

AGENDA

**An Adjourned Meeting of the Bradbury City Council
To be held on Monday, June 27, 2022
at the Bradbury Civic Center
600 Winston Avenue, Bradbury, CA 91008**

7:00 PM

Pursuant to Governor Newsom's Executive Order N-25-20, the City is allowing Council Members, Staff and the public to participate in this City Council meeting by means of a Zoom video or telephone call. You will be able to hear the entire proceedings (other than the Closed Session) and to speak during Public Comment, Public Hearing, and other authorized times. Members of the public must maintain silence and mute their microphones and telephones except during those times. The Zoom information is: <https://us02web.zoom.us/j/83068690394>, One tap mobile +16699009128, 83068690394# or dial 1-669-900-6833 and enter code 830 6869 0394.

OPEN SESSION

Each item on the agenda, no matter how described, shall be deemed to include any appropriate motion, whether to adopt a minute motion, resolution, payment of any bill, approval of any matter or action, or any other action. Items listed as "For Information" or "For Discussion" may also be subject of an "action" taken by the Board or a Committee at the same meeting.

CALL TO ORDER/PLEDGE OF ALLEGIANCE

CALL TO ORDER/ROLL CALL

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

APPROVAL OF THE AGENDA: Majority vote of City Council to proceed with City Business

DISCLOSURE OF ITEMS REQUIRED BY GOVERNMENT CODE SECTION 1090 & 81000 ET. SEQ.

PUBLIC COMMENT

Anyone wishing to address the City Council on any matter that is not on the agenda for a public hearing may do so at this time. Please state your name and address clearly for the record and limit your remarks to five minutes.

Please note that while the City Council values your comments, the City Council cannot respond nor take action until such time as the matter may appear on a forthcoming agenda.

Routine requests for action should be referred to City staff during normal business hours, 8:30 am - 5:00 pm, Monday through Friday, at (626) 358-3218.

The City of Bradbury will gladly accommodate disabled persons wishing to communicate at a City public meeting. If you require special assistance to participate in this meeting, please call the City Manager's Office at (626) 358-3218 at least 48 hours prior to the scheduled meeting.

1. **Public Hearing: Ordinance No. 383 - An Ordinance of the City Council of the City of Bradbury, California, Amending Various Provisions of Title IX (Development Code) of the Bradbury Municipal Code Relating to Senate Bill 9 and Secondary Living Quarters**
Ordinance No. 383 is based on Planning Commission input and City Council input and direction. It is recommended that the City Council reopen the public hearing, solicit testimony on Ordinance No. 383, and introduce Ordinance No. 383 with findings that the Ordinance is exempt from CEQA and consistent with the General Plan. It is also recommended that the City Council schedule the 2nd reading of the ordinance for the July 19, 2022 meeting.

CLOSED SESSION

PUBLIC COMMENT – REGARDING CLOSED SESSIONS ONLY

RECESS TO CLOSED SESSIONS REGARDING:

- A. **Public Employee Performance Evaluation**
Government Code Section 54957 (b)(4)
Title: City Manager
- B. **CONFERENCE WITH LEGAL COUNSEL**
Existing Litigation: Government Code Section 54956.9(d)(1)
Case Name: CALIFORNIANS FOR HOMEOWNERSHIP, INC. V. CITY OF BRADBURY
Case No.: Los Angeles Superior Court #22STCP01381

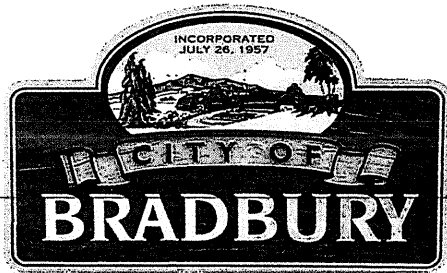
ADJOURNMENT

The City Council will adjourn to a Regular Meeting at the Bradbury Civic Center, 600 Winston Avenue, Bradbury, CA 91008 on Tuesday, July 19, 2022 at 7:00 p.m.

"I, Claudia Saldana, City Clerk, hereby certify that I caused this agenda to be posted at the Bradbury City Hall entrance gate on Thursday, June 22, 2022 at 5:00 p.m."



CITY CLERK - CITY OF BRADBURY



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

City of Bradbury Agenda Memo

TO: Honorable Mayor and Members of the City Council
FROM: Kevin Kearney, City Manager
DATE: June 27, 2022
SUBJECT: **ORDINANCE NO. 383 – INTRODUCTION**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA AMENDING VARIOUS PROVISIONS OF TITLE IX (DEVELOPMENT CODE) OF THE BRADBURY MUNICIPAL CODE RELATING TO SENATE BILL 9 AND SECONDARY LIVING QUARTERS

ATTACHMENT: Ordinance No. 383

BACKGROUND

At the December 21, 2021, regular meeting, the City Council adopted Urgency Ordinance No. 380 to comply with Senate Bill 9 (SB 9). As an urgency ordinance, it is to be replaced by a regular ordinance that is reviewed by the Planning Commission and City Council. The attached Ordinance No. 383 is that regular ordinance. As a regular ordinance, a draft of the ordinance was reviewed by the Planning Commission at a public hearing at a Special Meeting held on May 23, 2022. The Commission adopted Resolution No. PC 22-304 to recommend approval of the proposed ordinance.

