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Environmental Laws Don't Impede Development

The biggest housing booms in state history have occurred under the California Environmental Quality Act. The measure is not the problem the building industry would like to make it out to be.

JP Theberge
July 29, 2019





The site of the Newland Sierra development near San Marcos. / Photo by Jamie Scott Lytle

San Diego County, like the rest of California, is facing an affordable housing crisis of unprecedented proportions. But in the push to build more housing, officials should be careful not to throw out laws that have long served the state and our region. Developers and polluters have for years pointed to the California Environmental Quality Act, or CEQA, as [an impediment to development](#) and industry. Instead of cleaning up their act to serve the people of California, they continue to push the same misinformation intended to weaken one of California’s most successful environmental laws.

Signed into law in 1970 by Gov. Ronald Reagan, CEQA protects the public from destructive impacts of development projects and gives people a voice on local land use decisions. With the fifth-largest economy in the world, [economic growth](#) in California has clearly not been hindered by CEQA. In fact, the [biggest housing booms](#) in state history have occurred

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CEQA requires that developers look closely at what negative impact

proposed projects may have on the environment or on public health and safety. It also gives every Californian a voice at the table, including low-income residents and residents in communities of color, who often [suffer the brunt of polluting industries](#) and poorly planned developments. CEQA functions to “identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds from being reached.”

Contrary to developer claims about CEQA, [study](#) after [study](#) have shown that litigation rates for CEQA are extremely low and that the state’s environmental laws are [not a major contributor](#) to the affordable housing crisis.

A [recent study](#) by the State Senate Environmental Quality Committee showed that for a recent five-year period (a total of 15,783 projects), less than 1 percent of projects were litigated. In San Francisco, a case study reviewing CEQA litigation conducted by the [attorney general’s office](#) showed 0.3 percent of

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hardly an obstacle.

Furthermore, CEQA has already been reformed many times. In fact, 334 sections have been added, amended or repealed since it was signed into law, half of which have occurred since 2002. And Section 21169.11 authorizes a court to impose a \$10,000 penalty on frivolous CEQA claims. So CEQA is not the problem the building industry would like to make it out to be.

Why is the question of CEQA reform being trotted out again lately? It's because CEQA is proving to be particularly pesky for sprawl developers (largely funded by out-of-town hedge funds) who [are doing everything in their power](#) to subvert the local will of the people through General Plan amendments to projects in more remote areas of the county. These projects require extensive CEQA analysis and are the kinds of projects most likely to be challenged in court as they attempt to change the democratically-developed General Plan of the jurisdiction to benefit a particular developer's project.

Some developers, like Newland Sierra (funding by Japanese investor, Sekisui House), have even gone as far as [lobbying the federal government](#) in D.C. to essentially bypass our local fish and wildlife regulators. There are dozens of harmful projects in the pipeline that will impact public health, create

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Problem
Teacher Was
Transferred
Six Times



in some of the highest risk wildfire corridors in the state.

Remember, San Diego County's recently approved General Plan was the result of years of painstaking consensus building and \$18 million in taxpayer dollars. This roadmap encourages naturally affordable housing by allocating housing in a denser village development model, closer to jobs and existing infrastructure and away from very high fire danger.

Projects that have adhered to the General Plan, such as Horse Creek Ridge and Harmony Grove Village, have faced fewer obstacles and have produced high-quality housing in villages that were planned for in the General Plan. Neither has been extensively opposed nor litigated and have been approved in a fraction of the time of the General Plan amendment projects. The developer behind Lilac Hills, on the other hand, has been trying for over 14 years to get its General Plan-amended project approved through a number of ways, including a deceptive ballot initiative that was overwhelmingly rejected by voters.

This kind of haphazard development flies in the face of what our region urgently needs. The real solution to the affordable housing crisis involves building infill and other entry-level housing, closer to infrastructure, near transit and employment centers — exactly the type of village-oriented development that the General



housing. All we need to do is follow the well-laid plans and focus on responsible development, transparent public input and smart land use planning to achieve our objectives.

JP Theberge runs a public opinion and market research company and is the director of Grow the San Diego Way, providing data and analysis on housing issues in San Diego County. He also serves on the board of San Diegans for Managed Growth, which is backing the Save Our San Diego Countryside ballot initiative.

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Opinion

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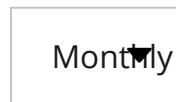
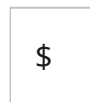
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Opinion

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