
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Blakespear, Chair

2025 - 2026 Regular

Bill No: SB 1145
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Version: 4/8/2026
Urgency: No
Consultant: Brynn Cook

Hearing Date: 4/22/2026
Fiscal: Yes

SUBJECT: California Environmental Quality Act: surplus land disposal requirements: exemption

DIGEST: This bill specifies that certain environmental review documents shall satisfy the requirements of the California Environmental Quality Act (CEQA) for any projects (meaning any changes to planning documents or specific projects) within the 5,000-acre identified in the Concord Reuse Project Area Plan, among other changes to law related to the project.

ANALYSIS:

Existing law:

- 1) Requires under CEQA that a lead agency determines whether a project is exempt from CEQA, or if it must do an initial study to determine if a project will have significant effects on the environment. If a project has no effect on the environment or effects that can be mitigated, the lead agency prepares a negative declaration (ND) or mitigated ND (MND). If the project will have significant impacts, the lead agency prepares an environmental impact report (EIR) to evaluate and propose mitigation measures for any effects on the environment, including impacts or likely impacts to land, air, water, minerals, flora, fauna, ambient noise, and historic or aesthetic significance. (Public Resources Code (PRC) §§21000 et seq.)
- 2) Specifies that when an EIR has been prepared for a project under CEQA, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:
 - a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report;
 - b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or

- c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available. (PRC § 21166).
- 3) Establishes and defines a Programmatic EIR (PEIR) in the CEQA guidelines as an EIR which may be prepared for a series of actions that can be characterized as one large project and are related either:
 - a) Geographically;
 - b) As logical parts in the chain of contemplated actions;
 - c) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or
 - d) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways. (California Code of Regulations (CCR) § 15168 (CEQA Guidelines))
 - 4) Establishes tiered CEQA review. When an EIR has been certified for a General Plan or a Specific Plan, the CEQA analysis of later projects can be limited to those significant effects that “are peculiar to the parcel or to the project” and that either were not addressed as significant effects in the plan’s EIR or that new information shows will be more significant than when the plan’s EIR was certified. (PRC§ 21083.3, CEQA Guidelines § 15183.)

This bill:

- 1) Specifies that an existing programmatic EIR for Concord Community Reuse Project Plan, an Environmental Impact Statement (EIS) under the National Environmental Protection Act (NEPA), and an initial study (the first step of CEQA review) for a related area plan, satisfy the requirements of CEQA for any project within the portion of the Concord Reuse Project Area Plan, if the project:
 - a) Does not involve an expansion of the geographic boundaries beyond the area plan;
 - b) Does not increase the total number of residential units within the plan area by more than 25% of the units identified in the area plan as of 2012;
 - c) Does not increase the square footage of commercial space within the plan area by more than 25% of the commercial space identified in the area plan as of 2012;
 - d) Will not result in any reduction of the aggregate 25% affordability requirement for the land covered by the area plan;
 - e) Has negotiated a project labor agreement (PLA) for the project; and

- f) Is subject to legally binding agreements with local homeless service providers.
- 2) Specifies that ‘project’ means:
 - a) Revisions to the plan documents;
 - b) Approval and revision of a specific plan covering all or a portion of the plan area;
 - c) Approval of a disposition and development agreement for conveyance of property within the plan area to developers; and
 - d) Approval of entitlements, permits, and other approvals for development within the plan area, including, but not limited to, subdivision map approvals, design approvals, affordable housing plans and agreements, tree removal permits, development agreements, improvement agreements, and assessment and financing districts.
 - 3) Specifies that if a project within the plan area satisfies the requirements listed above except that the plan increases the number of residential units or square footage of commercial space by more than 25 percent, any subsequent EIR does not need to include an analysis of alternatives or growth-inducing impacts of the project.
 - 4) Provides that the Surplus Land Act (SLA) does not apply to the disposal of all or any portion of land that was or will be conveyed by the federal government to a local reuse authority in accordance with the federal laws, or their successors, governing military base closure and realignment. The bill requires any action challenging the applicability of this exclusion to be brought within 90 days of the local reuse authority’s approval of a disposition and development agreement, purchase and sale agreement, or similar agreement regarding the disposition of all or any portion of the land by the local reuse authority, and not at the time of each subsequent conveyance or phased conveyance of the land.

