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September 22, 2020

Via email: tmolinar@cityofpasadena.net

City of Pasadena
Planning Commission
c/o Tess Molinar
175 N. Garfield Avenue
Pasadena, CA 91101

Re: Declaration of Surplus Property and Determination of General Plan Consistency for Properties at 280 Ramona Street, 78 N. Marengo Avenue, 255 E. Union Street and 95 N. Garfield Avenue; **Agenda Item 5.A**

Chair Williams and Commission Members:

Enclosed please find comments from the Pasadena Civic Center Coalition (CCC) regarding the above-referenced agenda item. These comments raise significant issues relevant to the Commission's consideration of this item including: improper reliance on a categorical exemption to environmental review under the California Environmental Quality Act; lack of General Plan consistency; and failure make proper and supported findings to make a surplus land declaration under the City's Municipal Code. A number of these issues are also currently before the Los Angeles Superior Court in litigation we have brought on behalf of CCC.

Thank you for your time and consideration in this matter.

Sincerely,

Amy Minter

Enclosure

TO: CITY OF PASADENA PLANNING COMMISSION

FROM: PASADENA CIVIC CENTER COALITION (CCC)

DATE: September 19, 2020

RE: PLANNING COMMISSION MEETING SEPTEMBER 23, 2020

**AGENDA ITEM: 5.B. – DECLARATION OF SURPLUS PROPERTY AND
GENERAL PLAN CONSISTENCY: CIVIC CENTER/YWCA**

Chair Williams and Commission Members:

The Pasadena Civic Center Coalition (CCC) submits the following comments on the above-referenced Agenda item for your review and consideration, and for inclusion in the Administrative Record. Thank you for your attention to our concerns.

1. Ongoing Litigation.

The CCC reminds you that the current Environmental Impact Report is the subject of ongoing California Environmental Quality Act (CEQA) litigation. The issue of whether the subject property is surplus land, and if the City is in compliance with state and municipal law regarding disposition of surplus land, currently is before the Los Angeles Superior Court, Case No. BS164664.

2. No CEQA Exemption.

The proposed action is not exempt from environmental review under the California Environmental Quality Act (CEQA). In fact, the proposed activity will result in a direct or reasonably foreseeable indirect physical change in the environment and is a project for purposes of CEQA.

As noted in the Staff Report, a “project” for purposes of CEQA is the whole of an action which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

Staff argues that the proposed action is merely a required step in the process that will allow for the potential future disposition and development of the subject properties, and then argues that the City has not committed to a particular project nor does the proposed action bind the City to pursue any project.

In fact, the City has committed to extensive review of five apparently final proposed projects for the subject properties after detailed review of submitted proposed projects. All these final projects have received substantial and detailed staff and

Council review and, most recently, detailed public review. The proposed action is not being considered in a vacuum; the proposed action is being proposed in the specific context of these final projects, each of which will result in a direct or reasonably foreseeable indirect physical change in the environment and, therefore, the proposed action also is a project under CEQA. Clearly, the City is committed to one or some combination of these final projects.

Further, and importantly, it appears that all the final projects propose some level of construction on all the current open space/civic gardens that constitute the approaches and historic setting of City Hall. Designating this land as surplus land is an essential step to the development on the existing open space. Environmental review must be completed before the City commits to allowing development on this public land. The approaches include the open space/civic gardens on the YWCA site and on the north site across Holly St. Such construction will result in a direct, or reasonably foreseeable indirect, physical change in the environment.

Therefore, the proposed action is subject to environmental review, including, but not limited to, review of the current EIR and probable supplemental environmental review.

3. No General Plan Consistency.

Staff asserts that since the open space/civic gardens on both sides of Holly St. are not designated or zoned as open space or parks, General Plan policies related to preservation of open space or parks do not apply to these sites. CCC disagrees with and objects to this analysis.

The open space/civic gardens on both sides of Holly St. constitute often used public greenspace that has remained such for nearly 100 years and is of great importance because they form the setting for the National Register-listed Pasadena Civic Center Historic District and are a visual approach for the iconic City Hall, and, constitute a character-defining element of the National Register District. The Historic District is a grouping of civic buildings with City Hall as the central focal point, linked together by public greenspace and tree-lined streets and sidewalks, dating to the 1920s and exemplifying Beaux Arts principles of grandeur, symmetry, hierarchy, and unity.

