td>Two parking spaces in a garage or carport for each dwelling unit</td>
<td>One open guest parking space that shall be provided for each eight dwelling units or fraction thereof</td>
</tr>
<tr>
<td>b. Roominghouses and boardinghouses, and other similar such uses having guestrooms</td>
<td>Two parking spaces in a garage or carport for each dwelling unit</td>
<td>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.</td>
</tr>
<tr>
<td>3. Other uses permitted in residential zones</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Child care centers, day nurseries and such other similar uses</td>
<td>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</td>
<td>One open parking space for each four fixed seats and/or for each 40 square feet of floor area used for seating purposes and educational classrooms, whichever provides the greater number of parking places</td>
</tr>
<tr>
<td>b. Churches and related facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Convalescent, nursing and/or rest homes</td>
<td>One open parking space for each two beds and/or residents for which the facility's capacity is licensed</td>
<td>One open parking space for each four mobilehome sites, and one open guest parking space for each four mobilehome sites</td>
</tr>
<tr>
<td>d. Mobilehome parks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Senior citizen housing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Other applicable regulations governing off-street parking requirements</td>
<td>(1. 2a-1, 3, 4—10, 18, 19, 20, 23, 24)</td>
<td>(1. 2a-1, 3, 4, 5—10, 12—20, 23)</td>
</tr>
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</table>
### Table 18.44.040 (Continued)

**OFF-STREET PARKING AND LOADING**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>P-A Zone</th>
<th>C-N Zone</th>
<th>C-M Zone</th>
<th>C-C, C-G and CPD Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Commercial Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. All retail stores and other uses except as provided elsewhere in this section</td>
<td></td>
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<tr>
<td>2. Bowling alleys and skating rinks</td>
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<td></td>
</tr>
<tr>
<td>3. Hotels and motels</td>
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<tr>
<td>4. Places of public assembly</td>
<td></td>
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<tr>
<td>5. Other applicable regulations governing off-street parking and loading requirements</td>
<td></td>
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</tr>
</tbody>
</table>

#### Parking Spaces and/or Facilities Required

- **Commercial Uses**
  - One open parking space for each 250 square feet of net building floor area
  - Two open parking spaces for each alley, and one open parking space for each three fixed seats or for each 30 square feet of floor area used for assembly or seating purposes, whichever provides the greater number of parking spaces
  - One open parking space for each sleeping room without kitchen facilities and one space in a garage or carport for each dwelling unit
  - One open parking space for each three fixed seats or for each 30 square feet of floor area used for assembly or seating purposes, whichever provides the greater number of parking spaces

- **Industrial Uses**
  - Sufficient parking facilities shall be provided, but in no case shall there be less than one open parking space for each 1,000 square feet of net building area
  - (1, 2-b, 2-e, 3—6, 9-a, 10—22, 23)
Section 9. Section 18.44.050B of Chapter 18.44 of the Pico Rivera Municipal Code is hereby amended to add Note 24 to read as follows:

NOTE 24. Carport placement shall be limited to the rear 1/3 of the lot. The design of the carport and/or garage shall match the architectural roof style of the main residence for Single Family residential zones only.

Section 10. Section 18.48.100 of Chapter 18.48 is hereby amended to read as follows:

Article II. Design Review Board--Appeal Procedure

18.48.100 Establishment of board.

A design review board is created and established to principally serve as an appeal board most appropriate for rendering decisions on appeals from the decisions of the zoning administrator relative to precise plans of design as set forth in this title and Section 18.64.040 which will further assure promotion, maintenance, protection, preservation and perpetuation of the orderly and harmonious development of the city consistent with the provisions of this title and the goals and objectives of the general plan, and to do such other things for the furtherance of the community's overall planning program.

Section 11. Section 18.48.095 of Chapter 18.48 of the Pico Rivera Municipal Code is hereby added to read as follows:

Section 18.48.095 Permit - Issuance, term, expiration and revocation.

A. All conditions of approval as set forth by the Zoning Administrator, Design Review Board or City Council shall be fully complied with and completed within the time period specified in the Precise Plan of Design grant. In the event that no time period is set forth, a building permit and or Certificate of Occupancy must be obtained within 1 year from the effective date of the grant, whichever is deemed appropriate by the Zoning Administrator.

B. Failure to comply with the specified time periods of such permits shall automatically render the Precise Plan of Design grant null and void and it shall not be reconsidered except upon filing a new application.

C. During the course of exercising the Precise Plan of Design grant, the applicant may file a written extension request at least thirty days prior to the expiration date of the grant, to the Zoning Administrator for review and approval.
D. In the case of a revocation, the Zoning Administrator shall inspect the property, other written reports and investigations and review all of the facts which may warrant revocation. The Zoning Administrator shall set the matter of revocation for hearing before the Zoning Administrator. The Zoning Administrator shall give 15 days prior written notice of the hearing to the permit holder that they may present evidence and contest the revocation.

In reviewing the factors for revocation of a Precise Plan of Design the Zoning Administrator shall consider the following:

1. That the permit holder is in violation of any of the terms and conditions of approval set forth in the Precise Plan of Design grant.

2. That the permit holder is in violation of any provision of the Health and Safety Code constituting a public nuisance by improper operation or maintenance of the property and or structures.

3. That the permit holder is in violation of any provision of the adopted Uniform Building Code; Uniform Mechanical Code; Uniform Plumbing Code; National Electrical Code; and or the Uniform Housing Code.

4. That the grant is being exercised in such a manner as to constitute a public nuisance.

E. Failure to comply with any of the conditions or terms set forth in the Precise Plan of Design permit shall be considered a misdemeanor as set forth in Section 18.06.130 of the Pico Rivera Municipal Code.

Section 12. Section 18.52.030 of Chapter 18.52 is hereby amended to read as follows:

18.52.030 Purpose of permits.

The intent and purpose of this chapter is to provide a means by which, for the convenience of maintaining a livelihood and well-being, a restricted and limited business or occupation may be carried on in a single family residence any dwelling in a any residential zone, but which is clearly subordinate and incidental to the uses permitted in such zone and for which its operation could have no detrimental or adverse affects on the neighborhood area in which it may be located. It is also the intent and purpose of this chapter to only allow the issuance of a home occupation permit to the occupant of the residence or dwelling located in the R-E and S-F, PUD and R-M zones.
Section 13. Section 18.52.050 of Chapter 18.52 is hereby amended to read as follows:

18.52.050 Permit--Application, fee and conditions.

A. Any owner or occupant of a single-family residence any dwelling located only in the R-E, S-F, PUD or R-M zone may file with the zoning administrator an application for a home occupation permit, verified by said owner or occupant on forms prescribed by the zoning administrator, accompanied by a permit application fee in an amount established by a resolution of the city council. The application shall set forth and include any information as the zoning administrator may require.

B. Issuance of a home occupation permit shall not become effective unless and/or until a business license has been obtained therefor, and no business license shall be issued by the city clerk Director of Finance until documentary evidence of the issuance of a home occupation permit has first been shown.

Section 14. Section 18.52.060 of Chapter 18.52 is hereby amended to read as follows:

18.52.060 Permit--Issuance, expiration and revocation.

The zoning administrator may issue a home occupation permit which complies with the provisions of this chapter, on forms prescribed by him the Zoning Administrator, and may require additional terms and conditions considered necessary to assure the integrity of such permit and the zone in which it is proposed to be located. Should, at any time during the period which a home occupation permit is in effect, the zoning administrator find, after conducting an investigation, that the operation of such home occupation is in violation of the provisions of this chapter and/or the terms and conditions subject thereto, such violations shall be considered a misdemeanor as set forth in Section 18.06.130 and he the Zoning Administrator shall by declaration serve notice of revocation of the home occupation permit. In any case, a home occupation permit shall expire at the same time a business license issued therefor expires, and shall not remain in effect unless and/or until such business license has been renewed by the city clerk Director of Finance, provided such renewal takes place within thirty days after such expiration of business license comes due.
Section 15. Section 18.52.070 of Chapter 18.52 is hereby amended to read as follows:

18.52.070 Number, uses and types of occupations.

Regulations governing the number, uses and types of home occupations shall be as follows:

A. Number. Not more than one home occupation permit shall be issued for a dwelling and/or lot.

B. Uses and Types. A home occupation shall be limited to a personal service rendering type use, for maintaining a mailing address for commercial and business license purposes only, provided that garage, and stock in trade, supplies, professional equipment, apparatus or business equipment are kept on the premises, provided further that no employees or assistants in connection therewith are engaged for services on the premises who are not members of the resident family thereon.

Section 16. Section 18.52.090 of Chapter 18.52 is hereby amended to read as follows:

18.52.090 Other conditions and restrictions.

Other conditions, restrictions and regulations governing home occupations shall be as follows:

A. Every home occupation permit shall only be issued to the owner or occupant of the property, and such permit shall only be applicable and remain in effect so long as the applicant is a resident of the premises for which such permit is issued, and shall not be transferable to any other person or property.

B. The operation of every home occupation permit shall be limited to only the residents of the premises for which such permit is issued and shall not engage more than three such resident persons.

C. There shall not be any on-premise sales, displays, or consultation, except by phone or mail, no on-premise manufacturing, fabrication or processing; on-premise office or storage use shall not occupy more than 15% of the ground floor of the dwelling used goods, samples, materials, equipment or objects sold, stored, displayed, manufactured, fabricated, or processed on the premises in connection with the operation of a home occupation permit.
D. All operations of a home occupation shall be conducted entirely within the inside of a dwelling and shall not exceed the use of more than fifteen percent of the ground floor building area in which it is located. Furthermore, no area outside the dwelling shall be used for the home occupation in any manner whatsoever, including the use of vehicles except for one 6,000 pound vehicle used in connection with the operation of the home occupation required to be completely stored in the garage.

E. No interior or exterior alterations or remodeling of any type whatsoever shall be permitted in connection with a home occupation.

Section 17. Section 18.64.040 of Chapter 18.64 of the Pico Rivera Municipal Code is hereby amended to read as follows:

18.64.040 Appeals from zoning administrator decisions

Any person dissatisfied with the actions and decisions of the zoning administrator resulting from the administration of this title may file an appeal therefrom with the planning commission at any time not more than twenty fourteen (14) calendar days after the decision of the zoning administrator has been rendered except as set forth in Chapter 18.48. The appeal shall be made in the following manner:

A. Application and Fees. Any person appealing the decision of the zoning administrator shall file with the director of building and planning Community Development an application therefor on forms prescribed thereby, accompanied by an application filing fee in an amount established by a resolution of the city council. The application shall set forth and include any information as the director of building and planning Community Development may require. Upon the filing of a verified application, the director of building and planning Community Development shall transmit the application forthwith to the planning commission, or the Design Review Board as set forth in Section 18.48.100 and the planning commission or Design Review Board shall investigate, examine, review, hear testimony from and on behalf of the applicant and render its findings and decisions on the matter in the same manner as required for a decision to be rendered by the zoning administrator. In the event the zoning administrator was required to hold and conduct a public hearing, so shall the planning commission in the same manner required therefore.

B. Announcement of Decisions. The Planning Commission or Design Review Board shall announce its decisions by formal written resolution within forty days after conclusion of its proceedings on the matter. The resolution shall recite and set forth, among other things, the facts, reasons and determinations which, in the opinion of the Planning Commission or Design Review Board, make upholding or reversing the actions and decisions of the Zoning Administrator necessary to assure that due process and justice have been done, and shall uphold or reverse same. The Planning Commission or Design Review Board shall forthwith give the applicant, Zoning Administrator, and/or any other persons having a vested interest therein, written notice of its actions and decisions together with a copy of the resolution. (Ord. 765 §§ 69, 70, 1989; prior code § 9215.03A)

Section 18. The first paragraph of Section 18.64.050 of Chapter 18.64 of the Pico Rivera Municipal Code is hereby amended to read as follows:

18.64.050 Appeals from design review board decisions.

Any person dissatisfied with the action and discretionary decisions of the Design Review Board, resulting from the administration of this title may file an appeal therefrom with the city council at any time not more than twenty fourteen (14) calendar days after the decision of the design review board has been rendered. The appeal shall be made in the following manner:
Section 19. The first paragraph of Section 18.64.060 of Chapter 18.64 of the Pico Rivera Municipal Code is hereby amended to read as follows:

18.64.060 Appeals from planning commission decisions.

Any person dissatisfied with the actions and decisions of the planning commission resulting from the administration of this title may file an appeal therefrom with the city council at any time not more than twenty-fourteen (14) calendar days after the decision of the planning commission has been rendered. The appeal shall be made in the following manner:

Section 20. 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 reason 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 21. The City Clerk shall certify to the adoption of this ordinance. The City Council hereby finds and determines there are no newspapers of general circulation both published and circulated within the City and, in compliance with Section 36933 of the Government Code, directs the City Clerk to cause said Ordinance, within fifteen (15) days after its passage, to be posted in at least five (5) public places within the City. This ordinance shall take effect on March 3, 1993.

ADOPTED AND APPROVED this 1st day of February, 1993

[Signature]
Mayor, John G. Chavez

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
City Attorney, Samuel Siegel

AYES: GARDNEK, MERCADO, PRODG, CHAVEZ
NOES: NONE
ABSENT: NATIVIDAD (EXCUSED)
ABSTAIN: NONE
ORDINANCE NO. 834

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA AMENDING AND REVISING VARIOUS SECTIONS OF TITLE 18 "THE ZONING ORDINANCE OF THE CITY OF PICO RIVERA MUNICIPAL CODE" FOR CITY-WIDE SINGLE-FAMILY RESIDENTIAL AND SINGLE FAMILY RESIDENTIAL ESTATE ZONED PROPERTIES MODIFYING SETBACK PROVISIONS FOR ABOVE-GROUND SWIMMING POOLS AND SPAS; DRIVEWAY PROVISIONS; FENCE AND GATE HEIGHT PROVISIONS; LOT COVERAGE PROVISIONS; PARKING PROVISIONS; ROOF STORAGE PROVISIONS; SCREENING PROVISIONS; SETBACK PROVISIONS FOR DETACHED ACCESSORY STRUCTURES; AND UNDERGROUNDING OF UTILITIES REQUIRING A MODIFICATION TO THE PROVISIONS OF THE ZONING CODE DESIGNATED HEREIN AS CODE AMENDMENT NO. 93-97.

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 a public hearing before both the Planning Commission and the City Council.

Section 2. Table 18.42.040 of Chapter 18.42 is hereby amended to read as follows:

Modifications to Code Section references only have been made to Ordinance No. 834, as follows: Pages 12 & 13, section 10. Note 53 was changed to 54.

As custodian of records for the City of Pico Rivera I certify that these modifications have been made and do not materially alter or change the factual import of the document.

Christine J. Schaefer, City Clerk 11/18/93

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Table 10.42.040
PROPERTY DEVELOPMENT REGULATIONS CHART

(Part 1 - R-E, S-F, PUD and R-M Zones)

<table>
<thead>
<tr>
<th>Regulations</th>
<th>R-E</th>
<th>S-F</th>
<th>PUD</th>
<th>R-M</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Lot Frontage and Access</td>
<td>(1)</td>
<td>(1)</td>
<td>(2)</td>
<td>(1, 3)</td>
</tr>
<tr>
<td>B. Size, Area and Frequency of Zone</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. Lot Area</td>
<td>15,000 sq. ft. (8)</td>
<td>6,500 sq. ft. (8)</td>
<td>1,500 sq. ft. (6)</td>
<td>13,500 sq. ft. (8, 9, 44)</td>
</tr>
<tr>
<td>D. Dwelling Unit Density</td>
<td>One per lot (8)</td>
<td>One per lot (11)</td>
<td>14 DU's per acre (12, 13)</td>
<td>30 DU's per acre (14)</td>
</tr>
</tbody>
</table>
| E. Floor Area Per Dwelling Unit | 1—6. Delayed | 7. Senior citizens housing
500 sq. ft. (15) |
| F. Lot Size |  |  |  |  |
| 1. Lot Width |  |  |  |  |
| a. Corner or reverse corner lot | 100 feet (8) | 70 feet (8) | 25 feet (19) |
| b. Interior lot | 100 feet (8) | 60 feet (8) | 25 feet (19) |
| 2. Lot depth | 150 feet (8) | 100 feet (8, 10) | 25 feet (19) |
| G. Yards |  |  |  |  |
| 1. Front | 30 feet (20) | 20 feet (20) | 25 feet (20, 21) |
| 2. Side |  |  |  |  |
| a. Interior | 20 feet (20) | 5 feet (20) | 5 feet (20, 23) |
| b. Street | 20 feet (20) | 10 feet (20) | 10 feet (20, 23) |
| 3. Rear |  |  |  |  |
| a. Case I | 10 feet (20, 25) | 5 feet (20, 35-a) | 10 feet (20, 25-a) |
| b. Case II | 15 feet (20, 25-b) | 10 feet (20, 25-b) | 15 feet (20, 25-b) |
| c. Case III | 20 feet (20, 25-c) | 15 feet (20, 25-c) | 20 feet (20, 25-c) |
| 4. Projections | (8, 27) | (8, 27) | (27) |
| H. Building Height | 24 feet (28) | 24 feet (28) | 24 feet (28, 29) | (28) |
| I. Lot coverage | 35% lot area (30) | 40% lot area (30) | 80% lot area (30) | 50% lot area (30) |
| J. Location and Relationship of Buildings, Structures and Uses | (31) | (31) | (31-a, b, c, d) |
| K. Fences, Hedges and Walls | (33-a, b, c, d) | (33-a, b, c, d) | (33-a, b, c, d) |

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### Regulations

<table>
<thead>
<tr>
<th>Zone</th>
<th>R-E</th>
<th>S-F</th>
<th>PUD</th>
<th>R-M</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>L. Other Conditions, Requirements and Use Limitations</td>
<td>(33—39, 47, 49, 50, 52)</td>
<td>(33—39, 47, 49, 50, 52)</td>
<td>(33—39, 47, 49, 50)</td>
<td>(33—39, 41, 43, 47, 49, 50)</td>
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### Table 18.3.040 Property Development Regulations Chart (Continued)

#### Part 1 — P-A, C-N, C-C, C-G, C-M, I-L and I-G Zones

<table>
<thead>
<tr>
<th>Regulations</th>
<th>P-A</th>
<th>C-N</th>
<th>C-C</th>
<th>C-G</th>
<th>C-M</th>
<th>I-L</th>
<th>I-G</th>
</tr>
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<tbody>
<tr>
<td>A. Lot Frontage and Access</td>
<td>(1, 3)</td>
<td>(1, 3, 4)</td>
<td>(1, 3)</td>
<td>(1, 3)</td>
<td>(1, 3)</td>
<td>(1, 3)</td>
<td>(1, 3)</td>
</tr>
<tr>
<td>B. Size, Area and Frequency of Zone</td>
<td>1-1/2 acres</td>
<td>(1, 1)</td>
<td>4—20 acres</td>
<td>(7)</td>
<td>10 acres (7)</td>
<td>5 acres (7)</td>
<td>10 acres (7)</td>
</tr>
<tr>
<td>C. Lot Area</td>
<td>10,000 sq. ft.</td>
<td>13,000 sq. ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>D. Dwelling Unit Density</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>E. Floor Area Per Dwelling Unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F. Lot Size</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<td>1. Lot Width</td>
<td></td>
<td></td>
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<tr>
<td>a. Corner or reverse corner lot</td>
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<tr>
<td>b. Interior lot</td>
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<tr>
<td>2. Lot depth</td>
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<td>150 feet</td>
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<tr>
<td>G. Yards</td>
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<td></td>
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<td></td>
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</tr>
<tr>
<td>1. Front</td>
<td>15 feet</td>
<td>15 feet</td>
<td>15 feet</td>
<td>15 feet</td>
<td>15 feet</td>
<td>25 feet</td>
<td>25 feet</td>
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<tr>
<td>a. Side</td>
<td>(26, 22)</td>
<td>(26, 22)</td>
<td>(26, 22)</td>
<td>(26, 22)</td>
<td>(26, 22)</td>
<td>(26, 22)</td>
<td>(26, 22)</td>
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<tr>
<td>b. Street</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Interior</td>
<td>(34)</td>
<td>(34, 34)</td>
<td>(34, 34)</td>
<td>(34, 34)</td>
<td>(34, 34)</td>
<td>(34, 34)</td>
<td>(34, 34)</td>
</tr>
<tr>
<td>b. Street</td>
<td>(34, 34)</td>
<td>(34, 34)</td>
<td>(34, 34)</td>
<td>(34, 34)</td>
<td>(34, 34)</td>
<td>(34, 34)</td>
<td>(34, 34)</td>
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<tr>
<td>3. Rear</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Case I</td>
<td>(33, 36)</td>
<td>(33, 36)</td>
<td>(33, 36)</td>
<td>(33, 36)</td>
<td>(33, 36)</td>
<td>(33, 36)</td>
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<td>b. Case II</td>
<td></td>
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</tr>
<tr>
<td>c. Case III</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regulations</td>
<td>P-A</td>
<td>C-N</td>
<td>C-C</td>
<td>C-G</td>
<td>C-M</td>
<td>B-L</td>
<td>L-G</td>
</tr>
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<td>-------------</td>
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<td>-----</td>
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<td>-----</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>H. Building Height</td>
<td>42 feet (28)</td>
<td>24 feet (28)</td>
<td>38 feet (28)</td>
<td>38 feet</td>
<td>38 feet</td>
<td>38 feet</td>
<td>38 feet</td>
</tr>
<tr>
<td>I. Lot coverage</td>
<td>60% lot area (30)</td>
<td>45% lot area (30)</td>
<td>60% lot area (30)</td>
<td>60% lot area (30)</td>
<td>60% lot area (30)</td>
<td>60% lot area (30)</td>
<td></td>
</tr>
<tr>
<td>J. Location and Relationship of Buildings, Structures and Uses</td>
<td>(31-a, f, g)</td>
<td>(31-a, f, g)</td>
<td>(31-a, f, g)</td>
<td>C-M zone supersedes B-13 zone see Chapter 18.32</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>K. Fences, Bridges and Walls</td>
<td>(32-a, c, d, f)</td>
<td>(32-a, c, d, f)</td>
<td>(32-a, c, d, f)</td>
<td>(32-a, c, d, f)</td>
<td>(32-a, c, d, f)</td>
<td>(32-a, c, d, f)</td>
<td></td>
</tr>
<tr>
<td>L. Other Conditions, Requirements and Use Limitations</td>
<td>(33—39, 43, 44, 45, 50, 51, 52)</td>
<td>(34—39, 44, 45, 50, 51, 52)</td>
<td>(34—39, 44, 45, 50, 51, 52)</td>
<td>(34—39, 44, 45, 50, 51, 52)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 18.42.640
PROPERTY DEVELOPMENT REGULATIONS CHART (Continued)
Section 3. Section 18.42.050B(20) of Chapter 18.42 is hereby amended by adding Subsection b to read as follows:

NOTE 20. Yards and Open Spaces—Generally. Except as may otherwise be permitted in the provisions hereof, every required yard or open-space area shall be maintained completely open and unobstructed from the ground to the sky, excluding natural landscape material. No such yard or open-space area provided for the purpose of complying with the regulations contained herein shall be considered in any way as providing required yards or open-space area for any other building or adjoining lot which is also subject to the provisions herein.

a. All areas of every residential front yard shall be fully landscaped and irrigated with the exception of driveways leading to required parking and walkways not exceeding 6 feet in width. Landscaping shall be continuously provided and maintained free of all weeds, debris, overgrown vegetation and dead plant material. Every residential property shall have 18 months from the adoption of this ordinance to comply with this section.

b. Non-conforming conditions shall comply with setback provisions set forth in Section 18.54.060 of this title.

Section 4. Section 18.42.050B(27) of Chapter 18.42 is hereby amended to read 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 c 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 of this subsection.

a. Arbour-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 feet in width may be extended to the front property line. Walkways shall maintain a 6 foot setback from an existing driveway or a 3 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 a minimum of 3 feet in width and 1 foot in height;**

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. 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.

**Section 5.** Section 18.42.050B30 of Chapter 18.42 is hereby amended by adding Subsection A to read as follows:

**NOTE 30.** Development on any lot shall not exceed this maximum amount of aggregate total building coverage except as indicated below:

- **45% lot coverage allowed for Single-Family Residential zoned lots containing 5,500 square feet or less.**

**Section 6.** Section 18.42.050B31 of Chapter 18.42 is hereby amended to read as follows:

**NOTE 31.** The location and relationship of buildings, structures and permitted uses shall be subject to the following requirements:

a. No building or structure shall occupy any space or portion of a required yard, except as may hereinafter be specifically permitted.
b. Accessory buildings and dwellings or portions thereof may either be attached by means of a common wall, or there shall be a distance maintained between such buildings of not less than seven feet with the separation of any roof eaves at least four feet. In the case of two or more buildings classified for dwelling purposes, such buildings may be attached by means of a common wall, or there shall be a distance maintained between such buildings of not less than ten feet.

c. Accessory buildings or structures located in the rear one-third of the lot, and where there is no alley access, may be erected or constructed on the rear and/or side property lines, except the side lot line of a corner or reverse corner lot, or such buildings or structures shall maintain a distance from such property lines of not less than three feet. A setback of less than 3 feet to the rear and/or side property line shall be provided with Portland cement or decorative pavers between the structure and said property lines. Where the rear and/or side lot lines of the lot abut an alley, the location of any such accessory buildings or structures shall maintain a distance of not less than fifteen feet from the centerline of such alley. In any case where such accessory buildings or structures are located on a property line, adequate roof drainage facilities shall be provided to assure that drainage of the roof shall take place on the same lot with the building or structure such facilities are required to be provided for.

d. Swimming pools and spas having substructures below finished lot grade may be located anywhere on the lot, except in any required side yard abutting a street, or front yard provided providing that said such substructure shall maintain a distance of not less than three feet from all property lines, or yard, or enclosed structures. A minimum distance of 5 feet shall be maintained to any residential door opening. Fencing and or gates no less than 5 feet in height shall be provided in compliance with the adopted Uniform Building Code, as the case may be. All other types or kinds of swimming pools, ponds or bodies of water shall maintain a distance of not less than ten feet from all property lines, or yard, as the case may be.
e. The location of all buildings, structures and/or accessory uses relative to corner cutoffs shall be subject to the requirements set forth in Chapter 17.28 of this code.

f. No building or structure shall occupy any space or portion of a required yard, except a freestanding advertising sign as regulated in Chapter 18.46 of this title.

g. The location of all buildings, structures and/or accessory uses relative to corner cutoffs shall be subject to the requirements set forth in Chapter 17.28 of this code.

h. Lot Regulations Pertaining and Relating to Open Space. Every lot upon which a dwelling unit is proposed to be developed shall be subject to the following regulations pertaining and relating to open space:

(i) Each lot shall be contiguous to and abut an open-space area or recreational area which has an average minimum width of forth feet, but in no case shall the minimum dimension be less than twenty feet in width.

(ii) There shall be not less than three hundred square feet devoted to usable open space for each dwelling unit, and such area shall be a separate private yard adjacent to such dwelling unit.

i. Regulations Pertaining to Open Space. As it pertains to a planned residential unit development, "open-space land" means that certain area within the boundaries of a planned residential unit development used exclusively as commonly owned land, excluding vehicular access areas, developed for recreational purposes, and shall include areas of scenic or natural beauty integrated throughout the development, and also means recreational areas of a noncommercial nature, parks and playgrounds, riding, hiking, bicycle and nature trails, and land which lends itself to the use of an open-space nature. Development and reservation of open-space land shall be subject to compliance with the following regulations:
(i) Open-space land shall comprise not less than forty percent of the gross area, excluding streets, alleys and vehicular access areas, and shall be permanently reserved and maintained as open space by means of a landscape maintenance district or other satisfactory means approved by the Planning Commission and City Council, and shall only be used for open-space purposes. No building or structure shall be erected, placed or constructed thereon, except those buildings or structures which are determined to be of such nature so as to perform an open-space function.

(ii) All open-space land shall be landscaped and provided with a permanent irrigation system, and recreational facilities shall be installed as may be required through appropriate and applicable proceedings.

(iii) A complete landscape and recreational plan, prepared by a licensed landscape architect, showing a schedule and location of all plant material, method of permanent irrigation, finished grades, and other recreational facilities, shall be submitted as a part of the project, approved through appropriate and applicable proceedings and developed in accordance with such approved plan.

(iv) Landscaping of open-space land shall be planted and installed during and concurrent with the construction development period of the project.

Section 7. Section 18.42.050B(32) of Chapter 18.42 is hereby amended to read as follows:

NOTE 32. Fences, Hedges and Walls. Fences, hedges and walls may be located anywhere on the lot subject to the following requirements:
a. A non-solid fence, hedge or wall not exceeding four three and one half feet in height may be permitted in any required front yard building setback area. Solid fences, walls and solid hedges shall not exceed three and one half feet in height in the front yard setback. Pilasters of four and one-half feet in height constructed along side and/or front property lines located adjacent to any driveway shall maintain a 10 foot setback from the front and/or side property line. Pilasters of four and one-half feet in height located along the front property line shall also maintain a 10 foot setback from the outside edge of any driveway. Where, in order to preserve, maintain and perpetuate the characteristics, image, atmosphere and integrity of the area, and where design and development relationships possess such unique characteristics as to warrant considerations for use of fences, hedges and Non-solid walls greater than four and one-half feet in height within any required front yard, such employment or use thereof shall first be subject to a Precise Plan of Design, as set forth in Article I of Chapter 18.48 of this title.

b. Solid gates located within the front yard setback shall not exceed three and one-half feet in height. Wrought-iron gates located within the front yard setback shall not exceed four and one-half feet in height. Placement of gates on lots adjoining major, secondary or collector streets, as defined per the Circulation Element of the City General Plan, shall maintain a twenty foot front yard setback with the exception of electronically operated gates.

c. A fence, hedge or wall not exceeding six feet in height may be permitted anywhere on the lot to the rear of the required front yard building setback area.

d. In the case where a masonry wall is used, the appropriate number of courses necessary for construction thereof may be used for determining the maximum height permitted that would substantially conform with the provisions herein.

e. The location of fences, hedges and walls relative to corner cutoffs shall be subject to the requirements set forth in Chapter 17.28 of this code.
f. Whenever a lot located in the R-M zone abuts a lot in the O-S, R-E or S-F zone, a six foot high, solid masonry wall shall be constructed, installed and erected continuously along all side and/or rear property lines abutting such O-S, R-E or S-F zoned property, except within any required front yard, in which case such wall shall be incrementally reduced to a height of not more than two and one-half feet within the front fifteen feet of the lot. In all cases, a building permit shall be obtained for the design and construction of the wall. If any alley intervenes, the required wall shall be located either on the R-M zoned property contiguous to the alley right-of-way, or on the O-S, R-E or S-F zoned property contiguous to the alley right-of-way.

g. Whenever a lot located in this zone abuts a lot in the O-S, R-E, S-F, PUD or R-M zone, a six foot high, solid masonry wall shall be constructed, installed and erected from finished grade of the commercial site continuously along all side and/or rear property lines abutting such O-S, R-E, S-F, PUD or R-M zoned property, except within any required front yard, in which case such wall shall be incrementally reduced to a height of not more than two and one-half feet within the front fifteen feet of the lot. In all cases, a building permit shall be obtained for the design and construction of the wall. If an alley intervenes, the required wall shall be located either on this zoned property contiguous to the alley right-of-way, or on the O-S, R-E, S-F, PUD or R-M zoned property contiguous to the alley right-of-way.

Section 8. Section 18.42.050(B)(34) of Chapter 18.42 is hereby amended to read as follows:

NOTE 34. Underground Utilities. All utility services and appurtenances, including electrical and communication services, shall be installed and located underground within the boundaries of the subject property, and shall be completely concealed from view. In no case shall there be any new or additional overhead electrical or communication facilities or utility poles placed, installed or erected in order to provide underground utility service facilities. However, when building permits are issued for remodeling and/or additions, undergrounding shall be required where practical when the addition exceeds 50% of the floor area of the existing residence. Valuation of the permit is greater than fifty percent of the value of the existing structure as determined by the latest assessment rolls of the Los Angeles County assessor. The practicality of undergrounding shall be determined by the Director of Community Development building and planning or his designated representative.
Section 9. Section 18.42.050B(36) of Chapter 18.42 is hereby amended to add Subsections a-d to read as follows:

NOTE 36. Mechanical Equipment. All mechanical equipment and appurtenances of any type whatsoever, including plumbing riser pipes, vent stacks, or any other similar facilities, whether located on rooftop, ground level, or anywhere on the building or structure, shall be completely enclosed so as not to be visible from any public street and/or adjacent property as indicated in Subsections B-D below. Such enclosure of facilities shall be of such design so as to appear and relate to the building or structure that such facilities are intended to serve.

All other appurtenances of any type whatsoever, including plumbing vents, and electrical equipment located on the rooftop shall be painted to match the color of the roofing material. Multiple plumbing vents shall be combined wherever possible. Any metal chimney exceeding 8 inches in diameter shall require screening designed to be an integral part of the dwelling. Plumbing pipes and vents shall be located within the structure or concealed to appear as part of the main dwelling.

a. Exterior relocation of water heaters may be permitted for Single-Family Residential and Single-Family Residential Estate zoned properties provided that the water heater is placed along the rear building wall and located within a metal, wooden, or stucco enclosure painted to match the residence. Exposed vent pipes shall be painted to match the dwelling. Residential additions shall incorporate water heaters within the structure, if the exterior water heater requires relocation to accommodate the addition.

b. Roof-mounted air-conditioning units shall be limited to the rear portion of the roof for Single-Family Residential and Single-Family Residential Estate zoned properties. A solid permanent screen architecturally designed to appear as a chimney feature or roof extension shall also be provided. Exposed heating and air-conditioning ducts shall be concealed to appear as part of the main structure.

c. Residential ground-mounted air-conditioning units shall be installed along the rear building wall or side yard, provided that a three foot side yard setback is maintained and screened from any public right-of-way view for Single-Family Residential and Single-Family Residential Estate zoned properties. Exposed heating and air conditioning ducts shall be concealed to appear as part of the main structure.


54 Section 10. Section 18.42.050B of Chapter 18.42 is hereby amended by adding Note 32 to read as follows:
NOTE 60. Storage on the roof is prohibited except for legally permitted mechanical equipment.

Section 11. Table 18.44.040 of Chapter 18.44 is hereby amended to read as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>R.E. S+F and PUD Zones</th>
<th>R-M Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Residential Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Single-family dwelling units, and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>duplexes and garage conversions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Guesthouse</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Multiple-family dwelling units</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Apartment developments containing eight</td>
<td></td>
<td></td>
</tr>
<tr>
<td>or more dwelling units</td>
<td>One garage or carport</td>
<td></td>
</tr>
<tr>
<td>b. Roominghouses and boarding-houses, and</td>
<td>attached to the</td>
<td></td>
</tr>
<tr>
<td>other similar such uses having guestrooms</td>
<td>guesthouse</td>
<td></td>
</tr>
<tr>
<td>3. Other uses permitted in residential</td>
<td>Two parking spaces in a</td>
<td></td>
</tr>
<tr>
<td>zones</td>
<td>garage or carport for</td>
<td></td>
</tr>
<tr>
<td>a. Child care centers, day nurseries and</td>
<td>each dwelling unit</td>
<td></td>
</tr>
<tr>
<td>such other similar uses</td>
<td>Two parking spaces in a</td>
<td></td>
</tr>
<tr>
<td>b. Churches and related facilities</td>
<td>garage or carport for</td>
<td></td>
</tr>
<tr>
<td>c. Convalescent, nursing and/or</td>
<td>each three guestrooms.</td>
<td>One open</td>
</tr>
<tr>
<td>rest homes</td>
<td>In dormitories, each</td>
<td>parking</td>
</tr>
<tr>
<td>d. Mobilehome parks</td>
<td>100 square feet of</td>
<td>space for</td>
</tr>
<tr>
<td>e. Senior citizen housing</td>
<td>habitable floor area</td>
<td>each</td>
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<tr>
<td></td>
<td>shall be considered</td>
<td>dwelling</td>
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<tr>
<td></td>
<td>equivalent to one</td>
<td>unit.</td>
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<tr>
<td></td>
<td>guestroom.</td>
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<tr>
<td>4. Other applicable regulations governing</td>
<td>One parking space</td>
<td></td>
</tr>
<tr>
<td>off-street parking requirements</td>
<td>for each 300 square</td>
<td></td>
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<td></td>
<td>feet of net building</td>
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<td></td>
<td>floor area, or for each</td>
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<td>10 children the facility</td>
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<td>is designed and/or</td>
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<td>licensed for, whichever</td>
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<td>is greater</td>
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<td></td>
<td>One open parking space</td>
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<td></td>
<td>for each four fixed</td>
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<td></td>
<td>seats and/or for each</td>
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<td></td>
<td>40 square feet of floor</td>
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<td></td>
<td>area used for seating</td>
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<td></td>
<td>purposes and educational</td>
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<td></td>
<td>classrooms, whichever</td>
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<td></td>
<td>provides the greater</td>
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<td></td>
<td>number of parking</td>
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<td></td>
<td>spaces</td>
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<td></td>
<td>One open parking space</td>
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<td></td>
<td>for each two beds and/or</td>
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<td></td>
<td>resident for which the</td>
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<td></td>
<td>facility's capacity is</td>
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<td></td>
<td>licensed</td>
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<td></td>
<td>Two open parking spaces</td>
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<td></td>
<td>on each mobilehome site,</td>
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<td></td>
<td>and one open guest</td>
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<td></td>
<td>parking space for each</td>
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<tr>
<td></td>
<td>four mobilehome sites.</td>
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<tr>
<td></td>
<td>One parking space for</td>
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<td></td>
<td>each three dwelling</td>
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<td></td>
<td>units</td>
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</tbody>
</table>
### Table 18.44.040 (Continued)

**OFF-STREET PARKING AND LOADING**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>PA Zone</th>
<th>CN Zone</th>
<th>CM Zone</th>
<th>C-G, C-G and CPD Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B. Commercial Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. All retail stores and other uses except as provided elsewhere in this section</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>2. Bowling alleys and skating rinks</td>
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</tr>
<tr>
<td><strong>3. Hotels and motels</strong></td>
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<tr>
<td><strong>4. Places of public assembly</strong></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td><strong>5. Other applicable regulations governing off-street parking and loading requirements</strong></td>
<td>(1, 2-b, 2-c, 3-6, 9-a, 10-22, 23)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C. Industrial Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. All types of permitted industrial uses</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>2. Other applicable regulations governing off-street parking requirements</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Parking Spaces and/or Facilities Required**

- **Land Use PA Zone CN Zone CM Zone C-G, C-G and CPD Zones**

- **Parking Spaces and/or Facilities Required**
  - One open parking space for each 250 square feet of net building floor area.
  - Two open parking spaces for each alley, and one open parking space for each three fixed seats or for each 30 square feet of floor area used for assembly and/or seating purposes, whichever provides the greater number of parking spaces.
  - One open parking space for each sleeping room without kitchen facilities and one space in a garage or carport for each dwelling unit.
  - One open parking space for each three fixed seats or for each 30 square feet of floor area used for assembly or seating purposes, whichever provides the greater number of parking spaces.
  - Sufficient parking facilities shall be provided, but in no case shall there be less than one open parking space for each 1,000 square feet of net building area.

- **Other applicable regulations governing off-street parking and loading requirements**
  - (1, 2-b, 2-c, 3-6, 9-a, 10-22, 23)
Section 12. Section 18.44.050B(2) of Chapter 18.44 is hereby amended to read as follows:

NOTE 2. Location of Off-street Parking and Loading Facilities. Off-street parking and loading facilities shall be located only as follows:

a. Residential Uses. Required parking facilities for residential uses, as specified in this chapter, shall be located on the same lot or parcel of land with the use in which it is intended to serve. In addition, no owner or operator of a motor vehicle of the passenger automobile variety, self-propelled recreation vehicle, motor truck or commercial vehicle, shall park or store such vehicles within the front yard, and including the side yard adjacent to the street of a corner lot, or land used for residential purposes, and no person in possession of land used for residential purposes shall permit another person to so park or store such vehicles thereon, except on a legally permitted driveway in compliance with leading to parking required by this chapter and Section 18.54.060 of this title, except between the hours of one minute past twelve a.m. and eleven fifty-nine p.m. of those days designated by posted signs for the sweeping of streets adjacent to such land. Any person violating the provisions of this section shall be guilty of an infraction, and upon conviction thereof shall be punished as provided for in Section 1.20.010 of the Pico Rivera Municipal Code.

(i) As used in this section, "front yard" and "side yard" refer to the required front and side yards, as defined in Chapter 18.04 of this title.

(ii) As used in this section, "drive-way" means a paved area providing vehicular access from a public street or alley leading or adjacent to parking required by this chapter. Such driveway may be widened to but not exceed a width of thirty twenty feet, provided that the width is not greater than fifty forty percent of the total frontage of the residential property, with the width measured over the shortest distance lying between the vehicular entrance to a garage or carport and the point of access to a street or highway.
(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 provided that the expansion not exceed a total of nine feet in width and none of the 9 feet shall be located in front of the dwelling. The driveway approach shall be widened to match the 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 42 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 20 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 6 feet in width and not project more than 6 feet into the front yard setback area except as permitted by Section 18.42.050B(27) of this title.

(iv) Existing driveways located in the rear one-third of interior lots may be widened to a maximum width of 40 feet, with the exception of corner lots. Corner lot properties may not expand existing driveways beyond a thirty foot width. Driveway expansions adjoining an alley shall be provided with a six foot high solid gate.

(v) Circular Driveways are permitted within the front yard on lots that contain a minimum of fifty-eight feet in width. Circular driveways shall be designed to lead to an enclosed garage or carport. The circular driveway shall not exceed 10 feet in width and shall be provided with a continuous 26 foot turning radius.

(vi) Existing driveways and approaches shall be removed upon conversion of a garage or carport and replaced with landscape screening as required by the Zoning Administrator.

b. Uses Other Than Residential. Required parking facilities for all uses other than residential, as specified in this chapter, shall be provided in one of the following ways:
(i) On the same lot or parcel of land with the use in which it is intended to serve; or

(ii) By membership in a vehicle parking district that provides off-street parking facilities for several such other uses; or

(iii) As may be provided for in an adopted specific plan of development; or

(iv) On a lot or parcel of land located within a radius of three hundred feet, measured from the external boundaries of the lot for the use of land it is intended to serve, subject to the execution and recordation of a covenant and agreement regarding use and maintenance of conjunctural parking space.

c. Loading Facilities. Required loading facilities shall be located on the same lot or parcel of land with the use in which they are intended to serve, and shall be exclusive of the required parking facilities.

Section 13. Section 18.44.050B(3) of Chapter 18.44 is hereby amended to read as follows:

NOTE 3. Required Parking Spaces. The regulations included in this chapter indicate the spaces and facilities required for off-street parking, and shall apply at the time a building or structure is erected or placed on the ground. These regulations shall also apply when an existing building or structure is altered or enlarged by the addition of dwelling units or guestrooms, or the use in question is intensified by the addition of floor space, seating capacity or change of use except non-conforming conditions requiring compliance to Section 18.54.060 of this title.

Section 14. Section 18.44.050B of Chapter 18.44 of the Pico Rivera Municipal Code is hereby amended to add Note 25 to read as follows:

NOTE 25. Conversion of any portion of a one or two-car garage requires construction of a two-car garage in conformance to this title.
Section 15. Section 18.54.060 of Chapter 18.54 is hereby amended to read as follows:

18.54.060 Continuation of use—Conditions.

Each and every nonconforming use may be continuously maintained and utilized, provided that no intensification or increase in the degree of nonconformity shall be permitted. Continuation of such nonconforming use shall be limited by and subject to the provisions and application of Sections 18.54.070, 18.54.080 and subsection A of 18.54.090 of this chapter, and in the following cases:

a. Exception I. Nonconforming uses may be intensified, and the degree of non-conformity may be expanded, if the original structure and the expansion are made to conform with the provisions of this title.

b. Exception II. Structural alterations, required by law, may be constructed.

c. Exception III. Alterations or additions to nonconforming single-family dwellings may be made without complying with the parking regulations of this title provided that the existing dwelling contains a legally permitted one-car garage or carport. In addition to said parking the existing driveway leading to the garage or carport shall be widened to accommodate a 9 foot by twenty foot open parking space in compliance to Section 18.44.050(B)(2) of this title. In the event that the existing driveway cannot be widened due to existing physical obstructions, the existing driveway shall be considered to comply with required parking provisions of this title. Garage conversions shall not be exempt from the parking regulations of this title. Existing single-family dwellings may improve non-conforming driveways that do not lead to required parking provided that the driveway does not exceed 10 feet in width and not increase in length, as long as the gross floor area of the residence does not exceed one thousand three hundred square feet. This square footage excludes garages and carports. If the gross floor area of the dwelling exceeds one thousand three hundred square feet or if guesthouses, or other detached structures which may be used for sleeping purposes are constructed or created, then such non-conforming single-family residence shall be made to comply with the parking regulations of this title.

d. Exception IV. Side yard setbacks for non-conforming single-family dwellings and detached accessory structures may be reduced to a minimum of three feet to permit expansion in line with existing building walls.
e. Exception V. Minor alterations or additions to existing legal non-conforming commercial or industrial buildings may be constructed, provided that the addition conforms to the provisions of this title. (Ord. 778 § 1, 1990; prior code § 9213.03(B)(2))

Section 16. 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 reason 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 17. The City Clerk shall certify to the adoption of this ordinance. The City Council hereby finds and determines there are no newspapers of general circulation both published and circulated within the City and, in compliance with Section 36933 of the Government Code, directs the City Clerk to cause said Ordinance, within fifteen (15) days after its passage, to be posted in at least five (5) public places within the City. This ordinance shall take effect on June 16, 1993.

ADOPTED AND APPROVED this 17TH day of MAY, 1993.

ATTEST:

Christine J. Schaef, City Clerk

APPROVED AS TO FORM:

City Attorney, Samuel Siegel

AYES: Chavez, Mercado, Proo, Natividad
NOES: None
ABSENT: Gardner - excused
ABSTAIN: None
ORDINANCE NO. 840


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

SECTION 1. In accordance with Section 18.66.040 of the Pico Rivera Municipal Code, the zone classification of all real property lying within the corporate limits of the City of Pico Rivera is amended to reflect the zoning shown on Attachments 'A-1' through 'A-36' made a part hereof, not withstanding any other provisions of this title.

SAID zone reclassification to be in accordance and consistent with the provisions of the General Plan herefore adopted by the City Council of the City of Pico Rivera by Resolution No. 4008, adopted August 16, 1993.

SECTION 2. As authorized by Government Section No. 65859, the City Council establishes the prezoning for properties within the City's sphere of influence, with the attached legal descriptions shown on Attachments 'A-1' through 'A-36', attached hereto made a part hereof.

SECTION 3. In accordance with Sections 18.08.060 and 18.66.030, THE OFFICIAL ZONE MAP OF THE CITY OF PICO RIVERA is hereby amended to provide for a change of classification for those real properties described in Section 1 above as shown on the map titled Attachment "A" Zone Reclassification No. 93-286 with the exact legal descriptions shown in Attachments 'A-1' through 'A-36', attached hereto.

SECTION 4. The City Council of the City of Pico Rivera hereby establishes interim zoning standards for the newly established P-F (Public Facilities) zone, requiring approval of a Precise Plan of Design for proposed development within the P-F (Public Facilities) zone. The Director of Community Development is hereby directed to propose a Code Amendment to add P-F (Public Facilities) to the Zoning Code (Title 18) of the Pico Rivera Municipal Code.

SECTION 5. This amendment is adopted by Ordinance pursuant to public hearings held before the City Planning Commission and the City Council.
SECTION 6. The City Council of the City of Pico Rivera hereby declares that in its deliberations it considered the recommendation of the Planning Commission, pursuant to provisions of the California Environmental Quality and CEQA Guidelines, and accordingly, the City Council certified the ENVIRONMENTAL IMPACT REPORT AND MONITORING PROGRAM, as set forth in City Council Resolution No. 4007.

SECTION 7. The City Council of the City of Pico Rivera hereby declares that in its deliberations and hearings it considered Planning Commission Resolution No. 878 which sets forth required findings and recommended that the City Council revise the Zoning Map by approving Zone Reclassification No. 93-286 and that the City Council establish interim zoning for the P-F (Public Facilities) zone.

SECTION 8. 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 reason, any sentence, paragraph or section of this Ordinance shall be invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 9. The City Clerk shall certify to the adoption of this Ordinance. The City Council hereby 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 (5) public places within the City as specified in the Pico Rivera Municipal Code within fifteen (15) days of its final passage, and this Ordinance shall take effect thirty (30) days following adoption.

APPROVED AND ADOPTED this 7th day of September, 1993.

ATTEST:

Christine J. Schaefer, City Clerk

APPROVED AS TO FORM:

Samuel Siegel, City Attorney

AYES: Chavez, Gardner, Mercado, Proo, Natividad
NOES: None
ABSENT: None
ABSTAIN: None
CITY OF PICO RIVERA
City Council Agenda

To: Mayor and City Council

From: City Manager

Meeting Date: September 7, 1993

Subject: SECOND READING AND ADOPTION OF ORDINANCE NO. 840 - GENERAL PLAN UPDATE/ZONING CONSISTENCY PROJECT

Recommendation:

Adopt Ordinance establishing new Zoning Map.

Discussion:

On August 16, 1993, the City Council introduced Ordinance No. 840 to establish a new Zoning Map for the LAFCO defined sphere of influence and certain properties within the City as part of the General Plan Update/Zoning Consistency Project.

Adoption of Ordinance No. 840 would attain City-wide zoning consistency to the newly adopted City General Plan.

Dennis Courtemanche

Dennis Courtemanche
CITY OF PICO RIVERA  
City Council Agenda

To: Mayor and City Council

From: City Manager

Meeting Date: August 16, 1993

Subject: GENERAL PLAN UPDATE/ZONING CONSISTENCY PROJECT (GPA NO. 93-29/ZR NO. 93-286)

Recommendation:


3. Adopt the Resolution of Intent.

4. Introduce Ordinance amending Sections 18.08.060 and 18.66.040 of the Pico Rivera Municipal Code by adopting a new zoning map, establishing rezoning for the LAFCO-defined Sphere of Influence and establishing interim zoning for the P-F (Public Facilities) zone.

Discussion:

On August 2, 1993, the City Council considered the General Plan Update/Zoning Consistency Project and after closing the public hearing referred the following revisions to the Planning Commission for review, prior to final Council consideration:

- Response to comments

- Modify land use designation to Medium Density Residential at the following locations:
  - Burke Street Site
  - Paramount Boulevard and Mines Avenue (southeast corner)
- Modify land use designation to Low Density Residential at Obregon school site recently declared as surplus property (30.9 acres).

- Modify land use designation to accommodate industrial/theatre development at Whittier Boulevard/Gregg Road site.

- Modify air quality policies in response to concerns identified by the South Coast Air Quality Management District.

- Add residential policy to allow bee keeping in Residential Estate zone.

On August 9, 1993, the Planning Commission evaluated the proposed changes referred by City Council and recommended concurrence with the exception of the following matters:

**PROPOSED REVISION**

- Burke Street

- Obregon School Surplus Property

- Bee Keeping in Residential Estate Zone

**RECOMMENDATION**

Include City-owned site and adjacent southerly parcel owned by Southern Pacific Railroad for Medium Density Residential land use designation and Planned Unit Development zoning.

Include the requirement of a public park as part of the project.

Park area allocation to conform to local ordinance provisions upon project development approval through land dedication and/or payment of fees.

Research and develop bee keeping criteria for Residential Estate Zoned properties via a Code Amendment in lieu of a General Plan policy.
Also provided for Council review is an annexation policy to be included in the Implementation/Monitoring Program of the General Plan (Page IV-54) as requested at the Council meeting of August 2, 1993:

"14. In coordination with the Cities of Montebello and Whittier, the Local Agency Formation Commission (LAFCO) and affected neighborhood residents initiate discussions regarding the desirability of City limits crossing the Rio Hondo Channel and San Gabriel River."

Draft resolutions and an ordinance for implementation of the General Plan Update/Zoning Consistency Project are included for your consideration, as are copies of the Planning Commission’s reports and resolutions. The General Plan revisions have been provided by separate cover. The General Plan and Zoning Atlas are available for review in the City Clerk’s office.

Council adoption of the General Plan Update/Zoning Consistency Project is recommended, as amended.

Dennis Courtemanche
RESOLUTION NO. 4009


THE CITY COUNCIL OF THE CITY OF PICO RIVERA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Notice is hereby given that the City Council of the City of Pico Rivera, on the 16th day of August, 1993, introduced Ordinance No. 840 entitled, "An Ordinance of the City Council of the City of Pico Rivera Amending Sections 18.08.060 and 18.66.040 of the City of Pico Rivera Municipal Code by Adoption of a New Zoning Map for the Corporate Limits of the City of Pico Rivera and Establishing Prezoning for the LAFCO-Defined Sphere of Influence for those Properties Legally Described in Attachments 'A-1' through 'A-36' and Designated Herein as Zone Reclassification No. 93-286, and Establishing Interim Zoning for the P-F (Public Facilities) Zone."

SECTION 2. The City Council of the City of Pico Rivera hereby finds and determines that the granting of said zone reclassification and establishing interim zoning for the properties within the corporate limits of the City of Pico Rivera and the sphere of influence conform to the City's General Plan and related goals and policies, and the City Council has by motion certified an Environmental Impact Report pursuant to the provisions of the California Environmental Quality Act and CEQA on August 16, 1993.

SECTION 3. Pursuant to Section 18.62.240 of the Pico Rivera Municipal Code, the City Council shall commence to adopt an Ordinance enacting said reclassification and interim zoning for the aforementioned properties.
SECTION 4. The City Clerk shall certify to the adoption of this Resolution and henceforth and hereafter the same shall be in full force and effect.

APPROVED AND ADOPTED this 16th day of August, 1993.

ATTEST:

Christine J. Schaef, City Clerk

APPROVED AS TO FORM:

Samuel Siegel, City Attorney

AYES: Gardner, Mercado, Proo, Natividad
NOES: None
ABSENT: Chavez (excused)
ABSTAIN: None
RESOLUTION NO. 4008


WHEREAS, Section 65302 of the California Government Code directs all cities and counties to periodically update General Plans; and

WHEREAS, the City of Pico Rivera has determined it is appropriate and necessary to update the General Plan; and

WHEREAS, the public participation in the development of the General Plan included distribution of newsletters, Communitywide workshops, a community survey, neighborhood meetings, and provision of notice of public hearing pursuant to State law; and

WHEREAS, a joint Planning Commission and City Council Workshop was held on March 3, 1993 to review land use alternatives; and

WHEREAS, a General Plan draft dated May 17, 1993 consisting of a General Plan Land use Map and the following elements Land Use, Housing, Circulation, Community Facilities, Environmental Resources, and Environmental Hazards was prepared and distributed as required by state and local law; and

WHEREAS, the proposed draft General Plan was on display at the following locations:

- Public Counter, Pico Rivera City Hall
  6615 Passons Boulevard, Pico Rivera, CA 90660

- Pico Rivera Library
  9001 Mines Avenue
  Pico Rivera, CA 90660

- Rivera Library
  7828 S. Serapis Avenue
  Pico Rivera, CA 90660
RESOLUTION NO. 4008

WHEREAS, pursuant to State Government Code, the State Department of Housing and Community Development reviewed the draft General Plan and Housing Element and changes pursuant to comments made by the State Department of Housing and Community Development were incorporated into the General Plan Housing Element; and

WHEREAS, pursuant to State Government Code Section 65302(g), the Division of Mines and Geology of the State Department of Conservation reviewed the General Plan, Environmental Resources and Environmental Hazards Elements and changes pursuant to suggestions received were incorporated in the General Plan; and

WHEREAS, the final General Plan and all of its constituent parts are properly integrated, internally consistent and compatible; and

WHEREAS, pursuant to State Government Code Section 65400(b) requiring an annual report to the City Council on the status of the General Plan and its implementation, the General Plan includes an annual General Plan Review and Update Program as an integrated component of the General Plan; and

WHEREAS, a duly noticed public hearing was held before the Planning Commission on May 27 and June 14, and before the City Council on August 2, at which time all interested parties were given the opportunity to be heard; and

WHEREAS, on August 2, 1993 the City Council considered revisions to the Planning Commission’s recommendation that were not previously considered by the Planning Commission and referred certain proposed changes to the Planning Commission for review and report; and

WHEREAS, the Planning Commission has recommended adoption of the General Plan update, with 200 scale atlas maps, as specified in Resolution No. 878 and the report of August 9, 1993 as being a full report of its recommendations; and

WHEREAS, on August 9, 1993 the Planning Commission considered the proposed revisions from the City Council and provided a report to the City Council; and

WHEREAS, prior to adopting this resolution, the City Council considered the report from the Planning Commission; and

WHEREAS, the City Council at its meeting of this date herewith adopted a Resolution certifying that the Environmental Impact Report (EIR) relating to the General Plan Update as being complete and adequate insofar as the Land Use, Housing, Circulation, Community Facilities, Environmental Resources, and Environmental Hazards Elements of the General Plan Update are concerned, and that the EIR was completed in compliance with CEQA, State CEQA Guidelines, and the City’s Rules to Implement CEQA; and
RESOLUTION NO. 4008

WHEREAS, the City Council at its meeting of this date herewith adopted a Resolution making certain findings regarding the environmental impacts of the proposed General Plan; and

WHEREAS, the Planning Commission and City Council have reviewed and considered the information and public testimony presented at the public hearings and in the proposed document and staff reports.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Pico Rivera, California hereby adopts the Land Use, Housing, Circulation, Community Facilities, Environmental Resources, and Environmental Hazards Elements of the General Plan Update based on the following:

SECTION 1 That Environmental Impact Report prepared for the General Plan Update identified potential significantly adverse impacts associated with the implementation of the Plan, including impacts on streets and highways, solid waste facilities and air quality.

That findings, information, and support set forth in the Environmental Impact Report prepared for the proposed General Plan and the Statement of Significant Environmental Effects and Mitigation Measures are incorporated herein by reference and constitute the findings of the City Council in this matter;

SECTION 2 That the May 17, 1993 draft of the Pico Rivera General Plan with the changes attached hereto and marked Exhibit A, constitute a comprehensive General Plan for the City’s future which complies with applicable state and local laws and guidelines.
RESOLUTION NO. 4008

SECTION 3 That the City of Pico Rivera hereby adopts the May 17, 1993 draft of the Pico Rivera General Plan including all text, maps, and diagrams therein with the changes enumerated in the attached Exhibit A. City staff and its consultants are authorized to make grammatical, typographical and similar type of nonsubstantive changes, approved by the City Clerk, in order to clarify the final document.

APPROVED AND ADOPTED this 16th day of August, 1993.

Alberto Natividad, Mayor

ATTEST:

Christine J. Schaefgr City Clerk

APPROVED AS TO FORM:

Samuel Siegel, City Attorney

AYES: Gardner, Mercado, Proc, Natividad
NOES: None
ABSENT: Chavez (excused)
ABSTAIN: None
# Community Development

## Table 1-2
General Plan Land Use Designations and Zoning Consistency Matrix

<table>
<thead>
<tr>
<th>General Plan</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Map Symbol</td>
<td>Land Use Designation Description</td>
</tr>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>R-R</td>
<td>The Rural Residential Designation preserves large lot rural lifestyles, including the keeping of animals in an urban setting. Housing types range from large ranch estates to several houses on a single large lot. In order to have more than one house on a lot, the lot must be at least 30,000 square feet in size. No more than four (4) houses per lot are allowed. <strong>Maximum Land Use Intensity:</strong> 1-2 dwelling units per net acre (see Figure 1-1 for illustration of the &quot;net acre&quot; concept). <strong>Anticipated Maximum Population Intensity:</strong> 8 persons per net acre.</td>
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<tr>
<td></td>
<td>Planned Unit Development</td>
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<td></td>
<td>Parking</td>
</tr>
<tr>
<td>L-D</td>
<td>The Low Density Designation makes up the majority of the residential land use within the City. Types of development include one house per lot, and one house with an attached or detached rental unit. A mixture of housing types developed as a planned unit project may be permitted if Low Density Residential density limits are not exceeded and a determination is made by the City that the proposed mix of dwelling units will be compatible with the surrounding neighborhood and General Plan policies. To have more than one house on a lot, the lot must be at least 11,000 square feet in size. No more than four (4) houses per lot are allowed. <strong>Maximum Land Use Intensity:</strong> 1-8 dwelling units per net acre. <strong>Anticipated Maximum Population Intensity:</strong> 29 persons per net acre.</td>
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<tr>
<td></td>
<td>Planned Unit Development</td>
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<td></td>
<td>Parking</td>
</tr>
<tr>
<td>M-D</td>
<td>Lands designated Medium Density Residential are typified by patio homes, duplexes, condominiums, and townhouses. Since the Land Use Map designates density rather than specific housing types, a mixture of houses and apartment units could also be permitted within a proposed development if Medium Density Residential density limits are not exceeded and a determination is made by the City that the proposed dwelling unit mix will be compatible with the surrounding neighborhood and Pico Rivera General Plan policies. Where noted on the General Plan Land Use Map, no more than 2 detached dwellings on a parcel shall be allowed if the second unit meets all other requirements of the Pico Rivera General Plan and applicable Zoning ordinance provisions. <strong>Maximum Land Use Intensity:</strong> 5-14 units per net acre. <strong>Anticipated Maximum Population Intensity:</strong> 51 persons per net acre.</td>
</tr>
<tr>
<td></td>
<td>Planned Unit Development</td>
</tr>
<tr>
<td></td>
<td>Parking</td>
</tr>
</tbody>
</table>
## I. Community Development

### Table 1-2

General Plan Land Use Designations and Zoning Consistency Matrix

<table>
<thead>
<tr>
<th>General Plan Symbol</th>
<th>General Plan Land Use Designation Description</th>
<th>Zoning Map Symbol</th>
<th>Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>H-D</td>
<td>The Highest Density Residential Designation is typified by condominiums and apartments with surface parking, although parking structures may be used to provide a greater amount of open space than would otherwise be possible. Since the Land Use Map designates density rather than specific housing types, a mixture of houses, condominiums, and apartments could also be permitted within a proposed development if Highest Density Residential density limits are not exceeded and a determination is made by the City that the proposed development will be compatible with the surrounding neighborhood and General Plan policies. Highest Density Residential designations are primarily located along major street corridors and near major activity centers. Maximum Land Use Intensity: 14-30 units per net acre. Anticipated Maximum Population Intensity: 110 persons per net acre.</td>
<td>R-M</td>
<td>Multiple Family Residential</td>
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<td></td>
<td></td>
<td>FUD</td>
<td>Planned Unit Development</td>
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<tr>
<td></td>
<td></td>
<td>P</td>
<td>Parking</td>
</tr>
<tr>
<td>C</td>
<td>Commercial land use designations are intended to provide appropriately located areas for the general shopping, commercial service, and office needs of the community. Within the Commercial designation, and subject to applicable General Plan policies and Pico Rivera ordinance provisions, appropriate land uses include a broad range of commercial, retail, service, and office uses. Typical uses include general retail, markets, commercial services, restaurants, automotive repair and service, hardware and home improvement, durable goods sales, commercial recreation, professional and business offices, financial institutions, and automotive sales. Maximum Land Use Intensity: Floor Area Ratio of ≤ 0.75 (see Figure 1-2 for graphic illustration of the “Floor Area Ratio” concept).</td>
<td>C-G</td>
<td>General Commercial</td>
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<tr>
<td></td>
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<td>C-C</td>
<td>Community Commercial</td>
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<td>C-N</td>
<td>Neighborhood Commercial</td>
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<td>CPD</td>
<td>Commercial Planned Development</td>
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<td></td>
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<td>C-M</td>
<td>Commercial Manufacturing</td>
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<td>P-A</td>
<td>Professional and Administrative</td>
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<td></td>
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<td>P</td>
<td>Parking</td>
</tr>
<tr>
<td>I-G</td>
<td>General Industrial designations are intended to provide appropriately located areas to be used for a wide range and variety of heavy manufacturing and assembly uses that are not appropriate or compatible in the other industrial land use designated areas. In addition, ancillary and limited commercial support users may be permitted subject to applicable zoning regulations. General Industrial areas are intended to make a positive contribution to the local economy and municipal revenues, and furnish local employment opportunities for area residents. Maximum Land Use Intensity: Floor Area Ratio of ≤ 0.50</td>
<td>I-G</td>
<td>General Industrial</td>
</tr>
<tr>
<td></td>
<td></td>
<td>IPD</td>
<td>Industrial Planned Development</td>
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<td>Parking</td>
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August 16, 1993
### General Plan Land Use

<table>
<thead>
<tr>
<th>General Plan Land Use</th>
<th>Zone Classifications</th>
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<tr>
<td>Residential</td>
<td>Zonal Classification</td>
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<td>Rural Residential</td>
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<tr>
<td>Low Density</td>
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<td>Medium Density</td>
<td>M-D</td>
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<td>High Density</td>
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<td>Industrial</td>
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<td>General Industrial</td>
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<td>Sheriff Station</td>
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<td>City Facilities</td>
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<td>High School</td>
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<td>Elementary School</td>
<td>E</td>
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<tr>
<td>Public/Quasi Public Facility</td>
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### Zone Classifications

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<tr>
<th>Residential</th>
<th>Zonal Classification</th>
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<tr>
<td>Single-Family Residential Estate</td>
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<td>Single-Family Residential</td>
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<td>Multi-Family Residential</td>
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<td>Commercial</td>
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<td>General Commercial</td>
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### Specific Plan

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<tr>
<td>SP-304</td>
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<td>SP-402</td>
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Adopted by City Council August 16, 1995.
RESOLUTION NO. 4007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA CERTIFYING THE COMPLETION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PICO RIVERA GENERAL PLAN UPDATE AND ZONE RECLASSIFICATION NO. 93-286 AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS.

WHEREAS, the City Council of the City of Pico Rivera (the "City") has prepared an Environmental Impact Report (the "EIR") for the Pico Rivera General Plan Update (GPA No. 93-29) and Zone Reclassification No. 93-286 (the "Project") pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. ("CEQA")), the Guidelines for Implementation of the California Environmental Quality Act (14 California Code of Regulations Sections 15000, et seq., (the "State EIR Guidelines")), and procedures adopted by the City Council of the City of Pico Rivera ("City Council"), relating to environmental evaluation of public and private projects; and

WHEREAS, the City transmitted for filing a Notice of Completion of the Draft EIR and thereafter, in accordance with the State EIR Guidelines, forwarded the Draft EIR to the State Clearinghouse for distribution to those agencies which have jurisdiction by law with respect to the Project and to other interested persons and agencies, and sought the comments of such persons and agencies; and

WHEREAS, notice to all interested persons and agencies inviting comments on the Draft EIR was provided in accordance with the provisions of CEQA; and

WHEREAS, the Planning Commission of the City of Pico Rivera has submitted Resolution Nos. 877 and 878 recommending to the City Council certification of the Environmental Impact Report and adoption of the General Plan Update (GPA No. 93-29) and Zone Reclassification No. 93-286, respectively; and

WHEREAS, although the time for receiving written comments on the Draft EIR expired on July 2, 1993, the City Council invited further comments on the Draft EIR to be made during the public hearing held by the City Council on August 2, 1993, including, without limitation, comments regarding substantial changes in the Project or the circumstances under which the Project is being undertaken or comments regarding new significant environmental information which would require major revisions in the Draft EIR; and

WHEREAS, commenting agencies were sent the response to comments at least 10 days prior to certification of the Final EIR; and

WHEREAS, a Final EIR, incorporating the City's responses to comments on the Draft EIR, has been submitted to the City Council as a part of the Report to the City Council, pertaining to the Pico Rivera General Plan Update and Zone Reclassification No. 93-286; and
RESOLUTION NO. 4007

WHEREAS, a public hearing was held by the City Council on August 2, 1993, on the Pico Rivera General Plan Update and Zone Reclassification No. 93-286 and the EIR, following notice duly and regularly given as required by law, and all interested persons expressing a desire to comment thereon or object thereto have been heard, and the Final EIR and all comments thereon and responses thereto have been considered.

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

SECTION 1. The City Council of the City of Pico Rivera certifies that the Final EIR for the Project has been completed in compliance with CEQA, the State EIR Guidelines and local procedures adopted by the City Council pursuant thereto, and that the City has reviewed and considered the information contained in the Final EIR.

SECTION 2. The City Council has evaluated all comments, written and oral, received from persons who have reviewed the Draft EIR.

SECTION 3. The City hereby makes the following written findings set forth in Exhibit "A", attached hereto and incorporated by reference herein for each of the potential significant environmental impacts identified in the EIR and further approves the Environmental Findings of Fact set forth in Exhibit "A". Based on such Environmental Findings of Fact, the City Council hereby finds:

- that, based upon the information set forth in the EIR and the Environmental Findings of Fact set forth as Exhibit "A" and incorporated herein by reference, changes or alterations have been required, or incorporated into, the Project which avoid or reduce the following adverse environmental effects below a level of significance: population/housing; land use; historic development; infrastructure; public safety services; educational facilities; general public services and facilities; parks and recreation facilities; social services; water resources and water quality; soils; mineral resources; wildlife and plants; geology and seismicity; flood hazards; noise/sound attenuation; hazardous materials; and emergency preparedness.

- that, based upon the information set forth in the EIR and the Environmental Findings of Fact set forth as Exhibit "A" and incorporated herein by reference, significant unavoidable impacts will still remain from: an increase in the level of vehicular traffic; an increase in the level of air pollutant emissions; and an increase in the demand for solid waste disposal facilities.
SECTION 4. The City Council hereby finds that no substantial changes have been proposed in the Project which will require major revisions of the EIR, no substantial changes have occurred with respect to the circumstances under which the Project is being undertaken which will require major revisions in the EIR, and no new environmentally significant information, which was not known and could not have been known at the time the Final EIR was completed, has become available. Therefore, no subsequent or supplemental EIR has been required by the City.

SECTION 5. The City Council hereby adopts as the official mitigation monitoring program for the Project the Implementation and Monitoring Program as set forth in Chapter IV of the General Plan and incorporated herein by reference.

SECTION 6. Upon approval and adoption of the Pico Rivera General Plan Update, the City Clerk is hereby directed to file a Notice of Determination with the County Clerk of the County of Los Angeles pursuant to the provisions of Section 21152 of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.

APPROVED AND ADOPTED this 16th day of August, 1993.

Alberto Natividad, Mayor

ATTEST:

Christine J. Schaeffer, City Clerk

APPROVED AS TO FORM:

Samuel Siegel, City Attorney

AYES: Gardner, Mercado, Proo, Natividad
NOES: None
ABSENT: Chavez (excused)
ABSTAIN: None
EXHIBIT A
STATEMENT OF FINDINGS
PICO RIVERA GENERAL PLAN UPDATE EIR

In accordance with the California Environmental Quality Act (CEQA) Guidelines, the City of Pico Rivera cannot approve a discretionary project if it will result in one or more significant adverse effects, unless it makes one or more of the following written findings for each significant adverse long-term effect:

- Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. §15091(a)

- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. §15091(a)

- Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. §15091(a)

The following list details the findings as required by CEQA Guidelines §15091(a) cited above for the Project. The list corresponds to the impact sections of the Project EIR; for each adverse environmental impact, a specific finding pursuant to CEQA Guidelines §15091(a) - §15091(a) is made, with a statement of facts supporting each finding.

IV.D.1 POPULATION/HOUSING §15091(a) The Project will result in a population of 68,198 residents in the Pico Rivera study area. These residents will occupy 18,583 dwelling units. Implementation of policies in the Housing Element will ensure that the housing distribution will be adequate to serve the eventual population of Pico Rivera.

IV.D.2 LAND USE §15091(a) The Project will result in only a slight shift in land uses at buildout, with residential uses occupying approximately 37 percent of the total, commercial - four percent, industrial - 14 percent, and public facilities - 45 percent. Implementation of policies in the Land Use Element will ensure that the land use distribution is appropriate for the City's needs.

IV.D.3 HISTORIC Due to the lack of historic sites or structures in the study area, significant impacts are not expected.

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IV.D.4 CIRCULATION AND TRANSPORTATION §15091(a)1 (Alternative Modes of Transportation, Parking, Commodity Movement); §15091(a)3 (Streets and Highways) The Project will result in an average of 961,673 trips per day, and approximately 6,924,046 vehicle miles travelled. Several intersections in the City will operate at unacceptable levels of service, and significant adverse impacts will result, despite the implementation of all feasible mitigation measures. However, the Project is considered to have overriding land use, economic, and public service considerations including the production of an anticipated 2,267 additional dwelling units of which 308 units are to be designated as affordable, and an anticipated 5,446 new jobs, and thus, the benefits of the Project are considered to override the significantly adverse impacts to streets and highways that will result. More parking spaces will be required, and more commodities are likely to travel through the City; however, implementation of relevant policies in the Circulation and Environmental Resources elements will mitigate the levels of these impacts to insignificance.

IV.D.5 INFRASTRUCTURE §15091(a)1 The Project will result in the demand for or generation of approximately 8.2 million gallons of domestic water per day, 7.6 million gallons per day of wastewater, 784,000 kilowatts of electricity per day, and 5.9 million cubic feet of natural gas. Policies in the Community Facilities and Environmental Resources elements will conserve these resources, and impacts can be reduced to insignificance.

IV.D.6 PUBLIC SAFETY SERVICES §15091(a)1 The increase in population due to the Project will result in the need for a total of 68 police officers and 45 firefighters to ensure adequate levels of protection. Implementation of policies in the Community Facilities Element will ensure that the impacts to police and fire services are mitigated to insignificance.

IV.D.7 EDUCATIONAL FACILITIES §15091(a)1 The Project may result in the generation of as many as 12,450 students in the Pico Rivera General Plan study area; these students may require additional school facilities. Policies in the Community Facilities Element require the City to assist the School District(s) wherever feasible to ensure adequate facilities, thus reducing the level of impacts of the Project to insignificance.

IV.D.8 GENERAL PUBLIC SERVICES AND FACILITIES §15091(a)1 The increased population in the study area will place increased demands on governmental services, including the need for 136,396 library volumes housed in 37,508 square feet of space. Policies in the Community Facilities Element will reduce the impacts to general public services and facilities to insignificance.
EXHIBIT A
STATEMENT OF FINDINGS
PICO RIVERA GENERAL PLAN UPDATE EIR

IV.D.9 PARKS AND RECREATION FACILITIES §15091(a)1 The Project could result in the need for as much as 341 acres of parks and recreation facilities. The Community Facilities Element includes policies to ensure adequate facilities, thus reducing the level of impact due to the Project to insignificance.

IV.D.10 SOCIAL SERVICES §15091(a)1 The increase in population that will result from the Project will require increased levels of social services; however, implementation of policies in the Community Facilities Element will reduce the level of these impacts to insignificance.

IV.D.11 SOLID WASTE FACILITIES §15091(a)3 The increase in population due to the Project may result in the generation of as much as 267 tons of solid waste per day; implementation of AB 939 requirements could reduce this total to 133 tons per day. However, because adequate landfill space cannot be ensured beyond the short-term needs of Pico Rivera, the impacts of the Project to solid waste are considered to be significantly adverse, despite implementation of all feasible mitigation. However, the Project is considered to have overriding land use, economic, social, and public service considerations including the production of an anticipated 2,267 additional dwelling units of which 308 units are to be designated as affordable, and an anticipated 5,446 new jobs, and thus, the benefits of the Project are considered to override the significantly adverse impacts to solid waste facilities that will result.

IV.D.12 AIR QUALITY §15091(a)3 The increase in vehicular traffic in the study area will result in the generation of 42.8 tons per day of carbon monoxide, 11.4 tons per day of nitrous oxides, 3.2 tons per day of reactive organic gases, and 1.8 tons per day of particulates. Although the City will implement all feasible measures to reduce the volume of air pollutants generated, air quality in the South Coast Air Basin will not achieve Federal and State standards within the expected lifespan of the Project. Therefore, the impacts of the Project are considered to be significantly adverse. However, the Project is considered to have overriding land use, economic, public service, and social considerations including the production of an anticipated 2,267 additional dwelling units of which 308 units are to be designated as affordable, and an anticipated 5,446 new jobs, and thus, the benefits of the Project are considered to override the significantly adverse impacts to air quality that will result.

IV.D.13 WATER RESOURCES AND WATER QUALITY §15091(a)1 Domestic water for the increased population resulting from the Project will be obtained from groundwater wells, and there is considered to be enough water to support the demands made by future development. However, increased development may result in increased impacts to water quality. Policies in the Environmental Resources Element will reduce these impacts to insignificance.
EXHIBIT A
STATEMENT OF FINDINGS
PICO RIVERA GENERAL PLAN UPDATE EIR

IV.D.14 SOILS The soils in the Pico Rivera study area do not pose significant constraints to development, therefore, significant impacts to the Project are not expected.

IV.D.15 MINERAL RESOURCES There are no sources of sand and gravel in the study area; however, adequate resources are located nearby that the Project may utilize in the construction of new buildings. Therefore, significant adverse impacts are not anticipated.

IV.D.16 WILDLIFE AND PLANTS Due to the urbanized nature of the study area, there are very few areas containing native habitats and wildlife or sensitive biological resources. Thus, significant adverse impacts are not anticipated.

IV.D.17 GEOLOGY AND SEISMICITY §15091(a)1 The presence of major active faults in the vicinity of the Project site indicates that future residents of the City could be subject to strong groundshaking and potential liquefaction in the central portion of the City. Implementation of policies in the Environmental Hazards Element will reduce these impacts to insignificance.

IV.D.18 FLOOD HAZARDS §15091(a)1 The increased population in the City may be exposed to flood and inundation hazards from the Whittier Narrows Dam and Rio Hondo and San Gabriel rivers. Implementation of policies in the Environmental Hazards Element will reduce these impacts to insignificance.

IV.D.19 NOISE/SOUND ATTENUATION §15091(a)1 Increased levels of motor vehicle traffic will result in the potential for increase in noise levels in the Pico Rivera study area. Implementation of sound attenuation policies in the Environmental Hazards Element can reduce noise to within acceptable, and therefore, insignificant, levels.

IV.D.20 HAZARDOUS MATERIALS §15091(a)1 The increase in population and industrial uses that will result from the Project will likely result in the increased generation of both household and industrial hazardous materials and wastes. Implementation of policies in the Environmental Hazards Element will reduce these impacts to insignificance.

IV.D.21 EMERGENCY PREPAREDNESS §15091(a)1 The City maintains a Multihazard Functional Plan for major emergencies. An increased level of emergency services will be needed to support the increased population due to the Project; however, implementation of policies in the Environmental Hazards Element will reduce these impacts to insignificance.

SCH 92071076
GPA 93-29
ZR 93-286

August 16, 1993
Pico Rivera General Plan
Update EIR
NOTICE OF VIOLATION

RE: 8615 WHITTIER BOULEVARD, PICO RIVERA, CA 90660
ASSESSOR’S PARCEL NUMBER 6373-018-005

An inspection was conducted on October 6, 1999, at the request of a complainant, and subsequent inspections on October 21, 1999 and November 8, 1999. The inspections revealed that the guard rails between units 214 and 215 and 207 and 208 were not secure at the balcony as requested. In addition, surface areas of the balcony’s deck had not been repaired as requested in a Notice dated July 20, 1999.


SECTION 302 - DANGEROUS BUILDING

For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:
2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

- Deteriorated walking surface on deck near Apartment 209.
- Loose guard rails between units 207 to 208 and 214 to 215.

The following is required for compliance by November 29, 1999:

Repair the deck and guard rails as requested.

Your cooperation in this matter is appreciated.

Sincerely,

[Signature]

William M. Edwards
Building Inspector
WMEdw5188615whl.nov
November 30, 1999

CERTIFIED NUMBER
Z 412 935 194

SECOND NOTICE

Excel Residential Services
1901 Beverly Boulevard - Suite C
Los Angeles, CA 90057

Attention: Elena Grizo

SECOND NOTICE OF VIOLATION

RE: 8615 WHITTIER BOULEVARD, PICO RIVERA, CA 90660
ASSESSOR’S PARCEL NUMBER 6373-018-005

An inspection was conducted on October 6, 1999, at the request of a complainant, and subsequent inspections on October 21, 1999, November 8, 1999 and November 29, 1999. The inspections revealed that the guard rails between units 214 and 215 and 207 and 208 were not secure at the balcony as requested. In addition, surface areas of the balcony’s deck had not been repaired as requested in a Notice dated July 20, 1999. A Notice of Violation dated November 16, 1999, was also mailed to your attention.

These continue to remain in violation of Title 15 of the Pico Rivera Municipal Code (15.16) Chapter 3 of the 1997 Uniform Code for the Abatement of Dangerous Buildings.

SECTION 302 - DANGEROUS BUILDING

For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:
2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

- Deteriorated walking surface on deck near Apartment 209.
- Loose guard rails between units 207 to 208 and 214 to 215.

The following is required for compliance by December 13, 1999:

Repair the deck and guardrails as requested.

Failure to comply may require this matter to be referred to the City Prosecutor for possible legal action and a Notice and Order of Substandard Conditions be recorded with the Los Angeles County Recorder's Office until such conditions are abated.

Your cooperation in this matter is appreciated.

Sincerely,

William M. Edwards
Building Inspector
December 6, 1999

Commonwealth Manor, Inc.
1901 Beverly Boulevard #A
Los Angeles, CA 90057

NOTICE

RE: 8615 WHITTIER BOULEVARD, UNIT 201,
PICO RIVERA, CA 90660
ASSESSOR'S PARCEL NUMBER 6373-018-005

An inspection conducted on your property on December 1, 1999, at the request of a complainant, revealed the following violations:

1. Leaking kitchen, bathtub and bathroom sink faucets.
2. Damaged linoleum on kitchen floor.
3. Cracking and deteriorated deck at the outside of the unit.

These are violations of Title 15 of the Pico Rivera Municipal Code.

The following is required for compliance by December 16, 1999:

- Repair leaking faucets in kitchen and bathroom, damaged linoleum in kitchen and repair deteriorated decking at the outside of the unit.

Your anticipated cooperation in this matter is appreciated.

Sincerely,

William M. Edwards
Building Inspector
WMED:12f518:86715whif
December 16, 1999

Commonwealth Manon, Inc.
1901 Beverly Boulevard #A
Los Angeles, CA 90057

NOTICE

RE: 8615 WHITTIER BOULEVARD, UNIT 105, 201 AND PREMISES,
PICO RIVERA, CA 90660
ASSESSOR’S PARCEL NUMBER 6373-018-005

An inspection on your property on December 16, 1999, to check repairs to the apartment, and to respond to another complainant, revealed the following conditions:

A. UNIT 105

1. Evidence of leaking at ceiling in the bathroom over the bathtub.

2. Loose water faucet in bathtub.

3. Hot water handle in bathtub does not operate properly.

4. Torn and damaged floor covering in bathroom.

5. Windows lack locks in the living room/bedroom and do not close securely.

B. UNIT 201

1. Bathtub water faucet is difficult to shut off.

2. Deteriorated and cracked decking outside of the unit is not repaired.
C. **PREMISES**

1. Several areas throughout the apartment complex have deteriorated decking and loose handrails that require repair.

The following is required for compliance:

- Complete repairs to units #105 and #201 by December 30, 1999.

- Contact me at (562) 801-4360, to discuss a timetable to make the repairs to decks and guardrails throughout the units.

Your anticipated cooperation in this matter is appreciated.

Sincerely,

William M. Edwards  
Building Inspector  

CC: Attention: Linda Ramirez  
Los Angeles County Health Department  
245 South Fetterly Avenue #2014  
Los Angeles, CA 90022
An inspection on February 22, 2000, to check status of repairs to the apartments listed above, revealed the following conditions:

A. **UNIT #105**

   No one was available to check status of repairs.

B. **UNIT #201**

   1. Bathtub water faucet is difficult to shut off completely.

C. **UNIT #205**

   No one available; has electrical problems that will require immediate attention.

D. **UNIT #240**

   No one available; lacks knobs for kitchen cabinets and drawers.

E. **UNIT #241**

   1. Water leaking at bathtub runs onto floor and tub is inadequately caulked.

   2. A temporary stovetop burner was substituted for a defective permanent unit.
Re: 8615 Whittier Boulevard
Page 2

I am requesting repairs to Unit #205 be repaired as soon as possible and I will schedule inspection for March 6, 2000. Please provide access for all units listed to check status of repairs.

Your anticipated cooperation in this matter is appreciated.

Sincerely,

[Signature]

William M. Edwards
Building Inspector
WMEng521:8615whtrLTR

CC: Mr. Pinkett, Manager
8615 Whittier Boulevard – Unit #101
Pico Rivera, CA 90660
March 29, 2000

Commonwealth Manor Inc.
Whittier Manor Apartments
9101 Beverly Boulevard
Los Angeles, CA 90057

Dear Business Owner:

The Planning Division has reviewed your Certificate of Occupancy and will continue to allow the Non-Conforming use of an apartment building within a Commercial General Zone at 8615 Whittier Boulevard.

The property should be kept in pristine conditions at all times. This includes removal of graffiti, trash and debris, when appropriate, in addition to maintaining and landscaping existing landscape planters.

A business license will be issued upon the approval of all necessary departments.

If you have any additional questions, please feel free to call me at the Planning Division at (562) 801 - 4332.

Respectfully,

[Signature]

Julia Ramirez
Assistant Planner
8615 Whittier Blvd.
# APPLICATION FOR CERTIFICATE OF OCCUPANCY

<table>
<thead>
<tr>
<th>Address where Business will be conducted</th>
<th>Building Permit No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>6615 WHITTIER BLVD, PICO RIVERA, CA</td>
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<table>
<thead>
<tr>
<th>Name of Business or Occupant</th>
<th>Business Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMMONWEALTH MANOR, INC</td>
<td></td>
</tr>
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<table>
<thead>
<tr>
<th>Address of Home Office of Occupant if different than above</th>
<th>Home Office Phone</th>
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</thead>
<tbody>
<tr>
<td>1901 BEVERLY BLVD, LOS ANGELES, CA 90057</td>
<td>(213) 484-8114</td>
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<table>
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<tr>
<th>Owner of Business</th>
<th>Address</th>
<th>Phone</th>
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<table>
<thead>
<tr>
<th>Type of Business</th>
<th>Apartment Complex</th>
</tr>
</thead>
</table>

Describe each use of all portions of each building and lot: **Rental Units** 29, 100 SQ FT

Previous use of Building: **Apartment Complex**

Type of flammable or explosive liquids to be used, if any:

I certify that I have read the statements contained in this application; that they are true and correct, and that I make this statement under penalty of perjury.

Dated this 7th day of NOVEMBER, 1999 in the City of Pico Rivera, State of California.

Signature of Applicant: [Signature]

FOR DEPARTMENTAL USE ONLY

<table>
<thead>
<tr>
<th>Use Zone</th>
<th>Occupancy Group</th>
<th>AQMD and Hazardous Disclosure Forms by</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Yes</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Redevelopment Date: 12/1/99 Approved
- Planning Date: 1/30/00 Approved
- Public Works Date: 2/3/00 Approved
- Fire Dept. Date: 3/1/00 Approved
- Health Dept. Date: 3/1/00 Approved
- Building Date: 3/1/00 Approved

Signature of Building Official: [Signature]

Remarks:

This is a Certificate of Occupancy for the above stated use when properly filled out, signed by the applicant and approved by the Building Official.
NOTICE OF VIOLATION

Re: 8615 WHITTIER BOULEVARD, #121 AND #122
PICO RIVERA, CA 90660
ASSESSOR’S PARCEL NUMBER 6373-018-005

An inspection on your property on May 29, 2001, at the request of a complainant, revealed the following conditions:

APARTMENT #121

- Lacked a heating (furnace) unit.

APARTMENT #122

- Lacked a heating (furnace) unit.

- Infestation of cockroaches (per tenant) to be reported to L.A. County Health Department.

GENERAL

- Guardrail at first landing located at the stairs at center of the apartment on the west facing side is excessively loose.

These are violations of Title 15 of the Pico Rivera Municipal Code (15.12) Chapter 10 of the 1997 Uniform Housing Code.
SECTION 1001.2 – INADEQUATE SANITATION

Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

   • Apartments 121 and 122 lacked heating units.

12. Infestation of insects, vermin or rodents as determined by the health officer.
   • Apartment 122 reported an infestation of insects (to be reported to health department).

13. General dilapidation or improper maintenance.
   • Excessively loose guardrail.

The following is required for compliance:

• Repair excessively loose guardrail within ten (10) days of the date of this notice.
• Provide heating for the apartments within sixty (60) days of the date of this notice.

Your anticipated cooperation is appreciated in this matter.

Sincerely,

William M. Edwards
Building Inspector

CC: L.A. County Health Department
245 So. Fetterly Avenue #2014
Los Angeles, CA 90022
NOTICE OF VIOLATION

RE: 8615 WHITTIER BOULEVARD #109, PICO RIVERA, CA 90660
ASSESSORS' PARCEL NUMBER 6373-018-003

An inspection on your property on July 31, 2001 at the request of an complainant reveals the following condition:

- Ceiling covering in bathroom partially collapsed because of water leakage.

This is a violation of Title 15 of the Pico Rivera Municipal Code.

The following is required for compliance by August 16, 2001.

- Repair leakage in ceiling and install drywall and paint.

Your anticipated cooperation is appreciated in this matter.

Sincerely,

William M. Edwards
Building Inspector

cc: Attn: Apartment Manager
Whittier Manor Apartments
8615 Whittier Blvd.
Pico Rivera, CA 90660
NOTICE OF VIOLATION

RE: 8615 WHITTIER BOULEVARD, PICO RIVERA, CA 90660,
ASSESSOR'S PARCEL NUMBER 6373-018-005

An inspection of your property along with the Los Angeles County Fire Department was conducted on May 15, 2008, and a follow-up inspection on September 29, 2008 with the property manager revealed several code violations items in the mechanical room, electrical room, walkway/deck and carport areas, due to the amount of improper maintenance.

The Community & Economic Development Department - Building Division is requesting that the property owner address several serious Building, Electrical and Mechanical Code violations that are listed below:

A. Electrical Room/Mechanical Room at Pool Area: (Near Unit #135)
   - Must separate swimming pool mechanical equipment that is inside electrical room
   - Boiler was replaced on March 19, 2008, without Building, Plumbing and Mechanical permits
   - Boiler unit has open burner/open flame with flammables in the area
   - Boiler tank without earthquake strap
   - Lack of sufficient combustion air/vents damaged
   - Interior walls of the room not sealed for fire rating (wall and ceiling)
   - Open electrical junction box
   - Electrical receptacle must be GFCI protected
   - Damaged boiler vent pipe, weather cap at roof line, very hot to touch and against electrical service entrance conductor conduit
B. Electrical Room/Mechanical Room at North Side of Complex; (Near Unit #118)
- Boiler was replaced on June 27, 2007, without Building, Plumbing/Mechanical permits
- Lack of sufficient combustion air/vents damaged
- Open junction box
- Interior walls of the room not sealed for fire rating (wall and ceiling)
- Damaged boiler vent pipe, weather cap at roof line is against electrical service entrance conductor conduit
- Electrical receptacle must be GFCI protected
- Electrical service entrance conductor conduit connection (LB) cracked – not weather protected

C. Electrical Meter Panel Inside Pool Area
- Service plug is not G.F.C.I protected
- Conductors are doubled at breakers (Dbl Stacked)
- Electrical service panel not secured

D. Electrical Meter Panel at East Side of Complex (Near Unit #140)
- Missing Electrical panel “dead front cover”
- Exposed non-protected electrical splices
- Conductors are doubled at breakers (Dbl stacked)
- Electrical service panel not secured

E. Roof Area
- Roof access open near unit 201
- Bee hive at south parapet wall near unit 201
- Boiler vent pipe and weather caps damaged in several locations
- Electrical service entrance conductors are in contact with boiler vents
- Damaged 6” x 6” post on third floor, to the west of roof access

F. Walkways/Decks
- Missing handrail at staircase near unit 101, 201 and several areas throughout the complex
- Water damaged concrete deck/damaged rotted sub flooring material, and serious tripping hazard at units 126, 220, 229, 102, and 203
- Water damaged deck, dry rotted wood rim joist and not protected from weather

G. Carports

1) Plumbing / Damaged Fire Separations
- #222- Green board installed on ceiling/leaking plumbing pipes
- #120- Leaking waterlines- dry rotted floor joist
- #218- Leaking water pipe - mildew and water damaged wood (apt 119)
- #216- Exposed plywood patch; missing drywall, no fire separation to units above
- #237- Leaking plumbing- rotted wooden floor joist, hanger support damaged. No support
Notice of Violation – 8615 Whittier Blvd.
October 1, 2008
Page 3

- #126- Leaking plumbing - drywall damaged
- #125- Leaking plumbing- drywall damaged
- #127- Leaking plumbing- drywall damaged
- #124- Leaking mainlines- water damaged wood joist
- #114-214- Waterline leaking- damaged drywall
- #221- Water damaged drywall
- #209- Water damaged drywall
- #235- Drywall damaged- leaking mainline
- #241-140- Leaking mainline- water damaged drywall
- #106- Water damaged drywall, missing drywall, no fire separation
- #203-204- Leaking mainline- drywall damaged

2) Electrical in Carport Area

- #122- Exposed conductors at electrical junction box
- #120- Exposed electrical conductors at light fixture
- #209- Electrical conduits not supported, lying on plumbing lines
- #134- Electrical conduits penetrations not sealed at fire wall
- #139- Exposed conductors at electrical junction box
- #235- Leaking pipes dripping into electrical junction gutter
- #140-241- Exposed wires at electrical junction box

H. Separation Walls in Carport Area

- #223-124- Damaged stucco around plumbing cleanout
- #120- Damaged stucco and missing cleanout cap
- #134- Stucco holes/penetrations from carport to electrical room

Code Section Violated:

California Mechanical Code 2007 Edition, Section 108.4, 701.6, 1021
California Electrical Code, 2007 Edition. Section 110.11
Uniform Housing Code as amended by California State Law, Health & Safety Code 17920.3, Chapter 10
Compliance Required:

- Must contact the City of Pico Rivera, Building Division within 10 days of receiving this letter.
- Must submit an Electrical and Mechanical engineering report and a solution on the repair of these items within 20 days.
- Submit construction plans and secure all appropriate permits for all corrections of the listed items within 30 days.
- Complete all report of the list above within the next 45 days.

Your anticipated cooperation to correct this violation is appreciated.

Failure to comply with this Notice of Violation within the time allotted will lead to city prosecutor hearing to abate this case. Failure could result in this document being recorded as a Notice of Order with the Los Angeles County Recorders Office declaring your property to be substandard which may affect the sale of your property in the future.

Sincerely,

Howard Narvaez
Building Inspector

Regarding the Pico Rivera Municipal Code

Section 113- VIOLATIONS AND PENALTIES of SECTION 15.08.020 Chapter 1, of the Pico Rivera Municipal Code states that any person, firm, corporation or any other entity violating or failing to comply with any of the provisions of this title shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not more than one thousand dollars or imprisonments in the county jail for a period not to exceed six months, or both such fines and imprisonments. Each separate day or any portion thereof, during any violation of the code occurs or continues, constitutes a new and additional separate offense.
NOTICE OF VIOLATION

RE: 8615 WHITTIER BOULEVARD, PICO RIVERA, CA 90660,
ASSESSOR'S PARCEL NUMBER 6373-018-005

An inspection of your property along with the Los Angeles County Fire Department was conducted on May 15, 2008, and a follow-up inspection on September 29, 2008 with the property manager revealed several code violations items in the mechanical room, electrical room, walkway/deck and carport areas, due to the amount of improper maintenance.

The Community & Economic Development Department - Building Division is requesting that the property owner address several serious Building, Electrical and Mechanical Code violations that are listed below:

A. Electrical Room/Mechanical Room at Pool Area; (Near Unit #135)
   - Must separate swimming pool mechanical equipment that is inside electrical room
   - Boiler was replaced on March 19, 2008, without Building, Plumbing and Mechanical permits
   - Boiler unit has open burner/ open flame with flammables in the area
   - Boiler tank without earthquake strap
   - Lack of sufficient combustion air/vents damaged
   - Interior walls of the room not sealed for fire rating (wall and ceiling)
   - Open electrical junction box
   - Electrical receptacle must be GFCI protected
   - Damaged boiler vent pipe, weather cap at roof line, very hot to touch and against electrical service entrance conductor conduit

October 6, 2008

Certified Mail No. 7007 3020 0002 2169 4917
B. **Electrical Room/Mechanical Room at North Side of Complex; (Near Unit #118)**
- Boiler was replaced on June 27, 2007, without Building, Plumbing/Mechanical permits
- Lack of sufficient combustion air/vents damaged
- Open junction box
- Interior walls of the room not sealed for fire rating (wall and ceiling)
- Damaged boiler vent pipe, weather cap at roof line is against electrical service entrance conductor conduit
- Electrical receptacle must be GFCI protected
- Electrical service entrance conductor conduit connection (LB) cracked – not weather protected

C. **Electrical Meter Panel Inside Pool Area**
- Service plug is not G.F.C.I. protected
- Conductors are doubled at breakers (Db1 Stacked)
- Electrical service panel not secured

D. **Electrical Meter Panel at East Side of Complex (Near Unit # 140)**
- Missing Electrical panel “dead front cover”
- Exposed non-protected electrical splices
- Conductors are doubled at breakers (Db1 stacked)
- Electrical service panel not secured

E. **Roof Area**
- Roof access open near unit 201
- Bee hive at south parapet wall near unit 201
- Boiler vent pipe and weather caps damaged in several locations
- Electrical service entrance conductors are in contact with boiler vents
- Damaged 6” x 6” post on third floor, to the west of roof access

F. **Walkways/Decks**
- Missing handrail at staircase near unit 101, 201 and several areas throughout the complex
- Water damaged concrete deck/damaged rotted sub flooring material, and serious tripping hazard at units 126, 220, 229, 102, and 203
- Water damaged deck, dry rotted wood rim joist and not protected from weather

G. **Carports**

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- #222- Green board installed on ceiling/leaking plumbing pipes
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• #140-241- Exposed wires at electrical junction box

H. Separation Walls in Carport Area
• #223-124- Damaged stucco around plumbing cleanout
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Code Section Violated:

Chapter 1
California Mechanical Code 2007 Edition, Section 108.4, 701.6, 1021
California Electrical Code, 2007 Edition, Section 110.11
Uniform Housing Code as amended by California State Law, Health & Safety Code
17920.3, Chapter 10
Compliance Required:

- Must contact the City of Pico Rivera, Building Division within 10 days of receiving this letter.
- Must submit an Electrical and Mechanical engineering report and a solution on the repair of these items within 20 days.
- Submit construction plans and secure all appropriate permits for all corrections of the listed items within 30 days.
- Complete all report of the list above within the next 45 days.

Your anticipated cooperation to correct this violation is appreciated.

Failure to comply with this Notice of Violation within the time allotted will lead to city prosecutor hearing to abate this case. Failure could result in this document being recorded as a Notice of Order with the Los Angeles County Recorders Office declaring your property to be substandard which may affect the sale of your property in the future.

Sincerely,

Howard Narvaez
Building Inspector

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NOTICE OF VIOLATION

RE: 8615 WHITTIER BOULEVARD, PICO RIVERA, CA 90660
ASSESSOR’S PARCEL NUMBER 6373-018-005

An inspection of your property along with the Los Angeles County Fire Department was conducted on May 15, 2008. Follow-up inspections on September 29, 2008, February 17, 2009, and March 5, 2009 with the property manager revealed several code violations items in the mechanical room, electrical room, walkway/deck and carport areas, due to the amount of improper maintenance. Several items were addressed from the original notice, dated October 1, 2008, with several items still outstanding.

The Community and Economic Development Department - Building Division is requesting that the property owner address several serious Building, Electrical and Mechanical Code violations that are listed below:

A. Electrical Room/Mechanical Room at Pool Area; (Near Unit #135)

- Must separate swimming pool mechanical equipment that is inside electrical room
B. Electrical Room/Mechanical Room at North Side of Complex; (Near Unit #118)

- Electrical service entrance conductor conduit connection (LB) cracked - not weather protected

E. Roof Area

- Damaged 6” x 6” post on third floor, to the west of roof access

F. Walkways/Decks

- Missing handrail at staircase near unit 101, 201 and several areas throughout the complex
- Water damaged concrete deck/damaged rotted sub flooring material, and serious tripping hazard at units 126, 220, 229, 102, and 203
- Water damaged deck, dry rotted wood rim joist and not protected from weather

G. Carports

2) Electrical in Carport Area

- #122-Exposed conductors at electrical junction box
- #120- Exposed electrical conductors at light fixture
- #209-Electrical conduits not supported, lying on plumbing lines
- #134- Electrical conduits penetrations not sealed at fire wall
- #139- Exposed conductors at electrical junction box
- #235- Leaking pipes dripping into electrical junction gutter
- #140-241- Exposed wires at electrical junction box
H. Separation Walls in Carport Area
   - #223-124- Damaged stucco around plumbing cleanout
   - #120- Damaged stucco and missing cleanout cap
   - #134- Stucco holes/penetrations from carport to electrical room

Code Section Violated:

California Mechanical Code 2007 Edition, Section 108.4, 701.6, 1021
California Electrical Code, 2007 Edition, Section 110.11
Uniform Housing Code as amended by California State Law, Health & Safety Code 17920.3, Chapter 10

Compliance Required:

- Must contact the City of Pico Rivera, Building Division within 10 days of receiving this letter.
- Must submit an Electrical and Mechanical Engineering report and a solution on the repair of these items, as well as provide a written course of action to the Building Official, within 20 days.
- Submit construction plans and secure all appropriate permits for all corrections of the listed items within 30 days.
- Complete all report of the list above within the next 45 days.

The Building Division will require inspect on all items which may be altered to comply with the California Building, Mechanical, Electrical Code requirements.

Failure to comply with this Notice of Violation within the time allotted will lead to city prosecutor hearing to abate this case. Failure could result in this document being recorded as a Notice of Order with the Los Angeles County Recorders Office declaring your property to be substandard which may affect the sale of you property in the future.
Your anticipated cooperation to correct this violation is appreciated.

Respectfully,

Howard Narvaez
Interim Senior Building Inspector

Regarding the Pico Rivera Municipal Code

Section 15.08.020 of the Pico Rivera Municipal Code states that any person, firm or any other legal entity to erect, construct, enlarge, alter, repair, move, improve, remove, relocate, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code. A violation of any provision of this code, or of any permit, approved plans and specifications, or any amendment thereto, is a misdemeanor and is punishable by a fine not to exceed $1000, or imprisonments in the county jail for a period not to exceed six months, or both such fines and imprisonments. Each separate day or any portion thereof, during which any violation of the code occurs or continues, constitutes a new and additional separate offense.
NOTICE OF VIOLATION

RE: 8615 WHITTIER BOULEVARD, PICO RIVERA, CA 90660
ASSESSOR’S PARCEL NUMBER 6373-018-005

An inspection of your property along with the Los Angeles County Fire Department was conducted on May 15, 2008. Follow-up inspections on September 29, 2008, February 17, 2009, and March 5, 2009 with the property manager revealed several code violation items in the mechanical room, electrical room, walkway/deck and carport areas, due to the amount of improper maintenance. Several items were addressed from the original notice, dated October 1, 2008, with several items still outstanding. Several letters have been sent to the property owner of record with the last notice dated February 16, 2010.

The Community and Economic Development Department - Building Division is requesting that the property owner address several serious building, electrical and mechanical code violations that are listed below:

A. Electrical Room/Mechanical Room at Pool Area; (Near Unit #135)
   - Must separate swimming pool mechanical equipment that is inside electrical room

B. Electrical Room/Mechanical Room at North Side of Complex; (Near Unit #118)
   - Electrical service entrance conductor conduit connection (LB) cracked – not weather protected
Notice of Violation – 8615 Whittier Boulevard
April 20, 2010
Page 2

E. Roof Area

• Damaged 6” x 6” post on third floor, to the west of roof access

F. Walkways/Decks

• Missing handrail at staircase near unit 101, 201 and several areas throughout the complex
• Water damaged concrete deck/damaged rotted sub flooring material, and serious tripping hazard at units 126, 220, 229, 102, and 203
• Water damaged deck, dry rotted wood rim joist and not protected from weather

G. Carports

2) Electrical in Carport Area

• #122- Exposed conductors at electrical junction box
• #120- Exposed electrical conductors at light fixture
• #209- Electrical conduits not supported, lying on plumbing lines
• #134- Electrical conduits penetrations not sealed at fire wall
• #139- Exposed conductors at electrical junction box
• #235- Leaking pipes dripping into electrical junction gutter
• #140-241- Exposed wires at electrical junction box

H. Separation Walls in Carport Area

• #223-124- Damaged stucco around plumbing cleanout
• #120- Damaged stucco and missing cleanout cap
• #134- Stucco holes/penetrations from carport to electrical room

Code Section Violated:

California Mechanical Code 2007 Edition, Section 108.4, 701.6, 1021
California Electrical Code, 2007 Edition, Section 110.11
Uniform Housing Code as amended by California State Law, Health & Safety Code 17920.3, Chapter 10
Compliance Required:

- Must contact the City of Pico Rivera, Building Division within 10 days of receiving this letter.
- Must submit an Electrical and Mechanical Engineering report and a solution on the repair of these items, as well as provide a written course of action to the Building Official, within 20 days.
- Submit construction plans and secure all appropriate permits for all corrections of the listed items within 30 days.
- Complete all reports from the list above within the next 45 days.

The Building Division will require inspections on all items which may be altered to comply with the California Building, Mechanical, Electrical Code requirements.

Failure to comply with this Notice of Violation within the time allotted will lead to city prosecutor hearing to abate this case. Failure could result in this document being recorded as a Notice of Order with the Los Angeles County Recorders Office declaring your property to be substandard which may affect the sale of your property in the future.

Your anticipated cooperation to correct this violation is appreciated.

Respectfully,

Howard Narvaez
Interim Senior Building Inspector

HN:II
Regarding the Pico Rivera Municipal Code

Section 15.08.020 of the Pico Rivera Municipal Code states that any person, firm or any other legal entity to erect, construct, enlarge, alter, repair, move, improve, remove, relocate, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code. A violation of any provision of this code, or of any permit, approved plans and specifications, or any amendment thereto, is a misdemeanor and is punishable by a fine not to exceed $1000, or imprisonments in the county jail for a period not to exceed six months, or both such fines and imprisonments. Each separate day or any portion thereof, during which any violation of the code occurs or continues, constitutes a new and additional separate offense.

cc: Whittier Manor Apartments
8615 Whittier Boulevard
Pico Rivera, CA 90660
Hacienda Class LLC
1066 South Rexford Lane
Anaheim, CA 92808-2341
Ms. Lupe Sanchez  
Whittier Manor Apartments  
8615 Whittier Boulevard  
Pico Rivera, CA 90660

NOTICE OF COMPLIANCE

A follow-up notice is hereby given that the Notice of Violation/Substandard Conditions dated August 23, 2011, and previous similar notices dating back to May 20, 2008, filed against the property known as 8615 Whittier Boulevard, Pico Rivera, CA 90660 described as Assessors Map Book 6373, Page 018, Parcel 005 have been dismissed and our records now reflect that you have complied with all the requirements necessary to remove the Notice of Violation and Substandard Conditions.

I affirm that I was the author of the original Notice of Violations/Substandard Conditions and furthermore affirm that all items mentioned on that list have been resolved to the satisfaction of the Building Division as of September 22, 2011.

Your cooperation in correcting these items that were violations is appreciated.

Respectfully,

Howard Narvaez  
Building Inspector

HN:av
NOTICE OF VIOLATION

RE: 8615 WHITTIER BOULEVARD, PICO RIVERA, CA 90660
ASSESSOR’S PARCEL NUMBER 6373-018-005

An inspection of a couple of empty units on your property was conducted on August 4, 2014 by the City of Pico Rivera Building Division as the result of several complaints that were filed with the City. Several items throughout the complex were also noted during our brief visit that will require immediate attention. Some of the interior repairs that were seen within individual units have been noted below and will need to be repaired before the units may be occupied. These were inspected with one of your on-site managers, Omar A.

I realize that the resolution to these complaints are going to take some time, since each unit within the complex will need to be inspected. The goal that has been given your staff is to view the items listed on this communication, correct all issues on this current list, and then make sure that none of these same issues are present in the next group of units that are to be inspected. After we successfully complete the inspection and remediation process, a “Certificate of Occupancy” may be granted.

The Community and Economic Development Department - Building Division is requesting that you; the property owner, address the Building, Electrical, Plumbing, Mechanical and Fire Code violations that are listed below:
A. CARPORTS

Several carport parking areas listed below required repair to either the fire rated wall or ceiling separating this area with the adjacent units.

- #102- Ceiling drywall damaged with opening to upper unit framing.
- #104- Ceiling drywall damaged with opening to upper unit framing.
- #214- Ceiling drywall damaged with opening to upper unit framing.
- #216- Ceiling drywall damaged with opening to upper unit framing.
- #118- Ceiling drywall damaged with opening to upper unit framing.
- #219- Ceiling drywall damaged with opening to upper unit framing.
- #122- Ceiling drywall damaged with (3) openings to upper unit framing.
- #223- Ceiling drywall damaged with opening to upper unit framing.
- #126- Ceiling drywall damaged with opening to upper unit framing.
- #228- Ceiling drywall damaged with opening to upper unit framing.
- #232- Ceiling drywall damaged with opening to upper unit framing.
- #134- Ceiling drywall damaged with opening to upper unit framing.

B. EXTERIOR OF ELECTRICAL ROOM/MECHANICAL ROOM

- Mechanical room vents along the wall were damaged in both locations.

C. ELECTRICAL LIGHT FIXTURES WITHIN CARPORT AREAS

Multiple light fixtures within the carport areas require repair to damaged element and/or housing of the fixture.

- #102- Missing light bulbs and protective fixture cover.
- #104- Missing light bulbs, exposed wiring and missing protective fixture cover.
- #106- Missing light bulbs, exposed wiring and missing protective fixture cover.
- #207- Missing light bulbs, exposed wiring and missing protective fixture cover.
- #209- Missing light bulbs and protective fixture cover.
- #111- Missing light bulbs and protective fixture cover.
- #112- Missing light bulbs and protective fixture cover.
- #114- Missing light bulbs and protective fixture cover.
- #116- Missing light bulbs and protective fixture cover.
- #216- Missing light bulbs and protective fixture cover.
- #118- Missing light bulbs and protective fixture cover.
- #119- Missing light bulbs and protective fixture cover.
- #219- Missing light bulbs, exposed wiring and missing protective fixture cover.
D. PLUMBING WITHIN CARPORT AREA

A plumbing leak within the carport parking area requires repair to both the plumbing and fire rated ceiling separating this area with the adjacent units.

- #114- Leaking bathtub drain trap and water damaged drywall

E. FIRE EXTINGUISHERS WITHIN CARPORT AREA

Several empty fire hoses or fire extinguishers containers within the carport and apartment areas.

- #202- Missing fire hose or extinguisher.
- #129- Missing fire hose or extinguisher.
- #239- Missing fire hose or extinguisher.

F. LAUNDRY AREA

A large amount of debris has collected behind the washer and dryers within this area.

G. SECURITY IRON GATES

The existing iron security gates have a man door with a frame on both sides that do not meet the minimum 6'-8" head room clearance.

H. GENERAL SITE CONDITIONS OF BUILDING.

Deck surfaces have cracks (not sealed), puddles and surfaces that are trip hazards. Guardrails are loose and have anchors that are loose, or are found to be in rotted wood. Handrails of steps are loose. Stair treads are chipped and or loose. Full tread is required. Several stair stringers appear to be sagging and need a Structural Engineer to figure out if/why they are failing.
UNITS THAT WERE INSPECTED

#115- This unit was still under construction. The following items were pointed out to Omar.

- Window had no locks within the living area.
- The unit did not have adequate heating. Air condition was put in this location.
- Electrical receptacles within kitchen and bathroom were not G.F.C.I protected.
- Light fixtures within the kitchen and bathroom must be fluorescent type.
- Missing caulking around the base of the toilet.
- No smoke detectors within the unit.
- Must label all circuits on electrical subpanel.
- Light fixture within the bathroom is not listed for wet location.
- The front iron security door cannot swing open into the path of travel.
- Question regarding the load demand for the new air condition unit.
- Electrical circuit receptacle for air conditioner is a “tied breaker”.

#110- This unit was still under construction. The following items were pointed out to Omar.

- Window had no locks within the living area.
- The unit did not have adequate heating. Air condition was put in this location.
- Electrical receptacles within kitchen and bathroom were not G.F.C.I protected.
- Missing electrical receptacle cover plate under kitchen sink.
- Plumbing / drain within the kitchen sink is not installed properly.
- Broken door and jamb in the bathroom.
- Broken toilet tank lid.
- No smoke detectors within the unit.
- Must label all circuits on electrical subpanel.
- Question regarding the load demand for the new air condition unit.
- Electrical circuit receptacle for air conditioner is a “tied breaker”.

#111- This unit was still under construction. The following items were pointed out to Omar.

- Window had no locks, and missing glass pane within the living area.
- The unit did not have adequate heating. Air condition was put in this location.
- Electrical receptacles within kitchen and bathroom were not G.F.C.I protected.
- Light fixtures within the kitchen and bathroom must be fluorescent type.
- Provide a missing junction box at kitchen ceiling receptacle.
- Provide a grounding conductor for kitchen hood conductors.
- Plumbing drain with flex pipe at the bathroom vanity is not approved.
- No smoke detectors within the unit.
- Wooden threshold at the entry door is rotted.
- Must label all circuits on electrical subpanel.
- Question regarding the load demand for the new air condition unit.
- Electrical circuit receptacle for air conditioner is a “tied breaker”.

#214- This unit was still under construction. The following items were pointed out to Omar.

- Window had no locks, and missing glass pane within the living area.
- The unit did not have adequate heating. Air condition was put in this location.
- Electrical receptacles within kitchen and bathroom were not G.F.C.I protected.
- Light fixtures within the kitchen and bathroom must be fluorescent type.
- No smoke detectors within the unit.
- The front Iron security door cannot swing open into the path of travel.
- Must label all circuits on electrical subpanel.
- Question regarding the load demand for the new air condition unit.
- Electrical circuit receptacle for air conditioner is a “tied breaker”.

Code Section Violated:

California Mechanical Code 2013 Edition, Section 101.3, 102.4, 701.6, 1019
Uniform Housing Code as amended by California State Law, Health & Safety Code 17920.3, Chapter 10

Compliance Required:

- Please contact the City of Pico Rivera, Building Division within 10 days to acknowledge you have received a copy of this letter. My telephone number is 562-801-4331.
- Must submit a written course of action to the Building Official, within 20 days. Action Plan must include when the next group of units will be ready for inspections as well as a schedule showing anticipated dates when all units will have been inspected. (Generally, we can be available for up to an hour and a half on Mondays, Wednesdays and the Fridays we are open.)
Submit an Electrical and Mechanical Engineering report and a solution on the installation of heating units within the units without heat. Also provide load calculation for electrical mechanical units and secure all appropriate permits for all corrections of the listed items within 45 days.

The Building Division will require an inspection be made on all items which may have been altered in the past, in order to insure compliance with the California Building, Mechanical, Electrical Code requirements.

Your anticipated cooperation to correct this violation is appreciated.

Respectfully,

Eric Dennis CBO
Building Official
Tel. 562-801-4331
E-Mail: edennis@pico-rivera.org

Regarding the Pico Rivera Municipal Code

Section 15.08.020 of the Pico Rivera Municipal Code states that any person, firm or any other legal entity to erect, construct, enlarge, alter, repair, move, improve, remove, relocate, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code. A violation of any provision of this code, or of any permit, approved plans and specifications, or any amendment thereto, is a misdemeanor and is punishable by a fine not to exceed $1000. or imprisonments in the county jail for a period not to exceed six months, or both such fines and imprisonments. Each separate day or any portion thereof, during which any violation of the code occurs or continues, constitutes a new and additional separate offense.
City of Pico Rivera  
Certificate of Occupancy Application  
Community Development Department  
6615 Passons Blvd. Pico Rivera, CA 90660 – Tel: (562) 801-4360  

| Type of Application: |  |
|----------------------|-*|  |
| ☐ New Business       | ☒ Change of Business Ownership | ☐ Construction Completion |

| Business Address: | Building Permit No: |  |
|------------------|---------------------|  |
| 24015 Whitter Blvd |  |  |

| Business Name or Occupant: | Business Phone: |  |
|---------------------------|-----------------|  |
| Lui Hua, LLC | 562-285-4091 |  |

| Home Office Address if different from above: | Home Office Phone: |  |
|---------------------------------------------|-------------------|  |
| 1365 Winston Ave, Norwalk, CA 90650 |  |  |

| Business Owner and Address: | Phone: |  |
|-----------------------------|--------|  |
| Lui Hua | 626-375-7448 |  |

| Building Owner and Address: | Phone: |  |
|-----------------------------|--------|  |
| 1365 Winston Ave, Norwalk, CA 90650 |  |  |

| Type of Business: | Business Hours: | Days of Week: | Square Footage of Building: |  |
|-----------------|-----------------|---------------|-----------------------------|  |
| Complex | M-F | 10:00 am - 5:00 pm |  |  |

| Previous use of Building: | Type of flammable or explosive liquids to be used if any: |  |
|---------------------------|--------------------------------------------------|  |
| Premises Only | None |  |

I certify that I have read the statements contained in this application; that they are true and correct; and that I make this statement under penalty of perjury.

Dated this 12th day of December, 2013 in the City of Pico Rivera, State of California

Signature of Applicant:  
Print Applicant's name: Lui Hua

FOR DEPARTMENTAL USE ONLY  
Property Zone Designation: C-G  
Building Occupancy Group: GDP R-2  
Redevelopment: Date Approved Denied By  
Planning: 18/19/13 Approved Denied By  
Public Works: 10/30/13 Approved Denied By  
Revenue/Bus. License: 12/18/13 Approved Denied By  
Fire Dept: 11/4/13 Approved Denied By  
Health Dept: N/A Approved Denied By  
Building: 10/31/14 Approved Denied By  
Signature of Building Official:  
Remarks:  

A Certificate of Occupancy for the above stated use will be issued when all appropriate approvals have been obtained and the signature of the Building Official is affixed to this application.
CHAPTER 3

Land Use Element

Introduction

The Land Use Element focuses on the organization of the community's physical environment into logical, functional, and visually pleasing patterns, consistent with local values and priorities. Of primary concern are the type, intensity, location, and character of land uses desired for the future. The Land Use Element provides appropriate land for each of the variety of activities associated with a successful community, and guides the manner in which this land will be developed and used.

A key consideration in defining the type, intensity, location, and mix of future land uses is achieving a close relationship between local employment and housing. Reducing the number of miles residents must travel between home and work and providing opportunities for "transit-oriented" development consisting of high density, mixed use development adjacent to transit nodes will ease traffic congestion, reduce fuel and energy consumption, improve regional air quality, and reduce greenhouse gas emissions.

The arrangement and pattern of land uses set forth in this Element takes into consideration existing development, transportation routes, infrastructure capacity, natural and man-made barriers, and a variety of interrelated aspects that shape the community.

As required by State planning law, this Land Use Element designates the general distribution, location, and extent of land uses for housing, business, industry, open space, institutions, city facilities, and other categories of public and private uses of land within the city and its Sphere of Influence (SOI).

A description of the general layout desired for each land use type is provided in this Land Use Element. Another purpose of this Element is to identify opportunities to enhance the planning area's existing built form and make suggestions regarding appropriate options for design improvements.

Through the provisions of this Element and its implementation, the City seeks to:

- Establish and maintain an orderly pattern of development;
- Identify acceptable land uses and their general location, along with standards for residential density and non-residential intensity for development;
- Establish a land use classification system that implements land use policies;
3. Land Use Element

- Provide a pleasant, functional, and organized built environment that helps residents, workers, and visitors have a sense of well-being while in the community;
- Encourage residents, workers, and visitors to use businesses within the city by making commercial areas more attractive and functional;
- Provide good "wayfinding" to assist residents, workers, and visitors in finding facilities and services within the community;
- Attract future development of a high quality by giving developers and new businesses the confidence that their investment in the community will be protected; and
- Visually reflect the quality and heritage of the community.

Land Use Issues

Community Image and Character
Underlying the livability and economic vitality of a community is its perceived image. Quality in the design of the built environment is an investment that pays dividends in residents' perceptions of their quality of life and the perceptions that prospective employers and retailers will have regarding the desirability of Pico Rivera as a location for their businesses.

Pico Rivera's existing community character is a result of its natural setting, a compact community flanked by two rivers, and the history of the area, which began as Spanish and Mexican ranchos and later evolved into two small separate residential communities situated between the rivers—the towns of Pico and Rivera—that were ultimately incorporated into the City of Pico Rivera.

The city has enjoyed a marked improvement in the quality of its built environment over the past 20 years. New investments have been made in large-scale commercial development along Whittier and Washington Boulevards, and a modern industrial park has replaced the former Northrup manufacturing plant. In addition, significant investment has been made in upgrading streetscapes, as evidenced by recent improvements along Beverly, Rosemead, Washington, and Paramount Boulevards including the Passons Boulevard Underpass project.

Yet, much work remains to be accomplished, including streetscape improvements along some major roadways, improved design of community entries and gateways, and upgrading of some older commercial corridors and aging industrial areas.

Organization of Land Uses
Throughout much of the planning area, the overall land use pattern is well established, and is not intended to change over time. Future development will primarily consist of Infill projects, expansion of existing uses, and improvements to existing buildings. Within the northern portion of the city, some older, existing
general industrial development is planned to transition to higher employment-generating lighter industrial uses. Higher density housing will be introduced in strategic locations, including mixed-use development.

Recognizing that the planning area's land use pattern is well established and the need to protect existing residential neighborhoods, there are two overarching themes for future land use within the community. The first is to "Preserve and Protect" those neighborhoods, open space and commercial/industrial areas that are functioning well. The second is to focus on "Opportunity Areas" which represent the portions of the city where investment in design improvements or land use changes would improve economic prosperity and the visual quality of the community, while also meeting its future housing needs.

The General Plan provides a blueprint for community development by designating lands for different types of uses. In designating land uses, the General Plan takes into account:

- **Existing Land Use**: What is the current pattern of developed land by type of land use – residential, commercial, service, manufacturing, and others?
- **Demand**: How much demand exists for existing and new land uses of various types (housing, retail, industry, etc.)?
- **Desired Future Land Use**: What locations within the community are best suited for uses that are different than those that exist today? What different uses do we need in the future? Is there sufficient land in appropriate locations to satisfy future needs?
- **Infrastructure Availability**: Are urban services – water supply, wastewater collection and treatment, transportation facilities, and others – adequate to serve existing and future development?

Taking these considerations into account, the General Plan indicates where various kinds of land uses are best located, and how much of each use should be provided. The General Plan provides opportunities, but does not cause development to happen. The General Plan recognizes that, ultimately, development depends on the initiative of individual developers and businesses, for whom the provisions of the General Plan establish a context for evaluating the economic feasibility of their specific projects.

**Land Use Transitions and Buffers**
Although Pico Rivera's overall land use pattern is well established, and are not intended to change over time, there exist within the community locations where incompatible land uses sit side-by-side together. For example, within the northern portion of the city, certain residential neighborhoods are located adjacent to industrial uses, including along Kruse Road and in the area north of Whittier Boulevard east of Durfee Avenue. The General Plan proposes land use changes
3. Land Use Element

and includes appropriate policies to address land use transitions and to create buffers to address these incompatibilities.

