

Julianna Delgado, March, PhD, AICP

982 N. Mentor Avenue, Pasadena CA 91104

Email : julianna.delgado@sbcglobal.net

April 12, 2010

Honorable Mayor and City Council
City of Pasadena

VIA EMAIL

RE: Support for April 12th Agenda Item #13 - Adoption of a Resolution of Necessity

Honorable Mayor and City Council:

I am writing as an individual, resident of Pasadena, and professor of Urban and Regional Planning trained as an architect to urge your adoption of a Resolution of Necessity for the Acquisition by Eminent Domain of the real property located at 78 Marengo Avenue for historic preservation purposes. Currently, I serve as Chair of the City's Design Commission, which also acts as the Historic Preservation Commission for the Central District. Unfortunately, because I must attend the Design Commission meeting also scheduled for this evening, I will be unable to attend the Council's public hearing on this important item to provide testimony in person.

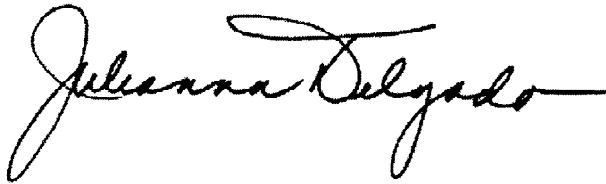
The subject property, as you know, includes the former YWCA Building designed by Julia Morgan in 1922. It is a building that I am passionate about saving from further deterioration and restoring. It is listed on the National Register of Historic Places as a contributing resource within the Civic Center Historic District and one of only eleven structures designated as a *historic monument* within the City of Pasadena. It is significant intrinsically as a work of art but perhaps more importantly because of its designer, Julia Morgan, who was inducted into the California Hall of Fame in 2008. A civil engineering graduate of UC Berkeley—which was a rare accomplishment for a woman in the late 1890s, Morgan went on to be the first woman admitted to architecture school at the École des Beaux-Arts in Paris, and later rose to acclaim as a practitioner largely through her long association with Phoebe Apperson Hearst, chief benefactor of the University of California, and her son, William Randolph, the newspaper magnate. Although Morgan headed her own San Francisco firm and designed over 700 buildings, including the 1914 *Los Angeles Herald Examiner* headquarters in Downtown LA, she is probably most widely known for *La Cuesta Encatada*, Hearst's Castle, in San Simeon.

For women attending architecture school—and especially those such as I at UC Berkeley—the diminutive-in-stature Julia Morgan has served as inspiration, grand symbol of strength, and 'patroness saint.' As a student, I was fortunate to get to know the depth of her ability through experiencing her fine work, having been privileged to live for some time in the beautiful home she designed for her mother, swim often in the black-marble pool she created for the Hearst Women's Gymnasium, and graduate from the dais at the Greek Theater she designed for the Berkeley campus. It is fitting that her considerable talents shaped buildings that housed leadership organizations, such as the

Berkeley Women's Club, and several YWCA's throughout the State, including our own in the heart of Pasadena.

That the rare Pasadena example of the work of a great architect so notable and important in California history—the former YWCA Building on Marengo Avenue—be allowed to remain vacant and deteriorating by neglect is tragic. It is also an inconceivable state of affairs in a city whose vision for the future rests on protection of its cultural resources. Over the years during my tenure on the Design Commission, we have discussed on several occasions the fate of the YWCA Building and have looked to the City for some relief in the apparent impasse in commencing its rehabilitation and reuse, and ceasing its blighting influence on the Civic Center. Thus, the action before you tonight to acquire the property is a long time coming. It is met with joy as well as respect for your willingness to consider utilizing public funds wisely for purposes not only in the best interest of the City and State but the entire architectural community. I am certain that should you adopt the needed Resolution of Necessity tonight, this first step towards reversing the potential loss of a Julia Morgan treasure will ultimately go beyond historic preservation in the name of posterity towards some far grander, long-term good. I urge you to act surely and swiftly and with my wholehearted support.

Sincerely,

A handwritten signature in black ink that reads "Julianna Delgado". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

Julianna Delgado, MArch, PhD, AICP

[Chair, City of Pasadena Design Commission
Chair, City of Pasadena Transportation Commission
Member (for District 5), General Plan Update Advisory Commission
Member, Board of Directors, Southern California Planning Congress
Member (past Director of Advocacy), American Institute of Architects Pasadena & Foothills Chapter
Immediate Past President, Bungalow Heaven Neighborhood Association
Former Member (Bungalow Heaven Representative), City of Pasadena Historic Preservation Commission]

April 12, 2010

Honorable Mayor and City Council
City of Pasadena
100 N. Garfield Avenue
Pasadena, CA 91109

RE: Support for April 12th Agenda Item #13
CONSIDERATION OF ADOPTION OF A RESOLUTION OF NECESSITY FOR THE ACQUISITION BY
EMINENT DOMAIN OF CERTAIN REAL PROPERTY INTERESTS LOCATED AT 78 NORTH
MARENGO AVENUE

Honorable Mayor Bogaard and City Council:

I am writing to you as a resident of the City of Pasadena, as an architect who has participated in many historic preservation projects including a Greene and Greene property, and a preservation activist living in Bungalow Heaven, to urge your adoption of a Resolution of Necessity for the Acquisition by Eminent Domain of the real property located at 78 Marengo Avenue for historic preservation purposes. I am currently a member of Pasadena's Planning Commission serving as Vice-Chair, past-chair of the Transportation Commission and a past-member of the Design Commission. I am sending this correspondence because I am unable to attend the Council's public hearing on this item to provide testimony in person.