Ordinance No. 383 was considered by the City Council for introduction at a public hearing at the June 21, 2022, regular meeting. However, after the Planning Commission's review, comments were received on the City's draft Housing Element, which had been circulated for public review at the beginning of May. Two changes were to be made to Ordinance No. 383 based on the input received on the draft Housing Element. These changes would have needed to be reviewed by the Planning Commission. The changes were to delete the occupancy limits on SROs and guest houses. Also, Mayor Pro-Tem, Bruce Lathrop pointed out two typographical errors and some confusing language in Sec. 9.85.420.(n).

At the June 21, 2022, regular meeting, the City Council opened the public hearing, but because the changes to the occupancy limits needed to be reviewed by the Planning Commission, the Council continued the public hearing as open to an adjourned meeting scheduled for Monday, June 27, 2022 at 7:00 p.m. The Council also accepted Ordinance No. 383 with the changes, corrections and clarification, determined that the Ordinance is

FOR CITY COUNCIL AGENDA – June 27, 2022

exempt under the California Environmental Quality Act (CEQA), and directed that the revised Ordinance be considered by the Planning Commission.

At the regular Planning Commission meeting on June 22, 2022, the Commission considered Ordinance No. 383 as revised, and approved a motion to recommend that the City Council approve the Ordinance and proceed with the adoption process.

DISCUSSION

Ordinance No. 383 complies with SB 9, the other changes to State housing law, addresses the comments received on the draft Housing Element, and is consistent with the General Plan. It is recommended that the City Council introduce Ordinance No. 383.

ENVIRONMENTAL REVIEW

The City Council has determined that Ordinance No. 383 is exempt from the California Environmental Quality Act (CEQA). SB 9 provisions are not a project under CEQA as stipulated in SB 9. The provisions amending other aspects of the Development Code are for clarification and consistency purposes and are exempt pursuant to the common sense exemption in CEQA Guidelines Section 15061(b)(3).

CITY COUNCIL ACTION

The City Council is to continue the public hearing and solicit testimony on Ordinance No. 383. At that time, the City Council will have the following choice of actions:

Option 1. If the City Council determines that Ordinance No. 383 should be approved, the Council should close the public hearing and introduce Ordinance No. 383 with the findings that the Ordinance is exempt from the California Environmental Quality Act (CEQA) and consistent with the General Plan. The second reading will then be scheduled for the regular meeting on July 19, 2022.

Option 2. If the City Council determines that Ordinance No. 383 should not be approved as presented, the Council should state the specific changes that need to be made, and approve a motion to close the public hearing and refer the Ordinance back to staff to incorporate the changes. In accordance with the Bradbury Municipal Code, the revised ordinance will be referred to the Planning Commission for their review and recommendation.

RECOMMENDATION

Option 1 is recommended; that the City Council close the public hearing and approve a motion to introduce Ordinance No. 383 with the findings that the Ordinance is exempt from the California Environmental Quality Act (CEQA) and consistent with the General Plan, and schedule the second reading for the July 19, 2022, regular meeting.

ATTACHMENT

Ordinance No. 383

ORDINANCE NO. 383

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY,
CALIFORNIA AMENDING VARIOUS PROVISIONS OF TITLE IX
(DEVELOPMENT CODE) OF THE BRADBURY MUNICIPAL CODE
RELATING TO SENATE BILL 9 AND SECONDARY LIVING QUARTERS**

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

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

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

WHEREAS, given that SB 9 was not signed into law until mid-September, there was insufficient time to process an Ordinance through noticed hearings before the Planning Commission and City Council so as to have an Ordinance in place by January 1, 2022, necessitating the adoption of Urgency Ordinance No. 380 on December 21, 2021; and

WHEREAS, the City Council has now had time to more thoroughly consider SB 9 and its relation to other provisions of the Bradbury Municipal Code and has provided direction to staff; and

WHEREAS, the issues of placement of units allowed under SB 9 in the very high fire hazard severity zones (VHFHSZ) raises the same issues as allowing ADUs in the VHFHSZ; and

WHEREAS, Government Code section 65302(g)(3) requires cities to update their housing elements to address the risk of fire in VHFHSZs, including setting goals, policies and objectives for the protection of the community from the unreasonable risk of wildfire, and setting feasible implementation measures to avoid or minimize the wildfire hazards associated with new land uses; and

WHEREAS, the City Council previously retained the Dudek Fire Protection Planning Team to perform research and prepare a memorandum on issues relating to ADUs and JADUs; and

WHEREAS, in November 2020 the Office of Planning and Research released its Draft Fire Hazard Planning Technical Advisory; and

