

Datum No. 2 (Joughin Ranch) was the July 2003 sale of 1,732.53 acres in the northwestern portion of the San Fernando Valley. The property was marketed by Korek Land for over four years and was recently purchased by the Mountains Recreation and Conservation Authority for \$7,180,000 or \$4,144 per acre.

The topography ranges from gentle slope to rolling hills to steep terrain, which is generally superior to the subject's steep topography.

The property has been used for a number of movie shoots in recent years and generated \$151,800 in gross motion picture rental income in 1998.

Subdivision of the comparable would require a General Plan amendment, a lengthy and uncertain process. No utilities are to the site which would require extension at a significant cost.

The comparable is two miles north of the Ronald Reagan Freeway (State 118) and accessible only from Browns Canyon Road, a private unimproved road. Sale 2 is located 40 miles west of the subject in the northwesterly portion of the San Fernando Valley in a remote area north of the freeway. Locational characteristics are somewhat inferior to the subject.

Overall, a higher unit value is indicated for the subject.

Datum No. 3 sold in December 2002 to a land developer for \$1,100,000 or \$4,455 per acre. The property has no entitlements and the escrow price was not contingent on the buyer achieving entitlements. The comparable is located approximately 45 miles northwest of the subject in a remote area of Canyon Country in unincorporated Los Angeles County, south of Angeles National Forest. This location is inferior to the subject.

Access is provided from approximately 100 feet of frontage along Sierra Highway. The topography is rolling to hilly. The site is presently served by an on-site well. Future subdivision would require extension of water lines along Sierra Highway to Vasquez Canyon Road. Sewer will also need to be extended or a package plant solution provided. All other utilities are adjacent to the site.

The buyer/developer is currently in the process of obtaining a tract map for 192 one-acre lots. He indicated that 1.3 million yards of grading will be required and 5,000 lineal feet of water and sewer lines are required. Estimated on-site costs were \$120,000 per lot excluding water and sewer lines and also school fees of \$22,000 per lot. The buyer/developer anticipated a 30-month time frame to develop finished lots and the finished pads of 10,000 square feet would sell for \$190,000 per lot and single-family homes would be \$500,000 and greater.

Overall, the property is an example of rather remotely located raw acreage, superior to the subject with respect to access and development potential, but inferior as to location and utility availability. Overall, a higher unit value is indicated for the subject.

Datum No. 4, Whitney Canyon Ranch, is located within the Santa Clarita Valley adjacent east of the Antelope Valley (14) Freeway at the San Fernando Road off-ramp. San Fernando Road eastbound provides direct access to the site. Interior areas of the site are accessed by an unpaved road extending from the easterly terminus of San Fernando Road, known as Whitney Canyon Road, an unpaved road.

The western portion of the subject property is nominally improved with six structures, totaling approximately 12,000 square feet. These buildings were utilized by the seller for his caretakers and staff for the ranch operations and include some residences as well as storage buildings. These improvements are in fair condition.

This property was previously in escrow in mid-year 2001 to Pacific Community Builders of Newport Beach for a price approximating \$5.5 million. This former prospective buyer anticipated developing the property with a large residential subdivision and some commercial and industrial space. Actual development of the site will involve a specific plan approval for the site allocating commercial areas as well as single- and multi-family uses. Development of this property would likely entail annexation to the City of Santa Clarita. This former escrow never materialized as was the case of a prior escrow in 1999 to a local developer, Larry Rasmussen, at a reported price between \$5 and \$6 million. Mr. Rasmussen was proposing to develop an industrial park.

Land sale 4 was acquired by the Santa Clarita Watershed Recreation and Conservation Authority in July 2003 for \$4,890,000 or \$11,063 per acre to utilize for open space and recreation.

Overall, this property has superior development potential in terms of topography and access. Overall, lower unit pricing is warranted for the subject.

Datum No. 5, the Woodward property, is comprised of 80 acres of steep hillside mountainous terrain located in the foothills of the San Gabriel Mountains in the extreme northern portion of the City of Monrovia, abutting Angeles Forest to the north and east. The City of Monrovia purchased the property for \$800,000 of which the State paid \$370,000 and the City paid the balance of \$430,000. The sale price equates to \$10,000 per acre. Over the past 3½ years, the City of Monrovia has been working to assemble an 1,100-acre wilderness preserve.

The property is 2½ miles north of the Foothill Freeway (Interstate 210) and accessible from a fire trail known as Lower Clamshell Mountainway which is a graded dirt road. In 1996, the former owner, Mr. Woodward, submitted a concept plan to the City for approval which proposed the development of nine single-family homes on the a portion of the property containing 16 acres with the remaining 64 acres set aside for open space. However, the proposal was not approved by the City, and the most recent resolution calls for a lower density of one dwelling unit per 20 acres on the subject property which has reduced the permissible number of potential homes from nine to four.

In comparison to the subject, sale 5 has similar difficult access and steep mountainous terrain and has similar locational characteristics in the San Gabriel Mountains. The size of the subject at 191 acres is over double the size of the comparable, a factor not particularly important in the comparison process.

A lower indication of value for the subject is indicated by this transaction.

Datum No. 6 was the June 2002 sale of 121.19 acres in the foothills of Azusa approximately 3½ miles east of the subject for \$850,000 or \$7,014 per acre. This transaction occurred between two private parties. The property had been on the market for several years and was previously in escrow to a developer for \$1,500,000 with the sale contingent on obtaining entitlements for 16 to 35 homes. This deal never materialized due to a combination of topography constraints, high infrastructure costs and zoning/entitlement issues.

