

RESOLUTION NO. 1314**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PICO RIVERA APPROVING CONDITIONAL USE PERMIT NO. 758, FOR A 95-UNIT TOWNHOUSE RESIDENTIAL DEVELOPMENT AT 6540 ROSEMEAD BOULEVARD, (APN 6378-017-004)**

WHEREAS, on November 21, 2023, the Community and Economic Development Department received an application from Chris Courtney on behalf of Brandywine Homes, for real property located at 6540 Rosemead Boulevard and legally described in Exhibit "A" attached hereto, requesting approval of Conditional Use Permit No.758 and Vesting Tentative Tract Map No. 84271 to develop a new 95-unit townhouse residential development; and

WHEREAS, on March 4, 2024, staff held an open house to discuss the proposed project at Smith Park community room from 5-7pm. The project applicant provided enlarged architectural plans and discussed the project at length with those in attendance. A flyer was mailed to owners and occupants within a 1,000' radius of the subject property notifying them of the open house; and

WHEREAS, studies and investigations were made and a staff report with recommendations was submitted, and the Planning Commission, upon giving the required notice, did on the 15th day of April, 2024, conduct a duly noticed public hearing as required by law to consider said Conditional Use Permit application. Notice of the hearing was originally posted and mailed to property owners and properties within a 1,000- foot radius of the project site by April 4, 2024, and published in the Cerritos Community Newspaper on April 5, 2024.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF PICO RIVERA, CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

SECTION 1. The Planning Commission finds that the foregoing recitals are true and correct and are incorporated herein by reference.

SECTION 2. Pursuant to Pico Rivera Municipal Code Section 18.56.090, and based upon all testimony and comments from the general public, the examination and review of the investigations by staff included in the staff report contained herein, and all other pertinent and relevant fact pertaining hereto, the Planning Commission finds as follows:

- 1) That the granting of this Conditional Use Permit will be in the furtherance of the public welfare. The project involves the redevelopment of a site that currently hosts an older and undercapitalized hotel business. The construction of a new residential community would redevelop the subject property with contemporary buildings, landscaping and private amenities. The appearance of this new

development will have an immediate impact by significantly improving the aesthetics of the surrounding areas and revitalization of the community.

- 2) That the proposed use of land described in the application will not be detrimental in any way to other adjoining and neighboring properties in the general area in which the use is proposed to be located. The proposed residential community is in keeping with the adjoining residential neighborhood to the north and east.
- 3) That the property described in the application is suitable for the proposed use of land. The subject property can accommodate the proposed residential community with associated parking and public open space while meeting all the development standards of the Pico Rivera Municipal Code.
- 4) The traffic generating capacity and operation of the proposed units will not place a burden or demand upon other municipal improvements, services, or utilities. The applicant completed a Traffic Analysis Report which included a project trip generation, a VMT screening assessment, and an assessment of the potential effects associated with the project. The study concluded that no significant impacts are expected with the project. The City's traffic engineer reviewed the report and concluded that the traffic study is complete and accurate and is prepared based on the industry standard practice.
- 5) Adequate consideration for the protection of the environment has been satisfactorily demonstrated. The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Class 32 – In-Fill Development Projects.
- 6) That the proposed use of land is consistent with the provisions and objectives of the general plan. The project will support the following goals and policies of the adopted General Plan: Goal 3.6 Improve the community image by ensuring a consistent level of high-quality design and ongoing maintenance and improvement of existing development; 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; and Policy 3.8-2 Reuse and Intensification. Promote the reuse of vacant and underutilized and inefficient commercial uses for more economically productive purposes, including higher intensity businesses, housing and mixed-use development.
- 7) That adequate consideration has been given to assure the conservation and stabilization of property values, the direction of development and land use planning of the area in which the use is proposed to be located, that the character of the zone and area in which the use is proposed to be located, and the peculiar suitability of such zone and area for the particular use is maintained and

consistent with the community's overall planning program. The 2014 General Plan identifies Opportunity Areas within Pico Rivera to provide planning guidance of the areas that are in need of revitalization. The subject site is identified as Opportunity Area 8- Rosemead Boulevard and Washington Boulevard Intersection, which indicates opportunities for mixed-use development, including high density residential uses.

