

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

## **City of Bradbury City Council Agenda Report**

**TO: Honorable Mayor and Council Members**

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

**DATE: April 20, 2021**

**SUBJECT: INTRODUCTION OF ORDINANCE NO. 374**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
BRADBURY, CALIFORNIA, AMENDING THE BRADBURY MUNICIPAL  
CODE TO ADD DEVELOPMENT STANDARDS FOR YARD AREAS  
ADJACENT TO STREETS AND FOR PARKWAY AREAS**

**Continued from the March 16, 2021 regular meeting.**

### **AGENDA ITEM NO. 3**

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#### **SUMMARY**

As a further update of the Development Code, the Planning Commission examined potential regulations for landscaping and hardscapes in front and street-side yard areas. At its January 27, 2021 meeting, the Commission adopted Resolution No. PC 21-295 to recommend that the City Council adopt an ordinance for regulations for yard areas adjacent to streets. The Council reviewed the draft regulations at its February 16, 2021 meeting and found the proposed regulations acceptable and considered Ordinance No. 374 for introduction at the March 16, 2021 meeting. The Council asked for clarification of the proposed ban of artificial turf, in particular for the parkways of the R-7,500 zone area as presented in Section 2 of Ordinance No. 374. The Council also asked for clarification and adjustment of the proposed amendments to the property maintenance standards as presented in Section 8 of Ordinance No. 374.

#### **DISCUSSION**

The issues and the proposed regulations, and how they are addressed by Ordinance No. 374 were presented in the attached March 16, 2021 agenda report. After the February 16, 2021 meeting, at which the City Council reviewed drafts of the proposed regulations, Council Member Lathrop asked that staff be sure to review and revise the

property maintenance standards to be sure that there would not be conflicts between the new regulations and the property maintenance standards. Staff proposed adjustments to the property maintenance standards as presented in the March 16, 2021 agenda report. Council Member Lathrop stated that the amendments to the property maintenance standards went farther than he expected, and that the standards were mostly acceptable as they were and asked that the amendments in Ordinance No. 374 be revised to restore most of the property maintenance standards. Section 8 of Ordinance No. 374 now reads as follows:

Section 9.109.030.(21) of Chapter 109 of Part VI of Title IX of the Bradbury Municipal Code is hereby amended to read as follows:

“(21) *Lack of ground covering.* Maintenance of designated areas lacking one or more of the following ground coverings: properly maintained vegetative growth, hardscape, or fire-resistant bark or wood mulch;

(a) Designated areas as used in this Chapter shall mean and refer to areas visible from a public or private street that are:

- (1) Within ten feet of a building or residence; or
- (2) Larger than 225 square feet; and
- (3) With a linear dimension greater than six feet.

(b) The ground covering requirement in Section 9.109.030.(21) does not apply to the following areas:

- (1) Driveways, walkways, ADA access paths of travel, and architectural accessories;
- (2) Areas shaded by native oak or pine trees or naturally covered by mulch from such trees;
- (3) Equestrian training and stabling areas regularly used for that purpose;
- (4) Terrain with hillside slopes greater than 25 percent;
- (5) Orchards; and
- (6) Gardens in-between regular plantings.

(c) The City shall develop and maintain a list of ground coverage suggestions and a collection of model ground coverage plans to assist residents and landowners in meeting the requirements of this Chapter.”

Council Member Lathrop prefers the existing property maintenance standards because they accommodate desert-style landscaping, which typically have areas without plants but consist of decomposed granite or other granular materials. The City’s Landscape Architect says that as long as the decomposed granite or other materials are not compacted and permeable, it is acceptable as landscaping. Ordinance No. 374 has been revised to clarify that uncompacted decomposed granite, soils and granular materials are not hardscape so long as the materials are permeable. The definition of “hardscape” will now read as follows:

“Hardscape means paving, boulders, compacted soils and other impermeable granular materials, impermeable artificial turf, and other impermeable materials made from non-living matter.”

Council Member Hale asked about the proposed ban of artificial turf for parkway areas because the Bradbury Estates Community Services District requires artificial turf in its parkways. Staff clarified that the proposed prohibition of artificial turf is for ‘public’ parkways, and not for any of the private streets in the Bradbury Estates or the other private streets in the City. Council Member Lathrop asked about the widths of the parkways of the three cul-de-sac streets of Elda, Freeborn and Gardi that comprise the R-7,500 zone area. The City Council does not feel that artificial turf needs to be prohibited, but it does need to be of high quality.

The City Engineer states that the parkways of Elda, Freeborn and Gardi Streets are 7’-6” on each side, and that artificial turf should be allowed in parkways with qualitative standards and proper installation. The City’s Landscape Architect agrees that qualitative standards are necessary to avoid a highly artificial appearance, assure durability and long-term color retention. The artificial turf also needs to be permeable as called for by the State’s water efficiency and stormwater retention standards. Therefore, Ordinance No. 374 has been revised so that artificial turf is allowed in parkways and street-facing yards subject to standards that will assure the use of high-quality materials, permeability, and proper installation. These standards are to be reviewed by the Planning Commission and City Council, and approved by City Council resolution and incorporated into the City’s Design Guidelines. The City’s Landscape Architect is working on developing these standards along with the ground coverage suggestions and model ground coverage plans as called for by paragraph (c) of the property maintenance standards. A provision has been added to Ordinance no. 374 that prohibits artificial turf unless the City Council has approved qualitative standards for its use.

## **FINDINGS**

The amendments to be made by Ordinance No. 374 are consistent with the City’s General Plan and further the goals, policies, and programs of the Land Use Element of the General Plan.

## **ENVIRONMENTAL DOCUMENT**

It is recommended that the proposed Ordinance No. 374 is exempt under the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) which provides the commonsense rule that CEQA does not apply where it can be seen with certainty that the project will not cause any impacts. The proposed regulations reduce the need for landscape irrigation and promote permeation of stormwater and will not cause environmental impacts.

## **CITY COUNCIL ALTERNATIVES**

The City Council is to reopen the continued public hearing and solicit testimony on Ordinance No. 374. Following the testimony, the City Council will have the following choice of actions:

**Option 1.** Close the public hearing and determine that Ordinance No. 374 is to be approved with an exemption under CEQA, and approve a motion to introduce the ordinance and schedule the second reading and adoption for the next regular meeting on May 18, 2021.

**Option 2.** If the City Council determines that Ordinance No. 374 needs minor changes and should not be introduced as drafted, the Council should state the specific changes that need to be made and approve a motion to continue the public hearing and postpone the introduction of the Ordinance to the next regular meeting on May 18, 2021.

**Option 3.** If the City Council determines that Ordinance No. 374 needs significant changes, the Council should conclude the public hearing and refer the Ordinance back to the Planning Commission for their review and recommendation.

### **RECOMMENDATION**

Option 1 is recommended; that the City Council approve a motion to close the public hearing, determine that the Ordinance is exempt under CEQA, introduce Ordinance No. 374, and schedule the second reading and adoption for the next regular meeting on May 18, 2021.

### **ORDINANCE NO. 374 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA, AMENDING THE BRADBURY MUNICIPAL CODE TO ADD DEVELOPMENT STANDARDS FOR YARD AREAS ADJACENT TO STREETS AND FOR PARKWAY AREAS**

### **ATTACHMENTS**

- A) Ordinance No. 374
- B) March 16, 2021 Agenda Report

ATTACHMENT A

**ORDINANCE NO. 374**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF BRADBURY, CALIFORNIA, AMENDING THE  
BRADBURY MUNICIPAL CODE TO ADD  
DEVELOPMENT STANDARDS FOR YARD AREAS  
ADJACENT TO STREETS AND FOR PARKWAY AREAS**

## ORDINANCE NO. 374

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA, AMENDING THE BRADBURY MUNICIPAL CODE TO ADD DEVELOPMENT STANDARDS FOR YARD AREAS ADJACENT TO STREETS AND FOR PARKWAY AREAS

**WHEREAS**, the changes adopted herein are consistent with the City's General Plan and further the goals, policies, and programs of the Land Use Element of the General Plan.

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing to consider the changes adopted herein, and at its regular meeting of January 27, 2021, adopted Resolution No. PC 21-295 to recommend to the City Council approval of this ordinance with an exemption under the California Environmental Quality Act (CEQA).

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

**SECTION 1.** Section 9.25.020 of the Bradbury Development Code relating to Definitions is hereby amended by adding the following definition to read as follows:

*"Hardscape means paving, boulders, compacted soils and other impermeable granular materials, impermeable artificial turf, and other impermeable materials made from non-living matter."*

**SECTION 2.** Section 9.61.040 of Chapter 61 of Part V of Title IX of the Bradbury Municipal Code is hereby amended to add the following:

*"(8) Improvement of yards abutting rights-of-way. Improvements shall be designed and installed in manners that are consistent with the City's Design Guidelines. Hardscape shall not exceed 40 percent of the yard areas abutting rights-of-way."*

*(9) Parkway improvements. The parkway or the area between a roadway and the curb or swale and a lot line shall be paved with materials in a manner approved by the City Engineer, and/or landscaped with materials in a manner approved by the City Manager or designee and in compliance with the City of Bradbury Water Efficient Landscape Ordinance."*

**SECTION 3.** Section 9.64.040 of Chapter 64 of Part V of Title IX of the Bradbury Municipal Code is hereby amended to add the following:

*"(8) Improvement of yards abutting rights-of-way. Improvements shall be designed and installed in manners that are consistent with the City's Design Guidelines. Hardscape shall not exceed 35 percent of the yard areas abutting rights-of-way."*

*(9) Parkway improvements. The parkway or the area between a roadway and the curb or swale and a lot line shall be paved with materials in a manner approved by the City Engineer, and/or landscaped with materials in a manner approved by the City*

Manager or designee and in compliance with the City of Bradbury Water Efficient Landscape Ordinance.”

**SECTION 4.** Section 9.67.040 of Chapter 67 of Part V of Title IX of the Bradbury Municipal Code is hereby amended to add the following:

“(8) *Improvement of yards abutting rights-of-way.* Improvements shall be designed and installed in manners that are consistent with the City’s Design Guidelines. Hardscape shall not exceed 30 percent of the yard areas abutting rights-of-way.

(9) *Parkway improvements.* The parkway or the area between a roadway and the curb or swale and a lot line shall be paved with materials in a manner approved by the City Engineer, and/or landscaped with materials in manner approved by the City Manager or designee and in compliance with the City of Bradbury Water Efficient Landscape Ordinance.”

**SECTION 5.** Section 9.70.040 of Chapter 70 of Part V of Title IX of the Bradbury Municipal Code is hereby amended to add the following:

“(8) *Improvement of yards abutting rights-of-way.* Improvements shall be designed and installed in manners that are consistent with the City’s Design Guidelines. Hardscape shall not exceed 25 percent of the yard areas abutting rights-of-way.

(9) *Parkway improvements.* The parkway or the area between a roadway and the curb or swale and a lot line shall be paved with materials in a manner approved by the City Engineer, and/or landscaped with materials in a manner approved by the City Manager or designee and in compliance with the City of Bradbury Water Efficient Landscape Ordinance.”

