ARTICLE:

SENATE BILL 7: A "STREAMLINED" CEQA PROCESS FOR HOUSING PROJECTS OR JUST ANOTHER REGULATORY WRINKLE?

By Karl E. Geier[*]

The pace of construction of new housing in California consistently falls far short of demand. As much as 100,000 housing units per year are needed, and fewer than 15 percent of that need is constructed each year, resulting in a cumulative housing construction shortfall that by some measures now exceeds two million of needed new residential units. Some of the reasons for the shortfall include limited availability of buildable land, excessive monetary fees and exactions imposed by local governments, overly complex and time-consuming permitting processes, and local resistance to large-scale affordable housing projects. Also significant is the constant threat of environmental litigation under the California Environmental Quality Act (CEQA) leading potentially to additional years of delay and expense even after an environmental impact report (EIR) has been prepared and certified and project approvals are secured. At various times, state-level legislation to alleviate obstacles and promote additional housing construction has been proposed, with limited success so far.[1] The efforts to revamp CEQA in a manner that materially impacts new housing availability also have had little success, to date.

On May 20, 2021, Governor Gavin Newsom signed SB 7, an urgency measure entitled the "Jobs and Economic Improvement Through Environmental Leadership Act of 2021."[2] SB 7 revives a recently expired provision of CEQA that conferred certain "streamlining" benefits upon certain "environmental leadership development projects," which required a minimum of $100 million of total project investment to qualify.[3] For the first time, SB 7 adds a category of residential development projects with a lower project cost, between $15 million and $100 million, that may qualify for designation as "environmental leadership development projects."[4] One of the highly touted objectives of the new law is to extend "unique and unprecedented streamlining benefits under the California Environmental Quality Act" to such housing projects, and thereby to reduce some of the litigation risks and processing delays for such projects.[5]

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Governor Newsom explicitly made this claim in a press release issued concurrently with his signing of AB 7: "Cutting red tape to save time and remove barriers to production helps us meet the urgent need for more housing while creating good jobs and preserving important environmental review."[6]

As provided in the statement of legislative intent included in the bill, the projects fostered by AB 7 are intended to "replace old and outmoded facilities with new job-creating facilities . . . while also establishing new, cutting-edge environmental benefits," and to take advantage of "an unprecedented opportunity to implement nation-building innovative measures that will significantly reduce traffic, air quality, and other significant environmental impacts, and fully mitigate the greenhouse gas emissions resulting from passenger vehicle trips attributed to the projects."[7] These self-styled "best in the nation" principles[8] are to be enforced through a procedure, administered directly by the Governor's office and the State Legislature, for project applicants to obtain certification of "environmental leadership development projects" that qualify for the expedited CEQA litigation process.

As the title of the bill suggests, however, the statute's objectives are not simply to "cut red tape" or even to streamline the CEQA process itself. The construction of additional housing to make up for the accumulated shortfalls is only one of a myriad of objectives of AB 7, and indeed, may be viewed as only a subordinate and secondary purpose of the bill. Some of the other purposes are to promote "infill" development rather than all other housing development, to encourage only environmentally superior housing with net zero greenhouse gas emissions, to assure that qualifying new housing units are fundamentally transit-oriented, to mandate the inclusion of significant amounts of newly-constructed *affordable* housing, and to encourage (if not require) use of union labor and payment of prevailing wages for qualifying projects.

As discussed in this article, SB 7 does not materially address the expense or delay of compliance with CEQA or other local governmental approval processes and regulatory requirements for housing projects of any size. Its only benefits are potentially to reduce the delay caused by actual litigation to challenge approvals after they are obtained. The Governor's designation of "environmental leadership project" status also does nothing to enhance the likelihood the project will survive a CEQA challenge if one is filed.

In effect, the statute creates a highly discretionary and potentially politicized

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mechanism for state-level politicians to reward certain applicants for qualifying housing projects with a shorter timeframe for resolution of any litigation resulting from local lead agency environmental review, while doing nothing to assure the actual approval and construction of a sufficient number of housing units to meet statewide demand. The only "streamlining" effect of the statute, when it is all boiled out, is a possibly expedited timeframe for litigation in the event the project approvals are challenged; there is no other "streamlining" or "expedited approval process" embodied in the statute, and no real assurance that any particular project will be more feasible or actually expedited by the law. In this respect, it is questionable whether SB 7 will have a significant impact on the overall housing supply.