WHEREAS, 14 California Code of Regulations section 1270 et seq. establishes regulations for VHFHSZs which constitute the basic wildfire protection standards of the California Board of Forestry and Fire Protection; and

WHEREAS, the City has prepared a Community Wildfire Protection Plan (CWPP) and is in the process of obtaining signatures on the document from Los Angeles County Fire and the National Forest Service on behalf of Angeles National Forest, in order for it to be finalized; and

WHEREAS, the CWPP will be incorporated into the City's Hazard Mitigation Plan which was adopted in February 2019 in accordance with law; and

WHEREAS, Chapter 7A of the California Building Code, which the City has adopted by reference, relates to materials and construction methods for exterior wildfire exposure; and

WHEREAS, on May 23, 2022 the Planning Commission considered this Ordinance at a duly noticed public hearing after which time it adopted Resolution No. PC 22-304 recommending that the City Council adopt the Ordinance; and

WHEREAS, on June 21, 2022, the City Council held a duly noticed public hearing on the Ordinance at which time it considered two changes that were not considered by the Planning Commission relating to removing the occupancy limitations on who may reside in SRO developments and guest house; and

WHEREAS, prior to adopting the Ordinance with the changes the City Council sent the matter back to the Planning Commission for consideration; and

WHEREAS, on June 22, 2022, the Planning Commission considered the changes to the Ordinance and recommended that the City Council adopt the Ordinance with the changes; and

WHEREAS, the City Council held a continued public hearing on June 27, 2022;

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

SECTION 1. Fire Related Findings. The City Council of the City of Bradbury does hereby find as follows:

A. The majority of the City of Bradbury is located in a VHFHSZ. The majority of structures were developed before the adoption of building and fire codes that required noncombustible roofing and building materials, adequate fire department access, and adequate water supply standards. Additionally, many of these structures do not have fire sprinklers or adequate defensible space or vegetation clearance, making it difficult to protect residential structures.

B. Since 2000, there have been 11 fires within a 5 mile radius of the City of Bradbury.

C. SB 9 provides that it does not apply to sites located within a VHFHSZ unless there are adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures which are applicable to the development.

D. The CWPP recognizes that there is a greater fire risk with higher structure density and that the proximity of structures limits the ability of property owners to maintain a minimum 30 feet of defensible space between structures. The lack of defensible space inhibits firefighters from being able to safely maneuver around structures to provide protection.

E. 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 from each other in these areas.

F. 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. The Health and Safety Element of the Bradbury General Plan recognizes that all roadways to hazard areas should be of sufficient width to accommodate fire-fighting equipment. The California Code of Regulations provides that traffic lanes should be not less than 20 feet in width. This is consistent with the Los Angeles County Fire Code, which has been adopted by reference by the City of Bradbury and is based on the California Fire Code. The Dudek Memorandum also supports the need for a minimum 20-foot width for fire-fighting equipment.

G. Chapter 7A of the California Building Code, which has been adopted by reference by the City of Bradbury, requires compliance with vegetation management as set forth in the Fire Code, Public Resources Code § 4291 and Government Code § 51182. These sections require fuel modifications zones of 100 feet, generally divided into zones. Zone A is an irrigated, limited planting area measured from the edge of the structure to 30 feet, or to the property line for perimeter lots adjacent to native vegetation. The 30 foot requirement is consistent with the California Code of Regulations requirement that all parcels shall provide a minimum thirty foot setback for all buildings from all property lines, unless not possible for practical reasons such as parcel dimension or size, topographic limitations, or other easements.

H. These findings justify imposing objective standards relating to prohibiting SB 9 units on streets with a width of less than 20 feet as well as requiring a minimum setback of 15 feet in the VHFHSZ.

SECTION 2. Section 9.25.020 of the Bradbury Municipal Code is hereby amended by deleting the definition of bunk house.

SECTION 3. The following definitions contained in Section 9.25.020 of the Bradbury Municipal Code are hereby amended to read as follows:

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) Guest houses; and
- (2) Single-room-occupancy units (SRO) developments.

* * *

Dwelling unit or unit means one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking, and eating.

* * *

Guest house means living accommodations detached from the primary unit that must include facilities for complete independent living such as permanent provisions for living, sleeping, eating, cooking, bathing and sanitation.

* * *

Primary unit or main house means the existing or proposed largest single-family dwelling on a lot if there are multiple dwellings. In the case of a lot split authorized under Senate Bill 9, *primary unit or main house* shall mean the existing or proposed largest single-family dwelling on the legacy lot.

* * *

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. A single-room occupancy development may also include shared laundry facilities.

* * *

Single-room occupancy unit ("SRO") means a room of between 150 and 250 300 square feet of floor area with permanent provisions for living and sleeping that is part of a single-room-occupancy development. A SRO must include an efficiency kitchen which shall include a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the SRO, as well as toilet facilities as defined by the California Residential Code.

