

**ORDINANCE NO. 1182**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AMENDING *TITLE 18 ZONING* OF THE PICO RIVERA MUNICIPAL CODE INCLUDING TABLE 18.42.040 PROPERTY DEVELOPMENT CHART AND SECTION 18.18.42.050 SPECIAL USE CONDITIONS AND CHART NOTES AS HEREIN REFERRED TO AS ZONE CODE AMENDMENT NO. 194**

**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**, pursuant to California Government Code Sections 65850 et seq., the legislative body of a city may adopt ordinances amending the zoning regulations of the city; and

**WHEREAS**, Pico Rivera Municipal Code Section 18.62.080 all the City Council to amend the City's zoning code or any portion thereof by ordinance whenever it is deemed essential, or that public necessity, convenience, and general welfare require such an amendment; and

**WHEREAS**, comprehensive zoning regulations lie within the police power of the City pursuant to the Pico Rivera Municipal Code Section 18.02.040; and

**WHEREAS**, on September 27, 2022, the City Council adopted a resolution approving the Sixth Cycle 2021-2029 Housing Element via General Plan Amendment No. 61; and

**WHEREAS**, the Sixth Cycle 2021-2029 Housing Element requires zoning ordinance amendments and text changes in conformity with state law, which includes the amendments contained herein; and

**WHEREAS**, a new Mixed Use land use designation R-40 Overlay Zone was created and therefore requires the creation of development standards; and

**WHEREAS**, in conjunction with the adoption of the Sixth Cycle Housing Element, on September 27, 2022, the City Council adopted an Initial Study and Mitigated Negative Declaration (SCH No. 2021120397) ("MND") pursuant to the requirements of the California Environmental Quality Act ("CEQA"). On August 1, 2023, in conjunction with the adoption of Zone Reclassification Amendment No. 328 and Zone Code Amendment No. 190, the City Council adopted an addendum to the MND; and

**WHEREAS**, on September 22, 2023, HCD provided findings on Zone Code Amendment 190 and required updates to the ordinance; 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 February 5, 2024; and

**WHEREAS**, on February 5, 2024, the Planning Commission conducted a duly noticed public hearing adopted Resolution No. 1313 announcing its findings and decision in support of the proposed amendments; 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 finds that the above recitals are true and correct and incorporated herein as part of the findings.

**SECTION 2.** Pursuant to CEQA Guidelines Section 15162(b), unless any of the changes to a project or its circumstances, or new information becomes available that triggers a subsequent Environmental Impact Report or Mitigated Negative Declaration under subsection 15162(a), the City shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation. The proposed Zoning Code amendment will not result in any potentially significant impacts that were not already analyzed under the previous MND or addendum thereto. The actions taken under this Ordinance are also exempt under CEQA Guidelines Section 15061(b)(3) in that there is no possibility that the actions will have a significant effect on the environment. The proposed amendments fall within the general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. In that the proposed amendments provide reflect recent changes in state law and HCD findings. The amendments will not have a significant effect on the environment; and, therefore the activity is not subject to CEQA..

**SECTION 3.** The City Council finds that the proposed amendments are consistent with the spirit and integrity of the General Plan and the adopted 2021-2029 Housing Element, as the purpose of the code is to protect the public health, safety and general welfare of the public.

**SECTION 4.** Table 18.42.040, *Property Development Chart-Contents*, of Title 18 of the Zoning Ordinance of the Pico Rivera Municipal Code is hereby amended to read as follows:



