



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

City of Bradbury City Council Agenda Report

TO: Honorable Mayor and Council Members

FROM: Michelle Keith, City Manager
Anne McIntosh, City Planner
David Meyer, Planning Consultant and
Lisa E. Kranitz, Deputy City Attorney

DATE: February 26, 2014

SUBJECT: GENERAL PLAN 2012-2030 UPDATE (Feb. 5, 2014 Iteration)

EXECUTIVE SUMMARY

The City Council determined that the City's General Plan should be updated to reflect the residents' current vision and aspirations for the long-range physical development of the City. To that end the City Council appointed a nine-member General Plan Steering Committee comprised of members of the City Council, the Planning Commission and residents from each of the five council districts. The committee held a workshop and numerous public meetings between [provide dates instead] in order to solicit input from residents and interested parties relative to the long-range development goals for the City. A variety of methods were employed to solicit input from community residents and interested parties.

The General Plan Steering Committee used the guidelines established by the State to examine the City's physical development that has occurred since its incorporation in 1957. Data indentifying constraints that have a direct bearing on achieving various development scenarios were examined. After collecting relevant information the process of determining the residents' goals and objectives was initiated.

The Steering Committee found that the City's mission statement of "Preserving Rural Tranquility" is as relevant now as it was decades ago when it was initially adopted. The mission statement provides guidance to local decision makers as they implement the community's land use policies. Based on the Steering Committee's recommendations, the General Plan Update 2012-2030 was developed. This Update maintained the same exact development patterns as set forth in the 1994 and 2007 General Plans; the existing goals, objectives and policies were expounded upon, but the substance did not change.

On July 24, 2013 and August 28, 2013 the Planning Commission held public hearings. Written and verbal objections were presented by the law firm of Alvarado Smith on behalf of D&M Investments, Inc., the owners of approximately 192 acres of the 302 acres of vacant undeveloped hillside property in the northern portion of the City adjacent to the City of Monrovia and the Angeles National Forrest. At the close of the public hearings the Planning Commission recommended that the City Council approve the Addendum and the General Plan 2012-2030 Update.

Responses were sent to Alvarado Smith clarifying that there was no change in the development potential for the 302 acres of vacant undeveloped hillside property and that minor tweaks were made to the Update that was presented to the City Council. Regardless of the assurances and changes, D&M filed essentially the same objections with the City Council.

On November 19, 2013, the City Council held a public hearing, reviewed the Planning Commission's recommendation, solicited input from the general public, and considered all the objections raised by Alvarado Smith. After debate and deliberation, the City Council referred the matter back to the Planning Commission with directions that the objections filed by Alvarado Smith be reviewed.

The City's planning staff, general plan consultants, environmental consultant and the City Attorney have made further clarifications to only the narrative and demographic portions of the General Plan Update and the EIR Addendum, which were presented to the Planning Commission during the public hearing on February 26, 2014. Alvarado Smith was in attendance, but did not provide any comments during the hearing, although they did file a subsequent Public Records Act Request. At the conclusion of the public hearing the Planning Commission adopted Resolution No. 14-231.PC, recommending that the City Council approve Addendum No. 1 to the Final Certified EIR prepared for the 1994 General Plan and adopt General Plan 2012-2030 Update dated February 5, 2014.

NOTICE

A Citywide notification and publication was made advertising the March 18, 2014 public hearing before the City Council.

RECOMMENDATION

It is staff's recommendation that at the close of the public hearing, the City Council adopt the attached Resolution approving Addendum No. 1 to the 1994 Final Environmental Impact Report for the 1994 General Plan and adopt the revised iteration of the General Plan Update 2012-2030, dated February 5, 2014. The updated resolution for the City Council's approval is attached as Exhibit 1.

ATTACHMENTS

- Exhibit No. 1: Draft Resolution adopting the General Plan 2012-2030 Update;
- Exhibit No. 2: All of the materials presented to the Planning Commission at its meeting of February 26, 2014 to include attachments A through J;
- Exhibit No. 3: Letter from the Chadwick's attorneys (law firm of Callanan, Rogers & Dzida) dated February 18, 2014 that was presented to the Planning Commission, with previous letter from Chadwick's attached.
- Exhibit No. 4: City's email response to the Callanan letter.
- Exhibit No. 5: Latest public records act request from Alvarado Smith public records request dated February 27, 2014.

