ATTACHMENT B

REVISED DRAFT ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA AMENDING THE DEVELOPMENT PROVISIONS OF THE BRADBURY MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN ACCORDANCE WITH STATE LAW AND PROVISIONS RELATED TO ACCESSORY LIVING QUARTERS

ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA AMENDING THE DEVELOPMENT PROVISIONS OF THE BRADBURY MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN ACCORDANCE WITH STATE LAW AND PROVISIONS RELATED TO ACCESSORY LIVING QUARTERS

WHEREAS, the State Legislature believes there is a shortage of affordable housing in California which has led to homelessness and causes people to drive longer distances to work or to double-up on housing space which impacts the quality of life and creates negative environmental impacts; and

WHEREAS, the California State Legislature adopted more than eighteen housing bills in 2019 to deal with the housing problem and there were additional housing bills in 2020; and

WHEREAS, the State Legislature believes that the construction of Accessory Dwelling Units and Junior Accessory Dwelling Units (ADUs and JADUs, also known as second units, in-law units, garage conversions, and granny flats) will combat the housing shortage; and

WHEREAS, in order to encourage the construction of ADUs and JADUs, the State Legislature has amended Government Code Section 65852.2 and Section 65852.22; and

WHEREAS, the new State laws relating to ADUs and JADUs took effect on January 1, 2020 and the City was required to be in compliance with the new provisions by that time or the State provisions relating to these units would prevail and the City would lose local control; and

WHEREAS, in order to be in timely compliance with the January 1, 2020 effective date, the City Council adopted Urgency Ordinance No. 368 on December 17, 2019 without the opportunity to go through the normal public hearing procedure before the Planning Commission and City Council; and

WHEREAS, Urgency Ordinance No. 368 prohibited ADUs in the very high fire hazard severity zone areas as shown in the City's General Plan and those subject to Hillside Development Standards pursuant to Chapter 97 of the Bradbury Municipal Code; and

WHEREAS, based on the Department of Housing and Community Development ("HCD") guidance provided to other cities and HCD's Guidelines, it appears that certain provisions in Bradbury's Urgency Ordinance relating to ADUs and JADUs should be amended; and

WHEREAS, on May 27, 2020, the Planning Commission of the City of Bradbury, California held a duly noticed public hearing on a previous draft of this Ordinance, and after the close of the public hearing the Planning Commission adopted Resolution No. PC 20-289 to recommend that the City Council adopt this Ordinance; and

WHEREAS, on July 13, 2020, August 10, 2020 and September 10, 2020 the City Council held study sessions regarding accessory dwelling units; and

WHEREAS, as a result of the City Council study sessions the City retained the Dudek Fire Protection Planning Team to perform research and prepare a Memorandum on issues relating to ADUs and JADUs; and

WHEREAS, while Dudek was preparing its Memorandum, the Governor's Office of Planning and Research ("OPR") released a draft Fire Hazard Planning Technical Advisory; and

WHEREAS, a draft Ordinance along with the Dudek Memorandum and OPR Technical Advisory were presented to the City Council for discussion at an additional study session on December 9, 2020; and

WHEREAS, on January 27, 2021, the Planning Commission held a further public hearing on the revised Ordinance resulting from the City Council study sessions and adopted Resolution No. PC 21-294 to recommend that the City Council adopt this Ordinance; and

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

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

SECTION 1. Findings. The City Council hereby makes the following findings regarding the prohibition of accessory dwelling units in certain locations within the City of Bradbury:

A. The majority of the City of Bradbury is located in a very high fire hazard severity zone (VHFHSZ);

B. Since 1953 there have been four separate wildfires that have burned through Bradbury and the neighboring communities;

C. The 2019 mid-term Housing Element recognized that opportunities for second unit in-fill development could be impacted by natural hazards such as wildfires that constrain density;

D. According to the Los Angeles County Fire Code which has been adopted by reference by the City of Bradbury, and as pointed out in the Dudek Memorandum, the

minimum road width needed for fire access is 20-feet unobstructed paved width based on the standard width of fire engines and their ability to pass one another;

E. The Dudek Memorandum also concludes among other things that the four-foot setback requirements and the inability to require fire sprinklers would likely have negative fire related impacts in Bradbury and recommends that fire sprinklers should be required whenever possible;

F. There are numerous roads within the City that are less than 20 feet in width which impedes access of fire apparatus;

G. Residents living on narrow roads within the City of Bradbury have been informed by the Los Angeles County Fire Department that if there is a fire, the Department may not be able to provide service;

H. Government Code § 51182 provides that when property is within a very high fire hazard severity zone, there should be 100 feet of defensible space maintained for each side and from the front and rear of the structure, but not beyond the property line;

I. The majority of the City of Bradbury is zoned R-20,000, A-1, A-2, or A-5 with rear and side yard setbacks of 15 feet in the R-20,000 zone and 25 feet in the three 'Agricultural ("A") zones, meaning that accessory living quarters and other structures cannot be located closer than 30 feet to each other in these areas;

J. According to the Southern California Association of Governments' (SCAG) community profile, only 4.5% of the housing stock in Bradbury was built after 2010, when residential sprinkler systems became a requirement;

K. Since the time that the Governor signed the new ADU/JADU legislation into law in 2019, there have been dozens of wildfires in California which have burned tens of thousands of acres, damaged or destroyed hundreds of homes and other structures, caused the death of many people, and resulted in injuries to many more;

L. On August 18, 2020, the International City/County Management Association released a document titled "21st Century – Fire and Emergency Services" which contained the recommendation to "Embrace the use of fire sprinkler technology in all buildings through the rapid adoption of codes and ordinances at the federal, state, and local government levels to dramatically reduce the incidence of deadly and costly fires";

M. On August 18, 2020, ABC News reported that there were at least 28 wildfires burning in California alone;

N. By August 19, 2020, the Governor declared a State of Emergency as more than 350 wildfires burned throughout California, many due to lightning strikes, and a request was made for 375 fire engines from out-of-state;

O. State of Emergencies have become a yearly occurrence due to wildfires;

P. Because the accessory dwelling unit law does not allow the City to require sprinklers in units where the main house was not required to install sprinklers, the City cannot require sprinklers to be installed in most of the accessory dwelling units that could be built in the City;

Q. The location of the City in a very high fire hazard severity zone, the inability to require sufficient separation between buildings, the inability to require sprinklers in a majority of accessory dwelling units that could be built, and the narrow streets which impede fire access justify the prohibition of accessory dwelling units to be built as of right in those areas of the City in the very high fire hazard severity zone;

R. The City Council recognizes the need for additional housing opportunities in the City, even in the very high fire hazard severity zone, and for that reason is providing for the opportunity for certain secondary living quarters of up to 1,000 square feet as defined herein to be built in this area with reduced procedural requirements, while still imposing setbacks for adequate building separation and requiring fire sprinklers;

S. The City Council also recognizes that Bradbury has traditionally allowed the development of a variety of accessory living quarters and wishes to continue to allow such development, subject to discretionary review by the City's Planning Department, and the City's Planning Commission;

T. Government Code § 65852.2(a)(1)(A) provides local agencies with the authority to designate areas within the jurisdiction where ADUs may be prohibited based on public safety. The provisions set forth in this Ordinance are necessary for the public safety.

SECTION 2. Section 9.25.020 of the Bradbury Development Code relating to Definitions is hereby amended by adding and modifying the following definitions to read as follows:

Accessory dwelling unit ("ADU") means a dwelling unit of up to 1,000 square feet that is attached, detached, or located within an existing or proposed residential dwelling which provides complete independent living facilities for one or more persons and includes permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel of land as the primary unit.

Accessory living quarters means living quarters in addition to the primary unit on the same parcel of land as the primary unit, and includes the following:

(1) Bunk houses;

(2) Guest houses;

(3) Single-room-occupancy units (SROs); and

(4) SRO developments.

Bunk house means living accommodations detached from the primary unit and designed to house two or more individuals who are personnel involved with the care and maintenance of the primary unit, or the associated on-site agricultural, equestrian, farming, or other residential activities. Bunk houses shall include permanent provisions for living, sleeping, and sanitation facilities, and may include facilities for cooking, bathing, and eating. A bunk house is sometimes commonly referred to as grooms quarters.

Enhanced accessory dwelling unit ("EADU") means an ADU over 1,000 square feet and up to 1,200 square feet.

Fire Zone ADU (" FZADU") means an ADU in the Very High Fire Hazard Severity Zone which complies with City zoning setback requirements and is equipped with fire sprinklers, the requirement of which would otherwise be prohibited by State legislation.

Guest house means living accommodations detached from the primary unit that may include some or all facilities for complete independent living such as permanent provisions for living, sleeping, eating, cooking, bathing and sanitation for guests and visitors of the occupants of the primary dwelling unit. A guest house is sometimes commonly referred to as a pool house.

Junior accessory dwelling unit ("JADU") means an accessory dwelling unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family residence. The single-family residence does not include an attached accessory structure.

Primary unit shall mean the existing or proposed largest single-family dwelling on the lot if there are multiple dwellings.

Secondary living quarters means accessory living quarters and accessory dwelling units, including junior accessory dwelling units, fire zone accessory dwelling units, and enhanced accessory dwelling units.

Single-room-occupancy ("SRO") development means a detached accessory structure used primarily for multi-tenant, single-room-occupancy units, containing two or more single-room-occupancy units with a shared kitchen, dining room, and laundry facilities.

Single-room-occupancy units ("SROs") means a room of between 150 and 250 square feet of floor area with permanent provisions for living and sleeping that is attached to the primary unit or is part of a single-room-occupancy development. An SRO shall not include cooking and eating facilities, but may include sanitation facilities in an adjacent room of up to 50 square feet.

SECTION 3. Chapter 85 of the Bradbury Municipal Code is hereby repealed and a new Chapter 85 is added to Title IX of the Bradbury Municipal Code to read as follows:

CHAPTER 85 SECONDARY LIVING QUARTERS

ARTICLE I – GENERAL

9.85.010 Purpose.

(1) The purpose of this Chapter is to implement the requirements for the establishment of secondary living quarters.

(2) In cases of conflict between this Chapter and any other provision of this Title, the provisions of this Chapter shall prevail. To the extent that any provision of this Chapter is in conflict with State law, the mandatory requirement of State law shall control, but only to the extent legally required.

9.85.020 Permitted locations/numbers. Secondary living quarters shall be allowed as follows:

(1) R-7,500 zone: one ADU; and one JADU subject to the limitations of Section 9.85.150.

(2) R-20,000 zone: one SRO unit attached to the main dwelling; one ADU or EADU; and one JADU subject to the limitations of Section 9.85.150.

(3) A-1, A-2, A-5 zones: one SRO unit attached to the main dwelling; one ADU; one JADU subject to the limitations of Section 9.85.150; and one single-room occupancy development, guest house or bunk house.

(4) Notwithstanding the above or any other provision in this Chapter to the contrary:

(a) No ADU shall be allowed on any lot in the Very High Fire Hazard Severity Zone as shown on the Los Angeles County Fire Department Fire Hazard Severity Zone map. A FZADU may be permitted if the lot is located in the Very High Fire Hazard Severity Zone in accordance with the provisions of this Chapter;

(b) No ADU, FZADU, EADU, or Accessory Living Quarter shall be allowed on any property that has access only from the following streets:

(i) Furlong Lane – between Deodar Lane and Long Canyon Road;

(ii) Oak Knoll Lane – east of Bliss Canyon Road;

(iii) Woodlyn Lane between Bradbury Hills Road and El Cielo Lane; and

(iv) Bradbury Hills Road.

9.85.030 Size

Secondary living quarters allowed pursuant to section 9.85.020 shall be limited to the following square foot maximums:

Zone	Single-room occupancy (SRO) unit	Single-room occupancy (SRO) Development	Accessory Dwelling Unit (ADU) or Fire Zone ADU (FZADU) or Enhanced Accessory Dwelling Unit (EADU) (per Zone Development Standards)	Junior Accessory Dwelling Unit (JADU)	Guest House or Bunk House
R-7,500	Not permitted	Not permitted	ADU or FZADU - 1,000 sf EADU not permitted	500 sf	Not permitted
R-20,000	250 sf	Not permitted	ADU or FZADU - 1,000 sf EADU - 1,200 sf	500 sf	Not permitted
A-1	250 sf.	1 development with up to a maximum of 1,500 sf with up to 3 SRO units per lot	ADU or FZADU - 1,000 sf EADU not permitted	500 sf	1,500 sf
A-2	250 sf	1 development with up to a maximum of 2,000 sf with up to 5 SRO units per lot	ADU or FZADU - 1,000 sf EADU not permitted	500 sf	2,000 sf
A-5	250 sf	1 development with up to a maximum of 2,500 sf with up to 10 SRO units per lot	ADU or FZADU - 1,000 sf EADU not permitted	500 sf.	2,500 sf

ARTICLE II – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

9.85.100 Purpose.

The purpose of this Article is to implement the requirements for the establishment of Accessory Dwelling Units and Junior Accessory Dwelling Units as required by California Government Code Sections 65852.2 and 65852.22.

9.85.110 Applications.

(1) Applications for Accessory Dwelling Units (ADUs), Fire Zone Accessory Dwelling Units (FZADUs) and Junior Accessory Dwelling Units (JADUs) shall be ministerially processed within 60 days of receipt of a complete application and approved if they meet the requirements of this Chapter.

a. If the application is submitted in conjunction with an application for a new primary single-family unit, the application for the ADU, FZADU or JADU shall not be acted upon until the application for the new primary single-family unit is approved, but thereafter shall be ministerially approved if it meets all requirements within 60 days.

b. The City shall grant a delay if requested by the applicant.

(2) All applications for ADUs, FZADUs and/or JADUs shall be accompanied by the applicable application fee.

(3) ADUs, FZADUs and JADUs shall be subject to applicable inspections and permit fees.

(4) Applications for FZADUs and EADUs shall be processed in accordance with Article III of this Chapter and subject to the rules and regulations set forth therein.

9.85.120 Allowed Zones/Density.

(1) An ADU or EADU may be constructed in any zone on a lot which contains a legally-existing or proposed primary single-family dwelling unit, provided that no ADUs shall be allowed in the Very High Fire Hazard Severity Zone. However, a FZADU and EADU may be built in the Very High Fire Hazard Severity Zone in compliance with Article III of this Chapter.

(2) ADUs of any type shall not count in determining density or lot coverage and are considered a residential use consistent with the existing general plan and zoning designation for the lot.

