

Date of Hearing: July 15, 2025

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
SB 830 (Arreguín) – As Amended July 10, 2025

SENATE VOTE: NOT RELEVANT

SUBJECT: CALIFORNIA ENVIRONMENTAL QUALITY ACT: ADMINISTRATIVE AND JUDICIAL STREAMLINING BENEFITS: HOSPITAL: CITY OF EMERYVILLE

KEY ISSUE: SHOULD A PROJECT TO RELOCATE AND RECONSTRUCT A SEISMICALLY UNSAFE HOSPITAL FACILITY IN THE EAST BAY BE AFFORDED EXPEDITED JUDICIAL REVIEW OF ANY CHALLENGE TO THE PROJECT ALLEGING NONCOMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT?

SYNOPSIS

The Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 requires California’s acute care hospitals to meet the highest seismic safety standards. Following updates to the statute in 2022, the law now requires hospitals to be constructed or retrofitted such that all hospital buildings providing acute care services can be fully functional to provide care immediately following an earthquake by January 1, 2030. Unfortunately, due to its proximity to the Hayward Fault, the Alta Bates hospital in the City of Berkeley cannot be brought into compliance with this standard. Accordingly, the hospital’s operator, Sutter Health, is proposing to build a new facility in the nearby City of Emeryville. In order to ensure that the new facility can become operational in time for the mandated closure of the Alta Bates hospital, Sutter Health is seeking to remove as many administrative barriers as possible in order to expedite construction.

This bill seeks to remove one such obstacle, specifically, the threat of protracted litigation related to the project’s compliance with the California Environmental Quality Act. This bill would authorize the project to utilize expedited judicial review procedures, should the project be challenged in court. The bill imposes the standard environmental and job creation requirements that are traditionally imposed on projects qualifying for judicial streamlining.

This bill is supported by Sutter Health, as well as the California Hospital Association and other business advocates. The proponents highlight the need to avoid gaps in access to emergency health care in the East Bay by ensuring that the new hospital can be brought online before the closure of the Alta Bates facility. This bill has no opposition and will be heard by the Committee on Natural Resources prior to the bill’s consideration in this Committee.

SUMMARY: Provides expedited judicial review for any California Environmental Quality Act challenges filed against a specified hospital construction project. Specifically, **this bill:**

- 1) Defines the following terms;
 - a) “City” means the City of Emeryville; and
 - b) “Environmental leadership hospital campus project” or “project” means a project for the construction of a hospital campus that is located within the city on a site that has been

previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.

- 2) Requires the city council of the City of Emeryville to certify an environmental leadership hospital campus project for streamlining pursuant to this bill if it finds that all of the following conditions will be met:
 - a) The project will result in an investment of at least one billion dollars (\$1,000,000,000) in California upon completion of the construction;
 - 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 that energy demand of the hospital facility will be met by carbon-free energy resources and that the applicant will purchase at least three electric buses for 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 obtain certification as Leadership in Energy and Environmental Design (LEED) gold standard or better from the United States Green Building Council for all new construction that is eligible for LEED certification;
 - g) The project will achieve a reduction in vehicle miles traveled per capita of at least 15 percent compared to existing development consistent with the Office of Land Use and Climate Innovation's technical advisory on evaluating transportation impacts under the California Environmental Quality Act and at least 50 percent of any greenhouse gas emissions reductions necessary to achieve zero net additional greenhouse gas emissions will be from onsite and local reduction measures;
 - h) The project does not result in any net additional greenhouse gas 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 mitigation efforts will be undertaken in, and directly benefit, the affected community, as specified;
 - 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 specified, provides construction jobs and permanent jobs for Californians, and helps reduce unemployment, as specified;
 - l) The project demonstrates compliance with specified solid waste disposal rules;