SECTION 4. Section 9.25.020 of the Bradbury Municipal Code is hereby amended by adding the following definitions to read as follows:

Legacy lot means the lot in an SB 9 lot split that contains the primary unit. If both lots are vacant at the time of the SB 9 lot split, the legacy lot shall mean the lot which is designated as the legacy lot as part of the lot split.

* * *

SB 9 unit means the residential dwelling allowed on a lot under the provisions of Senate Bill 9 (Ch. 162 2021 Legis. Session) as implemented by the Bradbury Municipal Code.

SB 9 lot means the lot in an SB 9 lot split that does not contain the primary unit or is not designated as the legacy lot.

SECTION 5. Section 9.28.030 of the Bradbury Municipal Code is hereby amended to read as follows:

Sec. 9.28.030. – Application filing.

(a) Applications for development permits required by this title shall be filed with the City Clerk on forms furnished by the City, setting forth fully the nature of the proposed use, and the facts deemed sufficient to justify the granting of the development permit, in accordance with the provisions of this title. (See Chapter 13 of this title for procedures on General Plan amendments, zone change, and development code amendments; and [Chapter 52](#) of this title relating to specific plans.)

(b) Every application shall include information indicating as to whether any residential site has, or within the past three years had, residential uses that were subject to a recorded covenant that restricted rents to affordable levels for persons and families of low or very low income, or occupied by low or very low income families. If the answer is yes, then the same information shall be provided as to the past five years.

(c) Every application shall be signed by the owner of the subject property or by the owner's authorized agent designated by written authorization by the property owner.

(d) Any applicant may withdraw an application prior to a decision thereon, by filing a written request to do so or by requesting the same at a public hearing; no refund of the filing fee shall be permitted in the case of withdrawal.

(e) The City shall not accept any application requesting approval of the same development permit for substantially the same use, in any case where the City Council or the Planning Commission has taken final action on a previous application within 90 days prior thereto, and that action was to deny said application.

SECTION 6. Urgency Ordinance No. 380 is hereby repealed and the provisions relating to the implementation of SB 9 are now codified in Article V of Chapter 85 as set forth below.

SECTION 7. Chapter 85 of the Bradbury Municipal Code are hereby amended to read as follows:

CHAPTER 85 – SECONDARY LIVING QUARTERS AND SB 9 UNITS

ARTICLE I. – GENERAL

Sec. 9.85.010. – Purpose.

(a) The purpose of this chapter is to implement the requirements for the establishment of secondary living quarters and Senate Bill 9 (Ch. 162 2021 Legislative Session) housing.

(b) 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.

Sec. 9.85.020. – Permitted locations/numbers.

(a) Main houses, Accessory Dwelling Units (ADUs), Fire Zone ADUs (FZADUs), Enhanced ADUs (EADUs), Junior Accessory Dwelling Units (JADUs), and SB 9 units shall be allowed in the areas of the City which are not in the Very High Fire Hazard Severity Zone as provided for below:

	Single lot	SB 9 – legacy lot	New SB 9 lot
R -7,500	Main house (1,500 sf min) - and - ADU or SB 9 unit (1,000 sf) ¹ - and - JADU (500 sf)	Main house (1,500 sf min) - and - ADU or SB 9 unit (1,000 sf) ¹ - and - JADU (500 sf)	2 SB 9 units per lot – limited to 800 sf each
R-20,000	Main house (1,850 sf min) - and – ADU or SB 9 unit (1,000 sf) ¹ - or - EADU (1,200 sf) and - JADU (500 sf)	Main house (1,850 sf min) - and – ADU or SB 9 unit (1,000 sf) ¹ - or - EADU (1,200 sf) - and - JADU (500 sf)	2 SB 9 units per lot – limited to 800 sf each
A-1	Main house (2,250 sf min) - and - ADU or SB 9 unit (1,000 sf) ¹ - and - JADU (500 sf)	Main house (2,250 sf min) - and - ADU or SB 9 unit (1,000 sf) ¹ - and - JADU (500 sf)	2 SB 9 units per lot – limited to 800 sf each
A-2	Main house (2,500 sf min) - and - ADU or SB 9 unit (1,000 sf) ¹ - and - JADU (500)	Main house (2,500 sf min) - and - ADU or SB 9 unit (1,000 sf) ¹ - and - JADU (500)	2 SB 9 units per lot – limited to 800 sf each
A-5	Main house (2,500 sf min) - and -	Main house (2,500 sf min) - and -	2 SB 9 units per lot – limited to 800 sf each

	ADU or SB 9 unit (1,000 sf) ¹	ADU or SB 9 unit (1,000 sf) ¹	
	- and - JADU (500)	- and - JADU (500)	

¹ Where there is a JADU and a detached ADU or SB 9 unit, the ADU or SB 9 unit shall be limited to 800 square feet in size.

