



Peninsula Community Planning Board
1220 Rosecrans Street PMB 549
San Diego, CA 92106
pcpbsd@gmail.com

May 21, 2026

The Honorable Akilah Weber Pierson

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

Members of the Appropriations 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), which provides community planning oversight for the Point Loma area, formally opposes Senate Bill 958 as amended. While we acknowledge that the amendment 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 Bill Creates A Dangerous Precedent for Project-Specific CEQA Exemptions

Perhaps the most consequential harm of SB 958 is not what it does to the Midway Rising project specifically, but what it invites statewide. This bill would establish a legislative template for bypassing CEQA through project-specific exemptions — a tool that well-resourced developers and industries will not hesitate to use again. 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.

If SB 958 becomes law, the next large developer will arrive in Sacramento with a comparable argument: our project is of statewide economic importance, an EIR has already been completed, further review would only delay job creation. The Legislature will have already demonstrated its willingness to accept that logic. The Midway Rising exemption will be Exhibit A in every future lobbyist's brief. What SB 958 proposes is a one-off political carve-out for a single named project that its own environmental review found to have significant, unmitigated impacts.

The Amended Bill Still Targets the Wrong Impact

While the amendment did remove the broad CEQA exemption that applied to the project's use and density, it still 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 concerns 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 site's coastal zone adjacency and being located 500 ft from the San Diego River estuary, which is deemed a critical stopover along the migratory Pacific Flyway, warrants an independent biological assessment. An applicant seeking an exemption should not be able to self-certify whether sensitive resources are physically present.

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 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. 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.

CEQA Is the Right Process — Not an Obstacle to Remove

The PCPB 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, exempts those impacts from meaningful scrutiny, and use environmental law as a vehicle for unrelated labor policy. We urge the Legislature to reject this bill and to pursue Midway District development through a transparent, complete environmental review process.

The Peninsula Community Planning Board respectfully and unanimously opposes SB 958 and urges its defeat.

Respectfully submitted,

Eric Law
Chair, Peninsula Community Planning Board

Peninsula Community Planning Board
1220 Rosecrans Street, PMB 549, San Diego, CA 92106

www.pcpb.net
pcpbsd@gmail.com