- m) The project applicant agrees that all required mitigation measures and any other environmental measures required by this bill to certify the project for expedited judicial review are conditions of approval of the project, and those conditions will be fully enforceable by the lead agency or another agency designated by the lead agency;
 - n) The project applicant agrees to pay any additional costs incurred by the courts in hearing and deciding any case, 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, as provided in the California Rules of Court adopted by the Judicial Council; and
 - 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, as specified.
- 3) Requires the draft and final environmental impact report for an environmental leadership hospital campus project shall include a notice in not less than 12-point type stating the following:
- a) THIS ENVIRONMENTAL IMPACT REPORT IS SUBJECT TO SECTION 21168.6.5 OF THE PUBLIC RESOURCES CODE, WHICH PROVIDES, AMONG OTHER THINGS, THAT THE LEAD AGENCY NEED NOT CONSIDER CERTAIN COMMENTS FILED AFTER THE CLOSE OF THE PUBLIC COMMENT PERIOD, IF ANY, FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT. ANY JUDICIAL ACTION CHALLENGING THE CERTIFICATION OR ADOPTION OF THE ENVIRONMENTAL IMPACT REPORT OR THE APPROVAL OF THE PROJECT DESCRIBED IN SECTION 21168.6.5 OF THE PUBLIC RESOURCES CODE IS SUBJECT TO THE PROCEDURES SET FORTH IN THAT SECTION. A COPY OF SECTION 21168.6.5 OF THE PUBLIC RESOURCES CODE IS INCLUDED IN THE APPENDIX TO THIS ENVIRONMENTAL IMPACT REPORT.
- 4) Requires the draft and final environmental impact report to contain the text of this bill as an appendix.
- 5) Provides that the lead agency need not consider written comments on the draft environmental impact report submitted after the close of the public comment period, unless those comments address any of the following:
- a) New issues raised in the response to comments by the lead agency;
 - b) New information released by the lead agency subsequent to the release of the draft environmental impact report, such as new information set forth or embodied in a staff report, proposed permit, proposed resolution, ordinance, or similar documents;
 - c) Changes made to the project after the close of the public comment period;
 - d) Proposed conditions for approval, mitigation measures, or proposed findings if the lead agency releases those documents subsequent to the release of the draft environmental impact report; and

- e) New information that was not reasonably known and could not have been reasonably known during the public comment period.
- 6) Requires the lead agency to file a notice of determination within five working days after the approval of the project.
- 7) Requires the preparation and certification of the record of proceedings for an environmental leadership hospital campus project to be performed as follows:
 - a) The lead agency for the project must prepare the record of proceedings concurrently with the administrative process;
 - b) Commencing with the date of the release of the draft environmental impact report, all documents and other materials placed in the record of proceedings must be posted on, and be downloadable from, an internet website maintained by the lead agency;
 - c) The lead agency must make available to the public in a readily accessible electronic format the draft environmental impact report and all other documents submitted to, or relied on by, the lead agency for purposes of preparing the draft environmental impact report;
 - d) Any document prepared by the lead agency or submitted by the applicant after the date of the release of the draft environmental impact report that is a part of the record of the proceedings must be made available to the public in a readily accessible electronic format within 30 days after the document is released or received by the lead agency;
 - e) The lead agency encourages written comments on the project to be submitted in a readily accessible electronic format, and shall make any comment available to the public in a readily accessible electronic format within 30 days of its receipt;
 - f) Within 30 days after the receipt of any comment that is not in an electronic format, the lead agency must convert that comment into a readily accessible electronic format and make it available to the public in that format;
 - g) Documents submitted to or relied on by the lead agency that were not prepared specifically for the project and are copyright protected are not required to be made readily accessible in an electronic format, as specified;
 - h) The lead agency certifies the final record of proceedings within five days of its approval of the project; and
 - i) Any dispute arising from the record of proceedings is to be resolved by the superior court.
- 8) Requires on or before July 1, 2026, the Judicial Council to adopt rules of court that apply to any action or proceeding brought to attack, review, set aside, void, or annul the certification of an environmental impact report for an environmental leadership hospital campus project or the granting of any project approval that requires the action or proceeding, including any potential appeals to the court of appeal or the Supreme Court, to be resolved, to the extent

feasible, within 270 calendar days of the filing of the certified record of proceedings with the court.