9.85.130 Accessory Dwelling Units (ADUs) — Development Standards/ Requirements.

For purposes of this section, the term "ADU" shall include a "FZADU."

(1) Type of building. An attached or detached ADU shall be a permanent structure on a permanent foundation with permanent provisions for living, sleeping, food preparation, sanitation, and bathing. A manufactured home as defined in California Health and Safety Code Section 18007 shall qualify.

(2) Height. The height of an attached or detached ADU shall not be any higher than 16 feet. Notwithstanding the previous sentence, the height may exceed 16 feet if the ADU is built in a previously existing permitted space which already exists above a permitted ground floor area or garage.

(3) Size.

a. Maximum size – the square footage of an ADU shall not exceed that set forth in Section 9.85.030.

b. Minimum size – the square footage of an ADU shall not be less than 150 square feet.

(4) Application of Underlying Development Standards.

a. The development standards of the underlying zone shall apply, except as may be specified herein.

b. If application of any development standard of the underlying zone or this Chapter prevents the construction of an ADU that is no more than 16 feet in height, such development standard shall be waived to the extent needed to allow an 800 square foot ADU. The waiver of standards does not apply to the requirement for minimum four-foot side and rear yard setbacks.

(5) Setbacks.

a. Attached and detached ADUs shall be located behind the front yard setback line of the primary unit.

b. The maximum side and rear yard setback requirements for an ADU, including an ADU added in an already existing and permitted space above a garage or other floor area shall be four feet. This does not prevent the applicant from providing a larger setback. For hillside lots with an average slope of at least 10 percent, the four-foot setbacks shall be measured from the edge of the building pad and the edge of any top or toe of a slope.

c. The setback requirements in subsections (5) a. and b. above shall not apply if the ADU is being converted from a legally existing accessory structure, including a garage, or is being constructed in the same location and to the same dimensions as a legally existing accessory structure, including a garage.

d. ADUs shall be required to comply with the requirements of the Building Code as set forth in Title XVII of the Bradbury Municipal Code.

(6) Parking.

a. Parking shall be required at the rate of one space for each ADU.

b. Parking spaces for an ADU may be provided through tandem parking on a legally-existing driveway; provided, that such parking does not encroach into the public right-of-way or a private street.

c. Parking spaces for ADUs may be provided in the paved portions of setback areas; provided, that the amount of paving does not exceed the total amount of paving and hardscaped areas that are otherwise allowed by this Title at the time the ADU is approved.

d. When a garage, carport, or covered parking structure is converted into an ADU, or is demolished to accommodate the construction of an ADU, such parking spaces need not be replaced.

e. Tandem parking and parking in setback areas shall not be allowed if the City Manager makes specific findings that such parking is not feasible based upon specific site or regional topographical, or fire and life safety conditions.

f. Notwithstanding any other provision of this subsection (7), no additional parking shall be required for the ADU if any of the following conditions apply:

1. The ADU is located within one-half mile walking distance of a public transit stop;

2. The ADU is located within an architecturally and historically significant historic district;

3. The ADU is part of a legally-existing primary unit or a legally-existing accessory structure;

4. When on-street parking permits are required, but not offered to the occupant of the ADU; or

5. When there is a car share vehicle located within one block of the ADU.

(7) Design.

a. The ADU shall be of the same architectural style, including roof design, and color as the primary unit.

b. Windows, doors, trim, and other architectural embellishments of the ADU shall be of a quality that meets or exceeds that of the primary unit.

c. To the extent feasible, ADU window placements shall be sensitive to maintaining privacy between other dwelling units on the same lot or adjacent lots.

d. The ADU shall have a separate entrance from the primary unit.

e. The ADU shall not alter the appearance of the primary unit.

(8) Fire sprinklers shall be required in the ADU if they were/are required in the primary unit at the time of construction.

(9) Utilities – connections, fees and capacity charges.

a. For an ADU contained within a legally existing primary unit, or a legally existing accessory structure meeting the requirements of Section 9.85.140(1)(a) below, the City shall not require the installation of a new or separate utility connection between the ADU and the utility or impose a connection fee or capacity charge. Such requirement and charges may be imposed when the ADU is being constructed in conjunction with a proposed new primary unit.

b. For all ADUs other than those described in subsection (9)(a) above, the City shall require a new or separate utility connection between the ADU and the utility and shall charge a connection fee or capacity charge that is proportionate to the burden of the proposed ADU based on the size or number of drainage fixture unit (DFU) values upon the water or sewer system.

(10) Impact Fees.

a. No impact fee shall be imposed on any ADU of up to 1,000 square feet in size.

b. Notwithstanding any fee resolution to the contrary, for ADUs larger than 1,000 square feet, impact fees shall be charged proportionately in relation to the square footage of the primary unit.

c. All applicable public service and recreation impact fees shall be paid prior to occupancy in accordance with Government Code Sections 66000 et seq. and 66012 et seq.

d. For purposes of this Section, "impact fee" shall have the meaning set forth in Government Code section 65852.2(f).

9.85.140 Mandatory Approvals.

(1) Notwithstanding any other provision of this Chapter, the City shall ministerially approve an application for any one of the following categories of ADUs and/or JADUs within a residential zone, unless such ADU is in the Very High Fire Hazard Severity Zone.

a. An ADU or JADU within the existing or proposed space of the primary unit or accessory structure, subject to the following requirements:

1. An ADU or JADU shall have exterior access separate from the legally existing or proposed primary unit.

2. An expansion of up to 150 square feet shall be allowed for a legally existing accessory structure that is to be converted to an ADU, solely for the purpose of accommodating separate ingress and egress.

3. The side and rear yard setbacks shall be sufficient for fire and safety.

4. A JADU shall comply with the requirements of Sections 9.85.150 and 9.85.160 below.

b. One detached ADU that will have at least four-foot side and rear yard setbacks on a legally existing lot with a legally existing or proposed primary unit, provided that the ADU shall not be more than 800 square feet and shall not exceed 16 feet in height. The ADU may be combined with a JADU so long as it complies with all the requirements of Sections 9.85.150 and 9.85.160 below.

c. On a lot with a legally existing multifamily dwelling structure, up to 25 percent of the total multifamily dwelling units, but no less than one ADU or JADU, shall be allowed within the portions of the legally existing structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that each dwelling unit complies with State building standards for dwellings.

d. On a lot with a legally existing multifamily dwelling structure, there may be up to two detached ADUs, provided that neither unit is greater than 16 feet in height and that both ADUs have at least four-foot side and rear yard setbacks.

(2) For those ADUs and JADUs that require mandatory approval, the City shall not require the correction of legal, nonconforming zoning conditions.

(3) Any ADU created under this Section 9.85.140 shall not be rented for a period of less than 30 days.

9.85.150 Junior Accessory Dwelling Units – Development Standards/ Requirements.

(1) One JADU shall be allowed on single-family residentially zoned lots in conjunction with a legally existing or proposed primary single-family unit. A JADU may be allowed on the same lot as a detached ADU where the detached ADU is no larger than 800 square feet and no taller than 16 feet.

(2) The JADU shall be required to contain at least an efficiency kitchen which includes cooking appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

(3) The JADU shall be required to have a separate entrance from the primary unit.

(4) The JADU may, but is not required to, include separate sanitation facilities. If separate sanitation facilities are not provided, the JADU shall share sanitation facilities with the primary single-family unit and shall have direct access to the primary unit from the interior of the JADU.

(5) Parking.

a. No additional parking shall be required for a JADU.

b. If a garage is converted to develop a JADU, replacement parking shall be required.

(6) A JADU shall be required to comply with applicable Building Code standards.

(7) The owner of the property on which a JADU is constructed shall record with the County Recorder of Los Angeles County, a deed restriction which shall run with the land and a copy of the recorded deed restriction shall be filed with the City after recordation. The deed restriction shall provide for the following:

a. A prohibition on the sale of the JADU separate from the sale of the primary unit;

b. A prohibition on the JADU being larger than 500 square feet;

c. A prohibition on renting either the primary unit or the junior accessory dwelling unit for less than 30 consecutive, calendar days;

d. A restriction that the owner resides in either the primary unit or the JADU, notwithstanding the following:

1. The owner may rent both the primary unit and the JADU to one party with a restriction in the lease that such party may not further sublease any unit or portion thereof; and

2. This restriction shall not apply if the owner of the primary single-family unit is a governmental agency, land trust, or housing organization; and

3. A statement that the deed restrictions may be enforced against future purchasers.

(8) For the purposes of applying any fire or life protection ordinance or regulation, or providing service water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit.

(9) The City shall not require the correction of legal, nonconforming zoning conditions for approval of a JADU.

9.85.160 Regulations – Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).

All provisions set forth herein relating to ADUs shall also apply to FZADUs and EADUs.

(1) Sales. ADUs and JADUs cannot be sold separately from the primary unit.

(2) Rental.

a. Short-term rentals of the ADU and JADU are prohibited.

b. The ADU or JADU may be rented separate from the primary unit.

(3) Owner/Occupancy.

a. No ADU approved between January 1, 2020 and January 1, 2025 shall have an owner-occupancy requirement. After January 1, 2025 owner-occupancy shall be required for all new ADUs, such that the owner of the property shall occupy either the ADU or the primary unit.

b. All properties on which a JADU is developed shall have an owner-occupancy requirement in accordance with section 9.85.150(d).

(4) This Chapter shall in no way validate any existing illegal ADU nor shall it change a legal nonconforming unit to a conforming unit.

(5) An application to convert an illegal and/or nonconforming ADU and/or JADU to a legal conforming ADU or JADU shall be subject to the same standards and requirements as for a newly proposed unit.

(6) Guest houses that were previously approved and which have a valid building permit on file shall not be affected by this Chapter. However, an application to convert a guest house to an ADU shall be subject to this Chapter.

(7) Revocation. The City Manager shall have the authority to revoke an ADU and/or JADU permit if one or more of the requirements of this Chapter is/are no longer met.

(8) Enforcement. Until January 1, 2030, the City shall issue a statement along with a notice to correct a violation of any provision of any Building Code standard relating to an ADU or JADU that provides substantially as follows:

> You have been issued an order to correct violations or abate nuisances relating to your Accessory Dwelling Unit or Junior Accessory Dwelling Unit. If you believe that this correction or abatement is not necessary to protect the public health and safety you may file an application with the City Manager. If the City determines that enforcement is not required to protect the health and

safety, enforcement shall be delayed for a period of five years from the date of the original notice.

This provision shall only apply to ADUs and JADUs built before January 1, 2020.

ARTICLE III – ALTERNATE TYPES OF ADUS

9.85.200 Fire Zone Accessory Dwelling Units.

FZADUs shall be processed in accordance with and subject to the provisions of Sections 9.85.110 – 9.85.130, and 9.85.160 above with the following exceptions:

(1) FZADUs shall be required to have minimum side and rear yard setbacks of fifteen feet that shall be maintained in compliance with the Fire Department's fuel modification requirements. For hillside lots with an average slope of at least 10 percent, the fifteen-foot setbacks shall be measured from the edge of the building pad and the edge of any top or toe of a slope; and

(2) FZADUs shall be required to be equipped with fire sprinklers.

9.85.210 Enhanced Accessory Dwelling Units.

(1) EADUs may exceed the maximum permitted size allowed under Article II above, subject to the maximum square footages set forth in Section 9.85.030.

(2) Development Standards.

a. EADUs shall be required to comply with all the requirements of the underlying zoning and all building requirements, including fire sprinklers.

b. EADUs shall be required to provide one additional parking space per unit.

c. EADUs shall be required to comply with the procedures set forth in Chapter 34 of the Development Code for Architectural Review, Significant.

ARTICLE IV – ACCESSORY LIVING QUARTERS

9.85.300 Development standards for accessory living quarters.

Accessory living quarters shall be developed in accordance with the following standards:

(1) Accessory living quarters shall be allowed in accordance with Sections 9.85.020 and 9.85.030 above.

(2) Accessory living quarters are permitted only on residential lots which are developed with a primary single-family unit.

(3) Accessory living quarters must comply with the Bradbury Development Code, applicable at the time the plans for Planning Department approval for the accessory living quarters are submitted.

(4) All accessory living quarters, whether attached or detached, must conform to all setback, lot coverage, floor area, emergency evacuation capacity, and building bulk requirements of the applicable zone, and if detached, must be at least 20 feet from any other building.

(5) The maximum allowed height for a detached accessory living quarter unit or building shall not exceed 28 feet, even when allowed as a second story above an existing primary unit, garage, or accessory structure.

(6) No accessory living quarter shall exceed one-floor in height; however, that floor may be a second story.

(7) The owner of the property must occupy either the primary unit or an accessory living quarter unit.

(8) A minimum of one on-site parking space shall be provided for each accessory living quarter, in addition to the parking requirement for the primary single-family unit. The parking spaces for the accessory living quarters need not be covered, except for multi-family dwellings for which the parking spaces shall be in carports. All parking spaces shall be paved and accessible from a single, common driveway for the primary and accessory living quarter units. Tandem parking is not permitted to meet this off-street parking requirement.

(9) The tenants of a bunk house, SRO, or SRO development shall be limited to the following individuals:

a. Personnel involved with the care and maintenance of the primary unit;

b. Personnel involved with the care and maintenance of the general premises;

c. Personnel involved with the care of a resident of the primary unit;

d. Personnel involved with the associated on-site agricultural, equestrian, farming, or other residential activities.

e. In an SRO or SRO development, a family member may also reside in the unit.

(10) Single room occupancy ("SRO") residential units and developments are subject to the following additional requirements:

a. Each SRO unit shall have a minimum floor area of 150 square feet and a maximum floor area of 250 square feet.

b. Each SRO unit shall have a private toilet in an enclosed, adjacent compartment of up to 50 square feet with at a minimum, a door, a sink, and a shower.

c. Each SRO unit shall have a separate closet.

d. Kitchens shall not be provided in the individual SRO unit. In the case of a SRO development, common kitchen facilities, dining rooms, and laundry facilities shall be provided.

e. Each SRO development shall have a cleaning supply room or utility closet with a wash tub with hot and cold running water.

f. No more than two persons shall be allowed to reside in any SRO unit.

g. SRO units shall be offered for rent or occupancy in conjunction with employment on a monthly basis or longer.

9.85.310 – Accessory living quarters – Neighborhood compatibility review – Standards.