The Julia Morgan designed YWCA Building (1922) is a landmark that is important not only to the City of Pasadena, but the region as a whole, and is in desperate need of the City's support to facilitate the preservation of one of its valuable architectural gems. The building is not only important because of its historic nature and its juxtaposition in the Civic Center across from one of Pasadena's most revered buildings, City Hall, but also because its venerable architect, Julia Morgan, who forged the trail for women architects in California.

It has been tragic to witness the ongoing deterioration of this rare and priceless cultural resource. Listed on the National Register of Historic Places, this building deserves better than to be left to deteriorate even further due to an apathetic property owner. I am encouraged and delighted to see that the City has decided to enter discussions to take on the commencement of the ambitious rehabilitation and reuse of the YWCA Building. The City has my wholehearted support, and I appreciate and thank you for your consideration of this matter and look forward to the next steps in correcting the blighted nature of only one of the gems in Pasadena's "jewel box", the Civic Center.

Sincerely,



Richard A. Quirk, AIA
1048 N. Mentor Avenue
Pasadena, CA 91104

4/12/2010
Item 13

From: Richard McCann [mailto:rfm@rfmco.net]

Sent: Monday, April 12, 2010 12:59 PM

To: Julianna.Delgado@sbcglobal.net; Jomsky, Mark; Bogaard, Bill; Gordo, Victor; Tornek, Terry; Holden, Chris; Robinson, Jacque; Haderlein, Steve; mmcaustin@sbcglobal.net

Cc: ddelgado@hmsspasadena.com; david.delgado.jd@sbcglobal.net; mark@gangiarchitects.com; James Ipekjian; abe.chorbajian@dmjmhnaecon.com; (D&H)Pasadena Heritage (Sue Mossman); Richard Quirk; De La Cuba, Vannia; Fuller, Margo; vronscalzo@yahoo.com; Tmpasadena@aol.com; richard.quirk@stvinc.com; rcynthia8@aol.com; Ratliff, J Martin; mmgandsey@sbcglobal.net; mcalpin504@att.net; Kitty Cahalan; jam64@worldnet.att.net; Carol Polanskey; Bob Kneisel; bmarchet@yahoo.com; Clemencia De Leon; Molly Marchetti; Kristy Clougherty; Anne Dove; Pat Cahalan; Suzanna Zalaha

Subject: RE: Letter of Support for City Council Agenda Item #13

Julianna,

Your most articulate letter sent today supporting Council Item #13 is greatly appreciated.

Your words truly echo the sentiments of AIA Pasadena & Foothills Chapter on this matter. I would add also that AIA P&F advocates appropriate adaptive use and historic retention of the YWCA Building as part of the architectural and cultural history of the City of Pasadena.

Richard McCann, AIA

2010 President AIA Pasadena & Foothills Chapter

From: Julianna.Delgado@sbcglobal.net [mailto:Julianna.Delgado@sbcglobal.net]

Sent: Monday, April 12, 2010 9:43 AM

To: mjomsky@cityofpasadena.net; Bill Bogaard; Victor Gordo; Tornek, Terry; Chris Holden; Robinson, Jacque; Steve Haderlein; mmcaustin@sbcglobal.net

Cc: julianna.delgado@sbcglobal.net; ddelgado@hmsspasadena.com; david.delgado.jd@sbcglobal.net; Richard McCann; mark@gangiarchitects.com; James Ipekjian; abe.chorbajian@dmjmhnaecon.com; (D&H)Pasadena Heritage (Sue Mossman); Richard Quirk; De La Cuba, Vannia; Margo Fuller; vronscalzo@yahoo.com; Tmpasadena@aol.com; richard.quirk@stvinc.com; rcynthia8@aol.com; Ratliff, J Martin; mmgandsey@sbcglobal.net; mcalpin504@att.net; Kitty Cahalan; jam64@worldnet.att.net; Carol Polanskey; Bob Kneisel; bmarchet@yahoo.com; Clemencia De Leon; Molly Marchetti; Kristy Clougherty; Anne Dove; Pat Cahalan; Suzanna Zalaha

Subject: RE: Letter of Support for City Council Agenda Item #13

TO: Mark Jomsky, City Clerk

Mark,

Please find attached my letter of support for Item #13, Adoption of a Resolution of Necessity, on tonight's City Council Agenda. Unfortunately, I am unable to attend this evening's public hearing on this item, as the time conflicts with the Design Commission meeting.

Please transmit my letter to the Council and make it part of the official record.

Thank you for your assistance.