Despite the highly touted objective of increasing the housing supply, only a narrow range of project types and sizes will potentially qualify for the limited benefits of the streamlined treatment provided by the new statutory procedure. However, for some of these qualifying types of development projects, the law may have significant benefits and be well worth pursuing for the project sponsors.

I. Summary and overview of the law

SB 7 can be summarized as follows: First, it creates a process for qualifying projects to be "certified" by the Governor as "environmental leadership development projects." The process by which this certification occurs is not subject to judicial review, although the project still must go through the usual CEQA review process at the local level if it has not already been completed at the time of certification. Second, however, SB 7 provides for certified environmental leadership projects to receive "streamlined" environmental review, which consists of an applicant-financed electronic record of proceedings and a 270-day timeframe after project approval for any litigation challenging the adequacy of CEQA compliance to be completed and resolved. In effect, these provisions are intended to minimize the often months-long delay and exorbitant expense of preparing the administrative record after a lawsuit challenging project approval is filed, and also to assure expedited resolution of any lawsuit challenging the project approvals, whether on CEQA or other grounds, including appeals to the courts of appeal and supreme court. The law also provides a mechanism for the same certification for expedited resolution of challenges to be granted by the Governor if a local agency approves a project alternative in lieu of the project as initially certified by the Governor.

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II. Projects that may qualify for certification as "environmental leadership development projects"

As noted, SB 7 amends and replaces a previous law that expired at the end of 2020 that provided a similar streamlined environmental review process for some very large ($100 million or greater in total project investment) projects, including LEED-certified transportation efficient infill projects, clean renewable energy projects, and clean energy manufacturing projects.[9] The new law retains these previous categories of $100 million-plus eligible projects, but adds a new category, specifically, for certain smaller residential projects with a total investment between $15 million and $100 million. As a result, the law provides two potential avenues for housing projects to qualify for certification.

First, for very large residential projects with a cost exceeding $100 million,[10] the same qualification standards that applied to residential and nonresidential projects under the former law[11] (i.e., a residential, retail, commercial, sports, cultural, entertainment, or recreational use with a project cost of $100 million or more) all still apply. These are summarized as:

(a) The project must be on an infill site, as defined by existing law;[12] this requires that either the site was previously developed for qualified urban uses, or else that the site is within an existing urbanized area with at least 75 percent of the perimeter of the project site adjoining existing qualified urban uses and the remaining 25 percent adjoining vacant parcels previously developed for qualified urban uses.[13]

(b) If the project is located within a metropolitan planning organization for which a sustainable communities strategy or alternative planning strategy is in effect, the project must be consistent with the general use designation, density, building intensity, and other applicable policies previously accepted as meeting applicable greenhouse gas emission reduction targets by the State Air Resources Board.[14]

(c) The project must be certified as Leadership in Energy and Environmental Design (LEED) gold or better by the United States Green Building Council.[15]

(d) The project, "where applicable," must achieve "a 15-percent greater standard for transportation efficiency than for comparable projects."[16]

Second, however, solely for residential projects with a cost of at least $15 mil-

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lion but less than $100 million,[17] a partially overlapping but different and more detailed standard applies. The LEED certification and transportation efficiency standards are not directly applicable but the other two standards still apply, with additional factors applicable only to smaller projects. Specifically, to be qualified for consideration and certification, these smaller residential projects ($15 million to $100 million project investment) must meet all of the following requirements:

(a) The project must be on an infill site, as defined by existing law;[18] this requires that either the site was previously developed for qualified urban uses, or else that the site is within an existing urbanized area with at least 75 percent of the perimeter of the project site adjoining existing qualified urban uses and the remaining 25 percent adjoining vacant parcels previously developed for qualified urban uses.[19]

(b) If the project is located within a metropolitan planning organization for which a sustainable communities strategy or alternative planning strategy is in effect, the project must be consistent with the general use designation, density, building intensity, and other applicable policies previously accepted as meeting applicable greenhouse gas emission reduction targets by the State Air Resources board.[20]

(c) At least 15 percent of the project (or a greater percentage if required by an existing local inclusionary housing ordinance) must be dedicated as housing that is affordable to lower income households.[21]

(d) The project cannot include any manufacturing or industrial uses, but may be a mixed-use project with other nonresidential uses provided at least two-thirds of the square footage is designated for residential use.

