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Tuesday, August 26, 2014

Jennifer Lowden
Assistant Division Chief
Division of Right of Way and Land Surveys
California Department of Transportation
1120 N Street, MS 37
Sacramento, CA 95814

Tel: (916) 654-2129
Fax: (916) 654-6378
Email: affordable_sales_program@dot.ca.gov

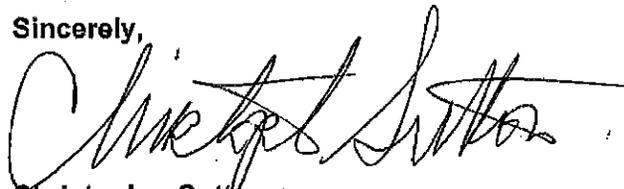
Re: California Department of Transportation ("Caltrans") - I-710 Property Sales Regulations - Public Hearing - Public Comment Materials

Ms. Lowden:

My office is in receipt of your voicemail requesting copies of materials I handed out at Caltrans' public hearing on the proposed regulations governing home sales in the I-710 route corridor. Please note, copies of my handouts were provided to the court reporter at the hearing. Attached here is a duplicate set of the following documents distributed at the public hearing held on Thursday, August 21, 2014:

1. **April 5, 2007 Declaratory Judgment filed in City of South Pasadena v. The California Department of Transportation, et al., Los Angeles Superior Court Case No. BC331628.**
2. **Caltrans' proposed list of 53 Phase 1A and 1B properties to be sold.** While in a slightly different order, a list with these fifty-three (53) properties (30 purported "Single Family Residences," 3 "Multi-Family Residences," and 11 "Unimproved Properties") was posted at the Caltrans website on July 3, 2014, but not in a manner which complied with the Administrative Procedures Act.

Sincerely,



Christopher Sutton
Attorney for Caltrans Tenants

CAS:jk
attch: 4-5-2007 Declaratory Judgment in Case No. BC331628
Caltrans Phase 1A and 1B property sales list

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FILED
LOS ANGELES SUPERIOR COURT

FILED
LOS ANGELES SUPERIOR COURT

By *[Signature]*
John A. Clarke, Executive Officer/Clerk

APR 05 2007

JOHN A. CLARKE, CLERK

F. Moreau
BY F. MOREAU, DEPUTY

[Signature]

F.O.

DEPUTY

SUPERIOR COURT OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

RECEIVED
APR 20 2007

CITY OF SOUTH PASADENA,

Plaintiff,

v.

THE CALIFORNIA DEPARTMENT OF
TRANSPORTATION; WILL KEMPTON,
as DIRECTOR OF THE CALIFORNIA
DEPARTMENT OF
TRANSPORTATION; CALIFORNIA
TRANSPORTATION COMMISSION;
BEACON HOUSING, INC., a non-profit
corporation, and ESPERANZA
CHARITIES, INC., a non-profit
corporation, and DOES 1 to 10,

Defendants.

CASE NO.: BC331628 *A. Caballero*

[Signature]

[PROPOSED]
DECLARATORY JUDGMENT
FOR PLAINTIFF

1-26

The motion of plaintiff City of South Pasadena ("City") for summary adjudication on the first and third causes of action of the verified Complaint on file herein for declaratory relief against defendants California Department of Transportation and its Director Will Kempton in his official capacity ("Caltrans"), Beacon Housing, Inc. ("Beacon") and Esperanza Charities, Inc. ("Esperanza"), duly came on for hearing in Department 3 of the above-entitled court on February 5, 2007 before Honorable James R. Dunn, Judge presiding.

1 Richard R. Terzian, Esq. appeared for City; Erick Solares, Esq. appeared for Caltrans; Scott
2 Carlson, Esq. and Lane Thomas, Esq. appeared for defendant Beacon; and Charles Granville-
3 Mathews, Esq. appeared for defendant Esperanza.
4

5 Having reviewed the moving and opposing papers of the respective parties and oral
6 arguments of their counsel, and having sustained the objections of City to the declaration of
7 Linda Wilford filed by Caltrans in opposition to the motion, and having determined from the
8 verified complaint and the admissions of Caltrans that there are no triable issues of material
9 fact and that the issues before the Court can be determined as a matter of law and that City has
10 met its burden to establish that there is no defense to said first and third causes of action and
11 that City is entitled to judgment as a matter of law, the Court hereby finds:
12

13 1. Subchapter 16.10 of Chapter 16 of the Caltrans Right-of-Way Manual,
14 consisting of Sections 16.10.01.00 through 16.10.14.00, inclusive ("Roberti Bill Regulation"),
15 is a regulation implementing, interpreting and making specific a statute within the meaning of
16 Government Code Section 11342.600;
17