A correct General Plan analysis of the open space/civic gardens on both sides of Holly St. would involve full consideration and analysis of policies related to publicly used open space as opposed to private construction and development. Of particular importance is General Plan Land Use Element Policy 5.5: *Civic Center Open Space. Continue to protect the character of the Civic Center as defined by its landscaped open spaces and tree canopy. Locate and design new civic structures to respect this urban form, character, design, functionality, . . .*

General Plan Land Use Element Policy 8.1 is also relevant: *Identify and protect historic resources that represent significant examples of the City's history.*

The proposed action is also inconsistent with the General Plan Green Space , Recreation and Parks Element and its implementation plan (jointly the Green Space Element) and the Central District Specific Plan which includes objectives, policies and implementation measures for the Central District. According to the Green Space Element and the Specific Plan, there is a critical shortage of open space in the City's Central District including the Civic Center. Both plans include policies, goals, and objectives to protect existing open space.

The Specific Plan also identifies the importance of the tree lined civic promenade along Holly and Garfield and acknowledges the importance of the Civic Center's historic setting, providing the City should maintain historic landscape elements.

Since staff has not addressed and analyzed consistency with numerous General Plan policies that apply to the open space/civic gardens on both sides of Holly St., the proposed action is not consistent with the General Plan.

4. Bennett Plan is Not Definitive.

While the Bennett Plan is illustrative and instructive as to Beaux Arts principles, staff's focus, just like the focus in the current EIR, on which version of the Bennett Plan is applicable and how details apply to the proposed action and the open space/civic gardens so as to undermine their historic importance, is misplaced. The Bennett Plan is a series of conceptual drawings with a complex history. On the other hand, the format of the District as it is listed in the National Register is the relevant consideration, not any Bennett Plan version contained in an unrealized addition or plan. Removal of the character-defining features of the open space/civic gardens would destroy the planning, execution, and historic designation of the Civic Center, including the open space approaches and landscaping that should not be removed for new construction. The Bennett Plan does not provide any definitive support for significantly impacting, if not destroying, the grand approaches and gardenlike setting of the subject sites that have existed for so long.

In the context of the Bennett Plan, it is important to note that the approaches, i.e. the open space/civic gardens, should be understood to ensure visibility of the approach to City Hall. The current EIR's historic resources technical report, in an EIR appendix, acknowledges that park-like areas are an important feature of the City Beautiful movement, and that the current configuration of the civic gardens bears a striking resemblance to the 1923 Bennett Plan.

5. Failure to Analyze Required Other Public Purposes Under Applicable Surplus Land Law.

The CCC asserts that the City continues, just as in the current EIR, to violate the requirements of the State Surplus Land Act and applicable local law by failing to offer any of the project site parcels for sale or lease through a public bidding process for other public uses, as opposed to private development.

First, the CCC objects to Staff's assertion that the land at 95 Garfield Ave. remains surplus as declared by the Council even though the prior Kimpton project failed. To the contrary, the prior declaration related directly to the withdrawn Kimpton project, and, therefore, is no longer valid. The City must "start over" under applicable state and local Surplus Land law.

Second, as discussed above, the proposed Surplus Land action with respect to the open space/civic gardens is not consistent with Pasadena's General Plan, and, therefore, the open space/civic gardens land on the YWCA site and on the northern site across Holly St. cannot be declared surplus because these lands are necessary for the City's use to preserve the historic approaches to and setting of City Hall consistent with the National Register Civic Center Historic District. Therefore, the proposed action violates the State Surplus Land Act as to the open space/civic gardens on both sides of Holly St.

Third, the City continues to fail to comply with the Pasadena Municipal Code provisions governing the sale of surplus City-owned real property. The City can only sell property that meets the definition of surplus property: "real property of the city not needed for the purpose for which it was acquired *or for any other public purpose*" (emphasis added). The Municipal Code also requires that the disposition of the property shall be accomplished through a publicly noticed, competitive process. The City can only deviate from this process if the City makes special findings after a public hearing that an extraordinary and overriding public benefit will be achieved. Staff asserts that the properties are exempt from competitive bidding because a project will create a new active use in the Civic Center, resulting in improved economic and public well-being for all properties in the immediate vicinity which is part of the Municipal Code. Destruction of the essential approaches and setting of the City Hall provided by the open space/civic gardens on both sides of Holly St., which constitute a character-defining feature of the National Register District, will NOT result in economic and public well-being for all properties in the immediate vicinity which are in the National Register District, and, in fact, will undermine and significantly impact public well-being by ignoring and destroying historic resources essential to the Civic Center National Register Historic District. There is no extraordinary and overriding public benefit to the destruction of such valuable and essential historic resources as the public Civic Center open space/civic gardens in favor of private development.

Since the sale of the open space/civic gardens on both sides of Holly is not exempt, a full analysis and discussion of "any other public purpose" for the land is required under the Municipal Code. The Staff Report, just like the current EIR, fails to provide such a required analysis. The obvious place to start this analysis is that the open space/civic gardens on both sides of Holly St. comprise the historic approaches to and historic setting of City Hall and are essential National Register District character-defining features. This "other public purpose" analysis must be included as part of the Surplus Land process.