(e) No part of the housing development project may be used for a rental unit for a term shorter than 30 days, or designated for hotel, motel, bed and breakfast inn, or other transient lodging use (although some transitional or supportive housing and residential hotel uses are permitted).[22]

The first two requirements (infill site and conformity with greenhouse gas emissions standards) are the same for residential projects costing $15 million to $100 million as for those exceeding $100 million, but the added three requirements (15 percent or greater affordability, limitations on mixed-use, and limita-

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tions on short-term rentals) apply only to the smaller $15 million to $100 million range of projects.

Under either of the two qualification approaches, if the project qualifies as an "environmental leadership project," then it is eligible for evaluation by the Governor and legislature for certification as a project entitled to the streamlined CEQA process. If it does not meet the requirements for one of these two alternative but overlapping qualification standards, then it is not eligible for such consideration and need not apply. In either event, a qualifying environmental leadership project must still submit an application and be approved under an additional set of requirements detailed in the next section.

III. Procedure and additional requirements for obtaining certification for streamlining of a qualified "environmental leadership development project"

As noted, a project that meets one of the two sets of criteria as an "environmental leadership project" still must submit to a review process at the state level in order to determine whether it will be entitled to the "streamlined" environmental review process under CEQA. This process includes at least two layers of review by elected state governmental authorities plus several additional requirements that the project applicant and sponsoring local agency must implement, or else the project will not be approved for streamlining.

Initially, the project applicant must apply to the Governor for certification that the environmental leadership project is eligible for streamlining.[23] The timeframe for submitting such an application is not specified, nor is the statute clear on whether and how the Governor must act on the application. However, the project will not be eligible for streamlining unless the Governor actually certifies the project's eligibility before January 1, 2024.[24]

Second, the Governor is given a specific list of additional conditions that must be satisfied in order for a project to be certified as eligible for streamlining.[25] While the Governor's determination that these conditions are met is not subject to judicial review,[26] the Governor's determination of eligibility requires the concurrence of the Joint Legislative Budget Committee of the State Legislature within 30 days after it receives the determination from the Governor, and if the Legislative Budget Committee fails to concur or nonconcur within that timeframe, the project is deemed certified.[27] The statute does not provide for the consequences of an express nonconcurrence by the Committee, and also

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does not indicate whether the Committee's decision is subject to judicial review or to oversight and reversal by the two houses of the Legislature.

The procedural and documentation requirements for obtaining the Governor's certification of eligibility are not spelled out in the statute. In general, the Governor is given broad latitude in how to implement the program, with little in the way of checks and balances other than the Legislative Budget Committee's apparent review once the Governor has approved a project, and there is little in the statute to assure the project sponsors of prompt and even-handed consideration of the application. There is no appeals process if the Governor fails to act on the application or denies the application outright; the Legislative Budget Committee is only given an opportunity to review a positive approval of eligibility by the Governor; and there is no provision for Committee review of a negative determination. The applicant is required to provide "evidence and materials that the Governor deems necessary to make a decision on that application," and the evidence and materials also "shall be made available to the public at least 15 days before the Governor certifies" the project.[28] The statute provides that the Office of Planning and Research can establish an application fee to defray the costs incurred by the Governor's office in implementing the certification program, but does not specify the amount or methodology for calculating the fee.[29] The Governor is also authorized (but not required) to issue "guidelines regarding application and certification" under the law, but these guidelines expressly are not required to be issued as regulations under the Administrative Procedures Act.[30]

The specific additional conditions required to be satisfied in order to obtain the Governor's certification of eligibility are detailed in the statute,[31] and primarily relate to two objectives that fundamentally are not about housing but rather about working conditions and wages for labor used in the construction of the project and greenhouse gas emissions from its operation. These are covered separately as follows:

(a) Labor and prevailing wage requirements; project labor agreements. The statute includes a requirement that the project "creates high-wage, highly skilled jobs that pay prevailing wages and living wages, provides construction jobs and permanent jobs for Californians, helps reduce unemployment, and promotes apprenticeship training."[32] While this vague and amorphous standard might seem hard to satisfy, and is made even more complicated by the extremely detailed and verbose standards the statute

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includes concerning labor conditions and wages to be paid in construction,[33] the project will be deemed to satisfy most of these objectives if the applicant enters into a project labor agreement with applicable construction trade unions. This is provided for in a particularly circuitous and detailed portion of the law (Pub. Resources Code § 21183.5), which outlines separate, detailed wage and apprenticeship training requirements and contractor standards for public entity projects, privately constructed public works projects, and other private construction projects, but in each case generally allows an entity that has entered into a project labor agreement covering every tier of the project and including a binding labor arbitration process to be deemed in compliance.[34]

