McMillan, Acquanette (Netta)

From: Sam Alcorn
Sent: Monday, May 18, 2026 4:53 PM
To: PublicComment-AutoResponse
Subject: Written Public Comments — May 18, 2026 Pasadena City Council Meeting

Submitted by: Sam Alcorn, District 3

ITEM 11 — Appeal of Design Commission Approval, 600 N. Rosemead Boulevard

Mayor Gordo and Councilmembers,

I urge Council to deny the appeal and approve the project, consistent with staff's recommendation.

The Housing Accountability Act (Government Code § 65589.5) requires that denial or substantial conditioning of a qualifying affordable housing project be supported by written findings of specific objective standards not met, on a preponderance of the evidence, with heightened protection for affordable projects. The State Density Bonus Law (Government Code § 65915) requires that concessions be granted unless specific findings of adverse impact on public health, safety, or the physical environment are made. The Attorney General's April 2025 legal alert affirmed that density-bonus enforcement is an active state priority. Council members who vote to grant the appeal on grounds that do not survive HAA review expose the City to litigation, fees, and reversal.

I want to add a broader observation. The cities I hope for my home city to emulate: Paris, Vienna, Tokyo, Munich, Stockholm, et c. (name any well-functioning global city) do not hold appeal hearings to elected councils on whether specific apartment buildings should be approved when those buildings conform to adopted plans and standards. Their elected councils debate plans; their administrators apply plans. The discretionary, project-by-project review model that brings this appeal before Council tonight is shared with only five other Westminster-tradition countries. The US is a global outlier here. It produces predictable costs: corruption, litigation exposure, delay quantified by RAND at $1,284 per unit per month, and exclusionary outcomes.

State housing law is not the enemy of cities. It is a friend. Each statute (HAA, DBL, SB 35/423, AB 130, SB 79, et c.) removes from Council's plate a category of decision that Council should not want to spend time and resources on. Recognizing this is in alignment with both state law and good policy.

Deny the appeal. Approve the project.

Thank you for your service.

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Respectfully,

Sam Alcorn, District 3

ITEM 12 — TEFRA Hearing, CMFA Bonds for 600 N. Rosemead, LP

Mayor Gordo and Councilmembers,

I support adoption of the TEFRA resolution.

The two 600 N. Rosemead items on tonight's agenda reinforce each other: the financing supports the project, the entitlements allow the project, and Pasadena's affordable housing pipeline depends on both proceeding.

Thank you.

Respectfully,

Sam Alcorn, District 3

ITEM 13 — TEFRA Hearing, CMFA Bonds for Colorado Crest, LP

Mayor Gordo and Councilmembers,

I support adoption of the TEFRA resolution. Colorado Crest is exactly the kind of transit-corridor affordable housing Pasadena's Housing Element commitments require.

Thank you.

Respectfully,

Sam Alcorn, District 3

ITEM 14 — Adoption of SB 79 Delayed Effectuation Ordinance and Interim Urgency Ordinance

Mayor Gordo and Councilmembers,

I urge Council to reject Option 2 and adopt no ordinance.

SB 79 is the default.

Government Code § 65912.157(n) applies SB 79 to incorporated cities on July 1, 2026, by operation of state law. The statute then provides specific mechanisms by which local agencies *may* modify that default: a delayed effectuation ordinance under § 65912.160, a TODAP under § 65912.161, an industrial-employment-hub exemption, a no-walking-path exemption. Each is permissive. § 65912.160(b) reads: "A local agency *may* adopt

an ordinance." § 65912.161(b) reads: "A local agency *may* adopt an ordinance that creates a transit-oriented development alternative plan."

What follows from this is plain on the face of the statute. SB 79 applies July 1 unless Pasadena takes affirmative action to modify its application through one of the specified mechanisms. A city that does nothing is not exercising forbearance or asking permission; it is allowing state law to operate as the Legislature wrote it.

Pasadena's zoning authority has always been delegated state authority.

