
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Blakespear, Chair

2025 - 2026 Regular

Bill No: SB 830

Author: Arreguín

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Urgency: No

Fiscal: Yes

Consultant: Brynn Cook

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

DIGEST: 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 365 days, to the extent feasible.

ANALYSIS:

Existing law:

- 1) CEQA requires lead agencies with the principal responsibility for carrying out or approving a project to prepare a negative declaration (ND), mitigated negative declaration (MND), or environmental impact report (EIR) for the project, unless the project is exempt from CEQA. (Public Resources Code (PRC) §21000 et seq.). If a project may have a significant effect on the environment, the lead agency must prepare a draft EIR. (CEQA Guidelines §15064(a)(1), (f)(1))
- 2) Established the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 (AB 900, Buchanan, Chapter 354, Statutes of 2011), which established CEQA administrative and judicial review procedures for an "environmental leadership" project. The Act was later extended and modified in 2021 (SB 7, Atkins, Chapter 19, Statutes of 2021). (PRC §21178 et seq.)
- 3) Establishes streamlining provisions for a broad swath of energy, transportation, water, and semiconductor projects eligible for expedited judicial review under CEQA in SB 149 (Caballero, Chapter 60, Statutes of 2023). Projects must meet certain environmental and labor criteria to be eligible for this certification. The streamlining certification ends January 1, 2033.

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) The project does not result in any net additional GHG emissions, as specified.
 - c) The project applicant will enter into a legally binding and enforceable community benefits agreement with the lead agency that may include specified measures in addition to any other mitigation measures required pursuant to CEQA.
 - d) The project will achieve a reduction in vehicle miles traveled per capita of at least 15 percent compared to existing development.
 - e) The project will obtain certification as LEED gold standard or better for all new construction that is eligible for LEED certification.
 - f) The project applicant will, before the completion of the project, certify to the lead agency that the project applicant has completed a health impact review by the Attorney General and will comply with any resulting conditions issued by the Attorney General, as specified.
 - g) 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.
 - h) The project will generate at least 500 jobs during construction.
 - i) 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.
 - j) The project applicant demonstrates compliance with specified recycling requirements.
 - k) 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.

- l) The project applicant agrees to pay the costs of the trial court and the court of appeal 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 provided in the rules of court adopted by the Judicial Council.
 - m) 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 rules of court to establish procedures that require resolution, to the extent feasible, within 365 days, including any appeals, of a lawsuit challenging the certification of the EIR or any project approvals.
 - 3) Makes related findings.

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.

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 conducted. An EIR provides thorough environmental review of a proposed project, analyzing the significant direct and indirect environmental impacts of a proposed project. The EIR also includes proposed mitigation measures for any significant effects that it identifies and considers alternatives to the proposed project.

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- 2) *Provisions to expedite CEQA.* Under CEQA, state and local agencies must complete and adopt a ND in 180 days, and certify an EIR within a year. If there is a compelling circumstance to extend this timeline, agencies may take longer, but only if the project applicant consents. After the environmental review is completed, the case may be subject to litigation. Judicial Council asserts that it takes over six months just for a CEQA case to get a hearing, let alone reach a decision.

To help speed CEQA cases through the court system, current law provides several measures to prioritize CEQA cases and speed up judicial review, including:

- The Superior Court and the Court of Appeal must give CEQA lawsuits preference over all other civil actions;
- If feasible, the Court of Appeal must hear a CEQA appeal within one year of filing;
- Discovery is generally not allowed, as CEQA cases are generally restricted to review of the record; and
- Counties with a population of over 200,000 must designate one or more judges to develop expertise on CEQA and hear CEQA cases.

- 3) *CEQA Administrative and Judicial Streamlining.* The Legislature has developed streamlining measures to speed CEQA lawsuits against specified projects through the courts. In current law, CEQA streamlining entails both judicial and administrative streamlining. Judicial streamlining requires that a CEQA lawsuit be heard in 270 days, including all appeals, as feasible. Administrative streamlining requires projects to prepare the administrative record, the comprehensive document at the heart of a CEQA case, at the same time as the environmental review documents are prepared. Preparing these documents concurrently, instead of sequentially, saves time if there is a lawsuit. These streamlining measures shorten what is potentially the lengthiest portion of the CEQA process—litigation—while retaining the full environmental review and public engagement offered under CEQA.

In 2011, the Legislature passed the first CEQA streamlining certification program with the Jobs and Economic Improvement Through Environmental Leadership Act (Leadership Act), which created CEQA streamlining for residential, retail, commercial, sports, and recreational use projects that were certified as Environmental Leadership Development Projects (ELDP) by the Governor (AB 900, Buchanan, Chapter 354, Statutes of 2011). The ELDP program was further extended and modified in 2021 with (SB 7, Atkins, Chapter 19, Statutes of 2021) and in 2023, The Legislature expanded these same streamlining provisions for certain energy, transportation, and water infrastructure projects (SB 149, Caballero, Chapter 60, Statutes of 2023).

Comments

- 1) *Purpose of Bill.* According to the author, “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.”

- 2) *Effectiveness of administrative and judicial streamlining.* A 2019 report by the Senate Office of Research entitled “Review of Environmental Leadership Development Projects” tracked the timeline projects receiving CEQA judicial and administrative streamlining from 2011 to 2018. According to the report, 19 projects were submitted to the Governor to be certified as ELDP projects. Of the ones that were selected for certification and moved forward with the project, the report found that no ELDP project was actually reviewed within 270 days. At the time the report was authored, the following projects had been completed in timelines ranging from 352-578 days.

Project	Business Days	Calendar Days
Kings Arena	243	352
Warriors Arena	257	376
8150 Sunset Boulevard	395	578

However, while ELDP projects were not completed within 270 days, the report also found that projects were reviewed under a faster timeline compared to other similar projects. According to the report, the average time for an ELDP-comparable project to wind its way through the judicial review process was 3-5 years, meaning that the 1-2-year timeline for ELDP projects represents significant time savings.

- 3) *What makes an environmental leader?* SB 830 provides expedited judicial review for an “environmental leadership hospital campus project” (a term created in this bill) in the City of Emeryville. What makes a project an environmental leader that should receive prioritized expedited judicial review, bumping it to the front of the line of cases to be heard in the event of a lawsuit? SB 830 adds some environmental criteria, including that the project does not result in net additional GHG emissions, and will be relatively low-VMT. It also offers some environmental guardrails by specifying that the project applicant will enter into a legally binding and enforceable community benefits agreement with the lead agency that may include specified measures in addition to any other mitigation measures required pursuant to CEQA. This is an important addition, since environmental projects can still have environmental impacts, and thus it is still important to provide additional tools for communities to advocate for measures to mitigate the impacts of projects on their communities, even when the projects are deemed environmental leaders.

SOURCE: Author

SUPPORT:

None received

OPPOSITION:

None received

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