

AGENDA

**Adjourned Meeting of the Bradbury City Council
To be held on Monday, February 7, 2022
at the Bradbury Civic Center
600 Winston Avenue, Bradbury, CA 91008**

6:00 PM

Pursuant to Governor Newsom's Executive Order N-25-20, the City is allowing Council Members, Staff and the public to participate in this City Council meeting by means of a Zoom video or telephone call. You will be able to hear the entire proceedings (other than the Closed Session) and to speak during Public Comment, Public Hearing, and other authorized times. Members of the public must maintain silence and mute their microphones and telephones except during those times. The Zoom information is: <https://us02web.zoom.us/j/86395942191>, One tap mobile +16699009128, 86395942191# or dial 1-669-900-9128 and enter code 863 9594 2191#.

CALL TO ORDER/ROLL CALL

Mayor Bruny, Mayor Pro-Tem Lathrop, Councilmembers Barakat, Hale and Lewis

PUBLIC COMMENT

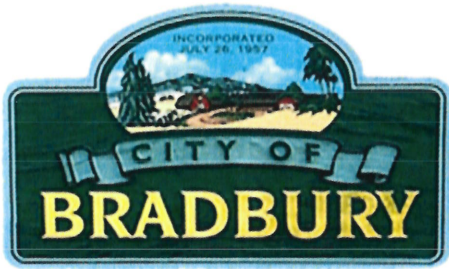
STUDY SESSION - THE CITY COUNCIL WILL DISCUSS PLANNING MATTERS RELATED TO THE HOUSE ELEMENT AND DEVELOPMENT CODE

ADJOURNMENT

The City Council will adjourn to a Regular Meeting at the Bradbury Civic Center,
600 Winston Avenue, Bradbury, CA 91008 on Tuesday, February 15, 2022 at 7:00 p.m.

*"I, Claudia Saldana, City Clerk, hereby certify that I caused this agenda to be posted at the
Bradbury City Hall entrance gate on Thursday, February 3, 2022 at 5:00 p.m."*

Claudia Saldana
CITY CLERK - CITY OF BRADBURY



Elizabeth Bruny, Mayor (District 5)
Bruce Lathrop, Mayor Pro-Tem (District 4)
Richard G. Barakat, Council Member (District 3)
Richard T. Hale, Jr., Council Member (District 1)
D. Montgomery Lewis, Council Member (District 2)

City of Bradbury City Council Agenda Report

TO: Honorable Mayor and Council Members

FROM: Kevin Kearney, City Manager
By: Jim Kasama, City Planner

DATE: February 7, 2022

**SUBJECT: STUDY SESSION – PLANNING MATTERS RELATED TO THE HOUSING
ELEMENT AND DEVELOPMENT CODE**

SUMMARY

At the January 18, 2022, Regular City Council Meeting, the Council scheduled a study session on February 7, 2022, for planning matters related to the Housing Element and other Development Code items, including a regular ordinance to replace Urgency Ordinance No. 380 (attached) that was adopted to comply with Senate Bill 9 that took effect on January 1, 2022, and other planning, land use and development code issues.

DISCUSSION

Housing Element

The current Housing Element (6th Cycle) was due October 15, 2021. The State has extended this deadline to October 15, 2022. To meet this deadline, the Housing Element consultant, Veronica Tam and Associates, Inc. has outlined the following schedule:

- Administrative Draft to staff by Friday, March 11, 2022
- 30-Day Public Review of Initial Draft – Friday, March 18 to Sunday, April 17, 2022
- City Council Review of Initial Draft at the April 19 Regular Meeting
- Revise Draft based on public review and City Council review – Monday, May 2, 2022
- Submit Draft to State for 90-day Review – May 3 to August 1, 2022
- Revise Housing Element based on State comments and post for 30-day public review by Friday, September 2, 2022.

- City Council and Planning Commission to review and adopt Revised Housing Element at a Joint Special Meeting during the first week of October 2022
- Submit adopted Housing Element to State by Tuesday, October 15, 2022

A significant issue required for the new Housing Element is the designation of at least one site that will allow for multiple-family housing at a density of at least 20 units per acre. The purpose of this requirement is to enable diverse types of housing, which tends to be relatively affordable in comparison to single-family, detached housing.

Another issue is the standards for Single-Room-Occupancy (SRO) Units. For these to be considered dwelling units, the State is requiring that such units have cooking facilities. The City's current standards do not allow cooking facilities.

Concurrent with the adoption of the new Housing Element, the City is required to update its Safety Element.

