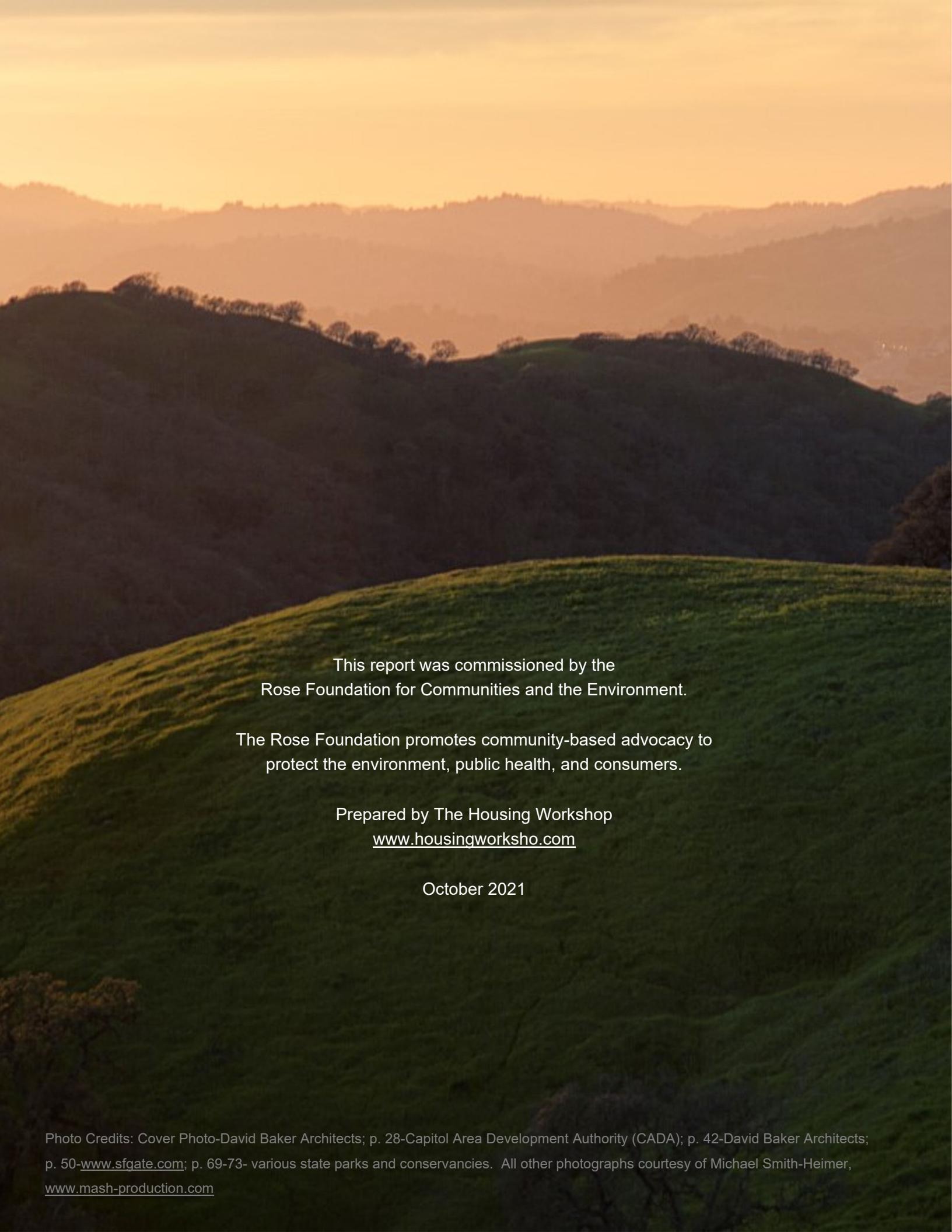




CEQA: California's Living Environmental Law

CEQA's Role in Housing, Environmental Justice,
& Climate Change



This report was commissioned by the
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Executive Summary

Introduction

The California Environmental Quality Act ("CEQA"), signed into law by Governor Ronald Reagan in 1970, requires state and local agencies to identify the potentially significant environmental impacts of proposed projects before they approve them.¹ CEQA also mandates that public agencies avoid or mitigate those impacts if feasible. The law encourages public participation in the land use decision-making process by affording several key opportunities for public comment on environmental impact reports ("EIRs") and other review documents. This process ensures that public agencies are held accountable for their decisions that affect the environment.

For 50 years, CEQA has protected important places and communities throughout the state. Still, critics argue that CEQA imposes significant obstacles to development in California, threatening the state's prosperity. They claim not only that CEQA greatly increases the cost and time associated with development approvals, but also that rampant CEQA litigation blocks the implementation of many projects.

This report carefully examines the assumptions and evidence underlying these arguments, and ultimately concludes the arguments are unfounded. In many cases, critics have utilized inaccurate data, relied on incorrect assumptions, or simply overlooked CEQA's dynamic nature. In fact, in recent years the California Legislature has enacted numerous changes to the law, streamlining environmental review and expediting CEQA litigation for many projects.

This report also includes an extensive, fact-based analysis of CEQA's relationship to housing development in California. The report presents new data from cities and counties regarding CEQA and housing production and analyzes these jurisdictions' reliance on recent amendments to CEQA, the CEQA Guidelines,² and related legislation that streamlines environmental review for housing projects. The report concludes that there is no merit to the claim, repeatedly asserted in the popular press, that CEQA bears large responsibility for the severe housing crisis now afflicting California.

Finally, the report focuses on environmental justice and climate change as today's most urgent environmental issues and includes six cases studies illustrating how CEQA addresses those

¹ CEQA is found at Pub. Resources Code § 21000 et seq.

² The CEQA Guidelines are found at Cal. Code Regs., tit. 14, § 15000 et seq.

problems. The report then provides an in-depth analysis of CEQA's enduring role, over the last 50 years, in protecting California's environment and communities while encouraging public participation in the land use decision-making process.

This report builds on a comprehensive study by BAE Urban Economics entitled *CEQA in the 21st Century*, which the Rose Foundation for Communities and the Environment issued in 2016.³ The purpose of the 2016 Report was to analyze how CEQA had functioned during the previous decade. The findings of this 2021 Report are consistent with those of the earlier report.

Key Findings

The findings below are based on new data and analysis conducted for the 2021 Report. They address the topics covered in both the 2016 Report and this Report, as well as new topics raised for the first time in the 2021 Report.

The number of lawsuits filed under CEQA throughout California has been low, averaging 195 per year since 2002. Annual filings since 2002 indicate that while the number of lawsuits has slightly fluctuated from year to year, from a low of 183 in 2002 to a high of 247 in 2008 and then declining again to 195 filings in 2019, there is no overall pattern of increased litigation. In fact, litigation year-to-year does not trend with California's population growth; despite a 14.5 percent increase in California's population from 2002 to 2019, the annual number of CEQA lawsuits has remained basically the same.

The rate of litigation for challenges to projects alleging noncompliance with CEQA is also very low, with lawsuits filed for 2 out of every 100 projects. The estimated rate of litigation for all CEQA projects requiring an Environmental Impact Report, a Mitigated Negative Declaration or a Negative Declaration was 2.0 percent for the seven-year period from 2013 to 2019. This rate is consistent with the findings of earlier studies, and far lower than some press reports imply.

Despite critics often citing CEQA as a “major barrier to development,” no evidence supports that assertion. The 2016 Report analyzed the cost of CEQA compliance by providing “case studies” of five projects located throughout California. The report found that the direct environmental review costs for these five projects ranged from 0.025 to 0.6 percent of the total project costs.

³ Hereinafter, we refer to *CEQA in the 21st Century* as the “2016 Report,” and to the current report as the “2021 Report” or “Report.” Janet Smith-Heimer and Jessica Hitchcock were the principal authors of both reports.

To provide a current sense of CEQA's costs, as well as the overall outcome of CEQA-mandated environmental reviews, the 2021 Report examines three new "case study" projects, adding to the five case studies provided in the 2016 Report. The results are very similar to the findings of the 2016 Report: the three new case studies indicate (1) direct environmental review costs ranging from 0.15 to 0.5 percent of the total project cost, and (2) environmental review periods ranging from 6 months to 29 months.

Accordingly, based on the available evidence, CEQA costs were not large enough to seriously impede development projects. This conclusion is consistent with recent studies demonstrating that other discretionary entitlement processes – not CEQA – have slowed or impeded certain development projects.

Many complex factors have contributed to California's current housing crisis, but CEQA has not proved to be a significant factor or cause of that crisis. This Report analyzes CEQA's relationship to housing production and reaches the following conclusions:

- An analysis of California's annual housing production across 60 years, from 1960 to 2020, shows that even though CEQA was passed into law in 1970 and applied to private development beginning in 1972, California housing production surged thereafter, reaching its 60-year peak in 1986, a full 14 years after the law was applied to private development. Many other factors affect the state's recent lag in housing production such as local zoning practices; fluctuating interest rates; widening income gaps; and the high cost of land, materials, and labor. CEQA has not proved to be a discernible factor in increasing or deterring housing in the state.
- Nevertheless, given the gravity of the state's housing crisis, the California Legislature has amended CEQA and enacted related legislation to streamline the production of needed housing in the state. For example, Senate Bill 35 ("SB 35"), passed in 2017, enables eligible jurisdictions to approve qualified housing projects on a ministerial basis, thereby bypassing environmental review and other requirements. According to data published by the state's Housing and Community Development Department, from 2018 to 2020, almost 14,000 housing units have been entitled through SB 35, representing 4 percent of all units reported by jurisdictions as in their housing pipeline. It is anticipated that reliance on SB 35 and other mechanisms to expedite CEQA review will increase substantially in the next few years, particularly for 100 percent affordable housing projects.
- A survey commissioned in 2018 by the Association of Environmental Professionals ("AEP") is one of the few studies that has comprehensively surveyed CEQA's impact on housing production.⁴ It yielded responses from jurisdictions over a wide geographic

⁴ Association of Environmental Professionals, *CEQA and Housing Production: 2018 Survey of California Cities and*

range that accounted for 54 percent of the state's multifamily permit activity. The survey found that between 2015 and 2017, streamlining and exemptions were the predominant type of environmental review used for housing projects in the respondent jurisdictions (42 percent of projects), followed by Mitigated Negative Declarations (36 percent). The responding jurisdictions used EIRs in only 6 percent of the projects; these documents were generally reserved for larger projects with potentially greater environmental impacts. Most respondents concluded that CEQA did not constrain housing in their jurisdiction.

- For this Report, three jurisdictions that had responded to the AEP study and that provide diversity in terms of geography and size – the City and County of San Francisco, Santa Barbara County, and the Town of Truckee – were contacted again to update data for the most recent 2018 - 2020 period.⁵ The research indicates that San Francisco commonly uses SB 35 and other CEQA streamlining approaches in connection with proposed housing projects, resulting in just seven EIRs being prepared for housing projects in the past three years. The County of Santa Barbara has not yet experienced substantial streamlining activity, but staff expects streamlining to increase in the future. Town of Truckee staff noted that CEQA compliance is not a major challenge, principally because of the Town's major planning efforts, which provide opportunities to tier subsequent project applications off prior EIRs. The Town has also applied infill exemptions.
- It is important to recognize that when the Legislature eliminates environmental review requirements through streamlining provisions such as those authorized by SB 35, there may be no mitigation for impacts causing public health and other harm. Given the potential for such negative consequences and the fact that CEQA is not the root cause of the housing crisis, lawmakers and policy leaders should carefully monitor this narrowing of CEQA's application to housing development and evaluate how the current CEQA amendments play out before further weakening the law's environmental review requirements. Residents depend on CEQA to ensure the health and safety of their communities.

Counties (2019), https://www.califaep.org/docs/CEQA_and_Housing_Report_1-30-19.pdf.

⁵ The primary authors of the AEP study were Janet Smith-Heimer and Jessica Hitchcock, who are also the primary authors of the 2016 Report and this 2021 Report.

California's consistently high rankings among states for metrics gauging economic prosperity and sustainable development directly counter claims that CEQA has a negative economic or sustainability impact. The following metrics paint a compelling picture:

Economic Prosperity

- California was the 7th fastest growing state in terms of job growth between 2012 and 2019, with an 11.8 percent increase, far outpacing the U.S. and 43 other states.
- California's Gross Domestic Product (GDP), which is the value of all economic output, ranked first in the U.S. in 2019. California also ranks third in the rate of growth in GDP since 2012, with an increase of almost 31 percent in the past seven years, far surpassing the U.S. and 47 other states.
- California ranked 5th in the nation for median household income in 2019, at well over \$80,000. Incomes in California have also responded robustly to economic growth; from 2012 to 2019, California's median household income grew the fastest of all 50 states, at just under 38 percent.
- Some critics of CEQA assert that the law negatively affects the manufacturing sector, indirectly decreasing job opportunities for middle class wage earners. In reality, while California has a broadly diversified economy, the manufacturing sector is also thriving. Since 2012, California grew its manufacturing employment by almost 77,000 jobs, outpaced only by Michigan, which experienced a rebound in its automotive industry during the last decade. California's growth accounted for 8.8 percent of the 871,200 total manufacturing jobs added in the U.S. between 2012 to 2019.

Sustainable Development

- California has developed more densely than many observers may recognize, with a 2019 population density of 254 persons per square mile. This density places California as the 11th most densely populated state in the U.S.
- The pace of new residential construction considered as "infill" in California's metropolitan areas compares favorably with other states. One study found that 80 percent of new residential units built in the San Jose–Sunnyvale–Santa Clara metropolitan area between 2000 and 2009 were infill development. In contrast, just 7 percent of new residential units built in Austin, Texas (with little environmental review) were categorized as infill development during the same period.
- California has 5 of the top 20 most walkable cities in the U.S., a key metric for sustainable development, based on Walk Scores for 141 cities with populations of more than 200,000. Rankings included San Francisco (#2 nationally), Oakland (#9), Long Beach (#10), and Los Angeles (#16).
- The ParkScore metric by the Trust for Public Land ranks the largest 100 U.S. cities in terms of park availability and other park-related factors. In 2020, eight cities in

California scored higher than the national average for these 100 cities, including San Francisco, which ranked 8th among all 100 cities scored.

Over 50 years, CEQA has protected the state's natural environment and many of its iconic places, and the law is now also used to combat the urgent issues of environmental injustice and global climate change. Through six case studies, this Report demonstrates how the CEQA process — and in some cases CEQA litigation — have caused developers and/or public agencies to modify large, impactful development projects to address these issues. As a result of CEQA,

- The developer of a massive “logistics center,” which will include 40.6 million square feet of warehouse space in the City of Moreno Valley (Riverside County), agreed to implement multiple measures to mitigate the serious traffic impacts and air and noise pollution caused by the project.
- A proposal to drill oil and gas wells in the middle of a residential community in the City of Arvin (Kern County) will not go forward without further environmental review.
- Residents in a vulnerable community in South Fresno were able to actively participate in the land use decision-making process for two large and controversial warehouse projects. In one case, the City of Fresno rescinded its approval of the project after the court invalidated its environmental review document. In the other case, the developer agreed to modify the project to reduce its significant impacts on the community, and the City agreed to establish a community benefits fund and to pursue further mitigation.
- San Diego County’s regional transportation agency revised the EIR for its 50-year regional transportation plan to study a transit-oriented alternative to its auto-centric plan; and
- The developer of an immense new subdivision in Los Angeles County adopted innovative measures to radically reduce its greenhouse gas emissions.

Overall, CEQA has proved to be a durable “living law,” with limited identifiable negative consequences and numerous robust benefits that have never been quantified. This dynamic law has played a significant role in safeguarding the state’s environmental resources for over 50 years; it now serves as the key tool for community members demanding mitigation for proposed projects’ harmful impacts on residents’ health and wellbeing. As California shifts toward curbing climate change and adapts to a changing natural world, CEQA’s dynamic function will continue to serve a vital role.



Downtown Livermore, CA

1. Introduction and Study Purpose

Overview

CEQA was enacted in 1970 as the state counterpart to the National Environmental Protection Act (“NEPA”). These pioneering environmental laws heralded a new recognition of the human impact on the natural world, a concept that has become increasingly necessary in the current era of dramatic climate change.

CEQA requires state and local agencies to identify the potentially significant environmental impacts of proposed projects before they approve them. These public agencies must comply with CEQA for each "project." The law defines "project" as a discretionary action undertaken by a public agency, or a discretionary public agency approval of a private party action, that may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment. Generally, actions approving physical developments in California, as well as land use plans and regulations, are subject to CEQA unless an exemption applies.

CEQA's requirements for environmental review involve various steps, commencing with an initial review of the proposed project and its environmental effects. Depending on the significance of the project's potential effects, more substantial review may occur through preparation of an EIR.

This law, in effect for more than 50 years, has profoundly affected California's environmental quality and public health. Perhaps most importantly, the procedures built into CEQA compliance — which require public notices, public comment periods, and responses to those comments — work together to expose the nature, scope and impact of development proposals and plans. This process serves to engage the public and other governmental agencies in civic discourse about the environmental effects of physical development and land use policies.

Ensuring uniform implementation of CEQA depends largely on litigation by private parties acting in the public interest. Without private enforcement, CEQA's provisions could be violated with impunity.

Study Purpose

Since CEQA's adoption over 50 years ago, certain organizations and interest groups have criticized the law. Specifically, they have balked at CEQA's environmental review process, public comment requirements, and occasional litigation, claiming that these additional steps create significant barriers to necessary infrastructure, land development, and business prosperity. Building on the 2016 Report's analysis of these issues, this Report provides a close examination of the current criticisms of CEQA.

Although critics' arguments against CEQA have taken many different forms over the years, the latest arguments for CEQA "reform" largely fall into the following general categories:

- **"Abuses" of the Process through Litigation.** Some studies assert that CEQA is "abused" by those filing litigation to stop worthy projects. According to these critics, the alleged abuses have caused a cumulative negative effect on housing markets, traffic conditions, job growth, and other metrics of the economic vitality of California. Chapter 3 of this Report discloses the number of CEQA cases actually filed between 2013 and 2019, as well as the rate of litigation challenging CEQA compliance.
- **Effects on Housing Production.** Some critics claim CEQA is a major cause of California's housing crisis. Chapter 4 discusses the factors contributing to this crisis such as widening income gaps, fluctuating interest rates, local zoning practices, and high land and construction costs. It includes a review of relevant literature concerning the relationship between CEQA and housing production, as well as three case studies. Chapter 2 shows how the state Legislature has amended CEQA to streamline environmental review and to expedite judicial review for certain types of housing projects and other beneficial projects.
- **Burdensome Project Costs and Delays.** Some critics object to the direct cost of environmental review, which is usually charged to the project applicant in the case of private projects. Critics also claim that the time to prepare the document up to final certification is overly burdensome. Chapter 5 analyzes the factors of cost and time delay.
- **Constraints on Other Sustainable Development Policy Initiatives.** Calls for reform also come from some advocates of other important policy initiatives such as sustainable and infill development, transit system improvements, and large renewable energy projects. Critics claim that CEQA compliance can delay or even thwart these projects, thereby stifling California's economy. Chapter 6 analyzes these arguments, using published data sources.
- **CEQA's Key Components Need to be Weakened or Eliminated.** Critics use the above arguments to propose legislation that would weaken or eliminate CEQA's essential

provisions. These proposals typically do not recognize the critical value of environmental protection and community empowerment that CEQA has provided across California. Chapter 7 describes CEQA's 50-year history of protecting the state's environment, including many of its iconic places. Chapter 8 includes six cases studies illustrating how CEQA addresses this decade's most critical environmental issues: environmental justice and climate change.

This Report takes an evidence-based approach drawn from both prior published studies and primary data analysis to closely assess these anecdotal arguments. The Report estimates CEQA litigation rates based on legal filings, documents contemporary practices of environmental review such as utilization of CEQA's streamlining procedures for housing production, and compiles metrics describing California's economic prosperity and sustainable development rankings among the nation's 50 states.

Study Framework

In order to provide an empirical basis for evaluating CEQA's role in California, this Report examines five key questions:

- How frequent is CEQA litigation relative to the number of CEQA review actions involving Environmental Impact Reports, Negative Declarations, and Mitigated Negative Declarations undertaken across the state?
- How does CEQA affect housing production in the face of an ever - increasing shortfall of needed market-rate and affordable housing in California?
- What are the direct costs of CEQA compliance relative to overall project development costs?
- Has CEQA constrained the state's economic prosperity or its ability to develop in a sustainable way?
- Is CEQA an effective tool in combatting the problems of environmental injustice and climate change?

These key questions have been debated extensively by elected officials, environmental professionals, and a wide range of activists who both support and object to CEQA as currently implemented. This Report provides empirical data and analysis to facilitate these debates.

Study Methodology

The methodology used for this 2021 Report includes the following approaches to address the five study questions:

- Literature review of prior empirical studies
- Primary research and quantitative analysis regarding (1) CEQA case numbers, (2) CEQA litigation rates, and (3) housing production in California
- Case study research regarding (1) the cost/delays associated with CEQA review, (2) the utilization of several streamlining laws to expedite housing production, and (3) the use of CEQA to address environmental injustice and climate change
- Quantitative review of published metrics for California and benchmark jurisdictions to provide recent data regarding CEQA's effects on statewide prosperity and sustainable development

Each chapter of this Report provides further description of the methodologies employed to analyze each key question.

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View of Berkeley, Emeryville, and San Francisco from Berkeley Hills

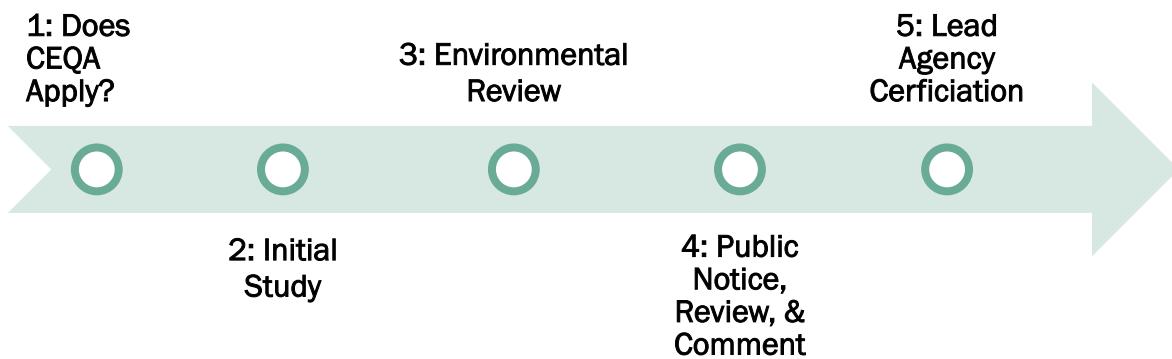
2. Overview of CEQA Process

This chapter provides a description of the CEQA process, which has evolved since its initial passage in 1970 through a series of legislative reforms, updated regulatory guidelines, and court cases.

The CEQA Compliance Process

The chart below summarizes the CEQA compliance process, with additional explanations of each step on the following pages.

Figure 1: General CEQA Compliance Flow Chart



Source: THW, 2021

Step 1: Determine Whether CEQA Applies

CEQA applies to any activity that qualifies as a “project,” which is defined as a discretionary action undertaken by a public agency, or a discretionary public agency approval of a private party action, that may cause foreseeable physical changes to the environment. Projects include development proposals, activities undertaken by public agencies that can result in physical development (e.g., General Plans or Specific Plans), and activities with public agency assistance such as grants or loans.

The public entity (e.g., city or county) carrying out its own project — or in the case of a private project, the public agency responsible for approving the project — must spearhead the environmental review as the “Lead Agency.”

On the other hand, CEQA does not apply to public agencies’ ministerial approvals. Ministerial approvals are decisions that do not require the public agency to exercise judgment or engage in deliberation.

Exemptions

Not all projects are subject to CEQA. The state has carved out exemptions to CEQA that fall into two categories: statutory and categorical exemptions. Statutory exemptions are activities the Legislature has specifically excluded from CEQA despite any environmental impacts. Examples include Caltrans activities related to restriping streets or highways, or projects necessary to prevent or mitigate an emergency. Categorical exemptions include classes of projects that have been determined generally not to have significant impacts on the environment. There are currently 33 types of categorical exemptions, which include (among other things) small structures, minor alterations, and infill development projects.

Categorical exemptions are not absolute, and a project in a class that does not ordinarily result in significant impacts may, in certain sensitive environments, create significant impacts. Therefore, projects ordinarily subject to a categorical exemption may undergo environmental review if there is adequate evidence of a possible significant adverse impact due to unusual circumstances.

Step 2: Initial Study

If a project is subject to CEQA and no exemption applies, the Lead Agency must prepare an Initial Study to determine whether the project may have any significant environmental impacts. The purpose of the Initial Study is to provide a preliminary analysis that determines if there is a potential for significant impacts.

To assist lead agencies in determining whether a project may have a significant impact, the Governor's Office of Planning and Research ("OPR") has published a sample Initial Study form, Appendix G to the CEQA Guidelines, which sets forth a series of questions regarding a range of potential impacts. Topics include environmental considerations such as biology, greenhouse gas emissions, and air and water quality, along with impacts on the built environment, such as traffic, views, noise, and public service infrastructure. The Initial Study, as well as all CEQA analysis, must also consider a project's potentially significant "cumulative impacts," including related impacts from other projects and impacts over time.

Step 3: Environmental Review

The Lead Agency next uses findings from the Initial Study to determine whether further environmental review is warranted. Within 30 days after accepting a completed application, the Lead Agency must determine which of the following review documents it intends to prepare:

1. **Negative Declaration:** If the lead agency determines that there is no substantial evidence, in light of the whole record, to support a fair argument that the project may have a significant impact on the environment, it will issue a Negative Declaration.

OR

2. **Mitigated Negative Declaration:** If potentially significant impacts are identified and the Lead Agency adopts revisions to the project that either eliminate all potentially significant impacts or reduce them to less-than-significant levels, a Mitigated Negative Declaration may be prepared.

OR

3. **Environmental Impact Report:** If the Initial Study finds substantial evidence to support a fair argument that significant effects may occur, then an EIR is required. An EIR must provide detailed information about a project's anticipated impact on the environment, identify feasible ways to mitigate its significant adverse environmental effects, and examine project alternatives that could feasibly avoid or lessen the impacts.

Step 4: Public Notice, Review, and Comment

One of the key features of the CEQA process is its emphasis on notification, outreach, review, and comment opportunities for members of the public. The process also includes notification and review/comment by other affected public agencies. Each of the above actions/documents triggers a formal public notification and comment period with specific timelines.

Negative Declarations or Mitigated Negative Declarations

For Negative Declarations and Mitigated Negative Declarations, the Lead Agency must provide the public, relevant trustee agencies, and the County Clerk with a minimum 20-day review and comment period. During that period, if substantial evidence is provided to support a fair argument that the project may have a significant effect that cannot be mitigated, the Lead Agency must prepare an EIR.

EIRs

For an EIR, the Lead Agency must circulate a Notice of Preparation that includes a brief description of the project and scope of the EIR, with a 30-day period to obtain public comment. In addition, the Lead Agency will often convene one or more scoping meetings, which provide an opportunity to introduce the project and the intended scope of the EIR to the public and to obtain feedback on community concerns about potential environmental impacts.

The Lead Agency is responsible for public notice and circulation of the Draft EIR for public comment. The review period is somewhat longer than for a Negative Declaration, with a minimum of 30 days and a maximum of 60 days, except in unusual situations. Upon receiving public comments, the Lead Agency must evaluate and prepare a written response to all comments. The Lead Agency must correct its analysis to incorporate comments that reveal deficiencies in the EIR's analysis, or provide good-faith, reasoned analysis to support the agency's position that the conclusions and methodology in the Draft EIR are adequate. The Draft EIR and any changes thereto, along with the comments and responses, are packaged into a Final EIR.

Step 5: Lead Agency Certification

Negative Declarations or Mitigated Negative Declarations

Once the public comments are received, the Lead Agency certifies the Negative Declaration or Mitigated Negative Declaration. It may then approve the project, provided that it finds, on the basis of the whole record, that there is no substantial evidence to support a fair argument that the project will have a significant effect on the environment.

EIRs

To lawfully certify an EIR and approve a project, a Lead Agency must adopt measures that avoid or lessen, to the maximum extent feasible, all significant environmental impacts. If the Lead Agency approves a project with significant impacts where mitigation to a level of insignificance is infeasible, it must prepare a Statement of Overriding Considerations, which makes findings that economic or other project benefits override the project's environmental impacts.

For private projects, the Lead Agency must complete and certify the Final EIR within one year after the Lead Agency accepts the completed application, with a 90-day extension permitted upon request.

It is important to note that, as this description of the process indicates, CEQA is not intended to stop projects. Rather, CEQA requires that the Lead Agency disclose potential impacts and identify mitigation and project alternatives that could avoid or lessen those impacts. The law further requires that the agency adopt feasible mitigation measures and alternatives.

Recognizing practical constraints affecting development, CEQA's test for feasibility takes into account "economic, environmental, legal, social, and technological factors."⁶

Possible Litigation

As a 2019 report by two California Senate Committees concluded, CEQA is a "self-executing statute."⁷ The report stated: "Enforcement of CEQA is primarily through a civil lawsuit challenging a project's environmental review."⁸

CEQA's effectiveness thus depends on litigation by private parties acting in the public interest, as well as by occasional litigation by public agencies, including the California Attorney General's Office (acting in the name of the People of the State of California). Without private

⁶ CEQA Guidelines § 15021(b).

⁷ California State Legislature, Senate Committee on Judiciary and Senate Committee on Environmental Quality, *Just the Facts: An Evidence-Based Look at CEQA Streamlining and CEQA's Role in Development* (2019)

https://senv.senate.ca.gov/sites/senv.senate.ca.gov/files/ceqa_background.pdf, p. 7.

⁸ *Id.*

enforcement through litigation, CEQA's provisions could be violated with impunity.

CEQA allows litigation to be brought by an individual, organization, or public agency to challenge (1) the adequacy of the environmental review document (e.g., EIR, Negative Declaration, or Mitigated Negative Declaration) for a proposed project; (2) the use of a CEQA exemption or failure to apply CEQA in the first instance; or (3) the Lead Agency's failure to comply with CEQA's procedural requirements (e.g., public notice). Courts review CEQA challenges generally to address analytical shortcomings or procedural defects. Courts cannot require the Lead Agency to make specific decisions about the nature or outcome of the project itself, or ultimately decide whether a project can go forward.

Chapter 3 of this 2021 Report provides an in-depth, current analysis of CEQA-related litigation throughout California.

Recent Legislative Changes to Address Housing and Climate Change

Legislative Changes

Over time, CEQA has been revised and updated to adapt to California's evolving environmental and development issues. The 2016 Report described numerous changes to CEQA and the CEQA Guidelines, adopted between 2002 and 2015, that focused on climate change, shortages in housing production, and other issues.

Since the publication of the 2016 Report, the Legislature has passed various additional laws aimed at simplifying the CEQA process for projects that are aligned with state laws and policy priorities, including policies to encourage infill development, transit-oriented development, affordable housing projects, wildfire safety, and water shortages. These legislative changes serve to expedite the environmental review for qualifying projects and/or to revise the scope of that analysis. In some cases, the amendment carves out an exemption to the law.

In recent years, the Legislature has established ministerial processes for approval of certain types of housing projects that advance state policy goals, thereby eliminating CEQA review requirements for these projects. For example, in 2017, the Legislature passed SB 35, which provides both a density bonus and a ministerial approval process for multifamily housing that incorporates certain levels of affordable housing and meets certain eligibility requirements. This law is crafted so that projects in environmentally sensitive areas would not be eligible for the streamlined ministerial process. Similarly, AB 2162, passed in 2018, provides for ministerial approval of certain types of supportive housing projects. AB 1804, passed in 2019, authorizes ministerial approval of certain rural multifamily projects; and AB 1783, passed in 2019, provides for ministerial approval of certain farmworker housing projects.

During the past few years, the Legislature also set up various housing geographic zone mechanisms, where public agencies can approve projects using more abbreviated environmental review. For example, in 2017, the Legislature passed SB 540, which authorizes local governments to establish Workforce Housing Opportunity Zones; the law requires initial EIRs to establish the Zones, but subsequent housing projects within the Zones do not require additional EIRs. Similarly, AB 73, passed in 2017, authorizes local governments to designate Housing Sustainability Districts, which follow a similar initial EIR/no subsequent EIR review pattern.

An additional set of legislative changes to CEQA adopted in 2019 seeks to address the state's crisis of unhoused people. For example, AB 143 extends CEQA exemptions to homeless shelters in Alameda County, Orange County, and the City of San Jose until 2023. AB 1197 grants similar CEQA exemptions to shelters and supportive housing projects in Los Angeles, and SB 450 grants CEQA exemptions to the conversion of motels into supportive or transitional housing for the unhoused.

Another key series of CEQA amendments, concerning transportation infrastructure, addresses the issue of global climate change. In 2013, the Legislature passed SB 743, which initiated a process to change the CEQA Guidelines used to analyze a proposed project's traffic impacts. This shift, implemented in 2018 with the publication of new Guidelines, changes the methodology for traffic impact evaluation from a Level of Service standard to a Vehicle Miles Traveled framework – a better proxy for a project's greenhouse gas emissions. SB 743 also creates a broad new CEQA exemption for certain transit priority projects. Additional legislation passed in 2019 - 2020 (AB 1560 and SB 288) exempts certain bus rapid transit and light rail infrastructure projects from CEQA review.

Similarly, the Legislature has amended CEQA to address the pressing issue of wildfire safety. SB 901, passed in 2018, provides a CEQA exclusion for prescribed fire, thinning, and fuel reduction projects on federal lands provided these projects have already been reviewed under NEPA. In 2019, the Legislature passed SB 632, requiring the California Board of Forestry and Fire Protection to complete a programmatic EIR for the state's vegetation treatment program – a document that can then be used for fuel reduction projects protecting communities vulnerable to wildfires. Later, the Legislature amended CEQA to address water shortages in certain areas of California. SB 974, adopted in 2020, grants CEQA exemptions for water infrastructure projects that primarily benefit small, disadvantaged community water systems.

During this same time period, the Legislature has passed numerous additional laws to adjust the CEQA process in light of California's current environmental and societal challenges. While some of these amendments shorten the environmental review process and expedite CEQA litigation, others ensure that public agencies address the impacts of climate change and

specific environmental challenges. Appendix A includes a complete list of such CEQA amendments adopted between 2002 and 2021.

These frequent amendments demonstrate that CEQA is a dynamic, “living” law, one that provides an adaptable framework that can adjust to rising environmental challenges, societal needs, and improved analytical techniques. The Legislature has made these changes, many of which are substantial, while maintaining CEQA’s overall environmental review objectives. Given the rapid pace of these legislative changes, it may well be advisable for lawmakers and policy leaders to allow time to see how they play out before making further major adjustments to the law. For example, as Chapter 4 of this Report discusses, the current amendments to CEQA are already expediting housing approvals.

Regulatory Changes through CEQA Guidelines

Beyond the legislative framework, the California Natural Resources Agency publishes the CEQA Guidelines, which are regulations explaining and interpreting CEQA for public agencies, EIR preparers, and the general public. By statute, the Guidelines must be reviewed and amended every two years by the Governor’s Office of Planning and Research (“OPR”), in order to interpret statutory amendments, reflect new case authority, and adapt to new analytical methods. This required updating process serves to accommodate change and provide a dynamic context for public agencies’ review of environmental impacts.

The Natural Resources Agency published its most recent update to the Guidelines at the end of 2018. Among other changes, the 2018 Guidelines clarified recent legislation that adopted new exemptions; explained the level of detail needed in an agency’s response to public comments; and incorporated revised approaches to an agency’s analysis of aesthetic, traffic, wildfire, and land use impacts.⁹

The 2018 CEQA Guidelines included the following provisions that streamline CEQA compliance:

- CEQA Guidelines § 15088 was amended to clarify how agencies must respond to comments: “The level of detail contained in the response ... may correspond to the level of detail provided in the comment.”
- CEQA Guidelines § 15182 was amended to grant CEQA exemptions for “projects proximate to transit” and “residential projects implementing specific plans.”
- Many provisions of the CEQA Guidelines Appendix G checklist were revised and updated, including narrowing the questions on aesthetic impacts, substituting vehicle-

⁹ Governor’s Office of Planning and Research, *Final Adopted Text Revisions 2018*, https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEOA_FINAL_TEXT_122818.pdf

miles-traveled for level-of-service as the method for measuring transportation impacts, inserting questions on wildfire impacts, specifying that land use impacts must relate to a physical impact, and limiting the questions on population growth to “unplanned” population growth.

- CEQA Guidelines § 15168 was amended to clarify the standards for determining that a later project is within the scope of a program EIR and to confirm that this is a factual question decided by the lead agency.
- The categorical exemption for existing facilities, CEQA Guidelines § 15301, was broadened to specify that it applies to activities that do not expand the “existing or former” uses on the site.

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Kimball Natural History Museum Living Roof, San Francisco, CA

3. CEQA Litigation: Number and Rate of Lawsuits

CEQA is primarily a process-based statute, requiring that public agencies follow the proper steps to ensure transparent, responsible decisions with mitigated environmental impacts. Over the course of its 50-year history, CEQA has helped state and local governments to protect California's air, water, aesthetic, natural, scenic, and historic resources. CEQA authorizes the filing of litigation to challenge a public agency's failure to comply with its requirements.

As explained in the 2016 Report, various studies, articles, and opinion pieces have suggested that CEQA litigation is a major impediment to needed sustainable/infill development, housing production, and infrastructure projects. The report summarized the current research on this topic and presented data on the actual frequency of CEQA challenges to developments defined as "projects" by the statute.

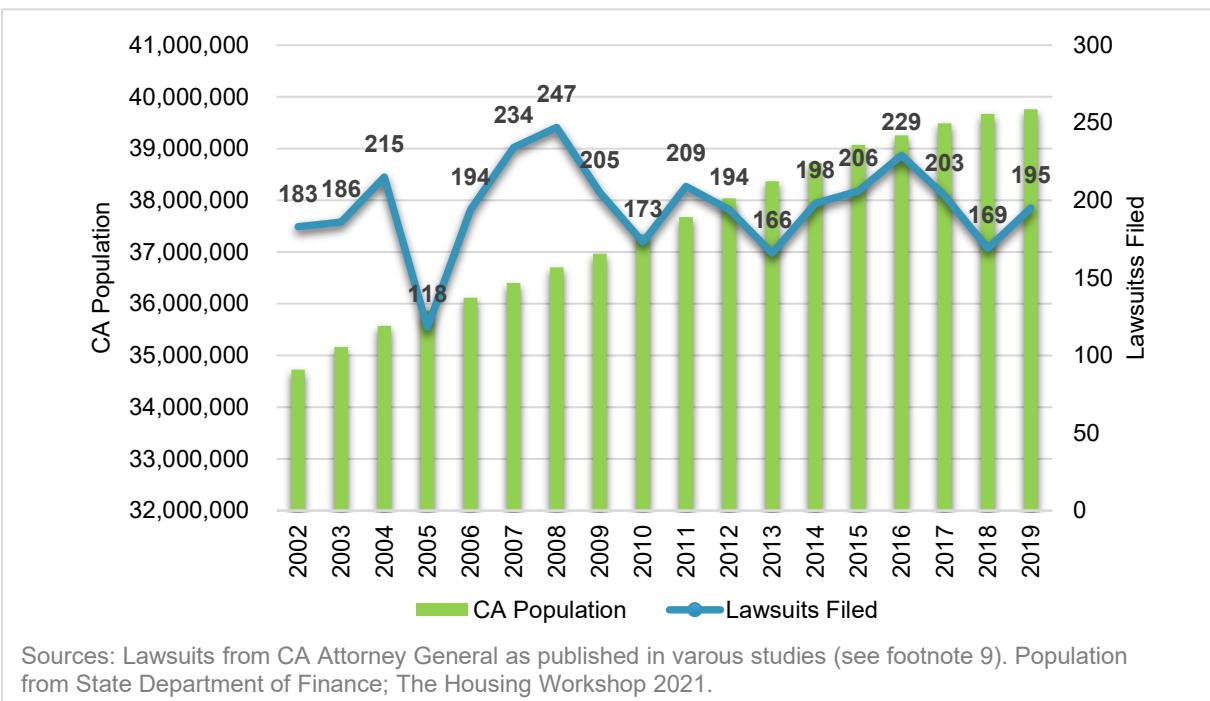
This Report presents the most current data on the number of lawsuits filed under CEQA and the rate of such litigation. It also discusses relevant recent articles and studies on the topic. As demonstrated below, the average number of CEQA cases filed each year has not changed since 2002, the first year for which the litigation data became available. Overall, the rate of litigation remains very low.

Long-Term Trend: Stable CEQA Lawsuits for 2002 - 2019

As required by Public Resources Code section 21167.7, every party filing a CEQA lawsuit must submit a copy of the document that commences the CEQA litigation — typically, a petition for writ of mandate — to the California Attorney General, who maintains these records. This data is available for 2002 through 2019 from a combination of published sources, who in turn, each received the data from the Attorney General upon request.

The data, graphed below, shows that the number of CEQA lawsuits filed in the past nearly 20 years has been both relatively low and stable.¹⁰ Since 2002, California has averaged 195 CEQA lawsuits per year statewide. From 183 lawsuits in 2002 to 195 lawsuits in 2019, litigation has fluctuated slightly, but there is no trend of increases. Furthermore, year-to-year fluctuations *do not* trend with population growth as one might expect; despite a 14.5 percent increase in California's population from 2002 to 2019, the annual number of CEQA lawsuits has remained almost about the same.¹¹

Figure 2: CEQA Lawsuits in California, 2002 - 2019



¹⁰ Data compiled for 2002 - 2011 from *The Litigation Myth* (David Pettit and Tom Adams, NRDC, 2013); for 2012 from *In the Name of the Environment* (Jennifer Hernandez, Holland & Knight, 2015) pp. 92-122; for 2013 - 2015 from the 2016 Report p. 19; and for 2016 - 2019 from this Report, see Appendix C.

¹¹ In 2020, only 156 CEQA lawsuits were filed, a lower number than typical, historically. This data was not included in Figure 2, or in subsequent calculations of the rate of CEQA litigation, because the Covid-19 pandemic is assumed to have made 2020 an aberrant year.

Estimated Statewide CEQA Litigation Rates for 2013 - 2019

While the historic pattern of lawsuits filed under CEQA has remained stable, the context of 195 average lawsuits per year is not well understood. Similar to the 2016 Report, the following analysis compares the number of lawsuits filed with the Attorney General to the estimated universe of all CEQA review actions, to obtain a CEQA litigation rate. For this Report, statewide litigation rates for the 2013 - 2019 period were estimated, refining the prior primary research and analysis conducted for the 2016 Report, as detailed below.¹²

The analysis presented herein entailed the following steps for each year:

1. Analyzed the number of lawsuits challenging an EIR, a Mitigated Negative Declaration, or a Negative Declaration (collectively, “CEQA Review Document”)
2. Estimated the universe of all projects in the state requiring a CEQA Review Document

The litigation rate was then estimated using the following formula:

$$\frac{\text{Lawsuits Challenging CEQA Review Document}}{\text{All Projects with CEQA Review Document}} = \text{Litigation Rate}$$

The following sections provide data and estimates of the number of lawsuits filed and the total number (estimated) of projects subject to CEQA review in the same time period, in order to determine the rate of litigation.

Analysis of CEQA Lawsuits

The 2016 Report and this Report categorized the CEQA lawsuits filed between 2013 and 2019 based on the nature of the case being litigated.¹³ The three categories utilized were: (1) lawsuits challenging a CEQA exemption, (2) lawsuits challenging a CEQA Review Document (i.e., an EIR, a Mitigated Negative Declaration, or a Negative Declaration), and (3) lawsuits categorized as “Other,” encompassing a range of less common lawsuits including those alleging no environmental review, inappropriate reliance on prior EIR/MNDs, inadequacy of CEQA functional-equivalent documents, improper reliance on addendums to prior EIR/MNDs, or failure to enforce CEQA settlements.

¹² An estimate of litigation rates for the period prior to 2013 is not possible. As described further in this chapter, the Report’s methodology relies on a sampling of jurisdictions used to estimate all CEQA review actions for a given year – data which is not available before 2013.

¹³ See 2016 Report, pp. 20-22 & Appx. B, for categorizations of CEQA lawsuits filed in 2013 - 2015.

The table below summarizes the CEQA lawsuits filed for the seven-year period between 2013 and 2019, separated into the three categories.

Table 1: CEQA Lawsuits Filed in California, 2013 - 2019

Lawsuit Categories (a)	2013	2014	2015	2016	2017	2018	2019	Total	%	Average 2013-2019
Lawsuits Re:CEQA Review Document (b)	117	120	151	169	136	118	113	924	67.6%	132
Lawsuits Disputing Exemption Status (c)	27	40	32	27	36	27	50	239	17.5%	34
Other Lawsuits (d)	22	38	23	33	31	24	32	203	14.9%	29
Total Lawsuits	166	198	206	229	203	169	195	1,366	100.0%	195

a) In order to analyze petitions related to CEQA, all documents listed by the Attorney General related to the same project, such as primary and amended complaints, were indexed as one entry. Filings with different identification numbers but identical documents were considered duplicates.
 b) Includes only lawsuits related to Negative Declarations, Mitigated Negative Declarations, and EIRs.
 c) Lawsuits disputing use of an exemption
 d) Lawsuits alleging no environmental review, inappropriate reliance on prior EIR/MND, inadequate CEQA functional equivalents, improper reliance on addendums to prior EIR/MND, or failure to enforce CEQA settlements.

Sources: Office of the Attorney General; BAE, 2016; The Housing Workshop, 2021.

As shown, a total of 1,366 lawsuits were filed between 2013 and 2019 – for an average of 195 lawsuits filed per year. During this period, there were 924 filings challenging a CEQA Review Document. On an average annual basis for the period, just 132 lawsuits per year challenged a CEQA Review Document, 34 lawsuits per year challenged the Lead Agency’s determination that the project was exempt from CEQA, and 29 lawsuits per year challenged scenarios categorized as “Other.”

Estimate of Projects Subject to CEQA Review Documentation

A starting point for estimating the universe of all projects requiring CEQA Review Documents is the Governor’s Office of Planning and Research, which compiles data on CEQA activity submitted to the State Clearinghouse. However, the database, known as CEQAnet, does not represent all projects processed pursuant to CEQA because filings are required only for projects where a state agency is a Lead, Responsible, or Trustee Agency, or where the “project is of sufficient statewide, regional, or area-wide environmental significance” 9Pub. Resources Code § 21082.1). Local reviews of projects that do not require state agency comments are not required to be submitted to the Clearinghouse.

Thus, while CEQAnet is a point of departure for estimating the universe of all projects subject to CEQA review in California, the lack of comprehensive reporting to CEQAnet required additional information to provide a more complete analysis. To adjust for cases not reported to the State Clearinghouse, we requested CEQA review data from 15 cities and counties across the state as part of the 2016 Report. This sample of 15 jurisdictions was carefully selected to represent a balance of northern and southern, coastal and inland, and larger and smaller local governments; however, some of the sample jurisdictions were not able to provide full records for all projects having undergone CEQA review during the study period. Five jurisdictions,

including the City and County of San Francisco, the City of Los Angeles, the City of Merced, the City of Modesto, and Butte County were able to provide complete data regarding all CEQA-reviewed projects within their respective jurisdictions for the study period.¹⁴ These jurisdictions, which together represent 13.4 percent of California's population, included a broad, balanced range of locales in terms of geography and population size.

The 2016 Report compared the overall data from the five reporting jurisdictions to the State Clearinghouse figures for those same areas. Next, the 2016 Report calculated the proportion of all Negative Declarations, Mitigated Negative Declarations, and EIRs (i.e., CEQA Review Documents) in those jurisdictions that were reported to the State Clearinghouse. The statewide data was then adjusted proportionately to reflect the CEQA Review Documents not included in the CEQAnet reporting. This proportional adjustment yielded an estimate of total projects with CEQA Review Documents statewide.¹⁵ Appendix B shows details on the CEQAnet submittals for the study period covered by this Report, the research of sampled jurisdictions conducted in 2016, the minor refinements to the 2016 analysis made herein due to better available historical data, and the resulting estimate of total projects statewide subject to a CEQA Review Document for the study period.

¹⁴ See 2016 Report, pp. 21-22

¹⁵ This Report makes minor adjustments to the 2016 Report's estimate of total statewide projects using CEQA Review Documents for study years 2013 - 2015. Since 2015, more complete data has become available, enabling the researchers to refine our records comparison from the five jurisdictions to CEQAnet for these prior years. This refinement has resulted in a slight numerical rise in litigation rates for the 2013 - 2015 study period, but it does not change any of the overall findings of the prior 2016 Report.

Estimated Rate of CEQA Litigation in California

The CEQA litigation rate was calculated as all court filings challenging CEQA Review Documents divided by the estimated total projects with CEQA Review Documents.¹⁶ As shown in Table 2, the litigation rate for the seven-year period of 2013 through 2019 was 2.0 percent. In other words, the litigation rate has been and continues to be extremely low. As explained in the following section, this finding is consistent with other relevant studies.

Table 2: Litigation Rate, California Lawsuits Related to CEQA, 2013 - 2019

	2013	2014	2015	2016	2017	2018	2019	Total 2013-2019
Lawsuits Re:CEQA Review Document (a)	117	120	151	169	136	118	113	924
Total CEQA Reviewed Projects (b)	6,258	7,134	6,829	6,673	6,459	6,082	5,777	45,212
Litigation Rate	1.9%	1.7%	2.2%	2.5%	2.1%	1.9%	2.0%	2.0%

a) Includes only lawsuits related to Negative Declarations, Mitigated Negative Declarations, and EIRs from Table 1.
b) Estimate of all CEQA projects in this category by The Housing Workshop. See Appendix B for details.

Sources: Office of the Attorney General; BAE, 2016; The Housing Workshop, 2021.

These findings strongly challenge the notion that CEQA has created a flood of litigation. Contrary to unsupported assertions made by some in the popular press, CEQA litigation rates are low. As the above table illustrates, in the cases of CEQA projects for which an environmental review document was prepared (i.e., Negative Declaration, Mitigated Negative Declaration, or EIR), the litigation rate is estimated as 2.0 percent for the past seven years.¹⁷

¹⁶ The 2016 Report also sought to analyze the volume of exemptions, but, other than San Francisco, jurisdictions providing their data did not reliably track exemptions. Thus, a proportional adjustment to CEQAnet's limited reported exemptions volume could not be reliably made.

¹⁷ The above analysis did not consider more detailed information on the size, scale, or details of each project throughout California, or compare these factors to those projects for which legal action was taken. Additional analysis could be undertaken to consider the size and scale of the projects litigated, litigation outcomes, and the ultimate effect of litigation on projects. This kind of analysis would be meaningful, however, only if compared to the universe of all CEQA projects, so that rates of litigation for comparable situations could be calculated.

Prior Studies of CEQA Litigation: Literature Review

The 2016 Report summarized the results of three prior studies of CEQA litigation rates. These studies included a 1991 survey of CEQA lawsuits conducted by Elisa Barbour and Michael Teitz,¹⁸ a 2005 survey of lawsuits conducted by OPR,¹⁹ and a 2012 report on litigation rates by the California Attorney General²⁰ (see 2016 Report, p. 20). The three studies reported litigation rates of less than 1 percent.

