

SENATE THIRD READING

SB 611 (Richardson)

As Amended July 14, 2025

2/3 vote. Urgency

SUMMARY

Reenacts, as an urgency measure, provisions of law that prohibit a court from invalidating a development project that was approved under an updated community plan that is being litigated under the California Environmental Quality Act CEQA if the plan meets specified criteria.

Major Provisions

- 1) Prohibits a court, in any order that results from an action or proceeding to attack, review, set aside, void, or annul the acts or decisions of a local jurisdiction in adopting an update to a community plan on the grounds of noncompliance with CEQA, from invalidating, reviewing, voiding, or setting aside the approval of any development project for which either of the following applies:
 - a) The development project is approved before the court issues a stay in connection with the action or proceeding or an order or writ requiring the challenged environmental impact report (EIR) or community plan update to be rescinded or set aside; or,
 - b) The application for the development project is deemed complete, pursuant to the Planning and Zoning Law, before the court issues a stay, order, or writ described in a), above.
- 2) Provides that 1), above, applies to an update to a community plan that is adopted on or after January 1, 2025.
- 3) Provides that this bill does not do either of the following:
 - a) Affect or alter the obligation of a project that is consistent with an approved community plan update to comply with CEQA; or,
 - b) Except as expressly provided in 1), above, preclude or limit an action to attack, review, set aside, void, or annul the approval of a development project that is consistent with an approved community plan pursuant to CEQA.
- 4) Provides that this bill applies to a development project for which an application has been filed with, and accepted as complete by, the local jurisdiction on or before January 1, 2036.
- 5) Provides the following definitions:
 - a) "Community plan" means a plan that meets all of the following requirements:
 - i) The plan was adopted by a local jurisdiction for a defined geographic area within its jurisdictional boundaries;
 - ii) The plan serves as the land use element for the area covered by the plan, as specified;

- iii) The plan has not been updated for more than 10 years from the date the plan was adopted or last updated, whichever is later;
- iv) The plan includes two or more transit priority areas, as defined;
- v) The local jurisdiction that adopts the plan has adopted or amended, on or after January 1, 2015, a circulation or mobility element as a part of the general plan;
- vi) The local jurisdiction that adopts the plan has a housing element that includes housing capacity to sufficiently accommodate regional housing needs projects, as specified;
- vii) The local jurisdiction that adopts the plan has adopted a vehicle miles traveled threshold of significance for the area covered by the plan, as specified;
- viii) The area covered by the plan update is located within an urbanized area, as defined;
- ix) The local jurisdiction that adopts the plan has also adopted any required ordinances or regulations related to either of the following:
 - I) The designation of very high fire hazard severity zones, as specified; and,
 - II) Flood plain management in accordance with the National Flood Insurance Program; as specified.
- b) "Development project" means any project undertaken for the purpose of development. "Development project" includes a project involving the issuance of a permit for construction or reconstruction but not a permit to operate. "Development project" does not include any ministerial projects proposed to be carried out or approved by public agencies.
- c) "Local jurisdiction" means a city, county, or city and county.
- d) "Update" means a comprehensive amendment to a community plan that is intended to bring the community plan up to date with the most current land use policies and that includes amendments to both the plain text and plan land use map, as well as the adoption or amendment of any zoning ordinances necessary to bring zoning into consistency with the community plan.
- 6) Finds and declares that this bill addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this bill applies to all cities, including charter cities.
- 7) Provides that this bill is an urgency measure.
- 8) Makes associated findings and declarations.

COMMENTS

- 1) *Planning and Zoning.* The Planning and Zoning Law requires each city and county to prepare and periodically update a comprehensive, long-range general plan to guide future planning

decisions. The general plan has seven mandatory topics, commonly referred to as elements: land use, circulation, housing, conservation, open-space, noise, and safety. General plans must also either include an eighth element on environmental justice, or incorporate environmental justice concerns throughout the other elements. While state law mandates that general plans cover these specific topics, cities and counties have broad discretion in their structure, content, and level of detail.

Cities' and counties' major land use decisions—including zoning ordinances and development permitting—must be consistent with their general plans. In this way, the general plan is a blueprint for future development. The Planning and Zoning Law also establishes a planning agency in each city and county, which may be a separate planning commission, administrative body, or the legislative body of the city or county itself.

Local agencies may also adopt specific plans—also known as community plans—that provide for the systematic implementation of a general plan in a particular area. Specific plans are an optional way to guide land use planning and provide for the implementation of the general plan at the neighborhood level.

- 2) CEQA requires the state and local governments to study and mitigate, to the extent feasible, the environmental impacts of proposed projects. An agency that proposes to undertake a project that may have a significant impact on the environment must prepare an EIR to study the impacts and identify measures to mitigate those impacts. Community plans, like general plans, zoning ordinances, individual development projects, and others, are subject to CEQA's review, public process, and mitigation requirements.

There are statutory limits to CEQA review for certain types of projects. For example, CEQA applies only to discretionary agency decisions and not to ministerial (non-discretionary) decisions. For projects that require discretionary agency review, the review of a project under CEQA is limited if the parcel meets the following requirements:

- a) It is zoned or designated in a community plan to accommodate a particular density of development;
- b) An EIR was certified for that zoning or planning action; and,
- c) The project is consistent with the zoning or community plan.