All development of accessory living quarters shall be subject to the procedures for neighborhood compatibility review and approval pursuant to Chapter 34 of this title. In addition to the standards and determinations required by Chapter 34 of this title, the following findings shall be required for approval of accessory living quarters:

(1) The accessory living quarter(s) will be appropriate to the size and character of the lot on which it will be located, and to the character of the neighborhood.

(2) The accessory living quarter(s) will not overload the capacity of the neighborhood to absorb the physical and use impacts of the unit(s) in terms of parking, adequacy of water and sewer services, traffic volumes and flows, emergency evacuation capacity, and utilities consumption.

(3) The accessory living quarter(s) will not be materially detrimental to the public health, safety, and general welfare, or to the use, enjoyment, or valuation of property of other persons located in the vicinity.

9.85.310 – Nonconforming uses.

(1) No nonconforming accessory living quarter(s) may be expanded or remodeled by the addition of any space or addition of plumbing fixtures or cooking facilities unless it is brought into compliance with the provisions set forth in this Code prior to occupancy.

(2) Any accessory living quarter legally permitted prior to January 1, 2020 shall be allowed to remain as legal, non-conforming uses.

SECTION 4. Section 9.103.030 of the Bradbury Development Code is hereby amended to read as follows:

Sec. 9.103.030 – Number of parking spaces required.

(1) The number of off-street parking spaces required for each primary single-family dwelling unit containing not more than four bedrooms shall be two parking spaces located in a garage. Primary units containing more than four bedrooms, not including a Junior Accessory Dwelling Unit, shall provide one additional off-street parking space in a garage for each increment of two additional bedrooms or rooms used for sleeping purposes.

(2) Development projects subject to the hillside development standards shall require an additional two uncovered off-street parking spaces.

(3) Parking for secondary dwelling units shall be as specified in Chapter 85 of this Title. Except as specifically allowed in Chapter 85, tandem parking shall be prohibited.

SECTION 5. CEQA. This Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15282(h) which provides a statutory exemption for the adoption of an ordinance regarding accessory dwelling units to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code. As the standards of Government Code Section 65852.22 relating to junior accessory dwelling units are incorporated into Government Code 65852.2, this exemption covers junior accessory dwelling units as well. Regardless of whether the City adopts this Ordinance, accessory dwelling units and junior accessory dwelling units must be allowed in the City in accordance with the standards set forth in State Statute. Therefore, this Ordinance is categorically exempt under the commonsense exemption of CEQA Guidelines section 15061(b)(3) which provides that CEQA does not apply where it can be seen with certainty that the project will not cause any impacts. Additionally, the sections that were added in Article IV of Chapter 85 are the same sections that were previously in the Code which were removed by the Urgency Ordinance.

SECTION 6. Effective Date. This Ordinance shall take effect on the thirty-first date after passage. Upon its effective date, this Ordinance supersedes Urgency Ordinance No. 368 which will be of no further force or effect.

SECTION 7. 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 8. 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.

SECTION 9. Transmission to HCD. The City Clerk shall send a copy of this Ordinance to the Department of Housing and Community Development as required by State law.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2021.

_____
Mayor

ATTEST:

_____
City Clerk

ATTACHMENT C

DUDEK MEMORANDUM

605 THIRD STREET
ENCINITAS, CALIFORNIA 92024
T 760.942.5147 F 760.632.0164

MEMORANDUM

To:	Kevin Kearney, City of Bradbury
From:	Dudek Fire Protection Planning Team; Michael Huff - Principal
Subject:	California's Accessory Dwelling Unit Law (AB No. 68)
Date:	December 9, 2020
cc:	Bradbury City Council
Attachment(s):	1 City Provided Areas of Focused Assessment 2 Bradbury Fire Hazard Map 3 Bradbury and Los Angeles County Code References

Summary

The following analysis provides a response to the City of Bradbury's concerns regarding the impact of California's Accessory Dwelling Unit Law (AB No. 68), that can affect fire safety. Specifically, the City requested that Dudek examine issues relating to setbacks and prohibition on fire sprinklers, including the evaluation of the potential for increased fire hazard potential. Separate from the wildfire issues, State law continues to prohibit the City from requiring automatic fire sprinklers in ADU's when the main residence was not required to have fire sprinklers. Based on the State of California's findings regarding the effects of climate change on wildfire hazards and risks, and the proposed approaches to addressing it, and on California's Draft Office of Planning and Research's direction for General Plan policies and program, it does not appear to be a prudent decision to allow ADUs in fire hazard severity zones without specific fire protection measures, many of which the State is already recommending in their own conclusions and which are discussed in the Conclusions and Recommendations sections that follow.

Our assessment of the general fire safety related to the requirement for four-foot setbacks and the inability to require fire sprinklers results in our opinion that its implementation in Bradbury would likely have negative fire related impacts.

Issue

Bradbury's concern over portions of State law's preemption of local requirements that can affect fire safety prompted this analysis. The City's concern stems from Bradbury's location and fire history. Most of Bradbury is located within a very high fire hazard severity zone (VHFHSZ), a wildland urban interface area, an ember intrusion zone, and is officially recognized by the federal government as a community at high risk from wildfire (https://www.federalregister.gov/documents/2001/01/04/01-52/urban-wildland-interface-communities-within-the-vicinity-of-federal-lands-that-are-at-high-risk-from.)

The City is located at the foothills of the San Gabriel Mountains and adjacent to the Angeles National Forest. Terrain and fuels throughout portions of Bradbury would facilitate wildfire, particularly under extreme weather conditions. Wildfires regularly occur within the foothills of the San Gabriel Mountains and the area is subject to semi-regular, extreme fire weather including high winds and low humidity, a combination that increases the vegetation ignition potential and enhances fire spread rates and intensity. For example, the City was subject to

an aggressive wildfire in 1980 that killed one person and destroyed 49 Bradbury homes. An estimated 6,200 acres were burned and approximately $15 million in damage incurred. As this report was prepared, Bradbury residents had recently been under evacuation warning due to the Bobcat Fire that had burned 115,000 acres, including areas just north of the City.

The City requested that Dudek examine issues relating to setbacks and prohibition on fire sprinklers from a fire safety perspective, including the evaluation of the potential for increased fire hazard potential. The term accessory dwelling unit (ADU) often connotes a detached "granny flat," which seems to be the ADU structure of most concern to the Bradbury City Council. However, the broad definition of the term includes attached and embedded ADUs as well. The following analysis and information will address the detached ADUs, since they were the focus of City provided guidance questions/responses. These questions/responses included the following and are further detailed in Attachment #1:

1. Review any challenges of hillside area setbacks being calculated from property lines instead of by building pads.
2. Investigate safe distances between ADUs or ADUs and other structures in high fire severity zones where there are no sprinklers in the ADUs or main residence. Look at where there are sprinklers in one or both.
3. Describe the danger of fire spreading if the ADU has sprinklers but not the main house. Compare the likelihood of fire communication between structures with and without sprinklers.
4. Is a 20-foot right of way needed to get a fire truck into the street? How does that correlate with 20 feet between buildings fir fire apparatus?
5. Verify if a 1,000 sq. ft. addition is added to an existing home (i.e., not an ADU), would one have to add sprinklers to the existing home?
6. Would the State mandated allowances of manufactured homes in the City, without significant City review, pose any threats in a high fire hazard area? What fire safety issues are being introduced with manufactured homes that are built somewhere else and moved to Bradbury?
7. Are there any contradictions between the State's desire to fortify high fire hazard areas through land use and its housing density regulations?
8. Address any climate change issues related to ADUs – more fires, larger fires, greater risk?

For purposes of the fire safety evaluations conducted herein, the following Bradbury Municipal Code (BMC) definitions apply, and can be found in BMC Section 9.85.020:

Accessory dwelling unit shall mean a dwelling unit that is attached, detached, or located within an existing or proposed residential dwelling which provides complete independent living facilities for one or more persons and includes permanent provisions for living, sleeping, eating, cooking and sanitation facilities on the same parcel of land as the residential dwelling. Dudek's analysis focuses generally on detached ADUs in response to City guidance questions.

Junior accessory dwelling unit shall mean an accessory dwelling unit that is no more than 500 square feet in size and contained entirely within a single-family residence. This does not include an attached garage or other attached accessory structure.

Primary unit shall mean an existing single-family dwelling, or the larger of two proposed units.

Findings

Our assessment of the general fire safety related to the requirement for four-foot setbacks and the inability to require fire sprinklers results in our opinion that its implementation in Bradbury would likely have negative fire related impacts. Currently, the City precludes ADUs in the VHFHSZ. Adding dwelling units in this area could increase structure wildfire risk, even though ADUs would be obliged to meet the statewide minimum requirements of ignition resistant construction materials and methods as prescribed in Chapter 7A of the California Building Code. However, even ignition resistant buildings that are not set back appropriately from unmaintained fuels with suitable defensible space may represent an increased risk of structure ignition and potential for structure-to-structure ignition when older, more vulnerable primary residences (those built prior to 2007's enhanced ignition resistance requirements and 2010's inclusion of interior sprinklers) are within short setback proximity. Conversely, ADUs that are close to a property line where the owner has no ability to provide defensible space off-site and with natural vegetation beyond, represents a potential ignition source should a structure fire occur, and if that ADU is not sprinklered, the potential for an internal (structure) fire to spread into the open space fuels increases. Neighboring property owners may be required to provide defensible space for a neighbor that builds an ADU. Additional ADUs also increase the density in high fire hazard severity zone areas. This increased density would lead to more vehicles and traffic and, depending on the total number of additional vehicles, may result in impassible or congested roadways for emergency vehicles and less effective emergency access, delayed evacuations and greater potential wildfire risk to residents and incoming responders.

Separate from the wildfire issues, the revised ADU law continues to prohibit the City from requiring automatic fire sprinklers in ADUs when the main residence was not required to have fire sprinklers. The lack of a sprinkler requirement is disappointing, as sprinklers were adopted in the 2010 California Building and Fire Codes for all new one- and two-family homes because, after many years of proving their worth, were recognized to save lives, both occupants' and firefighters', reduce damage, protect and benefit the environment, and reduce demand on fire suppression services and resources. The fact that ADUs were specifically carved out of this requirement is incongruous with the residential sprinkler effort of so many years by so many code officials, and frankly, inexplicable.

Example: Santa Barbara ADU

The City of Santa Barbara, like Bradbury, has prohibited ADUs in high fire hazard zones. ADU law could be interpreted as an override of this restriction, which is somewhat confusing given the State's focus on, and passage of, numerous wildfire safety related laws over the last decade. In late 2019, Santa Barbara passed an emergency ordinance to prohibit new ADUs in their highest fire hazard severity zones, at least until December 2020 so they could evaluate the impacts of the state's new law. Santa Barbara has drafted a 2020 ADU Ordinance Update, which was scheduled to be considered by the City Council on September 24, 2020. The Ordinance Update would be consistent with State law and apply locally adopted requirements for ADUs in the highest fire hazard severity zones.

The ignition resistant construction provisions as outlined in Chapter 7A of the Building Code would apply, as no variance or modification is allowed (as would be the case in Bradbury).



The following standards are required for ADUs in Santa Barbara's fire hazard zones:

1. **No Tandem Parking.** Santa Barbara recognizes that wildfire related evacuations present a significant risk in their foothill and extreme locations. To that regard, they are prohibiting tandem parking, as it can delay evacuations and cause interruptions in traffic flow when vehicles are backed into the street during an evacuation. Relatedly, they are requiring one parking spot per ADU, whereas, the ADU legislation absolves parking stipulations. "No parking space shall be developed in a tandem configuration." Note that Santa Barbara includes very dense, smaller parcels and circuitous, narrow roads compared to Bradbury within the higher fire hazard areas.
2. **High Fire Construction.** The accessory dwelling unit shall be designed to meet high fire construction standards adopted or enforced by the City, as determined by the Chief Building Official or the Fire Code Official. Application of Chapter 7A of the Building Code is consistent with "High Fire Construction".
3. **No Variance or Modification.** No variance or modification to any Fire Code requirements or high fire construction standards shall be permitted.
4. **Defensible Space.** Santa Barbara, noting the need for defensible space, requires that existing defensible space requirements are applied to ADUs. "The site must meet defensible space requirements, pursuant to Chapter 8.04 of this code, prior to occupancy and those requirements must be maintained".

Similar requirements in a Bradbury ADU Ordinance Update may be appropriate given the similarities between the cities and their fire hazards.

Conclusions

Based on Dudek's analysis of State law, research conducted to respond to each comment/question provided by the City, and comparing the similar City of Santa Barbara, the following conclusions are offered regarding building ADUs in Bradbury.

1. ADUs in fire hazard severity zones may increase the potential fire risk by increasing density and the number of lower ignition resistant and unsprinklered structures.
2. Structure to structure ignition of buildings in close proximity to each other is possible, has been experienced in numerous communities, and is related to the exterior ignition resistance levels and distance apart, more so than to the presence of interior fire sprinklers. However, sprinklers may play a role in reducing the damage realized and could minimize structure to structure spread probabilities by controlling an interior fire to the room of origin.
3. If an ADU is sprinklered, then an interior fire will be suppressed or at least controlled and confined, reducing potential for structure to structure ignition. If the primary structure is not ignition resistant, it will be more susceptible to ignition. If the primary structure is not sprinklered, it also may be more susceptible to ignition from an interior structure fire.
4. The state mandated sprinklers in all new one- and two-family dwellings since 2010 yet exempted sprinklers when the state created ADU laws. This is incongruous and fire prevention officials consider unfortunate.
5. The fire code includes provisions for 20-foot unobstructed access roads. This is based on the width of fire engines and their ability to pass one another. There is no spacing requirement between buildings for fire department apparatus access. Fire Department vehicular access must be provided to allow a hose to be pulled therefrom and reach all points around the exterior of a structure within 150 feet. Firefighters pull hoses to the buildings rather than park directly next to a building.
6. Based on the current code, adding a 1,000 square foot addition to an existing home would not likely require that the structure be provided with interior sprinklers. There are specific circumstances where sprinklers would be required, but they are relatively remote occurrences except for additions that exceed 50% and increase the total square footage to over 5,000 square feet and are further than 3 miles from the nearest fire station. We believe the 3-mile fire station distance exception alone would apply to nearly all Bradbury home remodels thereby exempting any sprinkler installation in additions/remodels.
7. Manufactured homes are required to include ignition resistant features meeting Chapter 7A of the building code when located within wildland urban interface and fire hazard severity zones. Depending on the City's inspection process, there may be some risk that a manufactured home not including ignition resistant features could be brought into the City, in which case it would pose a higher risk of wildfire ignition.
8. Climate change has been declared by California agencies to have a major impact on wildfire frequency and severity. Subsequently, as areas include higher populations within fire hazard severity zones, the result may be higher overall risk. The risk may be related to higher structure density, an increase in ignition sources (more people could lead to more ignitions), and also an increase in the wildfire risk to people from being closer to wildfires and relying on unimproved or insufficient evacuation routes. Adding ADUs may increase the number of vehicles needing to evacuate with no increase in road capacity, which would have the potential to increase evacuation times and pose challenges for incoming responders.