18 2. The statute that the Roberti Bill Regulation purports to interpret, implement and
19 specify is found at Government Code Sections 54235 through 54238.7 inclusive, commonly
20 known as the Roberti Bill, and more particularly Section 54237 which governs disposal of the
21 parcels of real property at issue here;
22

23 3. The Roberti Bill Regulation was not noticed for adoption nor were public
24 hearings held nor was it published as required by the Administrative Procedure Act ("APA"),
25 specifically Government Code Sections 11346 through 11348 inclusive;
26

27 4. The Roberti Bill Regulation does not appear in the Code of California
28 Regulations;

1 5. The Roberti Bill Regulation is not an internal management rule within the
2 meaning of Government Code Section 11340.9(d) since it applies to a significant segment of
3 the general public nor is it the only legally tenable interpretation of the Roberti Bill within the
4 meaning of Government Code Section 11340.9(f);

6 6. The Roberti Bill Regulation has provisions for sale of parcels of real property
7 owned by Caltrans within the proposed right-of-way of the 710 Freeway within the City. Said
8 provisions are substantially inconsistent with the Roberti Bill;

10 7. Said parcels of real property at issue here, described below by their street
11 addresses, were offered for sale by public bidding and selection of the winning bidders was
12 made by a committee created by Caltrans pursuant to criteria set forth in the Roberti Bill
13 Regulation;

14 8. The sales of said real properties took place in accordance with the procedures
15 set forth in the Roberti Bill Regulation;

17 9. The City is a housing-related public entity within the meaning of the Roberti
18 Bill;

19 10. The City was a bona fide qualified bidder for said real properties and was
20 treated as such by Caltrans;

22 11. The City has significant statutory duties and powers related to provision of
23 affordable housing for low and moderate income persons which it has implemented in the
24 Housing Element of its General Plan and the City is, or may be, impacted by the Roberti Bill
25 Regulation;

26 12. The City is an interested person within the meaning of Government Code
27 Section 11350(a) and is entitled to pursue an action to challenge the Roberti Bill Regulation;
28

1 13. After this action was filed and the Complaint served on Esperanza, Caltrans
2 and Esperanza consummated sale of the specific parcel of real property described below;

3 14. Esperanza was not a bona fide purchaser of said parcel within the meaning of
4 Government Code Section 54238.5 in that Esperanza was aware of the claims of City with
5 respect to all said parcels of real property prior to approval of sale of said parcel by the
6 California Transportation Commission.
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10 Based on the foregoing, it is

11
12 **ORDERED, ADJUDGED AND DECLARED that:**

13 A. The Roberti Bill Regulation is an invalid regulation and cannot be utilized,
14 issued, enforced or otherwise used in connection with any action of Caltrans in carrying out
15 the mandate of the Roberti Bill for disposal of surplus properties;

16 B. The Roberti Bill Regulation is without legal force or effect for any
17 purpose;
18

19 C. Awards on the bids, and contracts for sale, of the following parcels of real
20 property located within City from Caltrans to Beacon and Esperanza are invalid, null and
21 void;
22

- 23 1. 217 Fremont Street;
24 2. 225 Fremont Avenue;
25 3. 302 Fairview Avenue;
26 4. 1037-1039 Grevelia Street;
27 5. 705-711 Fairview Avenue;
28

- 1 6. 1041-1043 Magnolia;
- 2 7. 626 Prospect Avenue;
- 3 8. 726 Meridian Avenue;
- 4 9. 1002 Hope Street;
- 5 10. 1008 Hope Street;
- 6 11. 1010-1010½ Hope Street.

8 D. The subsequent purported sale of the parcel of real property at 1010-1010½
9 Hope Street to Esperanza by Caltrans is hereby declared null and void and the parties are
10 ordered and directed to rescind said transaction and take all steps necessary to restore legal
11 title to said parcel in Caltrans;

12 E. Legal title to all parcels of real property described above shall remain in
13 Caltrans until adoption of an appropriate regulation under the APA for their disposal
14 pursuant to the Roberti Bill or further order of this Court.
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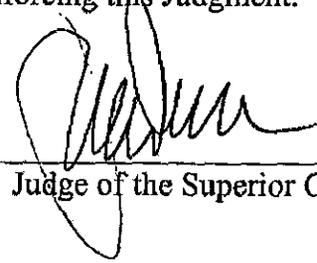
16 The Court further finds and it is,
17
18

19 FURTHER ORDERED, ADJUDGED AND DECLARED, that the summary
20 adjudication herein of the first and third causes of action of the Complaint renders the second
21 and fourth causes of action of the Complaint against Caltrans moot and they are accordingly
22 hereby dismissed and, since this Court has heretofore issued its writ of mandate on the fifth
23 cause of action in the Complaint against Caltrans under the Public Records Act, there is
24 nothing further to adjudicate and the within judgment is the final judgment in the action and
25 fully resolves all issues between and among the parties; and it is
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FURTHER ORDERED, ADJUDGED AND DECLARED, that the Court shall retain jurisdiction of this action for the purpose of enforcing this Judgment.