(b) Main houses, ADUs of any type, JADUs, and SB 9 units shall be allowed in the Very High Fire Hazard Severity Zone as provided for below:

	Single lot	SB 9 – legacy lot	New SB 9 lot
R -7,500	Main house (1,500 sf min) - and - FZADU or SB 9 unit (1,000 sf) ¹ - and - JADU (500 sf)	Main house (1,500 sf min) - and - FZADU or SB 9 unit (1,000 sf) ¹ - and - JADU (500 sf)	2 SB 9 units per lot – limited to 800 sf each
R-20,000	Main house (1,850 sf min) - and - FZADU or SB 9 unit (1,000 sf) ¹ or EADU (1,200 sf) - and - JADU (500 sf)	Main house (1,850 sf min) - and - FZADU or SB 9 unit (1,000 sf) ¹ or EADU (1,200 sf) - and - JADU (500 sf)	2 SB 9 units per lot – limited to 800 sf each
A-1	Main house (2,250 sf min) - and - FZADU or SB 9 unit (1,000 sf) ¹ - and - JADU (500 sf)	Main house (2,250 sf min) - and - FZADU or SB 9 unit (1,000 sf) ¹ - and - JADU (500 sf)	2 SB 9 units per lot – limited to 800 sf each
A-2	Main house (2,500 sf min) - and - FZADU or SB 9 unit (1,000 sf) ¹ - and - JADU (500)	Main house (2,500 sf min) - and - FZADU or SB 9 unit (1,000 sf) ¹ - and - JADU (500)	2 SB 9 units per lot – limited to 800 sf each
A-5	Main house (2,500 sf min) - and -	Main house (2,500 sf min) - and -	2 SB 9 units per lot – limited to 800 sf each

	FZADU or SB 9 unit (1,000 sf) ¹	FZADU or SB 9 unit (1,000 sf) ¹	
	- and - JADU (500)	- and - JADU (500)	

¹ Where there is a JADU and a detached FZADU or SB 9 unit, the FZADU or SB 9 unit shall be limited to 800 square feet in size.

(c) In addition to the units allowed as shown in the charts above, accessory living quarters shall be allowed on single lots that have not been split pursuant to Chapter 164 of the Development Code as follows:

1. A-1 Zone: SRO Development of 2-4 units and a guest house up to a combined total of 1,500 square feet maximum;
2. A-2 Zone: SRO Development of 2-6 units and a guest house up to a combined total of 2,000 square feet maximum;
3. A-5 Zone: SRO Development of 2-10 units and a guest house up to a combined total of 2,500 square feet maximum.

(d) When a lot has been split in accordance with Chapter 164 of the Development Code, the accessory living quarters allowed on the single lot in the A-1, A-2, or A-5 zone may be split in any manner between the two lots created by Chapter 164, provided that the SRO Development consists of a minimum of 2 units and the total square footage identified in subsection (c) above is not exceeded between the two lots.

(e) Notwithstanding the above or any other provision in this chapter to the contrary:

1. 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;

2. No ADU, FZADU, EADU, accessory living quarter, or SB 9 unit shall be allowed on any property that has access only from the following streets due to the width of said streets being less than 20 feet and not being able to provide adequate access for emergency fire vehicles:

- a. Furlong Lane—between Deodar Lane and Long Canyon Road;
- b. Oak Knoll Lane—east of Bliss Canyon Road;
- c. Woodlyn Lane—between Bradbury Hills Road and El Cielo Lane; and
- d. Bradbury Hills Road.

Sec. 9.85.030. – Los Angeles County Fire Department Approval. Notwithstanding any other provision in this Chapter to the contrary, all new construction must meet the requirements of the Los Angeles County Fire Department.

ARTICLE II. – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

Sec. 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 §§ 65852.2 and 65852.22.

Sec. 9.85.110. – Applications.

(a) 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.

(1) 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.

(2) The city shall grant a delay if requested by the applicant.

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

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

(d) 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.

Sec. 9.85.120. – Allowed zones/density.

(a) 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.

(b) 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.

Sec. 9.85.130. – Accessory dwelling units (ADUs) – Development standards/requirements.

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

(a) *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 § 18007 shall qualify.

(b) *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.

(c) *Size.*

(1) Maximum size—the square footage of an ADU shall not exceed that set forth in [Section 9.85.020](#).

(2) Minimum size—the square footage of an ADU shall not be less than 150 square feet.

(d) *Application of underlying development standards.*

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

(2) 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.

(e) *Setbacks.*

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

(2) 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 ten 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.

(3) The setback requirements in subsections (e)(1) and (2) and 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.

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

(f) *Parking.*

(1) Parking shall be required at the rate of one space for each ADU.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

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

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

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

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

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

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

(g) *Design.*

- (1) The ADU shall be the exact same color as the primary unit.
- (2) The ADU shall have the exact same roof pitch as the primary unit.
- (3) The ADU shall have a separate entrance from the primary unit.