Additionally, any residential development project or any zoning change that is consistent with a specific plan for which an EIR has been certified after January 1, 1980, is exempt from the requirements of CEQA.

- 3) *Judicial Review under CEQA.* CEQA provides for judicial review of CEQA actions taken by public agencies, following the agency's decision to carry out or approve the project. Challenges alleging improper determination of whether a project may have a significant effect on the environment, or alleging an EIR does not comply with CEQA, must be filed in the Superior Court within 30 days of filing of the notice of approval. If a court finds that a project didn't comply with CEQA, it must order the approving agency to do one of the following:
 - a) Void some or all of the CEQA decision, determination, or finding;

- b) Suspend any or all specific project activities that could result in an adverse environmental change, until the public agency has taken any actions needed to bring the determination, finding, or decision into compliance with CEQA; or,
 - c) Take specific action to bring the determination, finding, or decision into compliance with CEQA.
- 4) *City of Los Angeles Community Plans*. According to the City of Los Angeles City Planning website, the city's Land Use Element consists of 34 Community Plans that establish neighborhood-specific goals and implementation strategies to achieve the broad objectives laid out in the City's General Plan. Each Community Plan consists of a policy document and a land use map. The policy document lays out the community goals, policies, and programs, while the land use map identifies where certain uses (such as residential, commercial, and industrial) are permitted. Together, the policy document and land use map inform local zoning decisions.

28 of the 34 Community Plans have not been updated in the last ten years, though 14 are currently in the process of being updated. As discussed during the Assembly Local Government's "Introduction to the General Plan" Informational Hearing on March 12, 2025, updating general or community plans can take years due to community engagement, consultation with tribes and government agencies, the EIR process, and potential CEQA litigation.

- 5) *AB 1515 (Friedman) Chapter 269, Statutes of 2019*. Major land use changes can be controversial and are often litigated under CEQA. Responding to concerns that litigation during the community plan update process could create uncertainty over whether the old community plan or the updated plan would be in effect, the Legislature enacted AB 1515 (Friedman), which prohibited a court from invalidating a development approval that was granted based on an updated community plan that meets specified criteria, if the development was approved or had a complete application prior to the community plan being invalidated. The purpose of this measure was to allow development to proceed during the litigation process over updated community plans without fear that a court would halt projects in progress. AB 1515 sunset on January 1, 2025.

According to the Author

According to the author, "SB 611 ensures the timely execution of community development projects by restoring legal protections that prevent court challenges under the CEQA from invalidating approved projects. By extending these protections until 2036, SB 611 provides certainty for developers and communities, ensuring that legally permitted projects can proceed even when broader community plans are contested. This bill is particularly critical in cities like Los Angeles, where housing shortages and homelessness remain urgent concerns. The reinstatement of these provisions aligns with California's broader goals of increasing housing supply and streamlining development. By preventing costly and time-consuming legal battles from halting essential projects, SB 611 supports economic growth, job creation, and the development of sustainable communities."

Arguments in Support

The Office of Los Angeles Mayor Karen Bass, sponsor of this bill, states, "Under current law, if a community plan is legally challenged under CEQA, a court may rescind or hold permits needed

to implement the plan. Such challenges can significantly delay the implementation of plans, even if they align with state and local environmental and housing goals. In Los Angeles, timely execution of community plans is crucial to addressing the ongoing housing crisis. For example, the latest Hollywood Community Plan includes provisions facilitating 30,000 new housing units, which could be significantly delayed without the restoration of the provisions of AB 1515 (2019-2020).

"SB 611 aims to restore the protections provided by AB 1515, allowing community plans to be adopted even if they face litigation under CEQA. This bill will extend these provisions until January 1, 2036 with an urgency clause, citing California's ongoing housing and homeless crisis. By restoring these provisions, SB 611 will facilitate timely approval and implementation of development projects critical to meeting our housing needs."

Arguments in Opposition

Livable California, with an 'oppose unless amended' position, states, "AB 1515 was intended to temporarily insulate the County of Los Angeles from the damaging effects of having allowed its community plans, plans that supplement the general plan for various portions of the county, to become outdated. It prevented a successful challenge to the EIR for an updated community plan from also invalidating the approvals of projects relying on the updated community plan.

"While LC agrees that essentially shutting down development until the EIR for the updated plan passes muster would be draconian, simply extending what was intended to be a temporary waiver of the required consistency for another ten years would only reward continued delay.

"LC believes a better approach would be to allow the County to announce its intent to update a community plan. That would trigger a five-year 'grace period' for preparation, approval, and possible litigation on the validity of the revised plan. The provisions of Section 65458 et seq. would apply during that time. With the expiration of the five years, the community plan would be expected to be completed and valid. This would give the County an incentive to complete revisions expeditiously."

FISCAL COMMENTS

None.

VOTES

SENATE FLOOR: 39-0-1

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNeerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Reyes

ASM LOCAL GOVERNMENT: 10-0-0

YES: Carrillo, Ta, Hoover, Pacheco, Ramos, Ransom, Blanca Rubio, Stefani, Haney, Wilson

ASM JUDICIARY: 12-0-0

YES: Kalra, Dixon, Bauer-Kahan, Bryan, Connolly, Harabedian, Macedo, Pacheco, Papan, Sanchez, Stefani, Zbur

UPDATED

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