

AGENDA

**Regular Meeting of the Bradbury City Council
To be held on Tuesday, September 19, 2023
Closed Session Immediately Following
at the Bradbury Civic Center
600 Winston Avenue, Bradbury, CA 91008**

OPEN SESSION 7:00 PM

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

ROLL CALL: Mayor Barakat, Mayor Pro Tem Hale, Councilmembers Lathrop, Lewis & 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.

1. 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, 8:30am - 5:00pm, 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 special assistance is needed, please call the City Manager's Office (626.358.3218) 48 hours prior to the scheduled meeting.

ACTION ITEMS*

2. CONSENT CALENDAR

All items on the Consent Calendar are considered by the City Council to be routine and will be enacted by one motion unless a Council Member request otherwise, in which case the item will be removed and considered by separate action. All Resolutions and Ordinances for Second Reading on the Consent Calendar, the motion will be deemed to "to waive the reading and adopt."

- A. Minutes: Regular Meeting, Tuesday, August 15, 2023.
- B. Resolution No. 23-18: Demands & Warrants for September 19, 2023.
- C. Monthly Investment Report for the month of August 2023.

3. PRESENTATION – CITRUS COLLEGE

Citrus College Trustee Mary Ann Lutz and Superintendent Greg Schultz will be providing an update on Citrus College's activities.

4. AUTHORIZATION TO EXTEND THE LEMON AVENUE TRAIL IMPROVEMENTS AROUND 1550 LEMON AVENUE ON WINSTON AVENUE

City Staff is requesting authorization to extend the Lemon Avenue Trail on the west side of Winston Avenue around the 1550 Lemon Avenue property. It is recommended that the City Council 1) authorize Staff to move forward with the trail extension; 2) approve the new project costs of \$262,699.47; 3) issue a change order to SDC Engineering, Inc.; and 4) approve the new Easement Agreement with 1550 Lemon Avenue.

5. URGENCY ORDINANCE NO. 385U AND REGULAR ORDINANCE 387: DENSITY BONUS ORDINANCES AND FINDING THAT ADOPTIONS ARE EXEMPT FROM CEQA UNDER THE COMMON SENSE EXEMPTION

State law includes provisions of law known as Density Bonus Law (DBL) which provides incentives for developers to provide affordable housing. DBL requires local governments to adopt ordinances regarding implementation of this law. It is recommended the City Council hold a public hearing, determine that the ordinances are exempt under CEQA, adopt Urgency Ordinance No. 385U (which requires a 4/5 vote for immediate effect), introduce regular Ordinance No. 385, and schedule the second reading and adoption for the next regular meeting on October 17, 2023.

6. ORDINANCE NO. 386: REASONABLE ACCOMMODATIONS POLICY AND PROCEDURES ORDINANCE NO. 386 AND FINDINGS THAT ADOPTION IS EXEMPT FROM CEQA UNDER THE COMMON SENSE EXEMPTION

As part of the City's 6th Cycle Housing Element, Ordinance No. 368 introduces federal and state law that requires local governments to make reasonable accommodations in land use and zoning regulations to reduce impediments to equal access to housing. It is recommended that the City Council hold a public hearing, determine that Ordinance No. 386 is exempt under CEQA, introduce the Ordinance, and schedule the 2nd reading for the next regular meeting on October 17, 2023.

7. ORDINANCE NO. 388: AMENDMENT TO CHAPTER 85 OF THE BRADBURY MUNICIPAL CODE RELATING TO SECONDARY LIVING QUARTERS AND SB 9 UNITS AND FINDINGS THAT THE ORDINANCE IS EXEMPT FROM CEQA

Legislature has amended the laws relating to accessory dwelling units. Ordinance No. 388 amends the Bradbury Code to reflect State laws and resolves an interplay between SB 9 units and ADUs. It is recommended that the City Council hold a public hearing, determine that Ordinance No. 388 is exempt under CEQA, introduce the Ordinance, and schedule the 2nd reading and adoption for the next regular meeting on October 17, 2023.

8. DISCUSSION ON ISSUING SEPARATE ADDRESSES FOR ACCESSORY DWELLING UNITS

It is recommended that the City Council discuss the various options available on how to issue separate addresses to accessory dwelling units.

9. APPROVAL OF THE JPA WITH LARA: RESOLUTION NO. 23-19

The City is a member of the Los Angeles Regional Agency (LARA), a consortium of 18 member cities in Los Angeles County. The City of Los Angeles provides program and fiduciary administration for LARA per the Joint Powers Agreement (JPA) to help cities comply with State recycling laws. Due to the adoption of SB 1383, the JPA is required to be amended and restated by the State to accommodate necessary changes. It is recommended that the City Council approve Resolution No. 23-19 and authorize the City Manager to sign the revised JPA.

10. DISCUSSION ON THE CITY'S INVESTMENT POLICY

At the request of Councilmember Lathrop, this is a continuation item from last month, which prompts a discussion on the City's Investment Policy. It is recommended the City Council 1) review and approve the track changes to the Investment Policy, 2) approve a transfer of \$1MM from the checking account to be invested into CDs, and 3) approve a transfer from the checking account into LAIF that would decrease the checking account's balance to \$250,000.

11. RECAP ON BRADBURY NIGHT OUT

At the request of Mayor Barakat, this item allows the City Council to provide any feedback on the Bradbury Night Out event to City Staff. It is recommended that the City Council provide direction to Staff on any items related to the event.

12. MATTERS FROM THE CITY MANAGER

13. MATTERS FROM THE CITY ATTORNEY

14. MATTERS FROM THE CITY COUNCIL

*LA County City Selection Committee
Director of Bradbury Disaster Committee
So. California Joint Powers Insurance Authority*

Mayor Pro Tem Hale

Councilmember Lathrop

*League of California Cities
Duarte Community Education Council (CEC)*

Councilmember Bruny

*Area "D" Office of Disaster Management
Duarte Education Foundation
Foothill Transit*

Councilmember Lewis

15 ITEMS FOR FUTURE AGENDAS

CLOSED SESSION

CALL TO ORDER/ROLL CALL

PUBLIC COMMENT – REGARDING CLOSED SESSION ONLY

RECESS TO CLOSED SESSION REGARDING:

- A. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION** Pending Litigation pursuant to Government Code sec. 54956.9, (d)(1)
Californians for Homeownership, Inc. v. City of Bradbury - L.A. Superior Court Case No. 22STCP01381
- B. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION** Pending Litigation pursuant to Government Code sec. 54956.9, (d)(1)
Grow Monrovia v. City of Bradbury - L.A. Superior Court Case No. 23STCP00128
- C. PENDING LITIGATION**
Pending Litigation pursuant to Government Code Section 54956.9 (d)(3) (Based on existing facts and circumstances, the legislative body of the local agency is meeting only to decide whether a closed session is authorized pursuant to paragraph (d) (2). (1 potential case).
- D. PENDING LITIGATION**
Pending Litigation pursuant to Government Code Section 54956.9 (d)(2) A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency. (1 potential case)

E. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code Section 54957 (b)(4)

Title: Building & Safety

F. EMPLOYEE DISCIPLINE

Consideration of employee discipline pursuant to Government Code section 54957.1(a)(5) (City Manager)

REPORT FROM CLOSED SESSION

ADJOURNMENT:

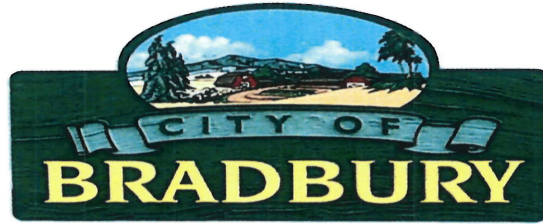
The City Council will adjourn to a Regular Meeting at the Bradbury Civic Center, 600 Winston Avenue, Bradbury, CA 91008 on Tuesday, October 17, 2023 at 7:00 p.m.

* ACTION ITEMS: Regardless of a staff recommendation on any agenda item, the City Council will consider such matters, including action to approve, conditionally approve, reject or continue such item. Further information on each item may be procured from City Hall.

"I, Diane Jensen, City Clerk, hereby certify that I caused this agenda to be posted at the Bradbury City Hall entrance gate by 5:00pm on Friday, September 15, 2023."



City Clerk – City of Bradbury



REGULAR MEETING

MINUTES

Regular Meeting of the City of Bradbury City Council
Tuesday, August 15, 2023
Bradbury Civic Center

CALL TO ORDER – The Regular Meeting of the City Council of the City of Bradbury was called to order by Mayor Barakat at 7:00pm followed by the Pledge of Allegiance.

ROLL CALL -

PRESENT: Mayor Barakat, Mayor Pro Tem Hale and Councilmember Lathrop.

ABSENT: Councilmembers Lewis and Bruny

STAFF: City Manager Kearney, City Clerk Jensen, Management Analyst Flores, City Planner Kasama, City Attorney Reisman (speakerphone), and Assistant City Attorney Kranitz.

Mayor Pro Tem Hale made a motion to excuse Councilmember Bruny and Councilmember Lewis. The motion was seconded by Mayor Barakat without any objections. Due to the absence of two councilmembers, City Manager Kearney recommended pulling agenda item #4 "Urgency Ordinance No. 385U as well as the Closed Session." Mayor Barakat made a motion to approve the amended agenda and Mayor Pro Tem Hale seconded the motion.

APPROVAL OF AGENDA: Councilmember Lathrop made a motion to approve the new agenda with Mayor Pro Tem Hale seconding that motion. Without any objections, the Council proceeded with the City of Bradbury business.

DISCLOSURE OF ITEMS REQUIRED BY GOVERNMENT CODE SECTION 1090 & 81000 ET. SEQ. – *In compliance with the California Political Reform Act, each City Councilmembers has the responsibility to disclose direct or indirect potential for a personal financial impact as a result of participation in the decision-making process concerning agenda items.*

Via speakerphone, City Attorney Reisman stated there were no conflicts.

1. Public Comment - No Public Comments.

ACTION ITEMS*

2. Consent Calendar Approval Before voting on the approval of the Consent Calendar, City Manager Kearney reported that Item #5 (Council Liaison appointments) in the June 20, 2023 Regular Meeting Minutes was not clearly written. A revised and more clarified written version was presented to each Councilmember to read prior to the meeting. Mayor Pro Tem Hale approved the newly clarified section and Mayor Barakat seconded.

- a. Minutes: Regular Meeting, Tuesday, June 20, 2023
- b. Minutes: Special Meeting, Thursday, July 06, 2023.
- c. Minutes: Regular Meeting, Tuesday, July 18, 2023.
- d. Minutes: Special Meeting, Thursday, July 27, 2023.
- e. Resolution No. 23-16: Demands & Warrants for August 15, 2023.
- f. Monthly Investment Report for the month of July 2023
- i. Resolution No. 23-17: A Resolution of the City Council of the City of Bradbury, California, designating Mario Flores as the Deputy City Clerk.

It was moved to approve the Consent Calendar by Mayor Pro Tem Hale with Mayor Barakat seconding that motion. Motion passed 3:0.

AYES: Mayor Barakat, Mayor Pro Tem Hale and Councilmember Lathrop.
NOES: None.
ABSENT: Councilmembers Bruny and Lewis.

3. Presentation by South /Coast AQMD Vice Chair Cacciotti reported on the many ways pollutants enter the air we breathe and the many ways AQMD works to prevent this from happening or becoming even worse. There are many programs which will help with this such as switching from gas tools and cars to electric. There are cash incentives as well.

4. Discussion on the City's Investment Policy: No final decisions were made on whether to keep the Investment Policy "as is" because Council decided to have the City Treasurer review it first and wait for any recommendations. The subject will be readdressed at the next Council meeting in September.

5. Recap on Bradbury Night Out: City Manager Kearney discussed the success of the event. He also stated the attendance might be higher if the date of the event was changed to October when it's not so hot outside. It was agreed by Council to hold this discussion over until the next meeting when all five councilmembers are able to express their thoughts.

6. Matters from the City Manager: None.

7. Matters from the City Attorney: None.

8. Items for the City Council:

Mayor Barakat: None

Mayor Pro Tem Hale: Status of Wild Rose Project? Jones/Mayer attorney contacted opposing attorney regarding the settlement agreement. Opposing attorney volunteered to prepare it. Some residents have seen the draft.

Councilmember Lathrop None.

Councilmember Bruny *Absent*

Councilmember Lewis *Absent*

9. ITEMS FOR FUTURE AGENDAS None.

ADJOURNMENT At 7:34pm, Mayor Barakat moved to adjourn the meeting with all Councilmembers in favor. The Regular City Council meeting was adjourned to Bradbury Civic Center, 600 Winston Avenue, Bradbury, CA 91008 on Tuesday, September 19th at 7:00pm.

SIGNED BY:

MAYOR RICHARD BARAKAT
City of Bradbury

DATE

ATTEST:

CITY CLERK DIANE JENSEN
City of Bradbury

DATE

PRESENTATION – CITRUS COLLEGE

Citrus College Trustee Mary Ann Lutz and Superintendent Greg Schultz will be providing an update on Citrus College's activities.

RESOLUTION NO. 23-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA, APPROVES THE DEMANDS & WARRANTS FOR PRE-RELEASED CHECKS No. 17681 THROUGH No. 17692 AND APPROVING DEMANDS & WARRANTS FOR REGULAR CHECKS No. 17708 THROUGH No. 17733.

The City Council of the City of Bradbury does hereby resolve as follows:

Section 1. That the demands as set forth hereinafter are approved and warrants authorized to be drawn for payment from said demands in the amount of \$1,640.14 (pre-released Checks) and \$66,473.15 (regular Checks) on September 19, 2023 from the General Checking Account.

PRE-RELEASED CHECKS (due before City Council Meeting):

Check #	Vendor & Invoice #	Description	Subtotals	Totals
17681	Curo Managed Print Inv. # 7035	Housing Element Copies for Planning Commission review Acct.		\$75.32
17682	City Radius Maps Project# 23482	Property Owner List City of Bradbury		360.00
17686	City Radius Maps Project# 23482	Property Owner List 2 nd list 500 ft Radius		360.00
17687	Delta Dental Inv#BE005660408	Dental Insurance - September City Manager/Family Acct. 101.12.5100 City Clerk – Jensen Acct. 101.13.5100	\$124.86 \$40.74	\$165.60
17688	Vision Service Plan Statement# 818398869	Vision Insurance – September '23 City Manager (family) Acct. 101.12.5100 City Clerk - Jensen Acct. 101.13.5100	\$61.07 \$23.66	\$84.73
17689	The Standard 08.01.2023	Basic Life and AD&D: August '23 City Manager Acct. 101.12.5100 City Clerk Acct. 101.13.5100	\$9.65 \$9.65	\$19.30

17690	Cougar Mountain Software Inv # 4509	One Hour Support Acct: 101.14.6230		\$225.00
17691	Frontier Due 09.15.2023	Fire Alarm Line – 8/22/23- 9/21/23 Acct. 101.23.7420		\$100.19
17692	HPC Computers USA Inv# m232 Inv# m266	Printer Maintenance/Repair July August Acct. 101.16.6250	\$125.00 \$125.00	250.00

TOTAL PRE-RELEASE CHECKS - \$1,640.14

Check #	Vendor & Invoice #	Description	Subtotals	Totals
17708	US Bank Cust# 224	Safekeeping Fees August '23 Acct. 101-14-7010		\$33.00
17709	City of Monrovia Inv. #2400364	Transportation Services 08/23 Acct: 204.40.7325		\$704.07
17710	Pro Pet Inc. Inv. # 143457	Doggie Waste Bags for Trails Acct: 102.42.7630		297.60
17711	T-Mobile Inv#975204096-25	Internet (Hot Spot) August '23 Acct. 113-20-8120		\$74.00
17712	Team Logic IT Inv. #8271	IT Battery replacement Dell LT Acct. 113.20.8120		\$219.00
17713	Team Logic IT Inv. #8272	IT 8 Port Powered VGA Splitter Acct. 113.20.8120		\$54.75
17714	Team Logic IT Inv #8289	IT Monthly Service – September '23. Acct: 101.16.6230		\$690.00
17715	Southern Calif Edison Due 9.21.23	LS-1-ALLNITE (lights) Acct. 200-48-6410		\$1,104.18
17716	Petty Cash	Bradbury Night Out Receipts Bella Serra Restaurant Gift Card Vons for Bottle Water Smart Final-TP, P. Towels Acct 101.11.6100	\$50.00 \$38.94 \$51.46	\$140.40

17717	Coverall Inv.#1527150814	Office Cleaning – Sept. '23 Acct. 101.16.6460		\$394.00
17718	Kevin Kearney	Monthly Cell Phone – Sept. '23 Acct. 101.12.6440		\$75.00
17719	Priority Landscape Inv# 15502	<u>September 2023 Landscape Services:</u> Bradbury Civic Center Acct. 101-21-7020 Royal Oaks Drive North Acct. 10 1-21-7015 Mount Olive Drive Acct. 101-21-7035 Lemon Trail Acct. 101-21-7045	232.01 446.16 597.33 156.32	\$1,431.82
17720	Priority Landscape Inv. # 15457	Move boulders from City Hall to ditch on Mt. Olive with DG Acct. 101.21.7035		\$360.00
17721	VCA Inv# 82811 Inv# 83003 Inv# 83272	<u>Plan Check Services</u> 4/2-4/29 4/30-5/27 Through 7/29 Acct. 101.20.7220		<u>\$6,031.49</u> \$2,154.31 \$1,137.30 \$2,739.88
17722	VCA Inv# 82961 Inv# 82384 Inv# 82834 Inv# 83465	<u>Professional Fees Jim Kasama</u> Retainer 4/30-5/27 Acct 101.20.7210 Hourly Services Acct 101.20.7240 Retainer 1/1-1/28 Acct. 101.20.7210 Retainer 4/2-4/29 Acct 101.20.7210 Retainer 7/30 – 8/26 Acct. 101.20.7210 Hourly Services Acct 101.20.7240		<u>\$21,457.50</u> \$3,900.00 \$2,805.00 \$3,900.00 \$3,900.00 \$3,900.00 \$3,052.50
17723	Pasadena Humane Society Inv#AUG2023Bradbury	Animal Control August '23 Acct. 101-25-7000		\$1,012.28
17724	LA County Sheriff Dept. Inv.#240024EC	Law Enforcement July '23 Acct. 101-23-7410		\$11,650.23

17725	Suresh Malkani July 2023	Finance Director Pay - 23.75 hours Acct. 101.14.5010		\$2,151.66
17726	Area D Inv # 2304	Disaster Management FY 2023/24 Acct. 101.24.6030		\$900.00
17727	Post Alarm Services Inv # 1614339	City Hall Fire Alarm September '23 Acct.101.23.7420		\$132.92
17728	Diane Jensen	Reimbursements Stamps for two City Mailings Acct: 101.16.6120 Home Depot BNO items Black Duct Tape Orange Buckets Bug Spray Acct 101.11.6100 Tax Acct 101.00.1022	\$660.00 \$16.98 \$13.44 \$ 7.47 \$ 3.88	\$701.77
17729	Consensus Inv. # 2732967	E-Fax September '23 Acct. 101.16.6230		\$10.00
17730	Cougar Mountain Inv. # 400765	Hour One-On-One Training Acct. 101.12.6440		\$250.00
17731	Kevin Kearney	Mileage Reimbursement 586.2 miles @ .655 cents/mile Area D Mtg San Dimas RT Seminar Carlsbad League of Cities Mtg Long Beach LASD Temple Station Mtg El Monte JPIA Mtg La Palma Driving around City Acct. 101.12.6050		\$383.96

17732	US Bank Visa	<p>August Statement 2023</p> <p><u>CC Kevin Kearney</u> Zoom Virtual Meetings \$49.00 Acct. 113.20.8120 Municipal Management Membership (-\$125.00) Acct. 101.16.6020 USPS stamps \$202.30 Acct. 101.16.6120 \$126.30</p> <p><u>CC Mario Flores</u> Shaffer Awards – Claudia Plaque \$78.20 Acct. 101.11.6100 \$78.20</p> <p><u>CC Sophia Musa (canceling card)</u> Broadvoice CH Telephone July '23 \$205.12 Acct. 101.16.6440 \$205.12</p> <p><u>CC Diane Jensen</u> 99 Cent Store Decorations BNO \$68.60 Acct. 101.11.6100 Smart Final – TP, Paper Towels \$41.87 Acct. 101.16.6450 Claro's Deli – BNO Gift Baskets \$132.30 Acct. 101.11.6100 Municipal Mgmt. –Mario Membership \$90.00 Acct. 101.16.6020 Broadvoice CH Telephone Aug '23 \$205.44 Acct. 101.16.6440 American Water – Gardi Street \$87.19 American Water – 2410 Mt. Olive \$81.69 American Water – 301 Mt. Olive \$211.19 Acct. 200.48.6400 Amazon – Bankers Boxes \$39.39 Acct. 101.16.6460 \$957.67</p>		<u>\$1,367.29</u>
17733	Jones and Mayer 04.11.2023	<p>Retainer Fees – includes up to 12 hrs. \$3,000.00 Acct. 101.15.7020 Total 1901 Royal Oaks \$2,925.00 Acct.103.00.2040 Total Code Enforcement \$313.50 Acct.101.15.7450 Total Grow Monrovia \$2,878.50 Acct. 101.15.7070 Total Lemon Trail \$ 57.00 Acct.101.15.7070 Total Zoning/General Plan Hours \$6,384.00 Acct. 101.15.7070</p>		<u>\$15,558.00</u>

TOTAL REGULAR CHECKS: \$66,473.15

Section 2. That the demands as set forth hereinafter are approved and warrants authorized to be drawn for payroll from said demands in the amount of \$19,379.79 (EFT payroll payments) on September 19, 2023 from the General Checking Account.

**DIRECT DEPOSIT – PAYROLL
SEPTEMBER 2023**

ACH	Kevin Kearney City Manager	Salary Acct. 101.12.5010 Withholdings Acct. 101.00.2011	\$18,533.33 <u>-\$4,250.37</u>	\$11,582.96
ACH	Diane Jensen City Clerk	Salary Acct. 101.13.5010 Withholdings Acct. 101.00.2011 PERS Pepra Acct: 101.13.5100	\$6,145.83 -\$1,581.67 <u>-\$476.30</u>	\$4,087.86
ACH	Mario Flores M. Analyst	Salary Acct. 101.16.5010 Withholdings Acct. 101.00.2011 PERS Pepra Acct: 101.16.5100	\$5,416.66 -\$1,287.89 <u>-\$419.80</u>	\$3,708.97

TOTAL PAYROLL: \$19,379.79

Section 3. That the demands as set forth hereinafter are approved and warrants authorized to be drawn for benefits and withholding payments from said demands in the amount of \$2,013.43 (EFT utility payments) on September 19, 2023 from the General Checking Account.

**ELECTRONIC FUND TRANSFER (EFT)
UTILITIES
SEPTEMBER 2023**

EFT Due 9.11.23	Southern Calif. Edison Acct: 8004395919	2298 Gardi Street Acct. 200-48.6400		\$44.68
EFT Due 9.11.23	Southern Calif. Edison Acct: 8001919708	600 Winston City Hall Acct. 101-16-6400		\$708.49
EFT Due 09.08.23	Charter Communications Inv. #0101050082323	Spectrum Internet Sept '23 Acct. 101.16.6230		\$169.98
EFT Due 09.29.23	American Water	City Hall 101.16.6400		\$289.82
EFT Due 09.29.23	American Water	1775 Woodlyn Lane 200.48.6400		\$785.05
EFT 09.08.23	So. Calif. Gas Due 9.13.23	600 Winston Ave. Sept '23 Acct. 101.16.6400		\$15.41

TOTAL EFT: \$2,013.43

Section 4. That the demands as set forth hereinafter are approved and warrants authorized to be drawn for benefits and withholding payments from said demands in the amount of \$16,291.63 (EFT benefit payments) on September 19, 2023 from the General Checking Account.

EFT	EDD	September '23 State Tax SDI Acct. 101.00.2011	\$1,401.72 \$246.56	\$1,648.28
EFT	PERS	Sept. 2023 City Manager - Kearney Acct. 101.12.5100 City Clerk - Jensen Acct. 101.13.5100 M. Analyst - Flores Acct. 101.16.5100	\$2,707.50 \$948.30 \$835.80	\$4,491.60
EFT	AETNA	Health Insurance Sept. '23 City Manager - Kearney Acct. 101.12.5100 City Clerk - Jensen Acct. 101.13.5100	\$1,784.23 \$954.49	\$2,738.72
EFT	IRS	Sept. 2023 Federal Tax Withholdings S. Security (employee) S. Security (City) Medicare (Employee) Medicare (City) Acct. 101-00-2011	\$3,529.85 \$1,544.57 \$1,544.57 \$397.23 \$397.23	\$7,413.03

TOTAL EFT BENEFITS - \$16,291.63

**RICHARD G. BARAKAT, MAYOR
CITY OF BRADBURY**

ATTEST:

"I, Diane Jensen, City Clerk, hereby certify that the foregoing Resolution, being Resolution No. 23-18, was duly adopted by the City Council of the City of Bradbury, California, at a regular meeting held on the 19th day of September 2023 by the following roll call vote:"

AYES:

NOES:

ABSENT:

**DIANE JENSEN, CITY CLERK
CITY OF BRADBURY**

City of Bradbury

Monthly Investment Report for the month of August 2023

CASH ON DEPOSIT BY ACCOUNT

Bank Accounts:

Wells Fargo Bank - General Checking

Investments:

Local Agency Investment Fund (LAIF)

Metro Credit Unit

Texas Exchange Bank Crowley CD

BMW Bank of NA

Salal Credit Union Seattle Wash

Amount	Maturity	Interest Rate
\$ 1,593,032.62	n/a	0%
\$ 3,450,656.62	n/a	3.43%
\$ 243,000.00	7/26/2024	5.55%
\$ 249,000.00	7/9/2024	0.50%
\$ 248,000.00	12/10/2024	0.90%
\$ 240,000.00	9/29/2023	4.20%

Total

\$ 6,023,689.24

I hereby certify that there are sufficient funds available to meet the City's obligations for the next three (3) months.
This report is prepared in accordance with the guidelines established in the Statement of Investment Policy adopted November 21, 2017

Submitted By:

Reviewed By:

Kevin Kearney
City Manager Date 9/15/23

Laurie Stiver
City Treasurer Date

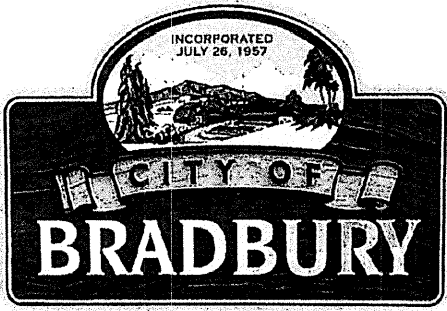
CASH & INVESTMENTS ON DEPOSIT BY FUND

Funds	Amount
General Fund (101)	\$4,731,020.31
Utility Users Tax Fund (102)	\$552,338.70
Deposits Fund (103)	(\$10,121.98)
Long Term Planning Fee Fund (112)	\$8,914.62
Technology Fee Fund (113)	\$13,285.42
Gas Tax Fund (200)	\$11,721.08
SB 1 Gas Tax Fund (201)	(\$55.96)
Prop A Fund (203)	\$60,001.78
Prop C Fund (204)	\$34,391.92
TDA Fund (205)	(\$848.96)
Sewer Fund (206)	\$0.00
STPL Fund (208)	\$1,060.28
Recycling Grant Fund (209)	\$29,920.12
Measure R Fund (210)	\$65,941.39
Measure M Fund (212)	\$83,496.74
Measure W Fund (213)	\$17,802.98
COPS Fund (215)	\$396,006.90
County Park Grant Fund (217)	\$9,297.89
CWPP Grant Fund (219)	\$19,516.01
ARPA Fund (220)	\$0.00

Total

\$ 6,023,689.24

\$ -



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

City of Bradbury Agenda Memo

TO: Honorable Mayor and Members of the City Council

FROM: David Gilbertson, City Engineer

DATE: September 19, 2023

SUBJECT: **AUTHORIZATION TO EXTEND THE LEMON AVENUE TRAIL
IMPROVEMENTS AROUND 1550 LEMON AVENUE ON WINSTON
AVENUE**

ATTACHMENTS: 1) Lemon Avenue Trail Winston Trail Extension Exhibit
2) Easement Agreement with 1550 Lemon Avenue

SUMMARY

At the July 18, 2023 meeting, the City Council awarded a contract to SDC Engineering, Inc. in the amount of \$181,597.10 for the Lemon Avenue Trail Project. City staff is requesting authorization to extend the Lemon Avenue Trail improvements on the west side of Winston Avenue around the 1550 Lemon Avenue property. The new Trail extension would cost the City an additional \$24,500 and would require a new Easement Agreement between the City and the 1550 Lemon Avenue property.