This chapter reviews studies on CEQA litigation rates and related topics that have been published since the 2016 Report. These studies include the following:

- **California Environmental Quality Act Survey** (*California Senate Environmental Quality Committee, October 2017*).²¹ This study focuses on litigation rates for all projects undergoing CEQA review (e.g., commercial, residential, infrastructure, and other types of projects subject to CEQA) during fiscal years 2011/12 to 2015/16. It surveyed 94 state agencies (for public projects) and all cities and counties in California. Of the state agencies, 47 served as Lead Agency at least once during the period. Litigation rates for state agency-led CEQA reviews ranged by agency, but none were above 1 percent of that agency's projects reviewed for the period.

For the cities and counties' portion of the survey, 33 out of 480 governments responded.²² The study does not identify the specific responding cities or counties, but they included nineteen local governments with populations less than 50,000, six with populations between 50,000 to 100,000, four with populations between 100,000 and 300,000, three with populations between 300,000 and 500,000, and one city with a population of more than 500,000 but less than 1,000,000 (thus excluding San Jose and Los Angeles). The study finds the litigation rates for CEQA actions among this sample of cities and counties to be less than 0.3 percent of CEQA-reviewed projects.

¹⁸ Elisa Barbour and Michael Teitz, "CEQA Reform: Issues and Options (April, 2005), https://www.ppic.org/content/pubs/op/OP_405EBOP.pdf

¹⁹ Governor's Office of Planning and Research, 2005 Book of Lists, pp. 74-86 (CEQA survey).

²⁰ Office of the Attorney General, *Quantifying the Rate of Litigation Under the California Environmental Quality Act: A Case Study* (2012).

²¹ California State Legislature, Senate Environmental Quality Committee, *California Environmental Quality Act Survey* (2017), https://senv.senate.ca.gov/sites/senv.senate.ca.gov/files/ceqa_survey_full_report - final 12-5-17.pdf

²²The authors worked with the League of California Cities to conduct the local government survey.

- ***California Environmental Quality Act: Impacts on Delivering State Highway Transportation Projects*** (California Senate Office of Research, published in “Policy Matters,” March 2018).²³ This monograph summarizes an analysis of Caltrans’ primary repair and rehabilitation construction program known as State Highway Operation and Protection Program (“SHOPP”). SHOPP projects can involve straightforward construction work, such as repairing highway guardrails, or much more complex work, such as completely removing and rebuilding bridges. Caltrans provided environmental review process data for 751 SHOPP projects that completed construction in FY2014/15, 2015/16, and 2016/17. The Senate Office of Research’s analysis finds that over 90 percent (680 projects) were exempt from CEQA, nine percent (67 projects) were processed as a Negative Declaration/Mitigated Negative Declaration, and just 0.5 percent (38 projects) were subject to an EIR. The projects subject to an EIR tended to be larger and therefore represent a somewhat larger proportion of construction capital costs (2.8 percent). Although this analysis does not research litigation rates directly, the monograph cites the Senate Environmental Quality Committee’s survey of state agencies to state that only 0.9 percent of Caltrans’ projects were litigated in years covered by the prior survey.
- **Working Papers #1 and #2: Examining the Local Land Use Entitlement Process in California to Inform Policy and Process** (Center for Law, Energy & Environment, Berkeley Law, 2018 and undated).²⁴ This series of working papers (hereinafter, “Berkeley Law Working Papers”) examines CEQA’s impact on housing production, as well as the impact of other discretionary review processes such as design review and subdivision approvals. Researchers at the Center for Law, Energy & Environment, along with other research institutes housed at UC Berkeley and Columbia University, analyze housing project applications for five northern California cities (San Francisco, Oakland, San Jose, Redwood City, and Palo Alto) for Working Paper #1, and for four southern California cities (City of Los Angeles, Santa Monica, Pasadena, and Long Beach) for Working Paper #2.

The researchers limited their analysis to projects with five units or more that were under city review during the 2014 - 2016 period. The number of housing units contained in the analyzed applications totaled just over 27,600 units in the Northern California cities, and just under 51,200 units in the Southern California cities, with the majority located in Los Angeles, San Francisco, or San Jose. The researchers quantified projects for several metrics, and interviewed city staff, consultants,

²³ California Senate Office of Research, “Policy Matters” (March 2018).

<https://sor.senate.ca.gov/sites/sor.senate.ca.gov/files/Policy%20Matters%20Research%20CEQA.pdf>

²⁴ Working Paper #1 - https://www.law.berkeley.edu/wp-content/uploads/2018/02/Getting_It_Right.pdf

Working Paper #2 - <https://www.law.berkeley.edu/research/clee/research/land-use/getting-it-right/>

community organizations, and developer applicants in all nine cities.

The key finding of the Berkeley Law Working Papers is that while streamlined CEQA review is often used for housing projects, each city also relies on other mechanisms and regulations for its review of discretionary land use entitlements, and that these non-CEQA review processes largely determine the time frame for project approvals. The researchers thus find that different, non-CEQA land use entitlement processes across the cities — or sometimes uneven interpretations of the same regulation, such as design review, within a city — are the main cause of project delay. Accordingly, the study concludes that CEQA review is not a primary obstacle to project approvals.

- **Just the Facts: An Evidence - Based Look at CEQA Streamlining and CEQA's Role in Development** (*Background Paper for Informational Hearing, California Senate Committee on Judiciary and Senate Committee on Environmental Quality*, 2019). This report served as a background paper providing information to a 2019 meeting of two California Senate committees. It profiles CEQA's legal history and the law's basic structure and evolving application through streamlining. The report then summarizes the four studies it deems most reliable in evaluating CEQA's use across the state: the 2016 Report; a report entitled "CEQA and Housing Production: 2018 Survey of California Cities and Counties"²⁵; and the two UC Berkeley Working Papers referenced above. Based on its review of the literature, *Just the Facts* concludes that "overall litigation rates regarding CEQA are low."²⁶ It further notes that "the perception that CEQA is one of the primary barriers to development ... does not appear to square with available evidence."²⁷
- **In the Name of the Environment (2015) and California Environmental Quality Act Lawsuits and California's Housing Crisis (2018)** (*Holland & Knight, Jennifer Hernandez*). In 2015, the law firm of Holland & Knight published a study on CEQA litigation entitled "In the Name of the Environment." In 2018, Holland & Knight partner Jennifer Hernandez published an article in the Hastings Law Journal entitled "California Environmental Quality Act Lawsuits and California's Housing Crisis" (referred to by the author as "The Sequel").²⁸ These studies analyze CEQA lawsuits

²⁵ *CEQA and Housing Production: 2018 Survey of California Cities and Counties* was written by the authors of this 2021 Report. See https://www.califaep.org/docs/CEQA_and_Housing_Report_1-30-19.pdf.

This study is not reviewed here, since it does not focus directly on litigation related to CEQA, but it is summarized later in this Report (see Chapter 4).

²⁶ California State Legislature, Senate Committee on Judiciary and Senate Committee on Environmental Quality, *Just the Facts: An Evidence - Based Look at CEQA Streamlining and CEQA's Role in Development* (2019), https://senv.senate.ca.gov/sites/senv.senate.ca.gov/files/ceqa_background.pdf, p. 10.

²⁷ *Id.* at 11.

²⁸ *In the Name of the Environment* (2015), https://issuu.com/hollandknight/docs/ceqa_litigation_abuseissuu?e=16627326/14197714. California Environmental Quality Act Lawsuits and California's Housing Crisis (The Sequel),

filed during two periods: 2010 - 2012 and 2013 - 2015, respectively. Unlike the 2016 Report, this 2021 Report, and the other reports described above, the studies by Holland & Knight and Jennifer Hernandez (collectively, “HK Studies”)²⁹ are selective in use of data and do not support the broad, inflammatory conclusions they reach about CEQA litigation during these time periods.

First, the HK Studies do not discuss the CEQA lawsuits in the context of all projects undergoing CEQA environmental review. By not looking at this wider universe, the studies create the impression that almost all CEQA projects become the subject of litigation, whereas the empirical evidence is to the contrary. In fact, just 2.0 percent of CEQA-reviewed projects were litigated during the timeframes of the HK Studies.³⁰ Further, the overall number of CEQA lawsuits has remained at roughly the same level since 2002 despite California’s strong population growth — a fact the authors ignore.

Second, the HK Studies distort the *nature* of CEQA litigation by asserting that most CEQA lawsuits target infill housing development. The authors base this faulty conclusion on an inflated definition of “infill” that includes “private and public sector projects located entirely within one of California’s 482 cities or located immediately adjacent to existing developed areas in an unincorporated county.”³¹ This definition, which one academic commentator called “absurd,” does not align with the far narrower definitions of the term used in California’s CEQA legislation.³²

Using this inaccurate definition of “infill,” the HK Studies further mislead readers by using pie charts showing how large percentages of lawsuits pertain to “urban infill” or “housing,” rather than providing the actual small number of projects in this category that face legal challenges. These pie charts, along with accompanying misleading text, suggest to the casual reader that CEQA litigation is threatening most proposed housing projects in California.

As one example of this distortion, in the 2013 - 2015 period covered by The Sequel, the actual data shows that CEQA litigation challenged only 570 projects.³³ The Sequel omits that total number entirely; instead, the report includes a pie chart (at p. 26) showing that the lawsuits challenging “Residential” projects constitute 25 percent of

https://www.hklaw.com/files/Uploads/Documents/Articles/121317_HELJ_Jennifer_Hernandez.pdf

²⁹ We use the term “HK Studies” for ease of reference. We note, however, that the second document, The Sequel, states that it expresses the opinion of Jennifer Hernandez and not the position of Holland & Knight or its clients.

³⁰ See Senate Environmental Quality Committee, *California Environmental Quality Act Survey* (2017), pp. 11, 124-25; 2016 Report, p. 22.

³¹ *In the Name of the Environment* (2015),

https://issuu.com/hollandknight/docs/ceqa_litigation_abuseissuu?e=16627326/14197714, p. 13.

³² S. Hecht, Legal Planet, Berkeley Law & UCLA Law (2015), <https://legal-planet.org/2015/09/28/anti-ceqa-lobbyists-turn-to-empirical-analysis-but-are-their-conclusions-sound/> (analyzing 2015 HK Study).

³³ 2016 Report, p. 19.

all lawsuits filed. But, even if The Sequel's categorization of residential projects were accurate (which it is not),³⁴ this would mean that petitioners had filed just 143 housing lawsuits (25 percent of 570) in three years, or 48 housing-related lawsuits per year in all of California. Because The Sequel omits the total number of lawsuits, the reader is left with the impression that almost a quarter of all housing projects in the state were litigated, when the actual number would be a tiny fraction of that; as noted above, over the 2013 - 2015 period covered by The Sequel, just approximately 2.0 percent of all housing and other projects with a CEQA Review Document were challenged in court. This highly flawed and unsupported narrative, in turn, has been repeated in numerous commentaries on CEQA.³⁵

Third, the HK Studies imply that, once litigated, a project is typically abandoned.³⁶ This conclusion, however, is undocumented. Further, it is well established that CEQA is primarily a procedural law. If a court concludes that a lead agency has violated CEQA, the agency can comply with the ruling readily, by correcting its environmental review document. In some cases, compliance with the court findings may delay the project and/or add costs, but many applicants are able to absorb these items, in part because environmental review often occurs simultaneously with other land entitlements or discretionary processes at the local level (see Chapter 5 for further discussion). The outcomes of CEQA litigation with respect to project abandonment versus project continuation with CEQA corrections and/or further analysis are not known.

Summary

Despite critics' attempts to paint a picture of rampant CEQA litigation, just an estimated 2.0 percent of projects undergoing environmental review end up in court. Indeed, as this Report shows, CEQA litigation filings have remained roughly the same for the last 18 years. Other studies using compiled data have confirmed these low CEQA litigation levels and rates, which demonstrate how well the statute has functioned throughout its history. The HK Studies stand as extreme outliers, based on insupportable premises, to this body of research. Recognition of CEQA's actual litigation rates should encourage policymakers to identify and focus on the real barriers to California's future progress, rather than scapegoating CEQA, which provides vital environmental protections, as shown in Chapters 7 and 8.

³⁴The HK Studies categorized many lawsuits challenging mixed-use projects and plans as "Residential." It did so even though (1) these projects and plans included a range of non-residential uses such as office or retail, and (2) the CEQA challenges may have been limited to the non-residential project/plan components. Categorizing a lawsuit challenging the environmental review for a mixed-use project or plan as "against housing" overstates the effect of CEQA litigation on housing.

³⁵ See, e.g., M.N. Gray, *The Atlantic*, "How Californians Are Weaponizing Environmental Law" (2021), <https://www.theatlantic.com/ideas/archive/2021/03/signature-environmental-law-hurts-housing/618264/>

³⁶ See, e.g., Hernandez, *In the Name of the Environment -The Sequel* (2018), p. 22.



1717 S Street, Downtown Sacramento, CA

4. CEQA and Housing Production

California faces an unprecedented housing crisis, with statewide shortages of market rate and affordable housing production leading to rising home prices and rents, and a deepening lack of affordability.³⁷ Because CEQA is often erroneously cited as a principal cause of the state's failure to produce sufficient housing supply, this chapter has been included in the 2021 Report to address this misconception.

Overview of Factors Contributing to California's Housing Crisis

The documentable reasons for California's housing crisis are complex, and this Report does not analyze each factor. Depending on one's policy framework, many factors relating to both housing demand and housing supply (e.g., production) can explain the crisis. To begin, there is an exceptionally strong global demand from investors and residents to invest or live in a beautiful and environmentally sustainable state and to participate in a robust economy. At the same time, many elements have combined to create exceptionally high housing prices in the state. These include (1) high construction costs from land/labor/materials, (2) layers of local zoning restrictions, (3) high development impact fees shifting the cost of infrastructure from public to private sectors (and ultimately buyers or renters), and (4) speculative land ownership.

Just as housing prices in California have soared over the last decade, a complex mix of economic, social, and political factors has stifled middle and lower household incomes. In particular, the widening gap between affluence and poverty, centuries of systemic racism, segregation, and displacement to exurbs has kept home ownership out of reach for much of the population. When paired with a lagging supply of newly-constructed housing units – especially new units priced at affordable levels (which often means below the high cost-plus-profit needed to privately build the units) – these factors have all combined to push California to its current crisis point.

The myriad causes of California's affordable housing crisis are complicated and multi-faceted, and they warrant continuing study. For the purposes of this Report, however, the following analysis focuses more directly on the intersection between housing and CEQA.

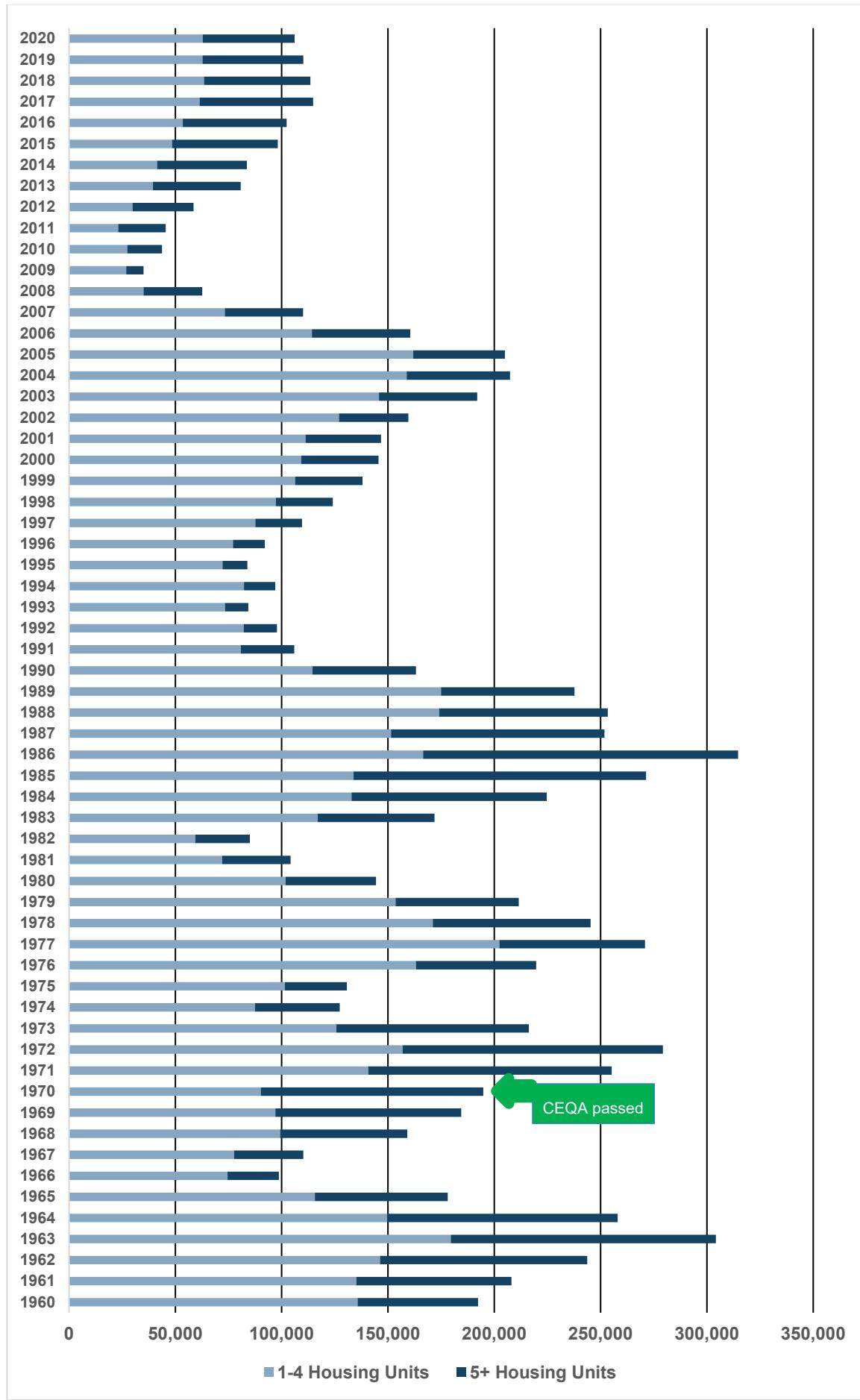
³⁷ See California Legislative Analyst's Office, *California's High Housing Costs: Causes and Consequences* (2015), <https://lao.ca.gov/reports/2015/finance/housing-costs/housing-costs.pdf>. See also *A Toolkit to Close California's Housing Gap: 3.5 Million Homes by 2025* (McKinsey Global Institute, 2016), <https://www.mckinsey.com/~/media/McKinsey/Industries/Public%20and%20Social%20Sector/Our%20Insights/Closing%20Californias%20housing%20gap/Closing - California's - housing - gap - Full - report.pdf>.

Housing Production Patterns and CEQA

To illustrate the cyclical nature of new housing construction – and that cycle’s interplay with CEQA – the figure on the next page shows all California housing units permitted by year since 1960. Notably, the passage of CEQA in 1970 and its application to private development projects starting in 1972 did not result in a decline in housing production. Rather, housing production surged in 1977 and reached a peak in 1986, a full 14 years after the 1972 ruling applying CEQA to private developments.³⁸ This straightforward time-series chart demonstrates that CEQA and its application to private development have not restricted the housing supply in California, as CEQA critics claim.

³⁸ *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259, disapproved of on other grounds.

Figure 3: California Residential Permits, 1960 - 2020



Moreover, no quantified study has demonstrated that CEQA is a major cause of the declining rate of California housing production. As noted in a recent study, only six percent of housing projects undergo full EIRs, and, even if they do, the literature and case studies show that CEQA review alone does not result in costs or delays sufficient to explain low production.³⁹ Notably, other studies underscore that it is nearly impossible to isolate CEQA's effect on housing supply from that of other land use regulations and the myriad of economic factors.

Recent Studies Assessing Factors That Constrain Housing Production

Since publication of the 2016 Report, several studies have addressed factors impeding housing production in California, including consideration of CEQA's effect on housing.

In 2016, the UC Berkeley's Institute of Governmental Studies published a research brief regarding CEQA's impacts on market rate and affordable housing production. This in-depth analysis of the affordable housing crisis, focusing on the San Francisco Bay Area, found that increasing the production of market-rate housing would not solve the problem. While producing both market-rate and subsidized affordable housing is needed, "subsidized housing is twice as effective as market-rate development at the regional level."⁴⁰ The researchers estimated that increasing new market-rate housing production to unprecedented levels – as envisioned in studies by the California's Legislative Analyst's Office ("LAO") – could take as long as 50 years to create a demand/supply balance that adequately benefits lower income households.

The UC Berkeley study followed a pair of studies by the LAO in 2015 and 2016⁴¹ positing that increased production of market-rate housing, especially in high-demand coastal metropolitan areas, could provide a key remedy to California's housing affordability crisis. The 2015 report cited many factors that may affect California's high housing prices and lack of production, including high land and building costs, neighborhood resistance to density, use of CEQA, and the perceived fiscal effects of housing versus other land uses on local governments' budgets. Notably, the LAO did not isolate CEQA as a measurable variable that causes a direct obstacle to housing production. Further, while there is an ongoing policy debate regarding whether

³⁹ See The Housing Workshop, *CEQA and California Housing Production* (AEP, 2019), p. ii.

⁴⁰ Miriam Zuk and Karen Chapple, Berkeley Institute of Governmental Studies, *Housing Production, Filtering, and Displacement: Untangling the Relationships* (2016),

https://www.urbandisplacement.org/sites/default/files/images/udp_research_brief_052316.pdf, p. 10.

⁴¹ California Legislative Analyst Office, *California's High Housing Costs* (March 2015),

<https://lao.ca.gov/reports/2015/finance/housing-costs/housing-costs.pdf>; California Legislative Analyst Office, *Perspectives on Helping Low - Income Californians Afford Housing* (2016),

<https://lao.ca.gov/Reports/2016/3345/Low-Income-Housing-020816.pdf>

increasing market-rate production will ameliorate housing prices, or whether the state's policy focus should be primarily on producing affordable housing, none of these policy studies identify CEQA as a major causal factor in the housing crisis.

Since publication of these reports in 2015 and 2016, numerous state laws have been passed and implemented (see Chapter 2 of this Report) that streamline environmental review and other entitlement processes for many types of housing projects. The UC Berkeley Institute of Governmental Studies and the LAO have not updated their reports to determine how these streamlining provisions and entitlement processes might affect their findings.

Based on new empirical data, this Report explores these questions. Accordingly, this chapter first focuses on one recently adopted housing streamlining mechanism, SB 35, which was implemented after the 2016 Report was prepared and expedites certain kinds of housing projects. Next, this chapter provides case studies showing how three very different local jurisdictions conduct environmental review for housing projects, including exempting eligible projects from CEQA and utilizing an array of available streamlined regulations to expedite or simplify CEQA compliance.

SB 35 Streamlining for Housing Projects

Chapter 2 of this Report (along with detail provided in Appendix A) discusses the principal bills adopted since 2016 that have adjusted the CEQA process in light of California's housing shortage. These legislative changes serve to expedite the environmental review of qualifying projects or to carve out CEQA exemptions where applicable.

Notable among these bills is SB 35, which provides a ministerial procedure to approve qualifying multifamily housing developments, thereby eliminating CEQA review for those projects. Importantly, SB 35 also mandates that any zoning or design review standards be objective and broadly applied by the local agency.⁴² The below discussion (1) describes the features of SB 35, and (2) documents how this bill has been utilized to stimulate the approval of much-needed housing projects in the state.

About SB 35

California Senate Bill 35, effective on January 1, 2018, was part of a series of new state laws known as the "2017 Housing Package." SB 35 streamlines the approval of multifamily residential projects in jurisdictions that have not been producing enough housing.

⁴² See Gov. Code § 65913.4(d)(1).

Since 1969, the state has required all its cities, towns, and counties to plan for their residents' housing needs, including housing for households unable to afford market-rate units. Within the Housing Element of its General Plan, each city and county must identify goals and policies, and adequately zoned sites, to accommodate regional housing production targets known as the Regional Housing Needs Allocation ("RHNA"). The RHNA helps determine the total number of new homes that must be built at each household income category to meet the housing needs of residents at every income level.

SB 35 provides that if a city or county has not met its RHNA goals in a given year, new housing projects meeting certain criteria must be ministerially approved. For such projects, the agency (1) is limited to applying only objective zoning and design review standards, and (2) need not undertake environmental review under CEQA. SB 35 thus addresses barriers to local housing development by creating an "as of right" approval process in cities and counties throughout California that have not been producing enough housing.

Eligible projects (1) must be multifamily developments located on sites zoned for residential use, (2) must be in an "urbanized area," (3) cannot be located in an environmentally protected area, and (4) must pay prevailing wages to the project's construction workers (which is already required for almost all affordable projects and many mixed-income projects in California). Projects must also contain a certain percentage of affordable housing, which varies based on the level of unattained RHNA production in the subject jurisdiction. For jurisdictions failing to meet market-rate RHNA goals, the SB 35 process requires that at least 10 percent of the project be income-restricted affordable housing (similar to many communities' local inclusionary zoning policies). For jurisdictions that have met their market-rate RHNA targets but are failing to meet affordable RHNA production goals, at least 50 percent of the project must be affordable. If the development meets all criteria, the law requires ministerial approval within 60 to 90 days, depending on its size.

After initial litigation to test its constitutionality, the effect of this law has been a steady rise in approvals for housing projects. As discussed in the following section, this is because the vast majority of cities and counties in California have not been meeting their RHNA housing production goals. Specifically, in 2021, nearly all cities and counties in California are SB 35-eligible due to a failure to meet either their affordable and/or market-rate production goals.

Analysis of SB 35 Utilization in 2018 - 2020

The California Department of Housing and Community Development ("HCD") is charged with monitoring the progress of each city and county with a certified Housing Element towards achieving RHNA goals. Jurisdictions self-report through an Annual Progress Report to HCD. The data collected – now including data on SB 35 use – has been published online in a detailed dashboard format. This tool enables analysis of each city and county's reporting across time,

in terms of overall housing production as well as the subset of projects invoking SB 35 streamlining.⁴³

As shown in the table below, the number of projects and units invoking SB 35 has been accelerating since the law went into effect on January 1, 2018, with 2020 seeing almost 5,000 approved units. As reported to HCD in the Annual Progress Reports, the total unit count of approved SB 35 projects since the law's inception represents just under four percent of all housing units in the pipeline in California. The use of SB 35 will very likely grow over time.

Table 3: SB 35 Projects and Units, 2018 - 2020

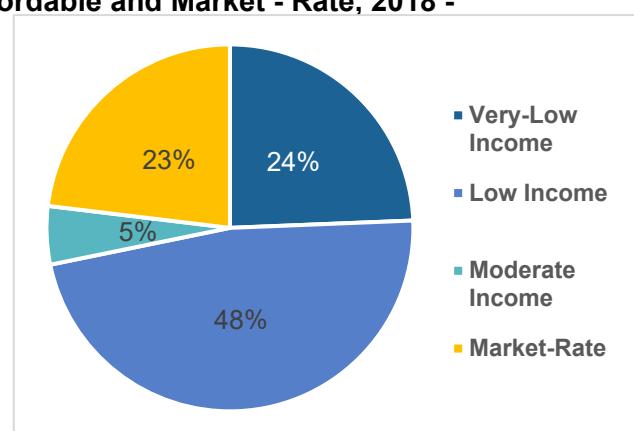
Year	Total Applications (a)		Approved	
	Projects	Units	Projects	Units
2018	32	4,944	32	4,944
2019	45	3,795	45	3,795
2020	50	5,053	49	4,965
Total	127	13,792	126	13,704

Notes:
(a) Of the 127 projects shown above, one project from 2020 has not yet been approved because the application was incomplete.
Sources: HCD; The Housing Workshop, 2021.

SB 35 is particularly effective for projects with 100 percent affordable housing. The table below shows the breakdown of affordable and market rate units approved under SB 35 from 2018 to 2020. For the affordable segments, SB 35 can clear the way to approve almost all fully affordable projects on residentially-zoned or mixed-use zoned sites in urban locations.

Table 4: Distribution of SB 35 Units by Affordable and Market - Rate, 2018 - 2020

	Total Units	
	2018-2020	%
Very-Low Income	3,360	24.4%
Low Income	6,540	47.4%
Moderate Income	708	5.1%
Market-Rate	3,184	23.1%
Total	13,792	100.0%



Sources: CA HCD, The Housing Workshop, 2021.

⁴³ See HCD Annual Progress Report Dashboard for data:

<https://app.powerbigov.us/view?r=eyJrIjoiMDA2YjBmNTItYzYwNS00ZDdiLThmMGMtYmFhMzc1YTAzMDM4IiwidCI6IjI0DI4NjQ2LWIwMzctNGZINy04NDE1LWU5MzVjZDM0Y2Y5NiJ9&pageName=ReportSection3da4504e0949a7b7a0b0>

Thus, SB 35 provides a legislative framework for long-range housing production that imposes a ministerial approval process on cities and counties not yet producing sufficient affordable or market-rate housing. Cities have begun to show that this process facilitates the production of affordable housing. While this approach has expedited the approval of eligible new housing units in California, environmental justice organizations have cautioned that, to the extent SB 35's ministerial approval process eliminates environmental review, it could leave residents of disadvantaged communities vulnerable to health risks and other harmful impacts. See Chapter 8 (discussing CEQA's role in promoting environmental justice). The prohibitions built into SB 35, meant to render projects sited in environmentally sensitive areas ineligible for streamlining, will need to be carefully monitored and adjusted over time to prevent unintended consequences or impacts on public health, especially in disadvantaged communities.

Case Studies: Housing Streamlining and CEQA

In 2019, the Association of Environmental Professionals ("AEP") published a comprehensive assessment of CEQA's impact on housing production, which surveyed all jurisdictions in California.⁴⁴ The AEP study sought to understand how housing projects were reviewed under CEQA and whether the CEQA process impeded the production of housing in California. At the time of the study's preparation, some streamlining options were available under CEQA, including (1) tiering housing projects off specific plans, and (2) limited exemptions for infill, affordable housing, and projects located near public transit. The 2017 Housing Package had been passed, but it been in effect for less than six months when the AEP researchers conducted their key survey (completed in 2018). Thus, the AEP study could not thoroughly analyze public agencies' utilization of the newer streamlining methods.

The 2018 AEP survey, which yielded a wide geographic response from jurisdictions accounting for 54 percent of the state's multifamily permit activity, is one of the few studies that has comprehensively surveyed CEQA's impact on housing production. The survey found that between 2015 and 2017, streamlining and exemptions were the predominant type of environmental review used for housing projects in the respondent jurisdictions (42 percent of projects), followed by Mitigated Negative Declarations (36 percent). EIRs were used in only 6 percent of the projects; these documents were generally reserved for larger projects with potentially greater environmental impacts.

This Report provides additional analysis of local jurisdictions' use of the newer streamlining methods. Specifically, a sample of three jurisdictions who responded to the 2018 AEP survey (which covered other streamlining processes in effect in 2017) agreed to provide follow-up

⁴⁴ See https://www.califaep.org/docs/CEOA_and_Housing_Report_1-30-19.pdf

data showing how housing projects proposed between 2018 and 2020 were reviewed under, or exempted from, CEQA. Members of the planning staff in each of these jurisdictions were then interviewed to give researchers a deeper understanding of how state legislation has been utilized for the projects proposed in their jurisdictions.

The three jurisdictions — City and County of San Francisco, Santa Barbara County, and Town of Truckee — were selected because they represent a broad array of geographic locations, local governmental structures, and population sizes across California.

Case Study: City and County of San Francisco

San Francisco's Environmental Planning Division tracks activities that are subject to and exempt from CEQA. This detailed tracking provides a comprehensive database of how CEQA works in a city that has experienced a strong real estate market and a high level of development activity. The table below summarizes CEQA-related activities in San Francisco between 2018 and 2020.

Table 5: San Francisco Multifamily Housing Project Applications and Units, 2018 - 2020

	EIR	MND	Categorical Exemption (b)	Community & Specific Plan	Infill	SB 35	AB 83 (c)	Total
Project Applications (a)	7	4	16	27	50	15	1	120
Number of Units								
Total Market Rate Units	1,231	148	88	2,021	915	138		4,541
Total Affordable Units	964	28	0	459	581	1,519	232	3,783
Total All Units	2,195	176	88	2,480	1,496	1,657	232	8,324

a) For multifamily projects with 5+ units
b) CEQA Guidelines §15301-15333
c) Homeless- COVID exemption

Sources: City and County of San Francisco; The Housing Workshop, 2021.

In total, San Francisco reviewed 120 housing projects with five+ units (e.g., multifamily) in the three-year period, with a total of 8,324 units. Just seven projects required full EIRs. For the largest segment of units, the city conducted environmental review that tiered off program EIRs for existing Community Plans that set the stage for subsequent development.

Interviews with city staff in the San Francisco's Environmental Planning Division further clarified the data and explained initiatives underway:

- **Developers in San Francisco are invoking SB 35, particularly for affordable housing projects.** City staff believe SB 35 is being used successfully in San Francisco and noted a rising utilization rate. As shown in the data above, San Francisco processed

15 SB 35 applications since the law became effective in 2018 through 2020. To ensure a project is eligible for SB 35, the city must complete a checklist confirming the project is not within environmentally sensitive areas such as coastal zones, wetlands, fault lines, high fire areas, floodways, protected habitats, hazardous waste sites, etc.⁴⁵

- **San Francisco invests in Community Plans at the neighborhood level to give citizens a proactive voice in shaping future growth in their neighborhoods.** San Francisco's historic economic growth fueled the need to plan comprehensively with robust community input. Over the past several decades, the city has formulated eight detailed plans for Community Plan Areas ("CPAs"), including one covering a large portion of the city known as Eastern Neighborhoods. These plans, which are similar to Specific Plans, were all conducted with extensive public outreach. In addition, these plans were all reviewed under CEQA through program EIRs, which allowed subsequent projects to "tier" off the existing environmental documents.⁴⁶ These plans not only provided an opportunity for citizens to proactively shape guidelines for growth in their neighborhoods, but also allowed streamlined environmental review for future projects through tiering. Further, according to city staff, San Francisco's decision to infuse its environmental review processes with opportunities for robust community input has ultimately reduced legal challenges under CEQA.
- **San Francisco has standardized mitigation measures to achieve greater environmental benefits.** Because residential developments in urban settings often result in similar impacts, and because projects located in the same CPA face similar mitigation issues, the city has been attempting to impose more uniform mitigation measures so that developers know ahead of time what to expect. For example, dust control and construction noise can be addressed through generalized performance standards. Other impacts, such as compliance with the city's shadow and wind ordinances, will still require project-specific analyses.

In sum, San Francisco staff and elected officials consider CEQA part of a "yes, and..." approach to development review. This city serves as a continuous, evolving model of how CEQA can help shape development in an inclusive way that both encourages public input and supports sustainable housing projects.

⁴⁵ See <https://calepa.ca.gov/sitcleanup/corteselist/>

⁴⁶ See <https://generalplan.sfplanning.org/>

Case Study: County of Santa Barbara

Santa Barbara County is known for its diverse coastal communities that include urban centers, suburban neighborhoods, and inland rural areas. The county has jurisdiction over project permitting in unincorporated areas of the county. Compared to San Francisco, there were significantly fewer multifamily housing projects proposed in Santa Barbara County's jurisdiction between 2018 and 2020. Two out of the three projects utilized CEQA exemptions: one SB 35 project and one AB 2162 project for homeless supportive housing.⁴⁷ The projects utilizing CEQA exemptions yielded a total of 83 affordable housing units. The one project that required an EIR was a market-rate project for multifamily faculty housing that was embedded in a larger master plan for a school.

Table 6: Santa Barbara County Multifamily Housing Applications and Units, 2018 - 2020

	EIR (b)	SB 35	AB 2162	Total
Multifamily Housing Applications (a)	1	1	1	3
Market-Rate Units in MF Projects (a)	6			6
Affordable Units in MF Projects (a)		60	23	83
Total Units	6	60	23	89

Notes:

(a) Multifamily housing includes projects with five or more housing units.

(b) An EIR was completed for a school master plan that included childcare and pool facilities, six faculty housing units, and a wastewater treatment facility.

Sources: California Department of Housing and Community Development; County of Santa Barbara; The Housing Workshop, 2021.

Interviews with Santa Barbara County staff in the Long Range Planning Division yielded the following comments:

- **There is likely some hesitation by developers in Santa Barbara County to utilize streamlining for housing projects due to established relationships between developers and the community.** Established affordable housing developers may not be fast - tracking projects to the full extent permitted by state law in order to maintain working relationships with the communities they serve. For example, one of the three projects listed above – a proposed affordable supportive housing project – was known to be controversial. The established affordable housing developer was reluctant to use AB 2162 (which can be used to streamline supportive housing projects) out of concern that the community would perceive this approach as a way to avoid engagement, and that this would lead to future backlash on other projects. Accordingly, the developer underwent the full design review process voluntarily and made changes in response to community input, a process that took over a year. When dissatisfied neighbors still

⁴⁷ AB 2162, passed in 2018, requires municipalities to provide a ministerial process for approval of housing projects containing a minimum amount of Supportive Housing, thereby removing the requirement for CEQA analysis.

threatened to appeal the project, the developer ultimately was persuaded to invoke AB 2162, which allowed this project to proceed.

- **County staff believes streamlining methods will grow in use, although SB 35 may not fit well in some non-urbanized locations in unincorporated Santa Barbara County.** County staff believe legislation that allows certain projects to proceed by right will greatly simplify much-needed housing project approvals. However, county staff noted that since SB 35 requires projects to meet an urbanization definition (e.g., 75 percent of the site perimeter must be surrounded by urban uses), certain sites in the county's unincorporated areas are not eligible. They noted that an expanded definition of urbanization appropriate for unincorporated locations would increase housing streamlining in those areas.

Case Study: Town of Truckee

The Town of Truckee is a small city in Placer County, roughly 12 miles from Lake Tahoe. Like other resort-based destinations, the Town faces seasonal fluctuations in employment and a desirable second-home/visitor-based real estate market. These features have led to a shortage of housing affordable to the local labor force. The area is also surrounded by significant natural resources, thereby presenting a fitting case study for (1) how places with known environmental features can accommodate new housing, and (2) whether such projects can qualify for exemptions/streamlining under CEQA.

Between 2018 and 2020, there were five multi-family residential projects with a total of 242 units proposed in Truckee. Two large projects were reviewed by EIRs and one with an MND. The smaller projects, both with less than 10 units each, utilized either a “common sense” exemption or an infill exemption.

Table 7: Truckee Multifamily Housing Project Applications and Units, 2018 - 2020

	EIR	MND	Common Sense	Infill	Total
Multifamily Housing Applications (a)	2	1	1	1	5
Market-Rate Units in MF Projects (a)	75	-	6	7	88
Affordable Units in MF Projects (a)	84	68		2	154
Total Units	159	68	6	9	242

Notes:

(a) Multifamily housing includes projects with five or more housing units.

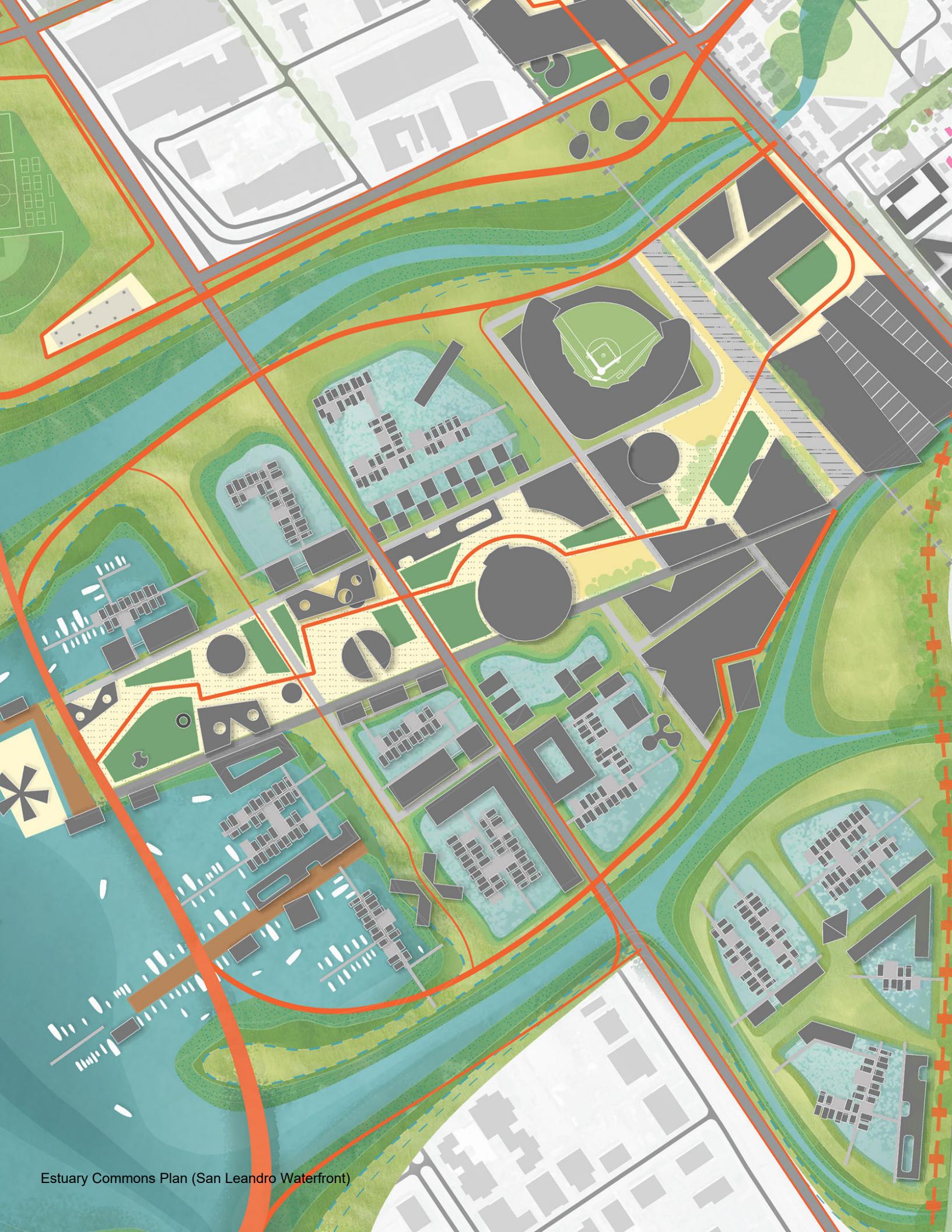
Sources: California Department of Housing and Community Development; Town of Truckee; The Housing Workshop, 2021.

According to an interview with the Planning Manager, the Town of Truckee has not yet received a request to utilize SB 35 for any housing projects, most likely due to the requirement to pay prevailing wages. Her additional comments regarding CEQA and housing production are summarized below:

- **The Town is encouraging streamlining for housing production and is also tiering off prior program EIRs prepared for major planning efforts.** The Planning Manager noted that CEQA compliance is not a major challenge in Truckee. The principal reason is the town has invested in developing multiple specific plans, which provide opportunities to tier subsequent project applications off prior EIRs. The town has also applied infill exemptions, as noted above. The Planning Manager noted that use of legal actions to thwart new housing production is not typical in Truckee.
- **In general, Truckee faces several housing production challenges not related to CEQA.** Because Truckee is highly desired as a residential location for second homes/investors, with over 60 percent of its residential units held for seasonal use (and therefore vacant much of the time), providing an adequate inventory of available housing for full-time residents is challenging. According to the Planning Manager, Truckee's biggest challenges to producing more housing involve upgrading its infrastructure and working through laws and regulations that require meeting RHNA goals while also planning for wildfire evacuation. The Planning Manager hopes that more incentives for rural areas to encourage housing production will be adopted by the state.

Summary

As this chapter describes, the evidence demonstrates that CEQA has not blocked new housing production. Urban and rural jurisdictions have employed CEQA's long-standing tiering mechanisms and created standardized mitigation measures, in addition to utilizing exemptions where appropriate. Recent streamlining provisions have further lessened the time and costs associated with environmental review. These provisions, which also reduce local zoning and design review impediments to housing projects, show significant promise in helping California combat its current housing crisis. Certainly, further study is needed to better understand (1) the ways the latest streamlining laws are being utilized throughout the state, and (2) the potential environmental costs of foregoing CEQA review for ministerial project approvals. Before adopting further measures that reduce or eliminate CEQA's environmental review requirements, lawmakers should assess how the current streamlining legislation performs. The jurisdictions studied here suggest that these provisions have had a positive impact in increasing the state's housing supply, particularly for affordable projects.



Estuary Commons Plan (San Leandro Waterfront)

5. Cost of CEQA Compliance

As detailed in Chapter 2, environmental review under CEQA ensures that the public and decision-makers are apprised of proposed projects' environmental impacts before they are approved, and any significant impacts are mitigated. The law also encourages public participation in the land use process. Despite these benefits, critics have complained about the costs of CEQA compliance, including the direct costs of preparing environmental documents and the indirect costs of time delays.

The 2016 Report provided a literature review and a series of five case studies to assess the cost to development projects of CEQA compliance. As the report explained, there had been no previous studies that isolated the cost of CEQA compliance, much less compared these compliance costs to the cost of the total project. The five case studies profiled in the 2016 Report showed compliance costs ranging from 0.025 to 0.6 percent of total project cost, and environmental review periods ranging from 10 months to 29 months.⁴⁸

For this Report, three additional case studies were conducted, as profiled below. As in the 2016 Report, the cases are intended to be diverse in terms of project type and location in California. For each of these cases, we show the direct CEQA compliance costs as well as the time required to complete the required environmental review.

Notably, no study has attempted to place a dollar amount on the time delays caused by CEQA compliance. Such a calculation would undoubtedly prove difficult because other permitting processes and pre-development activities often occur simultaneously with environmental review. Likewise, this Report does not attempt to estimate the cost-savings that CEQA mitigation provides in terms of reducing environmental and public health harm. It should be noted that when the Legislature adopted CEQA, it found the benefits of modifying a project to reduce its damaging effects on impacted residents and the environment generally outweigh the associated costs.⁴⁹

PlaceWorks, one of the largest planning and environmental review consulting firms in California, provided the three case studies herein, as well as the five case studies in the 2016 Report. PlaceWorks served as the prime CEQA compliance consultant for all of the profiled projects, managing its own environmental review analysts and any technical subconsultants

⁴⁸ In one case study, for a controversial railyard project that was subject to litigation, the environmental review period was "ongoing." 2016 Report, p. 38.

⁴⁹ Under CEQA, an agency may approve a project with significant environmental impacts, but only if it finds that further mitigation is infeasible and "specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment." Pub. Resources Code § 21081(b).

needed for special studies. Because PlaceWorks was the prime consultant, it possessed relevant information regarding the total direct environmental review cost for each project, as well as information about key project dates and estimated project construction costs.

Case Studies: Direct Cost of CEQA Compliance

Broadway Plaza Mixed Use Development

Redwood City, CA



Total Environment Review Period:	26 months
Environmental Review Cost:	Approximately \$700,000
Total Project Cost:	\$150 million
Environmental Review as % of Total Cost:	0.5%

In 2015, The Sobrato Organization, a large, prominent Silicon Valley developer, unveiled plans for a 400-unit, mixed-use development in the City of Redwood City on an 11.2-acre site purchased from two private owners and CVS Pharmacy. While the site is located near regional transit, it faced traffic impact challenges due to its location just south of a heavily congested U.S. Highway 101 interchange. In addition, historic manufacturing uses had contaminated the property.

Sobrato submitted its first application for “Broadway Plaza” in July 2016. At that time, the residential component was limited to market rate housing, with Sobrato prepared to pay affordable housing in-lieu fees for all 400 units and commercial components. In late 2016, a shift in statewide housing priorities and local feedback prompted Sobrato to reassess its

affordable housing strategy. Partnering with MidPen, a non-profit affordable housing developer, the applicant proposed to provide 120 low- and very-low-income units on a parcel adjacent to the market rate units. Subsequently, the developer redesigned the project to integrate the affordable units into the same parcel as the market rate units.

The CEQA process was formally initiated in April 2017. At that point, the project had been revised to include 400 market-rate residential units, 120 affordable residential units, 420,000 square feet of office space, 26,000 square feet of retail space including a stand-alone CVS pharmacy, a 10,000-square-foot childcare center, public and private open spaces, and shared underground parking. A required Transportation Demand Management plan to reduce drive-alone trips was later added to the Draft EIR.

For this project, studies reflecting the proposed development's scale and complexity were conducted as part of CEQA review, including surface and subsurface environmental assessments, vapor intrusion reports, geotechnical hazards reports, shade and shadow studies, a rail vibration study, drainage assessments, and a comprehensive transportation impact analysis. At the time of the EIR's preparation, one of two remediation programs to address soil and groundwater contamination on the site was already underway.

The city circulated the Draft EIR in November 2018. It described significant and unavoidable impacts related to traffic on Highway 101 and increased noise. As part of the mitigation process, Sobrato was required to make fair share in-lieu payments to the city for city-led improvements to the Highway 101/Woodside Road interchange. Sobrato later offered to donate land from its project site to the city for those improvements.

The Final EIR included just over 50 comments from state and regional agencies, non-governmental organizations, private companies, and the public. Most were focused on the project's transportation impacts, including responses that supported the benefits of the Traffic Management Demand plan in mitigating those impacts.

On May 20, 2019, the City Council unanimously approved the project and EIR. It also adopted findings that the community benefits of the project will override any remaining unavoidable impacts. In total, the direct cost of compliance with CEQA represented just 0.5 percent of this project's overall cost. The CEQA process, which took 26 months, resulted in substantial reductions in the project's effects on traffic, noise and vibration, soil contamination, and other impacts.

San Leandro Business Center

San Leandro, CA



Total Environment Review Period:	6 months
Environmental Review Cost:	\$120,000
Total Project Cost:	\$70 million
Environmental Review as % of Total Cost:	0.2%

In early 2016, the recently merged companies of Kraft Foods and H.J. Heinz shut down the former Maxwell House Coffee Plant at 100 Halcyon Drive in the City of San Leandro. The facility had been built in 1949 during the city's post-war industrial boom.

The city's Board of Zoning Adjustments ("BZA") immediately received multiple development proposals for this prime industrial site. The BZA denied a series of residential projects, citing safety and noise concerns due to the site's proximity to active rail and BART tracks.

Then, in late 2016, applicant and master developer Trammell Crow Company submitted plans for a Class A industrial and office facility. The San Leandro Business Center project included demolition of 13 existing industrial structures and surface parking on the 30.74-acre site, followed by construction of three storage warehouse buildings containing 553,000 square feet of Class A industrial space and 55,320 square feet of office space. The developer designed all three buildings as flexible industrial spaces, with surrounding loading and circulation elements to accommodate a range of tenants. The plan included 521 surface parking spaces and 151 trailer stalls, as well as 21,700 square feet of low-impact landscaping and on-site amenities.

