

Date of Hearing: July 14, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

SB 830 (Arreguín) – As Amended July 10, 2025

SENATE VOTE: 37-0 (not relevant)

SUBJECT: California Environmental Quality Act: administrative and judicial streamlining
benefits: hospital: City of Emeryville

SUMMARY: Establishes expedited administrative and judicial review procedures under the California Environmental Quality Act (CEQA) for an “environmental leadership hospital campus project” in the City of Emeryville, requiring the courts to resolve lawsuits within 270 days, to the extent feasible.

EXISTING LAW:

- 1) CEQA requires lead agencies with the principal responsibility for carrying out or approving a proposed project to prepare a negative declaration, mitigated negative declaration, or environmental impact report (EIR) for this action, unless the project is exempt from CEQA (CEQA includes various statutory exemptions, as well as categorical exemptions in the CEQA guidelines). (Public Resources Code (PRC) 21000 *et seq.*)
- 2) Authorizes 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 that 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. The courts are required to give CEQA actions preference over all other civil actions. Requires the court to regulate the briefing schedule so that, to the extent feasible, hearings commence within one year of the filing of the appeal. Requires the plaintiff to request a hearing within 90 days of filing the petition. Requires the court to establish a briefing schedule and a hearing date, requires briefing to be completed within 90 days of the plaintiff's request for hearing, and requires the hearing, to the extent feasible, to be held within 30 days thereafter. (PRC 21167 *et seq.*)
- 3) Pursuant to AB 900 (Buchanan), Chapter 354, Statutes of 2011, as reenacted by SB 7 (Atkins), Chapter 19, Statutes of 2021, establishes procedures for expedited judicial review (i.e., requiring the courts to resolve lawsuits within 270 days, to the extent feasible) for “environmental leadership development projects” certified by the Governor and meeting specified conditions, including Leadership in Energy and Environmental Design (LEED) Gold-certified infill site projects achieving transportation efficiency 15% greater than comparable projects and zero net additional greenhouse gas (GHG) emissions, clean renewable energy projects, and clean energy manufacturing projects. (PRC 21178 *et seq.*)

THIS BILL:

- 1) Requires the Emeryville City Council to certify an eligible hospital project for streamlining (i.e., expedited administrative and judicial review) if the city finds the following conditions will be met:
 - a) The project will result in an investment of at least one billion dollars in California upon completion.
 - b) All new buildings within the project will use electricity for the buildings' energy needs.
 - c) The project applicant has provided the lead agency with a binding commitment for both of the following:
 - i) The energy demand of the hospital facility will be met by carbon-free energy resources.
 - ii) The purchase of at least three electric buses for use by local transit providers.
 - d) The project provides an amount of electric vehicle charging stations that meets or exceeds the amount required by law and that will provide charging for electric vehicles free of charge.
 - e) The project has a transportation management program that, upon full implementation, will achieve and maintain a 15 percent reduction in the number of vehicle trips by employees as compared to operations of the hospital campus absent the transportation demand management program.
 - f) The project will achieve a reduction in vehicle miles traveled per capita of at least 15 percent compared to existing development.
 - g) The project will obtain certification as LEED gold standard or better for all new construction that is eligible for LEED certification.
 - h) The project does not result in any net additional GHG emissions, including, but not limited to, from employee transportation, as specified.
 - i) If measures are required to mitigate significant environmental impacts in a disadvantaged community, those impacts will be mitigated consistent with CEQA and the mitigation measures will be undertaken in, and directly benefit, the affected community.
 - j) The project will generate at least 500 jobs during construction.
 - k) The project creates high-wage, highly skilled jobs that pay prevailing wages and living wages, employs a skilled and trained workforce, as defined, provides construction jobs and permanent jobs for Californians, and helps reduce unemployment. These requirements do not apply to a contractor or subcontractor performing work that is subject to a project labor agreement.
 - l) The project applicant demonstrates compliance with specified recycling requirements.

- m) The project applicant agrees that all mitigation measures required pursuant to CEQA and any other environmental measures required by this bill shall be conditions of approval of the project, and those conditions will be fully enforceable by the lead agency.
 - n) The project applicant agrees to pay any additional costs incurred by the courts in hearing and deciding any case subject to this section, including payment of the costs for the appointment of a special master if deemed appropriate by the court, in a form and manner specified by the Judicial Council.
 - o) The project applicant agrees to pay the costs of preparing the record of proceedings for the project concurrent with review and consideration of the project pursuant to this division, in a form and manner specified by the lead agency for the project.
- 2) Requires the Judicial Council to adopt a rule of court to establish procedures that require resolution, to the extent feasible, within 270 days, including any appeals, of a lawsuit challenging the certification of the EIR or any project approvals.
 - 3) Makes related findings.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Background.** CEQA provides a process for evaluating the environmental effects of applicable projects undertaken or approved by public agencies. If a project is not exempt from CEQA, an initial study is prepared to determine whether the project may have a significant effect on the environment. If the initial study shows that there would not be a significant effect on the environment, the lead agency must prepare a negative declaration. If the initial study shows that the project may have a significant effect on the environment, the lead agency must prepare an EIR.