Urgency Ordinance No. 380 and Senate Bill 9

Senate Bill 9 (SB 9) was signed by the Governor on September 16, 2021, and took effect on January 1, 2022. SB 9 added two new sections to the Government Code requiring cities to ministerially approve the development of up to two units on single-family-zoned lots and requiring cities to ministerially approve certain lot splits. The approval of such developments are subject to certain requirements, but without a local ordinance in place, those standards are based on the State legislation and not local standards. In order to have such developments comply with local standards, the City Council adopted Urgency Ordinance No. 380 at the December 21, 2021, meeting. As an urgency ordinance, it was adopted without public hearings by the Planning Commission and City Council, and should be replaced by a regular ordinance that is reviewed through public hearings.

Family Child Care Homes

Senate Bill 234 prohibits cities from requiring any type of zoning permit or business license for all family childcare homes for up to 14 children. This has been a requirement for many years, but the legislation now requires that these family childcare homes be considered residential uses by all local ordinances and be listed as allowed uses.

RECOMMENDATION

It is recommended that the City Council discuss the above matters and any others that the Council wishes to raise, and direct staff as to how to proceed. If the City is to meet the October 15, 2022 deadline for its Housing Element, the Council will need to provide direction for the Housing Element at the February 7, 2022 meeting, or at another meeting before the end of the month.

ATTACHMENT

Urgency Ordinance No. 380

URGENCY ORDINANCE NO. 380

AN URGENCY ORDINANCE OF THE CITY OF BRADBURY, CALIFORNIA ADOPTING CHANGES TO TITLE IX OF THE BRADBURY MUNICIPAL CODE RELATING TO THE IMPLEMENTAION OF SENATE BILL 9 FOR THE CREATION OF URBAN LOT SPLITS AND TWO RESIDENTIAL UNITS PER LOT

WHEREAS, on September 16, 2021 Governor Gavin Newsom approved Senate Bill 9 (SB 9, Chapter 162) relating to the creation of residential units, which requires local agencies to ministerially approve housing developments containing no more than two residential units per lot and to ministerially approve an urban lot split; and

WHEREAS, SB 9 takes effect on January 1, 2022; and

WHEREAS, SB 9 allows local agencies to impose objective zoning, subdivision, and development standards; and

WHEREAS, given that SB 9 was not signed into law until mid-September, there was insufficient time to process this Ordinance through noticed hearings before the Planning Commission and City Council so as to have the Ordinance in place by January 1, 2022; and

WHEREAS, the public is already beginning to express interest in developing under this new law and it is necessary to have standards in place by the time SB 9 becomes effective.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRADBURY DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. Chapter 75 is hereby added to Part V of Title IX of the Bradbury Municipal Code to read as follows:

Chapter 75. Two-unit Housing Development

Sec. 9.75.010 – Definitions.

For purposes of this Chapter, the following definitions shall apply:

- (a) "Housing development" shall mean no more than two residential units on a lot within a single-family zone that meets the requirements of this section. The two units may consist of two new units or one new unit and one existing unit.
- (b) "Single-family residential zone" shall mean the R-7,500 Single-Family Residential Zoning District, the R-20,000 Single-Family Residential Zoning District, the A-1 Agriculture Residential Estate Zoning District, the A-2 Agriculture Residential Estate Zoning District, and the A-5 Agriculture Residential Estate Zoning District.

- (c) "Unit" shall mean any dwelling unit, including but not limited to a primary dwelling unit, an accessory dwelling unit, a junior accessory dwelling unit, or any unit created pursuant to this section.
- (d) "Urban lot split" means a lot split of a single-family residential lot into two parcels that meets the requirements of Chapter 164 of Part VII of Title IX.

Sec. 9.75.020 – Housing Development Approval

The City shall ministerially approve a housing development containing no more than two residential units if it meets the following requirements:

- (a) The parcel is located within a single-family residential zone.
- (b) The parcel is not located in any of the following areas and does not fall within any of the following categories:
 - 1. A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.
 - 2. Wetlands as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - 3. A very high fire hazard severity zone as further defined in Government Code section 65913.4(a)(6)(D). This does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
 - 4. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.
 - 5. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for ministerial approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that

is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

- i. The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the city; or
 - ii. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program as further spelled out in Government Code section 65913.4(a)(6)(G)(ii);
 6. A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for ministerial approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.
 7. Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan as further spelled out in Government Code section 65913.4(a)(6)(I).
 8. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
 9. Lands under a conservation easement.
- (c) The proposed housing development would not require demolition or alteration of any of the following types of housing:
1. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 2. Housing that has been occupied by a tenant in the last three years.
- (d) Unless demolition or alteration is prohibited pursuant to subsection (c) above, up to 25 percent of the existing exterior structural walls may be demolished.

