

## CEQA Letters to the Editor, January-March 2023

Links to the original, anti-CEQA columns these letters are responding to are listed at the bottom.

### [Mercury News](#), March 6

#### **People's Park shows utility of CEQA.**

Re: "[Newsom blasts CEQA. What is it and why does it matter?](#)" (Page A1, March 6).

As Ethan Varian describes in his March 6 article about CEQA and student housing, the California Environmental Quality Act has a long, nuanced history. This statute has been successfully revised to streamline affordable housing and transit projects. CEQA has also survived repeated attempts by big business to gut its essential protections. The Act remains a target precisely because it is so effective at forcing developers to analyze the environmental impacts of their projects and mitigate that harm.

In the UC Berkeley case, CEQA highlighted the university's grave mistake in allowing its student enrollment to explode without any adequate plan to house the new students. The recent court ruling requires UC to analyze the impacts of its plans on the community and to explore all options before building on a historic public park. In other words, the university must comply with state environmental laws just like any other public agency.

*Mike Ferreira, Moss Beach*

### [San Francisco Chronicle](#), Feb. 9

#### **CEQA does its job**

Regarding "[Fake environmental reviews are killing good housing projects. Here's what California can do about it](#)" (Open Forum, SFChronicle.com, Feb. 6): The California Environmental Quality Act is portrayed as the dreaded killer of affordable housing. Except it is not.

Case in point: A development proposed for market and affordable housing South of Market is mentioned in the article. The CEQA study pointed out some seismic issues, like excavation for a big building causes vibrations that could cause a nearby building, like an old historic building predating modern codes, to fall down. We've seen this kind of thing in San Francisco. The Board of Supervisors required mitigation to prevent that from happening. No burr under that saddle; CEQA worked.

The intellectuals claimed the study was phony, name-calling substituting for evidence. Of course, we could repeal CEQA, let a building fall down, and then pass it again.

Some neighbors were concerned that the project could drive up their rents. Yes, a few apartments could have their rents go up, but the city has anti-displacement policies to deal with it.

The supervisors balanced the pros and cons and approved the project.

*Sherman Lewis, Hayward*

[San Francisco Chronicle](#), Feb. 8

**CEQA reviews aren't "shenanigans." Ask communities of color why they are important**

Regarding "[Fake environmental reviews are killing good housing projects. Here's what California can do about it](#)" (Open Forum, SFChronicle.com, Feb. 6): Your contributors failed to note, for instance, that the successful appeal of UC Berkeley's effort to build housing on People's Park did not oppose housing, nor was its proposed location "suitably zoned." The university's proposal would have destroyed a landmark on the National Register of Historic Places in one of the most under-parked areas in the nation.

The more housing we build, the more parks we need. Environmental review is not a "shenanigan" as the contributors claim, it is used rarely and costs developers less than the requirements for public art, according to a recent study by the [Rose Foundation](#).

Without the California Environmental Quality Act, discriminatory practices that disproportionately affect communities of color would have even less recourse.

*Carol Denney, Berkeley*

[Los Angeles Times](#), Feb. 2

**Why does UC Berkeley insist on destroying People's Park for housing?**

Your editorial, "[CEQA is too easily weaponized to block housing and slow environmental progress](#)," misses the core issue in the UC Berkeley People's Park case — the university did not analyze alternative sites, a fundamental requirement of the California Environmental Quality Act, not some minor omission.

Describing park defenders as NIMBYs is incorrect. Park defenders want more student housing, but we also want to save a National Register of Historic Places site. Supporters of the park are from every part of Berkeley and California.

The fear that blocking housing at People's Park will harm much-needed development is overblown. An [October 2021 report](#) commissioned by the Rose Foundation found no evidence supporting the assertion that CEQA is a major barrier to development.

Anyone sincerely interested in building student and supportive housing should request that UC Berkeley move ahead at an appropriate site, while preserving the much-needed public open space of People's Park.

*Harvey Smith, Berkeley. The writer is a historian with the People's Park Historic District Advocacy Group.*

[Los Angeles Times](#), Feb. 2

**Why does UC Berkeley insist on destroying People's Park for housing?**

CEQA saves lives. For many front-line communities impacted by the climate crisis, CEQA is the only pathway to secure vital public health protections during land development.