Background

- 1) *The A, B, C’s of CEQA.* CEQA is designed to (a) make government agencies and the public aware of the environmental impacts of a proposed project, (b) ensure the public can take part in the review process, and (c) identify and implement measures to mitigate or eliminate any negative impact the project may have on the environment. CEQA is enforced by civil lawsuits that can challenge any project’s environmental review. Nonprofits, private individuals, public agencies, advocacy groups, and other organizations can all file lawsuits under CEQA.

- 2) *Environmental review under CEQA.* Under CEQA, projects (unless they have a specific exemption) must undergo environmental analysis. This process starts with an initial study which determines what level of further environmental review is needed for a given project. If a project has no significant effects on the environment, or if those effects can be fully mitigated, the project can move forward with a negative declaration (ND) or mitigated negative declaration (MND). If the initial study finds that the project has potential significant effects on the environment, then a full EIR is required. An EIR provides a more thorough environmental review of a proposed project, analyzing the significant direct and indirect environmental impacts of a proposed project on water quality, transportation, air quality and greenhouse gas emissions, terrestrial and aquatic biological resources, surface and subsurface hydrology, land use and agricultural resources, aesthetics, geology and soils, recreation, public services and utilities such as water supply and wastewater disposal, and cultural resources, among other factors.

The EIR also includes proposed mitigation measures for any significant effects that it identifies. It also requires a consideration of alternatives to the proposed project, and a consideration of growth-inducing impacts. These elements may be especially important for contextual planning of projects and plans:

- a) *Alternatives to the project* include a ‘no project’ alternative, that considers the impacts if the project wasn’t built at all, and a range of reasonable alternatives to the project that achieve the same outcome in different ways.
 - b) *Growth inducing impacts.* Typically, the growth inducing potential of a project would be considered significant if it fosters growth or a population concentration above what is assumed in local and regional land use plans or in projections made by regional planning. Significant growth impacts could also occur if the project provides infrastructure or service capacity to accommodate growth levels beyond those permitted by local plans and/or policies
- 3) *What is a Program EIR?* Some projects that are similar or constitute a sequence of events may be grouped together under an umbrella EIR called a Program EIR (PEIR). The CEQA guidelines specify that a Program EIR may be useful and appropriate for projects that are related geographically, as logical parts in a chain of actions, are connected to a set of rules, regulations, are plans related to a single program, or are a set of activities.

Program EIRs can be used in two ways. A PEIR can be so comprehensive and detailed that it covers every environmental consideration that could come up for all the projects nested under the program: for these types of PEIRs, no

further project-specific EIRs are needed. However, even if a PEIR cannot cover all environmental considerations for the projects that fall under its purview, the PEIR can still be used to cover environmental review for some aspects of those projects. In this case, the PEIR will be used in conjunction with a project-specific EIR that provides additional, site-specific analysis that was not included in the PEIR.

- 4) *Tiered CEQA for planning documents*: CEQA also allows tiering off of planning documents. The Planning and Zoning Law requires every county and city to adopt a general plan that sets out planned uses for all of the areas covered by the plans: local governments may adopt more granular specific plans or community plans. A brief description of these plans includes:
 - a) *General plans*. A general plan must include specified mandatory “elements,” including land use, circulation, conservation, open space, noise, safety, and housing. A general plan provides a long-term vision for the community’s growth, and includes goals, policies, and maps to guide decision making on zoning and particular projects. Cities’ and counties’ major land use decisions—including most zoning ordinances and other aspects of development permitting— must be consistent with their general plans. In this way, the general plan is a blueprint for future development.
 - b) *Specific plans*. Local agencies may also adopt specific plans that provide for the systematic implementation of a general plan in a particular area. Specific plans are an optional way to provide for the implementation of the general plan for all or a portion of a community. Specific plans are often appropriate for larger infill development opportunities. They allow a community to determine the mix of uses, densities and development standards that are suitable to the site or sites but that may not be applicable to the jurisdiction as a whole.
 - c) *Community plans*. Community plans address specific geographic areas of a city and build upon the more general citywide policies established in the general plan with policy recommendations that apply to the community and neighborhood level. Community plans provide the level of information and community-specific detail that is needed in order to review and assess proposed public and private development projects. While the community plan addresses community needs, its policies and recommendations must be consistent with the general plan, other community and resource plans, and citywide policies. Community plans also address other aspects of land use planning that are unique to their areas, such as mobility, community facilities, and urban design features and guidelines.