**SECTION 6.** Section 9.73.040 of Chapter 73 of Part V of Title IX of the Bradbury Municipal Code is hereby amended to add the following:

“(8) *Improvement of yards abutting rights-of-way.* Improvements shall be designed and installed in manners that are consistent with the City’s Design Guidelines. Hardscape shall not exceed 15 percent of the yard areas abutting rights-of-way.

(9) *Parkway improvements.* The parkway or the area between a roadway and the curb or swale and a lot line shall be paved with materials in a manner approved by the City Engineer, and/or landscaped with materials in a manner approved by the City Manager or designee and in compliance with the City of Bradbury Water Efficient Landscape Ordinance.”

**SECTION 7.** Section 9.103.060.(2) of Chapter 103 of Part VI of Title IX of the Bradbury Municipal Code is hereby amended to read as follows:

“(2) *Access.* The minimum width of access driveways for a lot with only one dwelling shall be 15 feet. The minimum width of driveways that provide access to two or more

dwelling units shall be 20 feet. The maximum slope of a private driveway shall not exceed 15 percent.

(a) Maximum widths.

(i) In the R-7,500 zone, the maximum width of access driveways on-site shall be 20 feet, and the maximum width of the flat portion of access driveways within a right-of-way shall be 20 feet.

(ii) In the R-20,000 zone, the maximum width of access driveways on site shall be 30 feet, and the maximum width of the flat portion of access driveways within a right-of-way shall be 20 feet.

(iii) In the A-1, A-2, and A-5 zones, the maximum width of access driveways on site shall be 30 feet, and the maximum width of the flat portion of access driveways within a right-of-way shall be 25 feet.

(b) Number of driveways and circular driveways.

(i) In the R-7,500 zone, there shall be only one driveway and circular driveways are prohibited.

(ii) In the R-20,000, A-1, and A-2 zones, there shall only be one driveway and circular driveways are prohibited, unless the lot has a right-of-way frontage of at least 100 feet; then along this frontage, there may be two driveways that may be connected by a circular driveway. The locations of a two-driveway design and the design of a circular driveway are subject to design review approval by the Planning Commission.

(iii) In the A-5 zone, there shall not be more than two driveways along a right-of-way frontage, and a circular driveway connection shall not be within a required yard.

(c) Greater widths and additional requirements may be imposed by the Planning Commission to ensure adequate access to the site for emergency vehicles and evacuations."

**SECTION 8.** Section 9.109.030.(21) of Chapter 109 of Part VI of Title IX of the Bradbury Municipal Code is hereby amended to read as follows:

"(21) *Lack of ground covering.* Maintenance of designated areas lacking one or more of the following ground coverings: properly maintained vegetative growth, hardscape, or fire-resistant bark or wood mulch;

(a) Designated areas as used in this Chapter shall mean and refer to areas visible from a public or private street that are:

(1) Within ten feet of a building or residence; or

(2) Larger than 225 square feet; and



(3) With a linear dimension greater than six feet.

(b) The ground covering requirement in Section 9.109.030.(21) does not apply to the following areas:

- (1) Driveways, walkways, ADA access paths of travel, and architectural accessories;
- (2) Areas shaded by native oak or pine trees or naturally covered by mulch from such trees;
- (3) Equestrian training and stabling areas regularly used for that purpose;
- (4) Terrain with hillside slopes greater than 25 percent;
- (5) Orchards; and
- (6) Gardens in-between regular plantings.

(c) The City shall develop and maintain a list of ground coverage suggestions and a collection of model ground coverage plans to assist residents and landowners in meeting the requirements of this Chapter.”

**SECTION 9.** Qualitative Standards for Artificial Turf. The use of artificial turf in public parkways and street-facing yards is not allowed unless the City Council adopts by resolution standards for the quality, permeability, and installation of artificial turf.

**SECTION 10.** California Environmental Quality Act (CEQA). This Ordinance is exempt from CEQA pursuant to the commonsense exemption set forth in CEQA Guidelines Section 15061(b)(3) which provides that CEQA does not apply to an activity where it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment. The changes set forth herein are environmentally preferable and will not have any adverse impact on the environment.

**SECTION 11.** Effective Date. This Ordinance shall take effect on the thirty-first date after passage and adoption.

**SECTION 12.** Severability; Continuation of Provisions. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining portions, sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this Ordinance or any part thereof. The City Council hereby declares that it would have passed and adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases hereof be declared invalid or unenforceable. To the extent the provisions of the Bradbury Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read

immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

**SECTION 13.** Certification. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted.

**PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Claudia Saldana  
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 Ordinance No. 374 was duly passed by the City Council of the City of Bradbury, signed by the Mayor of said City, and attested to by the City Clerk, all at a regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, that it was duly posted, and that the same was passed and adopted by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

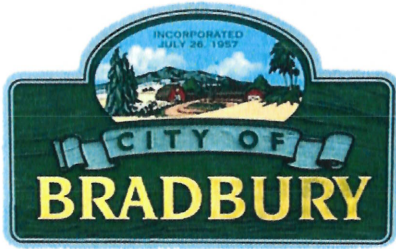
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Claudia Saldana  
City Clerk  
City of Bradbury

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*ATTACHMENT B*

**March 16, 2021 City Council Agenda Report**



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

## **City of Bradbury City Council Agenda Report**

**TO: Honorable Mayor and Council Members**

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

**DATE: March 16, 2021**

**SUBJECT: INTRODUCTION OF ORDINANCE NO. 374**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
BRADBURY, CALIFORNIA, AMENDING THE BRADBURY  
MUNICIPAL CODE TO ADD DEVELOPMENT STANDARDS FOR  
YARD AREAS ADJACENT TO STREETS AND FOR PARKWAY  
AREAS**

### **AGENDA ITEM NO. 2**

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#### **SUMMARY**

In continuing to work on updates of the Development Code, the Planning Commission examined potential regulations for landscaping and hardscapes in front and street-side yard areas. The Commission, at its January 27, 2021 meeting adopted Resolution No. PC 21-295 to recommend that the City Council adopt an ordinance to address the improvements of yard areas adjacent to streets. The Council reviewed the draft regulations at its February 16, 2021 meeting and found the proposed regulations acceptable. Staff drafted the attached Ordinance No. 374 for the Council's consideration and introduction.

#### **BACKGROUND**

The Planning Commission began a discussion at the October 28, 2020 meeting on issues related to front yards. This was in response to a project that had been referred to the Commission for guidance due to the lack of regulations for driveways, circular driveways, the maximum amount of hardscape or impervious surfaces, and the types of materials to be allowed; e.g., artificial turf, gravel, and other decorative materials. The Commission directed staff to check the regulations of 12 cities: Arcadia, Azusa, Duarte, Glendora, Hidden Hills, La Verne, Malibu, Monrovia, Rolling Hills Estates, San Dimas, San Marino, and Sierra Madre. The applicable regulations were discussed at the December 2, 2020 meeting along with draft regulations for the City of Bradbury. The Commission held a public

hearing and determined that the proposed regulations are acceptable and adopted the attached Resolution No. PC 21-295 to recommend to the City Council the preparation and approval of an ordinance to amend the Development Code to add the proposed regulations.

The City Council reviewed the regulations of the twelve cities and the draft regulations for the City of Bradbury at the February 16, 2021 regular meeting. The Council found the draft regulations acceptable provided they are consistent with the City's property maintenance standards. Staff reviewed those standards and incorporate the necessary adjustments into the proposed Ordinance No. 374.

## **DISCUSSION**

The issues and the proposed regulations, and how they are addressed by Ordinance No. 374 are as follows. New wording is shown in *Italics* and deletions with ~~double-strikethroughs~~.

- **Landscaping vs. Hardscape & Use of Artificial Turf – How much of a yard area abutting a right-of-way should be landscaping and how much should be hardscape (i.e., driveway, walkways, and areas not planted with vegetation such as stones, boulders, and gravel)? Should artificial turf be allowed in front yards, and if so, how much?**

R-7,500 – Maximum 40% hardscape which includes artificial turf

R-20,000 – Maximum 35% hardscape which includes artificial turf

A-1 – Maximum 30% hardscape which includes artificial turf

A-2 – Maximum of 25% hardscape which includes artificial turf

A-5 – Maximum of 15% hardscape which includes artificial turf

All zones – Artificial turf is not to be allowed in parkways along public streets

Ordinance No. 374 adds a definition for “hardscape” to Chapter 25 (Definitions) and adds the hardscape and artificial turf limits by adding new subsections (8) and (9) to the Development Standards for each zone as follows:

*Hardscape means paving, gravel, rocks, boulders, decomposed granite and other compacted soils, artificial turf, and other materials made from non-living matter.*

### **R-7,500**

*(8) Improvement of yards abutting rights-of-way.*

*(a) Hardscape shall not exceed 40 percent of the yard areas abutting rights-of-way.*

*(b) Artificial turf is not allowed in the yard areas abutting rights-of-way.*

*(9) Parkway improvements. The parkway or the area between a roadway and the curb or swale and a lot line shall be paved with materials and in a manner approved by the City Engineer, or landscaped with materials and in a manner approved by the City Manager or designee and in compliance with the City of Bradbury Water Efficient Landscape Ordinance. Artificial turf is not allowed in parkways or the areas between roadways and the curb along public streets.*

## R-20,000

### *(8) Improvement of yards abutting rights-of-way.*

*(a) Hardscape shall not exceed 35 percent of the yard areas abutting rights-of-way.*

*(b) Artificial turf is not allowed within 20 feet of an abutting right-of-way.*

*(9) Parkway improvements. The parkway or the area between a roadway and the curb or swale and a lot line shall be paved with materials and in a manner approved by the City Engineer, or landscaped with materials and in a manner approved by the City Manager or designee and in compliance with the City of Bradbury Water Efficient Landscape Ordinance. Artificial turf is not allowed in parkways or the areas between roadways and the curb along public streets.*

## A-1

### *(8) Improvement of yards abutting rights-of-way.*

*(a) Hardscape shall not exceed 30 percent of the yard areas abutting rights-of-way.*

*(b) Artificial turf is not allowed within 20 feet of an abutting right-of-way."*

*(9) Parkway improvements. The parkway or the area between a roadway and the curb or swale and a lot line shall be paved with materials and in a manner approved by the City Engineer, or landscaped with materials and in a manner approved by the City Manager or designee and in compliance with the City of Bradbury Water Efficient Landscape Ordinance. Artificial turf is not allowed in parkways or the areas between roadways and the curb along public streets.*

## A-2

### *(8) Improvement of yards abutting rights-of-way.*

*(a) Hardscape shall not exceed 25 percent of the yard areas abutting rights-of-way.*

*(b) Artificial turf is not allowed within 20 feet of an abutting right-of-way."*

*(9) Parkway improvements. The parkway or the area between a roadway and the curb or swale and a lot line shall be paved with materials and in a manner approved by the City Engineer, or landscaped with materials and in a manner approved by the City Manager or designee and in compliance with the City of Bradbury Water Efficient Landscape Ordinance. Artificial turf is not allowed in parkways or the areas between roadways and the curb along public streets.*

## A-5

*(8) Improvement of yards abutting rights-of-way. Hardscape shall not exceed 15 percent of the yard areas abutting rights-of-way."*

*(9) Parkway improvements. The parkway or the area between a roadway and the curb or swale and a lot line shall be paved with materials and in a manner approved by the City Engineer, or landscaped with materials and in a manner approved by the City Manager or designee and in compliance with the City of Bradbury Water Efficient Landscape Ordinance. Artificial turf is not allowed in parkways or the areas between roadways and the curb along public streets.*



- **Should there be maximum widths for driveways at the street and on site? Should there be only one driveway access per property? And, what are the circumstances for which an additional and/or circular driveway is to be allowed?**

R-7,500 – Maximum driveway width of 20 feet for both on-site and within the right-of-way. Additional and circular driveways are not to be allowed.

