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Judicial Streamlining Renewed for Expanded Set of “Environmental Leadership” Projects

California Governor Gavin Newsom recently signed legislation, Senate Bill No. 7, that reenacts a streamlined litigation process for certain "environmental leadership development projects" and extends eligibility to additional housing projects. Previous legislation offering similar benefits to a narrower range of developments



expired on January 1.

To qualify for judicial streamlining under SB 7,

a project must meet the following criteria:

- The project is for residential, retail, commercial, sports, cultural, entertainment, or recreational uses.
- The project is located on an infill site.
- For residential projects, at least 15 percent of units are set aside for lower-income households.
- For non-residential projects, the project is certified as LEED Gold or better, and achieves a 15 percent improvement over comparable projects in vehicle trips per capita.
- The project is consistent with the Sustainable Communities Strategy or Alternative Planning Strategy and does not result in any net additional emission of greenhouse gases, including greenhouse gas emissions from employee transportation.
- The project will result in an investment in California of at least \$15 million for housing projects and at least \$100 million for other projects.
- The project creates highly skilled jobs, promotes apprenticeship training, and pays prevailing wages for construction.

Certain wind and solar energy projects, and clean energy manufacturing projects also are eligible for SB 7 streamlining. The new law provides for the Governor to certify projects that are eligible for streamlining and then to submit that determination to the Joint Legislative Budget Committee for review and concurrence or non-concurrence. If a project qualifies for SB 7 streamlining, the public agency must prepare the record of proceedings during the CEQA review process and must certify the record within five days of approving the project. The applicant must agree to pay the costs of preparing the record, as well as court costs. Court proceedings, including any appeals, should be resolved, to the extent feasible, within 270 days after the certified record of proceedings is filed. SB 7 streamlining is available only to projects that are certified by the Governor before January 1, 2024 and that receive approvals before January 1, 2025. SB 7 also authorizes projects to proceed under the litigation streamlining legislation that expired earlier this year (AB 900) if the project was certified by the Governor before January 1, 2020 and is approved no later than January 1, 2022.

Authors