The City of San Leandro required environmental review in the form of an Initial Study/Mitigated Negative Declaration ("IS/MND"). It explained that this type of review was appropriate given the consistency of the proposed use with the past use of the site and the underlying land use regulation. The CEQA process began in February 2017 with the completion of a Historic Resources Evaluation ("HRE"), which assessed the various architectural styles, contributing architects, historic context, designation status, and corporate history of the plant.

The HRE concluded the property was not eligible for designation on the California Register and would not be considered Historic Resources under CEQA.

The IS/MND also included the results of air quality and noise technical reports, a transportation impact analysis, a geotechnical report, and two environmental site assessments. The document established a series of physical mitigation measures to reduce the project's potential impacts. These included the implementation of specific building foundation, footing and slab designs to adapt to unstable soils; the redesign and restriping of existing driveways; and modifications to existing traffic signal timing at surrounding intersections.

Following publication of a Notice of Intent to adopt the IS/MND on June 30, 2017, the Draft IS/MND was made available for public review until August 3, 2017. The document received no public comment. The City of San Leandro BZA approved the project by a 5 - 1 vote two weeks later. Construction of San Leandro Business Center Project commenced in October 2018.

For this project, the direct cost of compliance with CEQA represented just 0.2 percent of its overall cost, and CEQA review took 6 months. Here, the CEQA process reduced the project's impacts on traffic, soils, and public safety to a level of insignificance.

Vivante Senior Housing

Newport Beach, CA



Total Environment Review Period: 10 months

Environmental Review Cost: \$90,000

Total Project Cost: \$60 million

Environmental Review as % of Total Cost: 0.15%

The Nexus Development Corporation submitted plans for its Vivante Senior Housing (“Vivante”) project to the City of Newport Beach in early August 2018. The proposed project was the second application to develop this site, and the environmental review was conducted as an Addendum to a previous EIR certified in 2016.

For the Vivante Senior project, the developer proposed to demolish multiple structures of the former Orange County Museum of Art (“OCMA”) to accommodate 90 senior housing units in a single six-story structure.

Because the prior 2016 certified EIR for the “Museum House” project analyzed a 25-story tower with 100 units in the same location (for a project that was never built), the City concluded that the less intensely developed Vivante project represented a modification to Museum House, and that an addendum to the 2016 EIR would adequately address its environmental impacts. In addition, previously-formulated mitigation measures in the first EIR were found to adequately mitigate Vivante’s potential impacts.

The City initiated the CEQA process for the Vivante project in September 2018, and the addendum to the Museum House EIR was completed in July 2019. The addendum described demolition of OCMA buildings on a 2.91-acre site followed by construction of a 184,983-square-foot, six-story senior housing and memory care project. Development included dining areas and fitness areas, multiple indoor recreational spaces, and about 25,500 square feet of outdoor open space.

The addendum found that “although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.” The addendum also noted that the project would require amending the General Plan land use designation of the site from Private Institutions to Mixed-Use Horizontal.

In July 2019, the City of Newport Beach Planning Commission approved the project by a 5 - 0 vote. The City Council heard the project one month later and also approved the project, including the required General Plan amendments.

The cost of CEQA compliance for this project, utilizing prior analyses for a larger unbuilt project, illustrates how a development project can tier off or otherwise build on earlier environmental work. The cost of the addendum represented just 0.15 percent of the project’s overall cost, and environmental review took 10 months.

Summary

This chapter illustrates that for many projects, the direct cost of CEQA compliance is a fraction of the total project cost. While delays can occur in the environmental review process and/or due to CEQA litigation, there is no empirical evidence available to assess these costs. Nor has any study compared the costs of CEQA compliance to the robust benefits the law provides to communities, the environment, and the planet. See Chapters 7 and 8 (discussing CEQA’s role in protecting the environment and communities).



Downtown Los Angeles, CA

6. California's Economic Prosperity & Sustainability

California is the world's fifth largest economy. According to Bloomberg.com's July 2021 reporting, "The Golden State has no peers when it comes to expanding GDP, raising household income, investing in innovation and a host of other key metrics."⁵⁰

Yet, CEQA critics have charged that CEQA is constraining the state's economic growth. To evaluate this perspective, this chapter describes California's relative strength in job growth, household incomes, and infill development. While the relationship between these positive economic metrics and CEQA is not necessarily causal, it is important to recognize such strengths as having occurred within California's rigorous environmental review framework. The metrics strongly rebut the claim that California cannot grow while complying with CEQA.

Prior Study of CEQA and California's Economic Growth: Literature Review

Critics sometimes blame CEQA for declines in California's economic prosperity, yet there is no literature or data to support this assertion. The only study available that seeks to measure CEQA's effect on California's economy, a 2013 report by University of Utah professor Peter Philips, compared California's economic growth before and after passage of CEQA in 1970 to the nation overall. The report measured California's per capita Gross Domestic Product (GDP), housing production (relative to its population), manufacturing output, and construction activity before and after 1970 to gauge CEQA's impacts on economic prosperity. The study concluded:

Comparing California before and after the 1970 passage of the California Environmental Quality Act (CEQA), and benchmarking against performance in the other 49 states, this study finds that 1) California per capita GDP, 2) California housing relative to population, 3) California manufacturing output, and 4) California construction activity grew as fast or faster after the passage of CEQA.⁵¹

⁵⁰ <https://www.bloomberg.com/opinion/articles/2021-06-14/California-defies-doom-with-no-1-u-s-economy>

⁵¹ Peter Philips, PhD, *The Economic and Environmental Impact of the California Environmental Quality Act*, University of Utah Department of Economics Working Paper No. 2013-01 (March 2013), http://econ.utah.edu/research/publications/2013_01.pdf

Measures of Economic Prosperity

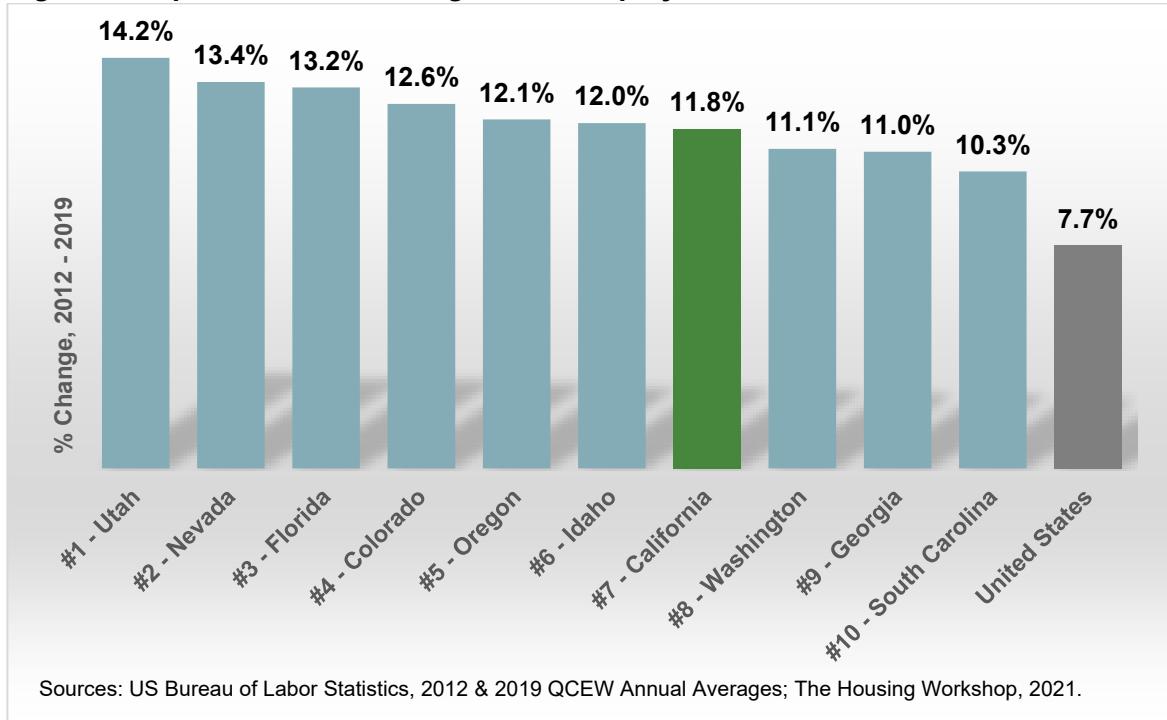
This section of the report follows a similar method as the above-cited Philips study, with metrics updated to reflect job growth, GDP, and median household income. Since contemporary calls for legislative reform cite current problems perceived to be caused by CEQA, our study relies on contemporary metrics to focus the analysis.

The following analysis does not directly ascertain causality (e.g., whether CEQA caused or did not cause a trend), due to the analytic difficulty of isolating CEQA and its effects from many other simultaneous federal and state laws and regulations governing open space, habitat, renewable energy, and related environmental initiatives being implemented throughout the state. Rather, this report takes a straightforward view that if California's economic growth has been substantial during this period, with CEQA in place, then CEQA's existence should not be blamed for economic conditions that do not exist. All data summarized here are shown in Appendix D.

Job Growth

Since recovering from the Great Recession, California has outpaced most other states in job growth. As shown below, California was the 7th fastest growing state in terms of job growth between 2012 and 2019, with an 11.8 percent increase, far outpacing the U.S. and 43 other states.

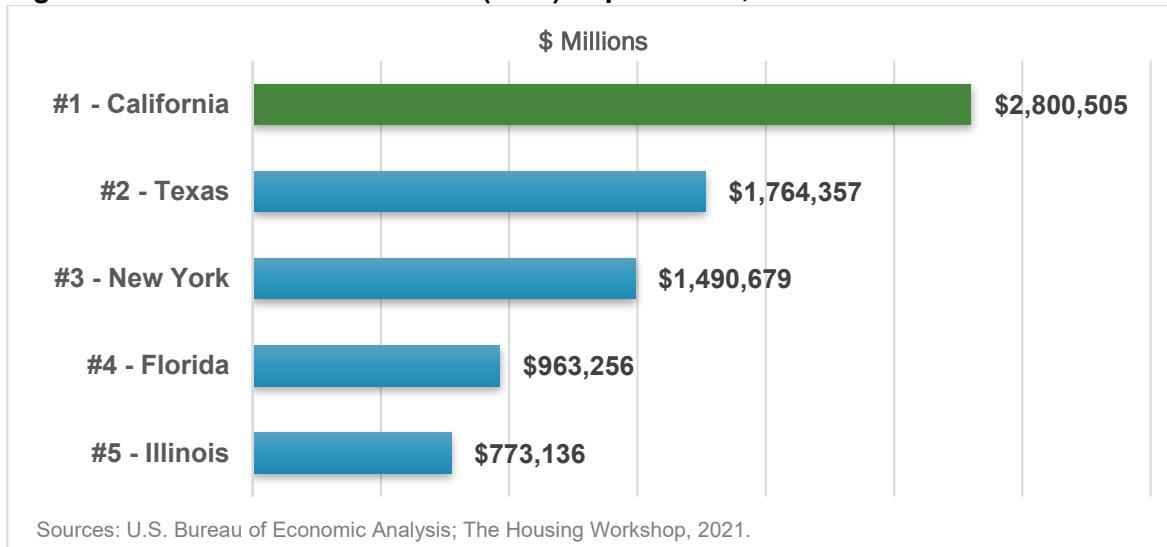
Figure 4: Top 10 Fastest Growing States, Employment 2012 - 2019



Gross Domestic Product (GDP)

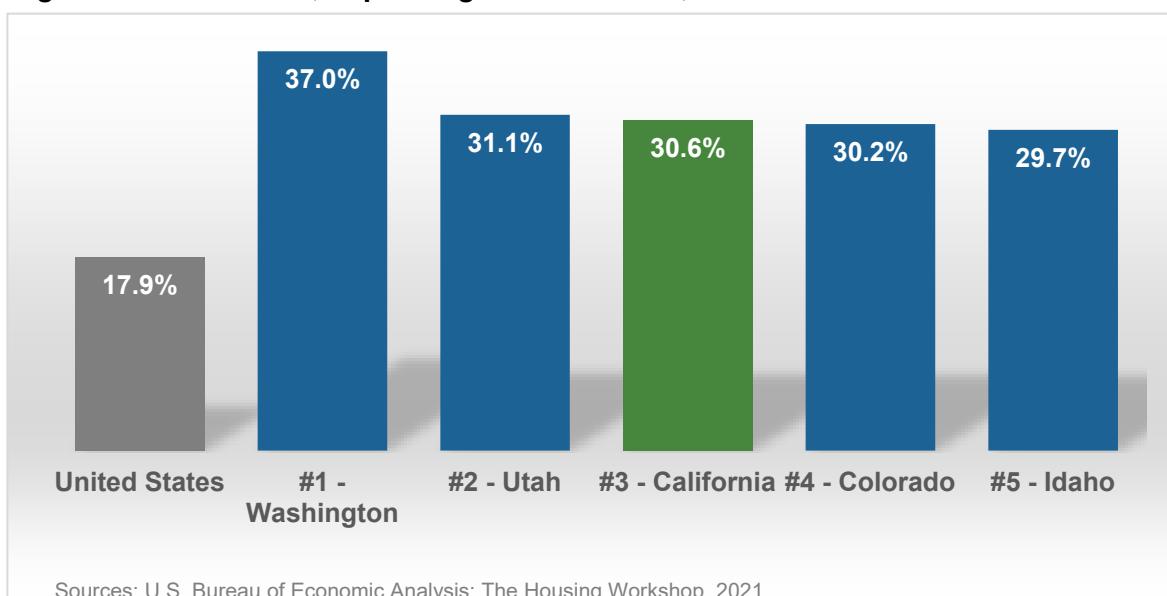
GDP measures the dollar value of all economic output in a given geographic area. California ranks first in GDP among the 50 states. On an absolute dollar basis, California also far outstrips any other state, with a total GDP in 2019 of over \$2.8 trillion. The next-largest state in terms of GDP, Texas, with little environmental protection comparable to CEQA, produces less than two - thirds of the economic value of California's output.

Figure 5: Gross Domestic Product (GDP) Top 5 States, 2019



California also ranks third in the rate of growth in GDP since 2012, with an increase of almost 31 percent in the past seven years, far surpassing the U.S. and 47 other states.

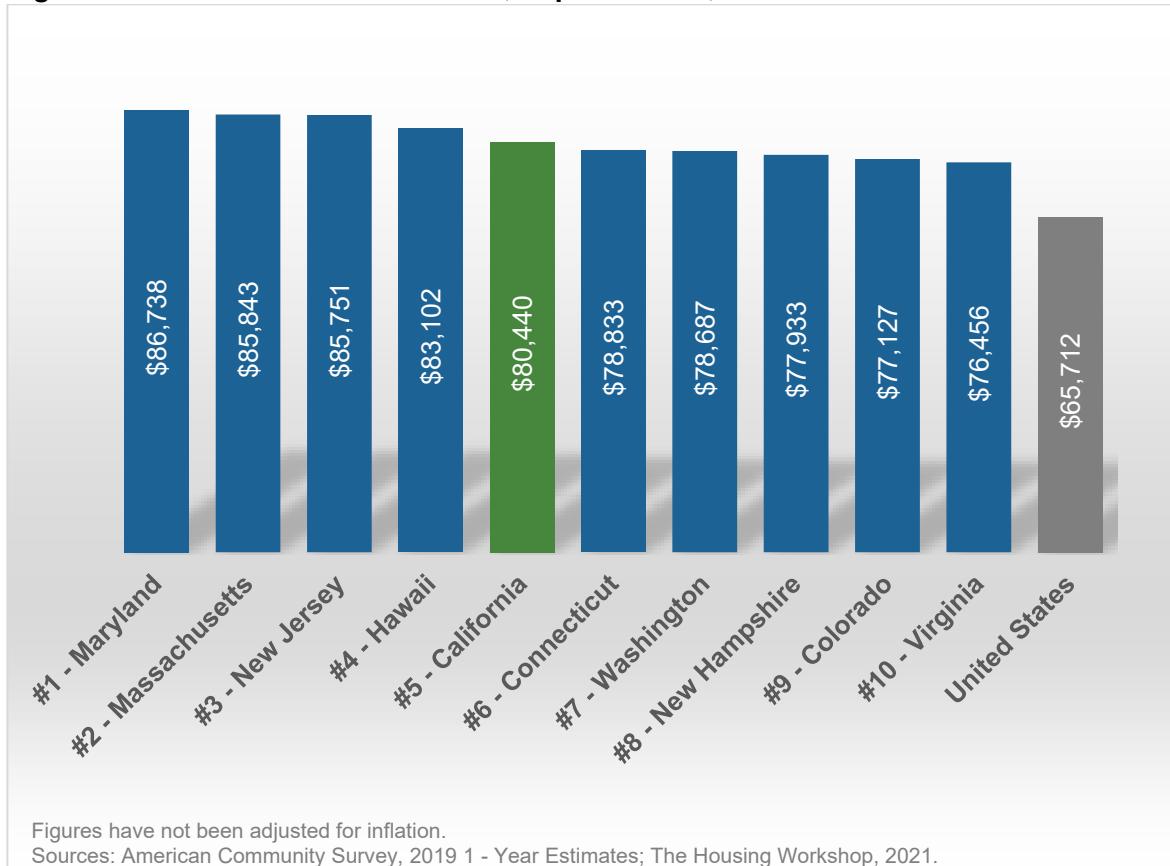
Figure 6: GDP Growth, Top 5 Largest GDP States, 2012 - 2019



Median Household Income

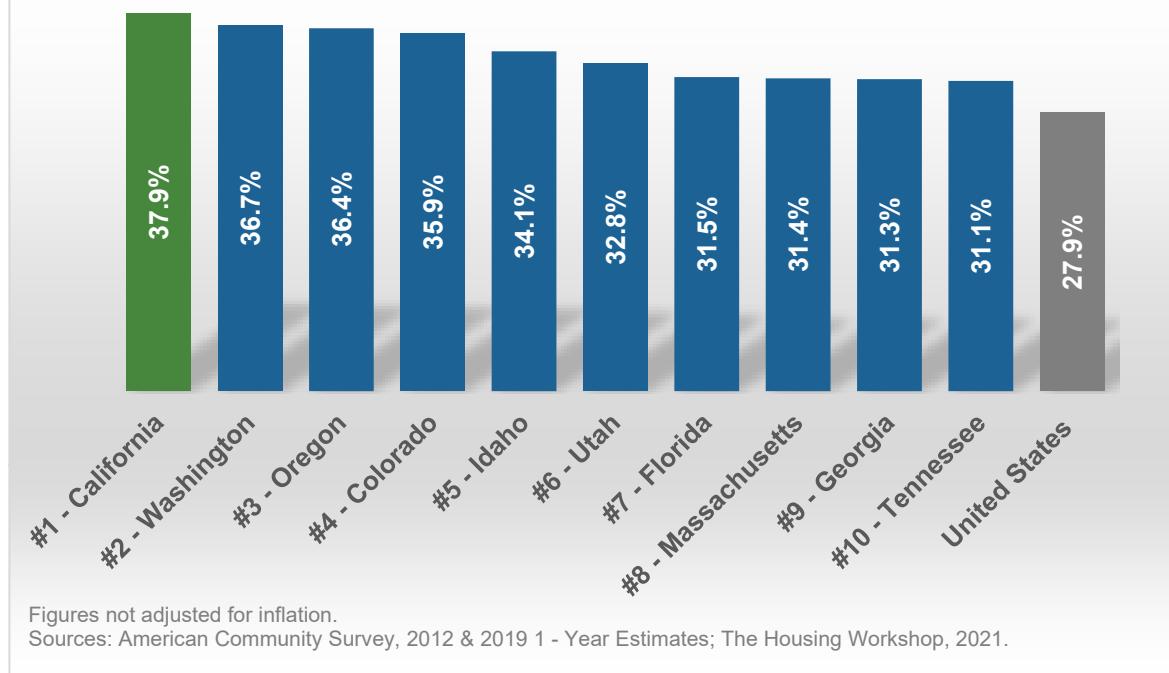
California's economic prosperity can also be measured by household incomes. California ranked fifth in the nation in 2019, with a median household income of well over \$80,000.

Figure 7: Median Household Income, Top 10 States, 2019



California's household incomes continue to rise; from 2012 to 2019, California's median household income grew the fastest of all 50 states, at just under 38 percent.

Figure 8: California Median Household Income Growth, 2012 - 2019

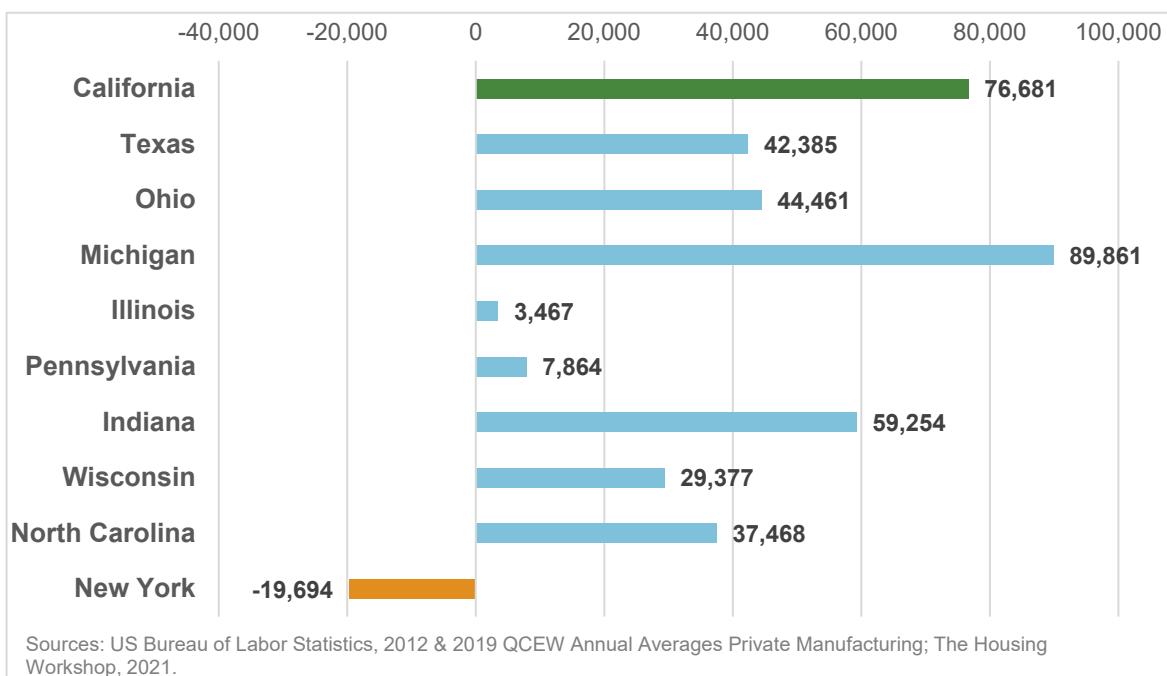


Manufacturing Employment

Some critics of CEQA assert that the law negatively affects the manufacturing sector by indirectly decreasing job opportunities for middle class wage earners. In reality, while California has a broad, diverse economy with large tourism, technology, agricultural, and financial sectors, manufacturing is also thriving. As shown below, since 2012, California grew its manufacturing employment by almost 77,000 jobs, outpaced only by Michigan, which experienced a rebound in its automotive industry during the last decade. California's growth accounted for 8.8 percent of the 871,200 total manufacturing jobs added in the U.S. between the same 2012 to 2019 period. If CEQA were affecting this growth in a discernable way, these comparisons would show a different picture.

Figure 9: Manufacturing Job Growth 2012 - 2019

Top 10 Largest Manufacturing States



Measures of Sustainable Development and Infill

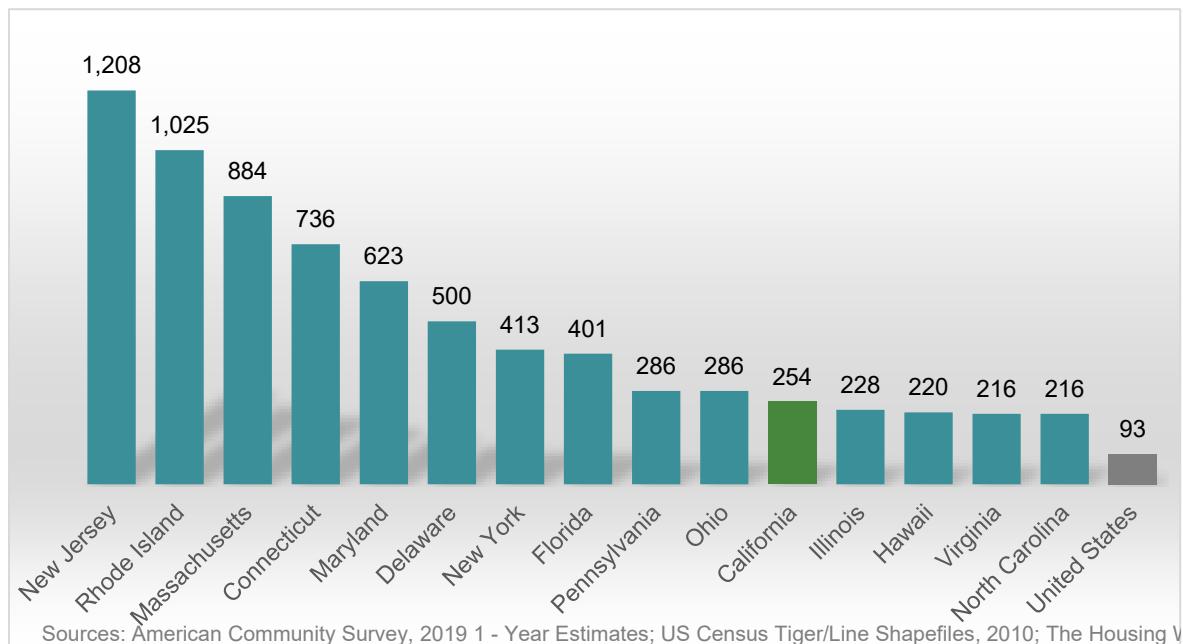
There are many ways to measure sustainable development, depending on definitions of these terms as well as the availability of consistent data over time. This section analyzes metrics of California's sustainable development in terms of overall population density per square mile, infill rates for new housing construction, pedestrian-oriented cities measured by walk scores, scores for open space and park access, and production of affordable housing.

Comparisons to other states for these metrics are especially compelling, because most states do not have environmental review statutes like CEQA, underscoring that if CEQA had an effect, California's performance in these metrics would be poor, as asserted by critics of the law. In fact, most projects undergoing CEQA review have mitigation measures, and these measures are typically designed to support sustainable development through reduction of environmental impacts. Accordingly, if California is producing development that is measurably sustainable, the CEQA process may be contributing to that outcome.

Population Density

California has developed more densely than many observers may perceive. California's 2019 population density of 254 persons per square mile placed the state as the 11th most densely-populated state. This finding challenges assertions that CEQA impedes densification in California. California's high density ranking is notable because large areas in the state are environmentally protected or in protected agricultural use through the Williamson Act, and not open to residential development.

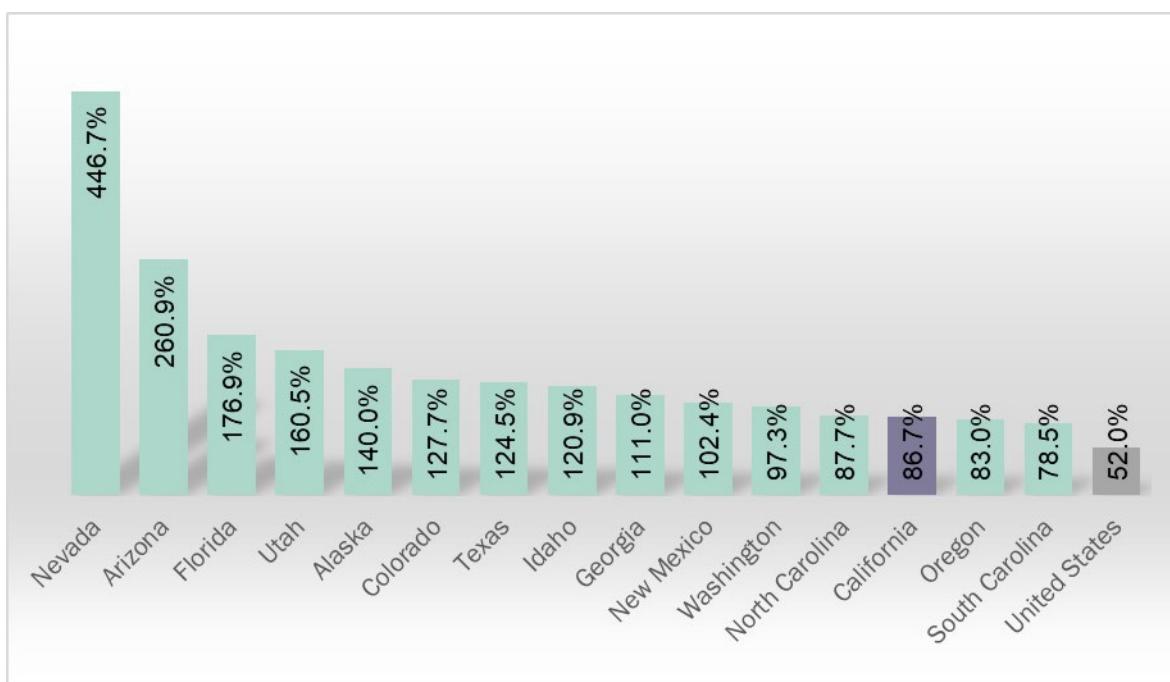
Figure 10: Population Density per Square Mile, Top 15 States, 2019



California also shows a positive upward trend in densification, ranking 13th in terms of positive change in this metric over the past nearly 40 years. California's rate of densification (86.7 percent change) far exceeds the national average (52.0 percent change). Notably, California is the only state among the top 15 most densely developed states (as shown in the previous chart) that also appears as one of the top rapidly densifying states. The other densifying states in Figure 11 had much lower densities to start and are still building out, whereas California was already relatively dense and is still densifying, despite environmental review requirements.

Figure 11: Top 15 Fastest Densifying States

Change in Population per Square Mile, 1970 - 2019



Infill Housing Development

California's environmental policy framework, including CEQA and other state policies coordinating land use and transportation improvements to reduce carbon emissions, encourages infill and transit-oriented development to achieve environmental goals.

In 2012, the U.S. Environmental Protection Agency analyzed residential building permits issued in 209 metropolitan areas with populations of one million or greater, and concluded that the pattern of new infill residential development in metropolitan regions across the country varies widely.⁵² ⁵³ For example, while 80 percent of new residential development was categorized as infill in the San Jose-Sunnyvale-Santa Clara metropolitan region between 2000 and 2009, just 7 percent of new development in Austin, Texas was considered infill. As shown below, the analysis concluded that metropolitan areas in California and New York had the greatest percentages of new infill housing development.

Figure 12: New Home Construction Defined as Infill, 2000 - 2009

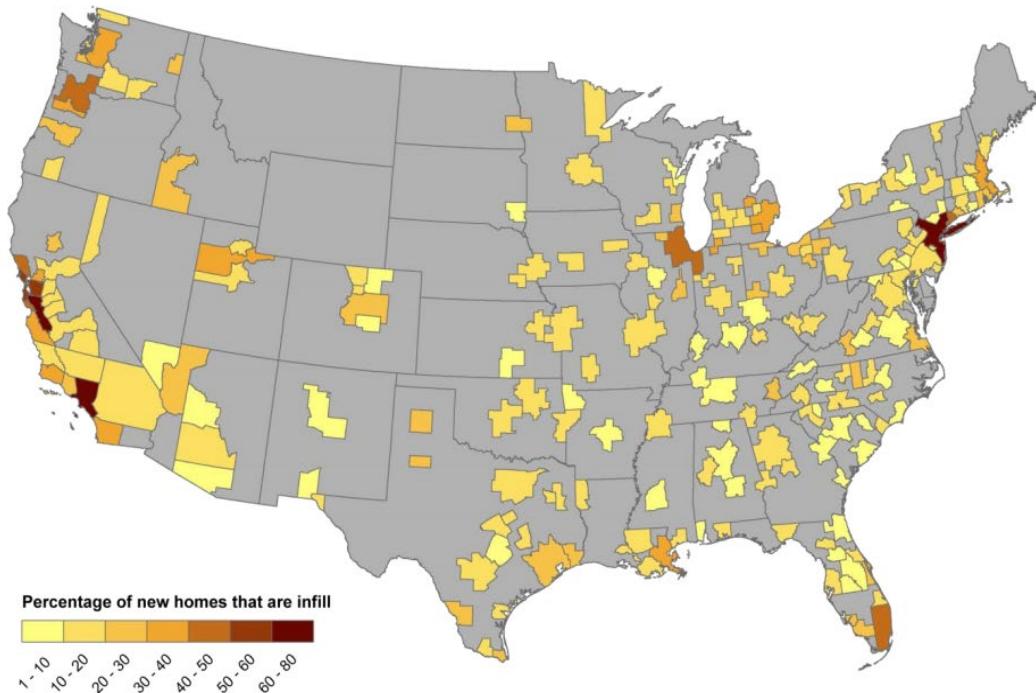


Figure 9. Percentage of new home construction that is infill, 2000 - 2009.

Source: EPA analysis of 2009 American Community Survey 5-Year Estimates, 2001 National Land Cover Database, Protected Areas Database of the United States (PADUS) version 1.2., and 2011 Navteq NAVSTREETS.

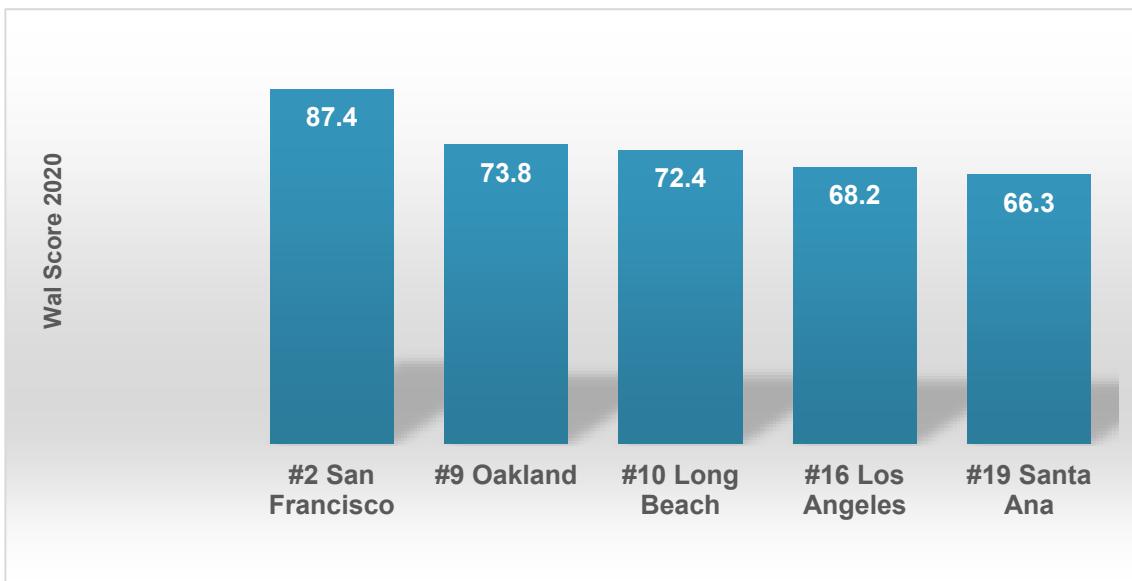
⁵² U.S. EPA, *Residential Construction Trends in America's Metropolitan Regions: 2012 Edition*, https://www.epa.gov/sites/production/files/2014-03/documents/residential_construction_trends.pdf. More recent report is not available due to cutbacks in EPA between 2016 - 2020.

⁵³ "Infill" residential development was defined as new homes built in previously developed areas. The EPA report used cutting-edge spatial analysis to "compare[] the location of new housing development to preexisting land cover to determine the percentage of all new homes that are infill or built in previously developed areas." *Id.* at 3.

Walkable Cities

The degree of walkability is a key metric for sustainable cities and neighborhoods. This factor can be measured by the Walk Score, which employs an algorithm to compute pedestrian access and ease of walking to stores, schools, and transit.⁵⁴ The Walk Score evaluated these criteria for 141 U.S. cities with populations of more than 200,000 in 2020. Five of the top 20 most walkable cities in the U.S. in 2020 were located in California, according to Walk Score data, with all five far exceeding the national average Walk Score of 48 in that year, as shown below.

Figure 13: California Cities Among Top 20 Most Walkable Cities in the U.S., 2020



Notes:

This data is a subset of Walk Score's 2020 ranking of 141 U.S. cities with population above 200,000.

The average Walk Score of the 141 cities measured was 48 in 2020.

Score between 90 - 100 Daily errands do not require a car.

Score between 70 - 80 Most errands can be accomplished on foot.

Score between 50 - 69 Some errands can be accomplished on foot.

Source: Redfin; Walkscore.com, 2020; The Housing Workshop, 2021.

Parks

The Trust for Public Land has developed a city scoring system to analyze aspects of park availability across the nation's 100 largest cities. This metric is updated annually; the last update was published for 2020.⁵⁵ ⁵⁶ A city's ParkScore accounts for factors such as park size,

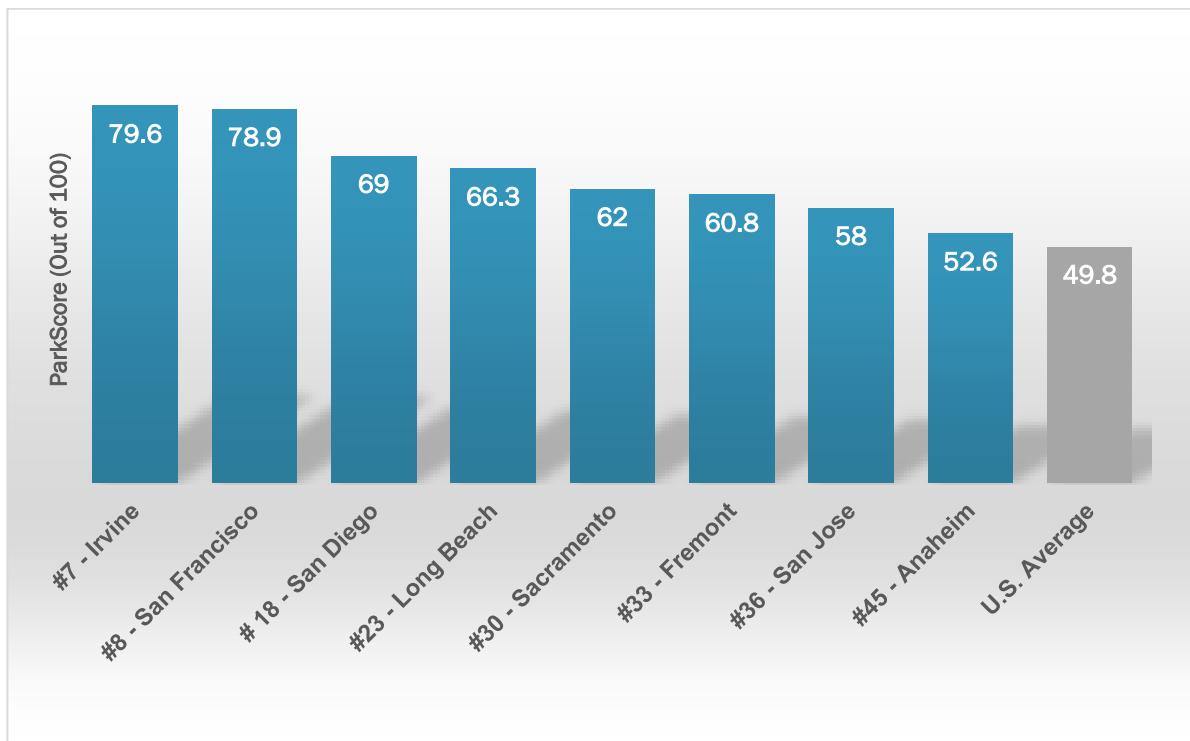
⁵⁴ See <https://www.walkscore.com/cities - and - neighborhoods/>

⁵⁵ https://parkserve.tpl.org/mapping/historic/2020_ParkScoreRank.pdf

⁵⁶ During the drafting of this report, The Trust for Public Land (TPL) posted a new ParkScore dataset for 2021 on its website. The 2021 data is not shown here because TPL changed its scoring methodology by adding a new factor, Equity, which makes comparison across time periods difficult.

acres of park land as a percentage of the city's total area, spending on facilities per resident, and the percentage of residents who live within a ten-minute walk of at least one public park.⁵⁷ All parkland acreage owned by local, regional, state and federal agencies is included in the ParkScore metric. In 2020, the average ParkScore for the 100 cities analyzed (called the U.S. Average) was 49.8 out of a possible 100 points. Among the 100 cities analyzed, eight were in California; all eight of these California cities far exceed the U.S. average" score. Irvine and San Francisco were the highest-ranked California cities, at 6th and 8th of the 100 cities analyzed, respectively

Figure 14: California Cities with ParkScores Above the U.S. Average, 2020



Summary

California ranks high on prosperity and sustainable development metrics despite – or perhaps in part because of – its environmental protection laws and regulations. While this Report does not attempt to measure cause-and-effect relationships, these metrics paint a different picture of the State of California than oft-repeated but undocumented assertions that CEQA is causing declines in these same areas.

⁵⁷ <https://www.tpl.org/parkscore/about>



Lake Manzanita, Lassen Volcanic National Park, CA

7. CEQA's Enduring Value: Protecting the Environment & Communities

The preceding chapters of this Report analyzed the criticisms that various commenters have lodged about CEQA. These critics, however, have largely failed to acknowledge the myriad benefits that CEQA confers on California's environment and communities. This chapter and Chapter 8 analyze some of these benefits.

This chapter describes the evolution of CEQA since its adoption 50 years ago — how public agencies, the state Legislature, and the courts have developed the law, decade by decade, to meet California's growing environmental concerns. During those 50 years, CEQA has played a significant role in protecting some of the state's most iconic natural resources and landscapes. In Chapter 8, the Report demonstrates, through six recent case studies, how Californians are using CEQA to combat today's most serious environmental challenges, environmental injustice and climate change.

A History of Adaptation and Public Participation

CEQA has had a profoundly beneficial impact on California's environment and communities for over 50 years. Prior to the statute's enactment, public agencies could approve projects of any size without considering their impact on the environment, including impacts that negatively affect public health. CEQA fundamentally altered that situation: for the first time, state law required public agencies to evaluate the environmental consequences of their decisions before they approved projects. Further, CEQA mandates that agencies adopt feasible measures to mitigate any significant impacts identified in the environmental review.

Crucially, CEQA also emphasizes public participation in land use decisions. The statute allows members of the public to comment on environmental review documents and mandates that in many instances agencies specifically respond to those comments.

Finally, CEQA requires that public agencies document the basis for their project approvals in detailed findings. Those findings must rely on scientific and factual data to the extent possible, and the agencies must approve a plan that monitors the mitigation adopted to reduce the project's adverse impacts. These features ensure that environmental factors and community concerns inform elected officials' land use decisions, and that these officials are held accountable to the public for their actions.

Over time, CEQA has proved extraordinarily effective in protecting California’s environment, including minimizing air, water, soil and noise pollution that harms public health, while giving community members a powerful voice in the land use process.

As CEQA has aged, its implementation has evolved to meet the serious environmental challenges that have arisen in each era. Indeed, throughout its existence, CEQA has served as the preeminent tool for responding to a wide range of environmental effects, covering everything from local concerns like traffic impacts to broader issues like health effects on disadvantaged communities, statewide water shortages, and even the global crisis of climate change. At the same time, over the past 50 years, public agencies, environmental and community groups, and members of the public have suggested amendments to CEQA to keep the statute current. The Legislature has responded to the lessons learned from CEQA’s evolution, ensuring that CEQA addresses new environmental concerns. In addition, as discussed in Chapter 2, the Legislature has adjusted the law, eliminating requirements for repetitive environmental review and exempting certain categories of projects with public benefits.

In short, CEQA has proven remarkably adaptive in addressing new environmental problems as they arise, improving the efficiency of the review process, and involving the public in land use decision-making.

Appellate Courts’ Expansive Interpretation of CEQA in the Law’s Early Years

From the beginning, the state’s judiciary has been an important participant in CEQA’s development, honoring the Legislature’s intent in adopting the statute and interpreting its terms broadly to effect CEQA’s goal of protecting the environment.⁵⁸ The reasoning in these appellate court decisions illustrates how CEQA has developed and matured over time – and how the law has evolved to address the most critical environmental issues of each era.

After CEQA was enacted in 1970, the California Supreme Court held that the statute must be interpreted “to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.”⁵⁹ At that time, it was unclear whether CEQA applied to public agencies’ actions to approve private development projects, or just to the narrower category of developments undertaken directly by government entities. The Supreme Court adopted the

⁵⁸ CEQA judges now receive specialized training in the statute, and CEQA cases receive calendar priority to ensure that they are quickly heard. Pub. Resources Code § 21167.1.

⁵⁹ *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259, disapproved of on other grounds; see also CEQA Guidelines § 15003(f).

more expansive interpretation, emphasizing that CEQA was “designed to be a milestone in the campaign for ‘the maintenance of a quality of environment for the people of this state now and in the future.’”⁶⁰ This landmark decision ensured that CEQA would apply to all development projects in California, whether public or private, as long as the project needed discretionary action by a public agency. In other words, the court recognized that, to effectively implement its intent to protect the environment, CEQA needed to address private development as well as public works.

The Supreme Court next held, in 1974, that CEQA required comprehensive environmental review for all projects with potentially significant impacts. When an oil company proposed to drill wells in the Pacific Palisades area of Los Angeles, the city refused to prepare an EIR, asserting that such documents were needed only for projects that may have an “important” or “momentous” effect.⁶¹ The court rejected the argument, explaining that the city’s narrow reading of CEQA would “defeat the Legislature’s objective of ensuring that environmental protection serve as the guiding criterion in agency decisions.”⁶² It concluded that an agency must prepare an EIR “whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact.”⁶³ This threshold for preparation of an EIR remains in place today, ensuring that agencies cannot easily avoid examining the potentially significant effects of their decisions.

Subsequently, the appellate courts issued a series of decisions requiring the application of CEQA in the early stages of project development. They held that, under CEQA, public agencies may not break up the environmental review of a proposed development in piecemeal fashion, but rather must analyze the “whole of an action” at the first opportunity.⁶⁴ The seminal case challenged a Local Agency Formation Commission (“LAFCO”) decision to approve a city’s annexation of 677 acres of land. This annexation constituted the first step towards the property’s ultimate development for residential, recreational, and commercial purposes. The LAFCO sought to postpone the analysis of the ultimate development, arguing that the city could conduct the analysis at a later date.

The Supreme Court rejected the argument, holding that the environmental review must occur

⁶⁰ *Friends of Mammoth*, 8 Cal.3d at 252 (quoting Pub. Resources Code § 21000(a)).

⁶¹ *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 77, 84-85.

⁶² *Id.* at 84.

⁶³ *Id.* at 75.

⁶⁴ *Bozung v. Local Agency Formation Comm.* (1975) 13 Cal.3d 263, 277, fn. 16, 279, 282; *City of Carmel-By-The-Sea v. Bd. of Supervisors of Monterey County* (1986) 183 Cal.App.3d 229, 243-44 (City must analyze full environmental consequences of rezone because it “was a necessary first step to approval of a specific development project” that may be submitted to City); *Koster v. County of San Joaquin* (1996) 47 Cal.App.4th 29, 31, 34, 39-40 (County EIR must analyze General Plan amendment that was “first step” toward developing new towns).

before the first discretionary approval of the project. It reasoned that “environmental considerations [should] not become submerged by chopping a large project into many little ones.”⁶⁵ The court emphasized, “Obviously it is desirable that the precise information concerning environmental consequences which an EIR affords be furnished and considered at the earliest possible stage.”⁶⁶ This decision ensured that environmental review under CEQA would be meaningful: it would occur early in the process of considering the development, before a proposed project could gain momentum that would render later environmental analysis an empty gesture. Such early review also enables lead agencies and project proponents to utilize CEQA’s provisions for “tiering” and thus streamline environmental review for subsequent project approvals.

CEQA Evolves to Address the Cumulative Impacts of Rapid State Growth

In subsequent decades, as real estate development, highway expansions, and industrial activities proliferated throughout California, public concern arose about these projects’ cumulative impacts on the environment. If environmental protection was to meaningfully address environmental degradation, shouldn’t public agencies analyze the *combined* effect of multiple projects on air quality, wildlife habitat, noise, and agricultural resources? CEQA provided the logical answer.

In key decisions in the 1980s and 1990s, the appellate courts held that CEQA requires lead agencies to analyze and mitigate not only a proposed project’s individual effect on the environment, but also its impact when combined with other projects.⁶⁷ No other California law required such common-sense analysis, much less required mitigation of these impacts. Importantly, this cumulative consideration helps to highlight the disparate and disproportional environmental impacts that low-income minority communities experience when multiple polluting projects are clustered in and near disadvantaged communities.

For example, in 1990, an appellate court invalidated an EIR because it failed to assess the cumulative air quality impacts of a coal-fired plant. The court specifically recognized that “[o]ne of the most important environmental lessons evident from past experience is that environmental damage often occurs incrementally from a variety of small sources.”⁶⁸ Likewise, in 1994 the court overturned an EIR that did not disclose a project’s cumulative

⁶⁵ *Bozung*, 13 Cal.3d at 283-84.

⁶⁶ *Bozung*, 13 Cal. 3d at 282.

⁶⁷ E.g., *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720 (“CEQA has responded to [the] problem of incremental environmental degradation by requiring analysis of cumulative impacts.”); see also *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 73-77.

⁶⁸ *Kings County Farm Bureau*, 221 Cal.App.3d at 720.

impacts on agricultural lands.⁶⁹ Three years later, a federal court applying CEQA held that the California Department of Transportation must analyze the cumulative effect on wetlands and Monterey pine of a proposed new freeway and other related projects.⁷⁰

Thus, as a result of CEQA, decisionmakers could no longer review individual projects in a vacuum, ignoring each development's contribution to larger environmental problems. In a state that suffered from the effects of serious air pollution, saw its wetlands dwindle, and watched agricultural lands disappear bit by bit, it was essential that public officials examine the full context, and impact, of their decisions. CEQA demanded that they do so.

Members of the public, environmental and community organizations became concerned not only about projects' cumulative impacts when combined with other projects, but also about a project's ability to induce *additional* development, which would, in turn, cause further environmental impacts. CEQA was fully equipped to address this important "growth-inducement" issue. In 1975, a federal court held that, under CEQA, transportation agencies must analyze the growth-inducing impacts of a new freeway interchange proposed in a rural area near the City of Davis. As the court explained, "The growth-inducing effects of the Kidwell Interchange project are its *raison d'etre*, and with growth will come growth's problems: increased population, increased traffic, increased pollution, and increased demand for services."⁷¹ And so, as California was experiencing rapid growth in the 1970s and 1980s, its leading environmental law ensured that public agencies would carefully consider the environmental impacts of any growth generated by their decisions.