Historic Resources

While the City's history has played a role in defining Pico Rivera's current land use pattern, certain pieces of history have also endured and become important assets to the community. The City in consultation with the Pico Rivera History and Heritage Society has gathered a great deal of local historical information and identified a total of 13 buildings and sites with the potential for historical significance (see Table 3-1). Only one of the sites, the La Mano building located at 9235 Whittier Boulevard is a California registered historical building. It was the former National Bank of Pico Rivera. None of the other sites are currently listed in federal or state registers. However, regardless of whether these sites are eligible for official registration with the federal or state government, the City is committed to acknowledging, protecting and enhancing its historic resources. General Plan goals and policies support this commitment by recommending protection of these sites subject to further study of their historical significance.
<table>
<thead>
<tr>
<th>Number</th>
<th>Name</th>
<th>Address</th>
<th>APN</th>
<th>Historic Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bliss House</td>
<td>5537 Rosemead Boulevard</td>
<td>6372028022</td>
<td>Historic home of baseball player Jack Bliss.</td>
</tr>
<tr>
<td>2</td>
<td>St. Francis Xavier Church</td>
<td>4245 Acacia Avenue</td>
<td>5272018029</td>
<td>First Catholic church in Pico, c. 1930s</td>
</tr>
<tr>
<td>3</td>
<td>Turner House</td>
<td>8823 Dunlap Crossing Road</td>
<td>6322026021</td>
<td>Historic home, c.1900</td>
</tr>
<tr>
<td>4</td>
<td>Barlow-Haag House</td>
<td>8612 Dunlap Crossing Road</td>
<td>6371011033</td>
<td>Historic ranch house, c.1897</td>
</tr>
<tr>
<td>5</td>
<td>El Camino Real Mission Bells</td>
<td>Pico Rivera Plaza (in plaza area between Target and Food For Less, 8800-8900 Whittier Boulevard)</td>
<td>638103900</td>
<td>Historic El Camino Real route linking California Missions</td>
</tr>
<tr>
<td>6</td>
<td>Santa Fe Railroad Station (Pico Rivera History &amp; Heritage Society)</td>
<td>Relocated, 9122 Washington Boulevard</td>
<td>6381002045</td>
<td>Site of the Santa Fe Depot (1984-1888)</td>
</tr>
<tr>
<td>7</td>
<td>Chauncy Clark House</td>
<td>8310 Orange Avenue</td>
<td>6387011013</td>
<td>Historic house, c.1912</td>
</tr>
<tr>
<td>8</td>
<td>Wells House</td>
<td>8321 Pasons Boulevard</td>
<td>6387011014</td>
<td>Historic house, c.1914</td>
</tr>
<tr>
<td>9</td>
<td>Rivera First Baptist Church</td>
<td>9125-9141 Burke Street</td>
<td>6382020050</td>
<td>Original site of the First Baptist Church of Rivera (1888-1918)</td>
</tr>
<tr>
<td>10</td>
<td>Brown House</td>
<td>9239 Mines Avenue</td>
<td>6377027035</td>
<td>Site of historic home</td>
</tr>
<tr>
<td>11</td>
<td>Whitmore House</td>
<td>9109 Mines Avenue</td>
<td>6377029022</td>
<td>Historic house, c.1903</td>
</tr>
<tr>
<td>12</td>
<td>La Mesa Building</td>
<td>9235 Whittier Boulevard</td>
<td>6374016023</td>
<td>Old Nation Bank, California registered historic building*</td>
</tr>
<tr>
<td>13</td>
<td>Eternal Flame Monument</td>
<td>Mines Avenue and Dunlap Crossing Road (behind the Pico Rivera Library)</td>
<td>6374016023</td>
<td>Veterans memorial, c. 1978</td>
</tr>
</tbody>
</table>

Source: City of Pico Rivera Planning Department, 2014

*This is the only site that is California registered; all other sites need further study to determine their historic value.
3. Land Use Element

**Land Use Plan**

This section presents the Land Use Plan and an overview of the standards of density and building intensity, and allowed uses for the various land use designations in the plan, consistent with the requirements of State Planning Law. Figure 3-1 presents the Land Use Plan for Pico Rivera. Table 3-2 describes the uses and densities permitted for each land use category.

Intensity standards are expressed as an allowable range of residential densities and nonresidential floor area ratios (FARs) per gross acre. Examples of typical densities and FARs are illustrated on Figure 3-2.

California Planning law calls for conformity between the land use map and the zoning map. This consistency provision is important, since the zoning ordinance serves as the primary implementation tool of the Land Use Element. In instances where there is a conflict and an inconsistency arises, the general plan intensity designation prevails. State law indicates that local governments have a "reasonable amount of time" to amend their zoning ordinance to ensure consistency. Appendix A, Zoning Compatibility Matrix provides information regarding zoning districts and their consistency with the various land use designations of the General Plan.

In areas where zoning has not been brought into conformity with the General Plan and a discretionary permit is required for development, the City shall allow property owners to either:

1. Develop consistent with the existing zoning provided the City makes a finding that approval of the project would not interfere with the long-term development of the area consistent with the General Plan; or
2. Develop under the General Plan designation, in which case the City and property owners will facilitate a rezoning consistent with the General Plan.
Figure 3-1: Land Use Plan
Table 3-2: General Plan Land Use Categories

<table>
<thead>
<tr>
<th>Map Symbol</th>
<th>Intention</th>
<th>Maximum Density: Land Use Intensity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Designations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Land Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Densities are stated as the maximum permissible number of dwelling units per net acre that exists within the project site prior to any new dedication requirements. Density is assumed to accrue only to lands that are “developable.” Developable acres are those that are not encumbered by prior dedications of easements or rights-of-way, and are not flood-prone or subject to other hazards as to be unable to support new development. Second units on a residential lot may be permitted subject to the provisions of the zoning ordinance provided that second units are developed within the applicable maximum allowable density of lot they are being developed on and per State law. Provision of density bonuses to facilitate the development of housing for lower income residents as allowed by State law and City ordinance may result in development densities in excess of the nominal maximum density for any land use designation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RR</td>
<td>The Rural Residential designation preserves large lot rural lifestyles, including the keeping of animals within an urban setting. Housing types range from large ranch estate homes to several detached houses on a single large lot when consistent with the maximum allowable land use intensity and permitted by the zoning ordinance.</td>
<td>Density: Up to 2 dwelling units per net acre</td>
</tr>
<tr>
<td>LDR</td>
<td>The Low Density Residential designation makes up the majority of the residential land use within the city. These areas typically consist of traditional suburban subdivisions with one house per lot or in some case, one house on a lot with an attached or detached rental unit. A mixture of housing types may be developed within a single project site consistent with Low Density Residential density limits are not exceeded and a determination by the City that the proposed mix of dwelling units will be compatible with the surrounding neighborhood.</td>
<td>Density: 2-6 dwelling units per net acre</td>
</tr>
<tr>
<td>MDR</td>
<td>Lands designated Medium Density Residential are typified by a wide range of living accommodations, including conventional detached homes, detached dwellings on small lots, mobile homes, duplexes, townhouses, condominiums, and garden apartments. A mixture of detached homes and attached for-sale or for-rent dwelling units could also be permitted within a proposed development consistent with Medium Density Residential density limits and a determination by the City that the proposed dwelling unit mix will be compatible with the surrounding neighborhood.</td>
<td>Density: 6-14 dwelling units per net acre</td>
</tr>
<tr>
<td>HDR</td>
<td>The High Density Residential designation is typified by townhouses, condominiums and apartments. Since the Land Use Map designates density rather than specific housing types, a mixture of homes, condominiums, and apartments could also be permitted within a proposed development if High Density Residential density limits are not exceeded and a determination is made by the City that the proposed development will be compatible with the surrounding neighborhood and General Plan policies. High Density Residential designations are primarily located along major street corridors and near major activity centers.</td>
<td>Density: 14-30 dwelling units per net acre</td>
</tr>
</tbody>
</table>
Business-Oriented Land Uses

The General Plan identifies business-oriented land use designations to provide a broad range of shopping, commercial service, and employment opportunities for the community. Permitted maximum land use intensities for each designation are stated as maximum floor area ratios (FAR), which are determined by dividing the total proposed building area (square feet) of a development by the square footage of the development site prior to any new dedication requirements. Achievement of this maximum is neither guaranteed nor implied. The final density achieved by any particular development is dependent upon the project's design, any constraints that might be present within the site, traffic and site access considerations, available infrastructure and services, and other factors. Applicable zoning standards may also limit attainment of maximum allowable intensities.

### C Commercial land use designation
- **Intensity**: Maximum FAR of 0.75
- The Commercial land use designation is intended to provide appropriately located areas for the general shopping, commercial service, dining and entertainment, and professional office needs of the community. Examples of the intended nature of development within the Commercial designation include shopping centers, in-line shops, specialty shops, stand-alone commercial uses, and office buildings. Within the Commercial designation, and subject to applicable General Plan policies and Pico Rivera ordinance provisions, appropriate land uses include a broad range of commercial, retail, service, and office uses. Typical uses include general retail, markets, commercial service, restaurants, automotive repair and service, hardware and home improvement, durable goods sales, professional and business offices, financial institutions, and automotive sales.

### LI Light Industrial land use designation
- **Intensity**: Maximum FAR of 0.60
- The Light Industrial land use designation is characterized by a variety of light industrial uses, including warehousing/distribution, assembly, light manufacturing, research and development, mini-storage, and repair facilities conducted within enclosed structures as well as supporting retail and personal services. Light industrial areas are intended for industrial uses compatible with a location in closer proximity to residential development than general industrial areas and are intended for businesses that do not generate substantial volumes of heavy truck traffic.

### I General Industrial land use designation
- **Intensity**: Maximum FAR of 0.60
- General Industrial designations are intended for a range of industrial businesses, including uses, which, because of their truck-intensive nature or for reasons of potential environmental effects, are best segregated from other, more sensitive, land uses, such as residential neighborhoods. These areas provide for a wide range and variety of manufacturing and assembly, large-scale warehousing and distribution uses, contractors storage yards, and wholesale activities. Retail or service uses designed to meet the needs of businesses may be permitted subject to applicable zoning regulations. General Industrial areas are intended to make a positive contribution to the local economy and municipal revenues, and furnish local employment opportunities for area residents.
Table 3-2 (continued):
General Plan Land Use Categories

<table>
<thead>
<tr>
<th>Map Symbol</th>
<th>Intention</th>
<th>Maximum Density/Land Use Intensity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Community and Public Land Uses</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The General Plan identifies Community and Public land use designations to provide for public and institutional activities, as well as for the preservation of open space. Pico Rivera recognizes that the City might not have jurisdiction over certain public facilities, and that public entities might not be required to follow the City's development standards. In such cases, the City's land use policies, including maximum development intensity are intended as a guideline for the agency.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The primary purpose of areas designated Park/Open Space is the provision of recreational facilities, preservation of environmental resources, managed production of resources, and protection of the public health and safety. Certain open space areas, such as those that exist to protect public health or sensitive environmental resources or those owned and managed by private entities, might not be open to public use. The most prevalent public open space uses are City parks. It is also the intent of this designation to include uses, such as utility corridors, that serve as interim and permanent open space. Only uses consistent with the open space purposes of lands designated Park/Open Space are appropriate, subject to the applicable General Plan policies and zoning ordinance provisions. This designation recognizes that certain recreational uses such as the municipal golf course and equestrian centers may be of higher intensity use than typical parks and open space areas. In addition, wholesale nurseries and landscape growers may be permitted within public utility easements subject to General Plan policies and zoning ordinance provisions.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Public Facilities designation is intended to recognize existing publicly owned facilities, and to provide areas for the conduct of public and institutional activities, including but not limited to State and Federal agencies, special districts, public schools and associated administrative offices, and public and private utilities. Uses within this designation include public and private schools, public corporation yards, libraries, fire stations, civic center, and other governmental utilities and facilities. Uses also include open space, parks, greenways and trails that are intended for public use.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Two unique land use designations provide for flexible land use in activity centers and provide for innovation in design. Whereas the other land use designations generally focus on a single type of land use, mixed land use categories produce a successful blend of land uses to create successful districts.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The primary purpose of areas designated Mixed Use is to provide a different style of development than traditional neighborhoods, commercial, and employment areas that are physically separated from each other. The specific mix of uses and development density are to be appropriate to the site's location, access, size, and adjacent land uses. The intent is to create areas in which a mix of uses can come together to meet the community's housing, shopping, employment, and institutional needs through efficient patterns of land use. The Mixed Use designation provides flexibility to develop standalone residential or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Intensity: Maximum FAR shall be 1.0 for non-residential uses and up to 30 dwelling units per net acre for residential uses. The scale, size and mix of land uses vary by area. Further direction regarding land use</td>
<td></td>
</tr>
</tbody>
</table>
3. Land Use Element

Table 3-2 (continued):
General Plan Land Use Categories

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Intention</th>
<th>Maximum Density/Land Use Intensity</th>
</tr>
</thead>
<tbody>
<tr>
<td>commercial or a combination of both. Within the Mixed Use designation, both “vertical mixed use” (various types of uses integrated within individual buildings, such as commercial on the ground floor with residential uses above) and “horizontal mixed use” (individual buildings housing different types of uses within an integrated site plan) are appropriate.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Specific Plan designation is intended to be used in combination with underlying General Plan land use designations to allow for the creation of flexible standards in areas of the city which have unique characteristics, environmental constraints, or would not otherwise achieve General Plan goals and policies using the existing designations.

Within the Specific Plan designated areas, all land uses which underlie the Specific Plan designation are considered to be appropriate subject to applicable General Plan policies and Zoning ordinance provisions. Development or redevelopment within the Specific Plan designation will be subject to the requirements of Government Code Section 65450. In addition, Specific Plans must include:

- A land use plan incorporating high quality design concepts and a consistent design theme;
- A circulation plan which shows appropriate access to and from the development as well as how the project roadways will be designed;
- A landscape plan providing a consistent planting theme;
- A description (which includes illustrative examples) of techniques which will be used to buffer residential and non-residential uses;
- An implementation plan which includes a phasing plan for the installation of capital improvements which is consistent with area master plans, how increases in the level of public services such as sheriff, fire, and schools are to be addressed;
- An overall development phasing plan for the development;
- An assessment of the fiscal and economic impacts of the development; and
- When determined necessary by the City, a development agreement which includes the elements listed above and setting forth the terms and conditions agreeable to the City and the developer for implementation of the project.

Upon adoption of a specific plan as defined above, the underlying General Plan and Zoning Designations shall be represented by the “SP” Specific Plan designation.
### Table 3-2 (continued):
General Plan Land Use Categories

<table>
<thead>
<tr>
<th>Special Planning Areas</th>
<th>Intention</th>
<th>Maximum Density/ Land Use Intensity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Opportunity Area</strong></td>
<td>Several areas within the city are identified as &quot;Opportunity Areas,&quot; and are intended to accommodate much of the City's anticipated redevelopment and potential new growth. Each area has its own purpose and intent. The identification of &quot;Opportunity Areas&quot; allows for flexibility in determining specific intentions for use, design and character unique to each area that supplements and is in addition to other General Plan policies.</td>
<td>Intensity: The maximum overall intensity of development within each Opportunity Area shall be consistent with the provisions of the General Plan for the Opportunity Area within which the development is located.</td>
</tr>
<tr>
<td><strong>Housing Element Sites</strong></td>
<td>These sites are identified by the Housing Element to meet the Regional Housing Needs Assessment. These sites are subject to a rezoning program pursuant to Program 15 in Section 2, Housing Plan of the Housing Element.</td>
<td>The following density standards shall apply to residential development: 6 to 14 dwelling units per acre in MDR. A minimum 30 dwelling units per acre in HDR. A 50% development capacity and minimum 30 dwelling units per acre in MU for residential uses.</td>
</tr>
</tbody>
</table>
Development Potential

An adequate supply of employment and revenue generating land uses is a key component of a healthy and prosperous community. The estimated development potential allocated by the General Plan is summarized in Table 3-3. Given the built-out nature of the planning area and the typical variations in the intensity of individual projects, a "realistic" development scenario was developed for the purposes of calculating development potential.

Table 3-3 summarizes the maximum and realistic density and intensity of development allowed within each General Plan land use designation and the likely buildout associated with these assumptions.
### Table 3-3
General Plan Estimated Development Potential

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Acres</th>
<th>Max</th>
<th>Assumed</th>
<th>Max Assumed Square Feet</th>
<th>Population/Employee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural Residential (RRI)</td>
<td>78</td>
<td>2</td>
<td>2</td>
<td>150</td>
<td>588</td>
</tr>
<tr>
<td>Low Density Residential (LDR)</td>
<td>1,837</td>
<td>6</td>
<td>6</td>
<td>11,022</td>
<td>41,553</td>
</tr>
<tr>
<td>Medium Density Residential (MDR)</td>
<td>60</td>
<td>14</td>
<td>14</td>
<td>840</td>
<td>3,167</td>
</tr>
<tr>
<td>High Density Residential (HDR)</td>
<td>179</td>
<td>30</td>
<td>25</td>
<td>4,475</td>
<td>16,871</td>
</tr>
<tr>
<td><strong>Business Oriented</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial (C)</td>
<td>162</td>
<td>0.75</td>
<td>0.5</td>
<td>3,310,580</td>
<td>4,555</td>
</tr>
<tr>
<td>Light Industrial (LI)</td>
<td>172</td>
<td>0.6</td>
<td>0.4</td>
<td>2,990,920</td>
<td>2,757</td>
</tr>
<tr>
<td>General Industrial (I)</td>
<td>366</td>
<td>0.6</td>
<td>0.5</td>
<td>7,971,480</td>
<td>6,096</td>
</tr>
<tr>
<td><strong>Community and Public Land Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Park/Open Space (P-OS)</td>
<td>252</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Facilities (PF)</td>
<td>1,382</td>
<td>1</td>
<td>0.26</td>
<td>3,713,490</td>
<td>3,713</td>
</tr>
<tr>
<td><strong>Mixed-Use Development</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mixed-Use (MU)*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Housing Element Sites</td>
<td>73</td>
<td>1.0 - 50%</td>
<td>30 du/ac - 50%</td>
<td>1,414 du</td>
<td>557,241 sf</td>
</tr>
<tr>
<td>Other MU Sites</td>
<td>27</td>
<td>1.0 - 50%</td>
<td>30 du/ac - 50%</td>
<td>242 du</td>
<td>351,520 sf</td>
</tr>
<tr>
<td><strong>Specific Plan (SP)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SP 301</td>
<td>12</td>
<td>Per SP 301</td>
<td>NA</td>
<td>159</td>
<td>406</td>
</tr>
<tr>
<td>SP 400</td>
<td>216</td>
<td>Per SP 400</td>
<td>NA</td>
<td>3,611,847</td>
<td>3,910</td>
</tr>
<tr>
<td>Right-of-way</td>
<td>604</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>5,670</td>
<td></td>
<td></td>
<td>18,308 du</td>
<td>22,513,076 sf</td>
</tr>
</tbody>
</table>

**Notes:**
1. Historically, citywide buildout levels do not achieve the maximum allowable density/intensity on every parcel and are, on average lower than allowed by the Land Use Plan. Accordingly, the buildout estimates do not assume buildout at the maximum density or intensity for all land use categories and are adjusted downward in some cases. To view the buildout assumptions, see the Pico Rivera Development Potential Methodology in Appendix B.
2. To view the factors used to generate the estimated population and employees see Appendix B.
3. Calculation for development potential was not applied to areas for water (including San Gabriel and Rio Hondo rivers and their spreading grounds), flood control, electrical power, and railroad uses.
4. Development potential for Mixed Use areas is based on general estimates and subject to refinement through future, more detailed plans.
3. Land Use Element

Goals, Policies, and Implementation Actions

Community Image and Character

Goal 3.1

Protect and enhance the character of the City's rural residential neighborhoods which are the last vestige for animal keeping and agricultural activities within Pico Rivera.

Policy 3.1-1 Land use. Retain the Rural Residential land use designation in its current locations.

Policy 3.1-2 Equestrian trails. Expand the equestrian trail system to complete connections from the City's rural residential neighborhoods to existing and future equestrian facilities.

Implementation Program for Policies 3.1-2:

- Prepare an equestrian trail plan and feasibility study as an independent study or as part of a comprehensive trails plan to identify necessary trail improvements and funding sources to construct and maintain an expanded equestrian trail system.

Policy 3.1-3 Equestrian uses. Establish equestrian oriented uses at the Bicentennial Park Campground adjacent to the Sports Arena.

Policy 3.1-4 Equestrian facilities. Preserve the horse ranch located east of the I-605 freeway north of Rose Hills as an equestrian oriented facility and expand safe trail connections to this facility from the rural residential neighborhoods and any future equestrian facilities.

Goal 3.2

Enhance key entryways and gateways to the city to create a distinct sense of arrival and identify a central space for civic gathering to promote a positive image and strengthen the identity of Pico Rivera.

Policy 3.2-1 Gateway Design and Improvement. Create a city-wide entry and wayfinding signage program to create clear entry statements at key gateways to the city, to improve the identification of important destinations throughout the city, to distinguish and brand the city and for beautification. Design gateway treatments for key entryways into the city that incorporate landscaping, signage, public art, and/or structural elements that communicate a sense of arrival.

Implementation Program for Policies 3.2-1:

- Adopt a Gateway Improvement and Wayfinding Signage Program that identifies consistent gateway treatments for the key entryways to the city, including design and development standards and specific locations for installation of the necessary improvements.
Policy 3.2-2 Central Gathering Place. Enhance the Smith Park/Pico Rivera Library Area as a central gathering place by creating a more diverse array of community services - farmers market, shopping, entertainment, recreation, and community events.

Policy 3.2-3 Investment. Focus community investment and resources in the development of the Smith Park/Pico Rivera Library area as a central gathering place and focal point for the city.

Goal 3.5
Recognize the importance of the Whittier Narrows Dam, Rio Hondo and San Gabriel River channels in shaping the character, identity and physical structure of the community by protecting and enhancing these features.

Policy 3.5-1 Trails. Expand bicycle and pedestrian trails, where feasible along the Rio Hondo and San Gabriel River channels.

Policy 3.5-2 Habitat. Identify areas where natural habitats along the Rio Hondo and San Gabriel River channels could be restored.

Policy 3.5-3 Recreation. Identify opportunities for passive recreation areas within and along the Whittier Narrows Dam, Rio Hondo and San Gabriel River channels.

Policy 3.5-4 Open Space and Landscaping. Identify opportunities to provide open space/parks and/or landscaping along the Whittier Narrows Dam, Rio Hondo and San Gabriel River channels that will soften and enhance the edges adjacent to these natural features.

Goal 3.6
Improve the community image by ensuring a consistent level of high quality design and ongoing maintenance and improvement of existing development.

Policy 3.6-1 Design Guidelines. Ensure a consistent level of high quality design through the development of design guidelines and a design review process for new development. At a minimum, the design guidelines should provide direction on the following:
- Site design
- Building design
- Parking and circulation
- Landscaping
- Services and Accessory Structures
Policy 3.6-2 Sustainable Development. Promote land development practices that reduce energy and water consumption, pollution, greenhouse gas emissions, and disposal of waste materials incorporating such techniques as:

- Concentration of uses and design of development to promote walking, bicycling, and use of public transit in lieu of the automobile;
- Encourage development of transit-oriented development near public transit and residential areas;
- Capture and reuse of stormwater on-site for irrigation;
- Management of wastewater and use of recycled water, including encouraging the use of grey water;
- Orientation of buildings to maximize opportunities for solar energy use, daylighting, and ventilation;
- Use of landscapes that conserve water and reduce green waste;
- Use of permeable paving materials or reduction of paved surfaces;
- Shading of surface parking, walkways, and plazas and incorporation of solar technology; and/or
- Recycling and/or salvaging of reuse of construction and demolition debris.

Implementation Program for Policy 3.6-1 and 3.6-2:

- Amend the Zoning Code to include a design review process.
- Prepare and adopt city-wide design guidelines for commercial, industrial, mixed-use and residential development to ensure consistent, high quality design.
- As part of the City's Design Review process develop an evaluation of the performance of the proposed project based on environmental sustainability objectives, including adherence to the U.S. Green Building Council's Leadership In Energy and Environmental Design (LEED) and California Building Industry Association's California Green Building (CBG) rating or comparable criteria.

Policy 3.6-2 Retrofits. Encourage retrofits and reuse of older and underutilized industrial and commercial buildings throughout the city to create more modern buildings and sites with a higher quality of design.

Implementation Program for Policy 3.6-2:

- Explore development of a program that encourages individuals or businesses to complete retrofits for their properties through incentives such as tax credits, financing opportunities or other means.

Policy 3.6-3 Code Enforcement. Improve the appearance of substandard structures, properties and signage through improved code enforcement efforts, which is the primary means to ensure that properties are well maintained.
Implementation Program for Policy 3.6-3:

- Evaluate the City’s code enforcement efforts including funding and staffing to ensure that they are adequate to meet the needs of the community.

Policy 3.6-4 Sign Ordinance. Update the existing sign ordinance to better regulate the quantity of signs as well as size, location and overall design to maintain and enhance the visual quality of the community.

Implementation Program for Policy 3.6-4:

- Adopt an update to the existing sign ordinance.
- Complete an inventory of signs to identify illegal signs, legal, non-conforming signs and conforming signs and develop an amortization schedule and procedures for property owners to bring these signs into compliance with the sign ordinance.

Organization of Land Uses

Residential Land Uses

Goal 3.7

Protect and enhance existing residential neighborhoods, assuring that they are safe, attractive, provide quality housing choices and are designed and maintained to enhance livability.

Policy 3.7-1 Design. Regulate the design and site planning of new development in and adjacent to residential neighborhoods to ensure compatibility between the new development and the existing residential areas.

Policy 3.7-2 Neighborhood Revitalization. Promote revitalization of neighborhoods in need by maintaining public improvements, encouraging infill development compatible with the scale and character of existing development, and supporting public and private efforts to upgrade and maintain neighborhood appearance and the existing housing stock.

Policy 3.7-3 Housing Maintenance. Promote the maintenance of existing residential units and improvements through code enforcement and the Housing Rehabilitation Program to assure a quality living environment for residents and consistency with their neighborhood setting.

Policy 3.7-4 Safety. Require that residential developments be designed to facilitate and enhance neighborhood surveillance for safety.

Policy 3.7-5 Innovative Housing. Encourage development of innovative forms of housing that increase the diversity of affordable housing options in the city and provide additional quality housing options for residents of all income levels.

Additional policies addressing affordable housing can be found in the Housing Element.
Policy 3.7-6 Walkability. Maintain sidewalks, parkways, street trees and landscaping throughout the residential neighborhoods to create a pleasant environment for walking and outdoor activities.

Commercial and Mixed-Use Land Uses

Goal 3.8

Diverse and attractive commercial, office and mixed-use development that serves the community’s needs and contributes to the City’s economic vitality

Policy 3.8-1 Appearance and Vitality. Support public and private efforts to reinvest in and renovate existing commercial development to increase economic vitality, improve aesthetic appearance, expand pedestrian orientation and enhance street frontages.

Policy 3.8-2 Reuse and Intensification. Promote the reuse of vacant, underutilized and inefficient commercial uses for more economically productive purposes, including higher intensity businesses, housing and mixed-use development.

Policy 3.8-3 Revitalization of Obsolete and Underused Properties. Encourage the consolidation of small parcels, joint public-private partnerships and land clearance and resale, to facilitate revitalization of underused and obsolete commercial properties.

Policy 3.8-4 New Commercial and Mixed-Use Development. Promote high quality commercial, office and mixed-use development and redevelopment that is compatible with surrounding uses, and enhances adjacent streetscapes.

Policy 3.8-5 Diversity of Uses. Provide for and encourage the development of a broad range of uses in the commercial areas that reduce the need to travel to adjoining communities and capture a greater share of local spending.

Policy 3.8-6 Enhanced Design Character. Encourage the renovation, infill and redevelopment of existing commercial areas to improve their architectural design and quality, reduce the visual prominence of parking lots, make centers more pedestrian friendly, reduce visual clutter associated with signage, and enhance the definition and character of the street frontage and associated streetscapes.

Implementation Programs for Policies 3.8-1 to 3.8-6:

- Explore potential incentives to promote desired infill and redevelopment opportunities. Incentives may include priority processing, flexible development standards, density/intensity bonuses, fee deferrals, support of infrastructure upgrades or similar.
• Pursue grant and other available funding sources to support planning, infrastructure and building upgrades, streetscape and pedestrian improvements, incentives and other programs within revitalization areas.

• Amend the Zoning Code to require conditional use permits for automotive repair facilities, liquor stores, motels and fast food restaurant establishments to avoid an overconcentration of these types of uses and to protect opportunities for higher intensity and higher quality commercial development.

• Create a database to keep track of underutilized commercial properties throughout the city to assist in the identification of future development opportunities.

• Consider adoption of a vacant buildings ordinance to register vacant and abandoned commercial and industrial buildings, require appropriate maintenance and monitoring, and encourage redevelopment to protect the surrounding areas from decline and devaluation.

Policy 3.8-7 Buffering Adjoining Residential Areas. Require buffering, screening, setbacks and other measures for new and expanded commercial uses adjacent to residential neighborhoods to minimize impacts and compatibility conflicts.

Implementation Program for Policy 3.8-7:

• Amend the Zoning Code to provide standards to ensure that new development minimizes incompatibility between adjacent land uses.

Policy 3.8-8 Connectivity to Neighborhoods. Link commercial districts to adjoining residential neighborhoods and other districts by well-designed and attractive pedestrian sidewalks and trails, where appropriate.

Industrial Land Uses

Goal 3.9

A wide range of quality industries that provides job opportunities for Pico Rivera's residents while ensuring compatibility with nearby residential neighborhoods.

Policy 3.9-1 New Industrial Development. Promote high quality industrial development and redevelopment that is compatible with surrounding uses and enhances the adjacent streetscape.

Policy 3.9-2 Promote Industrial Development. Promote recruitment of a diverse range of new industrial users and retention and intensification of existing users that offer job opportunities for the city's residents and revenues to the City.

Policy 3.9-3 Supporting Uses. Encourage the integration of compatible supporting uses in industrial districts that serve the needs of employees and reduce their need to travel off-site during the workday.

See also policies addressing economic development in the Economic Prosperity Element
Policy 3.9-4 Design and Buffer. Ensure that industrial developments are sited and adequately buffered from surrounding neighborhoods and development to minimize negative impacts such as visual pollution, noise, odors, truck activities, and other such conflicts on non-industrial uses.

Policy 3.9-5 Infrastructure. Ensure the long-term maintenance of the city's roads that are more heavily impacted by industrial, trucking uses.

Implementation Programs for Policies 3.9-1 to 3.9-5:

- Amend the Zoning Code to include performance based standards for industrial zones that will ensure high-quality design and site planning while protecting adjacent non-industrial uses through sufficient buffering, screening and transitions between uses.

- Explore the development of a truck intensive overlay zone to further manage the location and concentration of trucking uses so as to better mitigate noise, traffic and circulation, air pollution and other impacts to adjacent or nearby sensitive land uses.

Public Facilities, Open Space and Parks

Goal 3.10

A mix of governmental, educational, recreational and open space facilities that conveniently support the needs of Pico Rivera's residents and businesses.

Policy 3.10-1 Adequate Facilities. Ensure that community facilities and parks are distributed equitably throughout the city to provide efficient services to the broadest number of residents.

Policy 3.10-2 Location. Locate new parks, community centers, schools and other public facilities to be easily accessible by local residents, facilitate opportunities for joint use and enhance neighborhood interaction and identity.

Policy 3.10-3 Coordination with Non-City Public Service Providers. Coordinate, partner with, and encourage school and utility districts and other government and independent agencies that may be exempt from City land use control and approval to plan and improve their properties and design improvements to achieve a high level of visual and architectural quality that maintains the character of the neighborhoods or district in which they are located.

Policy 3.10-4 Parks and Open Spaces. Seek to expand the city's parklands, greenways and open spaces as land and funding become available, encouraging the redevelopment of vacant sites and coordinate with the appropriate regional agencies for future planning related to the river corridors, the Bicentennial Park Campground and the Sports Arena area.

Implementation Programs for Policies 3.10-1 to 3.10-4:

- Pursue available state, federal and other funding sources to support facilities, equipment, programming and staffing for police, fire, parks and recreation.
Continue to support the City’s joint use agreement with El Rancho Unified School District for joint use of schools and parks.

Pursue available county, state, federal and other funding sources to rehabilitate the Bicentennial Park Campgrounds as regional open space.

Specific Plans and Sphere of Influence Areas

Goal 3.11

New growth and redevelopment that is carefully planned, efficient, and contributes positively to the community.

Policy 3.11-1 Annexation Proposals. Support annexation proposals that provide for the efficient extension of City infrastructure and services and contribute positively to the City’s fiscal viability and quality of life.

Policy 3.11-2 Specific Plans. Support the preparation and adoption of new specific plans consistent with policies pertaining to the redevelopment of properties within opportunity areas to assure achievement of the intended scale, character and quality of development.

Historic Resources

Goal 3.12

Inventory and protection of Pico Rivera’s historic and cultural resources.

Policy 3.12-1 Identification. Maintain and periodically update the inventory of historic and cultural resources. This inventory shall include properties that may be eligible for listing in national and state registers as well as properties that do not meet the criteria for these registers but are important to protect in terms of local significance.

Policy 3.12-2 Adaptive Reuse. Encourage the adaptive reuse of buildings of historical significance to serve meaningful contemporary uses while preserving the character, spirit and original identity of the structures.

Policy 3.12-3 Consultation. Consult with appropriate organizations and individuals to minimize potential impacts to historic and cultural resources, including the Pico Rivera History and Heritage Society.

Policy 3.12-4 Education. Support programs to raise the awareness of the city’s historic resources and the value of their protection.

Implementation Programs for Policies 3.12-1 to 3.12-4:

- Adopt a preservation ordinance that would require a special permit to demolish or modify a historic resource.
3. Land Use Element

- Work with the Pico Rivera History and Heritage Society, Los Angeles Conservancy and property owners to highlight locations of historic and cultural interest.

- Pursue funding for an in depth historic survey of significant properties including those listed on Table 3-1, Potential Historic Buildings and Sites.

- Preserve El Camino Real historic markers along Whittier Boulevard, which mark the California Mission Trail.

Regional Cooperation

Goal 3.13
Coordinate land use planning programs between local, regional, State and Federal agencies.

Policy 3.13-1 Planning Coordination. Ensure that City planning activities are coordinated with other affected or responsible government agencies as appropriate.

Policy 3.13-2 Regional Planning. Participate in regional planning efforts with the Gateway Cities Council of Governments, Southern California Association of Governments (SCAG), Los Angeles County Metropolitan Transportation Authority (Metro), Watershed Conservation Authority and other appropriate organizations to ensure that City issues and interests are represented.

Policy 3.13-3 Project Review. Review, comment and coordinate on plans and projects of overlapping or neighboring agencies to ensure compatibility with the City’s General Plan and to make certain that impacts on the city are mitigated.

Opportunity Areas
This section outlines each Opportunity area within the City of Pico Rivera and provides direction for these specific locations in Pico Rivera that will accommodate much of the city’s anticipated redevelopment and potential new growth. These areas are organized into two broad categories:

1. Corridors
2. Targeted Planning Areas

Direction in this section expresses specific intentions for use, design and character for each area.

Figure 3-3 illustrates the locations of the opportunity areas intended for policy and program guidance. The boundaries on the map are intended to denote generally where specific actions are sought. Application of the actions to adjacent or nearby parcels is also appropriate if that action will contribute to the desired outcome.
Corridors
The City of Pico Rivera is spanned by a number of major corridors. These corridors are part of the city's urban framework and contain a varied mix of residential, commercial, industrial and other business-related uses including some sites that are vacant, underutilized, or in need of revitalization. The opportunity exists to remake these corridors into more pedestrian-friendly and visually pleasing destinations. Through revitalization, undesirable or incompatible uses can be transitioned to more appropriate locations and older, indistinct buildings can be refreshed and enhanced to create a more coherent design. Through enhancements to the streetscape, including street trees, landscaping and other amenities and changes to parking standards and parking arrangements, these corridors will become more inviting and accessible. The intent is to bring new vitality to the areas, encouraging public and private investment and reinvestment while creating more distinct places for commercial activities and social interaction.

While the General Plan provides broad direction and intent for each corridor, it is anticipated that more detailed plans will be prepared for each corridor either individually or in combination to further define objectives, strategies and specific actions. Subsequent planning efforts should engage local business owners and residents to address land use; market strategies; mobility; utilities, infrastructure, and streetscape improvements; parking; design guidelines and development standards; regulatory incentives; and implementation/financing programs. The City will pursue grants and other available funding sources to help finance such planning efforts.
Opportunity Areas

1. Wither Boulevard Commercial Corridor
2. DeRee Avenue Corridor
3. Swagron Road Corridor
4. Rosemead Boulevard Corridor
5. Gladen Avenue Corridor
6. San Gabriel Parkway Corridor
7. Sports Arena / Kaiser Road Area
8. Rosemead Boulevard and Washington Boulevard Intersection
9. Smi Park / Pico Rivera Library Area
10. Northeast quadrant of the Paramount Boulevard and Slauson Avenue Intersection
11. Burke Property
12. Passons Grade Separation Area
13. Washington Boulevard and Paramount Boulevard Intersection Area
14. Washington Boulevard and Passons Boulevard Intersection
15. San Gabriel River Parkway and Beverly Blvd Intersection
16. Beverly Boulevard I-605 Area

Figure 3-3: Opportunity Areas
1 - Whittier Boulevard Commercial Corridor

Existing Conditions

The Whittier Boulevard Commercial Corridor is located along Whittier Boulevard between the railroad and the San Gabriel River. The north side was built between the 1920s and 1950s and is characterized by smaller scale commercial development on shallow lots with limited parking on the street or behind the buildings. The south side of Whittier Boulevard was built in the 1980s and is characterized by larger scale, commercial center development on larger lots. There is a need to revitalize the corridor, as described in further detail below.

The Whittier Boulevard Corridor is divided into three sub-areas. Development in sub-area 1, located along the north side of Whittier Boulevard consists of a mix of small-scale commercial buildings. There are older retail storefronts, including several buildings with historic character and dated strip commercial development. The buildings are in need of upgrades, additional parking and lack consistent design elements to create a more inviting streetscape. Because of multiple ownerships, assembling parcels to create commercial center-style development will be difficult for parcels along the north side of Whittier Boulevard. There are also some existing industrial uses, primarily concentrated west of Paramount Boulevard.

Sub-area 2 is located along the south side of Whittier Boulevard and consists of mostly newer large commercial centers with ample parking. However, buildings are of various ages and designs and increasing commercial vacancies in these centers reinforces the need to assess revitalization strategies for this area.

Sub-area 3 consists of a mix of older, small-scale commercial buildings similar to those in sub-area 1.

Opportunity

This corridor is important to the city in that it provides a range of shopping opportunities while also providing some relatively affordable space for locally-owned businesses. The area on the north side of Whittier Boulevard should remain predominantly small-scale commercial, with a focus on upgrading and enhancing the older commercial buildings through programs such as a façade enhancement program and by incorporating appropriate design standards for commercial development in the Zoning Code. Design improvements should provide connectivity and a more unified aesthetic theme between the commercial areas along the north and south sides of the corridor. This can be achieved through consistent and well-managed landscaping, signage, sidewalks, and medians. Additionally, appropriate parking standards should be incorporated into the Zoning Code recognizing the extent of parking that is feasible to provide onsite. This may include shared parking arrangements or potential options for creating municipal parking facilities at key locations along Whittier Boulevard.
Figure 3-4: Whittier Boulevard Commercial Corridor
The corridor provides an opportunity to enhance the existing storefronts on the north side of the Corridor for existing buildings with architecturally historic character to create a pedestrian-scaled environment.

Objectives
Land Uses and Businesses
- Encourage more employee-intensive, industrial development within the area designated Light Industrial located on the north side of Whittier Boulevard between Paramount Boulevard and the Railroad. New development or redevelopment within this area will need to address compatibility with the existing mobile home park and should create a stronger connection to the Krikorian Theatre Village Walk commercial center located across the street on the south side of Whittier Boulevard.
- The development and retention of small businesses and locally-owned stores and shops will be a priority for the north side of the corridor.
- Promote the aggregation of small, underutilized and irregular shaped parcels into larger parcels to support viable and cohesive development projects.
- Encourage locally serving retail commercial uses in sub-area 1 along this corridor.
- Encourage the introduction of mixed-use development including higher density residential and an intensification of commercial and office uses in sub-area 2.
- Encourage live-work development in sub-area 3.

Beautification and Intensification
- Existing buildings with no setback and with a retail storefront on the street, should be preserved, restored, rehabilitated, or reused and maintained whenever possible.
- Preserve buildings with historic character in this area, specifically the former National Bank of Pico Rivera located at 9235 Whittier Boulevard built in the late 1920s, and Clearman’s Steak N Stein built in the 1940s.
- New development in sub-area 1 and 3 should be oriented to and frame the street, provide minimal setbacks, front entries, transparent storefronts, appropriate building heights and interior parking lot configurations (where feasible).
- Provide better management of parking resources including sharing, regulating and pricing of common public parking facilities, more accurate requirements, use of off-site parking facilities, improved user information and incentives to use alternative modes of transportation through an independent Parking Management District or as part of a Transportation Management District.

Transparent Storefronts
The storefront is arguably the most valuable space in a store and should be used to full advantage. A transparent storefront welcomes customers inside with products and services on display, discourages crime with more “eyes on the street”, reduces energy consumption by letting in natural light, and enhances curb appeal and value of the store and the neighborhood.

Parking Management
Parking management includes a variety of strategies that encourage more efficient use of existing parking facilities, improve the quality of service provided to parking facility users and improve parking facility design. Parking management can help address a wide range of transportation problems and help achieve a variety of transportation, land use development, economic and environmental objectives.
Demand Management Program. The analysis of parking strategies should include an evaluation of the municipal parking lots on the north side of Whittier Boulevard and the potential for their conversion to paid parking lots to optimize their use for local businesses in recognition of the limited on-street parking available along the north side of Whittier Boulevard.

- Work with the Chamber of Commerce to pursue the creation of a business assessment district to assist with repairs, renovation and parking for the Corridor.

- Create distinct activity nodes in key locations along the corridor distinguished by their mix of uses, intensity, compact development form and greater emphasis on pedestrian and transit access. Consider nodes at the following locations:
  - Paramount and Whittier Boulevard
  - Rosemead Boulevard and Whittier Boulevard
  - Durfee Avenue and Whittier Boulevard

**Mobility and Streetscape**

- Enhance pedestrian crosswalks to safely accommodate pedestrians and cyclists through clearly identified markings and/or pavers, bulb-outs at corners, signage and traffic controls in particular at Durfee Avenue and Whittier Boulevard and other locations expected to generate significant pedestrian traffic.

- Strengthen pedestrian linkages to adjacent neighborhoods.

- Incorporate signage, decorative banners and other techniques to create a unique identity for the corridor.

- Establish a comprehensive streetscape and landscape program that includes right-of-way improvements to street trees, street lighting, streetscape elements (sidewalk/crosswalk paving, street furniture) and public signage.

- Explore the potential for adding bike routes along the length of the corridor.

- Enhance transit stops, shelters and connectivity to corridor uses.
2 - Durfee Avenue Corridor, North of Whittier Boulevard

Existing Conditions

The Durfee Avenue Corridor is located north of Whittier Boulevard and extends to Beverly Boulevard. The Durfee Avenue Corridor contains a mix of commercial, office, industrial and apartment uses along the corridor, creating a series of land use conflicts. These include, existing multiple family residential adjacent to a railroad track and existing residential adjacent to industrial uses and heavy commercial uses. Many of the industrial buildings are in poor condition, including some open-shell metal structures. Commercial structures are old and of marginal design, and on-site parking is limited. In 2012, the City of Pico Rivera was awarded a grant from the Alameda Corridor-East Construction Authority to design and construct a railroad grade separation along Durfee Avenue. Construction is set to begin in 2015 and take approximately two years to construct. The grade separated railroad crossing will address one of the major concerns along the Corridor to increase vehicular, pedestrian and bicycle safety and mobility.

Opportunity

Despite the numerous issues along the Durfee Avenue Corridor, it provides significant opportunities for revitalization. The City prepared a Durfee Avenue Corridor Plan - Phase I Analysis as a first step in the development of a Durfee Avenue Corridor Plan. The railroad grade separation project will significantly alter the character of the Corridor by addressing some major pedestrian and vehicular safety issues that currently impact the efficiency of movement along the Corridor and the desirability to develop within the Corridor. It should be designed and constructed in a manner that will address existing land use conflicts and incompatibilities and to provide complete street improvements. This can be accomplished by creating a linear park/greenway along the road, providing buffers from the railroad track, and relocating the existing apartment complex into a more appropriate residential location along the Corridor. Additionally, industrial uses should be relocated to other more appropriate areas of the city and the older, industrial buildings should be converted to high density housing or mixed-use commercial/residential. The design of older, more historic commercial buildings should be upgraded through a façade enhancement program and appropriate parking standards should be developed recognizing the extent of parking that is feasible to provide onsite. In addition, the corridor should be unified through streetscape enhancements, including consistent and well-managed landscaping, signage, sidewalks and medians. Parcels within the corridor have been identified in the Housing Element to accommodate the city’s 2014-2021 RHNA by providing opportunities for higher density residential development and mixed-use development with residential components.
Figure 3-5 Durfee Avenue Corridor
Objectives
Using the Durfee Avenue Corridor Plan – Phase I Analysis (June 2013), as a foundation, prepare a Corridor Plan, Specific Plan or Master Plan to ensure the area is carefully and comprehensively planned and that development potential is maximized. The Plan should provide for and address the following:

- Discourage further industrial development within this area and assist in relocating present incompatible industrial uses to other areas of the City.
- Promote the conversion of industrial sites to higher-density residential uses or mixed-use commercial and residential.
- Encourage new local and business serving retail, offices and services.
- Identify complete street improvements, including enhanced pedestrian and bicycle safety and connections.
- Identify streetscape enhancements, including consistent landscaping, street furnishings, paving materials, public signage and lighting.
- Identify façade improvements to renovate and reuse the existing buildings at the southern end of the Corridor between Whittier Boulevard and West Boulevard in a manner that preserves and enhances the historic and architectural character of the buildings.
- Support improvements to private buildings through the development of technical and financial incentive programs for façade enhancements to increase the economic vitality and enhance the character of Durfee Avenue.
- Create an enhanced parkway along the east side of Durfee Avenue extending all the way from the entry at Whittier Boulevard to North Park Middle School at Beverly Boulevard. The existing parkway is large enough to accommodate an enlarged sidewalk, bike path, landscape areas and pedestrian amenities. The overhead powerlines, while a constraint, are wide enough to provide an opportunity to accommodate enhanced landscaping treatments within the existing powerline easement. This parkway would serve as a key pedestrian and bicycle connection and serve as a safe-route to school.
- Provide appropriate buffers from the railroad track to nearby sensitive uses. Promote the use of open space/parks to create this buffer and provide additional opportunities for beautification and recreation in an area that presents challenges for land use compatibility and design.
- Explore opportunities to create a gathering space and/or establish a use that will draw residents and visitors to the Corridor. Enhance connections from adjacent neighborhoods as well as transit stops and shelters.
- Explore opportunities to create parks from vacant sites and remnant parcels due to the development of the Durfee Underpass.

- Explore the potential to underground overhead utility lines.

- Explore the potential for the City to acquire the vacant parcel located between the fire station and Auxiliary Park to expand the park and provide additional open space or recreation opportunities along the Corridor.

- Address the lack of available on-site parking for existing commercial uses through appropriate parking standards and/or parking programs, such as shared parking. Consider conversion of the existing apartment complex on the west side of Durfee, south of the Railroad to a municipal parking lot to serve the increase in commercial activity along the Corridor and the lack of available parking.
3 - Telegraph Road Corridor
Existing Conditions
The Telegraph Road Corridor is located on the north side of Telegraph Road from Paramount Boulevard on the west to Songfest Drive on the east. Telegraph Road forms the southern boundary of the city; only uses along the north side are within Pico Rivera. The Telegraph Road Corridor contains a variety of commercial, industrial and residential uses. Many of the uses are older and of an indistinctive design. Other uses, including a large office building are underutilized, and not necessarily conducive to being adapted for other uses. In addition, along Rosemead Boulevard just north of the intersection of Telegraph Road, there are existing commercial properties that are underutilized and of marginal design.

The Telegraph Road Corridor is divided into four sub-areas. Sub-area 1 is located west of Rosemead Boulevard and includes commercial uses at the corner of Telegraph Road and Rosemead Boulevard, two hotels, apartments and office buildings. This sub-area is characterized mostly by multi-story buildings. As described above, the buildings are generally older, with no coherent design character. The large medical office building at the corner of Telegraph Road and Birchbark Avenue is in need of significant renovation. Located next to this medical office building and its large parking lot is a residential apartment building that stands in stark contrast to the newer residential development immediately across the street in the City of Downey. The older apartment building and bare streetscape is visually unattractive. The northwest corner of Rosemead Boulevard and Telegraph Road consists of older commercial and office uses including a car wash that are also in need of renovation.

Subarea 2 runs east of Rosemead Boulevard to Serapis Avenue and includes a mix of commercial and office uses, including a neighborhood market. Buildings are predominantly freestanding with a couple of two-story commercial buildings that includes both retail and office uses. Buildings have larger setbacks from the street separated by parking areas and are in better physical condition than in other subareas along the Corridor. This area also includes two night clubs at the northeast corner of Rosemead Boulevard and Telegraph Road that are in need of renovation.

Subarea 3 runs east of Serapis Avenue to Passons Boulevard and includes commercial uses on small, shallow lots. There is also a vacant parcel located at the northeast corner of Serapis and Telegraph Road. Most of the properties are built at the edge of the sidewalk and many have store fronts on the street. There is limited on-site parking, which is generally located at the rear or along the side of the buildings. The buildings are older and in need of significant renovation, however the location of the buildings and proximity to residential uses creates the potential to energize this area and create a more pedestrian-friendly environment.
NOTICE OF DANGEROUS CONDITION

NOTICE OF DANGEROUS BUILDING – DO NOT ENTER

NOTICE TO VACATE

December 31, 2014

To: All Occupants of the premises located at 8615 Whittier Boulevard, Pico Rivera California and each individual unit therein (collectively “Subject Property”).

THIS WILL SERVE TO PLACE YOU ON NOTICE that the City of Pico Rivera (“City”) has declared the Subject Property to be a dangerous and hazardous building and premises pursuant to the Pico Rivera Building Code. Accordingly, the City’s Building Official has declared the Subject Property to be unsafe for habitation. The Subject Property and all residential units located on the Subject Property have been posted as a Dangerous Building with further notice that persons shall not enter into or upon these premises.

THIS WILL SERVE TO PLACE YOU ON NOTICE that you and all persons residing within your residential or apartment unit are ordered to immediately vacate the Subject Premises or as soon as you are reasonably able to vacate the Subject Premises. Under any circumstance, all parties shall vacate no later than 6:00 p.m. on December 31, 2014. Anyone remaining on or in the Subject Premises or any unit of the Subject Property do so at their own risk and peril. The City assumes no responsibility for any injury, damage or harm, direct or indirect, to any person or property which remains upon or in the Subject Property.

ANY PERSON REMAINING UPON OR IN THE PREMISES OF THE SUBJECT PROPERTY DOES SO AT THEIR OWN RISK AND PERIL. FURTHER, ANY PERSON REMAINING UPON OR IN THE PREMISES OF THE SUBJECT PROPERTY MAY BE SUBJECT TO PROSECUTION OF A MISDEMEANOR VIOLATION OF THE PICO RIVERA MUNICIPAL CODE AND SUBJECT TO THE POSSIBLE PENALTY OF A FINE UP TO $1,000 AND/OR 6 MONTHS IN COUNTY JAIL.

____________________________________
Building Official, City of Pico Rivera
PARKING RULES
PRMC 10 40.200

- NO UNSAFE BLE.
- OR DNT ENTER OR OCCUPY
- PAR BY ORDER OF THE CTY OF RED RIVER
- NO ONLY.
- PAR ONLY.
- NO TOWING.
- ALL TOWING.
- ARE TOWING.
- UNAU TOWING.
- UNAU TOWING.
- PELIGRO TOWING.
- PELIGRO TOWING.
- NO ENTRE NI OCUPE ESTE EDIFICIO
- NO ENTRE NI OCUPE ESTE EDIFICIO
- NO ENTRE NI OCUPE ESTE EDIFICIO

PRIVATE
C.V.C. 10 40.200

Mr. C's TOWING 323.249 0575
WARNING:
This structure or site has been severely damaged and is unsafe. DO NOT ENTER. Entry or occupancy could result in death or injury. Unauthorized entry or occupancy is a misdemeanor.

INCLUSIVE ADDRESS:
8615 Whittier Blvd

EXTERIOR ONLY
INTERIOR ONLY

DATE: 12/31/14
TIME: 11:00 AM

INSPECTED BY:

FOLLOW-UP PHONE #:

COMMENTS:
UNSAFE EGRESS

IT IS A MISDEMEANOR TO REMOVE, DEFACE, COVER OR HIDE THIS PLACARD

This facility was inspected under emergency conditions:

PECH: 12.31.14
HORA: 11.00 AM
RE: ELECTRICITY AND WATER SHUT OFF

Dear Residents,

Please be advised that the electricity and water would be off JANUARY 8TH 2015 FOR SAFETY PURPOSES, it will be off indefinitely.

LW Home, LLC
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8615 Whittier Boulevard

Damage Observation Report

David Angelo & Associates

Part 1 Overview

Introduction
This is an observation of six existing major systems – Roof, corridor walking surface, corridor soffits, wood floor joists, guardrails and stairs. A structural integrity assessment was made and other current deferred maintenance issues for the site are also observed.

It must be recognized that many variables exist in this assessment that can cause rehabilitation of existing buildings and construction costs to vary, such as: local building ordinances, requirements, specifications, local demand for labor, etc. No implied warrantee is given. Note that no cosmetic concerns have been addressed in these assessments.

History
Construction of the apartment units dates back to the mid 1950’s. Therefore many current building code requirements did not apply at the time. The two most apparent are ADA (American Disability Act) compliance and seismic requirements. Building conditions show evidence of continuous moisture infiltration into structural and non-structural building components and materials.

Notice of violations letter to owner dated: August 7, 2014
Inspections were conducted August 4, 2014: Violations include Carport fire rated walls and ceilings, Electrical and Mechanical rooms venting, Carport electrical light fixtures, Plumbing at carport, Fire extinguishers at carports, Security iron gates etc. The violations are extensive and on-going required inspections addressing the buildings Electrical, Plumbing, Mechanical and Fire Code violations listed in the notice of violations. To date no compliance is on record.

Day One
December 31, 2014 a portions of existing stucco soffit from below third floor soffit failed and fell atop the second floor corridor. No one was injured but areas throughout the apartment complex showed signs of potential soffit failures. The most severe areas were subject to immediate removal by a crew of construction work men provided by the building manager. The City’s building officials, David Angelo a Licensed General Contractor and Structural Engineer walked the length of all the corridors marking with color red paint areas that have potential of failing and being unsafe to the tenants.
As a result of observed findings The City of Pico Rivera “RED TAG” the four three story building complex and all tenants were evacuated and relocated with the help of the Red Cross to a local school in Pico Rivera on new years eve Dec. 31, 2014.
PART 2 Visual – Damage Observations

WALK THRU CONDITIONS

January 12, 2015, General Contractor, Architect, and Engineering staff representing the Design-Build firm of David Angelo & Associates completed a “walk-thru” visually inspecting and recording the damage. The firm has over thirty years of experience with construction, modernization and rehabilitation of structures throughout this area.

OBSERVATION CONDITION

Date of Observation – January 12, 2015
Time of Observation – 10:00 am to 2:00 pm
Client Name – Whittier Manor Apartments
Address: 8615 Whittier Boulevard, Pico Rivera, Ca 90660
Retained by owner to provide observation of damage.

CLIMATIC CONDITIONS

Weather – Clear, following prior days of rain
Temperature – 70’s

BUILDING CHARACTERISTICS

Building Type – 4 buildings, 81 unit apartments
Stories – 2 stories over garages

UTILITY SERVICES

Utility Status - Utilities on

OTHER INFORMATION

Occupied – No
Client present – Apartment Manager
General Overview – The site and four apartment buildings, for the most part, have not been updated from the original construction. The buildings and site appear to be neglected.
EXPLORATORY DEMOLITION LOCATION PLAN

1. REMOVAL OF (2) EXTERIOR PLASTER SOFFIT CEILINGS
2. REMOVAL OF EXISTING WALKING SURFACE OF CORRIDORS
3. REMOVAL OF WROUGHT IRON GUARDRAILS
4. ROOF BUILT-UP UNDERLAYMENT REMOVAL
5. REMOVAL OF GARAGE EXTERIOR PLASTER CEILINGS
6. STAIR REPAIR OBSERVATION

WALK-THRU OBSERVATIONS

PROJECT NUMBER: 1502
PROJECT NAME: WHITTIER MANOR

8615 Whittier Blvd.
Pico Rivera, CA 90660

© 2016 DAVID ANGELO AND ASSOCIATES
8615 WHITTIER BLVD.
PICO RIVERA, CA 90660
TEL. (562) 698-3525

SCALE: 1" = 20'
This report is not intended of be conclusive regarding the life span of the roofing system or if it is leak free or how long it will remain leak free in the future. The observations are based on visible and apparent conditions at the time of the observation. The observation does not address manufacturing defects, fastener appropriateness, per installation required by code.

Observations made do not constitute a warrantee guarantee or policy of insurance. All roofs require periodic maintenance in order to achieve typical life spans and should be inspected annually.

**Roof Cover:**
Access to the Roof – Exterior stair.
Type of Roofing Material – 90 lb. Cap Sheet finish.
Roof Framing Condition – Non visible
Exposed Flashing – The mastic is cracked in several areas and may not provide a reliable water tight seal, these conditions were observed and may be prevalent throughout.

**DRAINAGE:**

Roof is “flat” so that drainage slopes are non-existent and thus drainage is compromised. Observed “soft-spots” over the roof where the plywood sheathing has been damage due to long-term moisture contacting the plywood surfaces. This was observed at several areas, but may be prevalent throughout.
Roof drains, gutters and downspouts were non-existent.

**Assessment:** The existing conditions require that a roof slope for proper drainage be added to the existing roof. Prior to creating a proper slope, the plywood sheathing and roof joists should be inspected for damage or moisture content and be replaced as directed by a structural engineer. Proper water drainage methods must be provided in order to properly drain the roof.
Exterior Walkway Corridors

The corridor's floor surfaces show cracks and uneven areas where moisture has infiltrated to the plywood sheathing diaphragm. Water damage is evident at the corridor's plywood edges and at the wall joints causing the structural diaphragm to weaken. This condition was observed in several areas, but may be prevalent thru-out.

Assessment: Water infiltration into the plywood sheathing and floor joists that make up the corridors at the second and third levels must be eliminated. Moisture is penetrating into the plywood sheathing and floor joist edges creating dry rot and soft spots that weaken the structure and make it inviting for termites to survive and spread. Moisture content already filtered into the floor joists needs to be measured and evaluated for strength and adequacy to see if should remain, replaced, or reinforced.
Once again all work to be done of any and all structural members must be under the instruction and supervision of a licensed structural engineer.

Soffits and Ceiling Below Corridor Walkways

Stucco soffit areas are “sagging”, and are separating from the structural members (joists). Inspection found inadequate and non-standard ceiling lath used to carry the stucco material and inadequate fasteners to hold the lath adequately to the joist structural members. This condition was observed in several areas, but is prevalent and severe thru-out all four structures.

Assessment: Stucco failure of soffit ceilings will occur if improper construction exists and material is used to secure the stucco in place. The proper “rib lath” intended for the purpose of creating stucco ceiling must be used to create a strong bond. Proper fastening of the rib lath to the ceiling joist must also occur. Water penetration into and under the soffit must not occur. Proper construction practices for constructing practices stucco ceiling and adequate water proofing methods will prevent failure of stucco ceilings from detaching and falling.

Wood Floor Joists

Dry rot and termites were seen on the edges of the floor joists of the corridors. Moisture content was evident but not measured on the floor joists themselves. This causes the joist to loose strength, therefore weakening the structural integrity of the building. This condition was observed in many areas, but is prevalent thru-out.

Assessment: Wood floor joists indicate evidence of dry rot and moisture content of these structural members. Moisture content evaluated for adequate strength or be declared unsafe. Results provided by testing will determine if they can be repaired or removed and replaced as recommended by certified engineers.
Guardrails

Guardrails are currently lower in height than prescribed by the current building codes. The vertical spacing is also non-complying. The posts and balusters are attached to the fascia. The corridors and fascia are also infiltrated with moisture. The method of attachment at the point of connection does not appear to be adequate in many areas. This condition was observed throughout all four structures.

Assessment: Unsafe conditions at existing guardrails. Guardrail heights are non-compliant, posts and baluster spacing are non-compliant. All guardrails need to be removed and replaced per code requirements to prevent injury to tenants.

Shear Walls

The building, due to the time it was built, has minimal lateral resistance to (seismic) earthquake movement. This is a structure more vulnerable to earthquakes than structures built to current earthquake codes.

Assessment: A vertical and lateral observation analysis needs to be made by a licensed structural engineer for the four-building apartment complex to meet earthquake requirements present in the current codes.
ROOF KEYNOTES

1. THERE IS ROOF DEFLECTION AT ALL ROOF SURFACES.
2. UTILITY SERVICE LINES NOT PROPERLY SECURED AND ANCHORED TO ROOF.
3. STANDING WATER PUDDLES
4. DEPRESSED ROOF AREAS OBSERVED AT ALL (4) BUILDINGS.
5. HI-LOW ROOF TRANSITION.
6. STANDING WATER PUDDLES WERE OBSERVED AT ALL (4) BUILDINGS

CAR WASH

WALK-THRU OBSERVATIONS
PROJECT NUMBER: 1502
AREA:

PROJECT NAME: WHITTIER MANOR
ADDRESS:
8615 Whittier Blvd.
Pico Rivera, CA 90660

ROOF PLAN

SCALE: N/1/3
1. WATER PONDING
2. WATER PONDING AT ROOF EDGE
3. UNSECURED UTILITY LINES
4. UNSECURED UTILITY LINES
5. PONDING AT VENT LOCATION
6. TYPICAL WATER PONDING
1 DETACHED GUARDRAIL AT SUPPORT

2 DETERIORATED FASCIA AT EDGE OF WALKWAY

3 DETERIORATED FASCIA AT EDGE OF WALKWAY

4 MISSING PICKETT AT GUARDRAIL

5 UNPROPER ATTACHMENT AT GUARDRAIL SUPPORT

6 DETERIORATED A/C UNITS

EXISTING - VISUAL SURVEY

PHOTO SURVEY
CONDITIONS AT GUARDRAIL

DAVID ANGELO AND ASSOCIATES
8615 WHITTIER BLVD.
PICO RIVERA, CA 90660

TEL (562) 999-3525

© 2015 DAVID ANGELO AND ASSOCIATES
8615 BEVERLY BLVD.
PICO RIVERA, CA 90660

TEL (562) 999-3525

SCALE: NTS

Page 230
1. Separating Walkway at Guardrail and Stair Stringer Connection
2. Failing Guardrail
3. Deteriorating Guardrail Support
4. Surface Cracks at Walkways
5. Surface Cracks at Walkways
6. Surface Cracks at Walkways

Existing - Visual Survey
Project Number: 1502
Area: Whittier Manor
Address: 8615 Whittier Blvd.
Pico Rivera, CA 90660

Photo Survey - Walkway Guardrail Conditions
1. WATER DAMAGE AT 3RD FLR. EXT. PLASTER SOFFIT

2. WATER DAMAGE AT 3RD FLR. EXT. PLASTER SOFFIT

3. WRONG METAL LATH

4. DETERIORATED PLYWOOD SUBFLOOR AT CORRIDOR WALKWAYS

5. EXISTING EXT. PLASTER SOFFIT - EXISTING VISUAL DAMAGE

6. TERMITE - DRY ROT AND PLYWOOD DETERIORATION

PHOTO SURVEY OF SOFFITS
Part 3 General Observation Comments

Grounds

This observation is not intended to address or include any geological conditions or site stability information. For information concerning these conditions, a geo-technical engineer should be consulted. Proper grading is important of keep water away from the foundation. If it is not raining during the inspection the course of water flowing toward the structure or off the site cannot be observed. The soil should slope away from the structure of prevent problems caused by excess water not flowing away properly. Gutter discharge should be directed way from the foundation for the same reason. Out buildings, such as storage shed, on the property are excluded from the inspection. Fire pits, swimming pool, a BBQ, and other similar items are not observed, nor is the gas to them tested or lit. This observation is visual in nature and does not attempt to determine drainage performance of the site or the condition of any underground piping, including municipal water and sewer service piping or septic systems. Landscape lighting, sprinklers and their timers are not part of a general property observation. This observation does not include the identification of the property boundaries.

Driveway – Serviceable, with typical wear and tear in areas.

Landscaping – The grounds on the property need general maintenance in areas.

Drainage – Gradual sloping of Whittier Boulevard to the south.

Comments

Determining the adequacy of the grounds of shed water and prevent moisture intrusion into the structure is beyond the scope of the observation. It is advised to obtain the history of any drainage problems and monitor the site regarding water run off and drainage in general. This observation does not address draining issues further than 6 feet from the building. Additionally, drainage systems that are not visible, such as underground systems are not evaluated or observed. If more information is required, it is advised of consult with a drainage specialist.

Foundations

Structural comments are of the conditions observed at the time of the observation and are the opinion of the observers and not fact. If further information or facts are needed, they can be obtained through a structural engineer or foundation expert. The inspection does not determine the potential of the structure of experience future problems, geological conditions or the potential of the underlying soils of experience movement or water flow or whether the soil is stable. If any form of prior structural movement is reported you should expect future movements and possible repairs. This observation does not calculate ventilation capacities, deck and balcony capacity, retaining wall conditions, construction material type, quality or capacity. It does not address the existence of prior repairs, the potential future repairs, failure analysis, documentation of all possible movement or cracks in floor slabs covered by floor furnishings. It is typical for concrete floor slabs of have some hairline cracks as a result of the normal drying process of the concrete plus the stress occurring by settlement and seismic activity.
Garage
The building was constructed in the mid 1950s per disclosure at the inspection. However, the building appears to have a “soft story” condition over the parking structure. This is where the weight of living area is supported by a parking structure below and the corners at each side of the car entry opening are not sufficiently framed to support the stress created by the lateral movement during some earth quakes. This condition must be fully determined through invasive testing, which is beyond the scope of this observation. If further details are desired, it is advised to consult with a structural engineer.

Exterior
The exterior is viewed in a cursory fashion. Areas of the exterior that are hidden from view by vegetation or stored items cannot be judged and are not a part of this observation. Minor cracks are typical in many exterior wall coverings and most do not represent a structural problem. Peeling and cracking exterior paint on windows, doors and trim allow water to enter and cause damage and deterioration. It is important to keep these exterior surfaces properly painted and/or sealed. All exterior grades should allow for surface and roof water to flow away from the foundation, exterior walls and their structural wood members.

Existing guardrails do not meet current safety standards. Existing railing is 36” high throughout all four buildings. The current code asks for guardrails to be 42” high with interior verticals to be no greater than 4” apart to achieve more child safety.

The observation noticed termite and dry rot damage to wood structural members. Any and all of these items need to be examined and any repairs completed by the “termite” company in a timely manner and they usually have guarantee of their work. This is not a mold or fungus inspection, it is therefore advised to have a mold specialist examine the property and structure and perform a complete inspection to determine the presence or not of any mold that may affect the health and safety of the occupants.

Interiors
As a general rule, cosmetic deficiencies are considered normal wear and tear and are not reported. The condition of walls behind wall coverings, paneling and furnishing cannot be judged. Minor cracks are found on interior surfaces in all buildings and are typically cosmetic in nature. The condition of floors underneath carpet, furniture and other coverings cannot be determined and is specifically excluded from the inspection and report. Only the general condition of visible portions of flooring is included in this observation.

Heating and Cooling System
HVAC systems inspections require special tools and disassembly which is beyond the scope of the observation. The observation team noted window A/C units are in use and may contribute condensation water runoff onto the damaged floor system causing water infiltration into the plywood floor sheathing.

Electrical
The exterior light or any lighting outside of the footprint of the building was not inspected. Light bulbs are not removed or changed during the observation walk-thru. The observation does not certify or warrant the system to be free of risk of fire, electrocution, or personal injury or death.
Plumbing
While some plumbing observation may be code related this observation does not determine if the system complies with code. No water testing of any type was performed. The type of plumbing material was not part of the observation and will not be determined. All facets of the plumbing system should be examined by a specialist.

Observation Limitations
OUR GOAL: is to enlighten you as to the condition of the property by identifying material defects that would significantly affect the property and therefore your decisions concerning it. We strive to add significantly to your knowledge of the building. Thus the goal is not to identify every defect concerning the property, but to focus upon the material defects and thereby put you in a much better position of make an informed decision.

BUILDING CODES: This is not a building code compliance inspection. This is a different type of inspection performed by the City of Pico Rivera Building Department. It is advised to obtain all available documentation such as building permits and certificates from the building department.

HAZARDOUS SUBSTANCES: Identifying hazardous substances is not part of this observation. Items such as formaldehyde, lead based paint, asbestos, toxic or flammable chemicals and environmental hazards are not within the scope of this observation.

OBSERVATION LIMITATIONS: This is a limited time visual observation. It excludes any items we cannot directly observe such as electrical, underground plumbing etc. Additionally, we do not observe of see if components are installed properly.
Part 4 Proposal To Provide ‘Exploratory Demolition’

The following proposal is prepared by David Angelo and Associates for “Exploratory Demolition” at 8515 Whittier Blvd. This proposal reflects observations of six major systems discussed in part one overview. This proposal reflects on site walk-thru visual observations by the City Pico Rivera Representatives, David Angelo and Associates and Greg Fox structural engineer. Proposal includes cost of labor, cost of insurances, profit margin and contingency allowances. NOTE: The City of Pico Rivera and Owner need to evaluate the usefulness of this building for re-use in its present condition, and for conformance with current planning, housing and building codes. This proposal presents an estimate of costs that may be useful in making that determination.

Our scope of work includes the following:

Item 1 Building Plaster Soffits – Removal of existing plaster ceilings:

<table>
<thead>
<tr>
<th>BUILDING</th>
<th>Area</th>
<th>Cost</th>
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<tbody>
<tr>
<td>A</td>
<td>837 L.F.</td>
<td>$47,709</td>
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<td>B</td>
<td>1,324 L.F.</td>
<td>$75,468</td>
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<tr>
<td>C</td>
<td>507 L.F.</td>
<td>$28,899</td>
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<tr>
<td>D</td>
<td>696 L.F.</td>
<td>$39,672</td>
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Item 2 Removal of existing walking surface at corridors

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<td>B</td>
<td>4,110 S.F.</td>
<td>$44,388</td>
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<td>C</td>
<td>504 S.F.</td>
<td>$5,443</td>
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<td>D</td>
<td>960 S.F.</td>
<td>$10,368</td>
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<td>$89,575</td>
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Item 3 Wrought Iron Guardrails – Removal

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<tr>
<td>A</td>
<td>652 L.F.</td>
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<tr>
<td>B</td>
<td>972 L.F.</td>
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<td>C</td>
<td>166 L.F.</td>
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<td>D</td>
<td>270 L.F.</td>
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Item 4 Roof – Built-up Underlayment Removal

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<td>C</td>
<td>1,704 S.F.</td>
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<td>D</td>
<td>2,952 S.F.</td>
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Item 5 Removal of Garage Plaster Ceilings

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<tbody>
<tr>
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<tr>
<td>B</td>
<td>000 S.F.</td>
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<tr>
<td>C</td>
<td>000 S.F.</td>
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<tr>
<td>D</td>
<td>000 S.F.</td>
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<td></td>
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Item 6  Scaffolding: 10' x 25' Sections
BUILDING - A  000 L.F.
BUILDING - A  000 LF
BUILDING - B  000 LF
BUILDING - C  000 L.F.
BUILDING - D  000 L.F.
TOTAL  $77,900 (three months)

Item 7  Stairs repair and alignments as required
TOTAL  $70,000

Item 8  City of Pico Rivera Building Department Fees
TOTAL  $19,150

Item 9  Waste Management Fee Deposit (Refundable)
TOTAL  $10,000

Item 10  Continuous Inspection Fee (Two month allowance)
TOTAL  $75,000

Item 11  On Site Trailer and Toilet (Two month allowance)
TOTAL  $2,500

Item 12  Demolition Waste Disposal
TOTAL  $19,500

TOTAL SUM  $960,794

The following items/costs are required to begin work: Item 1($191,748), Item 5($254,646), Item 7($77,900), Item 8($19,150), Item 9($10,000), Item 10($75,000), Item 11($2500), Item 12,

Total Deposit Required- $650,944

Approximate timeline for services: Feb-May

Post Demolition: Proposal for Professional Services Available

Scope of services:
1. Provide "as-built" Electronic Auto-Cad drawings of existing building for plan check submittal to the city of Pico Rivera Building Department.
2. Provide required architectural detailing of existing retrofitted areas for plan check submittal to the city of Pico Rivera Building Department.
4. Provide Structural Engineering consulting services.
5. Provide Mechanical, Electrical, and Plumbing, engineering consulting services.
CONTRACT

PROPOSAL:  AUTHORIZATION TO BEGIN DEMOLITION at 8615 WHITTIER BLVD.
PICO RIVERA, CALIFORNIA.

In witness whereof, the parties have caused this instrument to be executed this
------------------------------------ day of ------------------------------------2015

-------------------------------------------------- ------------------------
OWNER /CLIENT                                      GENERAL CONTRACTOR

LI HANDI
1365 WINSTON AVE.
SAN MARINO, CALIFORNIA 91103-2138

DAVID ANGELO and Associates
DAVID ANGELO
PRINCIPAL

-------------------------------------------------- ------------------------
Owner’s Signature                                  General Contractor

Printed Name and Title

Date ---------------------------------------

-------------------------------------------------- ------------------------
LI HANDI
1365 WINSTON AVE.
SAN MARINO, CALIFORNIA 91103-2138

DAVID ANGELO and Associates
8804 BEVERLY BOULEVARD
PICO RIVERA, CALIFORNIA 90660

Page 239
LW HOME LLC
1365 WINSTON AVENUE
SAN MARINO, CA 91108

Property: 8615 WHITTLER BOULEVARD, PICO RIVERA-WALKWAYS

A visual inspection was performed on the above-mentioned property on February 16, 2015 for the presence of asbestos containing materials.

A visual inspection was performed at representative units at this property to obtain samples of suspect materials for the purpose of identifying asbestos that may be disturbed during the proposed demolition of the walkways. Bulk samples of asbestos-suspect materials were obtained and analyzed.

Stucco

The exterior ceilings of the walkways are covered with texture coat applications. Random samples of the stucco-like material were obtained. Laboratory analysis by polarized light microscopy with dispersion staining revealed that the exterior texture coating samples contain less than one percent (<1%) asbestos.

Based on the above information, the stucco material on the home may be considered non-asbestos containing for purposes of South Coast Air Quality Management District Notification, and disposal methods. Under CAL/OSHA Regulations if any material contains greater than one tenth of one percent (>0.1%) asbestos, than proper personnel protection equipment, must still be worn by all workers and protective measures must be taken during the abatement process.

To further clarify the asbestos concentration, laboratory analysis by polarized light microscopy with dispersion staining utilizing the 1000-point "point-count" methodology can be utilized to determine if the material contained less than one tenth of one percent (<0.1%) asbestos.

If you have any questions regarding this report, please call this office.

15-026 8615 whittier blvd walkway demo. insp
Sincerely,

David Wallach REA, CMR
Certified Asbestos Consultant # 01-3008
President/CEO
Report for:

Mr. Dave Wallach
Asbestos Environment & Safety
336 1/2 South Glendora Ave.
Ste E
West Covina, CA 91790

Regarding:
Project: 15-026; 8515 Whittier Blvd
EML ID: 1332296

Approved by:

[Signature]
Roshanak Kalantari
Approved Signatory

Dates of Analysis:
Asbestos PLM: 03-03-2015

Service SOPs: Asbestos PLM (EPA Methods 600/R-93/113 & 600/M4-82-020, SOP EM-AS-S-1267)

All samples were received in acceptable condition unless noted in the Report Comments portion in the body of the report. The results relate only to the items tested. The results include an inherent uncertainty of measurement associated with estimating percentages by polarized light microscopy. Measurement uncertainty data for sample results with >1% asbestos concentration can be provided when requested.

EMLab P&K ("the Company") shall have no liability to the client or the client's customer with respect to decisions or recommendations made, actions taken or courses of conduct implemented by either the client or the client's customer as a result of or based upon the Test Results. In no event shall the Company be liable to the client with respect to the Test Results except for the Company's own willful misconduct or gross negligence nor shall the Company be liable for incidental or consequential damages or lost profits or revenues to the fullest extent such liability may be disclaimed by law, even if the Company has been advised of the possibility of such damages, lost profits or lost revenues. In no event shall the Company's liability with respect to the Test Results exceed the amount paid to the Company by the client therefor.
Client: Asbestos Environment & Safety
C/O: Mr. Dave Wallach
Re: 15-026; 8615 Whittier Blvd

Date of Sampling: 02-28-2015
Date of Receipt: 03-03-2015
Date of Report: 03-03-2015

ASBESTOS PLM REPORT: EPA-600/M4-82-020 & EPA METHOD 600/R-93-116

<table>
<thead>
<tr>
<th>Location</th>
<th>Sample Layers</th>
<th>Asbestos Content</th>
<th>Sample Composite Homogeneity</th>
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<tbody>
<tr>
<td>1, #202 Stucco</td>
<td>Tan Stucco</td>
<td>&lt; 1% Chrysotile</td>
<td>Good</td>
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Total Samples Submitted: 9
Total Samples Analyzed: 9
Total Samples with Layer Asbestos Content > 1%: 0

Location: 2, #203 Stucco

<table>
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<th>Asbestos Content</th>
<th>Sample Composite Homogeneity</th>
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<tbody>
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<td>Tan Stucco</td>
<td>&lt; 1% Chrysotile</td>
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Location: 3, #134 Stucco

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<tr>
<td>Tan Stucco</td>
<td>&lt; 1% Chrysotile</td>
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The test report shall not be reproduced except in full, without written approval of the laboratory. The report must not be used by the client to claim product certification, approval, or endorsement by NVLAP, NIST, or any agency of the federal government. EMLab PK reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified.

Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

A "Version" indicated by "-" after the Lab ID with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

EMLab PK LLC
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† A "Version" indicated by "x" after the Lab ID with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".
ASBESTOS PLM REPORT: EPA-600/M4-82-020 & EPA METHOD 600/R-93-116

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<tr>
<td>Sample Layers</td>
<td>Asbestos Content</td>
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<td>&lt;1% Chrysotile</td>
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<tr>
<td>Sample Composite Homogeneity:</td>
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</table>

| Location: 8, Unit 110 stucco | Lab ID-Version: 6088923-1 |
| Sample Layers | Asbestos Content |
| Tan Stucco | <1% Chrysotile |
| Sample Composite Homogeneity: | Good |

| Location: 9, Unit 105 stucco | Lab ID-Version: 6088924-1 |
| Sample Layers | Asbestos Content |
| Tan Stucco | <1% Chrysotile |
| Sample Composite Homogeneity: | Good |

The test report shall not be reproduced except in full, without written approval of the laboratory. The report must not be used by the client to claim product certification, approval, or endorsement by NVLAP, NIST, or any agency of the federal government. EMLab P&K reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified.

Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

EMLab ID: 1332256, Page 4 of 4
**Chain of Custody**

**Asbestos, Environment & Safety**
3361/2 S. Gellan Avenue, Suite E
West Covina, CA 91790

**Contact Information**

- **Address**: Special Investigator
- **Phone**: 714-328-2410

**Project Information**

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**Sample Type Code**

- **A - Air**
- **W - Water**
- **U - UH**
- **T - Top**
- **D - Dust**
- **R - Rock**
- **SO - Spill**
- **O - Other**

**Received By**: [Signature]

**Date & Time**: 2/28/15

**By submitting this Chain of Custody, you agree to be bound by the terms and conditions set forth on www.emlabpk.com/terms.html**

**Copyright © 2002-2008 EMLab PAK**
CITY OF PICO RIVERA
CONSTRUCTION AND DEMOLITION MATERIALS
WASTE MANAGEMENT PLAN APPLICATION

Many materials from your project can be recycled. You are required to list materials that will be
reused, recycled, or disposed of. You must use pounds or cubic yards to quantify your total
estimated and actual waste diversion. Receipts from recycling and disposal facilities must be
submitted after project completion. *You are required to recycle at least 50% of your total project
waste.

PROJECT INFORMATION

Applicant Name: HANDE LI Date: 3/10/2015
Mailing Address: 1365 WINSTON City: SAN MARINO State:
Zip: 91010 Phone No.: 626-827-8998 Fax No.: 626-827-8998
Email Address: 
Company Name: LW HOME LLC
Project Name: LW - DEMO Project No.: 
Project Location: 8615 WHITTIER

Project Size: 6,015 SQFT
Project Description: DEMOLITION OF CEILING PLASTER AT WALKWAYS.

Type of Construction (wooden frame, concrete, steel, etc.): CONCRETE

Estimate of construction and demolition debris to be generated:

OFFICE USE ONLY

Project Valuation: 350,000 Required Deposit: 10,000
Percent Diverted: 60
Deposit Returned: 

Comments:

Plan Approved By: ANDREW PANT Date: 
Compliance Approved By: Date: 

CITY OF PICO RIVERA
COSTRUCTURE AND DEMOLITION MATERIALS
WASTE MANAGEMENT PLAN WORKSHEET

Project Name: LW - DEMO

Complete are marked with asterisk (*) at time of plan submittal. Complete balance of worksheet after completion of project. **

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<th>Materials</th>
<th>*Estimated Weight (lbs)</th>
<th>*Amount to be Recycled</th>
<th>Actual Weight (lbs)</th>
<th>Actual Amount Recycled</th>
<th>Vendor or Vendor Facility</th>
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<tr>
<td>*Other Materials (Use Space Provided Below)</td>
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** Please note that the City of Pico Rivera has an exclusive franchise agreement with NASA Services, Inc. for all trash collection. No other trash collection companies are allowed to operate in the City of Pico Rivera. Contact NASA Services at (323) 888-0388 to schedule collection and to obtain information on recycling opportunities.

Did you have difficulties finding recycling vendors? Yes ☐ No ☐

If yes, which materials?
OWNERS-BUILDER DECLARATION

I hereby affirm under penalty of perjury that I am exempt from the Contractor's License Law as provided in Sections 3700 thru 7616 of the Business and Professions Code and I am not liable for a suspension or revocation of my Business License. I hereby authorize representatives of this City to enter upon the described property for provisions of Section 3700 of the Labor Code, for the purpose of determining whether I shall be assigned a license or for an inspection of the work for which this permit is issued. See Section 3097 of the Civil Code. If I shall be assigned a license, I hereby waive my right to a hearing. I hereby agree to save, indemnify, and hold harmless the City of Pico Rivera against all liabilities, costs, and expenses which may accrue against said City in consequence of the granting of this permit.

Signature
Date

APPLICANT: The owner or authorized agent of the owner shall apply for permits and complete the required forms. This includes the owner of the property, contractor, and anyone else who has a legal interest in the property.

BUILDING PERMIT APPLICATION

COMMUNITY DEVELOPMENT DEPARTMENT
BUILDING DIVISION
6615 WHITTIER BLVD
TEL. 562-801-3121
31717 17 562 801-4360

COMMUNITY DEVELOPMENT DEPARTMENT
BUILDING PROJECT IDENTIFICATION

6615 WHITTIER BLVD

DESCRIPTION OF WORK

USE: Residential
Non-Residential

WORK CLASSIFICATION:

New
Alteration
Repair

Tenant Improvement
Demolition


DESCRIPTION OF FEES

BUILDING PERMIT ISSUANCE FEE $40.00
BUILDING PERMIT FEE $1034.25
DESTRUCTION OF STRUCTURES $70.00
STRONG-MOTION IMPECCABILITY $31.50
AUTO BUILDING PERMIT SURCHARGE $3.00
GENERAL PLAN USER FEE $5.00
CERTIFICATE OF COMPLETION $1.00
RECORD RETENTION FEE $10.00

APPLICANT: The owner or authorized agent of the owner shall apply for permits and complete the required forms. This includes the owner of the property, contractor, and anyone else who has a legal interest in the property.

BUILDING COPY

Page 252
<table>
<thead>
<tr>
<th>Project #</th>
<th>Permit #</th>
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<th>Master Prj#</th>
<th>Plan Chk Prj#</th>
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<td>BOCP</td>
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Address: 8615 WHITTIER BLVD
Development Name
Subdivision Name
Sub Unit Block Lot Cancelled
Legal LS Lg16 Valuation 80000
Building Name
Primary Const Type
User Defined Field 1
User Defined Field 2
User Defined Field 3
User Defined Field 4
User Defined Field 5
User Defined Field 6
User Defined Field 7
User Defined Field 8
May 26, 2015

Eric A. Dennis C.B.O
City of Pico Rivera
PO Box 1016
6615 Passons Blvd.
Pico Rivera, CA 90660-1016

Email: edennis@pico-rivera.org
cchang@garrett-tully.com

Insured: LW Home LLC
Policy No.: 02CPS 074391 01
Claim Number: PR14100525
Date of Loss: 12/30/2014
DMA File No.: DLA-22317

Dear Mr. Dennis:

This will follow up our May 15, 2015 telephone conversation and May 20, 2015 email.

David Morse & Associates is the independent insurance adjusting company whose services have been retained by Leading Insurance Company (LIG), who insures the apartment buildings at 8615 Whittier Blvd, Pico Rivera, CA 90660 for LW Home LLC in regards to the above filed captioned claim of 12/30/14.

As discussed/emailed, part of LIG’s coverage investigation is to obtain a point by point City of Pico Rivera Violation Notice as to why all of the tenants were evacuated from the above building on 12/31/14, similar to your office’s 8/14/14 and previous letters found in the your office’s permit file for this building. It is very usual for city inspector to issue such a notice whereby the building owner or contractor can make the needed corrections.

Please forward us a pdf copy of such on your letterhead via email if possible as the insured’s attorney is pressing for resolution of this claim.
Please acknowledge receipt of our email and this letter.

Sincerely,

Steve Weitz
Steve Weitz/General Adjuster
sweitz@davidmorse.com
Direct: 323-208-3785

Cc:
Candie Y. Chang, Esq.
Garrett & Tully
225 South Lake Ave. Suite 1400
Pasadena, CA 91101

LIG Insurance
June 8, 2015

Via E-mail and U.S. Mail
James Enriquez
Director of Public Works
Ben Martinez
Director of Community & Economic Development
6615 Passons Blvd.
Pico Rivera, CA 90660

RE Apartment Complex located at
8615 Whittier Blvd.
Whittier, CA
Date of Red-Tag: December 30, 2014

Dear Mr. Enriquez and Mr. Martinez:

LW Home is the owner of the apartment complex located at 8615 Whittier Blvd., Whittier, CA (“Apartment”). On December 30, 2014, the City of Pico Rivera (“City”) red-tagged the entire Apartment and vacated all tenants therein due to unknown and unspecified safety reasons. To date, LW Home received neither any formal, written explanation from the City detailing the reason(s) for the red-tag nor any written demand from the City outlining the repair(s) needed to remove the red-tag.

Since December 30, 2014, LW Home has not been able to operate the Apartment causing it to sustain significant financial loss as a result thereof. However, as you may be aware, LW Home has started to make and is voluntary making repairs to improve the Apartment.

In connection with the December 30, 2014 red-tag incident, LW Home has tendered a claim to its insurance company for coverage afforded under its policy. The insurance company has requested the following documents from the City before LW Home’s claim can be considered and/or processed.
Please provide a formal, written explanation and demand from the City setting forth in detail:

(1) Reason(s) for the December 30, 2014 red-tag incident.
(2) Demand(s) from the City to make repairs:
   a. Problems/areas of concern
   b. What must be done specifically, and reason(s) for the request(s) in order to resolve the red-tag so that the tenants may return to their units
(3) Deadline(s) imposed upon LW Home to complete the City’s repair demand(s), if any
(4) Procedure(s) whereby LW Home must follow in order to remove the red-tag

Thank you.

Very truly yours,

GARRETT & TULLY, P.C.

CANDIE Y. CHANG

CYC:ag

C: John J. Huang
John4REO@gmail.com

Martin C. Porter II
martin@forbesconcern.com
Ms. Candle Y. Chang  
Garrett & Tully, P.C.  
225 S. Lake Avenue, Suite 1400  
Pasadena, CA 91101-4869

SUBJECT: APARTMENT COMPLEX  
LOCATED AT 8615 WHITTIER BLVD, PICO RIVERA, CALIF  
DATE OF RED TAG: 12/30/14

Dear Ms. Chang:

In your letter dated June 8, 2015, you requested information regarding the basis for the City of Pico Rivera’s decision on December 31, 2014 to “red-tag” the property located at 8615 Whittier Blvd., Pico Rivera, CA 90660 (the “Property”). The circumstances leading up to the evacuation of the property and the current status of the property are summarized below.

The Los Angeles County Fire Department responded to a partial collapse of a balcony soffit on the property in the late evening of December 30, 2014. The Building Department of the City of Pico Rivera was called to the scene in the early morning hours on December 31, 2014 to inspect the area of the collapse. A section of soffit plaster and stucco (approximately 4 ft wide x 25 ft long x 1 inch thick) from the 3rd floor balcony had suddenly and without warning failed and fallen onto the 2nd floor balcony. The units immediately adjacent to the collapse were evacuated that night. The area was secured and an inspection was scheduled for the following morning.

On the morning of December 31, 2014, the City Engineer, James Enriquez, and Building Official, Eric Dennis, returned to the property for further inspection. The Property Manager, Omar, provided access to the property and was present for the entire duration of the inspection. The collapsed area was observed to have significant water and wood rot damage and the stucco lath appeared to have substandard anchoring. Based on these observations, the inspection was expanded to the balconies for the entire property. Multiple locations on the balconies throughout the property were observed with similar signs of potential soffit stucco failure and were noted to have water dripping from the recent rain. The Property Manager was advised to engage an engineer to monitor any further inspections that would require removal of stucco at select locations showing signs of failure.
A representative from David Angelo and Associates ("Owner's Engineer") arrived at the property prior to further inspection. The Owner's Engineer accompanied the Building Official in walking the entire property and marking with red paint areas were soffit stucco showed signs of failure. The Owner's Engineer was also requested to select various marked locations for destructive inspection. The stucco was removed by the Property Manager in those areas and similar conditions as the collapsed area were observed including water damage, extensive wood rot, and inadequate anchoring of the plaster and stucco. Based on these findings, the Owner's Engineer could not substantiate the structural integrity of the balconies throughout the property nor ensure that a similar collapse was not eminent. Since the balconies provide the only ingress and egress to all units, the Building Official declared the buildings "unsafe" to occupy and recommended evacuation. All residents were evacuated and relocated by the City shortly thereafter.

The Property Manager, other property owner representatives, and the Owner's Engineer were advised that it would be the property owner's responsibility to fully assess the condition of the property and develop a plan to remedy unsafe conditions on the property in order to apply for the required building permits prior to commencing construction of needed repairs.

Sometime after the initial incident, the City was provided with a copy of an undated report prepared by David Angelo and Associates entitled Structural Damage Observation Report. The report summarized numerous areas of concern with the condition of the property based on a visual inspection performed by David Angelo and Associates on January 12, 2015. It also recommended further assessment through exploratory demolition before complete recommendations for repairs could be developed and engineered.

Representatives for the property owner applied for and were issued a permit for limited demolition of balconies on the property on March 17, 2015. The City has observed that the balconies have been stripped to the framing throughout most of the property, but no requests for inspection have been received to date. Since the issuance of the permit, neither the property owner nor any representative has made contact with the City for any reason related to the structural integrity of the balconies. At this time, the City anticipates no further action until a permit application is submitted by the property owner, assuming the vacant property is maintained properly secured and does not create a public nuisance. Therefore, there are no deadlines currently imposed on the property by the City and it is the onus of the property owner to develop the plan for making the property "safe" and to secure the necessary building permits for needed repairs.

Please feel free to contact me at (562) 801-4225 if you have any questions regarding the contents of this letter.

Best regards,

James Enriquez, P.E.
Director of Public Works/ City Engineer

cc: John Lam, Pico Rivera City Attorney
    Ben Martinez, Pico Rivera Director of Community Development
    Eric Dennis, Pico Rivera Building Official
    Steve Weitz, Adjuster (swelitz@davidmorse.com)
    John J. Huang, (John4REO@gmail.com)
    Martin C. Porter II, (martin@fatbesconcern.com)
September 16, 2015

Pico Rivera Building Division
City Clerk
6615 Passons Boulevard
Pico Rivera, CA 90660

Policyholder: LW Home LLC
Date of Loss: 12/31/14
Claim #: PR 14100525
Policy #: 02 CPS 074391 01
Location: 8615 Whittier Boulevard, Pico Rivera, CA 90660

Dear City Clerk’s Office

LIG is attempting to learn the specific building code provision, if any, under which the building was red tagged.

Also, can you please provide copy of the form when the citation was issued to the building owner.

If there is any cost associated with the above, please send me a copy of the invoice and LIG will send you a check.

We appreciate your cooperation in this matter.

If you have any questions, please feel free to contact me at 818-254-1028. I am in the office Monday-Friday from 8AM to 4:30 PM PST.

Very Truly Yours,

Irene Bernardo CPCU, SCLA
Claims Analyst II
ibernardo@ligmsi.com
RECORDING REQUESTED BY: Commonwealth Land Title Company

AND WHEN RECORDED MAIL TO: Group XIII Properties LP
4900 Santa Anita Ave., Ste 2C
El Monte, CA 91731

Title Order No. 08015166-09
Escrow No. 08281149-CG

A.P.N. 6373-018-005 and 6373-018-008

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX IS $4,433.00, CITY TAX $0.00

( X ) Computed on the full consideration or value of property conveyed

OR

( ) Computed on the full consideration or value less liens or encumbrances remaining at time of sale

( X ) City of Pico Rivera, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

LW Home LLC, a California limited liability company

hereby GRANT(S) to

Group XIII Properties LP, a California limited partnership

the real property in the, City of Pico Rivera, County of Los Angeles, State of California, described as:

Legal Description Attached Hereto and Made a Part Hereof Marked as Exhibit “A”

Commonly known as: 8615 Whittier Blvd. & 4921 Lexington Rd., Pico Rivera, CA

DATED: October 6, 2015

GRANTOR'S SIGNATURE

SIGNATURE PAGE ATTACHED HERETO AND MADE A PART HEREOF...

MAIL TAX STATEMENTS AS DIRECTED ABOVE
SIGNATURE PAGE TO GRANT DEED
Dated: October 6, 2015
(8615 Whittier Blvd. & 4921 Lexington Rd.)

GRANTOR'S SIGNATURE:

LW Home LLC, a California limited liability company

By: Hande Li
Partner

By: Siu Wai Cheung
Partner

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

State of California

County of Los Angeles

On 10/07/2015 before me, Xiaxi Shang, a Notary Public in and for said State, personally appeared, Hande Li & Siu Wai Cheung, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) has been subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

XIAOXI SHANG
COMM. #1985580
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
Comm. Exp. JAN. 1, 2018
Exhibit "A"
Legal Description

All that certain real property situated in the County of Los Angeles, State of California, described as follows:

Parcel 1:

That portion of Lot 49 in the Rancho Paso De Bartolo, as shown on Partition Map in Case No. 20613, Superior Court of the State of California, in the City of Pico Rivera, County of Los Angeles, State of California, recorded in Book 999 Pages 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:

Beginning at a point on the center line of Lexington Road, formerly Lexington and Gallatin Road, distant North 6 degrees 14' 35" East 226.22 feet from the intersection of said center line with the center line of Whittier Boulevard, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65, 66, and 67 of Maps, in the office of the County Recorder of said County; thence South 6 degrees 14' 35" East 20 feet; thence North 62 degrees 39' 25" West 155 feet; thence North 6 degrees 14' 35" East 20 feet; thence South 62 degrees 39' 25" East 155 feet to the point of beginning.

Except therefrom that portion of said land included within the lines of the land described in the Deed to the City of Pico Rivera recorded on March 9, 1964 as Instrument No. 3947 in Book D-2387 Page 662 of Official Records of said County, more particularly described as follows:

Commencing at the center line intersection of Whittier Boulevard and Lexington Road, formerly Lexington and Gallatin Road, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65 and 67 inclusive of Maps, Records of said County; thence along the center line of Lexington Road, North 6 degrees 14' 35" East 206.22 feet; thence North 62 degrees 39' 25" West 21.44 feet to the true point of beginning; thence continuing North 62 degrees 39' 25" West 10.72 feet to a line parallel with and 30 feet Westerly at right angles from said center line; thence along said parallel line, North 6 degrees 14' 35" East 20.00 feet; thence South 62 degrees 39' 25" East 10.72 feet; thence parallel with said center line South 6 degrees 14' 35" West 20.00 feet to the true point of beginning.

A portion of said land is shown as a portion of Parcel 2 on the Map filed in Book 40 Page 41 of Record of Surveys, in the office of the County Recorder of said County.

Assessor's Parcel Number: 6373-018-005 (Portion)

Parcel 2:

That portion of Lot 49 of the Rancho Paso De Bartolo, as shown on Partition Map in Case No. 20613, Superior Court of the State of California, in the City of Pico Rivera, County of Los Angeles, State of California, recorded in Book 999 Pages 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:
Commencing at a point on the center line of Lexington Road, formerly Lexington and Gallatin Road, distant North 6 degrees 14' 35" East 206.22 feet from the intersection of said center line with the center line of Whittier Boulevard, as said center lines are shown on Maps of Tract No. 8128, recorded in Book 101 Pages 65, 66 and 67 of Maps, in the office of the County Recorder of said County, thence North 62 degrees 39' 25" West 155 feet to the true point of beginning; thence North 6 degrees 14' 35" East 90 feet; thence North 62 degrees 39' 25" West 112.26 feet to a line bearing North 5 degrees 35' East 90.16 feet to a point in said center line of Whittier Boulevard, distant North 62 degrees 39' 25" West 265.80 feet from said intersection; thence along said line South 5 degrees 35' West 90.16 feet to a line bearing North 62 degrees 39' 25" West from the true point of beginning; thence South 62 degrees 39' 25" West 111.81 feet to the true point of beginning.

Said land is shown as a portion of Parcel 2 on the Map filed in Book 40 Page 41 of Record of Surveys, in the office of the County Recorder of said County.

Assessor's Parcel Number: 6373-018-005 (Portion)

Parcel 3:

That portion of Lot 49 in the Rancho Paso De Bartolo, in the City of Pico Rivera, County of Los Angeles, State of California, as shown on Partition Map in Case No. 20613, Superior Court of the State of California in and for the County of Los Angeles, recorded in Book 999 Page 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:

Beginning at a point on the center line of Whittier Boulevard distant North 62 degrees 39' 25" West 385.80 feet from the intersection of said center line with the center line of Lexington Road, formerly Lexington and Gallatin Road, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65 to 67 inclusive of Maps, Records of said County; thence South 62 degrees 39' 25" East 120 feet; thence North 5 degrees 35' East 386.91 feet to a line bearing North 62 degrees 39' 25" West from a point in said center line of Lexington Road, distant North 6 degrees 14' 35" East 386.22 feet from said intersection, thence North 62 degrees 39' 25" West 120 feet to a line bearing North 5 degrees 35' East from the point of beginning; thence South 5 degrees 35' West 386.91 feet to the true point of beginning.

Except therefrom that portion of said land included within the lines of the land described in the Deed to the City of Pico Rivera recorded on March 9, 1964 as Instrument No. 3946 in Book D2387 Page 639 of Official Records of said County, more particularly described as follows:

Commencing at the center line intersection of Whittier Boulevard and Lexington Road, formerly Lexington and Gallatin Road, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65 to 67 inclusive of Maps, Records of said County; thence along the center line of Whittier Boulevard, North 62 degrees 39' 25" West 265.80 feet; thence North 5 degrees 35' East 42.95 feet to the true point of beginning; thence continuing North 5 degrees 35' East 10.73 feet to a line parallel with and 50 feet Northeasterly at right angles from the center line of Whittier Boulevard, thence along said parallel lines, North 62 degrees 39' 25" West 120.00 feet; thence South 5 degrees 35' West 10.73 feet; thence parallel with said center line, South 62 degrees 39' 25" East 120.00 feet to the true point of beginning.
Also except therefrom, that portion thereof included within the lines of the land described in Parcel 39-30 of Instrument No. 2512, recorded May 19, 1971 in Book M3768 Page 913, of Official Records of said County.

A portion of said land is shown on a portion of Parcel 1 on a Map filed in Book 40 Page 41 of Records of Surveys, in the office of the County Recorder of said County.

Assessor's Parcel Number: 6373-018-008
DEED OF TRUST, ASSIGNMENT OF RENTS
SECURITY AGREEMENT AND FIXTURE FILING

THIS DEED OF TRUST, SECURITY AGREEMENT AND FIXTURE FILING ("Deed of Trust") is made as of October 9, 2015, by and among GROUP XIII PROPERTIES LP, a California limited partnership ("Trustor"), whose place of business is 4900 Santa Anita Avenue #2C, El Monte, California 91731, and WESTERN ALLIANCE BANK, an Arizona corporation (sometimes referred to herein as "Beneficiary" and "Trustee"), whose place of business is One Bunker Hill Office, 601 West 5th Street, Suite 100, Los Angeles, California 90071.

Beneficiary wishes to secure (i) the prompt payment of that certain Promissory Note ("Note"), in the principal amount of FOUR MILLION THIRTY THOUSAND AND NO/100 DOLLARS ($4,030,000.00), executed by Trustor in favor of Beneficiary and of even date herewith, which Note evidences a loan payable to the order of Beneficiary (the "Loan"), together with all interest thereon in accordance with the terms of the Note, as well as the prompt payment of any additional indebtedness accruing to Beneficiary on account of any future payments, advances or expenditures made by Beneficiary pursuant to the Note or this Deed of Trust or the other Loan Documents (as such term is defined in the Note), and (ii) the prompt performance of each and every covenant, condition, and agreement now or hereafter arising contained in the Loan Documents of Trustor. All payment obligations of Trustor under the Loan Documents are hereinafter sometimes collectively referred to as the "indebtedness" and all other obligations of Trustor under the Loan Documents are hereinafter sometimes collectively referred to as the "Obligations."

ARTICLE 1
GRANT IN TRUST AND SECURED OBLIGATIONS

1.1 Grant in Trust. For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Trustor hereby irrevocably and unconditionally grants, transfers, conveys and assigns to Trustee, IN TRUST, WITH POWER OF SALE, for the benefit and security of Beneficiary, all estate, right, title and interest which Trustor now has or may later acquire in and to the following property (all or any part of which, or interest therein, as the context may require, may be referred to herein as the "Property"):
(a) That certain real property located at 8615 Whittier Blvd. & 4921 Lexington Rd., in the City of Pico Rivera, County of Los Angeles, State of California 90660 (APN: 6373-018-005 and 6373-018-008), as more particularly described on Exhibit “A” attached hereto and incorporated herein by this reference (“Land”);

(b) any and all buildings, structures and improvements now or hereafter erected on the Land (“Improvements”), and Trustor’s right, title and interest in and to all other improvements that may now or hereafter be constructed upon the Land, including, but not limited to, the fixtures, attachments, appliances, equipment, machinery and other articles attached to the Improvements;

(c) all right, title and interest of Trustor in and to all leases, subleases, subtenancies, licenses, occupancy agreements and concessions covering the Land or the Improvements or any portion thereof or space therein now or hereafter existing, and all right, title and interest of Trustor under the same, including, without limitation, all cash or security deposits, advance rentals and deposits or payments of similar nature (“Leases”);

(d) all rents, issues, profits, royalties, revenues, income and other proceeds and benefits derived from the Land or the Improvements;

(e) all right, title and interest of Trustor in and to all options to purchase or lease the Land or any portion or interest of or in the Land, and any greater estate in the Land owned or hereafter acquired;

(f) any and all interests, estate or other claims, both in law and in equity, which Trustor now has or may hereafter acquire in the Land;

(g) all right, title and interest of Trustor in and to all easements, parking rights, rights-of-way and rights used primarily in connection with the Land and Improvements or as a means of access thereto, and all tenements, hereditaments and appurtenances thereof and thereto, and all water rights and shares of stock evidencing the same;

(h) all right, title and interest of Trustor, now owned or hereafter acquired, in and to any land lying within the right of way of any street, open or proposed, adjoining the Land, and any and all sidewalks, alleys and strips and gores of land adjacent to or used primarily in connection with the Land;

(i) any and all building permits, land use entitlements, development rights, sewer capacity, licenses, map approvals, trip generation rights, density allocations and other rights or approvals relating to or authorizing the development of the Land;

(j) all rights to the payment of money, accounts (as defined in the California Uniform Commercial Code), accounts receivable, reserves, deferred payments, refunds, cost savings, payments and deposits, whether now or later to be received from third parties or deposited by Trustor with third parties (including all utility deposits), contract rights (including any and all guaranties and warranties relating to the construction of the Improvements, and the manufacture and installation of fixtures and other personal property), rights as declarant under any declaration of covenants, conditions and restrictions encumbering the Land, development
and use rights, governmental permits and licenses, applications, architectural and engineering plans, specifications and drawings, as-built drawings, chattel paper, instruments, documents, notes, drafts and letters of credit in each case which arise from or relate to construction on the Land or to any business now or later to be conducted on it, or to the Land and Improvements generally, including the operation and leasing thereof;

(k) all books and records of Trustor pertaining to the Land, the Improvements, and all of the other Property, including computer-readable media and any computer hardware or software necessary to access and process such media;

(l) all proceeds, including all claims to and demands for them, of the voluntary or involuntary conversion of any of the Land, Improvements or of the foregoing collateral into cash or liquidated claims, including proceeds of all present and future fire, hazard or casualty insurance policies and all condemnation awards or payments now or later to be made by any public body or decree by any court of competent jurisdiction for any taking or in connection with any condemnation or eminent domain proceeding, and all causes of action and their proceeds for any damage or injury to the Land, Improvements or the other Property described above or any part of them, or breach of warranty in connection with the construction of the Improvements, including causes of action arising in tort, contract, fraud or concealment of a material fact;

(m) all refunds, rebates, reimbursements, reserves, deferred payments, deposits, cost savings, subsidy payments, credits, waivers and payments, whether in cash or in kind, due from or payable by any federal, state, municipal or other governmental or quasi-governmental agency, authority or district (each, a “Government Agency”) relating to any or all of the Property or arising out of the satisfaction of any conditions imposed upon or the obtaining of any approvals for the development, ownership, occupancy, use or operation of the Property;

(n) all refunds, rebates, reimbursements, credits and payments of any kind due from or payable by any Government Agency for any taxes, special taxes, assessments, or similar governmental or quasi-governmental charges or levies imposed upon Trustor with respect to the Property or upon any and all of the Property itself or arising out of the satisfaction of any conditions imposed upon or the obtaining of any approvals for the development, ownership, occupancy, use or operation of the Property;

(o) all documents of Trustor, presently existing or hereafter arising, including all documents as defined in the California Uniform Commercial Code, as amended, arising from or issued or prepared in connection with Trustor’s ownership, construction, development, sale, lease, operation or use of the Property, the Land, or the Improvements, and all documentation and supporting information related to any of the foregoing, all rents, profits and issues thereof, and all proceeds thereof;

(p) all instruments of Trustor, presently existing or hereafter arising, including all instruments as defined in the California Uniform Commercial Code, as amended, arising from or issued or prepared in connection with Trustor’s ownership, construction, development, sale, lease, operation or use of the Property, the Land, or the Improvements, and all documentation
and supporting information related to any of the foregoing, all rents, profits and issues thereof, and all proceeds thereof; and

(q) all proceeds of, additions and accretions to, substitutions and replacements for, and changes in, any of the foregoing.

1.2 **Secured Obligations.** Trustor makes the foregoing grant, conveyance, transfer and assignment in trust, and grants the security interest set forth in 2.1, for the purpose of securing the following obligations (collectively, "Secured Obligations"), in any order of priority as Beneficiary may choose:

(a) Trustor's payment of indebtedness in the total principal amount of FOUR MILLION THIRTY THOUSAND AND NO/100 DOLLARS ($4,030,000.00) with interest thereon, evidenced by the Note, signed by Trustor, which has been delivered to and is payable to the order of Beneficiary, and which by this reference is hereby made a part hereof, and any and all modifications, extensions and renewals thereof and substitutions therefor;

(b) Trustor's performance of all Indebtedness under all of the Loan Documents;

(c) Trustor's performance of all Obligations under all of the Loan Documents;

(d) payment of all sums advanced by Beneficiary to protect the Property as permitted herein, with interest thereon at the rate per annum in effect from time to time under the Note;

(e) payment of all other sums, with interest thereon, which may hereafter be loaned to Trustor, or its successors or assigns by Beneficiary, when evidenced by a promissory note or notes reciting that the same are secured by this Deed of Trust; and

(f) payment and performance of all modifications, amendments, extensions and renewals, however evidenced, of any of the Secured Obligations.

(g) All initially capitalized terms not otherwise defined herein shall have the same meanings as in the Note.

**ARTICLE 2**

**ASSIGNMENT OF RENTS**

2.1 **Assignment.** Trustor hereby presently, absolutely and irrevocably grants, sells, assigns, transfers and sets over to Beneficiary all of the rents, issues, profits, revenue, royalties, income, proceeds, earnings and other benefits, including, without limitation, all prepaid rents (collectively, "Rents") derived from any lease, sublease, license, franchise, occupancy or other agreement now existing or hereafter created and affecting all or any portion of the Trustor's interest in the Property or the use or occupancy thereof (collectively, "Leases"), together with all of Trustor's right, title and interest in: (a) the Leases and all security deposits and other security now or hereafter held by Trustor as security for the performance of the obligations of the tenants thereunder (collectively, "Tenants"); (b) all insurance proceeds with respect to the Leases...
including, without limitation, rental loss coverage and business interruption coverage; (c) all judgments and settlements of claims in favor of Trustor arising from the Leases, and all rights, claims and causes of action under any legal proceeding, including, without limitation, any bankruptcy, reorganization or insolvency proceeding, or otherwise, arising from the Leases; and (d) all reciprocal easement agreements, operating covenants, and covenants, conditions and restrictions relating to the Leases or the operation of the Property (collectively, the "Property Documents"). As used herein, the term "Leases" shall include all guaranties, modifications, amendments, extensions and renewals of the Leases and all rights and privileges incident thereto. As used herein, the term "Tenants" shall include any guarantors of any or all of the Tenants' obligations under the Leases.

This Deed of Trust is intended by Trustor and Beneficiary to create and shall be construed to create an absolute present assignment to Beneficiary of all of Trustor's right, title and interest in the Rents, the Leases and the Property Documents and shall not be deemed to create a security interest therein for the payment of any indebtedness or the performance of any obligations of Trustor under the Loan Documents. Beneficiary at all times, independent of Trustor, shall have the standing and the right to specifically enforce, by injunction or otherwise, all or any provisions in the Leases and the Property Documents as though Beneficiary originally was a party thereto. Trustor and Beneficiary further agree that, during the term of this Deed of Trust, the Rents shall not constitute property of Trustor (or of any estate of Trustor) within the meaning of 11 U.S.C. §541, as amended from time to time. By its acceptance of this Deed of Trust and so long as an Event of Default shall not have occurred, Beneficiary hereby grants to Trustor a revocable license to enforce the Leases and the Property Documents, to operate, maintain, repair and restore the Property in accordance with the Loan Documents, to collect and hold the Rents, to apply the Rents as a trust fund to be applied to the payment of the costs and expenses incurred in connection with the development, operation, maintenance, repair and restoration of the Property, and to distribute the balance of collected Rents, if any, to Trustor, in each case in accordance with the terms of the Loan Documents. The license granted Trustor shall not affect or diminish Beneficiary's rights hereunder, but shall be interpreted to give Trustor certain concurrent rights with Beneficiary.

2.2 Revocation of License. From and after the occurrence of an Event of Default, Beneficiary shall have the right to revoke the license granted to Trustor in Section 2.1 by giving written notice of such revocation to Trustor without the necessity of Beneficiary taking control of the Property in person, by agent or by a court-appointed receiver. Upon such revocation, Trustor shall promptly deliver to Beneficiary all Rents then held by Trustor.

2.3 Collection of Rents. From and after the occurrence of an Event of Default, Beneficiary shall have the right to collect all or any portion of the Rents, including, without limitation, all Rents accrued and unpaid as of such date, directly or through a court-appointed receiver, together with, without limitation, the right to:

(a) Give notice to the Tenants in accordance with the provisions of Section 4 hereof and, with or without taking possession of the Property, to demand that all Rents, including, without limitation, all Rents accrued and unpaid as of such date, under the Leases thereafter be paid to Beneficiary without deduction or offset;
(b) Enter into possession of the Property, to assume control with respect to, and to pay all expenses incurred in connection with, the development, operation, maintenance, repair or restoration of the Property, to enforce all or any provisions in the Leases and Property Documents and to collect all Rents due thereunder; to apply all Rents received by Beneficiary as provided in Section 2.5 hereof, to amend, modify, extend, renew and terminate any or all Leases, to execute new Leases and to do all other acts which Beneficiary shall determine, in its sole discretion, to be necessary or desirable to carry out the purposes of this Deed of Trust; and

(c) Specifically enforce the provisions of this Deed of Trust and to use all other measures, legal and equitable, deemed by Beneficiary necessary or proper to enforce this Deed of Trust and to collect the Rents.

Trustor hereby appoints Beneficiary its true and lawful attorney-in-fact, effective upon an Event of Default, with full power of substitution, to, in Beneficiary’s own name and capacity, or in the name and capacity of Trustor, demand, collect, receive and give complete acquittances for any and all Rents, and, at Beneficiary’s discretion to file any claim or take any other action or proceeding and make any settlement of any claims, either in its own name or in the name of Trustor, which Beneficiary may deem necessary or desirable in order to collect and enforce the payment of the Rents. THIS POWER OF ATTORNEY IS COUPLED WITH AN INTEREST AND MAY NOT BE REVOKED BY TRUSTOR UNTIL ALL OF TRUSTOR’S OBLIGATIONS TO BENEFICIARY UNDER THE LOAN DOCUMENTS ARE FULLY PAID AND SATISFIED.

2.4 Protection of Tenants. Trustor and Beneficiary agree that all of the Tenants shall be bound by and required to comply with the provisions of this Deed of Trust. In connection therewith, Trustor and Beneficiary further agree as follows:

(a) If requested by Beneficiary, Trustor shall: (i) notify each Tenant of the existence of this Deed of Trust and the rights and obligations of Trustor and Beneficiary hereunder; and (ii) obtain such Tenant’s agreement to be bound by and comply with the provisions of this Agreement.

(b) All Leases hereafter executed with respect to the Property or any portion thereof shall contain a reference to this Deed of Trust and shall state that such Tenant shall be bound by and shall comply with the provisions hereof.

(c) From and after the occurrence of an Event of Default, Beneficiary may, at its option, send any Tenant a notice that: (i) an Event of Default has occurred and Beneficiary has revoked Trustor’s license to collect the Rents; (ii) Beneficiary has elected to exercise its rights under this Deed of Trust; and (iii) such Tenant is thereby directed to thereafter make all payments of Rent, including, without limitation, all Rents accrued and unpaid as of such date, and to perform all obligations under its Lease to or for the benefit of Beneficiary or such party as Beneficiary shall direct.

(d) Upon receipt of any such notice from Beneficiary, each Tenant is hereby instructed by Trustor and Beneficiary to comply with the provisions of such notice, to make all payments of Rent, including, without limitation, all Rents accrued and unpaid as of such date,
and to perform all obligations under the Lease to and for the benefit of Beneficiary or such party as Beneficiary shall direct. Such notice and direction shall remain effective until the first to occur of: (i) the receipt by such Tenant of a subsequent notice from Beneficiary directing another method of payment of the Rents, (ii) the appointment of a receiver, in which event such Tenant shall thereafter make payments of Rent and perform all obligations under the Leases as may be directed by such receiver, or (iii) the issuance of an order of a court of competent jurisdiction terminating this Deed of Trust or otherwise directing another method of payment of the Rents.

(e) Each Tenant who receives a notice from Beneficiary pursuant to this Deed of Trust shall be entitled to rely upon such notice and shall not be required to investigate or determine the validity or accuracy of such notice or the validity or enforceability of this Deed of Trust. Trustor hereby indemnifies and agrees to defend and hold each Tenant harmless from and against any and all expenses, loss, claims, damage or liability arising out of the Tenant’s compliance with such notice or performance of the obligations under the Lease by the Tenant made in good faith in reliance on and pursuant to such notice.

(f) Neither the payment of Rent to Beneficiary pursuant to any such notice nor the performance of the obligations under any Lease to or for the benefit of Beneficiary or such party as Beneficiary directs, nor the enforcement by Beneficiary of any provision in any Lease or Property Document shall cause Beneficiary to assume or be bound by the provisions of any Lease or Property Document.

(g) The provisions of this Section 2.4 are expressly made for the benefit of and shall be binding on and enforceable by each Tenant under the Leases.

2.5 Application of Rents; Security Deposits.

(a) All Rents received by Beneficiary pursuant to this Deed of Trust shall be applied by Beneficiary, in its sole discretion and in the order it elects, to any of the following:

(i) the costs and expenses of collection of the Rents, including, without limitation, attorneys’ fees and costs;

(ii) the costs and expenses incurred in connection with the development, operation, ownership, maintenance, repair or restoration of the Property;

(iii) the establishment of reasonable reserves for working capital and for anticipated or projected costs and expenses, including, without limitation, capital improvements which may be reasonably necessary or desirable or which may be required by law; and

(iv) the payment of any indebtedness then owing by Trustor to Beneficiary.

Trustor further agrees that all Rents received by Beneficiary from any Tenant may be allocated first, if Beneficiary so elects, to the payment of all current obligations of such Tenant under its Lease and not to amounts which may be accrued and unpaid as of the date of revocation of Trustor’s license to collect such Rents. Beneficiary may, but shall have no obligation to,
pursue any Tenant for the payment of Rent which may be due under its Lease with respect to any period prior to the exercise of Beneficiary’s right to revoke Trustor’s license under this Deed of Trust or which may become due thereafter. Notwithstanding anything to the contrary contained herein, Beneficiary shall not be liable to any Tenant for the payment or return of any security deposit under any Lease unless and to the extent that such security deposit has been paid to and received by Beneficiary and Trustor hereby indemnifies and agrees to defend and hold Beneficiary and its successors, assigns, agents, affiliates and subsidiaries harmless from and against any and all expenses (including attorneys’ fees and costs), loss, claims, damage or liability arising out of any claim by a Tenant with respect thereto; provided that such indemnity shall not extend to expenses, loss, claims, damage or liability arising, with respect to each indemnified party, from such indemnified party’s gross negligence or willful misconduct. Trustor further agrees that the collection of Rents by Beneficiary and the application of such Rents by Beneficiary to the costs, expenses and obligations referred to in this Section 2.5 shall not cure or waive any Event of Default or invalidate any act (including, but not limited to, any sale of all or any portion of the Property or any property now or hereafter securing the Loan) done in response to or as a result of such Event of Default.

2.6 Indemnity. Trustor hereby indemnifies and agrees to defend and hold Beneficiary and its successors, assigns, agents, affiliates and subsidiaries harmless from all expenses (including attorneys’ fees and costs), loss, claims, damage or liability which such parties may incur under any of the Leases or Property Documents or under or by reason of this Deed of Trust or by reason of any alleged obligation or undertaking on Beneficiary’s part to perform or discharge any covenants or agreements contained in any of the Leases or Property Documents; provided that such indemnity shall not extend to expenses, loss, claims, damage or liability arising, with respect to each indemnified party, from such indemnified party’s gross negligence or willful misconduct.

2.7 Priority of Assignment; Further Assurances. Trustor hereby represents and warrants that no other assignments of all or any portion of the Rents or the Leases or the Property Documents exist or remain outstanding. Trustor agrees to take such actions and, within ten (10) days after Beneficiary’s request, to execute, deliver and record such documents as may be reasonably necessary to evidence such assignment, to establish the priority thereof and to carry out the intent and purpose hereof. If requested by Beneficiary, Trustor shall, within ten (10) days after Beneficiary’s request, execute and deliver to Beneficiary a specific assignment of any Lease now or hereafter affecting all or any portion of the Property, in form and substance reasonably satisfactory to Beneficiary, and Trustor shall, within twenty (20) days after Beneficiary’s request, execute and deliver to Beneficiary, and cause the Tenants under the Leases, and any other party to, or guarantor of, the Leases, to execute and deliver to Beneficiary, nondisturbance and attornment agreements and/or estoppel certificates, in form and substance reasonably satisfactory to Beneficiary.

2.8 No Responsibility for Trustor’s Obligations. Notwithstanding the absolute, unconditional, present nature of this Deed of Trust, nothing contained herein shall operate or be construed to obligate Beneficiary or any of its affiliates to perform any of the terms, covenants and conditions contained in any Lease or the Property Documents or otherwise to impose any obligation upon Beneficiary or any of its affiliates with respect to any Lease or the Property Documents, including, without limitation, any obligation arising out of any covenant of quiet
enjoyment in any Lease in the event the Tenant under such Lease is joined as a party in any foreclosure action and the estate of such Tenant is thereby terminated. Prior to actual entry into and taking possession of the Property by Beneficiary, this Deed of Trust shall not operate to place upon Beneficiary or any of its affiliates any responsibility for the development, operation, control, maintenance, repair or restoration of the Property or any portion thereof, and the execution of this Deed of Trust by Trustor shall constitute conclusive evidence that all responsibility therefor is and shall be that of Trustor.

2.9 **Termination of Assignment.** A full and complete release and reconveyance of this Deed of Trust shall operate as a full and complete release of all of Beneficiary's rights and interest under this Article 2. Upon the recordation of such full and complete release and reconveyance, this Article 2 shall thereafter be void and of no further effect.

2.10 **No Loss or Waiver of Remedies.** If an Event of Default occurs while Beneficiary is in possession of all or part of the Property or is collecting and applying funds as permitted under this Article 2, Beneficiary, Trustee and any receiver shall nevertheless be entitled to exercise and invoke every right and remedy afforded any of them under this Deed of Trust and at law and in equity, including the right to exercise the power of sale granted under Section 1.1 and Section 6.2(d).

**ARTICLE 3**

**GRANT OF SECURITY INTEREST**

3.1 **Fixture Filing.** This Deed of Trust constitutes a financing statement filed as a fixture filing pursuant to § 9402(6) of the California Uniform Commercial Code, as amended or recodified from time to time, covering any Property which is now or may later become fixtures attached to the Land or the Improvements. This filing is to be recorded in the real estate records of the county where the Property is located. In that connection, the following information is provided:

- **Name of Debtor:** Trustor
- **Address of Debtor:** See page 1 hereof
- **Name of Secured Party:** Beneficiary
- **Address of Secured party:** See page 1 hereof

**ARTICLE 4**

**RIGHTS AND DUTIES OF THE PARTIES**

4.1 **Representations and Warranties of Trustor.** Trustor represents, warrants and covenants that, except as previously disclosed to Beneficiary in a writing making reference to this warranty:

(a) Trustor is a limited partnership, duly formed, organized and existing under the laws of California. The execution and delivery of the Loan Documents and the performance of the obligations thereunder do not conflict with any provision of Trustor's partnership agreement or any other agreements governing Trustor, and have been duly authorized by all necessary action of its partners.
(b) Trustor lawfully possesses and holds fee simple title to the Land and Improvements as of the date this Deed of Trust is recorded.

(c) Prior to any construction of the Improvements on the Land, Trustor will have all rights, permits, entitlements and approvals necessary to construct that stage or phase.

(d) Trustor has or will have good title to all Property including the Land and Improvements.

(e) Trustor has the full and unlimited power, right and authority to encumber the Property and Trustor has the full and unlimited power, right and authority to assign the Rents.

(f) This Deed of Trust creates a first priority lien on the Property.

(g) The Property includes all property and rights which may be reasonably necessary or desirable to promote the present and any reasonably future beneficial use and enjoyment of the Land and Improvements.

(h) Trustor owns the Personal Property, and any other Property which under applicable law is personal property, free and clear of any security agreements, reservations of title or conditional sales contracts and there is no financing statement affecting such Personal Property on file in any public office.

(i) The execution and delivery of the Loan Documents, the payment of the Indebtedness, and the performance of the Obligations do not violate any law or conflict with any agreement by which Trustor is bound, or any court order by which Trustor is bound. No consent or approval of any governmental authority or any third party is required for the execution or delivery of the Loan Documents, the payment of Indebtedness, and the performance of the Obligations. The Loan Documents constitute the legal, valid and binding obligations of Trustor enforceable against Trustor in accordance with their respective terms, subject only to applicable bankruptcy, insolvency and similar laws affecting rights of creditors generally, and subject, as to enforceability, to general principles of equity (regardless of whether enforcement is sought in a proceeding in equity or at law).

(j) All permits, licenses, authorizations, approvals, and certificates, including certificates of completion and occupancy permits, required by law, ordinance or regulation have been obtained and are and shall remain in full force and effect. Trustor and the use and occupancy of the Land and all improvements thereon are and shall remain in compliance with all laws, regulations and ordinances, including without limitation, all restrictive covenants of record and zoning and building laws.

(k) The Property has parking and other amenities necessary for the operation of the business currently conducted thereon which are adequate in relation to the premises and location on which the Property is located.

(l) The Property is a contiguous parcel and a separate tax parcel, and there are no delinquent taxes or other outstanding charges adversely affecting the Property.
(m) To the best of Trustor's knowledge, no action, omission, misrepresentation, negligence, fraud or similar occurrence has taken place on the part of any person that would reasonably be expected to result in the failure or impairment of full and timely coverage under any insurance policies providing coverage for the Property.