SECTION 3. The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Class 32 – In-Fill Development Projects. Class 32 consists of projects characterized as in-fill development meeting the conditions as enumerated below:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c) The project site has no value as habitat for endangered, rare or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e) The site can be adequately served by all required utilities and public services.
- f) None of the exceptions to the application of categorical exemptions under CEQA Guidelines Section 15300.2 apply.

The project meets all the foregoing criteria. A Notice of Exemption shall be filed with the County Clerk of the County of Los Angeles and Office of Planning and Research pursuant to the California Environmental Quality Act.

SECTION 4. Conditional Use Permit No. 758 complies with the City's Zoning Ordinance and General Plan and are consistent with the intent of Chapter 18.56 (Conditional Use Permits) of the Pico Rivera Municipal Code.

SECTION 5. The Planning Commission of the City of Pico Rivera, pursuant to the findings set forth above, does hereby approve Conditional Use Permit No. 758 to construct a 95-unit townhouse residential development at 6540 Rosemead Boulevard, subject to the Conditions of Approval contained in Exhibit "B," attached hereto.

SECTION 6. This decision of the Planning Commission shall become effective and final 15 days after the date of the action unless an appeal is filed in accordance with Chapter 18.64.060 of the Zoning Ordinance.

SECTION 7. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

APPROVED and **ADOPTED** this 15th day of April, 2024, by members of the Planning Commission of the City of Pico Rivera, voting as follows:

Aric Martinez, Chairperson

ATTEST:

APPROVED AS TO FORM:

Alvaro Betancourt, Director
Community and Economic Development

John W. Lam, Assistant City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:

EXHIBIT "A"
Legal Description

That portion of the Rancho Paso de Bartolo, in the City of Pico Rivera, described as follows:

Beginning at a point in the southerly line of tract 4245 as per map recorded in book 47 page 26 of maps, in the Office of the County recorder of said County, distant westerly thereon 10.03 chains from the most southerly corner of said tract 4245, said point of beginning also being the point of boundary of tract 14489, as per map recorded in book 365 pages 43 to 46 inclusive of said maps, in the office of said recorder; thence along the boundary of said tract 14489, south 27 degrees 31' 58" west 637.39 feet to the southwesterly corner of lot 155 of said tract 14489; thence along the prolongation of the southwesterly line of said lot 155, north 62 degrees 24' 45" west to the southwesterly line of Rosemead Boulevard, 100 feet wide, as described in the deeds to the state of California, recorded on December 13, 1948, as instrument no. 2472 in book 28940 page 6, of official records, in the Office of the County Recorder of said County and recorded on December 30, 1948 as instrument no. 2698 in book 29389 page 190 official records; thence northerly along said Rosemead Boulevard to the southerly line of said tract 4245; thence southeasterly along said southerly line to the point of beginning.

Except the northeasterly 213 feet, measured at right angles of said land.