CEQA allows tiering review off these existing documents: for example, a specific project, like a sports arena project that is already considered in a

higher-level planning document (such as a specific plan), need only consider the aspects of the specific project that “are peculiar to the parcel or to the project” and that either were not addressed as significant effects in the plan’s EIR or that new information shows will be more significant than when the plan’s EIR was certified. Likewise, aspects of projects already considered in a broader General Plan don’t need to be re-reviewed in a more granular planning document, like a specific plan. Only the aspects of the project that are unique and have not yet been considered in the higher level plan would need to be evaluated in further environmental review (PRC§ 21083.3, CEQA Guidelines § 15183)

- 5) *NEPA and CEQA*. When projects have both a state and federal decision-making component, they are subject to both CEQA and NEPA (CEQA provides environmental review for projects by California public agencies, while NEPA ensures that federal agencies consider the environmental impacts of decisions they make). CEQA and NEPA can act in concert to ensure that there is robust environmental review baked into decision making. CEQA and NEPA follow different frameworks that make them distinct. Included among these differences is that NEPA does not require mitigation measures for significant impacts identified in environmental analysis, and the threshold for standing under CEQA is very low (and therefore more accessible to residents), compared to the standing required to bring a lawsuit under NEPA.
- 6) *Concord Community Reuse Project*. Located in the City of Concord, the Concord Naval Weapons Station (CNWS) was established by the Navy in the 1940s during World War II. Comprising 5,028 acres, the Inland Area of the base was deactivated in 1997, and in 2006, the Department of Defense selected the City of Concord to act as the local reuse authority for CNWS. In 2007, the Navy declared the property surplus to begin the process of transfer to the City of Concord. Closure of CNWS spurred the City and community to contemplate the reuse of the property. In 2012, the City adopted the Concord Reuse Project Area Plan, with the vision of a transit-oriented, mixed-use community, termed the Concord Community Reuse Project. The adopted Area Plan provides for over 12,000 housing units, 25% of which must be affordable for low-income households, and over 6 million square feet of commercial and employment-generating space of all types.

On March 19, 2024, the City of Concord approved a term sheet with master developer BCUS Acquisitions LLC (Brookfield) for development of the CNWS site. The term sheet sets forth the parameters for negotiating a disposition and development agreement (DDA) and a development agreement between the City and Brookfield governing the transfer of property to

Brookfield and the land use approvals for the site. The term sheet requires a variety of public benefits, including:

- a) Affordable housing. The project sets a 25% affordable housing goal. Brookfield will provide infrastructure and building pads valued at an estimated \$146 million to accommodate 3,068 low-income units. Additionally, Brookfield will contribute \$50 million directly toward affordable housing projects;
- b) Community facilities. Brookfield will donate land for a Veterans Hall (4 acres), homeless housing (4 acres), a Food Bank expansion (10 acres), and future schools (55 acres). Brookfield will also provide \$65 million for a Campus District Community Center/Library and up to \$10 million for fire stations;
- c) Parks and open space. Brookfield will donate 886 acres of developed parks and trails, contribute \$100 million for a Tournament Sports Park, and fund the phased restoration of the Mount Diablo Creek corridor.

The term sheet also provides for a Project Labor Agreement (PLA) with the Contra Costa Building and Construction Trades and the Nor Cal Carpenters Union and includes provisions prioritizing local hiring and business opportunities

- 7) *Environmental Review Documents for CNWS.* The Concord Community Reuse Project and the steps leading up to its planning have undergone environmental review under CEQA. This includes:
 - a) An EIR under CEQA for the Concord Community Reuse Project Plan prepared by the city (State Clearinghouse No. 2007052094) certified in February 2010;
 - b) An EIS under NEPA for the Disposal and Reuse of the Former Naval Weapons Station Seal Beach, Detachment Concord, prepared by the U.S. Department of the Navy issued in August 2017;
 - c) An addendum to the EIR for the Concord Community Reuse Project Plan approved in January 2012; and
 - d) A Concord Reuse Project Area Plan added to Concord's General Plan and approved in January 2012.