It is recommended that the City Council:

- 1) Authorize Staff to extend the Lemon Avenue Trail Project,
- 2) Approve the new Project costs of \$262,699.47 (with \$178,655 covered by a grant and \$82,044.47 covered by general fund monies),
- 3) Issue a change order to SDC Engineering, Inc., and
- 4) Approve the new Easement Agreement with 1550 Lemon Avenue.

BACKGROUND

In 2020, the City Council explored the possibility of installing a multi-purpose trail on either Winston and/or Lemon Avenue. Due to costs and other obstacles, the project did not move forward at that time. In 2021, the City was made aware of State funds allocated to the City of Bradbury through the Per Capita Program. Moving forward, the City Council decided to use

FOR CITY COUNCIL AGENDA 9.19.23

AGENDA ITEM # 4

the grant funds to install a trail on Lemon Avenue based on the initial assessment from their discussion in 2020.

On February 21, 2023, the City Council approved the plans and authorized the City Engineer to advertise to receive formal bids for the Lemon Avenue Trail Project.

On July 18, 2023, the City Council awarded a contract to SDC Engineering, Inc. in the amount of \$181,597.10 for the Lemon Avenue Trail Project.

ANALYSIS

Staff has explored an option to extend the trail improvements along the west side of Winston Avenue along the frontage for the property located at 1550 Lemon Avenue. The extension of the trail improvements would allow pedestrians to leave the trail and enter the Winston Avenue pavement area approximately 130 feet south of the intersection. This is a safer location for the trail exit as it provides better visibility for motorists to see the pedestrians as they enter the roadway.

The extension would consist of the installation of an additional 780 square feet of 4" thick stabilized decomposed granite trail material, and a 1" x 4" composite header board and 3' high, 2-rail, white vinyl fence along the west edge of the trail. A concrete ADA ramp and "Trail Ends" sign is also proposed at the southerly terminus of the trail on Winston Avenue. The extension of the trail would increase the overall cost of the trail project by approximately \$24,500.

The installation of the trail on Winston Avenue would require the dedication of a 3' wide pedestrian access easement from the property owner at 1550 Lemon Avenue similar to the easements already dedicated on other properties along Lemon Avenue. In exchange for the dedication of the easement, the City would install a new concrete driveway on Lemon Avenue to serve the property.

FINANCIAL REVIEW

The total project cost is anticipated to be increased by \$24,500 thereby increasing the total cost of the project to \$262,699.47. A breakdown of the project costs is as follows:

Construction (including 10% contingency)	\$199,757.47
Plan Preparation	\$12,000
Additional Engineering Services (title reports, legal descriptions, additional topo survey, resident outreach)	\$16,000
CM, Inspection, and Grant Fund Administration	\$8,000
Trail Extension on Winston Avenue	\$24,500
TOTAL COST	\$262,699.47

The State has allocated \$178,655 to the City of Bradbury through their General Per Capita Program. The grant does not require any monetary or in-kind match since the project is within a radius of a severely disadvantaged community.

With the Winston Avenue trail extension, the total project cost would exceed the amount covered by the grant funding by \$82,044.47 and additional general fund money would need to be utilized to cover the gap.

ALTERNATIVES

1. The City Council may deny the request to extend the Lemon Avenue Trail Project improvements on Winston Avenue.
2. The City Council may request additional analysis by City staff.

STAFF RECOMMENDATION

It is recommended that the City Council:

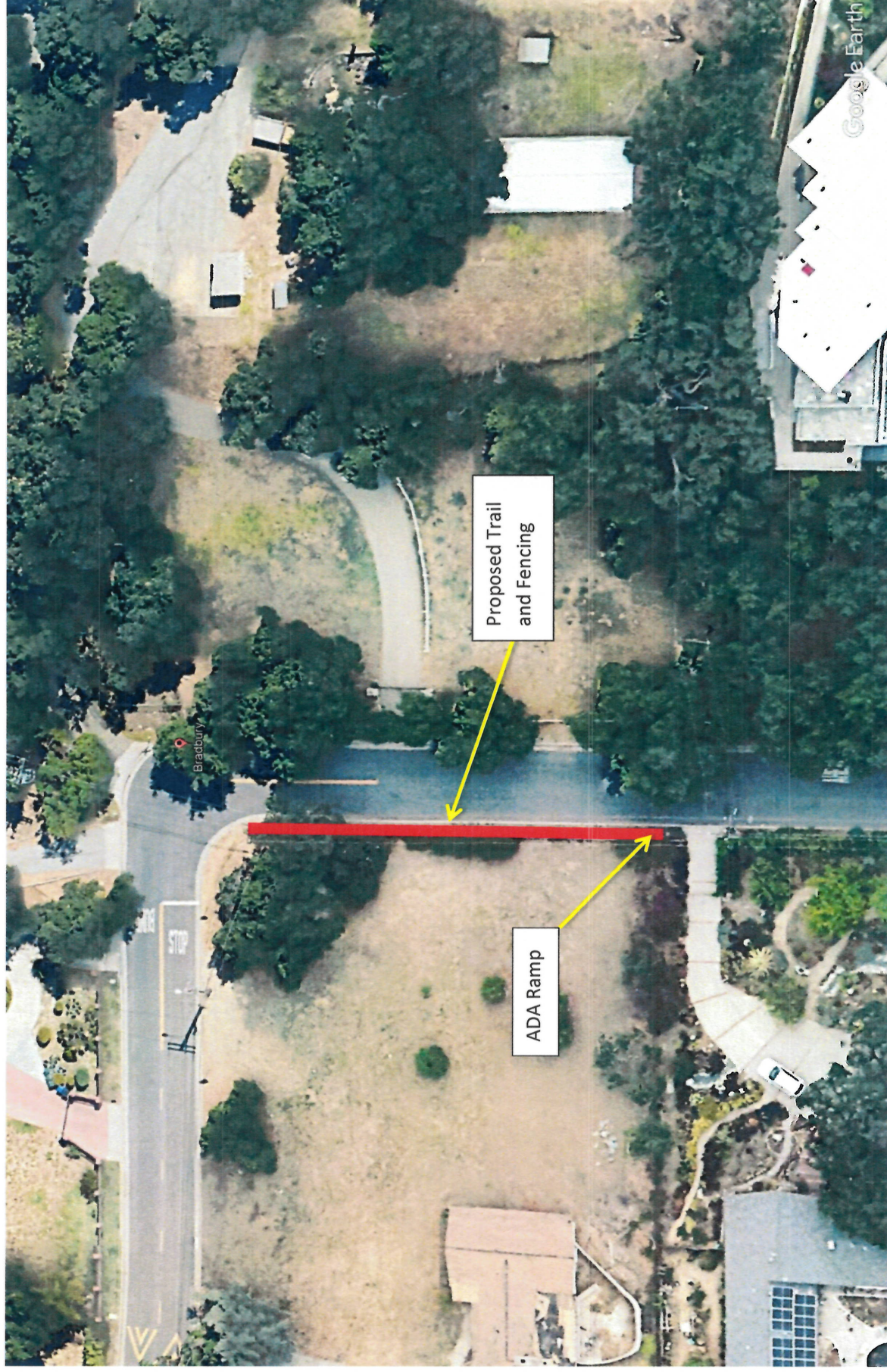
- 1) Authorize Staff to extend the Lemon Avenue Trail Project,
- 2) Approve the new Project costs of \$262,699.47 (with \$178,655 covered by a grant and \$82,044.47 covered by general fund monies),
- 3) Issue a change order to SDC Engineering, Inc., and
- 4) Approve the new Easement Agreement with 1550 Lemon Avenue.

ATTACHMENT #1

EXHIBIT A - LEMON AVENUE TRAIL PROJECT

WINSTON EXTENSION

SEPTEMBER 2023



ATTACHMENT #2

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

**City of Bradbury
600 Winston Ave.
Bradbury, CA 91010
Attention: City Clerk**

NO FEE. GOVERNMENT CODE §27383

Space above this line for recorder's use

**RE: LEMON TRAIL PROJECT
1550 LEMON AVENUE
PORTION OF APN 8527-023-XXX**

EASEMENT AGREEMENT AND ACCEPTANCE OF EASEMENT

Preamble and Recitals

This Agreement is entered into on August __, 2023, by and between Niveen Elguindi and Waleed Shindy, through the Shindy and Elguindi Living Trust 2023, hereinafter referred to as "Owners," and the City of Bradbury, hereinafter referred to as "City."

- A. Owners are the owners of certain real property located at 1550 Lemon Avenue in the City of Bradbury, County of Los Angeles, State of California (the "Servient Tenement").
- B. City is the holder of an existing easement for a six-foot wide parkway along the front of the Servient Tenement (the "Dominant Tenement").
- C. On February 21, 2023, the City of Bradbury City Council approved plans and authorized the City Engineer to advertise and receive formal bids for the "Lemon Trail Project."
- D. The Lemon Trail Project consists of a public sidewalk/walking trail across the City's existing parkway easement along the south side of Lemon Avenue and the west side of Winston Avenue along the Servient Tenement frontage in the City. The City needs to obtain necessary easements across driveways, including that of Owners, and to move or remove fences, trees or shrubbery in the parkway and Owners' driveway.
- E. Owner desires to grant an Easement to City subject to City agreeing to restore or replace the relocated or removed fences, trees or shrubbery, ornamental landscaping, and to maintain the Easement and indemnify Owners.

Grant of Easement

1. For good and valuable consideration, the receipt of which is hereby acknowledged, Owners grants to City an easement, subject to the terms of this Agreement, all uses and appurtenances incident thereto, in, over, under, upon and across that portion of real property in the City of Bradbury, County of Los Angeles, State of California described in Exhibit "A" (legal description) and as shown on Exhibit "B" (plat).

Character of Easement

2. The easement granted in this Agreement is appurtenant to the Dominant Tenement.

Description of Easement

3. The easement granted in this Agreement is an easement for ingress and egress over and across the Servient Tenement in order to install and maintain the public sidewalk/walking trail and drive approach as shown on the "Lemon Trail Project" plans, which is hereby incorporated herein by this reference and it includes a corner cut-off at the intersection of Lemon Avenue and Winston Avenue and a three foot wide easement for sidewalk/walking trail purposes along Winston Avenue.

Secondary Easements

4. The easement granted in this Agreement includes the following incidental rights:
- a. To restore vegetation and fences upon and adjacent to the easement;
 - b. To perform repairs and/or maintenance of the sidewalk/trail.

City Obligations

5. In exercising these rights, City must use reasonable care and may not unreasonably increase the burden on the Servient Tenement. City agrees to construct the improvements in substantial conformance to the 02/21/2023 plans to the maximum extent feasible. City agrees to construct a concrete drive approach that matches the approved Grading & Drainage Plan on the Lemon Avenue side of the Servient Tenement to match the other drive approaches proposed to be constructed as part of the project. City agrees to maintain the public sidewalk/walking trail installed in accordance herewith and to promptly restore the portions of the servient tenant that are temporarily moved or disturbed to the same condition they were in prior to any access for installation or maintenance, and to minimize any inconvenience to the Owners or residents of the Servient Tenement. Unless it is not reasonably possible to do so based upon an emergency, City shall provide advance notice to the Owners prior to any entry upon the Servient Tenement.

Owner Obligations

6. The Servient Tenement is obligated to remove, by October 1, 2023, the existing wall/fence that is approximately 4' from the existing curb face along the Winston Avenue frontage.

Indemnification

7. City shall hold Owners harmless and will indemnify and defend Owners from and against any and all demands, debts, liens, claims, actions, damages, liability, cost or expense (collectively "Claims"), to the extent that injury or damage results from their installation, operation or maintenance of the Dominant Tenement public sidewalk/walking trail by City or City's officers, employees, contractors or agents, whether accidental or intentional, including such Claims arising out of use of the sidewalk/trail by the public; however, indemnification and defense obligations will not arise with respect to any such Claims that are based upon sole negligence of the Owner.

Term

8. The easement granted in this Agreement shall be in perpetuity, but shall not pass with the land in the event of sale to third persons of the Dominant Tenement without the express written agreement of Owners.

Exclusive Easement

9. City's use of the easement granted in this Agreement shall be exclusive. Owners shall not grant or assign to others any right-of-way or easement in the Servient Tenement without first seeking and securing approval from City. Notwithstanding the terms of this provision, Owners reserve the right to use the Servient Tenement in a manner consistent with City's free use and enjoyment of the easement.

Agreement Non-assignable

10. This Agreement shall not be assigned separate and apart from the land to which it is appurtenant. Any purported assignment of this Agreement or of any interest in this Agreement shall be void and of no effect.

Attorneys' Fees

11. If any legal action or proceeding arising out of or relating to this Agreement is brought by either party to this Agreement, the prevailing party shall be entitled to receive from the other party, in addition to any other relief that may be granted, the reasonable attorneys' fees, costs, and expenses incurred in the action or proceeding by the prevailing party.

Certificate of Acceptance of Easement

12. This is to certify that the easement conveyed by the within document is hereby accepted by order of the City Council of the City of Bradbury on April 18, 2023, in accordance with California Government Code section 27281, and the City consents to recordation hereof by its duly authorized officer, the City Manager.

Entire Agreement

13. This Agreement constitutes the entire agreement between Owners and City relating to the above easement. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. Any amendment to this Agreement shall be of no force and effect unless it is in writing and signed by Owners and City.

Binding Effect

14. This Agreement shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of Owners and City.

Executed on September ____, 2023

CITY:

CITY OF BRADBURY, A Municipal
Corporation 600 Winston Ave.
Bradbury, CA 91008
(626) 358-3218

APPROVED AS TO FORM:

By: _____
Kevin Kearney, City Manager

By: _____
Cary S. Reisman, City Attorney

OWNERS:

1550 Lemon Avenue
Bradbury, CA 91008

By: _____
Waleed Shindy

By: _____
Niveen Elguindi

NOTARY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

State of California)
County of _____)

On _____ before me, _____ a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Place Notary Seal Above

NOTARY ACKNOWLEDGMENT - CITY OF BRADBURY

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

State of California)
County of _____)

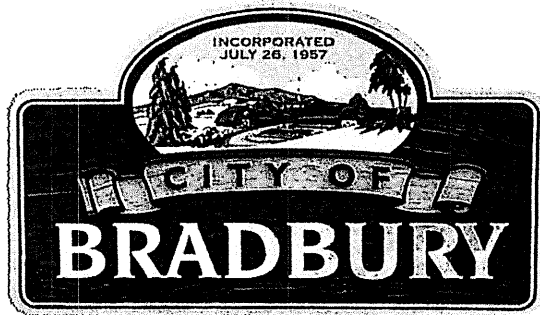
On _____ before me, _____ a Notary Public, personally appeared Kevin Kearney who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Place Notary Seal Above



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

City of Bradbury Agenda Report

TO: Honorable Mayor and Members of the City Council

FROM: Kevin Kearney, City Manager
Lisa E. Kranitz, Assistant City Attorney

DATE: September 19, 2023

SUBJECT: Urgency Ordinance No. 385U and Regular Ordinance 387: Density Bonus Ordinances and Finding that Adoptions are Exempt from CEQA under the Common Sense Exemption

Attachments: 1) Urgency Ordinance No. 385U
2) Ordinance No. 387

SUMMARY

State law includes provisions of law known as the Density Bonus Law ("DBL") which provides incentives for developers to provide affordable housing. The DBL requires local governments to adopt an ordinance regarding implementation of this law. As the City has no current DBL provisions and a conceptual plan review has been received for the City's first density bonus project, staff has prepared both the attached Urgency Ordinance No. 385U for adoption at tonight's meeting, and the regular Ordinance No. 387 to be introduced after the public hearing. The Urgency Ordinance requires a 4/5 vote of the City Council for adoption.

ANALYSIS

Density Bonus Law

Government Code sections 65915 through 65918 provide for density bonuses and other incentives when a developer builds a housing project and provides a minimum percentage of affordable housing. While the DBL encompasses several sections, the primary section is number 65915.

Under the DBL, developers get additional density, as well as incentives and waivers of development standards if they provide a specified amount of affordable housing. The DBL also sets the maximum amount of parking that can be imposed on a project,

ranging from one parking space for studios and one-bedroom units, and up to 2½ spaces for units of 4+ bedrooms.

An incentive or waiver is basically a reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards and that result in identifiable and actual cost reductions. A city is required to grant a requested incentive or waiver unless it makes one of the following findings based on substantial evidence: 1) it will not result in identifiable and actual cost reductions; 2) it would have a specific, adverse impact upon the public health or safety that cannot be mitigated without rendering the development unaffordable; 3) it would have a specific adverse impact on the physical environment that cannot be mitigated without rendering the development unaffordable; 4) it would have a specific adverse impact on historical property that cannot be mitigated without rendering the development unaffordable; or 5) it is contrary to law.

Waivers are required to be granted where the development standard would have the effect of physically precluding the construction of an affordable development. There is no limit to the number of waivers a developer may be request. The amount of density and incentives are on a sliding scale dependent upon the amount of affordable housing that is provided.

Density Bonus by Affordability Levels						
	Affordability Level					
	Very Low	Low	Moderate for sale common interest (condominiums)	Senior Housing	Lower (Low, Very Low, or combination)	Lower and within 1/2 mile of major transit stop
Minimum percent of affordable units to qualify for density bonus	5%	10%	10%	100%	100%	100%
Minimum density bonus awarded	20%	20%	5%			
Minimum percent of affordable units to achieve maximum density bonus	15%	24%	44%			
Maximum density bonus	50%	50%	50%	20%	80%	no limit

NOTES: Refer to § 65915(f) to determine the density bonus where the affordable units provided is between the minimum to qualify and the minimum to achieve the maximum density bonus.

Number of Waivers or Incentives to Be Granted Based on the Minimum Percent of Affordable Units Before Density Bonus is Applied at Various Affordability Levels

		Number of waivers or incentives to be granted			
		1	2	3	4
Affordability level	Very Low	5%	10%	15%	100%*
	Low	10%	17%	24%	100%*
	Moderate	10%	20%	30%	n/a

Adoption by Reference

Since the Density Bonu Law (“DBL”) was first adopted in 1982, it has been amended over 20 times, including every year since 2012 with the exception of 2017. These frequent amendments make it very difficult for a city to maintain a legally compliant local ordinance. Accordingly, the Ordinances are drafted to incorporate the DBL by reference as it may be amended from time to time. This allows the City to simply adopt implementing regulations as set forth in the Ordinances rather than reiterate a very lengthy law that is frequently amended.

Adoption of Ordinances

The Planning Commission held a public hearing on August 23, 2023, after which the Commission adopted Resolution No. PC 23-312, recommending that the City Council adopt the Density Bonus Ordinance, No. 387.

As mentioned at the outset, Bradbury is currently out of compliance with state law and does not have an ordinance to implement the DBL. On August 1, 2023, a potential developer submitted a conceptual plan review application that would include affordable housing under the DBL. Staff has therefore prepared an Urgency Ordinance, No. 385U in addition to the regular Ordinance, No. 387. The City Council is to hold a public hearing for both ordinances, The Urgency Ordinance, if adopted by a 4/5 vote, will take effect immediately. The regular Ordinance, No. 387, should be introduced, and a second reading scheduled for the next City Council meeting. If adopted, Ordinance No. 387 will be in effect on the 31st day after adoption.

FINANCIAL REVIEW

There will be no financial cost to the City as the Ordinances implement what the City is already required to do by state law.

CEQA

There is a common sense exemption to CEQA where it can be seen with certainty that the project will not have a significant effect on the environment. As both the urgency ordinance and the regular ordinance give no greater development rights than what is

provided for under state law, they will not create any significant effects on the environment and a notice of exemption should be filed under CEQA Guidelines section 15061(b)(3).

PUBLIC NOTICE

At least ten days prior to the September 19, 2023, meeting, a notice of the public hearings on the agenda was mailed to the owners of every property in the City and posted at the three locations in the City required by City Council Resolution No. 1226.

RECOMMENDATION

It is recommended that the City Council hold a public hearing, determine that the ordinances are exempt under CEQA, adopt Urgency Ordinance No. 385U, which requires a 4/5 vote to put the DBL provisions into place immediately, introduce regular Ordinance No. 387, and schedule the second reading and adoption for the next regular meeting on October 17, 2023.

Attachments

- A) Urgency Ordinance No. 385U
- B) Ordinance No. 387

ATTACHMENT #1

URGENCY ORDINANCE NO. 385U

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA, ADOPTING CHAPTER 9.30 OF THE BRADBURY MUNICIPAL CODE RELATING TO DENSITY BONUS LAWS AND FINDING THE ORDINANCE TO BE EXEMPT PURSUANT TO THE COMMON SENSE EXEMPTION OF CEQA GUIDELINES SECTION 15061(b)(3)

WHEREAS, the City is in the process of adopting its 6th Cycle Housing Element for the 2021--2029 period; and

WHEREAS, although the Housing Element has not yet been adopted, the City has received comments from the Department of Housing and Community Development ("HCD") on the drafts that have been presented; and

WHEREAS, one of HCD's comments on the City's 6th Cycle Housing Element related to the need for the City to adopt an ordinance to implement the State Density Bonus Law ("DBL"); and

WHEREAS, given the complexity of the DBL and the frequency with which it is amended, the City desires to adopt the law by reference with local implementation procedures; and

WHEREAS, on August 23, 2023, the Planning Commission held a duly noticed public hearing on proposed Ordinance No. 387 at which time it considered all evidence presented, both written and oral; and

WHEREAS, after the close of the public hearing the Planning Commission adopted Resolution No. PC 23-312 recommending that the City Council adopt the proposed Ordinance No. 387; and

WHEREAS, on September 19, 2023, the City Council held a duly noticed public hearing on proposed Ordinance No. 387 which adopts the density bonus provisions as a regular ordinance and on this Urgency Ordinance No. 385U, 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. Chapter 30 is hereby added to the Bradbury Development Code (Title IX of the Bradbury Municipal Code) to read as follows:

CHAPTER 30. – DENSITY BONUS

Sec. 9.30.010. – Purpose.

The purpose of this Chapter is to implement the requirements of the Density Bonus Law set forth at Government Code section 65915 *et seq.*

Sec. 9.30.020. – Adoption by reference.

The state Density Bonus Law, set forth at Chapter 4.3 of the Planning and Zoning law of California and found at Government Code sections 65915 through 65918, as the same may be amended from time to time, is hereby adopted by reference as the City of Bradbury's Density Bonus provisions and shall be implemented in accordance with this Chapter.

Sec. 9.30.030. – Applicability.

This Chapter shall apply to any housing development that is entitled to receive a density bonus pursuant to the state Density Bonus Law.

Sec. 9.30.040. – Procedures.

(a) Application submittal. An application for a density bonus, including an incentive or concession and waiver, shall be filed concurrently with an application for a housing development and shall be processed concurrently.

(b) Application contents. An application for a density bonus shall include the following information:

(1) The number of density bonus units being requested;

(2) A reduced parking ratio request pursuant to Government Code section 65915(p);

(3) An incentive(s) or concession(s) request pursuant to Government Code section 65915(d) that results in identifiable and actual cost reductions to provide for the affordable housing;

(4) A waiver(s) or reductions of development standard(s) request pursuant to Government Code section 65915(e) that would have the effect of physically precluding the construction of the housing development at the densities or with the allowed incentive(s) or concession(s).

(c) If an application for a density bonus is incomplete, the applicant shall be timely notified of such incompleteness in accordance with the provisions of applicable law.

(d) If a proposed housing development would be inconsistent with the City's Development Code or the state Density Bonus Law, the applicant shall be provided notice of such inconsistency in accordance with the Housing Accountability Act, Government Code section 65589.5.

(e) A density bonus application shall be approved or denied in conjunction with the housing development application by the body approving such application within the time frames required for approval of such development.

Sec. 9.30.050. – Requirements.

(a) The applicant for a density bonus shall enter into a regulatory agreement with the City in a form to be approved by the City Attorney and said agreement shall be recorded against the property. The regulatory agreement shall be approved by the approval authority on the underlying project. If an appeal is taken of the project, then the regulatory agreement shall be approved by the decision maker on appeal.

(b) The applicant shall be required to pay the City's costs for any third-party consultants required to assist the City in drafting a regulatory agreement, developing guidelines, verifying the eligibility of owners or tenants of the affordable units, or any other matter relating to the density bonus.

(c) The required affordable dwelling units shall be constructed concurrently with market-rate units unless both the final decision-making authority of the City and the developer agree within the affordable housing agreement to an alternative schedule for development.

(d) The exterior design and construction of the affordable dwelling units shall be consistent with the exterior design and construction of the total project development and shall be consistent with any affordable residential development standards that may be prepared by the City.

(1) The affordable units shall be similar in size and number of bedrooms to the market-rate units. If the development project includes a range of unit sizes, then the affordable units shall provide a range of unit sizes in proportion to the market-rate units.

(2) If the project includes a subdivision, the lots with affordable units shall be of similar size to the lots with market rate units. If the development project includes a range of lot sizes, the lots with affordable units shall be no smaller than the smallest lots with market-rate units.

(e) The affordable units shall have the same amenities as the market rate units, including the same access to and enjoyment of common open space, parking, storage, and other facilities in the residential development, provided at an affordable rent or at affordable ownership cost specified by Health and Safety Code section 50052.5 and California Code of Regulations Title 25, Section 6910 – 6924, as the same may be amended from time to time. Developers are strictly prohibited from discriminating against tenants or owners of affordable units in granting access to and full enjoyment of any community amenities available to other tenants or owners outside of their individual units.

(f) If the development project is for units that will be sold, then the affordable dwelling units shall also be for sale units. The regulatory agreement may make provisions for rental of the units for the same level of affordability that qualified the

applicant for the density bonus if the unit is not sold within a period of time specified in the agreement.

SECTION 2. Effective Date. This Ordinance shall take effect immediately pursuant to Government Code section 36937. The grounds for the urgency are that the City has no implementation procedures in place to process a density bonus project and needs such procedures in place immediately as it appears that a density bonus project may be submitted in the near future. These procedures will help ensure that the intent of State law is met.

SECTION 3. CEQA. This Ordinance is categorically exempt from CEQA pursuant to the common sense exemption set forth in Guidelines section 15061(b)(3) that CEQA only applies to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity will have a significant effect, the activity is not subject to CEQA. This Ordinance enacts a procedure as required by state law and does not change the density, intensity, or allowed uses or would have other effects on the environment. The changes are not for any specific project and therefore will not impact any environmental resource of hazardous or critical concern, will not create cumulative impacts, or impacts to scenic highways, hazardous waste sites, or historical resources. This Ordinance simply implements state law. As such, staff is directed to file a Notice of Exemption pursuant to CEQA Guidelines sections 15061(b)(3).

SECTION 4. Severability. If any provision of this Ordinance is held to be unconstitutional, it is the intent of the City Council that such portion of this Ordinance be severable from the remainder and that the remainder be given full force and effect.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance.

PASSED, APPROVED and ADOPTED this 19th day of September, 2023.

Richard G. Barakat
Mayor

ATTEST:

Diane Jensen
City Clerk

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

I, Diane Jensen, City Clerk of the City of Bradbury, do hereby certify that the foregoing urgency ordinance, being Ordinance No. 385U, was duly passed by the City Council of the City of Bradbury, signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of the City Council held on the 19th day of September, 2023, that it was duly posted and that the same was passed and adopted by the following vote, to wit:

AYES:

NAYS:

ABSENT:

Diane Jensen
City Clerk
City of Bradbury

ATTACHMENT #2

ORDINANCE NO. 387

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA, ADOPTING CHAPTER 9.30 OF THE BRADBURY MUNICIPAL CODE RELATING TO DENSITY BONUS LAWS AND FINDING THE ORDINANCE TO BE EXEMPT PURSUANT TO THE COMMON SENSE EXEMPTION OF CEQA GUIDELINES SECTION 15061(b)(3)

WHEREAS, the City is in the process of adopting its 6th Cycle Housing Element for the 2021-2029 period; and

WHEREAS, although the Housing Element has not yet been adopted, the City has received comments from the Department of Housing and Community Development ("HCD") on the drafts that have been presented; and

WHEREAS, one of HCD's comments on the City's 6th Cycle Housing Element related to the need for the City to adopt an ordinance to implement the State Density Bonus Law ("DBL"); and

WHEREAS, given the complexity of the DBL and the frequency with which it is amended, the City desires to adopt the law by reference with local implementation procedures; and

WHEREAS, on August 23, 2023 the Planning Commission held a duly noticed public hearing on proposed Ordinance No. 387 at which time it considered all evidence presented, both written and oral; and

WHEREAS, after the close of the public hearing the Planning Commission adopted Resolution No. PC 23-312 recommending that the City Council adopt the proposed Ordinance No. 387; and

WHEREAS, on [DATE], the City Council held a duly noticed public hearing on proposed Ordinance No. 387 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. Chapter 30 is hereby added to the Bradbury Development Code (Title IX of the Bradbury Municipal Code) to read as follows:

CHAPTER 30. – DENSITY BONUS

Sec. 9.30.010. – Purpose.