R-20,000 – Maximum driveway widths of 30 feet on-site and 20 feet within the right-of-way. Additional and circular driveways may be allowed with a minimum lot width/length of 100 feet at a right-of-way and subject to design review approval by the Planning Commission.

A-1 – Maximum driveway widths of 30 feet on-site and 25 feet within the right-of-way. Additional and circular driveways may be allowed with a minimum lot width/length of 100 feet at a right-of-way and subject to design review approval by the Planning Commission.

A-2 – Maximum driveway widths of 30 feet on-site and 25 feet within the right-of-way. Additional and circular driveways may be allowed with a minimum lot width/length of 100 feet at a right-of-way and subject to design review approval by the Planning Commission.

A-5 – Maximum driveway widths of 30 feet on-site and 25 feet within the right-of-way. Circular driveways are not to be allowed in a required yard.

Ordinance No. 374 adds maximum widths for driveways by amending the Access provisions of Chapter 103 (Off-Street Parking Standards) to be applicable for all dwelling units, and adding provisions for maximum widths and numbers of driveways:

- (2) Access. ~~The minimum width of access driveways for each single-family lot with only one dwelling which leads to required off-street parking facilities shall be 15 feet. The minimum width of driveways that provide access to two or more single-family dwelling units shall be 20 feet. The maximum slope of a private driveway shall not exceed 15 percent. Additional conditions may be imposed by the Planning Commission so as to ensure adequate access to the site for emergency vehicles.~~

*(a) Maximum widths.*

- (i) In the R-7,500 zone, the maximum width of access driveways on-site shall be 20 feet, and the maximum width of the flat portion of access driveways within a right-of-way shall be 20 feet.*
- (ii) In the R-20,000 zone, the maximum width of access driveways on site shall be 30 feet, and the maximum width of the flat portion of access driveways within a right-of-way shall be 20 feet.*
- (iii) In the A-1, A-2, and A-5 zones, the maximum width of access driveways on site shall be 30 feet, and the maximum width of the flat portion of access driveways within a right-of-way shall be 25 feet.*

*(b) Number of driveways and circular driveways.*

- (i) In the R-7,500 zone, there shall be only one driveway and circular driveways are prohibited.*

- (ii) *In the R-20,000, A-1, and A-2 zones, there shall only be one driveway and circular driveways are prohibited, unless the lot has a right-of-way frontage of at least 100 feet; then along this frontage, there may be two driveways that may be connected by a circular driveway. The locations of a two-driveway design and the design of a circular driveway are subject to design review approval by the Planning Commission.*
- (iii) *In the A-5 zone, there shall not be more than two driveways along a right-of-way frontage, and a circular driveway connection shall not be within a required yard.*
- (c) *Greater widths and additional requirements may be imposed by the Planning Commission to ensure adequate access to the site for emergency vehicles and evacuations.*
- **Should contemporary materials and methods such as stamping, scoring, pavers, colored concrete, decomposed granite, and grass-crete be allowed as decorative features for driveways, and as materials for walkways?**

Contemporary decorative materials and methods are to be allowed for walkways and driveway accenting because these materials are more natural in appearance, but the materials and methods are to be consistent with the architectural style of the house. This issue is to be addressed by adding the applicable materials to the City's Design Guidelines, which are to be amended by City Council Resolution and referenced in the design review provisions of the Development Code. A draft resolution and ordinance to amend the Design Guidelines and design review provisions will be presented for review to the Planning Commission and City Council.

- **During the review of the proposed regulations at the February 16, 2021 meeting, it was mentioned that the new regulations will be consistent with the City's property maintenance standards.**

In order for the ground covering requirements of the property maintenance standards to be consistent with the new yard improvement regulations, Ordinance No. 374 amends subsections 9.109.030.(21) and 9.109.035 of Chapter 109 (Property Maintenance Standards) as follows:

Sec. 9.109.030. – Property maintenance standards; public nuisance declared.

It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in the City to maintain such premises in such manner that any of the following conditions are found to exist thereon:

- (21) Lack of ground covering. Maintenance of designated areas lacking one or more of the following ground coverings: properly maintained vegetative growth, ~~decorative rock, artificial turf~~hardscape, or fire-resistant bark or wood mulch;

~~Sec. 9.109.035. – Groundcover definitions.~~

- (a) Designated areas as used in this chapter shall mean and refer to areas visible from a public or private street that are:

- ~~(1) Within ten feet of a building or residence; or~~

- ~~(2i) Are~~ Larger than ~~225~~36 square feet; ~~and/or~~
  - ~~(3ii) With a~~ linear dimension ~~less~~ greater than six feet.
- (b) The ground covering requirement in Section 9.109.030.(21) does not apply to the following areas:
  - (1) Driveways, walkways, ADA access paths of travel, and architectural accessories;
  - (2) Areas shaded by native oak or pine trees or naturally covered by mulch from such trees;
  - (3) Equestrian training and stabling areas regularly used for that purpose;
  - (4) Terrain with hillside slopes in excess of 25 percent;
  - (5) Orchards;
  - (6) Gardens in between regular plantings.
- (c) The City shall develop and maintain a list of ground coverage suggestions and a collection of model ground coverage plans to assist residents and landowners in meeting the requirement of this chapter.

## **FINDINGS**

The amendments to be made by Ordinance No. 374 are consistent with the City's General Plan and further the goals, policies, and programs of the Land Use Element of the General Plan.

## **ENVIRONMENTAL DOCUMENT**

It is recommended that the proposed Ordinance No. 374 is exempt under the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) which provides the commonsense rule that CEQA does not apply where it can be seen with certainty that the project will not cause any impacts. The proposed regulations reduce the need for landscape irrigation and promote permeation of stormwaters, and will not cause environmental impacts.

## **CITY COUNCIL ALTERNATIVES**

The City Council is to hold a public hearing and solicit testimony on Ordinance No. 374. Following the testimony, the City Council will have the following choice of actions:

**Option 1.** Conclude the public hearing and determine that Ordinance No. 374 is to be approved with an exemption under CEQA, and approve a motion to introduce the ordinance and schedule the second reading and adoption for the next regular meeting on April 20, 2021.

**Option 2.** If the City Council determines that Ordinance No. 374 needs minor changes and should not be introduced as drafted, the Council should state the specific changes that need to be made and approve a motion to continue the public hearing to the next regular meeting on April 20, 2021.

**Option 3.** If the City Council determines that Ordinance No. 374 needs significant changes, the Council should conclude the public hearing and refer the Ordinance back to staff to incorporate the changes. In accordance with the Bradbury Municipal Code, the changes to the ordinance are to be referred back to the Planning Commission for their review and recommendation.

### **RECOMMENDATION**

Option 1 is recommended; that the City Council approve a motion to close the public hearing, determine that the Ordinance is exempt under CEQA, and introduce Ordinance No. 374, and schedule the second reading and adoption for the next regular meeting on April 20, 2021.

### **ATTACHMENT**

Ordinance No. 374



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

## **City of Bradbury City Council Agenda Report**

**TO: Honorable Mayor and Council Members**

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

**DATE: April 20, 2021**

**SUBJECT: INTRODUCTION OF ORDINANCE NO. 375**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA REPEALING CHAPTERS 34, 37 AND 40 OF THE DEVELOPMENT CODE AND ADDING A NEW CHAPTER 34 RELATING TO ARCHITECTURAL REVIEW AND NEIGHBORHOOD COMPATIBILITY, AND AMENDING CHAPTERS 7, 13, 16, 19, 29, 31, 43, 55, 112, 115, 139, 166 AND 172 OF THE DEVELOPMENT CODE RELATING TO HEARINGS**

### **AGENDA ITEM NO. 4**

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#### **SUMMARY**

Ordinance No. 373 for Secondary Living Quarters, including Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) was adopted by the City Council on March 16, 2021. The Ordinance, which is in accordance with State legislation, precludes architectural review of ADUs up to 1,000 square feet. However, the City's current architectural review regulations, require architectural review by the Planning Commission for any structure of 1,000 square feet or more. Therefore, the City's architectural review regulations need to be amended to be in alignment with Ordinance No. 373 and State legislation. In reviewing the architectural review regulations, staff noticed several inconsistencies among the various provisions for minor and significant architectural review and with the neighborhood compatibility provisions. The proposed Ordinance No. 375 (attached) eliminates the inconsistencies and clarifies the provisions for minor and significant architectural review, and neighborhood compatibility and combines them into a single chapter.

In reviewing the architectural review regulations, staff noticed that the public hearing provisions need to be updated. In reviewing the public hearing provisions, staff noticed that there are many inconsistencies throughout the Development Code in the many

sections that require and provide procedures for public hearings. The proposed Ordinance No. 375 amends the many references to public hearings to provide consistent requirements and procedures.

The Planning Commission reviewed a draft of the proposed ordinance at its March 24, 2021 meeting and adopted the attached Resolution No. PC 21-296 to recommend to the City Council approval of the Ordinance. It is recommended that the City Council approve and introduce Ordinance No. 375 and schedule the second reading and adoption for the May 18, 2021 regular meeting.

## **BACKGROUND**

The State legislature has adopted several housing-related bills, including legislation that mandated the allowing of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). The mandates include that applications for ADUs and JADUs be processed ministerially, which means that they cannot be subject to architectural review and can only be reviewed through plan check with the Building Department for compliance with applicable codes. This ministerial requirement applies to ADUs that are up to 1,000 square feet in size. JADUs are limited to a maximum of 500 square feet.

The City Council adopted Ordinance No. 373 at its March 16, 2021 regular meeting. Ordinance No. 373 sets forth the City of Bradbury's requirements for ADUs, JADUs and other types of secondary living quarters. Because the State legislation requires ministerial processing of ADUs of up to 1,000 square feet, the City's architectural review provisions need to be amended to align with the legislation.

The current architectural review provisions require architectural review for any structure of at least 1,000 square feet. The amendment to align with the new Ordinance No. 373 is minor, but language has been added [New Sec. 9.34.020.(3) on p.2 of Ord. 375] to make it clear that ADUs are not subject to architectural review. To provide for architectural consistency and privacy, Ordinance No. 373 includes requirements that an ADU shall be of the same architectural style and quality as the primary unit, and that window placements shall be sensitive to maintaining privacy between dwelling units.

