April 14, 2025

The Honorable Scott Wiener
Member, California State Senate
1021 O Street, Suite 8620
Sacramento, CA 95814

RE: Senate Bill 607 (Wiener): Fast & Focused CEQA Act – SUPPORT
As Amended March 24, 2025

Dear Senator Wiener:

On behalf of the undersigned, we are pleased to support your Senate Bill 607, regarding the California Environmental Quality Act (CEQA). SB 607 makes targeted CEQA reforms to focus the law on environmental impacts, expedite review, and reduce the risk of costly (and lengthy) litigation.

Enacted in 1970, CEQA required public agencies to evaluate the environmental impact of proposed projects, disclose those impacts to the public, and mitigate them to the extent possible. As case law has developed over the years, CEQA has become overly complex. Combined with low barriers for challenging a project, CEQA can easily be manipulated, resulting in unnecessary lawsuits and delays for projects of all shapes and sizes. CEQA's exploitation for anti-competitive or non-environmental purposes has resulted in a deep frustration with a policy intended to protect communities and ecosystems, thereby undermining and corroding the law's original purpose.

SB 607 improves CEQA's clarity and efficiency without compromising environmental protection. In particular, SB 607:

- ***Removes duplicative environmental reviews*** – By exempting rezonings to implement an approved housing element, SB 607 avoids duplicative CEQA review. Most rezonings are discretionary actions subject to CEQA; however, local governments have typically already done extensive CEQA review for the housing element and/or general plan. As such, most CEQA reviews for re-zonings are duplicative of environmental reviews that already took place and merely provide another opportunity for project opponents to delay or kill housing projects.

- ***Focuses environmental review for project's that almost qualify for a CEQA exemption*** – Under existing law, a project that narrowly misses qualifying for an existing CEQA exemption must prepare a full environmental impact report, thereby significantly increasing environmental review costs and exposing the project to years of litigation. A project that would have otherwise been exempt from CEQA may simply have noise OR traffic impacts that disqualify it from the exemption. Alternatively, the project's average slope may just exceed the limits specified in the Class 5 Categorical Exemption OR the project may need to increase student capacity by 30%, rather than the 25% limit allowed under the Class 14 Categorical Exemption. Under SB 607, the project would only have to evaluate the single condition that makes the proposed project ineligible to use the exemption. This change will dramatically reduce CEQA costs and litigation risks while ensuring that environmental review focuses on the real environmental risks associated with the project.

- ***Expands the infill exemption to unincorporated areas*** – Under existing law, infill projects less than five acres in size that are substantially surrounded by urban uses and are consistent with the general plan and zoning designations can qualify for the Class 32 Categorical Exemption; however, the project must be located within city limits. Unfortunately, the Class 32 exemption cannot be used on projects located on unincorporated county lands, even if those county parcels are surrounded by a city or if the urban area chose not to incorporate. SB 607 simply allows the infill categorical exemption to be used on parcels that meet all the requirements of the Class 32 exemption but are on county lands. This change will avoid unnecessary CEQA review for projects that are otherwise identical to those the Secretary for Resources has already determined typically do not cause a significant effect on the environment.

- ***Aligns standards for judicial review of CEQA projects*** – SB 607 ensures that courts review environmental impact reports (EIR), negative declarations (ND), and mitigated negative declarations (MND) under the same standard. Currently, courts

have established a low bar for challenging a ND or MND, which has undermined the utility of those documents in favor of the much more cumbersome (and expensive) EIR. The "fair argument" standard under which NDs and MNDs are reviewed enables a project opponent to successfully challenge a project even though the record contained substantial evidence that the project would not have a significant effect on the environment.

- ***Avoids cluttering the administrative record with unimportant, tangential communications*** – SB 607 limits the scope of administrative records to those documents that were relevant to the decision-making process. This will de-clutter the administrative record and ensure that internal agency communications that were never presented to, considered, or relied upon by the decision-making body, are not part of the record. SB 607 will reduce the time and resources required to prepare the administrative record and avoid "gotcha" litigation that seeks to rescind a project approval because of communications that were not actually part of the agency's decision.

SB 607 seeks to restore balance to CEQA by focusing on a project's environmental impacts, avoiding duplicative environmental review, decluttering the administrative record, and reducing the risk of CEQA abuse. For these reasons, we are pleased to support SB 607.

Sincerely,

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cc: The Honorable Catherine Blakespear, Chair, Senate Environmental Quality Committee
Members of the Senate Environmental Quality Committee
Brynn Cook, Consultant, Senate Environmental Quality Committee
Scott Seekatz, Consultant, Senate Republican Caucus