

Lockey, Heather@CNRA

From: Jerard Wright <jerard.wright@bizfed.org>
Sent: Thursday, March 15, 2018 8:34 PM
To: CEQA Guidelines@CNRA
Subject: CEQA Comments
Attachments: BizFed CEQA Comments March 15 - FINAL.pdf

Please see attached comments from BizFed. Thank you

Thank you

  **Jerard Wright, Policy Manager**
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 BizFed.org
Los Angeles County Business Federation
A grassroots alliance of 160+ diverse business groups mobilizing 325,000 employers



March 15, 2018

Christopher Calfee, Deputy Secretary and General Counsel
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

RE: CEQA Guideline Comments (RECOMMEND MODIFICATION)

Dear Deputy Secretary Christopher Calfee,

On behalf of BizFed, a grassroots alliance of more than 170 business organizations that represent 390,000 employers with over 3.5 million employees in LA County we are celebrating our tenth anniversary with a mission to lift one million people out of poverty in the next decade. One of the many opportunities to lift and prevent poverty in LA County are providing solutions that end litigation abuse of the California Environmental Quality Act (CEQA). Since 2013, the Los Angeles region accounts for 38% of all CEQA lawsuits statewide. Within those lawsuits; 40% of these lawsuits dealt with residential development and transportation infrastructure. Driving up the costs of building new housing or transportation infrastructure exacerbating our housing crisis where the production of new housing in the region has been significantly reduced. Coupling this reduction with the cost of litigation further drives up the cost of housing which prohibits occupations like teachers, nurses, public safety officers and younger professionals the ability to afford owning a home, essential for building generational wealth, incubating a stronger, vibrant and more resilient economy.

BizFed supports strong environmental and public health laws, and California's climate leadership. We also believe that our housing crisis, transportation gridlock, expanding homeless population, poverty and economic hardship that warrants urgent attention and creative solutions that must be implemented by all state agencies, including the Office of Planning and Research (OPR).

BizFed solutions fall under four themes that create the necessary reforms needed to improve compliance with CEQA and streamline the process; (1) Prohibit anonymous CEQA lawsuits allowing petitioners to conceal their identities and economic interests; (2) Prohibit duplicative CEQA lawsuits allowing parties to repeatedly sue over the same plan, or projects implementing a plan, for which CEQA compliance has already been completed, should be prohibited; (3) Establish a "mend it, not end it" approach of directing corrections to any deficient environmental study rather than vacating project approvals; and (4) Prohibit CEQA lawsuits against voter-approved infrastructure projects, and against projects receiving voter-approved approved funding (e.g., for homeless housing).

We have a stellar record of locally endorsing and supporting measures to fund homeless and affordable housing in Measure H, streamline housing approvals and production through local projects such as NetZero Newhall and stopped efforts from well funded donors to freeze plans in the city of Los Angeles in opposing Measure S. However, these projects and plans to provide desperately needed housing in existing communities is the top litigation target of CEQA lawsuits, compounding the unavailability and unaffordability of