The buyer lives on an adjoining property and is interested in building from one to three homes on the site for their extended family in the future. The property is accessed from Azusa-San Gabriel Canyon Road. The topography ranges from moderate to steep terrain, which is generally superior to the subject's steep topography. Approximately 10 acres of the property are improved with avocado trees.

Overall, lower unit pricing is indicated for the subject to account for its inferior topography, access, and development potential.

Valuation Conclusion – Kissak/Bodkin Property

The subject property suffers rather extreme development difficulties in the form of limited access, topographical extremes, utility unavailability and entitlement issues.

The comparable sales represent an array of hillside properties with varying degrees of development difficulties. These sales ranged from \$3,290 to \$11,063 per acre. The buyer pool represented typical market participants for this genre of real estate. Buyers included land developers, speculators and governmental agencies seeking open space. Detailed investigations of these transactions indicated that value differential strongly correlated with general development potential.

In view of the development characteristics of the subject property in relation to the comparable sales, it is our opinion that the as-is fair market value of the subject land is:

191.24 acres @ \$6,000 per acre	\$1,147,440
Rounded	\$1,147,000

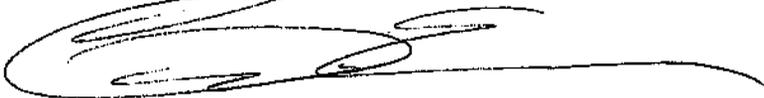
CERTIFICATION

To the best of our knowledge and belief, except as otherwise noted in this report, it is hereby certified that:

- Neither Norman Eichel, Eichel, Inc. nor any of its officers has any present or contemplated interest in the property appraised; and that there is no personal interest or bias with respect to the parties involved.
- The statements of fact contained in this report are true and correct.
- The report analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and is our personal, unbiased professional analyses, opinions and conclusions.
- Compensation for the appraisal is not contingent on an action or event resulting from the analyses, opinions, or conclusions in, or the use of, this report.
- Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- The property was inspected by Norman Eichel, MAI and Jerry M. Tempkin, MAI on September 8, 2003 and on several other previous occasions.
- As of the date of this report, Norman Eichel has completed the requirements of the continuing education program of the Appraisal Institute and is also certified as a general real estate appraiser in the State of California with identification number AG008794, with an expiration date of February 7, 2004.
- As of the date of this report, Jerry M. Tempkin has completed the requirements of the continuing education program of the Appraisal Institute and is also certified as a general real estate appraiser in the State of California with identification number AG018328, with an expiration date of February 22, 2005.

- The appraisal assignment was not based upon a requested minimum valuation, a specific valuation or the approval of a loan.
- There was no information pertinent to the completion of the appraisal, which was unavailable.