(n) None of Trustor, Guarantor, or any other holder of a direct or indirect legal or beneficial interest in Trustor is or will be, held, directly or indirectly, by a "foreign corporation," "foreign partnership," "foreign trust," "foreign estate," "foreign person," "affiliate" of a "foreign person" or a "United States intermediary" of a "foreign person" within the meaning of IRC Sections 897 and 1445, the Foreign Investments in Real Property Tax Act of 1980, the International Investment and Trade in Services Survey Act, the Agricultural Foreign Investment Disclosure Act of 1978, the regulations promulgated pursuant to such acts or any amendments to such acts.

(o) None of Trustor or Guarantor is insolvent, and there has been no (i) assignment made for the benefit of the creditors of any of them, (ii) appointment of a receiver for any of them or for the assets or properties of any of them, or (iii) any bankruptcy, reorganization, or liquidation proceeding instituted by or against any of them.

(p) All information in the application for the Loan submitted to Beneficiary (the "Loan Application") and in all financial statements, reports, certificates and other documents submitted in connection with the Loan Application or in satisfaction of the terms thereof furnished by Trustor or Guarantor and, to the best knowledge of Trustor, those prepared and furnished by a third party on behalf of Trustor, are accurate, complete and correct in all material respects. There has been no material adverse change in the representations made or information heretofore supplied by or on behalf of Trustor or Guarantor in connection with the Loan or the Loan Application as to Trustor, Guarantor, or the Property. There has been no adverse change in any condition, fact, circumstance or event that would make any such representations or information inaccurate, incomplete or otherwise misleading.

(q) There is no litigation, arbitration, condemnation proceeding or other proceeding or governmental investigation pending or, to the best knowledge of Trustor, threatened against or relating to Trustor, Guarantor, or the Property and there are no outstanding judgment(s) against or relating to Trustor or Guarantor. Trustor and Guarantor each have not (A) had any property foreclosed upon, (B) given a deed in lieu of foreclosure, or (C) been involved in any criminal proceedings where Trustor or Guarantor was the defendant. Trustor and Guarantor have not defaulted on any loan or other indebtedness.

(r) The proceeds evidenced by the Note will be used by Trustor solely and exclusively for proper business purposes and will not be used for the purchase or carrying of registered equity securities within the purview and operation of any regulation issued by the Board of Governors of the Federal Reserve System or for the purpose of releasing or retiring any indebtedness which was originally incurred for any such purpose.

(s) Trustor and Guarantor have filed all federal, state, county, municipal, and city income and other tax returns required to have been filed by them and have paid all taxes and related liabilities which have become due pursuant to such returns or pursuant to any assessments.
received by them. Neither Trustor nor Guarantor knows of any basis for any additional assessment in respect to any such taxes and related liabilities for prior years. Trustor's federal tax identification number is 46-5608083.

(i) Trustor covenants that if at any time the United States of America, any State thereof or any subdivision of any such State shall require revenue or other stamps to be affixed to the Note or this Deed of Trust, or impose any other tax or charge on the same, Trustor will pay for the same, with interest and penalties thereon, if any.

(u) As of the date hereof, Trustor and Guarantor have no valid offset, defense, counterclaim, abatement or right to rescission with respect to any of the Loan Documents.

(v) Trustor represents and covenants that it is not and will not become a person (individually, a "Prohibited Person" and collectively "Prohibited Persons") listed on the Specially Designated Nationals and Blocked Persons List maintained by the Office of Foreign Asset Control, U.S. Department of the Treasury (the "OFAC List") or otherwise subject to any other prohibitions or restriction imposed by laws, rules, regulations or executive orders, including Executive Order No. 13224, administered by OFAC (collectively the "OFAC Rules"). Trustor represents and covenants that it also (i) is not and will not become owned or controlled by a Prohibited Person, (ii) is not acting and will not act for or on behalf of a Prohibited Person, (iii) is not otherwise associated with and will not become associated with a Prohibited Person, (iv) is not providing and will not provide any material, financial or technological support for or financial or other service to or in support of acts of terrorism or a Prohibited Person. Trustor will not transfer any interest in Trustor to or enter into a lease with a Prohibited Person. Trustor shall immediately notify Beneficiary if Trustor has knowledge that any Guarantor, partner, or beneficial owner of Trustor is or becomes a Prohibited Person or (A) is indicted on or (B) arraigned and held over on charges involving money laundering or predicate crimes to money laundering. Trustor will not enter into any lease or any other transaction or undertake any activities related to the Loan in violation of the federal Bank Secrecy Act, as amended ("BSA"), 31 U.S.C. §5311, et seq. or any federal or state laws, rules, regulations or executive orders, including, but not limited to, 18 U.S.C. §§1956, 1957 and 1960, prohibiting money laundering and terrorist financing (collectively "Anti-Money Laundering Laws"). Trustor shall (a) not use or permit the use of any proceeds of the Loan in any way that will violate either the OFAC Rules or Anti-Money Laundering Laws, (b) comply and cause all of its subsidiaries to comply with applicable OFAC Rules and Anti-Money Laundering Laws, (c) provide information as Beneficiary may require from time to time to permit Beneficiary to satisfy its obligations under the OFAC Rules and(or) the Anti-Money Laundering Laws and (d) not engage in or conspire to engage in any transaction that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the foregoing.

(w) Trustor's place of business, or its chief executive office if it has more than one place of business, is located at the address specified on page 1 hereof.

(x) The transaction evidenced by this Deed of Trust, the Loan Documents, and the Obligations are for commercial purposes, and not for residential, household, agricultural, personal, or consumer purposes.
Except as otherwise provided herein, each and all of the representations, covenants and obligations of Trustor shall survive the execution and delivery of the Loan Documents and shall continue in full force and effect until the Indebtedness is paid in full.

4.2 Payment and Performance of Secured Obligations. Trustor shall pay when due the principal of and the interest on the indebtedness evidenced by the Note, charges, fees and all other sums as provided in the Loan Documents, and the principal of and interest on any future advances secured by this Deed of Trust. Trustor shall promptly perform each other Secured Obligation in accordance with its terms.

4.3 Maintenance, Repair, Alterations. Trustor shall keep the Property in good condition and repair, and shall not remove, demolish or substantially alter (except such alterations as may be required by laws, ordinances or regulations) any of the Improvements; shall complete promptly and in good and workmanlike manner any building or other improvement which may be constructed on the Land and promptly restore in like manner any Improvements which may be damaged or destroyed, and shall pay when due all claims for labor performed and materials furnished therefor, subject to the right to contest the same in good faith and, to the extent applicable, in accordance with Section 4.20 hereof; shall comply with all laws, ordinances, regulations, covenants, conditions and restrictions now or hereafter affecting the Property, or any part thereof, or requiring any alterations or improvements; shall not commit or permit any waste or deterioration of the Property (other than ordinary wear and tear); shall keep and maintain abutting grounds, sidewalks, roads, parking and landscape areas in good and neat order and repair; shall comply with the provisions of applicable leases; and shall not commit, suffer or permit any act to be done in or upon the Property in violation of any law, ordinance or regulation.

4.4 Management of the Property. If at any time the Property is managed other than by Trustor, or by an entity controlled by Trustor, Beneficiary shall have the right in its sole discretion to approve the selection of such management, and Trustor shall submit the proposed management contract, and such other information about the manager as Beneficiary requests, to Beneficiary for its review and approval, in Beneficiary’s sole discretion, at least ten (10) days prior to Trustor’s signing and entering into the management contract. If at any time when the Property is being managed other than by Trustor or an entity controlled by Trustor, and Beneficiary determines in its sole discretion that the management is not satisfactory for the protection of the Property, Beneficiary shall have the right to require Trustor to change such management so as to be satisfactory to Beneficiary.

4.5 Intentionally Deleted.

4.6 Intentionally Deleted.

4.7 Damages and Insurance and Condemnation Proceeds.

(a) Trustor hereby absolutely and irrevocably assigns to Beneficiary, and authorizes the payor to pay to Beneficiary, the following claims, causes of action, awards, payments and rights to payment: (i) all awards of damages and all other compensation payable directly or indirectly because of a condemnation, proposed condemnation or taking for public or
private use which affects all or part of the Property or any interest in it; (ii) all other awards, claims and causes of action arising out of any warranty affecting all or any part of the Property, or for damage or injury to or decrease in value of all or part of the Property or any interest in it; (iii) all proceeds of any insurance policies payable because of loss sustained to all or part of the Property; and (iv) all interest which may accrue on any of the foregoing.

(b) Trustor shall immediately notify Beneficiary in writing if: (i) any damage occurs or any injury or loss is sustained in any amount in excess of $25,000.00 to all or part of the Property, or any action or proceeding relating to any such damage, injury or loss is commenced; or (ii) any offer is made, or any action or proceeding is commenced, which relates to any actual or proposed condemnation or taking of all or part of the Property. If Beneficiary chooses to do so, it may in its own name appear in or prosecute any action or proceeding to enforce any cause of action based on warranty, or for damage, injury or loss to all or part of the Property, and it may make any compromise or settlement of the action or proceeding. Beneficiary, if it so chooses, may participate in any action or proceeding relating to condemnation or taking of all or part of the Property, and may join Trustor in adjusting any loss covered by insurance.

(c) All proceeds of these assigned claims, other property and rights which Trustor may receive or be entitled to shall be paid to Beneficiary. In each instance, Beneficiary shall apply those proceeds first toward reimbursement of all of Beneficiary's costs and expenses of recovering the proceeds, including attorneys' fees.

4.8 Use of Proceeds by Trustor.

(a) If, in any instance, each and all of the following conditions are satisfied in Beneficiary's reasonable judgment, Beneficiary shall permit Trustor to use the balance of the proceeds assigned and deposited with Beneficiary under the preceding Section 4.7 ("Net Claims Proceeds") to pay costs of repairing or reconstructing the Property in the manner described below:

(i) The plans and specifications, cost breakdown, projected construction costs, construction contract, construction schedule, contractor and payment and performance bonds for the work of repair or reconstruction must all be reasonably acceptable to Beneficiary.

(ii) Beneficiary must receive evidence satisfactory to it that after repair or reconstruction and the completion of construction, the outstanding balance of all Secured Obligations will not exceed one hundred percent (100%) of the value of all of the Property.

(iii) The Net Claims Proceeds must be sufficient in Beneficiary's determination to pay for the total cost of repair or reconstruction, including all associated development costs and interest projected to be payable on the Secured Obligations until the repair or reconstruction is complete; or Trustor must provide its own funds in an amount equal to the difference between the Net Claims Proceeds and a reasonable estimate, made by Trustor and found acceptable by Beneficiary, of the total cost of repair or reconstruction.
(iv) No Event of Default shall have occurred and be continuing.

(b) If the foregoing conditions are met, Beneficiary shall hold the Net Claims Proceeds in an interest-bearing account and shall disburse them to Trustor to pay costs of repair or reconstruction, on such terms and subject to such conditions as are reasonably established by Beneficiary to govern disbursement of funds, including without limitation providing evidence of costs, percentage completion of repair or reconstruction, application of payments and satisfaction of mechanics' liens. However, if Beneficiary determines that the foregoing conditions are met and the Net Claims Proceeds exceed the costs of repair and reconstruction of the Property or if Beneficiary determines that one or more of the foregoing conditions are not satisfied, then Beneficiary shall apply the Net Claims Proceeds contained in the interest bearing account to pay or prepay (without premium) some or all of the Secured Obligations in such order and proportions as Beneficiary in its sole, absolute and unfettered discretion may choose.

(c) Trustor hereby specifically, unconditionally and irrevocably waives all rights of a property owner granted under California Code of Civil Procedure §1265.225(a), which provides for allocation of condemnation proceeds between a property owner and a lien holder, and any other law or successor statute of similar import.

(d) Nothing herein contained shall be deemed to excuse Trustor from repairing or maintaining the Property as provided in Section 4.3 hereof or restoring all damage or destruction to the Improvements, regardless of whether or not there are insurance proceeds available or whether any such proceeds are sufficient in amount, and the application or release by Beneficiary of any insurance proceeds shall not cure or waive any default or notice of default under this Deed of Trust or invalidate any act done pursuant to such notice.

4.9 Assignment of Insurance Policies Upon Foreclosure. In the event of foreclosure of this Deed of Trust or other transfer of title or assignment of the Property in extinguishment, in whole or in part, of the debt secured hereby, all right, title and interest of Trustor in and to all policies of insurance required by this Deed of Trust shall inure to the benefit of and pass to the successor in interest of Trustor, or the purchaser or grantee of the Property.

4.10 Subrogation; Waiver of Offset.

(a) If Beneficiary is made a party defendant to any litigation concerning this Deed of Trust or the Property or any part thereof or interest therein, or the occupancy thereof by Trustor, then Trustor shall indemnify, defend and hold Beneficiary harmless from all liability by reason of said litigation (other than to the extent arising from Beneficiary's gross negligence or willful misconduct), including attorneys' fees and expenses incurred by Beneficiary in any such litigation, whether or not any such litigation is prosecuted to judgment. If Beneficiary commences an action against Trustor to enforce any of the terms hereof or because of the breach by Trustor of any of the terms hereof, or for the recovery of any sum secured hereby, Trustor shall pay to Beneficiary attorneys' fees and expenses, and the right to such attorneys' fees and expenses shall be deemed to have accrued on the commencement of such action, and shall be enforceable whether or not such action is prosecuted to judgment. If Trustor breaches any term of this Deed of Trust, Beneficiary may employ an attorney or attorneys to protect its rights hereunder and, in the event of such employment following any breach by Trustor, Trustor shall
pay Beneficiary attorneys’ fees and expenses incurred by Beneficiary, whether or not an action is actually commenced against Trustor by reason of breach. Notwithstanding the foregoing, if an action is actually commenced by either party and such action proceeds to final judgment in favor of Trustor, then (i) Trustor shall have no obligation to pay Beneficiary’s attorneys’ fees and expenses, and (ii) Beneficiary shall pay Trustor attorneys’ fees and expenses incurred by Trustor in connection with such action.

(b) Trustor waives any and all right to claim or recover against Beneficiary, its officers, employees, agents and representatives, for loss of or damage to Trustor, the Property, Trustor’s other property or the property of others under Trustor’s control from any cause insured against or required to be insured against by the provisions of this Deed of Trust, other than as a result of Beneficiary’s gross negligence or willful misconduct.

(c) All sums payable by Trustor hereunder shall be paid without notice (except as expressly provided herein), demand, counterclaim, setoff, deduction or defense and without abatement, suspension, deferment, diminution or reduction, and the obligations and liabilities of Trustor hereunder shall in no way be released, discharged or otherwise affected (except as expressly provided herein) by reason of: (i) any damage to or destruction of, or any condemnation or similar taking of, the Property or any part thereof; (ii) any restriction or prevention of or interference with any use of the Property or any part thereof; (iii) any title defect or encumbrance or any eviction from the Land or the Improvements or any part thereof by title paramount or otherwise; (iv) any bankruptcy, insolvency, reorganization, composition, adjustment, dissolution, liquidation or other like proceeding relating to Beneficiary or Trustor, or any action taken with respect to this Deed of Trust by any trustee or receiver of Beneficiary or Trustor, or by any court, in any such proceeding; (v) any claim which Trustor has or might have against Beneficiary; or (vi) any other occurrence whatsoever, whether similar or dissimilar to the foregoing, whether or not Trustor shall have notice or knowledge of any of the foregoing. Except as expressly provided herein, Trustor waives all rights now or hereafter conferred by statute or otherwise to any abatement, suspension, deferment, diminution or reduction of any sum secured hereby and payable by Trustor.

4.11 Taxes and Impositions.

(a) Trustor shall pay, prior to delinquency, all real property taxes and assessments, general and special, and all other taxes and assessments of any kind or nature whatsoever, including, without limitation, non-governmental levies or assessments such as maintenance charges, owner association dues or charges or fees, levies or charges resulting from covenants, conditions and restrictions affecting the Property, which are assessed or imposed upon the Property, or become due and payable, and which create, may create or appear to create a lien upon the Property, or any part thereof, or upon any personal property, equipment or other facility used in the operation or maintenance thereof (all of which taxes, assessments and other governmental and non-governmental charges of like nature are hereinafter referred to as “Impositions”); provided, however, that if, by law, any such Imposition is payable, or may at the option of the taxpayer be paid, in installments, Trustor may pay the same, together with any accrued interest on the unpaid balance of such Imposition, in installments as the same become due and before any fine, penalty, interest or cost may be added therefor for the nonpayment of any such installment and interest.
(b) If at any time after the date hereof there shall be assessed or imposed: (i) a tax or assessment on the Property in lieu of or in addition to the Impositions payable by Trustor pursuant to the preceding Subsection (a); or (ii) a license fee, tax or assessment imposed on Beneficiary and measured by or based in whole or in part upon the amount of the outstanding obligations secured hereby, then all such taxes, assessments or fees shall be deemed to be included within the term “Impositions” as herein defined, and Trustor shall pay and discharge the same as herein provided with respect to the payment of Impositions or, at the option of Beneficiary, all obligations secured hereby, together with all accrued interest thereon, shall immediately become due and payable. Anything to the contrary herein notwithstanding, Trustor shall have no obligation to pay any franchise, estate, inheritance, income, excess profits or similar tax levied on Beneficiary or on the obligations secured hereby.

(c) Subject to the provisions of Subsection (d) below, Trustor covenants to furnish Beneficiary upon request, within thirty (30) days after the date upon which any such Imposition would result in delinquency by Trustor, official receipts of the appropriate taxing authority, or other proof satisfactory to Beneficiary, evidencing the payments thereof.

(d) Trustor shall have the right to contest or object to the amount or validity of any such Imposition by appropriate legal proceedings, but this shall not be deemed or construed as in any way relieving, modifying or extending Trustor's covenant to pay any such Imposition at the time and in the manner provided in this Section 4.11, unless Trustor has given prior written notice to Beneficiary of Trustor's intent to so contest or object to an Imposition, and unless: (i) Trustor shall furnish a good and sufficient bond satisfactory to Beneficiary; or (ii) Trustor shall have provided a good and sufficient undertaking as may be required or permitted by law to accomplish a stay of such proceedings.

(e) At the request of Beneficiary, Trustor shall pay to Beneficiary, on the day monthly installments of principal and/or interest are payable by Trustor under the Note, until the Note is paid in full, an amount equal to one-twelfth (1/12th) of the annual Impositions estimated by Beneficiary as necessary to pay the installment of taxes next due on the Property; provided, however that Beneficiary shall make no such request for monthly deposits unless and until such time (if ever) as an Event of Default (as defined in Section 6.1 below) has occurred, whereupon Beneficiary shall at any and all times thereafter have the right to require such monthly deposits by Trustor, whether or not the Event of Default has been cured. In such event, Trustor further agrees to cause all bills, statements or other documents relating to Impositions to be sent or mailed directly to Beneficiary. Upon receipt of such bills, statements or other documents, and providing Trustor has deposited sufficient funds with Beneficiary pursuant to this Section, Beneficiary shall pay such amounts as may be due thereunder out of the funds so deposited with Beneficiary. If at any time and for any reason the funds deposited with Beneficiary are or will be insufficient to pay such amounts as may then or subsequently be due, Beneficiary shall notify Trustor and Trustor shall immediately deposit an amount equal to such deficiency with Beneficiary. Notwithstanding the foregoing, nothing contained herein shall cause Beneficiary to be deemed a trustee of said funds or to be obligated to pay any amounts in excess of the amount of funds deposited with Beneficiary pursuant to this Section. Beneficiary shall not be obliged to pay or allow any interest on any sums held by Beneficiary pending disbursement or application hereunder, and Beneficiary may impound or reserve for future payment of Impositions such portion of such payments as Beneficiary may in its reasonable discretion deem proper, applying

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the balance to the principal of or interest on the Secured Obligations. If Trustor fails to deposit with Beneficiary (exclusive of that portion of such payments which has been applied by Beneficiary on the principal of or interest on the indebtedness secured by the Loan Documents) sums sufficient to fully pay such Impositions at least fifteen (15) days before delinquency thereof, Beneficiary may, at Beneficiary's election, but without any obligation so to do, advance any amounts required to make up the deficiency, which advances, if any, shall be secured hereby and shall be repayable to Beneficiary as herein elsewhere provided, or, at the option of Beneficiary, the latter may, without making any advance whatever, apply any sums held by it upon any obligation of the Trustor secured hereby. If any Event of Default occurs or exists on the part of Trustor in the payment or performance of any of Trustor's obligations under the terms of the Loan Documents, Beneficiary may, at any time and at Beneficiary's option, apply any sums or amounts in its hands received pursuant hereto, or as rents or income of the Property or otherwise, upon any indebtedness or obligation of Trustor secured hereby in such manner and order as Beneficiary may elect. The receipt, use or application of any such sums paid by Trustor to Beneficiary hereunder shall not be construed to affect the maturity of any indebtedness secured by this Deed of Trust or any of the rights or powers of Beneficiary or Trustee under the terms of the Loan Documents or any of the obligations of Trustor under any of the Loan Documents.

(f) Trustor covenants and agrees to use its best efforts to prevent the joint assessment of the real and personal property, or any other procedure whereby the lien of the real property taxes and the lien of the personal property taxes shall be assessed, levied or charged to the Property as a single lien.

4.12 Utilities and Assessments. Trustor shall pay when due all utility charges which are incurred by Trustor for the benefit of the Property or which may become a charge or lien against the Property for gas, electricity, water or sewer services furnished to the Property and all other assessments or charges of a similar nature affecting the Property or any portion thereof, public or private (and including without limitation all homeowners association dues and assessments), whether or not such taxes, assessments or charges are liens on the Property.

4.13 Actions Affecting Property. Trustor shall appear in and contest any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and Trustor shall pay all costs and expenses, including cost of evidence of title and attorneys' fees, in any such action or proceeding in which Beneficiary or Trustee may appear.

4.14 Actions by Trustee and/or Beneficiary to Preserve Property. If Trustor or any other party obligated under the Loan Documents in favor of Beneficiary, fails to make any payment or to do any act as and in the manner provided in any of the Loan Documents, Beneficiary and/or Trustee, each in its own absolute and unfettered discretion, without obligation so to do upon five (5) days prior written notice to Trustor, except such notice shall not be required where the delay resulting from the provisions of such notice could have a material adverse effect on the Property or the Beneficiary's interests therein, and without releasing Trustor, or any other party obligated under the Loan Documents in favor of Beneficiary, from any obligation, may make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof. In connection therewith (without limiting their general powers), Beneficiary and/or Trustee shall have and are hereby given the right, but not the
obligation, (i) upon prior notice to Trustor, to enter upon and take possession of the Property; (ii) upon prior notice to Trustor, to make additions, alterations, repairs and improvements to the Property which they or either of them may consider necessary or proper to keep the Property in good condition and repair; (iii) upon prior notice to Trustor, to appear and participate in any action or proceeding affecting or which may affect the security hereof or the rights or powers of Beneficiary or Trustee; (iv) upon prior notice to Trustor, to pay, purchase, contest or compromise any encumbrance, claim, charge, lien or debt which in the judgment of either may affect or appears to affect the security of this Deed of Trust or be prior or superior hereto; and (v) in exercising such powers, to pay necessary expenses, including employment of counsel or other necessary or desirable consultants. Trustor shall, immediately upon demand therefor by Beneficiary, pay all costs and expenses incurred by Beneficiary in connection with the exercise by Beneficiary of the foregoing rights, including, without limitation, costs of evidence of title, court costs, appraisals, surveys and attorneys' fees.

4.15 Survival of Warranties. Trustor shall fully and faithfully satisfy and perform the obligations of Trustor contained in any of the Loan Documents. All representations, warranties and covenants of Trustor contained therein or incorporated by reference shall survive the close of escrow and funding of the loan evidenced by the Note, and shall remain continuing obligations, warranties and representations of Trustor during any time when any portion of the obligations secured by this Deed of Trust remain outstanding.

4.16 Additional Security. In the event Beneficiary at any time holds additional security for any of the obligations secured hereby, Beneficiary may after an Event of Default (as defined in Section 6.1 below) enforce the sale thereof or otherwise realize upon the same, at its option, either before or concurrently herewith or after a sale is made hereunder:

4.17 Appointment of Successor Trustee. Beneficiary may, from time to time, by a written instrument executed and acknowledged by Beneficiary mailed to Trustor and recorded in the county in which the Property is located, and by otherwise complying with the provisions of the applicable law of the State of California, substitute a successor or successors to the Trustee named herein or acting hereunder.

4.18 Successors and Assigns. This Deed of Trust applies to, inures to the benefit of and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term "Beneficiary" shall mean the owner and holder of the Note, whether or not named as Beneficiary herein.

4.19 Inspections. Subject to the rights of tenants under the Leases, Beneficiary, or its agents, representatives or workmen, are authorized to enter at any reasonable time upon or in any part of the Property for the purpose of inspecting the same and for the purpose of performing any of the acts it is authorized to perform under the terms of any of the Loan Documents.

4.20 Liens. If any claim of lien is recorded which affects the Property or the Loan, Trustor shall, within twenty (20) days after such recording or service: (i) pay and discharge the same; (ii) effect the release thereof by recording or delivering to Beneficiary a surety bond in form and amount satisfactory to Beneficiary; or (iii) provide Beneficiary with other assurance (including appropriate title endorsements) which Beneficiary, in its sole discretion, deems to be
satisfactory for the payment of such lien or bonded stop notice and for the full and continuous protection of Beneficiary from the effect thereof. If Trustor fails to remove any lien on the Property or the Loan, and fails to provide satisfactory security in lieu of removal of such lien as provided in (ii) above and fails to provide Beneficiary with the assurances as provided in (iii) above, Beneficiary may pay such lien or may contest the validity thereof, may pay all costs and expenses of contesting the same, including attorneys’ fees, and Trustor shall reimburse Beneficiary on demand for all payments made and costs and expenses incurred by Beneficiary in doing so.

4.21 Trustee’s Power. Trustee may, at any time or from time to time, without liability therefor and without notice, upon written request of Beneficiary and presentation of this Deed of Trust and the Note secured hereby for endorsement, and without affecting the personal liability of any person for payment of the indebtedness secured hereby or the effect of this Deed of Trust upon the remainder of said Property: (i) reconvey any part of said Property; (ii) consent in writing to the making of any map or plat thereof; (iii) join in granting any easement thereon; or (iv) join in any extension agreement or any agreement subordinating the lien or charge hereof.

4.22 Beneficiary’s Power. Beneficiary, without affecting the liability of any other person liable for the payment of any obligation herein mentioned, and without affecting the lien or charge of this Deed of Trust upon any portion of the Land not then or theretofore released as security for the full amount of all unpaid obligations, may from time to time and without notice: (i) release any person so liable; (ii) extend the maturity or alter any of the terms of any such obligation; (iii) grant other indulgences; (iv) release or reconvey, or cause to be released or reconveyed at any time at Beneficiary’s option, any parcel, portion or all of the Property; (v) take or release any other additional security for any obligation herein mentioned; (vi) make compositions or other arrangements with debtors in relation thereto; or (vii) advance additional funds to protect the security hereof and pay or discharge the obligations of Trustor hereunder or under the Loan Documents, and all amounts so advanced, with interest thereon at the rate per annum in effect from time to time under the Note, shall be secured hereby.

4.23 Trade Names. At the request of Beneficiary, Trustor shall execute a certificate in form satisfactory to Beneficiary listing the trade names under which Trustor operates or intends to operate the Property, and representing and warranting that Trustor does business under no other trade names with respect to the Property. Trustor shall immediately notify Beneficiary in writing of any change in said trade names and will, upon request of Beneficiary, execute any additional financing statements and other certificates revised to reflect the change in trade name.

4.24 Reconveyance by Trustee. Upon written request of Beneficiary stating that all sums secured hereby have been paid, and upon surrender of this Deed of Trust and the Note to Trustee for cancellation and retention and upon payment by Trustor of Trustee’s fees, Trustee shall reconvey to Trustor, or the person or persons legally entitled thereto, without warranty, any portion of the Property then held hereunder. The recitals in such reconveyance of any matters or facts shall be conclusive proof of the truthfulness thereof. The grantee in any reconveyance may be described as “the person or persons legally entitled thereto.”
ARTICLE 5
ADDITIONAL COVENANTS

5.1 Acceleration on Sale.

(a) Trustor understands that in making the loan evidenced by the Note, Beneficiary is relying upon the continuing interest which Trustor has in the Property. Accordingly, except as expressly provided herein or in any of the Loan Documents to the contrary, in the event that Trustor, without the prior written consent of Beneficiary, directly or indirectly, voluntarily or involuntarily, sells, assigns, transfers, disposes of or sublets or agrees to sell, assign, transfer, dispose of or sublet all or any portion of or any interest in the Property whether by outright sale, deed, installment sale contract, land contract, contract for deed, ground lease or any other leases, lease-option contract, or by sale, assignment or sublease, or transfers of any beneficial interest in or to any land trust holding title to the Property, or by any other method of conveyance of an interest in the Property, or, subject to Section 6.7 of the Business Loan Agreement, in the event that any direct and/or indirect owner of Trustor sells, assigns, transfers or disposes of any interest in Trustor, then the same shall be deemed to increase the risk of Beneficiary, and Beneficiary may then, or at any time thereafter, declare all principal, accrued and unpaid interest and all other charges and fees under the Note immediately due and payable, and may exercise all rights and remedies provided in the Loan Documents.

(b) Beneficiary may condition its consent to a sale or transfer for which consent is required hereunder upon the fulfillment of certain requirements in Beneficiary's sole and absolute discretion, including, without limitation, an increase in the interest rates under the Note and/or the requirement for additional guarantors of the Loan.

5.2 Acceleration on Insolvency of Trustor. In the event (i) Trustor fails to pay its debts generally as they come due or files any petition or action for relief under any bankruptcy, reorganization, insolvency or moratorium law, or any other law or laws for the relief of, or relating to, debtors; (ii) an involuntary petition is filed against Trustor under any bankruptcy or similar statute and such petition is not set aside or withdrawn or is still in effect within forty-five (45) days from the date of such filing (or such longer period as is reasonably necessary, provided Trustor promptly commences, and diligently and continuously, pursues thereafter, its efforts to have the petition set aside or withdrawn); (iii) a custodian, receiver or trustee (or other similar official) is appointed to take possession, custody or control of any of the properties of Trustor; or (iv) the Property becomes subject to the jurisdiction of a Federal Bankruptcy Court or successor to that court, or any similar state court; (v) Trustor makes a general assignment for the benefit of Trustor's creditors; or (vi) any portion of Trustor's assets is attached, executed upon or judicially seized in any manner, and such seizure is not discharged within forty-five (45) days, then Beneficiary at its option and to the extent permitted by applicable law may, without prior notice, declare all sums secured by this Deed of Trust, irrespective of their stated due date(s), immediately due and payable and may exercise all rights and remedies provided in this Deed of Trust.

5.3 Partial Reconveyance. A partial reconveyance under this Deed of Trust may be obtained by Trustor if Trustor satisfies the conditions and requirements set forth in the Business Loan Agreement.
5.4 Further Encumbrance Prohibited. Trustor covenants not to execute any deed of trust, security agreement, assignment of leases and rents or other agreement granting a lien (except the liens granted to Beneficiary and Trustee by the Loan Documents) in the Property or take or fail to take any other action which would result in a lien against the interest of Trustor in the Property without the prior written consent of Beneficiary.

ARTICLE 6
DEFAULT; REMEDIES

6.1 Events of Default. Each of the following events after the expiration of any applicable notice and/or cure period shall constitute an event of default by Trustor hereunder (each, an “Event of Default”):

(a) Trustor fails to pay when due any of the Indebtedness, including any payment due under the Note;

(b) The occurrence of a default or an “Event of Default” under any other Loan Documents beyond any applicable notice and cure period;

(c) Trustor fails to comply with or to perform any other term, obligation, covenant or condition contained in this Deed of Trust or any of the other Loan Documents which is not cured within fifteen (15) days after notice from Beneficiary;

(d) The occurrence of a default by Trustor, in its capacity as landlord under a Tenant Lease (as defined in the Business Loan Agreement), beyond any applicable notice and cure periods contained therein;

(e) Any financial statement, report, or certificate made or delivered to Beneficiary by Trustor or Guarantor is not materially true and complete, or any representation or warranty made or delivered to Beneficiary by Trustor or Guarantor is not materially true and correct;

(f) Seizure or forfeiture of the Property, or any portion thereof, or Trustor’s interest therein, resulting from criminal wrongdoing or other unlawful action of Trustor, its affiliates, or any tenant in the Property under any federal, state or local law;

6.2 Acceleration Upon Default: Additional Remedies. At any time after any Event of Default, Beneficiary may declare all indebtedness secured hereby to be due and payable and the same shall thereupon become due and payable without any presentment, demand, protest or notice of any kind. Thereafter, Beneficiary may:

(a) Either in person or by agent, with or without bringing any action or proceeding, or by a receiver appointed by a court and without regard to the adequacy of its security, enter upon and take possession of the Property, or any part thereof, in its own name or in the name of Trustee, and do any acts which it deems necessary or desirable to preserve the value, marketability or rentability of the Property, or part thereof or interest therein, increase the income therefrom or protect the security hereof and, with or without taking possession of the Property, sue for or otherwise collect the rents, issues and profits thereof, including those past
due and unpaid, and apply the same, less costs and expenses of operation and collection (including attorneys' fees) upon any indebtedness secured hereby, all in such order as Beneficiary may determine. The entering upon and taking possession of the Property, the collection of such rents, issues and profits, and the application thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done in response to such default or pursuant to such notice of default and, notwithstanding the continuance in possession of the Property or the collection, receipt and application of rents, issues or profits, Trustee or Beneficiary shall be entitled to exercise every right provided for in any of the Loan Documents or by law upon the occurrence of any Event of Default, including the right to exercise the power of sale.

(b) Commence an action to foreclose this Deed of Trust as a mortgage, appoint a receiver, and/or specifically enforce any of the covenants hereof.

(c) Exercise any or all of the remedies available to a secured party under the California Uniform Commercial Code.

(d) Deliver to Trustee a written declaration of default and demand for sale, and a written notice of default and election to cause Trustor's interest in the Property to be sold, which notice Trustee or Beneficiary shall cause to be duly filed for record in the official records of the county in which the Property is located.

6.3 Foreclosure by Power of Sale. If Beneficiary elects to foreclose by exercise of power of sale under Section 6.2(d), Beneficiary shall notify Trustee and shall deposit with Trustee this Deed of Trust and the Note and such receipts and evidence of expenditures made and secured hereby as Trustee may require.

(a) Upon receipt of such notice from Beneficiary, Trustee shall cause to be recorded, published and delivered to Trustor such notice of default and election to sell as then required by law and by this Deed of Trust. Trustee shall, without demand on Trustor, after lapse of such time as may then be required by law and after recordation of such notice of default and after notice of sale having been given as required by law, sell the Property at the time and place of sale fixed by it in said notice of sale, either as a whole, or in separate lots or parcels or items as Trustee shall deem expedient, and in such order as it may determine, at public auction to the highest bidder for cash in lawful money of the United States payable at the time of sale. Trustee shall deliver to such purchaser or purchasers thereof its good and sufficient deed or deeds conveying the property so sold, but without any covenant or warranty, express or implied. The recitals in such deed of any matters or facts shall be conclusive proof of the truthfulness thereof. Any person, including, without limitation, Trustor, Trustee or Beneficiary, may purchase at such sale and Trustor hereby covenants to warrant and defend the title of such purchaser or purchasers.

(b) After deducting all costs, fees and expenses of Trustee and of this Deed of Trust, including costs of evidence of title in connection with sale, Trustee shall apply the proceeds of sale first to payment of all sums expended under the terms hereof, not then repaid, with accrued interest at the rate per annum in effect from time to time under the Note, then to
payment of all other Secured Obligations, and the remainder, if any, to the person or persons legally entitled thereto.

(c) Trustee may postpone the sale of all or any portion of the Property by public announcement at such time and place of sale, and from time to time thereafter may postpone such sale by public announcement at the time fixed by the preceding postponement or subsequently noticed sale, and without further notice make such sale at the time fixed by the last postponement, or may, in its discretion, give a new notice of sale.

(d) The power of sale under this Deed of Trust shall not be exhausted by any one or more sales (or attempts to sell) as to all or any portion of the Property remaining unsold, but shall continue unimpaired until all of the Property has been sold by exercise of the power of sale herein contained and all indebtedness of Trustor to Beneficiary under this Deed of Trust, the Note or other Loan Documents has been paid in full.

6.4 Appointment of Receiver. If an Event of Default has occurred and is continuing, Beneficiary as a matter of right and without notice to Trustor or anyone claiming under Trustor, and without regard to the then-value of the Property or the interest of Trustor therein, shall have the right to apply, by ex parte motion or otherwise, to any court having jurisdiction to appoint a receiver or receivers of the Property, and Trustor hereby irrevocably consents to such appointment and waives notice of any application therefor. Any such receiver or receivers shall have all the usual powers and duties of receivers in like or similar cases, including, without limitation, taking immediate possession, custody and control of the Property, securing, operating, managing, controlling and conducting the Property, caring for, preserving and maintaining the Property, and incurring any costs and expenses necessary for such purposes. Any such receiver of receivers shall also have all the powers and duties of Beneficiary in case of entry as provided in Section 6.2(a) above. Any such receiver or receivers shall continue in such capacity and exercise all such powers until the date of confirmation of sale of the Property unless such receivership is sooner terminated.

6.5 Remedies Not Exclusive. Trustee and Beneficiary, and each of them, shall be entitled to enforce payment and performance of any of the Secured Obligations and to exercise all rights and powers under this Deed of Trust or under any Loan Document or other agreement or any laws now or hereafter in force, notwithstanding that some or all of the Secured Obligations may now or hereafter be otherwise secured, whether by mortgage, deed of trust, pledge, lien, assignment or otherwise. Neither the acceptance of this Deed of Trust nor its enforcement, whether by court action or pursuant to the power of sale or other powers herein contained, shall prejudice or in any manner affect Trustee’s or Beneficiary’s right to realize upon or enforce any other security now or hereafter held by Trustee or Beneficiary, it being agreed that Trustee and Beneficiary, and each of them, shall be entitled to enforce this Deed of Trust and any other security now or hereafter held by Beneficiary or Trustee in such order and manner as they or either of them may in their absolute discretion determine. No remedy herein conferred upon or reserved to Trustee or Beneficiary is intended to be exclusive of any other remedy herein or by law provided or permitted, but each shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute. Every power or remedy given by any of the Loan Documents to Trustee or Beneficiary, or to which either of them may be otherwise entitled, may be exercised, concurrently or independently, from
time to time and as often as may be deemed expedient by Trustee or Beneficiary, and either of them may pursue inconsistent remedies.

6.6 Request for Notice. In accordance with California Civil Code §2924b, Trustor hereby requests copy of any notice of default and that any notice of sale hereunder be mailed to it at the address set forth in the first Section of this Deed of Trust.

ARTICLE 7
MISCELLANEOUS

7.1 Governing Law. This Deed of Trust shall be governed by the laws of the State of California. In the event that any provision or clause of any of the Loan Documents conflicts with applicable laws, such conflicts shall not affect other provisions of such Loan Documents which can be given effect without the conflicting provision, and to this end the provisions of the Loan Documents are declared to be severable. This instrument cannot be waived, changed, discharged or terminated orally, but only by an instrument in writing signed by the party against whom enforcement of any waiver, change, discharge or termination is sought.

7.2 Trustor Waiver of Rights. To the extent permitted under applicable law, Trustor waives: (i) the benefit of all laws now existing or that hereafter may be enacted providing for any appraisement before sale of any portion of the Property; (ii) any applicable statute of limitations; and (iii) the benefit of all laws that may hereafter be enacted in any way extending the time for the enforcement of the collection of the Note or the debt evidenced thereby or creating or extending a period of redemption from any sale made in collecting said debt. To the full extent Trustor may do so, Trustor agrees that Trustor will not at any time insist upon, plead, claim or take the benefit or advantage of any law, now or hereafter in force providing for any appraisement, valuation, stay, extension or redemption, and Trustor, for Trustor, Trustor’s heirs, devisees, representatives, successors and assigns, and for any and all persons ever claiming any interest in the Property, to the extent permitted by law, hereby waives and releases all rights of redemption, valuation, appraisement, stay of execution, notice of election to mature or declare due the whole of the secured indebtedness and marshaling in the event of foreclosure of the liens hereby created. If any law referred to in this Section 7.2 and now in force, of which Trustor, Trustor’s heirs, devisees, representatives, successors and assigns or other person might take advantage despite this Section 7.2, shall hereafter be repealed or cease to be in force, such law shall not thereafter be deemed to preclude the application of this Section 7.2.

7.3 Statements of Trustor. Trustor, within ten (10) days after request by Beneficiary, shall furnish to Beneficiary a written statement stating the unpaid principal of and interest on the Note and any other amounts secured by this Deed of Trust, and stating whether any offset or defense exists against such principal and interest.

7.4 Notices. Whenever Beneficiary, Trustor or Trustee desire to give or serve any notice, demand, request or other communication with respect to this Deed of Trust, each such notice, demand, request or other communication shall be in writing and shall be effective only if the same is delivered by personal service or mailed by registered mail, postage prepaid, return receipt requested, addressed to the address set forth at the beginning of this Deed of Trust. Any party may at any time change its address for such notices by delivering or mailing to the other parties hereto, as aforesaid, a notice of such change.

Deed of Trust
Loan Request No. 20
Loan No. 3130169169

Page 300
7.5 **Attorneys' Fees.** If Beneficiary refers this Deed of Trust or any of the other Loan Documents to an attorney to enforce, construe or defend the same, or as a consequence of any Event of Default as defined in this Deed of Trust, with or without the filing of any legal action or proceeding, Trustor shall pay to Beneficiary, immediately upon demand, the amount of all attorneys' fees and costs incurred by Beneficiary in connection therewith, together with interest thereon from the date of such demand at the rate of interest applicable to the principal balance of the Note. The reference to "attorneys' fees" in this Section 7.5, elsewhere in this Deed of Trust and in all of the other Loan Documents shall include, without limitation, fees charged by Beneficiary for the services furnished by attorneys who are in its employ, at rates not exceeding those that would be charged by outside attorneys for comparable services.

7.6 **WAIVER OF RIGHT TO TRIAL BY JURY; JUDICIAL REFERENCE.** TO TRUSTOR HEREBY WAIVES TO THE FULLEST EXTENT PERMITTED BY LAW, THE RIGHT TO TRIAL BY JURY IN ANY ACTION, PROCEEDING OR COUNTERCLAIM, WHETHER IN CONTRACT, TORT OR OTHERWISE, RELATING DIRECTLY OR INDIRECTLY TO THE LOAN EVIDENCED BY THE NOTE, THIS DEED OF TRUST AND ANY SECURITY INSTRUMENT OR ANY ACTS OR OMISSIONS OF LENDER, ITS OFFICERS, EMPLOYEES, DIRECTORS OR AGENTS IN CONNECTION THEREWITH. IF ANY LEGAL PROCEEDING IS FILED IN A COURT AND THE PRECEDING JURY WAIVER IS NOT ENFORCEABLE IN SUCH ACTION OR PROCEEDING, TRUSTOR AND LENDER AGREE THAT SUCH DISPUTE WILL BE DETERMINED BY A GENERAL REFERENCE PROCEEDING IN ACCORDANCE WITH CALIFORNIA CODE OF CIVIL PROCEDURE SECTIONS 638 THROUGH 645.1, WITH THE EXCEPTION OF: (I) NON-JUDICIAL FORECLOSURE OF ANY SECURITY INTERESTS IN REAL OR PERSONAL PROPERTY, (II) EXERCISE OF SELF-HELP REMEDIES (INCLUDING, WITHOUT LIMITATION, SET-OFF), (III) APPOINTMENT OF A RECEIVER, AND (IV) TEMPORARY, PROVISIONAL OR ANCILLARY REMEDIES (INCLUDING, WITHOUT LIMITATION, WRITS OF ATTACHMENT, WRITS OF POSSESSION, TEMPORARY RESTRAINING ORDERS OR PRELIMINARY INJUNCTIONS). THIS DEED OF TRUST DOES NOT LIMIT THE RIGHT OF ANY PARTY TO EXERCISE OR OPPOSE ANY OF THE RIGHTS AND REMEDIES DESCRIBED IN CLAUSES (I) - (IV) AND ANY SUCH EXERCISE OR OPPOSITION DOES NOT WAIVE THE RIGHT OF ANY PARTY TO A REFERENCE PROCEEDING PURSUANT TO THIS DEED OF TRUST. THE PARTIES INTEND THIS GENERAL REFERENCE AGREEMENT TO BE SPECIFICALLY ENFORCEABLE IN ACCORDANCE WITH CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 638. UPON THE WRITTEN REQUEST OF ANY PARTY, THE PARTIES SHALL SELECT A SINGLE REFEREE, WHO SHALL BE A RETIRED JUDGE OR JUSTICE, AND THE MATTER WILL BE DECIDED BY THE REFEREE, NOT A JURY. IF THE PARTIES DO NOT AGREE UPON A REFEREE WITHIN TEN (10) DAYS OF SUCH WRITTEN REQUEST, THEN, ANY PARTY MAY REQUEST THE COURT TO APPOINT A REFEREE PURSUANT TO CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 640(B). A REQUEST FOR APPOINTMENT OF A REFEREE MAY BE HEARD ON AN EX PARTE OR EXPEDITED BASIS, AND THE PARTIES AGREE THAT IRREPARABLE HARM WOULD RESULT IF EX PARTE RELIEF IS NOT GRANTED. ALL PROCEEDINGS AND HEARINGS CONDUCTED BEFORE THE REFEREE, EXCEPT FOR TRIAL, SHALL BE CONDUCTED WITHOUT A COURT REPORTER, EXCEPT WHEN ANY PARTY SO REQUESTS, A COURT REPORTER WILL BE USED AND THE TRANSCRIPT WILL BE
Provided to all parties at the requesting party's expense. The
Referee's fees shall ultimately be borne by the party who does not
prevail, as determined by the Referee. The Referee may require one
or more prehearing conferences. The parties hereto shall be
entitled to discovery, and the Referee shall oversee discovery in
accordance with the rules of discovery, and may enforce all
discovery orders in the same manner as any trial court judge in
proceedings at law in the state of California. The Referee shall
apply the rules of evidence applicable to proceedings at law in the
state of California and shall determine all issues in accordance
with applicable state and federal law. The Referee shall
empower to enter equitable as well as legal relief and rule on
any motion which would be authorized in a trial, including, without
limitation, motions for default judgment or summary judgment. The
Referee shall report his decision, which report shall also include
findings of fact and conclusions of law.

7.7 Acceptance by Trustee. Trustee accepts this Trust when this Deed of Trust, duly
executed and acknowledged, is made a public record as provided by law.

7.8 Captions. The captions or headings at the beginning of each Section hereof are for
the convenience of the parties and are not a part of this Deed of Trust.

7.9 Invalidity of Certain Provisions. If the lien of this Deed of Trust is invalid or
unenforceable as to any part of the debt, or if the lien is invalid or unenforceable as to any part of
the Property, the unsecured or partially secured portion of the debt shall be completely paid prior
to the payment of the remaining and secured or partially secured portion of the debt, and all
payments made on the debt, whether voluntary or under foreclosure or other enforcement action
or procedure, shall be considered to have been first paid on and applied to the full payment of
that portion of the debt which is not secured or not fully secured by the lien of this Deed of Trust.
If any provision of the Loan Documents shall be deemed void or unenforceable, it shall not
affect the validity of the remaining provisions thereof which shall be considered severable.

7.10 Subrogation. To the extent that proceeds of the Note or advances under this Deed
of Trust are used to pay any outstanding lien, charge or prior encumbrance against the Property,
such proceeds or advances have been or will be advanced by Beneficiary at Trustor's request and
Beneficiary shall be subrogated to any and all rights and liens held by any owner or holder of
such outstanding liens, charges and prior encumbrances, irrespective of whether said liens,
charges or encumbrances are released.

7.11 No Merger. If both the lessor's and lessee's estates under any lease or any portion
thereof which constitutes a part of the Property shall at any time become vested in one owner,
this Deed of Trust and the lien created hereby shall not be destroyed or terminated by application
of the doctrine of merger and, in such event, Beneficiary shall continue to have and enjoy all of
the rights and privileges of Beneficiary as to the separate estates. In addition, upon the
foreclosure of the lien created by this Deed of Trust on the Property pursuant to the provisions
hereof, any leases or subleases then existing and created by Trustor shall not be destroyed or
terminated by application of the law of merger or as a matter of law or as a result of such foreclosure unless Beneficiary or any purchaser at any such foreclosure sale shall so elect. No act by or on behalf of Beneficiary or any such purchaser shall constitute a termination of any lease or sublease unless Beneficiary or such purchaser shall give written notice thereof to such tenant or subtenant.

7.12 Non-Waiver. The acceptance by Beneficiary of any sum after the same is due shall not constitute a waiver of the right either to require prompt payment when due of all other sums hereby secured or to declare a default as herein provided. The acceptance by Beneficiary of any sum in an amount less than the sum then due shall be deemed an acceptance on account only and upon the condition that it shall not constitute a waiver of the obligation of Trustor to pay the entire sum then due, and Trustor's failure to pay said entire sum then due shall be and continue to be a default notwithstanding such acceptance of such amount on account, as aforesaid, and Beneficiary or Trustee shall be at all times thereafter and until the entire sum then due shall have been paid, and notwithstanding the acceptance by Beneficiary thereafter of further sums on account, or otherwise, entitled to exercise all rights in this instrument conferred upon them, or either of them, upon the occurrence of a default, and the right to proceed with a sale under any notice of default, and election to sell, shall in no way be impaired, whether any of such amounts are received prior or subsequent to such notice. Consent by Beneficiary to any transaction or action of Trustor which is subject to consent or approval of Beneficiary hereunder shall not be deemed a waiver of the right to require such consent or approval to future or successive transactions or actions. At any time and from time to time, without liability therefor and without notice, and without releasing or otherwise affecting the liability of any person for payment of any indebtedness hereby secured: (i) Beneficiary at its sole, absolute and unfettered discretion may extend the time for, or release any person now or hereafter liable for, payment of any or all such indebtedness, or accept or release additional security therefor; or subordinate the lien or charge hereof; or (ii) Trustee, upon written request of Beneficiary and presentation of the Note and any additional note(s) and this Deed of Trust for endorsement, may reconvey any part of said Property, consent to the making of any map or plat thereof, join in granting any easement thereof, or join in any such agreement of extension or subordination.

7.13 Time is of the Essence. Time is of the essence in connection with all obligations of Trustor under this Deed of Trust.

7.14 NOTICE TO TRUSTOR: THE NOTE CONTAINS A VARIABLE INTEREST RATE.

REMAINDER OF PAGE LEFT INTENTIONALLY BLANK
IN WITNESS WHEREOF, this Deed of Trust has been executed by Trustor and is effective as of the date first written above.

TRUSTOR:

GROUP XIII PROPERTIES LP,
a California limited partnership

By: Group XIII Properties, Inc.,
a California corporation

Its: General Partner

By: [Signature]  
Swaranjit S. Nijjar,  
President and Secretary

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

STATE OF CALIFORNIA )
COUNTY OF LOS ANGELES )

On OCTOBER 9, 2015 before me, CHRISTOPHER E. DUMANAS, a Notary Public in and for said State, personally appeared SWARANSH C. NADAR who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature

[Seal]

CHRISTOPHER E. DUMANAS
Commission # 1988169
Notary Public - California
Los Angeles County
My Comm. Expires Sep 13, 2016
EXHIBIT "A"

All that certain real property situated in the County of Los Angeles, State of California, described as follows:

Parcel 1:

That portion of Lot 49 in the Rancho Paso De Bartolo, as shown on Partition Map in Case No. 20613, Superior Court of the State of California, in the City of Pico Rivera, County of Los Angeles, State of California, recorded in Book 999 Pages 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:

Beginning at a point on the center line of Lexington Road, formerly Lexington and Gallatin Road, distant North 6 degrees 14' 35" East 226.22 feet from the intersection of said center line with the center line of Whittier Boulevard, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65, 66, and 67 of Maps, in the office of the County Recorder of said County; thence South 6 degrees 14' 35" West 20 feet; thence North 62 degrees 39' 25" West 155 feet; thence North 6 degrees 14' 35" East 20 feet; thence South 62 degrees 39' 25" East 155 feet to the point of beginning.

Except therefrom that portion of said land included within the lines of the land described in the Deed to the City of Pico Rivera recorded on March 9, 1964 as Instrument No. 3942 in Book 0-2387 Page 662 of Official Records of said County, more particularly described as follows:

Commencing at the center line intersection of Whittier Boulevard and Lexington Road, formerly Lexington and Gallatin Road, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 66 and 67 inclusive of Maps, Records of said County; thence along the center line of Lexington Road, North 6 degrees 14' 35" East 206.22 feet; thence North 62 degrees 39' 25" West 214.4 feet to the true point of beginning; thence continuing North 52 degrees 39' 25" West 10.72 feet to a line parallel with and 30 feet Westerly at right angles from said center line; thence along said parallel line, North 6 degrees 14' 35" East 20.00 feet; thence South 52 degrees 39' 25" East 10.72 feet; thence parallel with said center line South 6 degrees 14' 35" West 20.00 feet to the true point of beginning.

A portion of said land is shown as a portion of Parcel 2 on the Map filed in Book 40 Page 41 of Record of Surveys, in the office of the County Recorder of said County.

Assessor's Parcel Number: 6373-018-005 (Parcel 1)

Parcel 2:

That portion of Lot 49 of the Rancho Paso De Bartolo, as shown on Partition Map in Case No. 20613, Superior Court of the State of California, in the City of Pico Rivera, County of Los Angeles, State of California, recorded in Book 999 Pages 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:

Commencing at a point on the center line of Lexington Road, formerly Lexington and Gallatin Road, distant North 6 degrees 14' 35" East 206.22 feet from the intersection of said center line with the center line of Whittier Boulevard, as said center lines are shown on Maps of Tract No. 8128, recorded in Book 101 Pages 65, 66 and 67 of Maps, in the office of the County Recorder of said County, thence North 62 degrees 39' 25" West 155 feet to the true point of beginning; thence North 6 degrees 14' 35" East 90 feet; thence North 62 degrees 39' 25" West 112.26 feet to a line bearing North 5 degrees 58' 35" East from a point in said center line of Whittier Boulevard, distant North 62 degrees 39' 25" West 265.80 feet from said intersection; thence along said line South 5 degrees 58' 35" West 90.16 feet to a line bearing North 62 degrees 39' 25" West from the true point of beginning; thence South 62 degrees 39' 25" East 111.81 feet to the true point of beginning.

Said land is shown as a portion of Parcel 3 on the Map filed in Book 40 Page 41 of Record of Surveys, in the office of the County Recorder of said County.

Assessor's Parcel Number: 6373-018-005 (Parcel 2)

Parcel 3:

...
That portion of Lot 49 in the Rancho Paso De Bartolo, in the City of Pico Rivera, County of Los Angeles, State of California, as shown on Partition Map in Case No. 20613, Superior Court of the State of California in and for the County of Los Angeles, recorded in Book 999 Page 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:

Beginning at a point on the center line of Whittier Boulevard distant North 62 degrees 39' 25" West 385.80 feet from the intersection of said center line with the center line of Lexington Road, formerly Lexington and Gallatin Road, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65 to 67 inclusive of Maps, Records of said County; thence South 62 degrees 39' 25" East 120 feet; thence North 5 degrees 58' 35" East 386.91 feet to a line bearing North 62 degrees 39' 25" West from a point in said center line of Lexington Road, distant North 6 degrees 14' 35" East 386.22 feet from said intersection; thence North 62 degrees 39' 25" West 120 feet to a line bearing North 5 degrees 58' 35" East from the point of beginning; thence South 5 degrees 58' 35" West 386.91 feet to the point of beginning.

Except therefrom that portion of said land included within the lines of the land described in the Deed to the City of Pico Rivera recorded on March 9, 1964 as Instrument No. 3946 in Book D2387 Page 639 of Official Records of said County, more particularly described as follows:

Commencing at the center line intersection of Whittier Boulevard and Lexington Road, formerly Lexington and Gallatin Road, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65 to 67 inclusive of Maps, Records of said County; thence along the center line of Whittier Boulevard, North 62 degrees 39' 25" West 265.80 feet; thence North 5 degrees 58' 35" East 42.95 feet to the true point of beginning; thence continuing North 5 degrees 58' 35" East 10.73 feet to a line parallel with and 50 feet Northeasterly at right angles from the center line of Whittier Boulevard, thence along said parallel lines, North 62 degrees 39' 25" West 120.00 feet; thence South 5 degrees 58' 35" West 10.73 feet; thence parallel with said center line, South 62 degrees 39' 25" East 120.00 feet to the true point of beginning.

Also except therefrom, that portion thereof included within the lines of the land described in Parcel 39-30 recorded May 19, 1971 as Instrument No. 2512 in Book M3768 Page 913 of Official Records of said County.

A portion of said land is shown on a portion of Parcel 1 on a Map filed in Book 40 Page 41 of Records of Surveys, in the office of the County Recorder of said County.

Assessor's Parcel Number: 6373-018-008
*Generator shall not block driveways or access areas.

*Approval for temporary generator until December 31, 2015.

Do not issue the permit until the following clearances have been secured:

Planning
Public Works
Building
Redevelopment

8615 Whittier Blvd

ZCR # 15-257
## Building Project Identification

**Building Address:** WHITTIER BLVD

### Building Description
**Location:** City of Pico Rivera, CA 90660

### Applicant Information
**Applicant:** GROUP XIII PROPERTIES LP
**Address:** 4900 SANTA ANITA AVE 2C

### Plan Check Information
**Plan Check Number:** PC00026
**Payment Method:** Cash
**Amount Tendered:** $400.00
**Date Paid:** 11/09/15

### Description of Work

**Work Classification:** Residential

### Fee Schedule

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<td>$400.00</td>
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### Work Classification
- Residential
- Non-Residential

### Structural Plan Check

**PLAN CHECK FOR APARTMENT BUILDING - MIN FEE ADD'L PLAN CHECK PAYS REQUIRED**

**Description of Fees**

- **Total Fees:** $400.00
- **Valuation:** $10,000

### Description of Pre-Plan Check

- **Purpose:** A pre-plan check for a residential apartment building.

### Description of Post-Plan Check

- **Purpose:** A post-plan check after the construction plans have been approved.

### Construction Lending Agency

**Lender's Name:** [Lender's Name]
**Lender's Address:**

### Signature

**Signature:** [Signature]
**Date:** 11/15/15

---

**Note:** This document represents a building permit application for a residential apartment building. It includes detailed information about the building project, applicant details, plan check fees, and construction lending agency information. The form is used to ensure compliance with local building codes and regulations.
**Plan Check Status BD-49**

Community Development/Building Division

---

**Project Address:** 8615 Whittier  
**Date:** 11/9/15

**Contact Person:** A. Remodeling  
**Armando Rodriguez**  
**Phone:** (619) 255-8899

**Cell Phone:** (619)255-8899  
**Fax:** ( )  
**Email:** A.Remodeling.12@gmail.com

**Mailing Address:** 3100 Big Dalton Ave  
**City:** B.P  
**Zip:** 91705

**Project Description:** Rehab all unit on Adding  
Structural. Repairs per Plans  
**SQ. FT.:**

---

**Estimated Valuation:** $

---

**FOR OFFICE USE ONLY**

**Zone:**  
**Rec'd by:**  
**Housing Investigation Required:** Yes  
**Inspection Date:**  
**Fees Paid:** Yes  
**NIO:**

**Planning Action:** ZCR  
**Approved**  
**Denied By:**  
**Date:**

**- Applicant Advised By:**  
**Date:**

**- ZCR Picked Up By:**  
**Date:**

**ZCR Resubmitted:**  
**Approved**  
**Denied By:**  
**Date:**

**- Applicant Advised By:**  
**Date:**

**- ZCR Picked Up By:**  
**Date:**

**ZCR Resubmitted:**  
**Approved**  
**Denied By:**  
**Date:**

**- Applicant Advised By:**  
**Date:**

**- ZCR Picked Up By:**

---

**Comments:**

---

**Construction Plans Submitted with Liability Release Form Attached:**  
**Yes**

**City Project:** Yes  
**CIP Account No.:**

**Project Manager:**

---

*Building Dept Only: 2009 Bldg Policies and Forms*  
*BD Word and Excel Files BD-49 PlanCheckStatus (Blue Sheet).doc*

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### PLAN CHECK STATUS

<table>
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**Comments:**

*12/3/15 Provided Insert for Bldg & New Set for Plans - 12/30/15 corrections picked up*

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**Comments:**

*Cancelled*

**EXPIRED**
**LETTER OF TRANSMITTAL**

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<th>To:</th>
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<td>Project Address</td>
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<td>P.C. No.</td>
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<td>Project:</td>
<td>Repair of 61 unit Apartments Including Structures</td>
<td>Plan Check Status</td>
<td>First Plan Check with Corrections</td>
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WE ARE SENDING YOU:

- **X** Attached
- Shop drawings
- Energy
- **X** Site Investigation Report
- Under separate cover the following items
  - Prints
  - Specifications
  - Soils report
  - Plans
  - Structural Calculations
  - Corrections

THESE ARE TRANSMITTED AS CHECKED BELOW:

- **X** Approved
- Submit copies for distribution
- Returned for corrections
- For review and comment
- Approved as submitted
- Approved as noted
- As requested
- For bids due
- Copies for approval
- For your use
- Returned corrected prints
- Others

Plans Check Engineer: Iraj Mansouri, P.E.          Phone Number: (909) 605-7777

Email: iraj@jaspacific.com
GENERAL REQUIREMENTS

Your submitted plans and structural calculations have been plan checked for compliance with 2013 editions of CBC, CMC, CPC, CEC, Cal Green, & California Energy Codes as adopted by City of Pico Rivera.

You are advised that the permit may be issued when all of the requirements and the corrections herein have been completed, and approved by the Department of Building and Safety. Please make the corrections necessary on the plans and specifications and return the plans and other documents to the Building Department for plan rechecking. The approval of plans and specifications does not permit the violation of any section of the Building code or other city ordinance or State law.

Application for which no permit is issued within 180 days following the date of application shall expire by limitation. An extension of 180 days may be granted upon written request showing circumstances beyond the control of the applicant have prevented action being taken. In order to renew action for an application after expiration, the applicant shall resubmit plans and pay a new plan check fee.

Valid Worker's Compensation Certificate or Owner-Builder Verification is required prior to issuance of building permits.

Major corrections shall be made on the original tracing resubmitted with three (3) sets of new prints.

Upon plans resubmittal all of the architectural sheets of plans shall be sealed and signed by the architect of record. Structural drawings and cover sheets of calculations shall be sealed and signed by the structural engineer of record. Electrical, Mechanical, and Plumbing plans shall be sealed and signed by the corresponding engineers in responsible charge of designing and preparing those plans. The architect and all of the engineers shall be licensed to practice in State of California. Resubmit three sets of sealed and signed plans for plan rechecking.

Note on the correction sheet the location of the completed corrections on your plans.

Obtain all clearances as noted on the following items under heading

ADMINISTRATIVE REQUIREMENTS

Approval is required by the following City Departments/Agencies. Please check with Building Dept. for the list of Departments/Agencies:

1. City of Pico Rivera Fire Authority
2. City of Pico Rivera Planning Department
3. City of Pico Rivera Public Works/Engineering
4. Other Departments or Agencies as required by the City of Pico Rivera

INSTRUCTIONS
A. Provide responses in writing to all of the following correction items. Provide responses on separate sheets to all correction items. Responses shall reference the corrected items to their exact locations on plans by sheets, notes and detail numbers. Responses such as see sheet such and so are not sufficient.

B. All corrections are to be made on the original reproducible plans and three sets of corrected plans and two sets of other documents to be resubmitted for plan recheck. No handwritten ink corrections on the blue-line prints will be permitted. All requested information must be on the plans.


D. Have changes been made to the plans that are not as a result of corrections on this correction list. Please check: _______ Yes _______ No.

If so, provide a brief description and note where on plans the changes occur.

**CBC 2013**

1. Sheet CS, which is in sets of plans is not listed in the Sheet Index, modification is required
2. Provide project data on the first sheet of plans. Project data shall include but not limited to Group Occupancies, Type of Construction, Number of Stories, Square Footage of Each Use, Sprinkled or not, & any Existing Accessibility Inside or outside the buildings.
3. Provide a list of existing fire rating of the buildings such as:
   a. Fire rating of exterior and interior walls
   b. Fire rating of the horizontal assemblies
   c. Fire rating of exit balconies/corridors.
   d. Fire rating of the openings (doors & windows) into the balconies/corridors.
   e. Fire separation rating between the garages and units above.
   f. Fire rating of the stairways.
4. Specify on plans that upon any repair the existing fire rating of the repair area shall be kept intact.
5. On the first sheet of plans indicate that the provided "Structural Damage Report" prepared by David Angelo and Associates is part of construction documents.
6. On all provided repair details the corresponding fire ratings shall be specified.
7. Provide a site plan and clearly address method of drainage around the buildings, which shall be away from foundations.
8. Provide an accurate and complete listing of all required Special Inspections Program on plans to be performed by ICC Certified Deputy Inspectors.
9. The following nonstructural products shall comply with an approved ICC evaluation report. Attach copies of the ICC-ES Report to the plans and show compliance with the report requirements on plans:
   a. Deck Coating
   b. Roofing Materials
c. Exterior Siding  
d. Sound/Thermal Insulation  
e. Fire Rated Assemblies  
f. Skylights


11. Indicate on plans that interior finish materials applied to wall and ceilings shall be tested as specified in Section 803. In addition, provide details showing application in accordance with Section 803, 804, and Table 803.9.

12. The flame-spread rating of paneling materials on the walls of the corridor, lobby and exit enclosure must be identified on plans. (T-803.9) 3. An automatic sprinkler system is required throughout per section 903.2.8.

Print the following notes on the first sheet of plans or next to site plan
Please complete the blank spaces of item No.1 of the NPDES notes

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) NOTES

1. In the case of emergency, call____________________ at Work Phone #____________________ or Home Phone #__________________.

2. Sediment from areas disturbed by construction shall be retained on site using structural controls to the maximum extent practicable.

3. Stockpiles of soil shall be properly contained to minimize sediment transport from the site to streets, drainage facilities or adjacent properties via runoff, vehicle tacking, or wind.

4. Appropriate BMPs for construction-related materials, wastes, spills shall be implemented to minimize transport from the site to streets, drainage facilities, or adjoining properties by wind or runoff.

5. Runoff from equipment and vehicle washing shall be contained at construction sites unless treated to reduce or remove sediment and other pollutants.

6. All construction contractor and subcontractor personnel are to be made aware of the required best management practices and good housekeeping measures for the project site and any associated construction staging areas.

7. At the end of each day of construction activity all construction debris and waste materials shall be collected and properly disposed in trash or recycle bins.

8. Construction sites shall be maintained in such a condition that an anticipated storm does not carry wastes or pollutants off the site. Discharges of material other than storm water only when necessary for performance and completion of construction practices and where they do not: cause or contribute to a violation of any water quality standard; cause or threaten to cause pollution, contamination, or nuisance; or contain a hazardous substance in a quantity reportable under Federal Regulations 40 CFR Parts 117 and 302.
9. Potential pollutants include but are not limited to: solid or liquid chemical spills; wastes from paints, stains, sealants, glues, limes, pesticides, herbicides, wood preservatives and solvents; asbestos fibers, paint flakes or stucco fragments; fuels, oils, lubricants, and hydraulic, radiator or battery fluids; fertilizers, vehicle/equipment wash water and concrete wash water; concrete, detergent or floatable wastes; wastes from any engine/equipment steam cleaning or chemical degreasing and super chlorinated potable water line flushing. During construction, permittee shall dispose of such materials in a specified and controlled temporary area on-site, physically separated from potential storm water runoff, with ultimate disposal in accordance with local, State and Federal requirements.

10. Dewatering of contaminated groundwater, or discharging contaminated soils via surface erosion is prohibited. Dewatering of non-contaminated groundwater requires a National Pollutant Discharge Elimination System Permit from the respective State Regional Water Quality Control Board.

11. Graded areas on the permitted area perimeter must drain away from the face of slopes at the conclusion of each working day. Drainage is to be directed toward desilting facilities.

12. The permittee and contractor shall be responsible and shall take necessary precautions to prevent public trespass onto areas where impounded water creates a hazardous condition.

13. The permittee and contractor shall inspect the erosion control work and insure that the work is in accordance with the approved plans.

14. The permittee shall notify all general contractors, subcontractors, material suppliers, lessees, and property owners that dumping of chemicals into the storm drain system or the watershed is prohibited.

15. Equipment and workers for emergency work shall be made available at all times during the rainy season. Necessary materials shall be available on site and stockpiled at convenient locations to facilitate rapid construction of temporary devices when rain is imminent.

16. All removable erosion protective devices shall be in place at the end of each working day when the 5-Day Rain Probability Forecast exceeds 40%.

17. Sediments from areas disturbed by construction shall be retained on site using an effective combination of erosion and sediment controls to the maximum extent practicable, and stockpiles of soil shall be properly contained to minimize sediment transport from the site to streets, drainage facilities of adjacent properties via runoff, vehicle tracking, or wind.

18. Appropriate BMPs for construction-related materials, wastes, spills or residues shall be implemented and retained on site to minimize transport from the site to streets, drainage facilities, or adjoining property by wind or runoff.

Required Note on Plans:

1. Exit signs shall be internally or externally illuminated.
2. Exit signs illuminated by an external source shall have an intensity of not less than 5 foot candles (54 lux).
3. Internally illuminated signs shall be listed and labeled and shall be installed in accordance with the manufacturer’s instructions and Section 2702.
4. Exit signs shall be illuminated at all times.
5. Exit signs shall be connected to an emergency power system that will provide an illumination of not less than 90min. in case of primary power loss. (1014.5-1011.6.3).
6. The means of egress, including the exit discharge, shall be illuminated at all times the building space served by the means of egress is occupied. The means of egress illumination level shall not be less than 1 foot-candle at the walking surface (1006.1).

7. The power supply for means of egress illumination shall normally be provided by the premises' electrical supply. In the event of power supply failure, an emergency electrical system shall automatically illuminate the following areas (1006.3):
   a. Aisles and unenclosed egress stairways in rooms and spaces that require two or more means of egress;
   b. Corridors, exit balconies, exit enclosures, and exit passageways in buildings required to have two or more exits.
   c. Exterior egress components at other than their level of exit discharge until exit discharge is accomplished for buildings required to have two or more exits.
   d. Interior exit discharge elements, as permitted in Section 1027.1, in buildings required to have two or more exits.
   e. Exterior landings, as required by Section 1008.1.6, for exit discharge doorways in buildings required to have two or more exits.

8. The emergency power system shall provide power for duration of not less than 90 minutes and shall consist of storage batteries, unit equipment or an on-site generator. The installation of the emergency power system shall be in accordance with Section 2702. (1006.3)

9. Emergency lighting facilities shall be arranged to provide initial illumination that is at least an average of 1 foot-candle (11 lux) and a minimum at any point of 0.1 foot-candle (1 lux) measured along the path of egress at floor level. Illumination levels shall be permitted to decline to 0.6 foot-candle (6 lux) average and a minimum at any point of 0.06 foot-candle (0.6 lux) at the end of the emergency lighting time duration. A maximum-to-minimum illumination uniformity ratio of 40 to 1 shall not be exceeded (1006.3).

10. The exit signs shall also be connected to an emergency electrical system provided from storage batteries unit equipment or an on-site generator set, and the system shall be installed in accordance with the Electrical Code. For high rise buildings, see section 403.

**CalGreen**

The proposed project shall comply with California Green Building Standards Code. Address the requirements of CalGreen on plans. The CalGreen Mandatory Measures and Checklist shall be printed on plans.

---

*Iraj Mansouri, MSCE, P.E.*  
Senior Plan Check Engineer  
JAS Pacific Consulting Services
RESTROOM:
REPAIR OR REPLACE THE FOLLOWING ITEMS AS NEEDED:

1. VANITY
2. MEDICINE CABINET
3. RESTROOM SINK
4. RESTROOM FAUCET
5. EXHAUST FAN
6. TUB
7. CERAMIC SHOWER WALL
8. TOILET
9. TOILET PAPER HOLDER
10. TOWEL RACK
11. CLOSET SHELF
12. CLOSET POLE
13. ISOLATED SUB FLOORING
14. TILE FLOORING
15. OUTLETS AND/OR GFI'S
16. OUTLET COVERS
17. SWITCHES
18. SWITCH COVER PLATES
19. DAMAGED DRYWALL
20. WIRING
21. LIGHT FIXTURES
KITCHEN:
REPAIR OR REPLACE THE
1. CABINETS
2. COUNTERTOP
3. KITCHEN SINK
4. KITCHEN FAUCET
5. GARBAGE DISPOSAL
6. RANGE HOOD
7. STOVE
8. ISOLATED SUB FLOC
9. TILE FLOORING
10. OUTLETS AND/OR C
11. OUTLET COVERS
12. SWITCHES
13. SWITCH COVER PLA
14. DAMAGED DRYWALL
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18. SWITCH COVER
19. DAMAGED DRYW
20. Wiring
21. LIGHT FIXTURES

8615 WHITTIER BLVD,
PICO RIVERA, CA 90680

GROUP XIII PROPERTIES, LP
4900 SANTA ANITA AVE, SUITE 2C
EL MONTE, CA 91731
EVERET MILLER

SITE MAP:
BUILDING LAYOUT AND NAME

WHITTIER BLVD

ELECTRICAL
DULL BOX
TO BE REPLACED
BY UTILITIES

SHOW PROPERTY LINES

SHOW EXISTING
OFF SITE INFRASTRUCTURE

PLANTER
ENROACHING
INTO THE PUBLIC
RIGHT OF WAY.
SCOPE OF WORK

SITE INVESTIGATION TO DETERMINE EXTENT OF DAMAGE DUE TO TERMITE AND WATER INTRUSION OF BUILDINGS A, B AND C. THE FOLLOWING AREAS WHERE THE DRYWALL, STUCCO, ETC. HAVE BEEN REMOVED WERE OBSERVED:

1. CANTILEVERED PORTIONS OF THE ROOF JOISTS ABOVE THE WALKWAYS.
2. CANTILEVERED EXTERIOR FLOOR JOIST.
3. FRAMING IN THE STAIRWELLS.

REPAIR OR REPLACE DAMAGED OR DETERIORATING ROOF JOIST, FLOOR JOIST, AND STAIRWELL FRAMING DUE TO TERMITE AND WATER DAMAGE PER TYPICAL STRUCTURAL DETAILS.

LOCATIONS INDICATED ON PLANS ARE FOR GENERAL INFORMATION AND MAY NOT INDICATE FULL EXTENT OF REPAIRS.

CONTACT ENGINEER OF RECORD WHERE FURTHER DAMAGE MAY BE REVEALED ONCE FRAMING HAS BEEN EXPOSED.

* PROVIDE DETAILS REGARDING REMODEL/REMODEL.
* INTERIOR IMPROVEMENTS.
* ADDITIONAL CORRECTIONS ON CHTS.

5.01A & 5.01B.

Applicant shall revise plans w/indicated corrections.
STRUCTURAL / ARCHITECTURAL SPECIFIC DUE DILIGENCE STUDY

Vacant Apartment Complex
8615 Whittier Blvd.
Pico Rivera, CA 90660

March 25, 2016
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March 25, 2016

Everet Miller
Group XII Properties, L.P.
4900 Santa Anita Avenue, Suite 2C
El Monte, CA 91731

SUBJECT: Structural / Architectural Due Diligence Study - Apartments Complex
8615 Whittier Blvd. Pico Rivera, CA 90660

Edenco, Inc. was commissioned by PAMA to conduct a Structural / Architectural Due Diligence Study and Report of an existing 80 unit apartment complex (Project) located at 8615 Whittier Boulevard, Pico Rivera, CA 90660. The extent of the assessment survey was limited to the visual, non-destructive review of the existing condition of the three (3) Buildings “A”, “B”, and “C”. It is our understanding that the structures were permitted and constructed in the mid 1950’s. The three (3) buildings are “Soft Story” (“tuck under parking”) buildings, two (2) floors of wood frame construction over carports on grade. The limits of our investigation were confined to the following four (4) topics:

1. Fire (Fire Sprinklers & 2-Hour Separations)
2. Safety (Egress)
3. Health (Water Damage)

Edenco and its structural engineer conducted its initial site visit January 27, 2016. A second site visit occurred February 4, 2016. The suggested remediation recommendations contained in this report are professional observations predicated on the limited exposed existing conditions of the Project. Upon further demolition of the Project, additional and more stringent remediation measures may be required. The following report is an independent and current visual review of the Project, it does not include the analysis of any pre-existing reports, drawing and/or reports which previously were conducted and compiled.

1. FIRE SPRINKLER:
The Project is classified as a Non-Conforming R-3 Occupancy and is located within the city of Pico Rivera, California fire jurisdiction. The recommended repair work does NOT increase the existing Project area and is intended to conduct required repairs, architectural exterior enhancements. The exterior elevation renovations are planned to renovate and beautify the “curb appeal” of a decades old community eyesore.

The city of Pico Rivera Municipal Code governs the requirements of fire sprinklers for use in a building undergoing repair work. Our initial investigation has determined that the Pico Rivera Municipal Code does not have language requiring fire sprinklers to be required in a building undergoing repairs. Furthermore, the California Building Code (CBC) does not address fire sprinkler requirements for buildings undergoing repair. The CBC restricts its fire sprinkler requirements solely to the construction of new buildings and construction of additional floor area, not the repair of existing structures. Lastly, we investigated the Los Angeles Fire Code regarding fire sprinkler requirements in a building undergoing repairs in Pico Rivera, its code did not require fire sprinklers in buildings undergoing repair work either. We recommend that further confirmation with the city of Pico Rivera occur, and obtain its written approval that fire sprinklers are not required for the Project.
2. **SAFETY - VERTICAL EGRESS:**
The open concrete treads and wood frame landings located in all buildings, Building “A” (3 stairways), Building “B” (2 stairways) and Building “C” (2 stairways) appear to be damaged in isolated locations. Due to years of moisture intrusion and subsequent rot and decay, a majority of the horizontal wood structural supporting members located in the landings are compromised beyond remedial repair.

**Recommended Repair Measures**
Remove damaged stair treads and intermediate landings as necessary and reconstruct the horizontal intermediate with code compliant wood framing members. Refer to attached suggested repair sketches. Scope of repair – individual inspection required, stair by stair individual basis.

3. **SAFETY - HORIZONTAL EGRESS:**
The individual wall air conditioning units presently extend approximately 12” into the egress path of travel, which is a code violation for the minimum clear, unobstructed width of exit passageways. Code requires that an exit passageway shall be not less than 36” in width and that elements (A/C units), cannot project horizontally more than 4” over any walking surface. Additionally, the existing walkways as not sloping away from the building creating potential ponding and moisture intrusion issues.

**Recommended Repair Measures**
Reposition all existing individual wall air condition units from their present location and relocate them into the individual unit’s living space as necessary to obtain proper clearance. Scope of remediation – 100% of the wall mounted air conditioning units.

The new induced slope (1/4” per 12”), at the existing walkway should be evaluated for the cantilever load on the existing member. Rip the existing members to provide the needed drainage slope (1/4” per 12”), reinforcing may be added by providing a “sister member” to the existing to increase the load carrying capacity. Refer to attached suggested repair details. Scope of repair – Slope 100% of perimeter Exterior Exit Walkways

4. **HEALTH – WATER DAMAGE @ ROOF:**
The existing bituminous built-up roof located on the roofs of all the buildings appears to have sustained moisture intrusion in numerous location, due to lack of routine maintenance and the absence of a minimum roof slope of 1/4” per 12” slope. Due to the combination of these two (2) factors, it appears that the roofing system has experienced numerous moisture infiltration located through the roofing system of all roofs during its lifetime. The resulting moisture infiltration has metastasized, creating an unknown extent of structurally damaged to the plywood roof sheathing and roof rafters.

**Recommended Repair Measures**
Remove the existing bituminous built-up roof on all buildings and inspect the plywood roof sheathing and roof joists for rot and structural damage. Replace all structural members that are damaged. Scope of repair – 30% of the roof sheathing.

Install single ply cap sheet membrane, over “Densdeck” sheathing over shaped rigid insulation to ensure a positive “S-Hip” drainage (Min. 1/4” per 12” slope), to the perimeter of the buildings. Refer to attached suggested repair sketches. Scope of repair – 100% of roofs.
5. **HEALTH – WATER DAMAGE UNDER PLUMBING FIXTURES:**
The appearance of water damaged ceiling drywall along the longitudinal direction of Buildings A, B, and C in close proximity to the party walls, is indicative of deficient and/or leaking plumbing waste or supply lines at the common plumbing "wet wall" locations.

**Recommended Repair Measures**
Remove the existing moisture damaged ceiling drywall along both sides of the longitudinal common "wet" plumbing walls, repair the causation of the leak. Replace the ceiling drywall in these locations. Refer to attached suggested repair sketches. Scope of repair – 100% of units.

6. **HEALTH – WATER DAMAGE AT EXTERIOR WALLS & EXIT WALKWAYS:**
The appearance of water damage to the floor joists and floor below ceiling drywall was observed at the intersection of the vertical exterior wall and the horizontal exit walkway. This was due to the absence of the following two (2) essential moisture remediation measures. The exit walkways do not utilize a positive drainage slope away from the structure, as noted in Item No. 3 above, and flashing is absent from the wall to exit walkway intersection.

**Recommended Repair Measures**
Remove the existing exterior plaster approximately 9" above the exit walkway and install flashing material. Install a waterproof exterior membrane over the flashing and re-plaster the bottom 9" of the exterior wall. Refer to attached suggested repair sketches. Scope of repair – 100% of units.

Edenco, Inc. does not imply warrant nor guarantee that the complete extent of the existing deficiencies and damages located at the vacant apartment complex located at 8615 Whittier Boulevard, Pico Rivera, California 90660 are noted in this report. Additionally, the suggested details for remediation contained in this report were presented for estimating purposes only. Edenco, Inc. strongly suggests that a California state licensed professional engineer or architect review the specific, individual locations and areas of deficiency in the apartment complex and prepare specific calculations and drawings for the review and approval of the local governing governmental agencies.
A-0.1 OVERALL SITE
PICO RIVERA APARTMENTS
8615 WHITTIER BLVD.
PICO RIVERA, CA 90660

PAGE: 7
NOTE: REFERENCED DETAILS ARE INTENDED AS RECOMMENDATIONS ONLY. FINAL CONSTRUCTION DETAILS SHALL BE PREPARED BY A LICENSED CALIFORNIA DESIGN PROFESSIONAL AND APPROVED BY ALL GOVERNING AGENCIES.

BUILDING A GROUND FLOOR PLAN
NOTE
REFERENCED DETAILS ARE INTENDED AS
RECOMMENDATIONS ONLY. FINAL CONSTR.
DETAILS SHALL BE PREPARED BY A LICENSED
CALIFORNIA DESIGN PROFESSIONAL AND
APPROVED BY ALL GOVERNAG AGENCIES.

BUILDING B AND C
GROUND FLOOR PLANS

NORTH

A-1.2 BLDG B AND C
PICO RIVERA APARTMENTS
2615 WARDER BLVD
PICO RIVERA, CA 90660

Page 9
NOTE
REFERRED DETAILS ARE INTENDED AS
RECOMMENDATIONS ONLY. FINAL CONST.
DETAILS SHALL BE PREPARED BY A LICENSED
CALIFORNIA DESIGN PROFESSIONAL AND
APPROVED BY ALL GOVERNING AGENCIES.

BUILDING A
FIRST AND SECOND LEVEL

A-21 BLDG A
PICO RIVERA APARTMENTS
555 WHITIER BLVD.
PICO RIVERA, CA 90660

PAGE 10

EDENGO INC
CONSTRUCTION MANAGEMENT
NOTE
REFERENCED DETAILS ARE INTENDED AS
RECOMMENDATIONS ONLY. FINAL DETAILS
SHALL BE PREPARED BY A LICENSED
CALIFORNIA DESIGN PROFESSIONAL AND
APPROVED BY ALL GOVERNING AGENCIES.

BUILDING 'B'

BUILDING 'C'

TYPICAL UNIT CEILING
FLOOR AND WALLS

TYPICAL BALCONY

TYPICAL CARPORT
CEILING

NORTH

BUILDING B AND C
FIRST AND SECOND LEVEL

PAGE: 11
NOTE

REFERENCED DETAILS ARE INTENDED AS RECOMMENDATIONS ONLY. FINAL CONSTRUCTION DETAILS SHALL BE PREPARED BY A LICENSED CALIFORNIA DESIGN PROFESSIONAL AND APPROVED BY ALL GOVERNING AGENCIES.

BUILDING "A"

TYPICAL ROOFING AND ROOF PENETRATIONS

NORTH

BUILDING A ROOF LEVEL A

PAGE 12

A-31 BLDG A
PICO RIVERA APARTMENTS
6515 WITTIER BLVD.
PICO RIVERA, CA 90602

EDENCO INC.
CONSTRUCTION MANAGEMENT

(349) 874-5170
WEEDER.B@GMAIL.COM

Page 337
NOTE

REFERENCED DETAILS ARE INTENDED AS
RECOMMENDATIONS ONLY. FINAL CONSTRUCT.
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CALIFORNIA DESIGN PROFESSIONAL AND
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AB

TYPICAL ROOFING AND
ROOF PENETRATIONS

BUILDING

B

9'-6"

8'-6"

79'-6"

24'

24'

108'-0"

BUILDING

C

91'-0"

108'-9"

8'-6"

24'

24'

108'-0"

A

NOTE

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BUILDING B, C SECTION

BUILDING A SECTION

BUILDINGS
'B&C'

A

BUILDINGS
'A'

B

REPLACE WATER
DAMAGED PLYWOOD SUBFLOOR
AND DRYWALL CEILING - AS NEEDED

TYPICAL CANT. BALCONY
SISTER JOIST - AS NEEDED

SLOPE

4'-0" 6'-0"

4'-0" +/−

6'-0" +/−

26'-6"

9'-6"

8'-0"

6'-0"

9'-0"

36-5

9'-6"

6'-0"
WATER DAMAGE AT FLOOR JOISTS AND BLOCKING

NON RATED CEILING

DAMAGED ELECTRICAL CONDUIT AND LIGHTING FIXTURES

CORRODED AND LEAKING PLUMBING

NON RATED PENETRATIONS

CARPORT CEILINGS

CARPORT CEILINGS
WATER DAMAGE AT JOIST AND FLOOR FRAMING

NON RATED CEILING

CARPORT CEILING

WATER DAMAGE AT CEILING

NON RATED PENETRATIONS

CARPORT CEILING
WATER DAMAGE AT STEEL BEAM TOP NAILER AND BLOCKING
WATER DAMAGE AT CARPORT STEEL BEAM

FIRST LEVEL BALCONIES

CODE COMPLIANT GUARDRAIL REQUIRED - TYPICAL
WATER DAMAGE AT NON-SLOPING BALCONY JOISTS
WATER DAMAGE AT BALCONY JOIST BLOCKING

SECOND LEVEL BALCONIES
WATER DAMAGE AT CONCRETE FLOOR DECK AND JOIST BLOCKING

A GAP AT CONCRETE DECK AND BALCONY

SUPPORT BEAM DAMAGE BY MOISTURE AND INSECTS

WATER DAMAGED AT BALCONY

B FIRST LEVEL FLOOR
WATER DAMAGE AT FLOOR DECK, GYPSUM BOARD WALLS AND CEILINGS

FIRST AND SECOND LEVEL UNITS FLOORS, WALLS AND CEILINGS

WATER DAMAGE UNDER VINYL TILE FLOORING AND WALL PARTITIONS

FIRST AND SECOND LEVEL UNITS FLOORS
WATER DAMAGE AT EXTERIOR BALCONY CEILINGS

FIRST AND SECOND LEVEL BALCONY CEILINGS

WATER DAMAGE AT UNIT CEILINGS

FIRST AND SECOND LEVEL UNIT CEILINGS
STAIR FRAMING AT LANDING DAMAGED BY WATER AND INSECTS

STRAIGHT STAIR FRAMING AT LANDINGS

STAIR FRAMING AT LANDING DAMAGED BY WATER AND INSECTS

STRAIGHT STAIR FRAMING AT LANDINGS
STAIR FRAMING AT LANDING DAMAGED BY WATER AND INSECTS

A STRAIGHT STAIR FRAMING AT LANDINGS

B STRAIGHT STAIR FRAMING AT LANDINGS
STAIR FRAMING AT LANDING AND BALCONY DAMAGED BY WATER AND INSECTS

SCISSOR STAIR FRAMING LANDINGS AND BALCONIES
ROOF PENETRATIONS NOT PROPERLY SEALED

BUILT UP ROOFING NOT PROPERLY INSTALLED—NO SLOPE, DRAINAGE, OR PROPER PENETRATIONS
EXISTING FLOOR/CEILING ASSEMBLY TO REMAIN

ONE NEW LAYER 5/8" TYPE 'X' GYP.

EXISTING NON-RATED DEMISING WALL TO REMAIN
2X6 SILL PL WITH 2X3 STAGGERED STUDS

EXISTING FLOOR/CEILING ASSEMBLY TO REMAIN

ONE NEW LAYER 5/8" TYPE 'X' GYP.

D1.1 CARPORT CEILING
PICO RIVERA APARTMENTS
5015 WHITNER BLVD.
PICO RIVERA, CA 90660
FIRE CAULKING MATERIAL FOR
APPROVED TWO HOUR PENETRATION

EXISTING FLOOR/CEILING ASSEMBLY
TO REMAIN

FIRE CAULKING MATERIAL FOR
APPROVED TWO HOUR PENETRATION

ONE NEW LAYER 5/8" TYPE 'X' GYP.
EXISTING FLOOR/CEILING ASSEMBLY TO REMAIN

NEW 7/8" EXTERIOR STUCCO

EXISTING NON-RATED EXT. WALL TO REMAIN

NEW STUCCO SCREED

NEW "DEX-O-TEX" DECK FINISH

NEW 1 LAYER 3/4" EXT. PLYWOOD DECK SHEATHING OVER 2X SHAPED FLOOR JOISTS

NEW 2X SHAPED FLOOR JOISTS

NEW 2X BLOCKING AND NAILERS

NEW 7/8" EXTERIOR STUCCO OVER DIAMOND MESH OVER BUILDING PAPER

EXISTING STRUCTURAL STEEL BEAM TO REMAIN

ONE NEW LAYER 5/8" TYPE 'X' GYP.

STEEL BEAM AT BALCONY

N.T.S. SCALE A

PAGE 27
NEW DEX-O-TEX DECK FINISH
NEW 1 LAYER 3/4" EXT. PLYWOOD DECK SHEATHING OVER 2X SHAPED FLOOR JOISTS
NEW EDGE FLASHING
NEW 7/8" EXTERIOR STUCCO OVER BUILDING PAPER
NEW 2X RIM JOIST AND BLOCKING

BALCONY EDGE

NEW 42" MIN. HIGH GUARDRAIL
GAP FOR CONT. FLASHING
NEW ANCHOR BOLTS THROUGH STEEL PLATE WELDED TO STEEL GUARDRAIL POSTS

BALCONY AT GUARDRAIL
EXISTING NON-RATED DEMISING WALL TO REMAIN

EXISTING FLOOR/CEILING ASSEMBLY TO REMAIN

EXISTING NON-RATED DEMISING WALL TO REMAIN

INTERIOR DEMISING WALL
2" COLOR CONTRASTING PAINTED
SALT RESISTANT STRIP
AT DRST TREAD AND
EDGE OF LANDINGS TYP.

RETURN END OF
HANDBRAIL TO WALL TYP.

STEEL STAIR AND LANDING
W/ NON-SLIP SURFACE

TYPICAL STAIR

STEEL STRINGER

STEEL PANT
W/ CONCRETE FILL

STEEL STAIR WITH CONC. TREAD

FINISH, SEE SCHEDULE

LIGHT BOOM FINISH

FINISH SEE SCHEDULE
EXISTING NON-RATED EXTERIOR WALL TO REMAIN 7/8 EXTERIOR CEMENT PLASTER OVER EXPANDED METAL LATH OVER 2 LAYERS BUILDING PAPER OVER 5/8" DENS-GLASS SHEATHING.

SEALANT AND BACKER ROD EAVE FLASHING FASTENERS AT 6" O.C. 2 PCS 24 GA. G.I. COUNTERFLASHING ASSEMBLY WITH WIND CLIPS AT 3 PER 10' SECTION — PRE-PAINTED TO MATCH COLOR OF FACING COMPONENTS.

1/2" PLYWOOD SHEATHING SARNAFIL FLASHING SPECIFIED SARNAFIL SECUREMENT HOT-AIR WELD PVC ROOF MEMBRANE @ 1/2" DENS-DECK

SINGLE PLY ROOFING AT VERT. N.T.S. SCALE A

SINGLE PLY MEMBRANE ROOFING OVER DENSDECK OVER TAPER ROOF INSUL. EXTEND TO PERIMETER FLASH FASTENERS PER ROOFING MFR. REQUIREMENTS MIN. 1-1/2" WIDE HOT AIR WELD.

24 GA. G.I. PVC COATED EDGE FLASH W/ CONT. CLEAT. PAINT TO MATCH ADJ. SURFACE CONT. WD. PERIMETER REINFORCEMENT/HAILER 2X EXTERIOR FASCIA

SINGLE PLY ROOFING AT EDGE N.T.S. SCALE B

PAGE: 34

D11.1 SINGLE PLY ROOF
PICO RIVERA APARTMENTS

8615 WHITNER DR.
PICO RIVERA. CA 90660

(213) 874-9770

CONSTRUCTION MANAGEMENT
TRANSMITTAL

Date: April 7, 2016

To:
Benjamin A. Martinez, Director of Community & Economic Development
City of Pico Rivera
6615 Passons Blvd
Pico Rivera, CA 90660

From:
Nicholas Biro
Blue Mountain Development, Inc.
2423 Sebald Ave.
Redondo Beach, CA 90278

Owner:
PAMA Management
4900 Santa Anita, Suite 2C
El Monte, CA 91731

Contents:
- 3 Sets of Structural Plans prepared by Patel Burica & Associates
- 3 Sets of Structural Calculations prepared by Patel Burica & Associates
- 3 Sets of Non-Structural Repair Details prepared by Edenco, Inc.
- 3 Copies of Structural/Architectural Due Diligence Study Report prepared by Edenco, Inc.

Delivery:
In person delivery

CC: PAMA Management 1 Copy of each
<table>
<thead>
<tr>
<th>PROJECT ADDRESS &amp; DESCRIPTION</th>
<th>DUE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>8615 WHITTIER BLVD – Apartment structural repairs &amp; rehab.</td>
<td>4/26/16</td>
</tr>
<tr>
<td>NOTE: Applicant withdrew previous submittal returned to JAS on 12/27/15, P.C # 15110076 These new plans are for JAS to review prior to on-site meeting April 21, 2016. Any questions please call Susie, 562-801-4360</td>
<td>4/26/16</td>
</tr>
<tr>
<td></td>
<td>3/23/16</td>
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# LETTER OF TRANSMITTAL

<table>
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<tr>
<th>Jurisdiction</th>
<th>City of Pico Rivera</th>
<th>Date:</th>
<th>April 21, 2016</th>
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<tbody>
<tr>
<td>Permit Number</td>
<td>15110076</td>
<td>Attn:</td>
<td>Building Official</td>
</tr>
<tr>
<td>Project Name</td>
<td>Pama Management</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Address</td>
<td>8615 Whittier Blvd</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Description</td>
<td>81 Unit Apartments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plan Check Status</td>
<td>✓│1st Review</td>
<td>2nd Review</td>
<td>3rd Review</td>
</tr>
<tr>
<td>Plan Check Engineer</td>
<td>Iraj Mansouri</td>
<td>Phone Number:</td>
<td>1 (800) 818-3677</td>
</tr>
</tbody>
</table>

- Plans
- Structural Calculation
- Soils Report
- Energy
- Copy of Letter
- ✓ Correction List

- Other:

- Approved
- Approved as Noted
- ✓ Returned for Corrections

---

201 North Euclid Ave., Ste. A, Upland, CA 91786
Phone (800) 818-3677 | Fax (909) 605-0319 | Email info@jaspacific.com
www.jaspacific.com
GENERAL REQUIREMENTS

Your submitted plans and structural calculations have been plan checked for compliance with 2013 editions of CBC, CMC, CPC, CEC, Cal Green, & California Energy Codes as adopted by City of Pico Rivera.

You are advised that the permit may be issued when all of the requirements and the corrections herein have been completed, and approved by the Department of Building and Safety. Please make the corrections necessary on the plans and specifications and return the plans and other documents to the Building Department for plan rechecking. The approval of plans and specifications does not permit the violation of any section of the Building code or other city ordinance or State law.

Application for which no permit is issued within 180 days following the date of application shall expire by limitation. An extension of 180 days may be granted upon written request showing circumstances beyond the control of the applicant have prevented action being taken. In order to renew action for an application after expiration, the applicant shall resubmit plans and pay a new plan check fee.

Valid Worker's Compensation Certificate or Owner-Builder Verification is required prior to issuance of building permits.

Major corrections shall be made on the original tracing resubmitted with three (3) sets of new prints.

Upon plans resubmittal all of the architectural sheets of plans shall be sealed and signed by the architect of record. Structural drawings and cover sheets of calculations shall be sealed and signed by the structural engineer of record. Electrical, Mechanical, and Plumbing plans shall be sealed and signed by the corresponding engineers in responsible charge of designing and preparing those plans. The architect and all of the engineers shall be licensed to practice in State of California. Resubmit three sets of sealed and signed plans for plan rechecking.

Note on the correction sheet the location of the completed corrections on your plans. Obtain all clearances as noted on the following items under heading ADMINISTRATIVE REQUIREMENTS

ADMINISTRATIVE REQUIREMENTS

Approval is required by the following City Departments/Agencies. Please check with Building Dept. for the list of Departments/Agencies:

1. City of Pico Rivera Fire Authority
2. City of Pico Rivera Planning Department
3. City of Pico Rivera Public Works/Engineering
4. Other Departments or Agencies as required by the City of Pico Rivera
INSTRUCTIONS

A. Provide responses in writing to all of the following correction items. Provide responses on separate sheets to all correction items. Responses shall reference the corrected items to their exact locations on plans by sheets, notes and detail numbers. Responses such as see sheet such and so are not sufficient.

B. All corrections are to be made on the original reproducible plans and three sets of corrected plans and two sets of other documents to be resubmitted for plan recheck. No handwritten ink corrections on the blue-line prints will be permitted. All requested information must be on the plans.


D. Have changes been made to the plans that are not as a result of corrections on this correction list. Please check: ______ Yes ______ No.
If so, provide a brief description and note where on plans the changes occur.

CBC 2013

1. The Study of the buildings by EDENCO Inc. shall specify the buildings Group Occupancies as R-2 and S-2 or U (based on the square footage) and not R-3 as noted on sheet 3 under item No.1 Fire Sprinkler, modification is required.
2. Provide a written confirmation letter from Building and Fire Departments that the buildings don't have to be sprinkled.
3. On Sheet 4 of the Study of the buildings by EDENCO Inc. under item No. 3 Safety-Horizontal Egress shall specify if the walkways are fire rated exit balconies or not. When the walkways are fire rated balconies all openings including the A/C opening shall be protected, which shall be addressed in the report and on the plans.
4. No fire walls (Area separation walls) have been addressed in the buildings study report as mentioned on sheet 3, modification is required.
5. Shall clearly address the following required fire ratings within the buildings both in the Study Report and building plans:
   a. Carports/Garages and units above.
   b. Demising walls between the units.
   c. Fire separation of the exit balconies from the units including required fire rated openings.
   d. Fire rating of the stairways.
7. Provide a sheet index on the first sheet of plans and include all sheets of plans with their title sheet in the sheet index.
8. The Buildings Study Report shall be sealed and signed by a California licensed architect or civil/structural engineer.
9. Shall address method of heating the units by energy calculations and capacity of the HVAC system of the units.

10. Provide complete structural details for handrails/quads on plans per structural calculations.

11. Provide a complete listing of all required Special Inspection Program pursuant to CBC 2013 Chapter 17.

12. Specify on plans that upon any repair the existing fire rating of the repair area shall be kept intact.

13. Provide a site plan and clearly address method of drainage around the buildings, which shall be away from foundations.

14. Provide an accurate and complete listing of all required Special Inspections Program on plans to be performed by ICC Certified Deputy Inspectors.

15. Specify on plans that the following nonstructural products shall comply with an approved ICC evaluation report. Attach copies of the ICC-ES Report to the plans and show compliance with the report requirements on plans:
   a. Deck Coating
   b. Roofing Materials
   c. Exterior Siding
   d. Sound/Thermal Insulation
   e. Fire Rated Assemblies
   f. Skylights


17. Indicate on plans that interior finish materials applied to wall and ceilings shall be tested as specified in Section 803. In addition, provide details showing application in accordance with Section 803, 804, and Table 803.9.

18. The flame-spread rating of paneling materials on the walls of the corridor, lobby and exit enclosure must be identified on plans. (T-803.9) 3. An automatic sprinkler system is required throughout per section 903.2.8

---

Print the following notes on the first sheet of plans or next to site plan
Please complete the blank spaces of item No.1 of the NPDES notes

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) NOTES

1. In the case of emergency, call____________________ at Work Phone #____________________ or Home Phone #____________________

2. Sediment from areas disturbed by construction shall be retained on site using structural controls to the maximum extent practicable.

3. Stockpiles of soil shall be properly contained to minimize sediment transport from the site to streets, drainage facilities or adjacent properties via runoffs, vehicle tacking, or wind.
4. Appropriate BMPs for construction-related materials, wastes, spills shall be implemented to minimize transport from the site to streets, drainage facilities, or adjoining properties by wind or runoff.

5. Runoff from equipment and vehicle washing shall be contained at construction sites unless treated to reduce or remove sediment and other pollutants.

6. All construction contractor and subcontractor personnel are to be made aware of the required best management practices and good housekeeping measures for the project site and any associated construction staging areas.

7. At the end of each day of construction activity all construction debris and waste materials shall be collected and properly disposed in trash or recycle bins.

8. Construction sites shall be maintained in such a condition that an anticipated storm does not carry waste or pollutants off the site. Discharges of material other than storm water only when necessary for performance and completion of construction practices and where they do not: cause or contribute to a violation of any water quality standard; cause or threaten to cause pollution, contamination, or nuisance; or contain a hazardous substance in a quantity reportable under Federal Regulations 40 CFR Parts 117 and 302.

9. Potential pollutants include but are not limited to: solid or liquid chemical spills; wastes from paints, stains, sealants, glues, limes, pesticides, herbicides, wood preservatives and solvents; asbestos fibers, paint flakes or stucco fragments; fuels, oils, lubricants, and hydraulic, radiator or battery fluids; fertilizers, vehicle/equipment wash water and concrete wash water; concrete, detergent or floatable wastes; wastes from any engine/equipment steam cleaning or chemical degreasing and super chlorinated potable water line flushing. During construction, permittee shall dispose of such materials in a specified and controlled temporary area on site, physically separated from potential storm water runoff, with ultimate disposal in accordance with local, State and Federal requirements.

10. Dewatering of contaminated groundwater, or discharging contaminated soils via surface erosion is prohibited. Dewatering of non-contaminated groundwater requires a National Pollutant Discharge Elimination System Permit from the respective State Regional Water Quality Control Board.

11. Graded areas on the permitted area perimeter must drain away from the face of slopes at the conclusion of each working day. Drainage is to be directed toward desilting facilities.

12. The permittee and contractor shall be responsible and shall take necessary precautions to prevent public trespass onto areas where impounded water creates a hazardous condition.

13. The permittee and contractor shall inspect the erosion control work and insure that the work is in accordance with the approved plans.

14. The permittee shall notify all general contractors, subcontractors, material suppliers, lessees, and property owners: that dumping of chemicals into the storm drain system or the watershed is prohibited.

15. Equipment and workers for emergency work shall be made available at all times during the rainy season. Necessary materials shall be available on site and stockpiled at convenient locations to facilitate rapid construction of temporary devices when rain is imminent.

16. All removable erosion protective devices shall be in place at the end of each working day when the 5-Day Rain Probability Forecast exceeds 40%.

17. Sediments from areas disturbed by construction shall be retained on site using an effective combination of erosion and sediment controls to the maximum extent practicable, and stockpiles of
soil shall be properly contained to minimize sediment transport from the site to streets, drainage facilities of adjacent properties via runoff, vehicle tracking, or wind.

18. Appropriate BMPs for construction-related materials, wastes, spills or residues shall be implemented and retained on site to minimize transport from the site to streets, drainage facilities, or adjoining property by wind or runoff.

**EROSION AND SEDIMENT CONTROL PLAN (ESCP)**

1. Provide (ESCP) for the project site which shall address the following requirements:
   a. Scheduling of BMP’s
   b. Address locations of the required gravel bags to prevent any washout from excavations to adjacent or public properties.
   c. Stabilization of driveways for entry and exit to each lot to prevent track out.
   d. It is required to install a minimum 8' x 8' water proof concrete washout area.
   e. Installation of toilet facilities for workers.
   f. Protection of stockpiling of construction materials.

**Required Note on Plans:**

1. Exit signs shall be internally or externally illuminated.
2. Exit signs illuminated by an external source shall have an intensity of not less than 5 foot candles (54 lux).
3. Internally illuminated signs shall be listed and labeled and shall be installed in accordance with the manufacturer’s instructions and Section 2702.
4. Exit signs shall be illuminated at all times.
5. Exit signs shall be connected to an emergency power system that will provide an illumination of not less than 90min. in case of primary power loss. (1011.5-1011.6.3).
6. The means of egress, including the exit discharge, shall be illuminated at all times the building space served by the means of egress is occupied. The means of egress illumination level shall not be less than 1foot-candle at the walking surface (1006.1).
7. The power supply for means of egress illumination shall normally be provided by the premises’ electrical supply. In the event of power supply failure, an emergency electrical system shall automatically illuminate the following areas (1006.3):
   a. Aisles and unenclosed egress stairways in rooms and spaces that require two or more means of egress;
   b. Corridors, exit balconies, exit enclosures, and exit passageways in buildings required to have two or more exits.
   c. Exterior egress components at other than their level of exit discharge until exit discharge is accomplished for buildings required to have two or more exits.
d. Interior exit discharge elements, as permitted in Section 1027.1, in buildings required to have two or more exits

e. Exterior landings, as required by Section 1008.1.6, for exit discharge doorways in buildings required to have two or more exits

8. The emergency power system shall provide power for duration of not less than 90 minutes and shall consist of storage batteries, unit equipment or an on-site generator. The installation of the emergency power system shall be in accordance with Section 2702. (1006.3)

9. Emergency lighting facilities shall be arranged to provide initial illumination that is at least an average of 1 foot-candle (11 lux) and a minimum at any point of 0.1 foot-candle (1 lux) measured along the path of egress at floor level. Illumination levels shall be permitted to decline to 0.6 foot-candle (6 lux) average and a minimum at any point of 0.06 foot-candle (0.6 lux) at the end of the emergency lighting time duration. A maximum-to-minimum illumination uniformity ratio of 40 to 1 shall not be exceeded (1006.3).

10. The exit signs shall also be connected to an emergency electrical system provided from storage batteries unit equipment or an on-site generator set, and the system shall be installed in accordance with the Electrical Code. For high rise buildings, see section 403

CalGreen

The proposed project shall comply with California Green Building Standards Code. Address the requirements of CalGreen on plans. The CalGreen Mandatory Measures and Checklist shall be printed on plans.

Iraj Mansouri, MSCE, P.E.
Principal Check Engineer
JAS Pacific Consulting Services
LETTER OF TRANSMITTAL

<table>
<thead>
<tr>
<th>To:</th>
<th>City of Pico Rivera, Building &amp; Safety</th>
<th>Date:</th>
<th>4/20/2016</th>
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<tr>
<td>Project Address</td>
<td>8615 Whittier Blvd.</td>
<td></td>
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<tr>
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<td>Pico Rivera, CA</td>
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<tr>
<td>P.C. No.</td>
<td>Original No.15110076. No New P.C. No. is Provided.</td>
<td></td>
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<tr>
<td>Project:</td>
<td>Repair of 81 unit Apartments Including Structures</td>
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<td>Plan Check Status</td>
<td>First Plan Check with Corrections</td>
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WE ARE SENDING YOU:

- **X** Attached
- **✓** Shop drawings
- **✓** Energy
- **X** Site Investigation Report
- **✓** Plans
- **X** Specifications
- **X** Structural Calculations
- **X** Soil report
- **X** Corrections

THESE ARE TRANSMITTED AS CHECKED BELOW:

- **✓** Approved
- **✓** Submitted
- **✓** Approved as noted
- **✓** For your use
- **✓** Returned for corrections
- **✓** As requested
- **✓** Returned corrected prints
- **✓** For review and comment
- **✓** For bids due.
- **✓** Others

Plants Check Engineer: Iraj Mansouri, P.E.  
Phone Number: (909) 605-7777

Email: iraj@jaspacific.com
GENERAL REQUIREMENTS

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2. City of Pico Rivera Planning Department
3. City of Pico Rivera Public Works/Engineering
4. Other Departments or Agencies as required by the City of Pico Rivera
INSTRUCTIONS

A. Provide responses in writing to all of the following correction items. Provide responses on separate sheets to all correction items. Responses shall reference the corrected items to their exact locations on plans by sheets, notes and detail numbers. Responses such as see sheet such and so are not sufficient.

B. All corrections are to be made on the original reproducible plans and three sets of corrected plans and two sets of other documents to be resubmitted for plan recheck. No handwritten ink corrections on the blue-line prints will be permitted. All requested information must be on the plans.


D. Have changes been made to the plans that are not as a result of corrections on this correction list. Please check: _______ Yes _______ No.
If so, provide a brief description and note where on plans the changes occur.

CBC 2013

1. The Study of the buildings by EDENCO Inc. shall specify the buildings Group Occupancies as R-2 and S-2 or U (based on the square footage) and not R-3 as noted on sheet 3 under item No. 1 Fire Sprinkler, modification is required.

2. Provide a written confirmation letter from Building and Fire Departments that the buildings don't have to be sprinkled.

3. On Sheet 4 of the Study of the buildings by EDENCO Inc. under item No. 3, Safety-Horizontal Egress shall specify if the walkways are fire rated exit balconies or not. When the walkways are fire rated balconies all openings including the A/C opening shall be protected, which shall be addressed in the report and on the plans.

4. No fire walls (Area separation walls) have been addressed in the buildings study report as mentioned on sheet 3, modification is required.

5. Shall clearly address the following required fire ratings within the buildings both in the Study Report and building plans:
   a. Carports/Garages and units above.
   b. Demising walls between the units.
   c. Fire separation of the exit balconies from the units including required fire rated openings.
   d. Fire rating of the stairways.


7. Provide a sheet index on the first sheet of plans and include all sheets of plans with their title sheet in the sheet index.

8. The Buildings Study Report shall be sealed and signed by a California licensed architect or civil/structural engineer.
9. Shall address method of heating the units by energy calculations and capacity of the HVAC system of the units.

10. Provide complete structural details for handrails/quads on plans per structural calculations.

11. Provide a complete listing of all required Special Inspection Program pursuant to CBC 2013 Chapter 17.

12. Specify on plans that upon any repair the existing fire rating of the repair area shall be kept intact.

13. Provide a site plan and clearly address method of drainage around the buildings, which shall be away from foundations.

14. Provide an accurate and complete listing of all required Special Inspections Program on plans to be performed by ICC Certified Deputy Inspectors.

15. Specify on plans that the following nonstructural products shall comply with an approved ICC evaluation report. Attach copies of the ICC-ES Report to the plans and show compliance with the report requirements on plans:
   a. Deck Coating
   b. Roofing Materials
   c. Exterior Siding
   d. Sound/Thermal Insulation
   e. Fire Rated Assemblies
   f. Skylights


17. Indicate on plans that interior finish materials applied to wall and ceilings shall be tested as specified in Section 803. In addition, provide details showing application in accordance with Section 803, 804, and Table 803.9.

18. The flame-spread rating of paneling materials on the walls of the corridor, lobby and exit enclosure must be identified on plans. (T-803.9) 3. An automatic sprinkler system is required throughout per section 903.2.8

Print the following notes on the first sheet of plans or next to site plan
Please complete the blank spaces of item No.1 of the NPDES notes

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) NOTES

1. In the case of emergency, call________________ at Work Phone #________________ or Home Phone #________________.

2. Sediment from areas disturbed by construction shall be retained on site using structural controls to the maximum extent practicable.

3. Stockpiles of soil shall be properly contained to minimize sediment transport from the site to streets, drainage facilities or adjacent properties via runoff, vehicle tacking, or wind.
4. Appropriate BMPs for construction-related materials, wastes, spills shall be implemented to minimize transport from the site to streets, drainage facilities, or adjoining properties by wind or runoff.

5. Runoff from equipment and vehicle washing shall be contained at construction sites unless treated to reduce or remove sediment and other pollutants.

6. All construction contractor and subcontractor personnel are to be made aware or the required best management practices and good housekeeping measures for the project site and any associated construction staging areas.

7. At the end of each day of construction activity all construction debris and waste materials shall be collected and properly disposed in trash or recycle bins.

8. Construction sites shall be maintained in such a condition that an anticipated storm does not carry wastes or pollutants off the site. Discharges of material other than storm water only when necessary for performance and completion of construction practices and where they do not: cause or contribute to a violation of any water quality standard; cause or threaten to cause pollution, contamination, or nuisance; or contain a hazardous substance in a quantity reportable under Federal Regulations 40 CFR Parts 117 and 302.

9. Potential pollutants include but are not limited to: solid or liquid chemical spills; wastes from paints, stains, sealants, glues, limes, pesticides, herbicides, wood preservatives and solvents; asbestos fibers, paint flakes or stucco fragments; fuels, oils, lubricants, and hydraulic, radiator or battery fluids; fertilizers, vehicle/equipment wash water and concrete wash water; concrete, detergent or floatable wastes; wastes from any engine/equipment steam cleaning or chemical degreasing and super chlorinated potable water line flushing. During construction, permittee shall dispose of such materials in a specified and controlled temporary area on-site, physically separated from potential storm water runoff, with ultimate disposal in accordance with local, State and Federal requirements.

10. Dewatering of contaminated groundwater, or discharging contaminated soils via surface erosion is prohibited. Dewatering of non-contaminated groundwater requires a National Pollutant Discharge Elimination System Permit from the respective State Regional Water Quality Control Board.

11. Graded areas on the permitted area perimeter must drain away from the face of slopes at the conclusion of each working day. Drainage is to be directed toward desilting facilities.

12. The permittee and contractor shall be responsible and shall take necessary precautions to prevent public trespass onto areas where impounded water creates a hazardous condition.

13. The permittee and contractor shall inspect the erosion control work and insure that the work is in accordance with the approved plans.

14. The permittee shall notify all general contractors, subcontractors, material suppliers, lessees, and property owners: that dumping of chemicals into the storm drain system or the watershed is prohibited.

15. Equipment and workers for emergency work shall be made available at all times during the rainy season. Necessary materials shall be available on site and stockpiled at convenient locations to facilitate rapid construction of temporary devices when rain is imminent.

16. All removable erosion protective devices shall be in place at the end of each working day when the 5-Day Rain Probability Forecast exceeds 40%.

17. Sediments from areas disturbed by construction shall be retained on site using an effective combination of erosion and sediment controls to the maximum extent practicable, and stockpiles of
soil shall be properly contained to minimize sediment transport from the site to streets, drainage facilities of adjacent properties via runoff, vehicle tracking, or wind.

18. Appropriate BMPs for construction-related materials, wastes, spills or residues shall be implemented and retained on site to minimize transport from the site to streets, drainage facilities, or adjoining property by wind or runoff.

**EROSION AND SEDIMENT CONTROL PLAN (ESCP)**

1. Provide (ESCP) for the project site which shall address the following requirements:
   a. Scheduling of BMP’s
   b. Address locations of the required gravel bags to prevent any washout from excavations to adjacent or public properties.
   c. Stabilization of driveways for entry and exit to each lot to prevent track out.
   d. It is required to install a minimum 8’ x 8’ waterproof concrete washout area.
   e. Installation of toilet facilities for workers.
   f. Protection of stockpiling of construction materials.

**Required Note on Plans:**

1. Exit signs shall be internally or externally illuminated.
2. Exit signs illuminated by an external source shall have an intensity of not less than 5 foot candles (54 lux).
3. Internally illuminated signs shall be listed and labeled and shall be installed in accordance with the manufacturer’s instructions and Section 2702.
4. Exit signs shall be illuminated at all times.
5. Exit signs shall be connected to an emergency power system that will provide an illumination of not less than 90 min. in case of primary power loss. (1011.5-1011.6.3).
6. The means of egress, including the exit discharge, shall be illuminated at all times the building space served by the means of egress is occupied. The means of egress illumination level shall not be less than 1 foot-candle at the walking surface (1006.1).
7. The power supply for means of egress illumination shall normally be provided by the premises’ electrical supply. In the event of power supply failure, an emergency electrical system shall automatically illuminate the following areas (1006.3):
   a. Aisles and unenclosed egress stairways in rooms and spaces that require two or more means of egress;
   b. Corridors, exit balconies, exit enclosures, and exit passageways in buildings required to have two or more exits.
   c. Exterior egress components at other than their level of exit discharge until exit discharge is accomplished for buildings required to have two or more exits.
d. Interior exit discharge elements, as permitted in Section 1027.1, in buildings required to have two or more exits

e. Exterior landings, as required by Section 1008.1.6, for exit discharge doorways in buildings required to have two or more exits

8. The emergency power system shall provide power for duration of not less than 90 minutes and shall consist of storage batteries, unit equipment or an on-site generator. The installation of the emergency power system shall be in accordance with Section 2702. (1006.3)

9. Emergency lighting facilities shall be arranged to provide initial illumination that is at least an average of 1 foot-candle (11 lux) and a minimum at any point of 0.1 foot-candle (1 lux) measured along the path of egress at floor level. Illumination levels shall be permitted to decline to 0.6 foot-candle (6 lux) average and a minimum at any point of 0.06 foot-candle (0.6 lux) at the end of the emergency lighting time duration. A maximum-to-minimum illumination uniformity ratio of 40 to 1 shall not be exceeded (1006.3).

10. The exit signs shall also be connected to an emergency electrical system provided from storage batteries unit equipment or an on-site generator set, and the system shall be installed in accordance with the Electrical Code. For high rise buildings, see section 403

CalGreen

The proposed project shall comply with California Green Building Standards Code. Address the requirements of CalGreen on plans. The CalGreen Mandatory Measures and Checklist shall be printed on plans.

Iraj Mansouri, MSCE, P.E.
Principal Check Engineer
JAS Pacific Consulting Services
## PLAN CHECK STATUS  BD-49

### Community Development/Building Division

**Project Address:** 8615 Wohlheie Blvd  
**Date:** 4-21-16

**Contact Person:** Nick Biro  
**Phone:** ( )

**Cell Phone:** (310) 993-9555  
**Fax:** ( )  
**Email:** nbibo@blue-mt-development

**Mailing Address:** 2423 Seaward Ave  
City: Redondo Beach, zip 90278

**Project Description:** Building Renov

**SQ. FT.:**

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**Estimated Valuation:** $550,000

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### FOR OFFICE USE ONLY

**Zone:**  
**Rec'd by:**  
**Housing Investigation Required:** Yes  
**Inspection Date:**  
**Fees Paid:** Yes

**NIO:**

**Planning Action:** ZCR  
**Approved**  
**Denied By:**  
**Date:**

- **Applicant Advised By:**  
**Date:**

- **ZCR Picked Up By:**  
**Date:**

- **ZCR Resubmitted:**  
**Approved**  
**Denied By:**  
**Date:**

- **Applicant Advised By:**  
**Date:**

- **ZCR Picked Up By:**  
**Date:**

- **ZCR Resubmitted:**  
**Approved**  
**Denied By:**  
**Date:**

- **Applicant Advised By:**  
**Date:**

- **ZCR Picked Up By:**  
**Date:**

**Comments:**

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**Construction Plans Submitted with Liability Release Form (waiver):** Yes

**City Project:** Yes  
**CIP Account No.:**

**Project Manager:**

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| | | | Increase in Valuation per 15F |
| | | | Note Paid Plan Fee |

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LICENSED CONTRACTORS DECLARATION

I, hereby affirm under penalty of perjury that I am licensed under the provisions of Chapter 100 through 120 of Division 3 of the Business and Professions Code, and my license is in full force and effect.

Signature Date

OWNER-BUILDER DECLARATION

I, hereby affirm under penalty of perjury that I am the owner-builder of the property described herein and that I am performing the work described in this application for construction or modification from the South Coast Air Quality Management District's Permitting Checklist for Guidelines.

Signature Date

WORKER'S COMPENSATION DECLARATION

I hereby affirm under penalty of perjury that I will maintain a certificate of insurance for worker's compensation, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

Signature Date

HAZARDOUS MATERIALS

1. Indicate with a check in the box if the application or home building permit will involve a hazardous material or a quantity at any time equal to or greater than a threshold planning quantity.

Yes No

2. Indicate with a check in the box if any hazardous material or a quantity at any time equal to or greater than a threshold planning quantity will be shipped to or from the building site.

Yes No

3. Indicate with a check in the box if any hazardous material or a quantity at any time equal to or greater than a threshold planning quantity will be stored on the building site.

Yes No

4. With the intended use of the building or any portion thereof by the owner, there are no conditions or restrictions or modifications on the South Coast Air Quality Management District's Permitting Checklist for Compliance.

Yes No

CONSTRUCTION LENDING AGENCY

I, hereby affirm under penalty of perjury that there is no construction lending agency for the performance of the work for which this permit is issued.

Signature Date

SIGNATURE OF APPLICANT

Owner Contractor Authorized Agent Date

NOTE: When property lines are involved, the signature of the property owner(s) is required. This permit applies to and covers all work and shall remain in effect for the period specified herein.
Susie Z. Servin

From: Ken Fields  
Sent: Thursday, May 05, 2016 9:13 AM  
To: Nicholas Biro  
Cc: James Enriques, Susie Z. Servin, Benjamin Martinez  
Subject: RE: 8615 Whittier Blvd - Whittier Manor Apartments

Nick,

We should hopefully have something for you by the end of next week. Your patience is greatly appreciated.

Thank you,

Kenneth Fields, CBO  
Building Official  
City of Pico Rivera  
6615 Passons Blvd. Pico Rivera, CA 90660-1016  
Office: (562) 801-4360  
Email: kfields@pico-rivera.org

From: Nicholas Biro  
Sent: Wednesday, May 04, 2016 3:04 PM  
To: Ken Fields  
Cc: Susie Z. Servin, Benjamin Martinez  
Subject: RE: 8615 Whittier Blvd - Whittier Manor Apartments

Hi Ken,

I was wondering if you can give me approximate timing for comments. I have a weekly update I have to do for the owners and I would like to provide some color as to timing.

Thank you,

Nick

From: Ken Fields  
Sent: Tuesday, April 26, 2016 2:52 PM  
To: Nicholas Biro <nbiro@blue-mt-development.com>  
Cc: Susie Z. Servin <sServin@pico-rivera.org>  
Subject: RE: 8615 Whittier Blvd - Whittier Manor Apartments

Nick,

I am working on some items after having walked the site on Thursday. I also provided copies of your plans to Public Works and Planning to review. As soon as I have a complete comment list for pickup I will let you know.

Thank you,
Hi Ken,

I was following up to see when I can pick up the plan check comments.

Please let me know.

Thanks,

Nick

Ps. We are working on the estimate breakdown. I should have that to you shortly.
May 26, 2016

Nicholas J. Biro
Blue Mountain Development, Inc.
2423 Seabald Avenue
Redondo Beach, CA 90278

SUBJECT: STRUCTURAL PLANS AND SUPPORTING DOCUMENTS FOR 8615 WHITTIER BOULEVARD

Dear Mr. Biro:

This letter is in response to your submittal of building plans and supporting documents for the structural and non-structural repair of the buildings located at 6615 Whittier Boulevard in the City of Pico Rivera. Based on the City’s review of the plans and documents and the onsite inspection in coordination with your design team, the City is unable to provide specific comments at this time since the submittal falls substantially short of addressing the extent and degree of the structural deterioration of the buildings.