BizFed's Member Alliance
Action Apartment Association
AIA - Los Angeles
Airlines for America
Alhambra Chamber
American Beverage Association
American Hotel & Lodging Association
Antelope Valley Board of Trade
Apartment Association, California Southern Cities
Apartment Association of Greater Los Angeles
Arcadia Association of Realtors
Asian American Business Women Association
Asian Business Association
Association of Independent Commercial Producers
Azusa Chamber
Beverly Hills Chamber
Beverly Hills / Greater LA Association of Realtors
BNI/SUCCESS
Burbank Association of Realtors
Building Industry Association, LA / Ventura Counties
Building Owners & Managers Association, Greater LA
Business & Industry Council for Emergency Planning & Preparedness
CalAsian Chamber
California Apartment Association, Los Angeles
California Asphalt Pavement Association
California Business Roundtable
California Cannabis Industry Association
California Construction Industry and Materials Association
California Contract Cities Association
California Employers Association
California Fashion Association
California Grocers Association
California Hotel & Lodging Association
California Independent Oil Marketers
California Independent Petroleum Association
California Life Sciences Association
California Metals Coalition
California Restaurant Association
California Small Business Alliance
California Sportfishing League
California Trucking Association
CALInnovates
Carson Chamber of Commerce
Carson Dominguez Employers Alliance
CDC Small Business Finance
Central City Association
Century City Chamber of Commerce
Cerritos Chamber
Citrus Valley Association of Realtors
Construction Industry Air and Water Quality Coalitions
Consumer Healthcare Products Association
Council on Trade and Investment for Filipino Americans
Culver City Chamber
Downey Association of Realtors
Downtown Long Beach Alliance
Downtown Pomona Owners Association
El Monte/South El Monte Chamber
Employers Group
Engineering Contractor's Association
F.A.S.T. - Fixing Angeles Stuck in Traffic
FilmLA
Foreign Trade Association
FuturePorts
Gateway to LA
Glendale Association of Realtors
Glendale Chamber
Glendora Chamber
Greater Antelope Valley ADR
Greater Lakewood Chamber
Greater Los Angeles African American Chamber
Greater Los Angeles New Car Dealers Association
Harbor Association of Industry and Commerce
Harbor Trucking Association
Hollywood Chamber
Hong Kong Trade Development Council
Hospital Association of Southern California
Hotel Association of Los Angeles
Independent Cities Association
Industry Manufacturers Council
Inglewood Airport Area Chamber
International Warehouse Logistics Association
Inglewood Airport Area Chamber
Investing in Place
Irwindale Chamber
Japan Business Association of Southern California
La Canada Flintridge Chamber
LA Media Lab
LAX Coastal Area Chamber
Leadership for Urban Renewal Network
League of California Cities
Local Search Association
Long Beach Area Chamber
Los Angeles Area Chamber
Los Angeles Black MBA Association
Los Angeles CleanTech Incubator
Los Angeles County Bicycle Coalition
Los Angeles County Board of Realtors and Real Estate
Los Angeles County Waste Management Association
Los Angeles Gateway Chamber of Commerce
Los Angeles Gay & Lesbian Chamber of Commerce
Los Angeles Latino Chamber
Los Angeles Parking Association
Maple Business Council
Motion Picture Association of America
MoveLA
NAIFA - OC
NAIOP Southern California Chapter
National Association of Royalty Owners
National Association of Tobacco Outlets
National Association of Women Business Owners
National Association of Women Business Owners, LA
National Hispanic Medical Association
National Latina Business Women's Association
Netherlands-America Foundation
Orange County Business Council
Pacific Merchant Shipping Association
Pacific Palisades Chamber
Panorama City Chamber
Pasadena Chamber
Pasadena-Foothills Association of Realtors
PHRMA
Planned Parenthood Southern California Affiliates
Pomona Chamber
Rancho Southeast Association of Realtors
Recording Industry Association of America
Regional Black - San Fernando Valley Chamber
Regional San Gabriel Valley Chamber
Rosemead Chamber
Rotary Club of Los Angeles
San Gabriel Chamber
San Gabriel Valley Civic Alliance
San Gabriel Valley Economic Partnership
Santa Clarita Valley Chamber
Santa Clarita Valley Economic Development Corp.
San Pedro Peninsula Chamber
Santa Monica Chamber
Santa Monica Junior Chamber
SCALE LA
Sherman Oaks Chamber of Commerce
South Bay Association of Chambers
South Bay Association of Realtors
Southern California Contractors Association
Southern California Golf Association
Southern California Grantmakers
Southern California Minority Supplier Development Council Inc.
Southern California Water Committee
Southland Regional Association of Realtors
Torrance Area Chamber
Town Hall Los Angeles
Tri-Counties Association of Realtors
United Chambers San Fernando Valley
United States-Mexico Chamber
Unmanned Autonomous Vehicle Systems Association
Valley Economic Alliance
Valley Economic Development Corp.
Valley Industry & Commerce Association
Vernon Chamber
Vietnamese American Chamber
Warner Center Association
West Hollywood Chamber
West Los Angeles Chamber
West San Gabriel Valley Association
West Valley/Warner Center Chamber
Western Manufacturers Association
Western States Petroleum Association
Westside Council of Chambers
Westwood Village Rotary Club
Wilmington Chamber
World Trade Center
Young Professionals in Energy - LA Chapter