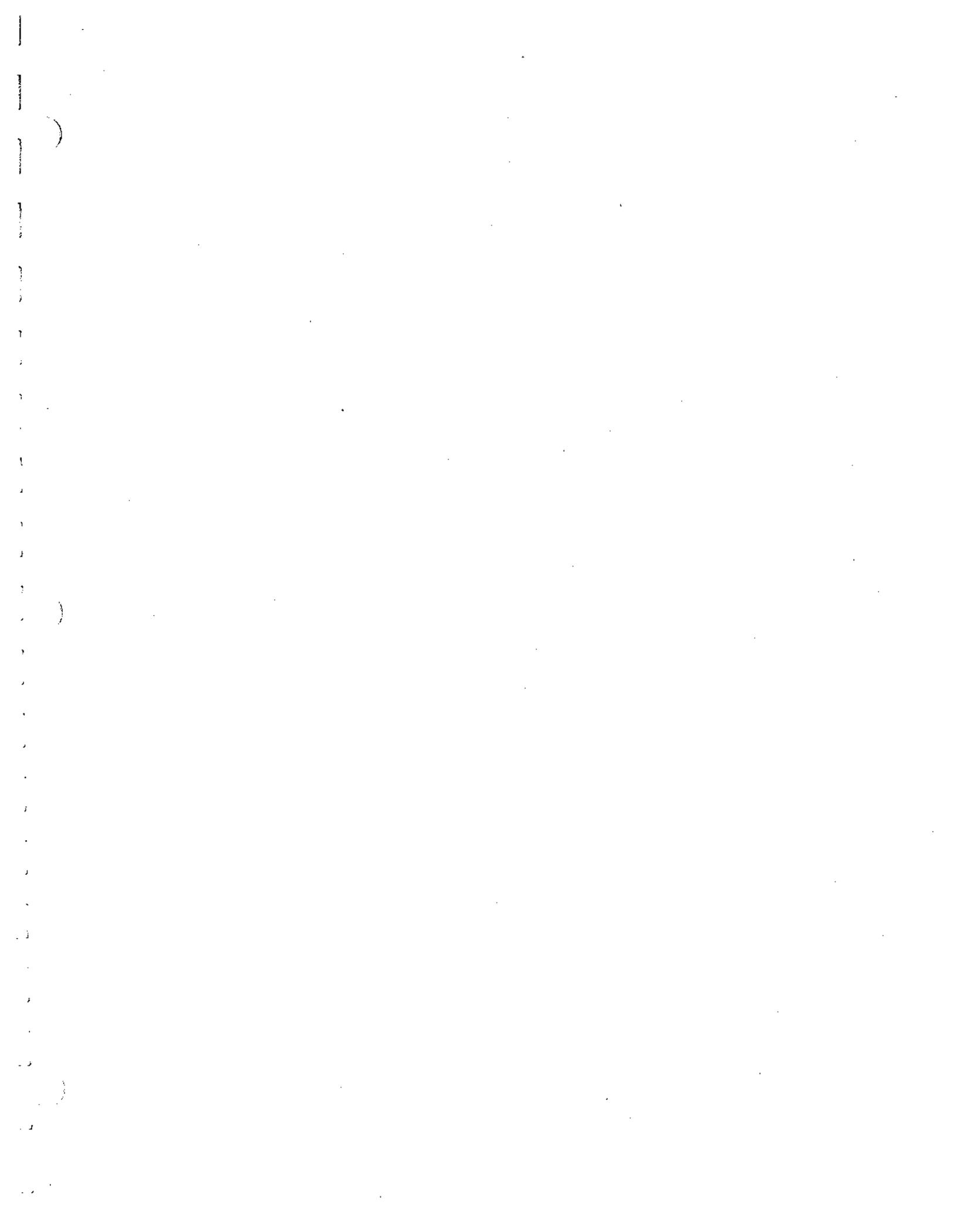
Respectfully submitted,



Norman Eichel, MAI
California State Certification AG008794



Jerry M. Tempkin, MAI
California State Certification AG003500



COMPARABLE LAND SALE

Datum No.: 1

Identification

Assessor's Parcel No.: 8527-010-011; 8527-011-001; 8527-015-016; 8689-007-001, 004.

Location: Northern terminus of Spinks Canyon Road, Duarte

Thomas Guide Page: 568-D2

Site Data

Area: 324 acres; 59 usable

Dimensions: Irregular

Access: Easement access from Spinks Canyon Road

Topography: Steep hillside and canyons; development potential clustered in a 30-acre valley requiring over 1 million yards of grading

Zoning: R1D & R1F (City of Duarte)

Utilities: All in service to street, except sewer

Improvements: None

Prior use: None

Intended use: Residential lots

Transfer Data

Interest: Fee simple

Grantors:

SELLER	Bradbury Highlands	Azusa Pacific	Bradbury Highlands	Total
Date	8/2/99	11/19/99	8/9/00	---
Doc #.	1434537	2156424	1246799	---
Acres	.52	323.21	.30	324.03
Sale Price	\$75,000	\$980,000	\$11,000	\$1,066,000
\$/AC	---	---	---	\$3,290

Grantee: Palmdale Summit; LP (Pacific Community Builder)

Date: See above table

Document no.: See above table

Sale price: \$1,066,000

Unit land price: \$3,290/acre

Financing terms: All cash to seller

COMPARABLE LAND SALE

Datum No.: 1 (continued)

Marketing/escrow: Approximately two years
Source: Ed Cox, Direct of Community Development, Duarte
Verification: Don Karpinan, Pacific Communities Builders and
grant deeds.

COMPARABLE LAND SALE

Datum No.: 2

Identification

Assessor's Parcel No.: 2821-1-17; 2-27 thru 21; 3-6, 10; 8-19; 2826-15-33 thru 35, 37, 38; 16-36, 37, 41, 42, 43, 47, 48, 51, 52, 53

Location: Browns Canyon Road, just west of Porter Ranch, unincorporated Los Angeles County

Thomas Guide Map Page: 480-A/B-4

Site Data

Area: 1,732.53 acres

Dimensions: Irregular

Access: Brown's Canyon Road and Oat Mountain Motorway, which are paved private driveways in proximity to and on the subject

Topography: Mix of generally level and gently sloped areas to rolling hills and steep canyons and ridges; southerly portions less severe and northerly portions more severe; 2,900-foot variance in elevation; traversed by several canyons

Zoning: A-2-2

Utilities: None to site; well water

Improvements: Nominal improvements

Prior use: Ranch and film shoots

Intended use: Open space preservation

Transfer Data

Interest: Fee simple

Grantor: John J. Tuttle, Trustee, et al

Grantee: Mountains Recreation & Conservancy Authority

Date: 7/18/2003

Document no.: 2057037

Sale price: \$7,180,000

Unit land price: \$4,144/acre

Financing terms: All cash to seller

COMPARABLE LAND SALE

Datum No.:

2 (continued)

Marketing/escrow:

Over four years

Source:

Listing broker

Verification:

Bill Korek, listing broker with Korek Land; Paul Edelman, buyer representative with Mountains Recreation & Conservation Authority

COMPARABLE LAND SALE

Datum No.: 3

Identification

Location: W/S Sierra Hwy., N/O Vasquez Canyon Rd.,
unincorporated Los Angeles County

Thomas Guide Map Page: 4462-D/E/F-3

Assessor's parcel no.: 2813-018-002, 003; 2853-001-007; 2853-002-001

Site Data

Area: 246.91 acres
 Dimensions: Irregular
 Access: Sierra Highway
 Topography: Rolling to hillside
 Zoning: A-1-1/C3
 Utilities: All to site; water currently served by well,
 development would require water and sewer
 extension
 Improvements: None
 Prior use: Undeveloped
 Intended use: Subdivision

Transfer Data

Interest: Fee simple
 Grantor: Pacific Western National Bank successor to merger
 to First Charter Bank, N.A.
 Grantee: Sierra Way Estates, LLP
 Date: 12/12/2002
 Document no.: 02-3038716
 Sale price: \$1,100,000
 Unit land price: \$4,455/acre
 Financing terms: All cash

COMPARABLE LAND SALE

Datum No.: 3 – (continued)

Marketing/escrow: Approximately three years
Source: Listing broker
Verification: Larry Lynch, listing broker with Korek Land

COMPARABLE LAND SALE

No.: 4

Identification

Location: Adjacent east of the Antelope Valley Freeway at San Fernando Road to the west of the Angeles National Forest, near Santa Clarita, within unincorporated northern Los Angeles County.

