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Comment Period on Historic Covenant Proposal

1 message

Christopher Sutton <christophersutton.law@gmail.com>
To: jennifer.lowden@dot.ca.gov, kelly.ewing-toledo@dot.ca.gov

Tue, Feb 10, 2015 at 5:26 PM

Ms. Lowden and Ms. Ewing-Toledo:

The 15 day comment period set forth in Ms. Ewing-Toledo's attached letter of 1-26-2015 to Pasadena Heritage suggests a proposed course of action by Caltrans which would fail to comply with the California Administrative Procedures Act and would violate the due process rights of the dozens of tenants and prospective purchasers of the seventy-seven (77) properties listed in the attachment to letter as follows (see attached letter and address list):

Arlington Drive: 169, 180, 181, and 216
Bellefontaine Street: 203, and 235
W. California Boulevard: 190, 202 to 204 (one property), 206 to 216 (one property)
Columbia Street: 181 and 231
Glenarm Street: 177 and 185
Hurlbut Street: 165 and 177
Madeline Drive: 202, 205, 215, 218, 225, and 230
S. Pasadena Avenue: 535, 595, 679, 703, 737, 763, 765, 801, 866, 876, 888, 894, 900, 1000, 1030, 1041, 1051, 1059, 1080, 1090, 1100, 1112, 1120, 1140-1142 (one property), 1150, 1191, 1199, 1200, and 1207
S. Saint John Avenue: 584, 600, 602, 620, 628, 640, 646, 650, 670, 678, 696, 714, 726, 734, and 762
W. State Street: 180, 214, 214 (second entry), 224-232 (one property), 225, and 237
Wigmore Drive: 212, 215, 230, 231, and 245

Apparently separate letters were sent to someone regarding the "historic" properties in South Pasadena and Los Angeles (El Sereno community).

We urge Caltrans to comply with the Administrative Procedures Act and due process.

The proposed Caltrans actions would adversely impact the vested rights possessed by the occupants of these properties by potentially interfering with their ability to obtain financing to purchase the properties, and they must be afforded an opportunity to comment on the proposed Caltrans action before it occurs. Because their private rights are at stake you must obtain the consent of these persons adversely impacted or make a finding why such consent cannot be sought or obtained prior to recording such covenants on these properties, which they expect to own and are eligible to purchase under the Roberti Law, Government Code section 54235 to 54238.7. Caltrans is currently circulating draft regulations regarding the sales of these and other properties, and the letter dated 1-26-2015 proposes a course of action by Caltrans which would circumvent and undermine that careful regulatory drafting process.

We urge Caltrans to publish a notice in the manner required by the Administrative Procedures Act regarding the actions proposed in the letter of 1-26-2015 and to extend the comment period as required by that law.

Pursuant to the **California Public Records Act** (Government Code sections 6250 to 6277) and Article One section 3(b) of the California Constitution, I hereby request legible copies of all letters and drafts of letters

related to the proposed historic property covenants, all lists and drafts of lists related to the proposed covenants of the type described in the letter of January 26, 2015, and all proposed covenants and related documents, and emails and letters to other persons or public agencies on the topic of historic status of properties within the Route 710 corridor in the Cities of Pasadena, South Pasadena, and Los Angeles and dated during the years 2014 and 2015 in the possession of the California Department of Transportation offices in Los Angeles and Sacramento Counties.

Sincerely,

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