July 17, 2018

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

RE: CEQA Guideline Revisions (OPPOSE)

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 is providing solutions that improve compliance and end litigation abuse of the California Environmental Quality Act (CEQA). We have previously submitted comments to the January 2018 version of proposed amendments to the CEQA Guidelines. We were disappointed that virtually none of our suggested revisions were made, nor were any of our concerns addressed.

BizFed’s comments that were submitted on March 2018 fell under four key 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;
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).

New revisions included in the July 2018 version further increase CEQA’s compliance costs and litigation risks. For example, our concerns about the addition of a new CEQA impact of driving even an electric car one mile, have increased further given the VMT mitigation workshop presentations that make clear your intention to impose thousands of dollars in new VMT-related mitigation costs, annually in perpetuity, on new housing and employment projects.

This new VMT impact requirement becomes effective in 2020, at which point projects requiring new discretionary agency approvals - even projects that already have development agreements and projects fully consistent with previously-approved EIRs - will be required to undergo a new CEQA process which goes against Principles #2 and 3 even though this new requirement is at no fault of the project applicant. To impose an annual and in perpetuity increase in housing costs, and impose the equivalent of a new employee tax,
without Legislative or judicial authorization is unlawful. It is also a shockingly regressive new government mandate on those already suffering from the housing crisis and creates a major new economic disincentive for new jobs.

We also object to other new changes, including for example a new applicant ownership disclosure mandate that is vague, impracticable, and appears aimed at affirmatively encouraging expanded use of CEQA to advance economic rather than environmental objectives. We hereby restate in full our prior comments and objections to these CEQA Guideline revisions, urge that you revise these Guidelines to address our earlier concerns, and reserve all rights to seek judicial as well as other remedies if these Guideline revisions are approved.

Sincerely,

Hilary Norton  
BizFed Chair  
Fixing Angelenos  
Stuck in Traffic (FAST)

David Fleming  
BizFed Founding Chair

Tracy Hernandez  
BizFed Founding CEO  
Impower, Inc.