City Council
March 18, 2014 Report

General Plan 2012-2030 Update

EXHIBIT "1"

Draft Resolution

Concerning adoption of the City of Bradbury

General Plan 2012-2030 Update and

Approval of Addendum No. 1 to the

1994 General Plan EIR

DRAFT

RESOLUTION NO. 14-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY BRADBURY, CALIFORNIA APPROVING ADDENDUM NO. 1 TO THE 1994 CERTIFIED EIR FOR THE 1994 GENERAL PLAN (Dated February 2014) AND ADOPTING GENERAL PLAN AMENDMENT NO. GPA 13-01 GENERAL PLAN 2012-2030 UPDATE (Dated 02-05-14)

- WHEREAS,** Section 65300 of the California Government Code requires city planning agencies to prepare and the legislative body to adopt a comprehensive long-term general plan for the physical development of the city and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning; and
- WHEREAS,** Section 654301 of the California Government Code provides the legislative body the opportunity to adopt a general plan in any format deemed appropriate or convenient including combining required elements; and
- WHEREAS,** The City's existing required Housing Element is not part of the general plan update; and
- WHEREAS,** The Planning Commission and the General Plan Steering Committee provided numerous opportunities for involvement in the planning process by citizens, California Native American Indian tribes, public agencies, public utility companies, and civic education, and other community groups, through public hearings, workshops, public meetings and electronic posting of pertinent material and information on the City's Website; and
- WHEREAS,** The Planning Commission considered a draft comprehensive General Plan 2012-2030 Update dated May 28, 2013 which established the City's long-range vision, development goals, objectives and policies; and
- WHEREAS,** The City staff caused the draft General Plan 2012-2030 Update to be referred to the appropriate agencies as set forth in Section 65352 of the California Government Code; and
- WHEREAS,** The Planning Commission held duly noticed public hearings on July 24, 2013, and August 28, 2013; and
- WHEREAS,** The law firm of Alvarado Smith made objections to the General Plan Update and use of the Addendum based on their belief that it would change the development potential of their client's property consisting of 192 acres located in the northern 302 acres of vacant undeveloped hillside property in the City; and
- WHEREAS,** At the conclusion of the public hearings, after assurances that the development potential of the 302 acres was not being changed, the Planning Commission adopted Resolution No. 13-226.PC recommending that the City Council adopt a

comprehensive General Plan 2012-2030 Update dated May 28, 2013 that includes six of the seven mandated general plan elements plus a climate action plan as well as a recommendation to adopt Addendum No. 1 to the 1994 General Plan FEIR concerning the General Plan 2012-2030 Update; and

WHEREAS, Alvarado Smith filed additional objections despite assurances that the development potential was not being changed; and

WHEREAS, In order to address the concerns raised by Alvarado Smith minor tweaks were made to the General Plan 2012-2030 Update which were presented to the City Council on November 19, 2013; and

WHEREAS, The City Council held a duly noticed public hearing on November 19, 2013 to consider the adoption of the revised iteration of the General Plan 2012-2030 Update; and

WHEREAS, At the conclusion of the public hearing, the City Council adopted a motion directing the Planning Commission to review and reconsider the most current iteration of the General Plan 2012-2030 Update that includes minor modifications to the narrative and demographic portions as modified by staff in order to respond to written and verbal objections filed by the owners of 192-acres of vacant undeveloped hillside property; and

WHEREAS, Prior to returning this matter to the Planning Commission, Staff made additional minor modifications to only the demographic and narrative information portions of the General Plan 2012-2030 Update, as well as to the maps therein, in an effort to clarify and respond to objections filed by certain property owners; and

WHEREAS, Addendum No. 1 prepared by the environmental consultant for the City was updated to reflect the new demographic information that included 16 additional units that were assigned to the 8 parcels in the 302 northern acres of the City plus the associated additional population as well as a review of the California Natural Diversity Database which indicated that there was the potential for protected plant and wildlife species to exist in the area; and

WHEREAS, The Planning Commission held a duly noticed public hearing on February 26, 2014 regarding Addendum No. 1 and the draft General Plan 2012-2030 Update dated February 5, 2014; and

WHEREAS, At the close of the public hearing the Planning Commission adopted Resolution No. 14-231 recommending that the City Council approve Addendum No. 1, dated February 2014, and adopt the General Plan 2012-2030 Update, dated February 5, 2014.

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

SECTION A. The City Council finds that a duly noticed public hearing was conducted on March 18, 2014 in accordance with the provisions of State Law and the Municipal Code relative to this matter.

