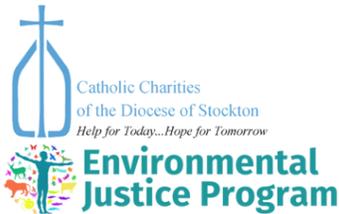




COMMUNITIES FOR A BETTER ENVIRONMENT
established 1978



CALIFORNIA RURAL LEGAL ASSISTANCE FOUNDATION
Advocates for Justice



March 31, 2022

The Honorable Toni Atkins
President Pro Tempore
California State Senate

The Honorable Anthony Rendon
Speaker of the Assembly
California State Assembly

Re: The California Environmental Quality Act

Dear Pro Tem Atkins and Speaker Rendon:

The undersigned organizations write to address calls for the Legislature to overhaul the California Environmental Quality Act (CEQA) and remind the Legislature of the essential role CEQA plays in protecting our environment and the state's most vulnerable communities from harm. **We ask that you remain firm in your commitment to ensuring a strong CEQA so that all Californians benefit from a healthy environment, a decent home, and suitable living conditions, as CEQA intends. P.R.C. Sec. 21001.**

In the last month, the U.C. Berkeley admissions controversy has thrust CEQA into the public eye, even nationally. The U.C. Berkeley lawsuit presented a complicated and unprecedented situation. Our groups are happy that admitted students will still have the opportunity to receive a higher education at one of our state's flagship institutions. We remain concerned, however, that this single controversy has spurred legislators to consider broad reform for the law without taking into account the invaluable benefits that CEQA provides our state and in a way that we fear will be detrimental for California's environment and communities.

Signed into law over 50 years ago, CEQA requires the analysis, disclosure, and mitigation of a proposed project's potentially significant environmental impacts and requires public agencies to provide the public with notice and opportunities to provide input relating to these requirements. As such, the CEQA process is a public process that allows communities to ensure decision-maker accountability and that developers and project proponents improve their projects to avoid and reduce burdens they place on communities and the environment.

Prior to CEQA's enactment, public agencies and local governments could approve projects of any size without considering their impact on the environment, including negative impacts to public health. Today, many groups around the state rely on CEQA to uphold the rights of environmental justice (EJ) communities to clean air, water, and soil as well as to quality housing that is not negatively impacted by pollution. Often, CEQA is the only tool that guarantees members of our most vulnerable communities a right to provide input on the environmental and

associated health impacts, alternatives, and appropriate mitigation measures for projects that would cause harm.

A strong CEQA process is critical for disadvantaged communities to have a meaningful voice in local planning decisions in order to protect the environmental health of their neighborhoods. For example, the City of Fresno allows e-commerce logistics facilities to be approved by the planning director with no public notice and has zoned South Fresno neighborhoods of color that rank as the most pollution-burdened under CalEnviroScreen for industrial and warehouse facilities. Only because of CEQA have community members in these neighborhoods been able to find out about these proposed warehouses before they were a done deal and require the city and developers to mitigate the warehouses to reduce negative impacts on public health, housing, and the environment. In one case, a proposed 2.1 million square foot warehouse complex would have brought 6,000+ truck trips per day to the neighborhood. Because of the CEQA process, community members were able to come together and hold the city of Fresno accountable. And ultimately, the city, at the developer's request, rescinded the project's permits.

As most environmental laws do, CEQA has its critics. For years, developers and others out to fast track their projects have conducted a public campaign to malign CEQA as a major reason for California's housing crisis, specifically arguing that CEQA litigation has stalled or prevented housing.

However, evidence has shown that CEQA is not a major barrier to development, and instead helps to ensure that new housing development does not compromise public health and safety.¹ The affordable housing crisis stems from a number of complex factors, including non-CEQA related neighborhood opposition, exclusionary zoning restrictions, consistent insufficient funding for affordable housing, and inadequate tenant protections. So while the causes of the housing crisis are complex and multi-faceted, it is simply not true that CEQA is the only, or even the primary, driver of the problem. Indeed, many housing projects are already exempt from environmental review altogether through use of the infill exemption and by tiering from environmental review already conducted on specific or community plans.

Moreover, CEQA plays a critical role in addressing the housing crisis by preserving existing housing from negative impacts of development, thus promoting its stability and longevity, especially in low-income communities of color where the housing crisis has hit the hardest.

Over the last 50 years, California has evolved and so has CEQA. Since its passage the law has changed to address some of the most pressing concerns of communities including climate change, wildfire and drought. At the same time, the Legislature has amended CEQA to help streamline infill development and affordable housing while still preserving its core function and the values CEQA seeks to protect.

¹ https://rosefdn.org/wp-content/uploads/CEQA-California_s-Living-Environmental-Law-10-25-21.pdf

For these reasons, our groups urge you to reject the anecdotes and outliers of CEQA critics and uphold a strong CEQA for the benefit of Californians for generations to come. We also ask that the Legislature include representatives from environmental justice and environmental organizations in any discussions about CEQA to ensure that these discussions have the benefit of our perspectives and expertise.

CEQA has provided California with environmental and public health benefits for more than 5 decades. We look forward to having a robust dialogue to ensure that it can continue to deliver those same benefits for decades to come.

Sincerely,

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