Julianna Delgado

(Chair, City of Pasadena Design Commission)

4/12/2010

Item 13

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April 12, 2010

Honorable Mayor and City Council
City of Pasadena
100 North Garfield Avenue
Pasadena, California 91101

Re: *Hearing on Resolution of Necessity*
Date: April 12, 2010, 7:30 p.m.
Property: 78 North Marengo Avenue, Pasadena, California
Assessor Parcel Nos.: 5733-026-028 and -029

Ladies and Gentlemen:

This letter is submitted on behalf of Trove Investment Corporation ("Trove"), as owner of the above-referenced property ("subject property"). This letter sets forth grounds upon which the adoption of the Resolution of Necessity is opposed. We request that this letter be made part of the record of these proceedings.

The subject property is zoned CD 2, a commercial zone. It is improved with an improvement of approximately 43,000 square feet that is capable of being adapted to a variety of uses. Trove has the means to develop the site to a variety of uses consistent with the City's goals. It is absolutely unnecessary for the above-referenced property to be taken by eminent domain. The objectives of the City can be met by the subject property's owner, in conjunction with an owner participation agreement.

Trove sets forth the following additional objections to the adoption of the Resolution of Necessity as it relates to the subject property, and specifically challenges the City's right and power to acquire the subject property on the following grounds:

1. The Project itself is not clearly defined and approved. The Resolution of Necessity is invalid if it is not related to acquisition for a formally approved project. Otherwise, use and necessity are subject to a moving target, not a legal basis for determination. This acquisition effort must be halted pending formal adoption of project. A categorical exemption is not a project. Preservation is not a defined project. Absent proposed demolition, preservation is the status quo. There is no proposed demolition. Therefore, preservation is not a basis for a project in this case. Use and necessity cannot be found.

2. There has been no proper opportunity provided to Trove to participate in the project through owner participation agreement or disposition and development agreement or otherwise. Trove is ready, willing and able to participate in a project for the re-use and preservation of this improved property.

3. It is not clear from available documents if this project is a public works project of the City or a Redevelopment Agency project for redevelopment.

4. City has failed to fully and properly comply with the California Environmental Quality Act ("CEQA") and environmental laws which must necessarily be complied with prior to the time of adoption of a Resolution of Necessity and commencement of an action in eminent domain based thereon.

5. City has further failed to fully and properly comply with CEQA, environmental laws, and California Law in failing to show the necessity of condemning this project for adaptive re-use or preservation where the existing owner is willing and capable of undertaking such uses. Even historical preservation as a municipal function is inadequate, where, as here, the owner has been deprived of the use of the property due to acts of the City. In essence, the City has prevented re-use and preservation and now seeks to acquire the property for its own re-use and preservation.

6. City does not intend to devote the property described and sought to be condemned to a public use within the time required by law.

7. There can be no public use in taking the property of one and transferring it to the City or another for adaptive re-use when the current owner stands ready, willing and able to devote the property to the very uses the City has planned for it.

8. There has been no CEQA compliance. A categorical exemption is insufficient when adaptive re-use is the intended project.

9. Any re-use of the property for government offices or otherwise is not supported by the marketplace. If office use is desired, the greatest public good and least private injury are not satisfied by the taking. Given the availability of low rent space, substantial amounts of lower rent commercial space is generally available in Pasadena than will be provided by the subject property.

10. The public interest and necessity do not require the subject property. The public interest can be served just as well by permitting the current owner to develop the property in the manner proposed by City.

11. The property and interests acquired as described in the Resolution of Necessity are

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not necessary for the project for which it is being taken. All goals of the City can be met by Trove without the City acquiring the subject property.

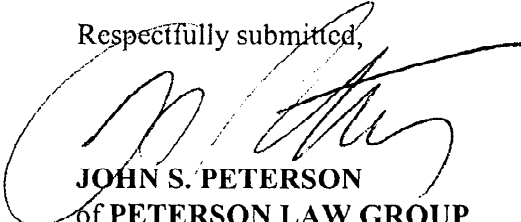
12. The adoption of the Resolution of Necessity is influenced by bad faith and gross abuse of discretion. As stated above, City has prevented use of the subject property and now seeks to acquire the subject property because it has not been used. Therefore, it is impossible for the Board to find and determine that the public interest and necessity require the proposed project or the acquisition of the subject property, or that the proposed project is planned and located in a manner most compatible with the greatest public good and least private injury.

13. The Board, in acting to adopt the Resolution of Necessity at this time without compliance with the foregoing matters, is not authorized by statute to exercise the power of eminent domain and cannot commence an eminent domain proceeding to acquire the subject property.

14. The scope of proposed acquisition includes uses which are not authorized by law, and which are not allowed as a basis for the exercise of the power of eminent domain.

The owners object to the adoption of the Resolution of Necessity and any consequential eminent domain action on the grounds stated herein and upon such further grounds as may be legally justified and set forth at time of trial herein.

Respectfully submitted,



JOHN S. PETERSON
of **PETERSON LAW GROUP**

cc: Gregson Perry, Esq.
Regina Danner, Esq.