The purpose of this Chapter is to implement the requirements of the Density Bonus Law set forth at Government Code section 65915 *et seq.*

Sec. 9.30.020. – Adoption by reference.

The state Density Bonus Law, set forth at Chapter 4.3 of the Planning and Zoning law of California and found at Government Code sections 65915 through 65918, as the same may be amended from time to time, is hereby adopted by reference as the City of Bradbury's Density Bonus provisions and shall be implemented in accordance with this Chapter.

Sec. 9.30.030. – Applicability.

This Chapter shall apply to any housing development that is entitled to receive a density bonus pursuant to the state Density Bonus Law.

Sec. 9.30.040. – Procedures.

(a) Application submittal. An application for a density bonus, including an incentive or concession and waiver, shall be filed concurrently with an application for a housing development and shall be processed concurrently.

(b) Application contents. An application for a density bonus shall include the following information:

(1) The number of density bonus units being requested;

(2) A reduced parking ratio request pursuant to Government Code section 65915(p);

(3) An incentive(s) or concession(s) request pursuant to Government Code section 65915(d) that results in identifiable and actual cost reductions to provide for the affordable housing;

(4) A waiver(s) or reductions of development standard(s) request pursuant to Government Code section 65915(e) that would have the effect of physically precluding the construction of the housing development at the densities or with the allowed incentive(s) or concession(s).

(c) If an application for a density bonus is incomplete, the applicant shall be timely notified of such incompleteness in accordance with the provisions of applicable law.

(d) If a proposed housing development would be inconsistent with the City's Development Code or the state Density Bonus Law, the applicant shall be provided notice of such inconsistency in accordance with the Housing Accountability Act, Government Code section 65589.5.

(e) A density bonus application shall be approved or denied in conjunction with the housing development application by the body approving such application within the time frames required for approval of such development.

Sec. 9.30.050. – Requirements.

(a) The applicant for a density bonus shall enter into a regulatory agreement with the City in a form to be approved by the City Attorney and said agreement shall be recorded against the property. The regulatory agreement shall be approved by the approval authority on the underlying project. If an appeal is taken of the project, then the regulatory agreement shall be approved by the decision maker on appeal.

(b) The applicant shall be required to pay the City's costs for any third-party consultants required to assist the City in drafting a regulatory agreement, developing guidelines, verifying the eligibility of owners or tenants of the affordable units, or any other matter relating to the density bonus.

(c) The required affordable dwelling units shall be constructed concurrently with market-rate units unless both the final decision-making authority of the City and the developer agree within the affordable housing agreement to an alternative schedule for development.

(d) The exterior design and construction of the affordable dwelling units shall be consistent with the exterior design and construction of the total project development and shall be consistent with any affordable residential development standards that may be prepared by the City.

(1) The affordable units shall be similar in size and number of bedrooms to the market-rate units. If the development project includes a range of unit sizes, then the affordable units shall provide a range of unit sizes in proportion to the market-rate units.

(2) If the project includes a subdivision, the lots with affordable units shall be of similar size to the lots with market rate units. If the development project includes a range of lot sizes, the lots with affordable units shall be no smaller than the smallest lots with market-rate units.

(e) The affordable units shall have the same amenities as the market rate units, including the same access to and enjoyment of common open space, parking, storage, and other facilities in the residential development, provided at an affordable rent or at affordable ownership cost specified by Health and Safety Code section 50052.5 and California Code of Regulations Title 25, Section 6910 – 6924, as the same may be amended from time to time. Developers are strictly prohibited from discriminating against tenants or owners of affordable units in granting access to and full enjoyment of any community amenities available to other tenants or owners outside of their individual units.

(f) If the development project is for units that will be sold, then the affordable dwelling units shall also be for sale units. The regulatory agreement may make provisions for rental of the units for the same level of affordability that qualified the

applicant for the density bonus if the unit is not sold within a period of time specified in the agreement.

SECTION 2. Effective Date. This Ordinance shall take effect on the thirty-first day after passage.

SECTION 3. CEQA. This Ordinance is categorically exempt from CEQA pursuant to the common sense exemption set forth in Guidelines section 15061(b)(3) that CEQA only applies to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity will have a significant effect, the activity is not subject to CEQA. This Ordinance enacts a procedure as required by state law and does not change the density, intensity, or allowed uses or would have other effects on the environment. The changes are not for any specific project and therefore will not impact any environmental resource of hazardous or critical concern, will not create cumulative impacts, or impacts to scenic highways, hazardous waste sites, or historical resources. This Ordinance simply implements state law. As such, staff is directed to file a Notice of Exemption pursuant to CEQA Guidelines sections 15061(b)(3).

SECTION 4. Severability. If any provision of this Ordinance is held to be unconstitutional, it is the intent of the City Council that such portion of this Ordinance be severable from the remainder and that the remainder be given full force and effect.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance.

PASSED, APPROVED and ADOPTED this day of , 2023.

Richard G. Barakat
Mayor

ATTEST:

Diane Jensen
City Clerk

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

I, Diane Jensen, City Clerk of the City of Bradbury, do hereby certify that the foregoing ordinance, being Ordinance No. 387, was duly passed by the City Council of the City of Bradbury, signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of the City Council held on the _____ day of _____, 2023, that it was duly posted and that the same was passed and adopted by the following vote, to wit:

AYES:

NAYS:

ABSENT:

Diane Jensen
City Clerk
City of Bradbury



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

City of Bradbury Agenda Report

TO: Honorable Mayor and Members of the City Council

FROM: Kevin Kearney, City Manager
Lisa E. Kranitz, Assistant City Attorney

DATE: September 19, 2023

**SUBJECT: REASONABLE ACCOMMODATIONS POLICY AND PROCEDURES
ORDINANCE NO. 386 and Finding that Adoption is Exempt from CEQA
under the Common Sense Exemption**

Attachments: 1) Ordinance No. 386
2) Disability Rights California Article: Creating a Reasonable
Accommodations Ordinance that Protects People with Disabilities

SUMMARY

As set forth in the Ordinance, both federal and state law require local governments to make reasonable accommodations in land use and zoning regulations to reduce impediments to equal access to housing. Accommodations for disabled persons is also required by the State's accessibility requirements and the federal Americans with Disabilities Act (ADA).

In January 2019, the City adopted Ordinance No. 362 that included Reasonable Accommodation Procedures for Disabled Persons. The State Housing and Community Development Department (HCD) has noted that these procedures need to be updated as part of the City's 6th Cycle Housing Element to eliminate any subjectivity in the requirements. The attached Ordinance No. 386 will update the City's policy and procedures.

PROPOSED ORDINANCE

The proposed Ordinance No. 386 is based on a model ordinance that was adopted by the City of Oakland to address concerns that were raised by Disability Rights California, an advocacy agency for people with disabilities. A copy of an article outlining the problems that led to Oakland's revisions is attached. This Ordinance therefore heads off the problems that Oakland originally faced.

The Planning Commission held a public hearing on August 23, 2023, at which time it adopted Resolution No. PC 23-311, recommending that the City Council adopt the Reasonable Accommodations Policy and Procedures Ordinance, No. 386.

SUMMARY OF CHANGES FROM EXISTING PROCEDURES

The following are the primary changes to the Reasonable Accommodation procedures:

- Existing procedures provide that the reasonable accommodation request be reviewed by the Planning Commission as part of a discretionary procedure. This is now reviewed by the City Planner, with an appeal to the City Manager, in order to protect a person's privacy.
- Information provided by the applicant is to be kept confidential.
- The findings have been modified and limited to the items that are to be considered for reasonable accommodation requests. Specifically, subsections (a)-(d) of Section 9.29.050(4) have been eliminated. These were the type of subjective standards that HCD had raised issue with in the Housing Element review as well.
- No recorded covenant is required as this would violate an individual's privacy as well.
- Sections on expiration and discontinuance (Section 9.29.070) and revocation or modification (Section 9.29.080) have been deleted.

FINANCIAL REVIEW

There will be no additional financial cost to the City as the Ordinance will implement what the City is already providing as required by State and federal law.

CEQA

There is a common sense exemption to CEQA where it can be seen with certainty that the project will not have a significant effect on the environment. As the Ordinance gives no greater development rights than what is provided for under State law, it will not create any significant effects on the environment and a notice of exemption should be filed under CEQA Guidelines section 15061(b)(3).

PUBLIC NOTICE

At least ten days prior to the September 19, 2023, meeting, a notice of the public hearings on the agenda was mailed to the owners of every property in the City and posted at the three locations in the City required by City Council Resolution No. 1226.

RECOMMENDATION

It is recommended that the City Council hold a public hearing, determine that Ordinance No. 386 is exempt under CEQA, introduce the Ordinance, and schedule the second reading and adoption for the next regular meeting on October 17, 2023.

Attachments

Ordinance No. 386

Disability Rights Article

ATTACHMENT #1

ORDINANCE NO. 386

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA, REPEALING AND READOPTING CHAPTER 9.29 OF THE BRADBURY MUNICIPAL CODE RELATING TO REASONABLE ACCOMMODATIONS POLICY AND PROCEDURES AND FINDING THE ORDINANCE TO BE EXEMPT PURSUANT TO THE COMMON SENSE EXEMPTION OF CEQA GUIDELINES SECTION 15061(b)(3)

WHEREAS, the federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation in their land use and zoning regulations and practices when necessary; and

WHEREAS, Fair Housing Laws include the "Fair Housing Amendments Act of 1988" (42 U.S.C. § 3601 et seq.), including reasonable accommodation required by 42 U.S.C. § 3604(f)(3)(B), and the "California Fair Employment and Housing Act" (California Government Code Section 12900 et seq.), including reasonable accommodation required specifically by California Government Code Sections 12927(c)(1) and 12955(l), as any of these statutory provisions now exist or may be amended from time to time; and

WHEREAS, the State Housing and Community Development Department (HCD) encourages cities to adopt written procedures for reasonable accommodation requests with respect to zoning regulations, permit processing, and building codes in light of the aforementioned laws and a city's affirmative duty to comply with fair housing laws; and

WHEREAS, one of HCD's comments on the City's 6th Cycle Housing Element related to the City's procedures and findings regarding reasonable accommodations; and

WHEREAS, the City shall provide a process for individuals with disabilities to make requests for, and be provided, reasonable accommodation, when reasonable accommodation is warranted based upon sufficient evidence, from the various City laws, rules, policies, practices and/or procedures of the City, including land use and zoning regulations; and

WHEREAS, it is the intent of this chapter that, notwithstanding time limits provided to perform specific functions, application review, decision making and appeals proceed expeditiously, especially where the request is time sensitive, so as to reduce impediments to equal access to housing; and

WHEREAS, the Planning Commission held a duly noticed public hearing on proposed Ordinance No. 386 on August 23, 2023, at which time it considered all evidence presented, both written and oral; and

WHEREAS, after the close of the public hearing the Planning Commission adopted Resolution No. PC 23-311 recommending that the City Council adopt the proposed Ordinance No. 386; and

WHEREAS, on September 19, 2023, the City Council held a duly noticed public hearing on proposed Ordinance No. 386 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.

- A. The City Council finds that adopting the changes set forth in this Ordinance represents good planning practices because it provides individuals with disabilities reasonable accommodation in rules, policies, practices, and procedures to ensure the equal access to housing and facilitate the development of housing for individuals with disabilities.
- B. The City Council further finds that this Ordinance is consistent with the City's General Plan.

SECTION 2. Chapter 9.29 of the Bradbury Municipal Code is hereby repealed and a new Chapter 9.29 titled Reasonable Accommodations Policy and Procedures is hereby added to the Bradbury Municipal Code to read as follows:

9.29 REASONABLE ACCOMMODATIONS POLICY AND PROCEDURES

9.29.010 Title, purpose, and applicability.

- A. Title and Intent. The provisions of this Chapter shall be known as the Reasonable Accommodations Policy and Procedures. The intent of the Reasonable Accommodations Policy and Procedures is to provide flexibility in the application of the zoning and building codes for individuals with a disability when flexibility is necessary to eliminate barriers to housing opportunities. This Chapter will facilitate compliance with federal and state fair housing laws and promote housing opportunities for residents of Bradbury.
- B. Purpose. The purpose of this Chapter is to establish a procedure for persons with disabilities seeking fair access to housing to make requests for a reasonable accommodation in the application of Bradbury's zoning and building laws, rules, policies, practices and procedures pursuant to Section 3604(f)(3)(b) of Title 42 of the United States Code (the "Fair Housing Act") and Section 12955 et seq. of the California Government Code (the "California Fair Employment and Housing Act"), which prohibit local government from refusing to make reasonable accommodations in policies and practices when these accommodations are necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling.
- C. Applicability. A request for a reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting,

development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

9.29.020 Definitions.

For the purposes of this Chapter, unless otherwise apparent from the context, certain words and phrases have the meanings stated in this section. The definitions stated herein apply to differing forms of the word or phrase, as required by context.

- A. "City Manager" means the City Manager or his designee.
- B. "Eligible person" means a person with a disability, a representative of such person, or a developer of housing for persons with disabilities.
- C. "Person with a Disability" is any person who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment.
- D. "Reasonable accommodation" for purposes of this chapter means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements when it is necessary to eliminate barriers to housing opportunities.
- E. "Request for Reasonable Accommodation" means a request to modify land use, zoning and building regulations, policies, practices, or procedures in order to give people with disabilities an equal opportunity to use and enjoy housing opportunities.

9.29.030 Notice to public.

Notice of the City of Bradbury's Reasonable Accommodations Policy and Procedures along with an application form shall be displayed in City Hall and on the City's website.

9.29.040 Reasonable accommodation request.

- A. Any eligible person may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures by filing an application with the City Planner.
- B. Requests for reasonable accommodation shall be in writing and provide the following information:
 - 1. Name and address of the individual(s) requesting reasonable accommodation;

2. Name and address of the property owner(s);
 3. Address of the property for which accommodation is requested;
 4. Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought;
 5. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
 6. If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request
- C. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- D. If an individual needs assistance in making the request for reasonable accommodation, the City will provide assistance to ensure that the process is accessible.
- E. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

9.29.050 Timing of request.

- A. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing.
- B. If the project for which the request is being made also requires one or more related discretionary approvals (including, but not limited to, design review, conditional use permit, variance, or subdivision), then to the extent feasible, the applicant shall file the request for reasonable accommodation together with the related application for discretionary approval.

9.29.060 Review procedures.

- A. The City Planner shall act on requests for a reasonable accommodation and shall make reasonable accommodations in rules, policies, practices, or services when those accommodations may be necessary to afford persons with disabilities equal opportunities to use and enjoy housing opportunities.

- B. The City Planner shall issue a written determination on a request for a reasonable accommodation within a timely manner but no later than thirty (30) days from the date of receipt of a complete application form and may: (1) grant the accommodation request; (2) grant the accommodation request subject to specified nondiscriminatory conditions of approval; or (3) deny the request. All written determinations shall give notice of the right to appeal as specified in Section 9.29.090. The notice of determination shall be sent to the applicant by first class mail or in a format requested by the applicant.
- C. For requests for a reasonable accommodation involving related applications for discretionary approval, the application shall be processed and considered separately from any discretionary elements of the same proposal. If the request for a reasonable accommodation cannot be effectuated until a final decision is rendered on the related discretionary approval(s), a "provisional decision" can be granted within the 30-day time frame and shall become final at the same time as the discretionary approval(s). The applications for the discretionary approval(s) shall be separately considered and shall be subject to the procedures specified in the applicable Zoning Code section. The appropriate decision-making body shall act on all discretionary permits, but not the reasonable accommodation request.

9.29.070 Findings for requests.

- A. In making a determination to grant a requested accommodation, the City Planner shall make all of the following findings for requests:
 - 1. That the housing, which is the subject of the request for reasonable accommodation, will be used by people with disabilities protected under fair housing laws.
 - 2. That the accommodation is necessary to afford people with disabilities an equal opportunity to use and enjoy the dwelling;
 - 3. That the requested accommodation will not require a fundamental alteration to zoning laws, rules, policies, practices and procedures; and
 - 4. That the requested accommodation will not impose an undue financial or administrative burden on the City.
- B. None of the findings of this Section are intended to supersede any other findings which might also be required for a discretionary permit that is reviewed concurrently with the request for accommodation.

9.29.080 Finality of decision.

- A. For requests for reasonable accommodations not involving related land use permits, a decision by the City Planner shall become final ten (10) calendar days after the date of initial decision.

- B. For requests for reasonable accommodations involving related land use permits, a decision by the City Planner shall become final (10) calendar days after the date of decision on the related land use permit or the date of denial of the provisional permit, whichever is later.
- C. In the event that the last date of appeal falls on a weekend, holiday or when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

9.29.090 Appeal Procedure

- A. Within ten (10) days of the date of the City Planner's written decision, an applicant may appeal an adverse decision. Appeals from the adverse decision shall be made in writing.
- B. If an individual needs assistance in filing an appeal on an adverse decision, the City will provide assistance to ensure that the appeal process is accessible.
- C. All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- D. Appeals shall be heard by the City Manager within thirty days of filing an appeal. The City Manager shall issue a written decision within ten days of the hearing and the decision shall be final.
- E. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available.

SECTION 3. CEQA. This Ordinance is categorically exempt from CEQA pursuant to the common sense exemption set forth in Guidelines section 15061(b)(3) that CEQA only applies to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity will have a significant effect, the activity is not subject to CEQA. This Ordinance enacts a procedure as required by federal and state law and does not change the density, intensity, or allowed uses or would have other effects on the environment. The changes are not for any specific project and therefore will not impact any environmental resource of hazardous or critical concern, will not create cumulative impacts, or impacts to scenic highways, hazardous waste sites, or historical resources. Because this is an ordinance pertaining to citywide development standards there will not be any significant effects on the environment due to unusual circumstances. As such, staff is directed to file a Notice of Exemption pursuant to CEQA Guidelines sections 15061(b)(3).

SECTION 4. Severability. If any provision of this Ordinance is held to be unconstitutional, it is the intent of the City Council that such portion of this Ordinance be severable from the remainder and that the remainder be given full force and effect.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance.

PASSED, APPROVED and ADOPTED this day of , 2023.

Richard G. Barakat
Mayor

ATTEST:

Diane Jensen
City Clerk

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

I, Diane Jensen, City Clerk of the City of Bradbury, do hereby certify that the foregoing ordinance, being Ordinance No. 386, was duly passed by the City Council of the City of Bradbury, signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of the City Council held on the day of , 2023, that it was duly posted and that the same was passed and adopted by the following vote, to wit:

AYES:

NAYS:

ABSENT:

Diane Jensen
City Clerk
City of Bradbury

ATTACHMENT #2



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Creating a reasonable accommodation ordinance that protects people with disabilities

Clearinghouse Community

Aug 10, 2015

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Sacramento, August 10, 2015 – Many people with disabilities need changes to their housing, whether they own their housing or rent it, that require approval by local land use authorities. People with mobility disabilities may need to install exterior ramps, which might normally violate a zoning set-back ordinance or other land use ordinance in terms of placement or site coverage. People with intellectual or mental health disabilities may need a higher fence than normally allowed on their property to offer more privacy and reduce anxiety. Some people with mobility disabilities and significant medical needs might wish to add a ground floor bedroom, put in an elevator, or modify an existing room to allow space for equipment or nurses and aides, and such modifications might violate local ordinances. Supported housing providers may need a variety of permitting or parking changes to allow them to serve people with disabilities in community settings effectively. At Disability Rights California, we have represented many people with issues like these, and we are well acquainted with the lack of familiarity of local governments with their Americans with Disabilities Act (ADA) and Fair Housing Act reasonable accommodation and modification obligations.

Therefore we were very interested when we learned that the City of Oakland's planning department was considering a "reasonable accommodation" ordinance to be used in

connection with land use and zoning determinations. The proposed ordinance had serious violations of Title II of the ADA, the federal Fair Housing Act, and Section 504 of the Rehabilitation Act of 1973. Through public comments and negotiation, the Bay Area office of Disability Rights California successfully eliminated the violations and made the ordinance one of the most disability-friendly land use and zoning accommodations ordinances in California.

Disability Rights California is California's federally mandated protection and advocacy agency for people with disabilities and is a California IOLTA (Interest on Lawyers Trust Accounts)-funded statewide legal services organization serving low-income people with disabilities. (DRC did not use any federal funds for this work.) One of our priorities is housing, particularly efforts that expand housing opportunities for individuals with disabilities.

Legal Framework

Title II of the ADA, Section 504, and the federal Fair Housing Act, as well as state laws such as California's Fair Employment and Housing Act and Unruh Civil Rights Act, require local governments to make reasonable accommodations for people with disabilities in the land use and zoning areas when necessary to allow them to access housing. A reasonable accommodation may be as simple as changing a set-back requirement to allow a ramp to be built or as complex as modifying a variety of provisions to allow a group home or housing with supportive services to locate in a particular neighborhood.

Land use and zoning in California take place in the context of a state statutory scheme that requires local governments to analyze a variety of factors when developing their local ordinances. Each locality adopts a general plan that guides local development within this statutory framework. Of particular importance to advocates for affordable, accessible housing are the requirements for the "housing element" of this general plan. Among other things, the housing-element statute requires localities to: (a) assess the housing needs of various groups, including people with disabilities; (b) identify both governmental and nongovernmental constraints to meeting those needs; (c) identify an action plan to remove the constraints and meet the needs; and (d) identify sites for development of affordable housing. The development of the housing element of a general plan includes a public participation and comment process.

Housing elements are reviewed by the California Department of Housing and Community Development. Failure to have a department-approved housing element can result in loss of state funding opportunities and legal sanctions. The department has made adoption of land-use reasonable accommodation ordinances part of its regular review of housing elements.

In a letter dated April 30, 2009, as part of a response to the City of Oakland's draft housing element, the California Department of Housing and Community Development told the city that

“the element should . . . discuss the City’s policy or procedure for providing reasonable accommodation in zoning and land-use regulations, beyond physical modifications to buildings.” As a result, on January 22, 2014, prior to submitting its 2015–2023 housing element, Oakland’s planning department proposed such a reasonable accommodation ordinance.

Public Comments and Negotiation

Disability Rights California began by submitting a public comment letter dated April 2, 2014, that outlined the legal violations. When we testified at the planning commission’s public hearing about the violations, we met with openness from the commission. The commissioners directed the planning department staff to meet with us to work out a solution. We then had a series of meetings with the planning department and its legal staff as we sought mutual solutions to our legal concerns and their practical concerns about how to implement this ordinance while following their normal land-use procedures. We exchanged several redlined versions before agreeing upon a version to submit to the planning commission.

We then attended subsequent planning commission and Oakland city council meetings to express support for the revised reasonable accommodation ordinance and the work of the planning department staff. The ordinance was adopted on July 15, 2014.

Problems with the Proposed Draft

The reasonable accommodation ordinance, as originally drafted, imposed extra hurdles on people with disabilities. These were the problems we resolved during our negotiations with the planning department.

Processing Fee. First, the original draft of the reasonable accommodation ordinance charged a fee to process a reasonable accommodation request. Charging a fee for a reasonable accommodation request is unlawful under Title II of the ADA, Section 504 of the Rehabilitation Act of 1973, as well as the California Unruh Civil Rights Act. The fee was removed from the ordinance.

Confidentiality Violations. The second problem with the proposed draft was that its public notice provisions were impermissible, and it had no confidentiality requirements. The draft ordinance required notice to affected neighbors when a decision was made about a person’s reasonable accommodation request. Although public disclosure is a common provision in most land use and zoning ordinances, we argued that information obtained from people regarding their disabilities must be kept confidential. This means that the city cannot give notice to neighbors or others, cannot review or consider the requests in public hearings or forums, and must keep all disability information confidential.

This was the most challenging provision to negotiate, since it was contrary to usual land use and zoning procedures, which are based on public disclosure and input. However, we explained how even revealing that someone has a disability could subject the individual to further discrimination and stigma. As a result, the ordinance was substantially modified to: (1) keep submitted information confidential, (2) remove public disclosure requirements, and (3) handle the requests in a confidential manner on a separate, but coordinated, track with other related land use approvals. In addition, the planning department altered the appeals process for the denial of an applicant's reasonable accommodation request. Instead of the appeal going before a public body, the appeal of the denial is now decided by the city administrator, which further ensures that the information regarding the person's disability is kept confidential. Burdensome Provisions. Third, many requirements imposed by the ordinance, and the draft application form itself, were burdensome and impermissible. In addition to permissible information, such as the fact that the applicant has a disability and the reasons for the accommodation, the draft form also asked for additional information such as parcel numbers and the impact on adjoining properties. This information is unrelated to the accommodation request, probably not known by the applicant, and within the city's knowledge, so we requested that these requirements and questions on the form be deleted, which was done. Additionally, the city has a duty to take reasonable accommodation requests orally and assist applicants who need help with the form. The final ordinance now has a policy requiring planning department staff to assist people with disabilities to complete the request for reasonable accommodation form. The planning department also made the form easier to understand. Disability Definition. Fourth, the definition of a "disability" in the proposed ordinance was too narrow, so we suggested that the city use the California state law definition of disability, which is broader than the federal definition. In response, the planning department changed the ordinance as we requested. This broader state law definition that is now a part of the ordinance states that an impairment must "limit" (instead of "substantially limit") a major life activity. This broader definition helps ensure that people living with disabilities are not turned away when they need to request a reasonable accommodation.

Group Homes. The fifth problem lay in the proposed section on group homes. The group-home language was not part of the ordinance itself but questions on the application form concerning group homes were problematic. The actual term "group home" does not have any general legal significance in California. In fact, a large number of different types of supported housing and group living arrangements are found in California. Some are regulated, and some are not, and many have specific statutory provisions allowing them to site in residential neighborhoods. In this case, how the term was being used on the form and in the process was unclear. We recommended that the city delete this section of the form. This group-home language was removed and no longer appears anywhere on the form or in the ordinance.

Factors That Led to the Positive Result

We were pleased with the results of our negotiation and the strong ordinance that resulted. In thinking back on the process, we identified a number of factors that contributed to this outcome.

First, a major factor in our success was the commitment by the California Department of Housing and Community Development to ensure that local governments (cities and counties) adopt reasonable accommodation ordinances. The department has made adoption of land use reasonable accommodation ordinances part of its regular review of housing elements. The housing element statutory scheme, the disability components of the scheme, and the department's staff priority for this particular issue are the result of many years of advocacy and relationship building with the department by disability and legal services groups.

Second, although the city never expressed such, we believe that a factor in the outcome was the city's possible concern that in the absence of the ordinance, the California Department of Housing and Community Development would not approve Oakland's new housing element. A disapproval by the department would eliminate the city's priority for certain state funding and could subject it to litigation that could eventually block new development.

Third, careful legal analysis and time spent drafting a carefully crafted letter and testimony to the planning commission were important in getting the city's attention to begin the dialogue. Our letter and initial testimony took a cooperative and thoughtful tone, not an adversarial one. We could do this in Oakland, which often is open to progressive ideas. In other localities, we might have taken a slightly different tone or submitted more detailed legal analysis at the beginning of the process.

Fourth, the city took a respectful and problem-solving approach, once the city learned of our concerns and realized that we would be willing to work with it to come up with an ordinance that was workable for the city and for people with disabilities. Early in our discussions, the city involved senior staff—including planning staff, a city attorney, and disability department staff—who were used to problem solving. That was very helpful. Some staff initially had what we perceived as defensive responses to our concerns and may have felt as though we were criticizing a lot of work they had done. We did not take it personally and were able to acknowledge the good parts of their work and move past their defensiveness to a collaborative approach. We were very appreciative of the willingness of all staff to work with us. They were also worried about meeting certain deadlines in the housing element approval process, so we agreed to work quickly and meet often in a short time frame.