Recommendations

1. The City must continue to enforce Chapter 7A for all ADUs and any new structures in fire hazard severity zones.
2. Automatic fire sprinklers should be installed in ADUs, whenever possible. The City should consider options to include sprinklers in all ADUs. In addition, educating the public on sprinkler importance could result in the inclusion of sprinklers in ADUs even though it cannot be required in all cases.
3. FMZs should be strictly enforced and where possible, should be extended to 100 feet from all structures; where not possible, alternative materials and methods, such as design features or fire protection systems, may be considered.
4. Manufactured homes should require City direction to resident buyers and inspections to confirm compliance with CBC Chapter 7A has been provided.
5. ADUs should be monitored to assess potential impacts on emergency evacuation (i.e., multiple ADUs on a dead-end street – how many more people and vehicles could this represent?). Limits may need to be explored to minimize the potential for inefficient evacuations.
6. Parking may not be a concern in Bradbury as it is in Santa Barbara due to the large size lots and lower housing densities. It is likely that ADU related vehicles would have adequate parking off the street. However, if tandem parking becomes an issue, enacting a similar ordinance requirement to limit the number of tandem vehicles to facilitate faster evacuations should be explored.
7. Consider a broad fire safety ordinance review to consider if a customized Bradbury-focused fire code instead of merely adopting the Los Angeles County Fire Code is appropriate or other municipal code provisions are necessary. Because most of Bradbury is within a high or very high fire severity zone, a comprehensive review to strengthen the municipal code or guide the adoption process for future code adoptions is recommended.

Attachment 1

City Provided Areas of Focuses Assessment

Fire safety topics and questions that Dudek was asked to assess and provide informed opinions are detailed in the following sections.

1. Review any challenges of hillside area setbacks being calculated from property lines instead of by building pads.

Setbacks for land use planning purposes are established to present a uniform appearance in a development and to prevent structures from encroaching on adjacent lots or streets. Setbacks are typically delineated as prescribed distances from the property lot line, but can also refer to the graded building pad edge. When the edge of the building pad is used for setbacks, the rationale may be for maintaining usable open space on the lot, view preservation from adjacent property, or maintaining safe distances from hillsides or slopes. If the adjacent slope is covered with native vegetation that may be considered a fire hazard (typical in southern California), this may be another reason to enforce a building pad setback. Based on the latter, it is reasonable for the City to measure the setback from the building pad when the lot is sloped and adjacent to wildland fuels to minimize potential for direct flame moving up the slope to intersect with the structure.

From a building code perspective, the separation of structures from other structures is intended to minimize the risk of fire communicating to or threatening an adjacent structure. The openings in exterior walls and the fire resistance of exterior walls are regulated by the distance to property lines. For more than one building on the same lot, the building codes use a concept of "imaginary property lines". The designer has the freedom to choose where the imaginary property line is between structures on the same lot and then establish the exterior wall fire resistance and opening requirements based on the distances thereto.

For defensible space purposes in the wildland-urban interface, fuel modification zones are established and maintained to provide buffers between flammable fuels and buildings and minimize the likelihood of flame impingement or excessive heat exposure and ultimately, to minimize the possibility that structures may ignite from an approaching wildland fire. In addition, it provides firefighters with a "reduced fuel" area in which to defend the structure. Fuel modification zones are generally 100 feet wide, measured from the closest structure on the lot to the untreated vegetation. If the full width cannot be provided, then additional fire protection measures (i.e., building materials, fire protection systems) may be considered by the fire department as acceptable alternatives. Conversely, if the fire environment is extreme, the fuel modification zone (FMZ) may be extended to 200 feet or more based on anticipated fire behavior driven by steep terrain, heavy fuels, wind alignments and other factors.

In assessing the setback requirements as they apply to ADUs, a cursory review of the Bradbury Municipal Code (BMC) was conducted to prepare a reference table (Table 1). The setbacks from property lines must comply with the respective City requirements identified in the BMC. Side and Rear Yard setbacks for ADUs are four feet from the property line, which is much less than the setbacks for the primary structure on the lot (varies by Zone – see Residential Zone Setbacks table). [Note: this scenario would most likely be encountered for detached ADUs.]

All building separation requirements would need to comply with the Building Code as adopted by the City (the City adopts the Los Angeles County Building and Fire Codes, which are based on the California Codes, with local amendments). This would apply to buildings on the same lot as well as adjacent lots.

State law does not allow the City to require the same setbacks between ADUs and primary structures on other lots, and therefore, could represent an increase in the potential for structure-to-structure ignitions.

Table 1. Bradbury Municipal Code ADU Setback Requirements

Residential Zone Setbacks						
Zone	Front yard (ft)	Side yard (ft)	Rear Yard (ft)	Min. Area	Min. avg. Width (ft)	Fire Hazard Area
R-7,500	20	20	30	7,500 sf	60	High/Moderate
R-20,000	35	15	15	20,000 sf	80	Very High/High
A-1	50	25	25	1 ac.	100	Very High/High
A-2	50	25	25	2 ac.	120	Very High
A-5	50	25	25	5 ac.	250	Very High/High
Hillside	100	100	100	2 ac. and ≥10% slope	NA	Very High/High
ADUs	See above	4	4	See above	See above	Not permitted in Very High

* ADUs must comply with the requirements for whichever Zone they are located.

2. Investigate safe distances between ADUs or ADUs and other structures in high fire severity zones where there are no sprinklers in the ADUs or main residence. Look at where there are sprinklers in one or both.

As mentioned in 1 above, the California Building Code (CBC) regulates the minimum distances between structures. There are no specific distances for ADUs as they are treated the same as a primary residence (R3 occupancies). For an ADU (or house) the California Residential Code (CRC) requires the exterior wall to be one-hour fire resistance rated if it is between zero (0) and five (5) feet of the property line (or imaginary property line between it and another structure on the same lot). At five (5) feet or more, the wall is not required to be fire resistance rated. The aforementioned is for non-fire sprinklered structures. If a residential fire sprinkler system is provided, then three (3) feet separation is the acceptable distance criterion.

Where the codes recognize the unique nature of the wildland-urban interface (WUI), the State of California added specific provisions in the building code (Chapter 7A in CBC, or Section 337 in the CRC) that adds construction features to "harden" structures located in Fire Hazard Severity Zones (FHSZ's) by making them more ignition resistant. The State requirements apply to **new** structures only, not to additions, alterations, or remodels, unless the local building department adopted some specific trigger language in their code adoption ordinance. Los Angeles County ***does*** amend the Code to require additions, alterations, and repairs to comply with these WUI related requirements. [Note: The City of Bradbury adopts the Los Angeles County Codes for use in the City.] ADUs (as well as residence additions) in fire hazard severity zones would be required to build to the Chapter 7A standards, which does not include fire sprinklers. (https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT26BUCO_CH7A _SFMMACOMEEXWIEX_S701ASCPUAP)

701A.1 - Scope.

This Chapter applies to building materials, systems, and/or assemblies used in the exterior design and construction of new buildings, and to additions, alterations, or repairs made to existing buildings, erected, constructed, or moved within a Wildland-Urban Interface Fire Area as defined in Section 702A. (Ord. 2019-0056 § 4, 2019.)

701A.3 - Application.

New buildings, **and any additions, alterations, or repairs** made to existing buildings located in or moved within any Fire Hazard Severity Zone within State Responsibility Areas or any Wildland-Urban Interface Fire Area designated by the Los Angeles County Fire Department that is constructed after the application date shall comply with the provisions of this Chapter.

For 2-family dwellings (duplexes), the CRC requires a one-hour fire resistive wall between the two dwelling units. This requirement would also apply to an ADU to an existing (or new) home (CRC 302.3).

Some of the features required by CRC 337, *Materials and Construction Methods for Exterior Wildfire Exposure,* (or CBC Chapter 7A) include:

- Vegetation management
- Ignition resistant materials for exterior surfaces (roofs, exterior walls, decks, balconies)
- Regulated openings to the outside to control or minimize opportunity for heat transfer into the structure or ember intrusion (vents, windows, skylights, doors)

The overarching theme of these provisions is to lessen the ignitability of the structure from an advancing wildfire's embers or flame impingement.

In contrast, the value of installing residential fire sprinklers is the life safety of the occupants. Theoretically, a home could still burn down even with sprinklers. If the occupants are able to escape the home unharmed, this is not considered a failure because the sprinklers performed as designed by delaying the burning process. In reality, however, sprinklers significantly preserve property in addition to life. Since sprinklers are relatively inexpensive to install and proven to provide significant benefits, it is confusing as to why ADUs do not have to comply with this requirement if the main structure was not required to comply. The inherent benefit of fire sprinklers is recognized by the Codes.

Sec. 9.85.050. - Development standards/requirements—Accessory dwelling units.

Fire sprinklers. Fire sprinklers shall be required in any accessory dwelling unit if they were required in the primary unit.

Sprinklered buildings provide some level of protection to minimize interior fire spread. However, structure to structure fire relies primarily on proximity and exterior ignition resistance levels. Where older, less ignition resistant buildings are near each other, there is a higher likelihood of structure to structure ignition based on the heat output of one structure that is in close proximity to an unprotected second structure. Sprinklers in one or both of these structures may play a role in limiting fire spread internally, but would not necessarily prevent exterior ignition from occurring and spreading and a sprinklered structure from being lost if the eave/attic were to become involved. Therefore, structure to structure ignitions are possible, are less likely with higher exterior ignition resistance levels, and are not directly related to interior sprinklers. For buildings within eight feet of one another, the least likely scenario for structure to structure ignition would be where two new ADUs or a new ADU and a newer home were constructed to high exterior ignition resistant levels and including interior sprinklers were located adjacent each other (vs one older building or two older buildings not sprinklered). The greater the spacing and level of ignition resistance, the lower the heat transfer and likelihood of ignition.

3. Describe the danger of fire spreading if the ADU has sprinklers but not the main house. Compare the likelihood of fire communication between structures with and without sprinklers.

Any structures in a WUI create the risk of becoming an ember-generator if they ignite. A burning structure produces embers and firebrands which can then travel great distances and ignite a wildfire or help spread (an existing) wildfire or to other structures that are vulnerable to ember penetration. Similarly, a structure fire can generate intense heat in a fully involved event. This heat, which can approach 1,200° F can ignite nearby structures that are not designed, constructed, and maintained to withstand this heat source. Most of Bradbury's structures were built prior to the ignition resistant code and sprinkler requirements of 2007 and 2010, respectively, resulting in a higher level of vulnerability for those structures that did not include enhanced ignition resistance. Setbacks between structures result in reduced heat proportional to the setback. Greater distances between structures allows heat dissipation, reducing the heat impacts. Likewise, ignition resistant construction materials are intended to withstand high intensity fire for a very short timeframe (from wildfires which are typically fast moving), but have weak spots, including windows, that may enable a breach and subsequent fire spread, other openings and vulnerable construction features.

A structure equipped with sprinklers is well protected; the occupants in sprinklered buildings are afforded the ultimate in fire protection, as there is no equivalent to fire sprinkler protection short of an engine company standing-by at the home 24/7 providing fire suppression protection. The benefits of sprinklers are often associated primarily with the structure and its occupants. However, sprinklers provide benefits to the firefighters as sprinklers help contain active fire upon their initiation, often controlling fire to the room of origin or extinguishing it and providing safer conditions to firefighters.

Modern construction techniques are dominated by lightweight construction for efficiency in cost and labor. Additionally, many materials found in both construction materials, and furnishings and home contents are artificial (manufactured, non-natural). Lightweight construction is highly susceptible to early structural collapse and accelerated fire spread. Artificial materials burn faster, producing more toxic byproducts of combustion. All of these are anathemas to both firefighters and home occupants as well as the environment.

If the ADU has sprinklers, then a fire is going to be suppressed or at least controlled and confined. If the primary structure is not ignition resistant, it will be more susceptible to ignition. If the primary structure is not sprinklered, it will also be more susceptible to ignition from a nearby structure fire.

4. Is a 20-foot right-of-way needed to get a fire truck into the street? How does that correlate with 20 feet between buildings for fire apparatus?

The California Fire Code (CFC), which is adopted by the County of Los Angeles (with amendments) and subsequently by the City of Bradbury, identifies what constitutes an approved fire apparatus access road (access road) along with required design standards and when and where they must be constructed.

Access roads must extend to within 150 feet of all portions and exterior walls of all buildings along a route to be approved by the fire department and based on hose pull distances. This distance may be extended upon approval by the fire department based on specified conditions, including installation of an approved automatic fire sprinkler system.

The access roads must have an unobstructed width of 20 feet, and must be widened to 26 feet, for a distance of 20 feet from either side of a fire hydrant. For single-family residential lots, access roads may be reduced to 15 feet wide upon approval by the fire department.

There is no fire code reference of minimum distance between buildings for fire apparatus access. However, all exterior doors and emergency egress windows must be accessible by an approved walkway leading from the access road, when required by the Fire Department.

From a practical standpoint, a typical fire engine is approximately nine (9) feet, mirror to mirror. In order to allow a passenger vehicle, which may be 6.5 to 7 feet wide or another fire engine to drive past an engine, 20 feet is desirable. Because fire engines do not need to be able to park directly next to a building, there is no requirement for 20 feet between buildings.

5. Verify if a 1,200 sq. ft. (1,000 sq. ft. in Bradbury) addition is added to an existing home (i.e., not an ADU), would one have to add sprinklers to the existing home?

In most cases, the answer is no. According to the LA County adopted building and fire codes, there are triggers which would cause a home undergoing an addition to be fire sprinklered, but these triggers seem to be set very high, and significant exceptions exist.