Thomas Guide Map Page: Page 4641 C/D-3

Assessor's parcel no.: 2848-014-015, 2848-017-013, 2848-017-014,
2848-017-018, 2848-018-010, 2848-018-011,
2848-018-015

Site Data

Area: 442 total acres; 229 acres of rear mountain terrain and 213 acres of developable frontage.

Dimensions: Irregular
Access: San Fernando Road east of its intersection w/ Sierra Highway and Antelope Valley Fwy; Whitney Canyon Road traverses property in east/west direction.

Topography: Rolling to steep hillside terrain; level areas at western portion of property fronting Antelope Valley Freeway

Zoning: Existing: Los Angeles County A-2-1 & A-2-5
Pre-zoned for proposed development Annexation to City of Santa Clarita: RE (Residential Estate) & OS (Open Space)

Utilities: Water, electric and telephone to site; sewer and gas at Sierra Highway and San Fernando Road; on-site water well and septic system serves existing dwellings

Improvements: Older ranch buildings and caretaker dwellings on western portion near the freeway; no contributory value to improvements

Prior use: Ranch property
Intended use: Open space and recreation

COMPARABLE LAND SALE

Datum No.: 4 -- (continued)

Transfer Data

Interest: Fee simple
Grantor: Whitney Canyon Ranch Associates-Residential
Grantee: Santa Clarita Watershed Recreation and Conservation Authority
Date: 7/23/2002
Document no.: 02-1716339
Sale price: \$4,890,000
Unit land price: \$11,063/acre
Financing terms: All cash
Marketing/escrow: Approximately 2 years
Source: Mountains Recreation and Conservation Authority
Verification: Rorie Skei with Mountains Recreation and Conservation Authority

COMPARABLE LAND SALE

Datum No.: 5

Identification

Assessor's Parcel No.: 8501-010-001, 002, 003 and 004
 Location: Lower Clamshell Mountainway, Monrovia
 Thomas Guide Map Page: 567-G1

Site Data

Area: 80.00 acres
 Dimensions: Rectangular
 Access: Fire trail known as Lower Clamshell Mountainway
 which is a graded dirt road
 Topography: Steep hillside mountainous terrain comprised of a
 complex system major drainage and canyon
 watercourses with elevations of 1,200 to 2,000 feet
 above sea level
 Zoning: Single-family residential w/ Cloverleaf Canyon
 Specific Plan which allows up to 4 single-family
 dwellings or 1 dwelling per 20 acres
 Utilities: Well water and electricity provided; no available
 sewer – septic system required; gas line nearby
 Improvements: None
 Prior use: None
 Intended use: Wilderness preserve

Transfer Data

Interest: Fee simple
 Grantor: William W. Woodward
 Grantee: The City of Monrovia
 Date: 12/23/2002
 Document no.: 3141632
 Sale price: \$800,000
 Unit land price: \$10,000/acre
 Financing terms: All cash to seller

COMPARABLE LAND SALE

Datum No.:	5 (continued)
Marketing/escrow:	Not available
Source:	City of Monrovia
Verification:	Representative with the City of Monrovia

COMPARABLE LAND SALE

Datum No.: 6

Identification

Assessor's Parcel No.: 8684-024-001, 036 and 036;
8684-020-006

Location: Terminus of Hilltop Drive, City of Azusa and
unincorporated Los Angeles County

Thomas Guide Map Page: 568-J3

Site Data

Area: 121.19 acres
 Dimensions: Irregular
 Access: Azusa-San Gabriel Canyon Road
 Topography: Moderate to steep foothill terrain
 Zoning: Residential/Agricultural (20,000 SF min lot size)
 Utilities: Electricity, and water for avocado trees
 Improvements: Avocado trees on some areas
 Prior use: Portion has avocado trees
 Intended use: Hold for potential development by adjacent
property owner

Transfer Data

Interest: Fee simple
 Grantor: Winifred Van Ginkel
 Grantee: Arthur and Geraldine Vasquez and Arthur Vasquez,
Jr.
 Date: 6/21/2002
 Document no.: 1416477
 Sale price: \$850,000
 Unit land price: \$7,014/acre
 Financing terms: All cash to seller

COMPARABLE LAND SALE

Datum No.:

6 (continued)

Marketing/escrow:

Several years

Source:

Win2Data

Verification:

Norman Van Ginkel; grant deed

Qualification Summary

NORMAN EICHEL, MAI *President*

EDUCATION: **University of Southern California**, Bachelor of Science in Finance

Graduate Studies in Real Estate Research, U.S.C.

Appraisal Institute

Mortgage Bankers Association

PROFESSIONAL: **Real Estate Research Corporation**

Urban Analyst, Los Angeles

 Urban renewal, analysis, micro-economic studies and retail sale volume projections.

Marshall & Stevens, Inc.