Fifth, flexibility on our part in responding to the city's concerns was an important factor. Land use and zoning policies and practices vary from locality to locality, and we worked hard to make the ordinance work smoothly with the city's usual practices. We did not insist on one way of doing things or a standard form ordinance or demand that they had to do it the same way

someone else did. Instead, we took the time to learn from city staff (in person and by reviewing local ordinances) about the unique parts of their local system and their concerns in order to solve problems jointly. This flexibility was particularly important when trying to find the right balance between confidentiality and the City's usual public land use practices.

Implications of Adoption of the Reasonable Accommodation Ordinance

Disability Rights California was thrilled when the Oakland city council adopted the reasonable accommodation ordinance. This ordinance will help a large population of people who previously were unable to request a reasonable accommodation from the city of Oakland. We believe that the adopted ordinance fully complies with state and federal fair housing and antidiscrimination laws and is a model for other jurisdictions. The California Department of Housing and Community Development has posted the ordinance on its website as a model for other local governments in California. We are hopeful that other jurisdictions will take a similar approach.

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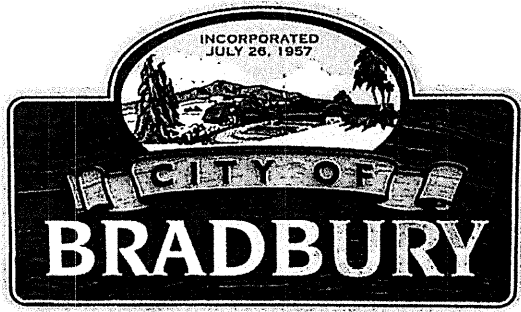
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strengthens the rights and opportunities of people with disabilities.

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

City of Bradbury Agenda Report

TO: Honorable Mayor and Members of the City Council

FROM: Kevin Kearney, City Manager
Lisa E. Kranitz, Assistant City Attorney

DATE: September 19, 2023

SUBJECT: Amendment to Chapter 85 of the Bradbury Municipal Code Relating to Secondary Living Quarters and SB 9 Units and Finding That the Ordinance Is Exempt From CEQA

Attachments: 1) Ordinance No. 388
2) Redline Changes Caused by Proposed Ordinance No. 388
3) HCD SB 9 Fact Sheet

SUMMARY

In July 2022 the City Council adopted Ordinance No. 383 relating to secondary living quarters and SB 9 units. Since the time of adoption, the legislature has again amended the laws relating to accessory dwelling units. Additionally, based on information issued by the Department of Housing and Community Development, there is a need to revise the interplay between SB 9 units and ADUs. The attached Ordinance No. 388 accomplishes these changes.

ANALYSIS

ADU Law

Several statutes amended the ADU provisions in the 2022 Legislature. The following is a summary of the major changes adopted by state law, as well as some clean-up changes:

§ 9.85.110 – Amended

- Applications must be approved or denied within 60 days.
- Demolition of garages must be processed with the ADU applications.

§ 9.85.115 – Added

- If applications are denied, the city must provide written comments within the 60-day time period.
- Applications cannot be denied due to the need to correct nonconforming provisions unless there is a threat to the public health and safety.
- Permits for ADUs constructed before January 1, 2018, can only be denied in limited circumstances.

§ 9.85.130 – Amended

- New height requirements have been added consistent with State law. Staff is recommending allowing the height of all detached ADUs to go to 18 feet instead of 16 feet. Attached ADUs can go to 25 feet. References to the height standards have been revised throughout the ordinance where required.
- Only objective development standards of the underlying zone can be applied.
- Requiring the ADU to be placed behind the front yard setback line must be waived if it would prevent an 800 square-foot ADU from being built.
- Additional parking cannot be required for an ADU when the permit for the ADU is submitted with a permit to create a new residential structure.

§ 9.85.135 – Added

- The requirements on fire sprinklers have been moved to a separate section. Substantively there is no change – the city still cannot require fire sprinklers in an ADU if they were not required in the primary unit.
- The City's ordinance continues to recognize the creation of a Fire Zone ADU that would require sprinklers in the VHFHSZ.

§ 9.85.150 – Amended

- A clarification has been added that a JADU may be allowed in an attached garage.

§ 9.85.160 – Amended

- Language has been added that an ADU or JADU could be separately sold to a qualified nonprofit corporation. In order for this provision to apply, the ADU or primary dwelling would have had to have been built by a qualified nonprofit and there must be other requirements that are met.

Accessory Living Quarters Changes (SRO Developments and Guest Houses)

§ 9.85.300 – Amended

- To be consistent with ADU law, a provision is added that accessory living quarters (ALQ) are only permitted on lots which are developed with an existing or proposed primary single-family unit. Additional language is added to specify that the ALQ cannot be built before the primary housing unit.

SB 9 Units

§ 9.85.020 – Amended

- When SB 9 first went into effect, the understanding was that only 2 units were allowed on a lot and these included ADUs and JADUs. It has been clarified that under SB 9, four units are allowed on the original lot. If the lot is split, then 2 units are allowed on each lot, including an ADU/JADU. Based on this, the charts now specify that a lot that is not split may have a main house, an ADU, and an SB 9 unit, and a JADU. Previously the code provided that it would be an ADU or an SB 9 unit. Attached is the SB 9 Fact Sheet On the Implementation of Senate Bill 9 (Chapter 162, Statutes of 2021) from the California Department of Housing and Community Development.

§ 9.85.410 – Amended

- The statutory language of SB 9 was confusing as to what could be demolished. After careful analysis, it has been determined that the entire house may be demolished unless there were income restrictions, or the housing had been occupied by a tenant in the last 3 years. This is a clarification of the language.

FINANCIAL REVIEW

There will be no additional financial cost to the City as the amendments implement what the City is already required to do by State law.

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. Additionally, the provisions of SB 9 exempted an ordinance which implemented SB 9 from CEQA. Therefore, this Ordinance is categorically exempt under the provisions of state law as well as the common sense 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.

PUBLIC NOTICE

At least ten days prior to the September 19, 2023, meeting, a notice of the public hearings on the agenda was mailed to the owners of every property in the City and posted at the three locations in the City required by City Council Resolution No. 1226.

RECOMMENDATION

It is recommended that the City Council hold a public hearing, determine that Ordinance No. 388 is exempt under CEQA, introduce the Ordinance, and schedule the second reading and adoption for the next regular meeting on October 17, 2023.

Attachments

Ordinance No. 388
Redline Changes Caused by Proposed Ordinance No. 388
HCD SB 9 Fact Sheet

ATTACHMENT #1

ORDINANCE NO. 388

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA, AMENDING THE BRADBURY MUNICIPAL CODE RELATING TO SECONDARY LIVING QUARTERS AND FINDING THE ORDINANCE TO BE EXEMPT PURSUANT TO THE COMMON SENSE EXEMPTION OF CEQA GUIDELINES SECTION 15061(b)(3), CEQA GUIDELINES SECTION 15282(h), AND GOVERNMENT CODE SECTION 65852.21

WHEREAS, in a continued effort to provide affordable housing the State Legislature has continued to make amendments to state law relating to accessory dwelling units and junior accessory dwelling units; and

WHEREAS, since the time that the City adopted Ordinance No. 383 in July 2022 implementing SB 9, clarifications have been made as to the interpretation of the law;

WHEREAS, the City desires to update the Development Code to comply with these laws and clarifications; and

WHEREAS, on August 23, 2023, the Planning Commission of the City of Bradbury, California, held a duly noticed public hearing on this proposed Ordinance and after the close of the public hearing the Planning Commission adopted Resolution No. PC 23-313 recommending that the City Council adopt this Ordinance; and

WHEREAS, on September 19, 2023, 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 and Public Resources Code § 4291 provide 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. In 2021 California faced unprecedented fire conditions according to Cal Fire. By the end of 2021, there had been over 8,800 fires which destroyed or damaged

at least 3,600 structures. In 2022, there were more than an additional 7,600 fires with nine deaths and as of July 2023, there have already been over 3,000 wildfires;

P. In August 2022 the City, the Los Angeles County Fire Department, and the U.S. Forest Service signed off on a Community Wildfire Protection Plan (CWPP) which was incorporated into the City's Hazard Mitigation Plan. The CWPP contains the following information:

1. Not counting fires under 10 acres; 93 fires have burned within five miles of the City since the beginning of data recording and two of the fires have been within the northern portion of the City;

2. It is estimated there will be a wildland fire within five miles of the City on average of every 1.25 years;

3. Challenges with development in wildfire urban interface areas include narrow roads, long driveways, dead-end roads, steep slopes, and dense vegetation, which can hinder emergency response and evacuation from these areas. All of these factors are present in the City;

4. Bradbury presents unique challenges for evacuation due to the speed and intensity at which wildfires occur as well as the high variability in transportation systems in the City;

5. The majority of the structures in the City were developed before the adoption of building and fire codes that required noncombustible roofing and building materials, adequate fire department access, and which meet water supply standards which puts these structures at greater risk and limits the ability to provide adequate structure protections;

6. There are two primary concerns for structure ignition: burning embers and radiant/convective heat. In older communities where structures do not include ignition resistant improvements, radiant heat from burning vegetation and adjacent structures is a primary concern. Areas with buildings closer together are at greater risk of burning due to radiant heat. Proximity of structures also limits the ability to maintain 30 feet of defensible space which inhibits firefighters from being able to safely maneuver around structures to provide protection.

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

R. 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. However, state law allows the City to designate areas within the jurisdiction where accessory dwelling units may be permitted based on the impacts on traffic flow and public safety;

S. As evidenced above, 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 personnel access and evacuation 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;

T. 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 accessory dwelling units 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;

U. 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 review by the City's Planning Department, and the City's Planning Commission;

V. The provisions set forth in this Ordinance are necessary for the public safety.

SECTION 2. Subsections 9.85.020(a) and (b) of the Bradbury Municipal Code are amended to read as follows; all other subsections remain the same:

Sec. 9.85.020. – Permitted locations/numbers.

- (a) Main houses, Accessory Dwelling Units (ADUs), 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 (1,000 sf) ¹ -and- 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 (1,000 sf) ¹ or EADU (1,200 sf) -and- SB 9 unit (1,000 sf) ¹ - 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 (1,000 sf) ¹ - and - 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 (1,000 sf) ¹ - and - SB 9 unit (1,000 sf) ¹ -and- JADU (500 sf)	Main house (2,500 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
A-5	Main house (2,500 sf min) - and - ADU (1,000 sf) ¹ - and - SB 9 unit (1,000 sf) ¹ -and- JADU (500 sf)	Main house (2,500 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

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, Fire Zone ADUs (FZADUs), 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 (1,000 sf) ¹ - and - 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 (1,000 sf) ¹ or EADU (1,200 sf) - and - SB 9 unit (1,000 sf) ¹ -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 (1,000 sf) ¹ - and - 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 (1,000 sf) ¹ - and - SB 9 unit (1,000 sf) ¹ -and- JADU (500 sf)	Main house (2,500 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
A-5	Main house (2,500 sf min) - and - FZADU (1,000 sf) ¹ - and - SB 9 unit (1,000 sf) ¹ -and- JADU (500 sf)	Main house (2,500 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

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

SECTION 3. Articles II and III of Chapter 85 of the Bradbury Development Code are hereby amended to read as follows:

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, 65852.22, and 65852.23.

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 approved or denied within 60 days of receipt of a complete application and shall be approved if they meet the requirements of this chapter. Applications for Enhanced accessory dwelling units (EADUs) shall not be subject to this 60-day requirement.

- (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, EADUs, and/or JADUs shall be accompanied by the applicable application fee.
- (c) ADUs, FZADUs, EADUs and JADUs shall be subject to applicable inspections and permit fees.
- (d) Applications for EADUs shall be processed in accordance with Article III of this chapter and subject to the rules and regulations set forth therein.
- (e) If an application for a detached ADU or FZADU requires demolition of a detached garage, the application shall be submitted with the demolition application and the two applications shall be reviewed at the same time. If the ADU or FZADU is approved, the permits shall be issued at the same time.

Sec. 9.85.115. – Denial.

- (a) If the City denies an application for an ADU, FZADU, or JADU, the City shall return a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied. The comments must be in writing and returned to the applicant within 60 days of receipt of a complete application.
- (b) No application shall be denied due to the need to correct a nonconforming zoning condition, building code violation, or due to unpermitted structures, unless those conditions present a threat to the public health and safety and are affected by the construction of the ADU, FZADU, or JADU.
- (c) No application shall be denied for an ADU that was constructed prior to January 1, 2018, based on either of the following, unless the City makes a finding that correcting the violation is necessary to protect the health and safety of the public or of the occupants of the structure:
 - (1) The ADU is in violation of building standards pursuant to Article 1 of Chapter 5 of part 1.5 of Division 13 of the Health and Safety Code; or
 - (2) The ADU does not comply with section 65852.2 or any local ordinance regulating ADUs.

This subsection shall not apply to a building that is deemed substandard pursuant to Health and Safety Code section 17920.3.

Sec. 9.85.120. – Allowed zones/density.

- (a) An ADU 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 the California Health and Safety Code § 18007 shall qualify.
- (b) *Height.* The height of an ADU shall as follows:
 - (1) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit;
 - (2) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within ½ mile walking distance of a major transit stop or a high-quality transit corridor. An additional 2 feet shall be allowed if required to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
 - (3) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.
 - (4) A height of 25 feet or the height limit of the applicable zone that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling unit or built above an existing garage. In no event shall the accessory dwelling unit exceed 2 stories;
 - (5) An ADU converted from previously existing permitted space which already exists above the permitted ground floor area or garage – to the height already existing if greater than the height set forth in subsections (b)(1) – (4), above.
- (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 objective 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 meets the height requirements specified in subsection (b), 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. This requirement shall be waived if necessary to permit an 800 square foot ADU with four-foot side and rear yard setbacks in compliance with all other development standards.

(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; or
- f. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single- or multi-family dwelling on the same lot, provided the ADU or parcel satisfies any other criteria listed in this paragraph.

(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) *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 (h)(1) 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.

(i) *Impact fees.*

(1) No impact fee shall be imposed on any ADU of up to 750 square feet in size.

(2) Notwithstanding any fee resolution to the contrary, for ADUs larger than 750 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 California Government Code §§ 66000 et seq. and 66012 et seq.

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

Sec. 9.85.135. – Fire Sprinklers

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

(b) Fire sprinklers shall be required in a FZADU regardless of whether they were required in the primary unit.

(c) The construction of an ADU or FZADU shall not trigger a requirement for sprinklers to be installed in the primary unit.

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. The 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 the height requirements set forth in Section 9.85.130(b). 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 or proposed multifamily dwelling structure, there may be up to two detached ADUs, provided that neither unit exceeds the height requirements set forth in Section 9.85.130(b) 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, including in an attached garage. 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 does not exceed the height requirements set forth in Section 9.85.130(b).

(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, except to the extent the sale meets the requirements of Government Code section 65852.26 with regard to a qualified nonprofit corporation.
- (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) Subsections (d) and (e) above shall not apply to any unpermitted accessory dwelling unit which is subject to Government Code section 65852.23 unless the city makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure.

(g) 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.

(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 be allowed in the R-20,000 zone.
- (b) 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.
- (c) 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.

SECTION 4. Section 9.85.300(2) of the Bradbury Development Code is amended to read as follows; all other sections remain the same:

- (2) Accessory living quarters are permitted only on residential lots which are developed with an existing or proposed primary single-family unit. The accessory living quarters may not be built before the primary single-family unit.

SECTION 5. Section 9.85.410(4) of the Bradbury Development Code is amended to read as follows; all other sections remain the same:

- (4) Unless demolition or alteration is prohibited pursuant to subsection (c) above, a housing unit may be demolished.

SECTION 6. Section 9.85.420(11) of the Bradbury Development Code is amended to read as follows; all other sections remain the same:

- (11) Height. The height of a new unit shall not exceed 18 feet unless the unit is built in a previously existing permitted space above a permitted ground floor area or garage.

SECTION 7. 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. Additionally, the provisions of SB 9 exempted an ordinance which implemented SB 9 from CEQA. Therefore, this Ordinance is categorically exempt under the provisions of state law as well as the common sense 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.

SECTION 8. Effective Date. This Ordinance shall take effect on the thirty-first date after passage.

SECTION 9. 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 10. 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 11. 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 _____, 2023.

Richard G. Barakat
Mayor

ATTEST:

Diane Jensen
City Clerk

I, Diane Jensen, City Clerk of the City of Bradbury, do hereby certify that the foregoing ordinance, being Ordinance No. 388, was duly passed by the City Council of the City of Bradbury, signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of the City Council held on the _____ day of _____, 2023, that it was duly posted and that the same was passed and adopted by the following vote, to wit:

NAYS:

Diane Jensen
City Clerk
City of Bradbury

ATTACHMENT #2

ORDINANCE NO. 388

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA, AMENDING THE BRADBURY MUNICIPAL CODE RELATING TO SECONDARY LIVING QUARTERS AND FINDING THE ORDINANCE TO BE EXEMPT PURSUANT TO THE COMMON SENSE EXEMPTION OF CEQA GUIDELINES SECTION 15061(b)(3), CEQA GUIDELINES SECTION 15282(h), AND GOVERNMENT CODE SECTION 65852.21

WHEREAS, in a continued effort to provide affordable housing the State Legislature has continued to make amendments to state law relating to accessory dwelling units and junior accessory dwelling units; and

WHEREAS, since the time that the City adopted Ordinance No. 383 in July 2022 implementing SB 9, clarifications have been made as to the interpretation of the law;

WHEREAS, the City desires to update the Development Code to comply with these laws and clarifications; and

WHEREAS, on August 23, 2023, the Planning Commission of the City of Bradbury, California, held a duly noticed public hearing on this proposed Ordinance and after the close of the public hearing the Planning Commission adopted Resolution No. PC 23-313 recommending that the City Council adopt this Ordinance; and

WHEREAS, on September 19, 2023, 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 and Public Resources Code § 4291 provide 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. In 2021 California faced unprecedented fire conditions according to Cal Fire. By the end of 2021, there had been over 8,800 fires which destroyed or damaged

at least 3,600 structures. In 2022, there were more than an additional 7,600 fires with nine deaths and as of July 2023, there have already been over 3,000 wildfires;

P. In August 2022 the City, the Los Angeles County Fire Department, and the U.S. Forest Service signed off on a Community Wildfire Protection Plan (CWPP) which was incorporated into the City's Hazard Mitigation Plan. The CWPP contains the following information:

1. Not counting fires under 10 acres; 93 fires have burned within five miles of the City since the beginning of data recording and two of the fires have been within the northern portion of the City;

2. It is estimated there will be a wildland fire within five miles of the City on average of every 1.25 years;

3. Challenges with development in wildfire urban interface areas include narrow roads, long driveways, dead-end roads, steep slopes, and dense vegetation, which can hinder emergency response and evacuation from these areas. All of these factors are present in the City;

4. Bradbury presents unique challenges for evacuation due to the speed and intensity at which wildfires occur as well as the high variability in transportation systems in the City;

5. The majority of the structures in the City were developed before the adoption of building and fire codes that required noncombustible roofing and building materials, adequate fire department access, and which meet water supply standards which puts these structures at greater risk and limits the ability to provide adequate structure protections;

6. There are two primary concerns for structure ignition: burning embers and radiant/convective heat. In older communities where structures do not include ignition resistant improvements, radiant heat from burning vegetation and adjacent structures is a primary concern. Areas with buildings closer together are at greater risk of burning due to radiant heat. Proximity of structures also limits the ability to maintain 30 feet of defensible space which inhibits firefighters from being able to safely maneuver around structures to provide protection.

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

R. 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. However, state law allows the City to designate areas within the jurisdiction where accessory dwelling units may be permitted based on the impacts on traffic flow and public safety;

S. As evidenced above, 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 personnel access and evacuation 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;

T. 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 accessory dwelling units 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;

U. 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 review by the City's Planning Department, and the City's Planning Commission;

V. The provisions set forth in this Ordinance are necessary for the public safety.

SECTION 2. Subsections 9.85.020(a) and (b) of the Bradbury Municipal Code are amended to read as follows; all other subsections remain the same:

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 (1,000 sf) ¹ -and- 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 (1,000 sf) ¹ or EADU (1,200 sf) -and- or SB 9 unit (1,000 sf) ¹ - 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 (1,000 sf) ¹ - and – 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 (1,000 sf) ¹ - and – or SB 9 unit (1,000 sf) ¹ -and- JADU (500 sf)	Main house (2,500 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
A-5	Main house (2,500 sf min) - and - ADU (1,000 sf) ¹ - and – or SB 9 unit (1,000 sf) ¹ -and- JADU (500 sf)	Main house (2,500 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

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,~~ Fire Zone ADUs (FZADUs), 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 (1,000 sf) ¹ - and – 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 (1,000 sf) ¹ or EADU (1,200 sf) - and – or SB 9 unit (1,000 sf) ¹ -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 (1,000 sf) ¹ - and – 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 (1,000 sf) ¹ - and – or SB 9 unit (1,000 sf) ¹ -and- JADU (500 sf)	Main house (2,500 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
A-5	Main house (2,500 sf min) - and - FZADU (1,000 sf) ¹ - and – or SB 9 unit (1,000 sf) ¹ -and- JADU (500 sf)	Main house (2,500 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

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

SECTION 3. Articles II and III of Chapter 85 of the Bradbury Development Code are hereby amended to read as follows:

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, 65852.22, and 65852.23.

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~~ approved or denied within 60 days of receipt of a complete application and shall be approved if they meet the requirements of this chapter. Applications for Enhanced accessory dwelling units (EADUs) shall not be subject to this 60-day requirement.

- (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, EADUs, and/or JADUs shall be accompanied by the applicable application fee.
- (c) ADUs, FZADUs, EADUs and JADUs shall be subject to applicable inspections and permit fees.
- (d) Applications for FZADUs EADUs shall be processed in accordance with Article III of this chapter and subject to the rules and regulations set forth therein.
- (e) If an application for a detached ADU or FZADU requires demolition of a detached garage, the application shall be submitted with the demolition application and the two applications shall be reviewed at the same time. If the ADU or FZADU is approved, the permits shall be issued at the same time.

Sec. 9.85.115. – Denial.

- (a) If the City denies an application for an ADU, FZADU, or JADU, the City shall return a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied. The comments must be in writing and returned to the applicant within 60 days of receipt of a complete application.
- (b) No application shall be denied due to the need to correct a nonconforming zoning condition, building code violation, or due to unpermitted structures, unless those conditions present a threat to the public health and safety and are affected by the construction of the ADU, FZADU, or JADU.
- (c) No application shall be denied for an ADU that was constructed prior to January 1, 2018, based on either of the following, unless the City makes a finding that correcting the violation is necessary to protect the health and safety of the public or of the occupants of the structure:
 - (1) The ADU is in violation of building standards pursuant to Article 1 of Chapter 5 of part 1.5 of Division 13 of the Health and Safety Code; or
 - (2) The ADU does not comply with section 65852.2 or any local ordinance regulating ADUs.

This subsection shall not apply to a building that is deemed substandard pursuant to Health and Safety Code section 17920.3.

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 the 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.~~ The height of an ADU shall as follows:

(1) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit;

(2) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within ½ mile walking distance of a major transit stop or a high-quality transit corridor. An additional 2 feet shall be allowed if required to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

(3) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

(4) A height of 25 feet or the height limit of the applicable zone that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling unit or built above an existing garage. In no event shall the accessory dwelling unit exceed 2 stories;

(5) An ADU converted from previously existing permitted space which already exists above the permitted ground floor area or garage – to the height already existing if greater than the height set forth in subsections (b)(1) – (4), above.

- (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 objective 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~~ that meets the height requirements specified in subsection (b), 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. This requirement shall be waived if necessary to permit an 800 square foot ADU with four-foot side and rear yard setbacks in compliance with all other development standards.
 - (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; or

f. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single- or multi-family dwelling on the same lot, provided the ADU or parcel satisfies any other criteria listed in this paragraph.

(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) *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 (h)(1) 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.

(i) *Impact fees.*

(1) No impact fee shall be imposed on any ADU of up to ~~1000~~ 750 square feet in size.

(2) Notwithstanding any fee resolution to the contrary, for ADUs larger than ~~1000~~ 750 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 California Government Code §§ 66000 et seq. and 66012 et seq.

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

Sec. 9.85.135. – Fire Sprinklers

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

(b) Fire sprinklers shall be required in a FZADU regardless of whether they were required in the primary unit.

(c) The construction of an ADU or FZADU shall not trigger a requirement for sprinklers to be installed in the primary unit.

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. The 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 height requirements set forth in Section 9.85.130(b). 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 or proposed multifamily dwelling structure, there may be up to two detached ADUs, provided that neither unit ~~is greater than 16 feet in height~~ exceeds the height requirements set forth in Section 9.85.130(b) 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, including in an attached garage. 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~~ does not exceed the height requirements set forth in Section 9.85.130(b).
- (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, except to the extent the sale meets the requirements of Government Code section 65852.26 with regard to a qualified nonprofit corporation.
- (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) Subsections (d) and (e) above shall not apply to any unpermitted accessory dwelling unit which is subject to Government Code section 65852.23 unless the city makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure.
- (g) 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.
- (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 be allowed in the R-20,000 zone.
- (b) 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.
- (c) 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.

SECTION 4. Section 9.85.300(2) of the Bradbury Development Code is amended to read as follows; all other sections remain the same:

- (2) Accessory living quarters are permitted only on residential lots which are developed with an existing or proposed primary single-family unit. The accessory living quarters may not be built before the primary single-family unit.

SECTION 5. Section 9.85.410(4) of the Bradbury Development Code is amended to read as follows; all other sections remain the same:

- (4) Unless demolition or alteration is prohibited pursuant to subsection (c) above, ~~up to 25 percent of the existing exterior structural walls~~ a housing unit may be demolished.

SECTION 6. Section 9.85.420(11) of the Bradbury Development Code is amended to read as follows; all other sections remain the same:

- (11) Height. The height of a new unit shall not exceed ~~16~~ 18 feet unless the unit is built in a previously existing permitted space above a permitted ground floor area or garage.

SECTION 7. 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. Additionally, the provisions of SB 9 exempted an ordinance which implemented SB 9 from CEQA. Therefore, this Ordinance is categorically exempt under the provisions of state law as well as the common sense 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.

SECTION 8. Effective Date. This Ordinance shall take effect on the thirty-first date after passage.

SECTION 9. 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 10. 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 11. 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 _____, 2023.

Richard G. Barakat
Mayor

ATTEST:

Diane Jensen
City Clerk

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

I, Diane Jensen, City Clerk of the City of Bradbury, do hereby certify that the foregoing ordinance, being Ordinance No. 388, was duly passed by the City Council of the City of Bradbury, signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of the City Council held on the day of , 2023, that it was duly posted and that the same was passed and adopted by the following vote, to wit:

AYES:

NAYS:

ABSENT:

Diane Jensen
City Clerk
City of Bradbury

ATTACHMENT #3

California Department of Housing and Community Development

SB 9 Fact Sheet

On the Implementation of Senate Bill 9 (Chapter 162, Statutes of 2021)



Housing Policy Development Division
March 2022

This Fact Sheet is for informational purposes only and is not intended to implement or interpret SB 9. HCD does not have authority to enforce SB 9, although violations of SB 9 may concurrently violate other housing laws where HCD does have enforcement authority, including but not limited to the laws addressed in this document. As local jurisdictions implement SB 9, including adopting local ordinances, it is important to keep these and other housing laws in mind. The Attorney General may also take independent action to enforce SB 9. For a full list of statutes over which HCD has enforcement authority, visit HCD's [Accountability and Enforcement webpage](#).

Executive Summary of SB 9

Senate Bill (SB) 9 (Chapter 162, Statutes of 2021) requires ministerial approval of a housing development with no more than two primary units in a single-family zone, the subdivision of a parcel in a single-family zone into two parcels, or both. SB 9 facilitates the creation of up to four housing units in the lot area typically used for one single-family home. SB 9 contains eligibility criteria addressing environmental site constraints (e.g., wetlands, wildfire risk, etc.), anti-displacement measures for renters and low-income households, and the protection of historic structures and districts. Key provisions of the law require a local agency to modify or eliminate objective development standards on a project-by-project basis if they would prevent an otherwise eligible lot from being split or prevent the construction of up to two units at least 800 square feet in size. For the purposes of this document, the terms “unit,” “housing unit,” “residential unit,” and “housing development” mean primary unit(s) unless specifically identified as an accessory dwelling unit (ADU) or junior ADU or otherwise defined.