DATED: 4/5, 2007



Judge of the Superior Court

Presented by:

BANNAN, GREEN, FRANK & TERZIAN LLP

By: Richard R. Terzian
Richard R. Terzian, Attorneys for Plaintiff

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, JoAnn G. Johnson, declare as follows:

1. I am employed in the County of Los Angeles, State of California and am over the age of 18 and not a party to the within action. My business address is: 555 South Flower Street, 27th Floor, Los Angeles, California 90071.

2. On February 16, 2007, I served the foregoing document(s) described as: **[PROPOSED] DECLARATORY JUDGMENT FOR PLAINTIFF** on interested parties by placing a true copy thereof enclosed in a sealed envelope with postage fully prepared and addressed as follows:

SEE ATTACHED SERVICE LIST

BY MAIL I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepared at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

BY FEDERAL EXPRESS I caused such documents to be served via Federal Express to the office of the addressee.

BY PERSONAL SERVICE I caused such envelope to be delivered by hand to the office of the addressee.

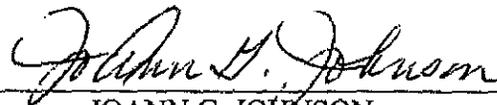
BY TELEFACSIMILE I caused such documents to be served via facsimile transmittal to the office of the addressee.

STATE

FEDERAL

I declare under penalty of perjury and the laws of the State of California that the foregoing is true and correct and if called upon, I could and would competently testify thereto.

Executed February 16, 2007, at Los Angeles, California.



JOANN G. JOHNSON

SERVICE LIST
CITY OF SOUTH PASADENA v. CALTRANS, etc. (BC331628)

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<p>Lane J. Thomas, Esq. Counsel for Beacon Housing 225 South Lake Ave., Fl. 9 Pasadena, California 91101 Tel: (626) 304-7065 Fax: (626) 796-4738</p>	<p>Robert B. Schoenburg, Deputy Attorney William H. Rittenburg, Deputy Attorney Erick Solares, Esq. Counsel for The People of the State of California, by and through the Department of Transportation 100 South Main Street, Suite 1300 Los Angeles, California 90012-3702 Tel: (213) 687-6000 Fax: (213) 687-8300</p>
<p>Scott Carlson, Esq. Co-counsel for Beacon Housing 301 East Colorado Blvd. Suite 320 Pasadena, California 91105 Tel: (626) 796-6161 Fax: (626) 796-0593</p>	<p>George C. Spanos, Esq. Counsel for California Transportation Commission Office of the Attorney General 1300 I Street, #1101 P.O. Box 944255 Sacramento, California 94244-2550 Tel: (916) 324-7862 Fax: (916) 327-2247</p>
<p>C. Granville-Mathews, Esq. Counsel for Esperanza Charities, Inc. Mathews and Weisser 345 S. Figueroa Street, M-6 Los Angeles, California 90071 Tel: (213)621-2555 Fax: (213) 621-2556</p>	