You delivered plans and accompanying documents for the repair of the subject property to Benjamin Martinez, Director of Community Development & Economic Development for the City of Pico Rivera, on April 7, 2016. You agreed with Mr. Martinez that a site inspection would be necessary and helpful prior to the City’s review of the submitted documents. An on-site inspection was conducted on April 21, 2016, with representatives of the City and owner in attendance. The documents submitted to the City for review included:

After the on-site inspection conducted on April 21, 2016, and after thorough review of the plans, calculations, and due diligence study; the City has determined that the plans, as submitted, do not fully address all deficiencies and damage observed during inspection, nor do they address all conditions identified in the Due Diligence Study. In addition, the owner’s structural engineer on-site acknowledged that the full extent of the damage had not been assessed because portions of the structure had not yet been exposed for inspection by the design team. The Due Diligence Study also warns on page 3 that after two site visits by the owner’s structural engineer, “the suggested remediation recommendations contained in this report are professional observations predicated on the limited exposed existing conditions of the Project. Upon further demolition of the Project, additional and more stringent remediation measures may be required.”

At this time the City is unable to accept this incomplete submittal. The structures at issue have been demonstrated to be dangerous to human health and safety, and are required to be made safe. (Pico Rivera Municipal Code (”PRMC”) § 15.08.020(115.1).) Given the extensive evidence of the structures’ non-compliance with the PRMC and the California Building Code, the City requires exploratory demolition be completed to fully assess the extent of the damage to the buildings generally, and to specific locations of the buildings, prior to completing plans, calculations, and related reports for the repairs. (PRMC §§ 15.08.020(104.11.2), (106.1), (109.3.8).)

Only after such demolition and associated inspections have been completed will the City be in a position to adequately evaluate if the submittal completely and thoroughly addresses remediation measures for all identified unsafe conditions and issue building permits for the repairs. Although the City recognizes that some unanticipated conditions will likely be encountered during construction, performing the investigative demolition after issuance of building permits to the extent suggested in the documents submitted is not an acceptable methodology for the Project.

Before performing the requisite exploratory demolition, please ensure a proper demolition permit from the City of Pico Rivera is in effect. The City must ensure that the demolition is completed in a safe manner in accordance with all applicable codes and regulations and that the property remains properly secured.

Thank you for your continued interest in the remediation of this property. The City of Pico Rivera remains committed to assisting you in effecting the repair and remodeling of this blighted property that is a public nuisance if it remains in its current condition. (PRMC § 8.16.010(A)(11), (B)(11),(12),(13),(17).) Please feel free to contact me at (562) 801-4225 if you have any questions regarding the content of this letter.

Best regards,

James Enriquez, P.E.
Director of Public Works/City Engineer

cc: City Manager City Attorney
    Director of Community Development Building Official
CITY OF PICO RIVERA

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I, Kenneth Fields, do hereby declare:

That I am duly appointed and qualified Building Official of the City of Pico Rivera and that on July 13, 2016, I posted in a conspicuous place on the exterior wall adjacent to the front office at the west entrance of the “Whittier Manor Apartments” building located at 8615 Whittier Boulevard in the City of Pico Rivera, copies of the:

NOTICE OF SUBSTANDARD BUILDING – ORDER TO REPAIR OR ABATE

I further declare, under penalty of perjury that the foregoing is true and correct and that this certification or declaration was executed by me this 13th day of July, 2016 at City Hall, 6615 Passons Boulevard, Pico Rivera, California.

Kenneth Fields, Building Official
NOTICE OF SUBSTANDARD BUILDING – ORDER TO REPAIR OR ABATE
8615 Whittier Boulevard – “Whitter Manor Apartments”

To Property Owner:

Please take notice that, pursuant to the California State Housing Law (Health & Safety Code Sections 17890 et seq.), the State Housing Law Regulations (Title 25, Div. 1, Ch. 1, Subch. 1, the “Housing Regs.”), and the Pico Rivera Municipal Code (“PRMC”), the City of Pico Rivera (“City”) has determined that the above-referenced property and improvements structure thereon (the “Property”) constitute a “substandard building” and public nuisance.

The Property has been constructed, altered, converted, and/or maintained in violation of the building standards published in the California Building Standards Code, the rules and regulations governing residential structures adopted by the Department of Housing and Community Development (including but not limited to the California Residential Standards Code and the Uniform Housing Code), Title 15 (Building and Construction) of the PRMC, and Title 8, Chapter 8.16, Article 1 (Nuisance Abatement) of the PRMC.

The conditions of the Property creating and/or causing the substandard and nuisance condition include, but are not limited to, those set forth below. (See Health & Safety Code Section 17920.3; PRMC § 8.16.010). Such conditions are so extensive and are of such a nature that they endanger the health and safety of residents and the public.

- Inadequate sanitation, including but not limited to: visible mold growth; and general dilapidation or improper maintenance.

- Structural hazards, including but not limited to: deteriorated or inadequate foundations; defective or deteriorated flooring or floor supports; flooring or floor supports of insufficient size to carry imposed loads with safety; members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration; members of walls, partitions, or other vertical supports that are of insufficient size to carry
imposed loads with safety; members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration; members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

- The Property is constructed and/or maintained so as to constitute a nuisance, including but not limited to: allowing an unlawful condition to exist on the Property; the building constitutes a substandard and dangerous condition; the building has been partially destroyed, damaged, or vacant for more than six (6) months; maintenance of the premises so out of harmony or conformity with the maintenance standards of adjacent properties so as to cause a substantial diminution of the enjoyment, use or property values of such adjacent properties; maintenance in relation to others so as to cause depreciated values, impaired investments, or social and economic maladjustments; and building erection, reconstruction, or structurally altered in a manner violating the zoning code.

- Faulty weather protection, including but not limited to: deteriorated, crumbling, or loose plaster; deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors; defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective coating; broken, rotted, split, or buckled exterior wall coverings or roof coverings.

- Conditions providing a ready fuel to augment the spread and intensity of fire or explosion.

- Construction materials have not been adequately maintained in a good and safety condition.

- Unsafe building due to inadequate maintenance in accordance with the latest edition of the Uniform Building Code.

- Exit facilities have not been adequately maintained.

- Fire-resistive integrity has not been adequately maintained and improved.

- Portions of the Property occupied for living, sleeping, cooking, or dining purposes were not designed or intended for such purposes.

- Inadequate structural resistance to horizontal forces.

- Noncompliance with structural fire safety and fire-resistant building standards.

As the Property Owner you are required by law, and hereby directed by the City, to take initiate remedial action **within thirty (30) days** of this notice to abate these substandard and nuisance conditions. At your election, such remedial action may consist of the following two (2) options:

1) Complete Demolition of the Property – Demolition of the Property will remediate the substandard and nuisance conditions identified above. To proceed with this option, you are required to apply for and obtain a demolition permit from the City (and any other
applicable permits from government agencies with jurisdiction) within 30 days of this notice. Any such demolition must be completed within 60 days of this notice.

2) Repair the Substandard / Nuisance Conditions of the Property – You have the option to complete the repairs necessary to bring the Property into full compliance with all applicable State and local laws. If you desire to proceed with repairing the Property, you must diligently pursue and complete the following actions in accordance with the following schedule:

- Notice to City of Election to Repair – If you chose to repair the Property, you must advise the City in writing within thirty (30) days of this notice.

- Full Inspection of the Property – Given the significantly dilapidated condition of the Property, the exact nature of scope of repairs required to bring it into compliance with applicable laws is unknown. Accordingly, you must retain a licensed professional to complete a full and complete inspection and analyses of the entire structural integrity of the Property, and outline the repairs necessary to bring the Property into compliance with all applicable laws. The exact scope and nature of the requisite inspection(s) may vary depending on preliminary observations, but shall include exploratory demolition (after obtaining requisite demolition permits) necessary to test and inspect the Property’s foundation and structural support systems. Such exploratory investigation shall include, at a minimum, exposing wood and steel framing to a minimum radial distance of three (3) feet beyond the site of visible distressed or damaged walls, ceilings, floor coverings, and framing members. You must provide notice of the time, date, and location of the inspection to the City at least ten (10) days in advance, and the City shall be entitled to participate and observe the same.

- Submission of Inspection Report to City – A full and complete inspection report outlining the current condition of the Property, and the repairs required to bring it into compliance with all applicable laws, shall be provided to the City within sixty (60) days of this notice. Such report shall also include an estimated valuation of the Property in its current condition, and an estimate of the cost of requisite repairs.

- Submission of Plans and Project Schedule – Within ninety (90) days of this correspondence, you must submit complete plans to the City outlining the repair work to be completed, and a schedule for obtaining requisite permits and completing the necessary work. Depending on the scope of work required (as indicated in the inspection report), the schedule shall detail measurable construction benchmarks to be met within a specific and expeditious time period; with the schedule subject to approval by the City. Regardless of the scope of repairs necessary, the construction work required to bring the Property into full compliance with all applicable laws shall be completed within six (6) months of the City’s approval of the plans.

In accordance with Health & Safety Code Section 17980.6, you are hereby advised as follows:

- This notice is issued by the City of Pico Rivera, 6615 Passons Boulevard, CA 90660, (562) 942-2000.
No public hearing has yet been scheduled concerning this matter, but the City shall provide written notice of any future hearing(s).

Any lessor of the Property is prohibited from retaliating against any lessee pursuant to Section 1942.5 of the California Civil Code.

The City will cause copies of this notice to be posted on the Property, mailed to or posted on each affected residential unit, mailed to any recorded mortgagee or beneficiary, and provided to the City Clerk. (H&S Code § 17980.6; Housing Regs. § 58.) Additionally, notice of the pendency of these proceedings will be recorded in the Los Angeles County Recorder’s Office. (H&S Code § 17985.)

Please be advised that your failure to notify the City of your election to demolish or repair the Property within 30 days, or — in the case of repair — your failure to strictly comply with the above schedule, will result in the City administratively abating the Property. Any costs incurred by the City in connection with this matter will be secured as a lien on the Property.

The City expressly reserves any and all legal rights and remedies it has with respect to this matter and the abatement of the Property. This includes, but is not limited to, pursuing demolition, abatement and/or termination of the current use of the Property depending on the results of the inspection outlined above.

If you have any questions about this correspondence, or would like to advise the City of your election to demolish or abate, please contact the undersigned.

Regards,

CITY OF PICO RIVERA

James Enriquez, P.E.
Director of Public Works/City Engineer

cc: Rene Bobadilla, City Manager
Arnold M. Alvarez-Glasman, City Attorney
Christopher G. Cardinale, Assistant City Attorney
NOTICE OF SUBSTANDARD BUILDING – ORDER TO REPAIR OR ABATE
8615 Whittier Boulevard – “Whittier Manor Apartments”

To Beneficiary:

Please take notice that, pursuant to the California State Housing Law (Health & Safety Code Sections 17890 et seq.), the State Housing Law Regulations (Title 25, Div. 1, Ch. 1, Subch. 1, the “Housing Regs.”), and the Pico Rivera Municipal Code (“PRMC”), the City of Pico Rivera (“City”) has determined that the above-referenced property and improvements structure thereon (the “Property”) constitute a “substandard building” and public nuisance.

The Property has been constructed, altered, converted, and/or maintained in violation of the building standards published in the California Building Standards Code, the rules and regulations governing residential structures adopted by the Department of Housing and Community Development (including but not limited to the California Residential Standards Code and the Uniform Housing Code), Title 15 (Building and Construction) of the PRMC, and Title 8, Chapter 8.16, Article 1 (Nuisance Abatement) of the PRMC.

The conditions of the Property creating and/or causing the substandard and nuisance condition include, but are not limited to, those set forth below. (See Health & Safety Code Section 17920.3; PRMC § 8.16.010). Such conditions are so extensive and are of such a nature that they endanger the health and safety of residents and the public.

- Inadequate sanitation, including but not limited to: visible mold growth; and general dilapidation or improper maintenance.
- Structural hazards, including but not limited to: deteriorated or inadequate foundations; defective or deteriorated flooring or floor supports; flooring or floor supports of insufficient size to carry imposed loads with safety; members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration; members of walls, partitions, or other vertical supports that are of insufficient size to carry
imposed loads with safety; members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration; members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

- The Property is constructed and/or maintained so as to constitute a nuisance, including but not limited to: allowing an unlawful condition to exist on the Property; the building constitutes a substandard and dangerous condition; the building has been partially destroyed, damaged, or vacant for more than six (6) months; maintenance of the premises so out of harmony or conformity with the maintenance standards of adjacent properties so as to cause a substantial diminution of the enjoyment, use or property values of such adjacent properties; maintenance in relation to others so as to cause depreciated values, impaired investments, or social and economic maladjustments; and building erection, reconstruction, or structurally altered in a manner violating the zoning code.

- Faulty weather protection, including but not limited to: deteriorated, crumbling, or loose plaster; deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors; defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective coating; broken, rotted, split, or buckled exterior wall coverings or roof coverings.

- Conditions providing a ready fuel to augment the spread and intensity of fire or explosion.

- Construction materials have not been adequately maintained in a good and safety condition.

- Unsafe building to due inadequate maintenance in accordance with the latest edition of the Uniform Building Code.

- Exit facilities have not been adequately maintained.

- Fire-resistive integrity has not been adequately maintained and improved.

- Portions of the Property occupied for living, sleeping, cooking, or dining purposes were not designed or intended for such purposes.

- Inadequate structural resistance to horizontal forces.

- Noncompliance with structural fire safety and fire-resistant building standards.

As the Property Owner you are required by law, and hereby directed by the City, to take initiate remedial action within thirty (30) days of this notice to abate these substandard and nuisance conditions. At your election, such remedial action may consist of the following two (2) options:

1) Complete Demolition of the Property – Demolition of the Property will remediate the substandard and nuisance conditions identified above. To proceed with this option, you are required to apply for and obtain a demolition permit from the City (and any other
applicable permits from government agencies with jurisdiction) within 30 days of this notice. Any such demolition must be completed within 60 days of this notice.

2) Repair the Substandard / Nuisance Conditions of the Property – You have the option to complete the repairs necessary to bring the Property into full compliance with all applicable State and local laws. If you desire to proceed with repairing the Property, you must diligently pursue and complete the following actions in accordance with the following schedule:

- Notice to City of Election to Repair – If you chose to repair the Property, you must advise the City in writing within thirty (30) days of this notice.

- Full Inspection of the Property – Given the significantly dilapidated condition of the Property, the exact nature of scope of repairs required to bring it into compliance with applicable laws is unknown. Accordingly, you must retain a licensed professional to complete a full and complete inspection and analyses of the entire structural integrity of the Property, and outline the repairs necessary to bring the Property into compliance with all applicable laws. The exact scope and nature of the requisite inspection(s) may vary depending on preliminary observations, but shall include exploratory demolition (after obtaining requisite demolition permits) necessary to test and inspect the Property's foundation and structural support systems. Such exploratory investigation shall include, at a minimum, exposing wood and steel framing to a minimum radial distance of three (3) feet beyond the site of visible distressed or damaged walls, ceilings, floor coverings, and framing members. You must provide notice of the time, date, and location of the inspection to the City at least ten (10) days in advance, and the City shall be entitled to participate and observe the same.

- Submission of Inspection Report to City – A full and complete inspection report outlining the current condition of the Property, and the repairs required to bring it into compliance with all applicable laws, shall be provided to the City within sixty (60) days of this notice. Such report shall also include an estimated valuation of the Property in its current condition, and an estimate of the cost of requisite repairs.

- Submission of Plans and Project Schedule – Within ninety (90) days of this correspondence, you must submit complete plans to the City outlining the repair work to be completed, and a schedule for obtaining requisite permits and completing the necessary work. Depending on the scope of work required (as indicated in the inspection report), the schedule shall detail measurable construction benchmarks to be met within a specific and expeditious time period; with the schedule subject to approval by the City. Regardless of the scope of repairs necessary, the construction work required to bring the Property into full compliance with all applicable laws shall be completed within six (6) months of the City's approval of the plans.

In accordance with Health & Safety Code Section 17980.6, you are hereby advised as follows:

- This notice is issued by the City of Pico Rivera, 6615 Passons Boulevard, CA 90660, (562) 942-2000.
• No public hearing has yet been scheduled concerning this matter, but the City shall provide written notice of any future hearing(s).

• Any lessor of the Property is prohibited from retaliating against any lessee pursuant to Section 1942.5 of the California Civil Code.

The City will cause copies of this notice to be posted on the Property, mailed to or posted on each affected residential unit, mailed to any recorded mortgagee or beneficiary, and provided to the City Clerk. (H&S Code § 17980.6; Housing Regs. § 58) Additionally, notice of the pendency of these proceedings will be recorded in the Los Angeles County Recorder’s Office. (H&S Code § 17985.)

Please be advised that your failure to notify the City of your election to demolish or repair the Property within 30 days, or – in the case of repair – your failure to strictly comply with the above schedule, will result in the City administratively abating the Property. Any costs incurred by the City in connection with this matter will be secured as a lien on the Property.

The City expressly reserves any and all legal rights and remedies it has with respect to this matter and the abatement of the Property. This includes, but is not limited to, pursuing demolition, abatement and/or termination of the current use of the Property depending on the results of the inspection outlined above.

If you have any questions about this correspondence, or would like to advise the City of your election to demolish or abate, please contact the undersigned.

Regards,

CITY OF PICO RIVERA

James Enriquez, P.E.
Director of Public Works/City Engineer

cc: Rene Bobadilla, City Manager
    Arnold M. Alvarez-Glasman, City Attorney
    Christopher G. Cardinale, Assistant City Attorney
NOTICE OF SUBSTANDARD BUILDING – ORDER TO REPAIR OR ABATE
8615 Whittier Boulevard – “Whitter Manor Apartments”

July 8, 2016

VIA CERTIFIED MAIL.

Scott Brown, Agent
Group XIII Properties, L.P
2234 E. Colorado Boulevard
Pasadena, CA 91106

Dear Mr. Brown:

Please take notice that, pursuant to the California State Housing Law (Health & Safety Code Sections 17890 et seq.), the State Housing Law Regulations (Title 25, Div. 1, Ch. 1, Subch. 1, the “Housing Regs.”), and the Pico Rivera Municipal Code (“PRMC”), the City of Pico Rivera (“City”) has determined that the above-referenced property and improvements structure thereon (the “Property”) constitute a “substandard building” and public nuisance.

The Property has been constructed, altered, converted, and/or maintained in violation of the building standards published in the California Building Standards Code, the rules and regulations governing residential structures adopted by the Department of Housing and Community Development (including but not limited to the California Residential Standards Code and the Uniform Housing Code), Title 15 (Building and Construction) of the PRMC, and Title 8, Chapter 8.16, Article 1 (Nuisance Abatement) of the PRMC.

The conditions of the Property creating and/or causing the substandard and nuisance condition include, but are not limited to, those set forth below. (See Health & Safety Code Section 17920.3; PRMC § 8.16.010). Such conditions are so extensive and are of such a nature that they endanger the health and safety of residents and the public.

- Inadequate sanitation, including but not limited to: visible mold growth; and general dilapidation or improper maintenance.
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imposed loads with safety; members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration; members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

- The Property is constructed and/or maintained so as to constitute a nuisance, including but not limited to: allowing an unlawful condition to exist on the Property; the building constitutes a substandard and dangerous condition; the building has been partially destroyed, damaged, or vacant for more than six (6) months; maintenance of the premises so out of harmony or conformity with the maintenance standards of adjacent properties so as to cause a substantial diminution of the enjoyment, use or property values of such adjacent properties; maintenance in relation to others so as to cause depreciated values, impaired investments, or social and economic maladjustments; and building erection, reconstruction, or structurally altered in a manner violating the zoning code.

- Faulty weather protection, including but not limited to: deteriorated, crumbling, or loose plaster; deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors; defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective coating; broken, rotted, split, or buckled exterior wall coverings or roof coverings.

- Conditions providing a ready fuel to augment the spread and intensity of fire or explosion.

- Construction materials have not been adequately maintained in a good and safety condition.

- Unsafe building due to inadequate maintenance in accordance with the latest edition of the Uniform Building Code.

- Exit facilities have not been adequately maintained.

- Fire-resistant integrity has not been adequately maintained and improved.

- Portions of the Property occupied for living, sleeping, cooking, or dining purposes were not designed or intended for such purposes.

- Inadequate structural resistance to horizontal forces.

- Noncompliance with structural fire safety and fire-resistant building standards.

As the Property Owner you are required by law, and hereby directed by the City, to take initiate remedial action within thirty (30) days of this notice to abate these substandard and nuisance conditions. At your election, such remedial action may consist of the following two (2) options:

1) Complete Demolition of the Property – Demolition of the Property will remediate the substandard and nuisance conditions identified above. To proceed with this option, you are required to apply for and obtain a demolition permit from the City (and any other
applicable permits from government agencies with jurisdiction) **within 30 days** of this notice. Any such demolition must be completed **within 60 days** of this notice.

2) Repair the Substandard / Nuisance Conditions of the Property – You have the option to complete the repairs necessary to bring the Property into full compliance with all applicable State and local laws. If you desire to proceed with repairing the Property, you must diligently pursue and complete the following actions in accordance with the following schedule:

- **Notice to City of Election to Repair** – If you chose to repair the Property, you must advise the City in writing **within thirty (30) days** of this notice.

- **Full Inspection of the Property** – Given the significantly dilapidated condition of the Property, the exact nature of scope of repairs required to bring it into compliance with applicable laws is unknown. Accordingly, you must retain a licensed professional to complete a full and complete inspection and analyses of the entire structural integrity of the Property, and outline the repairs necessary to bring the Property into compliance with all applicable laws. The exact scope and nature of the requisite inspection(s) may vary depending on preliminary observations, but shall include exploratory demolition (after obtaining requisite demolition permits) necessary to test and inspect the Property's foundation and structural support systems. Such exploratory investigation shall include, at a minimum, exposing wood and steel framing to a minimum radial distance of three (3) feet beyond the site of visible distressed or damaged walls, ceilings, floor coverings, and framing members. You must provide notice of the time, date, and location of the inspection to the City at least ten (10) days in advance, and the City shall be entitled to participate and observe the same.

- **Submission of Inspection Report to City** – A full and complete inspection report outlining the current condition of the Property, and the repairs required to bring it into compliance with all applicable laws, shall be provided to the City **within sixty (60) days** of this notice. Such report shall also include an estimated valuation of the Property in its current condition, and an estimate of the cost of requisite repairs.

- **Submission of Plans and Project Schedule** – **Within ninety (90) days** of this correspondence, you must submit complete plans to the City outlining the repair work to be completed, and a schedule for obtaining requisite permits and completing the necessary work. Depending on the scope of work required (as indicated in the inspection report), the schedule shall detail measurable construction benchmarks to be met within a specific and expeditious time period; with the schedule subject to approval by the City. Regardless of the scope of repairs necessary, the construction work required to bring the Property into full compliance with all applicable laws shall be completed **within six (6) months** of the City's approval of the plans.

In accordance with Health & Safety Code Section 17980.6, you are hereby advised as follows:

- **This notice is issued by the City of Pico Rivera, 6615 Passons Boulevard, CA 90660, (562) 942-2000.**
• No public hearing has yet been scheduled concerning this matter, but the City shall provide written notice of any future hearing(s).

• Any lessor of the Property is prohibited from retaliating against any lessee pursuant to Section 1942.5 of the California Civil Code.

The City will cause copies of this notice to be posted on the Property, mailed to or posted on each affected residential unit, mailed to any recorded mortgagee or beneficiary, and provided to the City Clerk. (H&S Code § 17980.6; Housing Regs. § 58.) Additionally, notice of the pendency of these proceedings will be recorded in the Los Angeles County Recorder's Office. (H&S Code § 17985.)

Please be advised that your failure to notify the City of your election to demolish or repair the Property within 30 days, or – in the case of repair – your failure to strictly comply with the above schedule, will result in the City administratively abating the Property. Any costs incurred by the City in connection with this matter will be secured as a lien on the Property.

The City expressly reserves any and all legal rights and remedies it has with respect to this matter and the abatement of the Property. This includes, but is not limited to, pursuing demolition, abatement and/or termination of the current use of the Property depending on the results of the inspection outlined above.

If you have any questions about this correspondence, or would like to advise the City of your election to demolish or abate, please contact the undersigned.

Regards,

CITY OF RICO RIVERA

James Enriquez, P.E.
Director of Public Works/City Engineer

cc: Rene Bobadilla, City Manager
Arnold M. Alvarez-Glasman, City Attorney
Christopher G. Cardinale, Assistant City Attorney
VIA EMAIL ONLY

July 11, 2016

Nicholas J. Biro
Blue Mountain Development, Inc.
2423 Sebald Avenue
Redondo Beach, CA 90278
Email: nbiro@blue-mt-development.com

Re: 8615 Whittier Boulevard – "Whittier Manor Apartments"

Dear Mr. Biro,

This letter responds to your email, dated July 8, 2016, and follows the City of Pico Rivera’s (“City”) “Notice of Substandard Building and Order to Repair or Abate,” of the same date (the “Substandard Building Notice” or “Notice”).

As expressed in your email, Blue Mountain Development, Inc. (“Blue Mountain”) and the City have been working for months to address the condition of the above referenced Whittier Manor Apartments (the "Apartments"). These efforts have included site inspections, multiple meetings and phone calls, and Blue Mountain's submission of building plans to address repairs identified in the Structural / Architectural Specific Due Diligence Study, dated March 25, 2016 (the “Study”). However, to date these efforts have not resulted in a remediation plan that would ensure the safety of the entire structure.

More specifically, by letter dated May 26, 2016, the City required you to perform more extensive exploratory demolition in order to fully investigate the Apartments’ structural integrity and determine the repairs necessary to comply with all applicable laws. This letter also served as the response to and rejection of the plans and supporting documents submitted in April 2016. Thereafter on June 6, 2016, the City met with you to discuss the requirements of that letter, at which time you requested a conditional building permit in lieu of more extensive exploratory demolition.
The City will not issue a conditional permit in lieu of completing the pre-requisite exploratory demolition, and has elected to initiate proceedings under the State Housing Law; hence the Substandard Building Notice. If you elect to repair the structures, the Notice generally describes, on page 3, the minimum exploratory demolition required, as well as other requirements and steps you must take in order to move this project forward.

Furthermore, the Study upon which the plans submitted by Blue Mountain are based, was limited to the “visual, non-destructive review of the existing condition of the” Apartments, and indicates that “[u]pon further demolition of the Project, additional and more stringent remediation measures may be required.” The Study further “strongly suggests that a California state licensed professional engineer or architect review the specific, individual locations and areas of deficiency in the apartment complex and prepare specific calculations and drawings for the review and approval of the local governing governmental agencies.” The City agrees with this latter recommendation.

The City understands that Blue Mountain desires to repair, as opposed to demolish, the Apartments, but the plans submitted to date are incomplete and unacceptable. To pursue repair, as outlined in the Substandard Building Notice, Blue Mountain must provide written notice to the City of its election to do so, and must schedule and complete an exploratory investigation of the Apartments within the time limits articulated in the Notice. Blue Mountain’s failure to do so will result in the City pursuing available legal remedies; including those provided under the State Housing Law.

If you desire a meeting to discuss this matter or would like to submit an application for a Demolition Permit to complete the required exploratory work, please feel free to contact the City.

Regards,

[Signature]

James Enriquez, P.E.
Director of Public Works / City Engineer

cc: René Bobadilla, City Manager
Arnold M. Alvarez-Glasman, City Attorney
Christopher G. Cardinale, Assistant City Attorney

4852-2983-9412, v. 2
CALL TO ORDER: 6:00 P.M.

ROLL CALL:

Commissioners: Celiz, Elisaldez, Garcia, Gomez, Zermeno

FLAG SALUTE:

1. APPROVAL OF MINUTES:

   A. June 6, 2016
      a) Commission Action
         Celiz
         Elisaldez
         Garcia
         Gomez
         Zermeno

2. PUBLIC HEARING:

   A. CONDITIONAL USE PERMIT NO. 728 AND MITIGATED NEGATIVE DECLARATION WITH MONITORING PLAN - A REQUEST TO CONSTRUCT AN ADVANCED WATER TREATMENT FACILITY ON A 5.2 ACRE SITE LOCATED AT 4320 SAN GABRIEL RIVER PARKWAY IN THE INDUSTRIAL PLANNED DEVELOPMENT (IPD) ZONE DISTRICT

      Project Location: 4320 San Gabriel Rivera Parkway
                         Pico Rivera, CA 90660

      Applicant: Ken Ortega
                  Water Replenishment District
                  Of Southern California (WRD)
                  4040 Paramount Boulevard
                  Lakewood, CA 90712

      Project Planner: Christina Gallagher
                        Senior Planner

Any material related to an item on the Agenda for open session submitted to the Planning Commission after distribution of the agenda packet will be available for public inspection at City Hall (front counter), 6615 Passons Blvd., Pico Rivera during normal business hours.

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 contact Anna Jerome at (562) 801-4390 if special program accommodations are necessary and/or if program 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.
Recommendation:

Approve the attached Resolution adopting the Mitigated Negative Declaration with Monitoring Plan and approving Conditional Use Permit No. 728 (CUP No. 728) subject to conditions of approval.

a) Staff report from Community and Economic Development Director
b) Open Public Hearing—Speakers must provide name and address and sign in.
c) Written Communication
d) Commission Discussion
e) Commission Action

Celiz
Elisaldez
Garcia
Gomez
Zermeno

B. CONDITIONAL USE PERMIT NO. 724 TO CONSTRUCT THREE DUPLEXES ON THREE CONTIGUOUS PARCELS LOCATED ON THE NORTHWEST CORNER OF LAS POSAS STREET AND ROSEMEAD BOULEVARD (ASSSESSOR’S IDENTIFICATION NUMBERS 5272-015-025, 5272-015-011, 5272-015-012) IN THE GENERAL COMMERCIAL (C-G) ZONED DISTRICT AND THE MIXED-USE OVERLAY (M-U OVERLAY) ZONE

Project Location: Northwest corner of Las Posas Street and Rosemead Boulevard (A1Ns 5272-015-025, 5272-015-011, 5272-015-012)
Pico Rivera, CA 90660

Applicant: Marvin Rodriguez, Yireh Holdings
9630 Par Place
Pico Rivera, CA 90660

Project Planner: Hector Hernandez
Planning Technician

Recommendation:

Approve the attached Resolution adopting Conditional Use Permit No. 724 (CUP No. 724) subject to conditions of approval.

a) Staff report from Community and Economic Development Director
b) Open Public Hearing—Speakers must provide name and address and sign in.
c) Written Communication
d) Commission Discussion
e) Commission Action

Celiz
Elisaldez
Garcia
Gomez
Zermeno
C. CONDITIONAL USE PERMIT MODIFICATION NO. 532.3 TO ALLOW THE APPLICANT OF CULICHITOWN RESTAURANT TO SELL DISTILLED SPIRITS AND OBTAIN A TYPE 47 CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL LICENSE AT THE PROPERTY LOCATED AT 9333 SLAUSON AVENUE

Project Location: 9333 Slauson Avenue
   Pico Rivera, CA 90660

Applicant: Sonia Huitron
   9333 Slauson Avenue
   Pico Rivera, CA 90660

Project Planner: Julia Gonzalez
   Deputy Director

Recommendation:

Continue the Public Hearing to August 15, 2016 to allow the applicant additional time to prepare information in regards to the application.

   a) Staff report from Community and Economic Development Director
   b) Open Public Hearing–Speakers must provide name and address and sign in.
   c) Written Communication
   d) Commission Discussion
   e) Commission Action

3. PUBLIC COMMENTS – NON-AGENDA ITEMS

This is a period for the public to comment on items within the jurisdiction of the Planning Commission, but not appearing on this agenda. When speaking during the public comments period, the speaker must clearly state his/her name and address and limit comments to no more than three (3) minutes. No vote may be taken on any matter not listed on the posted agenda.

4. NEW BUSINESS:

Investigation by Planning Commission of Legal Non-Conforming Structure Located at 8615 Whittier Boulevard.
a) Staff Report from Community and Economic Development Director
b) Commission Discussion
c) Commission Action

Celiz
Elisaldez
Garcia

Gomez
Zermeno

5. CONTINUED/OLD BUSINESS: None

6. PLANNING COMMISSION REPORTS:

   a) CITY COUNCIL MEETING OF Tuesday, June 14, 2016 – Commissioner Celiz to report

   b) CITY COUNCIL MEETING OF Tuesday, June 28, 2016 – Commissioner Zermeno to report

   c) CITY COUNCIL MEETING OF Tuesday, July 12, 2016 – Commissioner Gomez to report

   d) PLANNING COMMISSION REPRESENTATIVE TO THE CITY COUNCIL MEETING OF Tuesday, August 9, 2016

 Commissioner Elisaldez to confirm.

ADJOURNMENT:

************************************************************

RULE 11 of City Planning Commission Rules of Procedure: Any person may present testimony on those agenda items scheduled for public hearing when the item is being considered. Any person wishing to address the Planning Commission on any other matter shall do so at the time on the agenda marked for "oral communications." Comments from the public, other than during public hearings, shall be limited to not more than three minutes per person unless waived by the City Planning Commission. The Chairperson may impose reasonable limitation on public comments to assure an orderly and timely meeting. The City Planning Commission may not take action on any item not appearing on the agenda except as otherwise provided by law.

Page 417
To: Planning Commission
From: Community and Economic Development Director
Meeting Date: July 18, 2016
Subject: Pursuant to Section 18.54.100 of the Pico Rivera Zoning Code, authorize an investigation of the physical condition of the legal non-conforming apartment complex located at 8615 Whittier Boulevard

RECOMMENDATION:

Staff recommends that the Planning Commission authorize City staff to conduct, or cause to be conducted, an investigation of the physical condition of the legal non-conforming apartment complex located at 8615 Whittier Boulevard.

BACKGROUND:

The former Whittier Manor apartment complex located at 8615 Whittier Boulevard has long been a legal non-conforming structure; having been converted from a hotel to an apartment complex in the 1970's. In December 2014, the complex was red tagged and approximately 200 residents were evacuated from the building. A temporary shelter manned by the Red Cross was opened at Pico Park for the immediate housing of the residents. The Whole Child Transitional Housing Services were able to assist several of the residents to find permanent housing.

During a rainstorm event a large portion of the 3rd floor balcony failed and fell onto the 2nd floor balcony. The City Engineer and Building Official inspected the apartment complex and observed that the collapsed area had significant water and wood rot damage, and that the stucco lath had substandard anchoring. Based on these observations, the inspection was expanded to include the entire building. Multiple locations were observed to have similar signs of soffit stucco failure. A subsequent investigation was completed by the property owner's engineer, who concluded the structural integrity of the apartment complex was questionable.

In April 2016, the property owner submitted plans and accompanying documents for the repair of the structure. City staff concluded that the submittal did not address all structural deficiencies and damage observed during the inspection. Additionally, as indicated in the engineer's report, staff was concerned that the repairs did not address "hidden" structural deficiencies posing significant health and safety risks.
To address this concern, the City has requested that the property owner obtain demolition permits to complete an exploratory inspection of the apartment complex’s structural condition. The property owner has rejected this approach and requested the City approve the submitted plans. As such, the structural integrity and safety of the building remains unknown. Staff continues to work with the property owner to address these lingering issues pursuant to procedures outlined in the State Housing Law governing “Substandard Buildings.”

Chapter 18.54, Non-Conforming Uses, of the Pico Rivera Zoning Code, governs and regulates non-conforming uses and structures within the City. Section 18.54.110 of the Zoning Code authorizes the Planning Commission to require an investigation of a legal non-conforming use to determine whether a nuisance and/or condition detrimental to the public health, safety and general welfare exist. If the investigation reveals the existence of a nuisance and/or condition detrimental to the public health and general welfare, then the Planning Commission is authorized to hold a public hearing and determine the appropriate remedial action. Such remedial action may include repairs to the structure, or termination / abatement of the legal non-conforming status thereof.

In furtherance of efforts to bring the complex into compliance with applicable law, and the elimination of health and safety concerns associated with the same, staff is recommending that the Planning Commission initiate the abatement proceedings under Chapter 18.54 by ordering an investigation of the complex to be conducted. At the conclusion of the investigation, staff will provide a summary of the report’s findings and the Planning Commission may consider appropriate next steps; which may include an abatement hearing.

CONCLUSION:

Per Section 18.54.110 of the Zoning Code, staff is recommending that the Planning Commission direct an investigatory inspection of the legal non-conforming apartment complex located at 8615 Whittier Boulevard. Staff will then provide the Planning Commission a staff report detailing the conditions of the apartment complex for further action if necessary.

Attachments:

Attachment 1- Zoning Code Section 18.54.110-18.54.130
A regular meeting of the Planning Commission was called to order by Chairperson Gomez at 6:00 p.m. in the City Hall Council Chambers, 6615 Passons Boulevard, Pico Rivera, CA.

STAFF PRESENT:

Benjamin A. Martinez, Director
Julia Gonzalez, Deputy Director
Christina Gallagher, Senior Planner
Hector Hernandez, Assistant Planner
Evelyn Millare, Executive Assistant
John Lam, Assistant City Attorney

ROLL CALL:

PRESENT: Elisaldez, Garcia, Gomez, Zermeno, Celiz

ABSENT: None.

FLAG SALUTE: Led by Commissioner Elisaldez

APPROVAL OF MINUTES:

Commissioner Elisaldez made a motion to accept the minutes of the June 6, 2016 meeting.

AYES: Elisaldez, Garcia, Gomez, Zermeno, Celiz
NOES: None
ABSENT: None

PUBLIC HEARING:

2A. CONDITIONAL USE PERMIT NO. 724 TO CONSTRUCT THREE DUPLEXES ON THREE CONTIGUOUS PARCELS LOCATED ON THE NORTHWEST CORNER OF LAS POSAS STREET AND ROSEMEAD BOULEVARD (ASSESSOR'S IDENTIFICATION NUMBERS 5272-015-025, 5272-015-011, 5272-015-012) IN THE GENERAL COMMERCIAL (C-G) ZONED DISTRICT AND THE MIXED-USE OVERLAY (M-U OVERLAY) ZONE.

Commissioner Gomez stated the public hearing item would be continued to the meeting of August 1, 2016 as recommended by staff. Since there were some people in the audience who specifically attended to speak on this item, Assistant City Attorney John Lam stated it would be appropriate to open public hearing and discuss further at the August 1, 2016 meeting.

Anna Winters, resident of Pico Rivera was the only speaker on the item. She stated it was unfair that there was no notification of item being continued to another meeting.
date. Her main concern is the added parking problem that will result from the project and that the residents are struggling to find parking.

Someone from the audience asked if notices would be sent regarding the item being continued to August 1, 2016. Assistant City Attorney John Lam stated that since the meeting was noticed, re-noticing the meeting was not required.

A motion was made by Commissioner Zarmeno to continue the public hearing to the meeting of August 1, 2016.

AYES: Elisaldez, Garcia, Gomez, Zarmeno, Celiz
NOES: None
ABSENT: None

2B. CONDITIONAL USE PERMIT NO. 728 AND MITIGATED NEGATIVE DECLARATION WITH MONITORING PLAN – A REQUEST TO CONSTRUCT AN ADVANCED WATER TREATMENT FACILITY ON A 5.2 ACRE SITE LOCATED AT 4320 SAN GABRIEL RIVER PARKWAY IN THE INDUSTRIAL PLANNED DEVELOPMENT (IPD) ZONE DISTRICT

Senior Planner Gallagher made a presentation using PowerPoint for visuals. Senior Planner Gallagher stated that the proposed project would be a component of the Water Replenishment District’s (WRD) Groundwater Reliability Improvement Program (GRIP) that will focus on reducing reliance on imported water and create a locally sustainable ground water supply. Senior Planner Gallagher discussed the project’s features such as the learning center, processing building, the chemical storage and the outdoor open space areas. Senior Planner Gallagher emphasized that the chemical storage area is within a secured and fenced area and that the open space areas that surround the learning center will be accessible and open to the public seven days a week from dawn to dusk.

Senior Planner Gallagher discussed the traffic impact analysis conducted which deemed no significant impact to the surrounding intersections and adequate access via two driveways along San Gabriel River Parkway. The intersection at San Gabriel River Pkwy and Melita Street would be signalized and a new signal would be synchronized with the existing signal at the intersection at San Gabriel River Parkway and Beverly Boulevard to avoid unnecessary delays.

Senior Planner Gallagher stated that since May 2015, WRD has conducted continuous outreach including door to door outreach to approximately 1,100 homes, hosting a community meeting at the golf course and distributing quarterly newsletter to keep affected residents informed of the project. She stated that staff would continue to work with WRD to ensure community outreach is ongoing throughout construction.

Senior Planner Gallagher concluded her presentation stating that the date indicated under condition of approval number three should be July 14, 2016. She added that one
written correspondence was received from an individual that stated he was not provided additional information and requested the meeting be pushed to August 1, 2016.

Commissioner Gomez opened public hearing.

Senior Planner Gallagher introduced the first speaker, Albert Robles, WRD Director. Mr. Robles thanked the Commission for the opportunity to speak and Senior Planner Gallagher for her comprehensive and thorough presentation. He provided a brief video that highlighted the features of the proposed facility.

Mr. Whittaker, a WRD employee presented a slide with an image of the proposed project which included the treatment building, learning center and the open space for use by the community. Mr. Whittaker brought in copies of the 1,300 support cards mentioned and made special mention of a support letter from Senator Mendoza. Mr. Whittaker stated that there will be security and security cameras 24 hours a day and at least one personnel patrolling the site in the evenings.

Jaime Sanchez, resident of Pico Rivera talked about the declining water supply, growing demand for water, long term drought, global warming and declining ground and surface water supplies. He stated it is imperative that the City develop answers to long term sustainable water supplies required for both human use and a healthy environment. Mr. Sanchez voiced his support of the project and encouraged the approval of the project by the Commission.

Randall Martinez, a resident from the City of Whittier stated he lived a few miles from the proposed project site and supports the GRIP project. He stated that the project would reduce demand for imported water, reduce high cost of transporting water from hundreds of miles and that the increased use of recycled water actually increases the availability of pure drinking water. Mr. Martinez asked the Commissioners to consider the substantial benefits to the consumers and the positive impact to the environment and to encourage WRD to keep an active and open communication with the community. In closing, Mr. Martinez encouraged the Commission to approve GRIP as a matter of good prudence and forward thinking.

Pamela Jaramillo, Pico Rivera resident stated she lives across the proposed project site and supports the project. She stated that GRIP is a solution to drought and to help the community be completely independent from expensive imported water.

Sandra Martinez, of Monterey Park stated she supports GRIP.

Joe Fregoso, Pico Rivera resident stated that GRIP is a great idea and it would place Pico Rivera on the map not only in California but throughout the nation.

George Sevilla, Board President of the Pico Rivera Chamber of Commerce stated he supports GRIP and understands the need for improvements in Pico Rivera's infrastructure. He stated that he appreciates the fact that the Pico Rivera plant will be receiving treated water from the San Jose Creek Water Reclamation Plant and that the
project would be increasing the purification level of that water to that of distilled water. He stated that the project is a great addition to the strategic importance of the City and community and valuable water resource.

Ruben Alvarez, Executive Director of the Pico Rivera Chamber of Commerce stated he is in support of project. He stated that project is ground breaking and trend setting for the community. He mentioned the jobs that would be created during construction and asked the Commission to support.

Jesse Perez, a Pico Rivera resident stated that he witnessed the water depletion of Folsom Lake in Nevada. He said greener landscape generates oxygen and fights pollution. Mr. Perez stated that he supports all programs to recycle water but it was important to control and test the water to be recycled and also to test the water before the use by the community.

Isabel Vega, Pico Rivera resident stated there is too much traffic. She made reference to the chemical storage as being dangerous to the neighborhood.

Commissioner Garcia asked the applicant to address the issue about dangerous chemicals and how they would be stored and protected.

Ken Ortega, WRD Assistant General Manager stated that most of the chemicals are non-hazardous and mostly disinfectants. Sodium hydrochloride which is a very strong concentration of bleach has the largest volume that will be stored. Mr. Ortega stated there are stringent regulations with respect to chemical handling and storage and that the holding tanks have double containment to capture the entire capacity. The chemical handling area is completely secured and only accessible by certified operational personnel. The facility has alarms which will be monitored by full time operational personnel but also the close circuit TV system.

Commissioner Celiz asked if the tanks would be stored above ground or underground.

Mr. Ortega answered above ground. The main reason is that the above ground tanks are visible and can be inspected on a daily basis. The tanks are 5,000 gallons and are made of very thick Polyvinyl Chloride (PVC). The above ground tanks allow visibility to physically see the surface in the double containment area.

Chairperson Gomez asked if the tanks have individual containment or continuous containment around the entire perimeter.

Mr. Ortega responded that the tanks are completely separated because certain chemicals like ammonia do not cooperate well when they come in direct contact with chlorine so the double containment areas are completely segregated from one another.

Antonia Chavez, Pico Rivera resident asked if there was a need for extremely strong chemicals and if there would be any recycling.
Mr. Ortega replied that the chemicals are not that strong and that the concentration of chlorine is common to bleach.

Antonia Chavez, Pico Rivera resident stated that she heard rumors that there would be human waste recycled.

Mr. Ortega stated that the statement was inaccurate.

Commissioner Gomez stated that by the time water gets to the facility, it has already been treated.

Mr. Ortega stated that the Facility should not be confused with a waste treatment facility. This is an advanced treatment water facility that is only processing tertiary treated water and that there is no handling of solids at this facility.

Jesse Perez, a Pico Rivera resident is concerned about the smell.

Mr. Ortega stated that tertiary waste water does not have an earthy smell or odor to it. Under the future amphitheater there would be an underground three million gallon water reservoir that will not be exposed to the atmosphere. It will not be an open reservoir.

Commissioner Gomez thanked the public for attending and speaking out in favor or against the project.

AYES: Elisaldez, Garcia, Gomez, Zemeno, Celiz
NOES: None
ABSENT: None

2C. CONDITIONAL USE PERMIT MODIFICATION NO. 532.3 TO ALLOW THE APPLICANT OF CULICHITOWN RESTAURANT TO SELL DISTILLED SPIRITS AND OBTAIN A TYPE 47 CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL LICENSE AT THE PROPERTY LOCATED AT 9333 SLAUSON AVENUE

Commissioner Gomez stated that per staff’s request, the public hearing item be continued to the Planning Commission Hearing of August 15, 2016.

AYES: Elisaldez, Garcia, Gomez, Zemeno, Celiz
NOES: None
ABSENT: None

PUBLIC COMMENTS – NON-AGENDA ITEMS: None. No one in the audience.

There were no public comments or non-agenda items.
NEW BUSINESS:

a) INVESTIGATION BY PLANNING COMMISSION OF THE LEGAL NON-CONFORMING STRUCTURE LOCATED AT 8615 WHITTIER BOULEVARD (FORMER WHITTER MANOR APARTMENTS)

Assistant Attorney Lam stated that the first item under new business is an investigation by the Planning Commission of a legal non-conforming structure located at 8615 Whittier Boulevard. The former apartment complex is located on the northwest corner of Whittier and Paramount Boulevard. Several years ago there was significant damage during a rainstorm where portions of walkways collapsed and became very dangerous and the City red-tagged the building. The property is considered a legal non-conforming structure because in the 1970's it was permitted as a motel and it was later converted to apartments. Because it is a legal non-conforming structure there are various ways that the legal non-conforming structure will either expire or terminate. Staff considers the property dangerous and has asked the property owners to continue investigating the remaining structures before they are converted back to apartments. Staff is asking that the Planning Commission initiate the investigation so that staff can direct the property owner to provide a comprehensive structural report on the remaining structure to ensure that the building is safe for people to occupy.

Commissioner Elisaldez asked if staff has had communication with the property owners regarding the request for additional structural studies.

Assistant Attorney Lam stated that staff has discussed the issues with the property owners and they have stated that they have made an inspection based on the existing areas that are exposed. However staff is requesting a structural study of the building for items that are not visible.

Commissioner Elisaldez asked if the owner is not willing to comply.

Director Martinez stated that the conversation is still ongoing but that City staff would like the owners to provide a complete structural report.

Commissioner Gomez asked staff to confirm if the owners plan to reopen the building as apartments.

Assistant Attorney Lam replied that there have been various discussions and it is most probable that the owner's desire is to reopen the building as apartments.

AYES: Elisaldez, Garcia, Gomez, Zermeno, Celiz
NOES: None
ABSENT: None
OLD BUSINESS:

Commissioner Zermeno requested that the landscape in the medians and parkways on San Gabriel River Parkway be upgraded, watered and maintained. He stated this has been an issue for the past three years and the issue has not been addressed. He also stated that he saw a trespasser on the second floor of the red tagged building at 8615 Whittier Boulevard (the former Whittier Manor Apartments).

Commissioner Gomez stated that he had previously requested that staff look into the issue of non-existent sidewalks on Washington Boulevard from Paramount Boulevard west to the City limits.

Director Martinez stated that staff would look into the issue.

Commissioner Celiz asked what safety precautions were being taken to address the accident on Paramount Boulevard.

Commissioner Zermeno stated that the accident was attributed to a drunk driver and perhaps a dividing wall would help to address the safety accident.

Commissioner Gomez stated that there is a committee looking into the accident and that in order to place a median in the center of that roadway, parking would need to be eliminated and residents are not in favor of the elimination of parking.

Commissioner Zermeno stated that there are food vendors on Rosemead Boulevard north of Gallatin Road which may cause a traffic issue.

Director Martinez stated that the food vendors may not be within Pico Rivera boundaries.

Commissioner Celiz asked if staff could contact the jurisdiction that is in charge.

Deputy Director Gonzalez stated that staff has called the County Public Health Department.

Commissioner Zermeno asked about the Los Angeles County Probation Academy at 3300 Sandoval Avenue. He stated they should advise the residents regarding noise activities in the early morning.

Director Martinez stated that the probation center is on El Ranch School District property and under their jurisdiction.

PLANNING COMMISSION REPORTS:

CITY COUNCIL MEETING OF Tuesday, June 14, 2016 – Commissioner Celiz stated that Council did not approve the construction of the townhomes behind the Norm's
property. She stated that community members spoke against the project and had a petition.

CITY COUNCIL MEETING OF Tuesday, June 28, 2016 – Commissioner Zermeno stated there was nothing significant to report.

CITY COUNCIL MEETING OF Tuesday, July 12, 2016 – Commissioner Gomez stated that the accident on Paramount Boulevard was the predominant issue.

There being no further business the Planning Commission meeting was adjourned

[Signature]
Paul Gomez, Chairperson

ATTEST:

[Signature]
Julia Gonzalez, Interim Secretary
Planning Commission
Deputy Director of Community and Economic Development

RECD & FILED 02/14/17
Attendees:

City of Pico Rivera,
   James Enriquez, City Engineer
   Ken Fields, Building Official
   Ben Martinez, Director of Community and Economic Development
   Christopher Cardinale, Assistant City Attorney

Applicant,
   Everet Miller, President, PAMA Management, Inc.
   DJ Claire, PAMA Management, Inc.
   Michael Nijjar, PAMA Management, Inc.
   Sheri Williams, PAMA Management, Inc.
   Nick Biro, Applicant Representative - BMD, Inc.
   Jacob Daye, Patel, Burica & Associates – Structural Engineer. [PBA]
   Wayne Leech, Attorney – via teleconference.

Background; (see attached timeline of application submittal and meeting records)

1- Applicant would like to prepare a plan to guide the onsite exploratory effort; in order to do so we will perform the following,

   a. **Conduct site observation to identify locations that show signs of possible distress in the buildings.** PBA will be on site beginning July 25 and July 26 to walk and identify (spray point) the areas that to be identified. We will contact Ken Fields to review the areas and suggest any additional areas to be exposed or agree with the markings. Applicant will then request a Demo Permit for the identified areas.

   b. **Develop a “Demo Plan” showing the locations of all areas which are showing signs of possible distress.** Applicant believes that a simple plan that defines these locations should accompany the demo permit for clarity to the contractor and subsequent inspection.

   c. “Demo Plan” to be submitted to the City in order to obtain a demo permit.

   d. **Conduct a site visit to walk the site with the contractor and assist in marking on the building the locations and extent of the finishes to be removed.** PBA will be on site guiding the contractor if necessary. Applicant / PBA and Contractor will meet on site to review the plan and assure adherence to the plan.

   e. **Once the areas are opened and the structural members are exposed, conduct a site observation to observe the existing framing conditions.** Upon completion of the approved exposure Applicant will contact Ken Fields for inspection and discussion of revisions to the plans.

   f. **Update existing structural repair plans and calculations to incorporate any new findings if necessary.** City and Applicant agree with this approach. Additionally, City has requested that a narrative describing the above process be submitted along with the revised plans and revised structural calculations. This Memo documenting the process is part of the
structural calculations in order to document the approach and methodology as well as the design criteria for the calculations.

2- Applicant would like to request that City of Pico Rivera issue a Building Permit to repair 8615 Whitter Boulevard based on the Structural Plans and Structural Calculations prepared by Patel Burica & Associates, Inc. after addressing comments to the plans identified by your Structural Engineering Plan Check Consultant and findings from the demo plan. These will become our “Approved Plan”

City will issue a Building Permit after the review and approval of the revised plans. Applicants will be able to work on the entire structure. Applicant will have to pull a Roofing Permit at the time Roof Repairs are scheduled and all structural deficiencies in the roof systems will be addressed at that time in order to limit the exposure of the structures to rain damage.

3- Applicant will work together with the City to guide the process to identify additional repairs and coordinate those items into our scope of work and City’s inspection effort as/or if they arise during the repair effort.

Agreed – updated estimate will be provided with the new set of plans.

4 Applicant will keep current any mutually agreed deviation to the “approved plan” by on site design and oversight of our Structural Engineer and agreement by the Building inspector.

Agreed – any additional repairs throughout the repair effort will be discussed with Ken Fields.

5 Applicant wishes to establish a protocol for inspections including timing for a request for an inspection (example 48 hrs. notice) or attendance to an on-site meeting to discuss or evaluate work. We will support a dedicated individual to be available on a time and materials basis to adhere to the established protocol and bring the project to a successful and timely repair.

6 In order to accomplish the expedited plan review and inspection process we would like to participate in a reimbursement agreement to facilitate the payment to outside services if needed. City commitment to expedite the plan check process so building permits can be obtained as soon as possible.

Applicant and City wished to enter into a Memorandum of Understanding (MOU) that will outline the two items above and will include provisions of a separate Reimbursement Agreement to achieve the desired support and expedition of plan review and inspection.

Christopher Cardinale will take first cut at the MOU and distribute for review. (One week)

7 City letter referenced foundation inspections. What foundation inspections are requested and why?

City agrees that the foundation as is does not require inspection, unless damage is detected at any time during the project. If the repair plan adds additional load to the structure – then the foundation will require inspection.
OWNER-BUILDER DECLARATION

I hereby declare the property is exempt from the provisions of the Contractors License Law Chapter 1 of Division 5 of the Business and Professions Code, as the owner-builder and contractor, and as owner, am performing the work of which this permit is issued. The work is to be performed by the owner-builder, and a work certificate will be provided to the City of Pico Rivera. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of $500 for each violation. Additionally, any violation of Section 7031.5 by an owner-builder is subject to criminal penalties of $500 for each violation. Any violation of Section 7031.5 by an owner-builder is subject to criminal penalties of $500 for each violation.

Date

APPLICANT: I certify that I have read the application and that the above information is correct. I agree to comply with all City and County ordinances and State laws relating to building construction, and hereby authorize representatives of the City to enter upon the above-mentioned property for inspection purposes. I further agree to pay all costs and expenses which may arise against said City in consequence of the granting of this permit.

Signature

NOTE: This permit is valid for one year from the date of issuance.

APPLICANT: I certify that I have read the application and that the above information is correct. I agree to comply with all City and County ordinances and State laws relating to building construction, and hereby authorize representatives of the City to enter upon the above-mentioned property for inspection purposes. I further agree to pay all costs and expenses which may arise against said City in consequence of the granting of this permit.

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Signature

NOTE: This permit is valid for one year from the date of issuance.
<table>
<thead>
<tr>
<th>PROJECT ADDRESS &amp; DESCRIPTION</th>
<th>DUE DATE</th>
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<tr>
<td>8615 WHITTIER BLVD</td>
<td>9/28/16</td>
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<tr>
<td>Tenant Improvement for Apartment Bldg.</td>
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<td>Treat as New Submittal Plans completely revised EXPEDITE REVIEW</td>
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LETTER OF TRANSMITTAL

To: City of Pico Rivera, Building & Safety
   Address: 8615 Whittier Blvd.
             Pico Rivera, CA
   P.C. No.: Original No. 15110076.

To: Building Official
   Project: Repair of 79 unit Apartments Including Structures
            Plan Check Status: First Plan Check with Corrections

Date: 9/20/2016

WE ARE SENDING YOU:

- Attached
- Shop drawings
- Energy
- Site Investigation Report
- Prints
- Specifications
- Soils report
- Plans
- Structural Calculations
- Corrections

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<thead>
<tr>
<th>Approved</th>
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<th>Copies for approval</th>
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<tr>
<td>Submit copies for distribution</td>
<td>Approved as noted</td>
<td>For your use</td>
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<td>Returned for corrections</td>
<td>As requested</td>
<td>Returned corrected prints</td>
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<tr>
<td>For review and comment</td>
<td>For bids due:</td>
<td>Others</td>
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</tbody>
</table>

Plans Check Engineer: iraj Mansouri, P.E.
Phone Number: (909) 605-7777
Email: iraj@jaspacific.com
GENERAL REQUIREMENTS

Your submitted plans and structural calculations have been plan checked for compliance with 2013 editions of CBC, CMC, CPC, CEC, Cal Green, & California Energy Codes as adopted by City of Pico Rivera.

You are advised that the permit may be issued when all of the requirements and the corrections herein have been completed, and approved by the Department of Building and Safety.

Please make the corrections necessary on the plans and specifications and return the plans and other documents to the Building Department for plan rechecking. The approval of plans and specifications does not permit the violation of any section of the Building code or other city ordinance or State law.

Application for which no permit is issued within 180 days following the date of application shall expire by limitation. An extension of 180 days may be granted upon written request showing circumstances beyond the control of the applicant have prevented action being taken. In order to renew action for an application after expiration, the applicant shall resubmit plans and pay a new plan check fee.

Valid Worker's Compensation Certificate or Owner-Builder Verification is required prior to issuance of building permits.

Major corrections shall be made on the original tracing resubmitted with three (3) sets of new prints.

Upon plans resubmittal all of the architectural sheets of plans shall be sealed and signed by the architect of record. Structural drawings and cover sheets of calculations shall be sealed and signed by the structural engineer of record. Electrical, Mechanical, and Plumbing plans shall be sealed and signed by the corresponding engineers in responsible charge of designing and preparing those plans. The architect and all of the engineers shall be licensed to practice in State of California. Resubmit three sets of sealed and signed plans for plan rechecking.

Note on the correction sheet the location of the completed corrections on your plans.

Obtain all clearances as noted on the following items under heading ADMINISTRATIVE REQUIREMENTS

Approval is required by the following City Departments/Agencies. Please check with Building Dept. for the list of Departments/Agencies:

1. Los Angeles County Fire Department
2. City of Pico Rivera Planning Department
3. City of Pico Rivera Public Works/Engineering
4. Other Departments or Agencies as required by the City of Pico Rivera
INSTRUCTIONS

A. Provide responses in writing to all of the following correction items. Provide responses on separate sheets to all correction items. Responses shall reference the corrected items to their exact locations on plans by sheets, notes and detail numbers. Responses such as see sheet such and so are not sufficient.

B. All corrections are to be made on the original reproducible plans and three sets of corrected plans and two sets of other documents to be resubmitted for plan recheck. No handwritten ink corrections on the blue-line prints will be permitted. All requested information must be on the plans.


D. Have changes been made to the plans that are not as a result of corrections on this correction list. Please check: _______ Yes _______ No. If so, provide a brief description and note where on plans the changes occur.

CBC 2013

1. The Study of the buildings by EDENCO Inc. shall specify the buildings Group Occupancies as R-2 and S-2 or U (based on the square footage) and not R-3 as noted on sheet 3 under item No.1, modification is required.

2. On Sheet 4 of the Study of the buildings by EDENCO Inc. under item No. 3, Safety-Horizontal Egress shall specify if the walkways are fire rated exit balconies or not. When the walkways are fire rated balconies all openings including the A/C opening shall be protected, which shall be addressed in the report and on the plans.

3. No fire walls (Area separation walls) have been addressed in the buildings study report as mentioned on sheet 3, modification is required.

4. Shall clearly address the following required fire ratings within the buildings both in the Study Report and building plans (Original construction plans indicate 1-hour construction throughout with 2-hour separations at carports):
   a. Carports/Garages and units above.
   b. Demising walls between the units.
   c. Fire separation of the exit balconies from the units including required fire rated openings.
   d. Fire rating of the stairways.

5. Specify the buildings type of construction on plans and the Buildings Study Report.

6. Provide a sheet index on the first sheet of plans and include all sheets of plans with their title sheet in the sheet index.

7. Sheets 1 to 3 of plans and the Cover sheet of Structural / Architectural Specific Diligence Study prepared by EDENCO Inc. Construction Management shall be sealed and signed by a California licensed architect or civil/structural engineer.
8. Shall address method of heating the units by energy calculations and capacity of the HVAC system of the units.

9. Specify on plans that upon any repair the existing fire rating of the repair area shall be kept intact.

10. Provide a site plan and clearly address method of drainage around the buildings, which shall be away from foundations.

11. Provide an accurate and complete listing of all required Special Inspections on plans to be performed by ICC Certified Deputy Inspectors.

12. Specify on plans that the following nonstructural products shall comply with an approved ICC evaluation report. Attach copies of the ICC-ES Report to the plans and show compliance with the report requirements on plans:
   a. Deck Coating
   b. Roofing Materials
   c. Exterior Siding
   d. Sound/Thermal Insulation
   e. Fire Rated Assemblies
   f. Skylights


14. Indicate on plans that interior finish materials applied to wall and ceilings shall be tested as specified in Section 803. In addition, provide details showing application in accordance with Section 803, 804, and Table 803.9.

15. The flame-spread rating of paneling materials on the walls of the corridor, lobby and exit enclosure must be identified on plans. (T-803.9)

16. Applicant shall provide two sets of a descriptive site plan prepared by a California licensed architect or civil engineer who shall seal and sign them. The site plan shall address the following items where applicable:
   a. An accessible route of travel from visitors accessible parking stalls and public sidewalk to 10% of the ground floor units’ entry doors per CBC Sec. 1101A.1 and 1102A.3 items No.4.
      Route of travel is considered to be a common use area.
   b. Routes of travel from the 10% of the units as noted in item "a" above to the common use areas and the common use areas when exist, such as laundry rooms, recreation areas, club house, visitors’ accessible parking stalls, playgrounds, community rooms, etc. shall be made accessible, which shall be addressed on plans per CBC Chapter 11B.
   c. Shall provide sufficient No. of accessible parking stalls for visitors per CBC Sec.1109A.5.

Print the following notes on the first sheet of plans or next to site plan
Please complete the blank spaces of item No.1 of the NPDES notes

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) NOTES
1. In the case of emergency, call _______________ at Work Phone # ________________ or Home Phone # _________________.

2. Sediment from areas disturbed by construction shall be retained on site using structural controls to the maximum extent practicable.

3. Stockpiles of soil shall be properly contained to minimize sediment transport from the site to streets, drainage facilities or adjacent properties via runoff, vehicle tracking, or wind.

4. Appropriate BMP's for construction-related materials, wastes, spills shall be implemented to minimize transport from the site to streets, drainage facilities, or adjoining properties by wind or runoff.

5. Runoff from equipment and vehicle washing shall be contained at construction sites unless treated to reduce or remove sediment and other pollutants.

6. All construction contractor and subcontractor personnel are to be made aware of the required best management practices and good housekeeping measures for the project site and any associated construction staging areas.

7. At the end of each day of construction activity all construction debris and waste materials shall be collected and properly disposed in trash or recycle bins.

8. Construction sites shall be maintained in such a condition that an anticipated storm does not carry wastes or pollutants off the site. Discharges of material other than storm water only when necessary for performance and completion of construction practices and where they do not: cause or contribute to a violation of any water quality standard; cause or threaten to cause pollution, contamination, or nuisance; or contain a hazardous substance in a quantity reportable under Federal Regulations 40 CFR Parts 117 and 302.

9. Potential pollutants include but are not limited to: solid or liquid chemical spills; wastes from paints, stains, sealants, glues, limes, pesticides, herbicides, wood preservatives and solvents; asbestos fibers, paint flakes or stucco fragments; fuels, oils, lubricants, and hydraulic, radiator or battery fluids; fertilizers, vehicle/equipment wash water and concrete wash water; concrete, detergent or floatable wastes; wastes from any engine/equipment steam cleaning or chemical degreasing and superchlorinated potable water line flushing. During construction, permittee shall dispose of such materials in a specified and controlled temporary area on-site, physically separated from potential storm water runoff, with ultimate disposal in accordance with local, State and Federal requirements.

10. Dewatering of contaminated groundwater, or discharging contaminated soils via surface erosion is prohibited. Dewatering of non-contaminated groundwater requires a National Pollutant Discharge Elimination System Permit from the respective State Regional Water Quality Control Board.

11. Graded areas on the permitted area perimeter must drain away from the face of slopes at the conclusion of each working day. Drainage is to be directed toward desilting facilities.

12. The permittee and contractor shall be responsible and shall take necessary precautions to prevent public trespass onto areas where impounded water creates a hazardous condition.

13. The permittee and contractor shall inspect the erosion control work and insure that the work is in accordance with the approved plans.

14. The permittee shall notify all general contractors, subcontractors, material suppliers, lessees, and property owners: that dumping of chemicals into the storm drain system or the watershed is prohibited.
15. Equipment and workers for emergency work shall be made available at all times during the rainy season. Necessary materials shall be available on site and stockpiled at convenient locations to facilitate rapid construction of temporary devices when rain is imminent.

16. All removable erosion protective devices shall be in place at the end of each working day when the 5-Day Rain Probability Forecast exceeds 40%.

17. Sediments from areas disturbed by construction shall be retained on site using an effective combination of erosion and sediment controls to the maximum extent practicable, and stockpiles of soil shall be properly contained to minimize sediment transport from the site to streets, drainage facilities of adjacent properties via runoff, vehicle tracking, or wind.

18. Appropriate BMPs for construction-related materials, wastes, spills or residues shall be implemented and retained on site to minimize transport from the site to streets, drainage facilities, or adjoining property by wind or runoff.

**EROSION AND SEDIMENT CONTROL PLAN (ESCP)**

1. Provide (ESCP) for the project site which shall address the following requirements:
   a. Scheduling of BMP’s
   b. Address locations of the required gravel bags to prevent any washout from excavations to adjacent or public properties.
   c. Stabilization of driveways for entry and exit to each lot to prevent track out.
   d. It is required to install a minimum 8’ x 8’ water proof concrete washout area.
   e. Installation of toilet facilities for workers.
   f. Protection of stockpiling of construction materials.

**Required Note on Plans:**

1. Exit signs shall be internally or externally illuminated.
2. Exit signs illuminated by an external source shall have an intensity of not less than 5 foot candles (54 lux).
3. Internally illuminated signs shall be listed and labeled and shall be installed in accordance with the manufacturer’s instructions and Section 2702.
4. Exit signs shall be illuminated at all times.
5. Exit signs shall be connected to an emergency power system that will provide an illumination of not less than 90min. in case of primary power loss. (1011.5-1011.6.3).
6. The means of egress, including the exit discharge, shall be illuminated at all times the building space served by the means of egress is occupied. The means of egress illumination level shall not be less than 1 foot-candle at the walking surface (1006.1).
7. The power supply for means of egress illumination shall normally be provided by the premises’ electrical supply. In the event of power supply failure, an emergency electrical system shall automatically illuminate the following areas (1006.3):
a. Aisles and unenclosed egress stairways in rooms and spaces that require two or more means of egress;
b. Corridors, exit balconies, exit enclosures, and exit passageways in buildings required to have two or more exits.
c. Exterior egress components at other than their level of exit discharge until exit discharge is accomplished for buildings required to have two or more exits.
d. Interior exit discharge elements, as permitted in Section 1027.1, in buildings required to have two or more exits.
e. Exterior landings, as required by Section 1008.1.6, for exit discharge doorways in buildings required to have two or more exits.

8. The emergency power system shall provide power for duration of not less than 90 minutes and shall consist of storage batteries, unit equipment or an on-site generator. The installation of the emergency power system shall be in accordance with Section 2702. (1006.3)

9. Emergency lighting facilities shall be arranged to provide initial illumination that is at least an average of 1 foot-candle (11 lux) and a minimum at any point of 0.1 foot-candle (1 lux) measured along the path of egress at floor level. Illumination levels shall be permitted to decline to 0.6 foot-candle (6 lux) average and a minimum at any point of 0.06 foot-candle (0.6 lux) at the end of the emergency lighting time duration. A maximum-to-minimum illumination uniformity ratio of 40 to 1 shall not be exceeded (1006.3).

10. The exit signs shall also be connected to an emergency electrical system provided from storage batteries unit equipment or an on-site generator set, and the system shall be installed in accordance with the Electrical Code.

CalGreen

The proposed project shall comply with California Green Building Standards Code. Address the requirements of CalGreen on plans. The CalGreen Mandatory Measures and Checklist shall be printed on plans.

Iraj Mansouri, MSCE, P.E.
Principal Check Engineer
JAS Pacific Consulting Services
Additional Comments

1. Provide a detailed itemized scope of work on the title sheet.
2. The uses of two separate areas appear to be altered from the original permitted construction. Building "A" first floor carport has been enclosed, and the Sauna/Restrooms located in Building "B" do not appear to correlate with the original plans. Please indicate that these areas will be returned to their original uses, or indicate the new proposed use of these areas. If adding an additional unit this would be an alteration prompting the requirement of fire sprinklers and proper fire separations.
3. Edenco study item no. 5 identifies repair recommendations at common "wet" plumbing walls indicative to deficient and/or leaking plumbing waste or supply lines. The scope of work on the plans shall include the recommended repair measures as identified in the due diligence study.

4. Indicate that structural observation will be required by the engineer of record or their designee.

5. Provide a site plan and indicate on the site plan the location of the gates and the motors to be replaced.

6. Indicate prescriptive energy requirements for insulation where exterior walls are being exposed as well as u-factor and shgc values for windows that are being replaced. Indicate windows are to meet egress requirements.

7. Due diligence study indicates that AC units shall be relocated. Plan shall address this and indicate where they will be relocated to, or will they be removed completely.

8. Provide a typical unit plan and indicate required kitchen fixtures, cooking appliances and heating equipment. Indicate the extent of any additional renovation work in each individual unit.

9. Indicate the interior improvements to be made to the 1-bedroom manager's apartment.

10. Public works requires that the encroaching planter be removed from the public right-of-way. Show on the plan how this will be accomplished and address any impacts to the post and foundation located inside this planter.

11. Construction cost estimate item #28 indicates to remove and replace back corner of all 3 buildings including new foundation, anchor bolts, and concrete. Please reflect this work on the plan and provide details. Additionally damaged wood was identified during inspection at the North end of building A as marked on redlined plan sheet S1.0A. Please identify repairs for this area.
12. Indicate on the plans required smoke and carbon monoxide alarms.
13. Show all required egress lighting locations on the plans including at the egress balconies, and at stairways.

Public Works Comments

1. Provide a site plan that includes off-site improvements to centerline of Whittier Blvd.
2. Remove and replace deficient sidewalk west of westerly driveway.
4. Remove planter wall encroaching onto public right of way.
5. Remove landscaping that encroaches onto public right of way.
# JAS TRANSMITTAL SHEET

**PROJECT ADDRESS & DESCRIPTION** | **DUE DATE**
--- | ---
8615 Whittier Boulevard Apartment TI | 11/30/16
Resubmittal | |
| |
| |
| |
| |
## LETTER OF TRANSMITTAL

<table>
<thead>
<tr>
<th>JURISDICTION:</th>
<th>City of Pico Rivera</th>
<th>Date:</th>
<th>11/23/2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit Number:</td>
<td>15110076. No New P.C. No. is Provided.</td>
<td>Attn:</td>
<td>Building Official</td>
</tr>
<tr>
<td>Project Name:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Address:</td>
<td>8615 Whittier Blvd</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Description:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plan Check Status:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plan Check Engineer:</td>
<td>iraj Mansouri</td>
<td>Phone Number:</td>
<td>(909) 605-7777</td>
</tr>
</tbody>
</table>

### WE ARE SENDING YOU:

- [x] Plans
- [ ] Structural Calculations
- [ ] Soils Report
- [ ] Energy
- [ ] Copy of Letter
- [x] Correction List

### PROJECT STATUS:

- [ ] Approved
- [ ] Approved as Noted
- [x] Returned for Corrections

### NOTES:

[Blank space]
GENERAL REQUIREMENTS

Your resubmitted plans and structural calculations have been rechecked for compliance with 2013 editions of CBC, CMC, CPC, CEC, Cal Green, & California Energy Codes as adopted by City of Pico Rivera.

Some of the corrections have not been resolved as required and are considered outstanding. The outstanding items are reprinted and at the end of each item within parenthesis is explained why that item needs further correction/attention. You are advised that the plans may be approved when all the requirements and the corrections herein have been completed, and approved by the Department of Building and Safety.

Please make the corrections necessary on the original reproducible plans and specifications and resubmit 3 corrected sets of plans and two sets of construction documents to the Building Division for plan rechecking. Marked up plans or documents are not acceptable. The approval of plans and specifications does not permit the violation of any section of the Building code or other city ordinances or State laws.

Upon plans resubmittal, all architectural sheets of plans shall be sealed and signed by the architect of record. Structural drawings and cover sheets of calculations shall be sealed and signed by the structural engineer of record. Electrical, Mechanical, and Plumbing plans shall be sealed and signed by the corresponding engineers in responsible charge of designing and preparing those plans or could be signed by California licensed contractors within discipline of their licenses who are to perform the jobs. The architect and all the engineers shall be licensed to practice in State of California.

Obtain all clearances as noted on the following items under heading "administrative Requirements"

ADMINISTRATIVE REQUIREMENTS

Approval is required by the following City Departments/Agencies. Please check with Building Dept. for the list of Departments/Agencies:

1. City of Pico Rivera Fire Authority
2. City of Pico Rivera Planning Department
3. City of Pico Rivera Public Works/Engineering
4. Other Departments or Agencies as required by the City of Pico Rivera

INSTRUCTIONS

A. Provide responses in writing to all the following correction items. Provide responses on separate sheets to all correction items. Responses shall reference the corrected items to their exact locations on plans by sheets, notes and detail numbers. Responses such as see sheet such and so are not sufficient. Responses shall be sealed and signed by the architect of record and corresponding engineers/contractors.

B. All corrections are to be made on the original reproducible plans and three sets of corrected plans and two sets of other documents to be resubmitted for plan recheck. No handwritten ink
corrections on the blue-line prints will be permitted. All requested information must be on the plans.


D. Have changes been made to the plans that are not as a result of corrections on this correction list. Please check: _____ Yes _____ No.
If so, provide a brief description and note where on plans the changes occur.

CBC 2013

1. Provide a sheet index on the first sheet of plans and include all sheets of plans with their title sheet in the sheet index. (Sheet A5.0 is misplaced in the sets of plans, modification is required).

2. The Buildings Study Report shall be sealed and signed by a California licensed architect or civil/structural engineer. (Sheets 7 to 34 at the end of Structural/Architectural Specific Due Diligence Study, which are sealed by Mr. Walter Steve Eden shall be signed too. On sheet 31 detail "A" the striping shall be addressed to be on all stairs treads because the stairways are exterior stairways, modification is required).

3. Shall address method of heating the units by energy calculations and capacity of the HVAC system of the units. (Shall provide electrical plans and calculations to address all required electrical call outs as listed in the Detailed Unit Repair List. Electrical calculations shall address the required electrical load demand for each unit and the whole building. Minimum required sizes of panels/subpanel, conduits and conductors shall be calculated and by instruction be checked at job site for conformance).

Print the following notes on the first sheet of plans or next to site plan

Please complete the blank spaces of item No.1 of the NPDES notes

The blank spaces of item No.1 shall be completed

Accessibility

1. The provided detail 6/AD4 for parking stall sign is not correct and shall be per CBC Sec.11B-502.6. Signs identifying van parking spaces shall contain additional language or an additional sign with the designation "van accessible." Signs shall be 60 inches minimum above the finish floor or ground surface measured to the bottom of the sign. §11B-502.6

2. Parking Identification signs shall be reflectorized with a minimum area of 70 square inches. §11B-502.6.1

3. Additional language or an additional sign below the International Symbol of Accessibility shall state "Minimum Fine $250." §11B-502.6.2.
4. The provided detail 2/AD4 for parking stall warning sign is not correct and shall be per CBC Sec. 11B-502.8, 11B-502.8.1, & 11B-502.8.2 as follow:

An additional sign shall be posted either:

a. In a conspicuous place at each entrance to an off-street parking facility or
b. Immediately adjacent to on-site accessible parking and visible from each parking space. §11B-502.8

c. The additional sign shall not be less than 17 inches wide by 22 inches high. §11B-502.8.1
d. The additional sign shall clearly state in letters with a minimum height of 1 inch the following: §11B-502.8.2

"Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or special license plates issued for persons with disabilities will be towed away at the owner's expense. Towed vehicles may be reclaimed at: __________________________ or by telephoning________________________."

Blank spaces shall be filled in with appropriate information as a permanent part of the sign.

Iraj Mansouri, MSCE, P.E.
Principal Engineer
JAS Pacific Consulting Services
Client: Pama Property Management  
Project: 8615 Whitter Blvd.

Date: 12.04.16

Service: Probable Cost to Construct

<table>
<thead>
<tr>
<th>COST PER BUILDING/UNIT</th>
<th># of Units</th>
<th># of Stories</th>
<th>S/F</th>
<th>Cost per S/F</th>
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</thead>
<tbody>
<tr>
<td>BUILDING A COST PER S/F</td>
<td>3</td>
<td></td>
<td>12,050</td>
<td>$35.12</td>
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<tr>
<td>CONSTRUCTION COST PER UNIT</td>
<td>63</td>
<td>36,150</td>
<td>$2,212.87</td>
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<td>BUILDING B COST PER S/F</td>
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<td>2,025</td>
<td>$209.02</td>
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<td>CONSTRUCTION COST PER UNIT</td>
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<td>6,075</td>
<td>$1,254.09</td>
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<tr>
<td>BUILDING C COST PER S/F</td>
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<td>1,420</td>
<td>$298.07</td>
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<tr>
<td>CONSTRUCTION COST PER UNIT</td>
<td>10</td>
<td>4,200</td>
<td>$2,980.67</td>
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**SUBTOTAL OF CONSTRUCTION COSTS**

**TOTAL:** $1,087,588.88

**ADMINISTRATION & CONTINGENCY COSTS**

- CONSTRUCTION CONTINGENCY @ 10% .......................................................... $ 108,758.89
- PROFIT 5% .......................................................... $ 59,817.39
- INSURANCE 1% .......................................................... $ 12,561.65
- BOND .82% .......................................................... $ 1,040.36

**SUBTOTAL** .......................................................... $ 182,178.28

**TOTAL ESTIMATED COST**

**TOTAL:** $ 1,269,767.16
# Breakdown of Construction Costs

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Quantity</th>
<th>Meas</th>
<th>Unit Cost</th>
<th>Cost</th>
<th>Contractor Notes</th>
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<tbody>
<tr>
<td>1.</td>
<td>General Requirements</td>
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<tr>
<td>2.</td>
<td>Scope</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>3.</td>
<td>General Contractor GC's</td>
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<td></td>
<td></td>
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<tr>
<td>4.</td>
<td>Administration/Supervision - Superintendent &amp; Project Manager</td>
<td>6 mo</td>
<td></td>
<td>$18,000.00</td>
<td>$108,000.00</td>
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</tr>
<tr>
<td>5.</td>
<td>Temp hook up's - Power, Internet, &amp; phone</td>
<td>1 Is</td>
<td></td>
<td>$500.00</td>
<td>$500.00</td>
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<tr>
<td>6.</td>
<td>Temp. Utility Services (Monthly Bill)</td>
<td>6 mo</td>
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<td>$250.00</td>
<td>$1,500.00</td>
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<tr>
<td>7.</td>
<td>General Services - Water, Cups, Office Supplies, Copy Machine &amp; Paper, office equipment</td>
<td>6 mo</td>
<td></td>
<td>$250.00</td>
<td>$1,500.00</td>
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<tr>
<td>8.</td>
<td>General Cleanup Services - Clean-up labor, trash containers, and street sweeping</td>
<td>6 mo</td>
<td></td>
<td>$750.00</td>
<td>$4,500.00</td>
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<tr>
<td>9.</td>
<td>Temporary Toilets and Wash Stations</td>
<td>6 mo</td>
<td></td>
<td>$250.00</td>
<td>$1,500.00</td>
<td>**</td>
</tr>
<tr>
<td>11.</td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>12.</td>
<td>Additional Demo</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Scope</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14.</td>
<td>Concrete walkway 1st floor southside of bldg A for new bldg foundation and curbs.</td>
<td>320 Is</td>
<td></td>
<td>$2.75</td>
<td>$880.00</td>
<td>**</td>
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<tr>
<td>15.</td>
<td>West AC Driveway and V-gutter.</td>
<td>1,720 Is</td>
<td></td>
<td>$2.75</td>
<td>$4,730.00</td>
<td>**</td>
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<tr>
<td>16.</td>
<td>East AC Driveway and V-gutter.</td>
<td>1,120 Is</td>
<td></td>
<td>$2.75</td>
<td>$3,080.00</td>
<td>**</td>
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<tr>
<td>17.</td>
<td>AC at new Trash Enclosure Location</td>
<td>340 sf</td>
<td></td>
<td>$2.75</td>
<td>$935.00</td>
<td>**</td>
</tr>
<tr>
<td>18.</td>
<td>Remove wall splitting the managers office and the adjacent room.</td>
<td>80 sf</td>
<td></td>
<td>$2.75</td>
<td>$220.00</td>
<td>**</td>
</tr>
<tr>
<td>19.</td>
<td>Remove existing door on south elevation east of managers room.</td>
<td>24 Is</td>
<td></td>
<td>$2.75</td>
<td>$66.00</td>
<td>**</td>
</tr>
<tr>
<td>20.</td>
<td>Remove existing metal sectional garage door adjacent to the managers office.</td>
<td>1 Is</td>
<td></td>
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**Subtotal:** $117,500.00

**Subtotal:** $12,936.00

Exterior
<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Quantity</th>
<th>Meas</th>
<th>Unit Cost</th>
<th>Cost</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>24.</td>
<td>Scaffolding</td>
<td>2 mo</td>
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<td>$1,750.00</td>
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</table>

28. SUBTOTAL: $ 3,500.00  Exterior

| 29. | Testing & Inspection                                     | 1 Is     |      | $2,500.00 | 2,500.00 |       |
| 30. | Scope                                                    | 1 Is     |      | $2,500.00 | 2,500.00 |       |

32. Deputy Inspector - Structural Steel - Welding, high strength bolts, x-ray 1 Is $2,500.00 $ 2,500.00

33. Deputy Inspector - Epoxy anchors 1 Is $2,500.00 $ 2,500.00

34. Deputy Inspector - Masonry block, grout 1 Is $2,500.00 $ 2,500.00

35. Deputy Inspector - Rough Carpentry, sheer nails 1 Is $2,500.00 $ 2,500.00

37. SUBTOTAL: $ 12,500.00  Exterior

38. Erosion Control

40. General SWPP items, does not include inspections or testing. 1 Is $2,500.00 $ 2,500.00

41. Sandbags 1 Is $0.00 $ -

42. Silt Fence 1 Is $0.00 $ -

43. Stabilized entrance 1 Is $0.00 $ -

44. straw waddle 1 Is $0.00 $ -

45. Chevrons 1 Is $0.00 $ -

47. SUBTOTAL: $ 2,500.00  Site
<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Quantity</th>
<th>Meas</th>
<th>Unit Cost</th>
<th>Cost</th>
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<tbody>
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<td>48</td>
<td>Asphaltic Concrete Paving</td>
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<tr>
<td>49</td>
<td>Scope</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>50</td>
<td>West entry Driveway</td>
<td>1,720 sf</td>
<td>$3.75</td>
<td>$6,450.00</td>
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</tr>
<tr>
<td>51</td>
<td>East Entry Driveway</td>
<td>1,120 sf</td>
<td>$3.75</td>
<td>$4,200.00</td>
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</tr>
<tr>
<td>52</td>
<td>Patch @ T.E. and Misc. areas</td>
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<td>$150.00</td>
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</tr>
<tr>
<td>53</td>
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<tr>
<td>54</td>
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<td>SUBTOTAL: $</td>
<td>10,800.00</td>
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<tr>
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<td>Site Concrete</td>
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<td>Scope</td>
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<tr>
<td>57</td>
<td>Trash Enclosure paving</td>
<td>300 sf</td>
<td>$7.50</td>
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<tr>
<td>58</td>
<td>Concrete walkway - South driveway, south walkway</td>
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<tr>
<td></td>
<td>1st floor bldg 1</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>59</td>
<td>Concrete walkway repair at sidewalk where planter</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>wall was relocated</td>
<td>90 sf</td>
<td>$7.25</td>
<td>$652.50</td>
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<tr>
<td>60</td>
<td>Repair southwest walkway at driveway</td>
<td>450 sf</td>
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<tr>
<td>61</td>
<td>Curb and Gutter</td>
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<tr>
<td>62</td>
<td>V-Gutter</td>
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<td>$15.00</td>
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<td>SUBTOTAL: $</td>
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<tr>
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<td>Pavement Markings &amp; Signs</td>
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<td>65</td>
<td>Scope</td>
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<tr>
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<td>1 Is</td>
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<tr>
<td>67</td>
<td>Typical Parking stall striping</td>
<td>0 Is</td>
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<tr>
<td>68</td>
<td>Handicap Stall striping</td>
<td>0 Is</td>
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<td>-</td>
<td>**</td>
</tr>
<tr>
<td>69</td>
<td>Handicap signage</td>
<td>0 Is</td>
<td>$0.00</td>
<td>-</td>
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<tr>
<td>70</td>
<td>Tow Away Signage</td>
<td>0 Is</td>
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<td>-</td>
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<tr>
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<td>Handicap Parking Signage</td>
<td>0 Is</td>
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<tr>
<td>74.</td>
<td>Fence Repair</td>
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<td>Repair west chainlink fence</td>
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<td>Irrigation Landscaping</td>
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<td>81.</td>
<td>Remove tree south planter</td>
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<td>Repair irrigation at south planter</td>
<td>690</td>
<td>ls</td>
<td>$1.75</td>
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<td>83.</td>
<td>Repair landscape at south planter</td>
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<td>ls</td>
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<td>2,242.50</td>
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<td>84.</td>
<td>Backfill behind planter wall, and grade landscaped area behind planter wall.</td>
<td>690</td>
<td>sf</td>
<td>$3.35</td>
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<td>8,261.50</td>
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<td>Concrete Masonry Unit</td>
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<td><strong>Scope</strong></td>
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<tr>
<td>89.</td>
<td>8&quot; precision CMU (Planter Wall)</td>
<td>135</td>
<td>sf</td>
<td>$8.50</td>
<td>1,147.50</td>
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<td>Concrete footing @ CMU wall (Planter Wall)</td>
<td>45</td>
<td>lf</td>
<td>$20.00</td>
<td>900.00</td>
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<td>8&quot; precision CMU (Trash Enclosure)</td>
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<td>Concrete footing @ CMU wall (Trash Enclosure)</td>
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<td>Lightweight Concrete/Cast-in-Place-Concrete</td>
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<td>$73,241.91</td>
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<td>Scope</td>
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<td>$29,659.00</td>
<td>29,659.00</td>
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<tr>
<td>97</td>
<td>After plaster has been removed the 8-to 10&quot; above the walkway and the damaged bottom plate has been replaced install 30 lb. paper from deck up the wall. Then Install diamond mesh on deck, then covered by lightweight magnetic cement, w/ one coat of fiber glass, and a 2nd coat of magnetic cement, then a 3rd coat fiber glass mii w/glue and texture. All materials are ICC approved.</td>
<td>1 Is</td>
<td></td>
<td>$73,241.91</td>
<td>73,241.91</td>
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<tr>
<td>98</td>
<td>Remove the back corner of buildings A, B, &amp; C, and remove and reinstall all new foundations which includes new reinforcing, AB's, and concrete.</td>
<td>1 Is</td>
<td></td>
<td>$29,659.00</td>
<td>29,659.00</td>
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<td>SUBTOTAL: $102,900.91</td>
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<tr>
<td>101</td>
<td>Automatic Gates</td>
<td>2 Is</td>
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<td>$4,275.00</td>
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<tr>
<td>102</td>
<td>SUBTOTAL: $8,550.00</td>
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<tr>
<td>103</td>
<td>Repair front gates and install 2.5 hp motors, replace all damaged brackets and chain, Install floor sensors on the exit side only.</td>
<td>2 Is</td>
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<td>$4,275.00</td>
<td>8,550.00</td>
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<tr>
<td>104</td>
<td>Structural Steel and Metal Fabrications</td>
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<td>SUBTOTAL: $60,910.00</td>
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<td>Remove and replace all damaged steel stairs, and replace any concrete steps as required.</td>
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<td>$7,410.00</td>
<td>7,410.00</td>
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<td>Provide and install all exterior panel façade required red iron i.e. L-angle, angle braces, etc.</td>
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<td>$50,000.00</td>
<td>50,000.00</td>
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<td>Trash Enclosure posts and gates</td>
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<td>$3,500.00</td>
<td>3,500.00</td>
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<tr>
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<td>Meas</td>
<td>Unit Cost</td>
<td>Cost</td>
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<tr>
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<td>Misc. &amp; Ornamental Metals</td>
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<td>114</td>
<td>Scope</td>
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<tr>
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<td>Stair handrails</td>
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<td>Metal Sidings</td>
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<td>Scope</td>
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<tr>
<td>120</td>
<td>Corrugated Metal Siding attached to exterior panel façade.</td>
<td>1,848</td>
<td>sf</td>
<td>$5.45</td>
<td>$10,072</td>
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<td>121</td>
<td>Metal screening attached to backside of panel façade.</td>
<td>1,848</td>
<td>Is</td>
<td>$1.25</td>
<td>$2,310</td>
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<tr>
<td>122</td>
<td>Corrugated Metal Siding to new southeast exterior wall elevation (In/Outside of wall)</td>
<td>915</td>
<td>Is</td>
<td>$6.45</td>
<td>$5,901</td>
</tr>
<tr>
<td>123</td>
<td>SUBTOTAL:</td>
<td></td>
<td></td>
<td></td>
<td>$18,283</td>
</tr>
<tr>
<td>124</td>
<td>Rough Carpentry</td>
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<td>125</td>
<td>Scope</td>
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<tr>
<td>126</td>
<td>Remove all affected plywood, floor joists, beams, and corresponding hangers, on both the 2nd and 3rd floors of bldgs A, B, and C as determined during the destructive demo process.</td>
<td>1</td>
<td>Is</td>
<td>$66,500</td>
<td>$66,500</td>
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<tr>
<td>127</td>
<td>Install new CDX plywood, 2x12 floor joists, beams, and corresponding hangers, as shown per the structural drawings.</td>
<td>1</td>
<td>Is</td>
<td>$47,500</td>
<td>$47,500</td>
</tr>
<tr>
<td>128</td>
<td>Per inspection on exposing all structural, replace all termite doorways and all damaged door and window headers at buildings A, B, &amp; C, 1st, 2nd, &amp; 3rd floors.</td>
<td>81</td>
<td>ea</td>
<td>$410.50</td>
<td>$33,250</td>
</tr>
<tr>
<td>129</td>
<td>At building B reinstall new beam plus all steel post and missing studs per plans and corresponding details.</td>
<td>1</td>
<td>Is</td>
<td>$5,510</td>
<td>$5,510</td>
</tr>
<tr>
<td>130</td>
<td>Install cementitious siding at bldg A1</td>
<td>1,670</td>
<td>sf</td>
<td>$9.45</td>
<td>$15,781</td>
</tr>
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Confidential

2/7/2017
<table>
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<th>No.</th>
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<tr>
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<td></td>
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<tr>
<td>135</td>
<td><strong>Waterproofing</strong></td>
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<td></td>
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<tr>
<td>136</td>
<td><strong>Scope</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>137</td>
<td>Caulk site hardscape</td>
<td>1 Is</td>
<td></td>
<td>$500.00</td>
<td>$500.00</td>
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<tr>
<td>138</td>
<td>Waterproof the backside of Planter Wall, Includes burrito drain.</td>
<td>75 If</td>
<td></td>
<td>$14.25</td>
<td>1,068.75</td>
<td></td>
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<td></td>
<td></td>
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<td></td>
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<td>140</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>141</td>
<td>Roofing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>142</td>
<td><strong>Scope</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>143</td>
<td>Remove the existing hot mop where it was determined to be removed.</td>
<td>236 sq</td>
<td></td>
<td>$57.00</td>
<td>13,452.00</td>
<td>Not in cost</td>
</tr>
<tr>
<td>144</td>
<td>Remove all existing roofing from bldg A</td>
<td>14,380 sf</td>
<td></td>
<td>$2.12</td>
<td>30,486.60</td>
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<tr>
<td>145</td>
<td>Remove all existing roofing from bldg B</td>
<td>1,600 sf</td>
<td></td>
<td>$2.12</td>
<td>3,392.00</td>
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<tr>
<td>146</td>
<td>Remove all existing roofing from bldg C</td>
<td>2,430 sf</td>
<td></td>
<td>$2.12</td>
<td>6,151.60</td>
<td></td>
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<tr>
<td>147</td>
<td>Install new flat roof with 4 layers, 1 base, 2 hot mop and 1 cap sheet.</td>
<td>236 sq</td>
<td></td>
<td>$247.00</td>
<td>58,292.00</td>
<td>Not in cost</td>
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<tr>
<td>148</td>
<td>Apply foam roofing to Building A</td>
<td>14,704 sf</td>
<td></td>
<td>$4.45</td>
<td>65,432.80</td>
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<tr>
<td>149</td>
<td>Apply foam roofing to Building B</td>
<td>1,700 sf</td>
<td></td>
<td>$4.45</td>
<td>7,565.00</td>
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<tr>
<td>150</td>
<td>Apply foam roofing to Building C</td>
<td>2,530 sf</td>
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<td>$4.45</td>
<td>11,258.50</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>152</td>
<td></td>
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**SUBTOTAL:** $168,542.00  Ext. & Int. Bldg

**SUBTOTAL:** $1,568.75  Site

**SUBTOTAL:** $123,286.50  Exterior Bldg
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<th>No.</th>
<th>Description</th>
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<th>Meas</th>
<th>Unit Cost</th>
<th>Cost</th>
<th>Notes</th>
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<tr>
<td>153.</td>
<td>Flashing &amp; Sheet metal</td>
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<td>154.</td>
<td>Scope</td>
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<tr>
<td>155.</td>
<td>Coping</td>
<td>0 if</td>
<td></td>
<td>$0.00</td>
<td>$0</td>
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<tr>
<td>156.</td>
<td>Corrugated panel siding</td>
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<td></td>
<td>$0.00</td>
<td>$0</td>
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<tr>
<td>157.</td>
<td>Roof Edge metal</td>
<td>0 if</td>
<td></td>
<td>$0.00</td>
<td>$0</td>
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<tr>
<td>158.</td>
<td>Deck to wall flashing</td>
<td>0 sf</td>
<td></td>
<td>$0.00</td>
<td>$0</td>
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</tr>
<tr>
<td>159.</td>
<td>Louvers</td>
<td>0 if</td>
<td></td>
<td>$0.00</td>
<td>$0</td>
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<tr>
<td>160.</td>
<td>Flashing at Louvers</td>
<td>0 sf</td>
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<td>$0.00</td>
<td>$0</td>
<td></td>
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<tr>
<td>161.</td>
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<td></td>
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</tr>
<tr>
<td>162.</td>
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<td></td>
<td>**</td>
<td></td>
</tr>
<tr>
<td>163.</td>
<td>Windows</td>
<td></td>
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<tr>
<td>164.</td>
<td>Scope</td>
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<tr>
<td>165.</td>
<td>New windows</td>
<td>25 ea</td>
<td></td>
<td>$475.00</td>
<td>$11,875</td>
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<tr>
<td>166.</td>
<td>Cost to install windows</td>
<td>25 ea</td>
<td></td>
<td>$285.00</td>
<td>$7,125</td>
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<tr>
<td>167.</td>
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<td>168.</td>
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<td></td>
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<td>**</td>
<td></td>
</tr>
<tr>
<td>169.</td>
<td>Plaster</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>170.</td>
<td>Scope</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>171.</td>
<td>Sawcut and remove 8&quot;-10&quot; above the 2nd and third floor exterior walkway decks so that the deck can be waterproofed correctly.</td>
<td>1.225 if</td>
<td></td>
<td>$2.25</td>
<td>$2,756.25</td>
<td></td>
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<tr>
<td>172.</td>
<td>Patch back all areas that where previously demo'd.</td>
<td>5,200 sf</td>
<td></td>
<td>$8.59</td>
<td>$44,668.00</td>
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<tr>
<td>173.</td>
<td>Building (A) plaster new overhang -</td>
<td>2,165 ls</td>
<td></td>
<td>$8.79</td>
<td>$19,030.35</td>
<td></td>
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<tr>
<td>174.</td>
<td>Remove and reinstall plaster of the back corner of buildings A, B, &amp; C. Line item 16</td>
<td>1 ls</td>
<td></td>
<td>$9,823.95</td>
<td>$9,823.95</td>
<td></td>
</tr>
<tr>
<td>175.</td>
<td>Plaster exterior side of Trash Enclosure walls</td>
<td>235 sf</td>
<td></td>
<td>$8.50</td>
<td>$1,997.50</td>
<td>**</td>
</tr>
<tr>
<td>176.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>**</td>
<td></td>
</tr>
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</table>

**SUBTOTAL: $165,000.00**

Exterior Bldg

**SUBTOTAL: $19,000.00**

Exterior Bldg

**SUBTOTAL: $78,276.05**

Exterior Bldg
<table>
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<tr>
<th>No.</th>
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<th>Quantity</th>
<th>Meas</th>
<th>Unit Cost</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>178.</td>
<td>Painting &amp; Wall Covering</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>179.</td>
<td><strong>Scope</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>180.</td>
<td>Repaint bldgs A, B, &amp; C including overhangs, primer plus 2 coats of finish.</td>
<td>1 Is</td>
<td>ls</td>
<td>$11,181.17</td>
<td>$11,181.17</td>
</tr>
<tr>
<td>181.</td>
<td>Paint trash enclosure walls</td>
<td>235 sf</td>
<td></td>
<td>$3.25</td>
<td>763.75 **</td>
</tr>
<tr>
<td>182.</td>
<td>Paint south relocated planter wall</td>
<td>65 sf</td>
<td></td>
<td>$3.25</td>
<td>211.25 **</td>
</tr>
</tbody>
</table>

**184. SUBTOTAL: $ 12,156.17**  
Exterior Bldg

| 185.| Fire Suppression                                |          |      |             |            |
| 186.| **Scope**                                        |          |      |             |            |
| 187.| Repair, replace, recessed fire hose & cabinets, fire extinguisher & cabinets, and "Wet Standpipe System". | 1 Is     | ls   | $7,500.00   | 7,500.00 ** |

**189. SUBTOTAL: $ 7,500.00**  
Interior Bldg

| 190.| Electrical                                      |          |      |             |            |
| 191.| **Scope**                                        |          |      |             |            |
| 192.| Main service panels - switch gear - Replace all damaged wiring at main disconnect. Reinstall all missing parts on main panels. | 1 Is     | ls   | $56,000.00  | 56,000.00  |
| 193.| Relocate exposed conduit laying on the roofs down through the 3rd floor balcony soffit. | 6 Is     |      | $650.00     | 3,900.00 ** |

**195. SUBTOTAL: $ 59,900.00**  
Interior Bldg

| 196.| Miscellaneous Items                             |          |      |             |            |
| 197.| **Scope**                                        |          |      |             |            |
| 198.| Purchase and Install 5 new Mailboxes.           | 5 Is     |      | $2,157.72   | 10,788.60 ** |
| 199.| Install new mailboxes.                          | 5 ea     |      | $80.00      | 400.00 **  |

**201. SUBTOTAL: $ 11,188.60**  
Interior Bldg

**TOTALS: $ 1,087,588.88**
Expert Analysis Report

This letter is prepared in response to a request from the City of Pico Rivera for analysis of repairs to an apartment building located 8615 Whittier Boulevard in the city of Pico Rivera. Bert L. Howe & Associates, Inc. (BHA) was asked to review the proposed repair scope, methodology, costs and feasibility. Items considered and ultimately relied upon in arriving at the expressed opinions are:

- Architectural drawings – prepared by William Hezmalhalch Architects, Inc. dated November 16, 2016, (Including supplemental data)
- Structural drawings – prepared by Patel Burica & Associates, Inc. revision date of November 15, 2016
- Probable Cost to Construct – prepared by Murrow, CM revised date of February 6, 2017
- Detailed Unit Repair List – prepared by William Hezmalhalch Architects, Inc. date November 14, 2016
- Structural / Architectural Specific Due Diligence Study – prepared by Edenco, Inc. dated March 25, 2016
- Inspection photo taken by BHA on January 26, 2017
- Original construction drawings with an identifiable mark from Leader Construction Inc.

It is our understanding the subject property has been vacant for an extended period of time and is being evaluated for renovation purposes. The structure has suffered from extensive water and/or pest damage. The proposed renovations include structural framing repairs at various areas such as exterior balcony walkways, stairways, exterior wall assemblies, roof and subfloors.

In order to accomplish the structural repairs many architectural assemblies will also be affected. Portland cement plaster is being removed, or has been removed, to access and replace damaged framing members. The built-up roof system is being stripped and replaced with a urethane foam roofing material. Electrical systems are being replaced or upgraded. Kitchen and bathrooms are being renovated. Most interior finishes such
as flooring and gypsum board walls/ceilings will be replaced or patched during this process.

For purposes of clarity, BHA is placing the specific scopes of work into two separate categories. The work identified in the Probable Cost to Construct prepared by Murrow CM is referenced as “Exterior” work. This scope is further defined by the architectural and structural drawings mentioned above.

The second category will include repair scope that is defined in the Detailed Unit Repair List and the Structural / Architectural Specific Due Diligence Study. This category will be addressed as “Interior” work.

Exterior Work:

The Murrow CM report lays out a repair scope that appears to address the repairs for structural framing, exterior walls, roof and site issues, there are still significant concerns with other building assemblies that will be affected by these modifications.

The Edenco, Inc. report identified areas of the roof where sheathing and/or framing was damaged and requires replacement, yet the Murrow report does not have allowances for these items. In addition to the replacement of this framing material, other finishes will also be affected. Gypsum board and insulation will have to be removed at the interior of units where joists are replaced.

Although the Murrow report contains a contingency for unknown circumstances, it should not be relied upon for issues that are reasonably known to exist or that have previously been disclosed.

The following is a list of specific items missing from the Murrow CM estimate that are indicated in the construction drawings.

- Exterior lighting
- Emergency exit lighting
- Emergency exit signs
- Entry door sill pan flashings
- Stucco weep flashings
- Demolition of planter at SW parking area – new ADA stall
- New AC pavement at SW parking area – new ADA stall
The following is a list of supplemental items missing from the Murrow CM estimate that are essential with regard to executing or completing other work.

- Demolition costs for CMU walls and footings at planter and trash enclosure
- Stucco removal and replacement with new entry doors and frames
- Interior gypsum board and trim replacement with new entry doors and frames
- Interior gypsum board where cantilevered joists are being replaced or augmented, (10 locations)
- Interior gypsum board where top plates at walls are being replaced or augmented, (5 locations)
- Temporary shoring during joists and plate repairs
- Roof sheathing and joists
- Insulation at exterior envelope where affected

Projected costs for these items - $31,800.00

There is no mention of the phone directory system in either the reports, drawings or estimate. During the visual inspection it was noted this system was in disrepair. The extent of damage is unclear. Allowance for diagnosis and repair - $3,500.00.

Interior Work:

The report from Edenco, Inc. and the Detailed Unit Repair List, identifies significant repairs that are not listed in the Murrow CM probable cost report. BHA analyzed the content and recommendations in the Detailed Unit Repair List for all second floor units. The information is contained in the spreadsheet entitled Exhibit A. The data was used to develop and average repair cost per unit. This exercise resulted in $754,892.31 in repair work that was omitted from the Murrow CM report.

In addition to the interior work mentioned above, all units will likely require new entry door hardware and bath accessories at a cost of approximately $6,000.00 for all units.

Other concerns include the existence of asbestos and/or mold contamination. Architectural sheet A2.01 states "All existing vinyl asbestos floor and wall tiles are to be removed, and to be replaced with new vinyl tiles". The extent of the asbestos tile is
unknown to BHA at this time. It is safe to assume each unit was originally designed and constructed in the same manner, with the same material. Therefore, it is highly likely that each unit will have to undergo an abatement process consisting of identifying and eradicating materials containing asbestos.

Considering the age of the buildings and the type of material commonly used during the time period of original construction, one can also expect to find asbestos in the acoustic ceiling and possibly in the drywall compound.

Mold containment is addressed on a site specific basis as encountered and may be limited to a small number of units where water intrusion has been prevalent. For purposes of discussion and estimating, BHA assumes 20 units will require some type of mold remediation.

Projected costs for asbestos abatement - $900.00/unit, $72,000.00 total.
Projected costs for mold remediation - $900.00/unit, $18,000.00 total

With the exception of a couple of sections, BHA found the costs in Murrow CM estimate to be in a competitive market classification, meaning not extraordinarily high or low.

There are areas where criticisms are expressed. On line number 8 in the General Conditions section Murrow indicates trash and cleaning services are $750.00 per month. The authorized trash collection company charges approximately $2,000.00 per month for a 40-yard dumpster with two pick-ups per month. Factor into this cost, labor for general cleaning and street sweeping service this item should be approximately $6,000.00 per month.

On line number 180 in the Painting and Wall Covering section, Murrow CM lists a cost of $11,181.17 for painting the exterior walls surfaces with primer and two coats of paint. Based on preliminary take-offs, BHA has determined the exterior painted surface to be approximately 41,000 square feet. Using the $3.25/Sf shown in the Murrow CM estimate, this line would be approximately $133,250.00.

Understanding that an economy of scale would come with larger areas of paint, we can expect a cost reduction to be applied here. However, there is no consideration in the Murrow CM estimate for wood trim, sheet metal or decorative iron painting. Because of this, the cost reduction would be minimal. Accounting for the economy of scale and considering the overlooked wood and metal components, BHA’s cost of $2.25/sf is a practical means of determining painting cost for the exterior surfaces of this project.
8615 Whittier Blvd. Apartments

BHA #16-6027

The contingency of 10% noted in the Administration and Contingency Cost section is an ambitious goal. Typically, a 10% contingency is used for new construction or where unknown factors are unlikely to occur. With a project of this nature and with so much water damage, there is a high propensity of encountering additional work beyond what was contemplated in the design stages. BHA recommends a contingency between 15%-20%. For purposes of this analysis, 15% is used in our summary costs.

The bond cost in the same section is calculating incorrectly. Bonds are typically 1% to 3% depending on the projects. The amount shown in the Murrow CM estimate is .82% but the actual calculating number is .082%, less than one tenth of one percent. BHA is using 1% for the bond cost in the analysis summary.

Lastly, the duration of the project will have to be extended to accomplish the interior repairs. BHA has added three months to the project as depicted in the Administration and Contingency Cost section. While some repairs can be performed concurrently with the structural repairs, the interior repairs will have to wait for balcony walkways, roof and entire building to be weather tight and finished.

Summary of Missing Items:

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
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<tbody>
<tr>
<td>Missing &quot;Exterior&quot; work</td>
<td>$31,800.00</td>
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<tr>
<td>Supplemental &quot;Exterior work</td>
<td>$53,000.00</td>
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<tr>
<td>Phone directory system</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>Interior work</td>
<td>$754,892.31</td>
</tr>
<tr>
<td>Door hardware &amp; bath accessories</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Asbestos abatement</td>
<td>$72,000.00</td>
</tr>
<tr>
<td>Mold remediation</td>
<td>$18,000.00</td>
</tr>
<tr>
<td><strong>Total missing items</strong></td>
<td><strong>$939,192.31</strong></td>
</tr>
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</table>
This report was created with the information available at the time of writing. Should additional information become available, some of the opinions may need to be updated or augmented. The opinions expressed in this report are the result of standard practice analysis commonly used in the construction industry and research performed based on intended repair scopes described in the construction documents.

Bert L. Howe & Associates, Inc.
Construction Consultants
February 8, 2017

This document is prepared for purposes of mediation and is protected under California Evidence Code 1119 et seq.
<table>
<thead>
<tr>
<th>Recommendation</th>
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<th>208</th>
<th>207</th>
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<td>$1,200.00</td>
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<td>$800.00</td>
<td>$700.00</td>
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<td>$500.00</td>
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<td>$200.00</td>
<td>$100.00</td>
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<tr>
<td>Main door</td>
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<td>$600.00</td>
<td>$500.00</td>
<td>$400.00</td>
<td>$300.00</td>
<td>$200.00</td>
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# 8615 Whittier Blvd

**BHA #17-6151**

**Working Document**

Based on Murrow CM Probable Cost Estimate dated 12/04/2016

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<td>Temp. Utility Services (Monthly Bill)</td>
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<td>General Services - Water, Cups, Office Supplies, Copy Machine &amp; Paper, office equipment</td>
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<td>General Cleanup Services - Clean-up labor, trash containers, and street sweeping</td>
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<td>Remove wall splitting the managers office and the adjacent room.</td>
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<td>sf</td>
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<td>Remove existing door on south elevation east of managers room.</td>
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<td>Remove tree south planter</td>
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<td>Repair irrigation at south planter</td>
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<td>Backfill behind planter wall, and grade landscaped area behind planter wall.</td>
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### 8615 Whittier Blvd
**BHA #17-6151**  
**Working Document**  
Based on Murow CM Probable Cost Estimate dated 12/04/2016

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<tr>
<th>No.</th>
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<td>Lightweight Concrete/Cast-in-Place-Concrete</td>
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<td>96</td>
<td>After plaster has been removed the 8-to 10&quot; above the walkway and the damaged bottom plate has been replaced install 30 lb. paper from deck up the wall. Then install diamond mesh on deck, then covered by lightweight magnetic cement, w/ one coat of fiber glass, and a 2nd coat of magnetic cement, then a 3rd coat fiber glass roll w/ glue and texture. All materials are ICC approved.</td>
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Bert L. Howe & Associates, Inc.  
Construction Consultants
# 8615 Whittier Blvd

**BHA #17-6151**

**Working Document**

Based on Murow CM Probable Cost Estimate dated 12/04/2016

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<td>$10,071.60</td>
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<td>122</td>
<td>Metal screening attached to backside of panel façade</td>
<td>1848</td>
<td>Is</td>
<td>$1.25</td>
<td>$2,310.00</td>
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<tr>
<td>123</td>
<td>Corrugated Metal Siding to new southeast exterior wall elevation (In/Outside of wall)</td>
<td>915</td>
<td>Is</td>
<td>$6.45</td>
<td>$5,801.75</td>
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<td></td>
<td>$18,283.35</td>
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</table>
# 8615 Whittier Blvd
## RHA #17-6151
## Working Document

Based on Murow CM Probable Cost Estimate dated 12/04/2016

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Quantity</th>
<th>Meas.</th>
<th>Unit Cost</th>
<th>Cost</th>
<th>Notes</th>
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<tbody>
<tr>
<td>126</td>
<td>Rough Carpentry</td>
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<td>127</td>
<td>Scope</td>
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<tr>
<td>128</td>
<td>Remove all affected plywood, floor joists, beams, and corresponding hangers, on both the 2nd and 3rd floors of build A, B, and C as determined during the destructive demo process.</td>
<td>1</td>
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<td>$66,500.00</td>
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<tr>
<td>129</td>
<td>Install new CDX plywood, 2x12 floor joists, beams, and corresponding hangers, as shown per the structural drawings.</td>
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<tr>
<td>130</td>
<td>Per inspection on exposing all structural, replace all termite doorways and all damaged door and window headers at buildings A,B, &amp;C, 1st, 2nd, &amp; 3rd floors.</td>
<td>61</td>
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<td>$410.50</td>
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<td>131</td>
<td>At building B reinstall new beam plus all steel post and missing studs per plans and corresponding details.</td>
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<td>132</td>
<td>Install cementitious siding at bldg A</td>
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<td>$168,542.00 Ext. &amp; Int. Bldg</td>
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<td>136</td>
<td>Roofing</td>
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<td>137</td>
<td>Caulk site hardscape</td>
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<td>138</td>
<td>Waterproof the backside of Planter Wall, includes burrito drain.</td>
<td>75</td>
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<td>$1,068.75 Site</td>
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<tr>
<td>143</td>
<td>Remove the existing hot mop where it was determined to be removed.</td>
<td>236</td>
<td>sq</td>
<td>$57.00</td>
<td>$13,452.00</td>
<td>Not in cost</td>
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<tr>
<td>144</td>
<td>Remove all existing roofing from bldg A</td>
<td>14,380</td>
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<td>145</td>
<td>Remove all existing roofing from bldg B</td>
<td>1,600</td>
<td>sf</td>
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<td>146</td>
<td>Remove all existing roofing from bldg C</td>
<td>2,430</td>
<td>sf</td>
<td>$2.12</td>
<td>$5,161.80</td>
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<td>147</td>
<td>Install new flat roof with 4 layers, 1 base, 2 hot mop and 1 cap sheet.</td>
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<td>$247.00</td>
<td>$58,202.00</td>
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<td>148</td>
<td>Apply foam roofing to Building A</td>
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<td>Apply foam roofing to Building C</td>
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<td>153.</td>
<td>Flashing &amp; Sheet metal</td>
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<td>154.</td>
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<td>155.</td>
<td>Coping</td>
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<td>Corrugated panel siding</td>
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<td>171.</td>
<td>Sawcut and remove 5'-10&quot; above the 2nd and third floor exterior walkway decks so that the deck can be waterproofed correctly.</td>
<td>1225</td>
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<td>Patch back all areas that were previously demo'd.</td>
<td>5200</td>
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<td>Building (A) plaster new overhang -</td>
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<td>Remove and reinstall plaster of the back corner of buildings A,B, &amp; C. Line item 16</td>
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<td>Plaster exterior side of Trash Enclosure walls</td>
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<td>178.</td>
<td>Painting &amp; Wall Covering</td>
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<td>Repaint bldgs A, B, &amp; C including overhangs, primer plus 2 coats of finish</td>
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<td>193.</td>
<td>Relocate exposed conduit laying on the roofs down through the 3rd floor balcony soffit</td>
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EXPERIENCE

David Suggs is a construction specialist with over 20 years of experience. He has developed comprehensive knowledge of the means and methods for implementation of appropriate construction standards. Additionally, he has extensive experience regarding the interpretation of design intent, standard of care for construction, and the contractual relationship and obligations. Mr. Suggs is familiar with all aspects of the jurisdictional entitlement process, planning, design, construction mobilization, subcontractor coordination, contract administration, and project closeout activities.

Mr. Suggs has prepared reports for, and provided testimony in, California Superior Court, Nevada District Court, and United States Federal Court systems.

Mr. Suggs has developed extensive field experience, and he has acquired background in all phases of residential construction, including custom and production single family homes, apartment complexes, commercial, and food service projects. This depth of experience was cultivated early in Mr. Suggs' career, working for several builders while mastering a variety of trades, including window and door installation, concrete, stucco, framing, and finish carpentry. His first-hand experience and intuitive management skills have been successfully tested to include project management for several large repair and renovation projects.

After learning construction from the ground up, Mr. Suggs went on to operate a business in construction for approximately eleven years. While running his own business, his endeavors focused primarily on residential projects, ranging from repairs, remodels, renovations, and additions to construction of new custom homes. As the principal, he
was responsible for project management, as well as all aspects of design and construction, including owner interface and coordination with governing authorities.

In addition to his residential work, Mr. Suggs was also involved in commercial construction, providing tenant improvements and renovations of food service facilities. His background and experience with the food service industry allowed him to become familiar with the complex regulations, requirements, and interface installations of public use facilities. To facilitate on-schedule performance while minimizing loss of use, Mr. Suggs drew upon imaginative approaches to achieve the best possible solution. His experience in commercial work also brought a thorough understanding of systems interface, incorporating work involving refrigeration, electrical, floor finishing, in-slab drainage systems, and plumbing reconfiguration.

Typically, Mr. Suggs worked under a contractual relationship with building owners, interpreting concepts and developing procedures necessary to achieve the goals of his clients. He personally directed and contributed a hands-on effort to the extent required by the scope of work for each project. He also worked closely with architectural and engineering consultants, with regard to design intent and constructability. When appropriate, Mr. Suggs conducted existing conditions analysis to determine status of underlying conditions and the potential for impact such conditions may impose on the proposed scope of work.

Mr. Suggs frequently conducted renovation and remodel work as pertaining to life cycle evaluation and systems upgrade. He has been involved in residential renovations that provided structural upgrades and general code upgrades, often along with new mechanical, electrical, and plumbing systems installations. His vast experience with renovations has brought a familiarity with construction techniques ranging from the 1930s and forward to all present-day standards of practice.

AREAS OF SPECIALIZATION

As a member of the Construction Experts Group of Bert L. Howe & Associates, Inc., Mr. Suggs applies his construction technology experience to the development of comprehensive cost estimating and related support documentation for construction defect litigation, course of construction issues, fire, flood, earthquake, or other causes. He conducts site investigations, including visual, intrusive, and destructive testing protocols. He also provides review and analysis of construction documents to determine the design intent, and provides comparative evaluations of the observed work in place. Mr. Suggs prepares repair scope protocols that are consistent with the intent of the repair recommendations and the underlying conditions of work in place, and creates repair estimates. He analyzes contract documentation to determine the qualifications and scope of work and interrelated responsibilities of contractors, developers, and subcontractors. Drawing from years of experience, knowledge of the standards of practice and these protocols enables his development of allocation and apportionment of responsibility pertaining to all relevant subcontractors for mediation and settlement purposes.
CONSTRUCTION, PROJECT MANAGEMENT, AND FORENSIC EXPERIENCE

- Construction Cost Estimating
- Repair Methods / Scheduling
- Extensive Residential Remodeling Experience
- Project Supervision – Residential and Multi-Family Construction
- Tenant Improvements (Occupied and Unoccupied)
- Restaurant / Storefront Remodeling
- Retail Food Service
- Personal Injury – Wrongful Death
- Construction Site Safety Analysis
- Standard of Care for General Contractor
- Subcontractor Liability Analysis
- Development of Intrusive Testing Protocols
- Facilities Maintenance – Worked Closely With Retail Management Companies
- Concrete / Vapor Transmission
- Fenestration and Water Intrusion
- Wall and Floor Finishes, including Wood, Ceramic, and Stone
- Estimating Experience includes:
  - Multimillion Dollar Homes in: Bel Air, Beverly Hills, Santa Barbara, and Hollywood, CA
  - Condominium / Apartment Complexes
  - Commercial Retail Establishments
  - Fire and Flood Damage
  - Landslides and Land Stabilization
  - Industrial - City Community Centers / Gymnasium
  - Material Supplies

- Expert Testimony / Trial Support Services • Cost Estimating & General Contracting • Professional Engineering Services
  - Building Envelope Specialists • Roofing & Waterproofing • Forensic Architecture
Hi Joseph:

Following up on our conversation yesterday, my client requests that the city stay taking formal action to the Planning Commission to pursue the nonconforming status of the property for 30 days to allow my client and the city to explore the possibility of a resolution that might take the form of reducing the density of the existing structures on the property.

Please advise if the city is willing to agree to this request.

Thanks.

Wayne
D. Wayne Leech
Leech & Associates
11001 East Valley Mall, Suite 200
El Monte, CA 91731
Tele 626-443-0061
Fax 626-443-1165
Cell 626-627-7854
E-mail wayne@leechlaw.com

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From: Wayne Leech [mailto:wayne@leechlaw.com]
Sent: Monday, March 20, 2017 5:25 PM
To: Larsen, Joseph <jlarsen@rutan.com>
Subject: RE: Whittier property in Pico Riverae

Joseph:

What department/room?

Wayne
D. Wayne Leech
Leech & Associates
11001 East Valley Mall, Suite 200
El Monte, CA 91731
Tele 626-443-0061
Fax 626-443-1165
Cell 626-627-7854
E-mail wayne@leechlaw.com

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From: Larsen, Joseph [mailto:jlarsen@rutan.com]
Sent: Monday, March 20, 2017 5:19 PM
To: Wayne Leech
Subject: RE: Whittier property in Pico Riverae

Let's meet at the City.

Joseph D. Larsen
Rutan & Tucker, LLP
611 Anton Boulevard, 14th Floor
From: Wayne Leech [mailto:wayne@leechlaw.com]
Sent: Friday, March 17, 2017 5:48 PM
To: Larsen, Joseph <jlarsen@rutan.com>
Subject: RE: Whittier property in Pico Riverae

Joseph:

Let’s book it.

Where shall we meet?

Wayne
D. Wayne Leech
Leech & Associates
11001 East Valley Mall, Suite 200
El Monte, CA 91731
Tele 626-443-0061
Fax 626-443-1165
Cell 626-627-7854
E-mail wayne@leechlaw.com

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From: Larsen, Joseph [mailto:jlarsen@rutan.com]
Sent: Friday, March 17, 2017 9:05 AM
To: Wayne Leech
Subject: RE: Whittier property in Pico Riverae

How about 2pm on Monday, March 27?
Joseph D. Larsen  
Rutan & Tucker, LLP  
611 Anton Boulevard, 14th Floor  
Costa Mesa, CA 92626  
(714) 641-3418 (direct)  
jlarsen@rutan.com  
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RUTAN  

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From: Wayne Leech [mailto:wayne@leechlaw.com]  
Sent: Thursday, March 16, 2017 2:07 PM  
To: Larsen, Joseph <jlarsen@rutan.com>  
Subject: Whittier property in Pico Riverae

Joseph:

My clients and I are available to meet with the city on the following dates:

Monday March 27 – in the afternoon after 1:00pm  
Tuesday March 28 – morning 9-11am  
Thursday March 30 – morning 9-11am

Please advise if we can schedule a meeting on one of those dates and times.

Thank you.

Wayne  
D. Wayne Leech  
Leech & Associates  
11001 East Valley Mall, Suite 200  
El Monte, CA 91731  
Tele 626-443-0061  
Fax 626-443-1165  
Cell 626-627-7854  
E-mail wayne@leechlaw.com

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**BUILDING DIVISION**

**JAS TRANSMITTAL SHEET**

**DATE**: 2/08/17

<table>
<thead>
<tr>
<th>PROJECT ADDRESS &amp; DESCRIPTION</th>
<th>DUE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>8615 Whittier Blvd – Re-submittal for Apartment Bldg Rehab.</td>
<td>2/18/17</td>
</tr>
</tbody>
</table>
ROLL CALL:

Mayor/Chairman/President:
Bob J. Archuleta

Mayor Pro Tempore/Vice Chairman/Vice President:
Gustavo V. Camacho

Councilmembers/Directors/Commissioners:
David W. Armenta
Gregory Salcido
Brent A. Tercero

Meeting jointly and regularly with the Pico Rivera Successor Agency to the Pico Rivera Redevelopment Agency (as needed); Pico Rivera Housing Assistance Agency (as needed), *Pico Rivera Water Authority (as needed); and Public Financing Authority (as needed)

PUBLIC COMMENTS - IF YOU WOULD LIKE TO SPEAK ON THE LISTED AGENDA ITEM, 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.

PRESENTATION:

1. PRIME Rate Setting Study Session.
   Recommendation:
   1. Receive and file presentation.

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

*****************************************************************************

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

*Commissioners receive a $30.00 stipend per each meeting held and attended.
CLOSED SESSION:

a. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
   Pursuant to Government Code Section 54957
   Position: City Manager

b. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
   Pursuant to Government Code Section 54956.9 subdivision (d) paragraph (4)
   Consideration of Initiation of Litigation – One matter

c. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
   Pursuant to Government Code Section 54956.9
   City’s Negotiators: Rene Bobadilla
   Negotiating Party: CCEA
   Property: City’s various electronic infrastructure components
   Terms of Negotiations: Price and related terms

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 Golf Course, Pico Rivera website, Pico Rivera Post Office and Parks: Smith, Pico and Rivera which are available for the public to view on this 5th day of June 2017.

Dated this 5th day of June 2017

[Signature]
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.
To: Planning Commission

From: Community and Economic Development Director

Meeting Date: June 19, 2017

Subject: RESOLUTION NO. 1249 - INTENT TO CONDUCT A PUBLIC HEARING ON THE TERMINATION OF NONCONFORMING STRUCTURE AND USE AT 8615 WHITTIER BOULEVARD, PICO RIVERA, CALIFORNIA (FORMER WHITTER MANOR APARTMENTS) AND DIRECTING THAT NOTICE OF SAID HEARING BE GIVEN AS REQUIRED BY PICO RIVERA MUNICIPAL CODE SECTION 18.54.130

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Adopt Resolution No. 1249, declaring its intent to conduct a public hearing on the termination of nonconforming use at 8615 Whittier Boulevard, Pico Rivera, California (former Whitter Manor Apartments); and
2. Set July 17, 2017 as the Public Hearing date; and
3. Direct that notice of said hearing be given as required by Pico Rivera Municipal Code Section 18.54.130.