Single-Family Residential Zones Only

(Reference: Gov. Code, §§ 65852.21, subd. (a); 66411.7 subd. (a)(3)(A))

The parcel that will contain the proposed housing development or that will be subject to the lot split must be located in a single-family residential zone. Parcels located in multi-family residential, commercial, agricultural, mixed-use zones, etc., are not subject to SB 9 mandates even if they allow single-family residential uses as a permitted use. While some zones are readily identifiable as single-family residential zones (e.g., R-1 “Single-Family Residential”), others may not be so obvious. Some local agencies have multiple single-family zones with subtle distinctions between them relating to minimum lot sizes or allowable uses. In communities where there may be more than one single-family residential zone, the local agency should carefully review the zone district descriptions in the zoning code and the land use designation descriptions in the Land Use Element of the General Plan. This review will enable the local agency to identify zones whose primary purpose is single-family residential uses and which are therefore subject to SB 9. Considerations such as minimum lot sizes, natural features such as hillsides, or the permissibility of keeping horses should not factor into the determination.

Residential Uses Only

(Reference: Gov. Code, §§ 65852.21, subd. (a))

SB 9 concerns only proposed housing developments containing no more than two residential units (i.e., one or two). The law does not otherwise change the allowable land uses in the local agency's single-family residential zone(s). For example, if the local agency's single-family zone(s) does not currently allow commercial uses such as hotels or restaurants, SB 9 would not allow such uses.

Ministerial Review

(Reference: Gov. Code, §§ 65852.21, subd. (a); 66411.7, subds. (a), (b)(1))

An application made under SB 9 must be considered ministerially, without discretionary review or a hearing. Ministerial review means a process for development approval involving no personal judgment by the public official as to the wisdom of carrying out the project. The public official merely ensures that the proposed development meets all the applicable objective standards for the proposed action but uses no special discretion or judgment in reaching a decision. A ministerial review is nearly always a "staff-level review." This means that a staff person at the local agency reviews the application, often using a checklist, and compares the application materials (e.g., site plan, project description, etc.) with the objective development standards, objective subdivision standards, and objective design standards.

Objective Standards

(Reference: Gov. Code, §§ 65852.21, subd. (b); 66411.7, subd. (c))

The local agency may apply objective development standards (e.g., front setbacks and heights), objective subdivision standards (e.g., minimum lot depths), and objective design standards (e.g., roof pitch, eave projections, façade materials, etc.) as long as they would not physically preclude either of the following:

Up to Two Primary Units. The local agency must allow up to two primary units (i.e., one or two) on the subject parcel or, in the case of a lot split, up to two primary units on each of the resulting parcels.

Units at least 800 square feet in size. The local agency must allow each primary unit to be at least 800 square feet in size.

The terms "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. Any objective standard that would physically preclude either or both of the two objectives noted above must be modified or

waived by the local agency in order to facilitate the development of the project, with the following two exceptions:

Setbacks for Existing Structures. The local agency may not require a setback for an existing structure or for a structure constructed in the same location and to the same dimensions as an existing structure (i.e., a building reconstructed on the same footprint).

Four-Foot Side and Rear Setbacks. SB 9 establishes an across-the-board maximum four-foot side and rear setbacks. The local agency may choose to apply a lesser setback (e.g., 0-4 feet), but it cannot apply a setback greater than four feet. The local agency cannot apply existing side and rear setbacks applicable in the single-family residential zone(s). Additionally, the four-foot side and rear setback standards are not subject to modification. (Gov. Code, §§ 65852.21, subd. (b)(2)(B); 66411.7, subdivision (c)(3).)

One-Unit Development

(Reference: Gov. Code, §§ 65852.21, subd. (a); 65852.21, subd. (b)(2)(A))

SB 9 requires the ministerial approval of either one or two residential units. Government Code section 65852.21 indicates that the development of just one single-family home was indeed contemplated and expected. For example, the terms “no more than two residential units” and “up to two units” appear in the first line of the housing development-related portion of SB 9 (Gov. Code, § 65852.21, subd. (a)) and in the line obligating local agencies to modify development standards to facilitate a housing development. (Gov. Code, § 65852.21, subd. (b)(2)(A).)

Findings of Denial

(Reference: Gov. Code, §§ 65852.21, subd. (d); 66411.7, subd. (d))

SB 9 establishes a high threshold for the denial of a proposed housing development or lot split. Specifically, a local agency’s building official must make a written finding, based upon a preponderance of the evidence, that the proposed housing development would have a specific, adverse impact, as defined in Government Code section 65589.5, subdivision (d)(2), upon 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. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. (Gov. Code, § 65589.5, subd. (d)(2).)

Environmental Site Constraints

(Reference: Gov. Code, §§ 65852.21, subd. (a)(2) and (a)(6); 66411.7, subd. (a)(3)(C) and (a)(3)(E))

A proposed housing development or lot split is not eligible under SB 9 if the parcel contains any of the site conditions listed in Government Code section 65913.4, subdivision (a)(6)(B-K). Examples of conditions that may disqualify a project from using SB 9 include the presence of farmland, wetlands, fire hazard areas, earthquake hazard areas, flood risk areas, conservation areas, wildlife habitat areas, or conservation easements. SB 9 incorporates by reference these environmental site constraint categories that were established with the passing of the Streamlined Ministerial Approval Process (SB 35, Chapter 366, Statutes of 2017). Local agencies may consult HCD's [Streamlined Ministerial Approval Process Guidelines](#) for additional detail on how to interpret these environmental site constraints.

Additionally, a project is not eligible under SB 9 if it is located in a historic district or property included on the State Historic Resources Inventory or within a site that is designated or listed as a city or county landmark or as a historic property or district pursuant to a city or county ordinance.

California Environmental Quality Act (CEQA)

(Reference: Gov. Code, §§ 65852.21, subd. (j); 66411.7, subd. (n))

Because the approval of a qualifying project under SB 9 is deemed a ministerial action, CEQA does not apply to the decision to grant an application for a housing development or a lot split, or both. (Pub. Resources Code, § 21080, subd. (b)(1) [CEQA does not apply to ministerial actions]; CEQA Guidelines, § 15268.) For this reason, a local agency must not require an applicant to perform environmental impact analysis under CEQA for applications made under SB 9. Additionally, if a local agency chooses to adopt a local ordinance to implement SB 9 (instead of implementing the law directly from statute), the preparation and adoption of the ordinance is not considered a project under CEQA. In other words, the preparation and adoption of the ordinance is statutorily exempt from CEQA.

Anti-Displacement Measures

(Reference: Gov. Code, §§ 65852.21, subd. (a)(3); 66411.7, subd. (a)(3)(D))

A site is not eligible for a proposed housing development or lot split if the project would 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 is subject to any form of rent or price control through a public entity's valid exercise of its police power; or (3) housing that has been occupied by a tenant in the last three years.

Lot Split Requirements

(Reference: Gov. Code, § 66411.7)

SB 9 does not require a local agency to approve a parcel map that would result in the creation of more than two lots and more than two units on a lot resulting from a lot split under Government Code section 66411.7. A local agency may choose to allow more than two units, but it is not required to under the law. A parcel may only be subdivided once under Government Code section 66411.7. This provision prevents an applicant from pursuing multiple lot splits over time for the purpose of creating more than two lots. SB 9 also does not require a local agency to approve a lot split if an adjacent lot has been subject to a lot split in the past by the same property owner or a person working in concert with that same property owner.

Accessory Dwelling Units

(Reference: Gov. Code, §§ 65852.21, subd. (j); 66411.7, subd. (f))

SB 9 and ADU Law (Gov. Code, §§ 65852.2 and 65858.22) are complementary. The requirements of each can be implemented in ways that result in developments with both “SB 9 Units” and ADUs. However, specific provisions of SB 9 typically overlap with State ADU Law only to a limited extent on a relatively small number of topics. Treating the provisions of these two laws as identical or substantially similar may lead a local agency to implement the laws in an overly restrictive or otherwise inaccurate way.

“Units” Defined. The three types of housing units that are described in SB 9 and related ADU Law are presented below to clarify which development scenarios are (and are not) made possible by SB 9. The definitions provided are intended to be read within the context of this document and for the narrow purpose of implementing SB 9.

Primary Unit. A primary unit (also called a residential dwelling unit or residential unit) is typically a single-family residence or a residential unit within a multi-family residential development. A primary unit is distinct from an ADU or a Junior ADU. Examples of primary units include a single-family residence (i.e., one primary unit), a duplex (i.e., two primary units), a four-plex (i.e., four primary units), etc.

Accessory Dwelling Unit. An ADU is an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel on which the single-family or multifamily dwelling is or will be situated.

Junior Accessory Dwelling Unit. A Junior ADU is a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A Junior ADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

The terms “unit,” “housing unit,” “residential unit,” and “housing development” mean primary unit(s) unless specifically identified as an ADU or Junior ADU or otherwise defined. This distinction is critical to successfully implementing SB 9 because state law applies different requirements (and provides certain benefits) to ADUs and Junior ADUs that do not apply to primary units.

Number of ADUs Allowed. ADUs can be combined with primary units in a variety of ways to achieve the maximum unit counts provided for under SB 9. SB 9 allows for up to four units to be built in the same lot area typically used for a single-family home. The calculation varies slightly depending on whether a lot split is involved, but the outcomes regarding total maximum unit counts are identical.

Lot Split. When a lot split occurs, the local agency must allow up to two units on each lot resulting from the lot split. In this situation, all three unit types (i.e., primary unit, ADU, and Junior ADU) count toward this two-unit limit. For example, the limit could be reached on each lot by creating two primary units, or a primary unit and an ADU, or a primary unit and a Junior ADU. By building two units on each lot, the overall maximum of four units required under SB 9 is achieved. (Gov. Code, § 66411.7, subd. (j).) Note that the local agency may choose to allow more than two units per lot if desired.

No Lot Split. When a lot split has not occurred, the lot is eligible to receive ADUs and/or Junior ADUs as it ordinarily would under ADU law. Unlike when a project is proposed following a lot split, the local agency must allow, in addition to one or two primary units under SB 9, ADUs and/or JADUs under ADU Law. It is beyond the scope of this document to identify every combination of primary units, ADUs, and Junior ADUs possible under SB 9 and ADU Law. However, in no case does SB 9 require a local agency to allow more than four units on a single lot, in any combination of primary units, ADUs, and Junior ADUs.

See HCD’s [ADU and JADU webpage](#) for more information and resources.

Relationship to Other State Housing Laws

SB 9 is one housing law among many that have been adopted to encourage the production of homes across California. The following represent some, but not necessarily all, of the housing laws that intersect with SB 9 and that may be impacted as SB 9 is implemented locally.

Housing Element Law. To utilize projections based on SB 9 toward a jurisdiction’s regional housing need allocation, the housing element must: 1) include a site-specific inventory of sites where SB 9 projections are being applied, 2) include a nonvacant sites analysis demonstrating the likelihood of redevelopment and that the existing use will not constitute an impediment for additional residential use, 3) identify any governmental constraints to the use of SB 9 in the creation of units (including land use controls, fees,

California Department of Housing and Community Development – SB 9 Fact Sheet

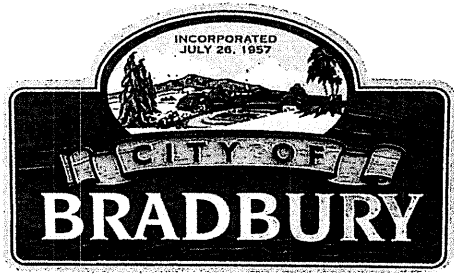
and other exactions, as well as locally adopted ordinances that impact the cost and supply of residential development), and 4) include programs and policies that establish zoning and development standards early in the planning period and implement incentives to encourage and facilitate development. The element should support this analysis with local information such as local developer or owner interest to utilize zoning and incentives established through SB 9. Learn more on HCD's [Housing Elements webpage](#).

Housing Crisis Act of 2019. An affected city or county is limited in its ability to amend its general plan, specific plans, or zoning code in a way that would improperly reduce the intensity of residential uses. (Gov. Code, § 66300, subd. (b)(1)(A).) This limitation applies to residential uses in all zones, including single-family residential zones. "Reducing the intensity of land use" includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or any other action that would individually or cumulatively reduce the site's residential development capacity. (Gov. Code, § 66300, subd. (b)(1)(A).)

A local agency should proceed with caution when adopting a local ordinance that would impose unique development standards on units proposed under SB 9 (but that would not apply to other developments). Any proposed modification to an existing development standard applicable in the single-family residential zone must demonstrate that it would not result in a reduction in the intensity of the use. HCD recommends that local agencies rely on the existing objective development, subdivision, and design standards of its single-family residential zone(s) to the extent possible. Learn more about [Designated Jurisdictions Prohibited from Certain Zoning-Related Actions](#) on HCD's website.

Housing Accountability Act. Protections contained in the Housing Accountability Act (HAA) and the Permit Streaming Act (PSA) apply to housing developments pursued under SB 9. (Gov. Code, §§ 65589.5; 65905.5; 65913.10; 65940 et seq.) The definition of "housing development project" includes projects that involve no discretionary approvals and projects that include a proposal to construct a single dwelling unit. (Gov. Code, § 65905.5, subd. (b)(3).) For additional information about the HAA and PSA, see HCD's [Housing Accountability Act Technical Assistance Advisory](#).

Rental Inclusionary Housing. Government Code section 65850, subdivision (g), authorizes local agencies to adopt an inclusionary housing ordinance that includes residential rental units affordable to lower- and moderate-income households. In certain circumstances, HCD may request the submittal of an economic feasibility study to ensure the ordinance does not unduly constrain housing production. For additional information, see HCD's [Rental Inclusionary Housing Memorandum](#).



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

City of Bradbury Agenda Memo

TO: Honorable Mayor and Members of the City Council

FROM: Mario Flores, Management Analyst

DATE: September 19, 2023

SUBJECT: **APPROVAL OF RESOLUTION TO ENTER INTO AN AMENDED AND RESTATED JOINT POWERS AGREEMENT WITH THE LOS ANGELES REGIONAL AGENCY**

ATTACHMENTS: 1) Resolution No. 23-19 with Exhibit "A" (Joint Powers Agreement)

RECOMMENDATION

It is recommended that the City Council, by motion:

1. Adopt Resolution No. 23-19, A Resolution of the City Council of the City of Bradbury, California, Approving, Authorizing, and Directing City Execution of the Amended and Restated Joint Powers Agreement Relating to an Amendment to the Joint Powers Agreement with the Los Angeles Regional Agency and,
2. Authorize the City Manager to execute the Amended and Restated Joint Powers Agreement-Los Angeles Area Integrated Waste Management Authority.

BACKGROUND

The Los Angeles Area Integrated Waste Management Authority (known as the Los Angeles Regional Agency or LARA) is a consortium of 18 large and small member cities, including Bradbury, in Los Angeles County. Some member cities include, but are not limited to, Beverly Hills, Duarte, Hermosa Beach, Hidden Hills, Redondo Beach, and Sierra Madre. LARA serves as a regional agency whose mission is to promote environmental compliance with State mandated recycling under AB 939 that requires municipalities to divert 50% of the waste generated within its boundaries from landfill

ATTACHMENT #1

CITY OF BRADBURY
RESOLUTION NO. 23-19

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADBURY
APPROVING AN AMENDMENT TO THE JOINT POWERS AGREEMENT
WITH THE LOS ANGELES REGIONAL AGENCY**

WHEREAS, The City desires to maximize its diversion of solid waste from landfills;
and

WHEREAS, The City has partnered with the Los Angeles Regional Agency (LARA)
and its member agencies since 2011 to maximize diversion of solid waste; and

WHEREAS, Senate Bill 1383 (2016) established mandatory reduction of organic
waste; and

WHEREAS, Senate Bill 1383 also required that LARA revise and amend its Joint
Powers Agreement to reflect the required reporting and compliance monitoring related to
organic waste recycling.

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

SECTION 1. The City Clerk is directed to certify the adoption of this Resolution
and authorize the City Manager to execute the amended Joint Powers Agreement.

SECTION 2. This Resolution will become effective immediately upon adoption.

PASSED, APPROVED and ADOPTED on this 19th day of September, 2023.

Mayor – City of Bradbury

EXHIBIT “A”

Amended and Restated Joint Powers Agreement

between the following jurisdictions:

1. City of Artesia
2. City of Beverly Hills
3. City of Bradbury
4. City of Downey
5. City of Duarte
6. City of Hermosa Beach
7. City of Hidden Hills
8. City of Los Angeles
9. City of Lynwood
10. City of Manhattan Beach
11. City of Palos Verdes Estates
12. City of Pomona
13. City of Rancho Palos Verdes
14. City of Redondo Beach
15. City of Rosemead
16. City of Sierra Madre
17. City of South Gate
18. City of Torrance

**Establishing the Los Angeles Area
Integrated Waste Management Authority**

**Amended and Restated Joint Powers Agreement –
Los Angeles Area Integrated Waste Management Authority**

This Joint Powers Agreement – Los Angeles Area Integrated Waste Management Authority; effective the _____ day of _____, _____, ("Agreement") is made and entered into by and between the cities of:

1. Artesia
2. Beverly Hills
3. Bradbury
4. Downey
5. Duarte
6. Hermosa Beach
7. Hidden Hills
8. Los Angeles
9. Lynwood
10. Manhattan Beach
11. Palos Verdes Estates
12. Pomona
13. Rancho Palos Verdes
14. Redondo Beach
15. Rosemead
16. Sierra Madre
17. South Gate
18. Torrance

each a municipal corporation, hereinafter also referred to individually as "Party" and collectively as "Parties".

Whereas, Section 6500, et seq., of the California Government Code (Title 1, Division 7, Chapter 5, Article 1) provides for agreements between two or more public agencies to jointly exercise any power common to the contracting parties, subject to certain mandatory provisions contained therein; and

Whereas, the State of California has enacted the California Integrated Waste Management Act of 1989 (AB 939), California Public Resources Code § 40000 et seq., mandating that municipalities and county unincorporated areas divert material from disposal, and has promulgated regulations promoting material reuse and recycling; and

Whereas, the foregoing Parties to this agreement have the power to provide waste management services including the storage, collection, recycling, and disposal of solid wastes within their respective jurisdictions; and

Whereas, the foregoing Parties desire and agree to form a regional agency to report as a single entity the annual regional compliance with AB 939, AB 341, AB 1826, and SB 1383 reporting requirements and to work towards the implementation of regional waste reduction and regional recycling diversion programs, including, but not limited to, organics programs and compliance with both existing and similar future regulations and/or legislation; and

Whereas, each of the foregoing Parties has a CalRecycle-approved Source Reduction and Recycling Element, a CalRecycle-approved Solid Waste Generation Study, a

CalRecycle-approved Household Hazardous Waste Element, and a CalRecycle-approved Non-Disposal Facility Element; and

Whereas, on the date above, this agreement was entered into by the Parties to this agreement whereby the Los Angeles Area Integrated Waste Management Authority is established to be a “Regional Agency” entity to provide cooperative solid waste reporting and program activities to the participating parties; and

Whereas, the California Public Resources Code, Sections 40970 through Section 40975 allows cities and counties to form Regional Agencies to implement PRC Division 30, Part 2, Integrated Waste Management Plans, in order to reduce the cost of reporting and tracking of disposal and diversion programs by individual jurisdictions and counties and to increase the diversion of solid waste from disposal facilities; and

Whereas, by this agreement, the Parties hereto wish to enter into this agreement to form a Regional Agency for purposes of combining disposal and diversion quantities for determining compliance with the California Integrated Waste Management Act of 1989 and to allow for the efficient operation of diversion programs on a region-wide basis and hereby authorize the Regional Agency to submit annual reports to CalRecycle on behalf of the Parties regarding the Parties’ compliance with Senate Bill 1383 (SB 1383) and corresponding regulations codified in Title 14, Division 7, Chapter 12 of the California Code of Regulations, consistent with the requirements prescribed by CalRecycle; and

Whereas, the members of the Agency desire to revise the language of the agreement to reflect updated terminology and operating practices;

Now, therefore, in consideration of the mutual promises and agreements herein contained, the parties hereto agree as follows:

Section 1. Definitions

- 1.1 **Agreement.** This Agreement as it is now exists, or as it may be amended.
- 1.2 **AB 341.** Solid Waste: Diversion (Chesbro, Chapter 476, Statutes of 2011).
- 1.3 **AB 939.** The California Integrated Waste Management Act of 1989.
- 1.4 **AB 1826.** Mandatory Commercial Organics Recycling (Chesbro, Chapter 727, Statutes of 2014).
- 1.5 **Agency/Regional Agency.** Los Angeles Area Integrated Waste Management Authority, also referred to as Los Angeles Regional Agency, or LARA, formed pursuant to California Public Resources Code Sections 40970 through 40975 and approved by CalRecycle.
- 1.6 **Agency Staff.** Personnel employed by the City of Los Angeles responsible for administration of the Agency that may serve in the capacity of Manager, Executive Director, Administrator, and/or another capacity.
- 1.7 **Annual Report.** The report required by the State of California to measure compliance to the provisions of AB 939, AB 341, AB 1826, and SB 1383.
- 1.8 **Board.** Body consisting of a representative designated by the governing body of each member.

- 1.9 **Bylaws.** The rules and regulations document enacted by the Agency to provide a framework for its operation and management.
- 1.10 **CalRecycle.** California Department of Resources Recycling and Recovery.
CalRecycle is the successor agency to the California Integrated Waste Management Board (CIWMB).
- 1.11 **Chair/Vice-Chair.** Board representatives elected by a majority vote of the Board with responsibilities as stated in Section 10.3.
- 1.12 **Fiscal Year.** Any year beginning July 1 and ending June 30.
- 1.13 **HHWE.** Household Hazardous Waste Element
- 1.14 **Jurisdiction.** Incorporated Parties who may be Members of the Agency.
- 1.15 **Member/Members.** Jurisdictions who are parties to the Agreement.
- 1.16 **NDFE.** Non-Disposal Facility Element
- 1.17 **SB 1383.** Short-lived Climate Pollutants (SLCP): Organic Waste Reductions (SB 1383 Lara, Chapter 395, Statutes of 2016 , and implementing regulations, 14 CCR 18981.1, et seq.).
- 1.18 **Secretary.** Board representative elected by the Board with duties as stated in Section 10.5.
- 1.19 **SRRE.** Source Reduction and Recycling Element
- 1.20 **Treasurer.** Board representative elected by the Board with duties as stated in Section 10.4.

Section 2. Purpose of Agreement

This Agreement is made and entered into for the purpose of forming a Regional Agency pursuant to California Public Resources Code Sections 40970 through 40975, the Regional Agency being established for purposes of combining disposal and diversion quantities for determining compliance with AB 939, to allow for the efficient operation of diversion programs on a region-wide basis as allowed by Members under this agreement, and to allow for the development of Regional Integrated Waste Management Plans including a Source Reduction and Recycling Element, Household Hazardous Waste Element, and Non-Disposal Facility Element.

The Agency will pool together the resources of its Members as stated in this agreement to provide AB 939 compliance as well as AB 341 and AB 1826 reporting and SB 1383 recordkeeping and reporting services to the Members. The Agency will be responsible for preparing the annual regional diversion rate calculation for the Regional Agency, and submitting the report to CalRecycle.

The Members enter the agreement with the intent to benefit from the regional programs and regional reporting that the Agency will provide.

Section 3. Term of Agreement

The term of this agreement shall commence on _____, and shall continue until amended or terminated pursuant to the terms contained herein.

Section 4. Powers of the Agency

4.1 The Agency is authorized to perform the following functions as required by the terms of this Agreement and the bylaws of the Agency:

- 4.1.1 to make and enter into contracts;
- 4.1.2 to apply for and accept grants, advances and contributions;
- 4.1.3 to make plans and conduct studies;
- 4.1.4 to incur and discharge debts, liabilities and obligations;
- 4.1.5 to hire agents and employees.

4.2 Such powers shall be exercised subject only to the limitations set forth in this Agreement, applicable law and such restrictions upon the manner of exercising such powers as are imposed by law upon the Members in the exercise of similar powers. In no event do these powers expressly granted restrict the individual power of each Member with regards to solid waste management under their jurisdiction. Furthermore, in no event shall the Agency be authorized to exercise any power not expressly granted by this Agreement. The Members hereby designate the City of Los Angeles as the Member required to be designated by Section 6509 of the California Government Code.

Section 5. Responsibilities of the Regional Agency

5.1 This Agreement hereby creates and establishes an authority to be known as the “Los Angeles Area Integrated Waste Management Authority”. The Authority shall constitute a Regional Agency pursuant to Public Resources Code Section 40973. Said Agency shall be responsible for compliance with the waste diversion

requirements set forth in the Public Resources Code, Article 1 of Chapter 6 (commencing with Section 41780).

5.2 The Agency will be responsible for providing the following services for the benefit of the Members:

5.2.1 The Agency will be responsible for preparing the Annual Report with collective information submitted by the Members and submitting the report to CalRecycle;

5.2.2 The Agency will develop standardized database tools for monitoring, tracking, and evaluating implemented jurisdiction-owned/operated diversion programs and make them available to all members;

5.2.3 The Agency will conduct a new “regional level” generation-based diversion study when required by CalRecycle or when a study is needed for a new baseline for its Members;

5.2.4 The Agency will provide legislative and regulatory analysis on pending regulations and legislation for Members;

5.2.5 The Agency will seek grant funding for additional Regional Agency activities.

5.2.6 The Agency will evaluate and disseminate information to Members about innovative waste management/recycling technologies. As directed by the Board and upon available funding, the Agency will conduct additional programs based on additional funding such as but not limited to: cooperative food waste donation for reuse, technical assistance for business recycling, investigate forming cooperative partnerships to develop additional capacity for processing and/or reuse of materials, and/or pool buying power of Members to lower the cost of recycled-content products.

Section 6. Duties and responsibilities of Member Jurisdictions

- 6.1 Each Member will be responsible for funding and/or implementing programs recommended for implementation in their jurisdiction as adopted in their respective SRRE and for continued support of the associated programs as adopted in their respective HHWE.
- 6.2 Each Member will also provide funding of the Agency for its operation in accordance with Section 9, the implementation of regional programs, and for preparing the annual regional diversion rate calculation for the progress made by the Regional Agency.
- 6.3 Each Member shall provide the information required for annual report or new base year compilation to the Agency in a timely manner according to the format set forth by the Agency. The annual report information shall include, but not be limited to, all information required by AB 939, AB 341, AB 1826, and SB 1383.

Section 7. Approval of Agreement by CalRecycle

Pursuant to California Public Resources Code Section 40975(a), establishment of a Regional Agency requires authorization from CalRecycle, if CalRecycle finds that the formation of such a Regional Agency will not adversely affect compliance with PRC Division 30, Part 2. Integrated Waste Management Plans.

Section 8. Agency Financial Requirements

- 8.1 The Agency will follow the financial accounting requirements set forth in Government Code Section 6505, Section 6505.1, Section 6505.5, Section 6505.6, Section 6511, and Section 6512, herein incorporated by reference.
- 8.2 Agency Staff will prepare a budget for each fiscal year and present it to the Board before its approval by the City of Los Angeles. The assets, rights, debts, liabilities and obligations of the Agency shall not constitute assets, rights, debts, liabilities or obligations of any of the Members. However, nothing in this Agreement shall prevent any Member from separately contracting for or assuming responsibility for specific debts, liabilities or obligations of the Agency, provided that both the Agency and the Member approve such contract or assumption.
- 8.3 Payment of Civil Penalties Imposed by CalRecycle - The Members hereby agree that the responsibility for any civil penalties incurred pursuant to AB 939, AB 341, AB 1826, or SB 1383 shall be assigned to the Agency. Should a penalty be assessed against the Agency for non-compliance after all administrative remedies are exhausted; the Members hereby authorize the Agency to allocate responsibility to the Members based upon equal division of the monetary fine between all of the participating Members. Any modification to this basis for determining responsibility for any civil penalties will be codified in the operating Bylaws.

Section 9. Funding

- 9.1 Members shall not be assessed the startup costs for the Agency of approximately \$150,000, which have been borne by the City of Los Angeles. As a Member, the City

of Los Angeles will contribute existing staff and resources totaling approximately \$300,000 per year to the Agency.