The framing of state housing law as an intrusion on local control, which animates Pasadena's December 30, 2025 letter to the Governor and which appears to motivate the current ordinance, reflects a misunderstanding of where Pasadena's zoning authority comes from. The Planning and Zoning Law (Gov. Code § 65000 et seq.) is the source of municipal zoning authority in California. The Housing Element Law dates to 1969. The Permit Streamlining Act dates to 1977. The Housing Accountability Act dates to 1982. The State Density Bonus Law dates to 1979. None of this is new. Municipalities are creatures of the state, exercising delegated authority, and state housing law has always been the framework within which that delegated authority operates. Article XI § 5 of the California Constitution gives charter cities home-rule authority over "municipal affairs," but California courts have consistently found housing policy to be a matter of statewide concern that preempts local control, and the home-rule defense has been losing in housing cases for decades.

The state has recently exercised its always-existing authority more actively because municipalities have used their delegated zoning power in ways that harm Californians who do not live in those municipalities, whether that's because they wish to live there but can't afford to, or because they haven't been born yet . SB 79 is a continuation of that pattern, not a departure from it.

The proposed findings do not support the proposed ordinance.

SB 79 § 65912.160(c) authorizes delay "due to the threat to public health, safety, or welfare." This standard requires the City to find that *SB 79's application* would threaten public health, safety, or welfare, and that the proposed delay addresses that threat.

The findings in Attachment A do not make this finding. Finding 1 invokes General Plan Goals 7 (Architectural Design and Quality) and 8 (Historic Preservation) to argue General Plan conformance. Finding 2 simply asserts that the delay "would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City." This is the inverse of what SB 79 requires. The statute does not ask whether the delay is consistent with the General Plan or whether the delay would harm public welfare. It asks whether SB 79's application threatens public welfare. The findings nowhere make that affirmative finding, because no such finding could honestly be supported on this record. Allowing multifamily housing on RS-zoned land near high-frequency Metro stations does not threaten public health or safety. Allowing higher density on RM-zoned land in transit-rich areas does not threaten public welfare.

Attachment J shows the ordinance's actual intent.

The map in Attachment J makes the ordinance's design legible. Within the half-mile radius around each of Pasadena's six Metro A Line stations, the map shows stacked exclusions: RS zones, all four RM density categories (RM-12, -16, -32, -48), specific plan sites at 32 du/ac or less, specific plan sites at 48 du/ac or less, excluded non-residential sites, rent-controlled sites, price-controlled sites, sites on the local register, and sites on the state/national register. The cumulative effect is to exclude the substantial majority of transit-served residential geography from SB 79 application.

The purpose of SB 79 is to prevent cities from excluding housing near transit. The map's evident design is to exclude housing from most of the area near transit. These are opposing intents. A reasonable reader of the

statute and the map concludes that Option 2 is structured to achieve through stacked permissive mechanisms what SB 79 does not allow cities to do directly. This is the legal and political weakness at the heart of the proposed ordinance.

The historic-resource carve-out exceeds the statute.

SB 79's historic-resource provisions reference specific designated resources. The proposed ordinance applies the carve-out at the district level, including all sites within state and national register districts, not only individually-designated resources. SB 79 does not authorize this scope. Pasadena's December 30, 2025 letter to the Governor asked the Legislature to expand SB 79's historic-resource protections to include landmark districts and resources "eligible" but not yet designated. AB 2576 (Harabedian), currently passed by the Assembly, does substantially what the December 30 letter asked. The current statute does not authorize what AB 2576 would authorize. Pasadena is attempting to claim by ordinance what the Legislature has not yet granted.

This presents two problems. First, the district-level carve-out is legally vulnerable on its face; it claims authority the current statute does not provide. Second, if AB 2576 passes, the carve-out becomes redundant. If AB 2576 fails, the Legislature will have declined to provide the authority Pasadena is asserting unilaterally, making the carve-out more vulnerable still. The right move is to wait for AB 2576 to be resolved.