Regional Manager, San Francisco

 Mass appraisals, office building, shopping center and large multi-family valuations

Tait Appraisal Company

 San Francisco and Los Angeles

 General appraisal practice

Fee Appraiser - San Francisco

 General appraisal practice

Qualification Summary

JERRY M. TEMPKIN, MAI

EDUCATION: **California State University, Northridge**
Bachelor of Science in Finance, January 1984.

Appraisal Institute Courses of Study

- Real Estate Appraisal Principles
- Basic Valuation Procedures
- Uniform Standards of Professional Appraisal Practice, Parts A and B
- Capitalization Theory and Techniques, Parts A and B
- Report Writing and Valuation
- Case Studies in Real Estate Valuation

EXPERIENCE: **Eichel, Inc., 1987-Present**
Performed commercial real estate appraisals and consulting service throughout the greater Southern California area. Appraisal and valuation analysis of various property types and other duties are summarized below.

- **Commercial and Residential Property Types**
Retail uses including strip centers, neighborhood and community shopping centers, regional shopping malls and power centers.
Office uses including professional and medical buildings featuring low, mid and hi-rise structures of varying construction type.
Industrial uses including warehouses, distribution facilities, business parks, R&D buildings, mini-storage facilities and auto repair bays.
Residential uses including residential subdivisions, mobile home parks, congregate care facilities, condominiums and apartment buildings.
Vacant land valuation for commercial, industrial and residential zoned sites including feasibility studies for agricultural acreage.
- **Special Purpose Property Types**
Special purpose land-use appraisal assignments include leasehold analysis, cold storage facilities, service stations, auto dealerships, car wash facilities, indoor swap meets, full-service hotels and motels, condominium conversions, golf course and country club facilities, manufacturing/loft buildings, recreational marina leasehold property, and feasibility analysis for rehabilitation of asbestos contaminated facilities.
- **Management and Supervisory Duties**
Assist in the daily business operations and provide training and review of junior staff.

Torr Vacuum Products, 1984-1986, Cost Accountant

City Council Report
General Plan 2012-2030 Update

EXHIBIT “O”

City Attorney's Response
to Alvarado Smith Letter

November 14, 2013

(to be supplied)

City Council Report

General Plan 2012-2030 Update

Public Records Requests

EXHIBIT "AA"

Alvarado Smith Letter

August 28, 2013



A PROFESSIONAL CORPORATION
INCLUDING PROFESSIONAL CORPORATIONS

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Santa Ana, California 92707
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www.AlvaradoSmith.com

Los Angeles
213.229.2400

San Francisco
415.624.8665

Therry R. Montoya
(714) 852-6800
tmontoya@AlvaradoSmith.com

August 28, 2013

VIA FACSIMILE 626-303-5154 AND HAND DELIVERY

City Clerk
City of Bradbury
600 Winston Avenue
Bradbury, CA 91008

Re: *Public Records Act Request*

Dear City Clerk:

By this letter and pursuant to the California *Public Records Act* and California *Government Code* sections 6250-6270, I request, on behalf of D&M Investments, Inc. that the City of Bradbury ("City") provide me with copies of the following public records:¹

1. Any and all documents related to General Plan 2012-2030, Community Resources Element, (Open-Space and Conservation Elements), set for meeting agenda for August 28, 2013.
2. Any and all documents related to any *California Environmental Quality Act*, ("CEQA"), *Public Resource Code* §§21000-21177, environmental review and subsequent Notice of Determination, of the General Plan 2012-2030, Community Resources Element, (Open-Space and Conservation Elements), set for meeting agenda for August 28, 2013.
3. Any and all documents relating to any analysis by any employee, consultant, independent contractor, staff member or elected official on behalf of the City for the General Plan 2012-2030, Community Resources Element, (Open-Space and Conservation Elements), set for meeting agenda for August 28, 2013.
4. Any and all documents (to include transcripts, audio recordings and video recordings) of the public hearing portion of any City Council meeting relating to General Plan 2012-2030, Community Resources Element, (Open-Space and Conservation Elements), set for meeting agenda for August 28, 2013.

¹ As used in this request, the term "public records" shall have the meaning set forth in *Government Code* section 6252(e) and includes e-mail and other forms of electronic communications.

City Clerk
City of Bradbury
August 28, 2013
Page 2

5. Any and all documents (to include transcripts, audio recordings, and video recordings) related to any analysis as to whether to amend the City's General Plan 2007.

6. Any and all documents relating to any City study or analysis conducted by any City representative, consultant, or agent, to support its claims, as set forth in the General Plan 2012-2030, Community Resources Element, (Open-Space and Conservation Elements), set for meeting agenda for August 28, 2013, that:

i) The 302-acre site that is subdivided into eight privately owned parcels of land is environmentally constrained in such a severe manner that "development of this area may not be realistic."

ii) The 302-acre site that is subdivided into eight privately owned parcels of land that contains "steep hillsides, prominent ridgelines, and three seasonal Blueline streams..."

iii) The "City's zoning and development standards recognize the importance of maintaining [the 302-acre site that is subdivided into eight privately owned parcels of land] this area in its natural state-the same area that is currently zoned for residential development on an "A5" basis.

iv) The 302-acre site that is subdivided into eight privately owned parcels of land is currently "designated for hillside prevention."

v) The "community's desire to maintain open space is served by these development standards [standards that would preclude the currently authorized General Plan land use of "A5" residential development of the 302-acre site that is subdivided into eight privately owned parcels of land].

vi) The 302-acre site that is subdivided into eight privately owned parcels of land is "unsuitable for development due to environmental factors such as steep slopes, or unstable ground conditions."

vii) The 302-acres have "minimal potential for residential development" and that this area is recognized for hillside preservation.