- 9.2 The City of Los Angeles will provide \$100,000 annually towards a new base year study to be prepared no less than three years but within five years from the original formation of the Agency.
- 9.3 Funding will be provided by each additional Member assessed as a fee per ton of the Member's landfill disposal. The fee will be codified in the Agency Bylaws and is subject to adjustments as directed by the Board. This fee will be due at the beginning of each fiscal year.

Section 10. Structure of the Agency

- 10.1 **Agency Staff.** The City of Los Angeles shall employ staff for the Agency. Agency Staff shall, upon direction by the Board, plan, organize, and direct the administration and operations of the Agency, shall advise the Chair/Vice-Chair on policy matters, shall develop Agency budgets, shall reply to communications on behalf of the Agency, shall attend meetings of the Board, and carry out other duties as needed.
- 10.2 **Board.** The Board of the Los Angeles Area Integrated Waste Management Authority shall be comprised of a representative from each of the Members. The Board shall make all policy decisions on behalf of the Agency, review and approve budgets, and decide the disbursement of discretionary funds collected under Section 9.3.
- 10.3 **Chair and Vice-Chair.** The officers of the Board shall include a Chair and Vice-Chair elected by a majority vote of Members. Their duties are to: Preside over

- all meetings of the Board; Appoint all ad hoc committees subject to ratification by the Board; act as ex-officio members of all ad hoc committees.
- 10.4 **Treasurer.** The officers of the Board shall include a Treasurer elected by a majority vote of Members. His/her duties are to lead in the preparation and submission of Agency budgets to the Board and monitor expenditures with the assistance of the Agency administrative staff.
- 10.5 **Secretary.** The officers of the Board shall include a Secretary elected by a majority vote of the Members. His/her duties are to record attendance at all Agency meetings and keep a record of vote tallies when votes are taken by roll call.
- 10.6 **Committees.** Committees, subcommittees, and ad hoc committees shall be at the discretion of the Chair subject to ratification by the Board. The Chair may appoint any individual deemed qualified to serve on a Committee.
- 10.7 **Meetings.** The Board will hold regular meetings, at a minimum, on a quarterly basis. Special meetings of the Board may be called in accordance with the provisions of Section 54956 of the California Government Code.
- 10.8 **Brown Act.** All meetings of the Board shall be held subject to the provisions of the California Ralph M. Brown Act (Sections 54950 et seq. of the California Government Code) and other applicable laws of the State of California.
- 10.9 **Minutes.** Agency staff shall cause minutes of all meetings of the Board to be kept and shall, after each meeting, cause a copy of the minutes to be forwarded to each Member.

Section 11. Addition of New Member Jurisdictions

- 11.1 The Agency will have the authority through an action by the Board to add New Member Jurisdictions to the Agency without modification to the existing Agreement by the amendment of Attachment(s) to this Agreement. Attachment(s) shall list the Member Jurisdictions and contain additional signature pages for each New Member. Each New Member shall have equal rights and responsibilities of all Members.
- 11.2 New members must apply to the Board in writing no less than 90 days before the end of each fiscal year to be considered for membership.
- 11.3 New Members will be assessed a prorated share of assets held by the Agency such as the reserve fund.

Section 12. Withdrawal and Termination

- 12.1 Any Member may voluntarily withdraw from this Agreement by filing with the Agency a written notice to withdraw no less than one hundred eighty (180) days prior to the close of the Agency's fiscal year.
- 12.2 A Jurisdiction's participation and membership may be terminated by the Agency for non-performance of its responsibilities and/or duties required under Sections 6.1, 6.2, and 6.3 of this Agreement. A vote by a majority of the Members is needed to terminate the agreement with respect to a Jurisdiction. When terminated, the Jurisdiction and CalRecycle will be notified in writing of the action on behalf of the Agency and all funds received by the Agency for the remainder of the current fiscal year after termination will be refunded to the Jurisdiction after deducting any applicable expenses.

12.3 The withdrawing Jurisdiction shall also continue to be liable for its share of Agency obligations, including, but not limited to, operations costs and the General Budget, until the effective date of its withdrawal.

12.4 This Agreement may be terminated at any time by a written concurrence of a two-thirds (2/3) vote of the Board. Procedures for termination of the Agreement will be codified in the operating Bylaws.

Section 13. Jurisdictional Responsibility Upon Termination

In the event that this Agreement is terminated, individual Jurisdictions will assume responsibility for a share of any civil penalties incurred by the Agency during the term of the Jurisdiction as a Member. Jurisdictions will also be responsible individually for any civil penalties incurred individually. If this Agreement is terminated, each Jurisdiction will assume responsibility for compiling their own disposal information from haulers and facility operators for compliance with the monitoring and reporting system required pursuant to PRC Sections 41780, 41821.5, 42652.5, and 42653, and implementing regulations 14 CCR 18981.1 et seq., unless a subsequent regional agency formation agreement is approved specifically for this purpose. Each Jurisdiction is still responsible for the implementation of the programs described in their respective portion of the annual report including, but not limited to, programs responsive to AB 939, AB 341, AB 1826, and SB 1383.

Section 14. Member Jurisdiction SRRE Implementation

Each Member of the Agency is responsible for and shall continue to implement diversion programs in their adopted and approved SRRE that are specific to their Jurisdiction. Failure to

implement these programs will provide cause for termination of the Agreement with respect to that Jurisdiction.

Section 15. Contact Persons

The name of the regional agency is the Los Angeles Area Integrated Waste Management Authority. The contact persons for all members are listed in Attachment A. The address and primary contact person is the following:

Mr. Alex E. Helou

City of Los Angeles

LA Sanitation and Environment, SRCRD

Los Angeles Regional Agency

1149 S. Broadway, 5th Floor

Los Angeles, CA 90015

Telephone: (213) 485-2260

Section 16. Amendment

This Agreement may be amended or modified at any time, in a manner consistent with and in furtherance of the purposes of this Agreement, with the written consent of a majority of the Member Jurisdictions within the Regional Agency.

Section 17. Indemnification

Pursuant to Government Code Section 895.4, the Parties agree as follows:

- 17.1 Each Member Jurisdiction shall indemnify, defend and hold harmless the City of Los Angeles, the other Member Jurisdictions, the Agency, and their officers, agents and employees, from and against any and all claims, expenses, liability or damage arising out of injury to persons, loss of life, or damage to property which are attributable to any activity of that Member Jurisdiction or of any other person acting under authority of that Member Jurisdiction which results from activities conducted on behalf of the Agency.
- 17.2 The City of Los Angeles and the Agency shall indemnify, defend and hold harmless each Member Jurisdiction and its officers, agents and employees, from and against any and all claims, expenses, liability or damage arising out of injury to persons, loss of life, or damage to property which are attributable to any authorized activity of Agency, or of any other person acting under authority of Agency.

Section 18. Miscellaneous Provisions

- 18.1 **Successors and Assigns.** This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the respective Parties hereto, provided that no Party shall assign any rights, nor delegate any duties provided for hereby without the consent of the other Party.
- 18.2 **Required Actions of the Parties.** The Parties hereto agree to execute all such instruments and documents and to take all actions as may be required in order to consummate the transactions herein contemplated.
- 18.3 **Entire Agreement.** This Agreement contains the entire agreement between the parties hereto with respect to the subject matter hereof, and thereby supersedes all

prior understandings and agreements, if any, with respect thereto, whether written or oral. No addition or modification of any term or provision shall be effective unless set forth in writing, signed by the Parties hereto.

18.4 **Time of the Essence.** Time is of the essence of each and every term, condition, obligation, and provision thereof.

18.5 **Notices.** All notices or other communications required or permitted hereunder shall be in writing and shall be delivered personally (including by means of professional messenger service) or sent by electronic mail or other electronic means or express mail or registered mail or certified mail, return receipt requested. Notices delivered personally or by express mail shall be considered given when received. Notices sent by registered or certified mail shall be considered given two (2) business days after deposit in the United States mail, postage prepaid, addressed to the person to receive such notice. Notices sent by electronic mail or other electronic means shall be considered given two (2) business days after sending.

18.6 Notices shall be addressed as appears below for the Agency, and as listed in the Attachment(s) for each party, provided that if any party gives notice of a change of name or address, notices to the giver of that notice shall thereafter be given as demanded in that notice.

If to Agency: Los Angeles Regional Agency
LA Sanitation and Environment, SRCRD
1149 S. Broadway, 5th Floor
Los Angeles, CA 90015

Attention: Alex E. Helou

sanab939@lacity.org

With a copy to: LA Sanitation and Environment

1149 S. Broadway, Ste. 900

Los Angeles, CA 90015

Attention: Director

If to Members: Please see Attachment(s)

18.7 **Applicable Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of California.

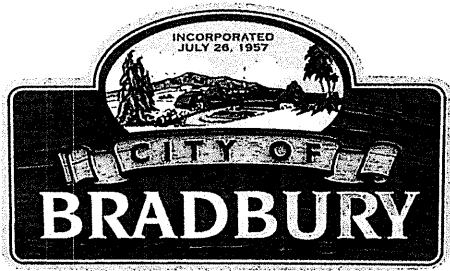
18.8 **No Waiver.** A waiver by any Party of the breach of any of the terms and conditions under this Agreement to be performed by any other Party shall not be construed as a waiver of any succeeding breach of the same terms and conditions of this Agreement.

18.9 **Modifications.** Except as expressly allowed in the Agreement, any alteration, change or modification of or to this Agreement, in order to become effective, must be made in writing and in each instance signed on behalf of each Party hereto.

18.10 **No Obligations to Third Parties.** Except as otherwise expressly provided herein, the provisions of this Agreement are intended to be solely for the benefit of the Parties hereto, and execution and delivery of this Agreement shall not be deemed to confer any rights upon, or obligate any of the Parties hereunder, to any person or entity other

than the Parties hereto.

[BALANCE OF PAGE INTENTIONALLY BLANK - SIGNATURES FOLLOW]



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

City of Bradbury Agenda Memo

TO: Honorable Mayor and Members of the City Council

FROM: Kevin Kearney, City Manager

DATE: September 19, 2023

SUBJECT: **DISCUSSION ON ISSUING SEPARATE ADDRESSES FOR ACCESSORY DWELLING UNITS**

ATTACHMENTS: 1) Admin. Policy No. 6.1: Addressing Policy

RECOMMENDATION

It is recommended that the City Council discuss the various options available on how issue separate addresses to accessory dwelling units.

SUMMARY

The California Department of Housing and Community Development states that an accessory dwelling unit (ADU) is a secondary dwelling unit with complete independent living facilities for one or more persons. As such, State law allows for ADUs to have independent, stand-alone utilities from the main dwelling, and utility companies typically demand separate addresses to establish separate metering.

The City has not historically allowed guest houses to have their own addresses and this has prevented guest houses from obtaining separate utilities from the main dwelling. Since ADUs are allowed to have stand-alone utilities, the City will need to determine how to deal with separate addressing for ADUs. Options available include:

1. Issuing a completely new address (e.g. the main dwelling is 100 and new ADU could be 101)
2. Issue fractional numbering (e.g. 100 and 100 ½), or
3. Issue lettering (e.g. 100 and 100A).

Additional discussion should include the numbering/lettering to be sequential, at the discretion of Staff, or pursuant to property owner's request.

FOR CITY COUNCIL AGENDA 9.19.23

AGENDA ITEM # 8

ATTACHMENT #1

Subject: **Addressing Policy**

Effective Date: May 16, 1995

Policy Objective: To establish a policy for handling requests for address changes.

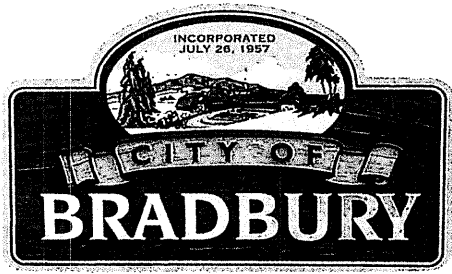
Authority: City Manager

Assigned Responsibility: City Manager

Procedures:

1. In general, addresses shall be assigned to the street on which the lot or residence fronts.
2. House numbers will be issued to conform with existing patterns of block numbers and house numbers.
3. Wherever possible, addresses are to be issued to reflect the true location of the buildings being numbered with consideration being given to driveway and access locations.
4. The address of a family residence on a corner lot, or a lot abutting two streets, will be issued on the street from which primary access is taken to the house.
5. Odd numbers are assigned to the northernmost and westernmost sides of the street, and even numbers are assigned to the southernmost and easternmost sides of the street.
6. House Numbers will not be assigned to undeveloped vacant property.
7. The following agencies require noticing:
 - a) Los Angeles County Assessor's Office
 - b) Los Angeles County Recorder's Office
 - c) Los Angeles County Sheriff's Department
 - d) Los Angeles County Consolidated Fire District
 - e) All Utility Companies
 - f) Private Homeowners Association (if applicable)
 - g) United States Post Office
8. Requests For a Change of Address will be considered by City staff upon submittal of a written request and payment of the fee established by Council. This fee is forfeited whether or not the number selected by City staff is used and is in addition to any appeal fee.

9. The City actively discourages property owners from changing house numbers for arbitrary or superstitious reasons. House numbers are not to be assigned based upon whether a number is supposedly lucky or unlucky. In particular, insofar as possible, City staff will not assign the number eight (8) as part of any address assigned as a result of a Request For a Change of Address.
10. If any property owner is dissatisfied with the address assigned by City staff, the staff decision may be appealed directly to the City Council upon payment of the appeal fee. City Council will not be bound by this policy and will make their determination based upon the evidence presented.



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

City of Bradbury Agenda Memo

TO: Honorable Mayor and Members of the City Council

FROM: Kevin Kearney, City Manager

DATE: September 19, 2023

SUBJECT: **APPROVAL OF CHANGES TO THE CITY'S INVESTMENT POLICY
AND INVESTMENT APPROVAL OF \$1MM INTO CDs**

ATTACHMENTS: 1) Track Changes to Bradbury's Investment Policy
2) Hidden Hills Investment Policy
3) Sierra Madre Investment Policy

RECOMMENDATION

It is recommended that the City Council take the following actions:

1. Review and approve the track changes to the City's Investment Policy.
2. Approve transfer of \$1MM from the City's checking account to be invested into CDs that are all below the minimum FDIC insurance limit.
3. Approve a transfer from the City's checking account into LAIF that would decrease the checking account's balance to \$250,000 since this is the Federal Deposit Insurance Corporation's (FDIC) insurance limit.

These recommendations, including the track changes to the investment policy, have been reviewed and approved by the City Treasurer.

SUMMARY

At the request of Councilmember Lathrop, this item prompts a discussion on the City's Investment Policy (Attachment #1). To assist with the discussion, Staff has also attached the Investment Policies of Hidden Hills and Sierra Madre (Attachment #s 2 & 3).

FOR CITY COUNCIL AGENDA 9.19.23

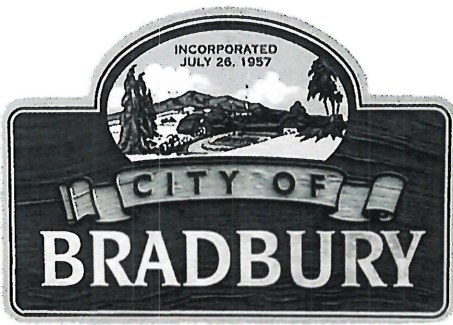
AGENDA ITEM # 10

In November 2017 (prior to all current employees), the City Council revised the City's Investment Policy to allow for negotiable CDs out to three years in maturity. Under the direction of the City Treasurer, the standard investment practice has been to invest in CDs from 1 to 3 years in length. The current practice is to invest in 1-year CDs since the interest rate has been increasing.

The monthly investment report for the month of August 2023 reflects the following cash on deposit by account:

Bank Account	Amount	Maturity	Interest Rate
Wells Fargo Bank – Checking	\$1,593,032.62	N/A	0%
Investments:			
Local Agency Investment Fund	\$3,450,656.62	N/A	3.17%
Metro Credit Union	\$243,000.00	07/26/2024	5.55%
Texas Exchange Bank Crowley CD	\$249,000.00	07/09/2024	0.50%
BMW Bank of NA	\$248,000.00	12/10/2024	0.90%
Salal Credit Union Seattle Wash	\$240,000.00	09/29/2023	4.20%

ATTACHMENT #1



SUBJECT: **Statement of Investment Policy**

PURPOSE: The purpose of this policy is to identify various policies and procedures that enhance opportunities for a prudent and systematic investment policy and to organize and formalize investment-related activities.

Introduction

~~The purpose of this document is to identify various policies and procedures that enhance opportunities for a prudent and systematic investment policy and to organize and formalize investment related activities.~~

The investment policies and practices of the City of Bradbury are based upon Federal, State and local law and prudent money management. The primary goals of these policies are:

1. To ensure compliance with all Federal, State and local laws governing the investment of monies.
2. To protect the City's money.
3. To generate the maximum amount of investment income within the parameters of this Statement of Investment Policy.

Scope

It is intended that this policy cover all surplus monies in all the funds and investment activities under the direct authority of the City.

Objectives

- A. Safety – Safety is a primary of principal is the foremost objective of the investment program of City of Bradbury.
- B. Liquidity – Liquidity is also an important investment objective. The portfolio shall be composed of investments which provide the ability to be easily sold at any time with minimal risk loss of principal or interest.
- C. Yield/Market Average Rate of ReturnReturn on Investments – Yield Return on investment is of secondary should become a consideration importance as compared to only after the basic requirements of safety and liquidity have been met objectives described above. The investment portfolio shall be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the agency's risk constraints, the cash flow characteristics

~~constraints, the cash flow characteristics~~ of the portfolio and Federal, State and local laws, ordinances or resolutions that restrict investments. The market-average rate of return is defined as average return on three-month U.S. Treasury Bills.

- D. Diversification - The investment portfolio will be diversified to avoid incurring unreasonable and avoidable risks regarding specific security types or individual financial institutions.
- E. Prudence - The agency adheres to the guidance provided by the “prudent man rule”, which obligates a fiduciary to insure that:

“~~Investment~~Investment shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.”

- F. Public Trust – All participants in the investment process shall act as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designated and managed with a degree of professionalism that is worthy of the public trust.

Delegation of Authority

Responsibility for the day-to-day investment of City funds is delegated to the City Manager pursuant to Resolution 1266 and its successors. The City Treasurer shall review the City’s investments and report to the City Council whenever he or she deems appropriate. Except as to protect the principal of the City’s money, all changes in the ~~location~~, amount or nature of investments of City funds shall require approval by the City Council.

Monthly Investment Report

The City Manager shall submit, and the City Treasurer shall review, a monthly investment report to the Government Body. This report will include the following elements:

- a) type of investment
- b) institution
- c) date of maturity
- d) amount of deposit or cost of security
- e) current market value of securities with maturity in excess of 12 months
- f) rate of interest
- g) statement relating the report to the Statement of Investment Policy
- h) statement that there are sufficient funds to meet the next 30 days obligations

- i) comparison between average weighted yield on all investments and a benchmark yield (6 month Treasury Bill)
- j) such data may be required by the City Council

Investment Instruments

Security purchases and holdings shall be maintained within statutory limits imposed by California Government Code, Section 53601.

The City Manager shall limit security purchases and holding to the following investment options, unless expressly authorized by the City Council:

Local Agency Investment Fund (LAIF) – The State of California allows local agencies to deposit funds for investment in the State's Treasury Pool. There is ~~no~~ minimum investment period. The minimum transaction is \$5,000 with multiple of \$1,000 above that. The maximum balance that any agency may invest in LAIF is \$40,000,000. LAIF offers high liquidity and deposits can be converted to cash and deposit into the City's local account within 24 hours. All interest is paid to those agencies participating on a proportionate share basis determined by the amounts deposited and length of time they are on deposit and interest is paid quarterly.

US Government Obligations – US Government agency obligations and US government instrument obligations that have a liquid market with a readily determinable market value.

Certificate of Deposits – Negotiable Certificates of Deposit of a bank or savings and loan. CDs may be purchased in various denominations with maturities ranging from 30 days to 36 months. The interest calculated on a 360-day basis and is payable monthly.

~~Interest Bearing~~Interest Bearing Checking Accounts ~~–(Demand Deposit)s) –~~ are ~~not~~ really investments, but cash held in the City's checking account. Interest earnedInterest earned can be paid to the City on a regular basis or left in the account to offset fees for monthly bank services. The account must be with a bank with FDIC Insurance. The bank must certify that amounts not covered under FDIC Insurance are fully collateralized as required under California State law.

Passbook Deposits – are "savings" accounts. A certificate of deposit issued in any amount for a non-specified amount of time. Interest rates are much lower than those of CDs but the savings account allows flexibility. ~~Funds can~~Funds can be deposited and withdrawn according to daily needs. The account must be with a bank with FDIC Insurance. The bank must certify that amounts ~~not covered~~not covered under FDIC Insurance are fully collateralized as required under California State law.

Internal Controls

The City Manager shall have overall responsibility for the internal financial control of the City's investments in accordance with Federal, State and local law and any guidelines or limitations established by Council.

The City Treasurer shall review the City's monthly investment report and notify the City Council of any investment transactions which do not conform ~~with~~^{to} anticipated cash flow requirements, economic conditions and interest rate trends, or which are inconsistent with the established investment Policy Statement.

All investments shall be authorized by the City Manager, or in the absence of the City Manager the City Treasurer, ~~and confirmed in writing by and to the Management Analyst.~~ Investments authorized by the City Manager shall be reviewed by the City Treasurer; those authorized by the City Treasurer shall be reviewed by the City Manager.

Banks and Securities Dealers

In selecting financial institutions for the deposit or investment of City funds, the City Manager shall consider the creditworthiness of institutions. The City Manager shall continue to monitor financial institutions, credit characteristics and financial history throughout the period in which agency funds are deposited or invested.

Risk Tolerance

The City of Bradbury recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary liquidity. Portfolio diversification is employed as a way to control risk. Investment managers are expected to display prudence in the selection of securities, as a way to minimize default risk. No individual investment transaction should be undertaken which jeopardizes the total capital position of the overall portfolio. The City Manager shall endeavor to control risks of default, market price changes and liquidity.

Safekeeping and Custody

Securities purchased from brokers/dealers should be held in a third party custodian/safekeeping account. Said securities shall be held in a manner that establishes the City's right of ownership.

All securities owned by the City of ~~Bradbury shall~~^{Bradbury shall be held} ~~be held~~ ~~by~~ ~~held~~ ~~aby~~ ~~third~~ ~~third~~ ~~party~~ ~~except~~ ~~the~~ collateral for CDs in banks and savings and loans. Collateral for CDs ~~in~~ ~~savings~~^{in savings} and loans is held by the Federal Home ~~Loan~~ ~~Bank~~^{Loan Bank} ~~or~~ ~~an~~ ~~approved~~ Agent Depository. The collateral for CDs in banks and savings and loans shall be held in Bradbury's name in the bank's Trust Department, or alternatively in the ~~Federal Reserve~~^{Federal Reserve} Bank.

Review and/or Modifications

The City Manager and City Treasurer shall be responsible for reviewing and modifying investment policies as conditions warrant and submit same for reapproval to the City Council on an as needed basis.

ATTACHMENT #2

Statement of Investment Policy
Fiscal Year 2023-24

1.0 Policy:

This Investment Policy applies to the City of Hidden Hills ("City"). It is the policy of the City to protect, preserve and maintain its respective assets. The City shall invest public funds in a manner that will provide the highest investment return commensurate with maximum security, while meeting the respective cash flow demands of the City and conforming to all State and Local statutes governing the investment of public funds.

2.0 Scope:

The City follows the practice of pooling cash and investments of all funds, except for funds required to be held by outside fiscal agents under the provisions of bond indentures, or other funds as designated by the City Council or the City Treasurer. Funds contained in the City's pool are designated as "General Portfolio". This investment policy applies to the investment of surplus funds contained in the "General Portfolio". These funds are accounted for in the Annual Financial Statements and include:

- The General Fund
- All Special Revenue Funds
- All Trust and Agency Funds

3.0 Prudence:

The City is held to the prudent investor standard set forth in Section 53600.3 of the Government Code which states: "When investing, reinvesting, purchasing, acquiring, exchanging, selling or managing public funds, a trustee shall act with care, skill, prudence and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims to safeguard the principle and maintain the liquidity needs of the agency."

Accordingly, this is the standard of prudence to be used and applied by the City Treasurer (and other persons under the supervision and responsibility of the Treasurer pursuant to Section 5.3) to manage the City's investment portfolio, per the delegation of authority by the City Council to the Treasurer set forth in Section 5.3 of this Investment Policy.

It is the City's full intent, at the time of purchase, to hold all investments until maturity to ensure the return of all invested principal dollars. However, it is realized that market prices of securities will vary depending on economic and interest rate conditions at any point in time. It is further recognized, that in a well-diversified investment portfolio, occasional measured losses are inevitable due to economic, bond market or individual security credit analysis. These occasional losses must be considered within the context of the overall investment program objectives and the resultant long-term rate of return.

4.0 Objectives:

The cash management system of the City is designed to accurately monitor and forecast expenditures and revenues, thus ensuring the investment of monies to the fullest extent possible. The City strives to maintain the level of investment of surplus funds as near to 100% as possible. Consistent with this factor, investments are made under the terms and conditions of Articles 1 (commencing with Section 53600) and 2 (commencing with Section 53630) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code of California. Consistent with Government Code Section 53600.5, the primary objectives, in priority order, of the investment activities of the City shall be:

4.1. Safety: Safety of principal is the foremost objective of the investment program. "Safety" means that the overall value of invested public funds shall not be diminished in the process of securing and investing those funds or over the duration of the investments. To attain this objective, portfolio diversification is required.

a. Reduction of Credit Risk: Credit risk is defined as the risk of loss due to failure of the issuer of a security. This risk shall be mitigated by investing in investment grade securities and by diversifying the investment portfolio so that the failure of any one issuer does not unduly harm the City's capital base and cash flow.

b. Reduction of Market Risk: Market risk is defined as market value fluctuations due to overall changes in the general level of interest rates. This risk shall be mitigated by limiting the average maturity of the City's investment portfolio to two years, the maximum maturity of any one security to five years, structuring the portfolio based on historic and current cash flow analysis eliminating the need to sell securities prior to maturity and avoiding the purchase of long term securities for the sole purpose of short term speculation.

4.2. Liquidity. The investment portfolio of the City will remain sufficiently liquid to enable such agency to meet all operating requirements of such agency which might be reasonably anticipated. Additionally, since all possible cash demands cannot be anticipated, a large portion of the securities held should be those for which active secondary markets exist. The liquidity of each type of authorized investment is included in its description in Section 8 "Authorized and Suitable Investments" section of this policy.

4.3. Return on Investment (Yield): The investment portfolio shall be designed with the objective of attaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow characteristics of such portfolio.

In general, the California Government Code limits authorized investments to those classes of securities which have lower risk (and therefore lower yields) than other higher risk investment choices. In each investment transaction the anticipated return on investment is subordinate to the preceding requirements of safety and reduction of credit and interest rate risk.

5.0 Delegation of Authority:

Authority to manage the investment program of the City is derived from Government Code Sec. 53601 and 53607 (which respectively authorize a legislative body to invest public funds, and the

legislative body's delegation of such authority to the treasurer of the corresponding agency) and the City's Municipal Code.

5.1 Responsibilities of the City Council. The City Council shall consider and adopt yearly a written investment Policy. As provided in this policy, the Council shall receive and review quarterly Investment Reports.

5.2. Responsibilities of the City Manager. The City Manager is responsible for supervising the City Treasurer. The City Manager is also responsible to keep the City Council fully advised of the investment portfolio and as to the financial condition of the City.

5.3. Responsibilities of the City Treasurer. Pursuant to Government Code Section 53607, the City Council delegates the authority to invest or reinvest surplus funds, and to sell or exchange securities so purchased for and on behalf of the City, to the City Treasurer for the one-year period commencing from the date of adoption of this Investment Policy, and the City Treasurer shall make a monthly report of those transactions to the City Council.

No person may engage in an investment transaction except as provided under the terms of this policy. The City Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of investment advisors. The City Treasurer is charged with responsibility for the conduct of all treasury functions, including the custody and investment of City funds, the development of procedures to implement this Investment Policy, and the rendering of the monthly transactions reports and quarterly investment reports (containing such information as specified in Section 15.0) required by this policy.

