



March 18, 2025

Hon. Catherine Blakespear, Chair
Senate Committee on Environmental Quality
1021 O Street, Room 3230
Sacramento, CA 95814

Subject: Oppose SB 607 (Wiener) - Revised

Dear Chair Blakespear,

Livable California strongly opposes Senate Bill 607. This bill would make major changes to the California Environmental Quality Act (CEQA). Since its founding in 2015, Livable California has reviewed hundreds of bills addressing housing and environmental quality. While we understand some legislators' frustration with the delay that CEQA review can sometimes entail, this bill is an egregious overreaction that would, so to speak, "throw out the baby with the bathwater."

The bill would make multiple major changes to CEQA. To begin with, Section 1 would create Section 21080.08. The new section would exempt from CEQA any zoning change that was consistent with the jurisdiction's approved housing element, except those allowing construction of a distribution center or oil and gas infrastructure. Of course, the housing element is primarily concerned with housing, and more specifically ensuring that there is a sufficient supply of housing. It is not primarily concerned with public safety, preservation of open space, adequacy of emergency access, preventing the spread of toxic materials, or numerous other issues that affect the environment. In short, consistency with the Housing Element does not ensure that a rezoning, whether or not involving housing, will have no adverse environmental impacts. Yet this short section would preclude study of impacts accompanying such zoning changes.

Section 2 would modify Section 21080.1, which defines not only the scope of environmental review under CEQA but the standard governing such review. In particular, it would add subparagraphs (2) and (3) to subsection a, which directs the type of CEQA review to be undertaken. The new subparagraph (3) would redefine the standard of review for a negative declaration or mitigated negative declaration to make the standard of review identical to that for a full Environmental Impact Report (EIR) – i.e., their approval must be upheld if any substantial evidence supports the approval decision. Yet, unlike an EIR, neither of these types of document contains the detailed analysis of possible environmental impacts that might justify applying such a deferential standard of review. Under subparagraph (3), there would never be any reason for an

agency to require an EIR. This short subparagraph would reduce CEQA to an empty shell.

Finally, Section 3 of the bill would require the Office of Land Use and Climate Innovation to redefine the urban Infill categorical exemption to include any area, regardless of the presence of existing urban uses, whose zoning designation is consistent with infill development. This could include not only housing, but also most commercial and industrial uses, with the sole exception of distribution centers or oil and gas infrastructure. For example, building a chemical plant, a private sewage storage and treatment facility, or a toxic waste storage and treatment facility would be exempt from CEQA review.

The Committee needs to reject this bill in its current form and return it to its author for a total rewrite and rethinking.

Livable California is a statewide 501(c)(4) non-profit, representing over 10,000 stakeholders. While LC is committed to the development of affordable housing, it seeks to prevent the weakening of the environmental protections provided by CEQA, which in fact can be valuable in making wise decisions on housing projects.

As a liberal Democrat from San Francisco, we believe Senator Wiener is capable of writing a far better bill than the current bill might indicate. We would be happy to work with Senator Wiener to revise his bill and allow us to withdraw our opposition.

Sincerely,

The Board of Directors of Livable California

A handwritten signature in black ink, appearing to read "Rick Hall", with a stylized, overlapping flourish.

Rick Hall, President
T Keith Gurnee, Member
Carey White, Member
Isaiah Madison, Member
Stuart Flashman, Esq., Member