BACKGROUND:

The former Whittier Manor apartment complex (the "Apartments") located at 8615 Whittier Boulevard (Assessor Parcel Nos. 6373-018-005 and 6373-018-008, the "Property") has long been a non-conforming structure; having been converted from a hotel to an apartment complex in the 1970s. In December 2014, the Apartments were red tagged and approximately 200 residents were evacuated from the buildings. A temporary shelter manned by the Red Cross was opened at Pico Park for the immediate housing of the residents. The Whole Child Transitional Housing Services were able to assist several of the residents to find permanent housing.

An investigation of the Property was initiated by the Planning Commission on or about July 18, 2016. That investigation revealed that the Apartments do not comply with various development and zoning standards currently codified in the Pico Rivera Municipal Code (the "Code" or "PRMC"), and therefore constitute a nonconforming
structure and land use subject to termination under Chapter 18.54 of the Code. Specifically:

- The front portion of the Property is zoned “Commercial-General” (“CG”), and is designated in the City’s General Plan for “Commercial” land uses. Multi-unit residential uses are only permitted upon issuance of a conditional use permit. (PRMC §§ 18.28.040; 18.40.040(D)(62).) No conditional use permit has been issued for the Apartments.

- The rear portion of the Property is zoned “Planned Residential Unit Development” (“PUD”), and is designated in the City’s General Plan for “Medium Density Residential.” The PUD zone does not permit multi-family dwelling units. (PRMC §§ 18.16.040; 18.40.040(B)(7).)

- The unit density of the Apartments is more than double the maximum density permitted for any residential use in the City. (PRMC §§ 18.28.050; 18.42.040(D).) Given the Property’s size, a maximum of thirty (30) dwelling units is permitted by the Code.

- The Code requires multi-family dwelling units to have two (2) parking spaces in a garage or carport for each dwelling unit. (PRMC § 18.44.040(A)(2).) The Apartments lack the requisite number of parking spaces given the number of units.

Investigations further revealed the Apartments had been constructed, altered, converted, and/or maintained in a manner that violated the California Building Code, 1997 Uniform Code for the Abatement of Dangerous Buildings, the rules and regulations adopted by the Department of Housing and Community Development, and/or the PRMC.

Specifically, the Los Angeles County Fire Department responded to a partial collapse of a balcony soffit on the property in the late evening of December 30, 2014. The Building Department of the City of Pico Rivera was called to the scene in the early morning hours on December 31, 2014 to inspect the area of the collapse. A section of soffit plaster and stucco (approximately 4 ft wide x 25 ft long x 1 inch thick) from the 3rd floor balcony had suddenly and without warning failed and fallen onto the 2nd floor balcony. The units immediately adjacent to the collapse were evacuated that night. The area was secured and an inspection was scheduled for the following morning.

On the morning of December 31, 2014, the City Engineer, James Enriquez, and Building Official, Eric Dennis, returned to the property for further inspection. The collapsed area was observed to have significant water and wood rot damage. Based on these observations, the inspection was expanded to the balconies for the entire
property. Multiple locations on the balconies throughout the property were observed with similar signs of potential soffit stucco failure and were noted to have water dripping from the recent rain. The Property Manager was advised to engage an engineer to monitor any further inspections that would require removal of stucco at select locations showing signs of failure.

A representative from David Angelo and Associates ("Owner's Engineer") arrived at the property prior to further inspection. The Owner's Engineer accompanied the Building Official in walking the entire property and marking with red paint areas where soffit stucco showed signs of failure. The Owner's Engineer was also requested to select various marked locations for destructive inspection. The stucco was removed by the Property Manager in those areas and similar conditions as the collapsed area were observed including water damage, extensive wood rot, and inadequate anchoring of the plaster and stucco.

Based on these findings, the Owner's Engineer could not substantiate the structural integrity of the balconies throughout the property nor ensure that a similar collapse was not eminent. Since the balconies provide the only ingress and egress to all units, the Building Official declared the buildings "unsafe" to occupy and recommended evacuation. All residents were evacuated and relocated by the City shortly thereafter.

Sometime after the initial incident, the City was provided with a copy of an undated report prepared by David Angelo and Associates entitled Structural Damage Observation Report. The report summarized numerous areas of concern with the condition of the property based on a visual inspection performed by David Angelo and Associates on January 12, 2015. It also recommended further assessment through exploratory demolition before complete recommendations for repairs could be developed and engineered.

Representatives for the property owner applied for and were issued a permit for limited demolition of balconies on the property on March 17, 2015. The City has observed that the balconies have been stripped to the framing throughout most of the property, but no requests for inspection have been received to date.

The Apartments are in a general state of disrepair and plagued with dry rot, mold, water damage, and other conditions calling into question not only the structural integrity of the Apartments, but their suitability for habitation.

The Apartments ceased operating after their evacuation on or about December 2014, such that termination of its legal nonconforming status may be justified by Section 18.54.081 of the Code. Moreover, the Apartments may be destroyed to the extent of more than fifty percent (50%) of the Apartments' value, such that termination of its legal nonconforming status may be justified by Section 18.54.080 of the Code. The condition of the Apartments also suggests they have been utilized and maintained in a manner
constituting a public nuisance, such that terminating the legal nonconforming status of the Apartments may be justified under Section 18.54.100 of the Code. Finally, the nonconforming Apartment structures may be abated and their use terminated upon the expiration of the period of time indicated in Section 18.54.070, subdivision H of the Code.

The Planning Commission will be asked to consider these issues at the requested public hearing. At the hearing, interested parties will be provided an opportunity to be heard and to provide evidence bearing on the Planning Commission's decision in this matter. The Planning Commission's decision would be based upon an examination and review of all evidence submitted at the hearing. Within forty (40) days of the conclusion of the hearing, the Planning Commission would adopt a resolution setting forth, among other things, its findings of fact, reasons, conditions, determinations, and other matters related to its decision in this matter.

The City notes that the following actions, among others, would be required to bring the Apartments into compliance with existing zoning provisions: (1) a general plan and zoning code amendment changing the designation and zoning for the rear portion of the Property; (2) a conditional use permit must be obtained; (3) approximately fifty (50) of the Apartments' existing units must be removed; (4) additional parking spaces must be added contingent on the number of units retained; (5) compliance with all development regulations governing multi-family dwelling units set forth in Pico Rivera Municipal Code; and (6) compliance with all conditions of approval for the conditional use permit.

At the hearing, the Planning Commission will further consider whether (i) the reconstruction, restoration, or rebuilding of the Apartments will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood and/or (ii) the existing nonconforming use of the building or structure would be more appropriately moved to a zone in which the use is permitted, or there no longer exists a zone in which the existing nonconforming use is permitted.

**CONCLUSION:**

Per Chapter 18.54 of the Zoning Code, staff is recommending that the Planning Commission adopt Resolution No. 1249, declaring its intent to conduct a public hearing to determine whether the legal nonconforming status of the Apartments should be terminated based on any of the following: (1) the Apartments have suffered damage that exceeds fifty percent (50%) of their value; (2) the Apartments have ceased operating for a continuous period of six months; and/or (3) the Apartments have been used and operated in a manner constituting a public nuisance. The resolution also provides that, at the hearing, the Planning Commission will consider whether the nonconforming Apartment structures may be abated and their use terminated upon the expiration of the
applicable period of time set forth in Section 18.54.070, subdivision H of the Code. Staff will then provide notice of that hearing as required by Pico Rivera municipal code section 18.54.130. At the hearing, interested parties would be provided an opportunity to be heard and to provide evidence bearing on the Planning Commission’s decision in this matter.

Steven Carmona

SC:JG:jj

Enclosures:
1) Resolution No. 1249
2) Notice of Termination of Nonconforming Structure and Use and Notice of Hearing before the Planning Commission
RESOLUTION NO. 1249

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PICO RIVERA DECLARING ITS INTENT TO CONDUCT A PUBLIC HEARING ON THE TERMINATION OF NONCONFORMING STRUCTURE AND USE AT 8615 WHITTIER BOULEVARD, PICO RIVERA, CALIFORNIA (FORMER WHITTER MANOR APARTMENTS) AND DIRECTING THAT NOTICE OF SAID HEARING BE GIVEN AS REQUIRED BY PICO RIVERA MUNICIPAL CODE SECTION 18.54.130.

WHEREAS, an investigation of the premises at 8615 Whittier Boulevard, Pico Rivera, particularly (Assessor Parcel Nos. 6373-018-005 and 6373-018-008, the "Property"), was initiated by the Planning Commission of the City of Pico Rivera ("City") on or about July 18, 2016; and

WHEREAS, said investigation revealed that the Whittier Manor Apartments (the "Apartments") on the property do not comply with various development and zoning standards currently codified in the Pico Rivera Municipal Code (the "Code" or "PRMC"), and therefore constitute a nonconforming structure and land use subject to termination under Chapter 18.54 of the Code; and

WHEREAS, in or about December 2014, the Apartments suffered a damage event, resulting in collapse of the third-floor balcony and evacuation of approximately 200 tenants; and

WHEREAS, subsequent investigations revealed that the Apartments had been constructed, altered, converted, and/or maintained in a manner that violated the California Building Code, the rules and regulations adopted by the Department of Housing and Community Development, and the PRMC; and

WHEREAS, the Apartments are in a general state of disrepair and are plagued with dry rot, mold, water damage, and other conditions calling into question not only the structural integrity of the Apartments, but their suitability for habitation; and

WHEREAS, the destruction to the Apartments may exceed fifty percent (50%) of their value, such that termination of its legal nonconforming status may be justified by Section 18.54.080 of the Code; and

WHEREAS, the Apartments ceased operating after their evacuation on or about December 2014, such that termination of its legal nonconforming status may be justified by Section 18.54.081 of the Code; and

WHEREAS, the above-described damage event and condition of the Apartments suggests they have been utilized and maintained in a manner constituting a public nuisance, such that terminating the legal nonconforming status of the Apartments may be justified under Section 18.54.100 of the Code; and
WHEREAS, Section 18.54.070 of the Code provides for the abatement of nonconforming structures and termination of their use upon the expiration of certain time periods set forth therein; and

WHEREAS, the reconstruction, restoration, or rebuilding of the Apartments may be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or may be detrimental or injurious to property and improvements in the neighborhood and/or the existing nonconforming use of the building or structure may be more appropriately moved to a zone in which the use is permitted, or there no longer exists a zone in which the existing nonconforming use is permitted; and

WHEREAS, Chapter 18.54 of the Code provides for a process for the Planning Commission to conduct a public hearing to consider whether the legal nonconforming status of the Apartments should be terminated.

NOW, THEREFORE, the Planning Commission of the City of Pico Rivera does hereby RESOLVE as follows:

SECTION 1. That a Public Hearing shall be conducted by the Planning Commission at 6:00 p.m., or as soon thereafter as can be heard, on Monday, July 17, 2017, in the Council Chambers of the City of Pico Rivera, located at 6615 Passons Boulevard, Pico Rivera, California to determine whether the legal nonconforming status of the Apartments should be terminated based on any of the following: (1) the Apartments have been destroyed to the extent of more than fifty percent (50%) of their value; (2) the Apartments have ceased operating for a continuous period of six months; and/or (3) the Apartments have been used and operated in a manner constituting a public nuisance. At the hearing, the Planning Commission will also consider whether the nonconforming Apartment structures may be abated and their use terminated upon the expiration of the applicable period of time set forth in Section 18.54.070, subdivision H of the Code.

SECTION 2. That the attached Notice of Termination of Nonconforming Structure and Use and Notice of Hearing Before the Planning Commission be given as required by Pico Rivera Municipal Code section 18.54.130.
RESOLUTION NO. 1249
Page 3 of 3

APPROVED AND ADOPTED this 19th day of June, 2017 by members of the Planning Commission of the City of Pico Rivera, voting as follows:

Fred Zermeno, Chairperson

ATTEST:

Steven Carmona, Secretary
Planning Commission
Community & Economic Development Director

APPROVED AS TO FORM:

John W. Lam
Alvarez-Glasman & Colvin
Assistant City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:
NOTICE OF TERMINATION OF NONCONFORMING STRUCTURE AND USE
and
NOTICE OF HEARING BEFORE THE PLANNING COMMISSION
Whittier Manor Apartments – 8615 Whittier Blvd, Pico Rivera, California

July 6, 2017

Pursuant to Pico Rivera Municipal Code ("PRMC" or "Code") Section 18.54.130, the Pico Rivera Planning Commission hereby provides notice of a public hearing to consider terminating the legal nonconforming status of the Whittier Manor Apartments (the "Apartments") located at 8615 Whittier Blvd., Pico Rivera, California, Assessor Parcel Nos. 6373-018-005 and 6373-018-008 (the "Property"), legally described as follows:

Parcel 1:

That portion of Lot 49 in the Rancho Paso De Bartolo, as shown on Partition Map in Case No. 20613, Superior Court of the State of California, in the City of Pico Rivera, County of Los Angeles, State of California, recorded in Book 999 Pages 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:

Beginning at a point on the center line of Lexington Road, formerly Lexington and Gallatin Road, distant North 6 degrees 14' 35" East 226.22 feet from the intersection of said center line with the center line of Whittier Boulevard, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65, 66, and 67 of Maps, in the office of the County Recorder of said County; thence South 6 degrees 6' 35" West 20 feet; thence North 62 degrees 39' 25" West 155 feet; thence North 6 degrees 14' 35" East 20 feet, thence South 62 degrees 39' 25" East 155 feet to the point of beginning.

Except therefrom that portion of said land included within the lines of the land described in the Deed to the City of Pico Rivera recorded on March 9, 1964 as Instrument No. 3947 in Book D-2387 Page 662 of Official Records of said County, more particularly described as follows:

Commencing at the center line intersection of Whittier Boulevard and Lexington Road, formerly Lexington and Gallatin Road, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 66 and 67 inclusive of Maps, Records of said County; thence along the center line of Lexington Road, North 6 degrees 14' 35" East 206.22 feet; thence North 62 degrees 39' 25" West 21.44 feet to the true point of beginning; thence continuing North 62 degrees 39' 25" West 10.72 feet to a line parallel with and 30 feet Westerly at right angles from said center line; thence along said parallel line, North 6 degrees 14' 35" East 20.00
feet, thence South 62 degrees 39' 25" East 10.72 feet; thence parallel with said center line South 6 degrees 14' 35" West 20.00 feet to the true point of beginning.

A portion of said land is shown as a portion of Parcel 2 on the Map filed in Book 40 Page 41 of Record of Surveys, in the office of the County Recorder of said County Assessor's Parcel Number: 6373-018-005 (Parcel 2):

That portion of Lot 49 of the Rancho Paso De Bartolo, as shown on Partition Map in Case No. 20613, Superior Court of the State of California, in the City of Pico Rivera, County of Los Angeles, State of California, recorded in Book 999 Pages 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:

Commencing at a point on the center line of Lexington Road, formerly Lexington and Gallatin Road, distant North 6 degrees 14' 35" East 206.22 feet from the intersection of said center line with the center line of Whittier Boulevard, as said center lines are shown on Maps of Tract No. 8128, recorded in Book 101 Pages 65, 66 and 67 of Maps, in the office of the County Recorder of said County, thence North 62 degrees 39' 25" West 155 feet to the true point of beginning; thence North 6 degrees 14' 35" East 90 feet; thence North 62 degrees 39' 25" West 112.26 feet to a line bearing North 5 degrees 58' 35" East from a point in said center line of Whittier Boulevard, distant North 62 degrees 39' 25" West 265.80 feet from said intersection; thence along said line South 5 degrees 58' 35" West 90.16 feet to a line bearing North 62 degrees 39' 25" West from the true point of beginning; thence South 62 degrees 39' 25" East 111.81 feet to the true point of beginning.

Said land is shown as a portion of Parcel 2 on the Map filed in Book 40 Page 41 of Record of Surveys, in the office of the County Recorder of said County.

Assessor's Parcel Number: 6373-018-005 (Parcel 3):

That portion of Lot 49 in the Rancho Paso De Bartolo, in the City of Pico Rivera, County of Los Angeles, State of California, as shown on Partition Map in Case No. 20613, Superior Court of the State of California in and for the County of Los Angeles, recorded in Book 999 Page 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:
Re: NOTICE OF TERMINATION OF NONCONFORMING STRUCTURE AND USE
Whittier Manor Apartments – 8615 Whittier Blvd, Pico Rivera, California
Page 3 of 5

Beginning at a point on the center line of Whittier Boulevard distant North 62 degrees 39' 25" West 385.80 feet from the intersection of said center line with the center line of Lexington Road, formerly Lexington and Gallatin Road, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65 to 67 inclusive of Maps, Records of said County; thence South 62 degrees 39' 25" East 120 feet; thence North 5 degrees 58' 35" East 386.91 feet to a line bearing North 62 degrees 39' 25" West from a point in said center line of Lexington Road, distant North 6 degrees 14' 35" East 386.22 feet from said intersection, thence North 62 degrees 39' 25" West 120 feet to a line bearing North 5 degrees 58' 35" East from the point of beginning; thence South 5 degrees 58' 35" West 386.91 feet to the point of beginning.

Except therefrom that portion of said land included within the lines of the land described in the Deed to the City of Pico Rivera recorded on March 9, 1964 as Instrument No. 3946 in Book D2387 Page 639 of Official Records of said County, more particularly described as follows:

Commencing at the center line intersection of Whittier Boulevard and Lexington Road, formerly Lexington and Gallatin Road, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65 to 67 inclusive of Maps, Records of said County; thence along the center line of Whittier Boulevard, North 62 degrees 39' 25" West 265.80 feet; thence North 5 degrees 58' 35" 42.95 feet to the true point of beginning; thence continuing North 5 degrees 58' 35" East 10.73 feet to a line parallel with and 50 feet Northeasterly at right angles from the center line of Whittier Boulevard, thence along said parallel lines, North 62 degrees 39' 25" West 120.00 feet; thence South 5 degrees 58' 35" West 10.73 feet; thence parallel with said center line, South 62 degrees 39' 25" East 120.00 feet to the true point of beginning.

Also except therefrom, that portion thereof included within the lines of the land described in Parcel 39-30 of Instrument No. 2512 recorded May 19, 1971 in Book M3768 Page 913, of Official Records of said County.

A portion of said land is shown on a portion of Parcel 1 on a Map filed in Book 40 Page 41 of Records of Surveys, in the office of the County Recorder of said County.

Assessor's Parcel Number: 6373-018-008
The hearing is scheduled and will take place as follows:

- **Date:** Monday, July 17, 2017
- **Time:** 6:00 p.m.
- **Location:** Pico Rivera City Hall – City Council Chambers
  
  6615 Passions Boulevard,
  
  Pico Rivera, California 90660

The purpose of the hearing will be to determine whether the legal nonconforming status of the Apartments should be immediately terminated based on any of the following: (1) the Apartments have been destroyed to the extent of more than fifty percent (50%) of their value; (2) the Apartments ceased operating for a continuous period of six months; and/or (3) the Apartments have been used and operated in a manner constituting a public nuisance. (PRCM §§ 18.54.080; 18.54.081; 18.54.100.) The purpose is also to determine whether the nonconforming Apartment structures may be abated and their use terminated upon the expiration of the applicable period of time indicated in Section 18.54.070, subdivision H of the Code.

The Apartments do not comply with various development and zoning standards currently codified in the Code, and therefore constitute a nonconforming structure and land use subject to termination under Chapter 18.54. Specifically:

- The front portion of the Property is zoned "Commercial-General" ("CG"), and is designated in the City's General Plan for "Commercial" land uses. Multi-unit residential uses are only permitted upon issuance of a conditional use permit. (PRMC §§ 18.28.040; 18.40.040(D)(62).) No conditional use permit has been issued for the Apartments.

- The rear portion of the Property is zoned "Planned Residential Unit Development" ("PUD"), and is designated in the City's General Plan for "Medium Density Residential." The PUD zone does not permit multi-family dwelling units. (PRMC §§ 18.16.040; 18.40.040(B)(7).)

- The unit density of the Apartments is more than double the maximum density permitted for any residential use in the City. (PRMC §§ 18.28.050; 18.42.040(D).) Given the Property's size, a maximum of thirty (30) dwelling units is permitted by the Code.

- The Code requires multi-family dwelling units to have two (2) parking spaces in a garage or carport for each dwelling unit. (PRMC § 18.44.040(A)(2).) The Apartments lack the requisite number of parking spaces given the number of units.

On or about December 2014, the Apartments suffered a significant damage event, resulting in collapse of the third-floor balcony and evacuation of approximately 200 tenants. Subsequent investigations revealed the Apartments were in a general state of disrepair and plagued with dry rot, mold, water damage, and other conditions calling into
question not only the structural integrity of the Apartments, but their suitability for habitation.

The Apartments ceased operating after their evacuation on or about December 2014, such that termination of its legal nonconforming status may be justified by Section 18.54.081 of the Code. Moreover, the Apartments may be destroyed to the extent of more than fifty fifty percent (50%) of the Apartments' value, such that termination of its legal nonconforming status may be justified by Section 18.54.080 of the Code. The condition of the Apartments also suggests they have been utilized and maintained in a manner constituting a public nuisance, such that terminating the legal nonconforming status of the Apartments may be justified under Section 18.54.100 of the Code. The Planning Commission will consider these issues at the above-referenced public hearing, as well as the issue of whether the nonconforming Apartment structures may be abated and their use terminated upon the expiration of the applicable period of time indicated in Section 18.54.070, subdivision H of the Code.

At the hearing, interested parties will be provided an opportunity to be heard and to provide evidence bearing on the Planning Commission's decision in this matter. The Planning Commission's decision will be based upon an examination and review of all evidence submitted at the hearing. Within forty (40) days of the conclusion of the hearing, the Planning Commission will adopt a resolution setting forth, among other things, its findings of fact, reasons, conditions, determinations, and other matters related to its decision in this matter.

The City notes that the following actions, among others, would be required to bring the Apartments into compliance with existing zoning provisions: (1) a general plan and zoning code amendment changing the designation and zoning for the rear portion of the Property; (2) a conditional use permit must be obtained; (3) approximately fifty (50) of the Apartments' existing units must be removed; (4) additional parking spaces must be added contingent on the number of units retained; (5) compliance with all development regulations governing multi-family dwelling units set forth in the Pico Rivera Municipal Code; and (6) compliance with all conditions of approval for the conditional use permit.

The Planning Commission will further consider whether (i) the reconstruction, restoration, or rebuilding of the Apartments will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood and/or (ii) the existing nonconforming use of the building or structure would be more appropriately moved to a zone in which the use is permitted, or there no longer exists a zone in which the existing nonconforming use is permitted.

PICO RIVERA PLANNING COMMISSION

James Enriquez,
Director of Public Works / City Engineer
Via Email/Personal Delivery

June 19, 2017

Planning Commission
City of Pico Rivera
6615 Passons Boulevard
Pico Rivera, CA 90660

Re: Whittier Manor Apartments, 8615 Whittier Boulevard, Pico Rivera

Dear Commissioners:

Group XIII Properties, L.P. ("Group XIII Properties") objects to the proposed Resolution No. 1249 which, if adopted commence proceedings to terminate the residential use and apartment buildings (the "Apartments") at the above-referenced property (the "Property").

Group XIII Properties recently learned for the first time that the City wants to formally initiate the process to terminate the Apartments' legal nonconforming use even though Group Properties XIII has elected to exercise its constitutional rights to repair the Apartments and has diligently sought to do so within the proceedings that the City itself invoked under the California Housing Law. Any attempt to terminate this use would violate this State law and our client's constitutional due process rights, and would have no basis in law or fact under the City's Municipal Code ("PRMC") or any other law or regulation, all as outlined below. We urge the City to abandon this proposed unlawful course of action and instead comply with its constitutional duties by approving Group XIII Properties' detailed plans for repair submitted last February, which the County of Los Angeles Fire Department has already approved, and by allowing this owner to complete the repairs. While Group XIII Properties has, at the City's request and in a spirit of compromise, begun evaluating an alternative re-positioning of the Apartments, such as a reduced density of units from the current 79 units, Group XIII Properties has done so without a waiver of its rights to repair the Apartments and to maintain the existing legal conforming use.

1 The City has repeatedly acknowledged that the Apartments constitute a legal nonconforming use. See, e.g., the City's Planning Commission Meeting Minutes of July 18, 2016 at page 6, citing an "investigation by Planning Commission of the legal non-conforming structure located at 8615 Whittier Boulevard", and noting that "the property is considered a legal non-conforming structure because in the 1970's it was permitted as a motel and it was later converted to apartments." (Emphasis added.) A copy of these Minutes is attached as Attachment A.
A. SUMMARY OF THE MARCH 27, 2017 MEETING

In this meeting the City informed our client for the first time that the City may institute proceedings to terminate the Apartments' legal nonconforming use, claiming that it may do so because:

(a) the costs to repair the Apartments allegedly exceed fifty percent of the value of the Property at the time it was partially "destroyed" sometime before the City ordered the vacation of the Apartments in December 2014; or

(b) the Apartments in their current state are a "nuisance".

The City also suggested that this legal nonconforming use could terminate by "operation of law" with enough passage of time. The City stated its belief, however, that the Apartments' non-conforming use would not terminate in the near term or anytime soon on this asserted basis.

When asked what support the City had for seeking to terminate under the alternative in sub-paragraph (a) above, the City acknowledged that it had yet to retain an appraiser or to obtain an appraisal or other valuation of the Property, the Apartments or the estimated costs of repair.

The City's staff thereafter outlined the Property's current zoning and land use designations, and stated that Group XIII Properties could redevelop the Property in accordance with such designations. As Group XIII Properties emphasized, however, doing so would effectively terminate the Apartments' non-conforming use, require their destruction, greatly reduce the number of units it could build under these designations and cause it to incur a severe financial loss.

The parties discussed various possible development alternatives that the Group Properties and the City could find mutually acceptable, such as a somewhat reduced density multi-family development for which discretionary approvals may be required, including a CUP, a Planned Unit Development or a General Plan Amendment. While both sides agreed to explore a potential resolution, the City has since insisted that Group XIII Properties redevelop the Property to comply with current zoning and land use designations, which the City knows would cause the termination of the current use.

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2 This assertion appears to refer to PRMC § 18.54.070, which provides for a termination of a nonconforming use upon expiration of various periods that apply to different properties, uses and buildings, ranging from one year (for unimproved property) to fifty years (for Type I and II buildings). This local regulation, however, appears constitutionally infirm because it purports to cause, by the mere passage of time, a forfeiture of vested property rights protected by the U.S. and California Constitutions and California's well-established vested rights doctrine.
B. THE OWNER HAS DILIGENTLY, TIMELY AND IN GOOD FAITH SOUGHT APPROVAL OF ITS REPAIR PLANS

Since acquiring the Property in September 2015, Group XIII Properties has diligently, timely and in good faith sought the City's approval of its plans to repair the Apartments to a condition that would meet applicable residential standards. Unfortunately, the City has not responded in kind, instead unduly prolonging this process by continually changing the standards it directed Group XIII Properties to meet, by delaying its responses to various repair plans this owner submitted, and by failing to respond altogether to its latest revised plans.

Promptly after this September 2015 purchase, Group XIII Properties engaged PAMA Management, Inc. ("PAMA"), which in turn retained Patel, Burica & Associates Structural Engineers ("PBA"). In November 2015 PBA prepared and submitted repair plans and structural calculations for the City's approval. The City, however, disapproved these plans.

Shortly thereafter, in January and February 2016 PAMA engaged Blue Mountain Development, Inc. ("BMD") and EDENCO, Inc. ("EDENCO") to prepare a forensics inspection and structural analysis of the Apartments. Group XIII Properties, BMD and EDENCO conducted a site inspection February 10, 2016, and meetings with City Director of Economic Development Ben Martinez and City staff March 17, 2016, April 7, 2016 and April 21, 2016 (the latter occurring on the Property). Also on April 21st and April 30, 2016 Group XIII Properties submitted a new application, revised repair plans and structural calculations, and a repair estimate for the City's approval, as directed by the City.

On May 26, 2016 the City sent BMD a letter requiring additional exploratory demolition of the Apartments for the repair work but providing no plan check comments to Group XIII Properties' last application and repair plan submittals. Thereafter, BMD requested, but did not receive, plan check comments from the City for guidance on how to revise repair plans to meet the City's latest requirements.

On July 8, 2016, following six weeks of unsuccessful attempts by BMD to obtain comments to Group XIII Properties' then-pending repair plans and rather than providing such comments, the City sent Group XIII Properties a "Notice of Substandard Building – Order to Repair or Abate" (the "Order to Repair", a copy of which is attached as Attachment B.) Importantly, the Order to Repair invoked the California Housing Law (Health & Safety Code §§ 17890 et seq.) as the basis for its order that Group XIII Properties abate conditions the Order to Repair described as substandard or a nuisance. See the Order to Abate at 1. In so ordering, the Order to Repair stated that at "your [the owner's] election, such remedial action may consist of . . . demolition of the Property . . . [or] the option to complete the repairs necessary to bring the Property into full compliance with all applicable State and local laws". Id. at 2 and 3 (emphasis added). The Order to Repair (at 3) further stated that if the owner elected to repair the Apartments, it had to:
(a) provide notice to the City of this election within 30 days of the Order to Repair;
(b) have a licensed professional inspect the Property, provide a structural analysis and outline the necessary repairs;
(c) submit the inspection report to the City within 60 days of the Order to Repair;
(d) submit the complete repair plans and a schedule for completion of the repairs to the City within 90 days of the Order to Repair; and
(e) complete the repairs within six months of the City's approval of the repair plans.

In response to the Order to Repair Group XIII Properties elected to repair the Apartments and taken the following steps all within the times this Order provided:

(a) Provided notice to the City of the owner's election to repair the Apartments on July 20, 2016 (see a copy of the Meeting Notes dated July 20, 2016 prepared by the owner and the City attached as Attachment C);
(b) Have PBA, a licensed professional, inspect the Property and prepare an inspection report, a structural analysis and an outline of the required repairs, which a City Inspector determined was complete on August 19, 2016 (see a copy of this Inspector's Inspection Record, attached as Attachment D);
(c) Met with the City to obtain comments on the owner's submitted repair plans and schedule for completion in late July 2016, on September 22, 2016 and on December 19, 2016;
(d) Obtain the County of Los Angeles Fire Department's approval of the submitted repair plans and schedule for completion on November 16, 2016; and
(e) Submitted further revised repair plans and completion schedule on January 12, 2017 and final repair plans and completion schedule on February 8, 2017 based on comments received from the City.

Group XIII Properties has taken several actions related to its election to repair in an effort to obtain the City's approval of the submitted inspection report, repair plans and proposed repair schedule. In late July, September 2016 and December 2016 this owner's representatives met with City officials to address comments to Group XIII Properties' proposed plans. On August 1, 2016 Group XIII Properties obtained an Exploratory Demolition Permit in connection with the proposed repairs. On August 11, 2016 it conducted an on-site inspection with a City Inspector to complete the inspection record for this additional demolition exploratory work. Later that month PBA also completed its Inspection Report. The same month a City Inspector signed this inspection as
Although not required by the California Housing Law on which the Order to Repair is based, BMD provided the City an updated valuation of the Property on September 16, 2016. On November 16, 2016 the owner obtained the Fire Department’s approval of the repair plans and schedule.

Nevertheless, and contrary to the Fire Department’s approval of the plans and schedule, the City Planning Department deemed them "incomplete" on December 9, 2016, citing, among other reasons, a need for a site plan, a right of way encroachment and "off-site improvements". These new items are unrelated to the proposed repairs of the Apartments, were never previously required and lie outside the scope of the Order to Repair. On December 19, 2016 the owner’s civil engineer met with the City’s Director of Public Works to attempt to resolve these work items that exceed the Order to Repair’s required submittals. On January 12, 2017 BMD submitted revised plans to include these new work items as a part of its proposed repairs of the Apartments. On February 9, 2017 BMD provided the City an updated repair estimate, although the California Housing Law also does not require this information as a part of the owner’s election to repair.

More than four months have passed since Group XIII Properties’ February 9th submittal of its revised repair plans, but the City has yet to take action on them, despite BMD’s numerous calls and other attempts to obtain the City’s formal response. On March 14, 2017 BMD learned from the City’s Director of Public Works that the City Planning Department had decided to "hold up" City action on these plans while the City considers how to address the Apartments’ "legal nonconforming status".

C. THE CITY CANNOT INFRINGE ON THE OWNER’S CONSTITUTIONAL RIGHT TO REPAIR THE APARTMENTS BY TERMINATING THE NONCONFORMING USE

1. The Owner Has Statutory and Constitutional Rights to Elect to Repair the Apartments and to a Reasonable Opportunity to Complete the Repairs

Group XIII Properties has a statutory and a constitutional right to elect to repair the Apartments, and to a reasonable opportunity to complete the repairs it has proposed for the Apartments. Since the owner has exercised its right to repair over demolition, the City must afford the owner an opportunity to complete the repairs.

California Courts and decisions in “numerous other jurisdictions” have long held that a property owner has a constitutional right to repair its buildings that a city may deem substandard or a nuisance and wants demolished or otherwise no longer used. See, e.g., Hawthorne Savings and Loan Ass’n v. City of Signal Hill, 19 Cal. App. 4th 148, 158-159 (1993) (“Hawthorne”); Armstead v. City of Los Angeles, 152 Cal. App. 2d 319, 324 (1957); Horton v. Gulledge, 277 277 N.C. 353 (1970). These decisions recognize that requiring an owner to demolish a building without compensation is a “taking” that is subject to the constraints of due process. Id.
California has codified the property owner's constitutional right to choose repair or demolition when an agency determines that a building is "substandard" or a "nuisance" in Health & Safety Code § 17890. Hawthorne, 19 Cal. App. 4th at 159 (emphasis added). When an agency makes such a determination, it must commence proceedings "to abate the violation by repair, rehabilitation, vacation, or demolition of the building". Health & Safety Code § 17890(c) (1); Hawthorne, supra. In such proceedings "the owner shall have the choice of repairing or demolishing". Id. (emphasis added). Indeed, the property owner, not the city, possesses the discretion to choose between repairs or demolition. Id. at 161-163.

If the owner chooses to repair, the agency "shall require that the building be brought into compliance according to a reasonable and feasible schedule for expeditious repair". Id. The agency "may require a vacation or demolition or may itself vacate, repair, demolish or institute any other appropriate action or proceeding if any of the following occur:

(A) The repair work is not done within the period required by the notice.

(B) The owner does not make a timely choice of repair or demolition.

(C) The owner selects an option which cannot be completed within a reasonable period of time . . . ."

Id. (emphasis added).

As our State Courts have stressed and these statutory directives manifest, before a municipality can order a demolition or institute any "other action or proceeding" that would deprive an owner of its property rights, a city has "a constitutional duty to first afford [the owner] the choice of repairing . . . the buildings, a reasonable time in which to make that choice and, if [the owner] chose to repair, a reasonable opportunity to do so". Hawthorne, supra, 19 Cal. App. 4th at 158 (emphasis added).

2. The City's Proposed Termination of the Property's Legal Non-Conforming Use Violates the Owner's Constitutional Right to Repair the Apartments

As can be seen, the City here must honor Group XIII Properties' timely election to repair the Apartments by meeting its constitutional duty of affording this owner a "reasonable opportunity" to undertake and complete the proposed repairs within the time provided in the Order to Repair. This owner has complied with all timelines this Order provided, including its election to repair, conducting an inspection, submitting an inspection report and filing its repair plans and schedule. An attempt to terminate the Property's legal non-conforming use on any ground without allowing the owner to perform the repairs and maintain this use would thus violate the City's constitutional obligation of avoiding this taking.
The decision in *Hawthorne* underscores the importance and scope of this constitutional imperative. There, the City of Signal Hill ordered Hawthorne Savings and Loan Association to demolish an apartment complex it acquired through foreclosure, even though Hawthorne wanted to repair this property, based on findings that the buildings were substandard, presented fire and other hazards and were "unsuitable candidates for repair". *Hawthorne*, 19 Cal. App. 4th at 153-154. The Court ruled that Signal Hill had impermissibly denied Hawthorne's right to repair as follows:

"We have no doubt at the time the City issued the demolition order Angeline Court was in a substandard and dangerous condition as defined by the State Housing Law [citations omitted] and the Uniform Code . . . .

We also have no doubt that prior to ordering demolition, the City had a constitutional and statutory duty to first afford Hawthorne the choice of repairing or demolishing the buildings, a reasonable time in which to make that choice and, if Hawthorne chose to repair, a reasonable opportunity to do so."

*Id.* at 158 (emphasis added).

Here, the City's proposed termination of the Property's residential legal nonconforming use would be an even more drastic taking than what Hawthorne faced. The City here would: a) permanently preclude the Apartments' residential use that has existed since the 1970s by reducing its residential density by more than half and barring a residential use on a portion of the Property; and b) effectively require demolition because once this use is barred, the Property's building would have to comply with current zoning and other constraints, such as setbacks, which it cannot do. See PRMC § 18.54050. Quite simply, repairing the Apartments will preserve the Property's existing residential use. By contrast, had Signal Hill succeeded in having Hawthorne's apartments demolished, Hawthorne would have had the right to rebuild apartments on its residentially zoned property, a right that Group XIII Properties would not possess if the nonconforming use were terminated. In either case the constitutional principle remains the same – a local agency cannot use its police power to effectuate a taking, whether by ordering a demolition or by terminating a property's long standing lawful use, under the guise of abating substandard conditions or a nuisance where an owner has elected to repair its own property.

Indeed, that principle is embodied in the broad scope of the statutory and constitutional protections for an owner's right to repair. As noted earlier, a city cannot order the vacation or demolition, cannot itself vacate, repair or demolish, and cannot undertake "any other . . . action or proceeding" so long as an owner has timely elected to repair and has timely completed the repair work. Health & Safety Code § 17890(c) (1); *Hawthorne*, at 159-160 (emphasis added). This protection's robust reach thus encompasses a proceeding to terminate a legal nonconforming use because such a proceeding would violate Group XIII Properties' right to repair the Apartments for their intended residential use, and would otherwise adversely impact this owner's property rights. In
these circumstances the City cannot use a termination of nonconforming use as a basis for preventing the owner's fundamental right to repair the Apartments.

D. THE CITY HAS NO AUTHORITY UNDER ITS CODE TO TERMINATE THE APARTMENTS' LEGAL NONCONFORMING USE

Even if the City were not constitutionally prohibited from impairing the owner's right to repair the Apartments, which we believe the City is so barred, the City would still not have any lawful power to terminate the Property's legal nonconforming use.

The City asserts it may terminate this use because more than half of the Property was destroyed by a casualty or act of God at the time such an event occurred, or the Property's value was so destroyed by more than half as "existing prior to the time of such destruction". See PRMC § 18.54.080. As the City itself has acknowledged, however, it has yet to retain an appraiser or other expert or have an appraisal prepared to determine the extent to which the Property and its improvements were presumably destroyed in 2014 by a casualty or act of God, or the extent of value lost by that time. The only evidence that the City has that pertains to the Property's value or the costs of repair came from the owner. But that information shows that the costs of repair, as of a few months ago not as of 2014, amount to less than one-fourth of the Property's current estimated value, which falls far short of the threshold the City's Code requires. Since the City has no facts to support a termination on this ground, it is difficult to fathom how it could base a termination on this legal basis.

The City has another problem. The City's Code requires the City to arrive at this valuation by "accepted principles, practices [and] methods", but this appears to be an improbable, indeed infeasible, hurdle to overcome since no valuation of the Property or the Apartments, the extent of damage thereto or even the costs to repair that damage were performed before September 2014 when the City "red tagged" the Apartments and ordered their vacation. How could any such valuation occur nearly three years later without this baseline information, and in view of the natural or other degradation, such as vandalism, that has undoubtedly resulted with this passage of time? Any effort to appraise these values long after the fact will inevitably amount to guesswork and speculation, hardly the embodiment of the "accepted principles, practices and methods" the City's own standards require.

The City's own records underscore these difficulties. They show that much of the damage that has occurred resulted from termite infestation and some unspecified water damage. While Planning Commission Minutes make a passing reference to damage from a "rainstorm", that reference does not meet the substantial evidence standard to support a termination on this ground, which requires destruction from a casualty or act of God. In 2014 Southern California was in the depths of this State's worst drought in its recorded history, which began a few years before 2014 and only officially ended yesterday with Governor Jerry Brown's announcement. How could a "rainstorm", if any there was, in 2014 wreak so much havoc on the Apartments at a time when
virtually no rainfall occurred? When did this rainstorm occur? What, if any, assessment of such a rainstorm’s damage did the City undertake before it ordered the vacation of the Apartments?

In truth, and respectfully, the City’s avowed basis for termination on this ground has the hallmarks of a post hoc justification for a predetermined result in view of the paucity of evidence to substantiate this ill-advised and improper course of action. I ask that the City abandon this effort and allow the owner to complete the repairs it has tried to have your City approve since our client bought the Property nearly one and a half years ago.

The second basis for the City’s proposed termination, that of a "nuisance", would fare even worse. The City’s Code requires a Planning Commission finding, based on "essential and necessary facts", that such a nuisance "cannot be abated”. See PRMC § 18.54.110. Any such finding would be belied by the Fire Department's approval of Group XIII Properties' revised repair plans and schedule. It is difficult to imagine an agency with a greater public purpose, responsibility or expertise to protect the public from fire and other safety hazards than this one. Its approval of the owner's plans amount to prima facie evidence that the Apartments' conditions are eminently abatable and reparable. Moreover, the City's own Planning and Building and Safety staff appeared well on their way to approving the owner's pending repair plans when they were apparently directed to "hold" all actions in reviewing and approving these plans by senior City management, apparently as a part of an effort to find a way to terminate our client's legal nonconforming use.

E. CONCLUSION

As should be evident, such steps to terminate a long-standing legal nonconforming use are constitutionally prohibited when our client elected to repair and made every effort to gain the City's approval. The City has a constitutional duty to provide Group XIII Properties a reasonable opportunity to undertake and complete the proposed repairs, the very measures which the Fire Department has approved. While the ownership is willing to explore development alternatives with the City, it confronts serious constraints, such as reduced density, setbacks and other design challenges, in devising alternatives that could generate an acceptable rate of return. The Property's long-standing residential uses have served as the basis for the owner's decision to make its considerable investment in acquiring the Property, revitalizing it and increasing the City's much-needed inventory of affordable housing.
The City must honor the owner's constitutional right to elect to repair the Property. If instead the City initiates proceedings to terminate the residential use and structure, my client reserves all rights and remedies to seek appropriate relief from such an unconstitutional and unlawful action.

Sincerely,

Fernando Villa

cc: Mike Nijjar
Michael Nijjar
Everet Miller
Jesse Carrillo
Nicolas Biro
Wayne Leech, Esq.
Stephen Johnson, Esq.

Each via e-mail only with Attachments
NEW BUSINESS:

a) INVESTIGATION BY PLANNING COMMISSION OF THE LEGAL NON-CONFORMING STRUCTURE LOCATED AT 8615 WHITTIER BOULEVARD (FORMER WHITTER MANOR APARTMENTS)

Assistant Attorney Lam stated that the first item under new business is an investigation by the Planning Commission of a legal non-conforming structure located at 8615 Whittier Boulevard. The former apartment complex is located on the northwest corner of Whittier and Paramount Boulevard. Several years ago there was significant damage during a rainstorm where portions of walkways collapsed and became very dangerous and the City red-tagged the building. The property is considered a legal non-conforming structure because in the 1970's it was permitted as a motel and it was later converted to apartments. Because it is a legal non-conforming structure there are various ways that the legal non-conforming structure will either expire or terminate. Staff considers the property dangerous and has asked the property owners to continue investigating the remaining structures before they are converted back to apartments. Staff is asking that the Planning Commission initiate the investigation so that staff can direct the property owner to provide a comprehensive structural report on the remaining structure to ensure that the building is safe for people to occupy.

Commissioner Elisaldez asked if staff has had communication with the property owners regarding the request for additional structural studies.

Assistant Attorney Lam stated that staff has discussed the issues with the property owners and they have stated that they have made an inspection based on the existing areas that are exposed. However staff is requesting a structural study of the building for items that are not visible.

Commissioner Elisaldez asked if the owner is not willing to comply.

Director Martinez stated that the conversation is still ongoing but that City staff would like the owners to provide a complete structural report.

Commissioner Gomez asked staff to confirm if the owners plan to reopen the building as apartments.

Assistant Attorney Lam replied that there have been various discussions and it is most probable that the owner's desire is to reopen the building as apartments.

AYES: Elisaldez, Garcia, Gomez, Zermeno, Celiz
NOES: None
ABSENT: None
July 8, 2016

VIA CERTIFIED MAIL

Group XIII Properties, LP
4900 Santa Anita Avenue, Unit 2C
El Monte, CA 91731-1490

NOTICE OF SUBSTANDARD BUILDING – ORDER TO REPAIR OR ABATE
8615 Whittier Boulevard -- “Whitter Manor Apartments”

To Property Owner:

Please take notice that, pursuant to the California State Housing Law (Health & Safety Code Sections 17890 et seq.), the State Housing Law Regulations (Title 25, Div. 1, Ch. 1, Subch. 1, the “Housing Regs.”), and the Pico Rivera Municipal Code (“PRMC”), the City of Pico Rivera (“City”) has determined that the above-referenced property and improvements structure thereon (the “Property”) constitute a “substandard building” and public nuisance.

The Property has been constructed, altered, converted, and/or maintained in violation of the building standards published in the California Building Standards Code, the rules and regulations governing residential structures adopted by the Department of Housing and Community Development (including but not limited to the California Residential Standards Code and the Uniform Housing Code), Title 15 (Building and Construction) of the PRMC, and Title 8, Chapter 8.16, Article 1 (Nuisance Abatement) of the PRMC.

The conditions of the Property creating and/or causing the substandard and nuisance condition include, but are not limited, to those set forth below. (See Health & Safety Code Section 17920.3; PRMC § 8.16.010). Such conditions are so extensive and are of such a nature that they endanger the health and safety of residents and the public.

- Inadequate sanitation, including but not limited to: visible mold growth; and general dilapidation or improper maintenance.
- Structural hazards, including but not limited to: deteriorated or inadequate foundations; defective or deteriorated flooring or floor supports; flooring or floor supports of insufficient size to carry imposed loads with safety; members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration; members of walls, partitions, or other vertical supports that are of insufficient size to carry...
imposed loads with safety; members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration; members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

- The Property is constructed and/or maintained so as to constitute a nuisance, including but not limited to: allowing an unlawful condition to exist on the Property; the building constitutes a substandard and dangerous condition; the building has been partially destroyed, damaged, or vacant for more than six (6) months; maintenance of the premises so out of harmony or conformity with the maintenance standards of adjacent properties so as to cause a substantial diminution of the enjoyment, use or property values of such adjacent properties; maintenance in relation to others so as to cause depreciated values, impaired investments, or social and economic maladjustments; and building erection, reconstruction, or structurally altered in a manner violating the zoning code.

- Faulty weather protection, including but not limited to: deteriorated, crumbling, or loose plaster; deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors; defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective coating; broken, rotted, split, or buckled exterior wall coverings or roof coverings.

- Conditions providing a ready fuel to augment the spread and intensity of fire or explosion.

- Construction materials have not been adequately maintained in a good and safety condition.

- Unsafe building to due inadequate maintenance in accordance with the latest edition of the Uniform Building Code.

- Exit facilities have not been adequately maintained.

- Fire-resistive integrity has not been adequately maintained and improved.

- Portions of the Property occupied for living, sleeping, cooking, or dining purposes were not designed or intended for such purposes.

- Inadequate structural resistance to horizontal forces.

- Noncompliance with structural fire safety and fire-resistant building standards.

As the Property Owner you are required by law, and hereby directed by the City, to take initiate remedial action within thirty (30) days of this notice to abate these substandard and nuisance conditions. At your election, such remedial action may consist of the following two (2) options:

1) Complete Demolition of the Property – Demolition of the Property will remediate the substandard and nuisance conditions identified above. To proceed with this option, you are required to apply for and obtain a demolition permit from the City (and any other
applicable permits from government agencies with jurisdiction) within 30 days of this notice. Any such demolition must be completed within 60 days of this notice.

2) Repair the Substandard / Nuisance Conditions of the Property – You have the option to complete the repairs necessary to bring the Property into full compliance with all applicable State and local laws. If you desire to proceed with repairing the Property, you must diligently pursue and complete the following actions in accordance with the following schedule:

- Notice to City of Election to Repair – If you chose to repair the Property, you must advise the City in writing within thirty (30) days of this notice.

- Full Inspection of the Property – Given the significantly dilapidated condition of the Property, the exact nature of scope of repairs required to bring it into compliance with applicable laws is unknown. Accordingly, you must retain a licensed professional to complete a full and complete inspection and analyses of the entire structural integrity of the Property, and outline the repairs necessary to bring the Property into compliance with all applicable laws. The exact scope and nature of the requisite inspection(s) may vary depending on preliminary observations, but shall include exploratory demolition (after obtaining requisite demolition permits) necessary to test and inspect the Property’s foundation and structural support systems. Such exploratory investigation shall include, at a minimum, exposing wood and steel framing to a minimum radial distance of three (3) feet beyond the site of visible distressed or damaged walls, ceilings, floor coverings, and framing members. You must provide notice of the time, date, and location of the inspection to the City at least ten (10) days in advance, and the City shall be entitled to participate and observe the same.

- Submission of Inspection Report to City – A full and complete inspection report outlining the current condition of the Property, and the repairs required to bring it into compliance with all applicable laws, shall be provided to the City within sixty (60) days of this notice. Such report shall also include an estimated valuation of the Property in its current condition, and an estimate of the cost of requisite repairs.

- Submission of Plans and Project Schedule – Within ninety (90) days of this correspondence, you must submit complete plans to the City outlining the repair work to be completed, and a schedule for obtaining requisite permits and completing the necessary work. Depending on the scope of work required (as indicated in the inspection report), the schedule shall detail measurable construction benchmarks to be met within a specific and expeditious time period; with the schedule subject to approval by the City. Regardless of the scope of repairs necessary, the construction work required to bring the Property into full compliance with all applicable laws shall be completed within six (6) months of the City’s approval of the plans.

In accordance with Health & Safety Code Section 17980.6, you are hereby advised as follows:

- This notice is issued by the City of Pico Rivera, 6615 Passons Boulevard, CA 90660, (562) 942-2000.
• No public hearing has yet been scheduled concerning this matter, but the City shall provide written notice of any future hearing(s).

• Any lessor of the Property is prohibited from retaliating against any lessee pursuant to Section 1942.5 of the California Civil Code.

The City will cause copies of this notice to be posted on the Property, mailed to or posted on each affected residential unit, mailed to any recorded mortgagee or beneficiary, and provided to the City Clerk. (H&S Code § 17980.6; Housing Regs. § 58.) Additionally, notice of the pendency of these proceedings will be recorded in the Los Angeles County Recorder’s Office. (H&S Code § 17985.)

Please be advised that your failure to notify the City of your election to demolish or repair the Property within 30 days, or – in the case of repair – your failure to strictly comply with the above schedule, will result in the City administratively abating the Property. Any costs incurred by the City in connection with this matter will be secured as a lien on the Property.

The City expressly reserves any and all legal rights and remedies it has with respect to this matter and the abatement of the Property. This includes, but is not limited to, pursuing demolition, abatement and/or termination of the current use of the Property depending on the results of the inspection outlined above.

If you have any questions about this correspondence, or would like to advise the City of your election to demolish or abate, please contact the undersigned.

Regards,

CITY OF PICO RIVERA

James Enriquez, P.E.
Director of Public Works/City Engineer

cc: Rene Bobadilla, City Manager
    Arnold M. Alvarez-Glasman, City Attorney
    Christopher G. Cardinale, Assistant City Attorney
Attendees:

City of Pico Rivera,
  James Enriquez, City Engineer
  Ken Fields, Building Official
  Ben Martinez, Director of Community and Economic Development
  Christopher Cardinale, Assistant City Attorney

Applicant,
  Everet Miller, Chairman, PAMA Management, Inc.
  DJ Kler, President, PAMA Management, Inc.
  Michael Nijjar, PAMA Management, Inc.
  Sheri Wilson, PAMA Management, Inc.
  Nick Biro, Applicant Representative – BMD, Inc.
  Jacob Daye, Patel, Burica & Associates – Structural Engineer. (PBA)
  Wayne Leech, Attorney – via teleconference.

Background; (see attached timeline of application submittal and meeting records)

1- Applicant would like to prepare a plan to guide the onsite exploratory effort; in order to do so we will perform the following,

   a. Conduct site observation to identify locations that show signs of possible distress in the buildings. PBA will be on site beginning July 25 and July 26 to walk and identify (spray paint) the areas that to be identified. We will contact Ken Fields to review the areas and suggest any additional areas to be exposed or agree with the markings. Applicant will then request a Demo Permit for the identified areas.

   b. Develop a “Demo Plan” showing the locations of all areas which are showing signs of possible distress. Applicant believes that a simple plan that defines these locations should accompany the demo permit for clarity to the contractor and subsequent inspection.

   c. “Demo Plan” to be submitted to the City in order to obtain a demo permit.

   d. Conduct a site visit to walk the site with the contractor and assist in marking on the building the locations and extent of the finishes to be removed. PBA will be on site guiding the contractor if necessary. Applicant / PBA and Contractor will meet on site to review the plan and assure adherence to the plan.

   e. Once the areas are opened and the structural members are exposed, conduct a site observation to observe the existing framing conditions. Upon completion of the approved exposure Applicant will contact Ken Fields for inspection and discussion of revisions to the plans.

   f. Update existing structural repair plans and calculations to incorporate any new findings if necessary. City and Applicant agree with this approach. Additionally, City has requested that a narrative describing the above process be submitted along with the revised plans and revised structural calculations. This Memo documenting the process is part of the
structural calculations in order to document the approach and methodology as well as the
design criteria for the calculations.

2- Applicant would like to request that City of Pico Rivera issue a Building Permit to repair 8615
Whitter Boulevard based on the Structural Plans and Structural Calculations prepared by Patel
Burica & Associates, Inc. after addressing comments to the plans identified by your Structural
Engineering Plan Check Consultant and findings from the demo plan. These will become our
"Approved Plan"

City will issue a Building Permit after the review and approval of the revised plans. Applicant will
be able to work on the entire structure. Applicant will have to pull a Roofing Permit at the time
Roof Repairs are scheduled and all structural deficiencies in the roof systems will be addressed at
that time in order to limit the exposure of the structures to rain damage.

3- Applicant will work together with the City to guide the process to identify additional repairs and
coordinate those items into our scope of work and City’s inspection effort as/or if they arise
during the repair effort.
Agreed – updated estimate will be provided with the new set of plans.

4 Applicant will keep current any mutually agreed deviation to the “approved plan” by on site
design and oversight of our Structural Engineer and agreement by the Building inspector.
Agreed – any additional repairs throughout the repair effort will be discussed with Ken Fields.

5 Applicant wishes to establish a protocol for inspections including timing for a request for an
inspection (example 48 hrs. notice) or attendance to an on-site meeting to discuss or evaluate
work. We will support a dedicated individual to be available on a time and materials basis to
adhere to the established protocol and bring the project to a successful and timely repair.

6 In order to accomplish the expedited plan review and inspection process we would like to
participate in a reimbursement agreement to facilitate the payment to outside services if needed.
City commitment to expedite the plan check process so building permits can be obtained as soon
as possible.

Applicant and City wished to enter into a Memorandum of Understanding (MOU) that will outline
the two items above and will include provisions or a separate Reimbursement Agreement to
achieve the desired support and expedition of plan review and inspection.

Christopher Cardinale will take a first cut at the MOU and distribute for review. (One week)

7 City letter referenced foundation inspections. What foundation inspections are requested and
why?

City agrees that the foundation as is does not require inspection, unless damage is detected at any
time during the project. If the repair plan adds additional load to the structure – then the
foundation will require inspection.
### Partial and Miscellaneous Inspections

**8/14/16 - Demolition for Exploration**

Inspection by BLUES Division

Structural Engineer Completed

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### Inspection Record

**Address:** 8015 Whittier Blvd

**Owner:** Source III Properties Inc

**Contractor:** Blue Mountain

**Date Issued:** 8/14/16

**Permit No:** 16080023

**Description of Work:** Exploration

**Owner:** 8015 Whittier Blvd

**Inspection Requirements:**
- Ladders must be provided by the owner at owner's expense for all roof, storefront, and fourth-floor inspectors.
- In the event of construction, temporary occupancy permits have been approved.

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**Note:** It is unlawful to occupy this building or structure before final approval.
RESOLUTION NO. 1249

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PICO RIVERA DECLARING ITS INTENT TO CONDUCT A PUBLIC HEARING ON THE TERMINATION OF NONCONFORMING STRUCTURE AND USE AT 8615 WHITTIER BOULEVARD, PICO RIVERA, CALIFORNIA (FORMER WHITTIER MANOR APARTMENTS) AND DIRECTING THAT NOTICE OF SAID HEARING BE GIVEN AS REQUIRED BY PICO RIVERA MUNICIPAL CODE SECTION 18.54.130.

WHEREAS, an investigation of the premises at 8615 Whittier Boulevard, Pico Rivera, particularly (Assessor Parcel Nos. 6373-018-005 and 6373-018-008, the “Property”), was initiated by the Planning Commission of the City of Pico Rivera (“City”) on or about July 18, 2016; and

WHEREAS, said investigation revealed that the Whittier Manor Apartments (the “Apartments”) on the property do not comply with various development and zoning standards currently codified in the Pico Rivera Municipal Code (the “Code” or “PRMC”), and therefore constitute a nonconforming structure and land use subject to termination under Chapter 18.54 of the Code; and

WHEREAS, in or about December 2014, the Apartments suffered a damage event, resulting in collapse of the third-floor balcony and evacuation of approximately 200 tenants; and

WHEREAS, subsequent investigations revealed that the Apartments had been constructed, altered, converted, and/or maintained in a manner that violated the California Building Code, the rules and regulations adopted by the Department of Housing and Community Development, and the PRMC; and

WHEREAS, the Apartments are in a general state of disrepair and are plagued with dry rot, mold, water damage, and other conditions calling into question not only the structural integrity of the Apartments, but their suitability for habitation; and

WHEREAS, the destruction to the Apartments may exceed fifty percent (50%) of their value, such that termination of its legal nonconforming status may be justified by Section 18.54.080 of the Code; and

WHEREAS, the Apartments ceased operating after their evacuation on or about December 2014, such that termination of its legal nonconforming status may be justified by Section 18.54.081 of the Code; and

WHEREAS, the above-described damage event and condition of the Apartments suggests they have been utilized and maintained in a manner constituting a public nuisance, such that terminating the legal nonconforming status of the Apartments may be justified under Section 18.54.100 of the Code; and
WHEREAS, Section 18.54.070 of the Code provides for the abatement of nonconforming structures and termination of their use upon the expiration of certain time periods set forth therein; and

WHEREAS, the reconstruction, restoration, or rebuilding of the Apartments may be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or may be detrimental or injurious to property and improvements in the neighborhood and/or the existing nonconforming use of the building or structure may be more appropriately moved to a zone in which the use is permitted, or there no longer exists a zone in which the existing nonconforming use is permitted; and

WHEREAS, Chapter 18.54 of the Code provides for a process for the Planning Commission to conduct a public hearing to consider whether the legal nonconforming status of the Apartments should be terminated.

NOW, THEREFORE, the Planning Commission of the City of Pico Rivera does hereby RESOLVE as follows:

SECTION 1. That a Public Hearing shall be conducted by the Planning Commission at 6:00 p.m., or as soon thereafter as can be heard, on Monday, July 17, 2017, in the Council Chambers of the City of Pico Rivera, located at 6615 Passons Boulevard, Pico Rivera, California to determine whether the legal nonconforming status of the Apartments should be terminated based on any of the following: (1) the Apartments have been destroyed to the extent of more than fifty percent (50%) of their value; (2) the Apartments have ceased operating for a continuous period of six months; and/or (3) the Apartments have been used and operated in a manner constituting a public nuisance. At the hearing, the Planning Commission will also consider whether the nonconforming Apartment structures may be abated and their use terminated upon the expiration of the applicable period of time set forth in Section 18.54.070, subdivision H of the Code.

SECTION 2. That the attached Notice of Termination of Nonconforming Structure and Use and Notice of Hearing Before the Planning Commission be given as required by Pico Rivera Municipal Code section 18.54.130.
RESOLUTION NO. 1249
Page 3 of 3

APPROVED AND ADOPTED this 19th day of June, 2017 by members of the Planning Commission of the City of Pico Rivera, voting as follows:

Fred Zermeno, Chairperson

ATTEST:

Steven Carmona, Secretary
Planning Commission
Community & Economic Development Director

APPROVED AS TO FORM:

John W. Lam
Alvarez-Glasman & Colvin
Assistant City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:
City of Pico Rivera
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
6615 Passons Boulevard - Pico Rivera, California 90660

Steven Carmona
Director

City of Pico Rivera
NOTICE OF TERMINATION OF NONCONFORMING STRUCTURE AND USE
and
NOTICE OF HEARING BEFORE THE PICO RIVERA PLANNING COMMISSION
Whittier Manor Apartments – 8615 Whittier Blvd, Pico Rivera, California

July 6, 2017

Pursuant to Pico Rivera Municipal Code ("PRMC" or "Code") Section 18.54.130, the Pico Rivera Planning Commission hereby provides notice of a public hearing to consider terminating the legal nonconforming status of the Whittier Manor Apartments (the "Apartments") located at 8615 Whittier Blvd., Pico Rivera, California, Assessor Parcel Nos. 6373-018-005 and 6373-018-008 (the "Property"), legally described as follows:

Parcel 1:

That portion of Lot 49 in the Rancho Paso De Bartolo, as shown on Partition Map in Case No. 20613, Superior Court of the State of California, in the City of Pico Rivera, County of Los Angeles, State of California, recorded in Book 999 Pages 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:

Beginning at a point on the center line of Lexington Road, formerly Lexington and Gallatin Road, distant North 6 degrees 14' 35" East 226.22 feet from the intersection of said center line with the center line of Whittier Boulevard, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65, 66, and 67 of Maps, in the office of the County Recorder of said County; thence North 6 degrees 14' 35" West 20 feet; thence North 62 degrees 39' 25" West 155 feet; thence North 6 degrees 14' 35" East 20 feet; thence South 62 degrees 39' 25" East 155 feet to the point of beginning.

Except therefrom that portion of said land included within the lines of the land described in the Deed to the City of Pico Rivera recorded on March 9, 1964 as Instrument No. 3947 in Book D-2387 Page 662 of Official Records of said County, more particularly described as follows:

Commencing at the center line intersection of Whittier Boulevard and Lexington Road, formerly Lexington and Gallatin Road, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 66 and 67 inclusive of Maps, Records of said County; thence along the center line of Lexington Road, North 6 degrees 14' 35" East 206.22 feet; thence North 62 degrees 39' 25" West 21.44 feet to the true point of beginning; thence continuing North 62 degrees 39' 25" West 10.72 feet to a line parallel with and 30 feet Westerly at right angles from said center line; thence along said parallel line, North 6 degrees 14' 35" East 20.00 feet, thence South 62 degrees...
Notice of Termination
8615 Whittier Boulevard

39° 25' East 10.72 feet; thence parallel with said center line South 6 degrees 14’ 35” West 20.00 feet to the true point of beginning.

A portion of said land is shown as a portion of Parcel 2 on the Map filed in Book 40 Page 41 of Record of Surveys, in the office of the County Recorder of said County Assessor's Parcel Number: 6373-018-005 (Portion)

Parcel 2:

That portion of Lot 49 of the Rancho Paso De Bartolo, as shown on Partition Map in Case No. 20613, Superior Court of the State of California, in the City of Pico Rivera, County of Los Angeles, State of California, recorded in Book 999 Pages 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:

Commencing at a point on the center line of Lexington Road, formerly Lexington and Gallatin Road, distant North 6 degrees 14’ 35” East 206.22 feet from the intersection of said center line with the center line of Whittier Boulevard, as said center lines are shown on Maps of Tract No. 8128, recorded in Book 101 Pages 65, 66 and 67 of Maps, in the office of the County Recorder of said County, thence North 62 degrees 39’ 25” West 155 feet to the true point of beginning; thence North 6 degrees 14’ 35” East 90 feet; thence North 62 degrees 39’ 25” West 112.26 feet to a line bearing North 5 degrees 58’ 35” East from a point in said center line of Whittier Boulevard, distant North 62 degrees 39’ 25” West 265.80 feet from said intersection; thence along said line South 5 degrees 58’ 35” West 90.16 feet to a line bearing North 62 degrees 39’ 25” West from the true point of beginning; thence South 62 degrees 39’ 25” East 111.81 feet to the true point of beginning.

Said land is shown as a portion of Parcel 2 on the Map filed in Book 40 Page 41 of Record of Surveys, in the office of the County Recorder of said County.

Assessor's Parcel Number: 6373-018-005 (Portion)

Parcel 3:

That portion of Lot 49 in the Rancho Paso De Bartolo, in the City of Pico Rivera, County of Los Angeles, State of California, as shown on Partition Map in Case No. 20613, Superior Court of the State of California in and for the County of Los Angeles, recorded in Book 999 Page 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:

Beginning at a point on the center line of Whittier Boulevard distant North 62 degrees 39’ 25” West 385.80 feet from the intersection of said center line with the center line of Lexington Road, formerly Lexington and Gallatin Road, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65 to 67 inclusive of Maps, Records of said County; thence South 62 degrees 39’ 25” East 120 feet; thence North 5 degrees 58’ 35” East 386.91 feet to a line bearing North 62 degrees 39’ 25” West from a point in said center line of Lexington Road, distant North 6 degrees 14’ 35” East 386.22 feet from said intersection, thence North 62 degrees 39’ 25” West 120
'feet to a line bearing North 5 degrees 58' 35" East from the point of beginning; thence South 5 degrees 58' 35" West 386.91 feet to the point of beginning.

Except therefrom that portion of said land included within the lines of the land described in the Deed to the City of Pico Rivera recorded on March 9, 1964 as Instrument No. 3946 in Book D2387 Page 639 of Official Records of said County, more particularly described as follows:

Commencing at the center line intersection of Whittier Boulevard and Lexington Road, formerly Lexington and Gallatin Road, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65 to 67 inclusive of Maps, Records of said County; thence along the center line of Whittier Boulevard, North 62 degrees 39' 25" West 265.80 feet; thence North 5 degrees 58' 35" 42.95 feet to the true point of beginning; thence continuing North 5 degrees 58' 35" East 10.73 feet to a line parallel with and 50 feet Northeasterly at right angles from the center line of Whittier Boulevard, thence along said parallel lines; North 62 degrees 39' 25" West 120.00 feet; thence South 5 degrees 58' 35" West 10.73 feet; thence parallel with said center line, South 62 degrees 39' 25" East 120.00 feet to the true point of beginning.

Also except therefrom, that portion thereof included within the lines of the land described in Parcel 39-30 of Instrument No. 2512 recorded May 19, 1971 in Book M3768 Page 913 of Official Records of said County.

A portion of said land is shown on a portion of Parcel 1 on a Map filed in Book 40 Page 41 of Records of Surveys, in the office of the County Recorder of said County.

Assessor's Parcel Number: 6373-018-008

The hearing is scheduled and will take place as follows:

**Date:** Monday, July 17, 2017  
**Time:** 6:00 p.m.  
**Location:** Pico Rivera City Hall – City Council Chambers  
6615 Passions Boulevard,  
Pico Rivera, California 90660

The purpose of the hearing will be to determine whether the legal nonconforming status of the Apartments should be immediately terminated based on any of the following: (1) the Apartments have been destroyed to the extent of more than fifty percent (50%) of their value; (2) the Apartments ceased operating for a continuous period of six months; and/or (3) the Apartments have been used and operated in a manner constituting a public nuisance. (PRCM §§ 18.54.080; 18.54.081; 18.54.100.) The purpose is also to determine whether the nonconforming Apartment structures may be abated and their use terminated upon the expiration of the applicable period of time indicated in Section 18.54.070, subdivision H of the Code.

The Apartments do not comply with various development and zoning standards currently codified in the Code, and therefore constitute a nonconforming structure and land use subject to termination under Chapter 18.54. Specifically:
• The front portion of the Property is zoned “Commercial-General” ("CG"), and is designated in the City's General Plan for "Commercial" land uses. Multi-unit residential uses are only permitted upon issuance of a conditional use permit. (PRMC §§ 18.28.040; 18.40.040(D)(62).) No conditional use permit has been issued for the Apartments.

• The rear portion of the Property is zoned “Planned Residential Unit Development” (“PUD”), and is designated in the City's General Plan for "Medium Density Residential." The PUD zone does not permit multi-family dwelling units. (PRMC §§ 18.16.040; 18.40.040(B)(7).)

• The unit density of the Apartments is more than double the maximum density permitted for any residential use in the City. (PRMC §§ 18.28.050; 18.42.040(D).) Given the Property's size, a maximum of thirty (30) dwelling units is permitted by the Code.

• The Code requires multi-family dwelling units to have two (2) parking spaces in a garage or carport for each dwelling unit. (PRMC § 18.44.040(A).) The Apartments lack the requisite number of parking spaces given the number of units.

On or about December 2014, the Apartments suffered a significant damage event, resulting in collapse of the third-floor balcony and evacuation of approximately 200 tenants. Subsequent investigations revealed the Apartments were in a general state of disrepair and plagued with dry rot, mold, water damage, and other conditions calling into question not only the structural integrity of the Apartments, but their suitability for habitation. The Apartments ceased operating after their evacuation on or about December 2014, such that termination of its legal nonconforming status may be justified by Section 18.54.081 of the Code. Moreover, the Apartments may be destroyed to the extent of more than fifty percent (50%) of the Apartments’ value, such that termination of its legal nonconforming status may be justified by Section 18.54.080 of the Code. The condition of the Apartments also suggests they have been utilized and maintained in a manner constituting a public nuisance, such that terminating the legal nonconforming status of the Apartments may be justified under Section 18.54.100 of the Code. The Planning Commission will consider these issues at the above-referenced public hearing, as well as the issue of whether the nonconforming Apartment structures may be abated and their use terminated upon the expiration of the applicable period of time indicated in Section 18.54.070, subdivision H of the Code.

At the hearing, interested parties will be provided an opportunity to be heard and to provide evidence bearing on the Planning Commission's decision in this matter. The Planning Commission's decision will be based upon an examination and review of all evidence submitted at the hearing. Within forty (40) days of the conclusion of the hearing, the Planning Commission will adopt a resolution setting forth, among other things, its findings of fact, reasons, conditions, determinations, and other matters related to its decision in this matter.

The City notes that the following actions, among others, would be required to bring the Apartments into compliance with existing zoning provisions: (1) a general plan and zoning code amendment changing the designation and zoning for the rear portion of the Property; (2) a conditional use permit must be obtained; (3) approximately fifty (50) of the Apartments’ existing units must be removed; (4) additional parking spaces must be added contingent on the number of units retained; (5) compliance with all development regulations governing multi-family dwelling units set forth in the Pico Rivera Municipal Code; and (6) compliance with all conditions of approval for the conditional use permit.
The Planning Commission will further consider whether (i) the reconstruction, restoration, or rebuilding of the Apartments will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood and/or (ii) the existing nonconforming use of the building or structure would be more appropriately moved to a zone in which the use is permitted, or there no longer exists a zone in which the existing nonconforming use is permitted.

PERSONS INTERESTED IN THIS MATTER are invited to attend this hearing to express their opinion on the above matter. Written comments may also be submitted to the City of Pico Rivera Planning Division by July 17, 2017 before 5:00 p.m. Copies of all relevant material including reports, and maps are available to the general public for review in the Planning Division at City Hall, 6615 Passons Boulevard, Pico Rivera, California. For more information please call Julia Gonzalez with the Planning Division at (562) 801-4447.

If a challenge is made by any party in court from actions arising out of the public hearing, you may be limited to raising only those issues you or someone else raised during the public hearing described in this notice, or in written correspondence delivered to the City of Pico Rivera City Clerk at, or prior to, the public hearing.

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 contact Anna M. Jerome at (562) 801-4389 if special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order for accommodations to be arranged.

PICO RIVERA PLANNING COMMISSION

Steve Carmona
Director
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thirty ml dwelling unit Is oarmlftd bytthe Code

desll0

bvlmnv and a Ilan of

Pico Rivera ca IlarN90660

6615 paslnc Boulevard

Parks

Parks

Parks

Parks

The Code reaulres multlfamlly awalllnp

oe fen-

thirty ml dwelling unit Is oarmlftd bytthe Code

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desll0

bvlmnv and a Ilan of

Pico Rivera ca IlarN90660

6615 paslnc Boulevard

Parks

Parks
Chapter 18.16 PUD PLANNED RESIDENTIAL UNIT DEVELOPMENT ZONE

18.16.010 Establishment.
There is hereby established a zone which shall hereinafter be known as the “PUD planned residential unit development zone,” and which shall function and serve as set out in this chapter. (Prior code § 9205.05)

18.16.020 Intent and purpose.
The intent and purpose of the PUD zone is to principally designate and distinguish certain areas within the community that can best be utilized to attain the following:
A. To create a better living environment;
B. To promote the achievement of residential land use amenities that could not otherwise be obtained under more conventional methods and development;
C. To achieve greater design flexibility of residential acreage than could otherwise be possible through the application of more conventional residential zone regulations;
D. To encourage well-planned developments through more creative, innovative and imaginative planning principles, practice and techniques;
E. To reserve a greater proportion of open-space land for recreation, conservation, park and other similar kinds of use facilities than is otherwise required by more conventional residential zone regulations;
F. To provide for a more efficient, appropriate and desirable use of land which is sufficiently unique in its physical characteristics and other circumstances to warrant special methods of development;
G. To provide areas of natural scenic beauty, vistas, landmarks, promontories and other environmental features through integrated land planning, design, and unified control of physical development patterns; and
H. To set forth use regulations and property development regulations that will best assure that the intent and purpose of this chapter are carried out. (Prior code § 9205.05 (A))

18.16.030 Applicability—Criteria.
A. The PUD zone is a land use classification which, in part, assists in the implementation of the residential land use, housing and environmental elements of the general plan. It is a zone classification designed to be applied on selective areas of the community where the land is of sufficient size, shape and configuration, and possesses the characteristics to warrant a planned residential unit development.
B. Application of the PUD zone must clearly qualify in accordance with the intent and purpose established herein, and must also be protected from the encroachment of land uses and development that would tend to oversaturate land capabilities.
C. Uses of land and development which do not qualify and which are not specifically permitted in the PUD zone are hereby expressly prohibited. (Prior code § 9205.05 (B))

18.16.040 Permitted uses.
Regulations governing permitted uses of land in the PUD zone are specifically set forth in Chapter 18.40 of this title. (Prior code § 9205.05 (C))

18.16.050 Property development conditions.

Regulations governing the development of property for uses in the PUD zone are specifically set forth in Chapter 18.42 of this title. (Prior code § 9205.05 (D))

18.16.060 Off-street parking.

Regulations governing off-street parking requirements for uses and development of property in the PUD zone are specifically set forth in Chapter 18.44 of this title. (Prior code § 9205.05 (E))

18.16.070 Signs and advertising.

Regulations governing permitted signs and advertising for uses and development of property in the PUD zone are specifically set forth in Chapter 18.46 of this title. (Prior code § 9205.05 (F))

18.16.080 Minimum regulations—Additional conditions.

The regulations set forth in this title, and those set forth in Title 17 of this code governing planned residential unit developments in the PUD zone, are deemed to be minimum and not all-inclusive. The design review board, planning commission and/or city council may establish conditions or requirements as may be deemed necessary to maintain, preserve, protect, perpetuate and promote not only the public health, safety, environment and general welfare, but the integrity of the PUD zone as well. (Prior code § 9205.05 (G))

18.16.090 Scope of development—Comprehensive planning.

The scope and complexity of development shall be of such a nature so as to effect an integral land-planning unit that provides achievement in conformity with the intent and purpose of the PUD zone. The overall plan of development shall be comprehensive, embracing all interrelationships of land, buildings, and other environmental features and characteristics, and shall attain a whole, three-dimensional concept. The development must also be well-related to existing and planned land uses and circulation patterns (both pedestrian and vehicular) of adjoining properties, and must not constitute a disruptive element with regard to adjacent community neighborhood areas. Internal vehicular circulation systems shall not be a dominant feature in the overall design, but must, however, be so designed for the efficient and safe movement and flow of vehicles without having a disruptive influence on the characteristics, features, activities and functions of the facilities to be provided. (Prior code § 9205.05 (H))

18.16.100 Environmental features—Location of facilities.

In the PUD zone, environmental design features shall be compatible and consistent with the elements, goals and objectives of the general plan. Recreational facilities must be located throughout the development in order to obtain maximum dispersion and be in close proximity to all dwelling units, or easily accessible thereto. Various community facilities shall be grouped in areas well-related to open spaces, designed as focal points of overall development features, and easily accessible thereto by the residents of the development. (Prior code § 9205.05 (I))
18.16.110 Development progress schedule.

A. The conditional use permit granted for establishment of a planned residential unit development shall include an approved progress schedule indicating the development of open-space lands related to the construction of residential dwelling units. Such progress schedule shall become a condition of conditional use permit approval.

B. Planned residential unit development projects proposed to be developed in more than one phase shall be designed so that each successive phase will independently comply with the regulations specified herein.

C. The conditional use permit may include approval of development in more than one phase, provided the applicant demonstrates to the satisfaction of the planning commission that the proposed development will be a better project within the intent and purpose of the PUD zone. In event more than one phase is approved, the applicant shall provide a tentative tract map and plan of development indicating the cumulative allocation and utilization of land for each successive phase of development. (Prior code § 9205.05 (J))
Chapter 18.18 R-M MULTIPLE-FAMILY RESIDENTIAL VARIABLE DENSITY ZONE

18.18.010 Establishment.

There is hereby established a zone which shall hereinafter be known as the “R-M multiple-family residential variable density zone,” and which shall function and serve as set out in this chapter. (Prior code § 9205.06)

18.18.020 Intent and purpose.

The intent and purpose of the R-M zone is to principally designate and classify certain areas within the city for development of multiple-family residential housing and apartment complexes, and to provide for the integration of developments and uses of land more closely related to multiple-family residential characteristics best suited to carry out the needs of the community. (Prior code § 9205.06 (A))

18.18.030 Applicability—Criteria.

A. The R-M zone is a land use classification which, in part, assists in the implementation of the residential land use and housing elements of the general plan. It is a zone classification designed to be applied on selected areas of the community where the concentration of population can be varied and controlled, yet sufficiently flexible to accommodate the housing needs projected for the city.

B. Application of the R-M zone can provide for development to serve as a low-density residential transition between more intense residential uses of land and single-family residential neighborhoods, can provide compatible development along principal streets and highways, can serve as a medium-density residential transition between less-intense residential land uses and more-intense commercial activities, and can provide for development of high-density residential apartment complexes.

C. The R-M zone need not be restricted entirely to residential uses of land, and may include public, semipublic, institutional and other transitional land uses which would not necessarily be compatible with solely residential or limited commercial uses.

D. The application of the R-M zone for high-density residential apartment complexes serves also as a transitional development adjacent to large-scale commercial facilities where consumer purchasing power is a necessary ingredient to the overall scheme of land use planning.

E. When qualifying application of the R-M zone must clearly be defined in accordance with the criteria herein, be protected from the encroachment of land uses that do not perform a function of this zone classification, and be protected from the tendency to yield to oversaturation and concentration of population.

F. Uses of land and development which do not qualify and which are not specifically permitted in the R-M zone are hereby expressly prohibited. (Prior code § 9205.06 (B))

18.18.040 Permitted uses.

Regulations governing permitted uses of land in the R-M zone are specifically set forth in Chapter 18.40 of this title. (Prior code § 9205.06 (C))
18.18.050 Property development conditions.

Regulations governing the development of property for uses of land in the R-M zone are specifically set forth in Chapter 18.42 of this title. (Prior code § 9205.06 (D))

18.18.060 Off-street parking.

Regulations governing off-street parking requirements for uses and development of property in the R-M zone are specifically set forth in Chapter 18.44 of this title. (Prior code § 9205.06 (E))

18.18.070 Signs and advertising.

Regulations governing permitted signs and advertising for uses and development of property in the R-M zone are specifically set forth in Chapter 18.46 of this title. (Prior code § 9205.06 (F))

View the mobile version.
18.28.010 Establishment.

There is hereby established a zone which shall hereinafter be known as the “C-G general commercial zone,” and which shall function and serve as set out in this chapter. (Prior code § 9205.11)

18.28.020 Intent and purpose.

The intent and purpose of the C-G general commercial zone is to designate areas within the city for providing a full range and wide variety of retail commercial stores and service establishments that are not dependent on marketing and trading area support solely within the corporate boundaries of the city, but also rely on consumer purchasing power outside the established community. (Prior code § 9205.11 (A))

18.28.030 Applicability—Criteria.

A. The C-G zone is a land use classification which, in part, assists in the implementation of the commercial land use element of the general plan. It is a zone classification designed to be applied in those areas of the community where the greatest variety and range of commercial uses can be amassed largely dependent on their respective interrelationships for providing goods and services to an unlimited source of consumer purchasing power.

B. Application of the C-G zone need not be as definitive as the C-N and C-C zones, but must be protected from uses of land that are oriented and more closely associated and compatible with industrial activities.

C. Uses of land which do not qualify and which are not specifically permitted in the C-G zone are hereby expressly prohibited. (Prior code § 9205.11 (B))

18.28.040 Permitted uses.

Regulations governing permitted uses of land in the C-G zone are specifically set forth in Chapter 18.40 of this title. (Prior code § 9205.11 (C))

18.28.050 Property development conditions.

Regulations governing the development of property for uses in the C-G zone are specifically set forth in Chapter 18.42 of this title. (Prior code § 9205.11 (D))

18.28.060 Off-street parking.

Regulations governing off-street parking requirements for uses and development of property in the C-G zone are specifically set forth in Chapter 18.44 of this title. (Prior code § 9205.11 (E))

18.28.070 Signs and advertising.
Regulations governing permitted signs and advertising for uses and development of property in the C-G zone are specifically set forth in Chapter 18.46 of this title. (Prior code § 9205.11 (F))
### Chapter 18.40 LAND USE REGULATIONS

#### 18.40.010 Purpose of provisions.

The intent and purpose of this chapter is to categorize and classify numerous uses of land, and the conditions, requirements and limitations applicable in the respective zone classifications. Any use of land not specifically enumerated in Section 18.40.040 and Table 18.40.040 shall be deemed to be expressly prohibited. (Prior code § 9206.01)

#### 18.40.020 Land use chart—Adopted.

The chart and text illustrated in this chapter are hereby adopted and made a part of this chapter. (Prior code § 9206.02)

#### 18.40.030 Land use chart—Directions for use.

The land use chart is divided into five categories of uses: public, residential, special, commercial and industrial. In order to determine the zone in which a specific use of land is permitted or conditionally allowed, application and use of the chart is as follows:

A. Find the specific land use in one of the categories in Section 18.40.040 under the “Land Use” column.

B. Read across the chart until either a “number” or “X” appears.

C. If an “X” appears in a zone column, this means that the specific land use is permitted in the particular zone represented by the column in which the “X” appears, without being subject to any of the special conditions or limitations set forth in subsection B of Section 18.40.050.

D. If a “number” appears in a zone column, this means that the specific land use is allowed in the particular zone represented by the column in which the “number” appears, but only under certain conditions. The conditions applicable to such land use are those set forth in subsection B of Section 18.40.050.

E. If more than one “number” appears in a zone column, this means that the specific land use is allowed in the particular zone represented by the column in which the “numbers” appear, and such land use is subject to all special conditions set forth in subsection B of Section 18.40.050.

F. If an “X” or “number” does not appear in a zone column, this means that the specific land use is expressly prohibited in the particular zone represented by the empty column.

G. Any use of land not specifically enumerated in the five land use categories, but which could be considered as a compatible use in a particular zone classification, shall be subject to determination by the zoning administrator, as set forth in Sections 18.06.090 through 18.06.110 of this title, relative to ambiguities and interpretations. (Prior code § 9206.03)

#### 18.40.040 Land use chart—Contents.

The land uses outlined in Section 18.40.030 are categorized, enumerated and set forth in Table 18.40.040, the Land Use Chart.
Table 18.40.040
LAND USE CHART
(For explanation of notes see Section 18.40.050C; for prohibited uses see Section 18.40.050B)

<table>
<thead>
<tr>
<th>Land Use Zone</th>
<th>Land Use</th>
<th>O-S</th>
<th>Public Facilities</th>
<th>M-U Overlay</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Public Uses*</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Civic or social associations</td>
<td></td>
<td></td>
<td></td>
<td>2, 63</td>
</tr>
<tr>
<td>2. Educational institutions, public</td>
<td></td>
<td></td>
<td></td>
<td>2, 63</td>
</tr>
<tr>
<td>3. Flood control facilities</td>
<td></td>
<td></td>
<td></td>
<td>X, 2, 63</td>
</tr>
<tr>
<td>4. Government agencies; local, county, state or federal</td>
<td></td>
<td></td>
<td></td>
<td>2, 63</td>
</tr>
<tr>
<td>5. Libraries, public</td>
<td></td>
<td></td>
<td></td>
<td>2, 63</td>
</tr>
<tr>
<td>6. Off-street parking facilities</td>
<td></td>
<td>1, 32</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>7. Parks and playgrounds</td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>8. Permanent and interim open spaces</td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>9. Public utility facilities and structures</td>
<td></td>
<td></td>
<td></td>
<td>2, 63</td>
</tr>
<tr>
<td>10. Recreational facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Riding, hiking and bicycle trails</td>
<td></td>
<td></td>
<td></td>
<td>1, 2, 63</td>
</tr>
<tr>
<td>12. Nurseries, wholesale</td>
<td></td>
<td></td>
<td></td>
<td>2, 63</td>
</tr>
<tr>
<td>13. Temporary uses</td>
<td></td>
<td></td>
<td></td>
<td>42</td>
</tr>
<tr>
<td>14. Wireless telecommunication facilities</td>
<td></td>
<td></td>
<td></td>
<td>65</td>
</tr>
</tbody>
</table>

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

### Chapter 18.40 LAND USE REGULATIONS

#### Land Use Zone

**B. Residential Uses**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>R-E</strong></td>
<td><strong>S-F</strong></td>
</tr>
<tr>
<td>Community care facility (7+ persons)</td>
<td>1</td>
</tr>
<tr>
<td>Emergency shelters, up to 20 occupants within the city</td>
<td></td>
</tr>
<tr>
<td>Emergency shelters, more than 20 occupants within the city</td>
<td></td>
</tr>
<tr>
<td>SRO (efficiency units)</td>
<td>74</td>
</tr>
<tr>
<td>Supportive housing</td>
<td>X</td>
</tr>
<tr>
<td>Transitional housing</td>
<td>X</td>
</tr>
<tr>
<td>Second dwelling units</td>
<td>75</td>
</tr>
</tbody>
</table>

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

#### Special Uses

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>R-E</strong></td>
<td><strong>S-F</strong></td>
</tr>
<tr>
<td>Cottage food operations</td>
<td>11</td>
</tr>
<tr>
<td>Day care centers</td>
<td>2, 7, 8</td>
</tr>
<tr>
<td>Educational institutions, private</td>
<td>2, 7</td>
</tr>
<tr>
<td>Electric distribution substations</td>
<td>1</td>
</tr>
<tr>
<td>Foster care homes</td>
<td>10</td>
</tr>
<tr>
<td>Gas metering and control stations</td>
<td>1</td>
</tr>
<tr>
<td>Home occupations</td>
<td>11</td>
</tr>
<tr>
<td>Hospitals</td>
<td>2</td>
</tr>
<tr>
<td>Mobilehome parks</td>
<td></td>
</tr>
<tr>
<td>Off-street parking facilities</td>
<td>1</td>
</tr>
<tr>
<td>Private recreation and open spaces</td>
<td>2</td>
</tr>
<tr>
<td>Ranches, limited to livestock only</td>
<td>1, 3</td>
</tr>
<tr>
<td>Religious places of worship</td>
<td>1</td>
</tr>
<tr>
<td>Rest homes</td>
<td></td>
</tr>
<tr>
<td>Water facilities</td>
<td>1</td>
</tr>
<tr>
<td>Satellite dish receiving antenna</td>
<td>X, 52</td>
</tr>
<tr>
<td>Amateur radio/CB radio antennas</td>
<td>2, 38</td>
</tr>
<tr>
<td>Family day care homes</td>
<td>8, 40</td>
</tr>
</tbody>
</table>
### C. Special Uses*

<table>
<thead>
<tr>
<th>Land Use</th>
<th>R-E</th>
<th>S-F</th>
<th>R-I</th>
<th>PUD</th>
<th>R-M</th>
<th>P</th>
<th>M-U Overlay</th>
</tr>
</thead>
<tbody>
<tr>
<td>19. Garage sales</td>
<td>41</td>
<td>41</td>
<td>41</td>
<td>41</td>
<td>41</td>
<td>41</td>
<td></td>
</tr>
<tr>
<td>20. Temporary uses</td>
<td>42</td>
<td>42</td>
<td>42</td>
<td>42</td>
<td>42</td>
<td>42</td>
<td></td>
</tr>
<tr>
<td>21. Wireless telecommunication facilities</td>
<td>65</td>
<td>65</td>
<td>65</td>
<td>65</td>
<td>65</td>
<td>65</td>
<td></td>
</tr>
<tr>
<td>22. Modular classroom/offices</td>
<td>2, 70</td>
<td>2, 70</td>
<td>2, 70</td>
<td>2, 70</td>
<td>2, 70</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

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

### D. Commercial Uses (Every permitted use of land shall be conducted within an entirely enclosed building except as otherwise designated below.)

<table>
<thead>
<tr>
<th>Land Use</th>
<th>P-A</th>
<th>C-M</th>
<th>C-N</th>
<th>C-C</th>
<th>C-G</th>
<th>CPD</th>
<th>M-U Overlay</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Adult uses</td>
<td>60</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Animal hospitals</td>
<td>20, 23, 55, 57</td>
<td>20, 23, 55, 57</td>
<td>20, 23, 55, 57</td>
<td>20, 23, 55, 57</td>
<td>20, 23, 55, 57</td>
<td>20, 23, 55, 57</td>
<td></td>
</tr>
<tr>
<td>3. Antique shops</td>
<td>12, 20, 27, 55, 57</td>
<td>12, 20, 27, 55, 57</td>
<td>12, 20, 27, 55, 57</td>
<td>1, 12, 27, 55, 57</td>
<td>1, 12, 27, 55, 57</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Appliance sales, rentals, repairs, service</td>
<td>20, 28, 55</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Automotive related sales and installation</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Automated teller machines-interior</td>
<td>55</td>
<td>55</td>
<td>55</td>
<td>55</td>
<td>55</td>
<td>1, 55</td>
<td></td>
</tr>
<tr>
<td>7. Automated teller machines-exterior</td>
<td>61</td>
<td>61</td>
<td>61</td>
<td>61</td>
<td>61</td>
<td>61</td>
<td></td>
</tr>
<tr>
<td>8. Automobile leasing and renting</td>
<td>20, 24, 51, 55</td>
<td>20, 24, 51, 55</td>
<td>20, 24, 51, 55</td>
<td>1, 20, 24, 51, 55</td>
<td>1, 20, 24, 51, 55</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Automobile parts and accessories stores</td>
<td>20, 29, 55, 57</td>
<td>20, 29, 55, 57</td>
<td>20, 29, 55, 57</td>
<td>1, 29, 55, 57</td>
<td>1, 29, 55, 57</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Automobile repair shops</td>
<td>1, 28, 36</td>
<td>1, 28, 36</td>
<td>1, 28, 36</td>
<td>1, 28, 36</td>
<td>1, 28, 36</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Automobile sales, new and used</td>
<td>2, 13, 28</td>
<td>2, 13, 28</td>
<td>2, 13, 28</td>
<td>2, 13, 28</td>
<td>2, 13, 28</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Automobile service stations</td>
<td>1, 28</td>
<td>1, 19, 28</td>
<td>1, 19, 28</td>
<td>1, 19, 28</td>
<td>1, 19, 28</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. Automobile upholstery shops</td>
<td>2, 57</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. Bakeries</td>
<td>15, 20, 55, 57</td>
<td>15, 20, 55, 57</td>
<td>15, 20, 55, 57</td>
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<td>15. Banks, savings and loan associations, and other similar lending institutions, but excluding pawnshops</td>
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<td>20, 55, 57, 61</td>
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### Land Use Zone

**D. Commercial Uses** *(Every permitted use of land shall be conducted within an entirely enclosed building except as otherwise designated below.)*

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<th>Land Use</th>
<th>P-A</th>
<th>C-M</th>
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<th>C-G</th>
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<th>M-U Overlay</th>
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<tbody>
<tr>
<td>16. Barbershops and beauty shops</td>
<td>20, 55, 33, 57</td>
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<td>17. Bars and cocktail lounges</td>
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<td>18. Bicycle shops</td>
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<td>23. Cafés and restaurants</td>
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<td>24. Carwashes, automatic or coin-operated only</td>
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<td>26. Check cashing establishments</td>
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<td>27. Clothing and wearing apparel stores of new retail merchandise only</td>
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<td>30. Craft and hobby shops</td>
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<td>36. Drugstore</td>
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<td>37. Dry cleaning, laundry and pressing establishments</td>
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<td>39. Electronic components and supplies</td>
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<td>40. Equipment (light) rentals</td>
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<td>42. Food markets</td>
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<td>43. Fortune telling</td>
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<td>44. Fire cell generator</td>
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<td>45. Furniture and appliance stores</td>
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<td>46. Furniture, cabinet making</td>
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<td>49. Gas metering and control stations</td>
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<td>53. Hotels and motels</td>
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<td>59. Medical laboratories</td>
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<td>60. Mobilehome sales, new and used</td>
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<td>62. Muffler shops, automobile only</td>
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<td>67. Off-site hazardous waste facility</td>
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<td>68. Off-street parking facilities privately owned and operated</td>
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<td>69. On-site sale or tasting of alcoholic beverages</td>
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<td>70. On-site hazardous waste facility</td>
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<td>71. Packaging and assembly of non-hazardous products</td>
<td>20, 28, 58</td>
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<td>72. Parcel delivery</td>
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<td>73.</td>
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<td>74. Pet shops and grooming</td>
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<td>75. Pharmacies</td>
<td>20, 33, 55, 57</td>
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<td>76. Photography studios and associated processing</td>
<td>20, 55, 57</td>
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<td>77. Picture frames and framing</td>
<td>20, 55, 57</td>
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<td>78. Printing and reproduction establishments</td>
<td>20, 28, 55, 57</td>
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<td>79. Private clubs, fraternities, sororities, lodges and institutions of nonprofit or charitable nature</td>
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<td>80. Religious places of worship</td>
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<td>81. Resthomes</td>
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<td>82. Satellite dish receiving antenna</td>
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<td>83. Shoe repair shops</td>
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<td>84. Sign shops</td>
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<td>85. Small boat sales and service</td>
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<td>86. Stationery stores, including incidental printing</td>
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<td>87. Studios, except motion picture</td>
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<td>88. Temporary uses</td>
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<td>89. Theaters</td>
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<td>90. Trade schools</td>
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<td>91. Truck, trailer, camper, recreational vehicle sales, new and used</td>
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<td>92. Unclassified uses</td>
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<td>93. Wireless telecommunication facilities</td>
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### Chapter 18.40 LAND USE REGULATIONS

#### Land Use Regulations

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<td>94. Wrought-iron work shops</td>
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<td>95. Yardage stores</td>
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* Refer to zoning administrator determinations, on file in community development department planning division.

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<td><strong>E. Industrial Uses</strong></td>
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<td>1. Assembly and packaging of nonhazardous products</td>
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<td>2. Auto service stations</td>
<td>1, 19, 39, 62, 79</td>
<td>39, 62</td>
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<td>3. Automated teller machines-interior</td>
<td>55, 79</td>
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<td>4. Automobile assembly plants</td>
<td>58, 59, 62</td>
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<td>5. Automobile overhauling and major or minor repairing</td>
<td>20, 51, 58, 62, 79</td>
<td>58, 59, 62</td>
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<td>6. Automobile storage</td>
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<td>7. Automotive electronics/installation and service</td>
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* Refer to zoning administrator determinations, on file in the community development department planning division.


### 18.40.050 Special use conditions and chart notes.

The uses of land set forth in the land use chart in Table 18.40.040 shall be subject to the provisions of this section, as indicated.

A. Relationship to Chart. Special use conditions, requirements and limitations governing use of land indicated by "numbers" appearing in the zone column of the land use chart correspond to the specific numbered use conditions, requirements or limitations set forth in subsection B of this section.

B. Specific Uses Prohibited.

1. Notwithstanding any provisions of this code to the contrary, the advertising, promoting, holding, conducting or participating in any public dance or entertainment in the single-family residential zone, the planned residential development zone, or the multiple-family residential variable density zone of the city, as well as the processing of any entitlements relating thereto, is prohibited. "Entertainment," as used in this subsection, means and includes any activity planned, engaged in or permitted to occur for the purpose of or resulting in the pleasing, entertainment, attracting or retaining of patrons or customers, and shall specifically include but not be limited to the playing of any musical instrument by any human being, the playing of records, tapes or other musical reproduction devices, or performing the functions of a disc jockey. The provisions of this subsection shall not apply to churches, schools, public buildings, bona fide charitable institutions and political organizations. Notwithstanding any of the provisions of the Pico Rivera Municipal Code, local law enforcement officers may enforce the provisions of this subsection.

C. Use Conditions, Requirements and Limitations Enumerated. Special use conditions, requirements and limitations on land uses set forth in the land use chart in Table 18.40.040 are as follows:

1. Subject to the issuance of a conditional use permit.

2. Subject to approval of a precise plan of design.
Note 3. Subject to the provisions of Chapter 18.50 of this title relative to animal, poultry and fowl regulations.

Note 4. Housing not more than ten persons.

Note 5. More than twenty thousand square feet of lot area requires precise plan of design approval.

Note 6. More than one dwelling unit per lot requires precise plan of design approval.

Note 7. Permitted when in conjunction with church use and related facilities.

Note 8. Small family day care homes of eight or fewer children approved by-right and does not require any permit or business license when located in a single-family home. Large family day care homes of seven to fourteen children approved with a home occupation permit with one hundred-foot radius notice of the exterior boundaries when located in a single-family home. Family day care homes shall adhere to the provisions of Health and Safety Code Sections 1597.45 through 1597.46.

Note 9. Limited to not more than sixty students, not less than fifteen thousand square feet of lot area, and appropriately licensed operators pursuant to state regulations.

Note 10. Limited to not more than eight persons, including the resident family, and not more than six foster children, four or more foster children requiring approval of CUP.

Note 11. Subject to issuance of a home occupation permit or cottage food operations permit as appropriate per Chapter 18.52.

Note 12. All goods, wares and other merchandise shall be of an intrinsic value, and shall specifically exclude secondhand goods.

Note 13. May include servicing, mechanical repairs, painting, body and fender work only in conjunction with a new automobile sales dealership.

Note 14. Excluding any maintenance or repair of any type whatsoever.

Note 15. Limited to processing and retail sale of pastries only.

Note 16. Deleted by Ord. 852.

Note 17. Limited to on-premises retail sales directly to the consumer.

Note 18. Drive-in Businesses. The following operations and property development regulations shall apply to drive-in business establishments:

a. Screening of Restroom Facilities. Whenever restroom facilities provide outside access, such access shall be screened from public view with decorative materials used and designed in the exterior appearance of the main building, or by suitable landscape material as may be approved by the city planner.

b. Trash Areas. Each drive-in business establishment shall provide adequate trash area so as to contain and conceal all trash or refuse generated on the site, and shall be constructed of similar materials used and designed in the exterior appearance of the main building.

c. Area Lighting. All exterior outdoor area lighting shall only be provided in an indirect manner, emanating from fixtures located under canopies, building eaves and ground level in landscaped areas. Other types of outdoor area lighting shall be subject to determination by the city planner.

d. Walls. Requirements for walls shall be governed by regulations of the zoning district in which a drive-in business is located.

e. Method of Operation. All operations, except service rendered directly to the occupant of an automobile, shall be conducted in an entirely enclosed building or structure. All products and/or merchandise shall be stored inside a building or structure.

f. Site Area and Dimensions. The minimum site area and dimensions shall be as follows:
(i) Corner Lot. No drive-in business shall be developed on a corner lot or parcel of land with less than twelve thousand square feet in area, or less than one hundred ten linear feet of frontage on each street. Lots or parcels of land being extreme or irregular in shape shall be subject to determination by the city planner.

(ii) Interior Lot. Drive-in businesses located on an interior lot or parcel of land shall have not less than ten thousand square feet of lot area, nor less than one hundred feet of street frontage.

g. Driveway Approaches and Access—Location and Size. Location and size of driveway approaches and access shall be as follows:

(i) Corner Lot. Any drive-in business located on a corner lot or parcel of land having a minimum of one hundred ten linear feet of frontage along each street shall have not more than one driveway approach for each such one hundred ten feet of frontage. Such driveway approach shall be located not less than ten feet from any interior property line, nor less than sixty feet from the intersection of two street property lines. In no case shall a driveway approach have a length greater than thirty feet. The number and location of driveway approaches on a corner lot or parcel of land having more than one hundred ten feet of frontage along each street, and for existing lots of record, shall be determined by the city planner.

(ii) Interior Lot. Any drive-in business located on an interior lot or parcel of land shall not have more than two drive-

way approaches for each one hundred fifty feet of street frontage. Such driveway approach shall be located not less than fifteen feet from any interior property line, and shall have a minimum distance between driveway approaches of not less than thirty feet. No driveway approach shall have a length greater than thirty feet.

h. Landscaping. Permanent landscaping shall be provided as follows:

(i) A landscape planter area having a net width of not less than five feet shall be installed continuously along the interior property lines, except when a drive-in business site is located contiguous to a commercial shopping or industrial center, such landscape planter area may be eliminated in those areas used for vehicular ingress and egress to such commercial or industrial center. In no case shall there be more than two such driving areas, and each area shall not be more than thirty feet in width.

(ii) There shall be a six-foot-wide landscaped planter area installed continuously along all street frontages except for driveway approaches. In no case shall there be less than a thirty-foot angular corner landscape planter, measured along each street frontage, for drive-in business developments located on a corner lot or parcel of land. Minor landscaping modifications may be made by the city planner or other pertinent reviewing body.

(iii) Landscaping for drive-in business developments located on an interior lot or parcel of land shall be determined by the city planner.

(iv) All landscaping shall be subject to the off-street parking regulations set forth in Chapter 18.44 of this title.

i. Signs. All signs and advertising shall be subject to the provisions set forth in Chapter 18.46 of this title.

Note 19. Automobile Service Stations. Automobile service stations shall comply with the following conditions in addition to zone provisions and conditions imposed in a conditional use permit.

a. Site Area. The service station site shall have a minimum frontage on a major or secondary highway of one hundred fifteen feet, and contain a minimum area of eighteen thousand five hundred feet. Notwithstanding the above, those service stations lawfully existing at the enactment of the amendment codified herein shall be exempted from frontage and area requirements when approved by the planning commission under a conditional use permit.
b. Location. The location for the proposed service station shall be in accordance with the general plan, and be on an existing or proposed street that is designed to carry the type and quantity of traffic to be serviced by the proposed use.

c. Building, Canopy and Pump Island Setbacks.

(i) The service station building shall be set back forty feet from all street property lines, and shall not be closer than twenty feet to any property zoned residential.

(ii) Canopies may project to within five feet of all street property lines, and shall not be closer than fifteen feet to all other property lines.

(iii) All pump islands are to be set back a minimum of fifteen feet from any property line.

d. Curbcuts and Driveways. A parcel containing a minimum of one hundred fifteen feet of frontage shall have no more than two driveways on any one street, with a minimum distance between the two driveways of not less than twenty-two feet. No driveway shall exceed a width of thirty feet, nor be less than twenty feet in the flat. However, if a parcel contains in excess of one hundred fifteen feet, the planning commission may make appropriate modifications in accordance with Los Angeles County Highway Permit Ordinance No. 3597, and its latest amendments. If physical problems exist at the time of construction, the director of public works is also authorized to make necessary adjustments as to conditions relating to curbcuts and driveways, so long as the objectives and conditions and standards of the conditional use permit are adhered to.

e. Utility Trailers. Auto and truck rentals shall not exceed ten in number and may be stored on service station sites, provided they are located on the rear of the property and do not occupy any of the required parking spaces for customer service or employees. In addition, the planning commission, upon review of the application for additional utility vehicles, may increase the number when sufficient area is provided and is determined not to be in conflict with the circulation element of the property.

f. Outside Operations. Operations outside of the permanent structure shall be limited to the dispensing of gasoline, oil, water, changing of tires, attaching and detaching of trailers, charging of batteries, wheel alignment and other minor emergency repairs.

g. Outside Display. There shall be no outside display of tires, batteries, auto appliances or other materials within the building setback area, and all display areas shall be designed as part of the development.

h. Walls. A decorative masonry wall six feet in height with a color compatible with the building shall be erected on all property lines. Such wall can be omitted if the station is designed as a part of a commercial center. The design, height and location of the wall or materials may be modified by the planning commission when the modification will meet the needs and objectives of this title.

i. Lighting. All lighting on the exterior of the building shall be of an indirect nature, screened or immediately below the canopy, or on a freestanding pole which shall be hooded and screened to direct the main source of light away from the adjacent properties and the public right-of-way. The standard on which the light is located shall not exceed a maximum of sixteen feet in height.

j. Trash Enclosures. A trash enclosure six feet in height, constructed of decorative block, shall be provided, and shall be enclosed on three sides, with a solid gate six feet in height providing access to the trash area. Trash enclosed within the enclosure shall not exceed the height of the enclosure, nor be allowed to be carried by natural causes onto adjacent properties. The planning commission, in reviewing the trash enclosure, may modify the material selected when the design will be in keeping with the architecture of the structure and meets the needs and objectives of this title. The color of the enclosure is to be compatible with the required wall of the building.

k. Utilities. All utilities shall be placed underground.
1. Landscaping. Landscaping shall be based on seven percent of the total site area, and shall be distributed in accordance with the following standards. The planning commission may make modifications to the following standards when cause or circumstances relating to the subject site and/or the adjacent area characteristics are demonstrated:

(i) A five-foot landscaping area (inside dimensions) shall be provided along all street frontages except where provided with driveway access.

(ii) A landscaping strip shall be provided along interior property lines. Such landscaping may be distributed evenly along the interior property line or in a manner approved by the planning commission.

(iii) A planter of not less than three hundred square feet shall be located at the intersection.

(iv) There shall be one fifteen-gallon tree, six feet to the bottom of the branch structure, for every three thousand square feet of lot area.

(v) All planting areas are to be protected by a concrete curb no less than six inches in height surrounding the planting. Planting areas shall be provided with an irrigation system and must be permanently maintained.

(vi) Landscaping shall consist of combinations of trees, shrubs and ground covers, with careful consideration given to eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions.

m. Existing Service Stations. Any service station lawfully existing on the date of this zoning code and for which no conditional use permit has been granted shall assume the status of a legal nonconforming use. Such nonconforming use status shall only remain in effect for a period not to exceed one year from the effective date of the zoning code codified in this title. Upon expiration of the one-year period, all such service stations shall comply with the provisions of this title.

n. Abandoned Service Stations and/or Revocation of Conditional Use Permit. If any service station is closed, vacated, abandoned or not operated so as to engage in the sale of petroleum products or the dispensing of gasoline for a period of six months, any legal permits in effect at the end of the six-month period will become null and void, and no further sales or service from such service station shall be allowed. The presence of a service station that has been vacated or abandoned for a period of six months is declared to constitute a public nuisance, and shall be cause for removal of all pumps, pump islands, tanks, canopies, signs and other appurtenances related to the dispensing of gasoline after proper notification by the zoning administrator. Notification shall be made by the zoning administrator setting forth the intent to declare such abandoned service station a nuisance and to revoke any active permits.

o. Change of Use and/or Vacant or Abandoned Service Station Facilities. A change in the use of a service station facility to a use permitted within the appropriate zone and which does not operate for a principal purpose of dispensing gasoline shall constitute a closed, vacated, abandoned or inoperative service station, which shall be declared a public nuisance and be abated pursuant to subsection n above.

Note 20. Precise plan of design required for new construction of five hundred square feet or more.

Note 21. Limited to feed and fuel for small animals, poultry and fowl only.

Note 22. Limited to new retail sales only.

Note 23. No animal runs permitted, and shall be limited to the treatment of only household pets, rabbits and small animals.

Note 24. Limited to the leasing or renting of automobiles only.

Note 25. On-site sale of alcoholic beverages may be conditionally permitted only when in conjunction with a bona fide eating establishment with primarily sit-down service. Instructional tastings of alcoholic beverages via a Type 86 license from the State Department of Alcoholic Beverage Control may be conditionally permitted.
permitted only in conjunction with a grocery store or supermarket which exceeds twelve thousand five hundred square feet in gross floor area, or with specialty liquor stores which sell beer, wine, liquor and alcoholic beverage accessories at a minimum of ninety-five percent of their total sales receipts. Instructional tasting events are not permitted in conjunction with convenience stores, or liquor stores which sell grocery items such as milk, eggs and bread, or beauty items or household goods, or which offer secondary services such as check cashing, utility bill payments, delicatessens, etc. Instructional tasting events are subject to compliance with the following:

a. Business establishment must have a conditional use permit approval for the sale of beer and wine, or for the sale of beer, wine and distilled spirits, under a Type 20 or Type 21 alcohol license with a minimum of one-year in operation under current ownership.

b. Business establishment must be in good standing with the State of California Department of Alcoholic Beverage Control with no history of disciplinary action.

c. A parking analysis may be required to ensure sufficient parking is provided.

d. As determined by the State of California Department of Alcoholic Beverage Control, the business establishment cannot be located within a census tract which has an overconcentration of on-sale or off-sale alcohol licenses.

e. As determined by local law enforcement, the business establishment cannot be located within an area with high crime rates or have a history of alcohol-related offenses.

f. Not more than three tasting events can be held per week.

g. Installation of security cameras required. Retention of all surveillance footage for a minimum period of one week or longer may be required.

h. All portions of the instructional tasting event shall be located indoors and shall be separated from the remainder of the off-sale licensed premises by a wall, rope, cable, cord, chain, fence, or other permanent or temporary barrier.

i. Entertainment of any kind, including the playing of music or dancing, is prohibited.

j. As determined by the zoning administrator, installation of new parking area lighting may be required if the hours of instructional tasting are proposed to occur after seven p.m. Parking area shall be provided with a minimum illumination of one footcandle.

k. Instructional tastings are not permitted in conjunction with any off-sale licensee location where vehicle fuel is sold.

l. The instructional tasting event can only serve alcoholic beverages to an attendee of legal drinking age.

m. Tastings of wine or distilled spirits shall be limited to not more than three tastings per person per day. 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.

n. Tastings of beer shall be limited to not more than eight ounces of beer per person per day.

o. The wine, beer, or distilled spirits tasted shall be limited to the products that are authorized to be sold by the authorized licensee and the licenseholder under its off-sale license.

p. An instructional tasting event shall be limited to a single type of alcoholic beverage. For purposes of this subsection, “type of alcoholic beverage” means distilled spirits, wine, or beer.

q. Business establishment must comply with Section 25503.56 of the Business and Professions Code, which regulates instructional tasting events.
r. Business establishment must obtain a Type 86 license from the California Department of Alcoholic Beverage Control prior to conducting any instructional tasting events.

Note 26. Limited to dairy products only.

Note 27. Specifically excluding pawnshops.

Note 28. Outdoor storage and/or operations shall be visually screened from view subject to the approval or conditional approval of the zoning administrator.

Note 29. Limited to retail sales operations only.

   (i) Height limited to fourteen feet or less. Not to project above building height.
   (ii) Placement limited to rear or side of structure, facing interior lot line.
   (iii) Solid screening required to conceal visibility from adjoining public right-of-way, designed to match exterior finish of primary structure.
   (iv) Landscape screening shall also be required if property adjoins residually zoned property.
   (v) Limited to choice of one ground-mount or roof-mount antenna.

   (i) Solid screening required to conceal visibility from any adjoining public right-of-way by existing parapet walls; or a licensed architect shall design a solid screen to be an integral part of the building.
   (ii) Antennas five feet in height or less shall be exempt from these provisions, provided that the antenna is located in the rear one-third of the roof.
   (iii) Limited to choice of one ground-mount or roof-mount antenna.

Note 31. Regulations governing this use of land shall be established pursuant to the provisions set forth for conditional use permit proceedings, but in no case shall such regulations be less restrictive than set forth in Notes 19, 20 and 21 of subsection B of Table 18.44.050 of Section 18.44.050.

Note 32. This use of land shall be subject to the minimum requirements set forth in Notes 19, 20 and 21 of subsection B of Table 18.44.050 of Section 18.44.050.

Note 33. Permitted only in conjunction with and/or incidental to other permitted uses.

Note 34. Limited to areas above first floor when in conjunction with another permitted use in its respective zone classification.

Note 35. Multiple-family dwellings constructed on lots less than twenty thousand square feet shall be subject to approval of a precise plan of design.

Note 36. Major repair of automobiles, limited to vehicles under six thousand pounds.

Note 37. a. The use shall be conducted entirely within a building.
   b. The building shall comply with fire department regulations applicable to this use.
   c. The facility shall be properly licensed.
   d. Hours of operation shall be those between seven a.m. and ten p.m.
   e. Conditions may be imposed restricting the size, content, construction and maintenance of the identification sign.
   f. This use may not be conducted within five hundred feet of another such use, nor within five hundred feet of an adult other use, as specified in Chapter 18.04 of this title.
Note 38. Amateur Radio/Citizen Band Radio Antennas. Amateur radio/citizen band radio antennas not exceeding the following standards shall be subject to the approval of a precise plan of design.

a. Number. No more than one tower utilized as an antenna support structure shall be permitted on a lot or parcel less than fifteen thousand square feet in size, but in no instance shall there be more than two such towers per lot or parcel.

b. Height. The height of an antenna and antenna support structure shall not exceed thirty-eight feet above the maximum height of any building within fifty feet of where said antenna and antenna support structures are affixed to the ground or to any existing structure.

c. Location. No antenna or antenna support structure shall be affixed to the ground in any required yard area and no guy-lines shall be anchored within the required front yard or corner side yard. In addition, no portion of an antenna shall extend beyond the property lines, and no tower utilized as an antenna support structure shall be located other than to the rear of the main residential building, but in no event closer than fifty feet to the front property line.

d. Appearance. Towers utilized as antenna support structures shall be maintained in an appropriate manner at all times to minimize the visual impact to the satisfaction of the zoning administrator. In addition, wooden utility poles shall not be utilized as antenna support structures.

e. Waiver of Standards. Where a proposed antenna and/or support structure would not meet the standards enumerated above, a variance is required. In granting such variance, the planning commission may consider topographic features of the site and surrounding area, lot or parcel configuration and/or any other circumstances or factors deemed relevant by the commission that make it obviously impractical to require literal compliance with said standards. The burden of proof for any modification shall be borne by the applicant who shall make a clear and convincing demonstration that usable radio or electromagnetic signals cannot be transmitted or received under the limitations of the above standards. In coming to a determination to modify any specific standard and to what extent, the planning commission shall consider a modification to the extent to allow reception of usable radio or electromagnetic signals while attempting to mitigate the visual impact of the antenna from adjoining streets and from adjoining residentially zoned properties. In addition, the planning commission, at its discretion, shall seek whatever technical advice it deems necessary to review these matters, with the cost of such technical advice to be paid by the applicant.

f. Conformance. All amateur radio and citizen band antennas and antenna support structures shall comply with the requirements of the Uniform Building Code, as adopted by the city. Amateur radio and citizen band antennas and antenna support structures which do not conform to the provisions of this title and which were constructed and in place prior to September 9, 1987, are declared to be provisionally legal so long as the present owner retains ownership of the property on which they are erected and so long as any license granted by the Federal Communications Commission remains in effect. At such times as the property is sold or where the licenses have lapsed, then any antenna or antenna support structures shall be required to conform with the provisions of this title or to be removed from the property.

Note 39. Concurrent Sale of Alcoholic Beverages and Motor Fuels. The conditional use permit for the off-sale of alcoholic beverages concurrently with motor vehicle fuels including gasoline at automobile service stations shall be subject to the following standards:

a. Only beer and wine, not distilled spirits, may be sold.

b. All alcoholic sales shall take place within an enclosed building.

c. The minimum sales area for in store retail products shall be one thousand square feet.
d. The sale of products, other than beer and wine, measured by gross receipts on an annual basis, shall exceed the annual sales of beer and wine products, measured by gross receipts.

e. No displays of beer and wine shall be located within five feet of the store’s entrance.

f. No displays of beer and wine shall be located on motor fuel islands and no lighted advertising for beer or wine shall be located on buildings or windows.

g. No display or sale of beer or wine shall be made from an ice tub or any other ice-containing device as determined by the state of California Department of Alcohol Beverage Control.

h. No on-sale or consumption of alcoholic beverages shall be permitted on any portion of the premises or any portion adjacent thereto which is under the control of the applicant.

i. Beer and wine coolers shall be sold in minimum quantities of no less than six-pack lots and four-pack lots, respectively.

j. No off-sale of alcoholic beverages shall take place after twelve a.m., midnight.

k. No employee under the age of twenty-one shall sell alcoholic beverages.

l. No alcoholic beverages shall be sold to any person while such person is in a motor vehicle.

m. The sale and delivery of all alcoholic beverages shall be made to persons within the enclosed building only and not through a pass-out window, or a slide-out tray to the exterior of the premises.

n. The proposed or existing automobile service station requesting approval to sell alcoholic beverages for off-premise consumption shall be a minimum of three hundred feet measured from an existing off-sale establishment property line to property line unless the applicant can demonstrate to the reasonable satisfaction of the planning commission that:

1. The proposed off-sale alcohol sales are a necessary adjunct to the business; and

2. A need exists for additional off-sale premise at the location proposed by the applicant.

o. All requirements of the Department of Alcoholic Beverage Control Board of the state of California shall be met.

p. All other conditions which may be imposed by the planning commission in granting the required conditional use permit must be met.

Note 40. Large family day care homes shall be subject to the following:

a. All necessary permits from the State Department of Social Services to operate a large family day care home to be obtained.

b. A city business license must be obtained.

c. Proof of compliance with the standards of the state fire marshal to be obtained.

d. The proposed home shall not be located within one thousand feet of any other large family day care home along the same street.

e. One on-site parking space to be provided for each nonresident employee.

f. An on-site drop-off/pick-up area to be provided.

Note 41. Garage/yard sales shall be subject to the following:

a. That not more than four such sales shall be permitted on any lot per calendar year. Lots with multiple dwelling units, such as duplexes, triplexes and apartment complexes, are also limited to not more than four such sales per lot per calendar year; and

b. That no such sale shall have a duration in excess of two consecutive calendar days; and
c. That the merchandise offered for sale shall be used household goods belonging to the property owner or occupant. Merchandise which is obtained for the sole purpose of resale is considered a business and is strictly prohibited. Not more than five items of the same kind, type or model shall be displayed at any time. Not more than two residential appliances can be displayed at any time; and
d. That no signs shall be erected within any public right-of-way; and
e. That merchandise for sale may be displayed or sold within the hours of seven a.m. and seven p.m. only; and
f. That canopies, tables, racks and other fixtures associated with the set-up of a permitted yard sale can be placed outside as early as five p.m. on the day prior to the first day of the sale and must be removed from public view by nine p.m. on the final day of the sale; and
g. That none of the following items are sold, exchanged or bartered at any garage or yard sale: food or beverages, alcoholic beverages, tobacco products, controlled substances, illegal substances, commercial appliances and equipment, fire arms, ammunition, explosives, animals and livestock, items where the serial number has been removed, stolen merchandise, or any item prohibited by the city, county, state or federal government.

Note 42. Temporary uses permitted by Chapter 18.61 of Title 18.

Note 43. This shall include reduction, recycling, treatment and temporary storage facilities for hazardous wastes generated by automotive uses only.

Note 44. Application for this use shall be accompanied by accurately drawn maps which depict the following information, and any other information which the director of building and planning deems necessary:

a. Physical dimensions of the property and structures;
b. Location of existing and proposed structure;
c. Setbacks and landscaping;
d. Methods of circulation and parking;
e. Drainage patterns;
f. Ingress and egress;
g. Storage and processing areas;
h. The distance of the property line to the nearest adjacent structure, and description and location of such structure;
i. Proximity of the project to one-hundred-year flood-prone areas;
j. Proximity of the project to any known earthquake fault zones;
k. The relationship of the proposed project to all aboveground water supplies and all known underground aquifers that might be threatened with contamination;
l. Topographic description of the property and surrounding area;
m. Vicinity map;
n. In addition, the following information, and other information deemed necessary by the director of building and planning, shall be submitted:

(i) Identification of all waste water, treated and untreated, generated by the proposed use and the method and place of final discharge.
(ii) An analysis of visual, noise and any olfactory impacts associated with the project and recommended mitigation measures.

(iii) An analysis of all anticipated air quality impacts associated with the project and proposed mitigation measures to ensure no degradation of air quality in the area.

(iv) Identification of the amount (in tons), sources and types of hazardous waste to be treated, stored or disposed of at the proposed facility, and the ultimate disposition of the wastes, and anticipated life of the facility.

(v) A risk assessment which analyzes, in detail, all probabilities of accidents or spills at the site, transportation-related accidents from the point of origin from the subject site, and any other probabilities requested by either the director of building and planning or the planning commission.

(vi) A plan that identifies an ongoing monitoring program of air, soil and ground water. This plan shall be in conformance with the Los Angeles County hazardous waste management plan and include any monitoring requirements imposed by other permitting agencies such as, but not limited to, the South Coast Air Quality Management District, Regional Water Quality Control Board and Department of Health Services.

(vii) An emergency response plan.

Note 45. A separate fee shall be established by resolution of the city council.

Note 46. Retail use to contain a minimum floor sales area of thirteen thousand square feet.

Note 47. Satellite dish may be roof or ground mounted without a conditional use permit provided that dish is not visible from any street, subject to zoning administrator approval.

Note 48. Unclassified uses permitted by Chapter 18.56 of Title 18.

Note 49. With the exception of retail uses, a conditional use permit is not required for occupancy of existing buildings.

Note 50. This use shall be considered to be automatically allowable under an existing conditional use permit.

Note 51. On-premises car washing, cleaning, and repairs prohibited.

Note 52. a. Satellite dish antennas must be ground-mounted and installed within the rear third of the lot.
   b. Ground-mounted satellite dish antennas shall not exceed fourteen feet in height.
   c. No more than one satellite dish antenna is allowed.
   d. Solid fence screening of six feet in height is required to conceal visibility from the public street and/or adjoining properties.
   e. Landscape screening exceeding six feet in height is also required to conceal visibility from the public street and/or adjoining properties.
   f. A precise plan of design application is required for roof or pole-mounted satellite dish antennas.

Note 53. Coin-operated Games and Game Arcade Regulations.

   a. Coin-operated games and game arcades, as defined in Chapter 18.04, shall be restricted to the C-C, C-G, C-M, I-L, I-G, IPD and CPD zones. Coin-operated games of seven or more shall be subject to a conditional use permit and all conditions that may be applied thereto and in accord with the following standards:
      (i) The use shall be conducted entirely within a building.
      (ii) No premises shall be open to the public unless one or more adult attendant(s) or supervisor(s) are present during all hours of operation.
(iii) Conditions may be imposed restricting hours of operation so as to protect the public health, safety and welfare, and surrounding property and uses.

(iv) Conditions pertaining to both the construction of the facility and its maintenance may be imposed so as to minimize the effect of noise, congregation, parking and other factors generated by the use detrimental to the public health, safety and welfare, or the surrounding community.

(v) Such other conditions may be imposed as necessary in order to preserve the public peace, health, safety and welfare of the surrounding community.

b. Excluded from the provisions of this subsection are governmental buildings and facilities, public and state licensed private schools, churches and church-related facilities located in any zone.

Note 54. Limited to noncommercial printing.

Note 55. This specific use is automatically permitted within an existing building subject to certificate of occupancy approval and compliance to the following provision:

a. Existing landscaped planters to be completely landscaped and continuously maintained within thirty days of certificate of occupancy approval.

Note 56. Precise plan of design required for more than twenty seats.

Note 57. Use to be completely conducted within enclosed building.