Another urgent environmental issue arising during CEQA's earlier decades was the lack of water to serve developments being proposed in many areas of the state. Applicants were routinely obtaining permits for proposed projects when it was uncertain where the water to serve them would originate, in a time when ground and surface water supplies had become dangerously low. CEQA provided a means of addressing this growing problem. In 1981, a California court of appeal held that EIRs must disclose the effect of a project's water demands on the water district's ability to serve other development.⁷² In 1996, the court held that EIRs must assess the impacts of using each potential water source for a project.⁷³ Then, in 2007, the California Supreme Court issued a lengthy decision clarifying that, in analyzing the effects of providing water to a project, an EIR must "identify the planned sources of that water."⁷⁴

⁶⁹ *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 740-41.

⁷⁰ *City of Carmel-By-The-Sea v. U.S. Dept. of Transportation* (9th Cir. 1997) 123 F.3d 1142, 1160.

⁷¹ *City of Davis v. Coleman* (9th Cir. 1975) 521 F.2d 661, 675; see also *City of Antioch v. City Council of Pittsburgh* (1986) 187 Cal.App.3d 1325 (requiring analysis of growth-inducing impacts of new road and sewer line).

⁷² *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 829.

⁷³ *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 199, 205-06.

⁷⁴ *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 428.

From that point on, projects with uncertain sources of water could not proceed in California until they located firm water supplies. While the Legislature also attempted various other fixes to the state's water problems, CEQA's demand for full disclosure and rigorous analysis of the issue ensured that water issues posed by development could not be swept under the rug.

CEQA Requires Disclosure of Projects' Impacts on Public Health

More recently, CEQA has demanded the disclosure of the human health consequences of public agencies' land use decisions. In 2001, the appellate court rejected an EIR for an airport expansion because it did not meaningfully analyze an obvious and important impact on human health: the effect on nearby residents from the airport expansion's large increases in nighttime noise levels.⁷⁵ As the court bluntly declared, CEQA guarantees the public a "statutorily protected interest in quieter noise environments."⁷⁶ At the same time, the court faulted the EIR for dismissing the adverse health impacts flowing from the airport expansion's significant impacts on air quality.⁷⁷ It directed the lead agency to determine "whether these [mobile-source] emissions will result in any significant health impacts."⁷⁸

Three years later, in a case challenging a shopping center proposed in the San Joaquin Valley, the appellate court overturned the project's EIR for failing to "acknowledge[] the health consequences that necessarily result from [] identified air quality impacts."⁷⁹ The California Supreme Court subsequently confirmed that public agencies must specifically correlate the air pollution caused by a project with the pollution's effect on public health.⁸⁰

As discussed in Chapter 8, CEQA's new focus on public health impacts has made the law a powerful tool for communities fighting for environmental justice.

CEQA's Protection of Iconic Landscapes

CEQA's evolution occurred over a period of time when Californians saw development threatening many of their most treasured areas. In many instances, the courts' insistence that CEQA requires a comprehensive, close look at environmental impacts caused public agencies to reject their earlier proposed actions, or to greatly mitigate those actions. Cases also resulted in recognition that many lands proposed for development had unique environmental features

⁷⁵ *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs.* (2001) 91 Cal.App.4th 1344.

⁷⁶ *Id.* at 1380; see Pub. Resources Code § 21001(b) (CEQA expressing state policy to "[t]ake all action necessary to provide the people of the state with ... freedom from excessive noise").

⁷⁷ *Berkeley Keep Jets Over the Bay Com.*, 91 Cal.App.4th at 1367-70.

⁷⁸ *Id.* at 1371.

⁷⁹ *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1220.

⁸⁰ *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 517-22.

and should be permanently preserved as part of public parks or open space.

The courts' careful application of CEQA has resulted in protecting and minimizing impacts to the following places, among others, that are beloved by California residents, as pictured on the following pages.

Banning Ranch



In 2017, the California Supreme Court overturned an EIR for a proposal to develop Banning Ranch, the largest remaining private coastal site in Southern California.⁸¹ A national land trust and local environmental group have made strides toward permanent protection for this property.⁸²

Dyer Mountain



In 2014, while CEQA litigation was pending, the developer of a large ski resort on Dyer Mountain in rural Lassen County abandoned the project, which would have destroyed an area rich in habitat and sacred to the Maidu Indians.⁸³

Eel River



In 2003, the Court of Appeal held, under CEQA, that a water agency must analyze and mitigate the effects of a large project that would increase diversions from the Eel River.⁸⁴ In 2017, the Supreme Court held that a state-owned rail line along the Eel River must comply with CEQA when reopening tracks running from Novato to Humboldt County.⁸⁵ Subsequently, state legislation converted the rail line to the Great Redwood Trail.⁸⁶

⁸¹ *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918.

⁸² Trust for Public Land, <https://www.tpl.org/our-work/banning-ranch>.

⁸³ See Settlement Agreement dated November 15, 2014, *Mountain Meadows Conservancy v. County of Lassen*, California Court of Appeal, Third Appellate District, Case No. C067839, pp. 3-4.

⁸⁴ *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859.

⁸⁵ *Friends of the Eel River v. North Coast Railroad Authority* (2017) 3 Cal.5th 677.

⁸⁶ Senate Bill No. 1029 (2019); see <https://sd02.senate.ca.gov/news/2019-04-11-great-redwood-trail-budget>.

Hatton Canyon



In 1997, a federal court found that the EIR for a proposed new freeway through Hatton Canyon, just east of Carmel, violated CEQA's requirements for analysis of cumulative impacts.⁸⁷ The respondent transportation agencies reconsidered and then dropped the project, and the canyon became a state park.⁸⁸

Headwaters Forest



In 1999, as a result of CEQA litigation⁸⁹ and other actions, the 7,472-acre Headwaters Forest Reserve, which includes a group of old growth redwood groves, was established near Humboldt Bay.⁹⁰

Martis Valley



In 2005, a trial court overturned the EIR for the Martis Valley Community Plan, which would have allowed urban development at a key gateway to Lake Tahoe.⁹¹ Later, settlement agreements with private landowners provided an ongoing source of funding to preserve habitat and promote affordable housing in Martis Valley.⁹²

[approved-legislative-committees-and-ncra-settles-bitter](#)

⁸⁷ *City of Carmel By-The-Sea v. U.S. Dept. of Transportation*, 123 F.3d at 1165.

⁸⁸ California Department of Parks and Recreation, https://www.parks.ca.gov/?page_id=22273

⁸⁹ See *Sierra Club v. California Board of Forestry* (1994) 7 Cal.4th 1215.

⁹⁰ https://en.wikipedia.org/wiki/Headwaters_Forest_Reserve

⁹¹ Judgment dated June 7, 2005, *Sierra Watch et al. v. Placer County*, Placer County Superior Court Case No. SCV 16652, p. 1.

⁹² Los Angeles Times, "Pact Protects a Sierra Valley" (October, 2006), <https://www.latimes.com/archives/la-xpm-2006-oct-02-me-martis2-story.html>

McCloud River



After members of the public and California Attorney General Jerry Brown submitted extensive CEQA comments, the Nestle Company withdrew its plans to build a water - bottling plant on the McCloud River, one of the best trout-fishing rivers in the world.⁹³

Mono Lake



In 1994, a comprehensive EIR informed the State Water Resources Control Board's decision to limit municipal water rights and restore Mono Lake and its tributaries.⁹⁴ That decision, D-1631, and subsequent orders modifying it, continue to protect the natural resources of the Mono Basin to this day, including by requiring Los Angeles Department of Water and Power to restore habitat and fisheries in four tributaries to Mono Lake.

Odello Ranch



In 1985, the Monterey County Superior Court overturned deficient CEQA findings for a sprawl development project approved on Odello Ranch, a stunning rural area south of the Carmel River.⁹⁵ The project was never built.

⁹³ California Trout, [https://caltROUT.org/50th/nestle - mccloud](https://caltROUT.org/50th/nestle-mccloud); Taiwan News, "California cracks down on Nestle spring water bottling plant" (July, 2008), <https://www.taiwannews.com.tw/en/news/703492>

⁹⁴ Planning and Conservation League Foundation & California League of Conservation Voters, *Everyday Heroes Protect the Air We Breathe, the Water We Drink, and the Natural Areas We Prize* (2005), https://www.pcl.org/media/prior-c/CEQA-Everyday-Heroes-full_report.pdf, (hereinafter, "Everyday Heroes"), pp. 125-26.

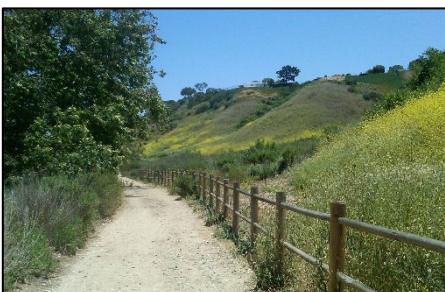
⁹⁵ *City of Carmel By-The-Sea v. California Coastal Commission*, Monterey County Superior Court Case No. M13452.

Owens Valley



A series of CEQA cases ensured the protection of Owens Valley, in Inyo County, from significant impacts resulting from the City of Los Angeles' construction of the Los Angeles Aqueduct and related groundwater pumping.⁹⁶

Rose Canyon



In 2007, CEQA litigation caused the City of San Diego to rescind its decision to construct a bridge over Rose Canyon, a sensitive natural resource.⁹⁷ Later, the City removed the bridge project from its General Plan.⁹⁸

San Onofre State Beach



In 2017, as a result of CEQA litigation and other actions, transportation agencies agreed to a settlement that permanently protects approximately 100 square miles of open space, including San Onofre State Beach, the Richard and Donna O'Neill Conservancy, and the Acjachemen/Juaneño village of Panhe sacred site, from the Foothill - South Toll Road and other major thoroughfares.⁹⁹

⁹⁶ *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795; *County of Inyo v. City of Los Angeles* (1976) 61 Cal.App.3d 91; *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185; *County of Inyo v. City of Los Angeles* (1981) 124 Cal.App.3d 1; *County of Inyo v. City of Los Angeles* (1984) 160 Cal.App.3d 1178.

⁹⁷ See Minute Order dated November 7, 2007, *Friends of Rose Canyon v. City of San Diego*, San Diego Superior Court Case No. GIC 871984, p. 1.

⁹⁸ See Verified Petition for Writ of Mandate, *Citizens for the Regents Road Bridge Inc. v. City of San Diego*, San Diego Superior Court Case No. 37 - 2017 - 00000453 - CU - TT - CTL, p. 4.

⁹⁹ Judgment Confirming and Implementing Settlement dated January 19, 2017, *California State Parks Foundation v. Foothill/Eastern Transportation Corridor Agency*, San Diego Superior Court Case No. GIN051194; see Assembly Bill No. 1426 (codifying protections),

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1426 see also *Calif. State Parks Fdn. v. Transportation Corridor Agency* (2007) 150 Cal.App.4th 826.

Pacific Palisades Park



In 1974, the Supreme Court required the City of Los Angeles to prepare an EIR prior to the approval of oil drilling in Pacific Palisades.¹⁰⁰ The drilling never occurred and the site of the proposed oil field is now part of Palisades Park.¹⁰¹

Santa Monica Mountains



As a result of CEQA mitigation imposed on development projects in Los Angeles and Ventura Counties, more than 20,000 acres in the San Monica Mountains have been preserved and protected.¹⁰²

San Francisco Bay



Numerous CEQA cases and proceedings have protected San Francisco Bay, halting proposed fill operations and preserving biological and scenic resources. For example, in 1987 CEQA litigation halted development of Cullinan Ranch, a large wetland area at the top of San Pablo Bay; the area is now permanently preserved within the San Pablo National Wildlife Refuge.¹⁰³ Also in 1987, CEQA litigation prevented industrial development on 10,350 acres of productive agricultural land in the Bay Delta adjacent to the Suisun Marsh Protection Area.¹⁰⁴ In 2001, CEQA litigation, together with other actions, permanently protected the biologically rich “Bahia” property, 632 acres at the mouth of the Petaluma River.¹⁰⁵ In 2002, public concerns raised during CEQA review about proposed development of 238 acres of marshland and coastal upland prairie adjacent to Point Pinole Regional Park resulted in

¹⁰⁰ *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 82-88.

¹⁰¹ *Everyday Heroes*, p. 50.

¹⁰² *Everyday Heroes*, pp. 5, 80.

¹⁰³ <https://www.sfgate.com/local/article/cullinan-ranch-restoration-bay-area-vallejo-16013322.php> .

¹⁰⁴ *Emmington v. Solano County Redevelopment Agency* (1987) 195 Cal.App.3d 491.

¹⁰⁵ *Marin Audubon Society v. City of Novato*, Marin County Superior Court Case No. CV 010573.

withdrawal of the proposal ¹⁰⁶, and the land became part of the park.¹⁰⁷

Summary

Over its 50-year history, CEQA has evolved to meet the most pressing environmental challenges of each era. In the 1970s, the California Supreme Court ruled that the law applied to private as well as public projects, and it held that environmental review documents must take a hard look at these projects' significant environmental impacts. Later, the courts clarified that lead agencies must examine the whole of a proposed project, including its cumulative and growth-inducing impacts. As a result, CEQA has ensured the protection of some the states' most treasured places. More recently, as discussed in Chapter 8, Californians are using CEQA to address the urgent problems of environmental justice and climate change. Further, as discussed in Chapter 2, the California Legislature has adjusted CEQA requirements to eliminate duplicative environmental review and to facilitate the approval of worthy projects like affordable housing development.

¹⁰⁶ *Everyday Heroes*, pp. 51-52.

¹⁰⁷ https://en.wikipedia.org/wiki/Dotson_Family_Marsh

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View of East Bay Hills from Mount Diablo, CA

8. CEQA's Future: A Critical Tool to Meet Urgent Environmental Challenges

This chapter examines CEQA's vital role in responding to the urgent challenges of environmental injustice and climate change. In recent years, community members and the California Attorney General have used CEQA to ensure that public agencies disclose — and mitigate — the public health impacts of projects proposed in disadvantaged communities. Likewise, CEQA requires lead agencies to analyze the climate impacts resulting from projects' greenhouse gas emissions — and to reduce those impacts to the extent feasible. Included below are six case studies illustrating how CEQA serves as a critical tool for communities facing these pressing issues.

CEQA's Role in Promoting Environmental Justice

It is well understood that low-income, Native American, and communities of color bear the brunt of the environmental pollution created by our society's industrial development, transportation systems, and other large-scale commercial and governmental projects.¹⁰⁸ This disproportionate burden causes widespread public health problems and exacerbates socioeconomic inequities. Environmental justice efforts work to reduce both the sources and the impacts of this disproportionate burden.

Disadvantaged communities are often exposed to multiple sources and types of pollution, such as ozone, particulate matter, pesticides, lead and other water supply contaminants, hazardous waste, and noise. In addition, they suffer a mix of other stressors such as lack of access to adequate nutrition, medical care, education, and green spaces. The combination of multiple pollutants and stressors aggravates the public health problems facing these communities.¹⁰⁹

108 See, e.g., American Lung Association, "Disparities in the impact of air pollution" (April, 2020), <https://www.lung.org/clean-air/outdoors/who-is-at-risk/disparities>; Tessum et al., *Science Advances*, "PM2.5 polluters disproportionately and systematically affect people of color in the United States" (April, 2021), <https://www.science.org/doi/10.1126/sciadv.abf4491>

109 American Lung Association, "State of the Air: Key Findings" (2021), <https://www.lung.org/research/sota/key-findings>; Johnston and Cushing, *Current Environmental Health Reports*, "Chemical Exposures, Health, and Environmental Justice in Communities Living on the Fenceline of Industry" (January, 2020), <https://doi.org/10.1007/s40572-020-00263-8>; Cushing et al., *American Journal of Public Health*, "Racial/Ethnic Disparities in Cumulative Environmental Health Impacts in California: Evidence From a Statewide Environmental Justice Screening Tool (CalEnviroScreen 1.1)" (November 2015), <https://doi.org/10.2105/AJPH.2015.302643>

For example, according to the American Lung Association, people of color are more than three times as likely as white people to be breathing the most polluted air.¹¹⁰ People of color are more likely to live near oil wells,¹¹¹ and research shows that the closer people live to oil and gas wells, the more likely they will be exposed to toxic contaminants in air and water and the more elevated their risk of associated health effects.¹¹² In addition, low-income and communities of color tend to have significantly less access to green space, which is known to improve both mental and physical health. In California, for instance, one study found that 36 percent of people identified as White live in nature-deprived areas, compared to 52 percent of people identified as Black and 55 percent of people identified as Hispanic.¹¹³

California's long history of exclusionary zoning laws, historically notable under-investment, and lack of community representation has disenfranchised low-income communities and communities of color, leading to inequitable environmental burdens.¹¹⁴ Over time, some zoning codes and planning tools have tended to perpetuate poor land use decisions, such as where to build freeways and industrial projects, thus reinforcing legacies of segregation and impoverishment. Moreover, even today, land use planning as a profession is not representative of the state's diversity; only 27 percent of California planners are people of color in a state that is 63 percent non-white.¹¹⁵

In California, CEQA is one of the few legal tools available to combat such environmental injustice. Under the statute, agencies must disclose, analyze, and mitigate all potentially significant impacts of a proposed project, including its cumulative impacts on public health.

¹¹⁰ American Lung Association, "State of the Air: Key Findings" (2021), <https://www.lung.org/research/sota/key-findings>.

¹¹¹ Natural Resources Defense Council, Drilling in California: Who's at Risk? (October, 2014), <https://www.nrdc.org/sites/default/files/california-fracking-risks-report.pdf>.

¹¹² Shonkoff and Hill, "Human health and oil and gas development: A review of the peer - reviewed literature and assessment of applicability to the City of Los Angeles" (May, 2019), <https://www.psehealthyenergy.org/wp-content/uploads/2019/08/Literature-Review.pdf>; Environmental Integrity Project, "Environmental Justice and Refinery Pollution" (April, 2021), <https://environmentalintegrity.org/wp-content/uploads/2021/04/Benzene-Report-embargoed-for-4.29.21-1.pdf>.

¹¹³ Rowland-Shea et al., Center for American Progress, "The Nature Gap" (July, 2020), <https://www.americanprogress.org/issues/green/reports/2020/07/21/487787/the-nature-gap/>; White et al., Nature, "Spending at least 120 minutes a week in nature is associated with good health and wellbeing" (June, 2019), https://www.nature.com/articles/s41598-019-44097-3?fbclid=IwAR3G-raHSnyJl6M_wnVYweU_8GmMgiCyKqWTxpVczl6-F5ZvZMf08yhiWjQ

¹¹⁴ Jennings, Browning, Rigolon, "Urban Green Space at the Nexus of Environmental Justice and Health Equity" (2019). In: Urban Green Spaces. SpringerBriefs in Geography. Springer, Cham.

https://link.springer.com/chapter/10.1007%2F978-3-030-10469-6_4 ; Eng et al., "Rethinking Local Control in California: Placing Environmental Justice and Civil Rights at the Heart of Land Use Decision-Making" (2020), California Environmental Justice Alliance, p. 6. https://calgreenzones.org/wp-content/uploads/2020/03/CEJA-Report-Rethinking_Local_Control-05_web.pdf

¹¹⁵ Eng et al., "Rethinking Local Control" (2020), p.9.

Except under certain circumstances, they may not approve projects whose significant effect on air or water quality, or public health, remains unmitigated. CEQA allows affected community members to comment on these (and other) environmental and health issues and to suggest mitigation measures and project alternatives themselves. Importantly, lead agencies must respond to those comments and, if they reject the public's proposed mitigation or project alternative, they must provide a detailed explanation for that rejection.

Advocates for environmental justice have long recognized the value of CEQA to disadvantaged communities. As a coalition of leading environmental justice groups wrote in 2019:

[M]any communities of color — long unfairly burdened by polluting industries, toxic waste dumps, pesticides, and other threats — rely heavily on CEQA to protect themselves from air pollution, water contamination, and other public health challenges. ... CEQA is one of the few tools we have to fight back against the impacts on disadvantaged communities of polluting developments, refineries, coal terminals, battery factories, oil wells, and warehouse facilities with heavy truck traffic.¹¹⁶

Likewise, the California Attorney General routinely relies on CEQA to advance environmental justice principles. As the Office's website explains, the Attorney General uses the statute "to ensure that local governments take seriously their obligation to consider potential environmental impacts, especially those that may affect the public health and welfare."¹¹⁷ In 2011, for example, the Attorney General intervened in a CEQA lawsuit challenging an industrial and warehouse project next to Mira Loma Village, a primarily Hispanic community already affected by exhaust and noise pollution. The parties ultimately reached a settlement that provided an array of mitigatory actions, such as installing air filtration systems in the homes of nearby residents.¹¹⁸

The 2016 Report described CEQA's role in protecting disadvantaged communities from environmental injustice. It discussed the research documenting environmental problems afflicting these communities, summarized the state Attorney General's guidance on the topic,¹¹⁹ and provided two case studies illustrating how CEQA's requirements for disclosure and mitigation of significant impacts directly addressed some of the most pressing issues.¹²⁰

¹¹⁶ Letter dated January 28, 2019 to Members of the State Senate and Assembly and Governor Newsom from Center for Race, Poverty & the Environment; Leadership Counsel for Justice and Accountability; Communities for a Better Environment; California Environmental Justice Alliance; Center for Community Action and Environmental Justice; Western Center on Law and Poverty; Public Interest Law Project; Environmental Health Coalition; and State Building and Construction Trades Council,

https://drive.google.com/file/d/1hGQ57b_d-1A_TFE3Pir9VJ95n8TFxQ2L/view, p.1.

¹¹⁷ Office of the California Attorney General, <https://oag.ca.gov/environment/ceqa/litigation-settlements>

¹¹⁸ *Id.*

¹¹⁹ 2016 Report, pp. 15-16.

¹²⁰ 2016 Report, pp. 29-31, 38-41.

Since the release of the 2016 Report, CEQA has continued to serve as the principal legal tool for combatting environmental injustice. Below are four studies of recent cases that illustrate CEQA's essential role in protecting historically disadvantaged communities. Each study relied on a review of environmental documents, court filings, and press articles. See Appendix E for further details about the cases, including citations to relevant documents.

Case Study: The World Logistics Center, City of Moreno Valley, Riverside County

In 2015, the City of Moreno Valley approved the World Logistics Center, an immense development that would include 40.6 million square feet of warehouse space on more than 3,800 acres. Proposed by developer Highland Fairview, the project would add over 14,000 truck trips moving to and from the site each day. These trucks would transport goods from the ports of Los Angeles and Long Beach to Moreno Valley, often on two-lane roads. The project's diesel trucks would generate an enormous amount of pollution, severely impacting air quality in a region that already faces some of the worst pollution in the country.

The World Logistics Center was proposed in a low-income community already suffering from severe air pollution. CalEnviroScreen, the California Environmental Protection Agency's health screening tool, identifies Moreno Valley and its surrounding area as having some of the state's worst concentrations of ozone and particulate matter, traffic density, and diesel truck pollution. Residents of the area experience high rates of asthma, as well as other respiratory health conditions.

Members of the public and several public agencies alerted the city that the EIR for the project did not adequately analyze or mitigate its myriad impacts, including significant impacts on public health, air quality, noise, traffic, and climate. As the director of the Center for Community Action and Environmental Justice ("CCAEJ") later explained:

To bring this much additional traffic without any mitigation to an area with some of the worst air pollution is criminal.... Thousands of studies have demonstrated that air pollution harms people, especially children. Strokes, heart disease, asthma and other respiratory diseases, including lung cancer and even low birth weight and birth defects are linked to air pollution, yet this plan has no mitigation measures in place to address these preventable impacts.¹²¹

Commenters noted, too, the project's adverse effect on the adjacent San Jacinto Wildlife Area, which provides habitat to protected wildlife species.

¹²¹ Penny Newman, Center for Community Action and Environmental Justice, <https://earthjustice.org/cases/2015/targeting-sprawling-southern-california-mega-warehouse-project>.

The city nonetheless declined to correct the EIR and approved the project with no additional mitigation. The South Coast Air Quality Management District, Riverside County, CCAEJ and allied environmental organizations then filed legal actions under CEQA.

Soon after the CEQA actions were filed, the air district and the county entered separate settlement agreements, requiring the developer to provide further mitigation for the project's air quality and transportation impacts. Nearly five years later, after CCAEJ and its allies prevailed in the litigation, they won a landmark settlement securing nearly \$50 million in additional mitigation and other commitments to protect the vulnerable community in Moreno Valley. Finalized in 2021, this settlement calls for significant project modifications further reducing the large warehouse's effects on air pollution, climate, traffic, noise, light and glare — changes that will protect the health and wellbeing of local residents. The settlement also provides additional protection for wildlife habitat at the San Jacinto Wildlife Area.

In sum, the settlements in these cases will provide concrete and long-term protections for low-income residents in an area already impacted by intensive industrial development. Without CEQA, none of these safeguards would have been possible, and the largest warehouse development in the nation would have gone forward without addressing and mitigating the significant environmental harm that it would have caused.

Case Study: Petro-Lud Oil and Gas Drilling Project, City of Arvin, Kern County

In 2018, the City of Arvin approved a conditional use permit to allow Petro-Lud, Inc. to drill four wells in the middle of a residential community in the heart of the town. Arvin is a small, predominantly Latino community located at the southern end of the San Joaquin Valley that lies directly over an oil field. Given the prevalence of oil and gas operations in the area, Arvin residents are disproportionately impacted by environmental harms. For example, they are exposed to ozone and particulate matter at concentrations higher than 94 to 98 percent of the rest of the state. At the time that Petro-Lud submitted its application, twelve oil and gas wells were already operating within Arvin's city limits.

Petro-Lud's operations would exacerbate the environmental and health problems already afflicting the Arvin community. In the project's exploratory stage, oil and gas drilling operations would be conducted 24 hours a day, seven days a week, and the drilling rig would be brightly lit all night. This activity would occur just across the street from homes and only two blocks from an elementary school and two city parks. Later, assuming the exploration proved successful, produced oil and gas would be trucked or piped offsite through the community for an indefinite period. The exploration and production activities would require the construction of substantial new industrial facilities and structures, including large storage tanks, drilling rigs, storage pits, water tanks, walls and fencing, and a 22-foot-wide access road.

Despite the significant environmental harm posed by these activities, the City of Arvin determined that the project required no CEQA review. The city asserted that the project qualified for a “Class 3” exemption, which applies to “small facilities or structures” such as a single-family home, a small multi-family dwelling, a retail shop, or a restaurant. The city claimed that the new wells would be relatively small and that oil drilling and production would be similar to the construction and operation of a small residence, office building, or car wash.

The Committee for a Better Arvin, a local, grassroots, resident-led non-profit, filed a legal challenge to the city’s approval. In 2019, the court ruled in favor of the Committee, holding that the city’s use of the “Class 3” exemption violated CEQA. The city was then forced to rescind its approval of the drilling project and the CEQA exemption. The city may not reapprove the project unless and until it complies with CEQA.

In this case, CEQA once again protected a disadvantaged community from the harmful effects of a highly polluting and disruptive project. The court’s decision sends a clear message that CEQA exemptions cannot be used to mask environmental and health effects caused by drilling operations. The law requires a rigorous evaluation of the impacts of such projects, ensuring that vulnerable communities are protected from harm.

The Committee for a Better Arvin understood the significance of the CEQA lawsuit for the local community. As Committee director Estela Escoto stated:

Para nosotros, el haber detenido la construcción de los cuatro pozos es un gran logro para CBA, y vamos a seguir adelante luchando por nuestra comunidad. (For us, having stopped the construction of the four wells is a big victory for CBA, and we will continue fighting for our community.)¹²²

Case Study: Warehouse Projects in South Fresno, City of Fresno

In recent years, the City of Fresno approved multiple large warehouse projects along the southern edge of the city, an area beset by some of the worst air pollution in California. These industrial projects posed a significant threat to the health of residents and school children in nearby residential communities. Assisted by community-based organizations and the California Attorney General, these communities fought back, using CEQA to stop harmful projects from being sited near sensitive land uses and to provide essential project changes and mitigation. The following case studies illustrate CEQA’s vital role in protecting some of the state’s most vulnerable communities south of Fresno.

¹²² California Green Zones, <https://calgreenzones.org/case-study-committee-for-a-better-arvin-oil-and-gas-ordinance/>.

Caglia Industrial Park

In 2018, the City of Fresno approved a permit for a massive “industrial park” on 110 acres at the southern edge of the city. Proposed by Richard Caglia and Caglia Environmental, the project would construct seven large concrete buildings, totaling more than 2.1 million square feet and adding 6,260 vehicle trips to local roads each day. The warehouse project would operate 24 hours a day, seven days a week.

The new industrial facility would be sited directly across the street from a neighborhood of single-family homes in unincorporated Fresno County, less than a mile from the Orange Center Elementary School. This neighborhood and the surrounding community are comprised of lower income households with many below the federal poverty line.

The communities near the proposed project site already bear a disproportionate burden of environmental impacts from industrial warehouses and distribution centers, hazardous and solid waste sites, and other noxious developments in Fresno. Every day, thousands of trucks cut through these communities traveling to and from warehouses and other industrial facilities. CalEnviroScreen ranks neighborhoods in South Fresno as among the most pollution - burdened communities in the state. Many of the households located near the project site suffer from elevated rates of cancer.

Despite the Caglia project’s size and proximity to residences and an elementary school, the City of Fresno declined to prepare an EIR. Instead, it relied upon a mitigated negative declaration, which concluded that the project would have no significant, unmitigated environmental impacts. Members of the public alerted the city that the MND failed to adequately analyze or mitigate the project’s significant impacts on air quality, public health, noise, traffic, water quality, climate, and other impacts.

When the city approved the project based on the MND, a local community group, the South Central Neighbors United, filed suit. Subsequently, California Attorney General Xavier Becerra intervened in the case. He alleged that the project’s MND represented “a mere token attempt at CEQA compliance,” and emphasized that the local neighborhood “includes residents bearing some of the heaviest burdens from pollution in all of California.”¹²³

In 2019, the city rescinded its approval of the project, thereby tacitly conceding the MND’s insufficiency. If the developer should renew its application, the city is on notice that it must closely analyze and mitigate the project’s effects on neighboring communities, including any cumulative health impacts resulting from multiple warehouses and other industrial projects.

¹²³ People’s Petition for Writ of Mandate in Intervention, *South Central Neighbors United v. City of Fresno*, Fresno County Superior Court Case No. 18CECG00690, at pp. 2, 6.

Amazon Warehouse Project

In 2019, developer G4 Enterprises, Ltd. applied to the City of Fresno for approval of a large warehouse project on the southern edge of the city in the same low-income neighborhood where the Caglia industrial park was to be located. The project would construct a 469,569-square-foot concrete warehouse as an expansion of an existing adjacent warehouse operated by Amazon. The new warehouse would generate over 3,000 vehicle trips per day, or more than one million trips per year. Trucks from the project would travel along routes shared by children attending the Orange Center Elementary School. The Amazon facility, which would include numerous outdoor lights, would operate 24 hours a day, seven days a week.

Residents living near the project site warned the city that the sparse environmental review for the Amazon warehouse – an addendum to a mitigated negative declaration – failed to properly analyze the project’s impacts, including impacts on air quality, public health, traffic, noise, light and glare, and aesthetics. When a city administrator still approved the project, a local community group – the South Fresno Community Alliance (Alliance) – appealed to the Planning Commission. Represented by the Fresno-based Leadership Counsel for Justice and Accountability (Leadership Counsel), the Alliance urged the city not to approve the project until it had engaged with community members regarding design modifications and other measures needed to protect local neighborhoods.

In 2021, the Alliance, together with the Leadership Counsel, entered into separate settlement agreements with the city and the developer regarding the project. Under the agreements, the warehouse could be constructed, but on very different terms from the original proposal: the developer would have to modify the project to reduce its impacts on air quality, noise, traffic, light and glare, and aesthetics. Importantly, the city’s agreement included commitments beyond this single warehouse project. For example, the city agreed to establish a community benefits fund to support mitigation of impacts from development in a larger industrial area. It also committed to pursue mitigation addressing the impacts of existing truck routes on residents in the area. In exchange for these commitments, the Alliance dropped its appeal.

The South Fresno cases demonstrate how CEQA helps protect disadvantaged communities from the environmental harm posed by large polluting projects. Without CEQA, the Caglia and Amazon warehouses would have been built exactly as proposed, with little or no mitigation for the health effects on nearby residents and school children. In the Caglia case, CEQA litigation caused the city ultimately to withdraw its approval. In the Amazon case, CEQA led not only to the adoption of substantive protections for the community but also encouraged greater public participation in the land use process. As Fresno Councilman Miguel Arias declared, “Going forward, we must stop treating residents and advocates like the enemy and instead welcome

them to the decision-making table as stakeholders of our city.”¹²⁴

CEQA’s Role in Fighting Climate Change

CEQA is now also playing a major role in the state’s efforts to combat global climate change. It has resulted in the imposition of mitigation measures that have reduced emissions of greenhouse gases (“GHG”) from development projects.

Evidence that humanity is facing a true climate crisis – and rapidly running out of time to confront it – continues to mount. In October 2018, the Intergovernmental Panel on Climate Change (IPCC) published a report warning in stark terms that we have only a few more years at best to reorient our economies and land use practices and sharply reduce GHG emissions before drastic climate change impacts become all but inevitable.¹²⁵ In 2021, the IPCC released its Sixth Assessment Report, which included its most dire warning to date on climate change.¹²⁶ Among other headlines, the latest IPCC report declares: “The scale of recent changes across the climate system as a whole and the present state of many aspects of the climate system are unprecedented over many centuries to many thousands of years.”¹²⁷

Key State Initiatives to Address Climate Change

The State of California’s own Climate Change Assessment, last updated in early 2019, confirms that the threat to California is stark. The report projects that climate-related heat waves, precipitation extremes, wildfires, sea level rise, and impacts to public health will continue to worsen, potentially costing the state tens of billions of dollars and many lost lives.¹²⁸ Diminished snowpack, drought, and increasing heat also pose serious risks, including to California’s water supply and its critical agricultural sector.¹²⁹ The Assessment also underscores that climate change will exacerbate existing inequities. Disproportionate impacts will fall on low-income communities, people of color, and communities already bearing more than their share of environmental burdens due to historic injustices.¹³⁰

¹²⁴ Fresno Bee, “Will Fresno put the brakes on an industrial project? Some residents hope so” (January, 2019), <https://www.fresnobee.com/news/local/article224310620.html>.

¹²⁵ IPCC

2018, Global Warming of 1.5°C; Summary for Policymakers,

https://www.ipcc.ch/site/assets/uploads/sites/2/2019/05/SR15_SPM_version_report_LR.pdf

¹²⁶ IPCC, 2021: Climate Change 2021: The Physical Science Basis, <https://www.ipcc.ch/report/ar6/wg1/>

¹²⁷ https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf

¹²⁸ Bedsworth, Louise, Dan Cayan, Guido Franco, Leah Fisher, Sonya Ziaja. (California Governor’s Office of Planning and Research, Scripps Institution of Oceanography, California Energy Commission, California Public Utilities Commission). 2018. Statewide Summary Report. California’s Fourth Climate Change Assessment.

Publication number: SUM- CCCA4- 2018- 013, pp. 8-11, <https://www.energy.ca.gov/sites/default/files/2019-11/Statewide%20Reports-SUM-CCCA4-2018-013%20Statewide%20Summary%20Report%20ADA.pdf>.

¹²⁹ See *id.* at 11-12.

¹³⁰ See *id.* at 35-37.

California began taking serious steps to confront these threats more than a decade ago. In 2005, Governor Schwarzenegger's Executive Order S-3-05 outlined emissions reduction goals for 2020 and 2050.¹³¹ The next year, the California Global Warming Solutions Act (AB 32) codified the goal of reducing statewide emissions to 1990 levels by 2020.¹³² AB 32 directed the California Air Resources Board ("CARB") to develop a "scoping plan," to be updated every five years, outlining the maximum technologically feasible and cost-effective emissions reductions that could be achieved.¹³³ The bill also authorized CARB to adopt a "market-based compliance mechanism," popularly known as a "cap-and-trade" system, as part of the state's overall approach.¹³⁴ In 2010, CARB finalized its cap-and-trade regulation, which applies to a variety of mostly large industrial emitters.¹³⁵ In 2016, the Legislature adopted an additional goal of reducing California GHG emissions to 40 percent below 1990 levels by 2030.¹³⁶

By many measures, AB 32 has been a success. California met its 2020 emissions reduction goal ahead of time.¹³⁷ However, significant challenges remain. Indeed, statewide emissions have remained relatively flat since 2017, with emissions from the transportation sector proving particularly difficult to address.¹³⁸ In 2021, the California State Auditor released a report finding that the state is unlikely to meet its 2030 goals, in part because transportation emissions remain stubbornly high.¹³⁹

CEQA's Emergence as Critical Tool for Local Governments Fighting Climate Change

Since AB 32's passage, CEQA has emerged as a principal complementary mechanism for combatting climate change at the local and regional level. CARB has long recognized that statewide emissions reduction programs like cap and trade will not do enough to ensure the state meets its longer-term climate goals. In its most recent Scoping Plan, CARB emphasized that the land use decisions of local governments play an essential role in the overall climate

¹³¹ Executive Order S-3-05, <https://www.library.ca.gov/Content/pdf/GovernmentPublications/executive-order-proclamation/5129-5130.pdf> (establishing goal of reducing California GHG emissions to 1990 levels by 2020, and to 80 percent below 1990 levels by 2050).

¹³² Health & Saf. Code § 38550.

¹³³ See Health & Saf. Code § 38561.

¹³⁴ See Health & Saf. Code § 38570.

¹³⁵ Cal. Air Resources Bd., Cap and Trade Regulation, <https://ww2.arb.ca.gov/our-work/programs/cap-and-trade-program/cap-and-trade-regulation>; see Cal. Code Regs., tit. 17, § 95800 et seq.

¹³⁶ Health and Safety Code § 38566.

¹³⁷ Dale Kasler, "California beats its 2020 goals for cutting greenhouse gases," Sacramento Bee (July 11, 2018), <https://www.sacbee.com/latest-news/article214717585.html>.

¹³⁸ See Cal. Air Resources Board, Latest GHG Inventory shows California remains below 2020 emissions target (Oct. 19, 2020), <https://ww2.arb.ca.gov/news/latest-ghg-inventory-shows-california-remains-below-2020-emissions-target>.

¹³⁹ See Elaine M. Howle, California State Auditor, California Air Resources Board: Improved Program Measurement Would Help California Work More Strategically to Meet Its Climate Change Goals (Feb. 2021), <http://auditor.ca.gov/pdfs/reports/2020-114.pdf>.

effort.¹⁴⁰ Reducing vehicle-miles-traveled, or VMT, is especially critical to reducing transportation sector emissions.¹⁴¹

CEQA is helping the state to meet the climate challenge in areas not covered by state regulations like the cap-and-trade system. CEQA requires public agencies to disclose a project's contribution to cumulative climate impacts, assess the significance of those impacts, and identify effective mitigation measures. In 2010, the state Office of Planning and Research amended the CEQA Guidelines to address these issues. Among other things, the new Guidelines specifically required Lead Agencies to "make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate, or estimate the amount greenhouse gas emissions resulting from a project."¹⁴² The Legislature also directed that the CEQA Guidelines be amended to require analysis of transportation in terms of VMT — which better captures climate impacts — rather than solely in relation to traffic congestion.¹⁴³

CEQA is also helping agencies address emerging climate-related threats like increased wildfire risk. Amendments to the CEQA Guidelines adopted in 2018 require agencies to analyze whether a project would be located in or near a very high fire severity zone, how the project will impact the zone's emergency response and evacuation plans, and whether the project will increase wildfire risk and expose occupants to danger.¹⁴⁴ These revisions will help ensure that agencies adequately consider wildfire risks as California's climate continues to change and wildfire seasons become longer and more severe.

The California Attorney General has regularly relied on CEQA to address the challenge of climate change. For example, in 2007 a CEQA action filed by Attorney General Jerry Brown led to one of the first climate action plans in the state.¹⁴⁵ Over the last decade, the Attorney General has intervened in several CEQA cases to ensure that EIRs for large projects adequately analyze and mitigate their significant contributions to climate change.¹⁴⁶ Most recently, Attorney General Xavier Becerra intervened in two CEQA cases where counties had failed to analyze the significant impacts of approving intensive development in areas with a high risk of wildfire due to climate change.¹⁴⁷

¹⁴⁰ Cal. Air Resources Board, California's 2017 Climate Change Scoping Plan (November, 2017), pp. 97-102 ("2017 Scoping Plan"), https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping_plan_2017.pdf

¹⁴¹ *Id.* at 101-02.

¹⁴² CEQA Guidelines § 15064.4 (guidelines for determining the significance of impacts from GHGs).

¹⁴³ See Pub. Resources Code § 21099; CEQA Guidelines § 15064.3.

¹⁴⁴ CEQA Guidelines, Appx. G (XX).

¹⁴⁵ Office of the California Attorney General, <https://oag.ca.gov/news/press-releases/brown-announces-landmark-global-warming-settlement> (2007 settlement of CEQA lawsuit against San Bernardino County).

¹⁴⁶ See, e.g., *City of Long Beach v. City of Los Angeles* (2018) 19 Cal.App.5th 465; *Cleveland National Forest Foundation v. San Diego Assn. of Govs.* (2017) 3 Cal.5th 497.

¹⁴⁷ Office of the California Attorney General, <https://oag.ca.gov/news/press-releases/attorney-general-becerra>

Set forth below are two recent case studies that illustrate CEQA's role in ensuring that local governments do their part to achieve California's climate goals. Each study relied on a review of environmental documents, court filings, and press articles. See Appendix E for further details about the cases, including citations to relevant documents.

Case Study: SANDAG Regional Transportation Plan/Sustainable Communities Strategy, San Diego County

In 2011, the San Diego Association of Governments ("SANDAG") approved the 2050 Regional Transportation Plan/Sustainable Communities Strategy ("RTP/SCS" or "Plan"). This \$200-billion Plan designated all major transportation infrastructure that would be constructed in the San Diego region over the following 40 years. The San Diego region, which encompasses more than 4,200 square miles, emits millions of tons of GHGs every year.

SANDAG was the first regional transportation agency to adopt a RTP/SCS since the passage of SB 375 in 2008. Under this law, transportation agencies must coordinate land use and transportation planning in a manner that reduces GHG emissions in their regions.¹⁴⁸ While SANDAG touted its 40-year RTP/SCS as transit-focused, the Plan did not facilitate a shift toward a more sustainable future. Rather, SANDAG's transportation program focused primarily on relieving automobile congestion through roadway expansions — an approach that would increase GHGs and promote sprawling growth into the region's rural areas. The RTP/SCS deferred most transit projects for decades.

Members of the public warned SANDAG that the EIR for the RTP/SCS failed to accurately assess or mitigate the climate impacts of the Plan, which would result in sharp increases in GHG emissions by 2050. In addition, they noted that SANDAG had failed to analyze the public health risks of the RTP/SCS, neglected to assess feasible transit-oriented alternatives, and minimized the Plan's impacts on farmland.

When SANDAG approved the RTP/SCS, three environmental organizations and two local community groups filed suit under CEQA. Shortly thereafter, Attorney General Kamala Harris intervened on the petitioners' side. Petitioners and the Attorney General eventually prevailed in the trial and appellate courts on their climate claims. The courts found that the EIR improperly downplayed the RTP/SCS's significant climate impacts. Specifically, the EIR did not

[seeks- intervene- litigation- over- wildfire- risk- san- diego](#) (intervention in case challenging San Diego County's approval of Otay Ranch development); <https://oag.ca.gov/news/press-releases/attorney-general-becerra-files-motion-intervene-lawsuit-challenging-development> (intervention in case challenging Lake County's approval of Guenoc Valley project).

¹⁴⁸ Gov. Code § 65080(b)(2)(B)(vii).

disclose the Plan's conflict with the state's long-term goals for reducing GHGs as expressed in Governor Schwarzenegger's 2005 Executive Order.

The California Supreme Court then took up the climate issue. It concluded that SANDAG's assessment of the RTP/SCS's long-term climate effects was lawful at the time. It emphasized, however, that while SANDAG had done enough in 2011 to inform the public that its Plan was out of step with the goals set forth in the Executive Order, its analysis might not pass muster today or in the future. The court stated, "[W]e caution that our conclusion that SANDAG did not abuse its discretion in its analysis of greenhouse gas emission impacts in the 2011 EIR does not mean that this analysis can serve as a template for future EIRs."¹⁴⁹ The court held that, under CEQA, agency determinations regarding a project's environmental impacts must be "based to the extent possible on scientific and factual data."¹⁵⁰

When the case returned to the Court of Appeal, that court issued a published decision on the remaining issues in the case. It held that SANDAG had failed to mitigate the GHG emissions resulting from the RTP/SCS and failed to assess the public health risks associated with the Plan's air pollution. It also faulted SANDAG for refusing to consider a feasible transit-oriented alternative to its Plan and for minimizing the Plan's impacts on farmland.

Notably, this CEQA case made a difference "on the ground" in San Diego County even before the conclusion of the appellate proceedings. In 2015, while the litigation was proceeding in the Supreme Court, SANDAG was required to update its RTP/SCS. Given the pending litigation, the agency changed its approach to environmental review. The EIR for the 2015 RTP/SCS took a far more rigorous approach: it analyzed the Plan's consistency with state climate goals, improved mitigation for climate impacts, and analyzed a transit-oriented alternative. Jana Clark, board member of petitioner Cleveland National Forest Foundation, explained the importance of these developments to the community:

The end of this battle is just the beginning of a brighter future for all San Diego County residents. With this case resolved, SANDAG must now do what it should have done in the first place: plan for a more sustainable future for our region so that we can avoid the worst effects of climate change.¹⁵¹

The appellate decisions in this case have also sent a strong message to other regional

¹⁴⁹ *Cleveland National Forest Foundation v. San Diego Assn. of Govs.* (2017) 3 Cal.5th 497, 518.

¹⁵⁰ *Id.*

¹⁵¹ San Diego Free Press, "Landmark Lawsuit Against SANDAG Ends With a Victory for Clean Air" (2018), <https://sandiegofreepress.org/2018/04/landmark-lawsuit-against-sandag-ends-with-a-victory-for-clean-air/#.YUJjr7hKi0>

transportation agencies in California. After the Supreme Court ruling, these agencies can no longer adopt SANDAG's original approach to analyzing climate impacts, which ignored the RTP/SCS's divergence from the state's GHG reduction goals. Instead, they must base their analysis on current science and factual data, including those underpinning state climate policy. Further, agencies must take real, tangible steps to mitigate the climate impacts of their plans.

Case Study: Newhall Ranch, Los Angeles County

The Newhall Ranch development is one of the largest residential projects ever considered in Los Angeles County. Located just west of Santa Clarita, the project covers nearly 12,000 acres. Over a 20-year period, developers plan to build almost 21,000 dwelling units, housing 58,000 new residents, along with new commercial and office buildings, schools, and other facilities.

The California Department of Fish and Game ("Department"),¹⁵² one of the agencies with jurisdiction over the project, prepared an EIR for the project addressing a full range of environmental topics, including climate change. The EIR estimated that the project would increase GHG emissions by roughly 260,000 CO₂ - equivalent metric tons each year. However, the EIR found this increase insignificant under CEQA and thus recommended no mitigation.

The EIR reached this conclusion by comparing the project's actual GHG emissions against a hypothetical "business as usual" scenario, which assumed no climate standards or climate-related requirements existed. CARB used a somewhat similar statewide projection in its 2008 Climate Change Scoping Plan to determine that statewide emissions needed to be reduced about 29 percent below "business as usual" to meet AB 32's 2020 goal. The Newhall EIR anticipated that the project's actual emissions would be about 30% lower than those of the hypothetical "business as usual" version of the project. The EIR thus concluded the project was consistent with AB 32 and would have no significant climate impact.

When the Department approved the project in 2010, a group of five petitioners filed a CEQA case challenging the EIR's approach. They argued that instead of evaluating the project's GHG emissions against existing conditions as CEQA normally requires, the EIR misleadingly compared the project's GHG emissions to a hypothetical "business as usual" version of the project that could never be built. Petitioners also claimed that no substantial evidence supported the EIR's conclusion the project's climate impacts would be less than significant.

The case eventually reached the California Supreme Court, and in 2015, the court ruled for the petitioners. It held that while the Department's use of a comparison to AB 32 was

¹⁵² The Department of Fish and Game subsequently changed its name to the Department of Fish and Wildlife. See *Center for Biological Diversity v. Cal. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, 213.

permissible, the EIR's conclusion regarding the significance of the project's climate impacts lacked sufficient support. In particular, the EIR failed to substantiate its assumption that the statewide and economy-wide reductions from "business as usual" set forth in the 2008 Scoping Plan applied equally to new, individual development projects. The court emphasized that new development projects might need to be substantially more efficient than the statewide average, given the challenges of reducing emissions from the existing built environment. Jason Weiner, general counsel for petitioner Wishtoyo Foundation, described the long-term significance of the court's decision:

This is a very good day for our current and future generations. The court fulfilled its role by upholding California's statutes needed to curb global warming, prevent species extinction, and to allow for meaningful public and tribal participation during state environmental review processes.¹⁵³

In the wake of the Supreme Court's decision, the Department changed its approach to environmental review of climate impacts. Rather than utilizing a "business as usual" comparison, the agency relied on a "net zero" threshold — essentially deeming any increase in emissions significant for CEQA purposes — and proposed a range of mitigation measures to eliminate the project's increase in emissions. On-site measures like "zero net energy" homes and solar generation ultimately cut the project's total emissions nearly in half, and the developer committed to supporting local efforts to reduce GHG emissions and purchasing carbon offsets to cover the rest. Based on the new analysis and mitigation, the Department and Los Angeles County reapproved the project in 2017. It is currently under construction.

The Supreme Court's decision in the Newhall Ranch case has profoundly shaped local governments' reliance on CEQA to confront climate change. The court made clear that local governments, as the agencies typically approving local development plans, "bear the primary burden of evaluating a land use project's impact on greenhouse gas emissions."¹⁵⁴ CEQA is thus the principal tool local governments use to carry out that responsibility. As CARB has repeatedly emphasized, the state will not be able to achieve its climate goals without significant local and project-specific reductions. Robust CEQA analysis and mitigation are key to achieving those targets.

The Supreme Court's decision also signaled a significant shift in the practices of EIR preparers, leading to additional mitigation of project-level climate impacts. After the Newhall decision,

¹⁵³ Center for Biological Diversity, "California Supreme Court Upholds Environmental Challenges to Sprawling Newhall Ranch Mega-development" (2015),

https://www.biologicaldiversity.org/news/press_releases/2015/newhall-ranch-11-30-2015.html

¹⁵⁴ Center for Biological Diversity, 62 Cal.4th at 230.

agencies began to use different methods of assessing significance, including “net zero” and other numeric thresholds, that have resulted in more findings of significance for project-level emissions and thus additional mitigation. Newhall’s new approach to climate mitigation – reducing emissions through a combination of on-site reductions, local GHG mitigation and off-site carbon credits – has also proved influential.