There has also been concern that changes to street-facing elevations should be reviewed by the Planning Commission. The applicability of Minor Architectural Review (with no Planning Commission involvement unless appealed) has been amended [New Sec. 9.34.020.(1)(a) on p.2 of Ord. 375] to apply to modifications of exteriors that do not face a street or accessway.

In reviewing the architectural review provisions, staff determined that it would be efficient to combine in a single chapter the provisions for significant architectural review, minor architectural review, and neighborhood compatibility. Staff also found several inconsistencies throughout the Development Code relating to hearings. Ordinance No. 375 brings the City's architectural review provisions into alignment with the State ADU legislation, clarifies the difference between public hearings and hearings that are to be held at a public meeting, addresses the various provisions for hearings so that they are consistent, and places the public hearing provisions in a single chapter.

## **DISCUSSION**

Because the State legislation does not allow for architectural review of ADUs that are up to 1,000 square feet in size, the City's architectural review provisions are to be amended so that ADUs of 1,000 square feet and less are not subject to architectural review. In adopting local regulations for ADUs, the City determined that a regular ADU, which could have side and rear setbacks of only four feet, and not be equipped with fire sprinklers are not to be allowed in the Very High Fire Hazard Severity Zone. Because this Zone applies to most of the City, a modified type of ADU was established, which is called a Fire Zone Accessory Dwelling Unit (FZADU). A FZADU is required to meet the side and rear yard requirements of the zone in which it is to be located and to be equipped with fire sprinklers. But, a FZADU which can be up to 1,000 square feet is not subject to architectural review.

Ordinance No. 375 combines Chapters 34, 37 and 40, which respectively are for Significant Architectural Review, Minor Architectural Review, and Neighborhood Compatibility. By combining these provisions into a single chapter, it is easier to administer by making it clearer as to the applicability of the type of design review, the applicability of neighborhood compatibility, and the findings necessary for approval.

In reviewing the provisions for Significant Architectural Review, staff noticed that the provisions that call for a public hearing are not clearly stated. In reviewing the requirements for public hearings, staff found numerous inconsistencies throughout the Development Code regarding the provisions for public hearings and hearings at public meetings. Ordinance No. 375 amends the numerous references to hearings and places the provisions for public hearings into a single chapter. Planning Commission Resolution No. PC 21-296 recommends that the City Council approve Ordinance No. 375.

### **New Chapter 34 – Architectural Review**

The following presents the NEW Sections comprising the new Chapter 34 for Architectural Review in **bold** type, and for comparison the corresponding OLD provisions for Significant and Minor Architectural Review (Old Chapters 34 & 37) and Neighborhood Compatibility (Old Chapter 40) are in smaller 11-point type:

#### **NEW Sec. 9.34.010. – Purpose.**

**Architectural review is intended to:**

- (1) Establish functional adequacy for grading, drainage, utility landscaping and other aspects of each development;**
- (2) Ensure functional interrelationship of buildings, structures and improvements on each development;**
- (3) Preserve trees, ridgeline vistas, canyon views and other aspects of the rural environment which characterize the City;**
- (4) Ensure that the siting, design, and massing of all new or remodeled structures or developments are compatible with existing uses, designs,**



**and developments in surrounding neighborhoods;**

**(5) Promote compatibility of architectural design with surrounding property; and**

**(6) Preserve the scenic character of the City.**

OLD Sec. 9.34.010. – Purpose.

Architectural review, significant, is intended to:

- (1) Establish functional adequacy for grading, drainage, utility landscaping and other aspects of each development;
- (2) Ensure functional interrelationship of buildings, structures and improvements on each development;
- (3) Preserve trees, ridgeline vistas, canyon views and other aspects of the rural environment which characterizes the City;
- (4) Ensure compatibility of newly developed uses with surrounding properties; and
- (5) Promote compatibility of architectural design with surrounding property.

OLD Sec. 9.37.010. – Purpose.

Architectural review, minor, provides procedures which are intended to ensure compliance with the requirements of this title for small or minor development projects.

OLD Sec. 9.40.010. – Purpose.

The purpose of this chapter is to preserve the scenic character of the City and to ensure that the siting, design and massing of all new or remodeled structures or developments are compatible with existing uses, designs, and development in surrounding neighborhoods. No person shall construct, make additions to or modify any structure on any property in any residential zone in the City unless the resulting structure is found to be compatible with the neighborhood within which it is located. The following design criteria and review processes are established to protect and maintain the established character of all residential neighborhoods within the City.

**NEW Sec. 9.34.020. – Architectural Review – Minor and Significant.**

- (1) Minor Architectural Review shall be limited to development which meets the following criteria:**
  - (a) Minor modifications to the exterior appearance of any building or structure not facing a street or accessway;**
  - (b) Construction of single-story structure, including accessory structures, which are less than 1,000 square feet of floor area;**
  - (c) Construction which does not exceed a total of 18 feet in height from grade for the finished structure; and**
  - (d) Construction of swimming pools, fences and gates or minor landscaping improvements which do not exceed 25 percent of the parcel size, and installation of exterior mechanical, electrical and plumbing equipment.**
- (2) Significant Architectural Review shall cover all development other than those listed in subsection (1) above.**



**(3) Accessory dwelling units and Very High Fire Zone accessory dwelling units shall not require any architectural review, regardless of where such units are located.**

**OLD Sec. 9.34.020. – Applicability.**

All significant construction or development in the City, including remodeling of existing structures, shall be governed by the procedures and regulations of this chapter except as otherwise provided for herein.

**OLD Sec. 9.37.020. – Applicability.**

The provisions of chapter are applicable to:

- (1) Minor modifications of the exterior appearance of any building or structure;
- (2) Construction of single-story additions or new accessory structures having less than 1,000 square feet of floor area and which do not exceed 18 feet in height and which do not require the issuance of a variance;
- (3) Construction of minor accessory structures such as patio covers, swimming pools, gazebos, garages, barns, fences and gates, or minor landscaping improvements which do not exceed 25 percent of the parcel size.

**OLD Sec. 9.40.020. – Applicability.**

- (a) Generally. All development or construction shall be subject to the requirements of review for neighborhood compatibility except as otherwise provided for herein.
- (b) Exemptions. The following developments may be exempted by City staff from neighborhood compatibility review:
  - (1) Construction of a one-story residence which needs no variance for any purpose and is less than 18 feet in height.
  - (2) Remodeling of an existing residence which:
    - a. Does not add more than 1,000 square feet of new space to the house; and
    - b. Does not include the construction of a new second or higher story.
  - (3) Projects which do not require a variance, conditional use permit or other discretionary entitlement, other than a minor architectural review.

If a development is exempt from the requirements of this chapter, City staff shall so certify in writing.

**NEW Sec. 9.34.030. – Submission required for architectural review.**

- (1) Any plans, specifications, drawings or sketches which are submitted to the City for approval pursuant to the provisions of this title and the building code for the construction or structural alteration of any buildings or structures in the residential zones shall be accompanied by the following:**
  - (a) Grades, natural and finished;**
  - (b) Drainage, existing and proposed;**
  - (c) Landscaping plan, including a tree planting and preservation plan;**
  - (d) Existing structures on the subject property;**
  - (e) The plans and silhouettes required by the ridgeline and view**

**preservation regulations; and**

**(f) The application fee, including cost of environmental review and mailing where applicable.**

**(2) The plans must show the effect of the proposed work upon visual relationships with other lots, existing structures, or land adjacent to or within 500 feet of the proposed work.**

**(3) The Planning Department shall review submitted plans for compliance with the provisions of these requirements.**

OLD Sec. 9.34.030. – Submission required for significant architectural review; procedure.

Any plans, specifications, drawings or sketches which are submitted to the City for approval pursuant to the provisions of this title and the building code for the construction or structural alteration of any buildings in the residential zones shall be accompanied by the following:

- (1) Grades, natural and finished;
- (2) Drainage, existing and proposed;
- (3) Landscaping plan, including a tree planting and preservation plan;
- (4) Existing structures on the subject property;
- (5) The plans and silhouettes required by the ridgeline and view preservation regulations;
- (6) Certification that the address list is from the most current assessor's list and mailing matrix for notification; and
- (7) A check for the application fee, including cost of environmental review and mailing.

OLD Sec. 9.37.030.(a) – Procedure.

(a) Submission required for minor architectural review. Any plans, specifications, drawings or sketches which are submitted to the City for approval pursuant to the provisions of this title and the building code for the minor construction or alteration of any buildings in the residential zones shall be accompanied by the following:

- (1) Grades, natural and finished;
- (2) Drainage, existing and proposed;
- (3) Preliminary landscaping plan;
- (4) Existing structures on the subject property;
- (5) A check for the application fee, including cost of environmental review and mailing.

OLD Sec. 9.40.030. – Procedure.

For any development to which Chapter 34 of this title applies, the applicant, as part of the architectural review process, shall submit, on forms provided by the City, plans showing the effect of the proposed work upon visual relationships with other lots, existing structures, or land adjacent to or within 500 feet of the proposed work. The application shall be accompanied by an application fee, as established by resolution of the City Council.

**NEW Sec. 9.34.040. – Findings.**

**The architectural review may be approved, conditionally approved, or disapproved. No application shall be approved unless the following findings are made by the approving body:**

- (1) That the proposed development is designed and will be developed to preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping;**
- (2) That the proposed development is designed and will be developed in a manner which will be reasonably compatible with the existing neighborhood character in terms of scale of development in relation to surrounding residences and other structures;**
- (3) That the proposed development is designed and will be developed in a manner which will preserve to the greatest extent practicable the privacy of persons residing on adjacent properties;**
- (4) The requirements of the ridgeline and view preservation regulations have been met;**
- (5) That the proposed development is designed and will be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbors' existing views, view of ridgelines, valleys, or vistas;**
- (6) The requirements of the tree preservation and landscaping regulations have been met;**
- (7) That the design minimizes the appearance of over or excessive building substantially in excess of existing structures in the neighborhood, in that:**
  - (a) The square footage of the structure(s) and the total lot coverage of the development shall reflect the uncrowded character of the City and the neighborhood; and**
  - (b) The height(s) of the structure(s) shall maintain, to the extent reasonably practicable, consistency with the heights of structures on neighboring properties; and**
- (8) That the design is consistent with the City's Design Guidelines.**

OLD Sec. 9.34.050. – Findings and determination.

The Planning Commission may approve, conditionally approve, disapprove or approve as modified any design or project given architectural review. No application shall be approved unless the Commission determines all of the following:

- (1) That the proposed development is designed and will be developed to preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping;
- (2) That the proposed development is designed and will be developed in a manner which will be reasonably compatible with the existing neighborhood character in terms of scale of development in relation to surrounding residences and other structures;
- (3) That the proposed development is designed and will be developed in a manner which will preserve to the greatest extent practicable the privacy of persons residing on adjacent properties;
- (4) The requirements of the ridgeline and view preservation regulations have been met;
- (5) That the proposed development is designed and will be developed in a manner to the

extent reasonably practicable so that it does not unreasonably interfere with neighbors' existing view, view of ridgelines, valleys or vistas; and

- (6) The requirements of the tree preservation and landscaping regulations have been met.

OLD Chapter 37 – No findings

OLD Sec. 9.40.040. – Criteria for review.