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

(i) *Utilities—Connections, fees, and capacity charges.*

(1) For an ADU contained within a legally existing primary unit, or a legally existing accessory structure meeting the requirements of [Section 9.85.140\(a\)\(1\)](#) 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.

(2) 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.

(j) *Impact fees.*

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

(2) 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.

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

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

Sec. 9.85.140. – Mandatory approvals.

(a) 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.

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

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

b. 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.

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

d. JADU shall comply with the requirements of Sections [9.85.150](#) and [9.85.160](#) below.

(2) 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.

(3) 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.

(4) 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.

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

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

Sec. 9.85.150. – Junior accessory dwelling units – Development standards/requirements.

(a) 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.

(b) 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.

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

(d) 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.

(e) *Parking.*

(1) No additional parking shall be required for a JADU.

(2) If a garage is converted to develop a JADU, replacement parking shall be required.

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

(g) 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:

(1) A prohibition on the sale of the JADU separate from the sale of the primary unit;

(2) A prohibition on the JADU being larger than 500 square feet;

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

(4) A restriction that the owner resides in either the primary unit or the JADU, notwithstanding the following:

a. 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

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

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

(h) 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.

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

Sec. 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.

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

(b) *Rental.*

(1) Short-term rentals of the ADU and JADU are prohibited.

(2) The ADU or JADU may be rented separate from the primary unit.

(c) *Owner/occupancy.*

(1) 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.

(2) All properties on which a JADU is developed shall have an owner-occupancy requirement in accordance with [Section 9.85.150\(g\)](#).

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

(e) 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.

(f) 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.

(g) *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.

(h) *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 ACCESSORY DWELLING UNITS

Sec. 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](#) through [9.85.130](#), and [9.85.160](#) above with the following exceptions:

(a) FZADUs shall be required to have minimum side and rear yard setbacks of 15 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 ten percent, the 15-foot setbacks shall be measured from the edge of the building pad and the edge of any top or toe of a slope; and

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

Sec. 9.85.210. – Enhanced accessory dwelling units.

(a) EADUs may exceed the maximum permitted size allowed under Article II above, subject to the maximum square footages set forth in [Section 9.85.020](#).

(b) *Development standards.*

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

(2) EADUs shall be required to provide one additional parking space per unit.

(3) 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

Sec. 9.85.300. – Development standards for accessory living quarters.

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

(a) Accessory living quarters shall be allowed in accordance with Section [9.85.020](#) above.

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

(c) 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.

(d) 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.

(e) 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.

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

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

(h) 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.

(i) Single room occupancy ("SRO") residential units within an SRO development are subject to the following additional requirements:

(1) Each SRO unit within the development shall have a minimum floor area of 150 square feet and a maximum floor area of 300 square feet.

(2) Each SRO unit shall have a private toilet as defined by the California Residential Code.

(3) Each SRO unit shall have a separate closet.

(4) Each SRO unit shall have an efficiency kitchen which shall include a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the SRO.

(5) Each SRO development shall have a laundry room for the storage of cleaning supplies, with a wash tub with hot and cold running water and a minimum of one washer and one dryer for the development.

(6) No more than two persons shall be allowed to reside in any SRO unit.

Sec. 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:

(a) 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.

(b) 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.

(c) 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.

Sec. 9.85.320. – Nonconforming uses.

(a) 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.

- (b) Any accessory living quarter legally permitted prior to January 1, 2020 shall be allowed to remain as legal, non-conforming uses.
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ARTICLE V. SB 9 UNITS

Sec. 9.85.400 – Definitions.

For purposes of this Article V, the following definitions shall apply:

- (a) “Housing development” shall mean no more than two residential units on a lot within a single-family zone that meets the requirements of this section. The two units may consist of two new units or one new unit and one existing unit.
- (b) “Single-family residential zone” shall mean the R-7,500 Single-Family Residential Zoning District, the R-20,000 Single-Family Residential Zoning District, the A-1 Agriculture Residential Estate Zoning District, the A-2 Agriculture Residential Estate Zoning District, and the A-5 Agriculture Residential Estate Zoning District.
- (c) “Urban lot split” means a lot split of a single-family residential lot into two parcels that meets the requirements of Chapter 164 of the Development Code.

Sec. 9.85.410 – Housing Development Approval

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

- (a) The parcel is located within a single-family residential zone.
- (b) The parcel is not located in any of the following areas and does not fall within any of the following categories:
- (1) A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.
 - (2) Wetlands as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - (3) A very high fire hazard severity zone as further defined in Government Code section 65913.4(a)(6)(D). This does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
 - (4) A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building

Standards Commission under the California Building Standards Law and by the city's building department.

(5) A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for ministerial approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

a. The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the city; or

b. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program as further spelled out in Government Code section 65913.4(a)(6)(G)(ii);

(6) A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for ministerial approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.

(7) Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan as further spelled out in Government Code section 65913.4(a)(6)(I).

(8) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(9) Lands under a conservation easement.