In sum, the Newhall Ranch decision has helped to ensure that GHG emissions from local development projects are disclosed, deemed significant where appropriate, and mitigated to the fullest extent feasible as CEQA requires. Because of the Newhall Ranch litigation, CEQA is helping local governments do their part in California’s overall fight against climate change.

Summary

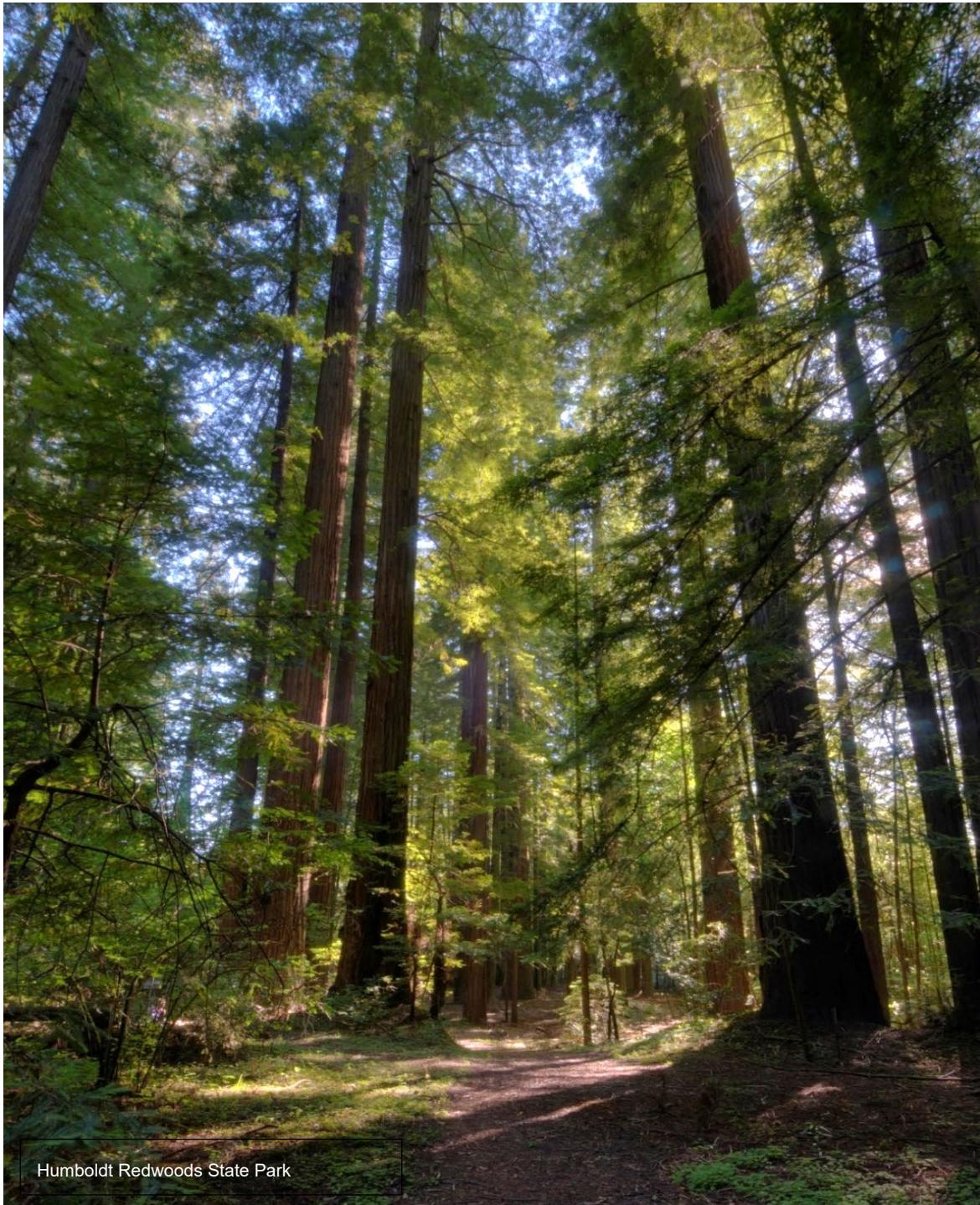
As shown by CEQA’s enduring legacy (Chapter 7) and the forward-looking case studies in this chapter, CEQA is one of the state’s most powerful tools to achieve a sustainable future for California. CEQA provides an essential process to identify significant impacts stemming from environmental injustice, public health hazards, and GHG emissions causing life-threatening climate change. Not only does CEQA require full disclosure of these impacts, but public agencies must also adopt all feasible measures to avoid or reduce them. At the same time, CEQA’s public notice and comment provisions encourage vigorous public participation, ensuring that California residents have a voice in land use decisions affecting their lives and the planet.

The benefits CEQA provides in preserving California’s extraordinary natural and urban environments have been manifest over the past 50 years and will remain crucial to creating a sustainable future for our state. In the coming decades, CEQA’s dynamic, adaptable framework will evolve further to address new environmental challenges and technologies and to integrate new analytical techniques. Legislators will also continue to refine the law’s application to ensure that CEQA strikes a vital balance between growth, preservation, and prosperity. As CEQA’s past successes teach, throughout this evolution state leaders must not compromise the law’s overarching policy objective to protect both California’s valuable environmental resources and the health and safety of its residents.

Perhaps the best illustration of CEQA’s importance as a rigorous yet adaptable “living law” is to imagine a California without CEQA. Many other states that lack strong environmental review laws have experienced appalling environmental degradation – from Louisiana’s “cancer alley,” to West Virginia’s mountaintop mining, to Houston’s automobile-dependent suburban sprawl. Such results could well have been avoided, or their severity substantially reduced, if those states had required governmental agencies to disclose projects’ harmful impacts prior to approving them.

Fortunately, California had forward-thinking leaders who understood, in 1970, that the state’s

natural beauty, economic prosperity, and quality of life for all its people depended on a strong state environmental law. The results of this decision more than 50 years ago are evident in every corner of the state. This Report illustrates, and future studies certainly will continue to document, the profound benefits of this landmark “living” law for California as we face new environmental challenges and learn to live more sustainably within the natural world.



Appendix A: CEQA Amendments and Changes to CEQA Applicability

Between 2002 and 2021, the California Legislature enacted the following changes to CEQA to address issues such as the housing shortage, public safety, and climate change:

Changes to the Environmental Review Process Under CEQA

- CEQA State Guidelines section 15183 excluded from additional environmental review projects that are consistent with the development density established by existing zoning, community plans, or general plans for which an EIR was certified, except if there are impacts specific to the project or site.
- SB 1925, passed in 2002, created an exemption for infill residential development that meets certain criteria related to size, location, uses, and affordable housing.
- SB 375, passed in 2008, included provisions designed to streamline CEQA review for infill residential, mixed-use, and transit priority projects.
- SB 226, passed in 2011, created an alternative streamlining method for eligible infill projects by limiting the topics subject to review at the project level where the environmental impacts of infill development had previously been addressed in a planning level decision. SB 226 also establishes an exemption for installing solar facilities on rooftops and existing parking lots.
- AB 900, passed in 2011, provided a streamlined review process for “environmental leadership development projects” that the Governor certifies as providing environmental benefits, meeting wage requirements, and contributing substantial in-state investment; CEQA challenges to such development projects are heard directly in the court of appeals and must be decided within 175 days (subject to potential extensions).
- AB 2564, passed in 2012, temporarily expanded an exemption for pipeline projects in order to facilitate natural gas pipeline safety projects in response to the 2010 San Bruno pipeline explosion.
- AB 890, passed in 2012, created a temporary exemption for road repairs in jurisdictions with populations of fewer than 100,000 residents.
- AB 2245, passed in 2012, enacted a temporary exemption for bike lane restriping projects in urban areas.

- AB 1486, passed in 2012, temporarily exempted railroad crossing closures ordered by the California Public Utilities Commission, where those crossings threatened public safety.
- SB 743, passed in 2013, created a new exemption from CEQA for transit priority projects that are consistent with a previously adopted Specific Plan and the relevant regional Sustainable Communities Strategy.
- SB 674, passed in 2014, expanded the statutory exemption for infill residential housing by increasing the allowable percentage of neighborhood-serving commercial uses within a project.
- SB 88, passed in 2015, added interim exemptions (expiring July 1, 2017) for drought-related projects, such as recycled water projects, and city or county regulation of groundwater wells.
- SB 734, passed in 2016, extends the Governor's ability to certify exemptions for projects under the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 up to January 1, 2018.
- SB 1008, passed in 2016, extends CEQA exemptions for projects related to the Los Angeles Regional Interoperable Communications System until January 1, 2020.
- SB 35, passed in 2017, provides a ministerial procedure for approving multifamily housing developments that meet certain requirements, thereby eliminating CEQA review. Local agencies may conduct a design review or public oversight of qualifying housing projects, but must use objective standards that are broadly applicable within the jurisdiction.
- SB 540, passed in 2017, authorizes local governments to establish Workforce Housing Opportunity Zones. The process for establishing a Zone includes preparation of an initial EIR, but lead agencies are not required to prepare new EIRs for housing development projects within the established Zone.
- AB 73, passed in 2017, authorizes local governments to designate Housing Sustainability Districts. After an EIR is prepared for a given District, further EIRs are not required for compliant housing developments within that District.
- AB 1218, passed in 2017, extended CEQA exemptions for bicycle transportation plans and bike-lane street and highway restriping projects until 2021.
- AB 2162, passed in 2018, requires municipalities to provide a ministerial process for approval of housing projects containing a minimum amount of Supportive Housing, thereby removing the requirement for CEQA analysis.
- SB 901, passed in 2018, provides an exemption from CEQA for “prescribed fire, thinning, or fuel reduction projects” on federal lands if already reviewed under NEPA.

The bill also exempts from CEQA the issuance of a permit or other project approval by a state or local agency for these fire, thinning, or fuel reduction projects.

- AB 2341, passed in 2018, specifies that unless otherwise provided, “the aesthetic effects of projects meeting certain requirements are not significant effects on the environment for purposes of CEQA and that the lead agency is not required to evaluate the aesthetic effects of those projects” until 2024.
- AB 1804, passed in 2018, grants CEQA exemptions for “residential or mixed-use housing projects ... located in unincorporated areas of a county meeting certain requirements” until 2025.
- AB 101, passed in 2019, provides a CEQA exemption for actions “taken by a public agency to lease, convey, or encumber land owned by a public entity or to facilitate the lease, conveyance, or encumbrance of land owned by a public agency, or to provide financial assistance to, or otherwise approve, a Low Barrier Navigation Center¹⁵⁵ constructed or allowed by this bill.”
- AB 143, passed in 2019, extends CEQA exemptions to homeless shelters in Alameda County, Orange County, and the City of San Jose constructed pursuant to a declared shelter crisis until 2023.
- AB 430, passed in 2019, creates a ministerial process for approval of housing developments in communities affected by the Camp Fire, thereby eliminating CEQA review.
- AB 782, passed in 2019, grants CEQA exemptions to transfers of land by a public agency for certain uses like “[p]reservation of open space,” “[c]ontinuing agricultural use of land,” and “[r]estoration of natural conditions.”
- AB 1197, passed in 2019, grants CEQA exemptions to activities related to “supportive housing and emergency shelters” in Los Angeles.
- AB 1560, passed in 2019, adds bus rapid transit stations to the list of major transit stops for which CEQA exemptions apply.
- AB 1783, passed in 2019, provides a ministerial process for approving certain farmworker housing projects, thereby eliminating CEQA review.
- AB 1824, passed in 2019, grants CEQA exemptions to the closure of railroad crossings if those crossings are found to be a threat to public safety.

¹⁵⁵ A “Low Barrier Navigation Center” means a Housing First, low-barrier, service-enriched residential shelter serving the unhoused on a temporary basis.

- SB 450, passed in 2019, grants CEQA exemptions to projects seeking to convert motels or other similar accommodations into “supportive or transitional housing.”
- SB 744, passed in 2019, clarifies that “a decision of a public agency to seek funding from ... the No Place Like Home Program is not a project for purposes of CEQA.” If the project is “not eligible for approval as a use by right,” the bill authorizes project applicants to request that the lead agency concurrently perform CEQA review and prepare the record of proceedings.
- SB 632, passed in 2019, requires the State Board of Forestry and Fire Protection to complete a programmatic EIR for the state’s vegetation treatment program, which could then “be used to complete priority fuel reduction projects to protect communities vulnerable to wildfires.”
- AB 2421, passed in 2020, creates a ministerial procedure for approval of emergency use standby generators for large cell tower sites through 2024, thereby eliminating CEQA review.
- AB 2731, passed in 2020, allows environmental analysis performed by the U.S. Navy to satisfy CEQA requirements for “transit-oriented development projects” for a specific project in San Diego.
- SB 288, passed in 2020, creates CEQA exemptions for various transportation development projects, including “projects for the institution or increase of new bus rapid transit, bus, or light rail services on public rail or highway rights-of-way” and “projects that improve customer information and wayfinding for transit riders, bicyclists, or pedestrians, projects by a public transit agency to construct or maintain infrastructure to charge or refuel zero-emission transit buses, projects carried out by a city or county to reduce minimum parking requirements, and projects for pedestrian and bicycle facilities.”
- SB 974, passed in 2020, creates CEQA exemptions for water infrastructure projects that “primarily benefit[] small disadvantaged community water system[s].”
- SB 869, passed in 2020, ratifies tribal-state gaming compacts between California and various Native American tribes and provides that certain actions related to these compacts are not projects for the purposes of CEQA.

Changes to Procedural/Judicial Review Under CEQA

- In 2010, Public Resources Code section 21159 was amended to provide expedited review for adoption of performance standards pursuant to AB 32.
- In 2010, the Legislature amended Public Resources Code section 21089 to specify that agencies may charge reasonable fees for providing copies of environmental documents, and to require that agencies provide such documents in electronic form.

- In 2010, the Legislature added Public Resources Code section 21167.9 to provide that CEQA lawsuits may be subject to mediation.
- AB 209, passed in 2011, required the public notice of the availability of an EIR or negative declaration to include how the document can be provided in electronic format.
- SB 122, passed in 2016, allows a project applicant and lead agency to concurrently prepare the administrative record, which consists of the “environmental document[s] for projects.”
- SB 836, passed in 2016, provides an expedited legal process for CEQA challenges to the construction of the State Capitol Building Annex, requiring that courts rule on any challenges within 270 days.
- AB 246, passed in 2017, extends the expedited judicial review process under the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 (Jobs Act) to 2021. This process requires that judicial review of any legal challenges to projects under the Jobs Act be completed “within 270 days of the filing of the certified record of proceedings with the court to the extent feasible.”
- AB 734, passed in 2018, provides expedited judicial review for CEQA challenges to the Oakland Sports and Mixed-Use Project.
- AB 987, passed in 2018, provides expedited judicial review and a streamlined CEQA process – including concurrent preparation of the administrative record and environmental review – for a “specified sports and entertainment project located in the City of Inglewood,” as long as the project meets certain requirements.
- AB 1515, passed in 2019, prohibits courts from setting aside or otherwise invalidating an update to a community plan in the event that the original plan is discovered to be out of compliance with CEQA and the project in question was approved before the noncompliance was discovered.
- SB 7, passed in 2021, reenacts the Jobs and Economic Improvement Through Environmental Leadership Act of 2011, thereby authorizing the governor to certify projects that meet specified requirements for streamlining related to CEQA. The bill also renewed the Jobs Act’s expedited judicial review process.

Appendix B: Estimate of CEQA Projects in California 2013 - 2019

This Appendix describes the analysis conducted to estimate the total number of projects in California that required an EIR, a Mitigated Negative Declaration or a Negative Declaration (collectively, “CEQA Review Document”) between 2013 and 2019. This number serves as the “denominator” in the calculation of CEQA litigation rates for those years.

For five sample jurisdictions, researchers for the 2016 Report compared the number of EIRs, Mitigated Negative Declarations and Negative Declarations reported to CEQAnet between 2013 and 2015 to the total number of such documents prepared by the sampled jurisdictions during that period as reported directly by the jurisdictions. As noted previously, only projects with statewide significance or state funding sources are required to be submitted to CEQAnet, so CEQAnet does not show all projects requiring CEQA Review Documents. Nevertheless, CEQAnet provided a baseline dataset from which to extrapolate the total number of projects statewide that required CEQA Review Documents.

Research for the 2021 Report showed that the pattern of CEQAnet projects from 2013 to 2015 (the 2016 Report’s study period) and that for the 2016 - 2019 period has remained stable. Accordingly, the percentage of CEQA Review Documents reported to CEQAnet estimated for the 2013 - 2015 period could be reliably applied to the subsequent time period.

The table below shows the number and type of submittals to CEQAnet for the full 2013 - 2019 study period.

Appendix B - 1: CEQAnet Filings 2013 - 2019

	2013	2014	2015	2016	2017	2018	2019	Total	Average 2013-2019
CEQAnet Filings Re: CEQA Review Document									
Negative Declarations	478	460	426	401	351	327	223	2,666	381
Mitigated Neg Declarations	1,054	1,272	1,240	1,213	1,214	1,139	1,163	8,295	1,185
EIR's	348	406	363	386	354	352	322	2,531	362
Subtotal	1,880	2,138	2,029	2,000	1,919	1,818	1,708	13,492	1,927
Other Environmental Filings in CEQAnet									
CEQA Exemptions	4,475	4,576	4,870	5,054	7,174	7,642	7,677	41,468	5,924
Environment Assessment/EIS	102	87	55	60	59	65	32	460	66
Other (a)	2,835	3,209	3,217	3,175	3,036	3,467	4,389	23,328	3,333
Subtotal	7,412	7,872	8,142	8,289	10,269	11,174	12,098	65,256	9,322
Total CEQAnet Filings	9,292	10,010	10,171	10,289	12,188	12,992	13,806	78,748	11,250
CEQAnet Review Docs as % of Total Filing	20%	23%	22%	22%	21%	20%	18%	17%	21%

Notes:

a) CEQA Filings with Review Document represents the same subcategory of filings with CEQAnet that is used to estimate the total number of CEQA projects reviewed on a statewide basis (the denominator of the litigation rate formula). See the following table for the derivation of subsequent assumptions.

b) The Other category captures all other documents available on CEQAnet, including all notices, response to comments, tribal actions, revised/supplemental documents and addendums, and determinations/findings of no significant impact.

Sources: Office of Planning and Research, 2021; The Housing Workshop; 2021.

In the 2016 Report, five jurisdictions provided comprehensive local data regarding CEQA projects by type of review. Jurisdictions sampled this way included the City of Los Angeles, the City and County of San Francisco, the City of Modesto, the City of Merced, and the County of Butte. These jurisdictions' CEQA records were compiled and compared to the same jurisdictions' CEQA projects reported by CEQAnet.

Appendix B 2: Comparison of CEQAnet to Sampled Jurisdictions, 2013 - 2015

(Research conducted in 2016, refined for City of Los Angeles in 2021)

CEQAnet (a)					Local Jurisdiction Records (b)				
City of Modesto	2013	2014	2015	Total	City of Modesto	2013	2014	2015	Total
Negative Declarations	0	0	1	1	Negative Declarations	0	1	2	3
Mitigated Neg Declarations	0	0	0	0	Mitigated Neg Declarations	0	0	0	0
EIRs	3	2	1	6	EIRs	7	14	12	33
Total	3	2	2	7	Total	•	7	15	14
Total	3	2	2	7	Total	•	7	15	36
City of Merced					City of Merced				
City of Merced	2013	2014	2015	Total	City of Merced	2013	2014	2015	Total
Negative Declarations	0	0	0	0	Negative Declarations	3	4	2	9
Mitigated Neg Declarations	0	1	1	2	Mitigated Neg Declarations	0	1	0	1
EIRs	0	0	0	0	EIRs	0	0	0	0
Total	0	1	1	2	Total	3	5	2	10
Butte County					Butte County				
Butte County	2013	2014	2015	Total	Butte County	2013	2014	2015	Total
Negative Declarations	2	8	3	13	Negative Declarations	0	7	1	8
Mitigated Neg Declarations	5	10	15	30	Mitigated Neg Declarations	12	12	20	44
EIRs	0	1	0	1	EIRs	4	2	3	9
Total	7	19	18	44	Total	16	21	24	61
City Los Angeles					City Los Angeles (c)				
City Los Angeles	2013	2014	2015	Total	City Los Angeles (c)	2013	2014	2015	Total
Negative Declarations	5	3	11	19	Negative Declarations	33	21	43	97
Mitigated Neg Declarations	97	112	113	322	Mitigated Neg Declarations	373	429	539	1,341
EIRs	14	14	16	44	EIRs	15	19	16	50
Total	116	129	140	385	Total	421	469	598	1,488
San Francisco (d)					San Francisco				
San Francisco	2013	2014	2015	Total	San Francisco	2013	2014	2015	Total
Negative Declarations	0	1	1	2	Negative Declarations	0	1	0	1
Mitigated Neg Declarations	2	4	2	8	Mitigated Neg Declarations	9	3	10	22
EIRs	9	8	4	21	EIRs	8	7	2	17
Total	11	13	7	31	Total	17	11	12	40

Notes:

- (a) Data was extracted from CEQAnet to include only projects where the local jurisdiction was the lead agency.
- (b) Data from local jurisdictions by BAE Urban Economics for the 2016 report *CEQA in the 21st Century*.
- (c) The Housing Workshop analyzed additional data from the City of Los Angeles for this report and refined the breakdown among the CEQA review categories.
- Sources: BAE, 2016; California Office of Planning and Research, 2021; City of Los Angeles, 2021; The Housing Workshop, 2021.

As shown on the next page in summary format, the reporting to CEQAnet varied, depending on the CEQA Review Document used for the project. The CEQAnet database accounts for over 66 percent of the EIRs listed by the sample jurisdictions, indicating strong coverage. CEQAnet included 26 percent of the sample jurisdictions' Mitigated Negative Declarations and 30 percent of their Negative Declarations,

Appendix B 3: Summary of CEQAnet Coverage Rate, 2013 - 2015

EIRs	CEQA Net	Total Reported
	Total	by Jurisdictions
City of Modesto	6	33
City of Merced	0	0
Butte County	1	9
San Francisco	21	17
Los Angeles	44	50
Total	72	109
CEQA Net Coverage Rate for EIRs		66.1%
MNDs	CEQA Net	Total Reported
	Total	by Jurisdictions
City of Modesto	0	0
City of Merced	2	1
Butte County	30	44
San Francisco	8	22
Los Angeles	322	1,341
Total	362	1,408
CEQA Net Coverage Rate for MNDs		25.7%
Negative Declarations	CEQA Net	Total Reported
	Total	by Jurisdictions
City of Modesto	1	3
City of Merced	0	9
Butte County	13	8
San Francisco	2	1
Los Angeles	19	97
Total	35	118
CEQA Net Coverage Rate for Negative Declarations		29.7%

Notes: The coverage rates in this analysis combine data collected from local jurisdictions by BAE Urban Economics in the 2016 report *CEQA in the 21st Century* with additional research in 2021 by the Housing Workshop for this Report. Specifically, the Housing Workshop analyzed additional data from the City of Los Angeles to refine the estimates for negative declarations and MNDs and updated the CEQAnet query to include projects where the local jurisdiction was the lead agency.

Sources: BAE, 2016; Office of Planning and Research, 2021; City of Los Angeles, 2021; The Housing Workshop, 2021.

Estimated Statewide Number of CEQA Projects with Review Documents

Based on the above analysis, CEQAnet activity was adjusted to provide a more accurate estimate of the number of CEQA projects throughout California and the type of CEQA Review Document undertaken, for the 2013 - 2019 period. For each type of action (e.g., EIR, Mitigated Negative Declaration, Negative Declaration), a separate factor was applied based on the calculated coverage rates. These adjustments support an estimate that between 2013 and 2019, there were a total of approximately 109,600 projects in California subject to environmental review through an EIR, Mitigated Negative Declaration or Negative Declaration. This process and the resulting estimate of the “universe” of CEQA projects were utilized to compute the litigation rates as described in the body of this Report.

Appendix B 4: Estimate of Statewide CEQA Projects with Review Documents 2013 - 2019

CEQA Net								
California	2013	2014	2015	2016	2017	2018	2019	Total
Negative Declarations	478	460	426	401	351	327	223	2,666
Mitigated Neg Declarations	1,054	1,272	1,240	1,213	1,214	1,139	1,163	8,295
EIR's	348	406	363	386	354	352	322	2,531
Total CEQA Review Documents	1,880	2,138	2,029	2,000	1,919	1,818	1,708	13,492

Estimated Environmental Review Applications (a)								
California	2013	2014	2015	2016	2017	2018	2019	Total
Negative Declarations	1,625	1,564	1,448	1,363	1,193	1,112	758	9,063
Mitigated Neg Declarations	4,111	4,961	4,836	4,731	4,735	4,442	4,536	32,352
EIR's	522	609	545	579	531	528	483	3,797
Adjusted CEQA Review Documents	6,258	7,134	6,829	6,673	6,459	6,082	5,777	45,212

Notes:

(a) The number of CEQAnet cases was adjusted to estimate projects that were not reported to the State Clearinghouse. The adjustment factors were based on data from local jurisdictions collected by BAE Urban Economics in the 2016 report *CEQA in the 21st Century* with additional research to determine separate factors for each review category. This analysis refined the breakdown between negative declarations and MNDs in the City of Los Angeles and updated the CEQAnet query to include projects where the local jurisdiction was the lead agency. The following factors were applied to CEQAnet review documents in California:

Negative declarations	3.4
Mitigated negative declarations	3.9
EIR's	1.5

Sources: BAE, 2016; Office of Planning and Research, 2021; The Housing Workshop, 2021.

Appendix C: List of CEQA Lawsuits Filed with Attorney General, 2016 - 2019

The following pages list all CEQA lawsuits from 2016 through 2019 that were submitted to the Attorney General's office pursuant to Public Resources Code section 21167.7. See Appendix B of the 2016 Report for a listing of all CEQA lawsuits submitted to the Attorney General's office from 2013 through 2015.

Name of Case	LOCATION OF PROJECT: COUNTY	LAWSUIT DATE	AGENCY OR PRIVATE PROJECT	COMPLIANCE CHALLENGE (e.g. Nec. Dec., EIR, Cat. Ex.)
Albert Thomas Paulek, et al. v. Western Riverside County Regional Conservation Authority, et al. (RIC1600058)	Riverside	1/5/2016	Agency	No CEQA review
Sierra Club, et al. v. Riverside County, et al. (RIC1600159)	Riverside	1/6/2016	Agency	EIR
Mission Bay Alliance, et al. v. Office of Community Investment and Infrastructure, et al. (34-2016-80002271-CU-WM-GDS)	Sacramento	1/7/2016	Private	EIR
Concerned Citizens About Centennial Corridor, v. California Department of Transportation, et al. (BCV-16-100041)	Kern	1/8/2016	Agency	EIR
Alex Chehada, et al. v. Mendocino County, et al. (SCUK-CVPT-16-66858)	Mendocino	1/8/2016	Private	EIR
Coastal Environmental Rights Foundation, et al. v. County of San Diego, et al. (37-2016-00000696-CU-WM-CTL)	San Diego, Central District	1/8/2016	Private	No CEQA review
Preston Avenue Neighbors Association, et al. v. City of Los Angeles, et al. (BS159610)	Los Angeles	1/8/2016	Private	MND
Ken Kerley et al. v. The City of Gilroy, et al. (16CV290021)	Santa Clara	1/12/2016	Private	EIR
Rural Communities United v. El Dorado County Board of Supervisors, et al. (PC20160024)	El Dorado	1/13/2016	Agency	EIR
Local Agency Formation Commission of Santa Clara County v. City of Gilroy, et al. (16CV290062)	Santa Clara	1/13/2016	Private	EIR
Culver City Residents For Responsible Development, et al. v. City of Culver City, et al. (BS159614)	Los Angeles	1/13/2016	Private	MND
James E. Hendry v. City of Berkeley, et al. (RG 16800141)	Alameda	1/14/2016	Private	EIR
Friends of Riverside's Hills v. City of Riverside, et al. (RIC1600523)	Riverside	1/14/2016	Private	ND
Tina Kyung Paik, et al. v. City of Los Angeles, et al. (BS159792)	Los Angeles - Central District	1/15/2016	Private	MND
Roman Catholic Diocese of Orange v. County of Orange, et al. (30-2016-00830777-CU-WM-CXC)	Orange	1/15/2016	Agency	EIR
Ruth Ann Helly Hammargren v. City of Berkeley, et al. (RG 16799959)	Alameda	1/19/2016	Private	EIR
Pleasant Hill Citizens for Responsible Growth v. City of Pleasant Hill, et al. (MSN16-0175)	Contra Costa	1/21/2016	Private	Exemption
Valero Refining Company - California, et al. v. Bay Area Air Quality Management District (CIVMSN16-0095)	Contra Costa	1/22/2016	Agency	ND
Quality Investment Properties Roseville, LLC, et al. v. City of Roseville, et al. (SCV0036739)	Placer	2/1/2016	Private	EIR
Friends of Coyote Hills, et al. v. City of Fullerton, et al. (30-2016-00834366-CU-WM-CXC)	Orange, Civil Complex Center	2/9/2016	Private	EIR
Center for Community Action and Environmental Justice, v. City of Perris, et al. (RIC1601703)	Riverside	2/10/2016	Private	EIR
Calvary Chapel Bible Fellowship v. County of Riverside, et al. (RIC 1601720)	Riverside	2/10/2016	Agency	No CEQA review
Santa Clarita Organization for Planning the Environment, et al. v. County of Los Angeles, et al. (BS160590)	Los Angeles	2/11/2016	Agency	Exemption
College Area Residents Association v. City of San Diego, et al. (37-2016-00005071-CU-TT-CTL)	San Diego, Hall of Justice	2/16/2016	Private	MND
Tower Lane Properties, Inc. v. City of Los Angeles, et al. (BS151476)	Los Angeles, Central Judicial District	2/16/2016	Private	EIR
Steven Mack v. City of Del Mar (37-2016-00005774-CU-TT-CTL)	San Diego, Central Division	2/19/2016	Agency	EIR
Humboldt-Mendocino Marijuana Advocacy Project v. County of Humboldt, et al. (CV160171)	Humboldt	2/23/2016	Agency	MND
Alan Salvador Aguirre, et al. v. The California State Department of Toxic Substance Control (BCG11406)	Los Angeles - Central District - Central Civil West	2/23/2016	Agency	No CEQA review
Center for Biological Diversity, et al. v. City of Hesperia, et al. (CIVDS1602824)	San Bernardino	2/26/2016	Private	EIR
Environment in the Public Interest v. City of Buellton, et al. (16CV00883)	Santa Barbara	2/29/2016	Private	MND
Terravant Wine Company v. City of Buellton, et al. (16CV00839)	Santa Barbara	2/29/2016	Private	MND
We Are Aptos v. County of Santa Cruz and Board of Supervisors for the County of Santa Cruz, et al. (16CV00502)	Santa Cruz	3/2/2016	Private	No CEQA review
Solano County Orderly Growth Committee v. Solano County, et al. (FCS046724)	Solano	3/3/2016	Private	EIR
The Sunset Landmark Investment, LLC v. City of Los Angeles, et al. (BS160807)	Los Angeles	3/3/2016	Private	MND
Rockville Homeowners Association v. County of Solano, et al. (FCS046739)	Solano	3/4/2016	Private	EIR
Friends of Oceano Dunes, Inc. v. California Department of Parks and Recreation, et al. (16CV-0113)	San Luis Obispo	3/4/2016	Agency	EIR
Upper Green Valley Homeowners v. County of Solano, et al. (FCS046752)	Solano	3/7/2016	Private	EIR
Responsible Development for Water Tank Hill v. County of San Mateo, et al. (CIV537745)	San Mateo	3/11/2016	Private	EIR
Yuval Bar-Zemer, et al. v. City of Los Angeles (BS161448)	Los Angeles	3/15/2016	Agency	Exemption
4140 E. Hammer Lane, LLC v. County of San Joaquin, et al. (STK-CV-UWM-2015-2787)	San Joaquin	3/16/2016	Private	ND
Today's IV, Inc. v. Los Angeles County Metropolitan Transportation Authority, et al. (BS 160846)	Los Angeles - Central District, Stanley Mosk Courthouse	3/17/2016	Private	EIR
Friends to Preserve Encinitas Beauty v. City of Encinitas, et al. (37-2016-00008985-CU-WM-NC)	San Diego, North County Division	3/17/2016	Private	Exemption
David Citizens Alliance for Responsible Planning v. City of Davis, et al. (PT16-444)	Yolo	3/18/2016	Private	EIR
The Aptos Council v. County of Santa Cruz, et al. (16CV00641)	Santa Cruz	3/18/2016	Agency	ND
City of Walnut v. Mount San Antonio Community College District, et al. (BC576587)	Los Angeles - Central District	3/24/2016	Private	EIR
Scripps Ranch Residents Against Additional Traffic v. City of San Diego, et al. (37-2016-00010351-CU-TT-CTL)	San Diego	3/28/2016	Private	EIR
Albert Thomas Paulek, et al. v. Eastern Municipal Water District, et al. (RIC 1603784)	Riverside	4/1/2016	Agency	MND
Coalition to Protect Highland's Heritage v. City of Highland, et al. (CIVDS1604787)	San Bernardino	4/1/2016	Private	MND
County of Ventura, et al. v. City of Moorpark, et al. (56-2016-00479937-CU-WM-ONX)	Ventura	4/1/2016	Agency	No CEQA review
SoCal Environmental Justice Alliance v. San Bernardino Valley Municipal Water District, et al. (CIVDS1605072)	San Bernardino	4/6/2016	Agency	EIR
Serafin Guzman v. City of Los Angeles, et al. (BS161701)	Los Angeles	4/11/2016	Private	MND
SPRAWLDEF, et al. v. East Bay Regional Parks District (RG16811021)	Alameda	4/12/2016	Agency	EIR
Yuba County Water Agency v. Cordua Irrigation District, et al. (YCSCCVPT 16-0000324)	Yuba	4/14/2016	Agency	EIR
City of San Bernardino v. San Bernardino Valley Municipal Water District, et al. (CIVDS1605532)	San Bernardino	4/14/2016	Agency	EIR
County of San Joaquin, et al. v. Metropolitan Water District of Southern California, et al. (STK-CV-VWM-2016-3597)	San Joaquin	4/14/2016	Agency	Exemption
North Coast Rivers Alliance v. Metropolitan Water District of Southern California, et al. (MSN16-0629)	Contra Costa	4/18/2016	Agency	No CEQA review
Citizens Preserving Runyon, et al. v. City of Los Angeles, et al. (BS161761)	Los Angeles	4/18/2016	Private	Exemption
Fix the City, Inc. v. City of Los Angeles, et al. (BS161800)	Los Angeles	4/18/2016	Private	MND
SoCal Environmental Justice Alliance v. County of Riverside, et al.	Riverside	4/19/2016	Private	EIR
Pacific Coast Federation of Fishermen's Associations v. Metropolitan Water District of Southern California, et al. (FCS046934)	Solano	4/20/2016	Private	No CEQA review
Affordable Clean Water Alliance v. Santa Clarita Valley Sanitation District of Los Angeles County (BS161742)	Los Angeles	4/20/2016	Agency	EIR
AIDS Healthcare Foundation v. City Of Los Angeles, et al. (BS161771)	Los Angeles	4/21/2016	Private	EIR
Jamulians Against the Casino v. California Department of Transportation, et al. (2016-80002343)	Sacramento	4/26/2016	Agency	EIR
Refinery Safety Network v. South Coast Air Quality Management District, et al. (BS161815)	Los Angeles	4/27/2016	Private	No CEQA review
Residents for Intelligent Planning v. County of Riverside, et al. (RIC1605168)	Riverside	4/28/2016	Agency	MND

Name of Case	LOCATION OF PROJECT: COUNTY	LAWSUIT DATE	AGENCY OR PRIVATE PROJECT	COMPLIANCE CHALLENGE (e.g. Nec. Dec., EIR, Cat. Ex.)
Residents for Intelligent Planning v. County of Riverside, et al. (RIC1605170)	Riverside	4/28/2016	Agency	ND
Los Angeles General Plan Consistency Coalition v. City of Los Angeles, et al. (BS161887)	Los Angeles	4/29/2016	Private	MND
Building Industry Association of Southern California, et al. v. San Gorgonio Memorial Healthcare District, et al. (RIC1605364)	Riverside	5/3/2016	Agency	Exemption
Jack W. Balch, et al. v. East Bay Regional Park District (RG16814952)	Alameda	5/3/2016	Agency	Enforce CEQA settlement
City of El Segundo v. Southern California Association of Governments, et al.	Los Angeles	5/5/2016	Agency	EIR
Friends of Monterey Park v. City of Capitola, et al. (16CV01091)	Santa Cruz	5/5/2016	Private	EIR
Albert Thomas Paulek, et al. v. County of Riverside, et al. (RIC1605515)	Riverside	5/5/2016	Agency	EIR
Environmental Justice Collaborative, et al. v. City of Los Angeles, et al. (BS162453)	Los Angeles	5/6/2016	Private	EIR
Citizens for Responsible Action v. Los Gatos-Saratoga Union High School District (16CV294909)	Santa Clara	5/9/2016	Agency	MND
Roy Samaan et al. v. City of Los Angeles, et al. (BS161870)	Los Angeles	5/9/2016	Private	MND
Marie C. Ostwald v. City of San Diego (37-2016-00015447-CU-MC-CTL)	San Diego - Central Division	5/9/2016	Agency	No CEQA review
Mission Beach Citizens for Responsible Development v. City of San Diego, et al. (37-2016-00015669-CU-TT-CTL)	San Diego - Hall of Justice	5/10/2016	Private	EIR
Coastal Environmental Rights Foundation v. City of San Diego, et al. (37-2016-00014998-CU-TT-CTL)	San Diego, Central District	5/11/2016	Private	Exemption
Charlton Weeks LLP v. City of Palmdale, et al. (BS162443)	Los Angeles	5/13/2016	Private	EIR
Public Interest Coalition v. California Fish and Game Commission (34-2016-80002350)	Sacramento	5/16/2016	Agency	No CEQA review
Oakdale Groundwater Alliance, et al. v. Oakdale Irrigation District, et al. (2019380)	Stanislaus	5/17/2016	Agency	ND
Vintage Pacific At Monte Nido, LLC v. County of Los Angeles, et al. (BS162599)	Los Angeles	5/19/2016	Agency	MND
Strawberry Advocates v. County of Marin et al. (CIV1601812)	Marin	5/20/2016	Private	Exemption
Socal Environmental Justice Alliance v. County of San Bernardino, et al. (DS 1608033)	San Bernardino	5/23/2016	Private	MND
1049 Market Street, LLC v. City and County of San Francisco, et al. (CPF-16-515046)	San Francisco	5/23/2016	Agency	No CEQA review
Golden State Environmental Justice Alliance v. County of Sacramento, et al. (2017-80002600)	Sacramento	5/24/2016	Private	EIR
Western States Petroleum Association, et al. v. Bay Area Air Quality Management District (N16-0963)	Contra Costa	5/25/2016	Agency	ND
Georgetown Preservation Society v. County of El Dorado, et al. (PC20160205)	El Dorado	5/26/2016	Private	MND
Animal Legal Defense Fund, et al. v. Monterey County (16CV001670)	Monterey	6/1/2016	Agency	No CEQA review
City Of Moorpark v. County of Ventura, et al. (56-2016-00482408-CU-WM-VTA)	Ventura	6/2/2016	Private	EIR
Neighbors Opposed to a Polluted Environment v. City of Riverside, et al. (RIC1606861)	Riverside	6/2/2016	Private	MND
The Inland Oversight Committee v. City of Diamond Bar, et al. (BS162663)	Los Angeles	6/2/2016	Private	EIR
La Mirada Avenue Neighborhood Association of Hollywood v. City of Los Angeles, et al. (BS162710)	Los Angeles	6/2/2016	Private	EIR
Citizens Coalition Los Angeles v. City of Los Angeles, et al. (BS 162678)	Los Angeles, Stanley Mosk Courthouse	6/3/2016	Private	EIR
Mendocino County Blacktail Deer Association, et al. v. County of Mendocino, et al.	Mendocino	6/8/2016	Agency	Exemption
Citizens Advocating Responsible Development v. City of Grass Valley, et al. (CU16-081794)	Nevada	6/9/2016	Agency	ND
Tennis Club Preservation Society v. City of Palm Springs, et al. (RIC1607283)	Riverside	6/10/2016	Private	MND
Center for Biological Diversity, et al. v. California Department of Transportation et al. (RIC 1607468)	Riverside	6/15/2016	Agency	MND
CREED-21 v. City of Corona, et al. (RIC1607635)	Riverside - Historic Courthouse	6/20/2016	Private	EIR
San Clemente Vacation Rental Alliance v. City of San Clemente, et al. (30-2016-00858999-CU-WM-CXC)	Orange - Civil Complex Courtroom	6/20/2016	Agency	No CEQA review
Citizens Against DTLB Giveaway v. City of Long Beach, et al. (BS163217)	Los Angeles - Stanley Mosk Courthouse	6/22/2016	Private	Exemption
Sharks Sports & Entertainment LLC v. City of San Jose, et al. (16CV296834)	Santa Clara	6/23/2016	Private	EIR
Carol Simpson, et al. v. San Diego Unified School District (37-2016-00021406-CU-TT-CTL)	San Diego	6/23/2016	Agency	EIR
Citizens to Save College Avenue v. City of Claremont, et al. (BS163235)	Los Angeles	6/23/2016	Private	EIR
Crenshaw Subway Coalition, et al. v. City of Los Angeles, et al. (BS163238)	Los Angeles	6/24/2016	Private	EIR
Long Beach Transportation and Parking Solutions, Inc. v. City of Long Beach, et al. (BS163275)	Los Angeles - Stanley Mosk Courthouse	6/24/2016	Private	Exemption
Encinitas Residents Alliance v. City of Encinitas, et al. (37-2016-00021573-CU-WM-NC)	San Diego	6/27/2016	Private	EIR
Placer County Taxpayers for Safety, et al. v. County of Placer, et al. (SCV0038045)	Placer	6/29/2016	Private	EIR
Malibu Canyon Community Association, et al. v. City of Calabasas, et al. (BS162791)	Los Angeles - Central District	7/1/2016	Private	EIR
Citizens Against the 24th Street Widening Project v. City of Bakersfield, et al.	Kern - Metropolitan Division	7/8/2016	Agency	EIR
Waste Management Collection and Recycling, Inc. v. City of Irwindale, et al. (BS163450)	Los Angeles - Central District	7/8/2016	Agency	EIR
Long Beach Transportation and Parking Solutions, Inc. v. City of Long Beach, et al. (BS163377)	Los Angeles	7/11/2016	Private	Exemption
City of Baldwin Park v. City of Irwindale, et al. (BS163400)	Los Angeles	7/11/2016	Private	EIR
Pacific Clay Products, Inc. v. City of Lake Elsinore, et al. (RIC1608797)	Riverside	7/13/2016	Agency	EIR
Sacramentans for Fair Planning v. City of Sacramento, et al. (34-2016-80002396-CU-WM-GDS)	Sacramento	7/14/2016	Private	CEQA Functional Equivalent
Gail Egan, et al. v. City of Glendale, et al. (BS163432)	Los Angeles, Central District	7/14/2016	Private	EIR
City of San Diego v. Palomar Community College District (37-2016-00024225-CU-MC-CTL)	San Diego	7/15/2016	Agency	EIR
James Roybal, et al. v. City of Pico Rivera, et al. (BS163748)	Los Angeles - Central District	7/20/2016	Private	Exemption
Citizens for Responsible Oil & Gas v. County of Ventura, et al. (56-2016-00484423-CU-WM-VTA)	Ventura	7/21/2016	Agency	EIR
Hanford Environmental Awareness Team, et al. v. City of Hanford, et al. (16C-0208)	Kings	7/22/2016	Agency	MND
El Dorado Council.Org, et al. v. County of El Dorado, et al. (PC201603333)	El Dorado	7/25/2016	Agency	MND
Ag Land Trust v. City of Salinas, et al. (16CV002321)	Monterey	7/27/2016	Private	EIR
The Tiara Group, et al. v. City of Los Angeles (BS163763)	Los Angeles, Central District	7/28/2016	Agency	EIR
Long Beach Transportation and Parking Solutions, Inc. v. City of Long Beach, et al. (BS163765)	Los Angeles	7/28/2016	Private	Exemption
California Water Impact Network v. County of San Luis Obispo, et al. (16CV-0195)	San Luis Obispo	7/28/2016	Agency	Exemption
City of San Jose v. City of Santa Clara, et al. (16CV298317)	Santa Clara	7/29/2016	Private	EIR
James Constant v. City of Fontana, et al. (CIVDS1612448)	San Bernardino	7/29/2016	Private	EIR
Save Our Silverlake, et al. v. City of Los Angeles, et al. (BS164051)	Los Angeles	8/2/2016	Private	MND
Center for Biological Diversity v. California Department of Conservation, Division of Oil, Gas, and Geothermal Resources, et al. (16CV05561)	San Luis Obispo	8/3/2016	Agency	No CEQA review
Forest Unlimited, et al. v. California Department of Forestry and Fire Protection, et al. (SCV 259216)	Sonoma	8/4/2016	Agency	No CEQA review
Lucinda E. Luttgen, et al. v. Fair Oaks Water District, et al. (34-2016-80002408)	Sacramento	8/4/2016	Agency	No CEQA review
East Yard Communities for Environmental Justice v. City of Commerce, et al. (BS164349)	Los Angeles - Central Judicial District	8/5/2016	Private	EIR
California River Watch v. County of Sonoma, et al. (SCV-2592452)	Sonoma	8/9/2016	Agency	EIR

Name of Case	LOCATION OF PROJECT: COUNTY	LAWSUIT DATE	AGENCY OR PRIVATE PROJECT	COMPLIANCE CHALLENGE (e.g. Nec. Dec., EIR, Cat. Ex.)
Talmadge Price, et al. v. The City of Anaheim (30-2016-00869305-CU-WM-CXC)	Orange - Civil Complex Center	8/12/2016	Agency	No CEQA review
Hollywoodians Encouraging Rental Opportunities (Hero), et al. v. City of Los Angeles, et al. (BS163828)	Los Angeles, Central District	8/12/2016	Private	MND
North Coast Rivers Alliance, et al. v. California Department of Food and Agriculture, et al. (34-2016-80002424-CU-WM-GDS)	Sacramento	8/16/2016	Agency	EIR
Building Industry Legal Defense Foundation, et al. v. City of San Buenaventura, et al. (56-2016-00485423-CU-MC-OXN)	Ventura	8/16/2016	Agency	No CEQA review
Pepper Lane Neighbors For Environmental Protection v. County of Sonoma, et al.	Sonoma	8/18/2016	Private	Exemption
Brickyard Cove Alliance For Responsible Development, et al. v. City of Richmond, et al. (CIVMSN16-1524)	Contra Costa	8/19/2016	Private	EIR
Saving Arcadia Coalition v. City of Arcadia, et al. (BS164481)	Los Angeles	8/23/2016	Private	Exemption
Center for Community Action and Environmental Justice v. City of Riverside, et al. (RIC1610991)	Riverside	8/24/2016	Agency	MND
Friends of Riverside's Hills v. City of Riverside, et al. (RIC 1611049)	Riverside	8/25/2016	Private	MND
Save the Hill And Grow Potrero Responsibly v. City and County of San Francisco, et al. (CPF16515238)	San Francisco	8/26/2016	Private	EIR
Friends of the San Dieguito River Valley v. City of San Diego, et al. (37-2016-00030312-CU-TT-CTL)	San Diego, Hall of Justice	8/29/2016	Private	No CEQA review
The Trestle Glen Homeowners Association, et al. v. County of Marin, et al. (CIV 1603145)	Marin	8/31/2016	Private	No CEQA review
Cars Are Basic v. City of Santa Barbara (16CV04149)	Santa Barbara	9/2/2016	Agency	Exemption
Superior Energy Corporation v. City of Menifee, et al. (RIC1611419)	Riverside	9/5/2016	Private	MND
Charlie Rinehart and Cynthia Rinehart, et al. v. County of Orange, et al. (30-2016-00873876-CU-TT-CXC)	Orange	9/8/2016	Private	No CEQA review
Tree Advocates Sacramento v. City of Sacramento, et al. (34-2016-80002444)	Sacramento	9/12/2016	Agency	Exemption
City of Sausalito v. Golden Gate Bridge, Highway and Transportation District (CIV1603319)	Marin	9/13/2016	Agency	MND
Pasadena Civic Center Coalition v. City of Pasadena, et al. (BS164664)	Los Angeles	9/14/2016	Private	EIR
Sierra Club, et al. v. City of Highland, et al. (CIVDS1615347)	San Bernardino	9/15/2016	Private	EIR
Greenspot Residents Association, et al. v. City of Highland, et al. (CIVDS1615280)	San Bernardino	9/15/2016	Private	EIR
Turtle Island Restoration Network v. County of Marin, et al. (CIV1603455)	Marin	9/21/2016	Private	MND
Lisa Seidman, et al. v. City of Los Angeles, et al. (BS165162)	Los Angeles, Central District	9/26/2016	Private	No CEQA review
Friends of El Camino Village v. El Camino Community College District, et al.	Los Angeles	9/26/2016	Agency	No CEQA review
Preserve Rural Agricultural Napa County v. County of Napa, et al. (16CV000861)	Napa	9/27/2016	Private	MND
Martis Camp Community Association v. County of Placer, et al. (SCV0038483)	Placer	9/27/2016	Private	EIR
AIDS Healthcare Foundation v. City of Los Angeles, et al. (BS165748)	Los Angeles	9/30/2016	Private	EIR
Stonewall Reservoir Community, et al. v. East Bay Municipal Utility District (RG-16833627)	Alameda	10/3/2016	Agency	No CEQA review
SPM-Fairfield, LLC v. City of San Juan Capistrano, et al. (30-2016-00878881-CU-TT-CXC)	Orange	10/4/2016	Private	No CEQA review
Beverly Hills Streetscape Preservation, et al. v. City of Beverly Hills, et al. (BS165773)	Los Angeles	10/5/2016	Private	No CEQA review
Sierra Club v. City of Beaumont, et al. (RIC1613142)	Riverside	10/6/2016	Private	EIR
Weed Area Water Alliance, et al. v. The City of Weed, et al. (SCCV-CVPT-2016-1180-1)	Siskiyou	10/11/2016	Private	Exemption
Madera Oversight Coalition, Inc. v. County of Madera, et al. (MCV073003)	Madera	10/12/2016	Private	EIR
Shimmick Construction Company, Inc., et al. v. County of Madera, et al. (MCV 073009)	Madera	10/13/2016	Private	EIR
Today's IV, Inc. v. City of Los Angeles, et al. (BS165784)	Los Angeles - Central District, Stanley Mosk Courthouse	10/14/2016	Agency	No CEQA review
Unite Here Local 2850 v. City of Oakland, et al. (RG16835342)	Alameda	10/17/2016	Private	Exemption
Santa Paula Conservancy, et al. v. City of Santa Paula, et al. (56-2016-00487940-CU-WM-VTA)	Ventura	10/18/2016	Private	EIR
Cali-Arioto, LLC, et al. v. City of San Jose, et al. (16CV301412)	Santa Clara	10/20/2016	Private	EIR
Westsiders Opposed to Overdevelopment v. City of Los Angeles, et al. (BS165955)	Los Angeles (Central District)	10/20/2016	Private	EIR
Center for Food Safety, et al. v. California Department of Water Resources, et al. (34-2016-80002469)	Sacramento	10/21/2016	Agency	EIR
Golden Door Properties, LLLC v. County of San Diego (37-2016-00037402-CU-PT-CTL)	San Diego, Central Division	10/24/2016	Agency	EIR
Marin Audubon Society v. Marin County Open Space District (CIV1603896)	Marin	10/25/2016	Agency	No CEQA review
California Clean Energy Committee v. County of Placer, et al. (SCV 003 8578)	Placer	10/26/2016	Private	EIR
Socal Environmental Justice Alliance v. City of Banning, et al.	Riverside	10/26/2016	Private	EIR
Mandel M. Miller v. City of Los Angeles, et al. (BS 165963)	Los Angeles	10/26/2016	Agency	EIR
Laborers International Union of North America, Local Union No. 783 v. City of Rialto, et al. (CIVDS1618529)	San Bernardino	10/28/2016	Private	EIR
JT 105 Alliance v. County of San Bernardino, et al. (CIVDS1618781)	San Bernardino	10/28/2016	Private	EIR
Central City West Organizing Committee v. City of Los Angeles, et al. (BS165923)	Los Angeles	10/28/2016	Private	MND
Mark Fudge v. City of Laguna Beach, et al. (30-2016-00884488-CU-WM-CXC)	Orange	10/31/2016	Private	EIR
Citizens for Positive Growth and Preservation v. City of Sacramento, et al. (34-2016-80002475)	Sacramento	11/2/2016	Agency	Exemption
California Charter Schools Association v. City Of Huntington Park, et al.	Los Angeles, Central District	11/3/2016	Agency	Exemption
City of Santa Clara v. City of San Jose, et al. (17-CIV-00547)	Santa Clara	11/3/2016	Private	EIR
Foothill Conservancy v. County of Amador (16-CVC-09876)	Amador	11/3/2016	Agency	EIR
Coalition To Save Mission Peak v. East Bay Regional Park District, et al. (RG16837854)	Alameda	11/4/2016	Agency	EIR
United Walnut Taxpayers v. Mt. San Antonio Community College District, et al. (BC639908)	Los Angeles - Stanley Mosk Courthouse	11/7/2016	Agency	EIR
Advocates for Better Community Development v. City of Palm Springs, et al. (RIC 1615018)	Riverside	11/9/2016	Private	MND
Jared Greenberg v. Tustin Unified School District (30-2016-00870398-CU-NP-CJC)	Orange - Central Justice Center	11/9/2016	Agency	Exemption
Paul Novaresi, v. County of Placer, et al. (SCV0038667)	Placer	11/10/2016	Agency	EIR
League to Save Lake Tahoe, et al. v. Placer County, et al. (S-CV-0038666)	Placer	11/10/2016	Agency	EIR
Farmland Protection Alliance, et al. v. County of Yolo, et al. (PT16-1896)	Yolo	11/14/2016	Agency	MND
Beach Vacations Coalition v. City of Laguna Beach, et al. (30-2016-00886517-CU-WM-CXC)	Orange - Civil Complex Courtroom	11/14/2016	Agency	Exemption
City of Walnut v. Mt. San Antonio Community College District, et al. (BS166152)	Los Angeles - Central District	11/14/2016	Agency	EIR
1100 Wilshire Property Owners Association v. City of Angeles, et al.	Los Angeles	11/14/2016	Private	MND
Skyline Park Citizens Association, Inc., et al. v. County of Napa, et al. (16CV001061)	Napa	11/17/2016	Private	EIR
Building a Better Redondo, et al. v. City of Redondo Beach, et al. (BS166124)	Los Angeles, Central District	11/18/2016	Private	EIR
Cleveland National Forest Foundation, et al. v. County of San Diego, et al. (37-2016-00041519-CU-TT-CTL)	San Diego	11/21/2016	Private	EIR
M & A Gabaei, L.P. v. City of Los Angeles	Los Angeles	11/22/2016	Private	MND
Damien Stolarz, et al. v. City of Los Angeles, et al. (BS166474)	Los Angeles	11/22/2016	Private	MND
Connolly Ranch, Inc. v. State of California, Department of Parks and Recreation, et al. (2016-80002495)	Sacramento	11/23/2016	Agency	EIR
Stand Up California!, et al. v. City of Elk Grove, et al. (34-2016-80002493)	Sacramento	11/23/2016	Private	No CEQA review