Note 58. This specific use is automatically permitted within an existing building subject to certificate of occupancy approval and compliance to the following provisions:

a. Existing landscaped planters to be completely landscaped and continuously maintained within thirty days certificate of occupancy approval.

b. Compliance to current parking and loading space provisions.

c. Decorative block wall screening or alternate screening approved by the community development director to be provided to conceal outside storage visible from the public right-of-way; or nonindustrially zoned properties.

d. Outside storage shall not exceed height of approved screen wall.

e. Nonconforming parking and loading space provisions subject to precise plan of design approval prior to occupancy.

Note 59. Precise plan of design required for new construction of two thousand five hundred square feet or more.

Note 60. Zoning and Locational Restriction Requirements.

a. All adult businesses are required to procure and maintain an adult business regulatory permit as mandated by Chapter 5.22 et seq.

b. No adult business shall be established or located in any area in the city other than in the following locations:

1. Parcels fronting along the north side of Slauson Avenue commencing at a point three hundred twenty feet easterly of the centerline of Rosemead Boulevard, proceeding easterly to Reeve Road.

2. Parcels fronting along the north side of Bermudez Street, from Bequette Avenue easterly to Reeve Road.

3. Parcels fronting along both sides of Industry Avenue, north of Telegraph Road, and as well as parcels fronting along both sides of Telegraph Road from Industry Avenue westerly to the Río Hondo.
c. In locations where the adult business regulated by this section would otherwise be a permitted use, it is unlawful to establish any adult business if the location is within one hundred fifty feet of any existing residential zone or school. In addition, it is unlawful to establish any adult business if the location is within one thousand feet of any legally established adult business. The distances set forth above shall be measured between the nearest property line of the facility or tenant space housing the adult business or the proposed adult business, and the nearest property line included within the residential zone or nearest property line of a school, along a straight line extended between the two points.

d. No building permit or zoning clearance, business tax receipt, adult business regulatory permit, or other permit or entitlement for use shall be legally valid if issued to any adult business proposed to operate or to be established in the city except if the zoning and locational requirements set forth above are satisfied.

e. An adult business or establishment operating as a conforming use with an approved adult business regulatory permit from the city shall not be rendered a nonconforming use by the subsequent location of residential zones or schools within the locational limitations set forth above. For purposes of this section, a use shall be deemed to be subsequently located if it commences following the date an application for an adult business regulatory permit is filed pursuant to Section 5.22.030.
Note 61. a. Exterior-mounted automated teller machines placed in conjunction with an existing permitted financial institution require zoning consistency review and are subject to the following conditions:

(i) Area Lighting. All exterior outdoor lighting shall be provided in an indirect manner, emanating from fixtures located under canopies, building eaves and ground level in landscaped areas. Other types of lighting shall be subject to zoning administrator approval.

(ii) Design Features. Teller machines must be flush-mounted with exterior building wall and match architectural style of existing building. Each machine is required to have an enclosed trash receptacle.

b. Exterior mounted automated teller machines in conjunction with a permitted, conforming commercial use requires precise plan of design approval, prior to installation.

Note 62. Occupancy of existing structures or expansions of less than two thousand five hundred square feet for industrial zoned properties located adjacent to residentially zoned properties must comply with the following:

a. Establish a six-foot high block wall along side and rear property lines that abut residential property and if physically possible include a landscaped setback consisting of irrigation, trees and ground cover subject to approval by the zoning administrator.

b. Hours of operation limited to seven a.m. to six p.m. Monday through Friday, unless noise generated by operation does not spill off-site. Noise not to exceed sixty-five dBA as measured from residential property line. In addition, on-site lighting not to spill onto residential property.

c. All unpaved areas to be paved or adequately landscaped.

d. Outside storage to be adequately screened subject to zoning administrator approval and limited to an area no closer than twenty feet to any residentially zoned property.

e. Commercial vehicles not to be parked or stored within twenty feet of residential zoned property.

Note 63. Precise plan of design required for new development only.

Note 64. Allowable use only in conjunction with an automotive towing service. On-site operations to be screened from public right-of-way and adjacent properties.

Note 65. Wireless telecommunication facility proposals must be in compliance with Chapter 18.49 of the Pico Rivera Municipal Code.
Note 66. Outside dining associated with a restaurant as defined in this code allowed with issuance of a zoning administrator approved outdoor dining permit.

Note 67. Outdoor dining not located on public or private sidewalk required to have a minimum three-foot wide landscaped setback including a solid barrier from any automobile parking area or driveway aisle. Setbacks from property lines must comply with parking area setback requirements. Compliance with current parking regulations required.

Tables, chairs, umbrellas, serving stations or similar equipment to be located outside must be architecturally compatible with existing structure subject to zoning administrator approval. Said dining area must be in compliance with the parking provisions of Chapter 18.44 of this title.

Outside dining that is proposed to be located on or adjacent to a public or private sidewalk must abide by the following requirements, subject to zoning administrator approval:

Tables and chairs to be of wrought iron or similar construction and compatible with the appearance and design of the existing structure, and must be located parallel to the front of the restaurant, with no possibility of incursion into required clear area of sidewalk.

All outdoor furniture or equipment limited to a maximum fifty percent of the sidewalk width located in front of the restaurant, with a minimum four feet wide area of sidewalk to remain clear of obstruction. Primary pedestrian ingress and egress must be from sidewalk utilized for outdoor dining.

One or more twenty-five (25) gallon landscape planters to be placed at each end of outdoor dining area. Plants to consist of natural, healthy trees and/or similar container appropriate plants. Potted plants shall not drain onto the public right-of-way.

One freestanding, mounted menu board no greater than fifteen (15) inches in width and twenty-four (24) inches in length permitted adjacent to entranceway.

Provisions shall be made for trash receptacles to serve the sidewalk dining area.

Outdoor lighting to illuminate dining area only. Reproduced music permitted as long as sound does not travel off-site or interfere with users of the sidewalk.

The permittee is responsible for maintaining the outdoor dining area and any adjoining street, curb, gutter and sidewalk in a neat, clean, and orderly condition at all times.

Any proposed outdoor dining located on a public right-of-way will require an encroachment permit or similar approval from the Pico Rivera department of public works in addition to the above noted requirements.

The zoning administrator may revoke the outdoor dining permit upon violation of any imposed condition. Upon termination of said permit the sidewalk shall be returned to its original condition.

Note 68. Any recycling facility shall meet and be certified by the California Department of Conservation and if necessary, the Integrated Waste Management Board, as to meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. Additionally, unless otherwise required by the zoning administrator, the recycling facility must be designed to accept, collect and distribute all redeemable beverage containers made of glass, plastic, aluminum, bi-metal, and made of other recyclable material as determined by this chapter.

Note 69. The recycling facility shall meet the following requirements:

a. Reverse Vending Machines (RVM).

1. The RVM, if located outside of the primary business, shall not occupy more than twenty-five square feet.

2. The RVM be located within the store, within twenty-five feet of the main entrance of the primary business.
3. The RVM shall not require additional parking in addition to that required for the primary use.

4. Unless otherwise required by state regulations, one directional and informational sign for each RVM site no more than one foot by three feet shall be permitted. This sign shall be placed on, painted onto, or otherwise permanently affixed to the RVM.

5. RVMs shall be limited to the collection of redeemable empty beverage containers made of glass, plastic, aluminum beverage, bi-metals, and other recyclable material as permitted by this chapter and approved by the zoning administrator.

6. Shall be permitted as an accessory use to a permitted use.

b. Collection Storage Unit(s) (CSU).

1. Collection storage units aggregate coverage shall not exceed one hundred twenty-five square feet.

2. Collection storage units shall be fully enclosed, except for small openings for deposit of recyclable materials.

3. The CSU shall be located within twenty-five feet of the main entrance into the primary use, whenever possible the CSU shall be located on a sidewalk, and not on any portion of a drive aisle or parking space.

4. All storage units shall be sealed in such a manner as to preclude the deposit of nonredeemable materials in the unit during hours when the primary facility is unmanned.

5. The CSUs shall be staffed a minimum of thirty hours per week to facilitate the purchase of or donation of recyclable materials.

6. The CSUs shall not occupy required parking spaces or landscape areas. No additional parking in addition to that required for the primary use shall be required.

7. CSUs shall be limited to the collection of redeemable paper, and empty beverage containers made of glass, plastic, aluminum beverage and bi-metals; and other beverage containers meeting the California Beverage Container Recycling and Litter Reduction Act of 1986, as approved by the zoning administrator.

8. The CSU shall be of a size, shape and design to be compatible with existing facilities.

9. No permanent or temporary structures for human habitation or use is permitted as part of a CSU site.

10. The CSUs shall be permitted as an accessory use to a permitted use.

11. Unless otherwise required by state regulations, one directional and information sign for each CSU site no more than one foot by three feet shall be permitted. This sign shall be placed on, painted onto, or otherwise permanently affixed to the CSU.

c. Mobile Recycling Unit (MRU).

1. All storage shall be completely enclosed in a truck, van, trailer, cargo container, or bin as approved by the zoning administrator.

2. MRUs shall not occupy nor block driveway aisles, nor occupy landscaped areas. MRUs may be located within an existing parking space if adequate screening and design measures as approved by the zoning administrator are approved. No additional parking in addition to that required for the primary use shall be required.

3. An attendant shall be at the facility at all times during operational hours of the mobile recycling unit.

4. The MRU shall be located outside of required building setback areas as approved by the zoning administrator.

5. MRUs shall be limited to the collection of redeemable paper, and empty beverage containers made of glass, plastic, aluminum beverage, and bimetals, and other recyclable materials as approved by the zoning administrator.
6. MRUs shall be permitted as an accessory use to a permitted use.

7. Unless otherwise required by state regulations, one directional and information sign for each MRU site no more than one foot by three feet shall be permitted. This sign shall be placed, painted or otherwise permanently affixed to an MRU.

d. Recycling Plant (Processing Plant).

1. All outdoor storage of salvageable recycled materials (e.g., non-processed recyclable materials) shall be contained within bins that are located on a paved area on the rear one-half of the project site, or located within a fully enclosed building or structure. No open, loose, bulk or aggregate storage shall be permitted.

2. All outdoor storage of processed recycled materials shall be prepackaged or stored in an enclosed container within the rear one-half of the project site. No open loose, bulk, or aggregate storage shall be permitted.

3. Outdoor storage plans shall be reviewed and approved by the city, L.A. County sheriff’s department and L.A. County fire department, L.A. County health department, and city of Pico Rivera.

4. All outdoor storage containers and outdoor operations shall be enclosed by view-obscuring walls, fences, gates, or buildings. No storage containers shall be seen from a public right-of-way or from any residential land use.

5. All processing and other similar activities shall occur entirely within an enclosed building.

6. A recycling plant, upon planning commission approval of a conditional use permit may accept used motor oil for recycling from consumers or other used oil generators for distribution in accordance with Sections 25250.11 of the California Health and Safety Code. No reclamation processing of used oil is permitted.

7. The ambient noise level shall not be increased above existing noise levels as measured at any property line as a result of this permitted activity.

8. The recycling facility plant shall comply with signage and off-street parking code standards.

9. The delivery of biodegradable refuse (e.g., garbage or food wastes) shall not be permitted. Any incidental amounts of biodegradable refuse materials enters the site shall be removed by the next working day or within the next forty-eight hours of it entering the site, whichever is sooner. All incidental refuse material shall be placed in containers or within an existing structure until such time that this waste material is removed from the project site.

10. Liquid wastes, hazardous and biodegradable materials, including, but not limited to, food, beverages, drugs, cosmetics, hazardous chemicals, poisons, medical wastes, syringes, needles, pesticides, batteries and other similar materials shall not be permitted on the site.

11. As applicable, the owner and operator of the facility shall prevent or eliminate immediately any nuisance created by dust, odors, blowing material, litter, ponding water, noise or other nuisance. Inspections, as necessary, by the L.A. County department of health and city of Pico Rivera, mitigating nuisances may be required on a case-by-case basis.

12. All buildings and structures within the site shall be rodent-proofed and any rodent infestation shall be controlled immediately. Inspections, as necessary, by the L.A. County department of health and city of Pico Rivera, mitigating impacts may be required on a case-by-case basis.

13. Any infestation or accumulation of flies or other insects of public health significance shall be immediately controlled. Inspections, as necessary, by the L.A. County department of health and city of Pico Rivera, mitigating impacts may be required on a case-by-case basis.

14. In anticipation of emergency situations (e.g., breakdown of facilities, power failure, landfill closure), provisions shall be made to ensure nonsalvageable waste materials will be properly contained and that no
continuous storage of nonsalvageable material be allowed. Unless otherwise approved by the zoning administrator, nonsalvageable materials shall be removed within forty-eight hours.

15. Any representative of a regulatory governmental agency shall be permitted access to the recycling plant at any reasonable time for the purpose of obtaining information or inspecting operations.

16. Burning of wastes shall be prohibited.

17. Fire protection and prevention facilities, including, but not limited to, fire sprinklers, shall be provided in a manner subject to approval of the fire marshal.

18. A detailed site plan, building elevations and operations plan, illustrating improvements such as building, parking, outdoor storage, use of equipment, processing operations, transport routes, shall be subject to review and approval.

19. A recycling plant shall not be located on a property located within four hundred feet of a lot zoned residential or open space or any property containing a public institutional land use (e.g., church, school, park or library).

20. As applicable, the applicant and operator of a recycling plant shall bear the full administrative costs of monitoring and inspection activities to be conducted by city staff or consultant representatives. An annual permit fee and fine schedule shall be prepared and approved prior to any recycling-related use being established. Failure to pay the city all fees and/or fines shall constitute a zoning code violation.

e. Recycling Station.

1. All storage of salvageable recycled materials (e.g., nonprocessed recyclable material) shall be contained within bins that are located on a paved area in the rear one-half of the project site or located within a fully enclosed building or structure. No open, loose, bulk or aggregate storage shall be permitted.

2. Outdoor storage plans shall be reviewed and approved by the city, L.A. County sheriff’s department and L.A. County fire department, L.A. County health department, and city of Pico Rivera.

3. All outdoor storage containers and operations shall be totally enclosed by view-obscuring walls, gates, fences or buildings. No storage containers shall be seen from a public right-of-way or from any residential land use.

4. Recyclable material delivered to the site shall be presorted, and shall include no hazardous or biodegradable wastes.

5. No processing activities shall be permitted.

6. The ambient noise level shall not be increased above existing noise levels as measured at any property line.

7. The recycling station shall comply with signage and off-street parking code standards.

8. The site shall not be located on a property within four hundred feet of a lot zoned for residential or open space purposes or any property containing a public institutional land use (e.g., church, school, park or library).

9. The delivery of biodegradable refuse (e.g., garbage or food wastes) shall not be permitted. Any incidental amounts of biodegradable refuse material enters the site shall be removed by the next working day or within the next forty-eight hours of its entering the site, whichever is sooner. All incidental refuse material shall be placed in containers or within an existing structure until such time that this material is removed from the project site.

10. Liquid wastes, hazardous and biodegradable materials, including, but not limited to, food, beverages, drugs, cosmetics, hazardous chemicals, poisons, medical wastes, syringes, needles, pesticides, batteries, and other similar materials shall not be permitted on the site.
11. As applicable the owner or operator of the facility shall prevent or eliminate immediately any nuisance created by dust, odors, blowing material, litter, ponding water, noise, rodents, infestations, or other nuisances. Inspections, as necessary, by the L.A. County department of health and city of Pico Rivera, mitigating nuisances may be required on a case-by-case basis.

12. All buildings and structures within the site shall be rodent-proofed and any rodent infestation shall be controlled immediately. Inspections, as necessary, by the L.A. County department health and city of Pico Rivera, mitigating nuisances may be required on a case-by-case basis.

13. Any infestation or accumulation of flies or other insects of public health significance shall be immediately controlled. Inspections, as necessary, by the L.A. County department of health and city of Pico Rivera, mitigating nuisances may be required on a case-by-case basis.

14. Any representative of a regulatory governmental agency shall be permitted access to the recycling plant at any reasonable time for the purpose of obtaining information or inspecting operations.

15. A detailed site plan, building elevations and operation plans illustrating improvements, such as building storage, parking, signage, and provisions for site supervision and security shall be subject to review and approval by the zoning administrator.

f. General Requirements.

1. All recycling facilities require a separate business license.

2. All recycling facilities must post city licenses and phone contact for site maintenance and operation.

3. Excepting for permitted signage, no advertisement for any product or use other than materials to be recycled may be affixed to a machine, collection unit, or other facility visible to the public.

4. All facilities immediately accessible to the public must be maintained in a clean and attractive manner and serviced on a daily basis. This shall include washing, sweeping and other cleaning activities. As needed, a trash receptacle shall be provided at each recycling facility as determined by the zoning administrator.

5. A plan of operation including correctly dimensioned site plans of the facility, actual days and hours of operation, anticipated volume of recyclable and nonrecyclable materials to be collected and any other information as requested by the zoning administrator shall be submitted for review and approval.

6. The name and phone number of the person responsible for the recycling facility site and hours of operation shall be visible to the public; other signage as permitted by this code or required by state regulators shall be reviewed and approved by the community development department, planning division.

7. Operation hours of the recycling facility shall be at least the operating hours of the primary use.

8. The recycling facility shall be illuminated to ensure a comfortable and safe operation, if operating hours fall between dusk and dawn.

9. The operator and primary business of any recycling facility shall remove any and all recyclable materials which have accumulated or are deposited outside a designated container, bin or enclosure intended as receptacles for such materials within a twenty-four hour period. Upon failure to immediately remove said material, the city may deem them to be abandoned and may enter the site to remove the materials. The property owner(s) of the premises and the operator of the facility shall be liable for full costs of such clean-up work completed by the city.

10. As necessary, a litter and debris plan for on- and off-site impacts shall be reviewed and approved by the zoning administrator.

11. Violation of any condition of any terms set forth may result in the issuance of a notice of noncompliance certificate by the city of Pico Rivera and be cause for the immediate closing of the facility until such times as the violations are corrected to the satisfaction of the zoning administrator.
12. As determined by the zoning administrator, a periodic report providing such information as the weight, volume and type of recyclable material, and nonrecyclable material received, shall be provided to the community development department, planning division.

**Note 70.** Modular classroom/offices must abide by zoning and Uniform Building Code requirements in regards to placement and installation. Trailers to be screened from neighboring residential properties and public right-of-way. Architectural design to complement existing structures and minimize modular appearance. It is not the intent of this section to encourage modular units in lieu of permanent structures. Total square footage of modular units not to exceed twenty-five percent of existing permanent classroom space. Such units allow for private education institutions Grades K through 8.

**Note 71.** Effective March 23, 2006, self-storage facilities as defined in Section 18.04.604 are not permitted in any zone in the city; provided, however, that this provision shall not effect self-storage facilities that are in operation or have received city entitlements prior to such date.

**Note 72.** The following regulations shall apply to check cashing establishments:

a. **Distance Requirements.** A minimum distance of two thousand six hundred forty feet (one-half of a mile), as measured from property line to property line, shall be maintained between any two check cashing establishments.

b. The establishment shall comply with the state of California Department of Justice regulations for Check Cashers Permit Program set forth in the California Code of Regulations, Title 11, Division 1, Chapter 13.5 and maintain an active check cashers permit at all times.

**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 twenty occupants, or a combination of multiple shelters with a combined capacity not to exceed twenty 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 twenty occupants shall also be subject to the approval of a conditional use permit, as set forth in Chapter 18.56.

(i) A single emergency shelter for twenty occupants or a combination of multiple shelters with a combined capacity not to exceed twenty 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 six p.m. and seven a.m. during Pacific Daylight Time, and five p.m. and seven a.m. during Pacific Standard Time. Clients must vacate the facility by eight a.m. and have no guaranteed bed for the next night. A curfew of ten 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 three hundred feet shall be maintained from any other emergency shelter, as measured from the property line.

d. Emergency shelters shall not be located within one thousand feet of a public or private school (preschool 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-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 ten square feet per bed, minimum one hundred 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 one toilet for every eight beds per gender.

(ii) A minimum of one shower for every eight 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 one space per four beds, and/or one-half per bedroom designated as a family unit with children, plus one 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 Section 18.44.050 of this 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 fifteen 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 Section 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 one hundred twenty days in a three hundred sixty-five 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 twenty-four-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 sheriff’s department.

(xv) All graffiti on the premises shall be removed by the business operator within twenty-four 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 two hundred square feet and a maximum of four hundred 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 Section 18.44.050 of this 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 thirty 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 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 ten or more units shall provide on-site management. A project with less than ten units may provide a management office off-site.

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

n. SRO (efficiency) unit parking shall be provided as follows:
   (i) One uncovered parking space for every three SRO (efficiency) units.
   (ii) Two uncovered parking spaces for an on-site manager unit.
   (iii) Each efficiency unit shall be provided at least one 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 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 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 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 one thousand two hundred square feet; and

(vi) Have a designated open space area of three hundred 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 resources; 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 only for properties identified in the 2014-2021 Housing Element to meet the Regional Housing Needs Assessment. 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. The zoning administrator shall require a parking, traffic, noise or any other study as necessary.

b. Completeness. If the zoning administrator determines the application to be incomplete, the applicant will be notified within thirty 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.

Note 77. New live/work lofts permitted in vertical mixed-used developments only with direct access to
street.

Note 78. Existing legally nonconforming and former residential single-family units on major thoroughfares
which have maintained the characteristics of a single-family unit may convert to a live/work space, provided a
precise plan of design approval is obtained. Development of new single-family homes for the conversion to
live/work space is not permitted. Only office uses permitted provided the applicant can provide parking for the
required office and residential unit per Chapter 18.44.

Note 79. Light industrial zoned properties with a mixed-use overlay may develop a standalone industrial
development consistent with the base zone or a mixed use development. The property owner may not
subdivide properties for the purpose of allocating land uses. The property owner must choose to continue the
existing industrial land use or choose to develop the entire property under the mixed use overlay as of the
adoption of this note. The mixed use component may not include an industrial land use. However, the
property owner may choose to develop a standalone residential or commercial development. (Ord. 1089 §§ 9,
10, 2014; Ord. 1087 § 6, 2014; Ord. 1085 § 5, 2014; Ord. 1083 § 11, 2014; Ord. 1066 § 6, 2011; Ord. 1057 §
8, 2009; Ord. 1053 § 5, 2009; Ord. 1018 § 7, 2006; Ord. 1000 § 4, 2003; Ord. 988 § 4, 2002; Ord. 934 §§ 5, 6
and 7, 1999; Ord. 932 § 4, 1999; Ord. 917 § 4, 1998; Ord. 912 § 9, 1998; Ord. 911 §§ 4, 5, 1998; Ord. 893
§ 8, 1997; Ord. 892 § 8, 1997; Ord. 886 § 4, 1996; Ord. 857 §§ 11, 12, 1994; Ord. 852 §§ 28—43, 1994; Ord.
830 § 6, 1993; Ord. 823 §§ 10, 11, 1993; Ord. 799 §§ 4—5, 1991; Ord. 785 § 7, 1990; Ord. 765 §§ 18—20,
1989; Ord. 752 § 5, 1989; Ord. 751 § 5, 1989; Ord. 745 §§ 4, 5, 1988; Ord. 710 § 4, 1985; Ord. 652 § 3, 1982;
Ord. 640 § 2, 1981; prior code § 9206.05)

18.40.060 Regulations non-exclusive.

The provisions of this chapter regulating adult businesses are not intended to be exclusive, and compliance
therewith shall not excuse noncompliance with any other regulations pertaining to the operation of businesses
as adopted by the city council of the city of Pico Rivera. (Ord. 988 § 6, 2002)

18.40.070 Public nuisance.

Any adult business that is operating in violation of these provisions regulating adult businesses is hereby
declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation. (Ord.
988 § 6, 2002)
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Chapter 18.42 PROPERTY DEVELOPMENT REGULATIONS

Article I. General Provisions

18.42.010 Purpose of provisions.

The intent and purpose of this chapter is to establish and set forth minimum property development regulations, conditions, requirements and limitations governing the development of property for uses of land in the various zone classifications, as established in Chapters 18.10 through 18.38 of this title. (Prior code § 9207.01)

18.42.020 Property development chart—Adopted.

The chart and text illustrated in this chapter are hereby adopted and made a part of this chapter. (Prior code § 9207.02)

18.42.030 Property development chart—Directions for use.

The property development regulations chart is divided into twelve basic categories of minimum regulations for the development of property in the various zone classifications. In order to determine the zone in which the regulations apply, application and use of the chart is as follows:

A. Find the specific “Regulations” column in the chart set forth in Section 18.42.040.

B. Read across the chart to the zone column in which the regulation sought appears.

C. If a specific regulation appears in a zone column, this means that it is the minimum regulation required for the particular zone represented by the column in which the regulation appears.

D. If a specific regulation appears in a zone column with a parenthetic number or numbers, e.g., “10 acres (3, 9)” this means that the minimum regulation required for the particular zone represented by the column in which the regulation appears is also subject to compliance with the special development conditions, requirements and limitations set forth in subsection B of Section 18.42.050.

E. If only parenthetic numbers appear in a zone column this means that the specific minimum regulation required for the particular zone represented by the column in which the parenthetic numbers appear is subject to compliance with the special development conditions, requirements or limitations set forth in and corresponding with the numbered conditions of subsection B of Section 18.42.050.

F. If neither a specific regulation nor a parenthetic number appears in a zone column this means that the governing regulation set forth in Section 18.42.040 in the “Regulations” column does not apply to the particular zone represented by the column. (Prior code § 9207.03)

18.42.040 Property development chart—Contents.

The basic minimum property development regulations are categorized, enumerated and set forth in Table 18.42.040, the Property Development Regulations Chart, following this section.
### Table 18.42.040
PROPERTY DEVELOPMENT REGULATIONS CHART
(Part 1—R-E, S-F, R-I, PUD and R-M Zones)

<table>
<thead>
<tr>
<th>Regulations</th>
<th>R-E</th>
<th>S-F</th>
<th>R-I</th>
<th>PUD¹</th>
<th>R-M</th>
<th>M-U Overlay</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Lot Frontage and Access</td>
<td>(1)</td>
<td>(1)</td>
<td>(2)</td>
<td>(2)</td>
<td>(1, 3)</td>
<td></td>
</tr>
<tr>
<td>B. Size, Area &amp; Frequency of Zone</td>
<td>.5&lt;2.5 Acres (Gross)</td>
<td>N/A</td>
<td>2.5 Acres (Gross)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. Lot Area</td>
<td>15,000 sq. ft. (8)</td>
<td>6,500 sq. ft. (8)</td>
<td>4,200 sq. ft. (6)</td>
<td>1,500 sq. ft. (6)</td>
<td>2,600 sq. ft. (6)</td>
<td>12,500 sq. ft. (8, 9, 44)</td>
</tr>
<tr>
<td>D. Dwelling Unit Density</td>
<td>One per lot (10)</td>
<td>One per lot (11)</td>
<td>One per lot</td>
<td>1—30 DUs² per acre (12, 13)</td>
<td>1—30 DUs² per acre</td>
<td>30 DUs per acre (14)</td>
</tr>
<tr>
<td>E. Floor Area per Dwelling Unit. 1—6 deleted.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>500 sq. ft. (15)</td>
</tr>
<tr>
<td>F. Lot Size</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>1. Lot width</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>a. Corner or reverse corner lot</td>
<td>100 feet (8)</td>
<td>70 feet (8)</td>
<td>40 feet</td>
<td>N/A</td>
<td>40 feet</td>
<td>(19)</td>
</tr>
<tr>
<td>b. Interior lot</td>
<td>100 feet (8)</td>
<td>60 feet (8)</td>
<td>40 feet (42)</td>
<td>25 feet</td>
<td>40 feet (42)</td>
<td>(19)</td>
</tr>
<tr>
<td>2. Lot depth</td>
<td>150 feet (8)</td>
<td>100 feet (8)</td>
<td>N/A</td>
<td>65 feet (42)</td>
<td>(19)</td>
<td>(19)</td>
</tr>
<tr>
<td>G. Yards</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Front</td>
<td>30 feet (20)</td>
<td>20 feet (20)</td>
<td>20 feet to garage 15 feet to residence (Any portion)</td>
<td>N/A</td>
<td>18 feet to garage 15 feet to residence (any portion)</td>
<td>25 feet (20, 31)</td>
</tr>
</tbody>
</table>
### Chapter 18.42 PROPERTY DEVELOPMENT REGULATIONS

#### Zone

<table>
<thead>
<tr>
<th>Regulations</th>
<th>R-E</th>
<th>S-F</th>
<th>R-I</th>
<th>PUD</th>
<th>R-M</th>
<th>M-U Overlay</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>A</td>
<td>B</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

#### 2. Side

- **a. Interior**
  - 10 feet (20)
  - 5 feet (20)
  - 4 (56)
  - N/A
  - 4 feet (56)
  - 5 feet (20, 23)
  - 10 feet (20, 61)

- **b. Street**
  - 20 feet (20)
  - 10 feet (20)
  - 8 (56)
  - N/A
  - 8 feet (56)
  - 10 feet (20, 23)
  - 10 feet (20)

#### 3. Rear

- **a. Case I**
  - 10 feet (20, 25)
  - 5 feet (20, 25a)
  - 50% minimum
  - 20 feet and 50% minimum
  - 15 feet
  - 26

- **b. Case II**
  - 15 feet (20, 25b)
  - 10 feet (20, 25b)
  - N/A
  - 15 feet (20, 25b)

- **c. Case III**
  - 20 feet (20, 25c)
  - 15 feet (8, 20, 25c)
  - 20 feet (20, 25c)

#### 4. Projections

- (8, 27) (8, 27) (27g) N/A (27f) (27) (62)

#### H. Building Heights

- 24 feet (28)
- 24 feet (28)
- 26 feet (28, 29)
- 26 feet (28, 29)
- 26 feet (28, 29)
- (28) 60 feet (58)

#### I. Lot Coverage

- 35% lot area (30)
- 40% lot area (30)
- 50%
- 80% lot area (30)
- 50%
- 50% lot area (30)

#### J. Location and Relationship of Buildings, Structures and Uses

- (31)
- (31)
- (31a, b, c, d, e, f)
- (31f, g, h, i)
- (31f, g, i, j)
- (31)
- (31a, b)

#### K. Fences, Hedges and Walls

- (32a, b, c, d)
- (32a, b, c, d)
- (32c)
- (32a, b, c, d, e)
- (32a, c, h)

#### L. Other Conditions, Requirements

- (33—39, 47, 49, 50, 53, 54, 55, 57)
- (33—39, 47, 49, 50, 53, 54, 55, 57)
- (33—39, 49, 50, 53, 55, 57)
- (33—39, 49, 50, 53, 55, 57)
- (33—39, 41, 42, 47, 48, 50, 53, 55, 57)
- (33—39, 41, 42, 47, 48, 50, 53, 55, 57)
- (34, 35, 37—39, 41, 44, 45, 47, 50, 53, 55, 57, 63)

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1. PUD development criteria to come entirely from Column "A" or Column "B."
2. These densities will be subject to general plan standards.

Table 18.42.040
PROPERTY DEVELOPMENT REGULATIONS CHART (continued)
(Part 2—P-A, C-N, C-C, C-G, C-M, I-L and I-G Zones)

<table>
<thead>
<tr>
<th>Regulations</th>
<th>P-A</th>
<th>C-N</th>
<th>C-C</th>
<th>C-G</th>
<th>C-M</th>
<th>I-L</th>
<th>I-G</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Lot Frontage and Access</td>
<td>(1, 3)</td>
<td>(1, 3, 4)</td>
<td>(1, 3)</td>
<td>(1, 3)</td>
<td>(1, 3)</td>
<td>(1, 3)</td>
<td>(1, 3)</td>
</tr>
<tr>
<td>B. Size, Area and Frequency of Zone</td>
<td>1—1/2 acres (5, 7)</td>
<td>4—20 acres (7)</td>
<td>10 acres (7)</td>
<td>3 acres (7)</td>
<td>5 acres (7)</td>
<td>10 acres (7)</td>
<td></td>
</tr>
<tr>
<td>C. Lot Area</td>
<td>10,000 sq. ft.</td>
<td>12,000 sq. ft.</td>
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</tr>
<tr>
<td>D. Dwelling Unit Density</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E. Floor Area Per Dwelling Unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Senior Citizens Housing</td>
<td></td>
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</tr>
<tr>
<td>F. Lot Size</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>1. Lot width</td>
<td></td>
<td></td>
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<tr>
<td>a. Corner or reverse lot</td>
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<td>b. Interior lot</td>
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<td>G. Yards</td>
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<td>15 feet (20, 22)</td>
<td>15 feet (20, 22)</td>
<td>15 feet (20, 22)</td>
<td>20 feet (20, 22)</td>
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<td>2. Side</td>
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<td>3. Rear</td>
<td>(23, 26)</td>
<td>(23, 26)</td>
<td>(23, 26)</td>
<td>(23, 26)</td>
<td>(23, 26)</td>
<td>(23, 26)</td>
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<td>a. Case I</td>
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<td>b. Case II</td>
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<td>c. Case III</td>
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### Chapter 18.42 PROPERTY DEVELOPMENT REGULATIONS

<table>
<thead>
<tr>
<th>Regulations</th>
<th>Zone</th>
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<tr>
<td>H. Building Height</td>
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<td>P-A</td>
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<td>42 feet (28)</td>
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<td>I. Lot Coverage</td>
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<td>60% lot area (30)</td>
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<td>J. Location and Relationship of Buildings, Structures and Uses</td>
<td>(31-e, f, g)</td>
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<td>K. Fences, Hedges and Walls</td>
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<td>(32-a, c, d, f)</td>
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### 18.42.050 Special use conditions and chart notes.

The regulations governing development of property set forth in Table 18.42.040, the Property Development Regulations Chart, as may be applicable, shall be subject to the provisions of this section, as follows:

A. Relationship to Chart. Special development conditions, requirements and limitations governing property development regulations indicated by a parenthetic number appearing in the zone column of the Property Development Regulations Chart, correspond to the specific numbered conditions, requirements or limitations set forth in subsection B of this section.

B. Development Conditions, Requirements and Limitations Enumerated. Special development conditions, requirements and limitations for the development of property set forth in Table 18.42.040, the Property Development Regulations Chart, are as follows:

**Note 1.** Every lot shall have and maintain frontage along a publicly dedicated and improved street, and shall have unobstructed access to such street or to a publicly dedicated and improved alley.

**Note 2.** Every lot shall be provided with a means of access to a publicly dedicated and improved street. For purposes of the R-I and PUD zoned districts, the front property line shall be considered that portion of property from which vehicular access is taken.

http://qcode.us/codes/picorivera/view.php?topic=18-18_42&showAll=1&frames=off
Note 3. In the case when development occurs on a corner or reverse corner lot that has frontage along a major, secondary, collector or local street, or any combination thereof, as designated and defined in the circulation element of the general plan, the front lot line and permitted vehicular access to such lot shall be determined by that portion of the lot congruent with the right-of-way of the street designated as having the highest classification of traffic-generating capacity. All other lot lines shall be relative to such determined front lot as set forth herein.

Note 4. Whenever property located in this zone classification abuts property located in the O-S, R-E, S-F, PUD or R-M zone, such property shall be separated therefrom by a publicly dedicated and improved alley.

Note 5. Frequency of the C-N zone shall not be established or applied on any property located within a radius of one thousand feet of another C-N zone.

Note 6. This requirement shall apply only to an individually owned lot upon which a single-family dwelling unit is located.

Note 7. The number of acres set forth shall be the minimum, except, in the case where a range is indicated, it shall be the minimum and/or maximum in order to establish or apply this zone classification on any property or a combination of properties.

Note 8. See Section 18.08.110 of this title for regulations governing lots of record.

Note 9. Except in selected areas of the community where it has been clearly demonstrated and established through the zone reclassification process that such areas possess those characteristics more closely associated with single-family residential neighborhoods, lots may contain less than twelve thousand five hundred square feet of lot area, but in no case shall the lot area be less than six thousand square feet.

Note 10. Any lot having a lot area greater than the minimum required herein may be developed with more than one detached single-family dwelling unit. A lot qualifying for such additional dwelling unit development shall contain not less than fifteen thousand square feet of lot area for each such dwelling unit thereafter. In no case shall there be more than a total of four such dwelling units, and such development thereof shall be subject to a precise plan of design, as set forth in Article I of Chapter 18.48 of this title.

Note 11. Any lot having a lot area greater than the minimum required herein may be developed with more than one detached single-family dwelling unit. A lot qualifying for such additional dwelling unit development shall contain not less than six thousand square feet of lot area for the first single-family dwelling unit and not less than five thousand square feet of lot area for each such dwelling unit thereafter. In no case shall there be more than a total of four such dwelling units, and such development thereof shall be subject to a precise plan of design, as set forth in Article I of Chapter 18.48 of this title.

Note 12. The total number of dwelling units permitted shall not exceed or be less than the following distribution of dwelling unit densities:

a. Not less than fifteen percent of the total number of dwelling units permitted shall be developed at a density of eight dwelling units per acre;

b. Not less than twenty-five percent of the total number of dwelling units permitted shall be developed at a density of fourteen dwelling units per acre; and

c. Not more than sixty percent of the total number of dwelling units permitted shall be developed at a density of twenty dwelling units per acre.

Note 13. When implementing the dwelling unit densities as hereinabove provided, such densities shall be distributed throughout the planned residential unit development project in order to obtain the maximum amount of dispersion. In no case shall there be more than twenty dwelling units grouped or clustered on any given acre of land within the project. Contiguous lots and/or attached dwelling units which are grouped or clustered in any manner so as to form or appear to form a single building or dwelling structure may be
permitted; provided, however, that such grouping or clustering shall not contain more than six dwelling units and/or lots, nor shall the horizontal dimension of such building or dwelling structure exceed eighty feet.

**Note 14.** The number of dwelling units permitted shall be subject to the following distribution of dwelling unit densities:

a. Lots containing six thousand square feet but not more than eight thousand five hundred square feet of lot area shall not be developed with more than one dwelling unit for each three thousand square feet of lot area. Such lots shall be designated by the zone classification symbol “R-M-3000.”

b. Lots containing eight thousand five hundred square feet but not exceeding twelve thousand five hundred square feet of lot area shall not be developed with more than one dwelling unit for each two thousand five hundred square feet of lot area. Such lots shall be designated by the zone classification symbol “R-M-2500.”

c. Lots containing twelve thousand five hundred square feet but not exceeding twenty thousand square feet of lot area shall not be developed with more than one dwelling unit for each two thousand square feet of lot area. Such lots shall be designated by the zone classification symbol “R-M-2000.”

d. Lots containing twenty thousand square feet of lot area or more may be developed with any combination of dwelling unit densities as hereinabove set forth in paragraphs a, b and c of this subsection, and may also include but shall not be developed with more than one dwelling unit for each one thousand four hundred fifty square feet of lot area. Any such lot qualifying or approved for the exclusive development of one dwelling unit for each one thousand four hundred fifty square feet of lot area shall be designated by the zone classification symbol “R-M-1450.”

e. Apartment or residential complex designed, built, maintained for and occupied exclusively by senior citizens and/or physically handicapped persons may be developed to a greater density than otherwise permitted herein, such maximum density to be determined and prescribed by conditional use permit.

**Note 15.** Each apartment or dwelling unit in a complex developed specifically and exclusively for occupancy by senior citizens and/or physically handicapped persons.

**Notes 16 and 17.** Deleted.

**Note 18.** Lots fronting on and/or backing up to a major or secondary highway, railroad or flood control right-of-way shall have a lot depth of not less than one hundred thirty feet.

**Note 19.** Every lot shall have a lot width and depth as hereinafter required:

a. Lots containing six thousand to eight thousand five hundred square feet of lot area shall have a lot width of not less than sixty feet, and a lot depth of not less than one hundred feet. Corner or reverse corner lots shall have a lot width of not less than sixty-five feet. Lots fronting on or backing up to a major or secondary highway, or railroad or flood control right-of-way shall have a lot depth of not less than one hundred twenty feet.

b. Lots containing more than eight thousand five hundred up to twelve thousand five hundred square feet of lot area shall have a lot width of not less than eighty-five feet and a lot depth of not less than one hundred feet. Corner or reverse corner lots shall have a lot width of not less than ninety-five feet. Lots fronting on or backing up to a major or secondary highway, or railroad or flood control right-of-way shall have a lot depth of not less than one hundred thirty feet.

c. Lots containing more than twelve thousand five hundred to twenty thousand square feet of lot area shall have a lot width of not less than one hundred feet and a lot depth of not less than one hundred twenty-five feet.

d. Lots containing more than twenty thousand square feet of lot area shall have a lot width of not less than one hundred twenty-five feet and a lot depth of not less than one hundred sixty feet.

**Note 20.** Yards and Open Spaces—Generally. Except as may otherwise be permitted in the provisions hereof, every required yard or open-space area shall be maintained completely open and unobstructed from
the ground to the sky, excluding natural landscape material. No such yard or open-space area provided for the purpose of complying with the regulations contained herein shall be considered in any way as providing required yards or open-space area for any other building or adjoining lot which is also subject to the provisions herein.

a. Every residential front yard shall be fully landscaped and irrigated with the exception of driveways leading to required parking and walkways not exceeding six feet in width. Landscaping shall be continuously provided and maintained free of all weeds, debris, overgrown vegetation and dead plant material. Every residential property shall have eighteen months from the adoption of the ordinance to comply with this section.

b. Nonconforming conditions shall comply with setback provisions set forth in Section 18.54.060 of this title.

Note 21. In the case of a subdivision, the required front yards of lots along a block may be varied so as to maintain an average front yard of twenty-five feet, but in no case shall a front yard be less than fifteen feet.

Note 22. This requirement shall also be subject to the following provisions:

a. Every required front yard shall be fully landscaped, and a complete landscape plan showing the landscape design, schedule of plant material, 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. Off-street parking facilities may be located in any required yard area, except that the parking facilities shall not be closer than ten feet from the street property line.

b. Whenever the side lot line of a lot located in this zone abuts the side or rear lot line of a lot located in the O-S, R-E, S-F, PUD or R-M zone, there shall be a front yard building setback equal to the yard required for the abutting lot, but in no case shall such front yard building setback be less than ten feet. This front yard building setback requirement shall apply whether or not an alley intervenes.

Note 23. Whenever a building exceeds two stories in height, an additional five feet of yard area shall be provided for each story more than two.

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

a. In the case of a corner or reverse corner lot, a side yard building setback of not less than fifteen feet shall be maintained along the side lot line abutting a street. Such side yard shall be fully landscaped, and a complete landscape plan, showing the landscape 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. Open off-street parking facilities may be located in any required yard area, except that the parking facilities shall not be closer than ten feet from the street property line.

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, 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 set back.
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 25. Rear Yard.** The following rear yards shall be maintained, as each case may apply:

a. Case I. This rear yard building setback shall apply when there are no door or window openings in the rear wall of the dwelling.

b. Case II. This rear yard building setback shall apply when there are door or window openings in the rear wall of the dwelling.

c. Case III. This rear yard building setback shall apply when a dwelling contains more than one story.

**Note 26. Rear Yard.** A minimum rear yard building and landscaped setback of five feet 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, 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, 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 set back 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.

**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, 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 four feet in width may be extended to the front property line. Walkways shall maintain a three-foot landscaped setback from an existing driveway or a 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 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;
Chapter 18.42 PROPERTY DEVELOPMENT REGULATIONS

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.

Note 28. No building or structure shall exceed this maximum building height, except in the case where the architectural design of a roof structure enhances the overall design features, such roof may project above the maximum height not more than six feet. Mechanical equipment, communications antennae or masts, chimneys, plumbing riser pipes, ventilators and similar such facilities located on or extending above the surface of any roof structure shall not be installed, placed, erected or maintained above the maximum building height permitted except for amateur radio/citizen band radio antenna and antenna support structures which shall be regulated by Section 18.40.050(B)(38). Any such facilities located on or extending above the roof surface shall be adequately screened and/or so designed as to present the monolithic visual appearance of being a part or feature of the building or structure that such facilities are intended to serve.

Note 29. Buildings designed in such a manner as to form a split-level pattern that takes advantage of preserving and utilizing contours and terrain features may be permitted to exceed the maximum height, but in no case shall the height of the building be greater than thirty-four feet. Each building shall be so designed, constructed and/or arranged in such a manner that no portion of any given dwelling unit shall occupy an area or space above any part of another dwelling unit which is within same building or within a building that is attached.

Note 30. Development on any lot shall not exceed this maximum amount of aggregate total building coverage except as indicated below:
   Forty-five percent lot coverage allowed for single-family residential zoned lots containing five thousand five hundred square feet or less.

Note 31. The location and relationship of buildings, structures and permitted uses shall be subject to the following requirements:
   a. No building or structure shall occupy any space or portion of a required yard, except as may hereinafter be specifically permitted.
b. Accessory buildings and dwellings or portions thereof may either be attached by means of a common wall, or there shall be a distance maintained between such buildings of not less than seven feet with the separation of any roof eaves at least four feet. In the case of two or more buildings classified for dwelling purposes, such buildings may be attached by means of a common wall, or there shall be a distance maintained between such buildings of not less than ten feet.

c. Accessory buildings or structures located in the rear one-third of the lot, and where there is no alley access, may be erected or constructed on the rear and/or side property lines, except the side lot line of a corner or reverse corner lot. A setback of less than three feet to the rear and/or side property line shall be provided with Portland cement or decorative pavers between the structure and said property lines. Where the rear and/or side lot lines of the lot abut an alley, the location of any such accessory buildings or structures shall maintain a distance of not less than fifteen feet from the centerline of such alley. Where the rear lot line abuts a publicly dedicated street, accessory structures to maintain a ten foot setback from rear property line. In any case where such accessory buildings or structures are located on a property line, adequate roof drainage facilities shall be provided to assure that drainage of the roof shall take place on the same lot with the building or structure such facilities are required to be provided for.

d. Swimming pools and spas may be located anywhere on the lot, except in any required side yard abutting a street or front yard provided that said structure maintains a distance of not less than three feet from all property lines or enclosed structures. A minimum distance of five feet shall be maintained to any residential door opening. Fencing and/or gates no less than five feet in height shall be provided in compliance with the adopted Uniform Building Code.

e. The location of all buildings, structures and/or accessory uses relative to corner cutoffs shall be subject to the requirements set forth in Chapter 17.28 of this code.

f. No building or structure shall occupy any space or portion of a required yard, except a freestanding advertising sign as regulated in Chapter 18.46 of this title.

g. The location of all buildings, structures and/or accessory uses relative to corner cutoffs shall be subject to the requirements set forth in Chapter 17.28 of this code.

h. Lot Regulations Pertaining and Relating to Open Space. Every lot upon which a dwelling unit is proposed to be developed shall be subject to the following regulations pertaining and relating to open space:

   (i) Each lot shall be contiguous to and abut an open-space area or recreational area which has an average minimum width of forty feet, but in no case shall the minimum dimension be less than twenty feet in width.

   (ii) There shall be not less than three hundred square feet devoted to usable open space for each dwelling unit, and such area shall be a separate private yard adjacent to such dwelling unit.

i. Regulations Pertaining to Open Space. As it pertains to a planned residential unit development, “open-space land” means that certain area within the boundaries of a planned residential unit development used exclusively as commonly owned land, excluding vehicular access areas, developed for recreational purposes, and shall include areas of scenic or natural beauty integrated throughout the development, and also means recreational areas of a noncommercial nature, parks and playgrounds, riding, hiking, bicycle and nature trails, and land which lends itself to the use of an open-space nature. Development and reservation of open-space land shall be subject to compliance with the following regulations:

   (i) Open-space land shall comprise not less than forty percent of the gross area, excluding streets, alleys and vehicular access areas, and shall be permanently reserved and maintained as open space by means of a landscape maintenance district or other satisfactory means approved by the planning commission and city council, and shall only be used for open-space purposes. No building or structure shall be erected, placed or constructed thereon, except those buildings or structures which are determined to be of such nature so as to perform an open-space function.
(ii) All open-space land shall be landscaped and provided with a permanent irrigation system, and recreational facilities shall be installed as may be required through appropriate and applicable proceedings.

(iii) A complete landscape and recreational plan, prepared by a licensed landscape architect, showing a schedule and location of all plant material, method of permanent irrigation, finished grades, and other recreational facilities, shall be submitted as a part of the project, approved through appropriate and applicable proceedings and developed in accordance with such approved plan.

(iv) Landscaping of open-space land shall be planted and installed during and concurrent with the construction development period of the project.

(v) Planned unit developments utilizing the “B” development column to abide by all of the above except the following “open space land” requirements:

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<thead>
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<th>No. of Units</th>
<th>Open Space</th>
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<tbody>
<tr>
<td>0—20</td>
<td>250 square feet per unit</td>
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<tr>
<td>21—40</td>
<td>200 square feet per unit</td>
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<tr>
<td>41—60</td>
<td>175 square feet per unit</td>
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<tr>
<td>61—80</td>
<td>150 square feet per unit</td>
</tr>
<tr>
<td>81 +</td>
<td>125 square feet per unit</td>
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**Note 32. Fences, Hedges and Walls.** Fences, hedges and walls may be located anywhere on the lot subject to the following requirements:

a. A non-solid fence or wall not exceeding four and one-half feet in height may be permitted in any required front yard building setback area. Solid fences, walls and solid hedges shall not exceed three and one-half feet in height in the front yard setback. Pilasters of four and one-half feet in height constructed along side and/or front property lines located adjacent to any driveway shall maintain a ten-foot setback from the front and/or side property line. Pilasters of four and one-half feet in height located along the front property line shall also maintain a ten-foot setback from the outside edge of any driveway. Non-solid walls greater than four and one-half feet in height within any required front yard, shall be subject to a precise plan of design, as set forth in Article I of Chapter 18.48 of this title.

b. Solid gates located within the front yard setback shall not exceed three and one-half feet in height. Wrought-iron gates located within the front yard setback shall not exceed four and one-half feet in height. Placement of gates on lots adjoining major, secondary or collector streets, as defined per the circulation element of the city general plan, shall maintain a twenty-foot front yard setback with the exception of electronically operated gates.

c. A fence, hedge or wall not exceeding six feet in height may be permitted anywhere on the lot to the rear of the required front yard building setback area.

d. In the case where a masonry wall is used, the appropriate number of courses necessary for construction thereof may be used for determining the maximum height permitted that would substantially conform with the provisions herein.

e. The location of fences, hedges and walls relative to corner cutoffs shall be subject to the requirements set forth in Chapter 17.28 of this code.

f. Whenever a lot located in the R-M zone abuts a lot in the O-S, R-E or S-F zone, a six-foot high, solid masonry wall shall be constructed, installed and erected continuously along all side and/or rear property lines abutting such O-S, R-E or S-F zoned property, except within any required front yard, in which case such wall
shall be incrementally reduced to a height of not more than two and one-half feet within the front fifteen feet of the lot. In all cases, a building permit shall be obtained for the design and construction of the wall. If any alley intervenes, the required wall shall be located either on the R-M zoned property contiguous to the alley right-of-way, or on the O-S, R-E or S-F zoned property contiguous to the alley right-of-way.

**g.** Whenever a lot located in this zone abuts a lot in the O-S, R-E, S-F, PUD or R-M zone, a six-foot high, solid masonry wall shall be constructed, installed and erected from finished grade of the commercial site continuously along all side and/or rear property lines abutting such O-S, R-E, S-F, PUD or R-M zoned property, except within any required front yard, in which case such wall shall be incrementally reduced to a height of not more than two and one-half feet within the front fifteen feet of the lot. In all cases, a building permit shall be obtained for the design and construction of the wall. If an alley intervenes, the required wall shall be located either on this zoned property contiguous to the alley right-of-way, or on the O-S, R-E, S-F, PUD or R-M zoned property contiguous to the alley right-of-way.

**h.** A decorative six-foot block wall shall be constructed for all commercial and residential multi-family developments in rear and side setbacks.

**Note 33.** Animal, Poultry and Fowl Requirements. The keeping and maintenance of animals, poultry, fowl or other livestock in this zone may be permitted subject to the specific regulations set forth in Chapter 18.50 of this title.

**Note 34.** Underground Utilities. All utility services and appurtenances, including electrical and communication services, shall be installed and located underground within the boundaries of the subject property, and shall be completely concealed from view. In no case shall there be any new or additional overhead electrical or communication facilities or utility poles placed, installed or erected in order to provide underground utility service facilities. However, when building permits are issued for additions, undergrounding shall be required where practical when the addition exceeds fifty percent of the floor area of the existing residence. The practicality of undergrounding shall be determined by the director of community development or designated representative.

**Note 35.** Drainage Gutters and Downspouts. All building drainage gutters and downspouts located on the exterior wall of any building or structure shall be of ornamental design or such gutters and downspouts shall be completely concealed inside the building or structure.

**Note 36.** Mechanical Equipment. All mechanical equipment located on rooftop, ground level, or anywhere on the building or structure, shall be completely enclosed so as not to be visible from any public street and/or adjacent property with the exception of subsections a—c below.

All other appurtenances of any type whatsoever, including plumbing vents located on the rooftop shall be painted to match the color of the roofing material. Multiple plumbing vents shall be combined wherever possible. Any metal chimney exceeding eight inches in diameter shall require screening designed to be an integral part of the dwelling. Plumbing pipes and vents shall be located within the structure or concealed to appear as part of the main dwelling.

**a.** Exterior relocation of water heaters may be permitted for single-family residential and single-family residential estate zoned properties provided that the water heater is placed along the rear building wall and located within a metal, wooden, or stucco enclosure painted to match their residence. Exposed vent pipes shall be painted to match the dwelling. Residential additions shall incorporate water heaters within the structure, if the exterior water heater requires relocation to accommodate the addition.

**b.** Roof-mounted air-conditioning units shall be limited to the rear portion of the roof for single-family residential and single-family residential estate zoned properties. A solid permanent screen architecturally designed to appear as a chimney feature or roof extension shall also be provided. Exposed heating and air-conditioning ducts shall be concealed to appear as part of the main structure.
c. Residential ground-mounted air-conditioning units shall be installed along the rear building wall or side yard, provided that a three foot side yard setback is maintained and screened from any public right-of-way view of single-family residential estate zoned properties. Exposed heating and air conditioning ducts shall be concealed to appear as part of the main structure.

d. Residential window air-conditioning ducts shall be permitted without screening provisions for single-family residential and single-family residential estate zoned properties.

e. Industrially zoned properties require solid screening for roof-mounted equipment visible from adjoining residential or commercial property or public right-of-way. Accessory equipment such as ground-mounted modular equipment, vent pipes, stacks, catwalks or similar equipment to be painted to match building. Solid architectural or landscape screening may be required if accessory equipment visible from neighboring residential or commercial property, or public right-of-way, subject to zoning administrator approval.

Note 37. Sewerage. All property shall be served by and connected to a public sanitary sewer approved by and to the satisfaction of the city engineer.

Note 38. Street Improvements. Any owner, lessee or agent proposing to develop any lot, or arranging for the construction of a building, dwelling or other structure, or portion thereof, on such lot shall also construct and install or cause to be constructed or installed all off-site improvements, as set forth in Chapter 12.44 of this code.

Note 39. Drainage. All property shall be graded to drain to such drainage facilities as may be approved by the city engineer. A grading and/or drainage plan shall be prepared, submitted to and approved by the building and safety division of the department of building and planning, and such grading and/or drainage shall take place in accordance with such approved plan. Any change in grading and/or drainage shall first be approved by the director of building and planning and/or the city engineer prior to the commencement of such grading and/or drainage project.

Note 40. Conditional Use Permit Required. A residential unit or planned residential unit development shall be established and permitted only by means of issuance of an approved conditional use permit pursuant to Chapter 18.56 of this title. Approval and issuance of the conditional use permit shall be based on the findings that the proposed planned residential unit development complies with the intent and purpose of the PUD zone, or that the residential unit development complies with the intent and purpose of the R-I zone.

Note 41. Trash Area Requirements. There shall not be less than six square feet of enclosed trash area provided for every dwelling unit, and such trash area enclosure shall be designed and constructed of materials compatible with the main building structure.

Note 42. For lots located in a cul-de-sac or facing similar physical constraints, the intent of this section will be met if the lot meets this dimension for a majority of the area of the lot, as shown in the following diagrams:
Note 43. Precise Plan of Design Requirements. Any development proposed on a lot having a lot area greater than thirty thousand square feet shall first be subject to a precise plan of design, as set forth in Article I of Chapter 18.48 of this title. Any development proposed on a lot having a lot area greater than fifty thousand square feet shall first be subject to issuance of a conditional use permit, as set forth in Chapter 18.56 of this title.

Note 44. Trash Area Requirements. There shall be not less than thirty-six square feet of enclosed trash area for every five thousand square feet of gross building floor area or fraction thereof, and such trash area enclosure shall be designed and constructed of materials compatible with the main building structure.

Note 45. Uses of Land Restricted. Except for off-street parking and loading facilities, every permitted use of land shall be conducted within an entirely enclosed building unless specifically permitted in Section 18.40.040(D) and (E).

Note 46. Mobilehome Parks. Development of mobilehome parks shall be subject to the property development regulations of the R-M zone classification in which the mobilehome park is to be located.

Note 47. Outdoor Living Space. The following living space shall be provided:
   a. R-E and S-F Zones. There shall be not less than one thousand square feet of outdoor living space located anywhere on the lot contiguous to a dwelling unit, except in any required front yard building setback area, and such dimension space shall have a minimum dimension of not less than ten feet.
   b. R-M and R-M Variable Density Zone. There shall be one hundred fifty square feet of private open space provided for each unit for the first floor unit and one hundred square feet per unit for the upper floor. Such space shall have a minimum dimension of six feet. There shall be two hundred square feet of common open space provided for each unit. Such space shall have a minimum dimension of ten feet.

Note 48. The building height may be increased one foot for each one foot setback from the front property line, in addition to the required setback.

Note 49. Design Standards. Each single-family dwelling unit, including foundational mobilehome units, shall comply with the following design standards:
   a. Exterior Siding. Each dwelling structure and additions thereto shall have exterior siding of wood, stucco, masonry, asbestos shingle, or other approved material which is formed and finished to give the appearance of such materials described in this subsection.
b. Roofing Materials. Each dwelling structure shall have a roof constructed of wood shake, shingle, asphalt composition, fiberglass shingle, crushed rock, tile, or other approved material. Metal roofing shall be prohibited, except that which is formed and finished to represent wood shake or tile or shingle, and excepting metal patio covers, when located on or to the rear of the structure.

**Note 50.** All construction activities on any lot or parcel shall take place only between the hours of seven a.m. and seven p.m. except for purposes of emergencies.

**Note 51.** All new construction and additions five hundred square feet or greater shall be subject to approval of a precise plan of design. All new construction and additions of one thousand five hundred square feet or greater shall be subject to approval of a conditional use permit. If a conditional use permit is required for a project, then a precise plan of design is not required.

**Note 52.** The following standard shall apply to all hazardous waste facilities:

a. Buffer zones and screening walls for all facilities shall be in accordance with federal, state and county guidelines and/or shall be determined by the director of building and planning after evaluation of any submitted risk assessment.

**Note 53.** Development to comply with water efficient landscaping provisions set forth in Chapter 13.90 of this code.

**Note 54.** Storage on the roof is prohibited except for legally permitted mechanical equipment.

**Note 55.** Any new public facility, institutional, commercial, industrial building, or residential development of five units or more, or new construction that would add thirty percent to the existing floor area of same, shall be subject to the requirements of Chapter 18.43 (recycling space allocation) of this title.

**Note 56.** Zero lot line development permitted on one interior lot line, with a minimum eight-foot opposite side yard setback.

**Note 57.** New construction must comply with Article II of this chapter, the public image enhancement program.

**Note 58.** The maximum height from grade allotted is sixty feet or five stories for properties on major roadways as described per the Circulation Element of the General Plan. For properties not located on a major roadway, the height shall be that of the underlying base zone.

**Note 59.** a. The maximum intensity (non-residential component of mixed-use project) shall be 1.0 floor area ratio (FAR). Podium or underground parking is not counted toward the FAR.

b. A minimum distance between buildings of ten feet for buildings up to twenty-five feet in height and twenty-five feet for buildings above twenty-five feet.

**Note 60.** A minimum of a five-foot front landscaped setback required. The five-foot setback shall be allowed only when the setback is:

a. In-line with the front yard setback of adjacent buildings within plus or minus ten feet.

b. Has a major entrance from the front yard setback.

c. Achieves a pedestrian scale. See Design guidelines Note 63.

Should (a) above not be achieved the setback shall be fifteen feet and shall require that (b) and (c) are met.

**Note 61.** The minimum interior setback requirement shall be five feet for buildings under forty-two feet in height and/or located on major roadways as described per the Circulation Element of the General Plan. The minimum interior setback requirement shall be ten feet for properties not located on a major roadway and/or over forty-two feet in height.

**Note 62.** Projections.
Chapter 18.42 PROPERTY DEVELOPMENT REGULATIONS

a. Balconies, porches, decks and stairways shall not be permitted to encroach into setbacks less than ten feet. Balconies shall not be permitted in rear and side setbacks when facing a residential structure(s).

b. Cornices, eaves, fireplaces and similar architecture features may encroach into any required setback provided a minimum of five-foot setback remains free and clear.

c. Walkways four feet in width permitted in front yard setbacks provided the walkway is perpendicular to a main entrance. 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 material so as to clearly distinguish the walkway from the driveway.

d. Open patios, carports in the rear one-third of the lot, may encroach into the rear side setback provided a minimum five-foot setback remains free and clear. Surface parking spaces in commercial developments may encroach in the rear setback provided a minimum five-foot setback remains free and clear.

e. Swimming pools may encroach into the rear yard setback provided a minimum five-foot setback remains free and clear. A minimum distance of ten feet shall be maintained to any building structure.

Note 63. A conditional use permit shall be required for all mixed use developments whether standalone residential or commercial. Multi-family developments located on the housing opportunity sites (Housing Element sites identified in the General Plan) shall be approved by-right provided the development standards for the zone and the streamlined administrative review under Section 18.40.050 Note (76) are met. A minimum of twenty dwelling units per acre and maximum of thirty dwelling units per acre for the housing opportunity sites shall be required.

Note 64. Design Guidelines.

   1. First floors shall clearly be distinguished from upper floors by a change in materials, colors, and style.
   2. All visible building frontages shall be detailed with a similar level of architectural treatment as the primary frontage.
   3. Primary building entries shall be accented with strong architectural definition such as distinctive building forms, design elements and materials.
   4. Building façades shall include openings, recesses, changes in wall planes, doors, windows, and other elements to avoid large expanses of un-articulated walls.
   5. Articulations shall add three-dimensional interest to the façade and not rely on “false” detailing.
   6. Detailing of the building façades shall be integral to the architectural design and a permanent feature of the surface.
   7. Building façades shall incorporate architectural detail, recessed widows, awnings, overhands and other elements that relate to the scale of a person.
   8. Entrances to residential, office or other upper story uses shall be clearly distinguishable in form and location from retail entrances.

b. Building Elevations/Architecture. To ensure that buildings, particularly large structures, are designed with elements that relate to a human scale, the following should be incorporated into the design.
   1. Commercial buildings shall be articulated to reflect a small-scale street frontage rhythm, with building bay widths of approximately twenty-five feet.
   2. A ground floor retail use should have a minimum floor-to-ceiling height of twelve feet and maximize transparency into the retail space.
   3. Where multiple-tenant spaces are incorporated into a building, individual tenant spaces shall be located within the building bays. This can be achieved by any of the following:
A. Placing a column, pier or pilaster between façade elements.
B. Applying vertical slot or recess between façade elements.
C. Providing variation in plane along the building wall.
D. Varying the building wall by recessing the storefront entrance or creating an opportunity for landscaping or pedestrian area.

c. Materials.
1. Within a design theme, a variety of durable material and textures is strongly encouraged. Materials such as granite, marble, polished stones, and other panels should be used as accent materials on the building’s base.
2. In concert with the primary building material(s), a variety of materials is encouraged to articulate different building elements, such as the ground floor façade, the building base, horizontal break bands, pier or column bases, roof terminations, sills, awnings and similar building components.

d. Roofs. Roof design shall contribute to the overall building design.
1. The form, color and texture of the roofs shall be an integral component of the building design.
2. Roofline ridges and parapets should not run unbroken for more than seventy-five feet. Vertical or horizontal articulation is required.
3. Roofs should be compatible with the architectural style of the building.
4. The roof shape should reflect the configuration of the building’s mass and volume, and should be consistent in its character from all vantage points.
5. False fronts, applied mansard forms and other artificial rooflines that are not an integral component of the architectural design should be avoided.
6. All buildings shall provide cornice or parapet detailing in order to delineate a strong roofline along the primary façades.
7. Cornices and horizontal bands of genuine materials, such as wood trim rather than foam are strongly encouraged.
8. Reflective roofing materials shall not be used on roof surfaces that are visible from either ground level or elevated viewpoints, such as freeways.

e. Windows.
1. Upper story windows shall be detailed with architectural elements, such as projecting sills, molded surrounds and/or lintels.
2. Deeply tinted glass or applied films should be avoided.
3. Windows should maintain consistency in shape and location across the façade. Unifying patterns should include common windows and doors. The overall effect should create a harmonious pattern along the streetscape.

f. Awnings/Canopies.
1. Awning/canopies over building entries shall be incorporated into the design of the building, including colors and material detailing.
2. Backlighting of transparent or translucent awnings is discouraged.
3. Awnings on multi-tenant buildings should be the same color and style.
4. Awning design should be consistent with the character and design of the building.
5. The awning material should be compatible with the overall design of the building. The use of vinyl and plastic awnings are discouraged.
g. Exterior Lighting.
1. All exterior lighting should be designed to minimize glare, light trespass, and energy conservation. Full cut-off fixtures, mounting heights, and shielding should be utilized to effectively control glare and light trespass.
2. Pedestrian areas need to be well-marked and well-lit. Pedestrian scale lighting should be incorporated into plazas, along paths, common open space and other pedestrian areas.
3. Lighting fixtures shall be attractively designed to complement the architecture of the project, signify building entry locations and improve visual identification of residences and businesses.

h. Mechanical Equipment. Rooftops should be designed in a way that acknowledges their visibility from other buildings and the street. Equipment shall be screened on all four sides from both the street and neighboring buildings using parapets. Should parapets not be used the mechanical equipment shall be enclosed within the attic space or ground mounted.

i. Walls.
1. A six-foot high masonry wall shall be constructed along the property line of any lot where construction of any mixed-use development is adjacent to property zoned and used for residential purposes. Breaks in walls may be provided to provide pedestrian access between mixed-use and adjacent residential developments where desired. A perimeter planter, minimum five feet in depth shall be provided along the wall. A landscape planter of one foot shall be provided for block walls facing an alley or public street to deter graffiti.
2. Walls shall have a decorative texture that matches the walls of the development.
3. All walls shall be painted with anti-graffiti coating.

j. Service Areas, Refuse Areas and Backflow Preventers.
1. Service areas, garbage receptacles, utility meters and mechanical and electrical equipment shall be located away from streets, pedestrian traffic and activity areas, and project and building entries.
2. Screening of these areas shall be integrated into the overall building and landscape design.
3. Trash enclosures shall be constructed to match the color, texture and architectural detailing that shall be consistent with the overall site and building design and with a six-foot high wall/gate.
4. Roofs of enclosures should be designed to complement the project buildings, roof style and colors.
5. Where trash compactors are visible, they shall be screened from public view within a trash enclosure or within a building volume.
6. Backflow prevention devices shall be fully screened from public view through the use of landscaping, berms, low walls or other screening techniques. They should be located inside the building where possible.

k. Shared Parking. Two or more uses may share parking facilities, subject to the approval of the community development director and the provisions of this section. A parking demand analysis for the uses proposed to share parking facilities shall be prepared. The parking demand analysis shall be prepared by a registered traffic engineer. When such analysis demonstrates, to the satisfaction of the director, that the uses have different peak parking requirements, the parking space requirement may be reduced by the director. In no event, however, shall the parking requirement be reduced below the highest peak parking requirement of the use demanding the most parking. The following conditions shall apply.
1. The uses sharing the parking facilities shall be located on the same lot or contiguous lots.
2. A legal agreement shall be signed by all parties sharing parking facilities. Such agreement shall be approved by the city attorney and community development director, shall be recorded with the Los Angeles County recorder’s office, and shall continue to be valid upon change of ownership of any property subject to the agreement or any lawfully existing building or structure on said properties.
1. Landscaping.

1. Development in the mixed-use overlay should have extensive landscaping of large parking areas, along streetscapes and for pedestrian-oriented spaces. Landscaping can also help to define areas and separate areas thereby bringing a human scale to these intense uses.

2. Parking lots shall be landscaped to improve the views of parking areas and to help reduce the apparent size and amount of impervious surface as further defined in Section 18.44.050, Note 18.

3. Parking lots, loading and maintenance areas shall be screened to reduce the negative visual impact of parking lots and parked vehicles. Screening also improves the edge of the streetscape and helps to define the street.

4. All landscaping shall comply with the water efficient landscape provisions of Chapter 13.90.

m. Screening of Above-Ground Parking Garages. Parking floors within multi-story parking garages must be screened or concealed by one or more of the following methods:

1. Ground-Floor Retail/Office. When a parking garage is proposed for a street where the predominant use is retail or office, the garage’s ground-level street frontage (except for driveways and pedestrian entrances) must be improved with retail, office or other active use types as permitted by the zoning district.

2. Ground-Floor Residential. Ground-floor residential uses may be used to conceal a parking garage.

3. Landscaping is required for all parking garages (except fully enclosed garages) at ground level or on each street façade above ground-level in the form of perimeter planters with openings and the incorporation of hanging baskets, flower boxes or planting trellises.

4. A parking garage that does not incorporate ground-floor nonresidential or residential use or is not otherwise screened or concealed at street frontages on the ground level, must provide a densely planted landscape perimeter that is a minimum ten feet in depth.

n. Maintenance of Buildings, Structures and Parking Lots. All buildings, structures and parking lots shall be maintained to protect the appearance, character and integrity of nonresidential zoned properties and promote a safe and decent environment by establishing minimum standards as they relate to the maintenance of nonresidential buildings and structures.

o. Underground Utilities. All utilities shall be underground and aboveground equipment shall be located away from major pedestrian streets and corners. Equipment boxes and vaults must be placed in back of the sidewalk and where landscaping can minimize or screen their impact.

p. Usable Open Space Defined. Usable open space areas are an open area or an indoor or outdoor recreational facility which is designed and intended to be used for outdoor living and/or recreation. Usable open space shall not include any portion of parking areas, streets, driveways, sidewalks, or turnaround areas.

q. The following standards shall apply to the requirements for open space:

1. Private Residential Open Space.

A. For stand-alone multi-family residential projects or as part of a mixed-use development, each residential unit shall be provided with at least one area of private open space accessible directly from the living area of the unit, in the form of a fenced yard or patio, a deck or balcony at a minimum area of one hundred fifty square feet per unit for 1st floor units or one hundred square feet per unit for upper floors. (Mechanical equipment may not be located within the open space area.)

B. The minimum dimension, width or depth, of a patio, deck or balcony shall be six feet.

C. The minimum dimension, width or depth of a yard shall be ten feet.

2. Common Residential Open Space.
A. For stand-alone multi-family residential developments of over twenty units, each residential unit shall be provided with at least two hundred square feet of common residential open space.

B. All common open space shall be conveniently located and accessible to all dwelling units on the site.

C. Common open space areas may include landscaping, pedestrian paths, and recreational facilities. These recreational facilities could include:
   i. Clubhouse.
   ii. Swimming pool.
   iii. Tennis court (one per court).
   iv. Basketball court (one per court).
   v. Racquetball court (one per court).
   vi. Weightlifting facility.
   vii. Children’s playground equipment.
   viii. Sauna.
   ix. Jacuzzi.
   x. Day care facility (two).
   xi. Other recreational amenities deemed adequate by the community development director.

D. In projects containing twenty or more units, the minimum width and depth shall be twenty feet.

This section provides operational and compatibility standards for the development of live/work units within the mixed-use overlay.

1. Allowed Uses.
   A. The nonresidential component of a live/work unit shall only be a nonresidential use allowed within a mixed-use overlay zone, except that certain uses are determined to not be appropriate within a residential environment and are therefore prohibited as provided in subsection B, below.

   B. The residential component of a live/work unit shall only be a residential use allowed within the MU overlay zone.

   2. Any use or activity not identified in Table 18.40.040, or any use or activity not interpreted by the community development director, shall be prohibited.

   3. Site Planning and Design Standards.
      A. Each live/work unit fronting a public right-of-way shall have a pedestrian-oriented frontage.

      B. Each live/work unit shall have a clearly identified, separate access from other live/work units within the structure or development. Access to individual units shall be from common access areas, parking lots, or walkways. Access to each unit shall be clearly identified to provide for emergency services.

      C. The living space within the live/work unit shall be contiguous with the working space, with direct access between the two areas.

   4. Operational Standards.
      A. No portion of a live/work unit shall be separately sold or rented.

      B. The owner or developer of a structure containing live/work units shall provide written notice to all occupants, tenants, and users that the surrounding area may be subject to higher impacts associated with nonresidential uses (e.g., noise) than exist in more predominantly residential areas.

      C. All activities related to the “work” component of a live/work unit shall be conducted within a completely enclosed building.
D. Up to two additional persons who do not reside in the live/work unit may work in the unit.

E. Client and customer visits to live/work units are allowed.

F. A live/work unit shall not be converted to either entirely a residential use or entirely a nonresidential use.

G. A live/work unit shall be limited to forty percent office or commercial use of floor area within a mixed use development.

H. A live/work use may display a window or building-mounted sign up to a maximum of five percent of the building frontage area used for commercial purposes. Signs shall not be illuminated, including neon signs.

s. Signage. All development within the mixed-use overlay zone shall have a “sign program” as part of the project design. The sign program shall identify the location for all signage that may be located on the building or freestanding, the allowable sign materials, lighting methods and sign design. The sign program will also require coordination for multiple buildings within a defined complex. In addition, temporary signs and banners will be included in the sign program, as to whether or not they are allowed, and if they are allowed, then where these signs may be located within the development project. At no time, shall the sign program allow for signage in excess of those standards within Chapter 18.46 (Signs and Advertising). “Box” signs, “canister” or “can” signs, painted signs, foam letters and neon signs are prohibited. (Ord. 1089 § 13, 2014; Ord. 1083 § 12, 2014; Ord. 1082 § 9, 2014; Ord. 1049 § 5, 2008; Ord. 922 §§ 7—11, 1999; Ord. 887 § 4, 1996; Ord. 880 §§ 4—8, 1996; Ord. 857 § 13, 1994; Ord. 856 § 4, 1994; Ord. 852 § 45, 1994; Ord. 834 §§ 3—10, 1993; Ord. 830 § 7, 1993; Ord. 823 § 5, 1993; Ord. 785 § 9, 1990; Ord. 765 §§ 24—32, 1989; Ord. 764 § 4, 1989; Ord. 664 § 4, 1983; prior code § 9207.05)

Article II. Public Image Enhancement Program

18.42.060 Purpose.

The purpose of this section is to enhance the overall image of the city through aesthetic and cultural improvements. The program also serves to help implement the image enhancement program of the 1993 adopted city general plan. (Ord. 887 § 5, 1996)

18.42.070 Fund created.

There is created a fund to be known as the “public image enhancement fund” to account for fees paid pursuant to this article. The fund shall be maintained by the city treasurer, and shall be used solely for the implementation of the public image enhancement program. (Ord. 887 § 5, 1996)

18.42.080 Applicability.

The provisions of this section shall apply to all new development in residential zones of building valuation of one hundred thousand dollars or more, or for new or remodeled development in all commercial and industrial zones of building valuation of one hundred fifty thousand dollars or more. For the purposes of determining overall project applicability, the estimated valuation of the ultimate completed development proposal; or, in the case of phased development or phased subdivision, the overall estimated project valuation upon completion of the final phase shall determine applicability. Building valuation shall be computed using the latest building valuation data as set forth by the city building division. (Ord. 887 § 5, 1996)

18.42.090 Fees.
Fees are to be paid at time of certificate of occupancy issuance in the following amounts:

Residential: 0.5% of building valuation. For an owner-constructed and -occupied single-family residential unit, the first one hundred thousand dollars of building valuation is exempt from fee calculations; fees shall be calculated based on valuations greater than one hundred thousand dollars. For all other uses, fees shall include the first one hundred thousand dollars of building valuation.

Commercial or industrial: 1.0% of building valuation. Expenditure of fee may only be allotted for public space and right-of-way improvements. (Ord. 923 § 5, 1999; Ord. 887 § 5, 1996)

18.42.100 Exemptions.

The following projects are exempt from the provisions of this article:

A. Remodel of existing single-family development where such remodeling does not entail the complete demolition of the unit down to foundation;
B. Residential units covenanted for low or moderate income housing;
C. Seismic retrofit;
D. Reconstruction due to damage inflicted by an earthquake or natural disaster if so declared by the mayor of the city. (Ord. 887 § 5, 1996)

18.42.110 Priority program.

There is hereby established the public image enhancement priority program to delineate the categories and priorities of various public image enhancement projects. Such priorities shall consist of signage, landscape or median improvements at key entry points to the city; art in public places; street banners or pole flags; railroad overpass or overhead pedestrian crosswalk signage; median and parkway improvements or similar image enhancement programs as determined by the city council. The actual list of program priorities shall be adopted or amended by resolution of the city council upon recommendation by the planning commission. Specific project enhancements or expenditures from the public image enhancement fund can only be made for those enhancements contained in the priority program. (Ord. 887 § 5, 1996)

18.42.120 Public image enhancement program approvals.

The planning commission shall act as the advisory body to the city council involving expenditures from the public image enhancement fund. (Ord. 923 § 6, 1999; Ord. 887 § 5, 1996)

18.42.130 Return of fees.

Fees paid into the public image enhancement fund which are not committed within five years from the date of payment may be returned to the current owner of the development project, with all interest earned, if a written request for return is filed with the city clerk after the fifth year anniversary of payment, and refund of fees is approved by the city council. No refund shall be appropriate if the city council determines that the fee is needed for the public image enhancement program within an additional two years or that the administrative costs of refunding uncommitted fees pursuant to this article exceeds the amount to be refunded. (Ord. 887 § 5, 1996)
Article III. Density Bonus Provisions

18.42.140 Intent and purpose.

This article 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 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 through 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. (Ord. 1083 § 6, 2014)

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 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 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 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 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 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 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 increase above five percent in affordable units for very low income households, the density bonus shall be increased by two and one-half percent up to a maximum of thirty-five percent, as follows:

| Table 1: Very Low Income Units |

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

<table>
<thead>
<tr>
<th>Percentage of Very Low Income Units</th>
<th>Percentage of Density Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>11</td>
<td>21.5</td>
</tr>
<tr>
<td>12</td>
<td>23</td>
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<tr>
<td>13</td>
<td>24.5</td>
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<td>14</td>
<td>26</td>
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<td>15</td>
<td>27.5</td>
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<td>16</td>
<td>29</td>
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<td>17</td>
<td>30.5</td>
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<tr>
<td>18</td>
<td>32</td>
</tr>
<tr>
<td>19</td>
<td>33.5</td>
</tr>
<tr>
<td>20</td>
<td>35</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Percentage of Very Low Income Units</th>
<th>Percentage of Density Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>11</td>
<td>6</td>
</tr>
<tr>
<td>Percentage of Very Low Income Units</td>
<td>Percentage of Density Bonus</td>
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<tr>
<td>-----------------------------------</td>
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<tr>
<td>12</td>
<td>7</td>
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<td>13</td>
<td>8</td>
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<td>33</td>
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<tr>
<td>39</td>
<td>34</td>
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<tr>
<td>40</td>
<td>35</td>
</tr>
</tbody>
</table>

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 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 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 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 A1 A2 A3 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. (Ord. 1083 § 6, 2014)

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
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 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.

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 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 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 Section 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 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 increase above the minimum ten percent 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, up to a maximum of thirty-five percent, as follows:

<table>
<thead>
<tr>
<th>Percentage of Very Low Income Units that Can Be Accommodated on Donated Land</th>
<th>Percentage of Additional Density Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>11</td>
<td>16</td>
</tr>
</tbody>
</table>
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 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 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 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. (Ord. 1083 § 6, 2014)

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 Section 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. (Ord. 1083 § 6, 2014)

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.

Table 5: Density Bonus Summary

<table>
<thead>
<tr>
<th>Types of Affordable Units Providing Eligibility for a Density Bonus</th>
<th>Minimum Percent</th>
<th>Bonus Granted</th>
<th>Additional Bonus for Each 1% Increase in Affordable Units</th>
<th>Percent of Affordable Units Required for Maximum 35% Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable Housing Type:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Very Low Income</td>
<td>5%</td>
<td>20%</td>
<td>2.5%</td>
<td>11%</td>
</tr>
<tr>
<td>Lower Income</td>
<td>10%</td>
<td>20%</td>
<td>1.5%</td>
<td>20%</td>
</tr>
<tr>
<td>Moderate Income</td>
<td>10%</td>
<td>5%</td>
<td>1%</td>
<td>40%</td>
</tr>
<tr>
<td>Senior Citizen Housing</td>
<td>Qualified</td>
<td>20% of the units</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Land Donation for Very Low Income Housing</td>
<td>Land donated can accommodate 10% of market rate units, plus housing development qualified for density bonus as an affordable or senior project</td>
<td>15%</td>
<td>1%</td>
<td>30% of market rate units (assuming housing development provides 5% very low income units)</td>
</tr>
</tbody>
</table>

Condominium Conversions:

| Lower Income                                                     | 15%             | 25%            | -                                                         | -                                                         |
| Low/Moderate Income                                              | 33%             | 25%            | -                                                         | -                                                         |
| Childcare Facility                                                | Housing development qualifies for density bonus as an affordable or senior project | Square feet in childcare facility | - | |

Note:
1 Maximum of twenty-five percent bonus for condominium conversions, or an incentive of equal value, at the city’s option.

(Ord. 1083 § 6, 2014)

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).

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

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

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

<table>
<thead>
<tr>
<th>Affordable Units or Category</th>
<th>Percent of Affordable Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable Housing Types:</td>
<td></td>
</tr>
<tr>
<td>Very Low Income</td>
<td>5%</td>
</tr>
<tr>
<td></td>
<td>10%</td>
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<tr>
<td></td>
<td>15%</td>
</tr>
<tr>
<td>Low Income</td>
<td>10%</td>
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<tr>
<td></td>
<td>20%</td>
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<tr>
<td></td>
<td>30%</td>
</tr>
<tr>
<td>Moderate Income</td>
<td>10%</td>
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<tr>
<td></td>
<td>20%</td>
</tr>
<tr>
<td></td>
<td>30%</td>
</tr>
<tr>
<td>Maximum Incentive(s)/Concession(s)</td>
<td>1</td>
</tr>
</tbody>
</table>

Notes:
1. An incentive or concession may be requested without obtaining a density bonus.
2. Incentives or concessions may be selected from only one 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. (Ord. 1083 § 6, 2014)

**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 waiver, modification or reduction would have a specific adverse impact. (Ord. 1083 § 6, 2014)

**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 on-site parking space.

B. Two to three bedroom units: two on-site parking spaces.

C. Four and more bedroom units: two and one-half 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 on-site 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. (Ord. 1083 § 6, 2014)

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. (Ord. 1083 § 6, 2014)

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. (Ord. 1083 § 6, 2014)

**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 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. (Ord. 1083 § 6, 2014)

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. (Ord. 1083 § 6, 2014)
Chapter 18.44 OFF-STREET PARKING AND LOADING

18.44.010 Purpose of provisions.

The intent and purpose of this chapter is to establish regulations governing off-street parking and loading facilities in the various zone classifications of the city, and to recognize the need to control and require adequate facilities for the parking of vehicles within reasonable boundaries consistent with the overall goals and objectives affecting the city as a whole. (Prior code § 9208.01)

18.44.020 Parking and loading chart—Adopted.

The chart and text illustrated in Section 18.44.040 of this chapter are hereby adopted and made a part of this chapter. (Prior code § 9208.02)

18.44.030 Parking and loading chart—Directions for use.

The off-street parking and loading regulations chart is divided into three basic categories—residential, commercial, and industrial uses—which are the minimum regulations required for the use and development of property in the various zone classifications. In order to determine the zone in which the regulations governing off-street parking and loading are subject to application and use of the chart is as follows:

A. Find the applicable use in the “Land Use” column as set forth in Section 18.44.040 of this chapter.

B. Read across the chart to the zone column in which the requirement sought appears.

C. If a specific requirement appears in a zone column, this means that it is the minimum regulation required for the particular zone classification represented by the column in which the regulation appears.

D. If parenthetic numbers appear in a column, this means that the specific regulation required for the particular zone classification represented by the column in which the parenthetic numbers appear is subject to compliance with the special conditions, requirements and limitations set forth in and corresponding with the numbered conditions of subsection B of Section 18.44.050.

E. If neither a specific regulation nor parenthetic number appears in a zone column, this means that the governing regulation set forth in Table 18.44.040 in the “Land Use” column thereof does not apply to the zone classification represented by the column, or may not be permitted. (Prior code § 9208.03)

18.44.040 Parking and loading chart—Contents.

The basic off-street parking and loading regulations are categorized, enumerated and set forth in Table 18.44.040, Off-Street Parking and Loading, set out following this section.
### A. Residential Uses

1. Single-family dwelling units, duplexes and garage conversions
   - **Parking Spaces and/or Facilities Required**
     - Two parking spaces in a garage for each dwelling unit with the exception of nonconforming dwellings requiring compliance to Section 18.54.060.
   - **Guesthouse**
     - One garage or carport attached to the guesthouse.

2. Multiple-family dwelling units
   - **Parking Spaces and/or Facilities Required**
     - Two parking spaces in a garage or carport for each dwelling unit.
   - a. Apartment developments containing eight or more dwelling units
   - b. Rooming houses and boarding houses, and other similar such uses having guestrooms
   - One open guest parking space that shall be provided for each eight dwelling units or fraction thereof.

3. Other uses permitted in residential zones
   - **Parking Spaces and/or Facilities Required**
     - 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.
   - 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 4 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
   - **Parking Spaces and/or Facilities Required**
     - (1, 2-a, 3, 4-10, 18, 19, 20, 23, 24, 25, 26, 27)

### B. Commercial Uses

1. All retail stores and other uses except as provided elsewhere in this section
   - **Parking Spaces and/or Facilities Required**
     - One open parking space for each 250 square feet of net building floor area.

2. Bowling alleys and skating rinks
   - **Parking Spaces and/or Facilities Required**
     - Two open parking spaces for each alley, and one open parking space for each three fixed seats or for each 30 square feet of floor area used for assembly and/or seating purposes, whichever provides the greater number of parking spaces.

3. Hotels and motels

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**Table 18.44.040**

**OFF-STREET PARKING AND LOADING (continued)**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>P-A, C-N, C-M, C-C, C-G and CTP Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B. Commercial Uses</strong></td>
<td><strong>Parking Spaces and/or Facilities Required</strong></td>
</tr>
<tr>
<td>1. All retail stores and other uses except as provided elsewhere in this section</td>
<td>One open parking space for each 250 square feet of net building floor area</td>
</tr>
<tr>
<td>2. Bowling alleys and skating rinks</td>
<td>Two open parking spaces for each alley, and one open parking space for each three fixed seats or for each 30 square feet of floor area used for assembly and/or seating purposes, whichever provides the greater number of parking spaces</td>
</tr>
<tr>
<td>3. Hotels and motels</td>
<td></td>
</tr>
</tbody>
</table>
Chapter 18.44 OFF-STREET PARKING AND LOADING

One open parking space for each sleeping room without kitchen facilities and one space in a garage or carport for each dwelling unit

4. Places of public assembly

One open parking space for each three fixed seats or for each 30 square feet of floor area used for assembly or seating purposes, whichever provides the greater number of parking spaces

5. 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 spaces. No additional parking required for classrooms solely dedicated to the instruction of children under the age of 18. Adequate instructor parking to be provided.

6. Other applicable regulations

(1, 2-b, 2-c, 3-6, 9-a, 10-22, 23)

I-I, I-G, IPD Zones

C. Industrial Uses

Parking Spaces and/or Facilities Required

1. Industrial uses

Sufficient parking facilities shall be provided, but in no case shall there be less than one open parking space for each 1,000 square feet of net building area

2. 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.

3. Other applicable regulations governing off-street parking requirements

(1, 2-b, 2-c, 3-6, 9-a, 10-22, 23)

(Ord. 1082 § 5, 2014; Ord. 968 §§ 9—11, 2001; Ord. 922 § 12, 1999; Ord. 857 § 14, 1994; Ord. 835 § 4, 1993; Ord. 834 § 11, 1993; Ord. 830 § 8, 1993; Ord. 765 §§ 33—38, 1989; prior code § 9208.04)

18.44.050 Special use conditions and chart notes.

The regulations governing off-street parking and loading requirements set forth in Table 18.44.040, as may be applicable, shall be subject to the provisions of this section, as follows:

A. Relationship to Chart. Special conditions, requirements and limitations governing off-street parking and loading regulations indicated by parenthetic numbers appearing in the zone column of Table 18.44.040, correspond to the specific numbered conditions, requirements and limitations set forth in subsection B of this section.

B. Conditions, Requirements and Limitations Enumerated. Special conditions, requirements and limitations governing off-street parking and loading set forth in the charts are as follows:

Note 1. Permanent Off-street Parking and Loading Spaces Required. Every building and/or portion of a building erected shall be provided with off-street parking and loading facilities, as provided in this chapter, and such facilities shall be made accessible from an improved street or alley and shall be permanently maintained.

Note 2. Location of Off-street Parking and Loading Facilities. Off-street parking and loading facilities shall be located only as follows:

a. Residential Uses. Required parking facilities for residential uses, as specified in this chapter, shall be located on the same lot or parcel of land with the use in which it is intended to serve. In addition, no owner or operator of a motor vehicle of the passenger automobile variety, self-propelled recreation vehicle, motor truck or
commercial vehicle, shall park or store such vehicles within the front yard, and including the side yard adjacent to the street of a corner lot, or land used for residential purposes, and no person in possession of land used for residential purposes shall permit another person to so park or store such vehicles thereon, except on a legally permitted driveway in compliance with this chapter and Section 18.54.060 of this title. Any person violating the provisions of this section shall be guilty of an infraction, and upon conviction thereof shall be punished as provided for in Section 1.20.010 of this code.

(i) As used in this section, “front yard” and “side yard” refer to the required front and side yards, as defined in Chapter 18.04 of this title.

(ii) As used in this section, “driveway” means a paved area providing vehicular access from a public street or alley leading or adjacent to parking required by this chapter. Such driveway may be widened to but not exceed a width of thirty feet, provided that the width is not greater than fifty percent of the total frontage of the residential property, with the width measured over the shortest distance lying between the vehicular entrance to a garage or carport and the point of access to a street or highway.

(iii) Existing driveways located within the front yard setback or side yard setback may be expanded beyond the width of a garage or carport, subject to the following conditions:

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](http://qcode.us/codes/picorivera/view.php?topic=18-18_44&showAll=1&frames=off)
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](image)

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 fifteen feet; 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 18.42.050(B)(27) of this title; and

8. In addition to provisions in Section 18.44.050(B) Note (2)(a)(iii)(1) through (7), nonconforming 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 fifteen feet 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.
(iv) Existing driveways located in the rear one-third of interior lots may be widened to a maximum width of forty feet, with the exception of corner lots. Corner lot properties may not expand existing driveways beyond a thirty foot width. Driveway expansions adjoining an alley shall be provided with a six-foot high solid gate.
Circular driveways are permitted within the front yard on lots that contain a minimum of fifty-eight feet in width. Circular driveways shall be designed to lead to an enclosed garage or carport. The circular driveway shall not exceed ten feet in width and shall be provided with a continuous twenty-six-foot turning radius.

Existing driveways and approaches shall be removed upon conversion of a garage or carport and replaced with landscape screening as required by the zoning administrator.

Uses Other Than Residential. Required parking facilities for all uses other than residential, as specified in this chapter, shall be provided in one of the following ways:

(i) On the same lot or parcel of land with the use in which it is intended to serve; or
(ii) By membership in a vehicle parking district that provides off-street parking facilities for several such other uses; or
(iii) As may be provided for in an adopted specific plan of development; or
(iv) On a lot or parcel of land located within a radius of three hundred feet, measured from the external boundaries of the lot for the use of land it is intended to serve, subject to the execution and recordation of a covenant and agreement regarding use and maintenance of conjunctural parking space.

Loading Facilities. Required loading facilities shall be located on the same lot or parcel of land with the use in which they are intended to serve, and shall be exclusive of the required parking facilities.

Note 3. Required Parking Spaces. The regulations included in this chapter indicate the spaces and facilities required for off-street parking, and shall apply at the time a building or structure is erected or placed on the ground. These regulations shall also apply when an existing building or structure is altered or enlarged by the addition of dwelling units or guestrooms, or the use in question is intensified by the addition of floor space, seating capacity or change of use except nonconforming conditions requiring compliance to Section 18.54.060 of this title.

Note 4. Parking Requirements for Unspecified Uses. Where the parking requirements for a use are not specifically listed in this chapter, the parking requirements for such a use shall be determined by the zoning administrator. Such a determination shall be based upon the requirements for the most comparable and/or similar use listed in subsections A, B or C of this section. The findings on such matters shall be set forth by a written determination of the zoning administrator.

Note 5. Waiver of Parking Provisions. The zoning administrator may, by written determination, waive and/or modify the off-street parking provisions, as set forth in this chapter, for uses such as electrical power generating plants, electrical transformer station, utility, and/or those uses which involve a very limited number of persons.

Note 6. Computation of Required Number of Off-street Parking Spaces. In computing the required number of off-street parking spaces, fractional requirements of one-half space or more shall be construed as one full parking space.

Note 7. Parking and/or Storage of Mobilehomes, Trailers, Dismounted Campers, Boats and/or Vehicles Incapable of Movement Under Their Own Power Prohibited. No mobilehome, trailer, dismounted camper, boat and/or vehicle incapable of movement under its own power shall be stored or parked on private property in the front yard in any residential zone.

Note 8. Storing and/or Parking of Commercial Vehicles in O-S, R-E, S-F, PUD, R-M and P Zones Prohibited. It is unlawful to store and/or park any commercial vehicle exceeding a gross weight of six thousand pounds on any lot in the O-S, R-E, S-F, PUD, R-M or P zones, and on any street serving and/or adjacent to such zoned property.

Note 9. Size and Access. The following provisions governing the size and access of all off-street parking facilities shall apply:
a. Each open off-street parking space shall have a minimum width of not less than nine feet and a minimum length of not less than twenty feet. The access to such open off-street parking space shall be as specified in the Parking Standards Diagram for Note B21 of Section 18.44.050, following Note B21 of this section.

b. Each off-street parking space in a garage or carport shall have a minimum width of not less than nine feet and a minimum length of not less than twenty feet. All carports shall have not less than one hundred sixty cubic feet of enclosed storage space for each off-street parking space therein. Access to each such parking space shall be provided with a paved driveway having a minimum width of not less than nine feet, except as follows:

(i) A two-way driveway serving more than two dwelling units shall have a minimum width of not less than twenty feet.

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

Note 10. Off-street Parking Plan. The plan of proposed off-street parking facilities shall be subject to approval by the city planner.

Note 11. Off-street Parking Facilities for Mixed Occupancies Within a Building Structure and/or a Lot. In the case of mixed uses in a building structure and/or a lot, the total number of off-street parking spaces shall be the sum total required for the various uses computed separately. Off-street parking spaces for any other use except as specified in Note 12 of this subsection.

Note 12. Development and Maintenance of All Paved Parking Areas. Every lot or parcel of land used for off-street parking purposes, including vehicle sales areas and service station sites, shall be subject to this chapter.

Note 13. Surfacing and Drainage. All off-street parking areas used by motor vehicles shall be paved and maintained with an impervious material so as to eliminate dust or mud, and shall be graded and drained so as to dispose of all surface water. Drainage shall be taken to the curb or gutter and away from adjoining property. In no case shall such drainage be allowed across the surface of a public sidewalk. The paving required above may be waived by the zoning administrator through the approval of a precise plan of design as allowed in Chapter 18.48.

Note 14. Walls and Barricades. Driveways and open off-street parking areas which abut property in any residential zone shall be separated therefrom by a six-foot-high solid masonry wall. Such wall shall be reduced to forty-two inches in height abutting any required front or side yard of the adjacent property. All parking areas not separated by a wall from any street, alley, property line and/or side property line upon which it abuts, shall be provided with a six-inch-high concrete curb and/or a six-inch-high, six-inch-wide and three and one-half foot long concrete wheelstop, located not less than four feet from any such property lines. Such curb and/or wheelstop shall be securely installed as specified in the Parking Standards Diagram following Note 21 of this subsection.

Note 15. Parking Area Lighting. All parking areas shall be provided with outdoor lighting. Performance standards and specifications for such outdoor lighting shall be subject to approval by the director of building and planning. All outdoor parking area lighting shall be permanently maintained, directed away from residential dwellings, and concentrated toward the parking area it is to serve.

Note 16. Entrance and Exit Identification. Whenever an entrance or exit to off-street parking facilities is provided from a street, such entrance or exit shall be clearly marked and visually identified.

Note 17. Loading Space Requirements. Every hospital, institution, hotel, commercial and/or industrial building hereafter erected or established shall have and maintain loading space and/or space as hereinafter set forth:

a. General Requirements. When the lot upon which the loading space is located abuts upon an alley, such loading space shall adjoin and/or have access from the alley and shall be established as follows:
The length of the loading space shall be measured perpendicular to and/or parallel with the centerline of the alley. Where such loading space is parallel with the alley, the loading space shall extend across the full width of the lot, except that if only two spaces are required, the length of the loading area need not exceed sixty feet.

No loading shall be permitted in any required off-street parking area, nor shall any part of an alley and/or street be used for loading maneuvering purposes.

b. Requirements for Various Uses. All hospitals, institutions, hotels, motels, motor hotels, commercial, industrial and large-scale office building uses shall provide commercial loading spaces having not less than ten feet in width, forty feet in length, and unencumbered to fourteen feet in height. Hotels, motels, motor hotels and large-scale office buildings shall also provide passenger loading and unloading spaces having not less than ten feet in width, twenty feet in length, and unencumbered to twelve feet in height. The number of such loading spaces shall be determined as set out in Table for Note 17 of Section 18.44.050, following this section.

### Table for Note 17, Section 18.44.050

<table>
<thead>
<tr>
<th>Total Square Feet of Gross Building Floor Area</th>
<th>Commercial Loading Spaces</th>
<th>Passenger Loading and Unloading Spaces Required</th>
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<td>Commercial Buildings</td>
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<tr>
<td>3,000—15,000</td>
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<td>15,001—45,000</td>
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<td>105,001 or greater</td>
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<td>Industrial Buildings</td>
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<td>90,001 or greater</td>
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<td>Hotels, Motels and Office Buildings</td>
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<td>2</td>
</tr>
<tr>
<td>90,001 or greater</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>
Note 18. Landscaping Requirements for All Off-street Parking Areas. The following shall be required in all zones, and shall be substantially of the design as specified in the Landscape Standards Diagram following Note 22 of this subsection.

a. A minimum of three percent of all off-street parking areas, including vehicle sales lots and service station sites, shall be landscaped with trees and other suitable plants, and shall be permanently maintained.

b. All landscaping shall be contained in planting areas. Each planting area shall be bound by a concrete curb having a minimum height and width of not less than six inches. Raised planters constructed of similar materials may be permitted and shall be subject to review and approval by the zoning administrator.

c. All planting areas shall be served by an approved permanent water irrigation system.

d. Landscape planter areas shall be located throughout the parking areas in order to obtain the maximum desirable amount of dispersion.

Note 19. Additional Facilities. Additional off-street parking facilities may be required by the planning commission when a use of land is subject to the approval and issuance of a conditional use permit.

Note 20. Additional off-street parking facilities may be required by the zoning administrator when a use of land is subject to the approval of a precise plan of design.

Note 21. The chart entitled “Parking Standards, City of Pico Rivera,” and set out in the Parking Standards Diagram for Note B21 of Section 18.44.050 following this subsection, is adopted and made a part of this chapter.

Note 22. The chart entitled “Landscape Standards, City of Pico Rivera,” and set out in the Landscape Standards Diagram for Note B22 of Section 18.44.050 following this subsection, is adopted and made a part of this chapter.

Note 23. Compact Parking Spaces—Whenever compact parking is proposed, it shall be subject to the following:

a. Compact parking stalls shall measure as a minimum 7.5 feet x 15 feet.

b. Maximum percentage of allowed compact parking shall not exceed 25% of the required parking for commercial and industrial uses.

c. No compact parking allowed for residential uses unless assigned to specific residents and not to exceed 25% of the required residential parking.

d. Back-up distances and aisle width to be the same as that required for standard stalls.

e. Identify compact spaces by signs or other markings to be approved by the zoning administrator.

Note 24. Carport placement shall be limited to the rear third of the lot. The design of the carport and/or garage shall match the architectural roof style of the main residence for single-family residential zones only.

Note 25. Conversion of any portion of a one or two-car garage requires construction of a two-car garage in conformance to this title.

Note 26. New nonresidential development of twenty-five thousand square feet or greater shall comply with the requirements of Chapter 18.47 of this title.

Note 27. Porte-cochères shall be subject to the following conditions:

1. Porte-cochères must be placed over a driveway which leads to a permitted garage or carport.

2. Porte-cochères 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 five-foot long shared wall and maintains a forty-foot front-yard setback, as shown in Figure J.

Figure F

Figure G
Figure H
Figure 1
Figure J
3. All porte-cocheres must comply with setback requirements except as permitted in Section 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 nine feet by twenty feet 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. (Ord. 1082 §§ 6—8, 2014; Ord. 922 § 13, 1999; Ord. 835 § 3, 1993; Ord. 834 §§ 12, 13, 1993; Ord. 830 § 9, 1993; Ord. 765 §§ 39—41, 1989; Ord. 736 § 1, 1987; Ord. 720 § 1, 1986; prior code § 9208.05)
Chapter 18.54 NONCONFORMING USES

18.54.010 Purpose of provisions.

The intent and purpose of this chapter is to establish regulations and procedures applicable to unusual uses of land where the circumstances and conditions require special attention, and where the application of this chapter during the course of the administration and enforcement results in the inconsistency with the general intent and purpose thereof. (Prior code § 9213.01)

18.54.020 General regulations.

Regulations governing nonconforming uses shall be as set out in this chapter. (Prior code § 9213.03)

18.54.030 Nonconformity—Determination.

It shall be the duty and responsibility of the zoning administrator to determine and substantiate the existence of any nonconforming use. (Prior code § 9213.03(A))

18.54.040 Regulations applicable.

The regulations set out in this chapter shall apply to all nonconforming uses of land. (Prior code § 9213.03 (B))

18.54.050 Legally existing developments of record.

Whenever a development of record existed legally prior to the adoption of the ordinance codified in this zoning code, and because of the application thereof such development is nonconforming with respect to the property development regulations of Chapter 18.42 of this title, such development may remain as lawfully existing, provided that any addition or alterations are made to comply with this title, except as further set forth in Section 18.54.060 below. (Prior code § 9213.03 (B)(1))

18.54.060 Continuation of use—Conditions.

Each and every nonconforming use may be continuously maintained and utilized, provided that no intensification or increase in the degree of nonconformity shall be permitted. Continuation of such nonconforming use shall be limited by and subject to the provisions and application of Sections 18.54.070, 18.54.080 and 18.54.090(A) of this chapter, and in the following cases:

A. Exception I. Nonconforming uses may be intensified, and the degree of nonconformity may be expanded, if the original structure and the expansion are made to conform with the provisions of this title.
B. Exception II. Structural alterations, required by law, may be constructed.
C. Exception III. Alterations or additions to nonconforming single-family dwellings may be made without complying with the parking regulations of this title provided that the existing dwelling contains a legally permitted one-car garage or carport. In addition to said parking, the existing driveway leading to the garage or
carport shall be widened to accommodate a nine-foot by twenty-foot open parking space in compliance to Section 18.44.050B(2) of this title. In the event that the existing driveway cannot be widened due to existing physical obstructions, the existing driveway shall be considered to comply with required parking provisions of this title. Garage conversions shall not be exempt from the parking regulations of this title. Existing single-family dwellings may improve nonconforming driveways that do not lead to required parking provided that the driveway does not exceed ten feet in width and not increase in length.

D. Exception IV. Side yard setbacks for nonconforming single-family dwellings and detached accessory structures may be reduced to a minimum of three feet to permit expansion in line with existing building walls.

E. Exception V. Minor alterations or additions to existing legal nonconforming commercial or industrial buildings may be constructed, provided that the addition conforms to the provisions of this title.

F. Exception VI. Residential structures and uses, and equestrian structures and uses, legally existing and permitted, located on property annexed to the city in 1996—1997 and prezoned industrial general (I-G) shall not be subject to Section 18.54.070 or Section 18.54.080, and may be continued in use and may be reconstructed after any amount of accidental destruction caused by fire, explosion or other casualty or act of God. In all other respects, such uses and structures shall comply with Chapter 18.54 of the Pico Rivera Municipal Code. (Ord. 888 § 3, 1996; Ord. 834 § 15, 1993; Ord. 778 § 1, 1990; prior code § 9213.03 (B)(2))

18.54.070 Termination—By operation of law.

A. The nonconforming use of land shall be abated and usage thereof shall be terminated upon the expiration of the periods of time hereinafter set forth in this section. Such periods of time shall be deemed to commence to run as of the effective date of this section or the date that such nonconforming use of land first became nonconforming by reason of application of this zoning code thereto, whichever occurs later.

B. Nonconforming Adult Establishments, Businesses or Other Adult Uses Discontinuance Required Within Three Years. Notwithstanding other provisions of this code, within three years after the effective date of the ordinance codified in those sections of this code relating to land uses characterized by their emphasis on matters depicting describing or relating to specified sexual activities or specified anatomical areas, such uses shall be discontinued or shall be brought into full compliance with local regulations.

C. Where the property is unimproved, including, but not limited to, areas used for vehicle off-street parking facilities, one year.

D. Where the property is unimproved, except for structures of a type for which the building code does not require a building permit, three years.

E. Where the property is unimproved except for a structure which contains less than one hundred square feet of gross floor area, three years.

F. A nonconforming use housed in a nonconforming building, as set forth by subsection H or change of use, whichever comes first.

G. A nonconforming use of a conforming building or structure, ten years or change of use, whichever comes first.

H. Termination of Nonconforming Buildings or Structures by Operation of Law. Nonconforming buildings or structures shall be abated and usage thereof shall be terminated upon the expiration of the period of time indicated hereafter.

1. Type IV and type V buildings (light incombustible frame and wood frame), thirty-five years;

2. Type III building (heavy timber construction and ordinary masonry), forty years;

3. Type I and type II buildings (fire resistive), fifty years. (Ord. 765 § 49, 1989; Ord. 611 § 3, 1979; Ord. 610 § 3, 1979; prior code § 9213.03 (B)(4))
18.54.080 Termination—By destruction.

Any nonconforming use of land shall be terminated if destroyed to the extent of more than fifty percent at the time of its destruction physically by fire, explosion or other casualty or act of God, and/or destroyed to the extent of more than fifty percent of the value existing prior to the time of such destruction. For the purposes of arriving at such value, the building official shall determine the valuation of such nonconforming use that existed prior to such destruction by such accepted principles, practices, methods and other resources available. (Prior code § 9213.03 (B)(3))

18.54.081 Termination By abandonment.

Any nonconforming use of land shall be terminated if it ceases such use for a continuous period of six months and any subsequent uses shall comply fully with the provisions of this chapter. (Ord. 765 50 1989)

18.54.090 Abatement—Authorized when Procedures.

A. Any nonconforming use may be abated in compliance with the provisions as set forth in Sections 18.54.100 through 18.54.130 of this chapter.

B. Procedures for the abatement of nonconforming uses shall be as set out in Sections 18.54.100 through 18.54.130. (Prior code § 9213.03 (B)(5), (C)(part))

18.54.100 Abatement—Determination as nuisance.

The planning commission shall have the authority to make a finding and determination that the continuation of a nonconforming use results in a nuisance as defined in the Civil Code of the state of California, and/or is detrimental to the public health, safety and general welfare. The planning commission shall provide for the abatement of such nuisance and/or detrimental condition, or, in the alternative, terminate such nonconforming use, in the manner hereinafter provided. (Prior code § 9213.03 (C)(1))

18.54.110 Abatement—Investigation by planning commission.

Whenever any nonconforming use is so exercised so as to constitute a nuisance and/or condition detrimental to the public health, safety and general welfare, the planning commission on its own initiative shall make, or cause to be made, such investigations deemed necessary and essential to substantiate same, and shall fix a date upon which such nuisance and/or detrimental condition shall be abated, at a public hearing as hereinafter provided. Such investigation shall also include necessary and essential facts to substantiate and fix a date upon which the nonconforming use shall be terminated in event it is determined by the planning commission at the hearing, that the conditions or circumstances constituting such nuisance and/or detrimental condition cannot be abated. In performance of this investigative function, the planning commission shall consider all pertinent data in conjunction therewith and shall allow the owner, lessee or other person having a vested interest therein, if there be such, to present such evidence as they may possess and which will bear directly on such matter. (Prior code § 9213.03 (C)(2))

18.54.120 Abatement—Notice to owner.

When the date for abatement of a nuisance, detrimental condition and/or termination of a nonconforming use has been determined, the planning commission, by notice of abatement nuisance and/or detrimental
condition or notice of termination of nonconforming use, shall establish such date, and set forth such facts as bear upon the case upon which the determination of the abatement or termination is based, and shall formally notify the owner, lessee or other person having a vested interest therein of its action forthwith. (Prior code § 9213.03 (C)(3))

18.54.130 Abatement—Public hearing requirements.

Prior to the notice of abatement of nuisance and/or detrimental condition or notice of termination of nonconforming use taking effect, the planning commission shall hold a public hearing conducted in the following manner:

A. Setting of Hearing. The planning commission shall set a public hearing for consideration of the notice of termination not less than ten days nor more than thirty days from the date of filing or adoption of such notice.

B. Notice of Hearing. Notice of the time, date and place of the public hearing shall be given in the following manner:

1. By at least one publication in a newspaper of general circulation within the city in an edition published therefor not less than ten days prior to the date set for said public hearing; and

2. By the mailing of such notice of public hearing not less than ten days prior to the date set for such hearing to the owner, lessee or other person having a vested interest therein, and to all owners of property within a radius of three hundred feet measured from the external boundaries of the property described in such notice, of which such owners and property appear on copies of the equalized assessment roll of Los Angeles County on file in the office of the county assessor. Any error in the copy of the assessment roll shall not invalidate any act of the planning commission or city council, as the case may be. In addition thereto, one copy of such notice shall also be posted on the property for which such public hearing is being held.

C. Form, Wording and Content of Notices. The form, wording and content of notices of public hearings shall consist of the words “NOTICE OF TERMINATION OF NONCONFORMING USE,” and shall set forth the day of the week, date, place or exact location, time, file number or other identification, description of the nonconforming condition, exact legal description of the nonconforming condition, exact legal description of the property, and the address or general location thereof relative to the public hearing or hearings to be held on the matter. Such notices shall appear in a format acceptable to the planning commission.

D. Findings. The planning commission, upon hearing all testimony, upon examination and review of all submitted evidence, upon ascertaining all other pertinent facts relative thereto, and in conclusion of the public hearing shall by resolution set forth its findings, actions and decisions thereon.

E. Announcement of Findings Notice, Finality and Decisions.

1. The planning commission shall announce its findings and decisions by formal written resolution within forty days after conclusion of the public hearing. Such resolution shall recite and set forth, among other things, the findings of fact, reasons, conditions, determinations and other matters which, in the opinion of the planning commission, make the termination of a nonconforming use necessary, and shall order same.

2. The planning commission shall forthwith give the owner, lessee or other person having a vested interest therein, and the zoning administrator, written notice of its actions and decisions, together with a copy of the notice of termination of nonconforming use and such resolution.

3. The actions and decisions of the planning commission shall be final and conclusive unless otherwise appealed as provided for in Chapter 18.64 of this title. (Ord. 765 § 51, 1989; prior code § 9213.03 (C)(4))
Chapter 18.64 APPEALS

18.64.010 Purpose of provisions.

The intent and purpose of this chapter is to establish provisions and regulations for any person aggrieved by the decisions of the zoning administrator, director of building and planning, design review board or planning commission, to appeal such decisions to the city council for final disposition thereof. (Prior code § 9215.01)

18.64.020 City council and statutory authority.

Pursuant to the provisions of Article 3, Chapter 4, Division 1, Title 7 of the Government Code of the state, the city council shall have and be vested with the power and authority, subject to the provisions of this chapter, to hear and decide upon all appeals from the decisions of the zoning administrator, director of building and planning, design review board, and/or planning commission. (Prior code § 9215.02)

18.64.030 Filing procedures.

Any person who is not satisfied with or who is aggrieved by the decisions made relative to the administration and enforcement of this title may file an appeal in the manner as set forth in Sections 18.64.040 through 18.64.080 of this chapter. (Prior code § 9215.03)

18.64.040 Appeals from zoning administrator decisions.

Any person dissatisfied with the actions and decisions of the zoning administrator resulting from the administration of this title may file an appeal therefrom with the planning commission at any time not more than fourteen calendar days after the decision of the zoning administrator has been rendered except as set forth in Chapter 18.48. The appeal shall be made in the following manner:

A. Application and Fees. Any person appealing the decision of the zoning administrator shall file with the director of community development an application therefor on forms prescribed thereby, accompanied by an application filing fee in an amount established by a resolution of the city council. The application shall set forth and include any information as the director of community development may require. Upon the filing of a verified application, the director of community development shall transmit the application forthwith to the planning commission or the design review board as set forth in Section 18.48.100, and the planning commission or design review board shall investigate, examine, review, hear testimony from and on behalf of the applicant, and render its findings and decisions on the matter in the same manner as required for a decision to be rendered by the zoning administrator. In the event the zoning administrator was required to hold and conduct a public hearing, so shall the planning commission in the same manner required therefor.

B. Announcement of Planning Commission Decisions. The planning commission or design review board shall announce its decisions by formal written resolution within forty days after conclusion of its proceedings on the matter. The resolution shall recite and set forth, among other things, the facts, reasons and determinations which, in the opinion of the planning commission or design review board, make upholding or reversing the actions and decisions of the zoning administrator considered necessary to assure that due process and justice have been done, and shall uphold or reverse same. The planning commission or design review
board shall forthwith give the applicant, zoning administrator, and/or any other persons having a vested
interest therein, written notice of its actions and decisions together with a copy of the resolution. (Ord. 830 §
17, 1993; Ord. 765 §§ 69, 70, 1989; prior code § 9215.03 (A))

18.64.050 Appeals from design review board decisions.

Any person dissatisfied with the action and discretionary decisions of the design review board resulting
from the administration of this title may file an appeal therefrom with the city council at any time not more
than fourteen calendar days after the decision of the design review board has been rendered. The appeal shall
be made in the following manner:

A. Application and Fees. Any person appealing the decision of the design review board shall file with the
director of building and planning an application therefor on forms prescribed thereby accompanied by an
application filing fee in an amount as established by a resolution of the city council. The application shall set
forth and include any information as the director of building and planning may require. Upon the filing of a
verified application, the director of building and planning shall transmit the application forthwith to the city
council, and the city council shall investigate, examine, review and render its findings and decisions on the
matter in the same manner as required for a decision to be rendered by the design review board. In event the
design review board was required to hold and conduct a public hearing, so shall the city council in the same
manner require therefor.

B. Announcement of City Council Decisions. The city council shall announce its decisions by formal
written resolution within forty days after conclusion of its proceedings on the matter. The resolution shall
recite and set forth, among other things, the facts, reasons and determinations which, in the opinion of the city
council, make upholding or reversing the actions and decisions of the design review board considered
necessary to assure that due process and justice has been done, and shall uphold or reverse same. The city
council shall forthwith give the applicant, design review board and/or any other persons having a vested
interest therein, written notice of its actions and decisions together with a copy of the resolution. (Ord. 830 §
18, 1993; Ord. 765 §§ 71, 72, 1989; prior code § 9215.03 (B))

18.64.060 Appeals from planning commission decisions.

Any person dissatisfied with the actions and decisions of the planning commission resulting from the
administration of this title may file an appeal therefrom with the city council at any time not more than
fourteen calendar days after the decision of the planning commission has been rendered. The appeal shall be
made in the following manner:

A. Application and Fees. Any person appealing the decision of the planning commission shall file with the
city clerk an application therefor on forms prescribed thereby, accompanied by an application filing fee in an
amount established by a resolution of the city council. The application shall set forth and include any
information as the city clerk may require. Upon the filing of a verified application, the city clerk shall transmit
the application forthwith to the city council, and the city council shall investigate, examine, review and render
its findings and decisions on the matter in the same manner as required for a decision to be rendered by the
planning commission. In event the planning commission was required to hold and conduct a public hearing, so
shall the city council in the same manner be required therefor.

B. Announcement of City Council Decisions. The city council shall announce its decisions by formal
written resolution within forty days after conclusion of its proceedings on the matter. The resolution shall
recite and set forth, among other things, the facts, reasons and determinations which, in the opinion of the city
council, make upholding or reversing the actions and decisions of the planning commission considered
necessary to assure that due process and justice have been done, and shall uphold or reverse same. The city
council shall forthwith give the applicant, planning commission and/or any other persons having a vested
interest therein, written notice of its actions and decisions together with a copy of the resolution. (Ord. 830 §
19, 1993; Ord. 765 §§ 73, 74, 1989; prior code § 9215.03 (C))

18.64.070 City council—Decisions final.

Upon the rendering of any action on an appeal matter, the actions and decisions of the city council shall be
final and conclusive. (Prior code § 9215.03 (D))

18.64.080 City council—Decision review authority.

The city council may, at its own discretion, review the decisions of the zoning administrator, design review
board and/or planning commission, even though such decisions have not been appealed; provided, however,
that a request for same has been made within the prescribed limits for appealing such decisions. In any case,
the city council shall not be required to pay fees in connection therewith. (Prior code § 9215.03 (E))

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July 10, 2017

Joseph Larsen
Rutan & Tucker, LLP
611 Anton Boulevard, 14th Floor
Costa Mesa, California 92626

Subject: Supplemental Valuation Study
Multiple Family Residential Property
"Whittier Manor Apartments"
8615 Whittier Boulevard
Pico Rivera, California
Report Reference No. 7992

In accordance with your request and authorization, I have completed a supplemental valuation study pertaining to the above-referenced property. The undersigned prepared a restricted appraisal study pertaining to the subject property bearing a date of value of October 14, 2015.

The supplemental study consisted of (1) a review of our original work file and restricted appraisal report, (2) market research and collection of comparable market data the immediate and general subject market area, (3) a valuation employing applicable valuation methodology based on an analysis of the comparable market data, and (4) preparation of this letter of findings in summation of the activities outlined above.

The property is presently improved with a multiple family residential complex originally permitted and operated as a motel facility since constructed in 1963. The property was reportedly converted to apartment use in the middle to late 1970s, however, historic City building records do not reflect the conversion of use. Due to structural failure, the property was completely vacated and effectively condemned in January, 2015. It remains vacant to this date.

The purpose of the supplemental study is to express an estimate of the fair market value of the subject property as of December 29, 2014 based on two scenarios, as follows:
Market value is defined in Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), as follows:

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised, and acting in what they consider their own best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."

The valuation analysis employs various extraordinary assumptions as indicated herein and in the original appraisal report. An extraordinary assumption is defined in the Dictionary of Real Estate Appraisal, Fourth Edition, Page 106-107, published by the Appraisal Institute as "An assumption, directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property such as market conditions or trends; or about the integrity of data used in an analysis." In the event conditions relating to the extraordinary assumption set forth above, do not materialize, the final conclusion of value set forth herein may or may not be credible.
The intended use of the supplemental study is to assist the City of Pico Rivera in determining market value as it relates to the Pico Rivera Legal Nonconforming Structure Status (PRMC 18.54.080) with respect to the 50% damage threshold level. Intended users are City officials, along with legal counsel and consultants thereof, for the explicit purpose and intent indicated above. This letter is not intended to be delivered to, or relied upon by, third parties.

The property has been inspected numerous times and reports have been prepared regarding the structural damage. Repair/renovation costs prepared by two construction firms vary between over $1,269,767 and $2,726,648. Due to the relatively wide range of repair/renovation cost estimates, the valuation analysis assumes an occupiable condition competitive in the marketplace.

The study represents a retrospective analysis of market conditions and events that were present as of the date of valuation. After considering the various factors which influence value, the respective fair market values of the subject property, again assuming completed repairs/renovation expenses relative to the “improved” valuation scenario, are as follows:

- Market value of underlying land: $1,655,000.
- Market value assuming apartment use (79 single units): $6,450,000.

The overall market value of the subject property is allocated between the underlying land parcel and existing buildings/on-site improvements based on their existing orientation and continued apartment use, as follows:

- Market value of underlying land parcel: $1,655,000.
- Contributory value of improvements: $4,795,000.
- Total market value as improved: $6,450,000.

The findings and conclusions of the appraisal study have been set forth in a restricted report format pending completion of a formal narrative appraisal report, if authorized. This appraisal complies with the reporting requirements set forth in the Uniform Standards of Professional Appraisal Practice (USPAP), under Standard Rule 2-2(b) as a restricted report.

The market data, appraisal methodology, and reasoning supporting the analysis, opinions and conclusions are included herein by reference only. The rationale regarding the opinions and conclusions herein may not be understood properly without additional information from the appraiser’s work file. This report contains sufficient information for the purpose, intent, client, and intended users for which it is written.
This letter is intended to supplement the original restricted appraisal report dated June 23, 2017, which report is incorporated herein by reference and considered an integral part hereof. Reference the original appraisal report for the appraiser's certification, assumptions/limiting conditions, along with a complete description of the subject property and valuation analysis.

I appreciate having the opportunity of providing you with real estate valuation appraisal services in this matter. A copy of this restricted appraisal study is retained in my office file, which document must not be construed as a formal appraisal report. Supporting market data utilized in formulating the value conclusions set forth herein, along with the valuation analyses, are contained in my office file and data base.

Please do not hesitate to contact me in the event you required additional information from our file.

Very truly yours,

Scott A. Lidgard, MAI, CCIM
Certified General Real Estate Appraiser
California Certification No. AG 004014

SAL:sp
FULL COPY
LOCATED IN CITY
CLERK’S OFFICE
July 11, 2017

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Re: Public Hearing re: Termination of Nonconforming Structure and Use – 8615 Whittier Boulevard, Pico Rivera, California

Dear Messrs. Enriquez, Carmona, Litfin, Larsen, Biro, and Villa:

I serve as the Assistant City Attorney for the City of Pico Rivera, and will serve as legal counsel to the Pico Rivera Planning Commission ("Commission") during the hearing in the above-referenced matter scheduled for Monday, July 17, 2017, at 6:00 p.m. in the City Council Chambers in Pico Rivera City Hall.

There are two (2) parties to this matter: City of Pico Rivera ("City"), which initiated the termination of nonconforming structure and use proceedings and Group XIII Properties, L.P. the owners of the above referenced property ("Group XIII"). In anticipation of the hearing, I wanted to advise the Parties of some preliminary procedural and substantive issues.
The hearing will be governed by the procedures set forth in the Pico Rivera Municipal Code ("Municipal Code") to the extent applicable. The parties are advised to review the applicable provisions of the Municipal Code in advance of the hearing. If the Parties have questions regarding such procedures, you are invited to contact the undersigned in writing at ilam@agclawfirm.com. Any response to such inquiries will be distributed to all Parties.

In accordance with the Municipal Code, the hearing will be a public hearing and open to the public. The Parties are entitled to be personally present at the hearing, and/or is entitled to be represented by legal counsel or other authorized designee(s).

The Parties will be provided a reasonable opportunity to be heard, and may present such oral and documentary evidence as may be pertinent and relevant to the proceeding, including witness testimony.

The Parties are encouraged to exchange documentary exhibits in advance of the hearing and, if possible, to resolve any disputes as to the admissibility of such evidence. For the benefit of the Commission, it is requested that all documents be submitted in three (3) ring binders and individually labeled / numbered for reference. It is recommended that at least eight (8) copies of all exhibit binders be brought to the hearing: five (5) for the individual Commissioners, one (1) for the undersigned, one (1) for the opposing party, and one (1) for testifying witnesses.

The Commission has the right to decide any questions pertaining to procedure during the hearing. The Parties are advised that the hearing will be informal and the legal rules of evidence need not be followed. The Parties are free to offer objections to any evidence and testimony offered, and the undersigned will issue an advisory ruling on such objections to the Commission. However, the ultimate weight given to any piece of evidence will be within the discretion of the Commission.

Subject to the discretion of the Commission, the general order of proceedings will be as follows:

- Each Party will have the opportunity to give a brief opening statement, beginning with the City, and followed by Group XIII.