Your editorial highlights the potential misuse of this law by certain interest groups. But we must not weaken the law's essential safeguards, especially for low-income residents and communities of color who experience disproportionate burdens.

CEQA fosters public participation in land-use decisions and holds public agencies accountable to their communities. CEQA can prevent housing from being located around toxic sites.

Because of CEQA, warehouse logistics projects in Riverside County and elsewhere have reduced their emission of pollutants, agencies have amended decisions to drill oil wells near homes and schools, and oil companies have been required to reduce their noise and air-quality impacts.

We must keep CEQA strong for future generations.

*Jonathan Pruitt, Oakland. The writer is green zones program manager at the California Environmental Justice Alliance.*

[Los Angeles Times](#), Jan. 22

### **Don't blame CEQA for the fight over People's Park in Berkeley**

People's Park in Berkeley, with its storied past, is no typical park. It's also not a typical CEQA case. (["Berkeley's People's Park is again in a fight for the ages, now over UC student housing,"](#) Jan. 12)

The California Environmental Quality Act requires decision makers to evaluate and mitigate environmental harms when making major land-use decisions. In a state this large and diverse, with a law of such wide applicability, we're bound to see a few outlier cases.

For decades, CEQA has been extremely effective at improving development projects and minimizing their environmental harms. CEQA is the reason why new industrial development must consider the public health harms to adjacent communities, and why new communities must incorporate solar panels and electric vehicle chargers.

Thanks to CEQA, we have preserved the Santa Monica Mountains, Mono Lake and key wildlife habitat across the state. Whatever becomes of People's Park, let's not use it as the reason to throw the baby out with the bathwater and eliminate the core environmental protections that have made California an enviable place to live.

*Hallie Kutak, Los Angeles. The author is an attorney at the Center for Biological Diversity.*

[San Francisco Chronicle](#), Jan. 19

### **Cut the CEQA lobbying**

Regarding [“California legislators refuse to fix CEQA. Here’s how Newsom and the courts can take charge”](#) (Open Forum, SFChronicle.com, Jan. 14): As a plaintiff in CEQA cases, it’s clear to me that Chris Elmendorf’s opinion article about the California Environmental Quality Act misses the mark.

Elmendorf acknowledged that experienced CEQA practitioners have attempted procedural reforms, but were blocked from implementing them by powerful interests.

Instead of complaining about CEQA’s purported shortcomings, he’d do better to address the need for campaign finance reform. Right now, powerful lobbies like builders, developers and construction trade unions tie the Legislature up in knots.

Elmendorf would be more helpful if he focused on how to promote what’s good for the overall public rather than narrow interest groups.

*David Schonbrunn, president, Transportation Solutions Defense and Education Fund, San Rafael*

## [San Francisco Chronicle](#), Jan. 18:

### **CEQA law works**

Regarding [“California legislators refuse to fix CEQA. Here’s how Newsom and the courts can take charge”](#) (Open Forum, SFChronicle.com, Jan. 14): Chris Elmendorf’s invective against the California Environmental Quality Act echoes the talking points of a familiar, orchestrated statewide attack. It is short on facts and long on the hyperbole Elmendorf claims to decry. Empty pronouncements that “CEQA has brought California to a breaking point” and that its “lodestar is that development ... is always riskier than doing nothing” take calculated aim at a highly successful law.

Objective empirical studies, including one from the [Rose Foundation](#), demonstrate that CEQA is not impeding housing development. And the California Legislature continues to streamline or exempt infill housing while also attending to climate change, environmental justice and the wildfire threat.

Elmendorf presumes to direct Gov. Gavin Newsom and California courts to weaken regulations that implement our state’s foremost environmental law. And he dismisses the views of fellow professors who have worked for decades, in and out of academia, to enhance CEQA’s effectiveness. Critically, Elmendorf fails to recognize that environmental impact reports only address potentially significant impacts, not “everything under the sun.” Lesser impacts already require no review.

CEQA’s mandates continue to protect and improve California’s environment as they have for 50 years. The professor would do well to join ongoing, collegial efforts ensuring that CEQA continues to meet environmental challenges.