Name of Case	LOCATION OF PROJECT: COUNTY	LAWSUIT DATE	AGENCY OR PRIVATE PROJECT	COMPLIANCE CHALLENGE (e.g. Nec. Dec., EIR, Cat. Ex.)
<i>Imperial Valley Mall II, L.P. v. City of Calexico, et al. (ECU09538)</i>	Imperial	11/23/2016	Agency	EIR
<i>Friends of Tesla Park, v. Department of Parks and Recreation, et al. (34-2016-80002494)</i>	Sacramento	11/28/2016	Agency	EIR
<i>Landwatch Monterey County v. City of Seaside, et al. (16CV003793)</i>	Monterey	11/28/2016	Agency	EIR
<i>Keep Fort Ord Wild v. City of Seaside, et al. (16CV003795)</i>	Monterey	11/28/2016	Agency	EIR
<i>JDR Crescent, LLC, et al. v. City of Los Angeles, et al. (BS166525)</i>	Los Angeles	11/30/2016	Private	EIR
<i>Los Angeles Conservancy v. City of Los Angeles, et al. (BS166487)</i>	Los Angeles	12/1/2016	Private	EIR
<i>Fix the City, Inc. v. City of Los Angeles, et al. (BS166484)</i>	Los Angeles	12/1/2016	Private	EIR
<i>Sebastopol Hills Alliance for Rural Preservation v. City of Sebastopol, et al. (SCV-259843)</i>	Sonoma	12/5/2016	Agency	EIR
<i>Historic Equestrian Trail Association of Southern California, Inc. v. County of Los Angeles (BS166575)</i>	Los Angeles	12/6/2016	Agency	Exemption
<i>Sergio Gonzalez, et al. v. City of San Diego, et al. (37-2016-00042702-CU-TT-CTL)</i>	San Diego - Central District	12/6/2016	Agency	EIR
<i>Jennifer Getz v. City of Los Angeles, et al. (BS166552)</i>	Los Angeles, Central District	12/7/2016	Agency	MND
<i>Young America's Foundation v. County of Santa Barbara (18CV05561)</i>	Santa Barbara - Anacapa Division	12/8/2016	Agency	EIR
<i>Rogers Towers v. San Joaquin County (STK-CV-UWM-2016-11945)</i>	San Joaquin	12/12/2016	Agency	EIR
<i>Friends of Sonoma Mountain Road v. County of Sonoma, et al. (SCV-259897)</i>	Sonoma	12/14/2016	Agency	EIR
<i>Sierra Watch v. Placer County, et al. (S-CV-0038777)</i>	Placer	12/15/2016	Private	EIR
<i>Chico Advocates for a Responsible Economy v. City of Chico, et al. (16CV02994)</i>	Butte	12/15/2016	Private	EIR
<i>Citizens for Tustin's History v. City of Tustin, et al. (30-2016-00893214-CU-TT-CXC)</i>	Orange - Complex Civil	12/16/2016	Agency	MND
<i>City of Bakersfield v. Bakersfield City School District, et al.</i>	Kern	12/16/2016	Agency	MND
<i>Climate Resolve, et al. v. California Department of Transportation (BS166680)</i>	Los Angeles	12/16/2016	Agency	EIR
<i>No-Vation v. County of Placer, et al. (SCV0038804)</i>	Placer	12/20/2016	Private	MND
<i>Save Our Rural Town v. County of Los Angeles, et al. (BS166732)</i>	Los Angeles - Central District	12/20/2016	Agency	ND
<i>Save Our Heritage Organisation (Soho) v. City of San Diego, et al.</i>	San Diego	12/21/2016	Agency	EIR
<i>Warren Blesofsky v. City of Long Beach, et al. (BS166702)</i>	Los Angeles - Stanley Mosk Courthouse	12/21/2016	Private	Addendum to EIR
<i>California Clean Energy Committee v. County of Placer, et al. (SCV 003 8805)</i>	Placer	12/21/2016	Agency	EIR
<i>Susanne Manners v. City of Los Angeles, et al. (BS 166528)</i>	Los Angeles	12/22/2016	Private	EIR
<i>Catherine Bunch, et al. v. City of Sacramento, et al. (2016-80002516)</i>	Sacramento	12/22/2016	Private	EIR
<i>Golden State Environmental Justice Alliance v. City of Los Angeles, et al. (BS166691)</i>	Los Angeles	12/23/2016	Private	EIR
<i>City of East Palo Alto v. City of Menlo Park, et al. (16-CIV-03062)</i>	San Mateo	12/29/2016	Agency	EIR
<i>Protect Our Sunnyvale, et al. v. City of Sunnyvale, et al. (17CV304803)</i>	Santa Clara	1/3/2017	Private	No CEQA review
<i>Committee for Responsible Growth in Foster City et al. v. San Mateo Foster City School District, et al. (17CIV00018)</i>	San Mateo	1/3/2017	Private	No CEQA review
<i>Sierra Club, et al. v. Riverside County, et al. (RIC1700098)</i>	Riverside	1/4/2017	Agency	EIR
<i>Victor Carmichael, et al. v. City of Pacifica, et al. (17-CIV-00042)</i>	San Mateo	1/4/2017	Private	Exemption
<i>Stand Up 4 Fremont v. City of Fremont, et al. (RG17844308)</i>	Alameda	1/4/2017	Agency	MND
<i>Center for Biological Diversity, et al. v. County of Kern, et al. (BCV-17-100030)</i>	Kern	1/5/2017	Private	EIR
<i>Burrowing Owl Preservation Society v. City of Davis, et al. (PT17-21)</i>	Yolo	1/5/2017	Private	MND
<i>Citizens for The Regents Road Bridge, Inc. v. City of San Diego, et al. (37-2017-00000453-CU-TT-CTL)</i>	San Diego, Central Division	1/5/2017	Agency	EIR
<i>Springville Citizens for Responsible Growth v. County of Tulare, et al. (268116)</i>	Tulare	1/6/2017	Agency	MND
<i>Canyon Crest Conservancy v. County of Los Angeles, et al. (BS167311)</i>	Los Angeles	1/9/2017	Private	MND
<i>Santa Clara Valley Audubon Society v. City of San Jose, et al. (17CV305077)</i>	Santa Clara	1/12/2017	Private	MND
<i>Carmel Valley Association, Inc. v. County of Monterey, et al. (17CV000131)</i>	Monterey	1/12/2017	Private	EIR
<i>Cleveland National Forest Foundation, et al. v. County of San Diego, et al. (37-2017-00001628-CU-TT-CTL)</i>	San Diego, Central Division	1/13/2017	Agency	EIR
<i>Endangered Habitats League, Inc. v. City of San Marcos, et al. (37-2017-00001434-CU-WM-NC)</i>	San Diego, North County Division	1/13/2017	Private	EIR
<i>Manuel Santana v. County of Los Angeles, et al. (BS167221)</i>	Los Angeles	1/13/2017	Private	EIR
<i>Sierra Club v. County of San Diego (37-2017-00001635-CU-TT-CTL)</i>	San Diego	1/13/2017	Agency	EIR
<i>Circle Oaks County Water District, et al. v. County of Napa, et al. (17CV000063)</i>	Napa	1/18/2017	Private	EIR
<i>Living Rivers Council v. County of Napa, et al. (17CV000055)</i>	Napa	1/18/2017	Private	EIR
<i>Sloughhouse Resource Conservation District v. Sacramento Central Groundwater Authority, et al. (34-2017-80002529)</i>	Sacramento	1/18/2017	Agency	No CEQA review
<i>Center for Biological Diversity, et al. v. Napa County, et al.</i>	Napa	1/19/2017	Private	EIR
<i>City of Sausalito v. Golden Gate Bridge, Highway and Transportation District (MSN17-0098)</i>	Conta Costa	1/24/2017	Agency	MND
<i>San Franciscans for Sensible Transit, Inc. v. City and County of San Francisco, et al. (CPF-17-515468)</i>	San Francisco	2/3/2017	Agency	EIR
<i>Salinas Valley Water Coalition v. Monterey County Water Resources Agency, et al. (17CV000157)</i>	Monterey	2/3/2017	Agency	EIR
<i>Sunnygem, LLC v. California High Speed Rail Authority (34-2017-80002538-CU-WM-GDS)</i>	Sacramento	2/10/2017	Agency	EIR
<i>Consolidated Irrigation District v. City of Reedley, et al. (17CECG00482)</i>	Fresno	2/14/2017	Private	MND
<i>Yosemite Alpine Community Services District v. County of Mariposa, et al. (10877)</i>	Mariposa	2/17/2017	Private	EIR
<i>Mccorkle Eastside Neighborhood Group, et al. v. City of St. Helena, et al. (17CV000205)</i>	Napa	2/22/2017	Private	Exemption
<i>Beverly Wilshire Homes Association, Inc. v. City of Los Angeles, et al. (BS168247)</i>	Los Angeles	2/23/2017	Private	Exemption
<i>Concerned Citizens Of Beverly Hills/Beverly Grove v. City of Los Angeles, et al. (BS168228)</i>	Los Angeles	2/23/2017	Private	EIR
<i>Scott Vaughan v. Placer County, et al. (SCV0039094)</i>	Placer	2/24/2017	Private	No CEQA review
<i>Socal Environmental Justice Alliance v. City of Los Angeles, et al. (BS168254)</i>	Los Angeles	2/24/2017	Private	Exemption
<i>East Venice Neighborhood Association DBA Penmar, et al. v. City of Los Angeles, et al. (BS168249)</i>	Los Angeles	2/27/2017	Private	Exemption
<i>Davis Smart Growth Alliance v. City of Davis, et al. (YOSU-CVPT-2017-283-1)</i>	Yolo	2/27/2017	Private	MND
<i>People for the Ethical Treatment of Animals, Inc., et al. v. City of Arcadia, et al. (BS168280)</i>	Los Angeles - Central District	3/2/2017	Agency	No CEQA review
<i>El Dorado Council.org, et al. v. El Dorado Irrigation District, et al. (PC 20170093)</i>	El Dorado	3/3/2017	Agency	MND
<i>Socal Environmental Justice Alliance v. City of Perris, et al. (RIC1703926)</i>	Riverside	3/3/2017	Private	MND
<i>Golden State Environmental Justice Alliance v. Town of Apple Valley, et al. (CIVDS1704206)</i>	San Bernardino	3/7/2017	Private	MND
<i>The County of Los Angeles v. California Department of Conservation, Division of Oil, Gas, and Geothermal Resources, et al. (BS168381)</i>	Los Angeles, Central District	3/8/2017	Agency	No CEQA review
<i>Jose Villanueva, et al. v. City of West Hollywood, et al. (BS168386)</i>	Los Angeles	3/9/2017	Private	MND
<i>Siera Club v. Town of Apple Valley, et al. (CIV DS1704262)</i>	San Bernardino	3/9/2017	Private	MND
<i>Protect Our Neighborhoods v. City of Palm Springs, et al. (RIC1704320)</i>	Riverside	3/10/2017	Agency	No CEQA review
<i>Martha Bridges, et al. v. City of Wildomar, et al. (RIC17004357)</i>	Riverside	3/13/2017	Private	MND
<i>Golden State Environmental Justice Alliance v. City of Los Angeles, et al. (BS168429)</i>	Los Angeles - Central Division	3/15/2017	Private	EIR
<i>Long Beach Citizens for Fair Development v. City of Long Beach, et al. (BS168342)</i>	Los Angeles	3/15/2017	Private	EIR
<i>Tesoro Refining & Marketing Company LLC v. City of Carson, et al. (BS168340)</i>	Los Angeles, Central District	3/15/2017	Private	MND
<i>Sycamore Highlands Community Action Group, et al. v. City of Riverside, et al. (RIC 1704698)</i>	Riverside	3/16/2017	Private	EIR

Name of Case	LOCATION OF PROJECT: COUNTY	LAWSUIT DATE	AGENCY OR PRIVATE PROJECT	COMPLIANCE CHALLENGE (e.g. Nec. Dec., EIR, Cat. Ex.)
<i>Thom Weisel v. Town of Ross, et al. (CIV 1701002)</i>	Marin	3/16/2017	Private	EIR
<i>Berkeley Hills Watershed Coalition, et al. v. City of Berkeley, et al. (RG17853768)</i>	Alameda	3/21/2017	Private	Exemption
<i>Susan Gorman-Chang v. City of Los Angeles, et al.</i>	Los Angeles	3/23/2017	Private	EIR
<i>Grassroots Community Group of Alhambra v. City of Alhambra, et al. (BS168557)</i>	Los Angeles - Stanley Mosk Courthouse	3/27/2017	Private	MND
<i>National Audubon Society, et al. v. Humboldt Bar Harbor, et al. (CV170248)</i>	Humboldt	3/30/2017	Private	EIR
<i>Tule Lake Committee v. County of Modoc, et al. (CU-14-104)</i>	Modoc	3/30/2017	Agency	No CEQA review
<i>Center for Biological Diversity, et al. v. City of San Bernardino Municipal Water Department, et al. (CIVDS1706284)</i>	San Bernardino	4/6/2017	Agency	EIR
<i>Jack Russ, et al. v. California State Coastal Conservancy, et al. (CV170269)</i>	Humboldt	4/7/2017	Private	EIR
<i>Helping Hand Tools, et al. v. California Energy Resources Conservation and Development Commission, et al. (CPF17515576)</i>	San Francisco - Unlimited Jurisdiction	4/7/2017	Private	CEQA Functional Equivalent
<i>2777 Shattuck Neighbors - Legal v. City of Berkeley, et al. (RG17856750)</i>	Alameda	4/14/2017	Private	Exemption
<i>Arts District Crossing Owner, LLC v. Los Angeles County Metropolitan Transportation Authority (BS169254)</i>	Los Angeles, Central District	4/14/2017	Agency	MND
<i>Lydia Poncé v. City of Los Angeles, et al. (BS169426)</i>	Los Angeles	4/20/2017	Private	EIR
<i>Society for the Preservation of Downtown Los Angeles, Inc. v. City of Los Angeles, et al. (BS169317)</i>	Los Angeles	4/21/2017	Private	MND
<i>Friends of 71 Palomar v. City Council of San Luis Obispo et al.</i>	San Luis Obispo	5/3/2017	Private	MND
<i>Nelson-Hillsides Association v. Humboldt County, et al. (CV170372)</i>	Humboldt	5/3/2017	Private	No CEQA review
<i>Tuolumne County Citizens for Responsible Growth, Inc. v. County of Tuolumne, et al. (CV60793)</i>	Tuolumne	5/5/2017	Private	MND
<i>San Francisco SRO Hotel Coalition, et al. v. City and County of San Francisco, et al. (CPF-17-515656)</i>	San Francisco	5/8/2017	Agency	No CEQA review
<i>Jeff Reedy v. County of San Joaquin, et al. (STK-CV-UWM02017-4687)</i>	San Joaquin	5/10/2017	Private	MND
<i>Building Industry Association of Fresno/Madera Counties, Inc., et al. v. City of Fresno, et al. (17 CE CG 01669)</i>	Fresno, Central Division	5/11/2017	Agency	No CEQA review
<i>North Coast Rivers Alliance, et al. v. California Department of Food and Agriculture, et al. (34-2017-80002594-CU-WM-GDS)</i>	Sacramento	5/16/2017	Agency	Exemption
<i>San Joaquin River Exchange Contractors Water Authority, et al. v. State of California, et al. (34-2017-80002598)</i>	Sacramento	5/16/2017	Agency	EIR
<i>James Stansell, et al. v. City of San Diego, et al. (37-2017-00018417-CU-TT-CTL)</i>	San Diego, Central Division	5/22/2017	Private	Exemption
<i>Save Our Heritage Organisation (SOHO) v. City of San Diego, et al.</i>	San Diego	5/22/2017	Private	EIR
<i>Biodiversity First! v. County of San Luis Obispo, et al. (17CV-0286)</i>	San Luis Obispo	5/22/2017	Agency	No CEQA review
<i>Eastvale United, et al. v. City of Eastvale, et al. (RIC1709525)</i>	Riverside	5/25/2017	Private	EIR
<i>Camille McCormack v. City of Gilroy, et al. (17CV310981)</i>	Santa Clara	5/25/2017	Agency	No CEQA review
<i>San Joaquin Valley Environmental Defense Center v. City of Hanford, et al. (17C-0142)</i>	Kings	5/25/2017	Agency	EIR
<i>Bootleggers 2 v. City of Lancaster, et al. (BS169660)</i>	Los Angeles	5/25/2017	Private	MND
<i>Community Venture Partners v. Marin County Open Space District (CIV1701913)</i>	Marin	5/26/2017	Agency	No CEQA review
<i>Protect Chino v. Chino Preserve Development Corporation (CIVDS 1710276)</i>	San Bernardino - Central Division	6/1/2017	Private	EIR
<i>Del Mar Alliance for the Preservation of Beach Access and Village v. City of Del Mar (37-2017-00019864-CU-TT-CTL)</i>	San Diego - Hall of Justice	6/1/2017	Agency	No CEQA review
<i>Golden State Environmental Justice Alliance v. County of San Bernardino, et al. (CIVDS1710328)</i>	San Bernardino	6/2/2017	Private	EIR
<i>West Coast Home Builders, Inc. v. City of Benicia (FCS048992)</i>	Solano	6/2/2017	Agency	MND
<i>Sam Runco, et al. v. The City of Foster City (17CIV02494)</i>	San Mateo	6/7/2017	Agency	EIR
<i>Lauren "Elle" Farmer, et al. v. City of Los Angeles, et al. (BS 169855)</i>	Los Angeles	6/8/2017	Private	MND
<i>Protect our Homes and Hills, et al. v. County of Orange, et al. (30-2017-00925277-CU-TT-CXC)</i>	Orange, Civil Complex Center	6/9/2017	Private	EIR
<i>North County Brs Project, LLC v. County of Orange, et al. (30-2017-00925230-CU-WM-CXC)</i>	Orange	6/9/2017	Private	EIR
<i>Mama Wilcox Land LLC v. City of Los Angeles, et al. (BS 169883)</i>	Los Angeles	6/9/2017	Private	MND
<i>The Sunset Landmark Investment, LLC v. City of Los Angeles, et al. (BS169821)</i>	Los Angeles	6/9/2017	Private	MND
<i>Safe Fuel and Energy Resources California, et al. v. South Coast Air Quality Management District, et al. (BS169923)</i>	Los Angeles, Central District	6/14/2017	Private	EIR
<i>Communities For A Better Environment v. South Coast Air Quality Management District, et al. (BS169841)</i>	Los Angeles, Central District	6/14/2017	Private	EIR
<i>TPS Parking Management, LLC, et al. v. City of Los Angeles, et al. (BS170107)</i>	Los Angeles	6/20/2017	Agency	EIR
<i>City of Solana Beach v. 22nd District Agricultural Association (37-2017-00022899-CU-MC-CTL)</i>	San Diego, Central Division	6/22/2017	Agency	Exemption
<i>Coalition to Save San Marin v. Novato Unified School District, et al. (CIV1702295)</i>	Marin	6/23/2017	Agency	EIR
<i>Save Lafayette Trees, et al. v. City of Lafayette, et al. (CIVMSN17-1142)</i>	Contra Costa	6/26/2017	Private	No CEQA review
<i>Environmental Council of Sacramento v. California Department of Transportation, et al. (34-2017-80002635)</i>	Sacramento	7/3/2017	Agency	MND
<i>Manhattan Beach Residents for Responsible Development, et al. v. City of Manhattan Beach, et al. (BS170138)</i>	Los Angeles	7/6/2017	Private	MND
<i>Mark Fudge v. City of Laguna Beach, et al. (30-2017-00930564-CU-WM-CXC)</i>	Orange, Central District	7/10/2017	Private	Exemption
<i>The Breakers at Westport Condominium Homeowners Association v. The City of Los Angeles, et al. (BS170208)</i>	Los Angeles, Central District	7/12/2017	Agency	No CEQA review
<i>City of South Gate v. Los Angeles Unified School District (BS170206)</i>	Los Angeles, Central District	7/12/2017	Agency	EIR
<i>Golden State Environmental Justice Alliance v. City of Rialto, et al. (CIVDS1713403)</i>	San Bernardino	7/14/2017	Private	EIR
<i>Friends of Putah Creek v. Solano County Water Agency, et al. (FCS049217)</i>	Solano	7/14/2017	Agency	EIR
<i>Eastern Columbia Lofts Homeowners Association v. City of Los Angeles, (BS170233)</i>	Los Angeles	7/17/2017	Private	MND
<i>Friends of Griffith Park, et al. v. City of Los Angeles, et al. (BS170298)</i>	Los Angeles	7/18/2017	Agency	No CEQA review
<i>Sunset Coalition, et al. v. City of Los Angeles, et al. (BS170332)</i>	Los Angeles	7/20/2017	Private	EIR
<i>Inglewood Residents Against Takings and Evictions v. City of Inglewood, et al. (BS170333)</i>	Los Angeles	7/20/2017	Private	No CEQA review
<i>City of Rosemead v. Los Angeles County Metropolitan Transportation Authority (BS169937)</i>	Los Angeles	7/20/2017	Agency	No CEQA review
<i>Friends of Chatsworth Wildlife v. City of Los Angeles, et al. (BS170260)</i>	Los Angeles	7/21/2017	Private	EIR
<i>Friends of Chanate v. County of Sonoma, et al. (SCV-261103)</i>	Sonoma	7/21/2017	Private	Exemption
<i>City of Goleta v. City of Santa Barbara, (17CV03270)</i>	Santa Barbara, South County	7/24/2017	Private	EIR
<i>SCALE (Southern California Association for Law & the Environment) v. Mt. San Jacinto Community College District (RIC1713487)</i>	Riverside	7/24/2017	Agency	EIR
<i>City of San Clemente v. Foothill/Eastern Transportation Corridor Agency, et al. (30-2017-00934703-CU-PT-CXC)</i>	Orange	7/28/2017	Agency	EIR
<i>The Reserve Maintenance Corporation v. Foothill/Eastern Transportation Corridor Agency, et al. (30-2017-00934717-CU-WM-CXC)</i>	Orange, Central Judicial District	7/28/2017	Agency	EIR
<i>Society for the Preservation of Downtown Los Angeles, Inc. v. City of Los Angeles, et al. (BS170345)</i>	Los Angeles	8/2/2017	Private	MND
<i>Keeplamoving v. City of Los Angeles, et al. (BS170464)</i>	Los Angeles	8/9/2017	Agency	No CEQA review

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Save the Agoura Cornell Knoll, et al. v. City or Agoura Hills, et al. (BS169207)	Los Angeles	8/10/2017	Private	MND
Marin Audubon Society, et al. v. Marin County Open Space District (CIV1702919)	Marin	8/10/2017	Agency	EIR
Palo Verde Irrigation District v. Metropolitan Water District of Southern California, et al. (RIC1714672)	Riverside	8/10/2017	Agency	No CEQA review
Knight Clay C. Trust v. City of Morro Bay, et al. (17CV-0439)	San Luis Obispo	8/14/2017	Private	Exemption
Tracy Alford v. County of Monterey, et al. (17CV003009)	Monterey	8/16/2017	Private	Exemption
Tressy Capps, et al. v. California Department of Transportation, et al. (CIVDS 1717131)	San Bernardino	8/17/2017	Agency	EIR
Friends of the Santa Clara River, et al. v. County of Los Angeles, et al. (BS170568)	Los Angeles	8/17/2017	Private	EIR
Anderson-Cottonwood Irrigation District, et al. v. California Department of Water Resources (34-2017-80002670)	Sacramento	8/18/2017	Agency	EIR
City of Folsom, v. California Department of Water Resources (34-2017-80002669)	Sacramento	8/18/2017	Agency	EIR
County of San Joaquin, et al. v. California Department of Water Resources, et al. (34-2017-80002677-CU-WM-GDS)	Sacramento	8/21/2017	Agency	EIR
California Sportfishing Protection Alliance, et al. v. California Department of Water Resources (34-2017-80002674)	Sacramento	8/21/2017	Agency	EIR
Citizens for Responsible Winery Growth in St. Helena v. City of St. Helena, et al. (17CV00953)	Napa	8/21/2017	Private	Exemption
County of Butte v. California Department of Water Resources (34-2017-80002678)	Sacramento	8/21/2017	Agency	EIR
Vel [Sic] Verde Civic Association, et al. v. County of Los Angeles, et al. (BS170715)	Los Angeles	8/24/2017	Private	EIR
County of Colusa v. City of Colusa, et al. (CV24258)	Colusa	8/24/2017	Private	Exemption
San Antonio Heights Association v. Local Agency Formation Commission For San Bernardino County, et al. (CIVDS1715504)	San Bernardino - Central Division	8/25/2017	Agency	Exemption
Watsonville Pilots Association v. City of Watsonville, et al. (17CV02271)	Santa Cruz	8/28/2017	Agency	MND
Roseville Citizens for Quality Growth v. City of Roseville, et al. (SCV0039990)	Placer	8/30/2017	Private	EIR
California Pilots Association v. City of Indio, et al. (RIC 1716865)	Riverside	9/5/2017	Private	EIR
Roberto Mazariegos, et al. v. City of Los Angeles, et al. (BS170761)	Los Angeles	9/6/2017	Private	MND
Martha Bridges, et al. v. City of Wildomar, et al. (RIC1716934)	Riverside	9/11/2017	Private	MND
City of Walnut v. Mount San Antonio Community College District, et al.	Los Angeles - Central District	9/11/2017	Agency	EIR
Golden State Environmental Justice Alliance, et al. v. City of Los Angeles, et al. (BS170743)	Los Angeles - Central District	9/12/2017	Private	MND
Responsible Development in Suisun City v. City of Suisun City, et al. (FCS049567)	Solano	9/12/2017	Private	Exemption
Janice Nelson, v. City of San Jose, et al. (17CV315780)	Santa Clara	9/13/2017	Private	Exemption
Lower Tule River Irrigation District, et al. v. Angiola Water District, et al. (271147)	Tulare	9/18/2017	Agency	EIR
Elisa Adler, et al. v. County of Plumas, et al. (CV17-00152)	Plumas	9/20/2017	Private	Exemption
Alpaugh Irrigation District v. Angiola Water District, et al. (271190)	Tulare	9/21/2017	Agency	EIR
Stuart Helfer, et al. v. Port of Redwood City, et al. (17-CV-04360)	San Mateo	9/22/2017	Private	MND
Solano County Citizens for Responsible Development v. City of Dixon, et al. (FCS049629)	Solano	9/22/2017	Private	Exemption
Affordable Clean Water Alliance v. Santa Clarita Valley Sanitation District of Los Angeles County (BS170983)	Los Angeles	9/25/2017	Agency	EIR
Save Lafayette Trees, et al. v. East Bay Regional Park District, et al. (CIVMSC17-01909)	Contra Costa	9/29/2017	Agency	No CEQA review
Golden State Environmental Justice Alliance v. County of Riverside, et al. (RIC1718565)	Riverside	9/29/2017	Private	EIR
Sustainable Hillside Development Coalition (SHDC) v. Town of Los Gatos, et al. (17CV31710)	Santa Clara	10/10/2017	Private	MND
Virginia Laguardia v. City of San Diego, et al. (37-2017-00038209-CU-MC-CTL)	San Diego - Central Division	10/12/2017	Agency	EIR
Golden State Environmental Justice Alliance v. City of Santa Clarita, et al. (BS171198)	Los Angeles - Central District	10/12/2017	Private	EIR
Friends of Montgomery Street, et al. v. City and County of San Francisco, et al. (CPF 17-515902)	San Francisco	10/17/2017	Private	Exemption
Citizens for Equitable Redlands v. City of Redlands, et al. (CIVDS 1720139)	San Bernardino	10/17/2017	Private	MND
Preserve the Slo Life-Buckley Road, et al. v. City of San Luis Obispo, et al.	San Luis Obispo	10/18/2017	Private	EIR
Los Cerritos Wetlands Land Trust v. City of Long Beach (BS171220)	Los Angeles	10/19/2017	Agency	EIR
City of Pomona v. Metro Gold Line Foothill Extension Construction Authority (BS171363)	Los Angeles	10/27/2017	Agency	EIR
City of San Dimas v. Metro Gold Line Foothill Extension Construction Authority (BS171326)	Los Angeles, Central District	10/30/2017	Agency	EIR
City of Carson v. The Governor's Office of Planning & Research, et al.	Los Angeles - Central District	10/31/2017	Agency	EIR
Citizens for Sensible Traffic Planning v. California Department of Transportation (37-2017-0041496-CU-MC-CTC)	San Diego, Central Division	10/31/2017	Agency	Exemption
City of Chino Hills v. City of Industry, et al. (BS171398)	Los Angeles - Central District	11/1/2017	Agency	Exemption
City of Diamond Bar v. City of Industry, et al. (BS171295)	Los Angeles - Central District	11/1/2017	Agency	Exemption
Golden State Environmental Justice Alliance v. City of Ontario, et al. (CIVDS1721606)	San Bernardino	11/1/2017	Private	EIR
Earth Law Center, v. State Water Resources Control Board (34-2017-80002726-CU-WM-GDS)	Sacramento	11/1/2017	Agency	No CEQA review
Citizens for a Responsible Caltrans Decision v. California Department of Transportation (37-2017-00041547-CU-CTL)	San Diego	11/1/2017	Agency	Exemption
Tiburon Open Space Committee, et al. v. County of Marin, et al. (CIV1704069)	Marin	11/3/2017	Private	EIR
Taxpayers for Responsible Land Use v. City of San Diego, et al. (37-2017-00042558-CU-TT-CTL)	San Diego, Hall of Justice	11/6/2017	Private	EIR
California Grocers Association v. The City of Fresno (17CECG03787)	Fresno	11/7/2017	Agency	Exemption
Silicon Valley Foundation for a Better Environment v. Santa Clara Valley Water District, et al. (17CV318866)	Santa Clara	11/8/2017	Agency	EIR
Harvey H. Liss, et al. v. City of Irvine, et al. (30-2017-00955176)	Orange	11/9/2017	Private	EIR
Michele Threlkel, et al. v. City of Roseville, et al. (SCV0040328)	Placer	11/9/2017	Private	Exemption
United Citizens for Community Cohesion v. City of Bakersfield, et al.	Kern - Metropolitan Division	11/13/2017	Agency	EIR
Long Beach Citizens for Fair Development v. City of Long Beach, et al. (BS171488)	Los Angeles, Central District	11/13/2017	Private	MND
City of Baldwin Park v. City of Irwindale, et al. (BS171622)	Los Angeles	11/15/2017	Private	EIR
Waste Management Collection and Recycling, Inc. v. City of Irwindale, et al. (BS171509)	Los Angeles - Central District	11/15/2017	Private	EIR
Alameda Creek Alliance v. California Department of Transportation (RG17882690)	Alameda	11/15/2017	Agency	EIR
Grand Petroleum, Inc. v. County of Fresno, et al. (17CECG03813)	Fresno	11/16/2017	Private	MND
University Park Estates Alliance v. Long Beach Unified School District, et al. (BS171520)	Los Angeles	11/17/2017	Agency	ND
Cherry Valley Pass Acres and Neighbors, et al. v. County of Riverside, et al. (RIC1722063)	Riverside	11/21/2017	Private	EIR
Friends of Felta Creek v. California Department of Forestry and Fire Protection, et al. (SCV-261561)	Sonoma	11/21/2017	Private	No CEQA review
Rural Communities United v. County of El Dorado, et al. (PC20170536)	El Dorado	11/21/2017	Agency	EIR
Sierra Club v. County of Riverside, et al. (RIC 1722026)	Riverside	11/21/2017	Private	EIR
Golden State Environmental & Social Justice Alliance v. March Joint Powers Authority, et al. (RIC1722099)	Riverside	11/22/2017	Private	EIR
Quist Dairy, et al. v. City of Fresno, et al. (17CECG04096)	Fresno - Cental Division	11/27/2017	Private	EIR

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Save Civita Because Sudberry Won't v. City of San Diego (37-2017-00045044-CU-WM-CTL)	San Diego - Hall of Justice	11/27/2017	Agency	EIR
San Geronimo Advocates, et al. v. County of Marin, et al. (CIV1704467)	Marin	12/5/2017	Agency	Exemption
Friends, Artists and Neighbors of Elkhorn Slough, et al. v. California Coastal Commission, et al. (RG17885240)	Alameda	12/7/2017	Private	EIR
Arroyo Seco Foundation, et al. v. County of Los Angeles, et al. (BS171826)	Los Angeles	12/7/2017	Agency	EIR
Mission Beach Citizens for Responsible Development v. City of San Diego, et al. (37-2017-00047335-CU-MC-CTL)	San Diego - Hall of Justice	12/8/2017	Private	CEQA Functional Equivalent
Laguna Greenbelt, Inc., et al. v. County of Orange, et al. (30-2017-00961195-CU-WM-CXC)	Orange	12/13/2017	Private	EIR
City of Walnut v. Mount San Antonio Community College District, et al. (BS171818)	Los Angeles - Central Division	12/13/2017	Private	EIR
City of Irvine v. County of Orange, et al. (30-2017-00961107-CU-WM-CXC)	Orange, Central Justice Center	12/13/2017	Private	EIR
Gaviota Coast Conservancy v. Santa Barbara County, et al. (17CV05649)	Santa Barbara, Anacapa Division	12/14/2017	Private	EIR
Marc Bruno v. City and County of San Francisco, et al. (CPF-17-515971)	San Francisco	12/14/2017	Private	Exemption
Citizens for South Bay Coastal Access v. City of San Diego (37-2017-00048213-CU-TT-CTL)	San Diego - Hall of Justice	12/14/2017	Private	Exemption
Western States Petroleum Association, et al. v. Bay Area Air Quality Management District (CIVMSN17-2300)	Contra Costa	12/15/2017	Private	EIR
Old East Davis Neighborhood Association v. City of Davis, et al. (PT 17-2111)	Yolo	12/15/2017	Private	CEQA Functional Equivalent
Friends of Kite Hill v. City of Los Angeles, et al. (BS171785)	Los Angeles	12/15/2017	Private	Exemption
Keep Fort Ord Wild v. Fort Ord Reuse Authority (17CV004540)	Monterey	12/15/2017	Agency	MND
S.G., et al. v. City of Los Angeles, et al. (BS171903)	Los Angeles	12/18/2017	Private	Exemption
Concerned Citizens of Beverly Hills/Bel Air v. City of Beverly Hills, et al. (BS171828)	Los Angeles	12/19/2017	Private	Exemption
Capistrano Unified School District v. County of Orange, et al. (30-2017-00963064-CU-TT-CXC)	Orange - Central Justice Center	12/20/2017	Agency	No CEQA review
Kern County Citizens for Responsible Development, et al. v. San Joaquin Valley Unified Air Pollution Control District, et al. (BCV-17-102923)	Kern, Metropolitan Division	12/21/2017	Private	Exemption
Owens Valley Committee v. City of Los Angeles, et al. (SICVCV17-61853)	Inyo	12/21/2017	Agency	ND
Orange Taxpayers Association v. City of Orange, et al. (30-2017-00963686-CU-PT-CXC)	Orange - Civil Complex	12/26/2017	Private	Exemption
Protect our Neighborhoods v. City of Palm Springs, et al. (RIC1724363)	Riverside	12/27/2017	Agency	No CEQA review
Napa Valley Model Railroad Historical Society v. California Ex Rel. 25Th District Agricultural Association Napa Valley Exposition, et al. (RG17887508)	Alameda	12/29/2017	Agency	No CEQA review
Civic Interspace, et al. v. City of Los Angeles, et al. (BS172029)	Los Angeles - Central Division	1/5/2018	Private	MND
Vichy Springs Resort v. City of Ukiah, et al. (SCUK-CVPT-18-70200)	Mendocino	1/5/2018	Agency	No CEQA review
County of Inyo v. City of Los Angeles, et al. (SICVVC18-61899)	Inyo	1/5/2018	Agency	ND
Albert Thomas Paulek, et al. v. County of Riverside, et al. (RIC 1800517)	Riverside	1/8/2018	Private	EIR
Vermont Entertainment Village, LLC v. County of Los Angeles, et al. (BS171844)	Los Angeles	1/8/2018	Agency	Exemption
Center For Biological Diversity, et al. v. County of Riverside, et al. (RIC1800722)	Riverside	1/9/2018	Private	EIR
Sok H. Nam, et al. v. City of La Canada Flintridge, et al. (BS172099)	Los Angeles - Central District	1/10/2018	Private	MND
San Jose Residents for Responsible Development, et al. v. City of San Jose, et al. (18CV321709)	Santa Clara	1/11/2018	Private	ND
We Advocate through Environmental Review, et al. v. County of Siskiyou, et al. (SCCV-CVPT-2018-41-1)	Siskiyou	1/11/2018	Private	EIR
Sierra Club, et al. v. County of Tulare, et al. (272380)	Tulare	1/11/2018	Private	EIR
Center for Biological Diversity, et al. v. City of Temecula, et al. (RIC1800858)	Riverside	1/11/2018	Private	EIR
Golden State Environmental Justice Alliance, et al. v. County of Riverside, et al. (RIC 1800903)	Riverside	1/11/2018	Private	EIR
Endangered Habitats League v. City of Temecula, et al. (RIC 1800866)	Riverside	1/11/2018	Private	EIR
North Tustin Coalition v. County of Orange, et al. (30-2018-00966627-CU-WM-CXC)	Orange	1/11/2018	Private	EIR
Golden State Environmental Justice Alliance v. City of Los Angeles, et al. (BS172007)	Los Angeles - Central Division	1/11/2018	Private	EIR
Citizens Voice Organization v. City of Rocklin, et al. (SCV0040633)	Placer	1/12/2018	Private	EIR
SMC Marijuana Moratorium Coalition v. County of San Mateo, et al. (18-CIV-00206)	San Mateo	1/12/2018	Agency	ND
SCALE (Southern California Association for Law & the Environment) v. City of Temecula, et al. (RIC1801139)	Riverside, Historic Courthouse	1/12/2018	Private	EIR
Scheiber Ranch Properties, LP v. City of Lincoln, et al. (SCV0040629)	Placer	1/12/2018	Private	EIR
Heritage Fields El Toro, LLC v. County of Orange, et al. (30-2018-00960230-CU-TT-CXC)	Orange - Civil Complex Center	1/12/2018	Private	EIR
Arvin-Edison Water Storage District v. South Valley Water Banking Authority, et al. (BCV-18-100106 JEB)	Kern	1/17/2018	Agency	MND
Angiola Water District v. South Valley Water Banking Authority, et al. (VCU272428)	Tulare	1/17/2018	Agency	MND
East Yard Communities For Environmental Justice, et al. v. City of Bell, et al. (BS172136)	Los Angeles	1/22/2018	Private	EIR
Los Alisos Ranch Company LLC, et al. v. South Valley Water Banking Authority, et al. (272527)	Tulare	1/25/2018	Agency	MND
Public Interest Coalition v. California Fish And Game Commission (34-2018-80002800)	Sacramento	2/8/2018	Agency	Exemption
Sheryl Straub, et al. v. Calaveras County, et al. (18CV43036)	Calaveras	2/9/2018	Agency	EIR
The City of Los Angeles v. County Of Inyo, et al. (SICVCV-2018-62052)	Inyo	2/9/2018	Agency	Exemption
Calaveras Cannabis Legal Defense Fund, et al. v. County of Calaveras, et al. (18CV43043)	Calaveras	2/13/2018	Agency	EIR
Sierra Club v. City of Fontana et al. (CIV DS1804385)	San Bernardino	2/22/2018	Private	EIR
South Central Neighbors United v. City of Fresno, et al. (18CECG00690)	Fresno	2/23/2018	Private	MND
Irvine Coalition For The Environment v. City of Irvine, et al. (30-2018-00975774-CU-WM-CXC)	Orange, Civil Complex Center	2/23/2018	Private	Addendum to EIR
Westwood History and Architecture Association, et al. v. Board of Regents of the University of California, University of California, Los Angeles (BS172479)	Los Angeles	2/28/2018	Agency	EIR
Discovery Builders, Inc. v. City of Antioch (CIVMSN18-0349)	Contra Costa	2/28/2018	Agency	Addendum to EIR
City of Hayward v. California State University, et al.	Alameda	3/2/2018	Agency	EIR
Save Hollywood v. City of Los Angeles, et al. (BS172611)	Los Angeles	3/2/2018	Private	Exemption
Coalition for an Equitable Westlake/Macarthur Park v. City of Los Angeles, et al. (BS172664)	Los Angeles	3/2/2018	Private	MND
Marina Coast Water District v. County of Monterey, et al. (18CV000816)	Monterey	3/5/2018	Private	No CEQA review
Karney Management Company v. City of Los Angeles, et al. (BS172677)	Los Angeles	3/5/2018	Private	MND
Keep Fort Ord Wild v. Marina Coast Water District, et al. (18CV000883)	Monterey	3/9/2018	Agency	ND
Davis Coalition for Sensible Planning v. City of Davis, et al. (PT18-433)	Yolo	3/9/2018	Private	Addendum to EIR
Landwatch Monterey County v. Marina Coast Water District (18CV000877)	Monterey	3/9/2018	Agency	ND
Citizens for Sensible Development in El Dorado Hills, et al. v. County of El Dorado, et al. (PC 20180127)	El Dorado	3/14/2018	Private	EIR
Golden State Environmental Justice Alliance v. March Joint Powers Authority, et al. (RIC1805269)	Riverside	3/15/2018	Private	EIR
Golden Door Properties, LLC v. County of San Diego (37-2018-00013324-CU-TT-CTL)	San Diego, Central Division	3/15/2018	Agency	EIR
Sierra Club v. City of Bakersfield, et al. (BCV-18-100689)	Kern	3/23/2018	Private	MND

Name of Case	LOCATION OF PROJECT: COUNTY	LAWSUIT DATE	AGENCY OR PRIVATE PROJECT	COMPLIANCE CHALLENGE (e.g. Nec. Dec., EIR, Cat. Ex.)
Save Old Hollywood v. City of Los Angeles (BS172897)	Los Angeles	3/23/2018	Private	Exemption
Community Science Institute v. City of San Bernardino, et al. (CIVDS1807184)	San Bernardino	3/26/2018	Private	MND
Johnson Controls, Inc. v. South Coast Air Quality Management District (BS173018)	Los Angeles	4/3/2018	Agency	No CEQA review
Laurel Canyon Association v. City of Los Angeles, et al. (BS173088)	Los Angeles	4/3/2018	Private	Exemption
El Mercado de Los Angeles, et al. v. City of Los Angeles, et al. (BS173115)	Los Angeles	4/5/2018	Private	MND
Sierra Club v. California Department of Transportation, et al. (34-2018-80002859)	Sacramento	4/5/2018	Agency	MND
Discovery Builders, Inc. v. City of Antioch, et al. (N18-0682)	Contra Costa	4/5/2018	Private	MND
United Homeowners' Association II v. County of Los Angeles, et al.	Los Angeles	4/6/2018	Private	MND
City of Cerritos v. City of Artesia, et al. (BS172985)	Los Angeles	4/9/2018	Private	MND
Protect CEQA, et al. v. Town of Truckee, et al. (TCU18-6977)	Nevada	4/12/2018	Private	EIR
Scott Schreiber, et al. v. City of Los Angeles, et al. (BS173256)	Los Angeles, Central District	4/12/2018	Private	Exemption
Susan Rainier v. City of Davis, et al. (PT18-639)	Yolo	4/12/2018	Private	EIR
Save Our Mission - San Juan Capistrano v. City of San Juan Capistrano, et al. (30-2018-00986220-CU-WM-CXC)	Orange, Central Justice Center	4/13/2018	Private	EIR
Sentinel Peak Resources California LLC v. City of Los Angeles, et al. (BS173410)	Los Angeles	4/24/2018	Private	No CEQA review
The Two Hundred, et al. v. California Air Resources Board, et al. (18CECG01494)	Fresno	4/27/2018	Agency	EIR
Save Berkeley's Neighborhoods v. The Regents of the University of California, et al. (RG18902751)	Alameda	4/27/2018	Agency	EIR
Encinitas Residents Coalition v. City of Encinitas (37-2018-00021234-CU-TT-NC)	San Diego, North County Division	4/30/2018	Agency	EIR
We Advocate Thorough Environmental Review, et al. v. City of Mount Shasta, et al. (SCCV-CVPT-2018-531-1)	Siskiyou	5/1/2018	Private	EIR
Sharks Sports & Entertainment LLC v. Santa Clara Valley Transportation Authority, et al. (18CV327687)	Santa Clara	5/3/2018	Agency	EIR
Center For Biological Diversity v. County of Monterey, et al. (18CV001585)	Monterey	5/3/2018	Private	MND
Los Feliz Improvement Association v. City of Los Angeles, et al. (BS173598)	Los Angeles - Stanley Mosk Courthouse	5/8/2018	Private	MND
Oxford Triangle Association v. City of Los Angeles (BS173567)	Los Angeles - Stanley Mosk Courthouse	5/11/2018	Agency	Addendum to MND
Fight Back, Venice! v. City of Los Angeles (BS173566)	Los Angeles - Stanley Mosk Courthouse	5/11/2018	Agency	MND
Save the Canyons Coalition v. County of Orange, et al. (30-2018-00992951-CU-WM-CXC)	Orange	5/14/2018	Private	MND
Golden State Environmental Justice Alliance v. City of Moreno Valley, et al. (RIC1809117)	Riverside	5/17/2018	Private	EIR
Sierra Club v. City of Moreno Valley (RIC1809043)	Riverside	5/17/2018	Private	EIR
Richard G. Wilbur, et al. v. Three Rivers Levee Improvement Authority, et al. (CVPT18-00798)	Yuba	5/18/2018	Agency	EIR
Mission Peak Conservancy, et al. v. County of Alameda, et al. (RG18905553)	Alameda	5/18/2018	Private	Exemption
Wheatland Fire Authority and Plumas-Brophy Fire Protection District v. Olivehurst Public Utility District, et al. (CVPT18-00804)	Yuba	5/21/2018	Agency	No CEQA review
Citizens for Positive Growth and Preservation v. City of Sacramento, et al. (34-2018-80002897-CU-WM-GDS)	Sacramento	5/21/2018	Agency	EIR
North Coast Rivers Alliance, et al. v. Delta Stewardship Council (34-2018-80002898-CU-WM-GDS)	Sacramento	5/22/2018	Agency	EIR
Mark Fudge v. California Coastal Commission, et al. (30-2018-00994368-CU-WM-CXC)	Orange - Central District	5/22/2018	Private	Exemption
EQR-Bond Partnership v. City of Laguna Niguel, et al. (30-2018-00994423-CU-WM-CXC)	Orange	5/22/2018	Private	Exemption
Golden State Environmental Justice Alliance v. City Of Ontario, et al. (CIVDS1812662)	San Bernardino	5/24/2018	Private	EIR
Ernest L. Goble, Jr., et al. v. County of Alameda, et al. (RG18906487)	Alameda	5/25/2018	Private	No CEQA review
Friends of the River, et al. v. Delta Stewardship Council (34-2018-80002901-CU-WM-GDS)	Sacramento	5/25/2018	Agency	EIR
Citizens for the Preservation of Rural Living v. County of San Bernardino, et al. (CIVDS1213273)	San Bernardino	5/28/2018	Private	EIR
West Adams Heritage Association, et al. v. California Department of Transportation, et al. (BS173732)	Los Angeles	5/30/2018	Agency	MND
Environmental Council Of Sacramento, et al. v. Sacramento County Local Agency Formation Commission, et al. (34-2018-80002905)	Sacramento	6/1/2018	Private	EIR
Environmental Council Of Sacramento, et al. v. City of Elk Grove, et al. (34-2018-80002937)	Sacramento	6/1/2018	Agency	Addendum to EIR
Oceanside Neighborhood Alliance, et al. v. City of Oceanside, et al. (37-2018-00027427-CU-TT-NC)	San Diego, North County Division	6/4/2018	Private	EIR
Matthew Parsons, et al. v. The City of Indian Wells (RIC 1811999)	Riverside, Riverside Historic Courthouse	6/13/2018	Agency	Exemption
Horizon Planet v. City of Tracy, et al. (STK-CV-UWM-2018-0006963)	San Joaquin	6/13/2018	Private	EIR
Raptors are the Solution v. California Department of Pesticide Regulation, et al. (RG18908605)	Alameda	6/13/2018	Agency	No CEQA review
Friends Of Putah Creek v. Central Valley Flood Protection Board, et al. (FCS051040)	Solano	6/18/2018	Agency	MND
Buena Vista 796, LLC v. County of Santa Barbara et al. (18CV03088)	Santa Barbara	6/19/2018	Private	Exemption
Sustainable Saquel v. County of Santa Cruz et al. (18CV01801)	Santa Cruz	6/20/2018	Private	EIR
Westside Los Angeles Neighbors Network v. City of Los Angeles (BS174110)	Los Angeles - Stanley Mosk Courthouse	6/21/2018	Agency	EIR
Keep Fort Ord Wild v. City of Seaside, et al. (18CV002418)	Monterey	6/27/2018	Private	Exemption
Uptown United v. City of San Diego, et al. (37-2018-00032197-CU-TT-CTL)	San Diego, Central Division	6/28/2018	Private	MND
Committee to Defend Roosevelt v. Los Angeles Unified School District (BS174198)	Los Angeles - Stanley Mosk Courthouse	6/29/2018	Agency	EIR
Heritage Fields El Toro LLC v. County of Orange, et al. (30-2018-01003519-CU-WM-CXC)	Orange - Civil Complex Center	7/5/2018	Private	EIR
City of Irvine v. County of Orange, et al. (30-2018-01003486-CU-BC-CXC)	Orange, Central Justice Center	7/5/2018	Private	EIR
City of Laguna Beach v. County of Orange, et al. (30-2018-01003550-CU-WM-CXC)	Orange - Civil Complex Center	7/5/2018	Private	EIR
Pacific West Hotels & Resorts, Inc., et al. v. City of El Paso De Robles, et al. (18CVP-0220)	San Luis Obispo - Paso Robles Branch	7/6/2018	Private	MND
Shahab Hatam-Tabrizi, et al. v. City of Monte Sereno, et al. (18CV331450)	Santa Clara	7/12/2018	Private	MND
United Neighborhoods of Los Angeles, et al. v. City of Los Angeles	Los Angeles	7/16/2018	Agency	Exemption
Multi-Cultural Assembly For Sustainable Development v. City of Moreno Valley, et al. (RIC1814611)	Riverside	7/18/2018	Private	MND
Friends of Riverside's Hills v. City of Riverside, et al. (RIC1814688)	Riverside	7/18/2018	Private	MND
Santa Cruz County Greenway v. Santa Cruz County Regional Transportation Commission, et al. (18CV02101)	Santa Cruz	7/19/2018	Private	Exemption
Lower Austin-Kidd Creek Conservancy v. California Department of Forestry and Fire Protection, et al. (SCV-262831)	Sonoma	7/19/2018	Private	CEQA Functional Equivalent
Rural Association Of Mead Valley v. County of Riverside, et al. (RIC 1815176)	Riverside	7/25/2018	Private	EIR
Truojai, LLC v. County of Ventura (56-2018-00515555-CU-WM-VTA)	Ventura	7/26/2018	Agency	Exemption
Paul Marchese, et al. v. City of Loma Linda, et al. (CIVDS1819571)	San Bernardino	7/30/2018	Private	EIR
Crenshaw Subway Coalition v. City of Los Angeles, et al.	Los Angeles	7/30/2018	Private	EIR