EXISTING LAW:

- 1) Establishes the California Environmental Quality Act that, generally, requires a public agency to prepare, or cause to be prepared, and to certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have significant effects. (Public Resources Code Section 21100 *et seq.*)
- 2) Defines a “project” for the purpose of the California Environmental Quality Act as an activity that may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and includes any of the following:
 - a) An activity directly undertaken by any public agency;
 - b) An activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies; or
 - c) An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies. (Public Resources Code Section 21065.)
- 3) Provides that an action or proceeding to attack, review, set aside, void, or annul the acts or decisions of a public agency on the grounds of noncompliance with the California Environmental Quality Act may be commenced when it is alleged that:
 - a) A public agency is carrying out or has approved a project that may have a significant effect on the environment without having determined whether the project may have a significant effect on the environment;
 - b) A public agency has improperly determined whether a project may have a significant effect on the environment;
 - c) An environmental impact report prepared by, or caused to be prepared by, a public agency does not comply with the California Environmental Quality Act;
 - d) A public agency has improperly determined that a project is not subject to the California Environmental Quality Act; or
 - e) Any other act or omission of a public agency does not comply with the California Environmental Quality Act. (Public Resources Code Section 21167.)
- 4) Requires the superior court and court of appeal to provide lawsuits related to the California Environmental Quality Act preference over all other civil actions therein, in the matter of setting the same for hearing or trial, and in hearing the same, to the end that the action or proceeding must be quickly heard and determined. (Public Resources Code Section 21167.1 (a).)

- 5) Provides for categorical exemptions to the California Environmental Quality Act for actions that include the following:
 - a) Ministerial projects proposed to be carried out or approved by public agencies;
 - b) Emergency repairs to public service facilities necessary to maintain service;
 - c) Projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor;
 - d) Specified actions necessary to prevent or mitigate an emergency;
 - e) Actions undertaken by a public agency relating to any thermal power plant site or facility, as specified;
 - f) Activities or approvals necessary to the bidding for, hosting or staging of, and funding or carrying out of, an Olympic games under the authority of the International Olympic Committee, except for the construction of facilities necessary for the Olympic games;
 - g) The establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies, as specified;
 - h) A project for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use, including modernization of existing stations and parking facilities;
 - i) A project for the institution or increase of passenger or commuter service on high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities; and
 - j) A project for the development of a regional transportation improvement program, the state transportation improvement program, or a congestion management program. (Public Resources Code Section 21080 (b).)
- 6) Provides that any action or proceeding brought to attack, review, set aside, void, or annul the certification of an environmental impact report for an “infrastructure project” certified by the Governor, as specified, including any potential appeals to the court of appeal or the Supreme Court, shall be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court. (Public Resources Code Section 21189.85 (a).)
- 7) Authorizes the Governor to certify specified “infrastructure projects” for expedited judicial review for matters arising under the California Environmental Quality Act if the following conditions are satisfied:
 - a) The applicant agrees to pay the costs of the trial court and the court of appeal in hearing and deciding any case challenging a lead agency’s action on a certified project, including payment of the costs for the appointment of a special master if deemed appropriate by the court, in a form and manner as provided in the rule of court adopted by the Judicial Council;

- b) The applicant agrees to pay the costs of preparing the record of proceedings for the project concurrent with the review and consideration of the project under this division, in a form and manner specified by the lead agency for the project; and
 - c) For a project for which environmental review has commenced, the applicant demonstrates that the record of proceedings is being prepared, as specified by law. (Public Resources Code Section 21189.82.)
- 8) Requires specified projects eligible for expedited review of California Environmental Quality Act claims to utilize a skilled and trained workforce, as specified, in the construction of the project. (Public Resources Code Section 21183.5.)
- 9) Provides, in accordance with the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, for the adoption seismic safety and earthquake performance standards for new and existing hospitals. (Health and Safety Code Section 130000 *et seq.*)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: In 2016, Sutter Health announced that it would be forced to close the Alta Bates hospital in the City of Berkeley due to the hospital's proximity to an active fault line. The health system subsequently found a site in the City of Emeryville to build a new hospital in order to ensure that the East Bay maintained access to adequate emergency medical services. The author and proponents of this bill contend, without citing any specific projects, that the construction of new healthcare facilities across California have been delayed due to litigation surrounding the California Environmental Quality Act (CEQA). Based on that premise, this bill would provide expedited judicial review of any CEQA challenge to the Emeryville facility to ensure that the new hospital becomes operational before any gaps in emergency services arise in the East Bay. In support of the bill, the author states:

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

Seismic safety concerns may leave the East Bay without critical healthcare resources.