For an existing home to be sprinklered due to an addition, it would have to be located in a specific FHSZ in the Malibu-Santa Monica Mountains or San Gabriel Southface areas, the latter of which would include Bradbury. CFC 903.2.11 is amended by LA County to include homes that undergo reconstruction, remodeling, or additions resulting in 50% or more area than prior to the work, within any 12-month period, to be fire sprinklered. There are several exceptions, however, including:

- where the home is located within 3 miles of an existing or planned Los Angeles County fire station, as measured on a direct route on streets accessible to FD apparatus (and the code provides parameters for what planned fire station means);
- when the resulting square footage is less than 5,000 SF.

Therefore, it would seem almost impractical to expect a home undergoing an addition to require fire sprinklers. Since nearly the entire city is within 3 driving miles of the one LACoFD fire station closest to Bradbury (FS 44 in Duarte), it would practically never be required to add sprinklers for a home remodel/addition. Even if the home was beyond the three-mile driving range, it would have to be at least 3,300 SF prior to the addition and undergo at least 50% of additional area to result in a structure of greater than 5,000 SF in order to trigger fire sprinklers.

An ADU is limited in size to 1,000 square feet in Bradbury. Los Angeles County FD does not count the garage as area against the existing 1,200 sf limit. As long as the living area (the ADU) attached to a garage is 1,200 sf or less then no sprinklers are required, and presumably, the same would apply in Bradbury but with a 1,000 sf limit, unless:

- The residence is already sprinklered
- If there is a code issue of access or water supply then sprinklering may be accepted as mitigation

If the ADU exceeds 1,200 sf in LA County (1,000 sf in Bradbury) attached to a garage, then LA County would require sprinklers since it would then exceed the definition of an ADU, and meeting the definition of a new residential unit.

An ADU addition under 1,200 square feet to an existing residence in LA County and 1,000 sf in Bradbury, would not require sprinklers for the same reasons as discussed above. If there is a code issue with access or water supply, sprinklers may be needed as a mitigation. If that same ADU addition exceeds 1,200 sf, (1,000 sf in Bradbury) LA County would not typically require sprinklers since additions to unsprinklered residences rarely trigger sprinklers.

Also, it should be noted that LA County FD enforces access and water supply requirements very strictly. If any part of an ADU, or altered home, exceeds the FD access thresholds of the Fire Code, a fire sprinkler system may be accepted as an alternative to mitigate the access deficiency.

Helpful References:

https://dpw.lacounty.gov/bsd/lib/fp/Building/Residential/Accessory%20Dwelling%20Units/ADU%20Guideline.pdf

https://dpw.lacounty.gov/bsd/lib/fp/Building/Residential%20Code%20Manuals/2017/RCM%20R313.2%20A1%20-%20Automatic%20Fire%20Sprinkler%20System%20Requirements.pdf

6. Would the State mandated allowances of manufactured homes in the City, without significant City review, pose any threats in a high fire hazard area? What fire safety issues are being introduced with manufactured homes that are built somewhere else and moved into Bradbury? (Manufacturer, codes, etc.)

Based on the requirements for manufactured homes, the answer to the question is essentially, no. Manufactured homes are inspected at the factory to verify code compliance and must have a label attached that certifies the structure has passed inspection. A code compliant manufactured home would not pose any more of a threat in the high fire hazard area than any other structure.

Since manufactured homes are inspected at the factory, a jurisdiction loses "local control". The quality of the inspection is subject to the manufacturer of the home and any oversight agencies and may vary in the same way a local agencies' inspections may vary in quality control.

In Bradbury, being [mostly] in a HFHSZ, structures built or brought/moved into the city would be required to comply with the requirements of CBC Chapter 7A (or CRC 337) regarding wildfire exposure protection. Manufactured homes would have to meet these same requirements. If a home was not manufactured to meet the requirements of CBC Chapter 7A (or CRC 337), it would pose a significant threat since it would not the meet the state minimum standards for a structure in a wildfire prone area. These provisions incur more costs and would have to be ordered properly by the buyer. The potential for non-WUI compliant structures being brought into Bradbury within a HFHSZ exists and would represent an unacceptable condition. The City should provide explicit direction to buyers seeking permits regarding the Chapter 7A requirements and an inspection of manufactured homes within HFHSZs to confirm their compliance.

NOTE: The regulations and laws governing manufactured homes are complex. Compliance with CBC Chapter 7A appears to be required, but there appear to be loopholes for units built before 2008.

7. Are there any contradictions between the State's desire to fortify high fire hazard areas through land use and their housing density regulations?

Our analysis indicates that there appear to be some contradictions, although focused in the high fire hazard areas. Most of the recent State-mandated housing density regulations are related to multi-family dwellings, affordable housing and inclusionary housing. However, along with the ADU related regulations, small lot subdivision related regulations will affect single family dwelling lots and zones. Aside from lots that can accommodate ADUs, nearly all other housing density regulations will impact the denser urban core of cities, particularly where mass transit hubs and stops are located.

In comparison, the State's effort to improve fire safety in the high fire hazard areas focuses on the rural and wildland-urban interface areas. The regulations typically address defensible space, construction materials, design standards and access for both new developments and fire prevention activities for existing structures.

In some instances, there is an overlap where cities have a high housing density within a high fire hazard area. There does not appear to be any obvious contradictions between the intent of the high fire hazard area regulations and the housing density regulations. However, in the "overlap" areas it may be challenging to comply with both sets of regulations simultaneously for areas with existing development. Furthermore, when new construction or additions/modifications of existing construction are introduced in these areas, it is possible that alternative means and methods (AM&Ms), on a project by project basis, may be necessary for the project to satisfy the intent of the regulations. This is not a desirable condition. Even though the Fire Code allows modifications to the code based on specific findings, relying on AM&Ms to accommodate ADUs is not a sound policy as AM&Ms should be the exception, not the standard operating procedure.

8. Address any climate change issues related to ADUs – more fires, larger fires, greater risk?

According to Governor Gavin Newsom's Wildfire Strike Force (2019)[1], climate change is resulting in an increasingly dangerous wildfire threat to much of California:

> *Climate change has created a new wildfire reality for California. The state's fire season is now almost yea- round. More than 25 million acres of California wildlands are classified under very high or extreme fire threat. Approximately 25 percent of the state's population – 11 million people – lives in that high-risk area.*
>
> *At the same time that our climate is changing and fueling the devastating force of wildfires, increased development in the wildland-urban interface (WUI) has placed more residents in the potential path of destruction. Today, approximately 25 percent of the state's population (over 11 million people) lives in high fire-risk areas, including the WUI.*
>
> *Wildfires are not only more frequent but far more devastating. Fifteen of the 20 most destructive wildfires in the state's history have occurred since 2000; ten of the most destructive fires have occurred since 2015. The results are visible to all: lives lost, grave fire damage to homes and communities...*

[1] California Wildfire Strike Force. 2019. Wildfire's and Climate Change: California's Energy Future. 53 pp.

Among steps that the Wildfire Task Force states should be taken to reduce the wildfire threat incidence and severity are:

> *Make communities more resilient by considering updating codes that govern defensible space, encouraging cost-effective hardening of homes, strengthening evacuation, encouraging other emergency planning, and improving land use practices to reduce the damage to life and property from wildfires.*
>
> *Reducing fire risk to these areas will require changes in how higher-risk areas are designed, planned, built, served by utilities, and allowed to grow, and will require people across the state to participate in the solution.*
>
> *Deprioritize new development in areas of the most extreme fire risk. In turn, more urban and lower-risk regions in the state must prioritize increasing infill development and overall housing production.*
>
> *Developing new housing in Very High Fire Hazard Severity Zones presents challenges. Since 2015, CAL FIRE has assisted local governments in land use planning. CAL FIRE is working to identify subdivisions at significant fire risk without secondary evacuation routes and to make recommendations to improve access.*
>
> *Homeowners are encouraged to actively maintain defensible space, which is defined as a minimum 100-foot area around a home. Maintenance is an ongoing task.*
>
> *It is critical that roads and other infrastructure be more fire defensible and evacuation ready for the populations in the WUI.*
>
> *Prioritize Building In Less Fire-Prone Areas: The strike force recommends that at the regional level, governments and planners incorporate CAL FIRE's fire risk projections and the fire projection information in the Adaptation Clearinghouse and Fourth Climate Assessment into short-and long-term planning, and consider how to encourage more urban and lower-risk regions in the state to provide an alternative for those otherwise shut out of the state's housing market.*
>
> *Local General Planning: The strike force recommends that the safety element of local general plans be strengthened in high-risk areas, specifically for local governments to include fire risk projections into general and specific plans, including through zoning and design standards.*
>
> *Cost-Effective Home Retrofits: While California has stringent building standards and requirements for defensible space, the intensity of the wildfire threat in California now warrants higher levels of fortitude.*
>
> *CAL FIRE should consider options to encourage cost-effective home hardening to create fire resistant structures within the WUI and with a focus on vulnerable communities.*
>
> *CAL FIRE and the Department of Housing and Community Development should develop a list of low-cost retrofits that provide comprehensive fire risk reduction to protect structures from fires spreading from adjacent structures or vegetation and to prevent vegetation from spreading fires to adjacent structures.*

> *Defensible Space and Forest and Rangeland Protection: Compliance and enforcement is key to ensure that defensible space standards are met. CAL FIRE should review and make recommendations to increase defensible space*

Similarly, the California Department of Forestry and Fire Prevention (CAL FIRE) (2019)[2] states:

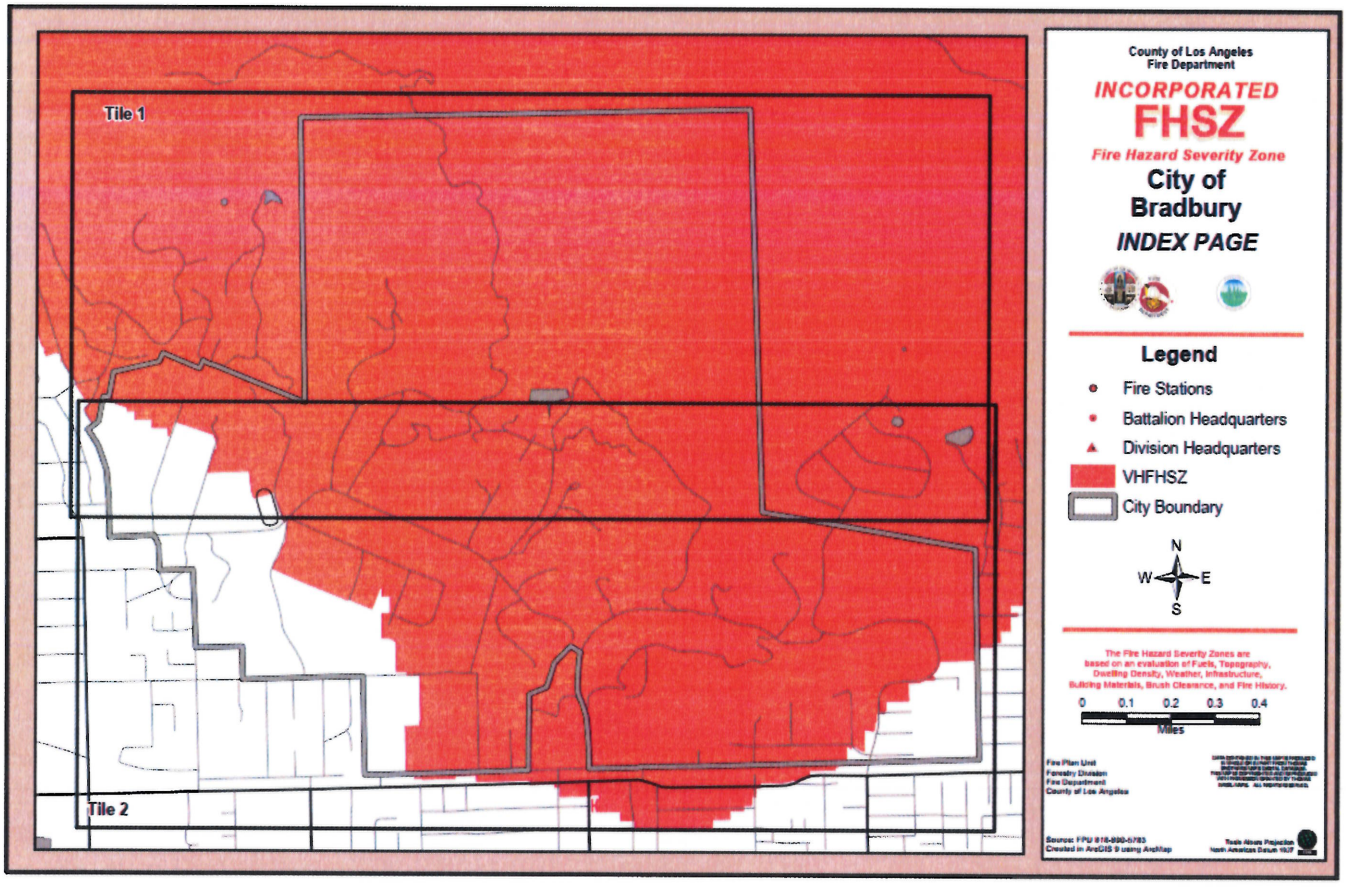
> *Climate change, an epidemic of dead and dying trees, and the proliferation of new homes in the wildland urban interface (WUI) magnify the threat and place substantially more people and property at risk than in preceding decades.*

Based on California's findings regarding climate change's effects on wildfire hazards and risks and there proposed approaches to addressing it, it does not appear to be a prudent decision to allow ADUs in fire hazard severity zones without specific fire protection measures, many of which they are already recommending in their own conclusions and which are discussed in the Conclusions and Recommendations sections that follow.

[2] Community Wildfire Prevention & Mitigation Report. 2019. In response to Executive Order N-05-19. 28 pp.

Attachment 2

Bradbury Fire Hazard Map


Tile 1
Tile 2
County of Los Angeles
Fire Department
INCORPORATED
FHSZ
Fire Hazard Severity Zone
City of
Bradbury
INDEX PAGE
Legend
Fire Stations
Battalion Headquarters
Division Headquarters
VHFHSZ
City Boundary
N
W
E
S
The Fire Hazard Severity Zones are based on an evaluation of Fuels, Topography, Dwelling Density, Weather, Infrastructure, Building Materials, Brush Clearance, and Fire History.
0 0.1 0.2 0.3 0.4
Miles
Fire Plan Unit
Forestry Division
Fire Department
County of Los Angeles

Attachment 3

Bradbury and Los Angeles County Code References

Bradbury Municipal Code References

BMC Sec. 9.85.020. - Definitions.