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<i>Friends of The Green Bridge, et al. v. California Department of Transportation (CIV1802702)</i>	Marin	8/1/2018	Agency	EIR
<i>County of Orange, et al. v. California Department of Public Health, et al. (37-2018-00039176-CU-MC-CTL)</i>	San Diego, Hall of Justice Courthouse	8/3/2018	Agency	No CEQA review
<i>Save Historic San Anselmo, et al. v. Town of San Anselmo, et al. (CIV1802826)</i>	Marin	8/10/2018	Private	Exemption
<i>Ridgefield Homeowners Association v. Moulton Niguel Water District, et al. (30-2018-01011187-CU-TT-CXC)</i>	Orange	8/10/2018	Agency	MND
<i>Inglewood Residents Against Takings and Evictions v. Successor Agency to the Inglewood Redevelopment Agency, et al. (BS174709)</i>	Los Angeles	8/10/2018	Private	No CEQA review
<i>Grass Valley Neighbors v. California State Water Resources Control Board, et al. (34-2018-80002957)</i>	Sacramento	8/15/2018	Private	No CEQA review
<i>County of Mono v. City of Los Angeles, et al. (CV 180078)</i>	Mono	8/15/2018	Agency	No CEQA review
<i>Alexis Olbrei, et al. v. City of Los Angeles, et al. (BS174795)</i>	Los Angeles	8/16/2018	Private	EIR
<i>Concerned Citizens of Hemet v. City of Hemet, (RIC1817170)</i>	Riverside	8/20/2018	Private	MND
<i>Laborers International Union of North America v. City of Santa Clara, et al. (18CV333588)</i>	Santa Clara	8/21/2018	Private	MND
<i>Mark Anthony Alcala, et al. v. Board of Trustees of the California State University, et al. (BS174924)</i>	Los Angeles	8/23/2018	Agency	MND
<i>Abbott Krieger v. City of Los Angeles, et al. (BS 174898)</i>	Los Angeles - Central District	8/23/2018	Private	Exemption
<i>Elfin Forest Harmony Grove Town Council, et al. v. County of San Diego, et al. (37-2018-00042927-CU-TT-CTL)</i>	San Diego - Central Division	8/24/2018	Private	EIR
<i>Communities Advocating Responsible Environmental Security v. City of El Monte, et al. (BS174669)</i>	Los Angeles	8/24/2018	Private	Addendum to EIR
<i>Nicholas Jimenez, et al. v. City of Los Angeles, et al. (BS174916)</i>	Los Angeles	8/28/2018	Private	Exemption
<i>Save Our Glendale v. City of Glendale, et al. (BS174805)</i>	Los Angeles	8/30/2018	Agency	EIR
<i>Pomeroy Eichler Neighborhood Preservation Society, et al. v. City of Santa Clara, et al. (18CV334205)</i>	Santa Clara	8/31/2018	Private	MND
<i>Friends of the Short Cut v. City of Oakland (RG18920215)</i>	Alameda	9/11/2018	Agency	Exemption
<i>A.G. Johnson v. City of Lynwood, et al. (BS175033)</i>	Los Angeles	9/20/2018	Private	EIR
<i>Alize LLC v. City of Redding, et al. (190834)</i>	Shasta	9/21/2018	Agency	Addendum to MND
<i>Marc Bruno, et al. v. City and San Francisco, et al. (CPF-18-516354)</i>	San Francisco	9/25/2018	Agency	Exemption
<i>Yeshivath Torah Emeth Academy v. City of Los Angeles, et al.</i>	Los Angeles - Central District	9/27/2018	Private	MND
<i>Committee For A Better Arvin v. City of Arvin, et al. (BCV-18-102494)</i>	Kern	10/1/2018	Private	Exemption
<i>Courtside Manor Homeowners Association v. County of El Dorado, et al. (PC 20180494)</i>	El Dorado	10/1/2018	Private	MND
<i>Willow Glen Trestle Conservancy, et al. v. City of San Jose, et al. (18CV335801)</i>	Santa Clara	10/4/2018	Agency	No CEQA review
<i>Raemar Crest, LLC, et al. v. County of Santa Barbara, et al. (18CV04906)</i>	Santa Barbara - Anacapa Division	10/4/2018	Private	MND
<i>Better Neighborhoods Inc. v. City of Blythe, et al. (RIC1820822)</i>	Riverside - Southwest District	10/11/2018	Private	MND
<i>Sierra Club, et al. v. City of Desert Hot Springs, et al. (RIC1821985)</i>	Riverside	10/18/2018	Private	No CEQA review
<i>Sierra Club v. City of Moreno Valley, et al. (RIC 1821348)</i>	Riverside	10/18/2018	Private	EIR
<i>Oak Hill Park Company v. The City of Antioch, et al. (N18-2228)</i>	Contra Costa	10/18/2018	Private	EIR
<i>Mark and Rita O'Flynn v. Sonoma County Agricultural Preservation and Open Space District, et al. (SCV-263392)</i>	Sonoma	10/19/2018	Agency	Exemption
<i>Center for Biological Diversity v. California Department of Forestry and Fire Protection, et al. (18CV001438)</i>	Napa	10/19/2018	Private	CEQA Functional Equivalent
<i>Center for Biological Diversity, et al. v. County of San Diego, et al. (37-2018-00054312-CU-TT-CTL)</i>	San Diego	10/25/2018	Private	EIR
<i>Protect Our Homes and Hills, et al. v. County of Orange, et al. (30-2018-01027875-CU-TT-CXC)</i>	Orange, Civil Complex Center	10/25/2018	Private	EIR
<i>Ocean Street Extension Neighborhood Association v. City of Santa Cruz, et al. (18CV03212)</i>	Santa Cruz	10/25/2018	Private	EIR
<i>Golden State Environmental Justice Alliance v. County of Los Angeles, et al. (18STCP02702)</i>	Los Angeles - Central Division	10/25/2018	Private	EIR
<i>Center for Community Action and Environmental Justice, et al. v. County of San Bernardino, et al. (CIVDS 1827902)</i>	San Bernardino	10/26/2018	Private	EIR
<i>Residents of Westminster v. City of Westminster, et al. (30-2018-01029429-CU-WM-CJC)</i>	Orange	10/31/2018	Private	Exemption
<i>San Diegans for Open Government v. City of San Diego (37-2018-00055910-CU-TT-CTL)</i>	San Diego - Hall of Justice	11/1/2018	Agency	No CEQA review
<i>Coalition to Protect our Kids and Environment v. The State of California Acting by and through the Department of Transportation (30-2018-01029834-CU-JR-CXC)</i>	Orange, Civil Complex Center	11/2/2018	Agency	MND
<i>Citizens for a Friendly Airport v. County of San Diego (37-2018-00057624-CU-TT-CTL)</i>	San Diego - Central Division	11/6/2018	Agency	EIR
<i>Legado Del Mar, LLC v. City of Los Angeles (18STCP02819)</i>	Los Angeles, Central District	11/7/2018	Private	No CEQA review
<i>Citizens for a Safe And Sewage-Free McKinley Park v. City of Sacramento, et al. (34-2018-80003015)</i>	Sacramento	11/9/2018	Agency	EIR
<i>La Mirada Neighborhood Association of Hollywood v. City of Los Angeles, et al. (18STCP02862)</i>	Los Angeles	11/9/2018	Private	Exemption
<i>Encinitas Residents Coalition v. California Coastal Commission, et al. (37-2018-00058059-CU-TT-NC)</i>	San Diego, North County Division	11/15/2018	Agency	EIR
<i>Forgotten Fresno, et al. v. County of Fresno, et al. (18CECG04248)</i>	Fresno, Central Division	11/16/2018	Private	MND
<i>Jose Mexicano, et al. v. City of San Jose, et al. (18CV338040)</i>	Santa Clara	11/21/2018	Private	MND
<i>Hammond Landowners Association v. City of Weed, et al. (SCCV-CVPT-2018-1532)</i>	Siskiyou	11/21/2018	Private	EIR
<i>Save our Access-San Gabriel Mountains v. Watershed Conservation Authority (18STCP02984)</i>	Los Angeles	11/28/2018	Agency	EIR
<i>Laborers International Union of North America, Local Union 300 v. City of Los Angeles, et al. (18STCP03003)</i>	Los Angeles	11/30/2018	Private	EIR
<i>Picfair Neighbors for Responsible Development v. City of Los Angeles, et al. (18STCP03023)</i>	Los Angeles - Stanley Mosk Courthouse	12/4/2018	Private	Exemption
<i>Helping Hand Tools v. California Energy Commission, et al. (34-2018-80003026)</i>	Sacramento	12/7/2018	Private	MND
<i>City of Newman v. County of Stanislaus, et al. (CIV18004193)</i>	Stanislaus	12/10/2018	Agency	EIR
<i>City of Patterson v. County of Stanislaus, et al. (CV18004195)</i>	Stanislaus	12/10/2018	Agency	EIR
<i>Banya 2000 LLC v. City of San Francisco, et al. (CPF-18-516441)</i>	San Francisco	12/10/2018	Private	EIR
<i>Josue Othoniel Trejo, et al. v. City of Los Angeles, et al. (18STCP03229)</i>	Los Angeles	12/14/2018	Private	EIR
<i>Marc Bruno et al. v. City and San Francisco, et al. (CPF-18-516449)</i>	San Francisco	12/14/2018	Agency	Exemption
<i>Friends of Crab Cove et al. v. Malia Vella, et al. (RG18933140)</i>	Alameda	12/21/2018	Private	MND
<i>Friends of the Broadway Corridor v. City of Sonoma, et al. (SCV 263732)</i>	Sonoma	1/2/2019	Private	MND
<i>Trinity Action Association, Inc. v. County of Trinity, et al. (19CV001)</i>	Trinity	1/3/2019	Agency	Exemption
<i>Roseville Solidarity, et al. v. City Of Roseville, et al. (SCV 0042347)</i>	Placer	1/4/2019	Private	Addendum to EIR
<i>Boyle Heights Neighborhood Association, et al. v. City of Los Angeles, et al. (19STCP00046)</i>	Los Angeles	1/4/2019	Private	MND
<i>Shelley Hatch, et al. v. City of Santa Cruz, et al. (19CV00051)</i>	Santa Cruz	1/7/2019	Agency	Exemption
<i>North Coast Rivers Alliance, et al. v. Department Of Water Resources, et al. (34-2019-80003047-CU-WM-GDS)</i>	Sacramento	1/8/2019	Agency	EIR

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<i>San Joaquin Tributaries Authority, et al. v. California State Water Resources Control Board (CV62094)</i>	Tuolumne	1/9/2019	Agency	CEQA Functional Equivalent
<i>584 14th Street, LLC v. City of Oakland, et al. (RG19001924)</i>	Alameda	1/9/2019	Agency	Exemption
<i>Planning And Conservation League, et al. v. California Department of Water Resources (34-2019-80003053)</i>	Sacramento	1/10/2019	Agency	EIR
<i>Sierra Club v. City of Banning, et al. (RIC 900544)</i>	Riverside	1/10/2019	Private	EIR
<i>Modesto Irrigation District v. California State Water Resources Control Board (34-2019-80003052-CU-WM-GDS)</i>	Sacramento	1/10/2019	Agency	CEQA Functional Equivalent
<i>Westlands Water District v. State Water Resources Control Board (19CECG00165)</i>	Fresno	1/10/2019	Agency	CEQA Functional Equivalent
<i>City of Modesto v. California State Water Resources Control Board (34-2019-80003051)</i>	Sacramento	1/10/2019	Agency	CEQA Functional Equivalent
<i>Christopher J. Wesloh, et al. v. County of Santa Cruz, et al. (18CV03315)</i>	Santa Cruz	1/11/2019	Private	Exemption
<i>Golden State Environmental Justice Alliance v. City of Banning, et al. (RIC1900654)</i>	Riverside	1/11/2019	Private	EIR
<i>Springbrook Heritage Alliance v. City of Riverside, et al. (RIC1900694)</i>	Riverside	1/14/2019	Private	MND
<i>Buena Vista Water Storage District v. Kern Water Bank Authority, et al.</i>	Kern	1/14/2019	Agency	EIR
<i>Jonathan Berk v. City and County of San Francisco, et al. (CPF-19-516491)</i>	San Francisco	1/14/2019	Agency	EIR
<i>Preservation Sacramento v. City of Sacramento, et al. (34-2019-80003056-CU-WM-GDS)</i>	Sacramento	1/15/2019	Private	Exemption
<i>Yerba Buena Neighborhood Consortium, LLC v. City and County of San Francisco, et al. (CPF19516493)</i>	San Francisco	1/15/2019	Agency	EIR
<i>Coalition to Preserve LA, Inc. v. City of Los Angeles, et al. (19STCP00017)</i>	Los Angeles	1/15/2019	Private	EIR
<i>Paul Phillips, et al. v. City and County of San Francisco, et al. (CPF19516497)</i>	San Francisco	1/16/2019	Agency	EIR
<i>City of Lake Elsinore v. Public Utilities Commission of the State of California, et al. (S253594)</i>	Supreme Court of the State of California	1/16/2019	Private	EIR
<i>North Coast Rivers Alliance, v. Department of Water Resources, et al. (34-2019-80003057-CU-WM-GDS)</i>	Sacramento	1/16/2019	Agency	EIR
<i>One Vassar LLC v. City and County of San Francisco, et al. (CPF-19-516498)</i>	San Francisco	1/16/2019	Agency	EIR
<i>Concerned Citizens of Beverly Hills/Beverly Grove v. City of Los Angeles (19STCP00035)</i>	Los Angeles - Stanley Mosk Courthouse	1/16/2019	Agency	ND
<i>Rebecca (Becky) Steinbruner v. Soquel Creek Water District, et al. (19CV00181)</i>	Santa Cruz	1/17/2019	Agency	EIR
<i>City of Temple City, et al. v. City of El Monte, et al. (19STCP00254)</i>	Los Angeles - Central District	1/18/2019	Private	MND
<i>John R. Lawson Rock & Oil, Inc. v. California Air Resources Board, et al. (19CECG00331)</i>	Fresno, Central Division	1/22/2019	Agency	Exemption
<i>Laborers' International Union of North America Local Union No. 220 v. City Of Shafter, et al. (BCV-18-102909)</i>	Kern	1/23/2019	Private	Exemption
<i>North Coast Rivers Alliance, v. State Water Resources Control Board (34-2019-80003063-CU-WM-GDS)</i>	Sacramento	1/25/2019	Agency	CEQA Functional Equivalent
<i>Shafter-Wasco Irrigation District v. Kern-Tulare Water District</i>	Kern	1/25/2019	Agency	Exemption
<i>Newtown Preservation Society, et al. v. County of El Dorado, et al. (PC 20190037)</i>	El Dorado	1/28/2019	Agency	MND
<i>Campaign for Sustainable Transportation v. California Department Of Transportation (34-2019-80003073-CU-WM-GDS)</i>	Sacramento	1/30/2019	Agency	EIR
<i>Central Sierra Environmental Resource Center v. County of Tuolumne, et al.</i>	Tuolumne	1/31/2019	Agency	EIR
<i>California Farm Bureau Federation v. State Water Resources Control Board (34-2019-80003076-CU-WM-GDS)</i>	Sacramento	2/5/2019	Agency	CEQA Functional Equivalent
<i>Lafayette Bollinger Development LLC, et al. v. Town of Moraga, et al. (N19-0241)</i>	Contra Costa	2/7/2019	Private	EIR
<i>Jose Mexicano, et al. v. City of San Jose, et al. (19CV342662)</i>	Santa Clara	2/7/2019	Private	MND
<i>Save Historic Roseville v. City Of Roseville (SCV0042495)</i>	Placer	2/7/2019	Agency	No CEQA review
<i>Save Berkeley's Neighborhoods, et al. v. The Regents of the University of California, et al. (RG19006256)</i>	Alameda	2/8/2019	Private	Exemption
<i>AIDS Healthcare Foundation, et al. v. City of Los Angeles, et al. (19STCP00520)</i>	Los Angeles	2/19/2019	Private	EIR
<i>Los Feliz Improvement Association v. City of Los Angeles, et al. (19STCP00567)</i>	Los Angeles - Stanley Mosk Courthouse	2/25/2019	Private	Exemption
<i>Public Utilities Commission of the State of California v. California-American Water Company, et al. (S253585)</i>	Supreme Court of the State of California	2/26/2019	Agency	EIR
<i>Farms for Farming, et al. v. Imperial County Board of Supervisors, et al. (ECU000780)</i>	Imperial	2/28/2019	Private	EIR
<i>Venice Stakeholders Association v. Los Angeles County Metropolitan Transportation Authority, et al. (19STCP00629)</i>	Los Angeles - Central District	3/1/2019	Agency	No CEQA review
<i>Margaret McCann v. City of San Diego, et al. (37-2019-00011813-CU-TT-CTL)</i>	San Diego	3/4/2019	Agency	Exemption
<i>Richard R. Vanhumbeck, et al. v. City of San Luis Obispo, et al.</i>	San Luis Obispo	3/6/2019	Private	MND
<i>The Salvation Army, et al. v. City of Bell, et al. (19STCP00693)</i>	Los Angeles - Central District	3/7/2019	Private	EIR
<i>Citizens for Responsible Wind Energy, et al. v. County of Riverside, et al. (RIC1901829)</i>	Riverside	3/11/2019	Private	MND
<i>Jose Varos, et al. v. City of San Diego (37-2019-00013383-CU-TT-CTL)</i>	San Diego	3/12/2019	Agency	Exemption
<i>Better Neighborhoods Inc. v. City of Lancaster, et al. (19STCP00849)</i>	Los Angeles	3/15/2019	Private	MND
<i>California Sportfishing Protection Alliance, et al. v. State Water Resources Control Board (34-2019-80003108)</i>	Sacramento	3/27/2019	Agency	CEQA Functional Equivalent
<i>United States of America v. State Water Resources Control Board (34-2019-80003111)</i>	Sacramento	3/28/2019	Agency	CEQA Functional Equivalent
<i>County of Solano v. Department Of Water Resources, et al. (34-2019-80003113)</i>	Sacramento	3/29/2019	Agency	No CEQA review
<i>Casey Maddren v. City of Los Angeles, et al. (19STCP00988)</i>	Los Angeles	3/30/2019	Private	MND
<i>William Henry v. City of Santa Monica, et al. (19STCP01023)</i>	Los Angeles	4/2/2019	Private	No CEQA review
<i>Granite Bay Preservation Society v. County of Placer, et al. (SCV 0042737)</i>	Placer	4/2/2019	Private	MND
<i>The Sunset Landmark Investment, LLC v. City of Los Angeles, et al. (19STCP01027)</i>	Los Angeles	4/2/2019	Private	MND
<i>Granite Bay Preservation Society v. County of Placer, et al. (SCV 0042737)</i>	Placer	4/2/2019	Private	MND
<i>California Construction and Industrial Materials Association v. County of Ventura (56-2019-00527805-CU-WM-VTA)</i>	Ventura	4/2/2019	Agency	Exemption
<i>Creed-21 v. City of San Diego (37-2019-00018043-CU-WM-CTL)</i>	San Diego - Hall of Justice	4/5/2019	Agency	Exemption
<i>Center for Community Action and Environmental Justice, et al. v. City of Fontana, et al. (CIV DS 1911123)</i>	San Bernardino	4/12/2019	Private	EIR
<i>County of San Bernardino v. City of Fontana, et al. (CIV DS 1911476)</i>	San Bernardino	4/12/2019	Private	EIR
<i>Imperial Irrigation District v. The Metropolitan Water District of Southern California, et al. (19STCP01376)</i>	Los Angeles	4/18/2019	Agency	Exemption
<i>La Mirada Avenue Neighborhood Association of Hollywood v. City of Los Angeles, et al. (19STCP01381)</i>	Los Angeles	4/18/2019	Private	Exemption
<i>Laguna Greenbelt, Inc., et al. v. County of Orange, et al. (34-2018-80002878-CU-WM-GDS)</i>	Sacramento	4/19/2019	Private	EIR
<i>BNSF Railway Company v. East Bay Regional Park District (N19-0763)</i>	Contra Costa	4/19/2019	Agency	EIR
<i>Habitat And Watershed Caretakers v. Regents of the University of California (19CV01246)</i>	Santa Cruz	4/23/2019	Private	EIR
<i>East Meadow Action Committee v. Regents of the University of California, et al. (19CV01312)</i>	Santa Cruz	4/25/2019	Private	MND
<i>Ventura County Coalition of Labor, Agriculture, and Business v. County of Ventura, et al. (56-2019-00527815-CU-WM-VTA)</i>	Ventura	4/25/2019	Agency	Exemption

Name of Case	LOCATION OF PROJECT: COUNTY	LAWSUIT DATE	AGENCY OR PRIVATE PROJECT	COMPLIANCE CHALLENGE (e.g. Nec. Dec., EIR, Cat. Ex.)
Citizens for Responsible Development v. City of Chowchilla, et al. (MCV080961)	Madera	4/25/2019	Private	MND
Greater Los Angeles Communities Alliance v. City of El Monte, et al. (19STCP01528)	Los Angeles, Central District	4/25/2019	Private	Exemption
Sacramento Rail Preservation Action Group, et al. v. City of Sacramento, et al. (34-2019-80003130)	Sacramento	4/26/2019	Agency	EIR
Francis Daniel Driscoll, et al. v. City of Arcata, et al. (CV190363)	Humboldt	4/26/2019	Agency	Exemption
Save York Mountain, et al. v. County of San Luis Obispo, et al.	San Luis Obispo	4/30/2019	Private	Exemption
Center for Biological Diversity, et al. v. County of Los Angeles, et al. (19STCP01610)	Los Angeles	5/1/2019	Private	EIR
Golden State Environmental Justice Alliance v. City of San Jacinto, et al. (RIC1902712)	Riverside	5/2/2019	Private	MND
Save Petaluma v. City of Petaluma, et al. (SCV-264378)	Sonoma	5/6/2019	Private	MND
Carman Patane v. County of Santa Clara, et al. (19CV347111)	Santa Clara	5/6/2019	Private	EIR
Chinatown Community for Equitable Development v. City of Los Angeles, et al. (19STCP01710)	Los Angeles	5/6/2019	Private	EIR
Vintage Wine Estates, Inc. v. The State of California, et al. (34-2019-80003141)	Sacramento	5/7/2019	Agency	Exemption
Sustainers Alliance for Environmental Responsibility v. City of Los Angeles, et al. (19STCP01753)	Los Angeles	5/8/2019	Private	EIR
Santa Barbara Coalition For Responsible Cannabis, Inc. v. County of Santa Barbara, et al. (19CV02459)	Santa Barbara - Anacapa	5/9/2019	Agency	EIR
Fix the City, Inc. v. County of Los Angeles, et al. (19STCP01884)	Los Angeles	5/13/2019	Private	EIR
New-Old Ways Wholistically Emerging v. Sonoma County Board of Supervisors, et al. (SCV 252985)	Sonoma	5/13/2019	Private	EIR
Climate Resolve v. County of Los Angeles, et al. (19STCP01917)	Los Angeles	5/15/2019	Private	EIR
Benzen Properties, LLC, et al. v. City of Huntington Beach, et al. (30-2019-01070544-CU-OR-CXC)	Orange, Civil Complex Center	5/17/2019	Agency	Exemption
Safe Fuel and Energy Resources California, et al. v. Port of Stockton, et al. (STK-CV-UWM-2019-0006382)	San Joaquin	5/17/2019	Private	EIR
Partners of Temescal Canyon v. County of Riverside, et al. (RIC1903028)	Riverside - Riverside Historic Courthouse	5/20/2019	Private	EIR
Colinas De Capistrano Community Association v. City of Laguna Niguel, et al. (30-2019-01070843-CU-WM-CXC)	Orange, Central Judicial District - Civil Complex Center	5/20/2019	Private	EIR
Save the El Dorado Canal v. El Dorado Irrigation District, et al. (PC 20190037)	El Dorado	5/21/2019	Agency	EIR
Concerned Citizens for Community and Public Lands v. County of Placer (S-CV-0043035)	Placer	5/22/2019	Agency	EIR
Sustainers Alliance for Environmental Responsibility, et al. v. City of Banning, et al. (RIC1903059)	Riverside	5/23/2019	Private	MND
Save the Hill Group v. City of Livermore, et al. (RG19020186)	Alameda	5/23/2019	Private	EIR
Save Carmel Point Cultural Resources v. County of Monterey, et al. (19CV002097)	Monterey	5/28/2019	Private	MND
Center For Biological Diversity, et al. v. County of Los Angeles, et al. (19STCP02100)	Los Angeles	5/29/2019	Private	EIR
R. Morgan Holland, et al. v. County of San Luis Obispo, et al. (19CV-0321)	San Luis Obispo	5/29/2019	Private	Exemption
Affordable Housing Coalition of San Diego County v. City of San Diego, et al. (37-2019-00027875-CU-WM-CTL)	San Diego - Hall of Justice	5/30/2019	Private	No CEQA review
Citizens For A Friendly Airport v. City of Carlsbad, et al. (37-2019-00028690-CU-TT-CTL)	San Diego - Central Division	6/4/2019	Agency	No CEQA review
Bloom Energy Corporation v. City of Santa Clara, et al. (19CV348838)	Santa Clara	6/11/2019	Agency	Exemption
Save Berkeley's Neighborhoods v. The Regents of the University of California et al. (RG19022887)	Alameda	6/14/2019	Private	EIR
City of Berkeley v. The Regents of the University of California et al. (RG19023058)	Alameda	6/14/2019	Private	EIR
Salinas Valley Water Coalition v. Monterey County Water Resources Agency, et al. (19CV002430)	Monterey	6/18/2019	Agency	No CEQA review
Kevin Beers v. City of Elk Grove, et al. (34-2019-80003168)	Sacramento	6/21/2019	Private	MND
Shamrock/Outlets at the Border LLC v. City of San Diego, et al. (37-2019-00032095-CU-TT-CTL)	San Diego - Central County Division	6/21/2019	Private	Addendum to EIR
Placer County Residents for Legal Compliance v. County of Placer, et al. (SCV0043227)	Placer	6/27/2019	Private	EIR
California River Watch v. City of Healdsburg, et al. (SCV-264647)	Sonoma	6/28/2019	Private	EIR
Emergency Shelter Coalition v. City of San Clemente, et al. (30-2019-01080355-CU-WM-CXC)	Orange	6/28/2019	Agency	Exemption
Golden State Environmental Justice Alliance v. City of Riverside, et al. (RIC1903643)	Riverside	7/3/2019	Private	EIR
Cecilia Webster v. County of Riverside, et al. (RIC1903681)	Riverside	7/5/2019	Private	MND
Southwest Regional Council of Carpenters v. City of Chula Vista, et al. (37-2019-00035192-CU-TT-CTL)	San Diego	7/8/2019	Private	MND
California Clean Energy Committee v. City of American Canyon (19 CV 001013)	Napa	7/8/2019	Agency	EIR
Friends of Riverside's Hills v. City of Riverside, et al. (RIC1903752)	Riverside	7/11/2019	Private	MND
Save Our Big Trees v. City of Santa Cruz, et al. (19CV02062)	Santa Cruz	7/12/2019	Agency	MND
Better Neighborhoods Inc. v. City of Vacaville, et al. (FCS053070)	Solano	7/14/2019	Private	MND
West Adams Heritage Association and Friends of Flower Drive v. City of Los Angeles, et al. (19STCP02987)	Los Angeles	7/15/2019	Private	EIR
Protect the Process v. County of Monterey, et al. (19CV002885)	Monterey	7/18/2019	Agency	Exemption
AIDS Healthcare Foundation, et al. v. City of Los Angeles, et al. (19STCP03103)	Los Angeles	7/22/2019	Private	Exemption
Center For Biological Diversity, et al. v. County of San Diego, et al. (37-2019-00038747-CU-WM-CTL)	San Diego	7/25/2019	Private	EIR
Endangered Habitats League, et al. v. County of San Diego, et al. (37-2019-00038672-CU-TT-CTL)	San Diego	7/25/2019	Private	EIR
Stephen Shaw v. Golden Hills Community Service District, et al. (BCV-19-102069)	Kern - Metropolitan Division	7/26/2019	Agency	Exemption
East Yard Communities for Environmental Justice v. City of Commerce, et al. (19STCP03166)	Los Angeles	7/26/2019	Private	Exemption
Stanislaus Consolidated Fire Protection District v. City of Riverbank, et al. (CV-19-004402)	Stanislaus	7/26/2019	Private	EIR
Endangered Habitats League, v. California Department of Fish and Wildlife, et al. (37-2019-00039198-CU-TT-CTL)	San Diego, Central Division	7/29/2019	Private	EIR
Ted Jimenez, et al. v. City of Commerce, et al. (19STCP03295)	Los Angeles	8/1/2019	Private	EIR
East Yard Communities for Environmental Justice v. City of Commerce, et al. (19STCP03310)	Los Angeles	8/2/2019	Private	EIR
Casa Mira Homeowners Association v. California Coastal Commission (19-CIV-04677)	San Mateo	8/12/2019	Agency	CEQA Functional Equivalent
Save 30th Street Parking v. City of San Diego, et al. (37-2019-00042552-CU-TT-CTL)	San Diego - Central Division	8/13/2019	Agency	No CEQA review
Marina Coast Water District v. County of Monterey, et al. (19CV003305)	Monterey	8/15/2019	Private	EIR
AJK Farms, LLC, et al. v. Department Of Water Resources, et al. (CV-2019-1719)	Yolo	8/16/2019	Agency	EIR
Swanston Ranch Owners Association v. California Department of Water Resources, et al. (PT19-1724)	Yolo	8/19/2019	Agency	EIR
Granite Chief Wilderness Protection League v. Placer County, et al. (SCV0043613)	Placer	8/22/2019	Private	EIR
Service Employees International Union - United Healthcare Workers West v. City of Oakland, et al. (RG19033475)	Alameda	8/26/2019	Private	EIR
Affordable Clean Water Alliance v. Santa Clarita Valley Sanitation District of Los Angeles County (19STCP03670)	Los Angeles	8/26/2019	Agency	No CEQA review
Zia Cattalini v. California Department of Forestry and Fire Protection, et al. (SCUK-CVPT-19-73167)	Mendocino	8/30/2019	Agency	CEQA Functional Equivalent
La Mirada Avenue Neighborhood Association of Hollywood v. City of Los Angeles, et al. (19STCP03750)	Los Angeles	8/30/2019	Private	Exemption

Name of Case	LOCATION OF PROJECT: COUNTY	LAWSUIT DATE	AGENCY OR PRIVATE PROJECT	COMPLIANCE CHALLENGE (e.g. Nec. Dec., EIR, Cat. Ex.)
<i>Davisson Enterprises, Inc. v. City of San Diego, et al. (37-2019-00046002-CU-IT-CTL)</i>	San Diego, Central County Division	8/30/2019	Private	Addendum to EIR
<i>California Water Impact Network v. City of San Buenaventura, et al. (56-2019-00532905-CU-WM-VTA)</i>	Ventura	9/4/2019	Agency	EIR
<i>California State Parks Rangers Association v. California Department of Parks and Recreation, et al. (34-2019-80003224)</i>	Sacramento	9/16/2019	Private	Exemption
<i>Sav Rural SLO, v. County of San Luis Obispo, et al.</i>	San Luis Obispo, Paso Robles Branch	9/17/2019	Private	MND
<i>Reclamation District 501 v. California Department of Water Resources (34-2019-80003225)</i>	Sacramento	9/18/2019	Agency	EIR
<i>Valco Property Owner LLC v. City of Cupertino (19CV355457)</i>	Santa Clara	9/20/2019	Agency	Addendum to EIR
<i>Friends of Westwanda Drive v. City of Los Angeles, et al. (I 9STCP04113)</i>	Los Angeles	9/23/2019	Private	Exemption
<i>Protect Our Preserves, Inc. v. City of San Diego, et al. (37-2019-00050800-CU-TT-CTL)</i>	San Diego - Central Division	9/24/2019	Private	EIR
<i>Salmon Protection And Watershed Network, et al. v. County of Marin (CLV1903709)</i>	Marin	9/26/2019	Agency	EIR
<i>Tuskatella, LLC v. City of Orange, et al. (30-2019-01100714-CU-WM-CXC)</i>	Orange	9/26/2019	Private	Exemption
<i>Casey Maddren v. City of Los Angeles, (19STCP04172)</i>	Los Angeles	9/27/2019	Private	EIR
<i>Protect Our Plaza v. City of Sonoma, et al. (SCV-265261)</i>	Sonoma	9/30/2019	Private	Exemption
<i>Mission Peak Conservancy, et al. v. California State Water Resources Control Board, et al. (RG19037369)</i>	Alameda	10/1/2019	Private	No CEQA review
<i>Citizens For Consistent Land Use Planning v. City of Redlands, et al. (CIVDS1929689)</i>	San Bernardino	10/3/2019	Private	MND
<i>HUM CPR Affiliates, et al. v. County of Humboldt, et al. (CV190875)</i>	Humboldt	10/4/2019	Agency	EIR
<i>George Washington High School Alumni Association v. San Francisco Unified School District, et al. (CPF19516880)</i>	San Francisco	10/4/2019	Agency	No CEQA review
<i>Juaneno Band Of Mission Indians, et al. v. California State University (19STCP04339)</i>	Los Angeles, Central District	10/7/2019	Private	Addendum to EIR
<i>Friends of Rose Creek v. City of San Diego (37-2019-00053679-CU-TT-CTL)</i>	San Diego, Central Division	10/9/2019	Agency	EIR
<i>Moreno United v. City of San Diego (37-2019-00053964-CU-TT-CTL)</i>	San Diego, Central Division	10/10/2019	Agency	EIR
<i>Santa Ana Equity, et al. v. City of Santa Ana, et al. (30-2019-01104316-CU-WM-CXC)</i>	Orange, Civil Complex Center	10/15/2019	Private	Exemption
<i>Mill Valley Residents for the Protection of Wildlife v. City of Mill Valley (CIV1903965)</i>	Marin	10/16/2019	Agency	Exemption
<i>Matthew Donaldson, et al. v. County of Monterey, et al. (19CV004224)</i>	Monterey	10/17/2019	Private	MND
<i>Cynthia Marcopulos v. City of Daly City, et al. (19-CIV-06274)</i>	San Mateo	10/23/2019	Private	Exemption
<i>AIDS Healthcare Foundation v. City of Los Angeles, et al. (19STCP04589)</i>	Los Angeles	10/23/2019	Agency	ND
<i>Peter Joshua v. San Francisquito Creek Joint Powers Authority, et al. (19-CIV-06305)</i>	San Mateo	10/24/2019	Agency	EIR
<i>Coastal Defender NC v. City of Encinitas, et al. (37-2019-00057359-CU-PT-NC)</i>	San Diego, North County Division	10/29/2019	Private	Exemption
<i>Save Rancho Mirage v. City of Rancho Mirage, et al. (R/C1905468)</i>	Riverside	10/29/2019	Private	Exemption
<i>Fight Back Venice! v. City of Los Angeles (19STCP04740)</i>	Los Angeles - Stanley Mosk Courthouse	11/1/2019	Agency	Exemption
<i>Thornwood Real Estate, LLC v. City of Goleta, et al. (19CV05887)</i>	Santa Barbara	11/4/2019	Agency	Addendum to EIR
<i>Frank Solinsky v. City of Chico, et al. (19CV03324)</i>	Butte	11/4/2019	Private	Exemption
<i>Santa Ana Needs Equity, et al. v. City of Santa Ana, et al. (30-2019-01104316-CU-WM-CXC)</i>	Orange, Civil Complex Center	11/7/2019	Private	Exemption
<i>Christopher "Chris" Durkin, v. City and County of San Francisco, et al. (CGC19580677)</i>	San Francisco	11/8/2019	Private	MND
<i>North Coast Rivers Alliance, et al. v. San Luis and Delta-Mendota Water Authority, et al. (19CV-04989)</i>	Merced	11/12/2019	Agency	Addendum to EIR
<i>Humboldt Redwood Company, LLC v. North Coast Regional Water Quality Control Board (CV1901082)</i>	Humboldt	11/18/2019	Agency	EIR
<i>David S. Sabih, et al. v. Dale Skeen, et al. (19CV03092)</i>	Monterey	11/19/2019	Private	MND
<i>William P. Gallaher v. Town of Windsor, et al. (SCV26553)</i>	Sonoma	11/19/2019	Agency	Exemption
<i>Protect Tustin Ranch v. The City of Tustin, et al. (30-2019-01113056-CU-PT-CXC)</i>	Orange	11/19/2019	Private	Exemption
<i>Calaveras Residents Against Commercial Marijuana v. County of Calaveras, et al. (19CV44446)</i>	Calaveras	11/21/2019	Agency	Addendum to EIR
<i>Orange Park Association v. City of Orange, et al. (30-2019-01113830-CU-TT-CXC)</i>	Orange, Central Justice Center	11/25/2019	Private	EIR
<i>Stop Lincoln Twelve Bridges Hotel v. City of Lincoln, et al. (SCV0044111)</i>	Placer	11/27/2019	Private	Exemption
<i>Coalition for Responsible Equitable Economic Development Los Angeles, et al. v. City of Commerce, et al. (19STCP03329)</i>	Los Angeles	12/2/2019	Private	EIR
<i>City of Oxnard v. Fox Canyon Groundwater Management Agency, (56-2019-00536759-CU-WM-VTA)</i>	Ventura	12/2/2019	Agency	Exemption
<i>Wonderful Nut Orchards LLC v. County of Fresno, et al. (19CECG04364)</i>	Fresno	12/3/2019	Private	No CEQA review
<i>Doheny-Vidovich Partners v. City of Los Altos, et al. (19CV359702)</i>	Santa Clara	12/4/2019	Private	Exemption
<i>Preserve Calavera v. City of Oceanside, et al. (37-2019-00065084-CU-TT-NC)</i>	San Diego	12/6/2019	Private	EIR
<i>California Clean Energy Committee v. Sacramento [Sic] Area Council of Governments (34-2019-80003278)</i>	Sacramento	12/10/2019	Agency	EIR
<i>Concerned Residents of Dana Point v. City of Dana Point, et al. (30-2019-01117892-CU-TT-CXC)</i>	Orange	12/12/2019	Private	Exemption
<i>AIDS Healthcare Foundation v. City of Los Angeles, et al. (19STCP05445)</i>	Los Angeles	12/16/2019	Private	EIR
<i>Andrew Midler, et al. v. City of San Diego, et al. (37-2019-00067083-CU-TT-CTL)</i>	San Diego	12/17/2019	Private	ND
<i>Calaveras Planning Coalition v. Calaveras County Board of Supervisors, et al. (19CV44471)</i>	Calaveras	12/17/2019	Agency	EIR
<i>William P. Gallaher v. City of Santa Rosa, et al. (SCV-265711)</i>	Sonoma	12/17/2019	Agency	Exemption
<i>Los Angeles Waterkeeper v. West Basin Municipal Water District (19STCP05479)</i>	Los Angeles	12/18/2019	Agency	EIR
<i>Residents for Orcutt Sensible Growth, et al. v. The Santa Barbara County Board of Supervisors, et al. (19CV06707)</i>	Santa Barbara	12/19/2019	Private	Addendum to EIR
<i>Mountaingate Open Space Maintenance Association v. City of Los Angeles, et al. (19STCP05556)</i>	Los Angeles	12/19/2019	Private	EIR
<i>Santa Ana Citizens for Responsible Development v. City of Santa Ana, et al. (30-2019-01119794-CU-WM-CXC)</i>	Orange, Central Justice Center	12/19/2019	Private	EIR
<i>Resident Grant Woods v. City of Los Angeles, et al. (19STCP-05538)</i>	Los Angeles	12/20/2019	Private	MND
<i>Gregory Lucas v. City of Pomona (19STCP05618)</i>	Los Angeles - Stanley Mosk Courthouse	12/24/2019	Agency	Exemption
<i>Mound Farms v. California Department of General Services, et al. (PT-19-2766)</i>	Yolo	12/27/2019	Agency	No CEQA review
<i>Landwatch Monterey County v. City of Del Rey Oaks (19CV005255)</i>	Monterey	12/31/2019	Agency	ND

Appendix D: Economic Data

Table D - 1: Job Growth 2012 - 2019, 50 States

State	Rank	2012 Average Annual Employment	2019 Average Annual Employment	Change (2012-2019)
U.S. TOTAL		131,696,378	141,870,066	8%
Utah	1	1,215,983	1,388,878	14%
Nevada	2	1,132,140	1,283,642	13%
Florida	3	7,341,002	8,309,351	13%
Colorado	4	2,266,503	2,552,503	13%
Oregon	5	1,642,434	1,840,874	12%
Idaho	6	614,463	687,919	12%
California	7	14,959,808	16,718,647	12%
Washington	8	2,894,703	3,215,014	11%
Georgia	9	3,841,767	4,262,937	11%
South Carolina	10	1,810,150	1,996,297	10%
Arizona	11	2,431,788	2,680,065	10%
Texas	12	10,727,642	11,805,698	10%
North Carolina	13	3,907,085	4,259,276	9%
Tennessee	14	2,653,392	2,887,754	9%
Delaware	15	405,646	438,238	8%
Michigan	16	3,935,694	4,242,537	8%
Massachusetts	17	3,242,273	3,494,553	8%
Hawaii	18	605,240	647,545	7%
New York	19	8,563,125	9,154,025	7%
Minnesota	20	2,644,408	2,815,248	6%
Indiana	21	2,812,347	2,987,091	6%
District of Columbia	22	714,930	756,646	6%
New Hampshire	23	612,419	647,347	6%
Montana	24	430,315	454,819	6%
Kentucky	25	1,761,043	1,861,063	6%
Missouri	26	2,607,420	2,755,477	6%
Ohio	27	5,048,166	5,319,679	5%
Nebraska	28	920,295	968,601	5%
Rhode Island	29	450,711	473,406	5%
South Dakota	30	400,475	420,460	5%
Wisconsin	31	2,695,404	2,828,166	5%
New Jersey	32	3,768,935	3,953,972	5%
Alabama	33	1,828,248	1,915,306	5%
Virginia	34	3,619,176	3,789,744	5%
Maryland	35	2,511,669	2,627,172	5%
Illinois	36	5,636,918	5,895,633	5%
Iowa	37	1,475,884	1,539,752	4%
Arkansas	38	1,146,811	1,191,763	4%
Kansas	39	1,320,285	1,370,665	4%
Mississippi	40	1,085,748	1,124,854	4%
Maine	41	583,196	603,785	4%
Pennsylvania	42	5,578,414	5,737,759	3%
Vermont	43	299,519	308,044	3%
New Mexico	44	785,455	807,387	3%
Connecticut	45	1,627,748	1,666,554	2%
Oklahoma	46	1,540,292	1,575,978	2%
Louisiana	47	1,871,037	1,908,397	2%
North Dakota	48	411,709	417,119	1%
Alaska	49	327,378	326,295	0%
Wyoming	50	278,595	271,813	-2%
West Virginia	51	710,590	684,322	-4%
Puerto Rico	52	937,634	892,828	-5%
Virgin Islands	53	40,533	38,160	-6%

Sources: QCEW; US Bureau of Labor Statistics; The Housing Workshop, 2021.

Table D-2: Gross Domestic Product, 2012 - 2019, 50 states (\$ Millions)

State or Region	2012	2019	% Change 2012-2019	National Rank (Based on % Change)
United States	16,197,007	19,091,662	17.9%	
Washington	400,623	548,687	37.0%	1
Utah	128,764	168,793	31.1%	2
California	2,144,090	2,800,505	30.6%	3
Colorado	273,594	356,280	30.2%	4
Idaho	57,780	74,937	29.7%	5
Oregon	174,428	225,337	29.2%	6
Florida	768,723	963,256	25.3%	7
Texas	1,410,448	1,764,357	25.1%	8
Georgia	443,566	547,423	23.4%	9
South Carolina	175,329	214,934	22.6%	10
Arizona	268,068	323,598	20.7%	11
Nevada	127,789	153,729	20.3%	12
Massachusetts	444,478	519,962	17.0%	13
North Carolina	439,540	511,540	16.4%	14
Tennessee	283,482	328,406	15.8%	15
Minnesota	296,273	341,041	15.1%	16
Nebraska	102,605	117,395	14.4%	17
Oklahoma	173,239	197,900	14.2%	18
New Hampshire	67,636	77,240	14.2%	19
Montana	42,042	47,916	14.0%	20
Ohio	540,882	615,474	13.8%	21
Kansas	140,764	160,059	13.7%	22
Indiana	297,816	337,636	13.4%	23
Pennsylvania	640,663	726,166	13.3%	24
New Mexico	87,645	98,766	12.7%	25
New York	1,323,401	1,490,679	12.6%	26
Michigan	418,742	471,648	12.6%	27
Wisconsin	274,541	308,045	12.2%	28
Hawaii	73,677	82,471	11.9%	29
Maryland	334,556	374,039	11.8%	30
Maine	52,867	58,793	11.2%	31
Iowa	157,839	173,515	9.9%	32
Virginia	445,121	489,168	9.9%	33
South Dakota	43,551	47,560	9.2%	34
Arkansas	107,719	117,447	9.0%	35
Kentucky	176,323	190,812	8.2%	36
Alabama	186,554	200,829	7.7%	37
Illinois	720,882	773,136	7.2%	38
New Jersey	519,569	556,731	7.2%	39
Missouri	268,862	287,659	7.0%	40
North Dakota	51,625	53,930	4.5%	41
West Virginia	69,336	72,340	4.3%	42
Rhode Island	51,607	53,668	4.0%	43
Delaware	61,867	64,319	4.0%	44
Vermont	28,894	29,806	3.2%	45
Mississippi	99,616	102,656	3.1%	46
Connecticut	244,114	251,330	3.0%	47
Louisiana	233,481	239,967	2.8%	48
Wyoming	38,438	39,214	2.0%	49
Alaska	57,718	53,255	-7.7%	50

Sources: U.S. Bureau of Economic Analysis; The Housing Workshop, 2021.

