

The time is right to modernize the California Environmental Quality Act

Dan Wu and Carl Guardino, Santa Cruz Sentinel, 2-16-13

Wu is executive director of Charities Housing. Guardino is the chief executive officer of Silicon Valley Leadership Group.

The Santa Cruz Sentinel recently joined a growing chorus of newspapers throughout California that believe it's time to modernize the California Environmental Quality Act. Fortunately, our elected leaders in Sacramento also seem to be responding to the call.

Democrat Senate Pro Tem Darrell Steinberg has joined with Sen. Michael Rubio and others as part of a thoughtful, deliberative process to modernize CEQA. Gov. Jerry Brown has made CEQA modernization a priority, and he was recently joined by three former California governors and legislators from throughout California, both Republicans and Democrats, who are reaching across the aisle to advocate this important priority.

For the past 43 years, CEQA has served as a vital tool to protect our environment by ensuring that all proposed local development projects undergo a rigorous environmental review process and that the impacts of new projects on the environment are adequately mitigated. That part of CEQA shouldn't change.

However, today's CEQA is too-often abused by those who simply seek to stop projects, oftentimes for reasons that have nothing to do with environmental protection. For instance, in Santa Clara, CEQA was used by a NIMBY group to stall and ultimately stop a desperately needed transit-oriented affordable housing project for seniors simply because they didn't want the project in their neighborhood. Sometimes, just the threat of a costly CEQA lawsuit is enough to derail important community improvement projects.

In Santa Cruz, the threat of CEQA litigation has stalled for more than 10 years the Homeless Garden Project, a local effort to assist the homeless transition into permanent jobs and housing.

Elsewhere, CEQA has been abused to thwart affordable housing, renewable power, transit-oriented development, roads, schools, hospitals and other environmentally desirable projects. Clearly, after 40 years and countless abuses, it's time to modernize CEQA.

In the four decades since CEQA was passed, Congress and the Legislature have adopted more than 120 laws to protect the environment including air quality, water quality, species protection, greenhouse gas reduction, responsible land-use planning and more.

Compliance with California's stringent environmental standards should mean something. CEQA should be modernized to ensure projects that "play by the rules" and comply with all applicable environmental laws and standards aren't held up by meritless CEQA litigation that have little to do with the environment.

Contrary to some claims on these pages, no one is advocating that we weaken CEQA's requirement that proposed projects must undergo rigid environmental review, public participation and mitigation. Nor should we exempt any projects from CEQA review or weaken current environmental laws. And most everyone agrees that local governments and lead agencies should continue to have strong authority to require that project proponents

But when a project has met all required state, federal and local environmental laws, regulations, and planning, zoning and land-use requirements, it stands to reason that CEQA lawsuits shouldn't be brought to force additional concessions that go beyond environmental protection.

The legislative deliberations over what should, and should not, be contained in CEQA modernization will take a great deal of time and participation from diverse stakeholders across the spectrum. We're hopeful that the end product would result in an updated CEQA that continues to protect our environment, while also allowing for the type of responsible economic growth and job-creation we need in California.