- Following opening statements, each Party will have an opportunity to present their case in chief, again beginning with City and followed by Group XIII.

- All witnesses will be sworn in and may be subject to cross examination. Opportunities for redirect and re-cross will be provided.

- Members of the Commission may ask questions of witnesses and the Parties as permitted by the Chairperson.

- At the conclusion of the Parties’ case-in-chief, both parties will be given the opportunity to give a brief closing statement.
After closing arguments, the Commission will deliberate in open session and may provide direction to Counsel to the Commission prepare a resolution for the Commission's adoption, or take the matter under submission. The Commission's final decision shall be in writing by formal resolution issued within forty (40) days after completion of the public hearing. The Commission's decision will be based solely on the evidence presented by the parties in the hearing.

This hearing is currently scheduled for one (1) evening. Continuances and or extensions of the hearing are within the discretion of the Commission, and subject to the availability of the Parties and witnesses.

The hearing will be audio recorded and the recording will become a part of the record in this matter.

Thank you for your attention to these matters. Again, if you have any questions or concerns about the foregoing, please do not hesitate to contact me.

Very truly yours,

John W. Lam
Legal Counsel for the
Pico Rivera Planning Commission

cc: Julia Gonzalez, Deputy Director of Community and Economic Development
July 11, 2017

Honorable Chairman and Planning Commissioners
City of Pico Rivera
6615 Passons Blvd.
Pico Rivera, CA 90660.

Re: Public Hearing re: Termination of Nonconforming Structure and Use - 8615 Whittier Boulevard, Pico Rivera, California

Honorable Chairman and Planning Commissioners:

Request is hereby made to continue the above referenced public hearing to an agreed upon date certain of August 7, 2017. The principals of the owner will be out of the country on a prepaid and preplanned vacation on July 17, 2017. The owner of the property hereby waives the time requirements of PRMC Section 18.54.130(A) in order to accommodate this continuance request.

Respectfully submitted,

Swaranjit “Mike” Nijjar
PLANNING COMMISSION

AGENDA

Monday, July 17, 2017

Regular Meeting - 6:00 p.m.
Council Chamber
6615 Passons Blvd.

Next Resolution No. 1250

ROLL CALL:

Chairman: Fred Zermeno
Vice Chairman: Esther Celiz
Commissioners: Tommy Elsaldez Ruben Garcia

PLEDGE OF ALLEGIANCE:

PUBLIC HEARING(S):

1. PUBLIC HEARING - CONDITIONAL USE PERMIT MODIFICATION NO. 721.1 AN APPLICATION FROM BIRRIERIA JALISCO RESTAURANT LOCATED AT 6105 ROSEMEAD BOULEVARD (ASSESSOR’S IDENTIFICATION NUMBER 6371-001-027) IN THE GENERAL COMMERCIAL (C-G) ZONED DISTRICT AND THE MIXED-USE (M-U) OVERLAY ZONE TO MODIFY AN EXISTING TYPE 20 (OFF-SALE BEER/WINE) ALCOHOL LICENSE TO A TYPE 41 (ON-SALE BEER/WINE) LICENSE.

   Project Location: 6105 Rosemead Boulevard
                      Pico Rivera, CA 90660
                      (AIN 6371-001-027)

   Applicant: Eduardo Hernandez
              11721 Whittier Boulevard, No. 301
              Whittier, CA 90601

   Project Planner: Hector Hernandez
                    Assistant Planner

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

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 (within 24 to 48 hours’ notice).
a. Staff report from Community & Economic Development Director
b. Open Public Hearing
c. Oral Communication(s)
d. Written Communication(s)
e. **Recommendation(s):**
   1. After holding the public hearing, adopt the attached resolution approving Conditional Use Permit Modification No. 721.1 (CUP NO. 721.1), subject to conditions of approval.

2. **TERMINATION OF NONCONFORMING STRUCTURE AND USE AT 8615 WHITTIER BOULEVARD, PICO RIVERA, CALIFORNIA (FORMER WHITTER MANOR APARTMENTS)**

   **Project Location:** 8615 Whittier Boulevard
   Pico Rivera, CA 90660
   (6373-018-005 and 6373-018-008)

   **Applicant:** Matter initiated by City of Pico Rivera

   a. Communications from Community & Economic Development Director and Planning Commission Counsel
   b. Open Public Hearing
      1. Parties' opening statements
      2. City's case-in-chief
      3. 8615 Whittier's case-in-chief
      4. Public communications – oral or written
      5. Parties' closing statements
   c. Close Public Hearing
   d. Planning Commission Discussion/Deliberation
   e. **Recommendation(s):** It is recommended that the Planning Commission consider the evidence and determine whether:
      1. The Apartments are destroyed to the extent of more than fifty percent (50%) of their value, such that Section 18.54.080 of the Code justifies terminating their legal nonconforming status; and

      2. The Apartments ceased operating after their evacuation in or about January 2015, such that Section 18.54.081 of the Code justifies terminating its legal nonconforming status; and

      3. The nonconforming Apartments may be abated and their use terminated upon the expiration of the applicable amortization period indicated in Section 18.54.070, subdivision H of the Code; and

      4. The reconstruction, restoration, or rebuilding of the Apartments at their current/prior density will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood (Gov. Code 65852.25); and
5. The existing nonconforming use of the Apartments would be more appropriately moved to a zone in which the use is permitted, or there no longer exists a zone in which the existing nonconforming use is permitted (Gov. Code 65852.25).

PUBLIC COMMENTS - IF YOU WOULD LIKE TO SPEAK ON ANY LISTED AGENDA ITEMS OR NON-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 Planning Commission 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. Planning Commissioners cannot comment on items that are not listed on a posted agenda.

AGENDA:

3. Minutes:
   - Meeting minutes for June 5, 2017 and June 19, 2017 to be approved at the next Planning Commission meeting.

PLANNING COMMISSION REPORTS:

4. City Council meeting of June 27, 2017 - Commissioner Gomez to report.
   City Council meeting of July 11, 2017 - Community and Economic Development Director to report

5. Planning Commission representative to the City Council meeting of Tuesday, August 8, 2017
   - Commissioner Garcia to confirm

NEW BUSINESS: None

OLD BUSINESS: None

ADJOURNMENT:
AFFIDAVIT OF POSTING

I, Steven Carmona, Secretary for the City of Pico Rivera Planning Commission, 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 which are available for the public to view on this 13th day of June 2017.

Dated this 13th, day of June 2017

Steven Carmona
Secretary

SB343 NOTICE

In compliance with and pursuant to the provisions of SB343 any public writing distributed by the Secretary to at least a majority of the Planning Commission 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 Planning Commission meeting and at the counter of City Hall at 8615 Passons Boulevard, Pico Rivera, California during normal business hours.
Exhibit 88
To: Planning Commission

From: Community and Economic Development Director

Meeting Date: July 17, 2017

Subject: TERMINATION OF NONCONFORMING STRUCTURE AND USE AT 8615 WHITTIER BOULEVARD, PICO RIVERA, CALIFORNIA (FORMER WHITTIER MANOR APARTMENTS)

I. RECOMMENDATION

Staff recommends that the Planning Commission of the City of Pico Rivera (the “City”) consider the evidence and determine whether:

- The former Whittier Manor apartment complex (the “Apartments”) is destroyed to the extent of more than fifty percent (50%) of its value, such that Section 18.54.080 of the Pico Rivera Municipal Code (the “Code” or “PRMC”) justifies terminating its legal nonconforming status;
- The Apartments ceased operating after their evacuation in or about January 2015, such that Section 18.54.081 of the Code justifies terminating their legal nonconforming status;
- The nonconforming Apartments may be abated and their use terminated upon the expiration of the applicable amortization period indicated in Section 18.54.070, subdivision H of the Code;
- The reconstruction, restoration, or rebuilding of the Apartments at their current/prior density will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood (Gov. Code 65852.25); and
- The existing nonconforming use of the Apartments would be more appropriately moved to a zone in which the use is permitted, or there no longer exists a zone in which the existing nonconforming use is permitted (Gov. Code 65852.25).

II. INTRODUCTION

The former Whittier Manor apartment complex (the “Apartments”) located at 8615 Whittier Boulevard (Assessor Parcel Nos. 6373-018-005 and 6373-018-008, the “Property”) is a non-conforming structure under the Code; having been converted from a hotel to an apartment complex in the 1970s. In December 2014, the Apartments were red tagged and approximately 200 residents were evacuated from the buildings. A temporary shelter
manned by the Red Cross was opened at Pico Park for the immediate housing of the residents. The Whole Child Transitional Housing Services were able to assist several of the residents to find permanent housing.

The Apartments do not comply with various development and zoning standards currently codified in the Code, and therefore constitute a nonconforming structure and land use subject to termination under Chapter 18.54. In particular, the unit density of the Apartments is more than double the maximum density permitted for any residential use in the City. (PRMC §§ 18.28.050; 18.42.040(D).)

The Planning Commission should terminate the legal nonconforming status of the Apartments for the following reasons: (1) the Apartments are destroyed to the extent of more than fifty percent (50%) of their value; and/or (2) the Apartments ceased operating for a continuous period of six months. (PRMC §§ 18.54.080; 18.54.081.) Alternatively, the nonconforming Apartments should also be abated and their use terminated upon the expiration of the applicable amortization period indicated in Section 18.54.070, subdivision H of the Code.

III. BACKGROUND FACTS

A. The Property

The Property is situated within the northeast quadrant of Whittier Boulevard and Paramount Boulevard, within the corporate limits of the City. The Property comprises two individually assessed land parcels identified as Assessors Parcel Nos. 6373-018-005008. Ex. 6. The combined parcels have an irregular land configuration, generally level topography, and contain 49,230± square feet of land area. The Property is accessed via Whittier Boulevard.

The Property has differing zone and general plan land use designations on different portions of the Property. As to zoning, the southerly 152± feet of the parcel, fronting along Whittier Boulevard, is located within the “Commercial-General” (“CG”) zone, whereas the remaining portion of the site is zoned “Planned Residential Unit Development” (“PUD”). (Ex. 11, 80, 82 [p.974-976].)

B. The Apartments

The Property is presently improved with a multiple family residential complex originally permitted and operated as a motel facility since construction was completed in or about 1965. (Ex. 1, 2.) According to City records, the motel was apparently converted to a 79-unit apartment complex beginning in the mid-1970s. (See Ex. 4.) The first reference to the apartment use in the City’s records is a special request for service dated January 3, 1973. (Ex. 3.) Though apartment complexes are a permitted use in the CG zoning district, the Apartments do not comply with current development standards governing such buildings, particularly with respect to density.
The Apartments comprise four, three-story buildings generally described as follows: Two-story living area constructed over automobile carports, Class D (wood frame) construction, perimeter concrete foundation, reinforced poured concrete column and wall footings, stucco over wood framing exterior walls with wood fascia, plywood roof deck supported by wood frame truss structure with older rolled asphalt roofing surfacing, concrete slab flooring on first level and plywood roof decking on second level, painted drywall interior walls and ceilings over wood frame studs, double flush hollow and solid core doors, aluminum frame sliding windows, and conventional electrical/plumbing systems. (Ex. 1, 82 [p. 977].) The individual building sizes and quantity of units are as follows:

- Building No. 1: 12,696 sq.ft.; 23 units.
- Building No. 2: 18,060 sq.ft.; 40 units.
- Building No. 3: 3,240 sq.ft.; 6 units.
- Building No. 4: 5,400 sq.ft.; 10 units.

The total gross building area, as indicated on the original building permits, amounts to 39,396 square feet, which includes the first floor automobile parking area comprising 65 enclosed carport spaces. (Ex. 1, 82 [p. 977].) Los Angeles County Assessor’s records indicate a total living area of 28,764 square feet. The complex contains 79 dwelling units; each unit is generally similar in size. The average unit size equates to 364 square feet. (Ibid.)

C. Destruction of the Apartments

In the late evening of December 30, 2014, the Los Angeles County Fire Department responded to a partial collapse of a balcony soffit on the Property. (Ex. 30-33, 39.) The Building Department of the City was called to the scene in the early morning hours on December 31, 2014 to inspect the area of the collapse. A section of soffit plaster and stucco (approximately 4 ft wide x 25 ft long x 1 inch thick) from the 3rd floor balcony had suddenly and without warning failed and fallen onto the 2nd floor balcony. The units immediately adjacent to the collapse were evacuated that night. (Ex. 30-33, 39, 84.) The area was secured and an inspection was scheduled for the following morning.

On the morning of December 31, 2014, the City Engineer, James Enriquez, and Building Official, Eric Dennis, returned to the Property for further inspection. (Ex. 39.) Significant water and wood rot damage was observed in the collapsed area. Based on these observations, the inspection was expanded to the balconies for the entire Property. (Ibid.) Multiple locations on the balconies throughout the Property were observed with similar signs of potential soffit stucco failure and were noted to have water dripping from the recent rain. (Ibid.) The Property manager was advised to engage an engineer to monitor any further inspections that would require removal of stucco at select locations showing signs of failure. (Ibid.)

A representative from David Angelo and Associates (“Owner’s Engineer”) arrived at the Property prior to further inspection. (Ex. 33.) The Owner’s Engineer accompanied the
Building Official in walking the entire Property and marking with red paint areas were soffit stucco showed signs of failure. The Owner's Engineer was also requested to select various marked locations for destructive inspection. The stucco was removed by the Property manager in those areas and similar conditions as the collapsed area were observed including water damage, extensive wood rot, and inadequate anchoring of the plaster and stucco. (Ex. 33, 39.)

Based on these findings, the Owner's Engineer could not substantiate the structural integrity of the balconies throughout the Property nor ensure that a similar collapse was not imminent. Since the balconies provide the only ingress and egress to all units, the Building Official declared the buildings "unsafe" to occupy and recommended evacuation. (Ex. 33, 39.) All residents were evacuated and relocated by the City shortly thereafter. (Ex. 30-39.)

Sometime after the incident, the City was provided with a copy of an undated report prepared by David Angelo and Associates entitled Structural Damage Observation Report. (Ex. 33.) The report summarized numerous areas of concern with the condition of the Property based on a visual inspection performed by David Angelo and Associates on January 12, 2015. It also recommended further assessment through exploratory demolition before complete recommendations for repairs could be developed and engineered. (Ibid.)

Representatives for the Property owner applied for and were issued a permit for limited demolition of balconies on the Property on March 17, 2015. (Ex. 36.) The City has observed that the balconies were stripped to the framing throughout most of the Property, but no requests for inspection have been received to date. (Ex. 39.) The Apartments are in a general state of disrepair and plagued with dry rot, mold, water damage, and other conditions calling into question not only the structural integrity of the Apartments, but their suitability for habitation. (Ex. 84 [Photos].) The City received an estimate for the repairs equaling $2,726,647.76 on or about February 8, 2017. (Ex. 64.)

D. The Apartments Are Nonconforming And Do Not Meet The Current Requirements In The Code Or The General Plan.

An investigation of the Property was initiated by the Planning Commission on or about July 18, 2016. (Ex. 55-57.) That investigation revealed that the Apartments do not comply with various development and zoning standards currently codified in the Pico Rivera Municipal Code (the "Code" or "PRMC"), and therefore constitute a nonconforming structure and land use under Chapter 18.54 of the Code. Specifically:

- The front portion of the Property is zoned "Commercial-General" ("CG"), and is designated in the City's General Plan for "Commercial" land uses. (Ex. 10, 11, 80.) Multi-unit residential uses are only permitted upon issuance of a conditional use permit. (PRMC §§ 18.28.040; 18.40.040(D)(62).) No conditional use permit has been issued for the Apartments.
The rear portion of the Property is zoned “Planned Residential Unit Development” (“PUD”), and is designated in the City’s General Plan for “Medium Density Residential.” (Ex. 10.11, 80.) The PUD zone does not permit multi-family dwelling units. (PRMC §§ 18.16.040; 18.40.040(B)(7).

The unit density of the Apartments is more than double the maximum density permitted for any residential use in the City. (PRMC §§ 18.28.050; 18.42.040(D).) Given the Property’s size, a maximum of thirty (30) dwelling units is permitted by the Code.

The Code requires multi-family dwelling units to have two (2) parking spaces in a garage or carport for each dwelling unit. (PRMC § 18.44.040(A)(2).) The Apartments lack the requisite number of parking spaces given the number of units.

According to the City’s records, the Apartments may have first become nonconforming on or about September 7, 1993, when the City adopted its zoning map designating the rear of one parcel and the entire second parcel as PUD. (Ex. 7-12.)

E. **The Apartments Cease Operating and Require Substantial Repairs.**

The Apartments ceased operating following their evacuation on or about January 2015. (Ex. 32.) The current Property owner, Group XIII Properties, L.P. (the “Owner”), purchased the vacant Property for $4,030,000 over 9 months after the Property was evacuated – on or about October 14, 2015. (Ex. 41.) The sale price is computed from the documentary transfer tax ($4,433. indicated on deed) which is based on $1.10 per $1,000. The mathematical equation is:

\[
\frac{4,433}{1.10} \times 1,000 = 4,030,000
\]

Public records also indicate the transaction involved a first deed note in the full amount of the purchase price of $4,030,000 with Western Alliance Bank. (Ex. 42.)

The Owner retained PAMA Management, Inc. (“PAMA”) to manage the Property who, in turn, retained Patel Burica & Associates, Inc. (“PBA”) to prepare plans for repairing the Property. On or about November 9, 2015, the Owner submitted plans and accompanying documents for the repair of the Apartments. (Ex. 45.) The City denied the submitted plans in December 2015, indicating that substantial revisions were needed, including but not limited to interior remodel details. (Ex. 45-46.) The City further received and forwarded to PAMA substantial plan-check comments from its Consulting Plan Checker, JAS Pacific Consulting Services. (Ex. 46.) The plans were denied based on the corrections indicated on the plans and the comments provided by the Plan Checker.

PAMA retained Blue Mountain Development Inc. (“BMD”) to provide advisory services and project oversight on or about January 2016. In or about February 2016, BMD retained Edenco, Inc. (“Edenco”) to prepare a forensic inspection of the Apartments. BMD, PAMA and Edenco inspected the Apartments on or about February 10, 2016. BMD met with Ben Martinez, the City’s Director of Economic Development, on or about...
March 17, 2016 to discuss the Apartments and request that the previous plan check be “tossed out” as it was being reviewed against a contractor bid to repair the building not a due diligence level report prepared by a licensed professional.

On or about April 7, 2016, BMD submitted plans and accompanying documents for the repair of the Apartments. (Ex. 48.) Included in the submittal was a “Structural Architectural Specific Due Diligence Study” prepared by Edenco, dated March 25, 2016 (the “Due Diligence Study”). (Ex. 47.) Following the submittal, the Owner and City staff agreed that a site inspection was necessary. This inspection occurred on April 21, 2016, resulting in the City’s conclusion that the submittal did not address all structural deficiencies and damage observed during the inspection, nor did they address all conditions identified in the Due Diligence Study. (See Ex. 52.) In addition, the Owner’s structural engineer on-site acknowledged that the full extent of the damage had not been assessed because portions of the structure had not yet been exposed for inspection by the design team. (Ibid.) The Due Diligence Study also warned on page 3 that, after two site visits by the Owner’s structural engineer, "the suggested remediation recommendations contained in this report are professional observations predicated on the limited exposed existing conditions of the Project. Upon further demolition of the Project, additional and more stringent remediation measures may be required." (Ex. 47.)

On May 5, 2016, BMD requested via email the timing of the plan check comments on the April 7, 2016 submittal. (Ex. 51.) The City responded by way of letter dated May 26, 2016, reiterating that additional demolition is needed in order to truly assess the damages that needed to be repaired. (Ex. 52.) Specifically, the City’s May 26, 2016 letter provided as follows:

Given the extensive evidence of the structures' non-compliance with the PRMC and the California Building Code, the City requires exploratory demolition be completed to fully assess the extent of the damage to the buildings generally, and to specific locations of the buildings, prior to completing plans, calculations, and related reports for the repairs. (PRMC §§ 15.08.020 (104.11.2), (106.1), (109.3.8).)

Only after such demolition and associated inspections have been competed will the City be in a position to adequately evaluate if the submittal completely and thoroughly addresses remediation measures for all identified unsafe conditions and issue building permits for the repairs. Although the City recognizes that some unanticipated conditions will likely be encountered during construction, performing the investigative demolition after issuance of building permits to the extent suggested in the documents submitted is not an acceptable methodology for the Project.
The letter expressly provides that, "[b]ased on the City's review of the plans and comments and the onsite inspection in coordination with [BMD's] design team, the City is unable to provide specific comments at this time since the submittal falls substantially short of addressing the extent and degree of the structural deterioration of the buildings." (Ex. 52.) The City requested that the Owner obtain demolition permits to complete an exploratory inspection of the Apartment's structural condition. (Ibid.)

A meeting was held at the City with Ben Martinez, Director of Community and Economic Development, James Enriquez, P.E., City Engineer, Ken Fields, Building Official, PBA and BMD, to discuss the City's May 26, 2016 letter. Throughout the various meetings with the Owner's representatives, the Owner continued to reject the additional exploratory demolition needed to assess the full extent of the damages, and requested that the City approve the submitted plans and impose conditions providing for future exploratory investigations to identify additional repairs as needed / identified.

On or about July 8, 2016, the City issued a Notice of Substandard Building to Owner. By way of the Notice, the Owner was directed to, within 30 days, take action to demolish the structures or notify the City of their election to repair. (Ex. 53.) If the Owner elected repair, the City requested a complete structural report within 60 days analyzing the entire structural integrity of the Property, and outline the repairs necessary to bring the Property into compliance with all applicable laws. The scope of the report was required to include exploratory demolition necessary to test and inspect the Apartments' foundation and structural support systems. The Owner was also required to submit a plan and project schedule within 90 days. (Ibid.)

By way of letter dated July 11, 2016, the City explained that BMD's efforts have not resulted in a remediation plan that would ensure the safety of the entire structure. (Ex. 54.) The plans submitted by BMD were based on a Due Diligence Study that was limited to the "visual, nondestructive review of the existing conditions" of the Apartments, which indicated that "[u]pon further demolition of the Project, additional and more stringent remediation measures may be required." (Ex. 47.) The City again requested that the Owner pull a demolition permit for exploratory work in order to fully investigate the Apartments' structural integrity and determine the repairs necessary to comply with all applicable laws. On July 20, 2016, the City and the Owner's representatives met with City staff to discuss exploratory demolition plans. (Ex. 58.)

In or about September 2016, BMD submitted a new set of plans. (Ex. 59.) On or about September 20, 2016, the City's Consulting Plan Checker, JAS Pacific Consulting Services provided comments to the plans. (Ex. 60.) In or about October 2016, BMD submitted revised plans. The City's Consulting Plan Checker, JAS Pacific Consulting Services, again, provided comments on or about November 23, 2016. (Ex. 62.)

On or about December 4, 2016, the Owner received a cost estimate for the repairs equaling $1,269,767.16 (Ex. 63) and, on January 12, 2017, the Owner submitted revised repair plans. The City retained the construction consultant firm of Bert L. Howe & Associates, Inc. to review the Owner's cost estimate. The review determined
numerous construction items were missing in the Owner's cost estimate. (Ex. 64.) Total repair/renovation costs were estimated by Howe to be $2,726,648. (Ibid.)

On or about February 8, 2017, the Owner submitted an updated repair estimate and final repair plans and completion schedule based on comments received from the City. (Ex. 66.) Although the structural integrity and extent of requisite further repairs remain unknown to some extent, the City worked with the Owner to develop building plans for the repair of the buildings over the past year and a half. The building plans are in the final plan check. Because the full extent of the damage to the Apartments is unknown, however, the costs to repair the Apartments will more than likely exceed the $2,726,648 estimate.

F. This Hearing

In or about March 14, 2017, City Staff advised the Owner that they were going to recommend to the Planning Commission that it schedule a public hearing on the issue of terminating the Apartments' nonconforming use. Pursuant to the Owner's request, City Staff thereafter met with the Owner and its representatives on March 27, 2017 to discuss City Staff's proposed recommendation. In that meeting, the Owner and its representatives requested that City Staff delay placing the matter on the Planning Commission's agenda so that the Owner could explore the possibility of voluntarily reducing the Apartments' density, thus making them conforming. That request to delay the proposed recommendation was formalized in an email correspondence from the Owner's representative dated March 29, 2017. (Ex. 65.)

At the Owner's request, City Staff thereafter met with the Owner's representatives on April 27, 2017 to discuss the possibility of reducing the Apartments' density. The Owner's representatives indicated that, among other things, it would revisit the idea of combining units to reduce the density, consider removing a portion of one building to create an offset from the sidewalk and reduce the number of units, and consider additional aesthetic architectural features that would improve the Apartments' curb appeal from Whittier Boulevard. Following that meeting, the Owner's representative merely submitted some rendering showing proposed facade enhancements on May 17, 2017. But he expressed that the Owner was unwilling to reduce the Apartments' density.

On June 8, 2017, City Staff notified the Owner's representative that it was moving forward with the recommendation that the Planning Commission schedule a hearing to terminate the Apartments' nonconforming use and that the recommendation would be presented to the Planning Commission at its meeting scheduled for June 19, 2017. Despite objections by the Owner at its June 19, 2017 meeting, the Planning Commission adopted Resolution No. 1249, declaring its intent to conduct a public hearing on the termination of the Apartments' nonconforming use, setting the hearing for July 19, 2017 and directing that notice be given as required by Section 18.54.130 of the Code. (Ex. 67-70.)
Pursuant to Planning Commission Resolution No. 1249, City Staff published notice of this hearing in a newspaper of general circulation within the City on July 6, 2017. (Ex. 71 [p. 538]) Not less than ten days prior to the date set for the hearing, City Staff also mailed notice to the Owner, BMD, Western Alliance Bank, and to all owners of property within a radius of three hundred feet measured from the external boundaries of the Property. (Ex. 71.) In addition, a copy of the notice was posted on the Property by July 6, 2017.

IV. THE CITY IS JUSTIFIED IN TERMINATING THE APARTMENTS' LEGAL NONCONFORMING USE STATUS

Zoning ordinances establish the regulatory scheme for the use and development of land within the City as required by the City's General Plan. They also establish discrete zones that allow appropriate uses and forbid other uses that impair the development and stability of the area. The general purpose of zoning ordinances is to achieve conformity in the uses permitted and to eventually terminate all nonconforming uses. Courts define a nonconforming use as a "lawful use existing on the effective date of the zoning restriction and continued since that time in nonconformance to the ordinance." (City of Los Angeles v. Gage (1954) 127 Cal. App. 2d 442, 453.) As a term of art, "nonconforming use" means that the use lawfully existed before a change in the zoning regulations which subsequently rendered the use unlawful.

"The ultimate purpose of zoning is to confine certain classes of buildings and uses to particular localities and to reduce all nonconforming uses within the zone to conformity as speedily as is consistent with proper safeguards for the interest of those affected." (Dienelt v. County of Monterey (1952) 113 Cal. App. 2d 128, 131.) Given the objective of zoning, cities can provide for the elimination of nonconforming uses under certain circumstances. (Nat'l Adver. Co. v. County of Monterey (1970) 1 Cal.3d 875, 875, 880; County of San Diego v. McClurken (1951) 37 Cal. 2d 683, 686-87.) For example, cities may restrict the extension or expansion of a nonconforming use, prohibit replacement of a nonconforming structure if it is destroyed, and preclude renewal of a nonconforming use after discontinuance. (Los Altos v. Silvey (1962) 206 Cal. App. 2d 606; Edmonds v. County of Los Angeles (1953) 40 Cal. 2d 642, 651; City of Los Angeles v. Gage (1954) 127 Cal. App. 2d 442, 459 ["The presence of any nonconforming use endangers the benefits to be derived from a comprehensive zoning plan"]; Sabeck, Inc. v. County of Sonoma (1987) 190 Cal. App. 3d 163, 168 [upholding loss of nonconforming status when remodeling costs were more than 15 percent of a structure's appraised value].)

Here, the City is justified in immediately terminating the Apartments' legal nonconforming status for two reasons: (1) the Apartments are destroyed to the extent of more than fifty percent (50%) of their value (PRMC § 18.54.080); and (2) the Apartments ceased operating for over six (6) months after their evacuation in or about January 2015 (PRMC § 18.54.081). In addition, the nonconforming Apartment structures may be abated and their use terminated upon the expiration of the applicable amortization period indicated in Section 18.54.070, subdivision H of the Code.
A. The Apartments Were Destroyed To The Extent Of More Than Fifty Percent (50%) Of Their Value, Such That Section 18.54.080 Of The Code Justifies Termination Of Their Legal Nonconforming Status.

Courts support the natural elimination of nonconforming uses by obsolesces or destruction. (See County of San Diego v. McClurken, supra, 37 Cal. 2d 683; Rehfeld v. City & County of San Francisco (1933) 218 Cal. 83.) Consequently, if a building's value is destroyed by a certain percentage, the owner may not rebuild and resume a nonconforming use. To partially compensate an owner for termination of the nonconforming use by destruction, Government Code section 43007 allows for property tax relief for owners of property that is destroyed and cannot be rebuilt because of zoning prohibitions.

Here, section 18.51.080 of the Code provides:

Any nonconforming use of land shall be terminated if destroyed to the extent of more than fifty percent at the time of its destruction physically by fire, explosion or other casualty or act of God, and/or destroyed to the extent of more than fifty percent of the value existing prior to the time of such destruction. For the purposes of arriving at such value, the building official shall determine the valuation of such nonconforming use that existed prior to such destruction by such accepted principles, practices, methods and other resources available.

The City's counsel retained Scott Lidgard of Lidgard and Associates, Inc. to conduct an appraisal study pertaining the Apartments. The intended use of the appraisal study is to assist the City in determining the Apartments' market value as it relates to the Pico Rivera Legal Nonconforming Structure Status with respect to the 50% damage threshold level set forth in section 18.54.080 of the Code.

Its purpose is to express the fair market value of the Property assuming a renovated condition adequate for operation of the Apartments similar to that which existed prior to evacuation in January 2015. The appraiser also determined the market value of underlying land as if vacant and readily available for development so that the value of the improvements may be isolated.

The market data, appraisal methodology, and reasoning supporting the analysis, opinions and conclusions are set forth in Mr. Lidgard's appraisal reports, copies which are attached to the Compendium of Exhibits as Exhibits 82 and 83 and are incorporated herein. After considering the various factors which influence value, the respective fair market values of the Property, again assuming a renovated condition adequate for the operation of the Apartments similar to that which existed prior to evacuation in 2015, are as follows:
Market value of underlying land parcel: $1,655,000.
Contributory value of improvements: $4,795,000.
Total market value as improved: $6,450,000.

Because the value of the underlying land is unrelated to the Property's nonconforming apartment use, the contributory value of improvements ($4,795,000) is the relevant figure to assist the Planning Commission in determining whether the Apartments have been destroyed to the extent of more than fifty percent (50%) for purposes of terminating is legal nonconforming status under Section 18.54.080 of the Code. As set forth in the appraisal, the respective fair market values of the improvements, assuming a renovated condition adequate for the operation of the Apartments similar to that which existed prior to evacuation in 2015, was $4,795,000.

Total repair/renovation costs for the Apartments was estimated by the City's construction consultant, Bert L. Howe & Associates, Inc to be $2,726,648. (Ex. 64.) Because the full extent of the damage to the Apartments is unknown, however, the costs to repair the Apartments will undoubtedly exceed that $2,726,648 estimate. Regardless, the $2,726,648 in repair/renovation costs exceeds 50% of the $4,795,000 value of the Apartments. Because the estimated repairs cost more than 50% of the value of the Apartments assuming a renovated condition adequate for the operation similar to that which existed prior to evacuation in 2015, termination of the legal nonconforming status of the Apartments is justified by Section 18.54.080 of the Code.

Notably, the current Owner purchased the property (both land and improvements) on October 14, 2015 (after the January 2015 evacuation) for $4,030,000. (Ex. 35-36.) Mr. Lidgard also appraised the market value of the underlying land as of the October 14, 2015 purchase date to be $1,725,000. Because the value of land does not change with the damage to the improvements, the price paid for the improvements is isolated by deducting the value of the underlying land, as follows:

<table>
<thead>
<tr>
<th>Total purchase price (as improved):</th>
<th>$4,030,000.</th>
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<tbody>
<tr>
<td>Market value of underlying land parcel:</td>
<td>$1,725,000.</td>
</tr>
<tr>
<td>Amount paid for the improvements:</td>
<td>$2,305,000</td>
</tr>
</tbody>
</table>

The after condition price of the improvements on the Property where, thus, $2,305,000 and the value of the improvements assuming a renovated condition adequate for the operation of the Apartments similar to that which existed prior to evacuation in 2015, was $4,795,000. $2,305,000 is more than 50% less than $4,795,000. Thus, termination of the legal nonconforming status of the Apartments is justified by Section 18.54.080 of the Code. Why? Because the Apartments were destroyed to the extent of more than fifty percent of the value.
B. The Apartments Ceased Operating After Their Evacuation On Or About January 2015, Such That Termination Of Their Legal Nonconforming Status Is Justified By Section 18.54.081 Of The Code.

Case law is replete with admonitions of a strict policy against extension or expansion of nonconforming uses. (See e.g., See County of San Diego v. McClurken, supra, 37 Cal. 2d 683.) Consistent with that policy, PRMC § 18.54.081 provides that "[a]ny nonconforming use of land shall be terminated if it ceases such use for a continuous period of six months."

Here, the Property has not been used as an apartment complex since it was evacuated in or about January 2015. (Ex. 30-32.) Indeed, because the use of the Apartments ceased for over 6 months before the current Owner even purchased the Apartments (Ex. 41 [Grant Deed]), the termination of their legal nonconforming status is justified by Section 18.54.081 of the Code.

Some cases have held that, absent contrary language in the local ordinance, cessation of use alone does not constitute abandonment for purposes of terminating a nonconforming use; rather, intent to abandon is required. Here, however, cessation is the only criteria for terminating the nonconforming use under Section 18.54.081 of the Code. The Code does not require a showing of any intent on the part of the Owner to abandon the nonconforming use. Thus those cases, which apply a different "abandonment" standard, are inapplicable to the instant case.

League to Save Lake Tahoe v. Crystal Enterprises ("Crystal Enterprises ") (9th Cir. 1982) 685 F.2d 1142, 1146 is instructive. There, the predecessors in interest of appellant contractor began construction of a fifteen story hotel/parking garage complex. (Id. at 1444.) The county building department granted a building permit for the construction on August 20, 1970. (Ibid.) By the end of June, 1971, construction had ceased. (Ibid.) The governmental entity's zoning ordinance became effective on April 11, 1972. (Ibid.) Under the ordinance, the project was a non-conforming use. (Ibid.) However, the ordinance contained a grandfather clause which exempted projects upon which construction has commenced prior to February 10, 1972. (Ibid.) The exemption did not apply, however, if any such use ceases for a period of one (1) year. (Ibid.) The contractor asserted that, despite the presence in the ordinance of a definite period of discontinuance of a nonconforming use, intent to abandon must still be proved. (Id. at 1146.) The court disagreed. It held that when a regulation which terminates a use contains a time limit it is not necessary to show intent on the part of the property owner:

Generally, the right to a nonconforming use exists only so long as the use continues to exist. A nonconforming use may terminate in one of several ways. These include amortization, abandonment, nonuse or discontinuance for a prescribed period, and voluntary or involuntary destruction. [Citation] Some zoning ordinances provide that if a nonconforming use is "discontinued" for a designated period
of time it may not be resumed. The apparent objective of a provision using the term "discontinued" or "ceased" is to avoid the problem of having to prove intent to abandon a nonconforming use. [Citation].

Appellants assert that despite the presence in the ordinance of a definite period of discontinuance of a nonconforming use, intent to abandon must still be proved. We disagree. [The ordinance] presumes abandonment after the designated period of non-use has passed. "A nonconforming use may be terminated by ordinance after the lapse of a reasonable period of time regardless of whether the property owner intends to abandon that use." [Citation].

(Crystal Enterprises, supra, 685 F.2d at 1146, internal citations omitted.)

Like the ordinance in Crystal Enterprises, section 18.54.081 of the Code provides that the nonconforming use terminated after a lapse of a reasonable time regardless of whether the Owner subjectively intended to abandon the use. The question is whether the nonconforming use ceased for a continuous period of six months — not whether the use was subjectively intended to be "abandoned." Thus, those cases suggesting that cessation of use alone does not constitute "abandonment" are inapplicable here.

Because the Apartments ceased operating after their evacuation on or about January 2015, their legal nonconforming status should be terminated by section 18.54.081 of the Code.

C. Alternatively, The Nonconforming Apartment Structures May Be Abated And Their Use Terminated Upon The Expiration Of The Period Of Time Indicated In Section 18.54.070, Subdivision H Of The Code.

The ultimate purpose of zoning is to bring all nonconforming uses within the zone into conformity as quickly as possible while safeguarding the interests of those affected. (Dienelt v. County of Monterey, supra, 113 Cal. App. 2d at 131.) In fact, courts constantly uphold requirements to terminate a use of structure within a prescribed period (an "amortization period") as justifiable protection against the indefinite continuance of nonconforming uses. (National Advir. Co. v. County of Monterey, supra, 1 Cal. 3d 875; County of San Diego v. McClurken, supra, 37 Cal. 2d 683.) Zoning codes may properly look to "the eventual liquidation of nonconforming uses within a prescribed period commensurate with the investment involved." (Livingston Rock & Gravel Co. v. County of Los Angeles (1954) 43 Cal. 2d 121,127.)

Courts do not require that the nonconforming property have no value at the termination date of the amortization period. Rather, amortization "involves a process of weighing the public gain to be derived from a speedy removal of the nonconforming use against the

On August 21, 1989, the City adopted an ordinance setting the amortization periods for terminating nonconforming structures. (Ex. 5; PRMC Section 18.54.070.) The Code specifies amortization periods for various types of legally non-conforming structures. (PRMC § 18.54.070(H).) These amortization periods run from August 21, 1989 (the date the relevant provisions of section 18.54.070 of the Code were effective) or the date the structure first became nonconforming, whichever is later. (PRMC § 18.54.070(A).) Upon the expiration of the applicable time period, the nonconforming use may be terminated. (Ibid.)

Here, the Apartments are wood frame structures, which have an amortization period of 35 years (PRMC § 18.54.070(H)(1)). Available records indicate that the Apartments became nonconforming upon the adoption of a zoning map in 1993 when a portion of the Property became designated as PUD. (Ex. 7-11.) Because the amortization period began in 1993 when a portion of the Property became designated as PUD, the nonconforming use and structures terminate by operation of law in 2028.

D. Due To The Nonconforming Status Of The Structure, The Owner Does Not Have An Automatic Right To Repair The Structure.

The Owner argued to the City that it is entitled to repair the structure. The Owner relies on Hawthorne Savings and Loan Ass’n v. City of Signal Hill (1993) 19 Cal. App. 4th 148, 158-159 for its argument. However, the facts in that case are not analogous to the current situations. There, the city sought to demolish an apartment complex that was in a substandard and dangerous condition as defined by the State Housing law (Health & Saf. Code § 17980, subd. (b).) (Hawthorne, supra, 19 Cal. App. 4th at 158.) The court found that, prior to ordering demolition, the city had a constitutional and statutory duty to first afford the owner the choice of repairing or demolishing the buildings, a reasonable time in which to make that choice and, if the owner chose to repair, a reasonable opportunity to do so. (Ibid.) Notably, the termination of a nonconforming legal status was not an issue in Hawthorne.

Here, unlike Hawthorne, the City is not ordering the demolition of the Apartments based on a finding of substandard condition. Rather, the City is simply seeking to terminate the Apartments’ nonconforming use based on (i) their destruction and (ii) the fact that they ceased operating for a continuous period of six (6) months. The termination of nonconforming use in this case is consistent with the City’s Code and longstanding policies supporting the natural elimination of nonconforming uses by obsolesces or destruction. Neither an order to demolish the Apartments nor a finding of the Apartments’ substandard condition is involved here, as was the case in Hawthorne. Indeed, it is entirely possible that much of the existing structures may be made conforming.
The City has noted that the following actions, among others, could bring the Apartments into compliance with existing zoning provisions: (1) a general plan and zoning code amendment changing the designation and zoning for the rear portion of the Property; (2) obtaining a conditional use permit; (3) removing approximately fifty (50) of the Apartments’ existing units; (4) adding additional parking spaces contingent on the number of units retained; (5) compliance with all development regulations governing multi-family dwelling units set forth in the Pico Rivera Municipal Code; and (6) compliance with all conditions of approval for the conditional use permit.

V. ANY RESTORATION OF THE APARTMENTS WILL BE DETRIMENTAL OR INJURIOUS TO THE HEALTH, SAFETY, OR GENERAL WELFARE OF THE NEIGHBORHOOD AND WOULD BE MORE APPROPRIATELY MOVED TO A ZONE IN WHICH THEIR USE IS PERMITTED.

In order to prohibit the reconstruction, restoration, or rebuilding of a multifamily dwelling that is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy, the Planning Commission must make the following findings:

1. The reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood.

2. The existing nonconforming use of the building or structure would be more appropriately moved to a zone in which the use is permitted, or that there no longer exists a zone in which the existing nonconforming use is permitted.

(Gov. Code 65852.25.)

Here, the Apartments were not involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy. Rather, they were destroyed by an ongoing failure to maintain. Thus, the Planning Commission arguably need not make the above referenced findings to prohibit the restoration of the Apartments.

However, even if such findings were required to prohibit the reconstruction, restoration, or rebuilding of the Apartments, these findings are easily made here. As set forth above, the rear portion of the Property is zoned PUD, and is designated in the City’s General Plan for “Medium Density Residential.” (Ex. 11.) The PUD zone does not permit multi-family dwelling units. (PRMC §§ 18.16.040; 18.40.040(B)(7).) The unit density of the Apartments is more than double the maximum density permitted for any residential use in the City. (PRMC §§ 18.28.050; 18.42.040(D).) Given the Property’s size, a maximum of thirty (30) dwelling units is permitted by the Code.

The purpose and intent of the PUD land use district is to create a better living environment by promoting residential land use amenities and design flexibility of
residential acreage that could not otherwise be obtained under more conventional methods and development. (Ex. 10, 29.) These high density Apartments do not meet the purposes and intent of the PUD land use designation and any reconstruction would be detrimental to the general welfare of persons residing or working in the surrounding neighborhoods.

The Apartments are a hotbed of service calls to the police. (Ex. 81.) The calls range from disturbing the peace to assault, battery, breaking and entering, theft, burglary, buying or selling stolen property, drug use, drug dealing, sex abuse, rape, suicide attempts, vandalism, domestic abuse, hit and run, gang activity, shooting, unlawful occupancy, stolen vehicles and homicide. (Ibid.) Frustrated neighbors routinely contact City Hall seeking relief from these disruptive activities. Moreover, the high-density Apartments are routinely provided with Code violation notices from the City. (Ex. 13-25, 27.)

The front portion of the Property is zoned CG, and is designated in the City's General Plan for "Commercial" land uses. (Ex. 11.) The purpose and intent of the commercial land use designation is to provide for a full range and wide variety of retail commercial stores and service establishments that are not dependent on marketing and trading area support solely within the corporate boundaries of the City but also rely on consumer purchasing power outside the established community. (See Ex. 10, 29.) The Apartments do not meet the purposes and intent of the commercial land use designation and their reconstruction would be detrimental to the general welfare of persons residing or working in the surrounding neighborhoods.

There no longer exists a zone in which the existing nonconforming use is permitted.

**CONCLUSION:**

It is recommended that the Planning Commission consider the evidence and determine whether:

- The Apartments are destroyed to the extent of more than fifty percent (50%) of their value, such that Section 18.54.080 of the Code justifies terminating their legal nonconforming status;
- The Apartments ceased operating after their evacuation in or about January 2015, such that Section 18.54.081 of the Code justifies terminating its legal nonconforming status;
- The nonconforming Apartments may be abated and their use terminated upon the expiration of the applicable amortization period indicated in Section 18.54.070, subdivision H of the Code;
- The reconstruction, restoration, or rebuilding of the Apartments at their current/prior density will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood (Gov. Code 65852.25); and
The existing nonconforming use of the Apartments would be more appropriately moved to a zone in which the use is permitted, or there no longer exists a zone in which the existing nonconforming use is permitted (Gov. Code 65852.25).

Attachments:

Compendium of Exhibits
COMPENDIUM OF DOCUMENTS
INCLUDED IN EXHIBITS 1 THROUGH 84
FULL COPY
LOCATED IN CITY
CLERK’S OFFICE
FULL COPY
LOCATED IN CITY CLERK’S OFFICE
Exhibit 91
FULL COPY
LOCATED IN CITY CLERK’S OFFICE
July 15, 2017

Group XIII Properties, LP
4900 Santa Anita Ave., Suite 2C
El Monte, CA 91731

Project: 8615 Whittier Blvd., Pico Rivera, CA

Dear Sir,

In October 2015, we observed the existing conditions of the subject property and created a set of plans providing repair recommendations for the structural issues observed. In July 2017, at the request of the building department, we created an exploratory demo plan to open up portions of the structure that showed signs of possible distress. Working with the owner and the City, openings were made in the existing finishes, and the framing was exposed and observed. Most of the areas observed showed no signs of distress in the framing. Only about 15% of the areas observed showed signs of distress and the conditions were very minor in nature. These new findings were added to the structural plans and reissued to the building department in September 2016.

Since October 2015, there have been additional conditions and requests from the City that seem to now be a part of the cost estimates from the contractors. These new items are not a part of the structural repairs needed to address the structural deficiencies created by water intrusion and termite damage.

We have reviewed through the costs estimates from both Murow CM, dated December 2016, and Bert L. Howe & Associates, Inc., dated February 2017. The following are our findings:

<table>
<thead>
<tr>
<th>Category</th>
<th>Comments</th>
<th>Existing Amount</th>
<th>Estimate Towards Structural Repairs</th>
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<tr>
<td><strong>General Requirements</strong></td>
<td>A portion should be assessed towards SR</td>
<td>$117,500</td>
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<td>Additional Demo</td>
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<td>Scaffold</td>
<td>Assume needed for SR</td>
<td>$3,500</td>
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</tr>
<tr>
<td>Testing &amp; Inspection</td>
<td>Almost all work related to SR will not require testing and special inspection.</td>
<td>$12,500</td>
<td>$5,000</td>
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<td>Erosion Control</td>
<td>Unsure if applicable towards SR</td>
<td>$2,500</td>
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<tr>
<td>Asphaltic Concrete Paving</td>
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<td>$10,800</td>
<td>$0</td>
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<td>pavement Marking &amp; Signs</td>
<td>Not a part of SR</td>
<td>$2,500</td>
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<td>Fence Repair</td>
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<td>$8,261.50</td>
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<td>Landscaping</td>
<td>Concrete Masonry Unit</td>
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<td>$0</td>
</tr>
<tr>
<td>Lightweight Concrete Cast-in-place</td>
<td>We don't know what item 98 is referring to. Not a part of SR</td>
<td>$102,900.91</td>
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Concrete

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<td>$8,550</td>
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<td>Items 109 &amp; 110 are façade panels and trash enclosure – not a part of SR</td>
<td>$60,910</td>
<td>$7,410</td>
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<tr>
<td>Misc &amp; Ornamental Metals</td>
<td>These were probably OK structurally but were removed when the balconies were stripped.</td>
<td>$64,884.30</td>
<td>$64,884.30</td>
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<tr>
<td>Metal Siding</td>
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<td>Rough Carpentry</td>
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<td>$168,542</td>
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<td>Waterproofing</td>
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<td>$1,568.75</td>
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<td>Roofing</td>
<td>Not a part of SR. However, there should be some isolated repairs due to the SR. The full removal and adding slope is not SR. Most roof joists repairs could be made below.</td>
<td>$123,285.50</td>
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<td>Some of the listed items are not a part of SR such as the corrugated panel siding.</td>
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Bert L. Howe & Associates Cost Estimate:

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<tr>
<td>Asphaltic Concrete Paving</td>
<td>Not a part of SR</td>
<td>$10,800</td>
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<td>Site Concrete</td>
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Flashing & Sheet Metal Some of the listed items are not a part of SR such as the corrugated panel siding. $165,000 $135,000

Windows Not a part of SR $19,000 $0

Plaster Items 174 & 175 are not a part of SR $78,276.05 $66,454.60

Painting and Wall Coverings Items 181 & 182 are not a part of SR $93,225 $92,250

Fire Suppression Not a part of SR $7,500 $0

Electrical Not a part of SR $59,900 $0

Miscellaneous Items Not a part of SR $111,188.6 $0

Missing Scope Missing Exterior Work – not SR $31,800 $0

Supplemental Exterior Work Only these items are SR $53,000 $30,000
- Gypsum board
- Roof sheathing and joists – only affected areas
- Insulation as needed

Phone directory system – not SR $3,500 $0

Interior Work – not SR $754,892.31 $0

Door Hardware & Bath Accessories – not SR $6,000 $0

Asbestos abatement $72,000 $0

Mold remediation $18,000 $0

Totals $2,213,600 $806,001

Based on the assessments above, the structural repairs account for approximately $632,000 to $806,000 of the overall costs estimates.

If you have any questions, please call me at (949) 949-8080 extension 302.

Sincerely,

Patel Burica & Associates, Inc.

Michael J. Burica, P.E.
FULL COPY
LOCATED IN CITY
CLERK’S OFFICE
A regular meeting of the Planning Commission was held at 6:00 p.m. in the City Hall Council Chamber, 6615 Passons Boulevard, Pico Rivera, CA.

Chairperson Fred Zermeno called the meeting to order at 6:00 p.m. on behalf of the Planning Commission.

PRESENT: Zermeno, Celiz, Elisaldez, Garcia, Gomez
ABSENT:

PLEDGE OF ALLEGIANCE: Led by Commissioner Garcia.

[FULL TRANSCRIPTS ARE AVAILABLE AS ATTACHMENT TO THESE MINUTES]

PUBLIC HEARING(S):

1. PUBLIC HEARING – CONDITIONAL USE PERMIT MODIFICATION NO. 721.1 AN APPLICATION FROM BIRRIERIA JALISCO RESTAURANT LOCATED AT 6105 ROSEMEAD BOULEVARD (ASSSESSOR’S IDENTIFICATION NUMBER 6371-001-027) IN THE GENERAL COMMERCIAL (C-G) ZONED DISTRICT AND THE MIXED-USE (M-U) OVERLAY ZONE TO MODIFY AN EXISTING TYPE 20 (OFF-SALE BEER/WINE) ALCOHOL LICENSE TO A TYPE 41 (ON-SALE BEER/WINE) LICENSE.

Assistant Planner Hernandez – Provided the staff report and is recommending that the Planning Commission approve Conditional Use Permit 721.1.

Commissioner Zermeno opened the public hearing.

Applicant representative Eduardo Hernandez spoke on behalf of the business owner Luz Gonzalez.

Commissioner Zermeno introduced a motion to close the public hearing, seconded by Commissioner Celiz.

Motion to approve staff’s recommendation with the modifications proposed by the applicant.

AYES: Zermeno, Elisaldez, Garcia, Gomez
NOES: Celiz
ABSENT:
2. TERMINATION OF NONCONFORMING STRUCTURE AND USE AT 8615 WHITTIER BOULEVARD, PICO RIVERA, CALIFORNIA (FORMER WHITTER MANOR APARTMENTS)

Community and Economic Development Director Carmona stated that staff received a request from PAMA Management to continue the item and waive their time requirements under PRMC Section 18.54.130 (A).

Chairman Zermeno called for a motion grant the extension to continue to request a date of August 7, 2017.

Motion was made and seconded by Commissioner Gomez.

AYES: Elsaldez, Garcia
NOES: Zermeno, Celiz, Gomez
ABSENT: 

Motion failed.

Chairman Zermeno called for a motion to take public comment out of order.

Motion was made by Commissioner Celiz and seconded by Commissioner Garcia. Motion passed.

Chairman Zermeno called for a motion to close public hearing.

Motion was made and seconded. Motion passed.

Chairman Zermeno called for a motion to adopt staff’s recommendation and direct the City Attorney’s office, Planning Commission Counsel to bring back a resolution and decision consistent with that direction.

- The former Whittier Manor apartment complex (the “Apartments”) is destroyed to the extent of more than fifty percent (50%) of its value, such that Section 18.54.080 of the Pico Rivera Municipal Code (the “Code” or “PRMC”) justifies terminating its legal nonconforming status;
- The Apartments ceased operating after their evacuation in or about January 2015, such that Section 18.54.081 of the Code justifies terminating their legal nonconforming status;
- The nonconforming Apartments may be abated and their use terminated upon the expiration of the applicable amortization period indicated in Section 18.54.070, subdivision H of the Code;
- The reconstruction, restoration, or rebuilding of the Apartments at their current/prior density will be detrimental or injurious to the health, safety, or
general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood (Gov. Code 65852.25); and  
• The existing nonconforming use of the Apartments would be more appropriately moved to a zone in which the use is permitted, or there no longer exists a zone in which the existing nonconforming use is permitted (Gov. Code 65852.25).

Motion was made by Commissioner Celiz and was seconded.

AYES: Zermeno, Celiz, Elisaldez, Garcia, Gomez
NOES: 
ABSENT:

Chairman Zermeno called for a motion to bring forth the resolution on August 7, 2017. Motioned was seconded.

PUBLIC COMMENTS ON NON-AGENDA ITEMS: There were none.

MINUTES

• Meeting minutes for June 5, 2017 and June 19, 2017 to be approved at the next Planning Commission meeting.

PLANNING COMMISSION REPORTS:

• City Council meeting of June 27, 2017 – Commissioner Gomez reported.
• Commissioner Garcia confirmed his attendance to the City Council meeting of Tuesday, August 8, 2017.

NEW BUSINESS: There was none.

OLD BUSINESS:

Commissioner Garcia asked about the stop signs at schools.

ADJOURNMENT:

Commissioner Zermeno adjourned the Planning Commission meeting at 10:30 p.m. There being no objection, it was so ordered.
ATTEST:

Steven Carmona, Director of Community & Economic Development
Secretary, Planning Commission

I hereby certify that the foregoing is a true and correct report of the proceedings of the Planning Commission Regular Meeting dated July 17, 2017 and approved by the Planning Commission on November 6, 2017.

Steven Carmona, Director of Community & Economic Development
Secretary, Planning Commission

Attachment: 1) Transcripts
Exhibit 96
Monday, August 7, 2017  
Regular Meeting - 6:00 p.m.  
Council Chamber  
6615 Passons Blvd.

ROLL CALL:

Chairman: Fred Zermeno  
Vice Chairman: Esther Celiz

Commissioners: Tommy Elisaldez  
Ruben Garcia

Paul Gomez

PLEDGE OF ALLEGIANCE:

PUBLIC HEARING(S): None

PUBLIC COMMENTS:

When you are called to speak, please come forward and state and write 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 Planning Commission 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. Planning Commissioners cannot comment on items that are not listed on a posted agenda.

AGENDA:

1. Minutes:  
   - Meeting minutes for June 5, 2017, June 19, 2017, and July 17, 2017 to be approved at the next Planning Commission meeting.

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

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 (within 24 to 48 hours' notice).
PLANNING COMMISSION REPORTS:

2. Planning Commission representative to the City Council meeting of Tuesday, August 8, 2017
   - Commissioner Garcia to confirm

NEW BUSINESS:

3. Termination of Nonconforming Structure and use at 8615 Whittier Boulevard, Pico Rivera, California (Former Whittier Manor Apartments)
   a. Staff report from Community & Economic Development Director
   b. Recommendation(s):
      1. Adopt Planning Commission Resolution No. 1251 announcing its findings and decision terminating the nonconforming structures and use located at 8615 Whittier Blvd., Pico Rivera, California.

OLD BUSINESS: None

ADJOURNMENT:
AFFIDAVIT OF POSTING

I, Steven Carmona, Secretary, for the City of Pico Rivera Planning Commission, 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 which are available for the public to view on this 4th, day of August 2017.

Dated this 4th, day of August 2017

Steven Carmona
Secretary

SB343 NOTICE

In compliance with and pursuant to the provisions of SB343 any public writing distributed by the Secretary to at least a majority of the Planning Commission 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 Planning Commission meeting and at the counter of City Hall at 6615 Passons Boulevard, Pico Rivera, California during normal business hours.
To: Planning Commission
From: Community and Economic Development Director
Meeting Date: August 7, 2017
Subject: TERMINATION OF NONCONFORMING STRUCTURE AND USE AT 8615 WHITTIER BOULEVARD, PICO RIVERA, CALIFORNIA (FORMER WHITTIER MANOR APARTMENTS)

I. Recommendation

Staff recommends that the Planning Commission of the City of Pico Rivera (the "City") consider the adoption of the attached Planning Commission Resolution announcing its findings and decision terminating nonconforming buildings and use located at 8615 Whittier Boulevard, Pico Rivera, California (Former Whittier Manor Apartments).

II. Introduction/Background Facts

This item is a continuation of the matter brought before the Planning Commission on July 17, 2017. On July 17, 2017, the Planning Commission held a public hearing to determine whether the former Whittier Manor apartment complex (the "Apartments") located at 8615 Whittier Boulevard (Assessor Parcel Nos. 6373-018-005 and 6373-018-008, the "Property") should be terminated pursuant to Pico Rivera Municipal Code Chapter 18.54.

During the July 17, 2017 public hearing, the Planning Commission received written and oral testimony from the City, the owner of the Property, and the general public. The Planning Commission subsequently closed the public hearing and deliberated on the matter.

Upon concluding its deliberation, the Planning Commission passed a motion directing the Planning Commission Counsel to prepare and bring back to the Planning Commission at its next regularly scheduled meeting a written decision supporting a decision to terminate the nonconforming Apartments located on the Property on the basis that: (1) the Apartments were destroyed to the extent of more than fifty percent (50%) of their value prior to December 30, 2014; (2) the Apartments ceased operating for a continuous period of six months; and (3) the nonconforming Apartments should be abated and their use terminated upon the expiration of the applicable amortization period indicated in Section 18.54.070, subdivision H of the Code.
In accordance with Planning Commission's direction, attached to this Staff Report is the draft Planning Commission Resolution announcing its findings and decision terminating the nonconforming structures and use located 8615 Whittier Blvd., Pico Rivera, California.

III. Environmental Review

This item is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment and therefore is exempt from the provisions of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines § 15061(b)(3).

IV. Conclusion/Recommendation

It is recommended that the Planning Commission consider the adoption of the Planning Commission Resolution attached hereto announcing its findings and decision terminating the nonconforming structures and use located at 8615 Whittier Blvd., Pico Rivera, California.

Steven Carmona

SC:JG:JL:jj

Enclosures: 1) Draft Planning Commission Resolution
2) Draft Planning Commission Statement of Decision
RESOLUTION NO. 1251

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
PICO RIVERA ADOPTING A STATEMENT OF DECISION
TERMINATING NONCONFORMING STRUCTURES AND USE
LOCATED AT 8615 WHITTLER BOULEVARD, PICO RIVERA,
CALIFORNIA (FORMER WHITTIER MANOR APARTMENTS)

WHEREAS, an investigation of the premises at 8615 Whittier Boulevard, Pico Rivera, particularly (Assessor Parcel Nos. 6373-018-005 and 6373-018-008, the “Property”), was initiated by the Planning Commission of the City of Pico Rivera ("City") on or about July 18, 2016; and

WHEREAS, said investigation revealed that the Whittier Manor Apartments (the “Apartments”) located on the property do not comply with various development and zoning standards currently codified in the Pico Rivera Municipal Code (the “Code” or “PRMC”), and therefore constitute nonconforming structures and land use subject to termination under Chapter 18.54 of the Code; and

WHEREAS, on or about December 30, 2014, the Apartments suffered significant damage resulting in collapse of the third-floor balcony soffit and evacuation of approximately 200 tenants; and

WHEREAS, subsequent investigations revealed that the Apartments had been constructed, altered, converted, and/or maintained in a general state of disrepair and are plagued with dry rot, mold, water damage, and other conditions calling into question not only the structural integrity of the Apartments, but its suitability for habitation; and

WHEREAS, the destruction to the Apartments exceeds fifty percent (50%) of their value, such that termination of its legal nonconforming status is justified by Section 18.54.080 of the Code; and

WHEREAS, the Apartments ceased operating after their evacuation on or about December 2014, such that termination of its legal nonconforming status is justified by Section 18.54.081 of the Code; and

WHEREAS, Section 18.54.070 of the Code provides for the abatement of nonconforming structures and termination of their use upon the expiration of certain time periods set forth therein; and

WHEREAS, the reconstruction, restoration, or rebuilding of the Apartments is detrimental and injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, and detrimental or injurious to property and improvements in the neighborhood and/or the existing nonconforming use of the building or structure may be more appropriately moved to a zone in which the use is permitted, or there no longer exists a zone in which the existing nonconforming use is permitted; and
WHEREAS, on June 19, 2017 the Planning Commission adopted Resolution No. 1249 declaring its intent to conduct a public hearing on the termination of nonconforming uses at the Property; and

WHEREAS, a public hearing considering whether the legal nonconforming status of the Apartments should be terminated was duly noticed pursuant to Pico Rivera Municipal Code Section 18.54.130 and held on July 17, 2017 with all parties to this matter in attendance and public testimony received.

NOW, THEREFORE, the Planning Commission of the City of Pico Rivera does hereby resolve as follows:

SECTION 1. The Planning Commission hereby finds and determines that the foregoing recitals are true and correct, constitute a material part of this Resolution, and therefore incorporate them herein in their entirety as part of the findings.

SECTION 2. Based on the evidence presented and contained in the record, both oral and documentary, the Planning Commission hereby adopts the Statement of Decision attached hereto as Exhibit “A,” which shall be incorporated herein by this reference and made a part of this Resolution. The Statement of Decision shall constitute the Planning Commission’s written findings of fact and decision in accordance with Pico Rivera Municipal Code § 18.54.130(E).

SECTION 3. The Planning Commission hereby authorizes the Planning Commission Chairperson to execute the Statement of Decision on behalf of the Planning Commission.

SECTION 4. The Planning Commission finds this Statement of Decision and Order is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment and therefore is exempt from the provisions of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines § 15061(b)(3).

SECTION 5. The City Clerk shall attest and certify to the passage and adoption of this Resolution, and it shall become effective immediately upon its approval.

[Signatures on the following page]
RESOLUTION NO. 1251
Page 3 of 3

APPROVED AND ADOPTED this 7th day of August, 2017 by the Planning Commission of the City of Pico Rivera.

Fred Zermeno, Chairperson

ATTEST:

Steven Carmona, Secretary
Planning Commission
Community & Economic
Development Director

APPROVED AS TO FORM:

John W. Lam
Alvarez-Glasman & Colvin
Assistant City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:
I. INTRODUCTION

This matter involves the termination of the nonconforming structure and use status of the former Whittier Manor apartment complex at 8615 Whittier Blvd. in the City of Pico Rivera ("Apartments"). The hearing in this matter was held on July 17, 2017 and initiated by the City of Pico Rivera (the "City") to determine whether the Apartments' legal nonconforming structure and use should be terminated pursuant to Chapter 18.54 of the Pico Rivera Municipal Code (the "Code" or "PRMC"). Opposing the termination is the Apartments' current owner, Group XIII Properties, L.P. (the "Owner"). During the hearing, the parties offered evidence in the form of witness testimony and documentation, and asserted various arguments in support of their respective positions.

Like other cities throughout California, the PRMC provides specific provisions within the Code to permit appropriate uses within specific land use zones and to prohibit other uses deemed to be not suitable or appropriate. The goal of the City’s zoning ordinance is to promote the orderly development of uses deemed permitted and ultimately terminate uses that are subsequently nonconforming, but lawful on the effective date of zoning restrictions.

In pertinent part, the PRMC specifically permits the termination of nonconforming...
structures and uses if the use is destroyed by more than fifty percent or the use of the land ceases
for more than six (6) months. (PRMC §§ 18.54.080, 18.54.081). Additionally, the use of the
land may be terminated by operation of law upon the expiration of the applicable amortization
period in the Code. (PRMC § 18.54.070).

The Planning Commission, now having heard and duly considered all arguments and
evidence presented by the parties during the hearing and all other matters included in the record
for this proceeding, hereby terminates the nonconforming structures and use located at 8615
Whittier Blvd., Pico Rivera, California for the reasons set forth below.

II. BACKGROUND

A. The Property

The property at 8615 Whittier Boulevard is located near the corner of Whittier Boulevard
and Paramount Boulevard, Assessment Parcel Nos. 6373-018-005 and 6373-018-008 (the
"Property"). The Property contains 49,230 square feet (approximately 1.13 acres) of land area
with differing zoning and general plan land use designations. The southern portion of the
property is designated under the Commercial-General ("CG") zone and the remaining property is
zoned as a Planned Residential Unit Development ("PUD"). Additionally, the property is
divided into two different districts under the General Plan, the commercial land use district and a
medium density residential land use district.

B. The Apartments

Developed as a motel facility in or about 1965, the motel was then converted to a 79-unit
residential apartment complex in the mid-1970s. The Apartments consist of four (4) apartment
buildings with a total living area of 28,746 square feet according to the Los Angeles County
Assessor's records. On average, each unit is approximately 364 square feet.

Police Department dispatch records demonstrate a wide range of calls for service
originating from the Apartments since 2009. The various complaints include assault, battery,
domestic violence, drug use, drug dealing, loitering, child abuse, sexual assault, noise ordinance
violations, squatters, property damage, theft, burglary, vandalism, and homicide, among others.
C. **Legal Nonconforming Structures and Use**

The Apartments are nonconforming under the PRMC for numerous reasons. According to City records, the Apartments became nonconforming on September 7, 1993, when the City adopted its zoning map designating the rear of one parcel and the entire second parcel as a Planned Residential Unit Development (“PUD”) and designating under the City's General Plan as Medium Density Residential. The PUD zone does not permit multi-family residential units. (PRMC §§ 18.16.040, 18.40.040(B)(7)). Whereas, the front portion of the Property along Paramount Blvd. and Whittier Blvd. is zoned Commercial-General.

Moreover, the PRMC also requires that all multi-unit residential uses first obtain a conditional use permit. (PRMC §§ 18.28.040, 18.40.040(D)(63)). The Apartments were never issued such a permit.

Consisting of seventy-nine (79) units, the Apartments also substantially exceed the permitted density for a property measuring approximately 1.13 acres under the PRMC, which only permits a maximum of thirty (30) units on a lot of this size. (PRMC §§ 18.28.050, 18.42.040(D)).

Lastly, the Apartments do not provide the requisite number of parking spaces for a multi-family dwelling under the Code, which requires two (2) parking spaces in a garage or carport for each multi-family dwelling unit and one guest space for every eight units. (PRMC § 18.44.040(A)(2)).

D. **Destruction of Property**

On or about December 30, 2014, a large portion of a third-floor balcony soffit suddenly and without warning collapsed onto the second-floor balcony below it. The Los Angeles County Fire Department responded and evacuated the units immediately adjacent to the collapse that night.

The following morning, City Engineer James Enriquez and Building Official Eric Dennis inspected the property and observed significant water and wood damage in and around the collapsed balcony. Upon further inspection of all balconies on the property, similar damage was found in multiple locations. The then owner’s engineer also inspected the Property and could not
provide adequate assurances the Apartments were safe. As such, the City Building Official
dehemed the properties unsafe and shortly thereafter, all residents were evacuated and eventually
relocated. The Apartments ceased operation as a residential apartment complex on or about
January 8, 2015, when all utilities were turned off.

The owner at the time was issued a permit for limited demolition of the balconies on
March 17, 2015. The balconies were stripped to the framing throughout most of the Property but
no requests for inspection had been made to the City.

On or about October 14, 2015, Group XIII Properties, L.P. purchased the Property for
$4,030,000. The Owner retained PAMA Management, Inc. ("PAMA") to manage the Property.
PAMA shortly thereafter retained Patel Burica & Associates, Inc. ("PBA") to prepare plans for
repairing the property. On or about November 9, 2015, the Owner submitted plans for repairs to
the City which the City rejected on the basis that substantial revisions were needed as determined
by its Consulting Plan Checker, JAS Pacific Consulting Services.

On or about January 2016, PAMA retained Blue Mountain Development, Inc. ("BMD")
to provide oversight and advisory services regarding the Property. BMD then retained Edenco,
Inc. ("Edenco") to prepare a forensic inspection of the Apartments. On or about April 7, 2016,
BMD submitted plans which included a Structural Architectural Specific Due Diligence Study
prepared by Edenco ("Due Diligence Study"). A site inspection then occurred on April 21, 2016.
The City concluded that the Due Diligence Study did not address all structural deficiencies and
damage observed during the inspection. The Owner’s engineer acknowledged that the full extent
of the damage had not been assessed. Additionally, the Due Diligence Study stated that after two
site visits by the Owner’s structural engineer, “the suggested remediation recommendations
contained in this report are professional observations predicated on the limited exposed existing
conditions of the Project. Upon further demolition of the Project, additional and more stringent
remediation measures may be required.”

In response to BMD’s submitted plans, the City responded in a letter dated May 26, 2016,
that additional demolition would be required to determine the true extent of the damages to the
property. Thereafter, a meeting was held between the City, PBA and BMD to discuss the City’s
response to BMD’s submitted plans. During the meeting, the Owner rejected the additional 
requested demolition and demanded that the City approve the submitted plans.

On or about July 8, 2016, the City issued a Notice of Substandard Building directing the 
Owner to demolish the structures or notify the City of its election to repair within 30 days. If the 
Owner decided to repair, a structural report analyzing the structural integrity of the property was 
required within sixty (60) days. Required in the structural report was an exploratory demolition 
to test the Apartments’ structural support and an outline of the necessary repairs to bring the 
Property in compliance with all applicable laws. The City sent another letter dated July 11, 2016, 
again requesting that the Owner acquire a demolition permit for exploratory work to assess the 
structural integrity of the Apartments and to determine repairs.

On July 18, 2016, the Planning Commission initiated an investigation of the Property 
which revealed that the Apartments did not comply with various development and zoning 

On July 20, 2016, the City and the Owner’s representatives met to discuss the exploratory 
demolition plans.

Between September 2016 and November 2016, BMD submitted new plans to the City. 
The City in turn provided comments to the plans. In December 2016, the Owner hired Murrow, 
CM (“Murrow”) to prepare a repair cost estimate dated December 4, 2016. Murrow identified 
repairs totaling $1,269,767 and the Owner submitted revised repair plans to the City based on 
Murrow’s estimate.

In response, the City retained Bert L. Howe & Associates, Inc. to review the Owner’s 
repair estimate prepared by Murrow, CM. The report prepared by Howe, dated February 8, 2017 
(the “Howe Report”), identified numerous items that were missing from the Owner’s repair and 
renovation estimate, totaling $939,192 and revised the estimated repair and renovation costs 
contained in the Murrow report. The Howe Report concluded that the total cost to repair and 
renovate the Apartments was $2,726,648.
On or about March 14, 2017, the City informed the Owner that it was recommending that
the Planning Commission hold a public hearing to determine whether to terminate the
Apartments' nonconforming structures and use.

On or about March 27, 2017, the City, the Owner, and the Owner's representatives held a
meeting to discuss delaying the public hearing so that the Owner could explore reducing the
Apartment unit density. On April 27, 2017, the City met with the Owner's representatives at the
request of the Owner to discuss the issue of reducing the Apartments' density. However, on May
17, 2017, the Owner's representatives expressed that the Owner was unwilling to alter the
Apartments' unit density.

On June 19, 2017, the Planning Commission adopted Resolution No. 1249, declaring its
intent to conduct a public hearing on the termination of the nonconforming Apartments on July
17, 2017.

On July 17, 2017, a duly noticed public hearing was held with evidence and public
comment submitted to the Planning Commission.

III. PLANNING COMMISSION'S FINDINGS AND CONCLUSIONS

Having received written and oral evidence and testimony in this proceeding, and having
exercised independent judgment on the issues, the Planning Commission, based on substantial
evidence contained in the record, makes the findings and conclusions set forth below.

A. Nonconforming Structures and Use Terminated by Destruction Pursuant to
PRMC § 18.54.080

The Planning Commission hereby finds that the Apartments were destroyed by more than
fifty percent (50%) of its value prior to December 30, 2014. PRMC § 18.54.080 provides that:

Any nonconforming use of land shall be terminated if destroyed to the extent of
more than fifty percent at the time of its destruction physically by fire, explosion
or other casualty or act of God, and/or destroyed to the extent of more than fifty
percent of the value existing prior to the time of such destruction. For the
purposes of arriving at such value, the building official shall determine the
valuation of such nonconforming use that existed prior to such destruction by
such accepted principles, practices, methods and other resources available.

Lack of maintenance and repairs by previous owners led to water intrusion, wood rot and decay, and termite damage, allowing natural structural forces to bear down on the structures and cause destruction to the Apartments, which manifested in the failure and collapse of portions of the Apartments late in the evening on December 30, 2014.

1. Value of the Apartments Prior to Destruction

The City retained Scott Lidgard of Scott Lidgard & Associates, Inc. to conduct an appraisal of the Apartments as to the value of the Apartments prior to the events leading up to its evacuation by providing a retrospective estimate of the fair market value of the Apartments as of December 29, 2014 (“Lidgard Reports”), the day before the collapse. The Lidgard Reports estimated the market value of the underlying land parcel to be:

- Market value of underlying land parcel: $1,655,000
- Contributory value of improvements: $4,797,000
- Total market value as improved: $6,450,000

Because market value of the underlying land parcel does not affect the value of the nonconforming structures and use, the value of the improvements located on the land parcel is the relevant baseline value when determining whether more than 50% of the Apartments was destroyed.

The Lidgard Reports were prepared by Scott Lidgard who possesses adequate skills, qualifications, and expertise within the field of real estate valuation. Moreover, the Lidgard Reports also utilized generally accepted principles, practices and methods of analyzing real property valuations such as the Sales Comparison and the Income Capitalization Approaches. As such, the Planning Commission finds that the valuations are credible and appropriate for arriving at such valuations.

2. Estimated Costs of Repairs and Renovations.

In its case in chief, Owner argued that the destruction to the Apartments did not reach the 50% threshold required under PRMC § 18.54.080 because the estimated cost of repairs submitted by the City considered repairs beyond those relating to “structural” repairs. Owner’s...
argument, however, is not persuasive. Specifically, we believe that a reasonable interpretation of PRMC § 18.54.080 certainly includes structural repairs but also includes non-structural repairs and improvements arising out of the destruction of the building, which are reasonably necessary to bring the structure into a condition suitable for habitation under current codes and standards.

In the case at hand, the City retained expert construction consultants Bert Howe & Associates to provide a comprehensive review and estimate of the cost of repairs to the Apartments based upon Owner’s proposed repair and renovation scope, specifications, costs, due diligence reports, and other documents. The documents commissioned by Owner and its predecessor in interest, include the following: (i) Architectural drawings prepared by William Hezmalhalch Architects, Inc. (Bert Howe & Associates Expert Analysis Report and Cost Analysis dated February 8, 2017); (ii) Structural drawings prepared by Patel Burica & Associates, Inc. (id.); (iii) Probable Cost to Construct prepared by construction oversight consultants Murrow, CM (id.); (iv) Detailed Unit Repair List prepared by William Hezmalhalch Architects, Inc. (id.); (v) Structural/Architectural Specific Due Diligence Study prepared by Endeco, Inc. (id.; Ex. 47); (vi) Original construction drawings prepared by Leader Construction, Inc. (id.); and (vii) inspection photographs taken by City’s expert consultants Bert L. Howe & Associates. (id.).

Based on these reports and documents, the estimated costs to repair and renovate the Apartments based on the City’s expert was determined to be valued at $2,726,648. (Bert Howe & Associates Expert Analysis Report and Cost Analysis dated February 8, 2017).

Applying the repair and renovation costs of $2,726,648 to the Apartment’s baseline valuation of $4,795,000 as of December 29, 2014, the repair and renovation cost is approximately 57% of the December 29, 2014 valuation—exceeding the 50% threshold for termination of a nonconforming use required under PRMC § 18.54.080.

Moreover, based on the evidence presented, the scope of the repairs and renovations is likely to be more extensive based on the fact that exploratory demolition was limited to certain portions of the Apartments and the full extent of the cost to repair the water damage, wood rot and decay, and termite damage sustained by the Apartments would not be known until the work...
In addition, we believe that the purchase price of the Apartments on October 14, 2015 by Owner on the open market is instructive as to the cost of repairs and renovation required for the Apartments. A rational, sophisticated buyer such as the Owner would undoubtedly insist on a reduction to the purchase of the Apartments proportionate to the estimated costs of the requisite repairs. On October 14, 2015, Owner purchased the Apartments for $4,030,000. (Exhs. 35, 36). According to the Lidgard Reports, the underlying land value of the Property on October 14, 2015 was $1,725,000. (Exh. 82). Subtracting the land value from the purchase price of the Apartments, the amount paid for the improvements was $2,035,000, which represents a reduction of approximately 57.5% to the $4,795,000 value of the improvements on December 29, 2014.

For the reasons stated above, the legal nonconforming status of the Apartments were terminated pursuant to PRMC § 18.54.080.

B. The Nonconforming Structures and Use Were Terminated Pursuant to PRMC 18.54.081

The Planning Commission further finds that the legal nonconforming status of the Apartments terminated due to its cessation of use for a continuous period of six (6) months. Pursuant to PRMC § 18.54.081, “any nonconforming use of land shall be terminated if it ceases such use for a continuous period of six (6) months and any subsequent uses shall comply fully with the provisions of this chapter.” PRMC § 18.54.081 does not require any specific showing or finding of intent and as such no intent is required.

On December 31, 2014, the City issued: (1) a Notice of Dangerous Condition, Notice of Dangerous Building – Do Not Enter, Notice to Vacate and (2) a Notice: Unsafe, Do not Enter or Occupy, By Order of the City of Pico Rivera, Building Division dated December 31, 2014 (Exhs. 30, 31). All utilities where subsequently turned off to the Apartments on or about January 8, 2015. (Exh. 32). Therefore, on or about January 8, 2015, the Apartments ceased to be used as an apartment complex. Owner subsequently purchased the Apartments on October 14, 2015 – more than six (6) months after the Apartments were evacuated. As of the date of this Decision, the Apartments remain evacuated and vacant. As such, the Planning Commission finds that the
legal nonconforming status of the Apartments terminated in accordance with PRMC § 18.54.081.

C. **Termination of Nonconforming Buildings and Use by Operation of Law**

Notwithstanding the findings and determinations set forth under Paragraph III, Section A and B above, the Planning Commission also finds that the nonconforming Apartments shall terminate by operation of law on September 7, 2028 pursuant to PRMC § 18.54.070(H)(I).

Per PRMC § 18.54.070(A), a "nonconforming use of land shall be abated and usage thereof shall be terminated upon the expiration of the periods of time" prescribed in the Code. The amortization period shall run "as of the effective date of this section or the date that such nonconforming use of land first became nonconforming by reason of application of this zoning code . . . whichever occurs later." (PRMC § 18.54.070(A)). Nonconforming uses of land made of light incombustible frame or wood frame shall be terminated and be abated after thirty-five (35) years. According to City records, the Apartments became nonconforming on September 7, 1993, when the City adopted its zoning map designating the rear of one parcel and the entire second parcel as a Planned Residential Unit Development. Therefore, applying the 35 year amortization period, the legal nonconforming status of the Apartments shall be terminated on or before September 7, 2028.

D. **Government Code § 65852.25 Findings**

The Apartments were not involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy. Rather, they were destroyed as a direct result of a prolonged failure to maintain and repair the Apartments.

To the extent that Government Code § 65852.25 applies, the Planning Commission hereby makes the following findings:

1. The reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood. Specifically, the Apartments at 8615 Whittier Blvd. do not meet minimum standards under the Code, portions of the Property do not permit multi-family dwelling units as zoned, and the Apartments have served as a breeding ground for dangerous criminal activity.
The front portion of the Property is General-Commercial and designated under the General Plan for commercial land uses, which does not permit the existing density of 79 units. The purpose of such uses is to promote a wide variety of retail commercial stores and service establishments which ultimately enhances the potential value of surrounding property. The Property is located in a vital commercial gateway intersection of the City that is zoned with the purpose of allowing the development of commercial stores and services that provide needed services to the residents of the City as well as consumers outside the City and contributes to the tax base of the City. A multi-family apartment complex that is substantially under parked thwarts this purpose and is detrimental to surrounding properties and improvements within the neighborhood.

Additionally, the rear portion of the Property is zoned as a Planned Residential Unit Development which does not permit a high density multi-family residential use. Based on its size, a maximum of thirty (30) dwelling units is allowed under the Code with two (2) parking spaces per unit. The Apartments consist of 79 units with an average of 394 square feet of living space and lacks the required number of parking spaces.

The Apartments have been the source of a large volume of calls for service and the subject of numerous complaints from nearby residents. The calls for service involve a wide array of suspected criminal activity: drug use, public intoxication, assault, battery, drug dealing, sexual assault, rape, suicide attempts, breaking and entering, domestic violence, child abuse, vandalism, hit and run, theft, burglary, excessive loud noise, stolen vehicles, gang activity, and homicide. The high volume of criminal activity has been injurious to the health, safety and general welfare of the residents and persons working and residing in the nearby community as evidenced by the public testimony of nearby residents during the public hearing of July 17, 2017. The Apartments have routinely been the subject of Code enforcement action due to various municipal code violations. As such, the Apartments divert valuable public safety and municipal resources from the surrounding neighborhood and the community in general.

The Apartments, if reconstruction and restoration were allowed, would negatively affect the general welfare of its residents and the surrounding community while injuring property
values in the neighborhood.

2. The existing nonconforming use of the building or structure would be more appropriately moved to a zone in which the use is permitted, or that there no longer exists a zone in which the existing nonconforming use is permitted. For the reasons stated above, the Apartments would be more appropriate if moved to a zone in which high density multi-family residential uses are permitted and developed in a manner consistent with the City’s Code and requirements.

IV. DISPOSITION

On the basis of the foregoing findings and substantial evidence in the record, the Planning Commission hereby terminates the nonconforming use located at 8615 Whittier Blvd., Pico Rivera, California as set forth in the decision above. Pursuant to PRMC § 18.64.060, decisions of the Planning Commission are final and conclusive unless appealed to the City Council as provided in PRMC Chapter 18.64.

IT IS SO ORDERED.

Dated: August 7, 2017

Fred Zermeno, Chairman
Honorable Chairman and Members of the Planning Commission:

Group XIII Properties L. P. ("Owner") hereby objects to the Resolution and Statement of Decision prepared by City staff in connection with the above referenced matter.

1. The repairs are expressly permitted to be made pursuant to PRMC § 18.54.060(B)

PRMC § 18.54.060(B) provides:

"Each and every nonconforming use may be continuously maintained and utilized, provided that no intensification or increase in the degree of nonconformity shall be permitted. Continuation of such nonconforming use shall be limited by and subject to the provisions and application of Sections 18.54.070, 18.54.080 and 18.54.090(A) of this chapter, and in the following cases:...B. Exception II. Structural alterations, required by law, may be constructed....(emphasis added)."
It is undisputed that the structures on the property were red-tagged ONLY because of the structural damage to the property, AND NOT due to carpeting, painting, kitchen, bathroom, electrical and other upgrades. Pursuant to PRMC § 18.54.060(B) the owner is legally entitled to repair the structural damage to the alleged nonconforming structures.

2. The undisputed evidence shows that the repair costs for the structural damage to the property is less than 50% of the value of the structures before the damage.

The Murrow CM ("Murrow") estimate to perform the repairs (for all work including but not limited to structural repairs) dated December 4, 2016 identifies that the cost of performing the repairs totals $1,269,767. The structural engineer for the project, Michael J. Burica, P. E., in his July 15, 2017 report, opines that the structural repair costs range from $632,000 to $806,000. Those two expert estimates are substantially less than 50% of the value of the structures before the damage.

The City has completely ignored said evidence.

The City relies exclusively on the Bert L. Howe & Associates report ("Howe Report"). The Howe Report includes many items that are unrelated to the structural damage repairs, including but not limited to interior work, door hardware, & bath accessories in the sum of $754,892.31. Those are not items that are related to the structural damage, which was the sole reason for the property being red-tagged. The Howe report also assumes additional costs for items that are not certain to be needed, including but not limited to asbestos and mold abatement.

Based on the foregoing the City has not proven that the nonconforming use can be legally terminated under PRMC § 18.54.080.

3. PRMC § 18.54.080, does not permit the City to exclude the land value in determining whether a nonconforming use shall be terminated

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PRMC § 18.54.080 provides:

"Any nonconforming use of land shall be terminated if destroyed to the extent of more than fifty percent at the time of its destruction physically by fire, explosion or other casualty or act of God, and/or destroyed to the extent of more than fifty percent of the value existing prior to the time of such destruction. For the purposes of arriving at such value, the building official shall determine the valuation of such nonconforming use that existed prior to such destruction by such accepted principles, practices, methods and other resources available."

PRMC § 18.54.080 does not permit the City to exclude the land value in order to terminate a nonconforming use. Because the nonconforming use cannot be abated with a proper application of the code, the city improperly excludes the land value in determining whether the nonconforming use shall be abated. PRMC § 18.54.080 does not permit the city to eliminate the value of the land in determining whether the nonconforming use shall be terminated pursuant to PRMC § 18.54.080.

The Lidgard report opines that the value of the property as of December 29, 2014, is $6,450,000.00. Based on this market value, even using the Howe Report to estimate the cost to repair the structural damage to the property, the City has not proven that the nonconforming use can be terminated under PRMC § 18.54.080 because the cost of repair per the Howe Report is less than 50% of $6,450,000.

If the City desired to use only the value of the structure in determining whether a nonconforming use can be terminated under PRMC § 18.54.080, the City should have written that into the ordinance. The City did not write the ordinance in a manner that allows the City to legally exclude the land value. Therefore, the City has not proven, and cannot prove, that the nonconforming use can be legally terminated under PRMC § 18.54.080.

4. The nonconforming use of the land was not destroyed physically by fire, explosion or other casualty or act of God, and/or destroyed to the extent of more than fifty percent of the value existing prior to the time of such destruction.

The City contends that lack of maintenance by the previous owner caused wood rot, decay and the structural problems. This is not evidence of destruction physically by fire, explosion or other casualty or act of God. Nor is it evidence that it was destroyed to the extent of more than
fifty percent of the value existing prior to the time of such destruction.

Again, the City improperly uses the Howe Report to come to the erroneous conclusion that the repair estimate exceeds 50% of the value of the property. The Howe report includes significant costs for items that are not required to be performed due to any destruction of the property, such as faucet replacement, kitchen and bathroom upgrades, etc. The record is devoid of any evidence that faucet replacement, kitchen and bathroom upgrades, etc., are necessitated due to destruction.

Therefore the City has not proven that the nonconforming use can be legally terminated under PRMC § 18.54.080.

5. The City cannot legally terminate the use under PRMC § 18.54.081 because the City ordered that the property be vacated by the tenants

The City ordered that the property be vacated. The current property owner has spent several hundred thousand dollars in order to investigate, prepare plans, and ultimately attempt repair the structural damage to the property. The City has had the plans since February 2017, yet the City has failed and refused to even comment on the plans, which is a violation of the Permit Streamlining Act. The nonuse is involuntary on the part of the current and prior owner. Since the owner has diligently pursued obtaining permits to continue the use, PRMC § 18.54.081 does not entitle the City to terminate the use.

6. The use is not terminated under PRMC § 18.54.070(A) since the time has not run

PRMC § 18.54.081(A) provides in relevant part that “The nonconforming use of land shall be abated and usage thereof shall be terminated upon the expiration of the periods of time hereinafter set forth in this section. (Emphasis added).

Since the time period has not run (it is allegedly due to run in 2028), the City’s action is not ripe and is premature. The use cannot be terminated under PRMC § 18.54.081(A) at this time.

The Owner reserves any and all other arguments, objections, and positions that were
made, could have been made, and will be made before the City Council and the Superior Court.

Dated: August 7, 2017

Law Office of D. Wayne Leech, a Professional Corporation

D. Wayne Leech, Esq.
Attorneys for Group XIII Properties L. P.
Exhibit 99
RESOLUTION NO. 1251

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PICO RIVERA ADOPTING A STATEMENT OF DECISION TERMINATING NONCONFORMING STRUCTURES AND USE LOCATED AT 8615 WHITTIER BOULEVARD, PICO RIVERA, CALIFORNIA (FORMER WHITTIER MANOR APARTMENTS)

WHEREAS, an investigation of the premises at 8615 Whittier Boulevard, Pico Rivera, particularly (Assessor Parcel Nos. 6373-018-005 and 6373-018-008, the “Property”), was initiated by the Planning Commission of the City of Pico Rivera (“City”) on or about July 18, 2016; and

WHEREAS, said investigation revealed that the Whittier Manor Apartments (the “Apartments”) located on the property do not comply with various development and zoning standards currently codified in the Pico Rivera Municipal Code (the “Code” or “PRMC”), and therefore constitute nonconforming structures and land use subject to termination under Chapter 18.54 of the Code; and

WHEREAS, on or about December 30, 2014, the Apartments suffered significant damage resulting in collapse of the third-floor balcony soffit and evacuation of approximately 200 tenants; and

WHEREAS, subsequent investigations revealed that the Apartments had been constructed, altered, converted, and/or maintained in a general state of disrepair and are plagued with dry rot, mold, water damage, and other conditions calling into question not only the structural integrity of the Apartments, but its suitability for habitation; and

WHEREAS, the destruction to the Apartments exceeds fifty percent (50%) of their value, such that termination of its legal nonconforming status is justified by Section 18.54.080 of the Code; and

WHEREAS, the Apartments ceased operating after their evacuation on or about December 2014, such that termination of its legal nonconforming status is justified by Section 18.54.081 of the Code; and

WHEREAS, Section 18.54.070 of the Code provides for the abatement of nonconforming structures and termination of their use upon the expiration of certain time periods set forth therein; and

WHEREAS, the reconstruction, restoration, or rebuilding of the Apartments is detrimental and injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, and detrimental or injurious to property and improvements in the neighborhood and/or the existing nonconforming use of the building or structure may be more appropriately moved to a zone in which the use is permitted, or there no longer exists a zone in which the existing nonconforming use is permitted; and
WHEREAS, on June 19, 2017 the Planning Commission adopted Resolution No. 1249 declaring its intent to conduct a public hearing on the termination of nonconforming uses at the Property; and

WHEREAS, a public hearing considering whether the legal nonconforming status of the Apartments should be terminated was duly noticed pursuant to Pico Rivera Municipal Code Section 18.54.130 and held on July 17, 2017 with all parties to this matter in attendance and public testimony received.

NOW, THEREFORE, the Planning Commission of the City of Pico Rivera does hereby resolve as follows:

SECTION 1. The Planning Commission hereby finds and determines that the foregoing recitals are true and correct, constitute a material part of this Resolution, and therefore incorporate them herein in their entirety as part of the findings.

SECTION 2. Based on the evidence presented and contained in the record, both oral and documentary, the Planning Commission hereby adopts the Statement of Decision attached hereto as Exhibit "A," which shall be incorporated herein by this reference and made a part of this Resolution. The Statement of Decision shall constitute the Planning Commission’s written findings of fact and decision in accordance with Pico Rivera Municipal Code § 18.54.130(E).

SECTION 3. The Planning Commission hereby authorizes the Planning Commission Chairperson to execute the Statement of Decision on behalf of the Planning Commission.

SECTION 4. The Planning Commission finds this Statement of Decision and Order is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment and therefore is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines § 15061(b)(3).

SECTION 5. The City Clerk shall attest and certify to the passage and adoption of this Resolution, and it shall become effective immediately upon its approval.

[Signatures on the following page]
RESOLUTION NO. 1251
Page 3 of 3

APPROVED AND ADOPTED this 7th day of August, 2017 by the Planning Commission of the City of Pico Rivera.

Fred Zemeno, Chairperson

ATTEST:

Steven Carmona, Secretary
Planning Commission
Community & Economic Development Director

APPROVED AS TO FORM:

John W. Lam
Alvarez-Glasman & Colvin
Assistant City Attorney

AYES: Zemeno, Celiz, Elisaldez, Garcia, Gomez
NOES:
ABSENT:
ABSTAIN:
In the Matter of:

TERMINATION OF NONCONFORMING STRUCTURES AND USE AT 8615 WHITTIER BOULEVARD, PICO RIVERA, CALIFORNIA (FORMER WHITTIER MANOR APARTMENTS)

PICO RIVERA PLANNING COMMISSION'S STATEMENT OF DECISION

Hearing: July 17, 2017
Written Decision Issued: August 7, 2017

1. INTRODUCTION

This matter involves the termination of the nonconforming structure and use status of the former Whittier Manor apartment complex at 8615 Whittier Blvd. in the City of Pico Rivera ("Apartments"). The hearing in this matter was held on July 17, 2017 and initiated by the City of Pico Rivera (the "City") to determine whether the Apartments' legal nonconforming structure and use should be terminated pursuant to Chapter 18.54 of the Pico Rivera Municipal Code (the "Code" or "PRMC"). Opposing the termination is the Apartments' current owner, Group XIII Properties, L.P. (the "Owner"). During the hearing, the parties offered evidence in the form of witness testimony and documentation, and asserted various arguments in support of their respective positions.

Like other cities throughout California, the PRMC provides specific provisions within the Code to permit appropriate uses within specific land use zones and to prohibit other uses deemed to be not suitable or appropriate. The goal of the City's zoning ordinance is to promote the orderly development of uses deemed permitted and ultimately terminate uses that are subsequently nonconforming, but lawful on the effective date of zoning restrictions.

In pertinent part, the PRMC specifically permits the termination of nonconforming
structures and uses if the use is destroyed by more than fifty percent or the use of the land ceases for more than six (6) months. (PRMC §§ 18.54.080, 18.54.081). Additionally, the use of the land may be terminated by operation of law upon the expiration of the applicable amortization period in the Code. (PRMC § 18.54.070).

The Planning Commission, now having heard and duly considered all arguments and evidence presented by the parties during the hearing and all other matters included in the record for this proceeding, hereby terminates the nonconforming structures and use located at 8615 Whittier Blvd., Pico Rivera, California for the reasons set forth below.

II. BACKGROUND

A. The Property

The property at 8615 Whittier Boulevard is located near the corner of Whittier Boulevard and Paramount Boulevard, Assessment Parcel Nos. 6373-018-005 and 6373-018-008 (the "Property"). The Property contains 49,230± square feet (approximately 1.13 acres) of land area with differing zoning and general plan land use designations. The southern portion of the property is designated under the Commercial-General ("CG") zone and the remaining property is zoned as a Planned Residential Unit Development ("PUD"). Additionally, the property is divided into two different districts under the General Plan, the commercial land use district and a medium density residential land use district.

B. The Apartments

Developed as a motel facility in or about 1965, the motel was then converted to a 79-unit residential apartment complex in the mid-1970s. The Apartments consist of four (4) apartment buildings with a total living area of 28,746 square feet according to the Los Angeles County Assessor’s records. On average, each unit is approximately 364 square feet.

Police Department dispatch records demonstrate a wide range of calls for service originating from the Apartments since 2009. The various complaints include assault, battery, domestic violence, drug use, drug dealing, loitering, child abuse, sexual assault, noise ordinance violations, squatters, property damage, theft, burglary, vandalism, and homicide, among others.
C. **Legal Nonconforming Structures and Use**

The Apartments are nonconforming under the PRMC for numerous reasons. According to City records, the Apartments became nonconforming on September 7, 1993, when the City adopted its zoning map designating the rear of one parcel and the entire second parcel as a Planned Residential Unit Development ("PUD") and designating under the City’s General Plan as Medium Density Residential. The PUD zone does not permit multi-family residential units. (PRMC §§ 18.16.040, 18.40.040(B)(7)). Whereas, the front portion of the Property along Paramount Blvd. and Whittier Blvd. is zoned Commercial-General.

Moreover, the PRMC also requires that all multi-unit residential uses first obtain a conditional use permit. (PRMC §§ 18.28.040, 18.40.040(D)(63)). The Apartments were never issued such a permit.

Consisting of seventy-nine (79) units, the Apartments also substantially exceed the permitted density for a property measuring approximately 1.13 acres under the PRMC, which only permits a maximum of thirty (30) units on a lot of this size. (PRMC §§ 18.28.050, 18.42.040(D)).

Lastly, the Apartments do not provide the requisite number of parking spaces for a multi-family dwelling under the Code, which requires two (2) parking spaces in a garage or carport for each multi-family dwelling unit and one guest space for every eight units. (PRMC § 18.44.040(A)(2)).

D. **Destruction of Property**

On or about December 30, 2014, a large portion of a third-floor balcony soffit suddenly and without warning collapsed onto the second-floor balcony below it. The Los Angeles County Fire Department responded and evacuated the units immediately adjacent to the collapse that night.

The following morning, City Engineer James Enriquez and Building Official Eric Dennis inspected the property and observed significant water and wood damage in and around the collapsed balcony. Upon further inspection of all balconies on the property, similar damage was found in multiple locations. The then owner’s engineer also inspected the Property and could not
provide adequate assurances the Apartments were safe. As such, the City Building Official
demed the properties unsafe and shortly thereafter, all residents were evacuated and eventually
relocated. The Apartments ceased operation as a residential apartment complex on or about
January 8, 2015, when all utilities were turned off.

The owner at the time was issued a permit for limited demolition of the balconies on
March 17, 2015. The balconies were stripped to the framing throughout most of the Property but
no requests for inspection had been made to the City.

On or about October 14, 2015, Group XIII Properties, L.P. purchased the Property for
$4,030,000. The Owner retained PAMA Management, Inc. ("PAMA") to manage the Property.
PAMA shortly thereafter retained Patel Burica & Associates, Inc. ("PBA") to prepare plans for
repairing the property. On or about November 9, 2015, the Owner submitted plans for repairs to
the City which the City rejected on the basis that substantial revisions were needed as determined
by its Consulting Plan Checker, JAS Pacific Consulting Services.

On or about January 2016, PAMA retained Blue Mountain Development, Inc. ("BMD")
to provide oversight and advisory services regarding the Property. BMD then retained Edenco,
Inc. ("Edenco") to prepare a forensic inspection of the Apartments. On or about April 7, 2016,
BMD submitted plans which included a Structural Architectural Specific Due Diligence Study
prepared by Edenco ("Due Diligence Study"). A site inspection then occurred on April 21, 2016.
The City concluded that the Due Diligence Study did not address all structural deficiencies and
damage observed during the inspection. The Owner's engineer acknowledged that the full extent
of the damage had not been assessed. Additionally, the Due Diligence Study stated that after two
site visits by the Owner's structural engineer, "the suggested remediation recommendations
contained in this report are professional observations predicated on the limited exposed existing
conditions of the Project. Upon further demolition of the Project, additional and more stringent
remediation measures may be required."

In response to BMD's submitted plans, the City responded in a letter dated May 26, 2016,
that additional demolition would be required to determine the true extent of the damages to the
property. Thereafter, a meeting was held between the City, PBA and BMD to discuss the City's
response to BMD’s submitted plans. During the meeting, the Owner rejected the additional requested demolition and demanded that the City approve the submitted plans.

On or about July 8, 2016, the City issued a Notice of Substandard Building directing the Owner to demolish the structures or notify the City of its election to repair within 30 days. If the Owner decided to repair, a structural report analyzing the structural integrity of the property was required within sixty (60) days. Required in the structural report was an exploratory demolition to test the Apartments’ structural support and an outline of the necessary repairs to bring the Property in compliance with all applicable laws. The City sent another letter dated July 11, 2016, again requesting that the Owner acquire a demolition permit for exploratory work to assess the structural integrity of the Apartments and to determine repairs.

On July 18, 2016, the Planning Commission initiated an investigation of the Property which revealed that the Apartments did not comply with various development and zoning standards in the Pico Rivera Municipal Code.

On July 20, 2016, the City and the Owner’s representatives met to discuss the exploratory demolition plans.

Between September 2016 and November 2016, BMD submitted new plans to the City. The City in turn provided comments to the plans. In December 2016, the Owner hired Murrow, CM (“Murrow”) to prepare a repair cost estimate dated December 4, 2016. Murrow identified repairs totaling $1,269,767 and the Owner submitted revised repair plans to the City based on Murrow’s estimate.

In response, the City retained Bert L. Howe & Associates, Inc. to review the Owner’s repair estimate prepared by Murrow, CM. The report prepared by Howe, dated February 8, 2017 (the “Howe Report”), identified numerous items that were missing from the Owner’s repair and renovation estimate, totaling $939,192 and revised the estimated repair and renovation costs contained in the Murrow report. The Howe Report concluded that the total cost to repair and renovate the Apartments was $2,726,648.
On or about March 14, 2017, the City informed the Owner that it was recommending that the Planning Commission hold a public hearing to determine whether to terminate the Apartments’ nonconforming structures and use.

On or about March 27, 2017, the City, the Owner, and the Owner’s representatives held a meeting to discuss delaying the public hearing so that the Owner could explore reducing the Apartment unit density. On April 27, 2017, the City met with the Owner’s representatives at the request of the Owner to discuss the issue of reducing the Apartments’ density. However, on May 17, 2017, the Owner’s representatives expressed that the Owner was unwilling to alter the Apartments’ unit density.

On June 19, 2017, the Planning Commission adopted Resolution No. 1249, declaring its intent to conduct a public hearing on the termination of the nonconforming Apartments on July 17, 2017.

On July 17, 2017, a duly noticed public hearing was held with evidence and public comment submitted to the Planning Commission.

III. PLANNING COMMISSION’S FINDINGS AND CONCLUSIONS

Having received written and oral evidence and testimony in this proceeding, and having exercised independent judgment on the issues, the Planning Commission, based on substantial evidence contained in the record, makes the findings and conclusions set forth below.

A. Nonconforming Structures and Use Terminated by Destruction Pursuant to PRMC § 18.54.080

The Planning Commission hereby finds that the Apartments were destroyed by more than fifty percent (50%) of its value prior to December 30, 2014. PRMC § 18.54.080 provides that:

Any nonconforming use of land shall be terminated if destroyed to the extent of more than fifty percent at the time of its destruction physically by fire, explosion or other casualty or act of God, and/or destroyed to the extent of more than fifty percent of the value existing prior to the time of such destruction. For the purposes of arriving at such value, the building official shall determine the valuation of such nonconforming use that existed prior to such destruction by...
such accepted principles, practices, methods and other resources available.

Lack of maintenance and repairs by previous owners led to water intrusion, wood rot and decay, and termite damage, allowing natural structural forces to bear down on the structures and cause destruction to the Apartments, which manifested in the failure and collapse of portions of the Apartments late in the evening on December 30, 2014.

1. **Value of the Apartments Prior to Destruction**

The City retained Scott Lidgard of Scott Lidgard & Associates, Inc. to conduct an appraisal of the Apartments as to the value of the Apartments prior to the events leading up to its evacuation by providing a retrospective estimate of the fair market value of the Apartments as of December 29, 2014 ("Lidgard Reports"), the day before the collapse. The Lidgard Reports estimated the market value of the underlying land parcel to be:

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market value of underlying land parcel</td>
<td>$1,655,000</td>
</tr>
<tr>
<td>Contributory value of improvements</td>
<td>$4,797,000</td>
</tr>
<tr>
<td>Total market value as improved</td>
<td>$6,450,000</td>
</tr>
</tbody>
</table>

Because market value of the underlying land parcel does not affect the value of the nonconforming structures and use, the value of the improvements located on the land parcel is the relevant baseline value when determining whether more than 50% of the Apartments was destroyed.

The Lidgard Reports were prepared by Scott Lidgard who possesses adequate skills, qualifications, and expertise within the field of real estate valuation. Moreover, the Lidgard Reports also utilized generally accepted principles, practices and methods of analyzing real property valuations such as the Sales Comparison and the Income Capitalization Approaches. As such, the Planning Commission finds that the valuations are credible and appropriate for arriving at such valuations.

2. **Estimated Costs of Repairs and Renovations.**

In its case in chief, Owner argued that the destruction to the Apartments did not reach the 50% threshold required under PRMC § 18.54.080 because the estimated cost of repairs submitted by the City considered repairs beyond those relating to "structural" repairs. Owner's
argument, however, is not persuasive. Specifically, we believe that a reasonable interpretation of PRMC § 18.54.080 certainly includes structural repairs but also includes non-structural repairs and improvements arising out of the destruction of the building, which are reasonably necessary to bring the structure into a condition suitable for habitation under current codes and standards.

In the case at hand, the City retained expert construction consultants Bert Howe & Associates to provide a comprehensive review and estimate of the cost of repairs to the Apartments based upon Owner’s proposed repair and renovation scope, specifications, costs, due diligence reports, and other documents. The documents commissioned by Owner and its predecessor in interest, include the following: (i) Architectural drawings prepared by William Hezmalhalch Architects, Inc. (Bert Howe & Associates Expert Analysis Report and Cost Analysis dated February 8, 2017); (ii) Structural drawings prepared by Patel Burica & Associates, Inc. (id.); (iii) Probable Cost to Construct prepared by construction oversight consultants Murrow, CM (id.); (iv) Detailed Unit Repair List prepared by William Hezmalhalch Architects, Inc. (id.); (v) Structural/Architectural Specific Due Diligence Study prepared by Endeco, Inc. (id.; Ex. 47); (vi) Original construction drawings prepared by Leader Construction, Inc. (id.); and (vii) inspection photographs taken by City’s expert consultants Bert L. Howe & Associates. (id.).

Based on these reports and documents, the estimated costs to repair and renovate the Apartments based on the City’s expert was determined to be valued at $2,726,648. (Bert Howe & Associates Expert Analysis Report and Cost Analysis dated February 8, 2017).

Applying the repair and renovation costs of $2,726,648 to the Apartment’s baseline valuation of $4,795,000 as of December 29, 2014, the repair and renovation cost is approximately 57% of the December 29, 2014 valuation—exceeding the 50% threshold for termination of a nonconforming use required under PRMC § 18.54.080.

Moreover, based on the evidence presented, the scope of the repairs and renovations is likely to be more extensive based on the fact that exploratory demolition was limited to certain portions of the Apartments and the full extent of the cost to repair the water damage, wood rot and decay, and termite damage sustained by the Apartments would not be known until the work...
In addition, we believe that the purchase price of the Apartments on October 14, 2015 by Owner on the open market is instructive as to the cost of repairs and renovation required for the Apartments. A rational, sophisticated buyer such as the Owner would undoubtedly insist on a reduction to the purchase of the Apartments proportionate to the estimated costs of the requisite repairs. On October 14, 2015, Owner purchased the Apartments for $4,030,000. (Exhs. 35, 36). According to the Lidgard Reports, the underlying land value of the Property on October 14, 2015 was $1,725,000. (Exh. 82). Subtracting the land value from the purchase price of the Apartments, the amount paid for the improvements was $2,035,000, which represents a reduction of approximately 57.5% to the $4,795,000 value of the improvements on December 29, 2014.

For the reasons stated above, the legal nonconforming status of the Apartments were terminated pursuant to PRMC § 18.54.080.

B. The Nonconforming Structures and Use Were Terminated Pursuant to PRMC 18.54.081

The Planning Commission further finds that the legal nonconforming status of the Apartments terminated due to its cessation of use for a continuous period of six (6) months. Pursuant to PRMC § 18.54.081, "any nonconforming use of land shall be terminated if it ceases such use for a continuous period of six (6) months and any subsequent uses shall comply fully with the provisions of this chapter." PRMC § 18.54.081 does not require any specific showing or finding of intent and as such no intent is required.

On December 31, 2014, the City issued: (1) a Notice of Dangerous Condition, Notice of Dangerous Building – Do Not Enter, Notice to Vacate and (2) a Notice: Unsafe, Do not Enter or Occupy, By Order of the City of Pico Rivera, Building Division dated December 31, 2014 (Exhs. 30, 31). All utilities where subsequently turned off to the Apartments on or about January 8, 2015. (Exh. 32). Therefore, on or about January 8, 2015, the Apartments ceased to be used as an apartment complex. Owner subsequently purchased the Apartments on October 14, 2015 – more than six (6) months after the Apartments were evacuated. As of the date of this Decision, the Apartments remain evacuated and vacant. As such, the Planning Commission finds that the
legal nonconforming status of the Apartments terminated in accordance with PRMC § 18.54.081.

C. Termination of Nonconforming Buildings and Use by Operation of Law

Notwithstanding the findings and determinations set forth under Paragraph III Section A and B above, the Planning Commission also finds that the nonconforming Apartments shall terminate by operation of law on September 7, 2028 pursuant to PRMC § 18.54.070(H)(1).

Per PRMC § 18.54.070(A), a “nonconforming use of land shall be abated and usage thereof shall be terminated upon the expiration of the periods of time” prescribed in the Code. The amortization period shall run “as of the effective date of this section or the date that such nonconforming use of land first became nonconforming by reason of application of this zoning code . . . whichever occurs later.” (PRMC § 18.54.070(A)). Nonconforming uses of land made of light incombustible frame or wood frame shall be terminated and be abated after thirty-five (35) years. According to City records, the Apartments became nonconforming on September 7, 1993, when the City adopted its zoning map designating the rear of one parcel and the entire second parcel as a Planned Residential Unit Development. Therefore, applying the 35 year amortization period, the legal nonconforming status of the Apartments shall be terminated on or before September 7, 2028.

D. Government Code § 65852.25 Findings

The Apartments were not involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy. Rather, they were destroyed as a direct result of a prolonged failure to maintain and repair the Apartments.

To the extent that Government Code § 65852.25 applies, the Planning Commission hereby makes the following findings:

1. The reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood. Specifically, the Apartments at 8615 Whittier Blvd. do not meet minimum standards under the Code, portions of the Property do not permit multi-family dwelling units as zoned, and the Apartments have served as a breeding ground for dangerous criminal activity.
The front portion of the Property is General-Commercial and designated under the General Plan for commercial land uses, which does not permit the existing density of 79 units. The purpose of such uses is to promote a wide variety of retail commercial stores and service establishments which ultimately enhances the potential value of surrounding property. The Property is located in a vital commercial gateway intersection of the City that is zoned with the purpose of allowing the development of commercial stores and services that provide needed services to the residents of the City as well as consumers outside the City and contributes to the tax base of the City. A multi-family apartment complex that is substantially under parked thwarts this purpose and is detrimental to surrounding properties and improvements within the neighborhood.

Additionally, the rear portion of the Property is zoned as a Planned Residential Unit Development which does not permit a high density multi-family residential use. Based on its size, a maximum of thirty (30) dwelling units is allowed under the Code with two (2) parking spaces per unit. The Apartments consist of 79 units with an average of 394 square feet of living space and lacks the required number of parking spaces.

The Apartments have been the source of a large volume of calls for service and the subject of numerous complaints from nearby residents. The calls for service involve a wide array of suspected criminal activity: drug use, public intoxication, assault, battery, drug dealing, sexual assault, rape, suicide attempts, breaking and entering, domestic violence, child abuse, vandalism, hit and run, theft, burglary, excessive loud noise, stolen vehicles, gang activity, and homicide. The high volume of criminal activity has been injurious to the health, safety and general welfare of the residents and persons working and residing in the nearby community as evidenced by the public testimony of nearby residents during the public hearing of July 17, 2017.

The Apartments have routinely been the subject of Code enforcement action due to various municipal code violations. As such, the Apartments divert valuable public safety and municipal resources from the surrounding neighborhood and the community in general.

The Apartments, if reconstruction and restoration were allowed, would negatively affect the general welfare of its residents and the surrounding community while injuring property.
values in the neighborhood.

2. The existing nonconforming use of the building or structure would be more appropriately moved to a zone in which the use is permitted, or that there no longer exists a zone in which the existing nonconforming use is permitted. For the reasons stated above, the Apartments would be more appropriate if moved to a zone in which high density multi-family residential uses are permitted and developed in a manner consistent with the City's Code and requirements.

IV. DISPOSITION

On the basis of the foregoing findings and substantial evidence in the record, the Planning Commission hereby terminates the nonconforming use located at 8615 Whittier Blvd., Pico Rivera, California as set forth in the decision above. Pursuant to PRMC § 18.64.060, decisions of the Planning Commission are final and conclusive unless appealed to the City Council as provided in PRMC Chapter 18.64.

IT IS SO ORDERED.

Dated: August 7, 2017

Fred Zermeno, Chairman
Exhibit 100
CITY OF PICO RIVERA
PLANNING COMMISSION
6615 Passons Blvd.
Pico Rivera, CA 90660

CITY OF PICO RIVERA – PLANNING COMMISSION

In the Matter of:

TERMINATION OF NONCONFORMING STRUCTURES AND USE AT 8615 WHITTIER BOULEVARD, PICO RIVERA, CALIFORNIA (FORMER WHITTIER MANOR APARTMENTS)

PICO RIVERA PLANNING COMMISSION’S STATEMENT OF DECISION

Hearing: July 17, 2017
Written Decision Issued: August 7, 2017

1. INTRODUCTION

This matter involves the termination of the nonconforming structure and use status of the former Whittier Manor apartment complex at 8615 Whittier Blvd. in the City of Pico Rivera ("Apartments"). The hearing in this matter was held on July 17, 2017 and initiated by the City of Pico Rivera (the "City") to determine whether the Apartments' legal nonconforming structure and use should be terminated pursuant to Chapter 18.54 of the Pico Rivera Municipal Code (the "Code" or "PRMC"). Opposing the termination is the Apartments' current owner, Group XIII Properties, L.P. (the "Owner"). During the hearing, the parties offered evidence in the form of witness testimony and documentation, and asserted various arguments in support of their respective positions.

Like other cities throughout California, the PRMC provides specific provisions within the Code to permit appropriate uses within specific land use zones and to prohibit other uses deemed to be not suitable or appropriate. The goal of the City's zoning ordinance is to promote the orderly development of uses deemed permitted and ultimately terminate uses that are subsequently nonconforming, but lawful on the effective date of zoning restrictions.

In pertinent part, the PRMC specifically permits the termination of nonconforming...
structures and uses if the use is destroyed by more than fifty percent or the use of the land ceases for more than six (6) months. (PRMC §§ 18.54.080, 18.54.081). Additionally, the use of the land may be terminated by operation of law upon the expiration of the applicable amortization period in the Code. (PRMC § 18.54.070).

The Planning Commission, now having heard and duly considered all arguments and evidence presented by the parties during the hearing and all other matters included in the record for this proceeding, hereby terminates the nonconforming structures and use located at 8615 Whittier Blvd., Pico Rivera, California for the reasons set forth below.

II. BACKGROUND

A. The Property

The property at 8615 Whittier Boulevard is located near the corner of Whittier Boulevard and Paramount Boulevard, Assessment Parcel Nos. 6373-018-005 and 6373-018-008 (the “Property”). The Property contains 49,230+ square feet (approximately 1.13 acres) of land area with differing zoning and general plan land use designations. The southern portion of the property is designated under the Commercial-General (“CG”) zone and the remaining property is zoned as a Planned Residential Unit Development (“PUD”). Additionally, the property is divided into two different districts under the General Plan, the commercial land use district and a medium density residential land use district.

B. The Apartments

Developed as a motel facility in or about 1965, the motel was then converted to a 79-unit residential apartment complex in the mid-1970s. The Apartments consist of four (4) apartment buildings with a total living area of 28,746 square feet according to the Los Angeles County Assessor’s records. On average, each unit is approximately 364 square feet.

Police Department dispatch records demonstrate a wide range of calls for service originating from the Apartments since 2009. The various complaints include assault, battery, domestic violence, drug use, drug dealing, loitering, child abuse, sexual assault, noise ordinance violations, squatters, property damage, theft, burglary, vandalism, and homicide, among others.
C. Legal Nonconforming Structures and Use

The Apartments are nonconforming under the PRMC for numerous reasons. According to City records, the Apartments became nonconforming on September 7, 1993, when the City adopted its zoning map designating the rear of one parcel and the entire second parcel as a Planned Residential Unit Development ("PUD") and designating under the City's General Plan as Medium Density Residential. The PUD zone does not permit multi-family residential units. (PRMC §§ 18.16.040, 18.40.040(B)(7)). Whereas, the front portion of the Property along Paramount Blvd. and Whittier Blvd. is zoned Commercial-General.

Moreover, the PRMC also requires that all multi-unit residential uses first obtain a conditional use permit. (PRMC §§ 18.28.040, 18.40.040(D)(63)). The Apartments were never issued such a permit.

Consisting of seventy-nine (79) units, the Apartments also substantially exceed the permitted density for a property measuring approximately 1.13 acres under the PRMC, which only permits a maximum of thirty (30) units on a lot of this size. (PRMC §§ 18.28.050, 18.42.040(D)).

Lastly, the Apartments do not provide the requisite number of parking spaces for a multi-family dwelling under the Code, which requires two (2) parking spaces in a garage or carport for each multi-family dwelling unit and one guest space for every eight units. (PRMC § 18.44.040(A)(2)).

D. Destruction of Property

On or about December 30, 2014, a large portion of a third-floor balcony soffit suddenly and without warning collapsed onto the second-floor balcony below it. The Los Angeles County Fire Department responded and evacuated the units immediately adjacent to the collapse that night.

The following morning, City Engineer James Enriquez and Building Official Eric Dennis inspected the property and observed significant water and wood damage in and around the collapsed balcony. Upon further inspection of all balconies on the property, similar damage was found in multiple locations. The then owner's engineer also inspected the Property and could not
provide adequate assurances the Apartments were safe. As such, the City Building Official
deemed the properties unsafe and shortly thereafter, all residents were evacuated and eventually
relocated. The Apartments ceased operation as a residential apartment complex on or about
January 8, 2015, when all utilities where turned off.

The owner at the time was issued a permit for limited demolition of the balconies on
March 17, 2015. The balconies were stripped to the framing throughout most of the Property but
no requests for inspection had been made to the City.

On or about October 14, 2015, Group XIII Properties, L.P. purchased the Property for
$4,030,000. The Owner retained PAMA Management, Inc. ("PAMA") to manage the Property.
PAMA shortly thereafter retained Patel Burica & Associates, Inc. ("PBA") to prepare plans for
repairing the property. On or about November 9, 2015, the Owner submitted plans for repairs to
the City which the City rejected on the basis that substantial revisions were needed as determined
by its Consulting Plan Checker, JAS Pacific Consulting Services.

On or about January 2016, PAMA retained Blue Mountain Development, Inc. ("BMD")
to provide oversight and advisory services regarding the Property. BMD then retained Edenco,
Inc. ("Edenco") to prepare a forensic inspection of the Apartments. On or about April 7, 2016,
BMD submitted plans which included a Structural Architectural Specific Due Diligence Study
prepared by Edenco ("Due Diligence Study"). A site inspection then occurred on April 21, 2016.
The City concluded that the Due Diligence Study did not address all structural deficiencies and
damage observed during the inspection. The Owner's engineer acknowledged that the full extent
of the damage had not been assessed. Additionally, the Due Diligence Study stated that after two
site visits by the Owner's structural engineer, "the suggested remediation recommendations
contained in this report are professional observations predicated on the limited exposed existing
conditions of the Project. Upon further demolition of the Project, additional and more stringent
remediation measures may be required."

In response to BMD's submitted plans, the City responded in a letter dated May 26, 2016,
that additional demolition would be required to determine the true extent of the damages to the
property. Thereafter, a meeting was held between the City, PBA and BMD to discuss the City's
response to BMD’s submitted plans. During the meeting, the Owner rejected the additional
requested demolition and demanded that the City approve the submitted plans.

On or about July 8, 2016, the City issued a Notice of Substandard Building directing the
Owner to demolish the structures or notify the City of its election to repair within 30 days. If the
Owner decided to repair, a structural report analyzing the structural integrity of the property was
required within sixty (60) days. Required in the structural report was an exploratory demolition
to test the Apartments’ structural support and an outline of the necessary repairs to bring the
Property in compliance with all applicable laws. The City sent another letter dated July 11, 2016,
again requesting that the Owner acquire a demolition permit for exploratory work to assess the
structural integrity of the Apartments and to determine repairs.

On July 18, 2016, the Planning Commission initiated an investigation of the Property
which revealed that the Apartments did not comply with various development and zoning

On July 20, 2016, the City and the Owner’s representatives met to discuss the exploratory
demolition plans.

Between September 2016 and November 2016, BMD submitted new plans to the City.
The City in turn provided comments to the plans. In December 2016, the Owner hired Murrow,
CM ("Murrow") to prepare a repair cost estimate dated December 4, 2016. Murrow identified
repairs totaling $1,269,767 and the Owner submitted revised repair plans to the City based on Murrow’s estimate.

In response, the City retained Bert L. Howe & Associates, Inc. to review the Owner’s
repair estimate prepared by Murrow, CM. The report prepared by Howe, dated February 8, 2017
(the “Howe Report”), identified numerous items that were missing from the Owner’s repair and
renovation estimate, totaling $939,192 and revised the estimated repair and renovation costs
contained in the Murrow report. The Howe Report concluded that the total cost to repair and
renovate the Apartments was $2,726,648.
On or about March 14, 2017, the City informed the Owner that it was recommending that
the Planning Commission hold a public hearing to determine whether to terminate the
Apartments' nonconforming structures and use.

On or about March 27, 2017, the City, the Owner, and the Owner's representatives held a
meeting to discuss delaying the public hearing so that the Owner could explore reducing the
Apartment unit density. On April 27, 2017, the City met with the Owner's representatives at the
request of the Owner to discuss the issue of reducing the Apartments' density. However, on May
17, 2017, the Owner's representatives expressed that the Owner was unwilling to alter the
Apartments' unit density.

On June 19, 2017, the Planning Commission adopted Resolution No. 1249, declaring its
intent to conduct a public hearing on the termination of the nonconforming Apartments on July
17, 2017.

On July 17, 2017, a duly noticed public hearing was held with evidence and public
comment submitted to the Planning Commission.

III. PLANNING COMMISSION'S FINDINGS AND CONCLUSIONS

Having received written and oral evidence and testimony in this proceeding, and having
exercised independent judgment on the issues, the Planning Commission, based on substantial
evidence contained in the record, makes the findings and conclusions set forth below.

A. Nonconforming Structures and Use Terminated by Destruction Pursuant to
PRMC § 18.54.080

The Planning Commission hereby finds that the Apartments were destroyed by more than
fifty percent (50%) of its value prior to December 30, 2014. PRMC § 18.54.080 provides that:

Any nonconforming use of land shall be terminated if destroyed to the extent of
more than fifty percent at the time of its destruction physically by fire, explosion
or other casualty or act of God, and/or destroyed to the extent of more than fifty
percent of the value existing prior to the time of such destruction. For the
purposes of arriving at such value, the building official shall determine the
valuation of such nonconforming use that existed prior to such destruction by
such accepted principles, practices, methods and other resources available.

Lack of maintenance and repairs by previous owners led to water intrusion, wood rot and decay, and termite damage, allowing natural structural forces to bear down on the structures and cause destruction to the Apartments, which manifested in the failure and collapse of portions of the Apartments late in the evening on December 30, 2014.

1. Value of the Apartments Prior to Destruction

The City retained Scott Lidgard of Scott Lidgard & Associates, Inc. to conduct an appraisal of the Apartments as to the value of the Apartments prior to the events leading up to its evacuation by providing a retrospective estimate of the fair market value of the Apartments as of December 29, 2014 (“Lidgard Reports”), the day before the collapse. The Lidgard Reports estimated the market value of the underlying land parcel to be:

- Market value of underlying land parcel: $1,655,000
- Contributory value of improvements: $4,797,000
- Total market value as improved: $6,450,000

Because market value of the underlying land parcel does not affect the value of the nonconforming structures and use, the value of the improvements located on the land parcel is the relevant baseline value when determining whether more than 50% of the Apartments was destroyed.

The Lidgard Reports were prepared by Scott Lidgard who possesses adequate skills, qualifications, and expertise within the field of real estate valuation. Moreover, the Lidgard Reports also utilized generally accepted principles, practices and methods of analyzing real property valuations such as the Sales Comparison and the Income Capitalization Approaches. As such, the Planning Commission finds that the valuations are credible and appropriate for arriving at such valuations.

2. Estimated Costs of Repairs and Renovations.

In its case in chief, Owner argued that the destruction to the Apartments did not reach the 50% threshold required under PRMC § 18.54.080 because the estimated cost of repairs submitted by the City considered repairs beyond those relating to “structural” repairs. Owner's
argument, however, is not persuasive. Specifically, we believe that a reasonable interpretation of 
PRMC § 18.54.080 certainly includes structural repairs but also includes non-structural repairs 
and improvements arising out of the destruction of the building, which are reasonably necessary 
to bring the structure into a condition suitable for habitation under current codes and standards.