7. Any and all documents relating to any City analysis and ultimate support for the representation that "[t]hese development restrictions can lead one to consider that development of the area [302 acres] is physically and economically infeasible," as so stated in the Hillside Development Standards, Land Use Element, page 8, of the General Plan 2012-2030, Community Resources Element, (Open-Space and Conservation Elements), set for meeting agenda for August 28, 2013.

City Clerk
City of Bradbury
August 28, 2013
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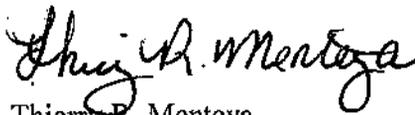
To the extent that there are public records, or portions thereof, which the City claims are exempt from disclosure and seeks to withhold, please state which public records are to be withheld and include for each document the basis for the exemption claimed by the City, as required by *Government Code* section 6255. While doing so, please produce the public records that the City does not claim are exempt.

I understand that a response to this request can take place up to ten (10) days after the receipt of this letter pursuant to *Government Code* section 6253. We nonetheless would appreciate it if you are able to respond sooner than that. Please provide your response to this letter via facsimile to my attention at (714) 852-6862, and mail the original to the address provided above. Please also include in your response letter the copying costs for the public records that will be produced.

To the extent that any of these requests make it difficult for you to locate an identifiable record, we hereby ask, pursuant to *Government Code* section 6253.1, that you contact us in order to assist us in identifying records and information that are responsive to this request, or for the purpose of this request. Thank you for your attention to this matter. If you have any questions, please contact me at the number provided above. We look forward to receiving the public records within the statutorily mandated timeframe.

Very truly yours,

ALVARADOSMITH
A Professional Corporation


Thierry R. Montoya

TRM:dh

City Council Report

General Plan 2012-2030 Update

Public Records Requests

EXHIBIT "BB"

Alvarado Smith Letter

September 10, 2013



A PROFESSIONAL CORPORATION
INCLUDING PROFESSIONAL CORPORATIONS

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Santa Ana, California 92707
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tmontoya@AlvaradoSmith.com

Los Angeles
213.229.2400

San Francisco
415.624.8665

Raymond G. Alvarado,
Retired

September 10, 2013

VIA FACSIMILE (626) 303-5154 AND U.S. MAIL

City Clerk
City of Bradbury
600 Winston Avenue
Bradbury, CA 91008

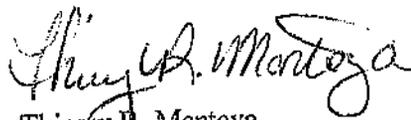
Re: *Public Records Act Request*

Dear City Clerk:

This office served you on August 28, 2013, with a *Public Records Act* request to which the City of Bradbury has not responded within the ten day required statutory period. Please provide us with the public documents requested immediately to avoid further legal action.

Very truly yours,

ALVARADOSMITH
A Professional Corporation



Thierry R. Montoya

TRM:dh



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RECEIVED SEP 10 2013

September 10, 2013

VIA FACSIMILE (626) 303-5154 AND U.S. MAIL

City Clerk
City of Bradbury
600 Winston Avenue
Bradbury, CA 91008

Re: *Public Records Act Request*

Dear City Clerk:

By this letter and pursuant to the California *Public Records Act* and California *Government Code* sections 6250-6270, I request, on behalf of D&M Investments, Inc. that the City of Bradbury ("City") provide me with copies of the following public records:¹

1. Any and all documents (to include transcript, audio recordings and video recordings) of the public hearing portion of the August 28, 2013, Planning Commission meeting.
2. Any and all documents related to any Planning Commission recommendation provided to the City Council following the August 28, 2013, Planning Commission hearing.
3. Any and all documents confirming any notice of any *California Environmental Quality Act* study performed by any City employee, consultant, independent contractor, staff member or elected official, to the owners of the parcels located within the 302-acre site addressed in the General Plan 2012-2030, Community Resources Element, (Open-Space and Conservation Elements), that was set for meeting agenda for August 28, 2013.

To the extent that there are public records, or portions thereof, which the City claims are exempt from disclosure and seeks to withhold, please state which public records are to be withheld and include for each document the basis for the exemption claimed by the City, as required by *Government Code* section 6255. While doing so, please produce the public records that the City does not claim are exempt.

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September 10, 2013

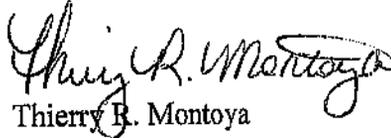
Page 2

I understand that a response to this request can take place up to ten (10) days after the receipt of this letter pursuant to *Government Code* section 6253. We nonetheless would appreciate it if you are able to respond sooner than that. Please provide your response to this letter via facsimile to my attention at (714) 852-6862, and mail the original to the address provided above. Please also include in your response letter the copying costs for the public records that will be produced.

To the extent that any of these requests make it difficult for you to locate an identifiable record, we hereby ask, pursuant to *Government Code* section 6253.1, that you contact us in order to assist us in identifying records and information that are responsive to this request, or for the purpose of this request. Thank you for your attention to this matter. If you have any questions, please contact me at the number provided above. We look forward to receiving the public records within the statutorily mandated timeframe.

