

OPINION • Editorial

Broad CEQA reforms are needed, not just selective CEQA carve-outs



In this August 2016 file photo, the dome of the state Capitol glows in the early evening in Sacramento. (AP Photo/Rich Pedroncelli, File)

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In March, state Sen. Scott Wiener, D-San Francisco, introduced a new bill aimed at increasing housing density in California over the objections of cities that have resisted it.

Six weeks earlier, Wiener's attempt to densify neighborhoods near transit and jobs, Senate Bill 50, had been defeated. His new bill, Senate Bill 902, would have allowed construction of duplexes, triplexes and fourplex residential units "by right," that is, overriding local zoning rules that prohibit the higher-density construction.

SB902 was amended to allow local governments to pass new zoning ordinances that allow up to 10 units on any parcel located in an area designated as job-rich, transit-rich or urban infill. As an incentive to encourage cities to pass these new zoning ordinances, the law would declare that projects built under the new zoning ordinance would not be "a project" for the purposes of the California Environmental Quality Act. They would be exempt from CEQA review. SB902 has passed the Senate and advanced to the Assembly.

In the years since it was first signed into law by Gov. Ronald Reagan in 1970, CEQA has evolved into a weapon of political patronage and strong-arm tactics. The process of CEQA review is lengthy, expensive and unpredictable. Anyone would want an exemption from CEQA if they could possibly get one.

Lawmakers hand out exemptions for favored projects. The Sacramento Kings arena was one such project.

SB902 would extend this favoritism to developments that increase density in neighborhoods now zoned for single-family homes.

California has already enacted laws that allow the "by right" construction of additional density. Last year, Gov. Gavin Newsom signed Assembly Bill 68, creating a right to build two new units of rental housing on any single-family lot in California. The law prohibits cities from imposing conditions such as parking requirements or size and setback requirements that are more restrictive than state law.

Another bill introduced by Wiener with Senate President Pro Tem Toni Atkins, SB995, would expand "streamlined" CEQA requirements to more projects that have the support of the governor's office.

However, if the state government is serious about creating more housing in California, it should reform CEQA for everybody, and for every project.



There are good reasons to require environmental review of new projects and identify any potential impacts. However, it shouldn't become a "get out of jail free" card for politicians to hand out to developers who build politically favored projects, while it is allowed to continue to hold up every other project in costly review and potential litigation

CEQA has become a tool of central planning for the state government, with exemptions doled out depending on whether a project or types of developments are favored by Sacramento. That's not good lawmaking, especially considering that it's not all that difficult to find Democrats and Republicans alike agreeing that CEQA is often an unjustified barrier to development.

Former Gov. Jerry Brown once called CEQA reform "the Lord's work." It is a project that California should take seriously, and the sooner the better.

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