The Planning Commission shall review each development to ensure compliance, to the extent feasible, with the following standards:

- (1) Natural amenities. Improvements to the residential property shall respect and preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping.
- (2) Neighborhood character. Proposals shall be reasonably compatible with the existing neighborhood character in terms of the scale of development of surrounding residences, particularly those within 500 feet of the proposed development parcel boundaries. While many elements can contribute to the scale of a residential structure, designs should minimize the appearance of over or excessive building substantially in excess of existing structures in the neighborhood. The square footage of the structure and the total lot coverage shall reflect the uncrowded character of the City and the respective neighborhood. The height of the structures shall maintain to the extent reasonably practicable, some consistency with the height of structures on neighboring properties.
- (3) Privacy. Design proposals shall respect the existing privacy of adjacent properties by maintaining an adequate amount of separation between the proposed structure and adjacent properties, and the design of balconies, decks and windows shall respect the existing privacy of adjacent properties.

**NEW Sec. 9.34.050. – Approving Body.**

- (1) Minor architectural review shall be conducted by the Planning Department. The Planning Department shall provide written notice to the applicant.**
- (2) Significant architectural review shall be conducted by the Planning Commission. The Planning Commission shall hold a duly noticed public hearing in accordance with Chapter 31 of this Title.**

OLD Sec. 9.34.040. – Review by the Planning Commission.

- (a) Hearing. The Planning Commission shall review, hear and consider all information and testimony regarding the issues set forth in this chapter. The Planning Commission may approve or disapprove the application, and may recommend any necessary design modifications or conditions to ensure that the proposal reflects the objectives of this chapter.
- (b) Notice. Ten days prior to the meeting to consider architectural review of the proposed development, the City shall mail written notice to all property owners within 500 feet of the parcel to be developed, if:
  - (1) The development provides for the construction of 1,000 square feet of new space or adds 1,000 square feet of space to an existing structure;
  - (2) The development adds a new or higher story to an existing structure;
  - (3) The development exceeds 18 feet in height; or
  - (4) The development requires a variance.

All other matters receiving architectural review shall require notice by posting in three public places pursuant to Government Code § 65090. Nothing contained herein shall be construed as preventing the Planning Commission from giving a greater degree of notice than this title would otherwise require.

OLD Sec. 9.37.030.(b) – Procedure.

(b) Review by the Planning Department.

- (1) The Planning Department staff shall review submitted plans for compliance with the provisions of this Code.
- (2) The City Planner may approve, conditionally approve, deny or submit the submitted plans to the Planning Commission for consideration.
- (3) The City Planner shall advise the Planning Commission of all minor architectural review applications and the disposition thereof.

OLD Sec. 9.40.040. – Criteria for review.

The Planning Commission shall review each development to ensure compliance, to the extent feasible.

### **NEW Sec. 9.34.060. – Appeals.**

**Appeals shall be handled in accordance with Chapter 16 of this Title.**

OLD Chapter 34 – No appeal provision.

OLD Sec. 9.37.030.(c) – Procedure.

- (c) Appeal of City Planner's decision. Appeals shall be handled in the manner provided for in Chapter 16 of this title.

OLD Chapter 40 – No appeal provision.

### **Amendments to Hearing Provisions**

The proposed hearing provisions, and how they are addressed by Ordinance No. 375 are as follows. Ordinance No. 375 provides consistent procedures for public hearings and clarifies the distinction between a public hearing which requires notice to a 500-foot radius, and a hearing at a public meeting for which only the involved parties are notified. New wording is shown in *Italics* and deletions with ~~double strikethroughs~~.

**Section 9.07.050(d)** relating to permit/entitlement implementation and time extensions is amended as follows with all other provisions of Section 9.07.050 remaining the same:

- (d) Hearing on expiration/extension. If the matter originally required a noticed public hearing, the Review Authority shall hold a public hearing on the proposed extension of a permit or entitlement, and give notice ~~to the owners of property within a 500-foot radius of the subject property~~ *in the same manner*.

**Section 9.10.040(4)** relating to appeal procedures on nonconforming uses, structures, and parcels is amended as follows, and all other provisions of Section 9.10.040 remain the same:

- (4) Appeals. An appeal may be filed with the City Clerk within 30 days after the

mailing of such order by the City Manager. Any person who is the owner, or has possession of the property to which such order relates, may file an appeal. Upon receipt of an appeal, the City Council shall conduct a hearing thereon *at a public meeting*; notice thereof shall be ~~given in the manner prescribed in Section 9.16.030~~ *mailed at least ten days before the hearing to the appellant and the owner of the property and any persons in possession of the property.* At the time and place set for the hearing, the City Council shall give the appellant a reasonable opportunity to be heard; the City Council may consider any applicable staff report in order to determine the question of whether the said use, building or structure has lost its nonconforming status pursuant to the provisions hereof. The City Council's decision shall be final and conclusive.

**Sections 9.13.040, 9.13.050, and 9.13.060** relating to General Plan, Development Code, and Zoning Map Amendments are amended to read as follows with all other provisions of Chapter 13 to remain the same:

Sec. 9.13.040. – Notice and hearing.

- (a) The Planning Commission and City Council shall conduct *public* hearings and provide notice in accordance with the provisions set forth ~~herein~~ *in Chapter 31* and any State law applicable to such proceedings, including notice to other agencies.
- (b) Notice of the time and place of all *public* hearings before the Planning Commission or City Council shall be given ~~by United States mail, postage prepaid, to the owners, as listed on the most recently equalized County Assessors Roll, of property located within 500 feet of the external boundary of the portion for which the amendment is sought~~ *as set forth in Chapter 31.* If the amendment is to other than the land use designation or zoning of a specific property, the mailed notice shall be given to all property owners in the City who will be impacted by such amendment.

Sec. 9.13.050. – Planning Commission action on amendments.

After conducting a *public* hearing on any proposed amendment, the Planning Commission shall take one of the following courses of action:

- (1) Recommend to the City Council that the requested amendment or change be granted in whole, or in part; or
- (2) Recommend to the City Council that the requested amendment or change be denied in whole, or in part.

The Commission's recommendation shall be by resolution which shall contain the reasoning upon which the recommendation was based. A recommendation on a General Plan amendment must be adopted by a majority of the total membership of the Planning Commission. A recommendation on a zone change or development code amendment must be made by a majority of the quorum and must also contain a statement as to the relationship of the proposed amendment to applicable general and specific plans. The City Clerk shall maintain the Commission's records and files relating to such matter.

Sec. 9.13.060. – Council action on amendments.

- (a) Upon receipt by the City Clerk of the *Planning* Commission's recommendation, the City Council shall conduct a *public* hearing on the proposed amendment.
- (b) If the decision of the City Council involves a substantial modification of the decision of the Planning Commission which was not previously considered by the Commission during its *public* hearing, the matter shall be referred back to the Commission for its recommendation before any final action is taken. The failure of the Planning Commission to report back within 45 days shall be deemed a recommendation of approval.
- (c) The City Council must approve an amendment to the General Plan by a vote of a majority of the total membership of the City Council. A zone change or development code amendment may be made by a majority of the quorum.
- (d) The adoption of any amendment is entirely at the discretion of the City Council. The Council shall not adopt any amendment unless it finds that the proposed ~~plan~~ *amendment and any related development proposal* is consistent with the General Plan and other adopted goals and policies of the City, and that the proposed ~~specific plan~~ *amendment* is in compliance with the provisions of the California Environmental Quality Act (CEQA).
- (e) General Plan amendments shall be adopted by resolution. Development code amendments and amendments to the zoning map shall be by ordinance.

**Section 9.16.030(d)** relating to hearings for appeals is amended to read as follows; all other provisions of Chapter 16 remain the same:

(d) Hearings; notice.

- (1) The City Clerk shall set a date, time and place for a public hearing. ~~Written~~ *Notice* shall be given at least ten days before the hearing to the applicant and any appellant if other than the applicant.
- (2) The *public* hearing shall be commenced before the appellate body within 45 days after the filing of the appeal.
- (3) If a noticed public hearing was required for the decision being appealed, then notice of the *public* hearing before the appellate body shall be given in the same manner.
- (4) No appeal may be withdrawn except by the appealing party, with the consent of the applicant and the City Council; no refund of the filing fee shall be permitted in case of withdrawal.

**Sections 9.19.020 and 9.19.030** relating to revocations and modifications of Variances and Conditional Use Permits are amended to read as follows; with all other provisions of Chapter 19 remaining the same:

Sec. 9.19.020. – Revocation of variances and conditional use permits.

Upon recommendation by the City Manager, the body which granted a variance or conditional use permit shall conduct a noticed public hearing, in the manner ~~prescribed in Section 9.31.020~~ *as required for the granting of the same*, to determine whether such variance or conditional use permit should be revoked. This revocation procedure shall apply to permits or variances granted prior to as well as after the adoption of these regulations. If the granting body finds any one of the following facts to be present, it shall revoke the variance or conditional use permit:

- (1) That the variance or permit was obtained by fraud;
- (2) That the use for which such approval was granted has ceased to exist; or has been voluntarily discontinued for a period of six months or more;
- (3) That the permit or variance granted is being, or has been, exercised contrary to any conditions imposed upon such permit or variance, or in violation of any law; or
- (4) That the use for which the approval was granted is being exercised so as to be detrimental to the public health or safety, or as to constitute a nuisance.

If the revocation hearing is conducted by the Planning Commission, its decision shall be subject to review on appeal, taken in the time and manner set forth in Chapter 16 of this title.

Sec. 9.19.030. – Modification of variances and conditional use permits.

Any condition imposed upon the granting of a variance or conditional use permit, including such granted prior to the adoption of these regulations, may be modified or eliminated, or new conditions may be added, provided that the granting body shall first conduct a *noticed* public hearing thereon, in the same manner as is required for the granting of the same. No such modification shall be made unless the granting body finds that such modification is necessary to protect the public peace, health and safety, or, in case of deletion of such a condition, that such action is necessary to permit reasonable operation under the variance or conditional use permit as granted. If the modification hearing is conducted by the Planning Commission, its decision shall be subject to review on appeal, taken in the time and manner set forth in Chapter 16 of this title.

**Sections 9.29.030 and 9.29.080** relating to reasonable accommodations for disabled persons are amended as follows and Section 9.29.090 regarding CEQA applicability is deleted as it is unnecessary, and all other Sections of Chapter 29 remain the same:

Sec. 9.29.030. – Review procedure.

- (a) City Manager review. The City Manager, or designee, shall consider an application and issue a written determination. At least ten calendar days before issuing a written determination on the application, the City Manager shall mail notice to the applicant and adjacent property owners that the City will be considering the application, advising of the standards for issuing an accommodation, and inviting written comments on the requested accommodation.