Phase 1A and Phase 1B Properties

	Phase 1A Properties	Phase 1B Properties	Parcel Number	Street Number	Street	City	TYPE OF PROPERTY
1	X		044428	540	PROSPECT AVENUE	SOUTH PASADENA	Single Family Residence
2	X		044538	885	ONEONTA DRIVE	SOUTH PASADENA	Single Family Residence
3	X		080763	2007	CAMBRIDGE PLACE	SOUTH PASADENA	Single Family Residence
4	X		061294	532	MERIDIAN AVENUE	SOUTH PASADENA	Single Family Residence
5	X		067558	534	ORANGE GROVE AVENUE	SOUTH PASADENA	Single Family Residence
6	X		068109	808	VALLEY VIEW ROAD	SOUTH PASADENA	Single Family Residence
7	X		068232	1101	PINE STREET	SOUTH PASADENA	Single Family Residence
8	X		068353	863	MONTEREY ROAD	SOUTH PASADENA	Single Family Residence
9	X		068500	1109	GREVELIA STREET	SOUTH PASADENA	Single Family Residence
10	X		068509	535	MERIDIAN AVENUE	SOUTH PASADENA	Single Family Residence
11	X		068626	529	PROSPECT AVENUE	SOUTH PASADENA	Single Family Residence
12	X		068635	530	ORANGE GROVE AVENUE	SOUTH PASADENA	Single Family Residence
13	X		068670	822	VALLEY VIEW ROAD	SOUTH PASADENA	Single Family Residence
14	X		068672	815	BONITA DRIVE	SOUTH PASADENA	Single Family Residence
15	X		045699	2011	CAMBRIDGE PLACE	SOUTH PASADENA	Single Family Residence
16	X		047407	2035	BERKSHIRE AVENUE	SOUTH PASADENA	Single Family Residence
17	X		047924	2028	BERKSHIRE AVENUE	SOUTH PASADENA	Single Family Residence
18	X		061159	533	PROSPECT AVENUE	SOUTH PASADENA	Single Family Residence
19	X		067567	1707	MERIDIAN AVENUE	SOUTH PASADENA	Single Family Residence
20	X		074836	852	MONTEREY ROAD	SOUTH PASADENA	Single Family Residence
21		X	043710	5524	KENDALL AVENUE	LOS ANGELES	Single Family Residence
22		X	048144	5601	BERKSHIRE DRIVE	LOS ANGELES	Single Family Residence
23		X	048145	5500	ATLAS STREET	LOS ANGELES	Single Family Residence
24		X	048146	5506	ATLAS STREET	LOS ANGELES	Single Family Residence
25		X	048147	5512	ATLAS STREET	LOS ANGELES	Single Family Residence
26		X	048150	5513	ATLAS STREET	LOS ANGELES	Single Family Residence
27		X	046831	268	WAVERLY DRIVE	PASADENA	Single Family Residence
28		X	046833 and 49325	385	HAVENDALE DRIVE	PASADENA	Single Family Residence
29		X	049322	265	WAVERLY DRIVE	PASADENA	Single Family Residence
30		X	061158	910	BONITA DRIVE	SOUTH PASADENA	Single Family Residence
31		X	061345	1821	MERIDIAN AVE	SOUTH PASADENA	Single Family Residence
32		X	067320	495	PROSPECT AVENUE	SOUTH PASADENA	Single Family Residence
33		X	067332	801	BONITA DRIVE	SOUTH PASADENA	Single Family Residence

	Parcel Number	Street Number	Street	City	TYPE OF PROPERTY
1	46819	245	WAVERLY DRIVE	PASADENA	Unimproved Property
2	46820	255	WAVERLY DRIVE	PASADENA	Unimproved Property
3	46832	375	HAVENDALE DRIVE	PASADENA	Unimproved Property
4	46834	405	HAVENDALE DRIVE	PASADENA	Unimproved Property
5	49327 and 46835	275	BELLEVUE DRIVE	PASADENA	Unimproved Property
6	49328 and 46836	272	BELLEVUE DRIVE	PASADENA	Unimproved Property
7	41597	821	BONITA DRIVE	SOUTH PASADENA	Unimproved Property
8	62582	804	VALLEY VIEW ROAD	SOUTH PASADENA	Unimproved Property
9	64544	2006	BERKSHIRE AVENUE	SOUTH PASADENA	Unimproved Property
10	68222	728	BONITA DRIVE	SOUTH PASADENA	Unimproved Property
11	68499	1107	GREVELIA STREET	SOUTH PASADENA	Unimproved Property

	Phase 1A Properties	Phase 1B Properties	Parcel Number	Street Number	Street	City	TYPE OF PROPERTY
34		X	067556	901	BONITA DRIVE	SOUTH PASADENA	Single Family Residence
35		X	068355	1131	GLENDON WAY	SOUTH PASADENA	Single Family Residence
36		X	068553	400	PROSPECT CIRCLE	SOUTH PASADENA	Single Family Residence
37		X	068629	511	PROSPECT AVENUE	SOUTH PASADENA	Single Family Residence
38		X	068671	823	BONITA DRIVE	SOUTH PASADENA	Single Family Residence
39		X	68676	773	BONITA DRIVE	SOUTH PASADENA	Single Family Residence
40		X	045423	705	BONITA DRIVE	SOUTH PASADENA	Multi-Family Residence
41		X	068213	816	BONITA DRIVE	SOUTH PASADENA	Multi-Family Residence
42		X	068463	626	PROSPECT AVENUE	SOUTH PASADENA	Multi-Family Residence