

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, ADDING CHAPTER 18.21, MERCURY SPECIFIC PLAN TO TITLE 18, ZONING, OF THE PICO RIVERA MUNICIPAL CODE**

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

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

**WHEREAS**, the Municipal Code contains language pertaining to Specific Plan 301 and Specific Plan 400.4; and

**WHEREAS**, the City wishes to add Chapter 18.21 to add the Mercury Specific Plan pertinent to the parcel located at 8825 Washington Boulevard; and

**WHEREAS**, the Planning Commission of the City of Pico Rivera conducted a public hearing on the matter of amendments of the Municipal Code including sections of Title 18, Zoning at a legally noticed public hearing held on November 21, 2022; and

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

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

**SECTION 1.** The City Council hereby finds that the above recitals are true and correct and incorporates them as substantive part of its findings.

**SECTION 2.** Pursuant to provisions of the California Environmental Quality Act and CEQA Guidelines, Section 15063, and following an Initial Study and environmental assessment of possible adverse impacts, the project will not have a significant effect on the environment because of the inclusion of certain mitigation measures for which lessened potential adverse impacts to a level of less than significant. Therefore, a Mitigated Negative Declaration was prepared with mitigation measures and monitoring program in accordance with the provisions of CEQA. The Mitigated Negative Declaration and Mitigation Monitoring Program was adopted by the City Council pursuant to City Council Resolution No. \_\_\_\_ on January 24, 2023.

**SECTION 3.** The City Council finds that the adding Chapter 18.21, *Mercury Specific Plan* to Title 18, Zoning, of the Pico Rivera Municipal Code is consistent with and is necessary to the general purpose and provisions of the Zoning Code and General Plan and should be approved by the City Council for the following reasons and findings:

- a) The Pico Rivera Municipal Code codifies Specific Plan 301 and Specific Plan 400.4 for developments in the City and adding the Mercury Specific Plan is necessary for consistency within development standards as prescribed within the Mercury Specific Plan. The addition of the Mercury Specific Plan to the Municipal Code will clarify that a third Specific Plan has been adopted in the City's history since its incorporation on January 19, 1958.
- b) Chapter 18.21, *Mercury Specific Plan* has been added to provide standards for the orderly development that exceed the current maximums that are prescribed within the General Plan and Pico Rivera Municipal Code that facilitate the improvement and development of housing to make adequate provision for housing needs of the community. The development of the units will help to meet the overall housing goals for the State which include making available decent housing and a suitable living environment for every Californian, partnering with the private sector in an effort to expand housing opportunities, and recognizing that local governments have the responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provisions for housing needs of all economic segments of the community.
- c) The proposed amendments are consistent with the spirit and integrity of the General Plan Policy 3.6-2 that encourages land development practices that reduce energy pollution and greenhouse gas emissions as this 255-unit mixed use development is within a central commercial corridor and is anticipated to lessen daily household trips due its proximity to key destinations. The subject site is also near bus transit Los Angeles County Metropolitan Authority (Metro) line 266 which travels along Rosemead Boulevard and Montebello 50 which travels along Washington Boulevard both having 30–35 minute bus intervals. Metro is exploring a light rail along Washington Boulevard for the extension of the Metro L (Gold Line) Eastside extension with a station stop at Rosemead Boulevard or a terminus at Greenwood Avenue in the City of Montebello which is approximately 1.4 miles from the subject parcel.
- d) The proposed development is consistent with General Plan Policy 3.8-2 that promotes the use of vacant, underutilized and inefficient commercial uses for more economically productive purposes, including higher intensity mixed-use housing. The site operated between 1957 and 2018 as a bowling alley, banquet, hall night club and restaurant. The proposed use is consistent with the Policy 3.8-2 which will provide a higher intensity mixed-use development including 255 units and 4,785 square feet of commercial retail. The proposed development will also assist in meeting the General Plan's Housing Element Regional Housing Needs Assessment by meeting the Above Moderate housing requirements. The Regional Housing Needs Assessment requires that the City plan for 430 Above Moderate Income

units housing units. The project includes the development of 255 Above Moderate housing income units.

**SECTION 4.** Chapter 18.21, Mercury Specific Plan to Title 18 of the Zoning Ordinance of the Pico Rivera Municipal Code is hereby amended to read as follows:

18.21.010 Establishment

There is established a zone which shall hereinafter be known as the “Mercury Specific Plan Zone” (SP-Mercury) and which shall function and serve as set out in this chapter. Prior to commencement of any development within the subject planning area, approval of a master conditional use permit is required.