- (b) Planning Commission review. The processing procedures for ~~the~~ discretionary land use application before the Planning Commission shall govern the processing of the request for a reasonable accommodation. If the reasonable accommodation is referred to the Planning Commission by the City Manager and there is no other discretionary application, then the Planning Commission shall hold a public hearing within 45 days after the application is deemed complete and shall issue a written determination within 60 calendar days after such public hearing. Written notice of ~~at the~~ *public* hearing to consider the application shall be mailed ~~ten calendar days~~ prior to the meeting to the applicant and adjacent property owners *provided as set forth in Chapter 31.*
- (c) Ability to require additional information. If the reviewing authority believes that additional information is necessary to reach a determination on any request for a reasonable accommodation, then the reviewing authority may request further information from the applicant. The reviewing authority's request shall specify in detail the requested information. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant fully responds to the request for information. If an individual needs assistance in submitting the application for a reasonable accommodation, the City shall provide assistance to ensure that the process is accessible. The applicant and the City may agree at any time to extend the time period(s) set forth in this Section.

Sec. 9.29.080. – Revocation or modification.

- (a) If the City Manager determines that evidence could be presented to the Planning Commission that may support grounds for revocation or modification of an approved reasonable accommodation, and the City Manager believes that the Planning Commission may find that such evidence is adequate to support revocation or modification of the reasonable accommodation, then the City Manager may initiate a *revocation or modification* proceeding before the Planning Commission.
- (b) Upon initiation of a *revocation or modification* proceeding, the Planning Commission shall hold a public hearing regarding the possible revocation or modification of the reasonable accommodation. Notice of such hearing shall be provided in the same manner as the notice required to be provided in Sec. 9.29.030. The Planning Commission, after such hearing, may revoke or modify the reasonable accommodation if the Planning Commission determines that:
- (1) There has been a change in the disabled person's use of the property or need for the reasonable accommodation that negates the basis for the approval of the reasonable accommodation;
  - (2) The application, or other information presented to the City in conjunction with the request for a reasonable accommodation, included false information; or
  - (3) Any of the conditions or terms of such approval are violated, or any law or ordinance is violated in connection therewith.

- (c) Upon revocation of the reasonable accommodation, the property shall be brought into compliance with any zoning regulations or other laws, policies, or procedures from which a deviation was granted to allow the reasonable accommodation.

**Sections 9.31.010, 9.31.020, and 9.31.030** relating to public hearings are amended to read as follows with a new Section 9.31.015 being added, and all other Sections of Chapter 31 remain the same:

**Sec. 9.31.010. – Purpose.**

The purpose of this chapter is to provide the procedures for notifying the residents and other interested persons of *public hearings* for the planning and development activities that occur within the City.

**Sec. 9.31.015. – Maps and Mailing Labels.**

*All applications for entitlements which require a public hearing shall be accompanied by:*

- (a) A radius map showing all parcels of land within a 500-foot radius of the boundary of the property that is the subject of the entitlement application;*
- (b) A mailing list and 2-sets of adhesive mailing labels of the owners of property within a 500-foot radius of the subject property; and*
- (c) An affidavit from the person preparing the map and mailing list that the names and addresses are based on the latest available Tax Assessor's records.*

**Sec. 9.31.020. – Scheduling of public hearing.**

Every application for a development permit, with the exception of conceptual plan review and minor architectural review, shall be set for a public hearing. *Public H*earings may be continued from time to time, by the Planning Commission or City Council, as may be deemed necessary.

**Sec. 9.31.030. – Notice of public hearing.**

Notice of the time and place of all *public* hearings before the Planning Commission or City Council shall be given by United States mail, postage prepaid, to the owner(s) *of the subject property and the agent(s) if any, and the owners*, as listed on the most recently ~~equalized~~ County Assessors Roll, of property located within 500 feet of the external boundary of the *subject* property for which the ~~discretionary~~ entitlement is sought. *Notice shall be mailed at least ten days before the public hearing.*

**Section 9.43.030(b)** relating to ridgeline preservation procedures is amended to read as follows, and all other provisions of Chapter 43 are to remain unchanged:

- (b) Notice and *public* hearing. Notice and *public* hearing shall be provided as part of the architectural review process by the Planning Commission for the proposed development.

**Section 9.55.060(c)** of the historic preservation provisions is amended as follows with all other provisions of Chapter 55 remaining the same:

- (c) Following the deadline for submittal of applications, the City Manager shall schedule a public hearing before the Planning Commission for its review and consideration of all completed applications timely received. *Notice of the public hearing shall be provided as set forth in Chapter 31.*

**Section 9.112.020(2)a** relating to a hearing for vehicle nuisances is amended to read as follows with all other provisions of Chapter 112 to remain the same:

- a. Whenever the City Council finds, upon report by the City Manager, that any motor vehicle is being maintained contrary to the provisions of this chapter, the City Council shall, by resolution, declare its intent to conduct a ~~public~~ hearing *at a public meeting* to ascertain whether the same constitutes a public nuisance, the abatement of which is appropriate under the provisions of this chapter. Said resolution shall describe the vehicle involved, and the property wherein the same is located, including, but not limited to, the correct identification number and license number thereof, if any.

**Section 9.115.020** relating to public nuisances is hereby amended as follows and all other Sections of Chapter 115 remain unchanged:

Sec. 9.115.020. – Declaration of nuisances.

Whenever the City Council finds, upon the request of the City Manager, that any premises within the City ~~may be~~ *is being* maintained contrary to one or more of the provisions of Chapter 109 of this title, then the City Council shall by resolution declare its intent to conduct a ~~public~~ hearing *at a public meeting* to ascertain whether the same does in fact constitute such public nuisance, the abatement of which is appropriate under the police power of the City. Said resolution shall describe the premises involved by street address, referring to the street by the name under which it is officially or commonly known, shall further describe the property by giving the lot and block number thereof, shall give a brief description of the conditions contrary to the provisions of Chapter 109 of this title, and a brief statement of the methods of abatement thereof.

**Sections 9.139.050 and 9.139.070** relating to subdivisions are amended as follows with all other provisions of Chapter 139 remaining the same:

Sec. 9.139.050. – Tentative map; list of property owners required when.

With each filing of a tentative map of a subdivision, including a minor land division, the subdivider shall file a ~~list, certified to be correct by an affidavit or by a statement made under penalty of perjury pursuant to Code of Civil Procedure § 2015.5, of the names and addresses of all persons for the preparation of hearing notices as set forth in radius map, mailing list and labels, and affidavit required by Section 9.31.030~~ *015.*

Sec. 9.139.070. – Notice of public hearing.

Notice of public hearings shall be given as provided in ~~Section 9.31.030~~ *Chapter 31.*

**Section 9.166.080** relating to Minor Land Divisions is amended as follows with all other Sections of Chapter 166 to remain unchanged:

Sec. 9.166.080. – Action by City Council.

- (a) The Planning Commission shall make a recommendation on and the City Council shall approve, conditionally approve, or disapprove tentative maps of minor land divisions.
- (b) Action on tentative maps of minor land divisions shall be taken at a properly noticed public hearings before the Planning Commission and City Council *as provided for in Chapter 31*. The time limit for acting may be extended by mutual consent of the subdivider and the City ~~Council~~.

**Section 9.172.020** relating to fees for appeals of decisions on subdivisions is amended to read as follows and all other Sections of Chapter 172 are to remain unchanged:

Sec. 9.172.020. – Fees.

Upon filing of an appeal with the City Clerk, the appellant shall pay a processing fee in an amount set by resolution of the City Council to be sufficient to cover the cost of a *public* hearing to be held by the City Council.

## **FINDINGS**

The amendments by Ordinance No. 375 are consistent with the City's General Plan and the goals, policies, and programs of the Land Use Element of the General Plan.

## **ENVIRONMENTAL DOCUMENT**

It is recommended that Ordinance No. 375 is exempt from the California Environmental Quality Act (CEQA) pursuant to the commonsense exemption set forth in CEQA Guidelines Section 15061(b)(3) which provides that CEQA does not apply to an activity where it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment. The changes set forth in Ordinance No. 375 are for clarification of procedures and will not have any impact on the environment.

## **CITY COUNCIL ALTERNATIVES**

The City Council is to hold a public hearing and solicit testimony on Ordinance No. 375. Following the testimony, the City Council will have the following choice of actions:

**Option 1.** Close the public hearing and determine that Ordinance No. 375 is to be approved with an exemption under CEQA and approve a motion to introduce the ordinance and schedule the second reading and adoption for the next regular meeting on May 18, 2021.

**Option 2.** If the City Council determines that Ordinance No. 375 needs minor changes and should not be introduced, the Council should state the specific changes that need to be made and approve a motion to continue the public hearing and postpone introduction of the Ordinance to the next regular meeting on May 18, 2021.

**Option 3.** If the City Council determines that Ordinance No. 375 needs significant changes, the Council should close the public hearing and refer the Ordinance back to the Planning Commission for its' review and recommendation.

### **RECOMMENDATION**

Option 1 is recommended; that the City Council approve a motion to close the public hearing, determine that the Ordinance is exempt under CEQA, and introduce Ordinance No. 375, and schedule the second reading and adoption for the next regular meeting on May 18, 2021.

**ORDINANCE NO. 375 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA REPEALING CHAPTERS 34, 37 AND 40 OF THE DEVELOPMENT CODE AND ADDING A NEW CHAPTER 34 RELATING TO ARCHITECTURAL REVIEW AND NEIGHBORHOOD COMPATIBILITY, AND AMENDING CHAPTERS 7, 13, 16, 19, 29, 31, 43, 55, 112, 115, 139, 166 AND 172 OF THE DEVELOPMENT CODE RELATING TO HEARINGS**

### **ATTACHMENTS**

- A) Ordinance No. 375
- B) Resolution No. PC 21-296

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ATTACHMENT A

**ORDINANCE NO. 375**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA REPEALING CHAPTERS 34, 37 AND 40 OF THE DEVELOPMENT CODE AND ADDING A NEW CHAPTER 34 RELATING TO ARCHITECTURAL REVIEW AND NEIGHBORHOOD COMPATIBILITY, AND AMENDING CHAPTERS 7, 13, 16, 19, 29, 31, 43, 55, 112, 115, 139, 166 AND 172 OF THE DEVELOPMENT CODE RELATING TO HEARINGS**

## **ORDINANCE NO. 375**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA REPEALING CHAPTERS 34, 37 AND 40 OF THE DEVELOPMENT CODE AND ADDING A NEW CHAPTER 34 RELATING TO ARCHITECTURAL REVIEW AND NEIGHBORHOOD COMPATIBILITY, AND AMENDING CHAPTERS 7, 13, 16, 19, 29, 31, 43, 55, 112, 115, 139, 166 AND 172 OF THE DEVELOPMENT CODE RELATING TO HEARINGS**

**WHEREAS**, the City Council has been reviewing various sections of the Bradbury Municipal Code relating to secondary dwelling units, including accessory dwelling units; and

**WHEREAS**, during the review, staff noticed that the provisions relating to architectural review for minor and significant projects and neighborhood compatibility provisions should be clarified and merged; and

**WHEREAS**, staff has also determined that there were Municipal Code clean-ups needed related to hearings; and

**WHEREAS**, on March 24, 2021, the Planning Commission of the City of Bradbury, California held a duly noticed public hearing on this Ordinance, at which time it considered all evidence presented, both written and oral; and

**WHEREAS**, at the close of the public hearing the Planning Commission adopted Resolution No. PC 21-296 to recommend that the City Council adopt this Ordinance; and

**WHEREAS**, on April 20, 2021, the City Council of the City of Bradbury, California held a duly noticed public hearing on this Ordinance, at which time it considered all evidence presented, both written and oral;

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

**SECTION 1.** Chapters 34, 37, and 40 of the Bradbury Development Code are hereby repealed.

**SECTION 2.** A new Chapter 34 is hereby added to the Bradbury Municipal Code to read as follows:

### **CHAPTER 34. – ARCHITECTURAL REVIEW**

#### **Sec. 9.34.010. – Purpose.**

Architectural review is intended to:

- (1) Establish functional adequacy for grading, drainage, utility landscaping and other aspects of each development;



- (2) Ensure functional interrelationship of buildings, structures and improvements on each development;
- (3) Preserve trees, ridgeline vistas, canyon views and other aspects of the rural environment which characterizes the City;
- (4) Ensure that the siting, design, and massing of all new or remodeled structures or developments are compatible with existing uses, designs, and developments in surrounding neighborhoods;
- (5) Promote compatibility of architectural design with surrounding property; and
- (6) Preserve the scenic character of the City.