*Lope Yap Jr., vice president, George Washington High School Alumni Association; Harvey Smith, president, People’s Park Historic District Advocacy Group; Emil De Guzman, president emeritus, Manilatown Heritage Foundation; Robert Flynn Johnson, retired curator, Fine Arts Museum San Francisco; John Rothmann, president, George Washington High School Alumni Association; Terence Redmond and Gray Brechin*

[Marin Independent Journal](#), Jan. 18:

**Reader's Forum for Jan. 19, 2023: Fighting important CEQA law would leave sad legacy**

Dick Spotswood's recently published commentary ("[As leader in Sacramento, McGuire should oppose misuse of CEQA, push for reforms](#)," Jan. 11) is a tirade against the California Environmental Quality Act, our state's most effective environmental law. I found Spotswood's opinions both shocking and unwarranted.

Spotswood claims that CEQA "abuse" is needlessly slowing down development projects benefiting "rank-and-file Californians." But an empirical study commissioned by the Rose Foundation in 2021 shows the opposite.

In fact, CEQA has been amended frequently in recent years to streamline or exempt environmental review for worthy projects, including multifamily housing and other infill development. The law has also been updated to address serious crises like wildfires, climate change and environmental justice. The Rose study documents that the rate of litigation challenging projects undergoing environmental review is very low: only 2%.

Spotswood's suggestion that agencies should rush environmental review for freeway projects is particularly misguided. San Rafael identified serious environmental and public health issues related to the proposed Interstate 580 connector. City leaders urged officials to consider the project's air quality impacts that "may affect the health and wellness of residents in the project vicinity." City officials plan to ensure that the project does not exacerbate climate change but "support(s) state greenhouse gas reduction goals."

CEQA is our "look-before-you-leap" law. Environmental review takes time, but decision-makers and the public should understand a project's impacts, and mitigate those impacts, before they approve it. If the connector project moves forward, don't we want to protect affected communities?

Spotswood claims that state Sen. Mike McGuire could improve his legacy by taking the lead in CEQA "reforms" that would eliminate "miles of useless red tape." But McGuire has shown that he is committed to strong environmental protections for our state. It would be a sad legacy to weaken the law that has protected California's environment and communities for over 50 years.

*Susan Stompe, Novato*

[Marin Independent Journal](#), Jan. 17:

**Reader's Forum for Jan. 18, 2023: Focus on misuse for CEQA, not reformation**

In his recently published commentary ("[As leader in Sacramento, McGuire should oppose misuse of CEQA, push for reforms](#)," Jan. 11), IJ political columnist Dick Spotswood wrote that Sen. Mike McGuire needs to try to reform the California Environmental Quality Act as well as oppose its misuse.

I agree wholeheartedly with opposing misuse, but do not see justification for major reform. Having based my entire 42-year career on helping cities and counties conform with CEQA, I have seen it abused

many times by unions acting as if they cared for the environment when the underlying goal was to secure union jobs.

As with many regulations, there are abuses and these need to be curtailed. On the other hand, major reform is not needed and would be a huge setback for the public and the environment.

Rachel Hooper from the law firm of Shute, Mihaly and Weinberger recently gave an excellent presentation to the Marin Conservation League on the multiple reasons CEQA has been critical legislation. It has not significantly raised the cost of housing, as many would claim, nor caused unnecessary delays.

Most importantly, CEQA has allowed public participation in the development process and has resulted in better developments due to required mitigation measures. I've seen this happen for multiple Marin projects for which I've prepared CEQA documents, including the San Rafael High School master plan, the rebuilding of College of Marin and the BioMarin-Eden Housing project (pending) in San Rafael.

The most rewarding was the Bahia area of Novato, where our CEQA document addressed the travesty of a plan that would have allowed for over 500 homes to take out hundreds of unique blue oaks at the edge of the bay. Luckily, Marin Audubon and other conservationists were successful in turning this area into protected open space to be enjoyed by all.

CEQA needs to stay.

*Amy Skewes-Cox, Ross*

### [San Jose Mercury News, Jan. 16](#)

#### **Letters to the Editor for Jan. 17, 2023: CEQA is not the cause of the housing crisis**

Dan Walters' scaremongering Jan. 8 column claims that the California Environmental Quality Act (CEQA) "stymie[s] high-density, multi-family projects" ("[Environmental law's misuse blocking housing brings calls for CEQA reform](#)," Page A9). Walters wields a big bullhorn, but he is sounding a false alarm. Walters never mentions that CEQA actually provides exemptions for such housing, while protecting disadvantaged communities, public health and the climate.