Sec. 9.75.030 – Standards and Requirements.

The following requirements shall apply in addition to all other objective standards pertaining to the underlying zone. In cases of conflict, the requirements set forth in this section shall prevail:

- (a) No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
- (b) Except for those circumstances described in subsection (a) above, for any new housing developed under this chapter, the setback from any lot line first created in an urban lot split shall not be less than four feet. The front setback shall be as set forth in the single-family residential zone.
- (c) The applicant shall provide easements for the provision of public services and facilities as required.
- (d) Driveways shall be provided in accordance with Chapter 103 of Title IX. Easements shall be provided as required to ensure pedestrian and vehicular access across lots.
- (e) Required off-street parking shall be limited to one space per unit, except that no parking shall be required if the parcel is located within one-half mile walking distance of either a high-quality transit corridor or a major transit stop, or there is a car share vehicle located within one block of the parcel. Parking spaces shall meet the following requirements:
 - 1. Parking spaces may be covered or uncovered, but must be provided in the paved portions of setback areas.
 - 2. Tandem parking between units shall be prohibited.
- (f) For residential units connected to an onsite wastewater treatment system (septic tank), the applicant provides a percolation test completed within the last 5 years, or if the percolation test has been recertified, within the last 10 years, which shows that the system meets acceptable infiltration rates.
- (g) The number of units allowed on a lot shall not exceed two.
- (h) Square footage. The square footage of any new unit built under the provisions of SB 9 shall not exceed 800 square feet.
- (i) Height. The height of a new unit shall not exceed 16 feet unless the unit is built in a previously existing permitted space above a permitted ground floor area or garage.
- (j) Secondary Living Quarters. Guest houses or bunk houses shall only be allowed in accordance with Section 9.85.030 based on the actual size of the lot,

regardless of the zone. No single-room occupancy unit shall be located on any lot developed under the provisions of this Chapter or Chapter 9.164.

- (k) If there is no existing unit on the original parcel prior to any lot split allowed pursuant to Chapter 9.164, one of the four allowed units may be built to the standards of the applicable zone

Sec. 9.75.040 – Denials.

- (a) The city shall not deny an application solely because it proposes adjacent or connected structures provided that all building code safety standards are met and they are sufficient to allow a separate conveyance.
- (b) The city may deny the housing development if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

Sec. 9.75.050 – Affidavit Required.

An applicant for housing under this chapter shall be required to sign an affidavit in a form approved by the City Attorney to be recorded against the property stating the following:

- (a) That the uses shall be limited to residential uses.
- (b) That the rental of any unit created pursuant to this section shall be for a minimum of thirty-one days.
- (c) That the maximum number of units to be allowed on the parcels is two, including but not limited to units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, junior accessory dwelling units, and units allowed pursuant to this Chapter.
- (d) That the square footage of any new unit built under the provisions of SB 9 shall not exceed 800 square feet.

Sec. 9.75.060 – Other Municipal Code Provisions

- (a) Unless contrary to the provisions of this Chapter, all other applicable objective provisions of Title IX, including the provisions of the underlying zone, shall apply.
- (b) Notwithstanding the above, the city shall not impose any zoning or design standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels under an urban lot split or that would result in a unit size of less than 800 square feet.

SECTION 2. Table 28-1 in Section 9.28.020 of the Bradbury Municipal Code is hereby amended by adding a new row to read as follows:

Type of Application	City Planner	Planning Commission	City Council
Two-unit Housing Development	Approval	Not Applicable	Not Applicable

SECTION 3. Chapter 164 is hereby added to Part VII of Title IX of the Bradbury Municipal Code to read as follows:

CHAPTER 164 – URBAN LOT SPLITS

Sec. 9.164.010 – Definitions.

Definitions. For purposes of this Section, the following definition shall apply:

- (a) “Urban lot split” means a lot split of a single-family residential lot into two parcels that meets the requirements of this section.

Sec. 9.164.020 – Urban Lot Split Approval

The City shall ministerially approve a parcel map for a lot split that meets the following requirements:

- (a) The parcel is located within a single-family residential zone.
- (b) The parcel is located at least partially in an urbanized area or urban cluster as designated by the United States Census Bureau.
- (c) The parcel map divides an existing parcel to create no more than two new parcels of approximately equal lot area, provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel.
- (d) Both newly created parcels are no smaller than 1,200 square feet.
- (e) The parcel is not located in any of the following areas and does not fall within any of the following categories:
 - 1. A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.
 - 2. Wetlands as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

3. A very high fire hazard severity zone as further defined in Government Code section 65913.4(a)(6)(D). This does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
4. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.
5. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:
 - i. The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the city; or
 - ii. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program as further spelled out in Government Code section 65913.4(a)(6)(G)(ii);
6. A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the City shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.
7. Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan as further spelled out in Government Code section 65913.4(a)(6)(I).

8. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
 9. Lands under a conservation easement.
- (f) The proposed lot split would not require demolition or alteration of any of the following types of housing:
1. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 2. Housing that has been occupied by a tenant in the last three years.
- (g) The lot split does not create more than two units as defined in Section 9.75.010 on a parcel, including any accessory dwelling units or junior accessory dwelling.

Sec. 9.164.030 – Standards and Requirements.

The following requirements shall apply:

- (a) The lot split conforms to all applicable objective requirements of the Subdivision Map Act and Part VII of Title IX of the Bradbury Municipal Code, except as the same are modified by this section.
- (b) No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
- (c) Except for those circumstances described in subsection (b) above, for any lot resulting from an urban lot split, the setback from any lot line first created in an urban lot split shall not be less than four feet. The front setback shall be as set forth in the single-family residential zone.
- (d) The applicant shall provide easements for the provision of public services and facilities as required.
- (e) If a lot does not have direct access to a street, appropriate access easements meeting the minimum size of the driveway requirements set forth in Chapter 103 of Title IX shall be provided on the tentative and parcel map.
- (f) Development of the lots shall be in accordance with Chapter 75 of Part V of Title IX of this Code.

Sec. 9.164.040 – Denials

- (a) The City shall not:
 - 1. Require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map.
 - 2. Impose any objective subdivision standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.
 - 3. Require the correction of nonconforming zoning provisions as a condition for the lot split.
 - 4. Deny an application solely because it proposes an adjacent or connected structure provided that all building code safety standards are met and they are sufficient to allow a separate conveyance.
- (b) The city may deny the lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

Sec. 9.164.050 – Affidavit

An applicant for an urban lot split shall be required to sign an affidavit in a form approved by the City Attorney to be recorded against the property stating the following:

- (a) That applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of approval. This requirement does not apply when the applicant is a “community land trust” or a “qualified nonprofit corporation” as the same are defined in the Revenue and Taxation Code.
- (b) That the uses shall be limited to residential uses.
- (c) That any rental of any unit created by the lot split shall be for a minimum of thirty-one days.
- (d) That the maximum number of units, as defined in Section 9.75.010, to be allowed on the parcels is two, including but not limited to units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, junior accessory dwelling units, or units allowed pursuant to Chapter 75 of Part V of Title IX.

- (e) That the square footage of any new unit built under the provisions of SB 9 shall not exceed 800 square feet.

Sec. 9.164.060 – Inapplicability of Chapter

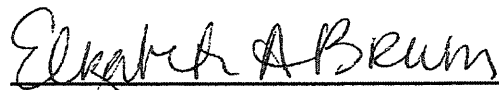
This Chapter shall not apply to:

- (a) Any parcel which has been established pursuant to a lot split in accordance with this section; or
- (b) Any parcel where the owner of the parcel being subdivided or any person acting in concert with the owner has previously subdivided an adjacent parcel in accordance with this section. For purposes of this section, "acting in concert" shall include, but not be limited to, where the owner of a property proposed for an urban lot split is the same, related to, affiliated with, or connected by partnership to the owner, buyer or seller of an adjacent lot (in each case, at any time within the last three years).

SECTION 4. The adoption of this Ordinance is not a project under CEQA as specified in SB 9.

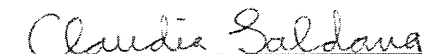
SECTION 5. In accordance with Government Code section 36937, this Ordinance shall take effect immediately because of the need for the preservation of the public peace, health and safety as set forth in the Whereas clauses in the beginning of this Ordinance.

PASSED, APPROVED AND ADOPTED this 21st day of December, 2021.



Mayor

ATTEST:



City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §.
CITY OF BRADBURY)

I, Claudia Saldana, City Clerk of the City of Bradbury, do hereby certify that the foregoing ordinance, being Urgency Ordinance No. 380 was duly passed by the City Council of the City of Bradbury, signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of the City Council held on the 21st day of December, 2021, that it was duly posted, and that the same was passed and adopted by the following vote, to wit:

AYES: Mayor Bruny, MPT Lathrop, Councilmembers Barakat
and Hale
NAYS: None
ABSENT: Councilmember Lewis
ABSTAIN: None

Claudia Saldana

Claudia Saldana
City Clerk
City of Bradbury