**Sec. 9.34.020. – Architectural Review – Minor and Significant.**

- (1) Minor Architectural Review shall be limited to development which meets the following criteria:
  - (a) Minor modifications to the exterior appearance of any building or structure not facing a street or accessway;
  - (b) Construction of single-story structure, including accessory structures, which are less than 1,000 square feet of floor area;
  - (c) Construction which does not exceed a total of 18 feet in height from grade for the finished structure; and
  - (d) Construction of swimming pools, fences and gates or minor landscaping improvements which do not exceed 25 percent of the parcel size, and installation of exterior mechanical, electrical and plumbing equipment.
- (2) Significant Architectural Review shall cover all development other than those listed in subsection (1) above.
- (3) Accessory dwelling units and Very High Fire Zone accessory dwelling units shall not require any architectural review, regardless of where such units are located.

**Sec. 9.34.030. – Submission required for architectural review.**

- (1) Any plans, specifications, drawings or sketches which are submitted to the City for approval pursuant to the provisions of this title and the building code for the construction or structural alteration of any buildings or structures in the residential zones shall be accompanied by the following:
  - (a) Grades, natural and finished;

- (b) Drainage, existing and proposed;
  - (c) Landscaping plan, including a tree planting and preservation plan;
  - (d) Existing structures on the subject property;
  - (e) The plans and silhouettes required by the ridgeline and view preservation regulations; and
  - (f) The application fee, including cost of environmental review and mailing where applicable.
- (2) The plans must show the effect of the proposed work upon visual relationships with other lots, existing structures, or land adjacent to or within 500 feet of the proposed work.
  - (3) The Planning Department shall review submitted plans for compliance with the provisions of these requirements.

**Sec. 9.34.040. – Findings.**

The architectural review may be approved, conditionally approved, or disapproved. No application shall be approved unless the following findings are made by the approving body:

- (1) That the proposed development is designed and will be developed to preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping;
- (2) That the proposed development is designed and will be developed in a manner which will be reasonably compatible with the existing neighborhood character in terms of scale of development in relation to surrounding residences and other structures;
- (3) That the proposed development is designed and will be developed in a manner which will preserve to the greatest extent practicable the privacy of persons residing on adjacent properties;
- (4) The requirements of the ridgeline and view preservation regulations have been met;
- (5) That the proposed development is designed and will be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbors' existing views, view of ridgelines, valleys, or vistas;
- (6) The requirements of the tree preservation and landscaping regulations have been met;

- (7) That the design minimizes the appearance of over or excessive building substantially in excess of existing structures in the neighborhood, in that:
  - (a) The square footage of the structure(s) and the total lot coverage of the development shall reflect the uncrowded character of the City and the neighborhood; and
  - (b) The height(s) of the structure(s) shall maintain to the extent reasonably practicable, consistency with the heights of structures on neighboring properties; and
- (8) That the proposed development is designed and will be developed in a manner that is consistent with the City's Design Guidelines.

**Sec. 9.34.050. – Approving Body.**

- (1) Minor architectural review shall be conducted by the Planning Department. The Planning Department shall provide written notice to the applicant.
- (2) Significant architectural review shall be conducted by the Planning Commission. The Planning Commission shall hold a duly noticed public hearing in accordance with Chapter 31 of this Title.

**Sec. 9.34.060. – Appeals.**

Appeals shall be handled in accordance with Chapter 16 of this Title.

**SECTION 3.** Section 9.07.050(d) of Chapter 7 of Title IX relating to permit/entitlement implementation and time extensions is hereby amended to read as follows; all other provisions of Section 9.07.050 remain the same:

- (d) *Hearing on expiration/extension.* If the matter originally required a noticed public hearing, the Review Authority shall hold a public hearing on the proposed extension of a permit or entitlement, and give notice in the same manner.

**SECTION 4.** Section 9.10.040(4) of Chapter 10 of Title IX relating to nonconforming uses, structures, and parcels is hereby amended to read as follows; all other provisions remain the same:

- (4) *Appeals.* An appeal may be filed with the City Clerk within 30 days after the mailing of such order by the City Manager. Any person who is the owner, or has possession of the property to which such order relates, may file an appeal. Upon receipt of an appeal, the City Council shall conduct a hearing thereon at a public meeting; notice thereof shall be mailed at least ten days before the hearing to the appellant and the owner of the property and any persons in possession of the property. At the time and place set for the hearing, the City Council shall give the appellant a reasonable

opportunity to be heard; the City Council may consider any applicable staff report in order to determine the question of whether the said use, building or structure has lost its nonconforming status pursuant to the provisions hereof. The City Council's decision shall be final and conclusive.

**SECTION 5.** Sections 9.13.040, 9.13.050, and 9.13.060 of Chapter 13 of Title IX relating to General Plan, Development Code, and Zoning Map Amendments are amended to read as follows; all other provisions of Chapter 13 remain the same:

**Sec. 9.13.040. – Notice and hearing.**

- (a) The Planning Commission and City Council shall conduct public hearings and provide notice in accordance with the provisions set forth in Chapter 31 and any State law applicable to such proceedings, including notice to other agencies.
- (b) Notice of the time and place of all public hearings before the Planning Commission or City Council shall be given as set forth in Chapter 31. If the amendment is to other than the land use designation or zoning of a specific property, the mailed notice shall be given to all property owners in the City who will be impacted by such amendment.

**Sec. 9.13.050. – Planning Commission action on amendments.**

After conducting a public hearing on any proposed amendment, the Planning Commission shall take one of the following courses of action:

- (1) Recommend to the City Council that the requested amendment or change be granted in whole, or in part; or
- (2) Recommend to the City Council that the requested amendment or change be denied in whole, or in part.

The Commission's recommendation shall be by resolution which shall contain the reasoning upon which the recommendation was based. A recommendation on a General Plan amendment must be adopted by a majority of the total membership of the Planning Commission. A recommendation on a zone change or development code amendment must be made by a majority of the quorum and must also contain a statement as to the relationship of the proposed amendment to applicable general and specific plans. The City Clerk shall maintain the Commission's records and files relating to such matter.

**Sec. 9.13.060. – Council action on amendments.**

- (a) Upon receipt by the City Clerk of the Planning Commission's recommendation, the City Council shall conduct a public hearing on the proposed amendment.
- (b) If the decision of the City Council involves a substantial modification of the decision of the Planning Commission which was not previously considered

by the Commission during its public hearing, the matter shall be referred back to the Commission for its recommendation before any final action is taken. The failure of the Planning Commission to report back within 45 days shall be deemed a recommendation of approval.

- (c) The City Council must approve an amendment to the General Plan by a vote of a majority of the total membership of the City Council. A zone change or development code amendment may be made by a majority of the quorum.
- (d) The adoption of any amendment is entirely at the discretion of the City Council. The Council shall not adopt any amendment unless it finds that the proposed amendment and any related development proposal is consistent with the General Plan and other adopted goals and policies of the City, and that the proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).
- (e) General Plan amendments shall be adopted by resolution. Development code amendments and amendments to the zoning map shall be by ordinance.

**SECTION 6.** Section 9.16.030(d) relating to hearings on appeal shall be amended to read as follows:

(d) *Hearings; notice.*

- (1) The City Clerk shall set a date, time and place for a public hearing. Written notice shall be given at least ten days before the hearing to the applicant and any appellant if other than the applicant.
- (2) The public hearing shall be commenced before the appellate body within 45 days after the filing of the appeal.
- (3) If a noticed public hearing was required for the decision being appealed, then notice of the public hearing before the appellate body shall be given in the same manner.
- (4) No appeal may be withdrawn except by the appealing party, with the consent of the applicant and the City Council; no refund of the filing fee shall be permitted in case of withdrawal.

**SECTION 7.** Section 9.19.020 and 9.19.030 of Chapter 19 of Title IX relating to revocations and modifications are hereby amended to read as follows; all other provisions of chapter 19 remain the same:

**Sec. 9.19.020. – Revocation of variances and conditional use permits.**

Upon recommendation by the City Manager, the body which granted a variance or conditional use permit shall conduct a noticed public hearing, in the manner as required

for the granting of the same, to determine whether such variance or conditional use permit should be revoked. This revocation procedure shall apply to permits or variances granted prior to as well as after the adoption of these regulations. If the granting body finds any one of the following facts to be present, it shall revoke the variance or conditional use permit:

- (1) That the variance or permit was obtained by fraud;
- (2) That the use for which such approval was granted has ceased to exist; or has been voluntarily discontinued for a period of six months or more;
- (3) That the permit or variance granted is being, or has been, exercised contrary to any conditions imposed upon such permit or variance, or in violation of any law; or
- (4) That the use for which the approval was granted is being exercised so as to be detrimental to the public health or safety, or as to constitute a nuisance.

If the revocation hearing is conducted by the Planning Commission, its decision shall be subject to review on appeal, taken in the time and manner set forth in Chapter 16 of this title.

**Sec. 9.19.030. – Modification of variances and conditional use permits.**

Any condition imposed upon the granting of a variance or conditional use permit, including such granted prior to the adoption of these regulations, may be modified or eliminated, or new conditions may be added, provided that the granting body shall first conduct a noticed public hearing thereon, in the same manner as is required for the granting of the same. No such modification shall be made unless the granting body finds that such modification is necessary to protect the public peace, health and safety, or, in case of deletion of such a condition, that such action is necessary to permit reasonable operation under the variance or conditional use permit as granted. If the modification hearing is conducted by the Planning Commission, its decision shall be subject to review on appeal, taken in the time and manner set forth in Chapter 16 of this title.

**SECTION 8.** Sections 9.29.030 and 9.29.080 of Chapter 29 of Title IX relating to reasonable accommodations are hereby amended to read as follows and Section 9.29.090 is hereby deleted; all other section of Chapter 29 remain the same:

**Sec. 9.29.030. – Review procedure.**

- (a) *City Manager review.* The City Manager, or designee, shall consider an application and issue a written determination. At least ten calendar days before issuing a written determination on the application, the City Manager shall mail notice to the applicant and adjacent property owners that the City will be considering the application, advising of the standards for issuing an accommodation, and inviting written comments on the requested accommodation.

