



April 22, 2021

The Honorable Mike McGuire
 Chair, Senate Committee on Governance and Finance
 State Capitol, Room 408
 Sacramento, CA 95814

Re: SB 499 (Leyva): Land use element: uses adversely impacting health outcomes – OPPOSE

Dear Senator McGuire:

On behalf of the above business organizations in the Inland Empire, we write to express our opposition to SB 499, which would add a new prohibition on local governments from designating in their land use element any uses that have even the potential to have a significant environmental or human health impact to disadvantaged communities.

Although well intentioned, SB 499 will have substantial negative implications to housing and other land use development in California by creating an insurmountable standard to overcome. Prohibiting land uses on the mere potential of a significant impact, irrespective of feasible mitigation measures, sets a new standard that remarkably goes beyond even the California Environmental Quality Act (CEQA).

Key definitions that cities and counties must rely upon when considering what land uses to approve in their communities remain undefined. Namely, what constitutes a “racially and ethnically concentrated area of poverty” or how cities and counties will quantify “significantly degrade” are

not defined in SB 499, nor anywhere else under California law. Cities and counties need clear, objective standards when updating their land use elements in their General Plans. The ambiguity of creating a new prohibition on land use based on undefined terms creates unnecessary additional litigation risks for cities, counties and project applicants and could result in many housing projects being denied or litigated into oblivion.

The construction of almost any land use project could have the potential to cause significant impacts. That is why CEQA, California’s most protective environmental law, contemplates ways to proceed with building projects so long as all mitigation measures and reasonable alternatives are considered and adopted where feasible. SB 499 goes much further by amending California’s Government Code to prohibit land use development or expansion of an existing facility under a new “potential impact” standard. SB 499 does not provide a pathway even for projects that fully comply with CEQA that incorporate feasible mitigation measures reducing impacts to less than significant. Accordingly, SB 499 effectively overrides California’s premier environmental law, CEQA, by substantially restricting local governments’ land use authority to approve projects where potentially significant impacts were mitigated. In sum, SB 499 is an unprecedented change to California land use law with devastating outcomes for housing and other development in California.

For these reasons and others, we urge you to oppose SB 499. If you have any questions or would like to discuss our position in greater detail, please contact Luis Portillo at 909-944-2201 or by email at lportillo@ieep.com. Thank you.

Sincerely,

<p>Bette Rader Beaumont Chamber of Commerce</p>	<p>Ellen Clarke Big Bear Chamber of Commerce</p>	<p>Zeb Welborn Chino Valley Chamber of Commerce</p>
<p>Bobby Spiegel Corona Chamber of Commerce</p>	<p>Andrea De Leon Fontana Chamber of Commerce</p>	<p>Joshua Bonner Greater Coachella Valley Chamber of Commerce</p>
<p>Mark Creffield Greater High Desert Chamber of Commerce</p>	<p>Peggi Hazlett Greater Ontario Business Council</p>	<p>Cyndi Lemke Hemet San Jacinto Chamber of Commerce</p>

Chris Nielsen Highland Chamber of Commerce	Paul Granillo Inland Empire Economic Partnership	Maneesha Jones Menifee Valley Chamber of Commerce
Oscar Valdepeña Moreno Valley Chamber of Commerce	Patrick Ellis Murrieta/Wildomar Chamber of Commerce	Ignacio Valdivia Perris Valley Chamber of Commerce
Monique Manzanares Pomona Chamber of Commerce	Robert Hufnagel Rancho Cucamonga Chamber of Commerce	John Mills Redlands Chamber of Commerce
Emily Falappino Temecula Valley Chamber of Commerce	Peggy Robertson Upland Chamber of Commerce	

Cc: Assembly Member Connie Leyva