An EIR must accurately describe the proposed project, identify and analyze each significant environmental impact expected to result from the proposed project, identify mitigation measures to reduce those impacts to the extent feasible, and evaluate a range of reasonable alternatives to the proposed project. If mitigation measures are required or incorporated into a project, the agency must adopt a reporting or monitoring program to ensure compliance with those measures.

Generally, CEQA actions taken by public agencies can be challenged in superior court once the agency approves or determines to carry out the project. CEQA appeals are subject to unusually short statutes of limitations. Under current law, court challenges of CEQA decisions generally must be filed within 30-35 days, depending on the type of decision. The courts are required to give CEQA actions preference over all other civil actions. However, the schedules for briefing, hearing, and decision are less definite. The petitioner must request a hearing within 90 days of filing the petition and, generally, briefing must be completed within 90 days of the request for hearing. There is no deadline specified for the court to render a decision.

In 2011, AB 900 and SB 292 (Padilla), Chapter 353, Statutes of 2011, established expedited CEQA judicial review procedures for a limited number of projects. For AB 900, it was large-

scale projects meeting extraordinary environmental standards and providing significant jobs and investment. For SB 292, it was a proposed downtown Los Angeles football stadium and convention center project achieving specified traffic and air quality mitigations. For these eligible projects, the bills provided for original jurisdiction by the Court of Appeal and a compressed schedule requiring the court to render a decision on any lawsuit within 175 days. This promised to reduce the existing judicial review timeline by 100 days or more, while creating new burdens for the courts and litigants to meet the compressed schedule. AB 900's provision granting original jurisdiction to the Court of Appeal was invalidated in 2013 by a decision in Alameda Superior Court in *Planning and Conservation League v. State of California*. AB 900 was subsequently revised to restore jurisdiction to superior courts and require resolution of lawsuits within 270 days, to the extent feasible.

As part of their expedited judicial review procedures, these bills required the lead agency to prepare and certify the record of proceedings concurrently with the administrative process and required the applicant to pay for it. It was commonly agreed that this would expedite preparation of the record for trial. Since 2011, several additional bills have provided similar project-specific concurrent preparation procedures. In addition, SB 122 (Jackson), Chapter 476, Statutes of 2016, established an optional concurrent preparation procedure for any CEQA project, subject to the lead agency agreeing, and the applicant paying the agency's costs.

To date, approximately 30 projects have been eligible for expedited review under AB 900 and the several project-specific bills enacted since 2011. Many of these projects have not proceeded to final approval and construction, and only four projects have been challenged in court. Of those four cases, two were high-profile arena projects, one was a luxury condominium tower, and one is the reconstruction of the Capitol Annex. A review by the Senate Office of Research indicates the following timelines for final resolution of three of the cases:

- a) Golden1 Center (Sacramento Kings arena): 243 business days/352 calendar days.
- b) Chase Center (Golden State Warriors arena): 257 business days/376 calendar days.
- c) 8150 Sunset Boulevard (Hollywood condo tower): 395 business days/578 calendar days.

Whether calendar days or business days, "to the extent feasible," as well as the inherent authority of the independent judicial branch, provides a court discretion, and no direct consequence, if it is unable to meet the 270-day deadline

2) **Author's statement:**

Maintaining access to emergency and acute care is critical for the East Bay region, with natural hazard risks, a growing senior population and a shortage of facilities due to the 2015 closure of Doctors Hospital in San Pablo and the announced closure of the Alta Bates Summit Berkeley Hospital by 2030. These closures would put thousands of residents at risk without an accessible emergency room, and put a strain on the region's remaining hospitals.

After years of community advocacy and discussion, in February 2025, Sutter Health announced plans to invest more than \$1 billion dollars to expand services in the East Bay.

At the heart of this regional expansion is the construction of a new, 12-acre Sutter Health Emeryville Campus, which will serve as a key healthcare destination, and will allow for a transition of hospital services to avoid the negative impacts of Alta Bates' closure on East Bay residents. SB 830 is necessary to ensure the region's residents will be able to have access to high-quality care within a 15-minute drive from home or work.

3) **Double referral.** This bill has been double-referred to the Judiciary Committee.

REGISTERED SUPPORT / OPPOSITION:**Support**

Sutter Health (sponsor)
Bay Area Council
California Chamber of Commerce
California Hospital Association
City of Emeryville
Civil Justice Association of California

Opposition

None on file

Analysis Prepared by: Lawrence Lingbloom / NAT. RES. /