Following the collapse of hospital facilities during the 1971 Sylmar Earthquake, the Legislature enacted the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983. That Act was significantly amended following the 1994 Northridge earthquake, and was again updated in 2022 so that the law now requires all hospital buildings providing acute care services be retrofitted or rebuilt by 2030, so that the facilities can remain fully functional and provide care immediately following an earthquake. (AB 1882 (R. Rivas) Chap. 584, Stats. 2022.) This standard requires

hospitals to meet the most stringent level of seismic building standards in California. In accordance with regulations adopted by the California Department of Health Care Access and Information, which oversees hospital safety, Sutter Health realized its Alta Bates hospital facility in the City of Berkeley could not be made seismically safe due to the hospital's extremely close proximity to the Hayward Fault. (Kate Darby Rauch, *Berkeley's Alta Bates hospital will be replaced by new Sutter medical campus in Emeryville*, Berkeleyside (Feb. 19, 2025, available at: <https://www.berkeleyside.org/2025/02/19/berkeleys-alta-bates-hospital-will-be-replaced-by-new-sutter-medical-campus-in-emeryville>.)

Thankfully, given that the Alta Bates facility is a critical cog in the East Bay's network of acute care facilities, Sutter Health was able to identify a site in nearby Emeryville to construct a new hospital facility that could meet applicable seismic standards. (*Ibid.*) Despite the appearance of widespread community support for the new facility, Sutter Health worries that CEQA litigation may delay the opening of the new facility, thus leaving the East Bay without critical access to healthcare services when the Alta Bates facility is legally required to close in 2030. While this Committee has long been skeptical of claims regarding CEQA's real impact on development, certain affluent residents of the East Bay have proved more than willing to challenge development in the region on legally dubious grounds. (see, Ben Christopher, *California's highest court rejects 'people as pollution' argument for UC Berkeley housing*, CalMatters (Jun. 6, 2024), available at: <https://calmatters.org/housing/2024/06/berkeley-peoples-park-ceqa-supreme-court/>.) In light of the rapidly approaching 2030 deadline to get a new health facility up and running, and seeking to lessen the impact of any potential litigation, the proponents now request legislative approval for an expedited judicial review of any CEQA disputes that may arise from the Emeryville project.

The CEQA process and potential court challenges. At its core, CEQA seeks to ensure that public agencies do not approve projects without considering the negative impacts a project may inflict on the environment. Although CEQA is too often, and incorrectly, viewed as a tool to skew outcomes in a manner that favors environmentalists and deters development, in reality, "CEQA operates, not by dictating proenvironmental outcomes, but rather by mandating that 'decision makers and the public' study the likely environmental effects of contemplated government actions and thus make fully informed decisions regarding those actions." (*Citizens Coalition Los Angeles v. City of Los Angeles* (2018) 26 Cal. App. 5th 561, 577.) Thus, the primary objective of the environmental review required by CEQA is to steer agency decision makers into *approving* projects in a manner that utilizes feasible alternatives and mitigation measures to lessen the project's impact on the environment. The consideration of the impacts of a project is to be analyzed in the agency's environmental impact report. The failure to properly consider a project's impacts is what typically results in litigation.

The process of finalizing an environmental impact report requires several steps. First, the local lead agency must determine if a project qualifies for one of the many exemptions to CEQA provided in statute and the Office of Planning and Research's regulations, more commonly known as the CEQA Guidelines. If no exemption exists, the lead agency must then begin to initially study the project in order to determine the scope of the project and associated environmental review. At this point if the agency believes no environmental impacts exist they may opt to file a negative declaration stating as much and proceed to approve the project. Once the scope of the project and review is properly determined, the environmental review is conducted and a draft environmental impact report is submitted for public comment. A lead agency must respond to all written comments on the environmental impact report received

during the public comment period, and revise the environmental impact report as necessary. The responses to comments should explain why the comments are rejected by the agency, or if the comment resulted in the adoption of a mitigation measure. Once the public review is completed, the agency can certify the final environmental impact report.