Very truly yours,

ALVARADOSMITH
A Professional Corporation


Thierry R. Montoya

TRM:dh



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tmontoya@AlvaradoSmith.com

Raymond G. Alvarado,
Retired

September 12, 2013

VIA EMAIL AND U.S. MAIL ONLY
cary@wkrklaw.com

Cary S. Reisman
WALIN, KRESS, REISMAN
& KRANITZ, LLP
2800 Twenty-Eight Street, Suite 315
Santa Monica, California 90408-6205

Re: *Public Records Act* Request on D&M Investment, Inc.'s Behalf

Dear Mr. Reisman,

I received your September 6th letter from the City's Kevin Kearney. Please note that our facsimile number is not 714.852.6862, rather it is: 714.852.6899. As for the mailed copy of your letter, that has never arrived.

Addressing the document issues, your letter does not specify what documents the City intends to produce nor the volume of such. Depending on what you will make available, we can have them copied on-site by a bonded copy service we retain, or reimburse the City by check for its copy charges. These are issues that we can address when we know what will be made available to us.

Given that you will not "make a determination" of what you will produce until September 21, 2013, we trust that the City Council will not take up the Planning Commission's recommendation for the approval of the General Plan 2012-2030 Update at the regularly-scheduled September 17, 2013 City Council meeting. Our clients have the right to make an administrative record in opposition to the Planning Commission's decision recommending the City Council's adoption of the General Plan 2012-2030 Update, as the "Update" represents an evisceration of our client's legal and binding "A-5" land use designation, based entirely on unsubstantiated conclusions for which there is no study or analysis in support thereof. To date, we have challenged the Update in writing as served on the City on August 28, 2013, via hand-delivery on August 28th, and by our Appeal letter served on the City on August 30, 2013. Copies of these letters are attached as well.



Cary S. Reisman
September 12, 2013
Page 2

We have also asked for all of the relevant public records that would support the Planning Commission's decision, through our *Public Records Act* request, that your letter advises cannot be complied with until after September 21st. Accordingly, please confirm that the City will not take up the Planning Commission's recommendation to adopt the General Plan 2102-2030 Update as part of the public hearing portion of the September 17, 2013 City Council meeting.

Very truly yours,

ALVARADOSMITH
A Professional Corporation

A handwritten signature in black ink that reads 'Thierry R. Montoya'. The signature is written in a cursive style with a large, looping 'M' and 'Y'.

Thierry R. Montoya

TRM:dh
Enclosures



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Raymond G. Alvarado,
Retired

August 30, 2013

VIA FACSIMILE AND MAIL DELIVERY

City Clerk
City of Bradbury
600 Winston Ave.
Bradbury, CA 91008

APPEAL OF PLANNING COMMISSION'S AUGUST 28, 2013 DECISION TO RECOMMEND TO THE CITY COUNCIL ITS ADOPTION OF THE CITY OF BRADBURY'S, ("CITY"), PROPOSED GENERAL PLAN 2012-2030 UPDATES

City Clerk:

This office and the undersigned represent D&M Investments, Inc., ("DM"), the owner of 192-acres located within the 302-acre site that the General Plan-2012-2030, Community Resources Element, Draft, ("General Plan Update") seeks to reserve for hillside preservation and open space, in direct contravention to the existing and legally permitted "A-5" land use designation currently in place via the General Plan, 2007. Pursuant to Development Code Administration, Chapter 9.02.050-Appeals, please accept this as DM's appeal to the Planning Commission's August 28, 2013 decision to grant the General Plan Update over DM's written and oral objections. The City's Appeals rule does not identify any appeal fee. If such is required, please immediately advise of such for payment. DM's arguments are, again, set forth for the City Council's consideration.

The General Plan Update does not "update" the General Plan, 2007, but rather attempts to eviscerate the binding "A-5" land use designation, based entirely on unsubstantiated conclusions for which no study or analysis is presented. The manifest change from an "A-5" land use designation to a hillside preservation/open space one must be preceded by a *California Environmental Quality Act*, ("CEQA"), study, more particularly, an Environmental Impact Report, ("EIR"), given the significance of the proposed land use change. The General Plan, 2007's "A-5" land use designation controls, and any land use change would be significant by definition, thereby warranting an independent CEQA analysis in support thereof. For these reasons, DM opposes any City attempt to adopt the General Plan Update as any such decision would be arbitrary, capricious, and lacking in evidentiary support.

///

City Clerk
City of Bradbury
August 30, 2013
Page 2

All cities and counties in California must develop and approve a general plan. *Government Code* section 65300, 65302. The general plan is a "constitution" for future developments within the city or county and the propriety of virtually any local land use and development decision depends upon its consistency with the applicable general plan. [*Government Code* section 65300.5, 65454-specific plan must be consistent with general plan]; [*Corona-Norco Unified School District v. City of Corona*, 17 Cal.App.4th 985, 994-consistency doctrine is the linchpin of California land use and development laws]. General Plan, 2007, currently designates DM's 192-acre parcel under an "A-5" land use designation, "...characterized by single-family residential development on larger lots...permitted density within this zone ranges from one dwelling unit per five acres and up."