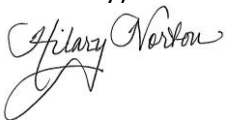
housing has been well documented by numerous studies including several reports from the non-partisan Legislative Analyst's Office with the state having a housing deficit of over 1 million homes. **Virtually all CEQA lawsuits targeting housing in LA County are aimed at stopping infill, multi-family, transit-oriented housing:** 98% of anti-housing CEQA lawsuits in the SCAG region targeted infill housing, more than 70% of such lawsuits targeted multi-family housing near transit, nearly 80% of these lawsuits targeted housing in wealthier and healthier parts of the County.

In LA County, BizFed members and voters supported and approved Measure M which is a \$120B transportation sales tax to fund and accelerate completion of a comprehensive multimodal transportation plan as well as supported and now protecting SB1 funds which are being used to support the improvement and modernization of our streets and highways. Unfortunately, transportation infrastructure is another top target of CEQA lawsuits that will hinder the completion of vital projects that create jobs and improve safety and efficiency of moving people and goods in LA County. A sobering fact that nearly half of all Caltrans EIRs are challenged based on a 2017 California Senate Committee study, and **more transit system projects were targeted by CEQA lawsuits than highways and roadways combined** in a statewide study examining all CEQA lawsuits filed between 2010-2012. Commuter gridlock has worsened, and people have been forced to drive ever longer distances to afford housing they can rent or buy, resulting in recent increases in vehicle miles travelled with corresponding increases in transportation emissions even as traditional pollutants from cars have fallen 99% below 1960's fleet averages. Major transportation projects area must be in regional plans for which EIRs have already been prepared, the California Air Resources Board reviews and approves such plans for compliance with SB 375 climate requirements.

Abuse of CEQA for non-environmental purposes by business competitors, NIMBYs opposed to change, and certain construction trade unions, has been well documented, and includes both threatened and filed CEQA lawsuits. CEQA fundamentally is biased in favor of stopping changes to the status quo. CEQA's status quo preservation bias has a disparate effect on minority communities, as well as younger Californians such as millennials, who are most urgently in need of more housing – and the transportation, infrastructure, and public services needed accommodate new housing. **The 2017 proposals constitute discrimination in violation of federal and state law.** To remedy these deficiencies, OPR must revise and re-issue modified proposed amendments to the CEQA Guidelines, correct its economic assessment, fully disclose the effects of its proposal to the environment and to the disparate impacts that CEQA's status quo bias has on minority and low-income communities, and prioritize drafting clear, unambiguous, and practical regulations to minimize CEQA's compliance costs and litigation risks. These modifications to the OPR 2017 Proposals are necessary to comply with law, and to address the housing and poverty crisis, and expedite completion of transportation and other critical infrastructure projects that have already had at least one completed round of CEQA compliance as well as voter and initial agency approvals. No state agency should hide within a silo of vague legalese to promote increased litigation risks and delays and do further harm to hard working minority and millennial families suffering from California's housing, poverty and transportation crises.

While making some improvements to the regulations implementing CEQA, many of the proposed guidelines introduce vague and expansive new requirements into CEQA that will increase litigation and litigation risks. None of the proposed new guidelines advance efforts in job creation, housing affordability or accelerating project delivery. Business is what makes our economy work and CEQA guidelines should reward instead of impeding that progress to help our economy and our environment thrive. Litigation abuse is one of the unattended consequences that negatively affects our economy because it introduces uncertainty which creates confusion with CEQA instead of compliance. Should you have any questions, please contact Jerard Wright, BizFed Policy Manager, at (323) 919-9424.

Sincerely,



Hilary Norton
BizFed Chair
Fixing Angelenos
Stuck in Traffic (F.A.S.T)



David Fleming
BizFed Founding Chair



Tracy Hernandez
BizFed Founding CEO
Impower, Inc.