Comments

- 1) *Purpose of Bill.* According to the author, "SB 1145 provides specified streamlining procedures under the California Environmental Quality Act (CEQA) and the federal base closure and realignment disposition process for qualifying projects within the area of the Concord Reuse Project Area Plan (Area Plan), supporting implementation of a long-planned, transit-oriented

reuse of a portion of the former Concord Naval Weapons Station (CNWS) with housing, job-creating facilities, open space, and environmental improvements.

In 2010, after a multi-year process with substantial public input, the City certified an Environmental Impact Report (EIR) (State Clearinghouse # 2007052094) under CEQA and adopted the CNWS Reuse Plan. In 2012, the City adopted an Addendum to the EIR and approved the Area Plan, incorporating the Reuse Plan's policies and goals into the City's General Plan and establishing a land use plan that would transform former naval weapons storage facilities into a mixed-use, transit-oriented, and sustainable community. The Navy completed National Environmental Policy Act (NEPA) environmental review of the disposal and reuse based on the Area Plan and issued a Record of Decision in 2017. The Area Plan provides for the development of more than 10,000 housing units and requires 25 percent of units to be affordable to lower income households. The Area Plan also provides for up to approximately 6.1 million square feet of commercial space, community facilities such as school sites, neighborhood parks, and sports facilities, as well as extensive open space."

- 2) *What environmental review has the Concord Community Reuse Project undergone, exactly?* SB 1145 proposes that a number of existing environmental review documents for the Concord Reuse Project provide sufficient environmental review, so long as the project meets certain criteria, including that the total amount of commercial and residential areas don't change by more than 25%. What environmental review has been completed for this project so far?
 - a) An EIR for the Concord Community Reuse Project Plan prepared by the city (State Clearinghouse No. 2007052094) certified in February 2010 and its addendum in 2012. However, according to the lead agency's description of the Redevelopment Plan: *"the (plan) does not present a precise plan or establish specific projects for the redevelopment, rehabilitation, and revitalization of any area within the Project Area, nor does the Redevelopment Plan present specific proposals. Instead, the Redevelopment Plan presents a process and a basic framework within which specific plans will be presented, specific projects will be established, and specific solutions will be proposed, and provides certain tools to the Redevelopment Agency to fashion, develop, and proceed with such specific plans, projects, and solutions."*

The EIR for this project plan may be analogous to a program EIR: while the outlines of planning have been considered (e.g. how much land should

be allocated to different zoning), many further decisions are needed to “fill in” the outline and framework of the redevelopment plan.

- b) An EIS for the Disposal and Reuse of the Former Naval Weapons Station Seal Beach, Detachment Concord, prepared by the U.S. Department of the Navy issued in August 2017. The EIS examines the potential human and natural environmental consequences of the proposed action and any impacts associated with the reasonably foreseeable reuse of the property, and considers, from a 30,000 foot view, two alternatives for land use: a no action alternative, and an alternative where disposal of the surplus property and reused in accordance with the Concord Reuse Project Area Plan as adopted by the City of Concord. As discussed in the background, EIS’s are conducted through NEPA: while they offer important environmental insights, they are not equivalent to EIRs and comparing EIS and EIRs can be apples to oranges. Importantly, EIS’s do not require mitigation measures.
- c) An initial study (the first step of the CEQA process) for the Concord Reuse Project Area Plan approved in January 2012. The Area Plan reflects the Reuse Plan's goals and concepts developed with the community, but converts them into policies and standards for land use, transportation, environmental protection, labor agreements, affordable housing, and public safety. To organize all this information, the Area Plan consists of three books describing the overarching vision and standards, detailed policies, and a climate action plan. While this level of detail seems to address many of the concerns on granular planning information, SB 1145 does not specify that the environmental review for the entire plan shall constitute environmental review. Instead, it references only the initial study for the plan, the first step of the environmental review process.

