

Date of Hearing: August 20, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

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

Policy Committee:	Natural Resources	Vote:	13 - 0
	Judiciary		12 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: No

SUMMARY:

This bill 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.

Specifically, this bill, among other things:

- 1) Requires the city council of the City of Emeryville, as the lead agency for the project, to certify an environmental leadership hospital campus project (as defined) for streamlining pursuant to this bill if it finds that numerous specified environmental, labor, and other conditions will be met, including that:
 - a) The project applicant agrees to pay any additional costs incurred by the courts in hearing and deciding any case subject to this bill, including payment of the costs for the appointment of a special master if deemed appropriate by the court, as specified.
 - b) 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.
- 2) Requires the Judicial Council, on or before July 1, 2026, 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 (EIR) 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, be resolved, to the extent feasible, within 270 calendar days of the filing of the certified record of proceedings with the court.
- 3) For an environmental leadership hospital campus project certified pursuant to this bill, specifies, among other things, numerous requirements the lead agency must include in a draft EIR and a final EIR and the manner in which the lead agency is to prepare and certify the record of proceedings.

FISCAL EFFECT:

- 1) Potential cost pressure (Trial Court Trust Fund, General Fund) of an unknown amount to the courts (most likely the Alameda County Superior Court) to process and hear CEQA challenges to the environmental leadership hospital campus project in the City of Emeryville on an expedited timeline. Expedited cases generally create costs and staffing pressures on the

courts, as each review typically requires a judicial officer, research attorneys, and staff. However, the bill requires the project applicant to pay any additional costs incurred by the courts to adjudicate cases subject to this bill. This requirement might be understood to grant Judicial Council the necessary authority to charge a \$180,000 filing fee, similar to authority statute gives Judicial Council in regards to other CEQA judicial streamlining projects. However, Judicial Council notes ambiguity in the language and contends that if the bill instead requires a court to charge and recover its costs based on the exact costs incurred by the court to adjudicate each case, the court may face workload constraints as court cost-recovery fees are based on a general methodology charged prior to court action.

Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The fiscal year 2025-26 state budget provides \$82 million ongoing General Fund to the Trial Court Trust Fund for court operations.

- 2) The Judicial Council estimates minor and absorbable costs to amend or adopt a new rule of court to include the specified hospital construction project for expedited judicial review, although the council requests delayed implementation of one year to allow for the drafting, approval, and public comment process to adopt or amend a rule of court.

COMMENTS:

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

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.

- 2) **Background. *Expedited Judicial Review.*** CEQA generally requires state and local government agencies to inform decisionmakers and the public about the potential environmental impacts of proposed projects, and to reduce those impacts to the extent feasible.

Generally, CEQA actions taken by a public agency may be challenged in superior court once the agency approves a project or determines to carry it out. CEQA appeals are subject to relatively short statutes of limitations. Under current law, a petitioner generally has 30 to 35 days from the time a public agency makes a CEQA decision to challenge the decision in court. Current law requires courts to give CEQA actions preference over all other civil actions. 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 by which the court is to render a decision. Over the past decade, the state has adopted several measures that permit cases involving CEQA to obtain preferred, fast-track treatment in the courts.

AB 900 (Buchanan), Chapter 354, Statutes of 2011, 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 the Alameda Superior Court. Statute 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. 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.

According to the Assembly Natural Resources Committee's analysis of this bill, 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.

Emeryville Hospital Project. According to the City of Emeryville, the planned hospital campus in Emeryville will replace the aging Alta Bates Summit Medical Center in Berkeley, which must close due to state seismic safety mandates. The city notes that without the new Emeryville facility, over 850,000 East Bay residents, many of whom are low-income and people of color, risk losing access to lifesaving care. The city argues this bill ensures CEQA litigation related to the hospital project is resolved within 270 days, enabling construction to proceed on schedule and ensuring continuity of care. The city notes the bill “also requires robust environmental and labor standards—including all-electric buildings, carbon-free energy use, LEED Gold certification, prevailing wages, and transportation demand management.”

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