For purposes of this chapter, the following definitions shall apply.

Accessory dwelling unit shall mean a dwelling unit that is attached, detached, or located within an existing or proposed residential dwelling which provides complete independent living facilities for one or more persons and includes permanent provisions for living, sleeping, eating, cooking and sanitation facilities on the same parcel of land as the residential dwelling.

Junior accessory dwelling unit shall mean an accessory dwelling unit that is no more than 500 square feet in size and contained entirely within a single-family residence. This does not include an attached garage or other attached accessory structure.

Primary unit shall mean an existing single-family dwelling, or the larger of two proposed units.

BMC Sec. 9.85.050. - Development standards/requirements— Accessory dwelling units.

(e) Size.

(1) Attached accessory dwelling unit.

a. Maximum size. The square footage of the accessory dwelling unit shall not exceed 50% of the existing or proposed family dwelling or 1,200 square feet, whichever is less. Notwithstanding the foregoing, an applicant shall be entitled to build an 800 square foot accessory dwelling unit provided that it is no more than 16 feet in height with at least four-foot side and rear yard setbacks.

b. Minimum size. The square footage of the accessory dwelling unit shall not be less than 250 square feet.

(2) Detached accessory dwelling.

a. Maximum size/lot area less than 10,000 square feet. The square footage of the accessory dwelling unit shall not exceed 50% of the existing or proposed dwelling unit. Notwithstanding the foregoing, an applicant shall be entitled to build an 800 square foot accessory dwelling unit provided that it is no more than 16 feet in height with at least four-foot side and rear yard setbacks.

b. Maximum size/lot area greater than 12,000 square feet. The square footage of the accessory dwelling unit shall not exceed 50% of the existing or proposed family dwelling or 1,200 square feet, whichever is less. Notwithstanding the foregoing, an applicant shall be able to build an 800 square foot accessory dwelling unit provided that it is no more than 16 feet in height with at least four-foot side and rear yard setbacks.

c. Minimum size. The square footage of the accessory dwelling unit shall not be less than 400 square feet.

(3) Interior accessory dwelling unit. The floor area of an interior accessory dwelling unit shall not exceed 50% of the primary structure or 800 square feet, whichever is less.

Sec. 9.85.050. - Development standards/requirements—Accessory dwelling units.

(k) *Fire sprinklers.* Fire sprinklers shall be required in any accessory dwelling unit if they were required in the primary unit.

Los Angeles County Fire Code References

701A.1 - Scope.

This Chapter applies to building materials, systems, and/or assemblies used in the exterior design and construction of new buildings, and to additions, alterations, or repairs made to existing buildings, erected, constructed, or moved within a Wildland-Urban Interface Fire Area as defined in Section 702A.

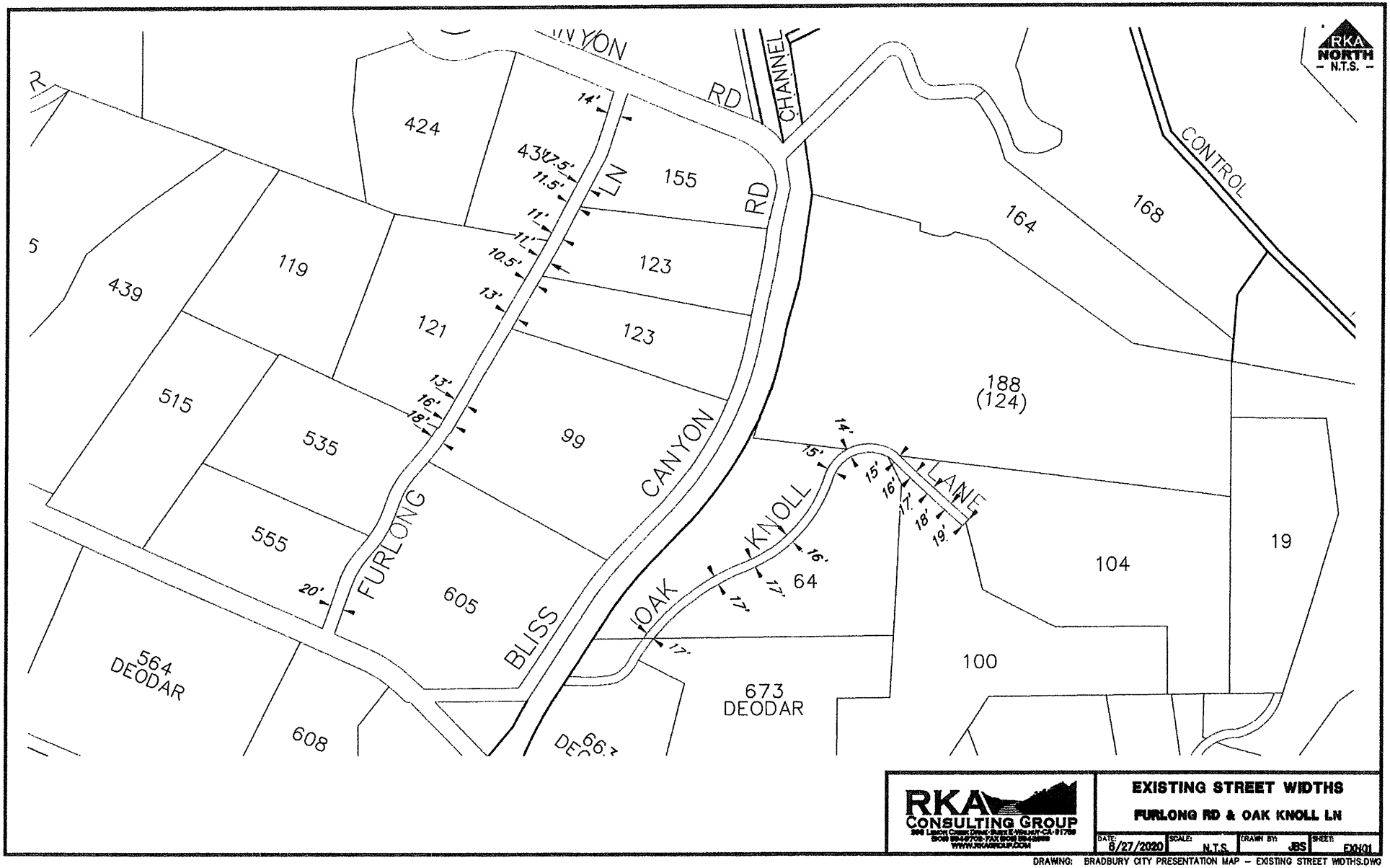
(Ord. 2019-0056 § 4, 2019.)

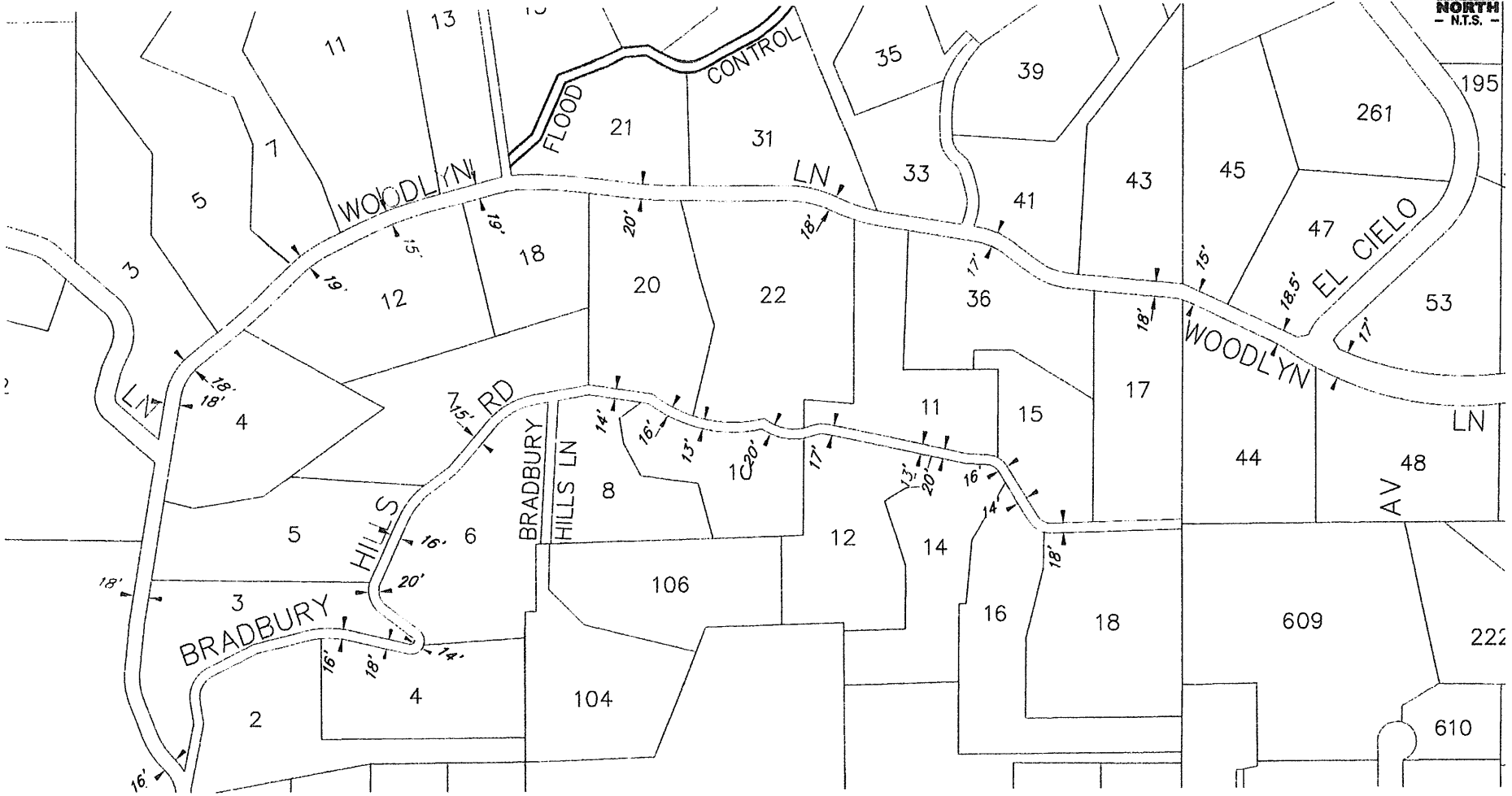
701A.3 - Application.

New buildings, and any additions, alterations, or repairs made to existing buildings located in or moved within any Fire Hazard Severity Zone within State Responsibility Areas or any Wildland-Urban Interface Fire Area designated by the Los Angeles County Fire Department that is constructed after the application date shall comply with the provisions of this Chapter.

ATTACHMENT D

MAPS OF VERY NARROW STREETS


RKA NORTH - N.T.S. -
CANYON RD
CHANNEL
CONTROL
424
4347.5'
14'
11.5'
11'
11'
10.5'
13'
LN
155
RD
123
123
164
168
5
439
119
121
515
535
555
20'
FURLONG
605
99
CANYON
188
(124)
14'
15'
15'
16'
17'
18'
19'
LANE
KNOLL
OAK
16'
17'
17'
17'
64
104
19
100
564
DEODAR
608
BLISS
673
DEODAR
RKA CONSULTING GROUP
EXISTING STREET WIDTHS
FURLONG RD & OAK KNOLL LN
DATE: 8/27/2020
SCALE: N.T.S.
DRAWN BY: JBS
SHEET: EXH01
DRAWING: BRADBURY CITY PRESENTATION MAP - EXISTING STREET WIDTHS.DWG



RKA CONSULTING GROUP

EXISTING STREET WIDTHS

WOODLYN LN & BRADBURY HILS RD

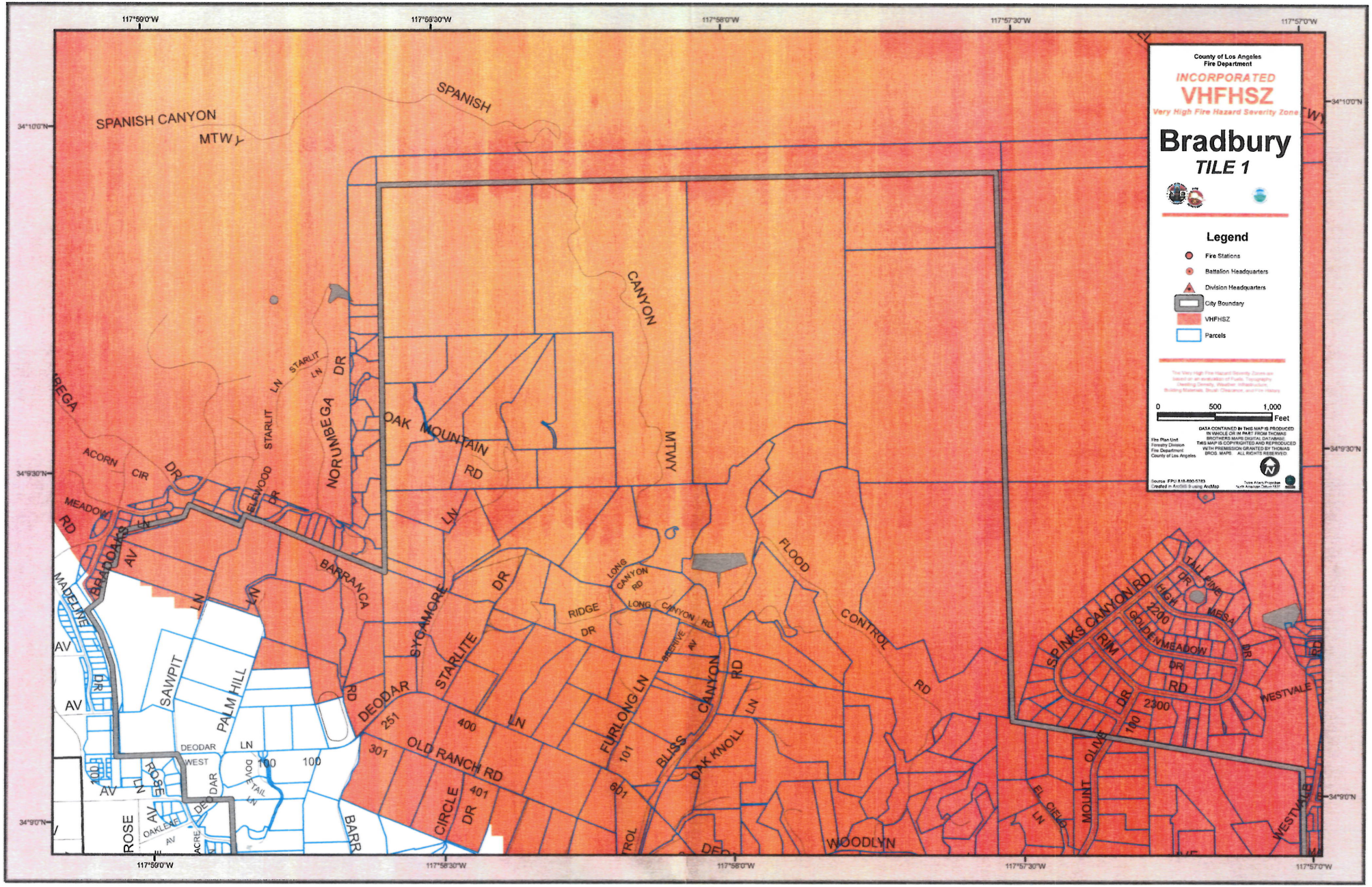
DATE:	SCALE:	DRAWN BY:	SHEET:
8/31/2020	N.T.S.	JBS	EXH01