18.21.020 Scope and Purpose

The intent and purpose of the Mercury Specific Plan zone is to provide a comprehensive set of guidelines, regulations, and implementation programs to guide the future development of a 2.8-acre site located at 8825 Washington Boulevard. The primary objective of this specific plan is to ensure that the future development of this area is consistent with the objectives outlined in the City’s General Plan.

18.21.030 Land Use Development Standards

The Mercury Specific Plan provides for the following development components:

1. A 255-unit mixed-use development on a 2.8-acre site;
2. A common recreation area which should serve the residential development consisting of 47,465 square feet of common open space;
3. The development of commercial on the first floor with a minimum of 4,785 square feet to 5,500 square feet.

18.21.040 Urban Design Concepts and Development Standards

1. Building height shall not exceed:  
  
70’ (floors 1-6, excluding roof parapet). Rooftop elements such as recreation facilities and infrastructure are allowed up to an additional 11’ excluding roof parapet or screening of rooftop mechanical equipment.
2. Building setbacks are shown in the Table below.

To provide a transition to the existing single-family residential neighborhood to the northwest, a reduction in building massing and activity at this residential

interface has been accomplished through:

- a) Reducing the building height to three stories or 36 feet at the residential interface then stepping up to four, five and six stories; and
- b) Reducing the horizontal and vertical mass of the building at this interface (at ground and upper levels); and
- c) Locating rooftop recreation facilities to the southeast corner, away from the residential interface.

Setbacks to Property Boundary (Clockwise from Washington Blvd.)	Minimum Setback
South 1 (Residential/Retail to Washington Boulevard property line)	10'
Southwest (Residential to existing commercial property line)	15'
South 2 (Residential to existing commercial property line)	10'
West 1 (Residential to existing commercial property line)	35'
West 2 (Residential to existing residential property line)	30'
North 1 (Residential to wall at Goodbee Street)	10'
North 2 (Residential to existing residential property line)	35'
North 3 (Residential to existing commercial property line)	40'
East (Retail to existing commercial property line including plaza, parking & drive aisle)	50'

3. Allowable projections into setbacks:

- a) Architectural projections and overhangs may encroach into setback up to a maximum of 3 feet.
- b) Minimum vertical clearance for ground level awnings and canopies shall be 8 feet if it is removable or retractable and 12 feet if it is fixed or permanent.
- c) Landscape and hardscape design elements and features such as trees, benches, trellises, fountains, planter boxes, walls and fences. Planters shall be designed to enhance the usable space. Large, tall planters can prevent optimal use of open space by making the space feel crowded. 18" high planters are optimal as edges can be used as seat walls.
- d) Seating areas for retail customers and the public (East side of building at the retail interface). Ideas for seating include: seat walls, planter ledges, free-standing elements, fountain borders, benches, movable seating, fixed seating and seating steps

4. Residential Standards

Minimum dwelling unit size:

- a) Studio - 525 square feet
- b) Jr. 1-Bedroom - 550 square feet
- c) 1-Bedroom - 575 square feet
- d) 2-Bedroom - 900 square feet

e) 3-Bedroom - 1,500 square feet

5. Private Open Space shall be a private balcony or patio, directly accessible to a residential dwelling unit, reserved for the private use of residents of the unit and their guests. Private balconies shall meet the minimum areas as shown in the table below.

Private Open Space	
Unit Type	Balcony Area/Unit (in square feet) Minimum
Studio	60
Junior -1 Bedroom	60
1 Bedroom	70
2 Bedroom	75
3 Bedroom	150

6. Common Open Space areas are on the ground floor and rooftop pool/recreation area.

Common Open Space Areas	Square Feet
Rooftop pool/Community Recreation	17,010
Ground Level Open Space (Resident & Public)	28,770

7. Commercial Standards

Ground floor retail uses, exclusive of the lobby/leasing area may not exceed 5,500 square feet of leasable space. Canopies, retail related seating and portable signage may extend up to 5 feet beyond the retail facade on the eastern/retail facing edge where space allows such that a 5-foot clear walkway is maintained and pedestrian passage is not impeded. Portable signage may only be placed outside the place of business during business hours.

8. Parking

When calculating parking for the cumulative retail/ commercial uses, the square footage shall be rounded up, or down, to the nearest 250 square feet. All State standards for Accessible Parking (standard vehicle and van), Clean Air Vehicles and Electric Vehicle Charging Stations (EVCS) will be met in accordance with State law. The EVCS spaces will be installed, ready for use.

Unit Type	Parking Factor	No. of Units/Sq. Ft.	Spaces Required	Spaces Provided
Studio	1 per unit	35 units	35	
1 Bedroom	1.4 per unit	159 units	223	

2 Bedroom	1.6 per unit	57 units	92	
3 Bedroom	2 per unit	4 units	8	
Guest	1 per 8 units	255 units	32	
Leasing	1 per 250 sq. ft.	1,750 sq. ft.	7	
Retail	1 per 250 sq. ft	5,500 sq. ft.	22	
USPS	1	1	1	
Total Parking			420	464

9. Bicycle Parking

a) Long Term - Tenant

Number of bicycle parking provided shall be a minimum of one space per thirty-three automobile parking spaces provided, rounded up to the nearest whole number with a minimum of 12 spaces (464 residential spaces divided by 33 = 14 spaces). A minimum of 42" shall be provided between rows of bicycle parking. At such time that demand for more than 14 spaces is evident, one of the extra car spaces near, or adjacent to, the bicycle parking area may be converted to bicycle parking.

b) Short Term-Tenant

Number of bicycle parking provided shall be 10% of long-term spaces. All bicycle parking intended for tenant use shall be located in the parking garage as close to the main building entrance as practical without obstructing pedestrian access and movement. All bicycle parking areas and racks shall be well lit and maintained regularly.

c) Long Term-Commercial/Retail

Visitor One space per 3,000 square feet of floor area. Location of spaces shall be adjacent or near commercial serving uses at grade and unobstructed.

d) Short Term - Commercial/Retail Visitor

Number of bicycle parking spaces provided shall be one space per 4,000 square feet with a minimum of four bicycle parking spaces. These spaces shall be situated such that pedestrian movement is unobstructed. All bicycle parking areas and racks shall be well lit and maintained regularly.

18.21.050 Consistency and Compliance with Mercury Specific Plan

All development shall be consistent with the provisions of Mercury Specific Plan, and shall comply with the land use plan, urban design plan and infrastructure plan

contained in the Mercury Specific Plan.

18.21.060 Administration

A. The Community & Economic Development Director shall have the duty to enforce the provisions of the Mercury Specific Plan zone. Any use of a building or structure hereafter erected, built, maintained or used contrary to provisions of the SP-Mercury Zone is prohibited.

B. The Community and Economic Development Director shall have the duty to interpret the provisions of this SP-Mercury zone. All such interpretations shall be prepared in written form and should be permanently maintained. Any person aggrieved by such an interpretation may appeal the decision to the planning commission and if aggrieved by the planning commission, the decision may be appealed to the city council.

C. All development within the planning area should comply with the terms of the Mercury Specific Plan. However, upon application by the developer and upon good cause shown, the Community and Economic Development Director may allow minor variations from the urban design plan upon a finding that such variation is consistent with the design concepts contained in this Mercury Specific Plan. The decision of the Community and Economic Development Director may be appealed to the Planning Commission and City Council in the same manner as a conditional use permit.

**SECTION 5.** The City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section and does hereby declare that the provisions of this Ordinance are severable, and if, for any reasons, any sentence, paragraph, or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

**SECTION 6.** The City Clerk shall certify to the adoption of this Ordinance. The City Council hereby finds that there are not newspapers of general circulation published and circulated within the City. The City Clerk shall therefore cause this Ordinance to be posted in five public places within the City as specified in the Pico Rivera Municipal Code within fifteen days of its final passage and this Ordinance shall take effect thirty (30) days following its adoption.

*[Signatures on the following page]*

**APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Erik Lutz, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Anna M. Jerome, City Clerk

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Arnold M. Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA    )  
  ) §  
COUNTY OF LOS ANGELES )

I, Anna M. Jerome, City Clerk of the City of Pico Rivera, do hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was adopted at a regular meeting of the City Council of the City of Pico Rivera, held on Tuesday, \_\_\_\_\_ with the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

\_\_\_\_\_  
Anna M. Jerome, City Clerk