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April 9, 2019

Senator Mike McGuire, Chair
Senate Governance and Finance Committee
Room 5061, State Capitol
Sacramento, CA 95814

Senator Scott Wiener, Chair
Senate Housing Committee
State Capitol, Room 5100
Sacramento, CA 95814

RE: Requested amendments to Senate Bill 4 (McGuire) and Senate Bill 50 (Wiener)

Dear Chair McGuire and Chair Wiener:

On behalf of California’s leading historic preservation organizations, we write to extend our gratitude for the leadership and hard work you have undertaken to address the state’s housing crisis and to convey our support for legislation that would incentivize housing development near transit areas in a targeted manner yet protect historic structures. While we recognize there are important differences in the approaches SB 4 and SB 50 currently take, we are pleased to know that as the lead authors of these two bills you have both stated your intent to adhere to the letter and spirit of the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

To that end, we respectfully request that you amend your legislation to protect structures placed on, or that have been identified by a public agency as eligible for, inclusion on a national, state, or local historic register in order to prevent the demolition of historic resources, which is no one’s intent with either bill.

First, SB 4, as amended February 28, 2019, provides an exemption in Section 65913.5(b)(6) as follows:

(6) The development of the project on the proposed parcel would not require the demolition of a historic structure that was placed on a national, state, or local historic register.

We greatly appreciate this language but respectfully request a critical clarification to this language to ensure that it is consistent with the CEQA Guidelines.

(6) The development of the project on the proposed parcel would retain the eligibility of a historic structure that was placed on, or is identified as eligible for, a national, state, or local historic register.

SB 50 does not include any such language. We respectfully request the adoption of this amendment to SB 50.

The proposed amendment would ensure a consistent and equitable definition of “historical resources” under CEQA in SB 4 and SB 50 to protect communities from the potential for demolition of historic structures. Because the vast majority of historical resources in California are not listed in a local, state, or national register – especially in traditionally underrepresented communities – the exemption for historic properties under SB 4 and SB 50 must be extended to include all historic structures that meet rigorous eligibility criteria under CEQA Guidelines §15064.5. Whatever the final bill of the Legislature’s deliberations on this critical policy question may be, no identified historical resources should be eligible for ministerial demolition approval.

Second, the undersigned organizations strongly support SB 4’s exemption of parcels located within an “architecturally or historically significant historic district” from receiving a density bonus. By contrast, SB 50 would grant eligible applicants the by-right ability to build up to 45 or 55 feet, even if the parcel is located within a historic district. We respectfully request that SB 50 be amended to exempt parcels located within a designated historic district from receiving a density bonus.

Sincerely,

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cc: Senate Governance and Finance Committee, Senate Housing Committee