EXHIBIT "B"
CONDITIONS OF APPROVAL PERMIT NO. 758

1. The applicant shall comply with the City of Pico Rivera **Building Division** requirements identified as **Attachment "A"**, dated December 21, 2023.
2. The applicant shall comply with the City of Pico Rivera **Public Works Department** requirements identified as **Attachment "B"**, dated April 10, 2024.
3. The applicant shall comply with the **County of Los Angeles Fire Department** requirements identified as **Attachment "C"**, dated March 13, 2024.
4. The applicant shall comply with the **County Sanitation District** of Los Angeles County requirements identified as **Attachment "D"**, dated December 21, 2023.
5. The applicant shall comply with the **Pico Water District** requirements identified as **Attachment "E,"** dated January 8, 2024.
6. The applicant shall comply with the **development plans** dated **4/11/24** unless otherwise modified herein identified as **Attachment "F"**.
7. The applicant shall comply with the requirements of **Southern California Edison**.
8. The applicant shall meet the conditions of the Vesting Tentative Tract Map No. 84271 conditions of approval and Final Tract Map.
9. The development shall be in conformity with all applicable provisions of the Pico Rivera Municipal Code and shall conform to the requirements of the Subdivision Map Act and applicable conditions contained herein.
10. The applicant shall submit Covenants, Conditions and Restrictions to be approved by the City.
11. The Covenants, Conditions Restrictions shall include language that the Homeowners Association shall maintain all the landscaping as approved in the final Landscaping Plan.
12. The Covenants, Conditions and Restriction shall include the following:
 - a) Prohibiting storage of items and recycling bins in the required two car parking garage area 18'-0" in width X 20'-0" in length and 18'-0" in width x 40'-0" in length for tandem.
 - b) Only vehicles will be allowed to be parked in the parking garages.

- c) All vehicles must have current state license plates and registration and be in running condition.
 - d) The Homeowner Association shall enforce the condition by implementing a citation fee to be paid to the Homeowner Association.
 - e) Any changes to the plans herein approved shall be approved by the Director of Community and Economic Development. The Director shall approve or set the item for Planning Commission public hearing.
 - f) Graffiti shall be removed within 24 hours of notice.
 - g) A minimum of twenty-four (24) on-site guest parking spaces shall be provided and maintained. Each guest parking space shall maintain the minimum required dimensions of 9'-0" in width by 20'-0" in depth. No inoperable vehicles shall be permitted to park within any guest parking space.
13. Sight distance lines shall meet AASHTO guidelines at all project access points and shall be reviewed with respect to City of Pico Rivera sight distance standards at the time of preparation of final grading, landscape, and street improvement plans.
14. Clear unobstructed sight distances shall be provided at all site driveways.
15. Developer shall prepare a covenant, subject to City Engineer's approval, for ingress and egress, utility and drainage easement, fire lane, and maintenance of the private street/driveway.
16. Wheel-stops shall be provided and shall be installed not less than 6-inches high and placed to separate parked vehicles from buildings, wall, fences, property lines, walkways or other parking spaces.
17. All-off street parking spaces to be outlined by 4" wide strips on the surface area.
18. All garages shall be installed with roll-up doors and automatic garage door openers. Door design shall be included in Plan Check submittal for review and approval.
19. A complete landscaped and irrigation plan for the project site shall be submitted to the Planning Division for review and approval in conjunction with submittal of first working drawings for plan check.
- a) The final landscape plan will adhere to the current State Model Efficient Landscape Ordinance (Title 24, Part 11, Chapters 4 & 5 of the CalGreen Building Code) in terms of water and irrigation efficiency.
 - b) All landscaping areas shall be provided with an automatic sprinkler system which shall guarantee an adequate supply of water to fulfill the intent of

continual plant maintenance.

- c) Landscape backflow devices are to be screened from view subject to planning approval.
- d) Proposed plants located along Rosemead Boulevard frontage shall be planted at full maturity.
- e) Proposed trees along Rosemead Boulevard frontage shall be selected and strategically placed and installed at a height and size that is to the satisfaction of Community and Economic Development staff.
- f) Installation of mature shrubs provided and maintained along the perimeter of the site, specifically as a means to protect the privacy of and shield the existing homes located along the east and south side of the project site, from the taller residential buildings. The subject landscaping shall be strategically placed and installed at a height and size that is to the satisfaction of Community and Economic Development staff.

20. The applicant shall provide a lighting/photometric plan as part of the working/construction drawings.

- a) Lighting treatment along Rosemead Boulevard frontage behind fence shall be installed.
- b) The light fixtures shall be angled away from adjoining properties to prevent any glare off-site.
- c) All outdoor parking area lighting shall be permanently maintained, directed away from adjoining properties, and concentrated toward the parking spaces it is to serve.
- d) Performance standards and specifications for such outdoor lighting shall be subject to approval by the Planning Division.
- e) Lighting along walkways and open space areas shall be included to provide safe conditions.