The environmental review that has already been conducted for the CNWS is therefore equivalent to planning-stage environmental review, and under normal circumstances, more environmental review would be anticipated on the numerous discretionary choices that are still needed to ‘fill in’ the details outlined in the planning stage.

- 3) *What if the plan changes dramatically?* SB 1145 specifies that the planning-level environmental review in the Concord Community Reuse Project Plan, or the initial study of the Concord Reuse Project Area Plan (Area Plan) that was adopted into Concord’s General Plan satisfies the requirements of CEQA, and no further environmental review is needed for projects in the plan area (so long

as the footprint of residential/commercial sites doesn't change by more than 25%). However, SB 1145 defines 'projects' in this case to mean any changes to the plan as well as entitlements for specific projects. While those changes to the plan cannot shift the amount of residential or commercial use by more than 25%, all other changes to the plan seem to be left on the table.

By specifying that an existing EIR for a planning document satisfies the requirements of CEQA even if the plan changes substantially, this bill in essence creates a CEQA exemption for any development in the entire area covered in the footprint of the plan, so long as the project does not cause the amount of housing or commercial space to change by more than 25%. This could open the door to projects differing significantly from what was proposed in the existing planning documents.

More could be added to the project, without review. For instance, if the lead agency chose to add oil and gas drilling or heavy industrial use to the plan, those changes would not need to be contemplated in further CEQA review. Conversely, many of the desirable features of the proposed project could be removed as well. The author's statement highlights several key benefits provided by the Area Plan, including 25% of housing designated as affordable, 886 acres of dedicated parks, recreations and trails space, 10 acres for future food bank expansion, 4 acres for a veteran's hall, and restoration of the Mount Diablo Creek Corridor and trail creation.

Further clarity and guardrails are needed to ensure that any further CEQA exemptions for the project area are in line with the existing planning documents (and their environmental review).

To ensure that future CEQA exemptions contemplated in SB 1145 only apply to projects that align with the existing planning documents' environmental review, the author and committee may wish to strike the current parameters regarding CEQA exemptions on future projects and instead specify that:

The Final Environmental Impact Report for the Concord Community Reuse Project Plan and Addendum shall be conclusively presumed to satisfy the requirements of this division for any project within the plan area that is consistent with the plan and has the same land use types, and locations for those land use types, as adopted in the Final Environmental Impact Report for the Concord Community Reuse Project Plan and Addendum.

- 4) *And if it does change by more than 25%....* SB 1145 further provides that if there are projects or changes to the Area Plan that would change the allocation of residential and commercial use by more than 25%, the new plan or projects still wouldn't have to go through a full EIR. Instead, the project could move forward with an abbreviated version of an EIR that does not include consideration of alternatives to the proposed project, or of growth-inducing impacts.

Considering project alternatives and growth-inducing impact are important for planning stages of a document. For example, considering alternatives for a housing development on a parcel of land can be an important consideration (is this really the best place to put this development? Is this development needed to comply with existing planning documents for this area?) but the implications of that consideration are much more far-reaching when contemplating questions in a planning document (should an area be designated industrial or housing? How much land should be allocated to each use?).

Taking out project alternatives and growth inducing impacts for EIRs on planning documents for CNWS could limit important planning decisions for those projects that deviate significantly from the existing planning documents (changing the land use type, or location of that land use type from existing plans).

To retain important environmental review considerations for any projects that have different land use categories or different locations for existing land use categories than what was contemplated in the existing FEIR for the Concord Community Reuse Project Plan, the author and committee may wish to remove this provision.

Related/Prior Legislation

SB 1227 (Wiener, 2024) would have created a CEQA exemption for businesses in a designated area of downtown San Francisco until January 1, 2035.

SOURCE: Author

SUPPORT:

City of Concord
Contra Costa Building and Construction Trades Council
Contra Costa County

District Council of Iron Workers of the State of California and Vicinity
Smart, Sheet Metal Workers' Local Union No. 104

OPPOSITION:

East Bay Housing Organizations
Nonprofit Housing Association of Northern California
Public Interest Law Project
San Diego Housing Federation
Western Electrical Contractors Association

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