In the case at hand, the City retained expert construction consultants Bert Howe & 
Associates to provide a comprehensive review and estimate of the cost of repairs to the 
Apartments based upon Owner’s proposed repair and renovation scope, specifications, costs, due 
diligence reports, and other documents. The documents commissioned by Owner and its 
predecessor in interest, include the following: (i) Architectural drawings prepared by William 
Hezmalhalch Architects, Inc. (Bert Howe & Associates Expert Analysis Report and Cost 
Analysis dated February 8, 2017); (ii) Structural drawings prepared by Patel Burica & 
Associates, Inc. (id.); (iii) Probable Cost to Construct prepared by construction oversight 
consultants Murrow, CM (id.); (iv) Detailed Unit Repair List prepared by William Hezmalhalch 
Architects, Inc. (id.); (v) Structural/Architectural Specific Due Diligence Study prepared by 
Endeco, Inc. (id.; Ex. 47); (vi) Original construction drawings prepared by Leader Construction, 
Inc. (id.); and (vii) inspection photographs taken by City’s expert consultants Bert L. Howe & 
Associates. (id.).

Based on these reports and documents, the estimated costs to repair and renovate the 
Apartments based on the City’s expert was determined to be valued at $2,726,648. (Bert Howe 

Applying the repair and renovation costs of $2,726,648 to the Apartment’s baseline 
valuation of $4,795,000 as of December 29, 2014, the repair and renovation cost is 
approximately 57% of the December 29, 2014 valuation—exceeding the 50% threshold for 
termination of a nonconforming use required under PRMC § 18.54.080.

Moreover, based on the evidence presented, the scope of the repairs and renovations is 
likely to be more extensive based on the fact that exploratory demolition was limited to certain 
portions of the Apartments and the full extent of the cost to repair the water damage, wood rot 
and decay, and termite damage sustained by the Apartments would not be known until the work
commenced. (Exh. 47).

In addition, we believe that the purchase price of the Apartments on October 14, 2015 by Owner on the open market is instructive as to the cost of repairs and renovation required for the Apartments. A rational, sophisticated buyer such as the Owner would undoubtedly insist on a reduction to the purchase of the Apartments proportionate to the estimated costs of the requisite repairs. On October 14, 2015, Owner purchased the Apartments for $4,030,000. (Exhs. 35, 36).

According to the Lidgard Reports, the underlying land value of the Property on October 14, 2015 was $1,725,000. (Exh. 82). Subtracting the land value from the purchase price of the Apartments, the amount paid for the improvements was $2,035,000, which represents a reduction of approximately 57.5% to the $4,795,000 value of the improvements on December 29, 2014.

For the reasons stated above, the legal nonconforming status of the Apartments were terminated pursuant to PRMC § 18.54.080.

B. The Nonconforming Structures and Use Were Terminated Pursuant to PRMC 18.54.081

The Planning Commission further finds that the legal nonconforming status of the Apartments terminated due to its cessation of use for a continuous period of six (6) months. Pursuant to PRMC § 18.54.081, "any nonconforming use of land shall be terminated if it ceases such use for a continuous period of six (6) months and any subsequent uses shall comply fully with the provisions of this chapter." PRMC § 18.54.081 does not require any specific showing or finding of intent and as such no intent is required.

On December 31, 2014, the City issued: (1) a Notice of Dangerous Condition, Notice of Dangerous Building – Do Not Enter, Notice to Vacate and (2) a Notice: Unsafe, Do not Enter or Occupy, By Order of the City of Pico Rivera, Building Division dated December 31, 2014 (Exhs. 30, 31). All utilities where subsequently turned off to the Apartments on or about January 8, 2015. (Exh. 32). Therefore, on or about January 8, 2015, the Apartments ceased to be used as an apartment complex. Owner subsequently purchased the Apartments on October 14, 2015 – more than six (6) months after the Apartments were evacuated. As of the date of this Decision, the Apartments remain evacuated and vacant. As such, the Planning Commission finds that the
legal nonconforming status of the Apartments terminated in accordance with PRMC § 18.54.081.

C. Termination of Nonconforming Buildings and Use by Operation of Law

Notwithstanding the findings and determinations set forth under Paragraph III, Section A and B above, the Planning Commission also finds that the nonconforming Apartments shall terminate by operation of law on September 7, 2028 pursuant to PRMC § 18.54.070(H)(1).

Per PRMC § 18.54.070(A), a “nonconforming use of land shall be abated and usage thereof shall be terminated upon the expiration of the periods of time” prescribed in the Code. The amortization period shall run “as of the effective date of this section or the date that such nonconforming use of land first became nonconforming by reason of application of this zoning code ... whichever occurs later.” (PRMC § 18.54.070(A)). Nonconforming uses of land made of light incombustible frame or wood frame shall be terminated and be abated after thirty-five (35) years. According to City records, the Apartments became nonconforming on September 7, 1993, when the City adopted its zoning map designating the rear of one parcel and the entire second parcel as a Planned Residential Unit Development. Therefore, applying the 35 year amortization period, the legal nonconforming status of the Apartments shall be terminated on or before September 7, 2028.

D. Government Code § 65852.25 Findings

The Apartments were not involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy. Rather, they were destroyed as a direct result of a prolonged failure to maintain and repair the Apartments.

To the extent that Government Code § 65852.25 applies, the Planning Commission hereby makes the following findings:

1. The reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood. Specifically, the Apartments at 8615 Whittier Blvd. do not meet minimum standards under the Code, portions of the Property do not permit multi-family dwelling units as zoned, and the Apartments have served as a breeding ground for dangerous criminal activity.
The front portion of the Property is General-Commercial and designated under the
General Plan for commercial land uses, which does not permit the existing density of 79 units.
The purpose of such uses is to promote a wide variety of retail commercial stores and service
establishments which ultimately enhances the potential value of surrounding property. The
Property is located in a vital commercial gateway intersection of the City that is zoned with the
purpose of allowing the development of commercial stores and services that provide needed
services to the residents of the City as well as consumers outside the City and contributes to the
tax base of the City. A multi-family apartment complex that is substantially under parked
thwarts this purpose and is detrimental to surrounding properties and improvements within the
neighborhood.

Additionally, the rear portion of the Property is zoned as a Planned Residential Unit
Development which does not permit a high density multi-family residential use. Based on its
size, a maximum of thirty (30) dwelling units is allowed under the Code with two (2) parking
spaces per unit. The Apartments consist of 79 units with an average of 394 square feet of living
space and lacks the required number of parking spaces.

The Apartments have been the source of a large volume of calls for service and the
subject of numerous complaints from nearby residents. The calls for service involve a wide
array of suspected criminal activity: drug use, public intoxication, assault, battery, drug dealing,
sexual assault, rape, suicide attempts, breaking and entering, domestic violence, child abuse,
vandalism, hit and run, theft, burglary, excessive loud noise, stolen vehicles, gang activity, and
homicide. The high volume of criminal activity has been injurious to the health, safety and
general welfare of the residents and persons working and residing in the nearby community as
evidenced by the public testimony of nearby residents during the public hearing of July 17, 2017.
The Apartments have routinely been the subject of Code enforcement action due to various
municipal code violations. As such, the Apartments divert valuable public safety and municipal
resources from the surrounding neighborhood and the community in general.

The Apartments, if reconstruction and restoration were allowed, would negatively affect
the general welfare of its residents and the surrounding community while injuring property

-11-

WRITTEN STATEMENT OF DECISION RE: TERMINATION OF NONCONFORMING STRUCTURES
AND USE AT 8615 WHITTIER BOULEVARD
values in the neighborhood.

2. The existing nonconforming use of the building or structure would be more appropriately moved to a zone in which the use is permitted, or that there no longer exists a zone in which the existing nonconforming use is permitted. For the reasons stated above, the Apartments would be more appropriate if moved to a zone in which high density multi-family residential uses are permitted and developed in a manner consistent with the City's Code and requirements.

IV. DISPOSITION

On the basis of the foregoing findings and substantial evidence in the record, the Planning Commission hereby terminates the nonconforming use located at 8615 Whittier Blvd., Pico Rivera, California as set forth in the decision above. Pursuant to PRMC § 18.64.060, decisions of the Planning Commission are final and conclusive unless appealed to the City Council as provided in PRMC Chapter 18.64.

IT IS SO ORDERED:

Dated: August 7, 2017

[Signature]

Fred Zermeno, Chairman
Exhibit 101
TO: PLANNING COMMISSION

FROM: MARIA & TOMAS NEVAREZ
4916 LEXINGTON RD, PICO RIVERA 90660

SUBJECT: TERMINATION OF NONCONFORMING STRUCTURE AND USE AT
8617 WHITTIER BOULEVARD, PICO RIVERA

WE RECOMMEND TO THE PLANNING COMMISSION TO CONSIDER THE APARTMENTS
AT 8615 WHITTIER BOULEVARD, PICO RIVERA CA TO BE TERMINATED.

WE BELIEVED THAT RETAIL RENOVATION OF NEW SMALL STORES, OR A NEW RESTAURANTS
WILL BE MORE BENEFICIAL TO OUR NEIGHBORHOOD AND WILL CREATE NEW JOBS OPPORTUNITIES
AND MORE SAFE FOR OUR FAMILIES AND YOUNG KIDS IN OUR NEIGHBOORHOOD.

IN THE PAST WE HAD ROUTINELY CONTACT THE CITY TO COMPLAIN ABOUT THE DISRUPTIVE ACTIVITIES
WITH SEVERAL PROBLEMS WITH THE APARTMENTS AND THE ALLEY ON LEXINGTON RD.

WE ALREADY HAD MANY PROBLEMS IN THE PAST. WE'RE CONCERNED ABOUT THE FUTURE OF OUR
FAMILIES AND OURSELVES.

WE LOOK FORWARD TO BRINGING TOGETHER A BETTER COMMUNITY.

MARIA & TOMAS NEVAREZ
August 7, 2017

To whom it may concern,

This letter is to inform you of the concerned citizens of Pico Rivera, Our Neighborhood on Lexington Rd and West Blvd, Columbia Ave. That we “Oppose” to the rebuilding of the Apartments on Whittier Blvd. We are worried for our Safety. We are concerned that we will have the same problem occurring that we have had in the years. With the drug dealing, vandalism, Partying, the loud music, Domestic Abuse, the Gangs, and the shooting. So many Calls to the Police Station to the City Hall, and Letters written to the Mayors. Our neighbors are all worried and feel frustrated and fed-up that this problem will occur again if they reopen
Thee reopening, rebuilding of thee Apartments on Whittier Blvd. Is not a ideal project to do. Its going to affect our neighbors on Lexington Rd., West Blvd., Columbia Ave.

We will not Safe with the rebuilding of thee Apartments. The Safety of our neighborhood (community) should be something critical to make sure our neighbors (community) are safe.

Please listen! and help us concerned citizens who will not feel Safe with the rebuilding of thee Apartments.

Please, Please, take us concerned citizens into consideration and Do not Agree! with thee rebuilding of thee Apartments
on Whittier Blvd. We are praying and praying that you Do not Agree!

With the rebuilding of the Apartments on Whittier Blvd.

Thank You!

The Concern neighbors on Lexington Rd, and West Blvd and Columbia Ave.
Fior Sanchez
Flor Sanchez
Francisca Allen
Francine Allen
Dominique Dogrades
Dracchi-Mulder
3939 Buckingham Rd.
Cindy Martinez
6728 West Blva.

Roque Palafox
Roque Palafox
Dilly D. Bracken
8703 West Blvd
Frie Allen Co. West

Windy
8272 West Blvd.
Exhibit 102
CITY OF PICO RIVERA PLANNING COMMISSION MEETING

Held at:

6615 PASSONS BOULEVARD

PICO RIVERA, CALIFORNIA 90660

August 7, 2017

PRESENT:

City of Pico Rivera Planning Commissioners:
Fred Zermen, Chairman
Ruben Garcia, Commissioner
Paul Gomez, Commissioner
Tommy Elisaldez, Commissioner
Esther Celiz, Commissioner

City of Pico Rivera Staff:
Steve Carmona, Director of Community & Economic Development Director
Julia Gonzalez, Deputy Director of Community & Economic Development Deputy Director
Judith Jimenez, Secretary, Community & Economic Development

City of Pico Rivera Representatives:
John W. Lam, Assistant City Attorney,
Alvarez-Glasman & Colvin

Transcribed by: Ellen S. Kolman

NDS Job Number: 195015
MEETING AUGUST 7, 2017

THE SECRETARY: Commissioner Zermeno?

THE CHAIRMAN: Present.

THE SECRETARY: Commissioner Celiz?

COMMISSIONER CELIZ: Present.

THE SECRETARY: Commissioner Elisiondez?

MR. ELISALDEZ: Present.

THE SECRETARY: Commissioner Garcia?

COMMISSIONER GARCIA: Present.

THE SECRETARY: Commissioner Gomez?

MR. GOMEZ: Here.

THE CHAIRMAN: Let's begin with the pledge of allegiance, and Commissioner Garcia will lead us.

COMMISSIONER GARCIA: Okay.

(Pledge of Allegiance)

THE CHAIRMAN: Thank you.

Public hearings, we have none.

Public comments, if anyone would like to speak, please come forward on nonagenda items and state your name and city of residency for the record. Would anyone like to come up and speak?

UNIDENTIFIED SPEAKER: Inaudible.

THE CHAIRMAN: Sure, come on up.

MR. LAM: She submitted a letter.
THE CHAIRMAN: Oh.

MR. LAM: We'll indicate that on the record, shortly.

THE CHAIRMAN: Yes, I did read that. Thank you. Anybody else?

Okay. So we'll move right into the agenda seeing no public speakers.

Minutes for June 5th, 2017, June 19th, and July 17th to be approved at the next planning commission meeting.

At this time, we'll ask all of our guests to please turn off cell phones while we are in session; pagers as well.

UNIDENTIFIED SPEAKER: Pagers.

THE CHAIRMAN: No, just kidding. Nobody has pagers.

Planning commission reports.

Planning commission representative of the city council meeting of Tuesday, August 8th, Commissioner Garcia to confirm. I believe he did.

COMMISSIONER GARCIA: Yes, I will.

THE CHAIRMAN: Yes, he will.

I'll go onto new business. Termination of nonconforming structure and use at 8615 Whittier

Network Deposition Services, Inc. • networkdepo.com • 866-NET-DEPO
Boulevard, Pico Rivera, California, former Whittier Manor Apartments, and now, we'll go into a staff report from community and economic development director.

MR. CARMONA: At this time, I'll turn it over to our city attorney, John Lam.

THE CHAIRMAN: John?

MR. LAM? Good evening, Commissioner, Chairman.

Tonight's item, as you recall, this item was continued from the last meeting on July 17th. Your direction to me was to prepare a resolution and decision that supports your recommendation at that time.

Before I -- we get to that point, I wanted to just indicate on the record tonight, we have several documents that were submitted. We have a document that was submitted by Group XIII's attorney regarding their objections to the written statement of decision which you have a copy of that was distributed earlier this evening. We will accept that into the record.

The second document we have is a letter sent from a Maria and Thomas Navarez (ph.). It was a written document submitted from that
couple based on the public statements. It's been also provided to you and let the record reflect that letter as well.

What we just received minutes ago was a letter dated August 7th, 2017 expressing some concerns from residents nearby the neighborhood. It's signed by, probably, I would say twenty-plus residents nearby, I'm assuming. So let the record reflect that we have received a letter and signatures supporting -- or supporting our opposition to the current apartment building that's there.

So with that said, those documents being placed into the record, at this time as we indicate -- as I indicated earlier, we have a resolution and a statement of decision that was attached to the staff report.

At this time, if you agree with the decision, I would recommend that at this point there'd be a motion to consider it, and if you want to discuss anything with respect to that, you may as well.

The public hearing has been closed. So right now, it's only planning commission discussion.
THE CHAIRMAN: At this point --

COMMISSIONER GARCIA: Can I ask a question --

THE CHAIRMAN: Sure, Commissioner Garcia.

COMMISSIONER GARCIA: -- on what we just got?

THE CHAIRMAN: Yes.

COMMISSIONER GARCIA: Can we just --

THE CHAIRMAN: We're going to go ahead and give the Commissioner a minute to read the form that we just received.

COMMISSIONER GARCIA: Okay.

MR. LAM: Would you like to take a five-minute recess and --

THE CHAIRMAN: Thank you so much. Five-minute recess.

UNIDENTIFIED SPEAKER: I know.

(Break)

THE CHAIRMAN: Okay. We're back in session.

At this point, Commissioners, do we have any discussion from our commission? No discussion?

COMMISSIONER CELIZ: I make a motion to set staff recommendation.
THE CHAIRMAN: Commissioner Celiz makes a motion to staff recommendation. Commissioners?

MR. LAM: Commissioners, just to reword the motion, there is no recommendation other than to ask you to consider. So if you make the motion, it would be to adopt the resolution.

THE CHAIRMAN: Okay.

MR. LAM: That would, in effect, adopt the decision.

COMMISSIONER GOMEZ: Number 1251.

THE CHAIRMAN: So Commissioner Celiz makes a recommenda -- or a motion to adopt --

COMMISSIONER CELIZ: On a commission resolution number 1251 announcing its findings and decision terminating the nonconforming structure and use locater at 8615 Whittier Boulevard, Pico Rivera, California.

THE CHAIRMAN: Do we have a second?

COMMISSIONER GOMEZ: Second.

THE CHAIRMAN: Commissioner Gomez seconds the adoption.

Roll call?

THE SECRETARY: Commissioner Zermeno?

THE CHAIRMAN: Yes.

THE SECRETARY: Commissioner Celiz?
COMMISSIONER CELIZ: Yes.

THE SECRETARY: Commissioner Elisaldez?

COMMISSIONER ELISALDEZ: Yes.

THE SECRETARY: Commissioner Garcia?

COMMISSIONER GARCIA: Aye.

THE SECRETARY: Commissioner Gomez?

COMMISSIONER GOMEZ: Yes.

THE CHAIRMAN: Do we have any old business?

No old business. Commissioners? This meeting is adjourned.

(End of audio)
CERTIFICATION

I, Ellen S. Kolman, certify that the foregoing transcript is a true and accurate record of the proceedings.

Ellen S. Kolman (CET-568)
AAERT Certified Electronic Transcriber

Date: August 15, 2017
Meeting August 7, 2017

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A regular meeting of the Planning Commission was held at 6:00 p.m. in the City Hall Council Chamber, 6615 Passons Boulevard, Pico Rivera, CA.

Chairperson Fred Zermeno called the meeting to order at 6:00 p.m. on behalf of the Planning Commission.

PRESENT: Zermeno, Celiz, Elisaldez, Garcia, Gomez
ABSENT:

PLEDGE OF ALLEGIANCE: Led by Commissioner Garcia.

PUBLIC HEARINGS: There were none.

PUBLIC COMMENTS ON NON-AGENDA ITEMS: There were none.

1. MINUTES
   - Meeting minutes for June 5, 2017, June 19, 2017, and July 17, 2017, to be approved at the next Planning Commission meeting.

2. PLANNING COMMISSION REPORTS:
   - Commissioner Garcia confirmed his attendance to the City Council meeting of Tuesday, August 8, 2017.

NEW BUSINESS:

3. TERMINATION OF NONCONFORMING STRUCTURE AND USE AT 8615 WHITTIER BOULEVARD, PICO RIVERA, CALIFORNIA, (FORMER WHITTIER MANOR APARTMENTS).

City Attorney John Lam stated this item was continued from the Planning Commission meeting on July 17, 2017. Documents received and placed into the record include a document submitted by Group XIII's attorney regarding their objections to the written statement of decision; document that was submitted from Maria and Thomas Navarez; and a letter with signatures from residents nearby the neighborhood.

City Attorney John Lam recommended a motion to consider the resolution and statement of decision that was attached to the staff report.

Commissioner Celiz made a motion to adopt Resolution No. 1251 announcing its findings and decision terminating the nonconforming structure and use located at 8615 Whittier Boulevard, California, and was seconded by Commissioner Gomez.
Planning Commission Minutes  
August 7, 2017  
Page 2 of 2  

AYES:  Zermeno, Celiz, Elisaldez, Garcia, Gomez 
NOES:  
ABSENT:  

OLD BUSINESS:  None.  

ADJOURNMENT:  

Commissioner Zermeno adjourned the Planning Commission meeting at 6:07 p.m.  
There being no objection, it was so ordered.  

ATTEST:  

Steven Carmona, Director of Community & Economic Development  
Secretary, Planning Commission  

I hereby certify that the foregoing is a true and correct report of the proceedings of the Planning Commission Regular Meeting dated August 7, 2017 and approved by the Planning Commission on December 4, 2017.  

Steven Carmona, Director of Community & Economic Development  
Secretary, Planning Commission
August 9, 2017

VIA FEDEX

Group XIII Properties LP
4900 Santa Anita Avenue, Suite 2C
El Monte, California 91731

Western Alliance Bank
One E. Washington Street, Suite 1400
Phoenix, Arizona 85004

Nicholas J. Biro
Blue Mountain Development, Inc.
2423 Sebald Avenue
Redondo Beach, California 90278

D. Wayne Leech, Esq.
Law Office of D. Wayne Leech, APC
11001 East Valley Mall, Suite 200
El Monte, California 91731

Re: In the Matter of: Termination of Nonconforming Structures and Uses at 8615 Whittier Boulevard, Pico Rivera California (Former Whittier Manor Apartments)

Dear Sirs or Madams:

Please take notice that on August 7, 2017, the Planning Commission of the City of Pico Rivera passed its Resolution No. 1251 which adopted a Statement of Decision terminating the nonconforming use structures and use at the property located at 8615 Whittier Boulevard, Pico Rivera, California (former Whittier Manor Apartments). A copy of Resolution No. 1251 and the adopted Statement of Decision are attached hereto as Exhibit 1.

Any person dissatisfied with the actions and decisions of the Planning Commission may file an appeal therefrom with the City Council within 14 calendar days after the decision was rendered pursuant to section 16.64.060 of the Pico Rivera Municipal Code (“PRMC”). A copy of PRMC section 16.64.060 is attached hereto as Exhibit 2 for reference.

Very truly yours,

RUTAN & TUCKER, LLP

[Signature]

Joseph D. Larsen

JDLjl
Attachments
cc: James Enriquez
RESOLUTION NO. 1251

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PICO RIVERA ADOPTING A STATEMENT OF DECISION TERMINATING NONCONFORMING STRUCTURES AND USE LOCATED AT 8615 WHITTIER BOULEVARD, PICO RIVERA, CALIFORNIA (FORMER WHITTER MANOR APARTMENTS)

WHEREAS, an investigation of the premises at 8615 Whittier Boulevard, Pico Rivera, particularly (Assessor Parcel Nos. 6373-018-005 and 6373-018-008, the "Property"), was initiated by the Planning Commission of the City of Pico Rivera ("City") on or about July 18, 2016; and

WHEREAS, said investigation revealed that the Whittier Manor Apartments (the "Apartments") located on the property do not comply with various development and zoning standards currently codified in the Pico Rivera Municipal Code (the "Code" or "PRMC"), and therefore constitute nonconforming structures and land use subject to termination under Chapter 18.54 of the Code; and

WHEREAS, on or about December 30, 2014, the Apartments suffered significant damage resulting in collapse of the third-floor balcony soffit and evacuation of approximately 200 tenants; and

WHEREAS, subsequent investigations revealed that the Apartments had been constructed, altered, converted, and/or maintained in a general state of disrepair and are plagued with dry rot, mold, water damage, and other conditions calling into question not only the structural integrity of the Apartments, but its suitability for habitation; and

WHEREAS, the destruction to the Apartments exceeds fifty percent (50%) of their value, such that termination of its legal nonconforming status is justified by Section 18.54.080 of the Code; and

WHEREAS, the Apartments ceased operating after their evacuation on or about December 2014, such that termination of its legal nonconforming status is justified by Section 18.54.081 of the Code; and

WHEREAS, Section 18.54.070 of the Code provides for the abatement of nonconforming structures and termination of their use upon the expiration of certain time periods set forth therein; and

WHEREAS, the reconstruction, restoration, or rebuilding of the Apartments is detrimental and injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, and detrimental or injurious to property and improvements in the neighborhood and/or the existing nonconforming use of the building or structure may be more appropriately moved to a zone in which the use is permitted, or there no longer exists a zone in which the existing nonconforming use is permitted; and
WHEREAS, on June 19, 2017 the Planning Commission adopted Resolution No. 1249 declaring its intent to conduct a public hearing on the termination of nonconforming uses at the Property; and

WHEREAS, a public hearing considering whether the legal nonconforming status of the Apartments should be terminated was duly noticed pursuant to Pico Rivera Municipal Code Section 18.54.130 and held on July 17, 2017 with all parties to this matter in attendance and public testimony received.

NOW, THEREFORE, the Planning Commission of the City of Pico Rivera does hereby resolve as follows:

SECTION 1. The Planning Commission hereby finds and determines that the foregoing recitals are true and correct, constitute a material part of this Resolution, and therefore incorporate them herein in their entirety as part of the findings.

SECTION 2. Based on the evidence presented and contained in the record, both oral and documentary, the Planning Commission hereby adopts the Statement of Decision attached hereto as Exhibit "A," which shall be incorporated herein by this reference and made a part of this Resolution. The Statement of Decision shall constitute the Planning Commission’s written findings of fact and decision in accordance with Pico Rivera Municipal Code § 18.54.130(E).

SECTION 3. The Planning Commission hereby authorizes the Planning Commission Chairperson to execute the Statement of Decision on behalf of the Planning Commission.

SECTION 4. The Planning Commission finds this Statement of Decision and Order is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment and therefore is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines § 15061(b)(3).

SECTION 5. The City Clerk shall attest and certify to the passage and adoption of this Resolution, and it shall become effective immediately upon its approval.

[Signatures on the following page]
RESOLUTION NO. 1251
Page 3 of 3

APPROVED AND ADOPTED this 7th day of August, 2017 by the Planning Commission of the City of Pico Rivera.

Fred Zermeno, Chairperson

ATTEST:

Steven Carmona, Secretary
Planning Commission
Community & Economic Development Director

APPROVED AS TO FORM:

John W. Lam
Avalos-Glasman & Colvin
Assistant City Attorney

AYES: Zermeno, Celly, Elsaldez, Garcia, Gomez
NOES:
ABSENT:
ABSTAIN:
In the Matter of:

TERMINATION OF NONCONFORMING STRUCTURES AND USE AT 8615 WHITTIER BOULEVARD, PICO RIVERA, CALIFORNIA (FORMER WHITTIER MANOR APARTMENTS)

I. INTRODUCTION

This matter involves the termination of the nonconforming structure and use status of the former Whittier Manor apartment complex at 8615 Whittier Blvd. in the City of Pico Rivera ("Apartments"). The hearing in this matter was held on July 17, 2017 and initiated by the City of Pico Rivera (the "City") to determine whether the Apartments' legal nonconforming structure and use should be terminated pursuant to Chapter 18.54 of the Pico Rivera Municipal Code (the "Code" or "PRMC"). Opposing the termination is the Apartments' current owner, Group XIII Properties, L.P. (the "Owner"). During the hearing, the parties offered evidence in the form of witness testimony and documentation, and asserted various arguments in support of their respective positions.

Like other cities throughout California, the PRMC provides specific provisions within the Code to permit appropriate uses within specific land use zones and to prohibit other uses deemed to be not suitable or appropriate. The goal of the City's zoning ordinance is to promote the orderly development of uses deemed permitted and ultimately terminate uses that are subsequently nonconforming, but lawful on the effective date of zoning restrictions.

In pertinent part, the PRMC specifically permits the termination of nonconforming structures and uses under certain conditions, including where the nonconforming use has been lawfully maintained for a period of time and the nonconforming use would be incompatible with the development of the area.

Written Decision Issued: August 7, 2017
structures and uses if the use is destroyed by more than fifty percent or the use of the land ceases for more than six (6) months. (PRMC §§ 18.54.080, 18.54.081). Additionally, the use of the land may be terminated by operation of law upon the expiration of the applicable amortization period in the Code. (PRMC § 18.54.070).

The Planning Commission, now having heard and duly considered all arguments and evidence presented by the parties during the hearing and all other matters included in the record for this proceeding, hereby terminates the nonconforming structures and use located at 8615 Whittier Blvd., Pico Rivera, California for the reasons set forth below.

II. BACKGROUND

A. The Property

The property at 8615 Whittier Boulevard is located near the corner of Whittier Boulevard and Paramount Boulevard, Assessment Parcel Nos. 6373-018-005 and 6373-018-008 (the "Property"). The Property contains 49,230± square feet (approximately 1.13 acres) of land area with differing zoning and general plan land use designations. The southern portion of the property is designated under the Commercial-General ("CG") zone and the remaining property is zoned as a Planned Residential Unit Development ("PUD"). Additionally, the property is divided into two different districts under the General Plan, the commercial land use district and a medium density residential land use district.

B. The Apartments

Developed as a motel facility in or about 1965, the motel was then converted to a 79-unit residential apartment complex in the mid-1970s. The Apartments consist of four (4) apartment buildings with a total living area of 28,746 square feet according to the Los Angeles County Assessor’s records. On average, each unit is approximately 364 square feet.

Police Department dispatch records demonstrate a wide range of calls for service originating from the Apartments since 2009. The various complaints include assault, battery, domestic violence, drug use, drug dealing, loitering, child abuse, sexual assault, noise ordinance violations, squatters, property damage, theft, burglary, vandalism, and homicide, among others.

///

WRITTEN STATEMENT OF DECISION RE: TERMINATION OF NONCONFORMING STRUCTURES AND USE AT 8615 WHITTIER BOULEVARD

4818-2293-7632, v. 1
C. Legal Nonconforming Structures and Use

The Apartments are nonconforming under the PRMC for numerous reasons. According to City records, the Apartments became nonconforming on September 7, 1993, when the City adopted its zoning map designating the rear of one parcel and the entire second parcel as a Planned Residential Unit Development (“PUD”) and designating under the City’s General Plan as Medium Density Residential. The PUD zone does not permit multi-family residential units. (PRMC §§ 18.16.040, 18.40.040(B)(7)). Whereas, the front portion of the Property along Paramount Blvd. and Whittier Blvd. is zoned Commercial-General.

Moreover, the PRMC also requires that all multi-unit residential uses first obtain a conditional use permit. (PRMC §§ 18.28.040, 18.40.040(D)(63)). The Apartments were never issued such a permit.

Consisting of seventy-nine (79) units, the Apartments also substantially exceed the permitted density for a property measuring approximately 1.13 acres under the PRMC, which only permits a maximum of thirty (30) units on a lot of this size. (PRMC §§ 18.28.050, 18.42.040(D)).

Lastly, the Apartments do not provide the requisite number of parking spaces for a multi-family dwelling under the Code, which requires two (2) parking spaces in a garage or carport for each multi-family dwelling unit and one guest space for every eight units. (PRMC § 18.44.040(A)(2)).

D. Destruction of Property

On or about December 30, 2014, a large portion of a third-floor balcony soffit suddenly and without warning collapsed onto the second-floor balcony below it. The Los Angeles County Fire Department responded and evacuated the units immediately adjacent to the collapse that night.

The following morning, City Engineer James Enriquez and Building Official Eric Dennis inspected the property and observed significant water and wood damage in and around the collapsed balcony. Upon further inspection of all balconies on the property, similar damage was found in multiple locations. The then owner’s engineer also inspected the Property and could not...
provide adequate assurances the Apartments were safe. As such, the City Building Official
demed the properties unsafe and shortly thereafter, all residents were evacuated and eventually
relocated. The Apartments ceased operation as a residential apartment complex on or about
January 8, 2015, when all utilities were turned off.

The owner at the time was issued a permit for limited demolition of the balconies on
March 17, 2015. The balconies were stripped to the framing throughout most of the Property but
no requests for inspection had been made to the City.

On or about October 14, 2015, Group XIII Properties, L.P. purchased the Property for
$4,030,000. The Owner retained PAMA Management, Inc. ("PAMA") to manage the Property.
PAMA shortly thereafter retained Patel Burica & Associates, Inc. ("PBA") to prepare plans for
repairing the property. On or about November 9, 2015, the Owner submitted plans for repairs to
the City which the City rejected on the basis that substantial revisions were needed as determined
by its Consulting Plan Checker, JAS Pacific Consulting Services.

On or about January 2016, PAMA retained Blue Mountain Development, Inc. ("BMD")
to provide oversight and advisory services regarding the Property. BMD then retained Edenco,
Inc. ("Edenco") to prepare a forensic inspection of the Apartments. On or about April 7, 2016,
BMD submitted plans which included a Structural Architectural Specific Due Diligence Study
prepared by Edenco ("Due Diligence Study"). A site inspection then occurred on April 21, 2016.
The City concluded that the Due Diligence Study did not address all structural deficiencies and
damage observed during the inspection. The Owner's engineer acknowledged that the full extent
of the damage had not been assessed. Additionally, the Due Diligence Study stated that after two
site visits by the Owner's structural engineer, "the suggested remediation recommendations
contained in this report are professional observations predicated on the limited exposed existing
conditions of the Project. Upon further demolition of the Project, additional and more stringent
remediation measures may be required."

In response to BMD's submitted plans, the City responded in a letter dated May 26, 2016,
that additional demolition would be required to determine the true extent of the damages to the
property. Thereafter, a meeting was held between the City, PBA and BMD to discuss the City's
response to BMD's submitted plans. During the meeting, the Owner rejected the additional requested demolition and demanded that the City approve the submitted plans.

On or about July 8, 2016, the City issued a Notice of Substandard Building directing the Owner to demolish the structures or notify the City of its election to repair within 30 days. If the Owner decided to repair, a structural report analyzing the structural integrity of the property was required within sixty (60) days. Required in the structural report was an exploratory demolition to test the Apartments' structural support and an outline of the necessary repairs to bring the Property in compliance with all applicable laws. The City sent another letter dated July 11, 2016, again requesting that the Owner acquire a demolition permit for exploratory work to assess the structural integrity of the Apartments and to determine repairs.

On July 18, 2016, the Planning Commission initiated an investigation of the Property which revealed that the Apartments did not comply with various development and zoning standards in the Pico Rivera Municipal Code.

On July 20, 2016, the City and the Owner's representatives met to discuss the exploratory demolition plans.

Between September 2016 and November 2016, BMD submitted new plans to the City. The City in turn provided comments to the plans. In December 2016, the Owner hired Murrow, CM ("Murrow") to prepare a repair cost estimate dated December 4, 2016. Murrow identified repairs totaling $1,269,767 and the Owner submitted revised repair plans to the City based on Murrow's estimate.

In response, the City retained Bert L. Howe & Associates, Inc. to review the Owner's repair estimate prepared by Murrow, CM. The report prepared by Howe, dated February 8, 2017 (the "Howe Report"), identified numerous items that were missing from the Owner's repair and renovation estimate, totaling $939,192 and revised the estimated repair and renovation costs contained in the Murrow report. The Howe Report concluded that the total cost to repair and renovate the Apartments was $2,726,648.
On or about March 14, 2017, the City informed the Owner that it was recommending that the Planning Commission hold a public hearing to determine whether to terminate the Apartments' nonconforming structures and use.

On or about March 27, 2017, the City, the Owner, and the Owner's representatives held a meeting to discuss delaying the public hearing so that the Owner could explore reducing the Apartment unit density. On April 27, 2017, the City met with the Owner's representatives at the request of the Owner to discuss the issue of reducing the Apartments' density. However, on May 17, 2017, the Owner's representatives expressed that the Owner was unwilling to alter the Apartments' unit density.

On June 19, 2017, the Planning Commission adopted Resolution No. 1249, declaring its intent to conduct a public hearing on the termination of the nonconforming Apartments on July 17, 2017.

On July 17, 2017, a duly noticed public hearing was held with evidence and public comment submitted to the Planning Commission.

II. PLANNING COMMISSION'S FINDINGS AND CONCLUSIONS

Having received written and oral evidence and testimony in this proceeding, and having exercised independent judgment on the issues, the Planning Commission, based on substantial evidence contained in the record, makes the findings and conclusions set forth below.

A. Nonconforming Structures and Use Terminated by Destruction Pursuant to PRMC § 18.54.080

The Planning Commission hereby finds that the Apartments were destroyed by more than fifty percent (50%) of its value prior to December 30, 2014. PRMC § 18.54.080 provides that:

Any nonconforming use of land shall be terminated if destroyed to the extent of more than fifty percent at the time of its destruction physically by fire, explosion or other casualty or act of God, and/or destroyed to the extent of more than fifty percent of the value existing prior to the time of such destruction. For the purposes of arriving at such value, the building official shall determine the valuation of such nonconforming use that existed prior to such destruction by
such accepted principles, practices, methods and other resources available.

Lack of maintenance and repairs by previous owners led to water intrusion, wood rot and decay, and termite damage, allowing natural structural forces to bear down on the structures and cause destruction to the Apartments, which manifested in the failure and collapse of portions of the Apartments late in the evening on December 30, 2014.

1. **Value of the Apartments Prior to Destruction**

The City retained Scott Lidgard of Scott Lidgard & Associates, Inc. to conduct an appraisal of the Apartments as to the value of the Apartments prior to the events leading up to its evacuation by providing a retrospective estimate of the fair market value of the Apartments as of December 29, 2014 ("Lidgard Reports"), the day before the collapse. The Lidgard Reports estimated the market value of the underlying land parcel to be:

- **Market value of underlying land parcel:** $1,655,000
- **Contributory value of improvements:** $4,797,000
- **Total market value as improved:** $6,450,000

Because market value of the underlying land parcel does not affect the value of the nonconforming structures and use, the value of the improvements located on the land parcel is the relevant baseline value when determining whether more than 50% of the Apartments was destroyed.

The Lidgard Reports were prepared by Scott Lidgard who possesses adequate skills, qualifications, and expertise within the field of real estate valuation. Moreover, the Lidgard Reports also utilized generally accepted principles, practices and methods of analyzing real property valuations such as the Sales Comparison and the Income Capitalization Approaches. As such, the Planning Commission finds that the valuations are credible and appropriate for arriving at such valuations.

2. **Estimated Costs of Repairs and Renovations**

In its case in chief, Owner argued that the destruction to the Apartments did not reach the 50% threshold required under PRMC § 18.54.080 because the estimated cost of repairs submitted by the City considered repairs beyond those relating to "structural" repairs. Owner's
argument, however, is not persuasive. Specifically, we believe that a reasonable interpretation of PRMC § 18.54.080 certainly includes structural repairs but also includes non-structural repairs and improvements arising out of the destruction of the building, which are reasonably necessary to bring the structure into a condition suitable for habitation under current codes and standards.

In the case at hand, the City retained expert construction consultants Bert Howe & Associates to provide a comprehensive review and estimate of the cost of repairs to the Apartments based upon Owner’s proposed repair and renovation scope, specifications, costs, due diligence reports, and other documents. The documents commissioned by Owner and its predecessor in interest, include the following: (i) Architectural drawings prepared by William Hezmalhalch Architects, Inc. (Bert Howe & Associates Expert Analysis Report and Cost Analysis dated February 8, 2017); (ii) Structural drawings prepared by Patel Burica & Associates, Inc. (id.); (iii) Probable Cost to Construct prepared by construction oversight consultants Murrow, CM (id.); (iv) Detailed Unit Repair List prepared by William Hezmalhalch Architects, Inc. (id.); (v) Structural/Architectural Specific Due Diligence Study prepared by Endeco, Inc. (id.; Ex. 47); (vi) Original construction drawings prepared by Leader Construction, Inc. (id.); and (vii) inspection photographs taken by City’s expert consultants Bert L. Howe & Associates. (id.).

Based on these reports and documents, the estimated costs to repair and renovate the Apartments based on the City’s expert was determined to be valued at $2,726,648. (Bert Howe & Associates Expert Analysis Report and Cost Analysis dated February 8, 2017).

Applying the repair and renovation costs of $2,726,648 to the Apartment’s baseline valuation of $4,795,000 as of December 29, 2014, the repair and renovation cost is approximately 57% of the December 29, 2014 valuation—exceeding the 50% threshold for termination of a nonconforming use required under PRMC § 18.54.080.

Moreover, based on the evidence presented, the scope of the repairs and renovations is likely to be more extensive based on the fact that exploratory demolition was limited to certain portions of the Apartments and the full extent of the cost to repair the water damage, wood rot and decay, and termite damage sustained by the Apartments would not be known until the work...
commenced. (Exh. 47).

In addition, we believe that the purchase price of the Apartments on October 14, 2015 by Owner on the open market is instructive as to the cost of repairs and renovation required for the Apartments. A rational, sophisticated buyer such as the Owner would undoubtedly insist on a reduction to the purchase of the Apartments proportionate to the estimated costs of the requisite repairs. On October 14, 2015, Owner purchased the Apartments for $4,030,000. (Exhs. 35, 36). According to the Lidgard Reports, the underlying land value of the Property on October 14, 2015 was $1,725,000. (Exh. 82). Subtracting the land value from the purchase price of the Apartments, the amount paid for the improvements was $2,035,000, which represents a reduction of approximately 57.5% to the $4,795,000 value of the improvements on December 29, 2014.

For the reasons stated above, the legal nonconforming status of the Apartments were terminated pursuant to PRMC § 18.54.080.

B. The Nonconforming Structures and Use Were Terminated Pursuant to PRMC 18.54.081

The Planning Commission further finds that the legal nonconforming status of the Apartments terminated due to its cessation of use for a continuous period of six (6) months. Pursuant to PRMC § 18.54.081, "any nonconforming use of land shall be terminated if it ceases such use for a continuous period of six (6) months and any subsequent uses shall comply fully with the provisions of this chapter." PRMC § 18.54.081 does not require any specific showing or finding of intent and as such no intent is required.

On December 31, 2014, the City issued: (1) a Notice of Dangerous Condition, Notice of Dangerous Building – Do Not Enter, Notice to Vacate and (2) a Notice: Unsafe, Do not Enter or Occupy, By Order of the City of Pico Rivera, Building Division dated December 31, 2014 (Exhs. 30, 31). All utilities where subsequently turned off to the Apartments on or about January 8, 2015. (Exh. 32). Therefore, on or about January 8, 2015, the Apartments ceased to be used as an apartment complex. Owner subsequently purchased the Apartments on October 14, 2015 – more than six (6) months after the Apartments were evacuated. As of the date of this Decision, the Apartments remain evacuated and vacant. As such, the Planning Commission finds that the
legal nonconforming status of the Apartments terminated in accordance with PRMC § 18.54.081.

C. Termination of Nonconforming Buildings and Use by Operation of Law

Notwithstanding the findings and determinations set forth under Paragraph III, Section A and B above, the Planning Commission also finds that the nonconforming Apartments shall terminate by operation of law on September 7, 2028 pursuant to PRMC § 18.54.070(H)(1).

Per PRMC § 18.54.070(A), a “nonconforming use of land shall be abated and usage thereof shall be terminated upon the expiration of the periods of time” prescribed in the Code. The amortization period shall run “as of the effective date of this section or the date that such nonconforming use of land first became nonconforming by reason of application of this zoning code . . . whichever occurs later.” (PRMC § 18.54.070(A)). Nonconforming uses of land made of light incombustible frame or wood frame shall be terminated and be abated after thirty-five (35) years. According to City records, the Apartments became nonconforming on September 7, 1993, when the City adopted its zoning map designating the rear of one parcel and the entire second parcel as a Planned Residential Unit Development. Therefore, applying the 35 year amortization period, the legal nonconforming status of the Apartments shall be terminated on or before September 7, 2028.

D. Government Code § 65852.25 Findings

The Apartments were not involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy. Rather, they were destroyed as a direct result of a prolonged failure to maintain and repair the Apartments.

To the extent that Government Code § 65852.25 applies, the Planning Commission hereby makes the following findings:

1. The reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood. Specifically, the Apartments at 8615 Whittier Blvd. do not meet minimum standards under the Code, portions of the Property do not permit multi-family dwelling units as zoned, and the Apartments have served as a breeding ground for dangerous criminal activity.
The front portion of the Property is General-Commercial and designated under the General Plan for commercial land uses, which does not permit the existing density of 79 units. The purpose of such uses is to promote a wide variety of retail commercial stores and service establishments which ultimately enhances the potential value of surrounding property. The Property is located in a vital commercial gateway intersection of the City that is zoned with the purpose of allowing the development of commercial stores and services that provide needed services to the residents of the City as well as consumers outside the City and contributes to the tax base of the City. A multi-family apartment complex that is substantially under parked thwarts this purpose and is detrimental to surrounding properties and improvements within the neighborhood.

Additionally, the rear portion of the Property is zoned as a Planned Residential Unit Development which does not permit a high density multi-family residential use. Based on its size, a maximum of thirty (30) dwelling units is allowed under the Code with two (2) parking spaces per unit. The Apartments consist of 79 units with an average of 394 square feet of living space and lacks the required number of parking spaces.

The Apartments have been the source of a large volume of calls for service and the subject of numerous complaints from nearby residents. The calls for service involve a wide array of suspected criminal activity: drug use, public intoxication, assault, battery, drug dealing, sexual assault, rape, suicide attempts, breaking and entering, domestic violence, child abuse, vandalism, hit and run, theft, burglary, excessive loud noise, stolen vehicles, gang activity, and homicides. The high volume of criminal activity has been injurious to the health, safety and general welfare of the residents and persons working and residing in the nearby community as evidenced by the public testimony of nearby residents during the public hearing of July 17, 2017. The Apartments have routinely been the subject of Code enforcement action due to various municipal code violations. As such, the Apartments divert valuable public safety and municipal resources from the surrounding neighborhood and the community in general.

The Apartments, if reconstruction and restoration were allowed, would negatively affect the general welfare of its residents and the surrounding community while injuring property...
values in the neighborhood.

2. The existing nonconforming use of the building or structure would be more appropriately moved to a zone in which the use is permitted, or that there no longer exists a zone in which the existing nonconforming use is permitted. For the reasons stated above, the Apartments would be more appropriate if moved to a zone in which high density multi-family residential uses are permitted and developed in a manner consistent with the City's Code and requirements.

IV. DISPOSITION

On the basis of the foregoing findings and substantial evidence in the record, the Planning Commission hereby terminates the nonconforming use located at 8615 Whittier Blvd., Pico Rivera, California as set forth in the decision above. Pursuant to PRMC § 18.64.060, decisions of the Planning Commission are final and conclusive unless appealed to the City Council as provided in PRMC Chapter 18.64.

IT IS SO ORDERED.

Dated: August 7, 2017

Fred Zermeno, Chairman
Any person dissatisfied with the actions and decisions of the planning commission resulting from the administration of this title may file an appeal therefrom with the city council at any time not more than fourteen calendar days after the decision of the planning commission has been rendered. The appeal shall be made in the following manner:

A. Application and Fees. Any person appealing the decision of the planning commission shall file with the city clerk an application therefor on forms prescribed thereby accompanied by an application filing fee in an amount established by a resolution of the city council. The application shall set forth and include any information as the city clerk may require. Upon the filing of a verified application, the city clerk shall transmit the application forthwith to the city council, and the city council shall investigate, examine, review and render its findings and decisions on the matter in the same manner as required for a decision to be rendered by the planning commission. In event the planning commission was required to hold and conduct a public hearing, so shall the city council in the same manner be required therefor.

B. Announcement of City Council Decisions. The city council shall announce its decisions by formal written resolution within forty days after conclusion of its proceedings on the matter. The resolution shall recite and set forth, among other things, the facts, reasons and determinations which, in the opinion of the city council, make upholding or reversing the actions and decisions of the planning commission considered necessary to assure that due process and justice have been done, and shall uphold or reverse same. The city council shall forthwith give the applicant, planning commission and/or any other persons having a vested interest therein, written notice of its actions and decisions together with a copy of the resolution. (Ord. 830 § 19, 1993; Ord. 765 §§ 73, 74, 1989; prior code § 9215.03 (C))
# APPEAL APPLICATION

## 1. APPELLANT BODY/CASE INFORMATION

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**Project Number(s) to be appealed:** Planning Commission Resolution No. 1251

**Project Address:** 8615 Whittier Blvd., Pico Rivera

**Appeal By:** ☒ Applicant/Owner  ☐ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved

## 2. APPELLANT INFORMATION

**Appellant Name:** Group XIII Properties, L. P.

**Company:** c/o Pama Management

**Mailing Address:** 4900 Santa Anita Ave., Ste. 2C, El Monte, CA 91731

**Telephone:** 626-575-3070  **Email:**

## 3. REPRESENTATIVE/AGENT INFORMATION

**Representative/Agent Name (if applicable):** D. Wayne Leech

**Company:** Law Office of D. Wayne Leech, a Professional Corporation

**Mailing Address:** 11001 E. Valley Mall, #200, El Monte, CA 91731

**Telephone:** 626-443-0061  **Email:** Wayne@leechlaw.com

## 4. JUSTIFICATION FOR APPEAL

Is the entire decision or only parts of a decision being appealed?  □ Entire  ☐ Parts

Are specific conditions of approval being appealed?  □ Yes  ☐ No

If yes, list the condition number(s) here:

Attach a separate sheet providing your reasons for the appeal. Your reason must state:
- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

## 5. APPLICANT AFFIDAVIT

I certify that the statements contained in this application are complete and true:

**Appellant Signature:** [Signature]  **Date:** 8/17/17

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Page 1 of 2
6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Appeal Application
- Justification for appeal
- Filing Fee (must be paid at the time of filing the appeal)

7. THIS SECTION FOR THE CITY STAFF USE ONLY

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Honorable Mayor and Members of the City Council:

Group XIII Properties L. P. ("Owner") hereby appeals the entirety of the decision of the Planning Commission, as set forth in the Resolution No. 1251 dated August 7, 2017, adopting a statement of decision terminating nonconforming structures and use located at 8615 Whittier Blvd., Pico Rivera, California (formerly Whittier Manor Apartments).

The Owner appeals the entire decision on the following grounds. The Owner reserves the right to offer new and additional evidence at the City Council hearing, and to offer new and additional reasons for the appeal.
1. The repairs are expressly permitted to be made pursuant to PRMC § 18.54.060(B).

PRMC § 18.54.060(B) provides:

"Each and every nonconforming use may be continuously maintained and utilized, provided that no intensification or increase in the degree of nonconformity shall be permitted. Continuation of such nonconforming use shall be limited by and subject to the provisions and application of Sections 18.54.070, 18.54.080 and 18.54.090(A) of this chapter, and in the following cases:...B. Exception II. Structural alterations, required by law, may be constructed....(emphasis added)."

It is undisputed that the structures on the property were red-tagged ONLY because of the structural damage to the property, AND NOT due to carpeting, painting, kitchen, bathroom, electrical and other upgrades. Pursuant to PRMC § 18.54.060(B) the owner is legally entitled to repair the structural damage to the alleged nonconforming structures.

2. The undisputed evidence shows that the repair costs for the structural damage to the property is less than 50% of the value of the structures before the damage.

The Murrow CM ("Murrow") estimate to perform the repairs (for all work including but not limited to structural repairs) dated December 4, 2016 identifies that the cost of performing the repairs totals $1,269,767. The structural engineer for the project, Michael J. Burica, P. E., in his July 15, 2017 report, opines that the structural repair costs range from $632,000 to $806,000. Those two expert estimates are substantially less than 50% of the value of the structures before the damage.

The City has completely ignored said evidence.

The City relies exclusively on the Bert L. Howe & Associates report ("Howe Report"). The Howe includes many items that are not related to the structural damage repairs, including but not limited to interior work, door hardware, & bath accessories in the sum of $754,892.31. Those are not items that are related to the structural damage that was the sole reason for the property being red-tagged. The Howe report also assumes additional costs for items that are not certain to be needed, including but not limited to asbestos and mold abatement.

Based on the foregoing the City has not proven that the nonconforming use can be legally...
3. The City's Code, PRMC § 18.54.080, does not permit the City to exclude the land value in determining whether a nonconforming use shall be terminated

PRMC § 18.54.080 provides:

"Any nonconforming use of land shall be terminated if destroyed to the extent of more than fifty percent at the time of its destruction physically by fire, explosion or other casualty or act of God, and/or destroyed to the extent of more than fifty percent of the value existing prior to the time of such destruction. For the purposes of arriving at such value, the building official shall determine the valuation of such nonconforming use that existed prior to such destruction by such accepted principles, practices, methods and other resources available."

PRMC § 18.54.080 does not permit the City to exclude the land value in order to terminate a nonconforming use. Because the nonconforming use cannot be abated with a proper application of the code, the city improperly excludes the land value in determining whether the nonconforming use shall be abated. PRMC § 18.54.080 does not permit the city to eliminate the value of the land in determining whether the nonconforming use shall be terminated pursuant to PRMC § 18.54.080.

The Lidgard report opines that the value of the property as of December 22, 2014, is $6,450,000.00 Based on this market value, even using the Howe Report to estimate the cost to repair the structural damage to the property, the city has not proved that the nonconforming can be terminated under PRMC § 18.54.080.

If the City desired to use only the value of the structure in determining whether a nonconforming use can be terminated under PRMC § 18.54.080, the City should have written that into the ordinance. The City did not write the ordinance in a manner that allows the City to legally exclude the land value. Therefore the City has not proven, and cannot prove, that the nonconforming use can be legally terminated under PRMC § 18.54.080.

//
4. The nonconforming use of the land was not destroyed physically by fire, explosion or other casualty or act of God, and/or destroyed to the extent of more than fifty percent of the value existing prior to the time of such destruction.

The City contends that lack of maintenance by the previous owner caused wood rot, decay and the structural problems. This is not evidence of destruction physically by fire, explosion or other casualty or act of God. Nor is it evidence that it was destroyed to the extent of more than fifty percent of the value existing prior to the time of such destruction.

Again, the City improperly uses the Howe Report to come to the erroneous conclusion that the repair estimate exceeds 50% of the value of the property. The Howe report includes significant costs for items that are not required to be performed due to any destruction of the property, such as faucet replacement, kitchen and bathroom upgrades, etc.

Therefore the City has not proven that the nonconforming use can be legally terminated under PRMC § 18.54.080.

5. The City cannot legally terminate the use under PRMC § 18.54.081 because the City ordered that the property be vacated by the tenants

The City ordered that the property be vacated. The current property owner has spent several hundred thousand dollars in order to investigate, prepare plans, and ultimately repair the structural damage to the property. The City has had plans into the City since February 2017, yet the City has failed and refused to even comment on the plans, which is a violation of the Permit Streamlining Act. The nonuse is not voluntary on the part of the current or prior owner. Since the owner has diligently pursued obtaining permits to continue the use, PRMC § 18.54.081 does not entitle the City to terminate the use.

6. The use is not terminated under PRMC § 18.54.070(A) since the time has not run

PRMC § 18.54.081(A) provides in relevant part that “The nonconforming use of land shall be abated and usage thereof shall be terminated upon the expiration of the periods of time hereinafter set forth in this section. (Emphasis added).

Since the time period has not run (it is allegedly due to run in 2028), the City's action is
not ripe and premature. The use cannot be terminated under PRMC § 18.54.081(A) at this time.

7. The City’s findings regarding Government Code § 65852.25 are misplaced and not supported by substantial evidence and relevant legal authority.

The Owner reserves any and all other arguments, objections, and positions that were previously made, could have been made, and will be made before the City Council, and specifically reserves the right to introduce new and additional evidence and testimony at the appeal hearing before the City Council.

Respectfully submitted,

Dated: August 17, 2017

Law Office of D. Wayne Leech, a P.C.

D. WAYNE LEECH, ESQ.
Attorneys for Plaintiff
**City of Pico Rivera**

**DATE:** 3/13/17  
**LOCATION:** 2803 Whittier

**RECEIVED FROM:** M. Johnson - Legal & Municipal

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**Remarks:**

**Prepared by:** M. Johnson, Total $2,755
Hi James,

I received your voice mail regarding having a Special Meeting in the afternoon on December 18, 2017. I will discuss with PAMA and get back to you.

Nick
Exhibit 107
James,

Thank you.

Nick

Sent from my iPhone

On Nov 8, 2017, at 3:25 PM, James Enriquez <jenriquez@pico-rivera.org> wrote:

The Special Meeting scheduled for Monday December 18 at 4 pm has been confirmed. All interested parties will receive written notice of the hearing soon.

Thank you.

-----Original Message-----
From: Nick Biro <nbiro@blue-mt-development.com>
Sent: Wednesday, November 08, 2017 12:08 PM
To: James Enriquez <jenriquez@pico-rivera.org>
Cc: Mike Nijjar <mike@pamamgt.com>; Wayne Leech <wayne@leechlaw.com>
Subject: RE: 8615 Whittier - Appeal Hearing - December 18, 2017

Hi James,

Following up on this. Please advise.

Thank you,

Nick

-----Original Message-----
From: Nick Biro
Sent: Friday, November 3, 2017 10:40 AM
To: 'James Enriquez' <jenriquez@pico-rivera.org>
Cc: 'Mike Nijjar' <mike@pamamgt.com>; Wayne Leech <wayne@leechlaw.com>
Subject: RE: 8615 Whittier - Appeal Hearing - December 18, 2017

Good morning James,

Following up on this. Please advise.
Thank you,

Nick

-----Original Message-----
From: James Enriquez [mailto:enriquez@pico-rivera.org]
Sent: Thursday, October 26, 2017 11:38 AM
To: Nick Biro <nbiro@blue-mt-development.com>
Subject: Re: 8615 Whittier - Appeal Hearing - December 18, 2017

I will confirm early next week.

Thank you.

-------- Original message --------
From: Nick Biro <nbiro@blue-mt-development.com>
Date: 10/26/17 2:23 PM (GMT-05:00)
To: James Enriquez <enriquez@pico-rivera.org>
Cc: Steve Carmona <Scarmona@pico-rivera.org>, Julia Gonzalez <juliagonzalez@pico-rivera.org>, Wayne Leech <wayne@leechlaw.com>, Jesse Carrillo <jesse@pamamgt.com>, Mike Nijjar <mike@pamamgt.com>
Subject: 8615 Whittier - Appeal Hearing - December 18, 2017

Hi James,

The owner's and legal counsel for 8615 Whittier Blvd are available for a December 18, 2017 Special Meeting of the City Council to hear the appeal to the Planning Commission's decision.

Nick

Nicholas J. Biro
Blue Mountain Development, Inc.
2423 Sebald Avenue | Redondo Beach | CA 90278
310.993.9555
CSLB 982332 - A
[cid:image001.jpg@01D34E4C.6B4E9730]
NOTICE OF PUBLIC HEARING BEFORE THE PICO RIVERA CITY COUNCIL
REGARDING THE APPEAL OF THE PLANNING COMMISSION'S DECISION TO
TERMINATE NONCONFORMING STRUCTURES AND USE
Whittier Manor Apartments -- 8615 Whittier Blvd, Pico Rivera, California

November 29, 2017

Pursuant to Pico Rivera Municipal Code ("PRMC" or "Code") Section 18.54.130, the Pico Rivera City Council hereby provides notice of a public hearing to consider an appeal of Planning Commission Resolution No. 1251 adopting a statement of decision terminating the legal nonconforming status of the Whittier Manor Apartments (the "Apartments") located at 8615 Whittier Blvd., Pico Rivera, California. Assessor Parcel Nos. 6373-018-005 and 6373-018-008 (the "Property"), legally described as follows:

Parcel 1:

That portion of Lot 49 in the Rancho Paso De Bartolo, as shown on Partition Map in Case No. 20613, Superior Court of the State of California, in the City of Pico Rivera, County of Los Angeles, State of California, recorded in Book 999 Pages 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:

Beginning at a point on the center line of Lexington Road, formerly Lexington and Gallatin Road, distant North 6 degrees 14'35" East 226.22 feet from the intersection of said center line with the center line of Whittier Boulevard, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65, 66, and 67 of Maps, in the office of the County Recorder of said County; thence South 6 degrees 14'35" West 20 feet; thence North 62 degrees 39'25" West 155 feet; thence North 6 degrees 14'35" East 20 feet, thence South 62 degrees 39'25" East 155 feet to the point of beginning.

Except therefrom that portion of said land included within the lines of the land described in the Deed to the City of Pico Rivera recorded on March 9, 1964 as Instrument No. 3947 in Book D-2387 Page 662 of Official Records of said County, more particularly described as follows:

Commencing at the center line intersection of Whittier Boulevard and Lexington Road, formerly Lexington and Gallatin Road, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 66 and 67 inclusive of Maps, Records of said County; thence along the
center line of Lexington Road, North 6 degrees 14' 35" East 206.22 feet; thence North 62 degrees 39' 25" West 21.44 feet to the true point of beginning; thence continuing North 62 degrees 39' 25" West 10.72 feet to a line parallel with and 30 feet Westerly at right angles from said center line; thence along said parallel line, North 6 degrees 14' 35" East 20.00 feet, thence South 62 degrees 39' 25" East 10.72 feet; thence parallel with said center line South 6 degrees 14' 35" West 20.00 feet to the true point of beginning.

A portion of said land is shown as a portion of Parcel 2 on the Map filed in Book 40 Page 41 of Record of Surveys, in the office of the County Recorder of said County.

Assessor's Parcel Number: 6373-018-005 (Portion)

Parcel 2:

That portion of Lot 49 of the Rancho Paso De Bartolo, as shown on Partition Map in Case No. 20613, Superior Court of the State of California, in the City of Pico Rivera, County of Los Angeles, State of California, recorded in Book 999 Pages 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:

Commencing at a point on the center line of Lexington Road, formerly Lexington and Gallatin Road, distant North 6 degrees 14' 35" East 206.22 feet from the intersection of said center line with the center line of Whittier Boulevard, as said center lines are shown on Maps of Tract No. 8128, recorded in Book 101 Pages 65, 66 and 67 of Maps, in the office of the County Recorder of said County, thence North 62 degrees 39' 25" West 155 feet to the true point of beginning; thence North 6 degrees 14' 35" East 90 feet; thence North 62 degrees 39' 25" West 112.26 feet to a line bearing North 5 degrees 58' 35" East from a point in said center line of Whittier Boulevard, distant North 62 degrees 39' 25" West 265.80 feet from said intersection; thence along said line South 5 degrees 58' 35" West 90.16 feet to a line bearing North 62 degrees 39' 25" West from the true point of beginning; thence South 62 degrees 39' 25" East 111.81 feet to the true point of beginning.

Said land is shown as a portion of Parcel 2 on the Map filed in Book 40 Page 41 of Record of Surveys, in the office of the County Recorder of said County.

Assessor's Parcel Number: 6373-018-005 (Portion)
Parcel 3:

That portion of Lot 49 in the Rancho Paso De Bartolo, in the City of Pico Rivera, County of Los Angeles, State of California, as shown on Partition Map in Case No. 20613, Superior Court of the State of California in and for the County of Los Angeles, recorded in Book 999 Page 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:

Beginning at a point on the center line of Whittier Boulevard distant North 62 degrees 29' 25" West 385.80 feet from the intersection of said center line with the center line of Lexington Road, formerly Lexington and Gallatin Road, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65 to 67 inclusive of Maps, Records of said County; thence South 62 degrees 29' 25" East 120 feet; thence North 5 degrees 58' 35" East 386.91 feet to a line bearing North 62 degrees 29' 25" West from a point in said center line of Lexington Road, distant North 6 degrees 14' 35" East 386.22 feet from said intersection, thence North 62 degrees 29' 25" West 120 feet to a line bearing North 5 degrees 58' 35" East from the point of beginning; thence South 5 degrees 58' 35" West 386.91 feet to the point of beginning.

Except therefrom that portion of said land included within the lines of the land described in the Deed to the City of Pico Rivera recorded on March 9, 1964 as Instrument No. 3946 in Book D2387 Page 639 of Official Records of said County, more particularly described as follows:

Commencing at the center line intersection of Whittier Boulevard and Lexington Road, formerly Lexington and Gallatin Road, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65 to 67 inclusive of Maps, Records of said County; thence along the center line of Whittier Boulevard, North 62 degrees 29' 25" West 265.80 feet; thence North 5 degrees 58' 35" 42.95 feet to the true point of beginning; thence continuing North 5 degrees 58' 35" East 10.73 feet to a line parallel with and 50 feet Northeasterly at right angles from the center line of Whittier Boulevard, thence along said parallel lines, North 62 degrees 29' 25" West 120.00 feet; thence South 5 degrees 58' 35" West 10.73 feet; thence parallel with said center line, South 62 degrees 29' 25" East 120.00 feet to the true point of beginning.

Also except therefrom, that portion thereof included within the lines of the land described in Parcel 39-30 of Instrument No. 2512, recorded May 19, 1971 in Book M3768 Page 913, of Official Records of said County.

A portion of said land is shown on a portion of Parcel 1 on a Map filed in Book 40 Page 41 of Records of Surveys, in the office of the County Recorder of said County.
NOTICE OF PUBLIC HEARING REGARDING THE APPEAL OF PLANNING COMMISSION DECISION TERMINATING NONCONFORMING STRUCTURE AND USE

Whittier Manor Apartments – 8615 Whittier Blvd, Pico Rivera, California

Assessor's Parcel Number: 6373-018-008

The hearing is scheduled and will take place as follows:

Date: Monday, December 18, 2017
Time: 4:00 p.m.
Location: Pico Rivera City Hall – City Council Chambers
6615 Passons Boulevard
Pico Rivera, California 90660

The purpose of the hearing will be to consider the Property Owner's appeal of the Planning Commission's statement of decision dated August 7, 2017 finding that the legal nonconforming status of the Apartments should be immediately terminated based on the following: (1) the Apartments have been destroyed to the extent of more than fifty percent (50%) of their value; and/or (2) the Apartments ceased operating for a continuous period of six months (PRCM §§ 18.54.080; 18.54.081). The purpose is also to consider the Planning Commission's decision that the nonconforming Apartment structures may be abated and their use terminated upon the expiration of the applicable period of time indicated in Section 18.54.070, subdivision H of the Code.

At the hearing, interested parties will be provided an opportunity to be heard and to provide evidence bearing on the City Council's decision in this matter. The City Council's decision will be based upon an examination and review of all evidence submitted at the hearing. Within forty (40) days of the conclusion of the hearing, the City Council will adopt a resolution setting forth, among other things, its findings of fact, reasons, conditions, determinations, and other matters related to its decision in this matter.

The City notes that the following actions, among others, would be required to bring the Apartments into compliance with existing zoning provisions: (1) a general plan and zoning code amendment changing the designation and zoning for the rear portion of the Property; (2) a conditional use permit must be obtained; (3) approximately fifty (50) of the Apartments' existing units must be removed; (4) additional parking spaces must be added contingent on the number of units retained; (5) compliance with all development regulations governing multi-family dwelling units set forth in Code Section 18.42.040; and (6) compliance with all conditions of approval for the conditional use permit.

PICO RIVERA CITY COUNCIL

James Enriquez, P.E.
Director of Public Works/City Engineer
<table>
<thead>
<tr>
<th>Parcel</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>N</td>
<td>Parcel N</td>
</tr>
<tr>
<td>6773418</td>
<td>Parcel 6773418</td>
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<tr>
<td>6120</td>
<td>Parcel 6120</td>
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<tr>
<td>A1</td>
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<tr>
<td>A1-1</td>
<td>Parcel A1-1</td>
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<tr>
<td>A1-37</td>
<td>Parcel A1-37</td>
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<tr>
<td>B1</td>
<td>Parcel B1</td>
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<td>B1-1</td>
<td>Parcel B1-1</td>
</tr>
<tr>
<td>B1-11</td>
<td>Parcel B1-11</td>
</tr>
<tr>
<td>B1-37</td>
<td>Parcel B1-37</td>
</tr>
</tbody>
</table>

The property described above is located in the City of Whittier, County of Los Angeles, State of California. The boundaries of the property are as follows:

**Parcel N**:
- West 20 feet from the center line of the Boulevard distant North 62 degrees 37 minutes 25 seconds East.
- South 121 feet parallel with and South 62 degrees 10 minutes 25 seconds West.
- North 62 degrees 9 minutes 25 seconds East.
- West 531 feet to the true point of beginning.

**Parcel 6773418**:
- North 62 degrees 37 minutes 25 seconds East.
- West 121 feet parallel with and West 62 degrees 10 minutes 25 seconds North.
- South 62 degrees 9 minutes 25 seconds West.
- East 531 feet to the true point of beginning.

**Parcel 6120**:
- North 62 degrees 37 minutes 25 seconds East.
- West 121 feet parallel with and West 62 degrees 10 minutes 25 seconds North.
- South 62 degrees 9 minutes 25 seconds West.
- East 531 feet to the true point of beginning.

**Parcel A1**:
- North 62 degrees 37 minutes 25 seconds East.
- West 121 feet parallel with and West 62 degrees 10 minutes 25 seconds North.
- South 62 degrees 9 minutes 25 seconds West.
- East 531 feet to the true point of beginning.

**Parcel A1-1**:
- North 62 degrees 37 minutes 25 seconds East.
- West 121 feet parallel with and West 62 degrees 10 minutes 25 seconds North.
- South 62 degrees 9 minutes 25 seconds West.
- East 531 feet to the true point of beginning.

**Parcel A1-11**:
- North 62 degrees 37 minutes 25 seconds East.
- West 121 feet parallel with and West 62 degrees 10 minutes 25 seconds North.
- South 62 degrees 9 minutes 25 seconds West.
- East 531 feet to the true point of beginning.

**Parcel A1-37**:
- North 62 degrees 37 minutes 25 seconds East.
- West 121 feet parallel with and West 62 degrees 10 minutes 25 seconds North.
- South 62 degrees 9 minutes 25 seconds West.
- East 531 feet to the true point of beginning.

**Parcel B1**:
- North 62 degrees 37 minutes 25 seconds East.
- West 121 feet parallel with and West 62 degrees 10 minutes 25 seconds North.
- South 62 degrees 9 minutes 25 seconds West.
- East 531 feet to the true point of beginning.

**Parcel B1-1**:
- North 62 degrees 37 minutes 25 seconds East.
- West 121 feet parallel with and West 62 degrees 10 minutes 25 seconds North.
- South 62 degrees 9 minutes 25 seconds West.
- East 531 feet to the true point of beginning.

**Parcel B1-11**:
- North 62 degrees 37 minutes 25 seconds East.
- West 121 feet parallel with and West 62 degrees 10 minutes 25 seconds North.
- South 62 degrees 9 minutes 25 seconds West.
- East 531 feet to the true point of beginning.

**Parcel B1-37**:
- North 62 degrees 37 minutes 25 seconds East.
- West 121 feet parallel with and West 62 degrees 10 minutes 25 seconds North.
- South 62 degrees 9 minutes 25 seconds West.
- East 531 feet to the true point of beginning.
NOTICE OF PUBLIC HEARING BEFORE THE PICO RIVERA CITY COUNCIL
REGARDING THE APPEAL OF THE PLANNING COMMISSION'S DECISION TO
TERMINATE NONCONFORMING STRUCTURES AND USE
Whittier Manor Apartments – 8615 Whittier Blvd, Pico Rivera, California

November 21, 2017

Pursuant to Pico Rivera Municipal Code ("PRMC" or "Code") Section 18.54.130, the Pico Rivera City Council hereby provides notice of a public hearing to consider an appeal of Planning Commission Resolution No. 1251 adopting a statement of decision terminating the legal nonconforming status of the Whittier Manor Apartments (the "Apartments") located at 8615 Whittier Blvd., Pico Rivera, California, Assessor Parcel Nos. 6373-018-005 and 6373-018-006 (the "Property"), legally described as follows:

Parcel 1:

That portion of Lot 49 in the Rancho Paso De Bartolo, as shown on Partition Map in Case No. 20613, Superior Court of the State of California, in the City of Pico Rivera, County of Los Angeles, State of California, recorded in Book 999 Pages 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:

Beginning at a point on the center line of Lexington Road, formerly Lexington and Gallatin Road, distant North 6 degrees 14' 35" East 226.22 feet from the intersection of said center line with the center line of Whittier Boulevard, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65, 66, and 67 of Maps, in the office of the County Recorder of said County; thence South 6 degrees 14' 35" West 20 feet; thence North 82 degrees 39' 25" West 155 feet; thence North 8 degrees 14' 35" East 20 feet; thence South 82 degrees 39' 25" East 155 feet to the point of beginning.

Except therefrom that portion of said land included within the lines of the land described in the Deed to the City of Pico Rivera recorded on March 9, 1964 as Instrument No. 3947 in Book D-2387 Page 662 of Official Records of said County, more particularly described as follows:

Commencing at the center line intersection of Whittier Boulevard and Lexington Road, formerly Lexington and Gallatin Road, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 66 and 67 inclusive of Maps, Records of said County; thence along the
center line of Lexington Road, North 6 degrees 14' 35" East 206.22 feet; thence North 62 degrees 39' 25" West 21.44 feet to the true point of beginning; thence continuing North 62 degrees 39' 25" West 10.72 feet to a line parallel with and 30 feet Westerly at right angles from said center line; thence along said parallel line, North 6 degrees 14' 35" East 20.00 feet, thence South 62 degrees 39' 25" East 10.72 feet; thence parallel with said center line South 6 degrees 14' 35" West 20.00 feet to the true point of beginning.

A portion of said land is shown as a portion of Parcel 2 on the Map filed in Book 40 Page 41 of Record of Surveys, in the office of the County Recorder of said County.

Assessor's Parcel Number: 6373-018-005 (Portion)

Parcel 2:

That portion of Lot 49 of the Rancho Paso De Bartolo, as shown on Partition Map in Case No. 20613, Superior Court of the State of California, in the City of Pico Rivera, County of Los Angeles, State of California, recorded in Book 999 Pages 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:

Commencing at a point on the center line of Lexington Road, formerly Lexington and Gallatin Road, distant North 6 degrees 14' 35" East 206.22 feet from the intersection of said center line with the center line of Whittier Boulevard, as said center lines are shown on Maps of Tract No. 8128, recorded in Book 101 Pages 65, 66 and 67 of Maps, in the office of the County Recorder of said County, thence North 62 degrees 39' 25" West 155 feet to the true point of beginning; thence North 6 degrees 14' 35" East 90 feet; thence North 62 degrees 39' 25" West 112.26 feet to a line bearing North 5 degrees 58' 35" East from a point in said center line of Whittier Boulevard, distant North 62 degrees 39' 25" West 265.80 feet from said intersection; thence along said line South 5 degrees 58' 35" West 90.16 feet to a line bearing North 62 degrees 39' 25" West from the true point of beginning; thence South 62 degrees 39' 25" East 111.81 feet to the true point of beginning.

Said land is shown as a portion of Parcel 2 on the Map filed in Book 40 Page 41 of Record of Surveys, in the office of the County Recorder of said County.

Assessor's Parcel Number: 6373-018-005 (Portion)
Parcel 3:

That portion of Lot 49 in the Rancho Paso De Bartolo, in the City of Pico Rivera, County of Los Angeles, State of California, as shown on Partition Map in Case No. 20613, Superior Court of the State of California in and for the County of Los Angeles, recorded in Book 999 Page 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:

Beginning at a point on the center line of Whittier Boulevard distant North 62 degrees 39' 25" West 385.80 feet from the intersection of said center line with the center line of Lexington Road, formerly Lexington and Gallatin Road, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65 to 67 inclusive of Maps, Records of said County; thence South 62 degrees 39' 25" East 120 feet; thence North 5 degrees 58' 35" East 386.91 feet to a line bearing North 62 degrees 39' 25" West from a point in said center line of Lexington Road, distant North 6 degrees 14' 35" East 386.22 feet from said intersection, thence North 62 degrees 39' 25" West 120 feet to a line bearing North 5 degrees 58' 35" East from the point of beginning; thence South 5 degrees 58' 35" West 386.91 feet to the point of beginning.

Except therefrom that portion of said land included within the lines of the land described in the Deed to the City of Pico Rivera recorded on March 9, 1964 as Instrument No. 3946 in Book D2387 Page 639 of Official Records of said County, more particularly described as follows:

Commencing at the center line intersection of Whittier Boulevard and Lexington Road, formerly Lexington and Gallatin Road, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65 to 67 inclusive of Maps, Records of said County; thence along the center line of Whittier Boulevard, North 62 degrees 39' 25" West 285.80 feet; thence North 5 degrees 58' 35" East 42.96 feet to the true point of beginning; thence continuing North 5 degrees 58' 35" East 10.73 feet to a line parallel with and 50 feet Northeastly at right angles from the center line of Whittier Boulevard, thence along said parallel lines, North 62 degrees 39' 25" West 120.00 feet; thence South 5 degrees 58' 35" West 10.73 feet; thence parallel with said center line, South 62 degrees 39' 25" East 120.00 feet to the true point of beginning.

Also except therefrom, that portion thereof included within the lines of the land described in Parcel 39-30 of Instrument No. 2512, recorded May 19, 1971 in Book M3768 Page 913, of Official Records of said County.

A portion of said land is shown on a portion of Parcel 1 on a Map filed in Book 40 Page 41 of Records of Surveys, in the office of the County Recorder of said County.
Assessor's Parcel Number: 6373-018-008

The hearing is scheduled and will take place as follows:

Date: Monday, December 18, 2017
Time: 4:00 p.m.
Location: Pico Rivera City Hall – City Council Chambers
6615 Passons Boulevard
Pico Rivera, California 90660

The purpose of the hearing will be to consider the Property Owner’s appeal of the Planning Commission’s statement of decision dated August 7, 2017 finding that the legal nonconforming status of the Apartments should be immediately terminated based on the following: (1) the Apartments have been destroyed to the extent of more than fifty percent (50%) of their value; and/or (2) the Apartments ceased operating for a continuous period of six months (PRCM §§ 18.54.080; 18.54.081). The purpose is also to consider the Planning Commission’s decision that the nonconforming Apartment structures may be abated and their use terminated upon the expiration of the applicable period of time indicated in Section 18.54.070, subdivision H of the Code.

At the hearing, interested parties will be provided an opportunity to be heard and to provide evidence bearing on the City Council’s decision in this matter. The City Council’s decision will be based upon an examination and review of all evidence submitted at the hearing. Within forty (40) days of the conclusion of the hearing, the City Council will adopt a resolution setting forth, among other things, its findings of fact, reasons, conditions, determinations, and other matters related to its decision in this matter.

The City notes that the following actions, among others, would be required to bring the Apartments into compliance with existing zoning provisions: (1) a general plan and zoning code amendment changing the designation and zoning for the rear portion of the Property; (2) a conditional use permit must be obtained; (3) approximately fifty (50) of the Apartments’ existing units must be removed; (4) additional parking spaces must be added contingent on the number of units retained; (5) compliance with all development regulations governing multi-family dwelling units set forth in Code Section 18.42.040; and (6) compliance with all conditions of approval for the conditional use permit.

PICO RIVERA CITY COUNCIL

James Enriquez, P.E.
Director of Public Works/City Engineer
NOTICE OF CANCELLATION

REGARDING THE PUBLIC HEARING BEFORE THE PICO RIVERA CITY COUNCIL REGARDING THE APPEAL OF THE PLANNING COMMISSION'S DECISION TO TERMINATE NONCONFORMING STRUCTURES AND USE
Whittier Manor Apartments – 8615 Whittier Blvd, Pico Rivera, California

December 14, 2017

The public hearing for the property address listed above originally scheduled for Monday December 18, 2017 at 4:00 pm at the City of Pico Rivera City Hall – City Council Chambers is hereby cancelled.

A date for a rescheduled public hearing has not been set. Notice will be provided once the new date is scheduled.

PICO RIVERA CITY COUNCIL

James Enriquez, P.E.
Director of Public Works/City Engineer

JE:il
Exhibit 110
From: Wayne Leech [mailto:wayne@leechlaw.com]
Sent: Wednesday, January 03, 2018 3:29 PM
To: Arnold Glasman <aglasman@agclawfirm.com>
Cc: Anna M. Jerome <Jerome@pico-rivera.org>; James Enriquez <jenriquez@pico-rivera.org>
Subject: RE: New Hearing Date for Pico Rivera Appeal

Arnold:

Unfortunately January 22, 2018 is not available. What dates are available in February?

Thanks.

D. Wayne Leech
Law Office of D. Wayne Leech, A Professional Corporation
11001 East Valley Mall, Suite 200
El Monte, CA 91731
Tele 626-443-0061
Fax 626-443-1165

All 626-627-7854
Mail wayne@leechlaw.com

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From: Arnold Alvarez-Glasman [mailto:AGlasman@agclawfirm.com]
Sent: Monday, December 18, 2017 3:01 PM
To: Wayne Leech
Cc: Anna M. Jerome; James Enriquez
Subject: New Hearing Date for Pico Rivera Appeal
Importance: High

Hello Wayne:

We have confirmed that the Pico Rivera City Council is available for a hearing on January 22, 2017 in the afternoon. Please confirm if you and your client are available on the date.

Thank you.

Arnold
Arnold:

Unfortunately, neither of those dates are available. Can you provide other dates?

Thanks.

D. Wayne Leech
Law Office of D. Wayne Leech, A Professional Corporation
101 East Valley Mall, Suite 200
El Monte, CA 91731
Tele 626-443-0061
Fax 626-443-1165
Cell 626-627-7854
E-mail wayne@leechlaw.com

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Happy New Year to you. Just trying to follow up on a date for the Pico Rivera hearing. Do either of the dates below work for you.

Wednesday, February 7
Tuesday, February 27

Please let me know. Thank you.

Arnold

Arnold M. Alvarez-Glasman, Managing Partner aglasman@agclawfirm.commailto:aglasman@agclawfirm.com>

Southern California Office:
Alvarez-Glasman & Colvin
13181 Crossroads Pkwy. North
Suite 400 - West Tower
City of Industry, CA 91746
tel 562.699.5500 | fax 562.692.2244

Northern California Office Mailing Address:
Alvarez-Glasman & Colvin
PO Box 4016
Yountville, CA 94599
tel 707.944.0540 | fax 707.944.0580

Alvarez-Glasman & Colvin represents Cities, Counties, Special Districts – Airport, College, School, Transit, Water and other Public Agencies, Private Corporations and Business Entities

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--- Original message ---
From: James Enriquez <jenriquez@pico-rivera.org>
Date: 3/30/18 10:03 AM (GMT-07:00)
To: Nick Biro <nbiro@blue-mt-development.com>
Cc: Wayne Leech <wayne@leechlaw.com>, Arnold Glasman <aglasman@agclawfirm.com>
Subject: Re: Pico Rivera Appeal Hearing

Tuesday at 10am works for me

--- Original message ---
From: Nick Biro <nbiro@blue-mt-development.com>
Date: 3/30/18 9:53 AM (GMT-07:00)
To: James Enriquez <jenriquez@pico-rivera.org>
Cc: Wayne Leech <wayne@leechlaw.com>, Arnold Glasman <aglasman@agclawfirm.com>
Subject: FW: Pico Rivera Appeal Hearing

Hi James,

Our architect is working on a fully rendered version of the of the Spanish style architecture concept we discussed; but, I believe that the attached exhibit should be sufficient for us to meet and discuss the project in the spirit of reaching a resolution and keep momentum on this. Please let me know if you are available Monday at 3:30pm or Tuesday (I will make any time work – morning preferred)

Thank you,

Nick

Nicholas J. Biro
Blue Mountain Development, Inc.
2423 Sebald Avenue | Redondo Beach | CA 90278
310.993.9555
CALEA #01853152
RLB 982332 - A
[cid:image603.png@01D3C80C.9B1FC670]
Hi Arnold,

Thank you for the response. We are available as follows:

Monday April 2 after 2:00pm
Tuesday April 3 preferably morning 9-11
If things do not line up of Monday or Tuesday of next week Nick Biro's next open day for a face to face meeting is April 16 after 11:00am (Nick is out of state for several days) Or, Nick can make himself available via/phone or skype as necessary (his bad days are April 6, 7, 8 and the 13th)

Please advise which dates and times are convenient.

Thank you.

D. Wayne Leech
Law Office of D. Wayne Leech, A Professional Corporation
501 East Valley Mall, Suite 200
Monte, CA 91731
Tele 626-443-0061
Fax 626-443-1165
Cell 626-627-7854
E-mail wayne@leechlaw.com

CONFIDENTIALITY NOTICE: This transmission [including attachments] contains confidential information which is legally protected by the attorney-client privilege; moreover, it is not a public record subject to disclosure under Government Code Section 6250 et Seq. This information is intended solely for the person(s) to whom it is addressed. If you are not the intended recipient, it is illegal to distribute, disseminate or copy this information. If you have received this in error, please notify the sender immediately by telephone and return the original document immediately by mail at the address above.
Sorry for the delay in this response. The City is willing to meet with you and your clients. Please forward some dates over the next two weeks that are convenient for you and your client.

Thank you,

Arnold

Arnold M. Alvarez-Glasman, Managing Partner aglasman@agclawfirm.com
Southern California Office:
Alvarez-Glasman & Colvin
13181 Crossroads Pkwy. North
Suite 400 - West Tower
City of Industry, CA 91746
tel 562.699.5500 | fax 562.692.2244

Northern California Office Mailing Address:
Alvarez-Glasman & Colvin
PO Box 4016
Yountville, CA 94599
tel 707.944.0540 | fax 707.944.0580

Alvarez-Glasman & Colvin represents Cities, Counties, Special Districts – Airport, College, School, Transit, Water and other Public Agencies, Private Corporations and Business Entities

www.agclawfirm.com

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This electronic transmission, and any documents attached hereto, (a) are protected by the Electronic Communications Privacy Act (18 USC §§ 2510-2521), (b) may contain confidential and/or legally privileged information, and (c) are for the sole use of the intended recipient named above. If you have received this electronic message in error, please notify the sender and delete the electronic message. Any disclosure, copying, distribution, or use of the contents of the information received in error is strictly prohibited.

From: Wayne Leech [mailto:wayne@leechlaw.com]
Sent: Friday, March 23, 2018 4:32 PM
To: Arnold Alvarez-Glasman
Cc: James Enriquez; Anna M. Jerome; Melinda Arredondo
Subject: RE: Pico Rivera Appeal Hearing

Hi Arnold:

...
Also, please provide some new dates for the appeal hearing. Thank you.

Have a great weekend.

D. Wayne Leech
Law Office of D. Wayne Leech, A Professional Corporation
11001 East Valley Mall, Suite 200
El Monte, CA 91731
Tele 626-443-0061
Fax 626-443-1165
Cell 626-627-7854
E-mail wayne@leechlaw.com

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13181 Crossroads Pkwy. North
Suite 400 - West Tower
City of Industry, CA 91746
tel 562.699.5500 | fax 562.692.2244
Northern California Office Mailing Address:
Alvarez-Glasman & Colvin
P.O. Box 4016
Santa Rosa, CA 95402
Tel 707.944.0540 | Fax 707.944.0580

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Qualifications of Sharon A. Hennessey, MAI, SR/WA, AI-GRS

Experience
1984 to present
Hennessey & Hennessey LLC, Independent Fee Appraiser - Appraise vacant land, commercial, industrial, residential, rights of way, and special purpose properties for governmental agencies, corporations, law firms, and private parties.

License
Certified General Real Estate Appraiser, State of California License No. AG 003323

Expert Witness
Qualified as an expert witness in the Orange County Superior Court

Professional Affiliations
MAI Designated Member of the Appraisal Institute, Certificate No. 11108
AI-GRS Designated Member of the Appraisal Institute
Senior Member of the International Right of Way Association
President of Chapter 67 International Right of Way Association, 1990
International Director of Chapter 67, International Right of Way Association, 1991
Membership Chairman, International Right of Way Association, 1992 and 1993

Education
Bachelor of Arts - University of California, Berkeley
Partial List of Continuing Education:

Appraisal Institute
Business Practice and Ethics - 2011, 2015
Federal and California Statutory and Regulatory Law - 2015
Review Theory - General - 2014
Complex Litigation Case Studies - 2013
Litigation Appraising: Specialized Topics and Applications - 2013
Valuation of Detrimental Conditions - 2011
Appraisal Curriculum Overview - 2010
Hotel/Motel Valuation - 1997

International Right of Way Association
403 Easement Valuation - 1990, 2013
104 Standards of Practice for the Right of Way Professional - 2012
206 Presentation Skills - 1992
203 Communications in RE Acquisition - 1991
214 Skills of Expert Testimony - 1990

Highest & Best Use and Market Analysis - 1996
Advanced Applications - 1996
The Appraisers Complete Review - 1996
Advanced Income Capitalization - 1993
Report Writing and Valuation Analysis - 1989
Case Studies in Real Estate Valuation - 1988
Capitalization Theory & Techniques, Parts A and B - 1987
Real Estate Appraisal Principles - 1985
Basic Valuation Procedures - 1985
101 Principles of Real Estate Acquisition - 1989
401 Appraisal of Partial Acquisitions - 1988
901 Interpreting Engineering Drawings - 1986
902 Property Descriptions - 1986
801 Land Titles - 1986
Representative Clients - Partial Listing

Attorneys and Law Firms
- Best Best & Krieger LLP
- Bowie, Arneson, Kadi & Dixon
- Dreyfuss, Ryan, Weifenbach
- Durst & Landeros
- Fullerton, Lemann, Schaefer & Dominick
- Jones & Mayer
- Kindel & Anderson
- Lillick, McHose & Charles
- Lozano Smith
- Meserve, Mumper & Hughes
- Marjorie Mize Le Gaye, Esq.
- Nichols, Stead, Boileau & Kostoff
- Oliver, Vose, Sandifer, Murphy & Lee
- Palmieri, Tyler, Wiener, Wilhelm & Waldron
- Parker & Covert
- Redwine & Sherrill
- Richard L. Riemer, Law Offices of Rutan & Tucker
- Sheppard, Muller, Ricter & Hampton
- Wilson, Elser, Moskowitz, Edelman & Dicker
- Woodruff, Spradlin & Smart

Corporate Clients
- Brother International
- California Property Specialists Inc.
- Continental Development Corp.
- Cutler & Associates
- DGA Consultants
- Diocese of Orange
- Hoag Foundation
- Hughes Aircraft Company
- Kaiser Foundation Health Plan, Inc.
- Metzger & Associates, Inc.
- NBS/Lowry Engineers
- Overland, Pacific & Cutler, LLC
- Overland Resources
- Pacific Bell (SBC)
- Pacific Relocation Cons.
- Paragon Partners
- Poseidon Resources
- Psomas
- Robert Bein, William Frost & Associates
- Rockwell International
- Sisters of the Sacred Heart
- Southern California Edison
- Tetra Tech, Inc.
- Universal Field Services
- Western Industrial Properties
- Willdan Associates

Individual Clients
- Leo Beus
- Carl Brandstetter
- Candace Campbell
- Samuel B. Corliss, Jr.
- Thomas W. Cosgrove
- Harbor Pine Creek Homeowners Assoc.
- John Iloulian
- Genji Kawamura
- Kawamura Family Trust
- William E. Kibbie
- Paul Kiely
- Sang Moon Kim
- James Kindel Jr.
- Dorothy E. Lamb
- Andrea Lombard
- Rita M. Loosemore
- Kim Vu Nguyen
- Steven H. Price
- Constance C. Quarré
- Jean L. Roane
- E.O. Rodeffer
- Larry L. Root
- Dwight C. Schroeder
- John P. Sheffield
- Yoram S. Shily
- Carl Stevens
- Katherine E. Thompson
- Tustin Village Community Association
- Charles E. Wheeler
- Ev Yoder

Public Entities
- California High-Speed Rail Authority
- County of Orange
- City of Anaheim
- City of Corona
- City of Costa Mesa
- City of Fullerton
- City of Glendale
- City of Huntington Beach
- City of Laguna Niguel
- City of Lake Forest
- City of Mission Viejo
- City of Ontario
- City of Pasadena
- City of Riverside
- City of Santa Ana
- City of Torrance
- City of Upland
- Charter Oak Unified School District
- Chino Unified School District
- Corona-Norco Unified School District
- Covina-Valley Unified School District
- Cucamonga School District
- Eastern Municipal Water District
- Fullerton Joint Union High School District
- Magnolia School District
- Orange Unified School District
- Pajaro Valley Unified School District
- Tustin Unified School District
- Walnut Valley Unified School District
- Mesa Consolidated Water District
- Murrieta County Water District
- Trabuco Canyon Water District
- Caltrans
- Eastern Transportation Corridor
- Orange County Transportation Authority
- Riverside Transit Agency
- Riverside County Flood Control and Water Conservation District
- Riverside County Transportation Commission
NOTICE OF PUBLIC HEARING BEFORE THE PICO RIVERA CITY COUNCIL REGARDING THE APPEAL OF THE PLANNING COMMISSION'S DECISION TO TERMINATE NONCONFORMING STRUCTURES AND USE
Whittier Manor Apartments – 8615 Whittier Blvd, Pico Rivera, California

September 25, 2019

Pursuant to Pico Rivera Municipal Code ("PRMC" or "Code") Section 18.54.130, the Pico Rivera City Council hereby provides notice of a public hearing to consider an appeal of Planning Commission Resolution No. 1251 adopting a statement of decision terminating the legal nonconforming status of the Whittier Manor Apartments (the "Apartments") located at 8615 Whittier Blvd., Pico Rivera, California, Assessor Parcel Nos. 6373-018-005 and 6373-018-008 (the "Property"), legally described as follows:

Parcel 1:

That portion of Lot 49 in the Rancho Paso De Bartolo, as shown on Partition Map in Case No. 20613, Superior Court of the State of California, in the City of Pico Rivera, County of Los Angeles, State of California, recorded in Book 999 Pages 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:

Beginning at a point on the center line of Lexington Road, formerly Lexington and Gallatin Road, distant North 6 degrees 14' 35" East 226.22 feet from the intersection of said center line with the center line of Whittier Boulevard, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 85, 66, and 67 of Maps, in the office of the County Recorder of said County; thence South 6 degrees 14' 35" West 20 feet; thence North 62 degrees 39' 25" West 155 feet; thence North 6 degrees 14' 35" East 20 feet, thence South 62 degrees 39' 25" East 155 feet to the point of beginning.

Except therefrom that portion of said land included within the lines of the land described in the Deed to the City of Pico Rivera recorded on March 9, 1964 as Instrument No. 3947 in Book D-2387 Page 662 of Official Records of said County, more particularly described as follows:
Commencing at the center line intersection of Whittier Boulevard and Lexington Road, formerly Lexington and Gallatin Road, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 66 and 67 inclusive of Maps, Records of said County; thence along the center line of Lexington Road, North 6 degrees 14' 35" East 206.22 feet; thence North 62 degrees 39' 25" West 21.44 feet to the true point of beginning; thence continuing North 62 degrees 39' 25" West 10.72 feet to a line parallel with and 30 feet West of said center line; thence along said parallel line, North 6 degrees 14' 35" East 20.00 feet, thence South 62 degrees 39' 25" East 10.72 feet; thence parallel with said center line South 6 degrees 14' 35" West 20.00 feet to the true point of beginning.

A portion of said land is shown as a portion of Parcel 2 on the Map filed in Book 40 Page 41 of Record of Surveys, in the office of the County Recorder of said County.

Assessor's Parcel Number: 6373-018-005 (Portion)

Parcel 2:

That portion of Lot 49 of the Rancho Paso De Bartolo, as shown on Partition Map in Case No. 20613, Superior Court of the State of California, in the City of Pico Rivera, County of Los Angeles, State of California, recorded in Book 999 Pages 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:

Commencing at a point on the center line of Lexington Road, formerly Lexington and Gallatin Road, distant North 6 degrees 14' 35" East 206.22 feet from the intersection of said center line with the center line of Whittier Boulevard, as said center lines are shown on Maps of Tract No. 8128, recorded in Book 101 Pages 65, 66 and 67 of Maps, in the office of the County Recorder of said County, thence North 62 degrees 39' 25" West 155 feet to the true point of beginning; thence North 6 degrees 14' 35" East 90 feet; thence North 62 degrees 39' 25" West 112.26 feet to a line bearing North 5 degrees 56' 35" East from a point in said center line of Whittier Boulevard, distant North 62 degrees 39' 25" West 265.80 feet from said intersection; thence along said line South 5 degrees 56' 35" West 90.16 feet to a line bearing North 62 degrees 39' 25" West from the true point of beginning; thence South 62 degrees 39' 25" East 111.81 feet to the true point of beginning.
Said land is shown as a portion of Parcel 2 on the Map filed in Book 40 Page 41 of Record of Surveys, in the office of the County Recorder of said County.

Assessor's Parcel Number: 6373-018-005 (Portion)

Parcel 3:

That portion of Lot 49 in the Rancho Paso De Bartolo, in the City of Pico Rivera, County of Los Angeles, State of California, as shown on Partition Map in Case No. 20613, Superior Court of the State of California in and for the County of Los Angeles, recorded in Book 999 Page 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:

Beginning at a point on the center line of Whittier Boulevard distant North 62 degrees 39' 25" West 365.80 feet from the intersection of said center line with the center line of Lexington Road, formerly Lexington and Gallatin Road, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65 to 67 inclusive of Maps, Records of said County; thence South 62 degrees 39' 25" East 120 feet; thence North 5 degrees 58' 35" East 366.91 feet to a line bearing North 62 degrees 39' 25" West from a point in said center line of Lexington Road, distant North 6 degrees 14' 35" East 386.22 feet from said intersection, thence North 62 degrees 39' 25" West 120 feet to a line bearing North 5 degrees 58' 35" East from the point of beginning; thence South 5 degrees 58' 35" West 386.91 feet to the point of beginning.

Except therefrom that portion of said land included within the lines of the land described in the Deed to the City of Pico Rivera recorded on March 9, 1964 as Instrument No. 3946 in Book D2387 Page 639 of Official Records of said County, more particularly described as follows:

Commencing at the center line intersection of Whittier Boulevard and Lexington Road, formerly Lexington and Gallatin Road, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65 to 67 inclusive of Maps, Records of said County; thence along the center line of Whittier Boulevard, North 62 degrees 39' 25" West 265.80 feet; thence North 5 degrees 58' 35" East 42.95 feet to the true point of beginning; thence continuing North 5 degrees 58' 35" East 10.73 feet to a line parallel with and 50 feet Northeasterly at right angles from the center line of Whittier Boulevard, thence along said parallel lines, North 62 degrees 39' 25" West 120.00 feet; thence South 5 degrees 58' 35" West
Re: NOTICE OF PUBLIC HEARING REGARDING THE APPEAL OF PLANNING COMMISSION DECISION TERMINATING NONCONFORMING STRUCTURE AND USE
Whittier Manor Apartments – 8615 Whittier Blvd, Pico Rivera, California
Page 4 of 5

10.73 feet; thence parallel with said center line, South 62 degrees 39' 25" East 120.00 feet to the true point of beginning.

Also except therefrom, that portion thereof included within the lines of the land described in Parcel 39-30 of Instrument No. 2512, recorded May 19, 1971 in Book M3768 Page 913, of Official Records of said County.

A portion of said land is shown on a portion of Parcel 1 on a Map filed in Book 40 Page 41 of Records of Surveys, in the office of the County Recorder of said County.

Assessor's Parcel Number: 6373-018-008

The hearing is scheduled and will take place as follows:

Date: Wednesday, September 25, 2019
Time: 3:30 p.m.
Location Pico Rivera City Hall – City Council Chambers
6615 Passions Boulevard,
Pico Rivera, California 90660

The purpose of the hearing will be to consider the Property owner's appeal to the City Council of the City of Pico Rivera of the City's Planning Commission's statement of decision dated August 7, 2017 finding that the legal nonconforming status of the Apartments should be immediately terminated based on the following: (1) the Apartments have been destroyed to the extent of more than fifty percent (50%) of their value; and/or (2) the Apartments ceased operating for a continuous period of six months (PRCM §§ 18.54.080; 18.54.081). The purpose is also to consider the Planning Commission's decision that the nonconforming Apartment structures may be abated and their use terminated upon the expiration of the applicable period of time indicated in Section 18.54.070, subdivision H of the Code.

At the hearing, interested parties will be provided an opportunity to be heard and to provide evidence bearing on the City Council's decision in this matter. The City Council's decision will be based upon an examination and review of all evidence submitted at the hearing. Within forty (40) days of the conclusion of the hearing, the City Council will adopt a resolution setting forth, among other things, its findings of fact, reasons, conditions, determinations, and other matters related to its decision in this matter.

The City notes that the following actions, among others, would be required to bring the Apartments into compliance with existing zoning provisions: (1) a general plan and zoning code amendment changing the designation and zoning for the rear portion of the Property; (2) a conditional use permit must be obtained; (3) approximately fifty (50) of
the Apartments' existing units must be removed; (4) additional parking spaces must be added contingent on the number of units retained; (5) compliance with all development regulations governing multi-family dwelling units set forth in Code Section 18.42.040; and (6) compliance with all conditions of approval for the conditional use permit.

At any time before the date and time set forth in this Notice of Public Hearing, anyone wishing to comment on the proposed Agreement may do so by submitting written comments to the City Clerk before the close of the public hearing on September 25, 2019. Submit written comments in envelopes clearly marked, "WHITTIER MANOR APARTMENTS". Interested persons are also invited to testify at the public hearing. If you challenge the decision of the City Council in court, you may be limited to raising only those issues that you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Council at, or prior to, the public hearing. Furthermore, you must exhaust all administrative remedies prior to commencing a challenge to the City Council's actions.

PICO RIVERA CITY COUNCIL

Julia Gonzalez
Acting Director Community and Economic Development

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 contact Anna M. Jerome at (562) 801-4389 if special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order for accommodations to be arranged.
PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 09/15/2019

CITY OF PICO RIVERA:

The following is information for Certified Mail™/RRE item number:
9214 8901 9403 8389 9783 29

Our records indicate that this item was accepted by the USPS at:
DELIVERED FRONT DESK/RECEPTION/MAIL ROOM EL MONTE, CA 91731 09/14/2019

ORIGINAL INTENDED RECIPIENT:
GROUP XIII PROPERTIES LP
4900 SANTA ANITA AVE STE 2C
EL MONTE CA 91731-1490

The above information represents information provided by the United States Postal Service.
PROOF OF ACCEPTANCE
(ELECTRONIC)

PRODUCED DATE: 09/14/2019

CITY OF PICO RIVERA:

The following is information for Certified Mail™/RRE item number:
9214 8901 9403 8389 9781 76

Our records indicate that this item was accepted by the USPS at:
DELIVERED LEFT WITH INDIVIDUAL PHOENIX,AZ 85004 09/14/2019

ORIGINAL INTENDED RECIPIENT:
WESTERN ALLIANCE BANK
1 E WASHINGTON ST STE 1400
PHOENIX AZ 85004-2559

The above information represents information provided by the United States Postal Service.
PROOF OF ACCEPTANCE  
(ELECTRONIC)

PRODUCED DATE: 09/15/2019

CITY OF PICO RIVERA:

The following is information for Certified Mail™/RRE item number:  
9214 8901 9403 8300 0089 9787 49

Our records indicate that this item was accepted by the USPS at:  
DELIVERED FRONT DESK/RECEPTION/MAIL ROOM EL MONTE, CA 91731 09/14/2019

ORIGINAL INTENDED RECIPIENT:
SWARANJ & MIKE NIJAR
PAMA MANAGEMENT
4900 SANTA ANITA AVENUE SUITE 2C
EL MONTE CA 91731

The above information represents information provided by the United States Postal Service.
NOTICE OF PUBLIC HEARING BEFORE THE PICO RIVERA CITY COUNCIL REGARDING THE APPEAL OF THE PLANNING COMMISSION’S DECISION TO TERMINATE NONCONFORMING STRUCTURES AND USE
Whittier Manor Apartments – 8615 Whittier Blvd, Pico Rivera, California

September 25, 2019

Pursuant to Pico Rivera Municipal Code (“PRMC” or “Code”) Section 18.54.130, the Pico Rivera City Council hereby provides notice of a public hearing to consider an appeal of Planning Commission Resolution No. 1251 adopting a statement of decision terminating the legal nonconforming status of the Whittier Manor Apartments (the “Apartments”) located at 8615 Whittier Blvd., Pico Rivera, California, Assessor Parcel Nos. 6373-018-005 and 6373-018-008 (the “Property”), legally described as follows:

Parcel 1:

That portion of Lot 49 in the Rancho Paso De Bartolo, as shown on Partition Map in Case No. 20613, Superior Court of the State of California, in the City of Pico Rivera, County of Los Angeles, State of California, recorded in Book 999 Pages 81 et seq., of Deeds, in the office of the County Recorder of said County, described as follows:

Beginning at a point on the center line of Lexington Road, formerly Lexington and Gallatin Road, distant North 6 degrees 14’ 35” East 226.22 feet from the intersection of said center line with the center line of Whittier Boulevard, as said center lines are shown on Map of Tract No. 8128, recorded in Book 101 Pages 65, 66, and 67 of Maps, in the office of the County Recorder of said County; thence South 6 degrees 14’ 35” West 20 feet; thence North 62 degrees 39’ 25” West 155 feet; thence North 6 degrees 14’ 35” East 20 feet; thence South 62 degrees 39’ 25” East 155 feet to the point of beginning.

Except therefrom that portion of said land included within the lines of the land described in the Deed to the City of Pico Rivera recorded on March 9, 1964 as Instrument No. 3947 in Book D-2387 Page 602 of Official Records of said County, more particularly described as follows:
<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Projected Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Door jam/frame</td>
<td>$200.00</td>
</tr>
<tr>
<td>Main door</td>
<td>$225.00</td>
</tr>
<tr>
<td>Ceramic flooring in kitchen and bathroom only</td>
<td>$600.00</td>
</tr>
<tr>
<td>Carpet in living room</td>
<td>$500.00</td>
</tr>
<tr>
<td>Carpet in bedroom</td>
<td>$550.00</td>
</tr>
<tr>
<td>Hard wire smoke detector</td>
<td>$125.00</td>
</tr>
<tr>
<td>Exhaust vent in kitchen</td>
<td>$95.00</td>
</tr>
<tr>
<td>220A Outlet for stove</td>
<td>$175.00</td>
</tr>
<tr>
<td>60A Sub panel</td>
<td>$550.00</td>
</tr>
<tr>
<td>Kitchen gas line</td>
<td>$225.00</td>
</tr>
<tr>
<td>Kitchen cabinets to be refurbished</td>
<td>$200.00</td>
</tr>
<tr>
<td>Kitchen island</td>
<td>$600.00</td>
</tr>
<tr>
<td>Kitchen countertop</td>
<td>$425.00</td>
</tr>
<tr>
<td>Kitchen cabinets &amp; countertop</td>
<td>$5,500.00</td>
</tr>
<tr>
<td>Gas stove</td>
<td>$400.00</td>
</tr>
<tr>
<td>GFI in kitchen and bathroom</td>
<td>$60.00</td>
</tr>
<tr>
<td>Outlets temp resistance 15A outlets</td>
<td>$125.00</td>
</tr>
<tr>
<td>LED light fixtures in kitchen and bathroom</td>
<td>$220.00</td>
</tr>
<tr>
<td>Medicine cabinet</td>
<td>$40.00</td>
</tr>
<tr>
<td>Restroom vanity</td>
<td>$125.00</td>
</tr>
<tr>
<td>TUB - (Assumes water resistant walls also)</td>
<td>$600.00</td>
</tr>
<tr>
<td>Toilet</td>
<td>$200.00</td>
</tr>
<tr>
<td>Restroom exhaust</td>
<td>$125.00</td>
</tr>
<tr>
<td>Shower handles</td>
<td>$35.00</td>
</tr>
<tr>
<td>Shower head</td>
<td>$20.00</td>
</tr>
<tr>
<td>Shower spout</td>
<td>$10.00</td>
</tr>
<tr>
<td>Bedroom blinds</td>
<td>$30.00</td>
</tr>
<tr>
<td>Bedroom blinds</td>
<td>$30.00</td>
</tr>
<tr>
<td>4x8 Drywall (1) sheet by door/window</td>
<td>$130.00</td>
</tr>
<tr>
<td>4x8 Drywall by the hallway wall</td>
<td>$130.00</td>
</tr>
<tr>
<td>4x8 Drywall (1) sheet by the sub panel</td>
<td>$130.00</td>
</tr>
<tr>
<td>4x8 Drywall by entrance 5/8&quot;</td>
<td>$130.00</td>
</tr>
<tr>
<td>4x8 Drywall by walls by entrance 5/8&quot;</td>
<td>$130.00</td>
</tr>
<tr>
<td>6 sheets Drywall by ceiling</td>
<td>$575.00</td>
</tr>
<tr>
<td>8 sheets Drywall on walls</td>
<td>$110.00</td>
</tr>
<tr>
<td>(1) sheet drywall on ceiling</td>
<td>$195.00</td>
</tr>
<tr>
<td>Kitchen faucet</td>
<td>$675.00</td>
</tr>
<tr>
<td>Paint/patch entire unit</td>
<td>$700.00</td>
</tr>
<tr>
<td>36&quot;x36&quot; Light weight cement at wall</td>
<td>$75.00</td>
</tr>
<tr>
<td>36&quot;x48&quot; Light weight cement by the kitchen</td>
<td>$75.00</td>
</tr>
<tr>
<td>36&quot;x48&quot; Light weight cement at ceiling</td>
<td>$75.00</td>
</tr>
<tr>
<td>48&quot;x48&quot; Light weight cement by the bathroom</td>
<td>$90.00</td>
</tr>
<tr>
<td>5x4 Light weight cement by the living room</td>
<td>$110.00</td>
</tr>
<tr>
<td>Glass window (2) panels</td>
<td>$125.00</td>
</tr>
<tr>
<td>Kitchen sink</td>
<td>$130.00</td>
</tr>
<tr>
<td>Kitchen p trap</td>
<td>$15.00</td>
</tr>
<tr>
<td>Bath trap</td>
<td>$15.00</td>
</tr>
<tr>
<td>Bathroom fan duct</td>
<td>$60.00</td>
</tr>
<tr>
<td>Living room window panel</td>
<td>$125.00</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Projected Cost</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Complete new drywall for interior of unit</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>(1) Drywall by the main entrance</td>
<td>$130.00</td>
</tr>
<tr>
<td>(2) Sheets drywall by ceiling</td>
<td>$195.00</td>
</tr>
<tr>
<td>(3) Sheets drywall on ceiling roof leaks</td>
<td>$575.00</td>
</tr>
<tr>
<td>Shower tile on interior</td>
<td>$375.00</td>
</tr>
<tr>
<td>Bathroom vanity s/off valves</td>
<td>$75.00</td>
</tr>
<tr>
<td>Broken glass window (2 panels)</td>
<td>$125.00</td>
</tr>
<tr>
<td>(1) sheet Drywall on wall windows</td>
<td>$130.00</td>
</tr>
<tr>
<td>Repair drywall at joints in living</td>
<td>$130.00</td>
</tr>
<tr>
<td>(1) sheet Drywall by door entrance</td>
<td>$130.00</td>
</tr>
<tr>
<td>(2) 2x4 studs on separation wall</td>
<td>$50.00</td>
</tr>
<tr>
<td>(2 sheets) Drywall on ceiling by windows</td>
<td>$195.00</td>
</tr>
<tr>
<td>(2 sheets) Drywall by A/C door</td>
<td>$195.00</td>
</tr>
<tr>
<td>48&quot; x 48&quot; Light weight cement by A/C</td>
<td>$90.00</td>
</tr>
<tr>
<td>(2) 2x4 studs</td>
<td>$50.00</td>
</tr>
<tr>
<td>(1) sheets drywall by wall entrance</td>
<td>$130.00</td>
</tr>
<tr>
<td>10&quot; x 16&quot; Drywall on wall by bathroom</td>
<td>$75.00</td>
</tr>
<tr>
<td>(1) sheet drywall on main door wall</td>
<td>$130.00</td>
</tr>
<tr>
<td>(3) sheets Drywall by ceiling entrance ceiling and w</td>
<td>$195.00</td>
</tr>
<tr>
<td>(3) sheets Drywall by ceiling</td>
<td>$195.00</td>
</tr>
<tr>
<td>(2) sheets Drywall by wall entrance</td>
<td>$195.00</td>
</tr>
<tr>
<td>6&quot; x 8' Light weight cement by entrance</td>
<td>$75.00</td>
</tr>
<tr>
<td>(2) sheets Drywall by ceiling entrance</td>
<td>$195.00</td>
</tr>
<tr>
<td>48&quot; x 48&quot; Light weight cement by entrance</td>
<td>$90.00</td>
</tr>
<tr>
<td>(4) sheets Drywall by ceiling</td>
<td>$375.00</td>
</tr>
</tbody>
</table>

Average per 300 series unit: $10,708.33
<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Projected Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Door jam/frame</td>
<td>$200.00</td>
</tr>
<tr>
<td>Main door</td>
<td>$225.00</td>
</tr>
<tr>
<td>Ceramic flooring in kitchen and bathroom only</td>
<td>$600.00</td>
</tr>
<tr>
<td>Carpet in living room</td>
<td>$650.00</td>
</tr>
<tr>
<td>Carpet in bedroom</td>
<td>$650.00</td>
</tr>
<tr>
<td>Hard wire smoke detector</td>
<td>$125.00</td>
</tr>
<tr>
<td>Exhaust vent in kitchen</td>
<td>$95.00</td>
</tr>
<tr>
<td>125A Air conditioning pump</td>
<td>$95.00</td>
</tr>
<tr>
<td>220A Outlet for stove</td>
<td>$175.00</td>
</tr>
<tr>
<td>60A Sub panel</td>
<td>$550.00</td>
</tr>
<tr>
<td>Kitchen gas line</td>
<td>$225.00</td>
</tr>
<tr>
<td>Kitchen cabinets to be refurbished</td>
<td>$650.00</td>
</tr>
<tr>
<td>Kitchen island</td>
<td>$600.00</td>
</tr>
<tr>
<td>Kitchen countertops</td>
<td>$425.00</td>
</tr>
<tr>
<td>Kitchen cabinets &amp; countertop</td>
<td>$5,500.00</td>
</tr>
<tr>
<td>Gas stove</td>
<td>$400.00</td>
</tr>
<tr>
<td>GFI in kitchen and bathroom</td>
<td>$60.00</td>
</tr>
<tr>
<td>Outlets temp resistance 15A outlets</td>
<td>$125.00</td>
</tr>
<tr>
<td>LED light fixtures in kitchen</td>
<td>$220.00</td>
</tr>
<tr>
<td>Medicine cabinet</td>
<td>$45.00</td>
</tr>
<tr>
<td>Restroom vanity</td>
<td>$125.00</td>
</tr>
<tr>
<td>Tub (Assumes water resistant walls also)</td>
<td>$600.00</td>
</tr>
<tr>
<td>Toilet</td>
<td>$200.00</td>
</tr>
<tr>
<td>Restroom exhaust</td>
<td>$175.00</td>
</tr>
<tr>
<td>Shower heads</td>
<td>$35.00</td>
</tr>
<tr>
<td>Shower heads</td>
<td>$20.00</td>
</tr>
<tr>
<td>Shower spout</td>
<td>$10.00</td>
</tr>
<tr>
<td>Shower small pieces of drywall</td>
<td>$100.00</td>
</tr>
<tr>
<td>Living room blinds</td>
<td>$30.00</td>
</tr>
<tr>
<td>Bedroom blinds</td>
<td>$30.00</td>
</tr>
<tr>
<td>4x8 Drywall (1) sheet by door/window</td>
<td>$130.00</td>
</tr>
<tr>
<td>4x8 Drywall by the hallway wall</td>
<td>$130.00</td>
</tr>
<tr>
<td>4x8 Drywall (1) sheet by the sub panel</td>
<td>$130.00</td>
</tr>
<tr>
<td>4x8 Drywall by ceiling by entrance 6x6</td>
<td>$130.00</td>
</tr>
<tr>
<td>4x8 Drywall by walls by entrance 5x6</td>
<td>$130.00</td>
</tr>
<tr>
<td>Sheets Drywall on ceiling</td>
<td>$130.00</td>
</tr>
<tr>
<td>Sheets Drywall on walls</td>
<td>$130.00</td>
</tr>
<tr>
<td>Sheets drywall on ceiling</td>
<td>$130.00</td>
</tr>
<tr>
<td>(2) sheet drywall on ceiling</td>
<td>$130.00</td>
</tr>
<tr>
<td>Misc. small pieces of drywall</td>
<td>$130.00</td>
</tr>
<tr>
<td>Paint/patch entire unit</td>
<td>$700.00</td>
</tr>
<tr>
<td>36&quot;x36&quot; Light weight cement at hallway</td>
<td>$375.00</td>
</tr>
<tr>
<td>36&quot;x48&quot; light weight cement by the kitchen</td>
<td>$375.00</td>
</tr>
<tr>
<td>48&quot;x48&quot; Light weight cement at bedroom</td>
<td>$375.00</td>
</tr>
<tr>
<td>48&quot;x48&quot; Light weight cement by the bathroom</td>
<td>$375.00</td>
</tr>
<tr>
<td>6x4 Light weight cement by the living room</td>
<td>$110.00</td>
</tr>
<tr>
<td>Glass window (2) panels</td>
<td>$125.00</td>
</tr>
<tr>
<td>Kitchen sink</td>
<td>$130.00</td>
</tr>
<tr>
<td>Kitchen p trap</td>
<td>$15.00</td>
</tr>
<tr>
<td>Bath p trap</td>
<td>$15.00</td>
</tr>
<tr>
<td>Bathtub faucet</td>
<td>$15.00</td>
</tr>
<tr>
<td>Living room window panel</td>
<td>$125.00</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Projected Cost</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Complete new drywall for interior of unit</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>(1) Drywall by the main entrance</td>
<td>$130.00</td>
</tr>
<tr>
<td>(2) Shower kit all interior</td>
<td>$375.00</td>
</tr>
<tr>
<td>Bathroom vanity s/off valves</td>
<td>$75.00</td>
</tr>
<tr>
<td>Bathroom vanity</td>
<td>$125.00</td>
</tr>
<tr>
<td>(1) Sheet Drywall by ceiling door entrance</td>
<td>$130.00</td>
</tr>
<tr>
<td>Broken glass window (2 panels)</td>
<td>$125.00</td>
</tr>
<tr>
<td>(1) Sheet Drywall on wall windows</td>
<td>$130.00</td>
</tr>
<tr>
<td>Repair drywall at joins in living</td>
<td>$130.00</td>
</tr>
<tr>
<td>(1) Sheet Drywall by door entrance</td>
<td>$130.00</td>
</tr>
<tr>
<td>(2) 2x4 studs on separation wall</td>
<td>$50.00</td>
</tr>
<tr>
<td>(2 sheets) drywall on ceiling by windows</td>
<td>$195.00</td>
</tr>
<tr>
<td>(2) Sheet Drywall by A/C door</td>
<td>$195.00</td>
</tr>
<tr>
<td>48&quot;x48&quot; Light weight cement by A/C</td>
<td>$90.00</td>
</tr>
<tr>
<td>(2) 2x4 studs</td>
<td>$50.00</td>
</tr>
<tr>
<td>(1) sheets drywall by wall entrance</td>
<td>$130.00</td>
</tr>
<tr>
<td>16&quot;x16&quot; Drywall on wall by bathroom</td>
<td>$75.00</td>
</tr>
<tr>
<td>(1) Sheet Drywall on main door wall</td>
<td>$130.00</td>
</tr>
<tr>
<td>(3) Sheets Drywall by ceiling entrance ceiling and w</td>
<td>$195.00</td>
</tr>
<tr>
<td>(3) Sheets Drywall by ceiling</td>
<td>$195.00</td>
</tr>
<tr>
<td>(2) Sheets Drywall by wall entrance</td>
<td>$195.00</td>
</tr>
<tr>
<td>6&quot; x 4&quot; Light weight cement by entrance</td>
<td>$75.00</td>
</tr>
<tr>
<td>(2) Sheets Drywall by ceiling entrance</td>
<td>$195.00</td>
</tr>
<tr>
<td>48&quot;x48&quot; Light weight cement by entrance</td>
<td>$90.00</td>
</tr>
<tr>
<td>(4) Sheets Drywall by ceiling</td>
<td>$375.00</td>
</tr>
</tbody>
</table>

|   | $9,015 | $10,155 | $11,045 | $10,545 | $10,455 | $10,830 | $10,850 | $11,460 | $10,330 | $9,855 | $10,155 | $11,495 | $11,010 | $11,415 | $11,435 | $9,635 | $10,720 | $10,080 | $9,730 | $11,345 |

Average per 300 series unit: $10,708.33
Exhibit 118
2018
76th annual edition

Building Construction Costs
with RSMeans data
### Historical Cost Indexes

The table below lists both the RSMeans® historical cost index based on Jan. 1, 1993 = 100 as well as the computed value of an index based on Jan. 1, 2018 costs. Since the Jan. 1, 2018 figure is estimated, space is left to write in the actual index figures as they become available through the quarterly RSMeans Construction Cost Indexes.

To compute the actual index based on Jan. 1, 2018 = 100, divide the historical cost index for a particular year by the actual Jan. 1, 2018 construction cost index. Space has been left to advance the index figures as the year progresses.

<table>
<thead>
<tr>
<th>Year</th>
<th>Historical Cost Index Jan. 1, 1993 = 100</th>
<th>Current Index Based on Jan. 1, 2018 = 100</th>
<th>Year</th>
<th>Historical Cost Index Jan. 1, 1993 = 100</th>
<th>Current Index Based on Jan. 1, 2018 = 100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oct 2018*</td>
<td>215.8</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
<td>July 2003</td>
</tr>
<tr>
<td>July 2018*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2002</td>
</tr>
<tr>
<td>April 2018*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2001</td>
</tr>
<tr>
<td>Jan 2018*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2000</td>
</tr>
<tr>
<td>July 2017</td>
<td>215.6</td>
<td>90.0</td>
<td>90.0</td>
<td></td>
<td>1999</td>
</tr>
<tr>
<td>2016</td>
<td>207.3</td>
<td>96.1</td>
<td>96.1</td>
<td></td>
<td>1998</td>
</tr>
<tr>
<td>2015</td>
<td>206.2</td>
<td>95.6</td>
<td>95.6</td>
<td></td>
<td>1997</td>
</tr>
<tr>
<td>2014</td>
<td>204.9</td>
<td>94.9</td>
<td>94.9</td>
<td></td>
<td>1996</td>
</tr>
<tr>
<td>2013</td>
<td>201.2</td>
<td>93.2</td>
<td>93.2</td>
<td></td>
<td>1995</td>
</tr>
<tr>
<td>2012</td>
<td>194.6</td>
<td>90.2</td>
<td>90.2</td>
<td></td>
<td>1994</td>
</tr>
<tr>
<td>2011</td>
<td>191.2</td>
<td>88.6</td>
<td>88.6</td>
<td></td>
<td>1993</td>
</tr>
<tr>
<td>2010</td>
<td>183.5</td>
<td>85.0</td>
<td>85.0</td>
<td></td>
<td>1992</td>
</tr>
<tr>
<td>2009</td>
<td>180.1</td>
<td>83.5</td>
<td>83.5</td>
<td></td>
<td>1991</td>
</tr>
<tr>
<td>2008</td>
<td>180.4</td>
<td>83.6</td>
<td>83.6</td>
<td></td>
<td>1990</td>
</tr>
<tr>
<td>2007</td>
<td>169.4</td>
<td>78.5</td>
<td>78.5</td>
<td></td>
<td>1989</td>
</tr>
<tr>
<td>2006</td>
<td>162.0</td>
<td>75.1</td>
<td>75.1</td>
<td></td>
<td>1988</td>
</tr>
<tr>
<td>2005</td>
<td>151.6</td>
<td>70.3</td>
<td>70.3</td>
<td></td>
<td>1987</td>
</tr>
<tr>
<td>*2004</td>
<td>143.7</td>
<td>66.6</td>
<td>66.6</td>
<td></td>
<td>1986</td>
</tr>
</tbody>
</table>

### Adjustments to Costs

The "Historical Cost Index" can be used to convert national average building costs at a particular time to the approximate building costs for some other time.

**Examples:**

Estimate and compare construction costs for different years in the same city. To estimate the national average construction cost of a building in 1970, knowing that it cost $900,000 in 1980:

INDEX in 1970 = 28.7
INDEX in 1980 = 215.8

The construction cost in 1970 was $900,000 

**Time Adjustment Using the Historical Cost Indexes:**

\[
\text{INDEX for Year A} \times \text{Cost in Year B} = \text{Cost in Year A}
\]

\[
\text{INDEX for Year B} \times \text{Cost in Year A} = \text{Cost in Year B}
\]

\[
\text{INDEX 1970} \times \text{Cost 2018} = \text{Cost 1970}
\]

\[
\text{INDEX 2018} \times \frac{\text{Cost 1970}}{\text{INDEX 1970}} = \text{Cost 2018}
\]

Note: The city cost indexes for Canada can be used to convert U.S. national averages to local costs in Canadian dollars.

**Example:**

To estimate and compare the cost of a building in Toronto, ON in 2018 with the known cost of $800,000 (US$) in New York, NY in 2018:

INDEX Toronto = 110.8
INDEX New York = 134.6

\[
\text{INDEX Toronto} \times \text{Cost New York} = \text{Cost Toronto}
\]

\[
\text{INDEX Toronto} = \frac{\text{Cost Toronto}}{\text{Cost New York}} \times \text{INDEX New York}
\]

\[
110.8 \times \frac{\$800,000}{.825} \times \$800,000 = \$493,908
\]

The construction cost of the building in Toronto is $493,908 (CNS).

"Historical Cost Index updates and other resources are available on the following website:

http://info.thejordangroup.com/RSMeans.html

For customer support on your Building Construction Costs with RSMeans data, call 800.448.8182.