(c) The proposed housing development would not require demolition or alteration of any of the following types of housing:

(1) Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;

- (2) Housing that has been occupied by a tenant in the last three years.
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(d) Unless demolition or alteration is prohibited pursuant to subsection (c) above, up to 25 percent of the existing exterior structural walls may be demolished.

Sec. 9.85.420 – Standards and Requirements.

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

(a) No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(b) Except for those circumstances described in subsection (a) above, for any new housing developed under this chapter which is not in the very high fire hazard severity zone, the setback for side and rear lot lines shall not be less than four feet. This does not prevent the applicant from providing a larger setback. For hillside lots with an average slope of at least ten 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. The front setback shall be as set forth in the applicable single-family residential zone.

(c) Except for those circumstances described in subsection (a) above, for any new housing developed under this chapter which is in the very high fire hazard severity zone, the setback for side and rear lot lines shall be 15 feet and shall be maintained in compliance with the Fire Department's fuel modification requirements. For hillside lots with an average slope of at least ten percent, the 15-foot setbacks shall be measured from the edge of the building pad and the edge of any top or toe of a slope

(d) The applicant shall provide easements for the provision of public services and facilities as required.

(e) Driveways shall be provided in accordance with Chapter 103 of the Development Code. Easements shall be provided as required to ensure pedestrian and vehicular access across lots.

(f) Required off-street parking shall be limited to one space per unit, except that no parking shall be required if the parcel is located within one-half mile walking distance of either a high-quality transit corridor or a major transit stop, or there is a car share vehicle located within one block of the parcel. Parking spaces shall meet the following requirements:

(1) Parking spaces may be covered or uncovered, but must be provided in the paved portions of setback areas.

(2) Tandem parking between units shall be prohibited.

(g) For residential units connected to an onsite wastewater treatment system (septic tank), the applicant provides a percolation test completed within the last 5 years, or if the percolation

test has been recertified, within the last 10 years, which shows that the system meets acceptable infiltration rates.

(h) The number and size of the main home, ADUs of any type, JADUs, and SB 9 units allowed on a single lot, a legacy lot, or an SB 9 lot, shall not exceed that set forth in Section 9.85.020(a) or (b) as applicable.

(i) The number and size of accessory living quarters allowed on a single lot in one of the Agriculture Residential Estate zones shall not exceed that set forth in Section 9.85.020(c). If the lot is split into a legacy lot and an SB 9 lot, the total amount of accessory living quarters allowed on the single lot may be split between the two new lots in any manner provided that a SRO development contains a minimum of two units and the total square footage does not exceed that allowed on the single lot.

(j) Square footage. The square footage of an SB 9 unit shall be as set forth in section 9.85.020(a) or (b) as applicable.

(k) Height. The height of a new unit shall not exceed 16 feet unless the unit is built in a previously existing permitted space above a permitted ground floor area or garage.

(l) Design standards.

(1) To the extent not superseded by this Chapter, the SB 9 unit shall meet all existing objective design standards of the underlying zone.

(2) The SB 9 unit shall be the exact same color as the main house on the single lot or legacy lot. In the case of the SB 9 lot, the two SB 9 units shall be the exact same color.

(3) The SB 9 unit shall have the exact same roof pitch as the main house on the single lot or legacy lot. In the case of the SB 9 lot, the two SB 9 units shall have the same exact roof pitch.

(m) Secondary Living Quarters. Guest houses and SRO Developments shall only be allowed in accordance with Section 9.85.020

(n) If there is no existing unit on the original parcel prior to any lot split allowed pursuant to Chapter 9.164, one of the allowed units may be built to the standards for a main house under the applicable zone.

Sec. 9.85.430 – Denials.

(a) The city shall not deny an application solely because it proposes adjacent or connected structures provided that all building code safety standards are met and they are sufficient to allow a separate conveyance.

(b) The city may deny the housing development if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development

project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

Sec. 9.85.440 – Affidavit Required.

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

- (a) That the uses shall be limited to residential uses.
- (b) That the rental of any unit created pursuant to this section shall be for a minimum of thirty-one days.
- (c) That the maximum number of units and square footage to be allowed shall be as set forth in Section 9.85.020.

Sec. 9.85.450 – Other Municipal Code Provisions

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

SECTION 8. Chapter 86 of the Bradbury Municipal Code is hereby repealed in its entirety.

SECTION 9. Chapter 164 of the Bradbury Municipal Code is hereby amended to read as follows:

CHAPTER 164 – URBAN LOT SPLITS

Sec. 9.164.010 – Definitions.

Definitions. For purposes of this section only, the following definitions shall apply:

- (a) “Unit” shall mean a primary dwelling unit, an accessory dwelling unit of any type, a junior accessory dwelling unit, or an SB 9 unit. “Unit” shall not include a guest house or a SRO development.
- (b) “Urban lot split” means a lot split of a single-family residential lot into two parcels that meets the requirements of this Chapter.