The HCD review problem.

If Pasadena adopts the proposed ordinance, it is subject to post-adoption substantial-compliance review under § 65912.160. HCD has 90 days (extendable to 120) to determine compliance. If HCD finds the ordinance non-compliant, Pasadena has 60 days to either amend or adopt unchanged, with findings explaining why it believes the ordinance is compliant despite HCD's contrary determination. Either way, the ordinance is exposed to SB 79 enforcement under § 65912.157(m), which includes private and AG enforcement actions, attorney's fees, and HAA-aligned remedies.

Pasadena's history with state housing-law enforcement is directly relevant. In May 2022, Attorney General Bonta's Housing Strike Force intervened on Pasadena's SB 9 implementation, leading to a revised ordinance after collaboration with the City. The AG's office has demonstrated willingness to enforce state housing law against Pasadena. SB 79 enforcement will be no different, and the maximalist scope of the proposed ordinance combined with weak supporting findings and the district-level historic-resource carve-out makes enforcement more likely, not less.

The costs Pasadena does not need to bear.

Adopting the proposed ordinance commits Pasadena to spending staff resources drafting, defending, and updating it; legal exposure to HCD enforcement and private-party challenges; political capital on a position that is increasingly out of step with the post-AB 130 state housing-law environment; and a five-year delay (extending to approximately 2031 per the Planning Commission staff presentation) of SB 79 implementation in transit-rich neighborhoods. These costs ultimately fall on Pasadena residents in foregone housing supply, sustained pressure on rents and home prices, and continued constraint on the affordable-housing pipeline that depends on multifamily-eligible land.

A TODAP under § 65912.157 is a complex, multi-year planning exercise that requires HCD review and demonstrating "at least as much overall residential capacity" as SB 79 would otherwise provide. If Pasadena wants to pursue a TODAP later, it can do so without first adopting an urgency-and-delay ordinance.

The reframe Council should consider.

State housing law is not Pasadena's enemy. Pasadena's zoning authority is delegated state authority, and the state has always retained the power to define the scope of that delegation. When municipalities use their delegated zoning power in ways that harm Californians who do not live in those municipalities, the state is not just permitted but obligated to act. SB 79 is that action. Governor Newsom said it directly when he signed the bill: the law "far from limiting local control . . . strengthens it" by giving cities the tools to take ownership of outcomes with state law as a backstop.

Pasadena's December 30, 2025 letter to the Governor opposing SB 79 was signed by Mayor Gordo and copied to the League of California Cities. SB 79 is now law, signed by the Governor whom Pasadena asked to consider further amendments. The question before Council on May 18 is not whether to continue opposing SB 79, but whether to expend Pasadena's resources on a legally vulnerable ordinance whose findings do not support the action being taken, whose map confirms an intent to exclude housing from most of the area near transit, and whose historic-resource carve-out exceeds what the current statute authorizes.

The ask.

Adopt no ordinance. SB 79 takes effect July 1 by operation of state law. If Pasadena wishes to pursue a TODAP in the future, it can do so on its own timeline without an interim delay package.

If Council is unwilling to do that, the minimum acceptable position is to remove the RS-zone exclusion entirely, limit the historic-resource carve-out to individually-designated resources rather than district-level inclusions, and add a specific sunset date to whatever delay is adopted.

Thank you for your service.

Respectfully,

Sam Alcorn, District 3

ITEM 16 — First Reading, Uncodified Interim Urgency Ordinance Delaying SB 79

Mayor Gordo and Councilmembers,

I submit my Item 14 comment as my comment on Item 16, consistent with the agenda note that Items 14, 16, and 17 are considered concurrently including for public comment purposes.

The Interim Urgency Ordinance should not be adopted. SB 79 takes effect July 1 by operation of state law; the delay-and-TODAP provisions are permissive mechanisms cities *may* use, not required actions. The urgency framing in particular requires findings of specific, immediate threat justifying interim action. The findings in Attachment A invoke General Plan Goals 7 and 8 but do not make the affirmative finding that SB 79 application would threaten public health, safety, or welfare. That is the standard the statute requires, and the proposed findings do not meet it.