(b) Greenhouse gas emission requirements; undefined standard for compliance. Unlike the standard for projects involving $100 million or more of project investments, the required conditions for greenhouse gas emissions for residential projects in the $15 million to $100 million range are left undefined. For these smaller sized projects, the applicant must demonstrate to the Governor's satisfaction that "the project does not result in any net additional emission of greenhouse gases, including greenhouse gas emissions from employee transportation," but no methodology or criteria for making this determination are specified.[35] For projects in the higher $100 million-plus range, compliance with this standard is deemed achieved if the applicant demonstrates to the satisfaction of the Governor that it incorporates the greenhouse gas quantification and mitigation requirements detailed in Public Resources Code, § 21183.6,[36] but by its terms, the latter provision does not apply to the smaller range of $15 million to $100 million residential projects.[37]

In addition to these two requirements, the project applicant must also demonstrate compliance with applicable provisions of the Public Resources Code dealing with the recycling of solid and organic wastes;[38] these requirements already apply to multifamily residential projects without regard to the applicability of this new legislation[39] and it is not clear why they have been included in the Governor's determination of eligibility for streamlined CEQA review under SB 7.

A further requirement of SB 7, applicable only to multi-family residential projects, involves mandatory "unbundling" of parking spaces or garages from dwelling units. Under Public Resources Code § 21184.5, any multifamily resi-

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dential project that receives certification must "provide unbundled parking, such that private vehicle parking spaces are priced and rented or purchased separately from dwelling units."[40] This "unbundled parking" requirement applies regardless of the size and cost of the project, and regardless of whether it is a for-sale project or a rental project. In either case, it may directly impact the design, approval, and marketability of the units in the project. The apparent purpose of this requirement is to enable transit-oriented projects to be more affordable to residents or purchasers willing to forego on-site parking, although the specific effect on local parking requirements may be difficult to gauge. (To be clear, the "unbundled parking" provision also existed under previous versions of the law, which could only be applied to larger multi-family projects that exceeded the $100 million threshold, but now applies to the smaller range of housing projects costing between $15 million and $100 million that was specifically added to the former statute by SB 7.) The statute provides that this "unbundling" is required "notwithstanding any other law." The only exception is for dwelling units that are subject to "affordability restrictions in law that prescribe rent or sale prices, and the cost of parking spaces cannot be unbundled from the cost of dwelling units."[41]

The "unbundling" requirement does not directly apply unless the Governor certifies the project as an environmental leadership development project, but an application for certification presumably would need to include a commitment for unbundled parking, and the applicant would have to be prepared to follow through on the commitment if certification is granted. On the other hand, the statute does not specifically prohibit a local agency from taking into account the effects on surrounding streets and parking facilities of having units sold or rented without available on-site parking tied to the unit.

The requirements for certification also include a number of additional findings that apply to the continued processing of the project in connection with the streamlined post-certification CEQA review process. These are enumerated here in order to provide a complete list of required conditions for certification, but primarily pertain to the post-certification streamlined process discussed in greater detail in the next section of this article:

(1) Entering into a binding agreement to implement mitigation measures as conditions of approval of the project;[42]

(2) Agreeing to pay trial court and court of appeal costs in any subsequent CEQA legislation;[43]

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(3) Agreeing to pay the cost of preparation of the record for subsequent proceedings before the lead agency,[44] and demonstrating that the record of proceedings is already being prepared in compliance with SB 7 if these proceedings had commenced prior to certification.[45]

As reflected in the foregoing discussion, the procedure and standards for certification of eligibility by the Governor are almost entirely in the Governor's discretion with limited legislative oversight and ostensibly no judicial oversight. It appears that if the Legislative Budget Committee affirmatively disapproves the Governor's certification and provides an express nonconcurrence, the certification will be unwound, although even that is not explicit in the legislation. Yet the process also requires that all information and submittals by the project sponsors or applicant must be made available for public access and review, but with no provision for a public record or public access to hearings, deliberations or proceedings by the Governor's office.