ORDINANCE NO. 1182  
PAGE 4 of 6

Regulations	Zone							
	R-E	S-F	R-I	PUD <sup>1</sup>		R-M	M-U Overlay	R-40 Overlay
				A	B			
1 Front	30 feet (20)	20 feet (20)	20 feet to garage, 15 feet to residence (any portion) Minimum 50% of front-setback 20 feet	N/A	18 feet to garage, 15 feet to residence (any portion)	25 feet (20, 31)	15 feet (60)	15 feet (60)
2. Side								
a. Interior	10 feet (20)	5 feet (20)	4 feet (56)	N/A	4 feet (56)	5 feet (20, 23)	10 feet (20, 61)	10 feet (20, 61)
b. Street	20 feet (20)	10 feet (20)	8 feet (56)	N/A	8 feet (56)	10 feet (20, 23)	10 feet (20)	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	N/A	50% minimum 20 feet and 50% minimum 15 feet	10 feet (20, 25a)	(26)	(26)
b. Case II	15 feet (20, 25b)	10 feet (20, 25b)		N/A		15 feet (20, 25b)	(26)	(26)
c. Case III	20 feet (20, 25c)	15 feet (8, 20, 25 c)				20 feet (20, 25c)	(26)	(26)
4 Projections	(8, 27)	(8, 27)	(27g)	N/A	(27f)	(27)	(62)	(62)
H. Building Heights	24 feet (28)	24 feet (28)	26 feet (28, 29)	26 feet (28, 29)	26 feet (28, 29)	28 feet (28, 29)	60 feet (58)	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)	(31a, b)
K. Fences, Hedges and Walls	(32a, b, c, d)	(32a, b, c, d)	(32c)			(32a, b, c, d, e)	(32a, c, h)	(32 a, c, h)
L. Objective Design Standards						64	64	64
M. Other Conditions, Requirements	(33—39, 47, 49, 50, 53, 54, 55, 57, 65)	(33—39, 47, 49, 50, 53, 54, 55, 57, 65, <u>66</u> )	(33, 40, 49, 50, 53, 54, 55, 57, 65)	(33—39, 49, 50, 53, 55, 57, 65)	(33—39, 40, 49, 50, 53, 55, 57, 65)	(33—39, 41, 42, 47, 48, 50, 53, 55, 57, 65)	(34, 35, 36, 37—39, 41, 44, 45, 47, 50, 53, 55, 57, 63, 65)	(34, 35, 36, 37—39, 41, 44, 45, 47, 50, 53, 55, 57, 65, 66.)

**SECTION 5.** Note 66 of Section 18.42.050, *Special Use Conditions and Chart notes*, of Title 18 of the Pico Rivera Zoning Ordinance is hereby created as follows:

**Note 66.** The underlying zone shall dictate whether an entitlement is required for standalone development. Multi-family Residential developments located on the Housing Element sites (2021-2029 Housing Element sites identified in the General Plan) shall be approved by-right (without discretionary approval) 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 forty dwelling units per acre for the housing opportunity sites shall be required and shall prevail over base zoning if applicable. In order to utilize the streamlined approach, the developer must restrict at least 20% of the units as affordable to lower income households as defined under Section 50079.5 of the Health and Safety Code. A mixed-use project shall require the residential use to be at least 50 percent of the gross floor area. Projects located on the Housing Element sites (2021-2029 Housing Element sites identified in the General Plan) may be one hundred percent residential. No minimum percentage of non-residential uses is required.


Calculations for the required affordable housing resulting in a fraction of 0.5 or more shall be rounded up to the next whole number. A streamlined housing project proposed under SB 35 shall comply with all requirements of Government Code 65913.4.

**SECTION 6.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this article, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this article or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this article irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end, the provisions of this article are declared to be severable.


**SECTION 7.** The City Clerk shall certify to the passage and adoption of this ordinance. The City Council hereby finds and determines that 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 thirty (30) days after its adoption.

[Signatures on following page]

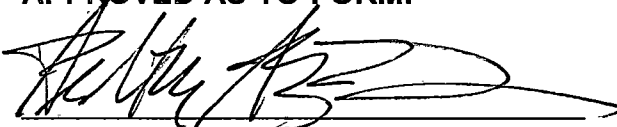
**ADOPTED AND PASSED this 12th day of March, 2024.**

  
\_\_\_\_\_  
Andrew C. Lara, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Cynthia Ayala, CMC, City Clerk

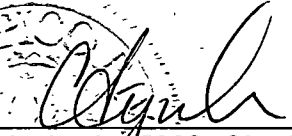
**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Arnold M. Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA     )  
  ) §  
COUNTY OF LOS ANGELES    )

I, Cynthia Ayala, City Clerk of the City of Pico Rivera, do hereby certify that the foregoing Ordinance No. 1182 was adopted at a regular meeting of the City Council of the City of Pico Rivera, held on Tuesday, March 12, 2024 with the following vote:

- AYES:** Camacho, Garcia, Lutz, Lara
- NOES:** None
- ABSENT:** Sanchez
- ABSTAIN:** None

  
\_\_\_\_\_  
Cynthia Ayala, CMC, City Clerk