Please see Item 14 for full discussion.

Thank you.

Respectfully,

Sam Alcorn, District 3

ITEM 17 — First Reading, Uncodified Delayed Effectuation Ordinance for SB 79

Mayor Gordo and Councilmembers,

I submit my Item 14 comment as my comment on Item 17, consistent with the agenda note that Items 14, 16, and 17 are considered concurrently including for public comment purposes.

The Delayed Effectuation Ordinance should not be adopted. Government Code § 65912.160(b) is permissive: "A local agency may adopt an ordinance." Pasadena is under no obligation to act, and the default position under § 65912.157(n) is that SB 79 takes effect July 1 by operation of state law. The map in Attachment J shows that Option 2's cumulative exclusions cover the substantial majority of transit-served residential geography around the six Metro A Line stations, achieving through stacked permissive mechanisms what SB 79 does not allow cities to do directly. The historic-resource carve-out applied at the district level exceeds the statutory authority, asserting authority that AB 2576 (Harabedian) is currently attempting to grant legislatively. The proposed findings in Attachment A do not support the action under § 65912.160(c).

Please see Item 14 for full discussion.

Thank you.

Respectfully,

Sam Alcorn, District 3

McMillan, Acquanette (Netta)

From:	James Lloyd
Sent:	Monday, May 18, 2026 4:57 PM
To:	Gordo, Victor; Hampton, Tyron; Cole, Rick; Jones, Justin; Jones, Justin; Masuda, Gene; Rivas, Jessica; Madison, Steve; Lyon, Jason
Cc:	PublicComment-AutoResponse; Bagneris, Michele; Jomsky, Mark; Hawkesworth, Matthew
Subject:	public comment re items 14, 16, and 17 for tonight's Council meeting
Attachments:	Pasadena - Joint SB 79 letter - 18 May 2026.pdf

Dear City of Pasadena,

Californians for Homeownership and the California Housing Defense Fund submit the attached comment letter in regard to the City's proposed SB 79 delayed effectuation ordinance, calendared as agenda items 14, 16, and 17 for tonight's Council meeting.

Sincerely,

James M. Lloyd
Director of Planning and Investigations
California Housing Defense Fund
james@calhdf.org
CalHDF is grant & donation funded
Donate today - https://calhdf.org/donate/

05/18/2026
Item 17

CALIFORNIANS FOR HOMEOWNERSHIP

CAL HDF

May 18, 2026

City of Pasadena
100 N. Garfield Avenue
Pasadena, CA 91101

To: vgordo@cityofpasadena.net; thampton@cityofpasadena.net; rcole@cityofpasadena.net; justinjones@cityofpasadena.net; jjones@cityofpasadena.net; gmasuda@cityofpasadena.net; jrivas@cityofpasadena.net; smadison@cityofpasadena.net; jlyon@cityofpasadena.net

Cc: correspondence@cityofpasadena.net; mbagneris@ci.pasadena.ca.us; mjomsky@cityofpasadena.net; mhawkesworth@cityofpasadena.net

Re: **SB 79 Ordinance**

Dear City of Pasadena,

Californians for Homeownership and the California Housing Defense Fund submit this letter in regard to the City's proposed SB 79 delayed effectuation ordinance. We appreciate staff taking the time to develop a thorough implementation plan for this landmark law; however, we are concerned about the urgency provision and transparency of information in this process.

SB 79 is not a sudden emergency requiring urgency to preserve the public peace, health, or safety.

Per Gov. Code section 36937, subdivision (b), ordinances will not be effective for 30 days unless necessary to preserve the public peace, health, or safety of the City and the City Council adopts by a four-fifths majority a declaration of the facts constituting the urgency. The State Supreme Court has ruled that "the nature of the ordinance itself will . . . be determinative, and where a sudden emergency has arisen, a statement of the nature of the urgency finds proper place to support the declaration." *Ex parte Hoffman* (1909) 155 Cal. 114, 120.