6.0 Ethics and Conflicts of Interest:

Officers and employees involved in the investment process are required by the City of Hidden Hills Conflict of Interest Policy and State Government Code Section 81000 to disclose annually to the City Council any material financial interests in financial institutions that conduct business within the City and further to disclose any large personal financial/investment positions that could be related to the performance of the City, particularly with regard to the time of purchase and sales, as part of the City's conflict of interest reporting requirements.

7.0 Authorized Financial Dealers, Institutions and Portfolio Managers:

The City Treasurer will maintain a list of financial institutions authorized to provide investment services, including portfolio management. The City Treasurer will exercise prudence in the selection of any portfolio managers, provide suitable safeguards to prevent abuse in the exercise of discretion by a portfolio manager, and will remain responsible for any investment decisions made by the portfolio manager. In addition, a list will also be maintained of security broker/dealers approved to provide direct services to the City. These broker/dealers shall be selected by credit worthiness and be authorized to provide broker-dealer services in the State of California. In addition, broker dealers selected for the list shall meet the requirements of Government Code Section 53601.5 (which currently requires that they be one of the following: (i) an institution licensed by the state as a broker-dealer, as defined in Section 25004 of the Corporations Code, (ii) a member of a federally regulated securities exchange, (iii) a national or state-chartered bank, (iv) a savings association or federal

association (as defined by Section 5102 of the Financial Code), or (v) a brokerage firm designated as a primary government dealer by the Federal Reserve Bank). These may include "primary" dealers or regional dealers that qualify under Securities & Exchange Commission Rule 15c3-1 (uniform net capital rule), so long as such dealers also meet one of the foregoing criteria of Government Code Section 53601.5. No public deposit shall be made except in a qualified public depository and pursuant to the collateralization (or federal insurance) and depository contract requirements as established by state law (including, without limitation, Article 2 (commencing with Section 53630) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code). Financial institutions authorized to provide investment services to the City, including portfolio management, shall utilize security broker/dealers who are duly licensed and authorized to provide investment services in the State of California and otherwise meet one of the requirements of Government Code Section 53601.5 but shall not be limited to the list of approved broker/dealers maintained by the City.

Anyone providing financial services to the City, including portfolio management, must adhere to the investment policies of the City as adopted annually by the City Council.

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions, including portfolio management, must supply the City Treasurer with the following:

- Audited financial statements for the institutions three most recent fiscal years;
- Proof of Financial Industry Regulatory Authority (FINRA) registration;
- Proof of State registration; and
- Certification of having read and understood the investment policy and the depository contracts of the City.

A current audited financial statement is required to be on file for each financial institution, broker/dealer and portfolio manager with which the City invests.

Selection of financial institutions and broker/dealers authorized to engage in transactions with the City shall be at the sole discretion of the City. An annual review of the financial condition of qualified bidders will be conducted by the City Treasurer.

8.0 Authorized and Suitable Investments:

Investable funds, which include funds not needed for the immediate needs of the City, are determined by the City Treasurer. Notwithstanding, one year's anticipated revenues shall be invested in Local Agency Investment Funds administered by the State Treasurer's Office pursuant to the authority conferred by Government Code Section 16429.1. All other investments shall be made in accordance with Sections 53600 et seq., of the Government Code. If not otherwise specified herein, the maximum term or remaining maturity shall be as specified in Section 11.0 of this policy. Within the context of limitations, the following investments are authorized, as further limited herein by this Policy and subject to the portfolio concentration limits set forth herein and in Table 1, appended to this policy:

8.1 U.S. Treasury Bonds, Notes & Bills and "Strips" - United States Treasury notes, bonds, bills, or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

In addition, through the commercial book-entry system, a Treasury fixed-principal note or bond or a Treasury inflation-protected security may be stripped, and each interest payment and the principal payment becomes a separate security (also known as Separate Trading of Registered Interest and Principal of Securities or “STRIPS”). Each component has its own identifying number and can be held or traded separately. Broker/dealers may market the principal portion of these “stripped” securities or “Strips” at deep discounts. In accordance with Government Code Section 53601.6, interest-only Strips are not authorized for the City. However, principal-only Strips (also known as “zero-coupon Treasury securities” or “Discount Notes”) are authorized investments, if they meet the requirements of Government Code Section 53601.6(b), which specifies that a local agency shall not invest any of its surplus funds in any security that could result in zero interest accrual if held to maturity.

8.2 Federal Agency Obligations or United States Government-Sponsored Enterprise (GSE) Obligations – Federal agency or United States government-sponsored enterprise (GSE) obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises. As to GSEs, there are numerous government-sponsored enterprises which issue debt instruments, but many lack the liquidity necessary to fit the portfolio requirements of the City. Purchases of government-sponsored enterprise securities should be limited to the issues of the Government National Mortgage Association, the Federal Farm Credit Bank, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Home Loan Bank.

To the extent the investment is (a) a mortgage-pass through security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable pass-through certificate, or consumer receivable-backed bond and (b) not fully guaranteed as to principal and interest by federal agencies or a GSE, the investment shall also meet the criteria specified in Section 8.6 of this policy.

8.3 Repurchase Agreements - A repurchase agreement is a contractual agreement between a financial institution or dealer and the City by which the City purchases securities from a counterparty seller, the counterparty seller agrees to repurchase the securities on or before a specified date and for a specified amount, and the counterparty delivers the underlying securities to the City by book entry, physical delivery, or by third-party custodial agreement. Repurchase agreements authorized by this section shall not exceed 20 percent of the City’s surplus moneys that may be invested pursuant to this policy.

Repurchase agreements may only be made with primary dealers of the Federal Reserve Bank of New York. The City will not enter into repurchase agreements for a period greater than 7 days. The market value of the securities that underlie a repurchase agreement will not be less than the greater of (a) 102% of the funds borrowed by the counterparty seller against those securities or (b) the sum of the funds borrowed by the counterparty seller against the securities plus accrued interest. And, the securities will be only treasuries meeting the requirements of Section 8.1 of this policy and agencies of the United States government meeting the requirements of Section 8.2 of this policy.

8.4 Medium term corporate notes or bonds (rated A or above by a nationally recognized statistical rating organization (NRSRO)) – all corporate and depository institution debt securities with a maximum remaining maturity of five years or less, issued by corporations organized

and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States may be bought only through major banks or primary dealers which offer competitive secondary markets for the purchase or sale of the notes before maturity, such as Bank of America, Goldman Sachs, and J. P. Morgan. Purchases of medium term corporate notes or bonds shall not exceed 30 percent of the City's surplus moneys that may be invested pursuant to this policy.

8.5 Commercial paper - (which must have a rating of the highest ranking or of the highest letter and number rating as provided for by a NRSRO (e.g., A1 (S&P) or P1 (Moody's)) - may be bought through major banks or primary dealers which can offer or arrange competitive secondary markets for the purchase or sale of the paper before maturity. The longest maturity approved for commercial paper is 270 days.

The entity that issues the commercial paper shall meet all of the following conditions in either paragraph (a) or (b):

a. The entity (i) is organized and operating in the United States as a general corporation; (ii) has total assets in excess of five hundred million dollars (\$500,000,000); and (iii) has debt other than commercial paper, if any, that is rated "A" or higher by an NRSRO.

b. The entity (i) is organized within the United States as a special purpose corporation, trust, or limited liability company; (ii) has program wide credit enhancements including, but not limited to, overcollateralization, letters of credit, or a surety bond; and (iii) has commercial paper that is rated "A-1" or higher, or the equivalent, by an NRSRO.

The City may invest no more than 25 percent of its moneys in eligible commercial paper. The City may not purchase more than 10 percent of the outstanding commercial paper of any single issuer.

8.6 Mortgage-backed securities – a mortgage-pass-through security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable pass-through certificate, or consumer receivable-backed bond with a fixed coupon issued by an agency of the U.S. government or a GSE, provided that the stated final maturity of such security does not exceed five (5) years from the date of purchase. To be eligible, the issuer of such security, obligation, bond, or certificate must have an A or higher rating for the issuer's debt as provided by an NRSRO, and the security, obligation, bond, or certificate itself must be rated in a rating category of AA or its equivalent or better by an NRSRO. Purchases of securities, obligations, bonds, or certificates authorized by this section shall not exceed 20 percent of the City's surplus moneys that may be invested pursuant to this policy.

8.7 Negotiable Certificates of Deposit (CDs) or Non-negotiable, FDIC-insured CDs or Time Deposits with fixed coupons and fixed maturity date which may not exceed five (5) years and are issued by a nationally or state-chartered bank, a savings association or a federal association (as defined by Section 5102 of the Financial Code), a state or federal credit union, or by a federally licensed or state-licensed branch of a foreign bank. Purchases of CDs and time deposits shall not, in total, exceed 30 percent of the City's funds that may be invested pursuant to this policy.

8.8 Local Agency Investment Funds (LAIF) administered by the State Treasurer's Office.

8.9 Passbook accounts maintained solely to provide for ongoing operational needs shall not exceed the maximum amount insured by the FDIC and shall be subject to the requirements of this policy.

8.10 Shares of Beneficial Interest Issued by a Joint Powers Authority – the joint powers authority must be organized pursuant to Government Code Section 6509.7 and invest in the securities and obligations authorized for local agency investment by Government Code Section 53601.

To be eligible, the joint powers authority issuing the shares (each of which shall represent an equal proportional interest in the underlying pool of securities owned by the joint powers authority) shall have retained an investment adviser that (i) is registered or exempt from registration with the U.S. Securities and Exchange Commission; (ii) has not less than five years of experience investing in the securities and obligations authorized for local agency investment by Government Code Section 53601; and (iii) has assets under management in excess of five hundred million dollars (\$500,000,000).

8.11 State and Local Agency Bonds, Warrants and Treasury Notes (rated “BBB” or above (or equivalent) by a NRSRO before insurance). The following may be purchased except that the remaining term to maturity at the time the investment is purchased cannot exceed five years.

a. Registered state warrants or treasury notes or bonds of the State of California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the State of California or by a department, board, agency, or authority of the State of California.

b. Registered treasury notes or bonds of any of the other 49 states in the U.S., including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 states in the U.S.

c. Bonds, notes, warrants, or other evidences of indebtedness of a local agency within the State of California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency.

No more than 5 percent of the City’s funds that may be invested pursuant to this policy shall be invested in bonds, warrants, notes, or other evidences of indebtedness of a single local agency within the State of California or of a single state. For purposes of the foregoing limitation, bonds, warrants, notes, or other evidences of indebtedness of a related entity of a local agency or state shall be included in the calculation with respect to moneys invested in such local agency or state.

Also, no more than 15% of the City’s funds that may be invested pursuant to this policy shall be invested in bonds, warrants, notes, or other evidences of indebtedness (of states within the U.S. and/or California local agencies) that have been assigned a rating within the “BBB” (or equivalent) rating category (i.e., “BBB” or “BBB+”. “BBB-“ rated obligations are below the minimum eligible rating of “BBB”).

8.12 Shares of Beneficial Interest Issued by “Money Market Funds” – shares of beneficial interest issued by diversified management companies that are money market funds registered with the U.S. Securities and Exchange Commission under the Investment Company Act of 1940.

To be eligible, the investment company (i.e., money market fund) must meet either of the following criteria: (a) attained the highest ranking or the highest letter and numerical rating provided by not less than two NRSROs, or (b) retained an investment adviser registered or exempt from registration with the U.S. Securities Exchange with not less than five years’ experience managing money market mutual funds with assets under management in excess of five hundred million dollars (\$500,000,000). The shares authorized by this section must be of the type sold without any sales commission or sales charge of any kind (true no-load funds). Purchases of money market fund shares shall not exceed 20 percent of the City’s moneys that may be invested pursuant to this policy.

8.13 Other Investment Guidelines:

Securities may be sold at a loss in order to improve the risk or return characteristics of the portfolio, to prevent anticipated further erosion of principal or when trading for securities that result in an expected net economic gain to the City. If securities owned by the City are downgraded by both Moody's and S&P to a level below the quality required by this Investment Policy, it shall be the City's policy to sell such securities promptly.

Exemptions - Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.

Prohibited Investments - The list of eligible securities contained in the California Government Code is extensive and includes a number of categories which are not suitable investments for funds of the City. The categories in the list which have such limitations are as follows:

The City shall not invest any funds pursuant to Section 53600, et. seq., in inverse floaters, range notes, interest-only strips that are derived from a pool of mortgages, or any security that could result in zero interest accrual if held to maturity.

9.0 Collateralization:

All investments of the City shall be collateralized to the extent required by the State Government Code. (E.g., repurchase agreements, and deposits exceeding the maximum amount insured by the FDIC.)

The collateral for deposits exceeding the maximum amount insured by the FDIC in local savings associations is held at the Federal Home Loan Bank of San Francisco. The collateral for such deposits in local banks is held in the City's name in the trust department of one of the banks with which the City has a current safekeeping agreement (so long as the issuer of the deposit is not the same bank as the bank holding the collateral) and is authorized pursuant to Government Code Sections 53656(b) and 53657 by the Administrator of Local Agency Security designed by Government Code Section 53661 (presently, the Commissioner of Business Oversight) or with the Federal Reserve Bank of San Francisco.

Acceptable collateral instruments are U.S. Treasury or Federal Agency or GSE issues of the types authorized by Government Code Sections 53651(a) and 53651(f), respectively, equal in market value to at least 110% of the deposit of the City. Alternatively, prime seasoned first trust deeds meeting the requirements of Government Code Section 53651.2 and equal in value to at least 150% of the deposit of the City may also be placed by savings associations with the Federal Home Loan Bank of San Francisco to cover collateral requirements for City deposits.

Securities which serve as collateral for repurchase agreements with banks may be held in the issuing bank's trust department, provided that a master repurchase agreement has been executed ensuring the fiduciary separation of these assets from other bank assets.

10.0 Safekeeping and Custody:

All security transactions, including collateral for repurchase agreements, entered into by the City shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by a third party custodian and evidenced by safekeeping receipts. Pursuant to Government Code Section 53608, the third party custodian shall be a federal or state association (as defined by Section 5102 of the Financial Code), a trust company or a state or national bank located within the State of California, the Federal Reserve Bank of San Francisco or any branch thereof within the State of California, or any Federal Reserve Bank or any state or national bank located in any city designated as a reserve city by the Board of Governors of the Federal Reserve System.

The transferring of investment funds will be carried out exclusively by use of the Federal Reserve Bank's electronic wire transfer system. Each Banker or Primary Dealer with which the City does business shall receive in writing from the City Treasurer and City Manager or designee a listing which limits transfers of funds to pre-authorized bank accounts only.

The listing will also contain the names of the City staff authorized to request such transfers and will be updated in writing for changes of authorized staff and bank accounts as necessary.

Transfers from one account of the City to another shall require the request of only one authorized staff member. Transfers from the City's account to third parties shall require the request of two authorized staff members.

11.0 Maximum Maturities:

To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. Pursuant to Government Code Section 53601, if not otherwise specified herein, no investment shall be made in any security, other than a security underlying a repurchase agreement authorized by Section 8.3, that at the time of the investment has a term remaining to maturity in excess of five (5) years from the date of purchase, unless the City Council has granted express authority to make that investment either specifically or as a part of an investment program approved by the City Council no less than three months prior to the investment.

12.0 Internal Control and Audits:

The City Treasurer shall establish an annual process of independent review by an external auditor. This review may be part of the City's annual financial audit performed by an independent certified public accountant which is designed to meet the requirements of the federal Single Audit Act of 1984

and related Office of Management and Budget Circular A-128 or at any other time as determined by the City Treasurer.

13.0 Reporting and Investment Policy Adoption:

The City Treasurer in conjunction with the City Manager and City Attorney shall review and update this Investment Policy annually and present the written, updated policy to the City Council, for consideration and adoption as provided in Government Code Section 53646 et al.

14.0 Interest Earnings:

All moneys earned and collected from investments authorized in this policy shall be allocated yearly to various fund accounts based on the monthly cash balance in each fund as a percentage of the entire pooled portfolio.

15.0 Reporting and Reviews:

The City Treasurer shall make a monthly report to the City Council of the transactions to invest or reinvest surplus funds, and to sell or exchange securities so purchased for and on behalf of the City, in compliance with California Government Code Section 53607.

The City Treasurer shall review and render quarterly reports to the City Manager and City Council in compliance with California Government Code Section 53646(b). These reports will include the face amount and the purchase price of the cash investment, the classification of the investment, the name of the issuer institution or entity, the rate of interest, the maturity date, the current market value and accrued interest due for all securities.

The quarterly report will include a statement of the portfolio's compliance with the City's investment policy and a statement denoting the City's ability to meet its expenditure requirements for the next six months. Additionally, and if applicable, the report will include the amount held by the City's deferred compensation administrator(s).

16.0 Legislative Changes:

Any State of California legislative action, that further restricts allowable maturities, investment type or percentage allocations, will be incorporated into the City of Hidden Hills' Investment Policy and supersede any and all previous applicable language.

17.0 Investment Policy Adoption:

The City's Investment Policy shall be adopted by Resolution of the City Council on an annual basis. This Investment Policy shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity and yield, and its relevance to current law and financial and economic trends. Any amendments to the policy shall be forwarded to City Council for approval.

TABLE 1

<u>Investment Type:</u>	<u>Dollar or Percent Limits</u> (calculated separately for each agency's portfolio)	<u>Maturity</u> (Not to Exceed)	<u>Liquid</u>
1. General Instruments			
State Investment Fund (LAIF)	The maximum set by LAIF	On demand	Yes
U.S. Treasury Bonds, Notes & Bills	None	5 yrs.	Yes
Federal Agency or U.S. Government Sponsored-Enterprises	None (subject to Sections 8.2 and 8.6 (mortgage-backed securities) of the investment policy)	5 yrs.	Yes
Obligations of the State of California, any of the other 49 states, or any local agency of the State of California with a rating of "BBB" or above (or equivalent) before insurance.	5% of total portfolio with respect to obligations of a single local agency within the State of California or of a single state 15% of total portfolio with respect to obligations rated "BBB" or "BBB+" ("BBB-" is not eligible)	5 yrs.	Yes
2. Collateralized Investments			
Repurchase Agreements	20% of total portfolio	7 days	Yes
Deposit accounts	Amounts above FDIC-insurance must be collateralized	On demand	Yes
3. Uncollateralized Instruments			
Non-negotiable, FDIC-insured CDs or Time Deposits	30% of total portfolio*	5 years	No
Negotiable Certificates of Deposit (CDs)	30% of total portfolio*	5 years	Yes
Medium Term Corporate Notes* and Bonds*	30% of total portfolio**	5 years	Yes
Commercial Paper	25% of total portfolio	270 days	Yes
Mortgage-Backed Securities	Not to exceed 20%	5 yrs.	Yes

Investment Type:	<u>Dollar or Percent Limits</u> (calculated separately for each agency's portfolio)	<u>Maturity</u> (Not to Exceed)	<u>Liquid</u>
<p>*Percent Limit (30% of total portfolio) is a collective limit as to Time Deposits, non-negotiable FDIC-insured CDs, and negotiable CDs.</p> <p>** Percent Limit is a collective limit as to Medium Term Corporate Notes & Corporate Bonds, which are governed by Gov. Code Sec. 53601(k).</p>			
4. Other Instruments			
Shares of "money market funds" which are sold without any sales commission or sales charge of any kind (true no-load funds) and rated the highest ranking or highest letter and numerical rating provided by at least two NRSROs	20% of total portfolio	On demand	Yes
Shares of beneficial interest issued by a JPA	None	On demand	Yes

ATTACHMENT #3



City of Sierra Madre Agenda Report

Gene Goss, Mayor
Edward Garcia, Mayor Pro Tem
Rachelle Arizmendi, Council Member
Kelly Kriebs, Council Member
Robert Parkhurst, Council Member

Michael Amerio City Treasurer

TO: Honorable Mayor, Members of the City Council and City's Public Financing Authority

FROM: Michael Amerio, City Treasurer *MA*
Hillary Guirola-Leon, Finance Director

REVIEWED BY: Jose Reynoso, City Manager

DATE: September 27, 2022

SUBJECT: **RESOLUTION: 22-62 APPROVAL OF INVESTMENT POLICY**

STAFF RECOMMENDATION

Staff recommends approval of Resolution 22-62, approval of FY22-23 Investment Policy.

SUMMARY

The City's Investment Policy is reviewed on an annual basis. There are no significant changes to the Investment Policy. The only change is that the quarterly investment report will be submitted to City Council within 60 days instead of 30 days.

ANALYSIS

Annually, in accordance with California government code, the City reviews and approves its investment policy. Resolution 22-62 adopts the investment policy for the fiscal year ending June 30, 2023.

FINANCIAL REVIEW

No fiscal impact from this action.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies of this report are available on the City's website at www.cityofsierramadre.com.

Attachment(s):

City of Sierra Madre Statement of Investment Policy

CITY OF SIERRA MADRE
STATEMENT OF INVESTMENT POLICY
Fiscal Year 2022 - 2023

I. PURPOSE

The purpose of this Investment Policy is to establish investment guidelines for the City Treasurer. Each transaction and the entire portfolio must comply with California Government Code Section 53600, et seq., and this policy.

The City Council of the City of Sierra Madre and its related authorities and agencies recognize its responsibility to properly direct the investments of funds under its care. The purpose of this policy is to provide guidelines for the investment of funds based upon prudent cash management practices and in conformity with all applicable statutes. In instances in which the Policy is more restrictive than Federal or State law, the Policy supersedes.

II. SCOPE

This Investment Policy applies to all financial assets of the City of Sierra Madre as accounted for in the Annual Report. Funds specifically exempt from this policy include bond proceeds, employee deferred compensation plans, funds held in trust with the City with specific investment instructions, and any funds held in employee pension plans. Policy statements outlined in this document focus on the City of Sierra Madre's pooled funds, but will also apply to all other funds under the City Treasurer's span of control unless specifically exempted by statute or ordinance.

The primary guiding investment policy for bond proceeds will be dictated by the bond documents governing such funds as long as the documents are approved by the City Council or related governing board. As a minimum standard for the investment of bond proceeds, the governing bond documents will have permitted investment language that follows guidelines used by one of the two largest bond insurers in the United States. Deviations from this guideline may be made with the expressed consent of the City Council.

III. PRUDENCE

The standard to be used by investment officials shall be that of a "prudent expert" and shall be applied in the context of managing all aspects of the overall portfolio. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters

would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency. Within the limitations of this section and considering individual investments as part of an overall strategy, investments may be acquired as authorized by law.

The City Treasurer and designees appointed to manage the investment portfolio, acting within the intent and scope of this investment policy and other written procedures, and exercising due diligence, shall be relieved of personal responsibility and liability for an individual security's credit risk or market price changes, provided deviations from expectation are reported in a timely manner and appropriation is taken to control adverse developments.

IV. INVESTMENT OBJECTIVES

All investments shall be prudently invested in order to earn a reasonable return while awaiting application for governmental purposes. The specific objectives for all investments are ranked in order of importance.

- **Safety-** The preservation of principal is the primary objective. The City will undertake investments in a manner that ensures the preservation of capital in the overall portfolio.
- **Liquidity-** As a second objective, the investment portfolio should remain sufficiently flexible to enable the City Treasurer to meet all operating requirements, which may be reasonably anticipated. To the extent possible, the maturity of investments selected will match the projected City's cash requirements, including an amount to cover reasonably estimated contingencies.
- **Public Trust -** In managing the investment portfolio, the City Treasurer and authorized investment officials should avoid any transactions that might impair public confidence.
- **Diversification -** The investment portfolio will be diversified to avoid risk regarding specific security types or individual financial institutions.
- **Reasonable Market Rate of Return -** All investments should be designed to attain market average rate of return through budgetary and economic cycles, consistent with the average maturity of its portfolio and the credit quality of its securities.

The investment function will have additional goals of: assuring ongoing compliance with Federal, State, and local laws governing the investment of funds kept by the City, maintaining reserves for long-term projects and contingencies, and establishing quality standards and limits to the type of investments made and with which institutions investments are placed with.

V. DELEGATION OF AUTHORITY

Under authority granted by the City Council, the City Treasurer is responsible to invest and reinvest all unexpended funds in the City treasury. Daily management responsibility of the investment program has been delegated to the City Treasurer, who shall establish procedures for the operation consistent with this investment policy.

The City Treasurer serves as the chief investment officer for the City and is authorized to invest or deposit the City's funds in accordance with this policy, California Government Code Sections 53600, et seq., and all other related Federal and State laws. In the absence of the City Treasurer, the City Manager or his/her designee will serve as the chief investment officer. The City Treasurer may appoint deputy treasurers to act on behalf of the City. The City Treasurer will provide written authorization in delegating any of his/her authority.

The City Manager's responsibility includes establishing, monitoring, and maintaining a strong system of investment controls. The City Manager will provide periodic oversight to the investment function that includes but is not limited to reviewing quarterly investment reports issued by the City Treasurer.

The City Council's primary responsibilities over the investment function include establishing investment policies, annually reviewing such policies, reviewing quarterly investment reports issued by the City Treasurer, authorizing bond documents and other unique financing transactions, and authorizing any deviations from the City's investment policies.

The City may, in its discretion, engage the services of one or more external investment managers to assist in the management of the City's investment portfolio in a manner consistent with the City's objectives. Such external managers may be granted discretion to purchase and sell investment securities in accordance with this Investment Policy. Such managers must be registered under the Investment Advisers Act of 1940.

VI. ETHICS AND CONFLICTS OF INTEREST

All officials, staff members and consultants involved in the investment functions will refrain from personal business activity that could conflict with the execution of the investment function or which may impair their ability to make impartial investment decisions. Officials, staff members, and consultants will disclose to the City Manager any financial interests with a financial institution, provider, dealer, or broker that conducts business with the City. Officials, staff members, and consultants will further disclose any personal financial positions that could be related to the performance of the City's portfolios.

All bond issue providers including but not limited to underwriters, bond counsel, financial advisors, brokers, and dealers, will disclose any fee sharing arrangements or fee splitting to the City Manager prior to the execution of any transactions. The providers must disclose

the percentage share and approximate dollar amount share to the City prior to the execution of any transactions.

Additionally, the City Treasurer is required to annually file appropriate financial disclosures as required by the Fair Political Practices Commission (FPPC).

VII. INDEMNIFICATION OF INVESTMENT OFFICIALS

Any investment officer exercising his/her authority with due diligence and prudence, and in accordance with the City's Investment Policy, will not be held personally liable for any individual investment losses or total portfolio losses.

VIII. AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS

The City Treasurer shall maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness who are authorized to provide investment services in the State of California. These may include primary dealers or regional dealers that qualify under Securities & Exchange Commission rule 15C3-1 (uniform net capital rule). No public deposit shall be made except in a qualified public depository as established by state laws. All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the City Treasurer with the following: (e.g. audited financial statements, proof of National Association of Security Dealers certification, trading resolution, proof of State registration, certification of having read the City's investment policy and depository contracts.

An annual review of the financial condition and registrations of qualified bidders will be conducted.

IX. AUTHORIZED AND SUITABLE INVESTMENTS

The investing of City funds is governed by the California Government Code, Sections 53600 et seq. Within the context of the limitation, the following investments are authorized, as further limited herein:

1. United States Treasury Bills, Bonds, and Notes or those for which the full faith credit of the United States is pledged for the payment of principal and interest.
2. Obligations issued by Government Sponsored Enterprises such as the Government National Mortgage Association (GNMA), the Federal Farm Credit Bank System (FFCBS), the Federal Home Loan Banks (FHLB), the Federal National Mortgage Association (FNMA), the Federal Home Loan Mortgage Corporation (FHLMC), Federal Agricultural Mortgage Corporation (FAMCA) and the Tennessee Valley Authority.

Investments detailed in Item 3 and Item 4 are further restricted to a percentage of the cost value of the portfolio in any one-issuer name to a maximum of 5%. The total value invested in any one issuer shall not exceed 5% of the issuer's net worth.