- SECTION B.** The City Council declares that the information set forth in the February 5, 2014 draft General Plan 2012-2030 Update, the Addendum dated February 2014, the associated staff report and attached documents, as well as the testimony given at the public hearings on this matter comprise the basis upon which the findings have been made.
- SECTION C.** The City Council finds that the City's existing Housing Element is not part of this General Plan 2012-2030 Update.
- SECTION D.** The City Council determines that the draft General Plan 2012-2030 Update dated February 5, 2014 contains the following required elements: Land Use, Circulation, Open-Space, Conservation, Noise, and Safety; and that the optional Climate Action Plan and that the draft general plan elements have been prepared in accordance with the provisions of the State Planning Law and the State General Plan Guidelines.
- SECTION E.** The City Council finds that an extensive program of public participation was devised and implemented to ensure that all residents and interested parties have been informed of the City's intent to update its General Plan and that they were provided ample opportunity to participate and comment on the preparation of the draft General Plan Update.
- SECTION F.** The City Council finds that the draft General Plan 2012-2030 Update dated February 5, 2014 contains the recommendation approved by the City's Planning Commission and that such General Plan Update is based on the land use patterns established by the 1994 General Plan and the subsequent 2007 readoption of that plan. Data in the General Plan 2012-2030 Update dated February 5, 2014 has been reviewed and revised to reflect demographic and physical development changes made to the City within the past 19 to 20 years. The General Plan 2012-2030 Update has been rewritten to be more consistent with the State adopted General Plan Guidelines and a Climate Action Plan has been added to the General Plan in response to direction provided by the State of California.
- SECTION G.** The City of Bradbury adopted a comprehensive General Plan in 1994 and that as part of that adoption process the City Council certified a Final Environmental Impact Report (FEIR) for the project. In 2007 the City Council reviewed the 1994 General Plan and found that the goals, objectives, policies and land use patterns were still relevant and appropriate for the community and the General Plan was readopted.
- SECTION H.** The City Council has independently reviewed the Addendum and is of the opinion that the environmental impacts that may be caused by the proposed General Plan 2012-230 Update have been thoroughly analyzed and mitigated by the 1994 EIR. No significant effects have been identified that have not previously been analyzed in the certified EIR. An Addendum to the General Plan FEIR has been prepared to demonstrate pursuant to CEQA Guidelines Section 15162 that the circumstances, impacts and mitigation measures identified in the 1994 City of Bradbury General Plan Draft and Final EIR remain substantively unchanged in the 2012-2030 Bradbury General Plan Update. In addition, the Addendum supports the finding that the 2012-2030 General Plan Update does not raise any new issues and does not cause the level of impacts identified in the previous FEIR to be exceeded.
- SECTION I.** The City Council hereby approves Addendum No. 1 (dated February 2014) to the

Certified EIR for the 1994 General Plan and adopts the General Plan 2012-2030 Update (dated February 5, 2014).

SECTION J. The City Clerk shall certify to the adoption of this resolution and staff shall file the appropriate documentation with the County Clerk's office.

PASSED APPROVED AND ADOPTED this 18th day of March 2014.

Mayor

ATTEST:

City Clerk

I, Claudia Saldana, City Clerk, hereby certify that the foregoing **Resolution No. 14-_____**, was duly adopted by the City Council of the City of Bradbury, California at a regular meeting held on the **18th day of March 2014** by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSTAIN: Councilmembers:
ABSENT: Councilmembers

City Council
March 18, 2014 Report

General Plan 2012-2030 Update

EXHIBIT "2"

February 26, 2014

Planning Commission Report Regarding
General Plan 2012-2030 Update and
Approval of Addendum No. 1 to the
1994 General Plan EIR
Including Attachments A through J
Provided Under Separate Cover

City Council
March 18, 2014 Report

General Plan 2012-2030 Update

EXHIBIT “3”

Letter from the Chadwick’s Attorneys
(Law firm of Callanan, Rogers & Dzida)
Dated February 18, 2014 that was presented
to the Planning Commission with previous
letter from Chadwicks attached

Callanan
Rogers
& Dzida, LLP
Simplifying the Complex

CALLANAN, ROGERS & DZIDA
A LIMITED LIABILITY PARTNERSHIP
800 SOUTH FIGUEROA STREET
SUITE 1100
LOS ANGELES, CALIFORNIA 90017-2521
TELEPHONE (213) 599-7595
TOLL FREE (800) 317-1759
FACSIMILE (213) 599-7596

