

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 958 (Weber Pierson) – As Amended June 15, 2026

Policy Committee: Natural Resources

Vote: 11 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

SUMMARY:

This bill provides, for purposes of the California Environmental Quality Act (CEQA), that building height is not a significant impact on the environment for specified non-industrial infill projects.

Specifically, this bill prohibits the environmental impacts of a project that are associated with increased building height alone, including air circulation, noise and light refraction or reflection, or the potential to attract wildlife, from being considered significant impacts on the environment if the project meets the following conditions: the use and density of the project is otherwise analyzed in a certified environmental impact report (EIR); the project is on a previously graded infill site; there are no sensitive biological resources physically present on the site; the project is not an industrial use project; and for a project proposed to be constructed on a site greater than 40 acres that has an estimated construction valuation that exceeds \$100 million and that is subject to a project-specific EIR, the project must create high-wage, highly-skilled jobs that pay prevailing wages (as defined) and living wages, employ a skilled and trained workforce, and provide construction jobs and permanent jobs for Californians.

FISCAL EFFECT:

Negligible state costs.

COMMENTS:

1) **Purpose.** According to the author:

SB 958 is about providing clarity and certainty within the CEQA process while maintaining strong environmental protections. Recent court decisions have created confusion regarding how environmental impacts associated solely with increased building height should be analyzed, creating uncertainty for housing, mixed-use, and infill projects throughout California. This bill establishes a narrow and thoughtful clarification in state law to ensure that projects are evaluated based on meaningful environmental impacts rather than speculative claims tied only to height itself.

2) **Background.** This bill is intended to advance the Midway Rising project in the City of San Diego – which is to include a 16,000-seat sports arena, 14 acres of parks and public space, a

mixed-use entertainment, arts, and cultural district, and over 4,000 housing units (2,000 of which will be affordable at 80% below area median income).

The project is located within an area of San Diego that is subject to San Diego's Coastal Height Limit Overlay Zone, which was established by voters in 1972 and generally limits building heights to 30 feet west of I-5 to protect coastal views. In 2018, the city completed a program environmental impact report (PEIR) for the land use plans governing the area to enable development of the project. Because both the arena and several residential buildings exceeded the 30-foot height limit, the city submitted a ballot measure to voters in 2020 to raise the height limit for the project area. The city relied on the PEIR as the environmental analysis for the project. However, the Fourth District Court of Appeals invalidated that ballot measure because the PEIR did not consider potential environmental impacts of removing the height limit.

While that appeal was pending, in 2022, the city prepared a supplemental environmental impact report and approved a second ballot measure to remove the height limit from the same area. The Fourth District also invalidated the second ballot measure for similar reasons and went on to identify a litany of impacts that could be related to building height that were not examined in the PEIR.

- 3) **Support and Opposition.** The City of San Diego, the sponsor of this bill, argues the bill addresses a growing area of legal uncertainty “that has significant implications for housing production, infill development, local planning, and voter approved land use decisions throughout California.” By clarifying how environmental impacts associated solely with increased building height should be analyzed under CEQA when specified conditions are met, the city argues “this bill will help ensure greater predictability and consistency in the environmental review process while fully preserving CEQA’s robust environmental protections.”

Writing in opposition, the Peninsula Community Planning Board argues, among other things, that this bill will not apply only to Midway Rising; rather, 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.”

Writing in an oppose-unless-amended position, Audubon California argues this bill would have a significant impact on the state’s wildlife populations. The organization argues urban and migratory birds face high rates of collision with heightened buildings due to disorientation caused by artificial lighting and daytime window strikes. Audubon is requesting amendments to the bill that take the impact on birds and wildlife into consideration when discussing building heights.

Writing in an oppose-unless-amended position, the California Airports Council argues this bill “may inadvertently limit the consideration of airport land use compatibility and aviation safety concerns associated with increased building height near airports,” and is requesting an amendment to add the following condition to the bill: “The project is consistent with local Airport Land Use Compatibility Plans.”

- 4) **Proposed Amendments.** The committee and the author have agreed to amend the bill to add “shadow” to the list below:

21080.82. (a) For purposes of this division, the environmental impacts of a project that are associated with increased building height alone, including, but not limited to, air circulation, noise and light refraction or reflection, **shadow**, or the potential to attract wildlife shall not be considered significant impacts on the environment if the project meets all of the following conditions...

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