21. Decorative pavers at the primary entrance and pool are to be installed and should be included in site plan and materials board in upon first submittal of plan check drawings to Plan Check.

22. Applicant shall submit details (detailed digital color board) regarding exterior materials including all features and materials as shown on the plans submitted (Attachment F) including but not limited to, decorative metal items, trim, light fixtures, colored doors, garage doors, windows, shutters etc. within Building Division Plan Check submittal for Planning Division review and approval. The applicant must demonstrate the exterior building materials are of quality grade and high durability and will not fade. The applicant shall provide manufacturers information including durability grade.

23. Developer shall submit design and calculations and obtain permit and inspection

for all development perimeter walls from the Building Division.

24. All private open space block walls shall be stuccoed with decorative cap. Decorative cap shall be uniform in dimensions.
25. Existing wall located in the North shall be raised to 6' height, painted and replacement of caps. Decorative caps shall be uniform in dimensions.
26. 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.
27. All utilities such as gas meters, electrical meters, telephone pedestal-mounted terminal boxes, surfaces mounted electrical transformer, fire hydrants and double-checked valves, or any other potential obstructions, shall not be located within the approved landscaped setbacks. Utilities shall be installed underground in a vault having an approved traffic lid.
28. Any mechanical equipment shall be completely screened as approved by the Planning Division.
29. Dust control operations shall be performed by the developer at the time, location and in the amount required and as often as necessary to prevent the excavation or fill work, demolition operation, or other activities from producing dust in amounts harmful to people or causing a nuisance to persons living nearby or occupying buildings in the vicinity of the work. The developer is responsible for compliance with Fugitive Dust Regulations issued by the Air Quality Management District (AQMD).
30. The applicant shall comply with permit requirements of the South Coast AirQuality Management District (SCAQMD's Rule 403, Table 1) including but not limited to soil stabilization, proper equipment ventilation and filtering to minimize fugitive and control odors.
 - a. The applicant shall maintain the public right-of-way and on-site property in a wet down condition to the degree necessary to prevent dust emission and remove any roadway dust spillage from the public right-of-way by sweeping or sprinkling.
 - b. All open storage piles above the height of three feet and occupying an area of 150 or more square feet shall be covered.
 - c. All grading shall be suspended when wind speed (including instantaneous gusts) exceeds 25 miles per hour.

- d. A wheel shaker/wheel spreading device consisting of raised dividers (rails, pipe, or grates) shall be utilized at least 24 feet long and 10 feet wide to remove bulk material from tires and vehicle undercarriages before vehicles exit the site.
 - e. Install and utilize a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the site.
31. Prior to disruption of an on-site surface area, install a chain link fence with screen/wind preventive mesh along the perimeter construction limit line. The fence and screen shall be continuously maintained.
32. All trucks and construction equipment shall be kept in proper operating condition and allow trucks and construction equipment to be stored overnight on-site in a secured area in order to minimize truck trips.
33. The applicant shall place all stationary construction equipment so that noise is directed away from sensitive receptors.
34. All construction equipment shall utilize noise reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.
35. Under state law, trucks are prohibited from idling for longer than five minutes, unless they have an Air Quality Management District "Clean-Idle" sticker indicating the engine has very low emissions under idle conditions.
36. All haul truck deliveries shall be subject to the same hours specified for construction. A haul truck route plan shall be provided to the Public Works Department for review and approval, prior to the commencement of any construction activities.
37. The applicant shall post temporary signs on-site to advise construction workers of quiet zones near the single-family homes. Within the quiet zones, there shall be no loud music or excessive noise.
38. The applicant shall post three large laminated or vinyl signs with lettering two (2) inches high providing a complaint phone number where residents can call for noise, vibration or other complaints. The applicant shall ensure that the calls are answered within one (1) hour of receiving the call. The location of the sign shall be approved by the Planning Division.

