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July 27, 2020

To: Mayor Murillo and Council Members

Re: Introduction of Ordinance for Amendments To The Average Unit-Size Density Incentive Program Focused On The Central Business District (July 28, 2020 Agenda, Item 13)

Allied Neighborhoods Association would like to provide comment on action items in Recommendations A. and C. in your Council Agenda Report - the Resolution and the Revised Addendum, and required findings. Within this context and environmental review, our focus is historic resources.

There have been many State housing laws passed in the past few years that affect application of design review and design policies, and we question if the effect of those have been adequately analyzed. Also, at least two very important required mitigation measures from the PEIR (to reduce impacts to historic resources to Class 2) still have not been implemented after 9 years. That raises questions about the statements and conclusions in the documents before you.

Page 7, **Revised Addendum to 2011 General Plan Program Environment Impact Report**, under **Historic and Cultural Resources** states, "*The analysis of the Additional Housing Alternative in the PEIR found that while increased allowable densities could increase the number of multiple story buildings downtown that could potentially affect historic structures, application of existing design policies and mitigation measures in the PEIR would reduce any impacts to less than significant."*

Page 3 (same document referenced above), under **Class 2 (Potentially Significant, but Avoidable) Impacts**, states," *The PEIR analysis identified the following potentially significant impacts that could be mitigated to less than significant levels (Class 2 impacts)… "heritage resources (effects of development on historic resources);"* It goes on to say, *"Identified mitigation measures associated with these impacts were incorporated into the General Plan as policies and programs."*

Regarding the excerpt from page 7, specifically the statement that application of existing design policies and mitigation measures would reduce any impacts to less than significant: our existing design policies and design review have been very impacted by recent State housing legislation, such as

mandated Objective Design Standards for certain types of residential housing projects. In addition, design review is now not allowed to reduce any density on a proposed housing project to reduce the mass, bulk and scale of a project to make it more compatible, for example, to adjacent historic resources. Our conclusion is existing design policies and their application have been majorly changed since the environmental review for the 2011 GP and may no longer be able to mitigate impacts to historic resources as required (to less than significant, to Class 2).

Regarding mitigation measures, please see references above from both page 3 and 7 in the Revised Addendum. In the **Resolution** included in the Council materials, page 6 under City Council findings, #3, the Council will be making the following statement, "*Based on the analysis in the PEIR and Addenda, the following potentially significant impacts of the project will be avoided or reduced to less than significant levels (Class 2) by measures incorporated into the General Plan and AUD Program Amendments Focused on the CBD."*

Page 6 in the **Resolution,** #3, also includes**,** *"Historic Resources: potential effects to historic resources from gradual development, mitigated with additional measures to protect historic resources, including landmark and historic district program, additional development design buffer requirements, and protections during adjacent construction activity;"*

The problem is, we haven't had "additional development design buffers" (even though we are 9 years into the GP planning period), nor do we have a "landmark and historic district program". These two important, major mitigation measures have not been implemented since the adoption of the 2011 General Plan.

To conclude, what local discretion is left of our existing design policies and design review (after mandates in recent State housing laws) and with major mitigation measures not implemented yet, we question if you can make the findings related to the **Revised Addendum** and **Resolution** as they relate to historic resources. We cannot tell from the information provided if impacts of State housing laws on existing design policies and design review have been analyzed. Also, not available to decision makers is background information and analysis to substantiate the conclusions to make the required findings, and adopt the **Revised Addendum** and **Resolution**.

We ask that staff respond to issues and concerns in our letter at the hearing – such as discuss background information, etc. to confirm these specific topics brought up above have been fully and adequately analyzed to substantiate the conclusions. In addition, it would be helpful to know whether some or all of the applicable State housing laws and their effects are exempt from environmental review.

We appreciate your careful consideration.

Sincerely,
Allied Neighborhoods Association

Cc: Renee Brooke, Daniel Gullett, Jessica Metzger, Ariel Calonne, Tava Ostrenger, Greg Lusitana, Rebecca Bjork, Paul Casey