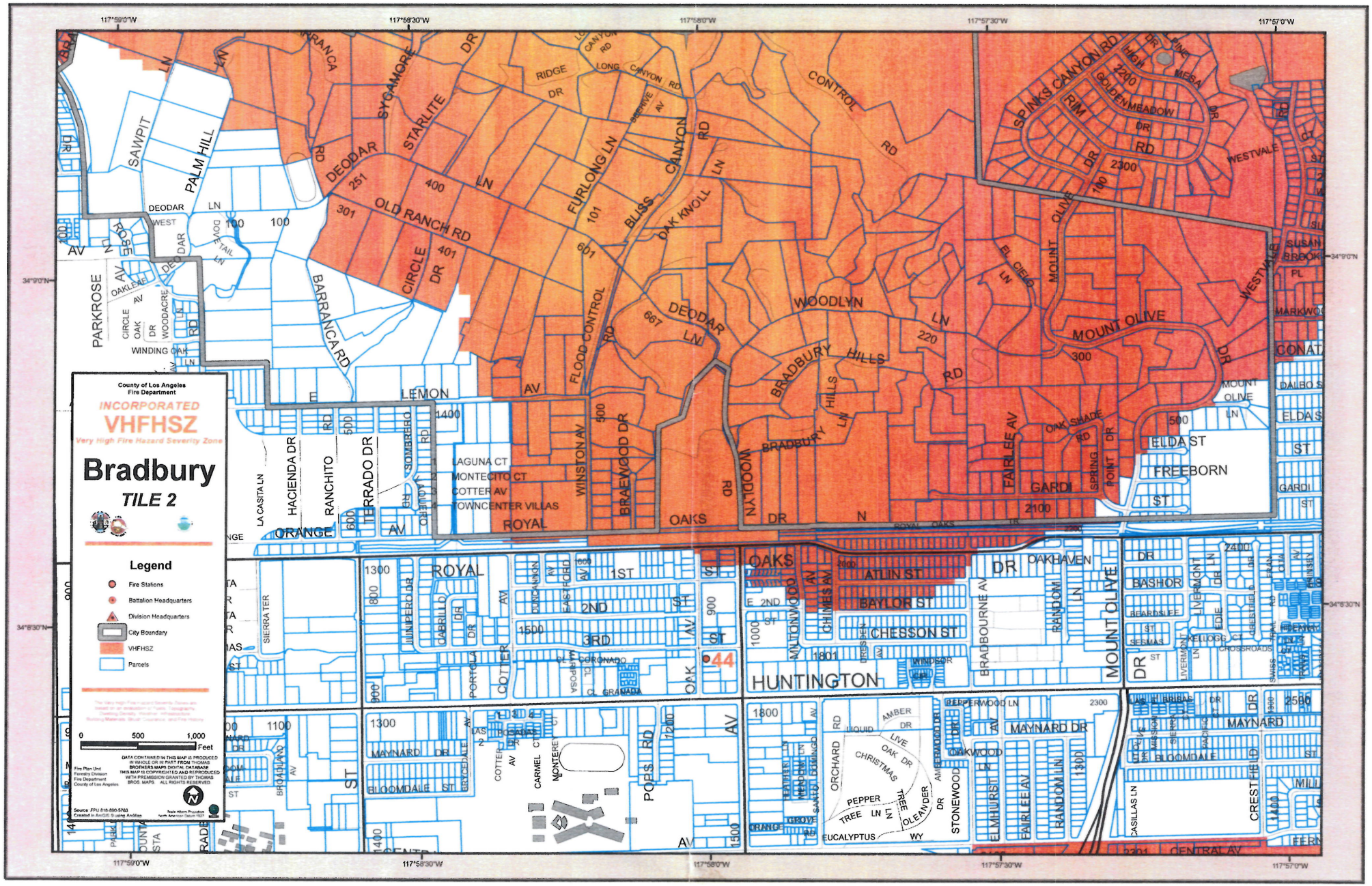
DRAWING: BRADBURY CITY PRESENTATION MAP – EXISTING STREET WIDTHS.DWG

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ATTACHMENT E

FIRE HAZARD SEVERITY ZONE MAPS


County of Los Angeles
Fire Department
INCORPORATED
VHFHSZ
Very High Fire Hazard Severity Zone
Bradbury
TILE 1
Legend
Fire Stations
Battalion Headquarters
Division Headquarters
City Boundary
VHFHSZ
Parcels
0
500
1,000
Feet
SPANISH CANYON
SPANISH
MTWY
CANYON
OAK MOUNTAIN RD
NORUMBEGA DR
STARLIT LN
STARLIT DR
ACORN CIR
MEADOW RD
BRADOAKS LN
BARRANCA
SYCAMORE DR
STARLITE
DEODAR
OLD RANCH RD
CIRCLE DR
SAWPIT
PALM HILL
DEODAR WEST
LONG CANYON RD
RIDGE DR
FLOOD CONTROL RD
FURLONG LN
BLISS CANYON RD
OAK KNOLL
WOODLYN
SPINKS CANYON RD
TALL PINE
HIGH MESA
GOLDEN MEADOW
RIM
WESTVALE
MOUNT OLIVE
EL CIELO
ROSE
OAKLEAF
ACRE
34°10'0"N
34°9'30"N
34°9'0"N
117°59'0"W
117°58'30"W
117°58'0"W
117°57'30"W
117°57'0"W


County of Los Angeles
Fire Department
INCORPORATED
VHFHSZ
Very High Fire Hazard Severity Zone
Bradbury
TILE 2
Legend
Fire Stations
Battalion Headquarters
Division Headquarters
City Boundary
VHFHSZ
Parcels
0
500
1,000
Feet
DATA CONTAINED IN THIS MAP IS PRODUCED IN WHOLE OR IN PART FROM THOMAS BROTHERS MAPS DIGITAL DATABASE
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Fire Plan Unit
Forestry Division
Fire Department
County of Los Angeles
Source: FPU 818-890-5763
Created in ArcGIS 9 using ArcMap
North American Datum 1927
117°59'0"W
117°58'30"W
117°58'0"W
117°57'30"W
117°57'0"W
34°9'0"N
34°8'30"N
SYCAMORE
STARLITE
DEODAR
OLD RANCH RD
SAWPIT
PALM HILL
BARRANCA RD
CIRCLE
FURLONG LN
BLISS
CANYON
OAK KNOLL
CONTROL
SPINKS CANYON RD
GOLDEN MEADOW
WESTVALE
MOUNT OLIVE
WOODLYN
BRADBURY HILLS
FLOOD CONTROL
PARKROSE
WINDING OAK
LEMON
ORANGE
ROYAL
OAKS
HACIENDA DR
RANCHITO
TERRADO DR
LA CASITA LN
LAGUNA CT
MONTECITO CT
COTTER AV
TOWNCENTER VILLAS
WINSTON AV
BRAEWOOD DR
FAIRLEE AV
GARDI
ELDA ST
FREEBORN
HUNTINGTON
1ST
2ND
3RD
BAYLOR ST
CHESSON ST
ATLIN ST
OAKHAVEN
BASHOR
MAYNARD
MAYNARD DR
BLOOMDALE
CRESTFIELD
POPLAR
CENTRAL AV
EUCALYPTUS
PEPPER TREE LN
ORCHARD
STONEWOOD
ELMHURST
FAIRLEE AV
RANDOM LN
OAKWOOD
CARMEL CT
MONTEREY
CORONADO
GRANADA
SIERRA TER
CASILLAS LN
SUSAN BROOK
MARKWOOD
CONATA
DALBO ST

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Frank Hernandez, Chairperson (District 1)
Robert Jones, Vice Chairperson (District 4)
Chelsea Hunt, Commission Member (District 5)
Darlene Kuba, Commission Member (District 3)
Bill Novodor, Commission Member (District 2)

City of Bradbury
Planning Commission
Agenda Report

TO: **Honorable Chairperson and Commission Members**

FROM: **Jim Kasama, City Planner**

DATE: **January 27, 2021**

SUBJECT: **DISCUSSION OF DEVELOPMENT STANDARDS AND DESIGN GUIDELINES FOR FRONT AND STREET SIDE YARDS**
Continued from the December 2, 2020 meeting

PLANNING COMMISSION RESOLUTION NO. PC 21-295

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRADBURY, CALIFORNIA, SETTING FORTH THE FINDINGS OF FACT AND DECISION WITH AN EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) TO RECOMMEND TO THE CITY COUNCIL THE PREPARATION AND APPROVAL OF AN ORDINANCE TO AMEND THE BRADBURY DEVELOPMENT CODE TO ADD REGULATIONS FOR FRONT YARDS AND STREET SIDE YARDS IN REGARD TO LIMITS FOR HARDSCAPE AND NON-LIVING LANDSCAPING MATERIALS, DRIVEWAY WIDTHS AND MATERIALS, AND CIRCUMSTANCES FOR ALLOWING CIRCULAR DRIVEWAYS

AGENDA ITEM NO. 8.C.

BACKGROUND

Last year the City Council directed staff to review the Development Code and propose updates for consideration. The Planning Commission began a discussion at the October 28, 2020 regular meeting on development issues related to front yards, such as 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. There was also the question of when a front yard or front façade improvement is of enough significance to be subject to design review by the Planning Commission. The Commission considered the eight issues in the report but did

not arrive at any conclusions. The Commission directed staff to check the regulations of neighboring cities and cities that are similar to the City of Bradbury and continued the discussion.

Staff reviewed the regulations of the cities of Arcadia, Hidden Hills, Malibu, Rolling Hills Estates, San Marino, and Sierra Madre, and presented the applicable regulations at the December 2, 2020 postponed regular meeting. Staff also presented potential regulations for the City of Bradbury. The Commission resumed the discussion and indicated acceptance of the proposed regulations, but asked staff to compile regulations from additional cities, and continued the discussion. Staff reviewed the regulations of the following additional cities: Azusa, Duarte, Glendora, La Verne, Monrovia, and San Dimas. The applicable regulations have been added for discussion, and the proposed regulations for the City of Bradbury have been refined based on the additional information.

If the Planning Commission finds the proposed regulations acceptable, it is recommended that the Commission adopt the attached draft Resolution No. PC 21-295 to recommend to the City Council the preparation and approval of an ordinance to amend the Development Code accordingly.

DISCUSSION

The regulations of the twelve cities were reviewed and those that apply to the eight issues are as follows. If certain cities are not listed, it is because those cities' regulations do not address the matter. For each issue, proposed regulations for the City are provided for the Planning Commission's consideration.

1. **Landscaping vs. Hardscape – How much of a front yard should be landscaping and how much should be hardscape, i.e., driveway and walkways?**

   Arcadia – hardscape, including artificial turf cannot exceed 40% of the front setback area.

   Duarte – At least 50% of a front yard shall be landscaping and at least 50% of the publicly visible area of a street-side yard.

   Malibu – impervious areas on a lot are limited by lot size; lots less than ¼ acre – 45%, ¼ acre to ½ acre – 35%, and over ½ acre – 30% with a maximum of 25,000 square feet.

   Rolling Hills Estates – maximum front yard coverage by structures and hardscape is based on street frontage; less than 50' – 45%, 50' to 74.99' – 40%, 75' to 99.99' – 35%, 100' to 149.99' – 30%, and 150' or more – 25%. Hardscape also counts towards overall lot coverage (i.e., in addition to structures, decks, and satellite antennas)

   San Dimas – Up to 50% of a front yard may be hardscape.

   San Marino – impervious surfaces can cover up to 25% of a front yard by-right and up to 45% with Planning Commission approval of a conditional use permit, and maximum

walkway widths are based on street frontage; 8% of the lot width at the street or 4 feet, whichever is greater to a maximum of 8 feet.

Sierra Madre – 50% of the front yard must be landscaping with plant materials such as trees, shrubs, vines, ground covers, flowers, and lawn, and excludes driveways, walkways, landings, porches, patios, and similar areas.

- For the City of Bradbury, the maximum amount of hardscape (e.g., paving, gravel, rocks, boulders, decomposed granite, and any other non-living material) should vary by zone as follows, because the larger-lot zones have larger front and/or street-side yards, less area of the large-lot front and/or street-side yards needs to be paved for driveways and walkways:

  R-7,500 – Maximum 40% hardscape

  R-20,000 – Maximum 35% hardscape

  A-1 – Maximum 30% hardscape

  A-2 – Maximum of 25% hardscape

  A-5 – Maximum of 15% hardscape

2. Should there be a maximum width for a driveway? At the street and on site?

Arcadia – in the front and/or street-side yard, driveways are not to be wider than necessary to access the garage.

Azusa – maximum 20 feet.

Duarte – maximum 12 feet for a one-space parking area, and 20 feet for a two-car parking area.

Monrovia – the maximum width cannot exceed the width of the parking area; e.g., 9 feet for a one-car garage or carport, and 18 feet for two cars.

San Dimas – maximum on-site width is limited to 2 feet wider than the garage door(s) and the width at the street is to be determined by the city engineer.

Sierra Madre – maximum 10 feet for a one-car garage, and 20 feet for a two-car garage.