SB 79 was signed into law in October 2025, giving the City almost nine months before its effective date of July 1, 2026 to enact an ordinance preserving the public health and safety of its residents. This was ample time; had there been an immediate and urgent threat to the public health and safety of Pasadenans, the City would have enacted an ordinance more quickly.

Even if SB 79 were a sudden emergency necessitating immediate action, the facts cannot justify a threat to public health or safety. Simply put, the imminent emergency posing a threat to public health and safety would be state law's application and residential density at the standards prescribed by the Legislature. Contrary to what the proposed ordinance says, SB 79 does not require the City to promulgate any such ordinance. It only requires the City to process applications in accordance with its provisions.

Nor do the other justifications in the urgency clause justify an emergency. The City has routinely sited high intensity uses adjacent to its freeways and has not commenced any studies on the impacts of siting land uses near the 210 Freeway. Such a study and consideration process is not likely to be completed in the next 30 days, and if it were, the City would have commenced the process well before today. Additionally, provisions in the Land Use and Housing Elements promoting housing in transit corridors may slightly reduce the need for SB 79, but are immaterial as to whether exempting the proposed parcels is necessary to protect public health and safety.

The findings proposed in Attachment A do not justify the ordinance's urgency either. The City must make findings that *not passing* the ordinance would pose a threat to public health or safety; not merely that passing the ordinance would not pose a threat to public health or safety.

The City has not met its burden of proof to be eligible for delayed effectuation under SB 79.

Pursuant to Government Code section 65912.161, subdivision (b)(1), a city must pass its ordinance in accordance with section 65912.160, which requires cities to demonstrate by a preponderance of evidence that its standards meet the requirements of the law. The City has proffered almost no evidence that the exempt stations would be exempt but instead attempts to do so by legislative fiat. It may be the case that all three stations are statutorily exempt, but without data or evidence it would be impossible for the public or HCD to assess this claim.

Further, based on our organizations' preliminary assessments, we have serious doubts that all the proposed stations are eligible for the station-wide exemption.

It is unclear whether the Lake Station TOD Zone meets the 75% aggregate capacity requirement of 65912.161, subdivision (b)(1). Everything north of the 210 Freeway in the Zone is zoned to support 48 units/acre or fewer, with significant portions zoned to single family or not allowing residential at all (including the entire Lake Ave corridor). South of the 210, almost all of the land east of N. Mentor Avenue is zoned for 48 units/acre or fewer. While there are zoning districts south of the 210 that allow 87 units/acre, it does not appear that enough of this area is zoned at this density to overcome the lower density areas in the Lake Station TOD Zone. Given that the entire TOD zone must be zoned, on a cumulative basis, for 75% of the Tier 2 TOD density, to be exempted pursuant to Government Code section 65912.161, subdivision (b)(1)(B)(i), it does not appear that this TOD zone will qualify for temporary exemption pursuant to this section of law.

It also appears that zoned capacity around the Del Mar Station is insufficient in order for the TOD zone to be exempted pursuant section 65912.161, subdivision (b)(1)(B)(i). For instance, the zoning forbids residential entirely in the parcels bounded by California Blvd, Edmundson Alley, Waverly Dr, and S. Pasadena Ave. Similarly, the City's zoning does not allow residential along much of S. Arroyo Pkwy in this TOD zone. Almost the entire quadrant southeast of Del Mar Station (south of Cordova St) allows residential only at 48 units/acre or fewer. Given that, as discussed above, the entire TOD station must average, on a cumulative basis, at least 75% of the Tier 2 TOD density, it appears that this TOD zone cannot be exempted.

For these reasons, we urge the Council to reject the urgency ordinance and to direct city staff to make the underlying data available ahead of the next meeting.

Sincerely,

Matthew Gelfand
Californians for Homeownership

Dylan Casey
CalHDF