



April 18, 2022

The Honorable Senator Benjamin Allen  
Chair, Senate Environmental Quality Committee  
1021 O Street, Suite 3230  
Sacramento, CA 95814

RE: SB 886 (Wiener)—California Environmental Quality Act: Exemption: Public Universities: University Housing Development Projects—OPPOSE

Dear Senator Allen:

The California Environmental Justice Alliance (CEJA) and Leadership Counsel for Justice and Accountability write to respectfully oppose SB 886 by Senator Wiener that would exempt housing projects by public universities from environmental review and public process under the California Environmental Quality Act (CEQA). CEJA is concerned that this bill would create harmful unintended consequences for vulnerable local communities, does not address the real barriers to creating adequate affordable housing for students, and continues to promote a dangerous false narrative that CEQA is a significant factor in California's housing crisis.

For many EJ communities and low-income residents across the state, CEQA is an important tool for advancing local environmental justice (EJ) in their neighborhoods and protecting the rights of communities disproportionately impacted by pollution and poverty. For members of our most vulnerable communities, CEQA provides one of the only tools to provide input on the environmental and associated health impacts, alternatives to, and appropriate mitigation measures for projects in their neighborhoods.

While CEJA is deeply concerned about the growing housing crisis for public universities across the state, this bill mistakenly targets CEQA as the problem and does not address the real barriers to creating abundant and affordable housing for students and faculty. A substantial body of research shows that CEQA is not a major barrier to housing development, and the number of CEQA lawsuits and the rate of CEQA litigation continue to

be low.<sup>1</sup> A number of complex factors continue to contribute to California's housing crisis, including high building costs; non-CEQA related neighborhood opposition; local government challenges; a lack of available and appropriate sites; and poor, improper, or absent planning at the local level—including by state universities. Additionally, many housing projects are already exempt from environmental review all together through using infill and affordable housing exemptions, as well as tiering from specific or community plans. The authors of the bill have not provided satisfactory evidence to support their assertion that CEQA lawsuits are a key barrier to university housing projects, or that exemptions will actually improve outcomes for students and faculty. The authors highlight high rates of homelessness among students as a motivation for this bill, yet the bill does not include any requirements for affordability, which will inevitably lead to the construction of market rate student housing that remains out of reach for many of these vulnerable students and only further limits housing opportunities for low-income residents of the communities where universities are located.

While the bill supporters point out that the Long Term Development Plans (LRDP) for UCs and master plans for CSUs and CCs include Environmental Impact Reports (EIRs), these are not an adequate substitute for more detailed environmental reviews of individual projects. Without a requirement to review the impacts of each project and meaningfully engage the community, CEJA believes this bill will have unintended impacts for the communities surrounding our state universities. SB 886 does not limit the exemption to property on the university campus, which could facilitate environmentally undesirable sprawl development, particularly at suburban campuses, and exacerbate patterns of racial and economic segregation. The lack of affordability requirements could exacerbate a pattern of market rate development that drives up costs for the surrounding area, indirectly displacing vulnerable members in the community. Additionally, although the authors assert that on-campus housing is inherently environmentally beneficial and will lead to residents walking to school and work, potential traffic impacts such as delivery vehicles for supportive services in the buildings still must be studied to avoid negative and polluting impacts. And the bill provides no guarantee that LRDPs will actually ensure compact pedestrian-oriented housing development.

The recent lawsuit against UC Berkeley has pushed CEQA into the news, and its opponents point to this as an example of CEQA as a barrier to development. While on the surface this bill may look like a promising remedy, we urge the Legislature to instead work toward policy solutions that address the true root of the student housing crisis - poor planning by universities to meet the needs of their growing campus populations, insufficient investment into affordable housing for low-income students and residents, and inadequate tenant

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<sup>1</sup> Rose Foundation for Communities and the Environment. [CEQA: California's Living Environmental Law](#). October 2021.

protections. Students need safe, affordable and healthy housing, but weakening CEQA is not a magic bullet and will instead further deteriorate protections for our most vulnerable communities.

For these reasons, CEJA must respectfully oppose SB 886. We sincerely appreciate your time and look forward to discussing solutions that address the true barriers to developing housing in California.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tiffany Eng', with a long horizontal flourish extending to the right.

Tiffany Eng, Interim Co-Director - Programs  
**California Environmental Justice Alliance (CEJA)**

A handwritten signature in blue ink, appearing to read 'Ashley Werner', written in a cursive style.

Ashley Werner, Directing Attorney  
**Leadership Counsel for Justice and Accountability**