IV. Procedure and additional requirements for obtaining certification for a project alternative as a continuation of a qualified "environmental leadership development project"

One aspect of SB 7 that may prove useful for some projects is a separate provision for gubernatorial certification of a project alternative that was included in the EIR for the project, if the lead agency approves the alternative in lieu of the originally certified environmental leadership project. As provided in Public Resources Code, § 21187.5, added by SB 7, an applicant can request the Governor's certification of a project alternative as also being qualified as an "environmental leadership development project,"[46] and thereby impart the same procedural streamlining benefits to litigation challenging the lead agency's approval of the project alternative and would have been applicable to the original project that was certified by the Governor.[47] This application must be made before the lead agency's approval of the project alternative, and requires additional submittals and information through an additional application to the Governor.[48]

In practice, the application for approval of a project alternative cannot be made until the project alternative has been embodied in a draft EIR for the original environmental leadership project, although there is no requirement that the final EIR must have been certified as complete. Presumably, the guidelines to be issued by the Governor for processing of applications for certification of the original project will also address the processing of applications

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for certification of project alternatives, but the statute does not directly require this. Unlike the certification of the original project submission, the Governor's certification of the project alternative for treatment as an environmental leadership project is not subject to review by the Legislative Budget Committee.[49] However, like the original project certification, the Governor's certification of the project alternative expressly is not subject to judicial review.[50]

V. Post-certification CEQA streamlining of a qualified "environmental leadership development project"

Once a project (or project alternative) has been certified for streamlining in accordance with the statute, the only direct and material benefits of the statute to the applicant for the certified environmental leadership project are as follows:

(a) The lead agency is required to prepare and maintain the administrative record in an electronic and publicly accessible format (as further specified) concurrently during the course of proceedings, and to certify the record of proceedings within five days after approval of the project.[51]

(b) Any dispute over the sufficiency of the record must be brought in the superior court, and the party challenging the sufficiency of the record must file a motion to augment the record at the time of filing its opening brief.[52]

(c) Actions or proceedings brought to attack, review, set aside, void, or annul the certification of an environmental impact report for the project will have to be fully litigated, heard, and determined, both at the trial court level and through the courts of appeal and the state supreme court, "to the extent feasible," within a period of 270 days after filing of the certified record (assuming that the Judicial Council adopts a rule of court to that effect as directed by the statute).[53]

These are evidently the "streamlining" effects of the statute, and they are not without further costs and conditions that the applicant must bear. The entitlement of a project that is certified as an environmental leadership development project to these benefits will be contingent on the applicant meeting or performing the following requirements:

(a) As a condition of certification, the applicant must already have agreed to pay the cost of preparing the expedited administrative record in compli-

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ance with the statute, as well as all court costs at trial, on appeal, or for appointment of a special master for such proceedings.[54]

(b) As a condition of certification, the applicant must already have agreed to perform all conditions and mitigation measures imposed "under this chapter" (meaning the provisions of SB 7) as well as to pay for the lead agency's monitoring of these mitigation requirements in the form of a binding and enforceable agreement entered into before the applicant applies for certification of the project by the Governor.[55]

(c) Within 10 days after approval of the project, the lead agency, at the applicant's expense, must publish and disseminate a specified public notice that the applicant has elected to proceed under the procedures and requirements of the statute, and that any judicial action to challenge these approvals is subject to the procedures and time limits of the statute.[56]

Thus, the use of the term "streamlining" in SB 7 is really a misnomer and is potentially misleading. The end result of the certification process is a form of expedited review of the qualifying project, but it is a very limited sort of "streamlining" that comes into effect only in the event of a lawsuit challenging the project approvals, once they are granted. The certification does not result in a truncated, simplified, or expedited CEQA process by the lead agency, nor does it protect against a subsequent CEQA lawsuit claiming that an EIR is deficient or that any of the eventual project approvals are unlawful. It also does not come into play unless an EIR is prepared; a project that may proceed under a negative declaration or mitigated negative declaration does not fall within the scope of the statutory provision directing rules of court to be established to expedite litigation concerning "the certification of an environmental impact report for an environmental leadership project certified by the Governor under this chapter."[57]

In summary, qualification as an environmental leadership development project is neither a substitute for completion of an environmental impact report nor a guaranty that CEQA compliance will be found to exist, that the project approvals will be granted by the applicable local agency, or that the project will not be challenged successfully in court by project opponents on CEQA or other grounds. The only positive benefit of certification is to assure the project sponsor that *if and when an EIR is completed and certified and the local agency grants*

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the requisite approvals, then if a lawsuit is thereafter filed challenging the project approvals, whether on CEQA or other grounds, the administrative record will be prepared promptly and the lawsuit will be resolved relatively quickly by the courts.