3. Bills of exchange or time drafts drawn on and accepted by commercial banks, otherwise known as banker's acceptances. Banker's acceptances purchased may not exceed 180 days to maturity or 40% of the market value of the portfolio. No more than 30% may be invested in the banker's acceptances of any one commercial bank pursuant to this section.
4. Commercial paper of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a nationally recognized statistical rating organization (NRSRO) that is "A" or higher, or the equivalent, by an NRSRO, having assets in excess of \$500,000,000. Purchases of eligible commercial paper may not exceed 270 days to maturity nor represent more than 10% of the outstanding paper of the issuing corporation. Purchases of commercial paper may not exceed 25% of the market value of the portfolio.
5. Negotiable Certificates of Deposit issued by nationally or state chartered banks or state or federal savings institutions. Purchases of negotiable certificates of deposit may not exceed 30% of the total portfolio. A maturity limitation of five (5) years is applicable.
6. Repurchase agreements, which specify terms and conditions, may be transacted with banks and broker dealers. The maturity of the repurchase agreements shall not exceed 92 days. The market value of the securities used as collateral for the repurchase agreements shall be monitored by the investment staff and shall not be allowed to fall below 102% of the value of the repurchase agreement. Repurchase agreements may not exceed 20% of the market value of the portfolio.
7. Local Agency Investment Fund (LAIF), a State of California managed investment pool, may be used up to the maximum permitted by California State Law.
8. Bonds, notes, warrants, or other evidence of indebtedness of the State of California or any local agency within the State of California, or of the other 49 states, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency or authority of the local agency. A maximum of 10% may be invested in municipal obligations and the maturity of these investments shall not exceed 5 years. In addition, the issuer itself must have a minimum credit rating of "A" or equivalent by a **NRSRO**.

The City Treasurer shall provide a table with each quarterly investment report that indicates compliance with the above noted percentage limit for each investment type.

Ineligible investments include the following but are not limited to: mutual funds with weighted average maturities greater than 91 days, reverse repurchase agreements, medium term corporate notes, investment agreements, guaranteed investment agreements, zero interest accrual bonds, first mortgages or trust deeds, inverse floaters, range notes, interest- only strips, and common stocks.

X. COLLATERALIZATION

In accordance with California Government Code Section 53652, depository institutions shall secure all active and inactive deposits in excess of insured amounts, including certificates of deposits. Collateral shall be maintained with the agent of depository.

XI. SAFEKEEPING

All security transactions, including collateral for repurchase agreements, entered into by the City of Sierra Madre shall be conducted on a delivery versus payment basis. The City will utilize a third party custodian for the holding of investments.

XII. MAXIMUM MATURITIES

To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. Pursuant to State law, no investments shall have a maturity in excess of five years, unless the Code specifies a shorter maximum maturity. Investments related to bond reserve funds are not subject to this maximum.

XIII. INTERNAL CONTROLS

The Finance Department shall establish a system of internal controls, which shall be reviewed by the City's independent auditors. The controls shall be designed to prevent losses of public funds arising from fraud, employee error, and misrepresentation by third parties, unanticipated changes in financial markets, or imprudent action by employees and officers of the City.

XIV. LEVERAGING

The City may not purchase investments on a margin or through a margin account. The City may not leverage its investments through the use of reverse repurchase agreements.

XV. REPORTING

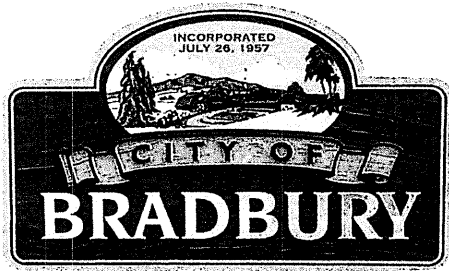
The City Treasurer or designee shall submit quarterly investment reports to the City Council within 60 days of the quarter end. This report will include elements of the

quarterly reports as prescribed by Government Code Section 53646. Required elements of the quarterly report include:

1. Type of Investment
2. Name of Institution
3. Date of Maturity
4. Amount of Deposit or Cost of Security
5. Current Market Value of All Securities and Source of the Valuation
6. Rate of Return
7. Statement that the portfolio is in compliance with this investment policy and if not, the manner in which the portfolio is not in compliance
8. Statement denoting the ability of the City to meet its pool's expenditures requirements for the next six months

XVII. POLICY ADOPTION

The City of Sierra Madre Investment Policy is adopted annually by resolution of the City of Sierra Madre legislative authority. The City Treasurer and the City Manager will review the policy on an annual basis and recommend modifications to the City of Sierra Madre City Council. Whether or not modifications are made to this investment policy, the City Council will review the policy on annual basis in accordance with State law.



Richard Barakat, Mayor (District 3)
Dick Hale, Mayor Pro Tem (District 1)
Montgomery Lewis, Council Member (District 2)
Bruce Lathrop, Council Member (District 4)
Elizabeth Bruny, Council Member (District 5)

City of Bradbury Agenda Memo

TO: Honorable Mayor and Members of the City Council

FROM: Kevin Kearney, City Manager

DATE: September 19, 2023

SUBJECT: **A RECAP ON BRADBURY NIGHT OUT 2023**

SUMMARY

The City of Bradbury held its annual Bradbury Night Out on Thursday, July 27, 2023 from 6:00pm to 8:00pm. Overall, there were no significant issues, and the City had its highest attendance ever. Two events ago (pre-COVID), the event hit approximately 150 people, which included vendors and residents. Last year (first year post-COVID) the event hit approximately 180. This year, the event had somewhere over 200 people. Event counts are based on reports from the food vendors since this is the event's only control-points. Ice cream reported 198 and food was approximately 210.

Staff has fielded requests to change the date of Bradbury Night Out due to the high heat and humidity during the typical July month. The event, and its name, is a combination celebration of National Night Out (typically on August 1st) and Bradbury's Birthday/Incorporation (July 26th); however, this does not preclude the City Council from changing the event to another day/month. While the event had been scheduled in May years ago, May can often bring rain. Consideration could be given to the beginning of October since it has cooler days/evenings, lack of rain, and absence of holidays.

This item is a continuation from the August City Council meeting and allows for the providing of any feedback on the event to City Staff. It is recommended that the City Council provide direction to Staff on any items related to Bradbury Night Out.

Revenues

Acct. Number	Account Description	2022-23 Budget	2022-23 YTD @ 06/30/2023	2023-24 Budget	2023-24 YTD @ 08/31/2023
General Fund:					
101-00-4000	Operating Transfers In	-	- #DIV/0!	-	- #DIV/0!
101-00-4010	Property Tax-Current Secured	490,000	494,100 101%	490,000	8,115 2%
101-00-4030	Property Tax-Current Unsecured	20,000	18,069 90%	22,000	20,307 92%
101-00-4050	Property Tax Prior Year	-	- #DIV/0!	-	- #DIV/0!
101-00-4060	Public Safety Augmentation F	11,000	12,419 113%	12,300	2,371 19%
101-00-4070	Delinquent Taxes	9,000	10,043 112%	9,000	- 0%
101-00-4100	Sales & Use Tax	3,500	2,679 77%	2,500	185 7%
101-00-4110	Franchise Fee-Cable TV	20,000	18,640 93%	18,500	4,553 25%
101-00-4111	PEG Fees	-	3,737 #DIV/0!	3,750	911 24%
101-00-4120	Franchise Fee-SC Edison	20,000	23,934 120%	25,000	- 0%
101-00-4130	Franchise Fee-SC Refuse	25,000	32,866 131%	38,000	10,058 26%
101-00-4140	Franchise Fee-SC Gas Co.	3,500	4,518 129%	5,000	- 0%
101-00-4150	Franchise Fee-Cal Am Water	50,000	45,469 91%	46,000	- 0%
101-00-4160	AB939 Refuse Admin. Fee	10,000	- 0%	20,000	- 0%
101-00-4190	Real Property Transfer Tax	35,000	40,184 115%	35,000	1,359 4%
101-00-4200	Motor Vehicle In-Lieu	145,000	152,883 105%	145,000	- 0%
101-00-4210	Dist & Bail Forfeiture	400	509 127%	400	107 27%
101-00-4220	Fines-City	2,500	18,343 734%	2,500	- 0%
101-00-4350	Business License	29,000	30,721 106%	29,000	2,612 9%
101-00-4360	Movie & TV Permits	15,000	32,960 220%	15,000	- 0%
101-00-4370	Bedroom License Fee	6,500	46,350 713%	6,500	- 0%
101-00-4410	Variances & CUPs	1,635	3,269 200%	1,635	- 0%
101-00-4420	Lot Line Adjustment/Zone Changes	3,800	- 0%	1,500	- 0%
101-00-4440	Subdivisions/Lot Splits	4,800	- 0%	1,500	- 0%
101-00-4460	Planning Dept. Review	36,000	28,864 80%	36,000	1,655 5%
101-00-4470	Building Construction Permit	100,000	143,770 144%	150,000	14,573 10%
101-00-4480	Building Plan Check Fees	100,000	37,569 38%	100,000	4,481 4%
101-00-4485	Landscape Plan Check Permit	10,000	4,168 42%	10,000	1,160 12%
101-00-4490	Green Code Compliance	25,000	16,142 65%	25,000	1,021 4%
101-00-4500	Civic Center Rental Fee	900	- 0%	900	900 100%
101-00-4530	Environmental & Other Fees	2,500	1,854 74%	2,500	- 0%
101-00-4540	City Engineering Plan Check	90,000	71,569 80%	70,000	18,740 27%
101-00-4600	Interest Income	12,000	90,418 753%	45,000	7,027 16%
101-00-4700	Sales of Maps & Publications	-	107 #DIV/0!	10	- 0%
101-00-4800	Other Revenue	-	39,931 #DIV/0!	-	- #DIV/0!
101-00-4850	Cal-Am Loan Repayment	4,500	4,820 107%	4,500	- 0%
101-00-4900	Reimbursements	15,000	34 0%	5,000	- 0%
101-00-4920	Sale of Prop. A Funds	-	- #DIV/0!	-	- #DIV/0!
101-20-4260	Housing Element Grant Reimbursement	-	- #DIV/0!	-	42,768 #DIV/0!
101-23-4950	Vacant Property Registry Fee	-	- #DIV/0!	-	- #DIV/0!
101-24-4610	Donations	-	- #DIV/0!	-	500 #DIV/0!
Total General Fund Revenues		1,301,535	1,430,939 110%	1,378,995	143,403 10%
Utility Users Tax Fund:					
102-00-4600	Interest	12,000	4,080 34%	12,000	- 0%
102-00-4830	Electric	-	- #DIV/0!	-	- #DIV/0!
		12,000	4,082 34%	12,000	- 0%
Deposits Fund:					
103-00-2039	Chadwick Ranch Development	60,000	- 0%	-	- #DIV/0!
103-00-2040	1901 Royal Oaks Dr. North	-	- #DIV/0!	-	20,000 #DIV/0!
		60,000	- #DIV/0!	-	20,000 #DIV/0!
Long Term Planning Fee Fund:					
112-00-4490	Long-Term Planning Fee	7,500	1,921 26%	3,500	726 21%
112-00-4600	LTP Fee Interest Income	125	52 42%	125	- 0%
		7,625	1,973 26%	3,625	726 20%

Revenues

Acct. Number		Account Description	2022-23 Budget	2022-23 YTD @ 06/30/2023		2023-24 Budget	2023-24 YTD @ 08/31/2023	
Technology Fee Fund:								
113-00-4520	Technology Fee		17,500	11,688	67%	10,000	895	9%
113-00-4600	Technology Fee Interest Income		550	103	19%	550		0%
			18,050	11,791	65%	10,550	895	8%
Gas Tax Fund:								
200-00-4600	Interest		250	10	4%	250	-	0%
200-48-4260	Gas Tax		28,250	29,638	105%	28,250	10,773	38%
			28,500	29,648	104%	28,500	10,773	38%
SB1 Gas Tax Fund:								
201-00-4260	Gas Tax		19,700	18,863	96%	19,700	1,843	9%
201-00-4600	Gas Tax Interest		750	70	9%	750		0%
			20,450	18,933	93%	20,450	1,843	9%
Prop. A Fund:								
203-40-4260	Prop. A Transit Funds		22,000	27,468	125%	22,000	4,193	19%
203-00-4600	Prop. A Transit Interest		600	287	48%	600		0%
			22,600	27,755	123%	22,600	4,193	19%
Prop. C Fund:								
204-48-4260	Prop. C Funds		18,000	22,784	127%	18,000	3,482	19%
204-48-4600	Prop. C Interest		350	173	49%	350		0%
			18,350	22,957	125%	18,350	3,482	19%
Transportation Development Act Fund:								
205-48-4260	TDA Funds		5,000	4,587	92%	5,000	413	8%
205-48-4600	TDA Interest		30		0%	30		0%
			5,030	4,587	91%	5,030	413	8%
Sewer Fund:								
206-00-4000	Transfers In		-	#DIV/0!		-	-	#DIV/0!
206-50-4600	Sewer Fund Interest		10,000	4	0%			#DIV/0!
206-50-4606	Winston Ave. Assessment		74,423	73,161	98%		73,161	#DIV/0!
			84,423	73,165	87%	-	73,161	#DIV/0!
STPL Fund:								
208-00-4600	STPL Interest		20	7	35%	20		0%
			20	7	35%	20	-	0%
Recycling Grant Fund:								
209-00-4260	Recycling Grant Funds		5,000	5,000	100%	5,000		0%
209-00-4600	Recycling Grant Interest		150	206	137%	150		0%
			5,150	5,206	101%	5,150	-	0%
Measure R Fund:								
210-48-4260	Measure R Funds		13,500	17,083	127%	13,500	1,119	8%
210-00-4600	Measure R Interest		1,200	527	44%	400		0%
			14,700	17,610	120%	13,900	1,119	8%
Measure M Fund								
212-48-4260	Measure M Funds		16,000	19,324	121%	16,000	1,253	8%
212-00-4600	Measure M Interest		800	487	61%	400		0%
			16,800	19,811	118%	16,400	1,253	8%
Measure W Fund								
213-48-4260	Measure W Funds		50,506	76,454	151%	50,506		0%
213-48-4600	Measure W Interest		1,000		0%			#DIV/0!
			51,506	76,454	148%	50,506	-	0%

Revenues

Acct. Number	Account Description	2022-23 Budget	2022-23 YTD @ 06/30/2023		2023-24 Budget	2023-24 YTD @ 08/31/2023	
Citizen's Option for Public Safety (COPS) Fund:							
215-23-4260	COPs Funds	100,000	224,440	224%	100,000		0%
215-00-4600	COPs Interest	5,500	3,221	59%	2,200		0%
		105,500	227,661	216%	102,200	-	0%
County Park Grant:							
217-00-4210	County Park Grant	-	-	#DIV/0!	-		#DIV/0!
217-00-4600	Grant Fund Interest Income	650	64	10%	650		0%
		650	64	10%	650	-	0%
Fire Safe Grant:							
219-00-4260	Community Wildfire Protection Plan	5,000	8,819	176%			#DIV/0!
219-00-4600	Fire Safe Grant Interest Income	50	104	208%			#DIV/0!
		5,050	8,923	177%	-	-	#DIV/0!
ARPA Fund:							
220-00-4215	ARPA Revenues	175,000	-	0%			#DIV/0!
220-00-4600	Interest Income	1,200	427	36%			#DIV/0!
		176,200	427	0%	-	-	#DIV/0!
Total Revenues		1,954,139	1,981,993	101%	1,688,926	261,261	15%

Expenditures

Account Description		2022-23 Budget	2022-23 YTD @ 06/30/2023		2023-24 Budget	2-231-22 YTD @ 08/31/2023	
General Fund:							
City Council Division:							
101-11-6100	Events and awards	14,000	10,994	79%	14,000	11,006	79%
101-11-6110	City Newsletter	400	265	66%	400	-	0%
101-11-6500	Community Support (homelessness)	4,000	3,600	90%	4,000	-	0%
		18,400	14,859	81%	18,400	11,006	60%
City Manager Division:							
101-12-5010	Salaries	150,000	153,333	102%	157,650	35,000	22%
101-12-5100	Benefits	58,099	60,662	104%	62,197	12,483	20%
101-12-6020	Meetings & Conferences	5,000	4,475	90%	5,000	1,350	27%
101-12-6025	Expense Account	1,500	320	21%	1,500	182	12%
101-12-6050	Mileage	1,000	1,098	110%	1,000	-	0%
101-12-6440	Cell Phone	900	975	108%	900	150	17%
		216,499	220,863	102%	228,247	49,165	22%
City Clerk Division:							
101-13-5010	Salaries	72,695	107,695	148%	73,570	14,330	19%
101-13-5100	Benefits	29,359	39,992	136%	21,267	5,000	24%
101-13-6020	Meetings & Conferences	-	689	#DIV/0!	1,500	388	26%
101-13-6050	Mileage	100	52	52%	500	-	0%
101-13-6210	Special Department Supplies	500	-	0%	500	-	0%
101-13-6220	Election Supplies	600	-	0%	600	-	0%
101-13-6225	Codification	3,500	2,916	83%	3,500	2,162	62%
		106,754	151,344	142%	102,437	21,880	21%
Finance Division:							
101-14-5010	Salaries	25,000	19,646	79%	22,500	2,371	11%
101-14-5100	Benefits	-	#DIV/0!		-	-	#DIV/0!
101-14-6210	Special Department Supplies	500	420	84%	500	-	0%
101-14-6230	Contracted Computer Services	1,500	-	0%	1,500	1,057	70%
101-14-7010	Contracted Banking Services	4,000	3,597	90%	4,000	603	15%
101-14-7020	Contracted Audit Services	17,000	17,510	103%	17,500	8,035	46%
101-14-7040	GASB Reports	1,000	700	70%	1,000	700	70%
		49,000	41,873	85%	47,000	12,766	27%
City Attorney Division:							
101-15-6125	City Attorney-Planning	10,000	8,383	84%	10,000	6,071	61%
101-15-7020	City Attorney Retainer	34,800	31,900	92%	34,800	14,971	43%
101-15-7070	City Attorney Special Service	2,000	34,721	1736%	25,000	1,372	5%
101-15-7075	Development Code Update	7,000	3,245	46%	7,000	2,145	31%
101-15-7080	Seminars & Training	1,000	385	39%	1,000	-	0%
101-15-7450	City Attorney-Code Enforcement	2,000	1,238	62%	1,000	-	0%
		56,800	79,872	141%	68,800	24,559	36%
General Government Division:							
101-16-5010	Salaries	60,331	67,321	112%	60,331	5,172	9%
101-16-5100	Benefits	21,297	16,936	80%	21,297	2,113	10%
101-16-6010	Seminars & Training	1,000		0%	1,000		0%
101-16-6020	Meetings & Conferences	1,000	35	4%	1,000	702	70%
101-16-6040	Transportation & Lodging	1,000	-	0%	1,000	-	0%
101-16-6050	Mileage	400	-	0%	400	-	0%
101-16-6120	Postage	400	704	176%	400	585	146%
101-16-6200	Office Supplies	2,000	5,224	261%	4,500	962	21%
101-16-6210	Special Departmental Supplies	16,100	-	0%	1,500		0%
101-16-6230	Computer & Website Services	4,000	12,136	303%	5,000	2,610	52%
101-16-6240	PERS UAL Payment	12,920	12,490	97%	12,920	10,918	85%
101-16-6241	PERS Replacement Benefit Contribution	3,000	2,858	95%	3,000		0%
101-16-6242	PERS SSA 218 Annual Fee	200	-	0%	200		0%
101-16-6250	Copier & Duplications	-	1,048	#DIV/0!	-	75	#DIV/0!

Expenditures

Account Description		2022-23 Budget	2022-23 YTD @ 06/30/2023		2023-24 Budget	2-231-22 YTD @ 08/31/2023	
101-16-6300	Insurance	40,000	42,609	107%	57,000	53,762	94%
101-16-6400	Utilities	5,500	10,197	185%	8,000	2,942	37%
101-16-6440	Telephone	2,000	2,210	111%	2,000	202	10%
101-16-6450	Building Operations	2,000	439	22%	1,000	370	37%
101-16-6460	Building & Cleaning Service	4,000	5,836	146%	4,000	1,892	47%
101-16-6470	Maintenance & Supplies	1,000	2,536	254%	4,500	440	10%
101-16-7435	Redistricting	-	743	#DIV/0!	-	59	#DIV/0!
101-16-6415	Street Signs	10,000	-	0%	10,000	-	0%
		188,148	183,322	97%	199,048	82,804	42%
Engineering Division:							
101-19-7230	Contracted Engineering Services	80,000	62,325	78%	70,000	7,741	11%
		80,000	62,325	78%	70,000	7,741	11%
Planning, Zoning & Development Division:							
101-20-6020	Meetings & Conferences		-		100		
101-20-6120	Postage	300	-	0%	300		0%
101-20-6210	Special Department Supplies	300	-	0%	300		0%
101-20-6240	Environmental Filing Fees	-	-	#DIV/0!	-		#DIV/0!
101-20-7210	City Planner Retainer	46,800	31,200	67%	46,800	3,900	8%
101-20-7220	Contracted Building & Safety	90,000	82,800	92%	100,000	4,282	4%
101-20-7240	City Planner Special Service	10,000	8,828	88%	15,000	1,019	7%
101-20-7245	General Plan update	15,000	82,903	553%	20,000	20,404	102%
101-20-7075	Development Code Update		-	#DIV/0!			#DIV/0!
		162,400	205,731	127%	182,500	29,605	16%
Parks & Landscape Maintenance Division:							
101-21-7015	Royal Oaks Trail Maintenance	10,000	14,232	142%	10,000	4,785	48%
101-21-7020	City Hall Grounds Maintenance	7,500	4,836	64%	7,500	2,228	30%
101-21-7025	Trail Maintenance	10,000	8,978	90%	10,000		0%
101-21-7035	Mt.Olive Entrance & Trail	12,000	6,831	57%	12,000	2,719	23%
101-21-7045	Lemon/RO Horse Trail	7,000	1,651	24%	7,000	625	9%
101-21-7060	Street Tree Trimming	15,000	8,245	55%	5,000		0%
		61,500	44,773	73%	51,500	10,357	20%
Public Safety Division:							
101-23-6210	Special Departmental Services	50	52	104%	50	1	2%
101-23-6210	Hazard Mitigation Plan Update				15,000		0%
101-23-7410	Contract Services Sheriff	128,000	107,295	84%	139,463	32,189	23%
101-23-7420	City Hall Security	3,500	2,976	85%	3,500	661	19%
101-23-7450	Code Enforcement	1,500	1,549	103%	1,500	318	21%
101-23-7757	AED Purchase		-	#DIV/0!			#DIV/0!
		133,050	111,872	84%	159,513	33,169	21%
Emergency Preparedness Division:							
101-24-6010	Seminars & Training	100	44	44%	100		0%
101-24-6020	Meetings & Conferences	500	27	5%	500		0%
101-24-6030	Memberships & Dues	450	900	200%	450		0%
101-24-6100	Events & Awards	200	-	0%	200		0%
101-24-6470	Maintenance & Supplies	5,000	1,615	32%	5,000	1,502	30%
101-24-6480	Civic Center Generator	300		0%	300	1,752	584%
		6,550	2,586	39%	6,550	3,254	50%
Animal & Pest Control Division:							
101-25-7000	Animal Control Services	8,500	10,811	127%	10,500	3,007	29%
101-25-7010	Pest Control Services	500		0%	500		0%
		9,000	10,811	120%	11,000	3,007	27%
Intergovernmental Relations Division:							
101-30-6030	Memberships & Dues	11,000	11,479	104%	12,000	9,255	77%
		11,000	11,479	104%	12,000	9,255	77%

Expenditures

Account Description		2022-23 Budget	2022-23 YTD @ 06/30/2023		2023-24 Budget	2-231-22 YTD @ 08/31/2023	
General Fund Totals		1,099,101	1,141,710	104%	1,156,995	298,568	26%
Utility Users Tax Fund:							
102-15-7075	Development Code Update						
102-42-7630	NPDES Stormwater Compliance	1,600	11,729	733%	16,000	31,701	198%
		1,600	11,729	733%	16,000	31,701	198%
Deposits Fund:							
103-00-2039	Chadwick Ranch Development	50,000	-	0%			#DIV/0!
103-00-2040	1901 Royal Oaks Dr. North		-	#DIV/0!			#DIV/0!
		50,000	-	0%	-	-	#DIV/0!
Long Term Planning Fee Fund:							
112-20-7245	General Plan Expense		-	#DIV/0!	-	-	#DIV/0!
		-	-	#DIV/0!	-	-	#DIV/0!
Technology Fee Fund:							
113-20-4500	Permit Digitizing	-	-	#DIV/0!		600	#DIV/0!
113-20-7730	Website	5,000	1,800	36%	5,000		0%
113-20-7040	Non-Capitalized Equipment - Sonic Firewall				10,000		
113-20-8120	Capital Equipment-Server & Copier	12,000	10,770	90%	14,000	2,726	19%
		17,000	12,570	74%	29,000	3,326	11%
Gas Tax Fund:							
200-48-6400	Utilities-Select System	11,000	11,357	103%	10,500	1,427	14%
200-48-6410	Street Lights	11,000	11,124	101%	10,500	3,312	32%
200-48-7000	PW Contract Services	600	406	68%	600		0%
200-48-7290	Street Sweeping	4,000	3,651	91%	4,000		0%
200-48-7750	Wild Rose Project	6,430	605	9%	6,430		0%
		33,030	27,143	82%	32,030	4,739	15%
SB1 Gas Tax Fund:							
201-48-7750	Wild Rose Project	61,070	20,055	33%	28,070	10,327	37%
201-48-7755	City Wide Slurry Seal			#DIV/0!			#DIV/0!
		61,070	20,055	33%	28,070	10,327	37%
Prop. A Fund:							
203-00-7600	Sale of Prop. A Funds						
		-	-	#DIV/0!	-	-	#DIV/0!
Prop. C Fund:							
204-20-6030	Memberships & Dues	400	-	0%	400		0%
204-40-7325	Transit Services	8,449	7,744	92%	8,449	2,112	25%
204-48-7745	Royal Oaks North Curb Extension				-		
204-48-7750	Wild Rose Project	21,220	604		21,220		
		30,069	8,348	28%	30,069	2,112	7%
Transportation Development Act Fund:							
205-48-7045	RO Trail	5,000	856	17%	4,000		0%
205-48-7720	Lemon/RO Horse Trail Project	-	-	#DIV/0!	-		#DIV/0!
205-48-7735	Royal Oaks & Mt. Olive Trail Rehab.	-	-	#DIV/0!	-		#DIV/0!
205-00-7760	Return of Funds	-	-	#DIV/0!	-		#DIV/0!
		5,000	856	#DIV/0!	4,000	-	#DIV/0!
Sewer Fund:							
206-50-7601	Mt. Olive Lane Sewer Project	-	-	#DIV/0!	-	-	#DIV/0!
206-50-7602	DUSD Message Board	-	-	#DIV/0!	-	-	#DIV/0!
206-50-7606	Winston Ave Project	-	-	#DIV/0!	-	-	#DIV/0!
		-	-	#DIV/0!	-	-	#DIV/0!
STPL Fund:							
208-48-7750	Wild Rose Project	1,055	-	0%	1,055	-	0%
		1,055	-	0%	1,055	-	0%

Expenditures

Account Description	2022-23 Budget	2022-23 YTD @ 06/30/2023		2023-24 Budget	2-231-22 YTD @ 08/31/2023	
Recycling Grant Fund:						
209-35-7300 Recycling Education	5,000	6,695	134%	5,000	-	0%
	5,000	6,695	1	5,000	-	-
Measure R Fund:						
210-48-7750 Wild Rose Project	88,739	28,321	32%	82,739	-	0%
	88,739	28,321	32%	82,739	-	0%
Measure M Fund						
212-48-7750 Wild Rose Project	58,470	-	0%	93,470	7,571	8%
	58,470	-	0%	93,470	7,571	8%
Measure W Fund						
213-42-7630 NPDES Stormwater Compliance	50,506	47,537		50,506		
	50,506	47,537	94%	50,506	-	0%
Citizen's Option for Public Safety (COPS) Fund:						
215-23-7410 Contract Services Sheriff			#DIV/0!			#DIV/0!
215-23-7411 Contract CSO Services & Supplies	55,000	124,884	227%	149,528		0%
	55,000	124,884	227%	149,528	-	0%
County Park Grant:						
217-21-7650 Civic Center Park	1,000	-	0%	1,000		0%
	1,000	-	0%	1,000	-	0%
Fire Safe Grant 14-USFS-SFA-0053:						
219-21-7761 Community Wildfire Protection Plan	5,000	1,885	38%			#DIV/0!
	5,000	1,885	38%	-	-	#DIV/0!
ARPA Fund:						
220-00-5000 Operating Transfers Out	132,500	-	0%			#DIV/0!
220-00-6215 ARPA Expenses	5,300	-	0%			#DIV/0!
	137,800	-	0%	-	-	#DIV/0!
Total Expenditures	1,699,440	1,431,733	84%	1,679,462	358,344	21%