



Peninsula Community Planning Board
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The Honorable Akilah Weber Pierson

California State Senator, 40th District
State Capitol, Room 4048
Sacramento, California 95814

Members of the Senate Natural Resources and Water Committee
Members of the Assembly Housing and Community Development Committee

Re: OPPOSITION — SB 958 (Weber Pierson) as Amended — CEQA Exemption for Building Height Impacts

Dear Senator Weber Pierson and Committee Members:

The Peninsula Community Planning Board (PCPB) Project Review Committee (PRC), which provides community planning oversight for the Point Loma, formally opposes Senate Bill 958 as amended. While we acknowledge that the amendment substantially narrowed the bill's original CEQA exemption, the version that remains continues to exempt from environmental review the single impact of greatest consequence to our community: increased building height.

The Amended Bill Still Targets the Wrong Impact

The amendment removes the broad CEQA exemption that applied to a project's use and density but retains an exemption specifically covering height-related environmental impacts — including air circulation, noise and light refraction, wildlife impact and attraction, and geotechnical and hydrological effects. For the Midway District, these are not peripheral concerns. They are the central environmental questions raised by residents, the City, and federal authorities. A bill that exempts height impacts for this project exempts the most controversial feature of this project. That is not a compromise; it is the same outcome through a narrower door.

The Five Conditions Do Not Adequately Protect Against Misuse

The bill conditions the height exemption on five criteria, but each raises serious questions when applied to large, complex infill projects such as Midway Rising:

Condition 1 (Certified EIR for use and density): A certified EIR for an earlier project scope does not necessarily constitute adequate CEQA review for a substantially modified project. The Midway Rising project has evolved considerably from the scope originally analyzed. Reliance on a prior certified EIR should not automatically satisfy this condition.

Condition 2 (Previously graded infill site): Former Navy land in the Midway District contains documented subsurface complexities including contamination, legacy infrastructure, and unstable fill

materials. "Previously graded" is an insufficient standard to waive geotechnical review for towers of this magnitude scale and impacts on contaminated water migration and hydrology.

Condition 3 (No sensitive biological resources): The coastal zone adjacency of this site warrants independent biological assessment. Whether sensitive resources are physically present should not be self-certified by an applicant seeking an exemption. The project is 500 ft from the San Diego River floodplain and marsh areas which is a critical stopover point along the migratory Pacific Flyway.

Condition 5 (Prevailing wage/skilled workforce for large projects): This condition is a labor policy requirement, not an environmental one. Its presence signals that the bill is designed to satisfy a political coalition rather than to advance sound environmental review. More fundamentally, the prevailing wage and "skilled and trained workforce" requirements embedded in Condition 5 effectively function as a union labor mandate. Contractors and workers who are not affiliated with signatory trade unions are systematically disadvantaged in meeting these requirements, raising serious concerns about fair and open competition. A CEQA exemption should not be conditioned on labor arrangements that exclude qualified non-union workers and contractors. The Legislature should not conflate workforce policy preferences with environmental review standards, nor use CEQA as a mechanism to deliver labor market advantages to any particular segment of the construction industry.

The Bill Creates Problematic Statewide Precedent

SB 958 will not apply only to Midway Rising. Any project in California meeting the bill's five generic conditions will be entitled to this exemption. Future applicants near airports, military installations, coastal zones, and sensitive viewsheds will invoke SB 958 to avoid meaningful height impact review. The PCPB PRC urges the Legislature to consider the statewide implications of creating this precedent, not only its application to the project that appears to have motivated it.

Conclusion

The PCPB Project Review Committee respects the significant public interest in developing the Midway District and supports responsible, community-informed revitalization. However, environmental review under CEQA exists precisely to ensure that consequential impacts — including those associated with unprecedented tower heights in a dense urban community — receive rigorous, independent analysis before a project is approved. SB 958, as amended, would exempt those impacts from meaningful scrutiny, and use environmental law as a vehicle for unrelated labor policy objectives. We urge the Legislature to reject this bill and to pursue Midway District development through a transparent, complete environmental review process.

The PCPB PRC is available to provide further information or testimony. Please do not hesitate to contact us.

Respectfully submitted,

Eric Law
Chair, Peninsula Community Planning Board