Once a final environmental impact report is certified, and a project is subsequently approved, any litigation over the environmental review of the project can begin. Courts require an environmental impact report to make a good faith effort at fully disclosing the impacts of the project; provide a detailed set of information about project impacts; and serving as the foundation for agency review. The court must review the environmental impact report in two ways. First, a court must determine if the environmental impact report was prepared in a procedurally sufficient manner, as described above, and contains the proper content as required by law. Secondly, the court must determine the substantive aspect of its review and determine whether the conclusions and decisions made by the lead agency are based on substantial evidence in the record. (*Vineyard Area Citizens v. City of Rancho Cordova* (2007) 40 Cal.4th 412.)

Believing that CEQA slows development, several litigation streamlining measures have been enacted over the past decade. The Legislature's first foray into expediting the review of CEQA cases was the passage of AB 900 (Buchanan) Chap. 354, Stats. 2011. That measure provided that "environmental leadership" projects, projects meeting specified environmental and labor requirements, would be granted immediate appellate-level review within 175 days of a case being filed. Those provisions were ultimately struck down as unconstitutional. (*Planning and Conservation League v. State of California* (2012) RG12626904 (Alameda Sup. Ct.)) Moving away from the strict timeline and original appellate jurisdiction provisions, the Legislature began adopting project-specific CEQA streamlining bills that adopted a 270-day hearing timeline at the superior courts if such a timeline was "feasible." (*See, e.g.* SB 743 (Steinberg) Chap. 386, Stats. 2013.) In addition to the project-specific CEQA exemptions, the Legislature has repeatedly reenacted provisions of AB 900 adopting the "if feasible" 270-day timeline approach. Most recently, an extension of the AB 900 framework was approved with the passage of SB 7 (Atkins) Chap. 19, Stats. 2021.

When examining both "environmental leadership" bills and those for specific projects, since 2011, at least a dozen CEQA litigation streamlining bills have been adopted by the Legislature, with dozens more having been introduced for favored projects. These bills simply boost the idea that CEQA, and related litigation stifles development and innovation. However, research suggests that actual CEQA litigation is exceedingly rare. Between 2002 and 2015 no single year saw more than 250 CEQA-related cases filed statewide. (BAE Urban Economics, *CEQA in the 21st Century* (Aug. 2016), p. 19, available at <https://rosefdn.org/wp-content/uploads/2016/08/CEQA-in-the-21st-Century.pdf>.) Additionally, a 2012 study by the Attorney General's office suggests that the actual rate of litigation over matters related to CEQA may be as low as 0.3 percent of all projects approved in California. (Office of the Attorney General, *Quantifying the Rate of Litigation Under the California Environmental Quality Act: A Case Study* (2012).) Given the low rate at which projects subject to CEQA are actually litigated, it appears that the real deterrence to large-scale development in California is more likely local zoning laws, land use policies, construction costs, and the general lack of open space in this state's largest cities. Nonetheless, the Legislature continues to pass CEQA streamlining measures. Most notably, in response to a high pressure budget request from the Governor, the

Legislature approved SB 149 (Caballero) Chap. 60, Stats. 2023, to authorize the Governor to approve various energy reliability and large infrastructure projects for judicial streamlining.

Despite their purported benefits, in reality expedited CEQA review procedures are rarely utilized and do not always prevent a project from being terminated. As noted above, less than one percent of all projects reviewed pursuant to CEQA result in litigation. Similarly, data suggests projects that have been given CEQA-streamlining by the Legislature, much like projects overall, rarely are litigated in court. Based on data provided by the Judicial Council, of the 30 projects that have qualified for expedited CEQA review since 2011, fewer than ten projects have needed expedited legal review to defend against a lawsuit. Of those four cases, three were high-profile stadium projects that, in some cases, utilized taxpayer money to build a private facility. Notably, in addition to the relatively low-rate of litigation, of those 19 projects that qualified for expedited review, another four were either terminated or withdrawn, and thus never built, due to financial or other business considerations and not on the basis of environmentally-related legal exposure. (California Senate Office of Research, *Review of Environmental Leadership Projects*, (Apr. 2019) at p. 5.) Of the four terminated or withdrawn projects, none were projects made eligible for expedited review by SB 149. Accordingly, despite the Legislature's use of CEQA-streamlining, the number of qualified projects that benefited from these laws is equal to the number that failed under the weight of their own financial difficulties.