The proposed General Plan "Update" recitation of the current land use designation as hillside preservation is a complete misnomer; it is entirely inconsistent with the General Plan, 2007's "A-5" land use designation. Additionally, the General Plan Update seeks to justify its land use designation change from "A-5" to "hillside preservation area/open space," based entirely on unsupported conclusions that: "environmental constraints may be so severe that development of this area, [302-acres], may not be realistic. This area has been designated for hillside preservation." See, General Plan, Update, Hillside Preservation Area, page 3. Clearly, the General Plan, 2007 continues to designate D&M's 192-acre parcel under its "A-5" designation, and there is no evidence-no study, no analysis-presented in the General Plan Update that proves that any portion of the 302-acres had been "designated for hillside preservation." Rather, all of the 302-acres continues to appear designated under an "A-5" land use characterization.

Moreover, the General Plan Update does not cite to or incorporate any study or analysis to support its many environmental, biological, or geological conclusions that "environmental constraints may be so severe that development of this area, [302-acres], may not be realistic." Here are but a few examples of the bald, unsubstantiated conclusions that are put forth as fact to justify eviscerating the current, legal "A-5" land use designation upon D&M's property.

- The "steep hillsides areas are considered ecologically significant due to their vacant state and the presence of native vegetation." See, General Plan Update, High Sensitivity, page 12;
- The 302-acres are noted as "deemed to be physically and economically infeasible" for development. See, General Plan Update, Resource Management Areas, page 13.
- "Abundant wildlife either reside in this area, [302-acres], or transverse the area in search of food and shelter." See, General Plan Update, Hillside Preservation Areas, page 3.



City Clerk
City of Bradbury
August 30, 2013
Page 3

- “Approximately 356-acres...either prohibit development or is considered infeasible for development activity.” See, General Plan Update, Resource Management Areas, page 13.

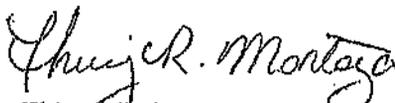
None of these statements are supported by empirical studies or reliable data. This was again confirmed by record of the Planning Commission's August 28, 2013 hearing, where no studies or reliable data was presented-at all.

The City's reliance on the alleged significance of its environmental, biological, and geologic conclusions confirms the need for a CEQA study, an EIR in particular. The adoption and amendment of general plans and their elements are projects within the meaning of CEQA. *California Code of Regulations* tit. 14, section 15378(a)(1). The City's meaningful and complete departure from the legally permitted “A-5” land use designation must be preceded by a CEQA, EIR analysis, given the “significance” of the many environmental issues the City puts forth to justify its General Plan Update. The City has not conducted an EIR analysis of its General Plan since 1993. The City's August 2013, Environmental Impact Report, Addendum, does not address the planned development of the 302-acres, does not address the purported hillside/open space “project,” and does not address any of the General Plan Update's alleged environmental, biological, and geologic factual conclusions.

A CEQA study is also warranted as D&M has never been afforded any opportunity to comment on any aspect of the General Plan Update's purported “conclusions and findings.” D&M has the legal right to participate, as a member of the public, in any City sponsored hillside preservation/open space EIR analysis that it wishes to conduct in the future. Otherwise, the General Plan, 2007's “A-5” land use designation controls and D&M will take all appropriate legal action to protect this binding land use designation on property it lawfully owns.

Very truly yours,

ALVARADOSMITH
A Professional Corporation


Thierry R. Montoya

TRM:dh



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Raymond G. Alvarado,
Retired

FACSIMILE TRANSMISSION

DATE: August 30, 2013

FILE NO.: N1430.1

To:

NAME	FAX NO.	PHONE NO.
City Clerk/City of Bradbury	626-303-5154	

FROM: Thierry R. Montoya, Esq. **PHONE:** 714-852-6800

SENT BY: Donna F. Heflin **PHONE:** 714-852-6800
Legal Secretary

RE: Proposed General Plan 2012-2030 Updates

NUMBER OF PAGES INCLUDING COVER PAGE: 4	VIA FACSIMILE AND U.S MAIL
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MESSAGE:

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August 28, 2013

VIA FACSIMILE AND HAND DELIVERY

Honorable Planning Commission
City of Bradbury
600 Winston Ave.
Bradbury, CA 91008

ATTACH THIS LETTER AS PART OF THE PUBLIC RECORD OF THE PLANNING COMMISSION'S AUGUST 28, 2013, REGULAR MEETING TO DISCUSS THE CITY OF BRADBURY'S, ("CITY"), PROPOSED GENERAL PLAN 2012-2030 UPDATES

Honorable Members of the Planning Commission:

This office and the undersigned represent D&M Investments, Inc., ("DM"), the owner of 192-acres located within the 302-acre site that the General Plan-2012-2030, Community Resources Element, Draft, ("General Plan Update") seeks to reserve for hillside preservation and open space, in direct contravention to the existing and legally permitted "A-5" land use designation currently in place via the General Plan, 2007. The General Plan Update does not "update" the General Plan, 2007, but rather attempts to eviscerate the binding "A-5" land use designation, based entirely on unsubstantiated conclusions for which no study or analysis is presented. The manifest change from an "A-5" land use designation to a hillside preservation/open space one must be preceded by a *California Environmental Quality Act*, ("CEQA"), study, more particularly, an Environmental Impact Report, ("EIR"), given the significance of the proposed land use change. The General Plan, 2007's "A-5" land use designation controls, and any land use change would be significant by definition, thereby warranting an independent CEQA analysis in support thereof. For these reasons, DM opposes any City attempt to adopt the General Plan Update as any such decision would be arbitrary, capricious, and lacking in evidentiary support.

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Honorable Planning Commission
City of Bradbury
August 28, 2013
Page 2

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None of these statements are supported by empirical studies or reliable data.