CHARLES F. CALLANAN

OUR FILE NO.
24276.0002

AUTHOR'S EMAIL ADDRESS
ccallanan@crdattorneys.com

RECEIVED FEB 2 2014

February 18, 2014

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

Re: Bradbury City Council
Special Meeting scheduled for February 26, 2014
Regarding Proposed General Plan 2012-2030
Chadwick Property consisting of: Parcel No. 8527-001-001;
Parcel No. 8527-005-001; and Parcel No. 8527-005-004

Dear City Council:

By letter dated November 14, 2013, Glenn D. Chadwick, Esq. wrote you on behalf of himself and his siblings (collectively the "Chadwicks") regarding the Proposed General Plan 2012-2030 ("Plan") and its effect on the parcels referenced above (collectively "Property"). The Chadwicks have asked us to write you concerning the Plan, which will be reviewed at the Special Meeting of the City Council on February 26, 2014, and its potential impact on the Property.

Please be advised that the contents of Glen D. Chadwick's letter to you, dated November 14, 2013, are incorporated in this letter by this reference. Please also be advised that should the Plan and its implementation prevent the Chadwicks from developing the Property with economically viable uses or if restrictions imposed by the Plan are unjust, we shall seek compensation or damages from the City of Bradbury on behalf of the Chadwicks for the impact of Plan on the Property.

Please include this letter as part of the public record of the February 26, 2014, Special Meeting of the City Council and any postponements thereof.

City of Bradbury
Page 2

Please acknowledge your receipt of this letter by executing the enclosed copy of it in the space provided and return the executed copy to the undersigned via the return envelope which is also enclosed.

Thank you of your attention and anticipated cooperation

Very truly yours,


CHARLES F. CALLANAN
CALLANAN, ROGERS & DZIDA, LLP

Receipt acknowledged this ___ day of February, 2014

Bradbury City Council

By: _____

Name:

Title:

Enclosures

cc: Clients

CFC/slm

City Council
March 18, 2014 Report

General Plan 2012-2030 Update

EXHIBIT "4"

City's Email Response to the Callanan Letter

Michelle Keith

From: Kevin Kearney
Sent: Monday, February 24, 2014 2:37 PM
To: ccallanam@crdattoorneys.com
Cc: Michelle Keith; lisa@wkrklaw.com
Subject: Bradbury General Plan Update

Mr. Callanan:

This email is to inform you that your letter regarding the Bradbury General Plan Update has been received. Both your letter and Mr. Chadwick's letter will be part of the public record for the upcoming Special Meeting on February 26, 2014. Please note that this Special Meeting is with the Bradbury Planning Commission and not the City Council, as you had originally stated in your letter.

Should you wish to view the 2012-2030 General Plan Update Drafts or the upcoming Planning Commission Agenda Report, they can be found on our City's website: <http://cityofbradbury.org/city-services/planning-department/general-plan-2012-2030>

If you have any questions, please do not hesitate to contact me.

Sincerely,
Kevin

Kevin R. Kearney, MPA

Management Analyst | City of Bradbury
600 Winston Avenue, Bradbury, California 91008
Ph. (626) 358-3218 | Fax (626) 303-5154 | kkearney@cityofbradbury.org

City Council
March 18, 2014 Report

General Plan 2012-2030 Update

EXHIBIT "5"

Latest Public Records Act Request from
Alvarado Smith dated February 27, 2014



1 MacArthur Place
Suite 200
Santa Ana, California 92707
Phone: 714.852.6800
Fax: 714.852.6899
www.AlvaradoSmith.com

A PROFESSIONAL CORPORATION
INCLUDING PROFESSIONAL CORPORATIONS

Los Angeles
213.229.2400

San Francisco
415.624.8665

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

February 27, 2014

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 a copy of the following public record:¹

1. The City's engineering study of slope[s] within the 302-acres that Mr. Meyers mentioned during the February 26, 2014 Planning Commission meeting;
2. The resolution pertaining to Agenda item 6 A, that was modified and subsequently approved by the Planning Commission as part of the February 26, 2014 Planning Commission meeting; and,
3. The Chadwick opposition letter that was presented to the Planning Commission as part of the February 26, 2014 Planning Commission meeting.

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

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
February 27, 2014
Page 2

letter via facsimile to my attention at (714) 852-6899, 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,

ALVARADO SMITH
A Professional Corporation

A handwritten signature in cursive script that reads 'Thierry R. Montoya'.
Thierry R. Montoya

TRM:dh