Conclusion and evaluation of SB 7 as applied to smaller housing projects

The significance of SB 7 for smaller development projects in the $15 million to $100 million range is hard to gauge. Since the only real benefit of the statute is to streamline the resolution of litigation challenging project approvals after completion of a full EIR for the project, the question of whether to apply for certification as an environmental leadership development project may boil down to the question of probabilities—i.e., is the likelihood of litigation and delay sufficient to warrant the additional burdens and expense of applying for certification by the Governor, or not? In many cases, the most likely project opponents for smaller infill housing projects are labor unions who might consider litigation under CEQA in order to leverage developers into project labor agreements, or NIMBY groups whose objectives may or may not be satisfied by the greenhouse gas and infill development standards needed to qualify under SB 7. Merely entering into a project labor agreement may be sufficient to mitigate the first risk, and compliance with the lofty environmental objectives of SB 7 is not likely to pacify the NIMBY groups. If the project sponsors believe they can sustain a mitigated negative declaration against challenge, or if the project may qualify for ministerial approval without a use permit (and without an EIR or negative declaration under existing zoning and general plan designations, as might sometimes be provided by Government Code § 65913.4), the benefits of proceeding under SB 7 may not outweigh the burdens and delays of qualifying the project as an environmental leadership development project.

It can also be anticipated that the application and approval process through the Governor's office and the Legislative Budget Committee will have a political component, and that it will behoove the project applicant to obtain stakeholder support from local agencies, environmental groups, and labor organizations before requesting certification. While not explicit in the statute, it is safe to assume that an application that does not include endorsements from the local public entity as well as labor groups and environmental organizations is less likely to receive favorable treatment by the Governor's office. It is also safe to assume that such organizations will not hesitate to intervene with the Governor

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and the Legislative Budget Committee if project sponsors have not obtained their support in advance. Again, the question of whether to pursue certification as an environmental leadership development project will be a judgment call involving a balancing of risks and rewards for any prospective sponsor of such a project.

ENDNOTES:

[1]See my previous articles on this topic published in the Miller & Starr, Real Estate Newsalert over the past several years: Karl E. Geier, *Going for the Capillaries: Legislative Tinkering with California Planning and Zoning Laws to Address the Housing Shortage*, Miller & Starr, Real Estate Newsalert, March 2017, 27 No. 4 Miller & Starr, Real Estate Newsalert NL 1; *More of Something: The California Legislature's Effort to Increase the Supply of Affordable Housing*, Miller & Starr, Real Estate Newsalert, March 2018, 28 No. 4 Miller & Starr, Real Estate Newsalert NL 1; *A Whole New Ballgame: What The Housing Crisis Act Of 2019 (§ 330) Means For Housing Developers, Local Governments, And Go-Slow Opposition To New Residential Development Projects In California*, Miller & Starr, Real Estate Newsalert, September 2020, 31 No. 1 Miller & Starr, Real Estate Newsalert NL 1.

[2]2021 Stats., ch. 19 (SB 7), adding Pub. Resources Code, §§ 21178 to 21189.3 (The Jobs and Economic Improvement Through Environmental Leadership Act of 2021).

[3]Former Pub. Resources Code, § 21180, subd. (b), initially enacted in 2011 Stats., ch. 354 (AB 900), § 1, and extended by subsequent legislation, most recently expiring as of December 31, 2020.

[4]Current Pub. Resources Code, § 21180, subd. (b)(4), as added by 2021 Stats., ch. 19 (SB 7), § 1.

[5]Pub. Resources Code, § 21178, subd. (h).

[6]Press Release, Office of Governor Newsom, May 20, 2021, entitled "In San Jose, Governor Newsom Signs Legislation to Fast-Track Key Housing, Economic Development Projects in California" accessed May 25, 2021, at https://www.gov.ca.gov/2021/05/20/in-san-jose-governor-newsom-signs-legislation-to-fast-track-key-housing-economic-development-projects-in-california/.

[7]Pub. Resources Code, § 21178, subds. (e), (f).

[8]See Pub. Resources Code, § 21178, subd. (g), which states that the pollution reductions achieved by AB 7 "will be the best in the nation compared to other comparable projects in the United States," a claim for which there is literally no evidence and no possible means of demonstrating its veracity.

[9]Former Pub. Resources Code, §§ 21180, 21183.