Sec. 9.164.020 – Urban Lot Split Approval

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

- (a) The parcel is located within a single-family residential zone.
- (b) The parcel is located at least partially in an urbanized area or urban cluster as designated by the United States Census Bureau.
- (c) The parcel map divides an existing parcel to create no more than two new parcels of approximately equal lot area, provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel.
- (d) Both newly created parcels are no smaller than 1,200 square feet.
- (e) The parcel is not located in any of the following areas and does not fall within any of the following categories:
 - (1) A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.
 - (2) Wetlands as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - (3) A very high fire hazard severity zone as further defined in Government Code section 65913.4(a)(6)(D). This does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
 - (4) A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.
 - (5) A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

a. The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the city; or

b. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program as further spelled out in Government Code section 65913.4(a)(6)(G)(ii);

(6) A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the City shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.

(7) Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan as further spelled out in Government Code section 65913.4(a)(6)(I).

(8) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(9) Lands under a conservation easement.

(10) On any of the following streets which has a width of less than 20 feet due to the inability to provide adequate access for emergency fire vehicles:

a. Furlong Lane—between Deodar Lane and Long Canyon Road;

b. Oak Knoll Lane—east of Bliss Canyon Road;

c. Woodlyn Lane—between Bradbury Hills Road and El Cielo Lane; and

d. Bradbury Hills Road.

(f) The proposed lot split would not require demolition or alteration of any of the following types of housing:

(1) Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;

(2) Housing that has been occupied by a tenant in the last three years.

- (g) The lot split does not create more units or accessory living quarters than allowed under Section 9.85.020 on a parcel.
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Sec. 9.164.030 – Standards and Requirements.

The following requirements shall apply:

- (a) The lot split conforms to all applicable objective requirements of the Subdivision Map Act and Part VII of Title IX of the Bradbury Municipal Code, except as the same are modified by this section.
- (b) No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
- (c) Except for those circumstances described in subsection (b) above, for any lot resulting from an urban lot split, the setback for side and rear lot lines shall not be less than four feet. The front setback shall be as set forth in the applicable single-family residential zone.
- (d) The applicant shall provide easements for the provision of public services and facilities as required.
- (e) If a lot does not have direct access to a street, appropriate access easements meeting the minimum size of the driveway requirements set forth in Chapter 103 of the Development Code shall be provided on the tentative and parcel map.
- (f) Development of the lots shall be in accordance with Chapter 85 of the Development Code.
- (g) If the lot to be split is vacant, the applicant shall designate one lot as the legacy lot and the other lot as the new SB 9 lot as those terms are defined in Chapter 25 of the Development Code.

Sec. 9.164.040 – Denials

- (a) The City shall not:

- (1) Require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map.
- (2) Impose any objective subdivision standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.
- (3) Require the correction of nonconforming zoning provisions as a condition for the lot split.

(4) Deny an application solely because it proposes an adjacent or connected structure provided that all building code safety standards are met and they are sufficient to allow a separate conveyance.

(b) The city may deny the lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

Sec. 9.164.050 – Affidavit

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

(a) That applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of approval. This requirement does not apply when the applicant is a “community land trust” or a “qualified nonprofit corporation” as the same are defined in the Revenue and Taxation Code.

(b) That the uses shall be limited to residential uses.

(c) That any rental of any unit created by the lot split shall be for a minimum of thirty-one days.

(d) That the maximum number and square footage of primary units, ADUs of any kind, JADUs, and SB 9 units to be allowed on each parcel shall be as set forth in Section 9.85.020.

(e) That the accessory living quarters allowed on the single lot in the A-1, A-2, or A-5 zone set forth in Section 9.85.020 may be split in any manner between the two lots, provided that the SRO Development consists of a minimum of 2 units and the total square footage identified above is not exceeded between the two lots.

Sec. 9.164.060 – Inapplicability of Chapter

This Chapter shall not apply to:

(a) Any parcel which has previously been established pursuant to a lot split in accordance with the provisions of the chapter; or

(b) Any parcel where the owner of the parcel being subdivided or any person acting in concert with the owner has previously subdivided an adjacent parcel in accordance with this section. For purposes of this section, “acting in concert” shall include, but not be limited to, where the owner of a property proposed for an urban lot split is the same, related to, affiliated with, or connected by partnership to the owner, buyer or seller if transferred within the previous three years of an adjacent lot.

SECTION 10. CEQA. This adoption of this Ordinance is not a project under CEQA pursuant to SB 9. Provisions of this Ordinance amending other sections of the Development Code are for clarification and consistency purposes and are exempt pursuant to the common sense exemption set forth in CEQA Guidelines section 15061(b)(3)

SECTION 11. Effective Date. This Ordinance shall take effect on the thirty-first date after passage. Upon its effective date, this Ordinance supersedes Urgency Ordinance No. 380 which shall be of no further force or effect.

SECTION 12. 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 13. Certification. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2022.

Bruce Lathrop, Mayor

ATTEST:

Claudia Saldana, City Clerk