Table D-3: Median Household Income, 2012 - 2019, 50 States

State or Region	2012 (a)	2019	% Change 2012-2019	National Rank (Based on % Change)
United States	\$ 51,371	\$ 65,712	27.9%	
North Dakota	\$ 53,585	\$ 60,557	13.0%	1
Colorado	\$ 56,765	\$ 63,909	12.6%	2
Washington	\$ 57,573	\$ 64,129	11.4%	3
New Hampshire	\$ 63,280	\$ 70,303	11.1%	4
Hawaii	\$ 66,259	\$ 73,486	10.9%	5
Missouri	\$ 45,321	\$ 50,238	10.8%	6
California	\$ 58,328	\$ 64,500	10.6%	7
Tennessee	\$ 42,764	\$ 47,275	10.5%	8
Utah	\$ 57,049	\$ 62,912	10.3%	9
Maine	\$ 46,709	\$ 51,494	10.2%	10
Oregon	\$ 49,161	\$ 54,148	10.1%	11
Montana	\$ 45,076	\$ 49,509	9.8%	12
Florida	\$ 45,040	\$ 49,426	9.7%	13
Texas	\$ 50,740	\$ 55,653	9.7%	14
Wyoming	\$ 54,901	\$ 60,214	9.7%	15
South Dakota	\$ 48,362	\$ 53,017	9.6%	16
Oklahoma	\$ 44,312	\$ 48,568	9.6%	17
South Carolina	\$ 43,107	\$ 47,238	9.6%	18
Mississippi	\$ 37,095	\$ 40,593	9.4%	19
Ohio	\$ 46,829	\$ 51,075	9.1%	20
Michigan	\$ 46,859	\$ 51,084	9.0%	21
Wisconsin	\$ 51,059	\$ 55,638	9.0%	22
Pennsylvania	\$ 51,230	\$ 55,702	8.7%	23
Georgia	\$ 47,209	\$ 51,244	8.5%	24
Nebraska	\$ 50,723	\$ 54,996	8.4%	25
Kentucky	\$ 41,724	\$ 45,215	8.4%	26
Alaska	\$ 67,712	\$ 73,355	8.3%	27
Massachusetts	\$ 65,339	\$ 70,628	8.1%	28
Illinois	\$ 55,137	\$ 59,588	8.1%	29
New York	\$ 56,448	\$ 60,850	7.8%	30
Minnesota	\$ 58,906	\$ 63,488	7.8%	31
Alabama	\$ 41,574	\$ 44,765	7.7%	32
Arizona	\$ 47,826	\$ 51,492	7.7%	33
Vermont	\$ 52,977	\$ 56,990	7.6%	34
Indiana	\$ 46,974	\$ 50,532	7.6%	35
Iowa	\$ 50,957	\$ 54,736	7.4%	36
Virginia	\$ 61,741	\$ 66,262	7.3%	37
Kansas	\$ 50,241	\$ 53,906	7.3%	38
Maryland	\$ 71,122	\$ 75,847	6.6%	39
New Mexico	\$ 42,558	\$ 45,382	6.6%	40
Louisiana	\$ 42,944	\$ 45,727	6.5%	41
Rhode Island	\$ 54,554	\$ 58,073	6.5%	42
Idaho	\$ 45,489	\$ 48,275	6.1%	43
Connecticut	\$ 67,276	\$ 71,346	6.0%	44
North Carolina	\$ 45,150	\$ 47,830	5.9%	45
Nevada	\$ 49,760	\$ 52,431	5.4%	46
Delaware	\$ 58,415	\$ 61,255	4.9%	47
Arkansas	\$ 40,112	\$ 41,995	4.7%	48
West Virginia	\$ 40,196	\$ 42,019	4.5%	49
New Jersey	\$ 69,667	\$ 72,222	3.7%	50

Note:

(a) 2012 median incomes were not adjusted for inflation.

Sources: American Community Survey, 2012 and 2019, 1-Year Estimates;

The Housing Workshop, 2021.

Table D-4: Manufacturing Employment Change 2012 - 2019, 50 States

State or Region	2012	2019	% Change 2012-2019	National Rank (Based on % Change)
United States	51,371	65,712	27.9%	
Nevada	39,219	59,279	51.1%	1
Florida	316,763	383,956	21.2%	2
Idaho	56,518	68,404	21.0%	3
Montana	17,515	20,972	19.7%	4
Utah	115,825	136,085	17.5%	5
South Carolina	220,085	258,252	17.3%	6
Michigan	535,815	625,676	16.8%	7
Oregon	171,333	197,626	15.3%	8
Arizona	154,526	177,610	14.9%	9
Georgia	351,857	404,085	14.8%	10
Colorado	131,989	150,109	13.7%	11
Kentucky	222,962	252,626	13.3%	12
Tennessee	313,530	354,961	13.2%	13
Indiana	481,845	541,099	12.3%	14
Missouri	248,539	277,104	11.5%	15
Alabama	243,354	268,948	10.5%	16
South Dakota	41,176	44,972	9.2%	17
North Carolina	439,618	477,086	8.5%	18
New Hampshire	65,950	71,459	8.4%	19
Iowa	210,539	226,152	7.4%	20
Wyoming	9,357	10,043	7.3%	21
Mississippi	136,878	146,775	7.2%	22
Ohio	656,325	700,786	6.8%	23
Wisconsin	453,819	483,196	6.5%	24
California	1,245,774	1,322,455	6.2%	25
Minnesota	305,518	324,018	6.1%	26
Delaware	25,744	27,298	6.0%	27
North Dakota	25,158	26,471	5.2%	28
Nebraska	94,990	99,914	5.2%	29
Hawaii	13,335	14,010	5.1%	30
Texas	863,568	905,953	4.9%	31
Virginia	231,073	242,160	4.8%	32
Washington	277,366	290,326	4.7%	33
Maine	50,728	53,047	4.6%	34
Arkansas	155,561	162,214	4.3%	35
Oklahoma	135,165	140,812	4.2%	36
Maryland	108,957	112,273	3.0%	37
Kansas	162,678	167,196	2.8%	38
New Jersey	243,960	249,464	2.3%	39
Pennsylvania	566,887	574,751	1.4%	40
Illinois	582,427	585,894	0.6%	41
Rhode Island	39,626	39,736	0.3%	42
Connecticut	165,200	161,899	-2.0%	43
Louisiana	141,769	137,729	-2.8%	44
Massachusetts	251,951	244,258	-3.1%	45
New Mexico	29,652	28,514	-3.8%	46
West Virginia	49,037	46,979	-4.2%	47
New York	456,734	437,040	-4.3%	48
Vermont	31,894	30,091	-5.7%	49
Alaska	13,888	13,065	-5.9%	50

Sources: US Bureau of Labor Statistics (BLS) Manufacturing Employment, Annual Average for 2012 & 2019; The Housing Workshop, 2021.

Table D-5: Population Density Per Square Mile, 1970 - 2020, 50 States

State or Region	1970 (a)	1980	1990	2000	2010	2019	Percent Change 1970-2019	National Rank (Based on Percent Change)
United States	57.5	64.1	70.4	79.7	87.4	92.9	61.6%	
Nevada	4.5	7.3	10.9	18.2	24.6	28.1	523.5%	1
Arizona	15.6	23.9	32.3	45.2	56.3	64.1	310.7%	2
Florida	126.6	181.8	241.3	298.0	350.6	400.5	216.4%	3
Utah	12.9	17.8	21.0	27.2	33.6	39.0	202.5%	4
Colorado	21.3	27.9	31.8	41.5	48.5	55.6	160.9%	5
Texas	42.9	54.5	65.0	79.8	96.3	111.0	158.7%	6
Alaska	0.5	0.7	1.0	1.1	1.2	1.3	156.4%	7
Idaho	8.6	11.4	12.2	15.7	19.0	21.6	151.4%	8
Georgia	79.8	95.0	112.6	142.3	168.4	184.6	131.3%	9
Washington	51.3	62.2	73.2	88.7	101.2	114.6	123.4%	10
North Carolina	104.5	121.0	136.3	165.6	196.1	215.7	106.4%	11
New Mexico	8.4	10.7	12.5	15.0	17.0	17.3	105.8%	12
Oregon	21.8	27.4	29.6	35.6	39.9	43.9	101.6%	13
South Carolina	86.2	103.9	116.0	133.5	153.9	171.3	98.7%	14
California	128.1	151.9	191.0	217.4	239.1	253.6	98.0%	15
New Hampshire	82.4	102.8	123.9	138.0	147.0	151.9	84.3%	16
Hawaii	119.7	150.2	172.6	188.6	211.8	220.5	84.2%	17
Virginia	117.7	135.4	156.7	179.2	202.6	216.1	83.6%	18
Delaware	281.3	305.0	341.9	402.1	460.8	499.7	77.7%	19
Wyoming	3.4	4.8	4.7	5.1	5.8	6.0	75.3%	20
Tennessee	95.2	111.3	118.3	138.0	153.9	165.6	74.0%	21
Arkansas	37.0	43.9	45.2	51.4	56.0	58.0	56.7%	22
Oklahoma	37.3	44.1	45.9	50.3	54.7	57.7	54.7%	23
Maryland	404.1	434.4	492.6	545.6	594.8	622.8	54.1%	24
Montana	4.8	5.4	5.5	6.2	6.8	7.3	53.0%	25
Minnesota	47.8	51.2	54.9	61.8	66.6	70.8	48.2%	26
Alabama	68.0	76.9	79.8	87.8	94.4	96.8	42.4%	27
Vermont	48.2	55.5	61.1	66.1	67.9	67.7	40.5%	28
Kentucky	81.5	92.7	93.3	102.4	109.9	113.1	38.8%	29
Maine	32.2	36.5	39.8	41.3	43.1	43.6	35.3%	30
Mississippi	47.2	53.7	54.8	60.6	63.2	63.4	34.4%	31
South Dakota	8.8	9.1	9.2	10.0	10.7	11.7	32.6%	32
Wisconsin	81.6	86.9	90.3	99.0	105.0	107.5	31.8%	33
Missouri	68.0	71.5	74.4	81.4	87.1	89.3	31.3%	34
Nebraska	19.3	20.4	20.5	22.3	23.8	25.2	30.5%	35
Indiana	145.0	153.2	154.8	169.7	181.0	187.9	29.6%	36
Kansas	27.5	28.9	30.3	32.9	34.9	35.6	29.6%	37
Louisiana	84.3	97.3	97.7	103.4	104.9	107.6	27.6%	38
New Jersey	974.7	1,001.4	1,051.1	1,144.2	1,195.5	1,207.8	23.9%	39
North Dakota	9.0	9.5	9.3	9.3	9.7	11.0	22.7%	40
Massachusetts	729.4	735.5	771.3	814.0	839.4	883.6	21.1%	41
Connecticut	626.1	641.7	678.8	703.3	738.1	736.3	17.6%	42
Illinois	200.2	205.8	205.9	223.7	231.1	228.2	14.0%	43
Michigan	157.0	163.8	164.4	175.8	174.8	176.6	12.5%	44
Rhode Island	915.8	916.2	970.6	1,014.0	1,018.1	1,024.7	11.9%	45
Iowa	50.6	52.2	49.7	52.4	54.5	56.5	11.6%	46
Ohio	260.7	264.3	265.5	277.8	282.3	286.1	9.7%	47
Pennsylvania	263.6	265.2	265.6	274.5	283.9	286.1	8.5%	48
New York	387.0	372.6	381.7	402.7	411.2	412.8	6.7%	49
West Virginia	72.6	81.1	74.6	75.2	77.1	74.6	2.7%	50

Note:

(a) Population density is measured as people per square mile.

Sources: U.S. Census Resident Population Data (Text Version); The Housing Workshop, 2021.

Table D - 6: California Cities with High ParkScores, 2020

City	Population (a)	Park Score (Out of 100) (b)	State Rank	National Rank
U.S. Average		49.8		
Irvine	287,387	79.6	1	7
San Francisco	881,549	78.9	2	8
San Diego	1,423,852	69.0	3	18
Long Beach	462,645	66.3	4	23
Sacramento	513,620	62.0	5	30
Fremont	241,117	60.8	6	33
San Jose	1,021,786	58.0	7	36
Anaheim	350,351	52.6	8	45
Los Angeles	3,979,537	49.8	9	49
Oakland	433,044	48.9	10	51
Riverside	331,369	44.5	11	60
Bakersfield	384,159	43.8	12	63
Chula Vista	274,485	41.6	13	70
Glendale	199,301	41.0	14	74
Santa Ana	332,332	36.5	15	85
Stockton	312,682	35.0	16	87
Fresno	531,581	31.8	17	92

Note:

(a) Population from the American Community Survey, 2019 1-Year estimates

(b) Each city's ParkScore rating is determined based on 14 factors across five categories that measure acreage, investment, amenities, access, and equity. The criteria include park size, parkland as a percentage of each city's area, public/non-profit spending and volunteer hours, amenities for playgrounds, recreation centers and dog parks, population density near the park, and equitable access across races and income-levels.

Sources: Trust for Public Land ParkScore, 2020; American Community Survey, 2019 1-Year estimates; The Housing Workshop, 2021.

Appendix E: Detail re Case Studies: Environmental Justice & Climate Change

This Appendix provides additional information about the six case studies discussed in Chapter 8. For each case study, the Appendix first describes the specific flaws in the environmental review document prepared for the proposed project. Next, it provides further detail about the legal challenges to the project, including important court rulings and settlements (where applicable). The Appendix relies on a review of environmental documents, court filings, and press articles.

Case Study: The World Logistics Center, City of Moreno Valley, Riverside County

The Challenged EIR

As noted in Chapter 8, the EIR for the World Logistics Center suffered from numerous defects. First, it did not adequately analyze the project's effect on human health. For example, as the South Coast Air Quality Management District warned, the EIR erroneously concluded that the toxic air pollution stemming from the project's diesel truck traffic would not cause cancer. It also failed to include feasible measures to reduce the project's significant air quality impacts, including measures suggested by the Air District.

Many local residents and organizations, including the Center for Community Action and Environmental Justice ("CCAEJ") and the Coalition for Clean Air, also expressed concern about the project's adverse effects on public health. At the same time, environmental organizations including the Center for Biological Diversity, Sierra Club, and San Bernardino Valley Audubon Society warned that the EIR failed to analyze or mitigate the project's impacts on agricultural lands and biological resources, including the San Jacinto Wildlife Area. The Wildlife Area lies adjacent to the project site and provides habitat for the burrowing owl, the California golden eagle, tricolored blackbird and other protected species.

These same organizations also pointed out that the EIR did not adequately disclose or mitigate the project's impacts on climate change, a serious omission given that the project would emit hundreds of thousands of metric tons of greenhouse gas emissions every year. Finally, Riverside County faulted the EIR for failing to analyze the project's effect on regional traffic congestion.

The CEQA Lawsuits and Settlement Agreements with the Regional Air District and Riverside County

In September 2015, the South Coast Air Quality Management District, Riverside County, CCAEJ and allied environmental organizations, and an individual filed suit, claiming the EIR violated CEQA.¹⁵⁶

The developer reached separate settlements with the South Coast Air Quality Management District and Riverside County before briefing of the case began. Under the air district's settlement, the developer agreed to pay an additional air quality improvement fee of \$.64 per square foot for each building in the World Logistics Center as it is constructed. If the warehouse complex is developed as planned, mitigation funds will amount to \$26 million by 2030. The air district pledged to work with local residents and community groups to develop mitigation measures focused on reducing emissions in the areas affected by the warehouse project.¹⁵⁷

Under Riverside County's settlement, the developer agreed to pay up to \$26 million toward regional transportation improvements. This settlement addressed the county's concerns about significant traffic congestion and pollution in the area.¹⁵⁸ Thus, soon after the inception of litigation, CEQA led to the developer's commitment to serious mitigation of the project's effect on air quality and traffic, two of the community's chief concerns.

The Trial Court and Appellate Proceedings

The cases brought by CCAEJ and the other environmental groups proceeded through the courts, and petitioners ultimately prevailed.

In June 2018, the Riverside County Superior Court issued its judgment, which found several substantial flaws in the project's EIR. The court held that the City of Moreno Valley violated CEQA as follows:

- The EIR's analysis of cumulative impacts was deficient because it failed to account for other large warehouse projects in Moreno Valley and did not analyze whether project's individual impacts were cumulatively significant.
- The EIR failed to adequately analyze the effect of the project's noise on homes within 50 feet of the site, or to identify mitigation for this impact.

¹⁵⁶ *Paulek v. City of Moreno Valley*, Riverside County Superior Court Case No. RIC151097 MF (lead case in consolidated action).

¹⁵⁷ South Coast Air Quality Management District, <https://www.aqmd.gov/home/news-events/news-and-media/2016-news-archives/wlc-settlement>

¹⁵⁸ <https://patch.com/california/banning-beaumont/county-reaches-settlement-developer-massive-world-logistics-center>

- The EIR's analysis of impacts on biological resources was flawed due to its misleading description of a conservation buffer area.
- The EIR failed to adequately mitigate the project's impacts on agricultural land.
- The EIR failed to adequately analyze the project's energy usage impacts.¹⁵⁹

The court denied the petitioners' challenge to the EIR's discussion of climate change impacts.¹⁶⁰ Both sides appealed the trial court's ruling.

In May 2020, the Fourth District Court of Appeal issued a tentative decision finding the EIR's discussion of climate impacts unlawful and upholding the trial court's ruling in most other respects.¹⁶¹ While the appeal was still pending, the City of Moreno Valley revised the EIR and reapproved the project in June 2020. Although the Court of Appeal ultimately dismissed the appeal as moot following the EIR's revisions and the City's reapproval, it declared that CCAEJ and the other groups had prevailed in the litigation.¹⁶² Nevertheless, because parts of the new EIR for the reapproved project were deficient, many of the same groups filed a revised CEQA lawsuit challenging the June 2020 approval.

The Settlement Agreement with CCAEJ and Other Environmental Groups

In April 2021, CCAEJ and allied groups reached a comprehensive settlement with the developer. Highlights of the settlement agreement include:

- Up to \$12.1 million in grant funding to support purchases of new electric heavy-duty trucks, plus additional grants for medium - and light-duty trucks. Priority funding will go to trucks used in Moreno Valley and the Highway 60 corridor, ensuring that local residents benefit from pollution reductions.
- Additional support for electric passenger vehicles, including more than \$1 million in grants to Moreno Valley residents for EV purchases and on-site installation of more than 1,000 EV chargers.
- Elimination of diesel-powered forklifts and other warehouse and yard equipment.
- Major additional commitments to solar installations on warehouse rooftops to the extent local regulations allow, plus an advocacy fund to support additional solar generation outside greenfield and habitat areas.

¹⁵⁹ Ruling on Peremptory Writ of Mandate dated February 8, 2018, *Paulek v. City of Moreno Valley*, Riverside County Superior Court Case No. RIC151097 MF, pp. 1-6.

¹⁶⁰ *Id.* at 6.

¹⁶¹ Tentative Opinion dated May 15, 2020, *Paulek v. City of Moreno Valley*, California Court of Appeal, Fourth Appellate District, Division Two, Case No. E071184, pp. 12-43, 45-49.

¹⁶² Opinion dated November 24, 2020, *Paulek v. City of Moreno Valley*, California Court of Appeal, Fourth Appellate District, Division Two, Case No. E071184, pp. 6-17, 18.

- Dozens of improvements to protect the local community, including lighting and noise limitations, truck and traffic management provisions, and up to \$5 million in funding to reimburse residents for air filtration, noise insulation, and exterior pressure washing.
- Extensive new mitigation measures and financial commitments to protect habitat in and around the San Jacinto Wildlife Area, including low-impact lighting, a buffer zone along the wildlife area boundary, and \$4 million to support wildlife area expansion and conservation.¹⁶³

Case Study: Petro-Lud Oil and Gas Drilling Project, City of Arvin, Kern County

The Challenged CEQA Exemption

As noted in Chapter 8, the City of Arvin determined that Petro-Lud's oil drilling project required no CEQA review. Instead, the city claimed that the project fell within the parameters of a "Class 3" exemption, which applies to "small facilities or structures" such as a single-family home, a small multi-family dwelling, a retail shop, or a restaurant.¹⁶⁴ It also found that the project presented no "unusual circumstances" precluding its reliance on the Class 3 exemption.¹⁶⁵

The Litigation and Project Rescission

In October 2018, the Committee for a Better Arvin filed its CEQA suit in Kern County Superior Court.¹⁶⁶ The Committee's environmental justice mission is to improve the quality of life in Arvin, to inform and unite the community and address problems facing it, and to secure equality for all city residents.¹⁶⁷ For many years, the Committee and its members have advocated to improve local and regional air quality and sought to ensure that any continued oil and gas development in the region does not undermine these efforts.

In May 2019, the court held that the City of Arvin's use of the Class 3 exemption violated CEQA.¹⁶⁸ It emphasized that oil and gas operations are very different from the types of small structures that CEQA exempts.¹⁶⁹ Unlike the construction of a home or small store, Petro-Lud's activities would impact the community with constant noise and glare from rig engines and

¹⁶³ Settlement Agreement dated April 29, 2021, <https://biologicaldiversity.org/programs/energy-justice/pdfs/WorldLogisticsCenter-Settlement-Agreement-20210429.pdf>

¹⁶⁴ See CEQA Guidelines § 15303.

¹⁶⁵ See CEQA Guidelines § 15300.2(c).

¹⁶⁶ *Committee for a Better Arvin v. City of Arvin*, Kern County Superior Court Case No. BCV - 18 - 102494.

¹⁶⁷ Verified Petition for Writ of Mandate and Complaint for Injunctive Relief, *Committee for a Better Arvin v. City of Arvin*, Kern County Superior Court Case No. BCV - 18 - 102494. p.3.

¹⁶⁸ Minute Order dated May 10, 2019, *Committee for a Better Arvin v. City of Arvin*, Kern County Superior Court Case No. BCV - 18 - 102494, p. 2.

¹⁶⁹ Certified Transcript of Writ Hearing (May 10, 2019), *Committee for a Better Arvin v. City of Arvin*, Kern County Superior Court Case No. BCV - 18 - 102494, pp. 29-34.

generators, and would potentially cause the emission of hazardous and toxic air pollutants.¹⁷⁰

The court ordered the City of Arvin to rescind its approval of the drilling project and the CEQA exemption. It further directed the city and Petro-Lud to refrain from taking any action to implement the project that could result in any change or alteration to the physical environment, until the city complied with the court's order.¹⁷¹

On August 27, 2019, the city rescinded its approval of the project and the CEQA exemption.¹⁷²

Case Study: Caglia Industrial Park, South Fresno, City of Fresno

The Challenged Mitigated Negative Declaration

The City of Fresno relied on a mitigated negative declaration for the proposed Caglia industrial park. Members of the public warned that the MND failed to analyze or mitigate the project's impacts on air quality and public health, even though the surrounding community is one of the most environmentally-burdened in the state. It did not attempt to mitigate the impacts of the project's increased noise levels and nighttime lighting, and it ignored safety impacts due to the project's increased traffic.

Commenters further noted that the MND declined to analyze the project's effects on water quality and provided no mitigation for the project's impacts from disturbance of contaminated soils. The city refused to address these problems even though nearby neighbors rely on domestic wells to meet their household water needs and the project is located directly adjacent to a site where the Department of Toxic Substance Control had identified groundwater contamination. Finally, the MND never attempted to quantify the project's greenhouse gas emissions, much less mitigate those impacts.

The Litigation and Project Rescission

South Central Neighbors United filed suit under CEQA in February 2018.¹⁷³ South Central Neighbors United is an unincorporated association with members who live within the immediate vicinity of the project site. The group is dedicated to preventing environmental degradation and improving environmental quality in the neighborhoods near the project site and in the region generally.¹⁷⁴

¹⁷⁰ *Id.* at 31-33, 35-36.

¹⁷¹ Judgment dated June 11, 2019, *Committee for a Better Arvin v. City of Arvin*, Kern County Superior Court Case No. BCV - 18 - 102494, pp. 2-3.

¹⁷² Return to Writ dated September 5, 2019, *Committee for a Better Arvin v. City of Arvin*, Kern County Superior Court Case No. BCV - 18 - 102494, p. 2.

¹⁷³ Petition for Writ of Mandate, *South Central Neighbors United v. City of Fresno*, Fresno County Superior Court Case No. 18CECG00690.

¹⁷⁴ *Id.* at p. 3.

California Attorney General Xavier Becerra intervened in the case in June 2018, alleging that the City of Fresno's approval of the project violated CEQA and must be overturned.¹⁷⁵ Noting that the city had already approved other large warehouse projects in the area, the Attorney General emphasized the importance of analyzing the Caglia project's cumulative impacts. He explained, "A lead agency must determine whether pollution from a proposed project will have significant effect on any nearby communities, when considered together with any pollution burdens those communities are already bearing, or may bear from future projects."¹⁷⁶

In 2019, the City of Fresno rescinded its approval of the project.¹⁷⁷

Case Study: Amazon Warehouse Project, South Fresno, City of Fresno

The Challenged Environmental Review

As noted in Chapter 8, the City of Fresno prepared minimal environmental review for the Amazon warehouse: an addendum to a mitigated negative declaration. The South Fresno Community Alliance warned that the city's review documents failed to properly analyze the project's impacts on air quality and related impacts on public health.¹⁷⁸ This omission was especially concerning given that the affected neighborhood is among the most polluted communities in the state. The Alliance also warned that the city's review documents failed to analyze the project's adverse effects on traffic safety, noise, light and glare, and aesthetics.¹⁷⁹

The Settlement Agreements with City of Fresno and Developer

In March 2021, the Alliance, together with the Leadership Counsel, entered into separate settlement agreements with the City of Fresno and developer G4 Enterprises regarding the project. The developer agreed to:

- Pay into a community benefits fund that will support neighborhood improvements such as installation of dual-paned windows and sound/vibration insulation.
- Install specified mechanisms to shield the community from light and glare from the project.
- Install a photovoltaic solar system of at least 800KW on the project site.

¹⁷⁵ People's Petition for Writ of Mandate in Intervention, *South Central Neighbors United v. City of Fresno*, Fresno County Superior Court Case No. 18CECG00690, p. 2.

¹⁷⁶ People's Petition for Writ of Mandate in Intervention, p. 14.

¹⁷⁷ Stipulation Re Settlement dated February 27, 2019, *South Central Neighbors United v. City of Fresno*, Fresno County Superior Court Case No. 18CECG00690, p. 2.

¹⁷⁸ Letter dated February 3, 2021 on behalf of the South Fresno Community Alliance to City of Fresno Planning Commission, pp. 5-6.

¹⁷⁹ *Id.* at 10.

- Use solar-reflective cool pavement in the project's circulation areas.
- Install ten EV charging stations on the project site.
- Install mature trees and shrubs throughout the site and along the western border.
- Implement several measures to reduce traffic congestion and ensure traffic safety. These include strict rules for employee pick-up, limits on vehicle idling, and restrictions on truck traffic in front of Orange Center Elementary School.
- Make land available on the project site for installation of an air quality monitor and provide access to the San Joaquin Valley Air Pollution Control District.
- Comply with specific, agreed-upon standards regarding light, noise, air pollution and dust for the project's construction and operation.¹⁸⁰

The Alliance and Leadership Counsel's agreement with the City of Fresno provided even broader protections for the community. The city agreed to:

- Establish a community benefits fund to support improvements that would mitigate impacts resulting from development within the South Central Specific Plan area, an area that includes the site of the Amazon warehouse.
- Pursue various pedestrian safety improvements, such as the installation of new signage and a high-intensity crossway at critical locations.
- Initiate a process to secure funding for traffic and roadway improvements to mitigate impacts on local homes.
- Assign a traffic officer to monitor the area around the G4 Enterprises project site to enforce traffic rules and truck idling restrictions.
- Take all steps legally available to acquire certain essential roadways in the area, and to obtain funding to pay for their upgrade.
- Engage proactively to mitigate the impacts of existing truck routes on sensitive receptors in the area (such as the elementary school), and identify alternative truck routes that avoid or minimize those impacts.
- Work with the San Joaquin Valley Air Pollution Control District and other government agencies and stakeholders to develop EV charging stations in the area and ensure grid capacity and reliability.

¹⁸⁰ Settlement Agreement and Release dated March 17, 2021 between South Fresno Community Alliance and G4 Enterprises, <https://leadershipcounsel.org/press-release-south-fresno-residents-fight-back-against-warehouse-development-secure-protections/>

- Consider approval of a resolution that would incorporate emission reductions measures into development projects, sufficient to meet or exceed compliance with the reduction requirements of District Rule 9510 (Indirect Source Rule).
- Implement several measures to ensure that the city records, assesses, and responds to complaints regarding the compliance of industrial projects with the city's standards governing noise, vibration, light, and air pollution.¹⁸¹

¹⁸¹ Settlement Agreement and Release of All Claims dated March 17, 2021 between South Fresno Community Alliance, Leadership Counsel for Justice and Accountability, and City of Fresno,
<https://leadershipcounsel.org/press-release-south-fresno-residents-fight-back-against-warehouse-development-secure-protections/>

Case Study: SANDAG Regional Transportation Plan/Sustainable Communities Strategy, San Diego County

The Challenged EIR

As noted in Chapter 8, environmental groups complained that the EIR for SANDAG's RTP/SCS failed to accurately assess the climate impacts of the Plan, which conflicted with the state's long-term goals for reducing GHGs set forth in Governor Schwarzenegger's 2005 Executive Order. Compounding the problem, the EIR lacked any effective mitigation for these GHG increases. The groups pointed out that SANDAG failed to assess the RTP/SCS's impacts on public health due to increased air pollution. The EIR also omitted feasible transit-oriented alternatives, and minimized the Plan's impacts on farmland.

Litigation in the Trial Court and First Appellate Court Opinion

On November 28, 2011, the Cleveland National Forest Foundation, the Center for Biological Diversity, and two local community groups filed suit in San Diego Superior Court.¹⁸² On January 23, 2012, the complaint was amended to add the Sierra Club as a petitioner.¹⁸³ Petitioners alleged that SANDAG's failure to adequately analyze and mitigate the RTP/SCS's significant impacts violated CEQA.

Shortly after the environmental groups filed their CEQA action, Attorney General Kamala Harris intervened in the case. Her complaint focused primarily on the EIR's failure to properly assess the Plan's climate impacts. Harris alleged, "Despite the increase in GHG emissions that will result from the RTP/SCS, and despite the RTP/SCS's planning horizon of 2050, the FEIR performs no analysis of the impact of the RTP/SCS on future climate change beyond 2035 and out to the full TP/SCS [sic] planning horizon of 2050, or on the state's goal to greatly reduce GHG emissions."¹⁸⁴ She also alleged that SANDAG lacked evidence to support its claim that it was infeasible to formulate measures to mitigate the climate impacts.¹⁸⁵

In December 2012, the trial court ruled in favor of the environmental groups and the Attorney General.¹⁸⁶ First, it found that the EIR improperly downplayed the RTP/SCS's significant climate impacts. Specifically, the EIR did not disclose that the Plan directly conflicted with the state's long - term goal for reducing GHGs. This goal, embodied in the 2005 Executive Order of

¹⁸² Petition for Writ of Mandate and Complaint for Injunctive Relief, *Cleveland National Forest Foundation v. SANDAG*, San Diego Superior Court Case No. 37 - 2011 - 00101593 - CU - TT - CTL (lead case in consolidated action).

¹⁸³ First Amended Petition for Writ of Mandate and Complaint for Injunctive Relief, *Cleveland National Forest Foundation v. SANDAG*, San Diego Superior Court Case No. 37 - 2011 - 00101593 - CU - TT - CTL.

¹⁸⁴ People of the State of California's Petition for Writ of Mandate in Intervention, *Cleveland National Forest Foundation v. SANDAG*, San Diego County Superior Court No. 37 - 2011 - 00101593 - CU - TT - CTL, p. 11.

¹⁸⁵ *Id.* at 14.

¹⁸⁶ Ruling on Petitions for Writ of Mandate dated December 3, 2012, *Cleveland National Forest Foundation v. SANDAG*, San Diego County Superior Court No. 37 - 2011 - 00101593 - CU - TT - CTL.

Governor Arnold Schwarzenegger, required statewide reductions in GHG emissions to 80 percent below 1990 levels by 2050. The RTP/SCS, however, would result in sharp increases in GHGs by 2050.¹⁸⁷

Second, the court faulted SANDAG for failing to identify feasible measures to mitigate the RTP/SCS's climate impacts. As the court explained, SANDAG had simply "kicked the can down the road," leaving the responsibility to mitigate with other jurisdictions.¹⁸⁸ Given the primacy of the climate issues, the court declined to reach the petitioners' other challenges to the EIR — that it failed to adequately analyze the RTP/SCS's public health impacts, agricultural impacts, and alternatives.

SANDAG appealed the trial court's decision. The environmental groups and the Attorney General then filed cross-appeals, in which they sought an appellate ruling on the CEQA claims that the trial court had not addressed.

In November 2014, the Fourth District Court of Appeal upheld the trial court's decision invalidating SANDAG's analysis and mitigation of climate impacts. The court found that "SANDAG's decision to omit an analysis of the transportation plan's consistency with the Executive Order did not reflect a reasonable, good faith effort at full disclosure."¹⁸⁹ At the same time, the EIR's measures purporting to mitigate the Plan's increase in GHGs "assur[ed] little to no concrete steps toward emissions reduction."¹⁹⁰

The Court of Appeal then ruled for the environmental groups and the Attorney General on their cross-appeals. It held that SANDAG's EIR ignored the RTP/SCS's effect on public health resulting from pollution along the Plan's new and widened highways.¹⁹¹ SANDAG also erred in refusing to consider any alternative to its RTP/SCS that would reduce the number of miles that residents drive. Finally, the court found that SANDAG had used incomplete and inaccurate data to assess the Plan's effects on agricultural land.¹⁹²

SANDAG filed a petition for review in the California Supreme Court, seeking reversal of each of the appellate court's holdings. The Supreme Court granted review, but on only one narrow issue: whether an EIR for a regional transportation plan must analyze the plan's consistency with an Executive Order's GHG reduction goals.

¹⁸⁷ *Id.* at 12.

¹⁸⁸ *Id.*

¹⁸⁹ *Cleveland National Forest Foundation v. SANDAG* (2014) 180 Cal.Rptr.3d 548, 561 (decision reversed in part).

¹⁹⁰ *Id.* at 567.

¹⁹¹ *Id.* at 571-73.

¹⁹² *Id.* at 575-76.

The Supreme Court Ruling and Second Appellate Court Opinion

In July 2017, the Supreme Court issued its decision. As noted in Chapter 8, the court concluded that while the EIR's assessment of the RTP/SCS long-term climate effects was lawful at the time, it could not "serve as a template for future EIRs."¹⁹³ The court noted that when SANDAG had later updated its RTP/SCS, its EIR "was able to account for many factors in the GHG inventories that were not accounted for in 2011."¹⁹⁴

The case was then remitted to the Court of Appeal. In November 2017, the court confirmed most of its 2014 decision invalidating the environmental review for the RTP/SCS. To begin with, the court commented on the Supreme Court's ruling on SANDAG's analysis of climate impacts, repeating that court's warning that the EIR cannot "serve as a template for future EIRs."¹⁹⁵ Next, it reiterated its earlier holdings that SANDAG had failed both to mitigate the GHG emissions resulting from the Plan and to assess the public health risks associated with the Plan's air pollution.¹⁹⁶ It also found that SANDAG had erred in refusing to consider a feasible transit-oriented alternative to its Plan and in minimizing the Plan's impacts on farmland.¹⁹⁷

Case Study: Newhall Ranch, Los Angeles County

Project Background and the Challenged EIR

Los Angeles County first approved a programmatic EIR and a Specific Plan for the Newhall Ranch development in 1999. Several parties successfully challenged the Specific Plan in Superior Court. Following additional environmental review, the county reapproved the Specific Plan in 2003.¹⁹⁸ The EIR for the Specific Plan, however, contemplated that further review would be required for specific development proposals and additional permits would be needed from other agencies.

In 2005, the California Department of Fish and Game and the Army Corps of Engineers began preparing a joint EIR and Environmental Impact Statement for several approvals necessary to development of Newhall Ranch: (1) a Resource Management and Development Plan addressing sensitive biological resources in the Specific Plan area, (2) a conservation plan for the San Fernando Valley spineflower, (3) a streambed alteration agreement for modifications to the Santa Clara River, and (4) two incidental take permits for species protected under the

¹⁹³ *Id.* at 518.

¹⁹⁴ *Id.*

¹⁹⁵ *Cleveland National Forest Foundation v. SANDAG* (2017) 17 Cal.App.5th 413, 430.

¹⁹⁶ *Id.* at 431-34, 440-43.

¹⁹⁷ *Id.* at 443-45, 434-37.

¹⁹⁸ See Court's Statement of Decision on Petition for Writ of Mandate Heard on September 20, 2012, *Center for Biological Diversity v. Cal. Dept. of Fish and Game* (Los Angeles Super. Ct. No. BS 131347, Oct. 15, 2012), pp. 1-2, fn.1 (hereinafter "Trial Court Decision").

California Endangered Species Act.¹⁹⁹ The Department, acting as overall lead agency under CEQA, released a draft EIR in 2009 addressing a full range of environmental topics, including climate change.²⁰⁰

As noted in Chapter 8, the Newhall Ranch EIR found the project's increase in GHGs to be insignificant. It did so by evaluating the project's actual emissions against a hypothetical "business as usual" scenario modeled on projections in CARB's 2008 Climate Change Scoping Plan.²⁰¹

In the 2008 Scoping Plan, CARB used a "business as usual" scenario to calculate the emissions reductions necessary to achieve AB 32's 2020 goal. Beginning with emissions and economic data from 2002 to 2004, CARB estimated "business as usual" emissions in 2020 assuming no further regulatory action, and then determined the level of reductions from various sectors of the economy needed to reduce emissions back to 1990 levels.²⁰² CARB concluded that meeting the goal would require reductions of approximately 29 percent below business as usual.²⁰³ CARB's "business as usual" scenario covered the entire state and all sectors of the economy, including existing development

The Newhall Ranch EIR used a somewhat similar approach to assess emissions from a single project. The EIR estimated the project's emissions under a hypothetical scenario where no climate standards or climate-related requirements existed, and then compared those hypothetical emissions to the actual project's estimated emissions. Because anticipated project emissions were roughly 31 percent lower than hypothetical "business as usual" emissions — lower than the 29 percent below "business as usual" metric established in the 2008 Scoping Plan — the EIR concluded the project was consistent with AB 32 and would have no significant climate impact.²⁰⁴ The Department certified the EIR and approved the project in December 2010.²⁰⁵

The Trial Court Litigation and First Appellate Court Opinion

Five petitioners — including the Wishtoyo Foundation, California Native Plant Society, Center for Biological Diversity, Friends of the Santa Clara River, and Santa Clarita Organization for

¹⁹⁹ Trial Court Decision, pp. 1-4.

²⁰⁰ *Center for Biological Diversity v. Cal. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, 214 (hereinafter, "Center for Biological Diversity"); see also Opinion, *Center for Biological Diversity v. Cal. Dept. of Fish and Game* (Cal. Ct. App., March 20, 2014, No. B245131), p. 8 (hereinafter "Appellate Opinion").

²⁰¹ *Center for Biological Diversity*, 62 Cal.4th at 218.

²⁰² *Id.*; see also Cal. Air Resources Board, Climate Change Scoping Plan: A Framework for Change (Dec. 2008), p. 21, https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/document/adopted_scoping_plan.pdf

²⁰³ *Center for Biological Diversity*, 62 Cal.4th at 218.

²⁰⁴ *Id.*

²⁰⁵ Trial Court Decision, p. 3.

Planning the Environment – filed a CEQA action in Los Angeles Superior Court, claiming (among other things) that the EIR’s analysis of climate impacts was inadequate. The trial court ruled for petitioners.

First, the trial court held that the EIR’s “business as usual” approach was improper as a matter of law. According to the court, CEQA demands evaluation of a project’s effect on the existing physical environment, not an assessment of its consistency with legislative goals.²⁰⁶ Second, the court held that the EIR’s conclusions regarding the significance of impacts lacked support; there was no evidence in the record that reducing the project’s emissions by more than 29 percent below those of a hypothetical “business as usual” version of the project would actually help achieve the state’s goals.²⁰⁷ In particular, the court noted that, given the difficulty in reducing emissions from existing buildings, new developments like the project must be substantially *more* GHG-efficient than the statewide average in order to assist in meeting the state’s goals.²⁰⁸

The Second District Court of Appeal reversed the trial court’s decision and upheld the EIR. The Court of Appeal first observed that the Department had considerable discretion to choose a baseline for environmental analysis, provided that it was supported by substantial evidence.²⁰⁹ The court also noted that two other courts had upheld EIRs using a similar “business as usual” approach to assess project-level climate impacts.²¹⁰ The court concluded that the Department had discretion to use a “business as usual” approach modeled on AB 32 to assess significance and that the EIR’s analysis was supported by expert technical evidence regarding the project’s projected emissions.²¹¹

Petitioners sought review in the California Supreme Court, which granted review on three issues, including the propriety of the EIR’s climate analysis.²¹²

The Supreme Court Decision

In an opinion filed on November 30, 2015, the Supreme Court reversed the Court of Appeal.²¹³ As noted in Chapter 8, while the court found the Department’s use of a comparison to AB 32 proper, it nonetheless held that the EIR’s significance conclusions lacked sufficient evidentiary support. The court also offered guidance to agencies addressing climate impacts

²⁰⁶ Trial Court Decision, p. 29.

²⁰⁷ See *id.*

²⁰⁸ *Id.*

²⁰⁹ Appellate Opinion, pp. 99-100.

²¹⁰ *Id.* at 106, 108.

²¹¹ *Id.* at 108-111.

²¹² See *Center for Biological Diversity*, 62 Cal.4th at 213-14.

²¹³ *Id.* at 204, 241.

under CEQA that continues to shape the law today.

First, the court rejected the petitioners' argument that the EIR's "business as usual" comparison was improper.²¹⁴ The court observed that because no individual project is likely to emit enough GHGs to change the climate on its own, climate impacts must be assessed in terms of a project's contribution to a broader, cumulative problem.²¹⁵ The court also noted that unlike other air pollutants that have localized effects, GHGs have global effects; moreover, because some growth in GHG emissions is inevitable as California's population grows, using an "efficiency metric" to assess new projects' emissions may be more informative than using a static numerical threshold of significance (i.e., some number of tons of GHGs above which emissions would be deemed significant).²¹⁶ The court thus concluded that the EIR's "business as usual" comparison was a legally acceptable method of assessing whether the project would conflict with California's overall climate policy.²¹⁷

The court, however, then found that the EIR's conclusions regarding the significance of climate impacts lacked sufficient evidentiary support. In particular, the EIR failed to substantiate its assumption that the 29 percent statewide and economy-wide reduction from "business as usual" — the reduction the 2008 Scoping Plan found necessary to meet the state's 2020 goal — applied equally to new, individual development projects.²¹⁸ Echoing the trial court's ruling, the court emphasized that new development projects might need to be substantially more efficient than the statewide average, given the challenges of reducing emissions from the existing built environment.²¹⁹ The court underscored that agencies seeking to dismiss impacts based on a single, quantitative measure of significance must provide adequate, quantitative evidence to support their conclusions. Here, the court found that the EIR failed to do so.²²⁰

Finally, the court described several possible pathways for future GHG analysis under CEQA. For example, the court observed that a "business as usual" comparison might be valid if substantiated by adequate evidence.²²¹ The court also noted that a project's compliance with state regulations requiring emissions reductions might serve as a basis for deeming that project's effects less than significant — but only to the extent that the regulations actually governed the activity at issue.²²² Local greenhouse gas reduction plans, commonly known as

²¹⁴ See *id.* at 218-23.

²¹⁵ *Id.* at 219.

²¹⁶ *Id.* at 220-21.

²¹⁷ *Id.* at 224-25.

²¹⁸ *Id.* at 225-26.

²¹⁹ *Id.* at 226-27.

²²⁰ *Id.* at 227-28.

²²¹ *Id.* at 229.

²²² *Id.*

“climate action plans,” also could provide avenues for streamlining CEQA analysis.²²³ Finally, the court affirmed that local agencies could rely on numerical thresholds of significance, provided that they also recommended appropriate mitigation for projects with emissions exceeding those thresholds.²²⁴

Project Reapproval and Settlement

As noted in Chapter 8, the Department completely changed its approach after the Supreme Court decision. The Department prepared an “Additional Environmental Analysis” (AEA)²²⁵ that no longer relied on a “business as usual” comparison to dismiss the project’s impacts as less than significant. Instead, the Department relied on a “net zero” threshold and proposed a range of mitigation measures to eliminate the project’s increase in emissions. The AEA’s collection of on - site reduction strategies — including zero net energy buildings, solar generation, electric vehicle chargers and subsidies, and a transportation demand management plan — cut the project’s total emissions nearly in half. The AEA proposed to offset the rest of the project’s emissions by using carbon credits.²²⁶

Based on the new analysis and mitigation, the Department and the County reapproved the project in July 2017.²²⁷ Some of the petitioners subsequently reached a settlement with Newhall providing for additional GHG mitigation.²²⁸ The remaining petitioners unsuccessfully challenged the reapproved project.²²⁹ Newhall Ranch, now known as “Valencia,” is currently under construction.²³⁰

Newhall’s Lasting Influence

Chapter 8 discusses how the California Supreme Court’s Newhall Ranch decision continues to guide local governments’ use of CEQA to combat climate change. We expand on that discussion here.

As noted in Chapter 8, after Newhall public agencies began using different methodologies to

²²³ *Id.* at 230.

²²⁴ *Id.* at 230-31.

²²⁵ The AEA and supporting materials can be found at

<https://nrm.dfg.ca.gov/documents/ContextDocs.aspx?cat=NewhallRanchFinalAEA>

²²⁶ See Final AEA at 1.3 - 5 to 1.3 - 17, at

<https://nrm.dfg.ca.gov/documents/ContextDocs.aspx?cat=NewhallRanchFinalAEA>

²²⁷ Nina Agrawal, Long - debated Newhall Ranch project gets key approvals from county, Los Angeles Times (July 18, 2017), <https://www.latimes.com/local/lanow/la-me-in-newhall-ranch-20170718-story.html>.

²²⁸ Settlement Agreement dated Sept. 22, 2017, pp. 3-5,

https://www.biologicaldiversity.org/programs/urban/pdfs/Newhall_Settlement_Agreement.pdf

²²⁹ *Friends of Santa Clara River v. County of Los Angeles* (Cal. Ct. App., Apr. 3, 2020, No. B296547) 2020 WL 1649191, review denied July 22, 2020.

²³⁰ See <https://ranchontheriver.com/newhall-homes/>

analyze climate change impacts, leading to more findings of significance for project-level GHG emissions. At the same time, agencies have followed Newhall's new approach to developing climate mitigation for individual projects; the Final AEA proved to be a useful model. It is now common for EIRs to recommend mitigation that first reduces emissions through specific on-site measures (such as energy efficiency and solar generation) to the extent possible. EIRs then recommend purchase of GHG reduction credits to eliminate the balance of a project's emissions.

Finally, the increasing popularity of the Newhall Ranch development's overall approach — reducing emissions through a combination of on-site reductions and off-site carbon credits — is leading courts to provide additional guidance on the standards governing offset credits used as CEQA mitigation. In one recent case, the Fourth District Court of Appeal held that GHG offsets allowed as mitigation under San Diego County's climate action plan failed to ensure real, enforceable emissions reductions, as CEQA requires.²³¹ The appellate court noted that the County's offset mitigation standards fell short of state requirements applicable to offsets accepted under CARB's cap and trade program and expressed deep skepticism about the program's reliance on international offsets. The main effect of the appellate court's decision will be to tighten standards for offset mitigation, helping to ensure that CEQA leads to real, measurable, and enforceable emissions reductions when new projects are approved.

²³¹ *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 506-25.

Appendix F: Bibliography

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Appendix G: About Report Authors

Janet Smith-Heimer, MBA, Principal of The Housing Workshop



Janet founded The Housing Workshop in 2017 to provide focused housing policy consulting services to research institutions, professional organizations, foundations, and public agencies. This new firm builds on Janet's more than 35 years in consulting, primarily as founder and President of BAE Urban Economics, a national award-winning urban economics consulting firm. Janet managed BAE since founding the firm in 1986 through her departure in January 2017.

Janet's affordable housing work spans over three decades of policy and feasibility studies for the nation's largest cities, including the *NYC Mandatory Inclusionary Housing Market & Financial Feasibility Study* (2015) and the *City of Los Angeles Affordable Housing Linkage Fee Nexus Study* (2016). She recently completed a statewide study of the impact of CEQA on housing production in California for the Association of Environmental Professionals (AEP). She is also currently a pre-development advisor for five affordable housing projects throughout the Bay Area.

During her career, Janet prepared Housing Elements, Consolidated Plans, and market/financial feasibility studies on all types of affordable and market - rate housing projects for public agencies throughout the U.S. She has also managed feasibility studies for developers, resulting in built projects including artist lofts, TOD, university faculty, and federal employee housing.

In addition to housing, Janet led engagements for some of the largest P3 projects in the U.S. Her work includes transaction structuring, negotiations, and agency support for projects ranging from the redevelopment of Pier 40 in NYC to Hotel Vitale (a flagship boutique hotel on public land) on the San Francisco waterfront, to P3 deals at the Presidio of San Francisco and for the LA METRO. She also directed numerous downtown and business district revitalization strategies. Her work has been used by cities as diverse as Los Angeles, Phoenix, Seattle, Portland, Denver, Oakland, San Francisco, New York City, Washington DC, and throughout Silicon Valley.

Janet received her MBA with a specialization in Real Estate Development from Golden Gate University and a Bachelor of Urban Planning from the University of Cincinnati. She served as a lead instructor for the ULI Real Estate School for seven years, as past Founding Board Chair of Sustainable Agricultural Education (SAGE), and as appointed Member of her hometown's Sustainability Commission for 14 years.

Jessica Hitchcock, MCP, Principal of Urban Math



Jessica is the founder of Urban Math, where she leads all projects, incorporating advanced skills in data trends and financial analysis. She has almost 20 years of experience in housing policy, small business development, and workforce training. She has worked for community non-profits, local government, and the private sector, and brings this unique perspective to the practice.

Prior to launching Urban Math, Jessica was a Vice President at BAE Urban Economics, where she led a variety of projects across the country spanning economic development, housing policy, market analysis, strategic planning, and P3 transactions. Her experience at BAE gave her a deep understanding of how markets play out in urban environments.

One of Jessica's specialized skills is an advanced capability to convert large data sets into digestible morsels. For example, she developed a tool that categorized all neighborhoods in New York City and Los Angeles by market-strength, depicted on maps, and applied this categorization to assess the efficacy of inclusionary housing/linkage fees within market and financial feasibility constraints. The City of Los Angeles used her framework to apply in-lieu fees on a sliding scale.

Before joining BAE, Jessica was a project manager for RiseBoro, a non-profit housing developer based in Brooklyn, NY, where she developed over 500 units of mixed-income housing that won the Phoenix Award for Excellence in Brownfield Redevelopment. In addition to demonstrating financial acumen and a skill for collaboration, she developed a respect for approaches to community development. At RiseBoro, she learned the importance of deploying an array of tools to empower communities, combat displacement, and address homelessness.

Jessica also worked for the City of Oakland Redevelopment Agency, where she administered over \$2 million of revitalization grants to small businesses in Uptown. She built relationships and provided funding to new businesses around Oakland's Fox Theater, many of which continue to thrive. Jessica also has an entrepreneurial streak. She has run two small businesses, including a restaurant to provide jobs for immigrant families in Hayward.

Jessica earned a BS in Business Administration from the Haas School of Business at UC Berkeley, and a Master's in City Planning (MCP) from UC Berkeley. She is active in her local community, including current business planning work to create a model co-operative preschool.