- (b) *Planning Commission review.* The processing procedures for a discretionary land use application before the Planning Commission shall govern the processing of the request for a reasonable accommodation. If the reasonable accommodation is referred to the Planning Commission by the City Manager and there is no other discretionary application, then the Planning Commission shall hold a public hearing within 45 days after the application is deemed complete and shall issue a written determination within 60 calendar days after such public hearing. Written notice of the public hearing to consider the application shall be provided as set forth in Chapter 31.
- (c) *Ability to require additional information.* If the reviewing authority believes that additional information is necessary to reach a determination on any request for a reasonable accommodation, then the reviewing authority may request further information from the applicant. The reviewing authority's request shall specify in detail the requested information. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant fully responds to the request for information. If an individual needs assistance in submitting the application for a reasonable accommodation, the City shall provide assistance to ensure that the process is accessible. The applicant and the City may agree at any time to extend the time period(s) set forth in this Section.

**Sec. 9.29.080. – Revocation or modification.**

- (a) If the City Manager determines that evidence could be presented to the Planning Commission that may support grounds for revocation or modification of an approved reasonable accommodation, and the City Manager believes that the Planning Commission may find that such evidence is adequate to support revocation or modification of the reasonable accommodation, then the City Manager may initiate a revocation or modification proceeding before the Planning Commission.
- (b) Upon initiation of a revocation or modification proceeding, the Planning Commission shall hold a public hearing regarding the possible revocation or modification of the reasonable accommodation. Notice of such hearing shall be provided in the same manner as the notice required to be provided in Sec. 9.29.030. The Planning Commission, after such hearing, may revoke or modify the reasonable accommodation if the Planning Commission determines that:
  - (1) There has been a change in the disabled person's use of the property or need for the reasonable accommodation that negates the basis for the approval of the reasonable accommodation;

- (2) The application, or other information presented to the City in conjunction with the request for a reasonable accommodation, included false information; or
  - (3) Any of the conditions or terms of such approval are violated, or any law or ordinance is violated in connection therewith.
- (c) Upon revocation of the reasonable accommodation, the property shall be brought into compliance with any zoning regulations or other laws, policies, or procedures from which a deviation was granted to allow the reasonable accommodation.

**SECTION 9.** Section 9.31.010, 9.31.020, and 9.31.030 of Chapter 31 of Title IX relating to public hearings are hereby amended to read as follows and a new Section 9.31.015 is hereby added all relating to public hearings; all other sections of Chapter 31 remain the same:

**Sec. 9.31.010. – Purpose.**

The purpose of this chapter is to provide the procedures for notifying the residents and other interested persons of public hearings for the planning and development activities that occur within the City.

**Sec. 9.31.015. – Maps and Mailing Labels.**

All applications for entitlements which require a public hearing shall be accompanied by:

- (a) A radius map showing all parcels of land within a 500-foot radius of the boundary of the property that is the subject of the entitlement application;
- (b) A mailing list and 2-sets of adhesive mailing labels of the owners of property within a 500-foot radius of the subject property; and
- (c) An affidavit from the person preparing the map and mailing list that the names and addresses are based on the latest available Tax Assessor's records.

**Sec. 9.31.020. – Scheduling of public hearing.**

Every application for a development permit, with the exception of conceptual plan review and minor architectural review, shall be set for a public hearing. Public hearings may be continued from time to time, by the Planning Commission or City Council, as may be deemed necessary.

**Sec. 9.31.030. – Notice of public hearing.**

Notice of the time and place of all public hearings before the Planning Commission or City Council shall be given by United States mail, postage prepaid, to the applicant, owner(s) of the subject property and the agent(s) if any, and the owners, as listed on the



most recent County Assessors Roll, of property located within 500 feet of the external boundary of the subject property for which the entitlement is sought. Notice shall be mailed at least ten days before the public hearing.

**SECTION 10.** Section 9.43.030(b) of Chapter 43 of Title IX relating to ridgeline preservation is hereby amended to read as follows:

- (b) *Notice and public hearing.* Notice and a public hearing shall be provided as part of the architectural review process by the Planning Commission for the proposed development.

**SECTION 11.** Section 9.55.060(c) of Chapter 55 Title IX relating to historic preservation is hereby amended to read as follows; all other provisions remain the same:

- (c) Following the deadline for submittal of applications, the City Manager shall schedule a public hearing before the Planning Commission for its review and consideration of all completed applications timely received. Notice of the public hearing shall be provided as set forth in Chapter 31.

**SECTION 12.** Section 9.112.020(2)a of Chapter 112 of Title IX relating to vehicle nuisances is hereby amended to read as follows; all other provisions remain the same.

- a. Whenever the City Council finds, upon report by the City Manager, that any motor vehicle is being maintained contrary to the provisions of this chapter, the City Council shall, by resolution, declare its intent to conduct a hearing at a public meeting to ascertain whether the same constitutes a public nuisance, the abatement of which is appropriate under the provisions of this chapter. Said resolution shall describe the vehicle involved, and the property wherein the same is located, including, but not limited to, the correct identification number and license number thereof, if any.

**SECTION 13.** Section 9.115.020 of Chapter 115 of Title IX relating to public nuisances is hereby amended to read as follows:

**Sec. 9.115.020. – Declaration of nuisances.**

Whenever the City Council finds, upon the request of the City Manager, that any premises within the City is being maintained contrary to one or more of the provisions of Chapter 109 of this title, then the City Council shall by resolution declare its intent to conduct a hearing at a public meeting to ascertain whether the same does in fact constitute such public nuisance, the abatement of which is appropriate under the police power of the City. Said resolution shall describe the premises involved by street address, referring to the street by the name under which it is officially or commonly known, shall further describe the property by giving the lot and block number thereof, shall give a brief description of the conditions contrary to the provisions of Chapter 109 of this title, and a brief statement of the methods of abatement thereof.

**SECTION 14.** Sections 9.139.050 and 9.139.070 of Chapter 139 of Title IX relating to maps are hereby amended to read as follows; all other provisions of Chapter 139 remain the same:

**Sec. 9.139.050. – Tentative map; list of property owners required when.**

With each filing of a tentative map of a subdivision, including a minor land division, the subdivider shall file a radius map, mailing list and labels, and affidavit required by Section 9.31.015.

**Sec. 9.139.070. – Notice of public hearing.**

Notice of public hearings shall be given as provided in Chapter 31.

**SECTION 15.** Section 9.166.080 of Chapter 166 of Title IX relating to Minor Land Divisions is hereby amended to read as follows:

**Sec. 9.166.080. – Action by City Council.**

- (a) The Planning Commission shall make a recommendation on and the City Council shall approve, conditionally approve, or disapprove tentative maps of minor land divisions.
- (b) Action on tentative maps of minor land divisions shall be taken at properly noticed public hearings before the Planning Commission and City Council as provided for in Chapter 31. The time limit for acting may be extended by mutual consent of the subdivider and the City.

**SECTION 16.** Section 9.172.020 of Chapter 172 of Title IX relating to appeals for subdivisions is hereby amended to read as follows:

**Sec. 9.172.020. – Fees.**

Upon filing of an appeal with the City Clerk, the appellant shall pay a processing fee in an amount set by resolution of the City Council to be sufficient to cover the cost of a public hearing to be held by the City Council.

**SECTION 17.** California Environmental Quality Act (CEQA). This Ordinance is exempt from CEQA pursuant to the commonsense exemption set forth in CEQA Guidelines Section 15061(b)(3) which provides that CEQA does not apply to an activity where it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment. The changes set forth herein are for clarification of procedures and will not have any impact on the environment.

**SECTION 18.** Effective Date. This Ordinance shall take effect on the thirty-first date after passage and adoption.

**SECTION 19.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to

be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause, or phrase be declared invalid.

**SECTION 20.** Certification. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted.

**PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

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ATTACHMENT B

**RESOLUTION NO. PC 21-296**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRADBURY, CALIFORNIA, SETTING FORTH ITS FINDINGS OF FACT AND DECISION WITH AN EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF AN ORDINANCE REPEALING CHAPTERS 34, 37 AND 40 OF THE DEVELOPMENT CODE AND ADDING A NEW CHAPTER 34 RELATING TO ARCHITECTURAL REVIEW AND NEIGHBORHOOD COMPATIBILITY, AND AMENDING CHAPTERS 7, 13, 16, 19, 29, 31, 43, 55, 112, 115, 139, 166 AND 172 OF THE DEVELOPMENT CODE RELATING TO HEARINGS**

## **PLANNING COMMISSION RESOLUTION NO. 21-296**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRADBURY, CALIFORNIA, SETTING FORTH ITS FINDINGS OF FACT AND DECISION WITH AN EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF AN ORDINANCE REPEALING CHAPTERS 34, 37 AND 40 OF THE DEVELOPMENT CODE AND ADDING A NEW CHAPTER 34 RELATING TO ARCHITECTURAL REVIEW AND NEIGHBORHOOD COMPATIBILITY, AND AMENDING CHAPTERS 7, 13, 16, 19, 29, 31, 43, 55, 112, 115, 139, 166 AND 172 OF THE DEVELOPMENT CODE RELATING TO HEARINGS**

WHEREAS, the City Council adopted Ordinance No. 373 relating to Accessory Dwelling Units (ADUs) which includes provisions for the ministerial processing of applications for ADUs, and

WHEREAS, the City's architectural review provisions need to be amended to be consistent with the requirement for ministerial processing of ADUs, and

WHEREAS, during the review of the architectural review provisions, staff noticed that the provisions for minor and significant design reviews, and neighborhood compatibility should be clarified and combined, and

WHEREAS, staff also found that there are numerous Development Code clean-ups needed relating to the provisions for hearings;

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF BRADBURY, DOES HEREBY RESOLVE, FIND, AND DETERMINE AS FOLLOWS:**

SECTION A. The Planning Commission finds that a duly noticed public hearing has been conducted at the regular meeting on March 24, 2021, in accordance with the provisions of the Bradbury Municipal Code relative to this matter.

SECTION B. The Planning Commission finds that the information in the agenda report, and the testimony given at the public hearing are incorporated in this Resolution and comprises the bases on which the findings have been made.

SECTION C. The Planning Commission finds that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) which provides the commonsense exemption that CEQA does not apply to an activity where it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment. The changes set forth in the draft ordinance are simply procedural and for clarification and will not have any impact on the environment.

SECTION D. The Planning Commission hereby recommends to the City Council the approval of the draft ordinance to amend the Development Code to clarify and

combine the provisions for minor and significant architectural design review, and neighborhood compatibility, and to clean-up the provisions for hearings.

SECTION E. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 24th day of March, 2021.

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Chairperson

ATTEST:

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City Clerk

I, Claudia Saldana, City Clerk, hereby certify that the foregoing Resolution No. PC 21-296 was duly adopted by the Planning Commission of the City of Bradbury, California, at a regular meeting held on the 24th day of March, 2021, by the following vote:

AYES:

NOES:

ABSENT:

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