This bill would authorize expedited judicial review for the Emeryville hospital facility. In the approximately 15 years since the passage of AB 900, the Legislature has enacted over a dozen CEQA streamlining bills for projects ranging from sports venues, to public transit, to movie studios. This bill would adopt the standard language for bill seeking expedited judicial review. In order to be eligible for expedited review, a hospital project must, among other conditions, use carbon free energy sources and meet LEED certification standards, not result in any net additional greenhouse gas emissions, meet project labor standards, and generate at least 500 construction jobs and one billion dollars in investment in the region. If the project meets all of the qualifying standards, the lead agency must then expedite the preparation of the administrative record to qualify for the preferential court calendaring procedures, which aims to conclude all litigation within 270-days of a case being filed.

Additional policy considerations. While this bill has no formal opposition on record, the Judicial Council of California has traditionally opposed judicial streamlining measures, including several others before the Committee today. The Council's opposition typically rests on the burdens expedited timelines place on the court. While it is true this bill would only affect one case in one county's superior court, this bill is the latest in a series of judicial streamlining measures that the courts have been asked to implement in recent years. The Judicial Council now contends that, in totality, the series of recently enacted judicial streamlining measures risk diverting significant court resources and delaying ordinary Californian's ability to access justice in matters that are not granted preferential treatment in statute. This is not an unreasonable concern, given the volume and variety of case types granted preference in recent years. Furthermore, it appears that none of the cases that have utilized CEQA streamlining actually met the 270-day goal. While the courts have wrapped up most streamlined CEQA cases within one year, the 270-day timeline may realistically not be feasible. Thus, to avoid unnecessary burdens on the court, and to provide a more realistic litigation timeline in statute, *the author may wish to consider amending this bill to set a 365-day litigation timeline*, in lieu of the 270-day timeline currently in the bill. Several recent measures have adopted this approach, including the CEQA streamlining provided to

transit projects needed for the 2028 Olympics, and it does not appear to have undermined the ultimate success of those projects.

ARGUMENTS IN SUPPORT: This bill is supported by Sutter Health, the California Chamber of Commerce, and several healthcare advocates. In support of the bill, Sutter Health contends:

There is a growing consensus that the protracted CEQA litigation process unnecessarily delays and jeopardizes the significant benefits hospital projects can provide California communities. Numerous health care projects have been delayed, or completely halted, over the past decade in California due to CEQA litigation. Due to the need to replace the existing Sutter Ashby Campus hospital as soon as possible to meet the seismic safety compliance deadline, the Emeryville location needs to be built as quickly as possible.

SB 830 will designate the hospital as an Environmental Leadership Hospital Campus Project. This designation will expedite CEQA lawsuit adjudication, including appeals, to 270 days, as opposed to the standard three-to-five-year lawsuit timeline. It will not impede a litigant's ability to address CEQA concerns, but it will ensure those concerns are adjudicated on an accelerated timeline.

Sutter is investing heavily in the East Bay to ensure patients continue to receive care when and where they need it. Without intervention, Sutter's Ashby Campus will be decommissioned as a hospital in January 2030 and ultimately be replaced by the Emeryville Hospital. It is imperative that the Emeryville project be completed as expeditiously as possible. ELDP designations have been extended to sporting venues, media campuses, and tech campuses. Now is the time to extend that designation to the lifesaving care this community needs.

REGISTERED SUPPORT / OPPOSITION:

Support

Bay Area Council
California Chamber of Commerce
California Hospital Association
Civil Justice Association of California (CJAC)
Sutter Health

Opposition

None on file

Analysis Prepared by: Nicholas Liedtke / JUD. / (916) 319-2334