- For the City of Bradbury, the maximum widths should vary by zone because of the wider lot widths of the larger-lot zones. The maximum widths are for the on-site driveways and 30 feet will accommodate three-car garages on the larger lots. The widths within the public right-of-way are for the flat portions of the driveways.

  R-7,500 – Maximum of 20 feet for both on-site and within the public right-of-way

  R-20,000 – Maximum of 30 feet on-site and 20 feet within the public right-of-way

  A-1 – Maximum of 30 feet on-site and 25 feet within the public right-of-way

A-2 – Maximum of 30 feet on-site and 25 feet within the public right-of-way

A-5 – Maximum of 30 feet on-site and 25 feet within the public right-of-way

3. Should there be only one driveway access per property? Are there circumstances for which an additional/circular driveway is to be allowed?

Arcadia – minimum street frontage of 100' required to be allowed a circular driveway, only one circular driveway per lot, minimum width 9' and maximum width 15', and the inner edge at the apex must be 25' from the property line.

Azusa – only 1 driveway per lot, except by approval of a minor use permit, and circular driveways are not allowed.

Duarte – maximum 1 driveway per street frontage, except that circular driveways are allowed on the side of lots that have a minimum street frontage of 100 feet.

Monrovia – a minimum lot width of 75 feet is required to have a circular driveway, and if the garage is in front the driveway is to be setback 45 feet from the property line. If the garage is to the rear of the house, then the driveway is to be setback 25 feet from the property line. A circular driveway is to be screened by landscaping.

San Dimas – maximum of 1 driveway per lot, except that circular driveways may be allowed in the front portion of lots with at least 100 feet of width at the property line.

Sierra Madre – minimum lot width of 80' required to be allowed a circular driveway, maximum width 12', and design is subject to approval by the city engineer.

- For the City of Bradbury, circular driveways should not be allowed in the R-7,500 zone, and in the other zones the lot must have a minimum width/length of 100 feet along a public right-of-way and be subject to design review approval by the Planning Commission or approval of a conditional use permit, with policies for distance between the driveway approaches and from side property lines.

  R-7,500 – Not allowed

  R-20,000 – With a minimum lot width/length of 100 feet at a public right-of-way and subject to design review approval by the Planning Commission

  A-1 -- With a minimum lot width/length of 100 feet at a public right-of-way and subject to design review approval by the Planning Commission

  A-2 – With a minimum lot width/length of 100 feet at a public right-of-way and subject to design review approval by the Planning Commission

  A-5 – Not allowed in the front setback

4. **Should contemporary materials and methods such as stamping, scoring, pavers, and colored concrete be allowed as decorative features for driveways and walkways?**

Arcadia – driveways should be enhanced utilizing different textures including, but not limited to, brick, flagstone, interlocking pavers, tile, stamped concrete, decomposed granite, and grass-crete, also landscaping pockets should be provided adjacent to buildings and walls or fencing along driveways.

Duarte – driveways must be cement or of approved impermeable pavers, and walkways are to be cement, pavers, or decomposed granite.

Monrovia – driveways are to concrete or an approved material and with decorative paving or scoring, and walkways may be of concrete, pavers, brick, or steppingstones with gravel.

Sierra Madre – driveways shall be paved with either asphaltic or concrete pavement and this requirement shall not exclude the use of brick or special stones for decorative purposes, and some permeable materials are allowed to reduce stormwater runoff.

- For the City of Bradbury, contemporary decorative materials and methods should be allowed, but the materials and methods should be consistent with the architectural style of the house. Decomposed granite and grass-crete are also materials that are currently in favor for walkways and driveway accenting. These materials are more natural in appearance. The City's Design Guidelines, which were adopted in 1995, should be updated and referenced by the applicable sections of the Development Code.

5. **Should artificial turf be allowed in front yards? And, if so, how much?**

Arcadia – maximum 15% of a front and/or street-side yard may be artificial turf, but not within 10' of a sidewalk or 20' of the curb if there is not a sidewalk, and not within the public parkway. The blades must be at least 1½" tall and green with at least an 8-year no-fade warranty. In addition, there are extensive standards for the materials, style, installation and maintenance.

Azusa – not allowed.

Duarte – may be used for up to 40% of the required front yard landscape area and visible street-side yard area (At least 50% of a front yard shall be landscaping and at least 50% of the publicly visible area of a street-side yard)

Rolling Hills Estates – it is allowed for up to 25% of the landscaping area but is considered hardscape and as part of the maximum front yard coverage; see issue no. 1, and it is not allowed in public parkways.

San Dimas – up to 80% of the landscape area with blades that are at least 1½" tall and of two-tone green.

San Marino – not allowed, all front yard and parkway areas that are not impervious must be vegetative or plant material.

Sierra Madre – not counted as landscaping and is subject to approval by the Public Works Department for permeability.

- For the City of Bradbury, the use of artificial turf should be limited in areas visible to the public as follows, with qualitative standards to be added to the Design Guidelines and referenced by the applicable sections of the Development Code:

  R-7,500 – Not allowed in front and street-side yards, and not allowed in parkways along public streets

  R-20,000 – not within 20 feet of a front and/or street-side property line, and not allowed in parkways along public streets

  A-1 – not within 20 feet of a front and/or street-side property line, and not allowed in parkways along public streets

  A-2 – not within 20 feet of a front and/or street-side property line, and not allowed in parkways along public streets

  A-5 – not allowed in parkways along public streets

6. To what extent should stones, boulders, gravel, and other non-living materials be allowed as part of front yard landscaping?

Arcadia – large stones and boulders are considered hardscape and per issue no. 1, hardscape is limited to 40% of a front and/or street-side yard, and the use of decorative materials is encouraged.

Azusa – may be used for up to 15% of the total required landscape area, and artificial or synthetic materials are not allowed.

Duarte – may be used for up to 50% of the required landscape area (At least 50% of a front yard shall be landscaping and at least 50% of the publicly visible area of a street-side yard)

Rolling Hills Estates – such materials count toward the maximum of hardscape allowed; see issue no. 1.

San Dimas – may be used for up to 20% of landscape area (50% of front and/or street-side yards must be landscaped)

San Marino – not allowed in parkways.

Sierra Madre – not allowed for driveways and walkways. Driveways may have brick or special stones as decorative features. Walkways are required to be of concrete or a better material such as brick, exposed and polished aggregate, or inlaid stone, timber inlays are prohibited. Stones, boulders, and gravel may be allowed for stormwater retention purposes per the city engineer.

- For the City of Bradbury, such materials (e.g., paving, gravel, rocks, boulders, decomposed granite, artificial turf, and any other non-living material) are to be considered hardscape and should be used sparingly in front and street-side yards, and not allowed in public parkways. As hardscape such materials are to be limited as follows (see issue no. 1):

  R-7,500 – Maximum 40% hardscape

  R-20,000 – Maximum 35% hardscape

  A-1 – Maximum 30% hardscape

  A-2 – Maximum of 25% hardscape

  A-5 – Maximum of 15% hardscape

7. What front yard and/or building changes should be subject to Planning Commission review?

San Dimas – any two-story proposal or alteration of an existing second story, and for any property designated as historic.

San Marino – more than 25% impervious area in a front yard, front and street-side yard fences or walls, reroofing with a different material or color, and new windows.

- City of Bradbury – the Planning Commission did not express a desire to expand the applicability of design review by the Planning Commission. The current criteria for a project to not require Planning Commission design review (i.e., Architectural Design, Minor) are as follows:
  - Minor modifications of the exterior appearance of any building or structure;
  - 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; and
  - 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.

  Any project subject to Minor Architectural Review can, however, be referred to the Planning Commission.

8. **In addition to the mailing of public hearing notices, should there be additional notices and/or signs about development/construction projects, even if a public hearing is not required?**

   Arcadia – depending on the size of the lot, a 4'x4' or 4'x8' sign that depicts and describes the new or remodeled house and provides contact information for the developer and/or builder.

   Monrovia – a notice of the proposal is posted in the front yard for 15 days.

   Rolling Hills Estates – for public hearings, notice is posted at the site and at two conspicuous locations in the neighborhood.

   San Marino – new houses and two-story additions have the notice posted on site.

   Sierra Madre – a 12 square-foot notice is posted on site within 10 feet of the front property line.

   - For the City of Bradbury, there has not been a high level of concern about development activity. Additional noticing or signage is not needed.

ENVIRONMENTAL DOCUMENT

It is recommended that the proposed regulations and resolution are 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. Proposed regulations that would restrict development activity cannot cause environmental impacts.

FINDINGS

Zoning code regulations must be consistent with the General Plan. The proposed regulations will further the goals, policies, and programs of the General Plan.

PLANNING COMMISSION ACTION

The Planning Commission is to open the public hearing and request the public's testimony on the proposed regulations. Following the testimony, the Commission has the following choice of actions:

Option 1. Close the public hearing and state that the findings can be made for the Commission to recommend to the City Council the preparation and approval of an ordinance to amend the Development Code to add the proposed regulations as presented or as modified by the Commission with an exemption under the California Environmental Quality Act (CEQA) and approve a motion to adopt Resolution No. PC 21-295 as presented or as modified by the Commission.

Option 2. If the Commission wishes to further study the proposed regulations before making a recommendation to the City Council, approve a motion to continue the public hearing to the next regular meeting.

Option 3. If the Commission determines that the entirety of the proposed regulations is unnecessary, close the public hearing and direct staff to prepare the appropriate resolution for adoption at the next regular meeting.

RECOMMENDATION

Option 1 is recommended: That the Planning Commission close the public hearing and state that the findings can be made for the Commission to recommend to the City Council the preparation and approval of an ordinance to amend the Development Code to add the proposed regulations as presented with an exemption under CEQA and adopt Resolution No. PC 21-295.

ATTACHMENT

Resolution No. PC 21-295

PLANNING COMMISSION RESOLUTION NO. 21-295

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 THE PREPARATION AND APPROVAL OF AN ORDINANCE TO AMEND THE BRADBURY DEVELOPMENT CODE TO ADD REGULATIONS FOR FRONT YARDS AND STREET SIDE YARDS IN REGARD TO LIMITS FOR HARDSCAPE AND NON-LIVING LANDSCAPING MATERIALS, DRIVEWAY WIDTHS AND MATERIALS, AND CIRCUMSTANCES FOR ALLOWING CIRCULAR DRIVEWAYS

WHEREAS, the City Council directed staff to update the City's Development Code, and to initiate the updates. The Planning Commission directed staff to provide for review the front yard regulations of neighboring cities and cities that are similar to the City of Bradbury.

WHEREAS, the Planning Commission reviewed the applicable regulations of twelve cities at its October 28, 2020, December 2, 2020, and January 27, 2021, meetings, and directed staff to propose regulations for the City of Bradbury.

NOW, THEREFORE, THE PLANNNG 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 January 27, 2021, in accordance with the provisions of the Bradbury Municipal Code relative to this matter.

SECTION B. The Planning Commission finds that there is consistency between the General Plan and the proposed regulations as they further the goals, policies, and programs of the General Plan.

SECTION C. 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 D. The Planning Commission finds that the proposed regulations are exempt under 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. Proposed regulations that would restrict development activity cannot cause environmental impacts.

SECTION E. The Planning Commission hereby recommends to the City Council the preparation and approval of an ordinance to amend the Development Code to add the following proposed regulations:

1. The maximum amount of hardscape (e.g., paving, gravel, rocks, boulders, decomposed granite, and any other non-living material) should vary by zone as follows, because the larger-lot zones have larger front and/or street-side yards, less area of the large-lot front and/or street-side yards needs to be paved for driveways and walkways:

R-7,500 – Maximum 40% hardscape

R-20,000 – Maximum 35% hardscape

A-1 – Maximum 30% hardscape

A-2 – Maximum of 25% hardscape

A-5 – Maximum of 15% hardscape

2. The maximum widths should vary by zone as follows, because of the wider lot widths of the larger-lot zones. The maximum widths are for the on-site driveways and 30 feet will accommodate three-car garages on the larger lots. The widths within the public right-of-way are for the flat portions of the driveways.

R-7,500 – Maximum of 20 feet for both on-site and within the public right-of-way

R-20,000 – Maximum of 30 feet on-site and 20 feet within the public right-of-way

A-1 – Maximum of 30 feet on-site and 25 feet within the public right-of-way

A-2 – Maximum of 30 feet on-site and 25 feet within the public right-of-way

A-5 – Maximum of 30 feet on-site and 25 feet within the public right-of-way

3. Circular driveways should not be allowed in the R-7,500 zone, and not in the front or street-side setbacks in the A-5 zone, and in the other zones the lot must have a minimum width/length of 100 feet along a public right-of-way and be subject to design review approval by the Planning Commission or approval of a conditional use permit, with policies for distance between the driveway approaches and from side property lines.

4. Contemporary decorative materials and methods should be allowed, but the materials and methods should be consistent with the architectural style of the house. Decomposed granite and grass-crete are also materials that are currently in favor for walkways and driveway accenting. These materials are more natural in appearance. The City's Design Guidelines, which were adopted in 1995, should be updated and referenced by the applicable sections of the Development Code.

5. The use of artificial turf should be limited in areas visible to the public as follows, with qualitative standards to be added to the Design Guidelines and referenced by the applicable sections of the Development Code:

R-7,500 – Not allowed in front and street-side yards, and not allowed in parkways along public streets

R-20,000 – not within 20 feet of a front and/or street-side property line, and not allowed in parkways along public streets

A-1 – not within 20 feet of a front and/or street-side property line, and not allowed in parkways along public streets

A-2 – not within 20 feet of a front and/or street-side property line, and not allowed in parkways along public streets

A-5 – not allowed in parkways along public streets

6. Materials such as paving, gravel, rocks, boulders, decomposed granite, artificial turf, and any other non-living material are to be considered hardscape and should be used sparingly in front and street-side yards, and not allowed in public parkways. As hardscape, such materials are to be limited as follows:

R-7,500 – Maximum 40% hardscape

R-20,000 – Maximum 35% hardscape

A-1 – Maximum 30% hardscape

A-2 – Maximum of 25% hardscape

A-5 – Maximum of 15% hardscape

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

PASSED, APPROVED, AND ADOPTED this 27th day of January, 2021.

_____
Chairperson

ATTEST:

_____
City Clerk

I, Claudia Saldana, City Clerk, hereby certify that the foregoing Resolution No. PC 21-295 was duly adopted by the Planning Commission of the City of Bradbury, California, at a regular meeting held on the 27th day of January, 2021, by the following vote:

AYES:

NOES:

ABSENT: