

POLICY WATCH – January 2023

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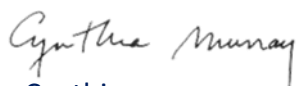


Welcome to 2023! We approach the new year with cautious optimism for a better year where we will see progress on addressing our challenges on housing, workforce, climate adaptation, economic competitiveness and transportation. In this issue, we look at one area that if fixed could make a big difference in getting more housing built – reforming the California Environmental Quality Act (CEQA). Recent court rulings have made CEQA an even bigger barrier to new housing and increased the importance of modernizing it. As Chris Elmendorf says, “The nub of the problem is that the law’s central premise doesn’t fit the great environmental problems of our day.”

We also look at the drought and why all the rain we received isn't ending it. Please read the article to see that capturing rainwater through more storage, groundwater recharge or capture at homes and businesses would have made a big difference in this latest bounty of rain being used to help get us through the dry periods of the year.

We also are calling for nominations for this year's Leaders of the North Bay awards, where we honor the outstanding leaders in five categories who contribute so much to our quality of life in this region. And we ask for your help in reaching teens aged 16 – 20 to encourage them to enter our Youth Power Speech Contest and win college scholarships. We want to hear more from the young people who will become the future leaders of the North Bay. Thank you for helping us find these current and future leaders!

Best,


Cynthia

Is this the Year CEQA Gets Fixed? If We Want More Housing It Needs to Be Done!

Dan Walters in [Walters: Misuse of environmental law to stop housing calls for CEQA reform](#), Mercury News ([Link](#)) lays out why it is imperative that we reform CEQA if we want to reach our housing goals. Walters says, “It’s well known that the California Environmental Quality Act, signed by then-Gov. Ronald Reagan in 1970 and meant to protect the natural environment in public and private projects, is routinely misused to stop or delay much-needed housing construction.”

He says, “Anti-housing NIMBYs in affluent communities misuse it to stymie high-density, multi-family projects, arguing that their neighborhoods’ bucolic ambience would be altered. And construction unions misuse it to extract wage concessions from developers.”

And getting to the crux of the matter, Walters says, “It’s a long-running civic scandal and a major factor in California’s chronic inability to reduce its severe housing shortage, one that cries out for CEQA reform, which former Gov. Jerry Brown once described as ‘the Lord’s work.’ But neither Brown or any other recent governor has been willing to take on the task, which would mean confronting environmental groups and unions, two of the Democratic Party’s major allies.”

And nibbling around the edges of improving CEQA isn’t helping. He says, “In the absence of comprehensive reform, governors and legislators sometimes grant CEQA exemptions for particular projects, such as sports arenas, or narrow categories of housing. However, CEQA misuse continues and the courts have become venues for battles over its application.”

Walters explains that “Two recent state appellate court actions in the crowded San Francisco Bay Area – one expanding the use of CEQA by those who oppose housing projects and another that restricts its use – underscore the law’s chaotic role.”

He says, “Just before Christmas, one panel of the First District Court of Appeal issued a preliminary ruling that could open a new avenue for using CEQA to halt projects. It declares that a University of California student housing development in Berkeley violates the law because UC didn’t consider the impact of having more people – 1,100 students – in the neighborhood, citing the potential of late-night parties and other gatherings that could worsen a ‘persistent problem with student-generated noise.’”

In other words, says Walters, “the court said that the presence of more people is an environmental impact – a novel theory that could hand anti-housing groups everywhere a potent weapon.”

As UC law professor Chris Elmendorf tweeted about the draft decision, “The court’s reasoning is devastating ammunition for racist white homeowners who would leverage CEQA to keep poor people and minorities out of their neighborhoods.”

For example, he continued, “using the court’s statistical-associations logic, white homeowners could argue that CEQA requires affordable housing developers to analyze and mitigate putative ‘gun violence impacts’ from any lower-income housing project in an affluent neighborhood. The homeowners would point to statistics showing that poor people, and African Americans and Hispanics, are statistically more likely than affluent people and whites to be victims of gun violence.”

Walters says, “A few days later, another panel of the same appellate court rejected efforts by a group opposing a 130-unit project in downtown Livermore, called Save Livermore Downtown, to employ CEQA. Attorney General Rob Bonta had interceded in the case, supporting the city’s approval of the project and its win in Superior Court.”

“Timing is critical for affordable housing projects, which often rely on time-sensitive funding sources like tax credits to finance development,” Bonta said while intervening, adding, “Our state is continuing to face a housing shortage and affordability crisis of epic proportions. CEQA plays a critical role in protecting the environment and public health here in California. We won’t stand by when it is used to thwart new development, rather than to protect Californians and our environment.”

After the appellate court action, Bonta tweeted, “CA’s housing crisis is dire. We won’t stand by and let people misuse our laws to avoid being part of the solution.”

Walters concludes, “The outcomes of both cases underscore the need for a fundamental CEQA overhaul to reinstate its original purpose, rather than continuing wasteful project-by-project skirmishes.”

Digging deeper into Chris Elmendorf’s article, [California legislators refuse to fix CEQA. Here’s how Newsom and the courts can take charge](#), San Francisco Chronicle ([Link](#)) he says, “The California Environmental Quality Act — colloquially known as CEQA — has long been considered the state’s flagship environmental law. Debate over whether CEQA deserves to retain that status, however, has grown heated in recent years. The nub of the problem is that the law’s central premise doesn’t fit the great environmental problems of our day.”

And Elmendorf points out that “CEQA’s lodestar is that development of any kind is always riskier than doing nothing.”

He says, “Whether we’re talking big infrastructure, green infrastructure, shelter or even university enrollment, CEQA puts a heavy thumb on the scale in favor of maintaining the status quo. If anyone musters a ‘fair argument’ that any physical change that a project might cause would have any locally adverse effect, then the project can’t proceed unless the sponsor undertakes an exhaustive study and mitigates all physical effects found to be ‘significant.’ Want to build apartments downtown? Better mitigate your shadows first!”

“By contrast,” says Elmendorf, “CEQA gives public agencies a free hand to reject projects without any study of the consequences of saying no. This paradigm would make sense if humankind inhabited an ecological Eden in which everything was perfect until we touched it. But the world we live in today requires substantial physical changes to remain habitable.”

“To avoid the worst of climate change, we must rapidly electrify the economy, which entails large-scale development of wind and solar farms, transmission lines and even lithium mines,” says Elmendorf. “To avoid catastrophic wildfires, we must set controlled burns over millions of acres annually. To provide affordable shelter — away from wildfires and from tidelands inundated by rising seas — we must build millions of new, denser homes in existing urban and suburban communities.”

He says, “Energy, fires, housing: One thing these projects have in common is that they usually annoy someone who lives nearby. And thanks to CEQA, any irritated neighbor with a lawyer can tie up a project by filing suit and arguing that the government should have provided more fulsome discussions of alleged impacts or recirculated the environmental review document for additional public comment or demanded further mitigation measures. Even if the plaintiff’s complaints are frivolous, such a lawsuit may be enough to kill or at least delay a project for years.”

Elmendorf warns, “It is not hyperbole to suggest that CEQA has brought California to a breaking point. Almost all of the electricity infrastructure we use today was built before CEQA — and it’s not enough. On fires, the state offers funding for controlled burns but land managers often turn it down because CalFire’s putatively streamlined CEQA process is just too onerous. And on housing, CEQA is the mother of all loopholes, enabling cities to delay indefinitely the very projects that state law says they shall not deny.”

CEQA modernization is overdue. If we are serious about building the housing we need and improving our infrastructure, now is the time to reform CEQA.

When Too Much Rain Isn’t Enough – The Drought Continues

In [Is California’s drought over? Here’s what you need to know about rain, snow, reservoirs and drought](#), by Alastair Bland, CalMatters ([Link](#)) Bland answers the question, “the wet and wild weather over the past dozen days won’t end [the drought](#), at least not yet, and it won’t undo the [driest period in the West in the past 1,200 years](#).”

There are several reasons why the massive amount of rainfall doesn’t end the drought. One key one is that we have failed to create more water storage. Jim Wunderman, CEO, Bay Area Council, points out, “A parade of atmospheric rivers is drenching California with an estimated 22 trillion gallons of rain, enough to cover the entire state in several inches of water. Tragically, we’re capturing only a fraction of it while \$2.7 billion approved by voters in 2014 to expand water storage sits largely idle. The seven projects included in Proposition 1 have the collective capacity to increase the state’s water storage by 900 billion gallons, enough to supply up to 2.7 million

homes for a year. But nearly five years after initial funding was awarded, none of the projects has yet broken ground.”

Wunderman continues, “It’s absolutely critical we accelerate these projects to begin storing water that can help us blunt future droughts. California and the federal government must work together on ways to streamline permits for infrastructure projects essential for adapting to climate change.”

According to Bland, “Regrettably, this rainfall has done little to help water supplies, for most of it has flowed into storm drains and either right into the ocean or into rivers that lead to it. The recent storms have highlighted the need to design and build stormwater systems capable of capturing runoff for landscape irrigation or even treated and used as drinking water. Such systems are expensive and take years to build. Santa Monica is one city that already captures urban runoff and treats it.”

Bland says, “Even sinking urban runoff into the ground via rain gardens and bioswales is a better option than letting it escape to sea. Unfortunately, much existing infrastructure, like concrete flood control channels, is designed to usher stormwater quickly off the landscape.”

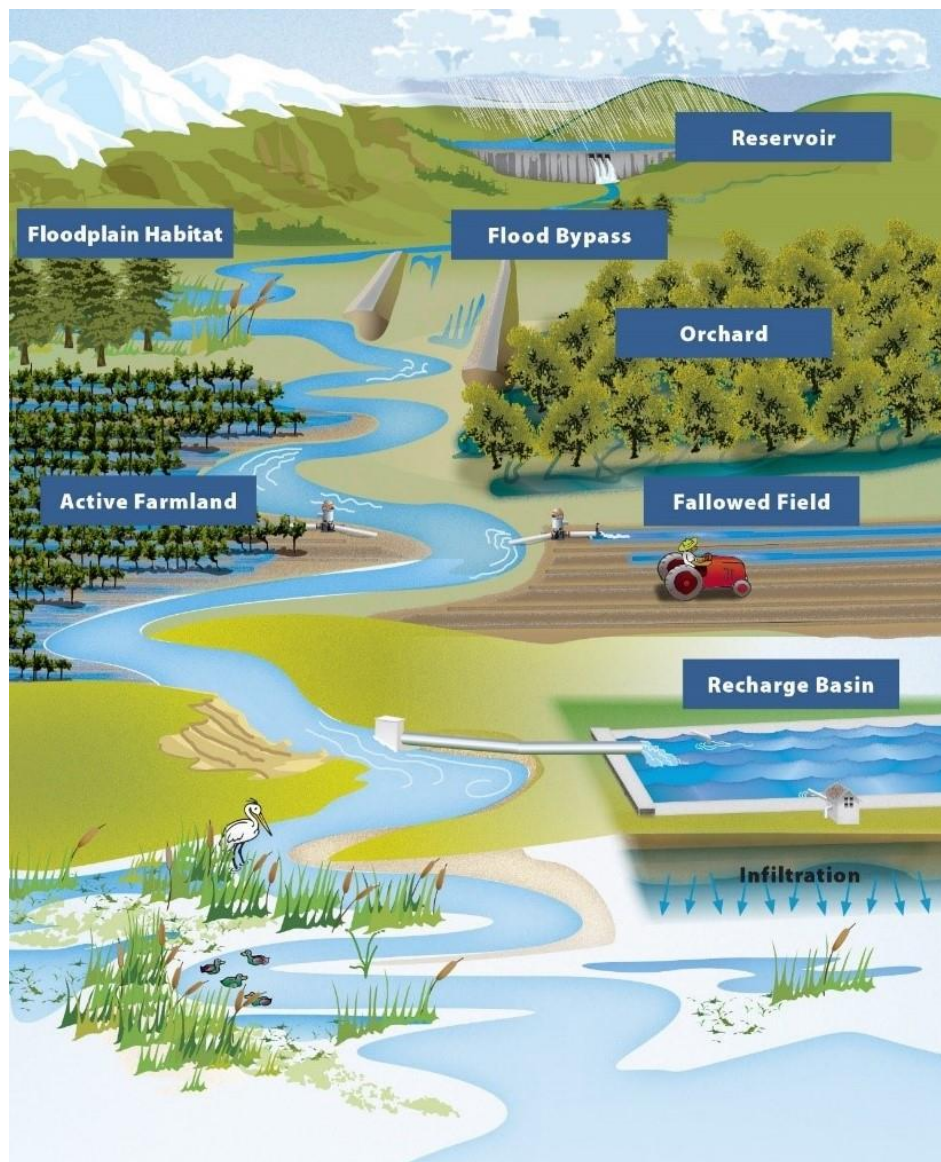
Another angle is rainwater capture. Sarah Doyle writes [Why isn’t rainwater capture more popular in Sonoma County’s wine industry?](#) (Press Democrat, [Link](#)) that “In Sonoma County, where the ebb and flow of drought is a familiar aspect of residency, rainwater capture is a fledgling practice among most residents and even fewer commercial businesses, including wineries and vineyards. In 2012, Gov. Jerry Brown approved the Rainwater Capture Act, authorizing residential, commercial and government landowners to collect, store and reuse rainwater for landscape irrigation, outdoor water features, industrial processing and other uses. In 2017, Sonoma County approved rainwater for potable use, including drinking and cooking — given certain safety protocols are met.”

Doyle says, “For residents interested in rainwater catchment, an abundance of resources and incentives exist from local organizations like the Sonoma Ecology Center, Gold Ridge and Sonoma resource conservation districts, Daily Acts, American Rainwater Catchment Systems Association, Sonoma Water and the Sonoma-Marin Saving Water Partnership. While harvested rainwater isn’t intended to be used by residents or businesses as a primary water source, it can help bridge the gap between the wet and dry seasons — especially during a drought.”

“The snowpack is an important natural storage system because when it melts, it feeds the State Water Project, which provides water to 27 million people and 750,000 acres of farmland. It fills reservoirs and keeps rivers icy cold – conditions required by spawning salmon. But climate change is disrupting this cycle. Snowpack averages have been declining at an alarming rate in recent years, either melting early in the season or not falling at all, and research suggests a future of frequent ‘low-to-no-snow’ years.”

In [USA – How California Could Capture Rain to Ease Floods and Future Droughts \(Link\)](#), we read about another option -- putting more water in the ground, where it could help to replenish groundwater supplies. “Managed recharge has been used for decades in many areas to actively replenish groundwater supplies. But the techniques have been gaining more attention lately as wells run dry amid the long-running drought. Local agencies have proposed more than 340 recharge projects in California, and the state estimates those could recharge an additional 500,000 acre-feet of water a year on average if all were built.”

“One method being discussed by the state Department of Water Resources and others is Flood-MAR, or flood-managed aquifer recharge. During big flows in rivers, water managers could potentially divert some of that flow onto large parts of the landscape and inundate thousands of acres to recharge the aquifers below. The concept is to flood the land in winter and then farm in summer.”



“Flood-managed aquifer recharge methods. California Department of Water Resources Flood-MAR is promising, provided we can find people who are willing to inundate their land and can secure water rights. In addition, not every part of the landscape is prepared to take that water.”

“You could inundate 1,000 acres on a ranch, and a lot of it might stay flooded for days or weeks. Depending on how quickly that water soaks in, some crops will be OK, but other crops could be harmed. There are also concerns about creating habitat that encourages pests or risks food safety.”

“Another challenge is that most of the big river flows are in the northern part of the state, and many of the areas experiencing the worst groundwater deficits are in central and southern California. To get that excess water to the places that need it requires transport and distribution, which can be complex and expensive.”

“While a single very rainy season could refill even the largest of California’s reservoirs, the same cannot be said of the Colorado River’s huge reservoirs. Lake Mead and Lake Powell, which hold 50 million acre-feet combined, have been declining for decades. Seven states and 40 million people — almost half of them in California — draw from these reservoirs, and even several wet winters in a row will not come close to refilling them.”

So, while our recent rain has been a blessing, we must continue to remember we haven’t gotten enough rain over a sustained period of time or created the needed ways to store water to end this long term drought.

Do You Know an Outstanding Leader? Please Nominate Them!



2023 LEADERS OF THE NORTH BAY

Call for Nominations of an Outstanding Leader or Organization

North Bay Leadership Council will honor outstanding organizations, individuals and teams or partnerships for their leadership in contributing to the prosperity and quality of life in Marin, Sonoma, and Napa Counties.

**Deadline:
March 17, 2023**

Nomination Form can
be found at:

www.northbayleadership.org
or email
info@northbayleadership.org

SAVE THE DATE:
**2023 LEADERS OF THE NORTH
BAY AWARDS LUNCHEON**
Friday, May 12, 2023
DoubleTree Hotel, Rohnert Park

Categories:

United We Stand

Community Building:
Recognition of leadership in corporate philanthropy or volunteerism, civic engagement and community impact.
2022 Honoree: Keith Woods, Exchange Bank

Paint the Community Green

Environmental Stewardship:
Recognition of leadership in green business, green building and/or environmental stewardship.
2022 Honoree: The Climate Center

The "Light Bulb" Went On

Innovative/Entrepreneurial Spirit:
Recognition of creativity, innovation and the entrepreneurial spirit.
2022 Honoree: Steve Dutton, Dutton Ranch

Empowering the Latinx Community

Leadership in the Latinx Community:
Recognition of efforts to empower and strengthen the Latinx community through education, job training, cultural awareness, and business development resources.
2022 Honoree: Canal WiFi Alliance

From Red Tape to Red Carpet

Leadership in Government:
Recognition of local governments that cut through red tape, eliminate barriers to economic growth, enhance efficiency of service, and improve the business climate through innovation and best practices.
2022 Honoree: Dr. David Wain Coon, College of Marin

For More Information Visit: www.northbayleadership.org

Enter the Youth Power Speech Contest and Win a College Scholarship

North Bay Leadership Council's 2023 Youth Power Speech Competition



**North Bay Leadership Council Wants to Hear
from Teen Leaders in the North Bay!**

*North Bay Leadership Council is hosting a **Youth Power Speech Competition** for students ages 16-20. The winning applicant will be chosen to be the keynote speaker at our annual Leaders of the North Bay Awards Luncheon and receive a college scholarship.*

Selected Competitors Receive:

First place: Wins the opportunity to deliver the **Key-note Speech** at our Leaders of the North Bay Awards luncheon and a receives a **\$5,000** scholarship
Second place: Receives **\$1,000** scholarship
Third and Fourth place: Receive **\$500** scholarships

Deadline to enter:

March 17, 2023

**For more information email:
info@northbayleadership.org**

www.northbayleadership.org

Members in the News

Side by Side's Annual Report 2021-2022 Out Now!

Side by Side has been doing incredible work in our community. Please read their annual report to see all of the progress and accomplishments made over the last years.

Keysight's Approach to Building a Better Planet Through Education

As a global corporation Keysight believes they have an obligation to be good community stewards.

Sonoma Raceway's Jill Gregory Honored at the 27th Annual WISE Women of the Year Luncheon

Women in Sports and Events (WISE), the leading voice and resource for women in the business of sports, will host its 27th WISE Women of the Year Awards Luncheon at the Ziegfeld Ballroom in New York City on March 15th honoring four recipients of its WISE Women of the Year award.

Dutra Names New CEO

Harry K. Stewart has been named the new CEO of San Rafael-based heavy civil marine contractor The Dutra Group.

Bank of America Tops the 2023 Just 100 Rankings

Just Capital's annual analysis ranks the largest public companies on issues the American public says in polling are the most important.

W. Bradley Electric Helps Ikea's Grand Opening with AV and Security Systems

The long-awaited IKEA will open on San Francisco's Market street in the fall of 2023 and WBE has been tasked with installing their AV and Security systems.

North Bay Children's Center President & CEO Susan Gilmore Selected to Present at the Early Years Climate Action Task Force Meeting

The Task Force is conducting several listening sessions to help them identify best practices for government, child-serving systems, businesses, not for profits, and philanthropy to mitigate, adapt and respond to climate change as it relates to young children.

The LIME Foundation's Letitia Hanke Says It's Time For A Renaissance Of Vocational Training And The Skilled Trades

Trade work affords students an additional pathway to success, providing them with opportunities to cultivate fulfilling careers without taking on an excessive amount of debt.

Sonoma State University Signs 'Promise' to Petaluma Schools

Local students will soon get the chance to be automatically admitted into Sonoma State University thanks to a newly minted agreement between university leaders and the Petaluma City Schools district.



Who We Are

Over thirty years ago, business leaders founded the North Bay Leadership Council on a simple premise: We can accomplish more by working together. Today, the Council includes 54 leading employers in the North Bay. Our members represent a wide variety of businesses, non-profits and educational institutions, with a workforce in excess of 25,000. As business and civic leaders, our goal is to promote sound public policy, innovation and sustainability to make our region a better place to live and work. For more information: Call 707.283.0028 / E-mail info@northbayleadership.org

www.northbayleadership.org