[10]Pub. Resources Code, § 21183, subd. (a)(1).

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[11]Former Pub. Resources Code, § 21180, subd. (b).

[12]Pub. Resources Code, § 21180, subds. (b)(4)(A)(i), (c), referencing Pub. Resources Code, § 21061.3.

[13]Pub. Resources Code, § 21061.3.

[14]Pub. Resources Code, § 21180, subd. (b)(1), referencing Gov. Code, § 65080, subd. (b)(2).

[15]Pub. Resources Code, § 21180, subd. (b)(1).

[16]Pub. Resources Code, § 21180, subd. (b)(1).

[17]Pub. Resources Code, §§ 21180, subd. (b)(4)(A)(iii), 21183, subd. (b)(2).

[18]Pub. Resources Code, § 21180, subds. (b)(4)(A)(i), (c), referencing Pub. Resources Code, § 21061.3.

[19]Pub. Resources Code, § 21061.3.

[20]Pub. Resources Code, § 21180, subd. (b)(4)(A)(ii), referencing Gov. Code, § 65080, subd. (b)(2).

[21]Pub. Resources Code, § 21180, subd. (b)(4)(A)(iv).

[22]Pub. Resources Code, § 21180, subd. (b)(4)(A)(v).

[23]Pub. Resources Code, § 21182.

[24]Pub. Resources Code, § 21181.

[25]Pub. Resources Code, §§ 21183, 21184, subd. (a).

[26]Pub. Resources Code, § 21184, subd. (b)(1).

[27]Pub. Resources Code, § 21184, subd. (b)(2).

[28]Pub. Resources Code, § 21182.

[29]Pub. Resources Code, § 21184.7.

[30]Pub. Resources Code, § 21184, subd. (c).

[31]Pub. Resources Code, § 21183.

[32]Pub. Resources Code, § 21183, subd. (b).

[33]Pub. Resources Code, § 21183, subd. (b), referencing Pub. Resources Code, § 21183.5.

[34]Pub. Resources Code, § 21183.5, subd. (b)(2) [applicable to public entity project sponsors], Pub. Resources Code, § 21183.5, subds. (c)(1)(B)(iii)(III), (c)(2)(C)(ii) [applicable to private entity project sponsors].

[35]Pub. Resources Code, § 21183, subd. (c)(2).

[36]Pub. Resources Code, § 21183, subd. (c)(1), referencing Pub. Resources Code, § 21183.6.

[37]Pub. Resources Code, § 21183.6, subd. (a).

[38]Pub. Resources Code, § 21183, subd. (d), referencing Pub. Resources Code, §§ 42649 et seq. (solid waste recycling), and Pub. Resources Code,

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§§ 42649.8 et seq. (organic waste recycling).

[39]See Pub. Resources Code, §§ 42649.1, subd. (a), 42649.2, subd. (a), 42649.8, subd. (a), 42649.81, subd. (g).

[40]Pub. Resources Code, § 21184.5, subd. (a).

[41]Pub. Resources Code, § 21184.5, subd. (b).

[42]Pub. Resources Code, § 21183, subd. (e).

[43]Pub. Resources Code, § 21183, subd. (f).

[44]Pub. Resources Code, § 21183, subd. (g).

[45]Pub. Resources Code, § 21183, subd. (h).

[46]Pub. Resources Code, § 21187.5, subds. (a), (b).

[47]Pub. Resources Code, § 21187.5, subd. (c).

[48]Pub. Resources Code, § 21187.5, subd. (b).

[49]Pub. Resources Code, § 21187.5, subd. (b), referencing Pub. Resources Code, § 21184, subd. (b)(2), which provides for review by the Legislative Budget Committee.

[50]Pub. Resources Code, § 21187.5, subd. (b).

[51]Pub. Resources Code, § 21186, subds. (a) through (h). See the statute for additional detail on the time and manner for the lead agency to maintain the concurrent record of proceedings, including conversion of submissions and comments to electronic format and making available submissions and comments submitted in the course of the CEQA process online in a specific time and manner.

[52]Pub. Resources Code, § 21186, subd. (i).

[53]Pub. Resources Code, § 21185.

[54]Pub. Resources Code, § 21183, subds. (f), (g).

[55]Pub. Resources Code, § 21183, subd. (e).

[56]Pub. Resources Code, § 21187. The exact form of this notice is further specified in the statute.

[57]See Pub. Resources Code, § 21185.

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