CEQA wisely makes government officials pause and think before approving large development projects. For example, in the UC Berkeley case Walters cites, CEQA required the university to consider alternative housing sites before paving over a historic public park and displacing current residents. That is just smart.

Californians need to know that those seeking to weaken CEQA in the name of housing are promoting arguments that independent experts have resoundingly refuted. High land and construction costs, local zoning and other factors, not CEQA, are the root causes of our housing crisis.

*Gary Patton, Adjunct professor, UC Santa Cruz, Santa Cruz*

[San Jose Mercury News](#), Jan. 13

- ran in the [East Bay Times](#), Jan. 13
- ran in the [San Mateo Daily Journal](#), Jan. 17

**Letters to the Editor for Jan. 15, 2023: CEQA isn't holding up affordable housing**

In his recent column, Dan Walters falsely declares that the California Environmental Quality Act blocks affordable housing (“[Environmental law’s misuse blocking housing brings calls for CEQA reform](#),” Page A9, Jan. 8). His argument relies on inflammatory rhetoric rather than established fact. He ignores empirical studies by reputable authorities — [The Housing Workshop](#), [UC Berkeley Law](#), and [Association of Environmental Professionals](#) — finding CEQA is not a major impediment to housing.

Walters discusses a case in Livermore, twisting the facts to criticize CEQA. The lawsuit’s plaintiffs sought to halt an affordable housing project, alleging it conflicted with the city’s downtown plans and challenging the city’s use of a CEQA exemption. The court easily dismissed these arguments, ruling the project was exempt from CEQA.

Walters got it exactly backward: The Livermore case demonstrates CEQA’s affordable housing exemptions are working. With its strong set of categorical exemptions, CEQA allows affordable housing to be built, while adhering to its purpose of protecting public health and the environment.

*Rick Longinotti, Santa Cruz*

[San Jose Mercury News](#), Jan. 12

**Letters to the Editor for Jan. 13, 2023: CEQA is effectively serving its purpose**

Dan Walters’ Jan. 8 column (“[Environmental law’s misuse blocking housing brings calls for CEQA reform](#),” Page A9) seems to imply that the California Environmental Quality Act (CEQA) involves approval or denial of development proposals. But CEQA simply requires analysis, mitigation and public disclosure of those projects’ harmful environmental impacts. Furthermore, CEQA contains broad exemptions for multifamily affordable housing.

A prime example of how CEQA is working to protect the environment while also defending disadvantaged communities is the Sargent Ranch Quarry project that has been proposed on the sacred indigenous landscape of [Juristac](#). This open-pit sand and gravel mine would cause 14 separate significant and unavoidable impacts to the Juristac tribal cultural landscape, wildlife connectivity, air quality and scenic vistas.

Without CEQA, none of these devastating environmental impacts would have been analyzed or revealed to the public — or to the Amah Mutsun Tribal Band. Don’t be fooled by over-heated rhetoric; CEQA is working well.

*Alice Kaufman, Palo Alto*

## **The original columns:**

- [Los Angeles Times](#): Editorial: CEQA is too easily weaponized to block housing and slow environmental progress. LA Times Editorial Board, Jan. 30.
- [Los Angeles Times](#): Berkeley's People's Park is again in a fight for the ages, now over UC student housing. Teresa Watanabe, Jan. 12.
- [Marin Independent Journal](#): As leader in Sacramento, McGuire should oppose misuse of CEQA, push for reforms. Dick Spotswood, Jan. 10.
- [Mercury News](#): Gov. Newsom is blasting CEQA. What is it and why does it matter? Ethan Varian, March 6.
- [Mercury News](#): Walters: Misuse of environmental law to stop housing calls for CEQA reform. Dan Walters, Jan. 8.
  - Also ran in the [East Bay Times](#)
  - Also ran in the [Ventura Star](#)
- [San Francisco Chronicle](#): Fake environmental reviews are killing good housing projects. Here's what California can do about it. Rick Frank, Chris Elmendorf, Michael Lane, Feb. 6.
- [San Francisco Chronicle](#): California legislators refuse to fix CEQA. Here's how Newsom and the courts can take charge. Chris Elmendorf, Jan. 14.

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