39. Prior to issuance of a grading permit, the applicant shall submit as part of the final grading plan, a comprehensive water runoff and sedimentation control plan. The Plan shall detail the measures to be implemented to control runoff from the construction sites and preventative measures from water sheet flowing across property lines. Erosion Control measures shall be included but are not limited to, scheduling major grading activities during the dry season, use of site watering or dust blankets to control devices during grading. The developer shall comply with the requirement of the National Pollutant Discharge Elimination System (NPDES)
40. Prior to issuance of a grading permit, Best Management Practices (BMPs) shall be developed in compliance with Storm Water Urban Runoff Pollution Prevention Control Mitigation Plan Ordinance adopted and amended by the City of Pico Rivera.
41. A Standard Urban Stormwater Mitigation Plan must be prepared for this site as approved by the Public Works Department.
42. Drainage gutters, downspouts and similar features shall be run onto landscape areas and shall be architecturally compatible to the townhomes.
43. All on-site parking and circulation areas shall be paved as required by a pavement engineering or geotechnical report prepared by a Registered Civil Engineer, subject to the review and approval of the Public Works and Community Development Departments.
44. The applicant shall ensure that all property easements are shown on the construction drawings.
45. Applicant to ensure that all contractors and subcontractors obtain a City of Pico Rivera Business License.
46. Prior to issuance of building permits, the applicant shall contact the United States Post Office with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan or landscape plan and approved by the Planning Division.
47. All construction hours shall be restricted to 7:00 a.m. to 7:00 p.m., Sunday through Saturday.
48. Prior to issuance of a building permit, the applicant shall submit a fee as required by Ordinance No. 887, the Public Image Enhancement Program and fee schedule.

49. The applicant shall in-lieu of dedicating park land pay park fees equal to the value of the land prescribed for dedication. The amount of the fee shall be based upon the average fair market value for the City per Section 17.36.150 of the Pico Rivera Municipal Code. The applicant shall pay the park fees prior to issuance of the building permit.
50. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.
51. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
52. Within five working days, the applicant shall file the Categorical Exemption with the Los Angeles County Recorder. The applicant shall provide proof to the City prior to Plan Check submittal.
53. Failure to comply with all conditions of approval set forth herein may result in the revocation of the Conditional Use Permit.
54. Pursuant to Sections 18.56.110 of the Pico Rivera Municipal Code, the Zoning Administrator may grant minor modification or set this permit for public hearing at any time to consider modification of any condition or revocation of the permit if noncompliance with the conditions of approval is found.
55. The applicant shall commence construction within 24 months from the recordation of the final tract map. At no time shall the applicant commence building construction prior to final tract map recordation.
56. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers, and employees from any claim, action, or proceeding brought against the City, its elected and appointed officials, agents, officers, or employees arising out of, or which are related to the applicant's project or application (collectively referred to as "proceedings"). The indemnification shall include, but not be limited to, damages, fees and/or costs, liabilities, and expenses incurred or awarded in connection with the proceedings whether incurred by the applicant, the City and/or the parties initiating or bringing such proceedings. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth herein. The City shall have the right to choose its own legal counsel to represent the City's interest in the proceedings.
57. The applicant shall sign, notarize, and return to the Community and Economic Development Department an affidavit accepting all Conditions of Approval of

Conditional Use Permit No. 758 prior to submittal of construction plans for plan check. The applicant acknowledges and understands that all conditions set forth in this Resolution are conditions precedent to the grant of approval and failure to comply with any condition contained herein shall render this Conditional Use Permit non-binding as against the City and shall confer applicant no legal rights under the law.

58. The applicant shall be responsible for providing the Community and Economic Development Department with a signed and notarized affidavit from the project contractor and/or individual responsible for the overall construction management accepting all Conditions of Approval of Conditional Use Permit No. 758, prior to building permit issuance. The subject individual acknowledges and understands that all conditions set forth in this Resolution are conditions precedent to the grant of approval and failure to comply with any condition contained herein shall render the Conditional Use Permit non-binding as against the City and shall confer Applicant no legal right under the law.
59. This Conditional Use Permit grant has an appeal period of fourteen (14) days from the City Council approval.