



May 15, 2019

State Senator Anthony Portantino – 25th District
State Capital, Room 3086
Sacramento, CA 95814-4900

RE: SB-50 – Opposition and Recommendations

Dear Senator Portantino:

On behalf of Pasadena Heritage, I am writing to express our urgent concern with the proposed SB-50 legislation.

Our over-arching concern is that although the production of more housing, and particularly affordable housing, is a need we recognize and a goal we support, the current SB-50 proposal (in addition to previous legislation) discounts and eviscerates Pasadena's efforts to encourage and promote new housing while enacting and enforcing good planning in our city. We believe that the housing goals can be best achieved, at least in cities like Pasadena with an excellent track record and considerable resources devoted to the creation of housing, through a thoughtful dialogue and adoption of mutually-agreeable strategies that reinforce and encourage more housing that fits into and is welcomed by the community.

We respectfully urge you and members of the Appropriations Committee to reject SB-50 as proposed and rethink potential solutions to the housing shortage that do not so presumptively take away a city's right to plan for its future in thoughtful and responsible ways, as is done in here Pasadena and elsewhere.

If SB-50 cannot be stopped and subjected to serious evaluation and rethinking (as we believe it should be), we have very specific concerns about the protection of historic homes and resources that are seriously threatened by the legislation as written. We know that you support the efforts of Pasadena Heritage and the City of Pasadena to preserve and protect our historic buildings as valuable assets that strengthen our city and exemplify its rich history in the best interests of all its residents as well as the region and state beyond.

Please, please protect our historic resources by requiring the following modifications to SB-50. These modifications are very similar to those developed by a statewide coalition of historic preservation organizations and would, at least, provide for due consideration of individual historic properties and historic districts as future housing projects are planned. Existing language and proposed revisions are included on the following pages for your specific reference.

1. SECTION 65918.52(b)(3)(C) – defines which parcels in populous counties are categorically exempt from receiving a height increase under SB50

EXISTING LANGUAGE

65918.52 [at p.27]. In order to be eligible for an equitable communities incentive pursuant to this chapter, a residential development shall meet all of the following criteria:

(b) The residential development is located on a site that, at that meets the following requirements:

(3) The site is not located within any of the following:

(C) A parcel that is a contributing parcel within a historic district established by an ordinance of the local government that was in effect as of December 31, 2010.

PROPOSED LANGUAGE

65918.52. In order to be eligible for an equitable communities incentive pursuant to this chapter, a residential development shall meet all of the following criteria:

(b) The residential development is located on a site that, at that meets the following requirements:

(3) The site is not located within any of the following:

(C) A parcel that includes an ***individual historic resource*** or a contributing ***resource*** within a historic district established by an ordinance of the local government.

Rationale for proposed change: *This section currently exempts only contributing properties in local historic districts adopted before 2011 from height increases under the bill. The proposed change extends this exemption to individual landmarks and historic districts currently designated or designed in the future. Note that historic resources in state and national registers are not automatically exempted under this provision, but the local jurisdiction can deny the height increase (per Section 65918.53(d), below) upon finding a “specific, adverse impact” on historic resources or a historic district.*

2. SECTION 65918.2(c) [p.27] - defines which parcels in rural counties (< 600,000) are categorically exempt from receiving a height increase

EXISTING LANGUAGE

65918.2 (c) If the residential development is located within a county that has a population equal to or less than 600,000, the residential development satisfies all of the following additional requirements:

(2) The site is not located within either of the following:

(A) An architecturally or historically significant historic district, as defined in subdivision (h) of Section 5020.1 of the Public Resources Code.

PROPOSED LANGUAGE

65918.2 (c) If the residential development is located within a county that has a population equal to or less than 600,000, the residential development satisfies all of the following additional requirements:

(2) The site is not located within either of the following:

(A) An architecturally or historically significant historic district **or historical resource**, as defined in Section 5020.1 of the Public Resources Code.

Rationale for proposed change: *The existing language only exempts contributing properties in any historic district (local, state, national) in rural counties. The proposed language extends this exemption to individual historical resources, as broadly defined in PRC Section 5020.1.*

3. SECTION 65918.53(d) [p.34] – enables local governments to deny an equitable communities incentive (height increase to 45 or 55 feet) with a “specific, adverse” impact on state or national historic resources/districts

EXISTING LANGUAGE

65918.53 (d) The local government shall grant an incentive requested by an eligible applicant pursuant to this chapter unless the local government makes a written finding, based on substantial evidence, that the incentive would have a specific, adverse impact on any real property or historic district that is listed on a federal or state register of historical resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable.

PROPOSED LANGUAGE

65918.53 (d) The local government shall grant an incentive requested by an eligible applicant pursuant to this chapter unless the local government makes a written finding, based on substantial evidence, that the incentive would have a specific, adverse impact on any real property or historic district listed on, **or deemed eligible by the lead agency for** a national, state, **or local** register of historical resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable.

Rationale for proposed change: *This section suggests that, after an EIR, the local jurisdiction “may” deny a height increase if the project would result in a “specific, adverse impact” (defined in SB50 as a significant adverse impact, i.e. demo, significant alteration, incompatible new construction) on a historic resource listed in the California Register or National Register, whether individually or as a contributor to a district. The proposed change extends this potential protection to locally designated historic resources and districts, as well as to resources that have been “deemed eligible by the lead agency.” (Notwithstanding impacts on historic resources, the local jurisdiction also retains discretion to approve a height increase under SB50 by adopting a statement of overriding considerations under CEQA.) The proposed change would ensure that impacts on all historic resources, as currently defined by the CEQA guidelines, are taken into account by the local jurisdiction when deciding whether to grant a height increase under SB50.*

Thank you very much for your attention to this urgent matter and consideration of our request. We send you our very best wishes.

Sincerely yours



Susan N. Mossman

Executive Director

Cc: California Preservation Foundation
David Reyes, Planning Director, City of Pasadena
Mayor Terry Tornek, City of Pasadena