THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Board Action

- **Board of Directors**
  Legislation and Communications Committee

9/15/2026 Board Meeting

8-5

Subject

Consider Staff Recommendation to take No Position on Proposition 45: Building an Affordable California Initiative

Executive Summary

The Building an Affordable California Act, on the November 2026 ballot as Proposition 45, is a statewide initiative that seeks to streamline the California Environmental Quality Act (CEQA) environmental review process and to streamline and expedite CEQA litigation for essential projects. **(Attachment 1)** The initiative seeks to accelerate essential project delivery by establishing shorter environmental review timelines, expedited permitting deadlines, and streamlined and expedited judicial review.

If approved by the voters, the initiative would represent one of the most significant changes to California's CEQA procedural framework in decades by establishing an alternative, expedited review and litigation processes for a broad class of essential projects.

While Metropolitan could stand to benefit from using all or parts of this streamlining for its own essential water projects, there are numerous implementation concerns regarding how this initiative would impact Metropolitan's ability to thoroughly assess projects as a reviewing agency, challenger or stakeholder when evaluating impacts to water quality and infrastructure. It could also impact the State Water Contractors' review and, if necessary, challenges to essential water projects in the Bay-Delta watershed that may adversely impact Metropolitan's State Water Project (SWP) supplies.

Proposed Action(s)/Recommendation(s) and Options

Staff Recommendation: Option #1

Option #1

Take no position on Proposition 45

Fiscal Impact: Unknown
Business Analysis: If Proposition 45 passes, Metropolitan could benefit by taking advantage of the streamlining but would be disadvantaged by the initiative's shorter timelines for review and limitations on judicial remedies as a reviewing agency or challenger.

Option #2

Adopt a support position on Proposition 45
Fiscal Impact: Unknown
Business Analysis: If Proposition 45 passes, Metropolitan could benefit by taking advantage of the streamlining but would be disadvantaged by the initiative's shorter timelines for review and limitations on judicial remedies as a reviewing agency or challenger.

Option #3

Adopt an oppose position on Proposition 45
Fiscal Impact: Unknown
Business Analysis: If Proposition 45 passes, Metropolitan could benefit by taking advantage of the streamlining but would be disadvantaged by the initiative's shorter timelines for review and limitations on judicial remedies as a reviewing agency or challenger.

Alternatives Considered

Not applicable

Applicable Policy

Metropolitan Water District Administrative Code Section 11104: Delegation of Responsibilities

By Minute Item 54347, dated December 9, 2025, the Board adopted the 2026 Legislative Priorities and Principles, including the following:

I.1: Continue support for imported water supply resiliency and reliability…

III.A.6: Modernize and effectively administer the California water rights system in the Delta watershed, including protecting stored water releases.

III.C.: Metropolitan works with state and federal agencies as well as other SWP contractors to manage threats to the [State Water Project] …

IV. D. 1: Ensure environmental compliance by improving the clarity and workability of regulatory and reporting requirements, promoting consistency, and reducing duplication while also protecting public health and the environment.

V. A.: Initiate, expedite, and defray the costs of planning, financing, constructing, repairing, and rehabilitating water and power infrastructure projects, including but not limited to general obligation bonds, tax-exempt municipal bonds, grants, low-interest loans, and direct appropriations. Ensure equitable cost-sharing of water and power infrastructure projects.

By Minute Item 53012, dated October 11, 2022, the Board adopted the Revised Bay-Delta Policy Framework 2A: Protect water supply reliability and quality while reducing reliance consistent with the Delta Reform Act.

Related Board Action(s)/Future Action(s)

Not applicable

Summary of Outreach Completed

Metropolitan staff met with the California Chamber of Commerce to discuss Metropolitan's view on implementation concerns related to Proposition 45. Metropolitan further invited the lead proponents and opponents of Proposition 45 to Metropolitan's Legislation and Communications Committee meeting on August 17, 2026. Support and opposition spoke directly to the Board during public comments at the beginning of the meeting.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

None required

CEQA determination for Option #2:

The proposed action is not defined as a project under CEQA because it involves the submittal of proposals to a vote of the people of the state or of a particular community that does not involve a public agency-sponsored initiative (Public Resources Code Section 21065; State CEQA Guidelines Section 15378(b)(3).)

CEQA determination for Option #3:

The proposed action is not defined as a project under CEQA because it involves the submittal of proposals to a vote of the people of the state or of a particular community that does not involve a public agency-sponsored initiative (Public Resources Code Section 21065; State CEQA Guidelines Section 15378(b)(3).)

Details and Background

Background

Proposition 45, also known as the Building an Affordable California Act, would establish an optional new statutory framework governing environmental and judicial review for defined "essential projects" under CEQA. The initiative is intended to accelerate delivery of qualifying infrastructure, housing, water and education projects by imposing mandatory timelines for environmental review, limiting public comment periods, expediting permit decisions, and both expediting and narrowing judicial review and judicial remedies for CEQA violations. Essential projects eligible for the streamlined process include housing, clean energy, transportation, broadband, public safety, public health, education, and water projects.

The initiative is sponsored by the Committee to Build an Affordable California and was introduced in response to a growing concern among business groups, local governments, labor organizations, and infrastructure developers that California's project approval system has become too slow, costly and uncertain, particularly for critical projects needed to address the state's affordability challenges.

Recent legislative actions, including CEQA streamlining for certain housing developments, transportation projects, and water infrastructure, illustrate this trend. The Building an Affordable California Act represents a broader effort to apply similar streamlining concepts across multiple categories of essential projects.

Key Provisions

Proposition 45 includes several provisions that seek to expedite the approval of essential projects. Below is a summary of key provisions included within the initiative.

- **Applies to Essential Projects Only.** The initiative establishes a new CEQA framework for defined "essential projects," including housing, water, clean energy, transportation, public health, public safety, and broadband internet projects, while narrowing CEQA environmental review requirements.
- **Establishes Mandatory Application Completeness Timelines.** Lead and responsible agencies generally must determine whether an application is complete within 30 days. If no determination is made, the application is deemed complete, limiting repeated requests for additional information and delay tactics.
- **Requires Expedited CEQA Review Timelines.** The initiative establishes deadlines of 90 business days to determine CEQA exemptions, 180 business days to adopt a Negative Declaration or Mitigated Negative Declaration, and 365 business days to certify an Environmental Impact Report.
- **Imposes Deadlines on Permit Decisions.** Lead agencies generally must approve or deny project permits within 90 days after completing CEQA review, while responsible agencies generally must act within 90 days after an application is determined to be complete.
- **Caps Public Review Periods.** Public comment periods are limited to 20 days for Mitigated Negative Declarations and 45 days for Draft Environmental Impact Reports, with extensions prohibited except by court order.
- **Narrows the Administrative Record.** The initiative limits the administrative record in CEQA litigation primarily to publicly circulated documents, qualifying written comments, and hearing testimony, reducing the scope of materials considered by courts.
- **Freezes Applicable Standards at Project Application.** Environmental review and permit decisions are based on the statutes, regulations, ordinances, and written standards in effect when a project application is submitted, rather than later changes in law.

- **Limits CEQA Challenges to Objective Standards.** Judicial review is limited to noncompliance with objective, quantifiable, written standards that existed when the application was submitted.
- **Creates an Optional Streamlined Alternatives Analysis.** Applicants may elect a streamlined Environmental Impact Report process that evaluates only the proposed project, one applicant-developed alternative, and the no-project alternative, rather than a broader range of project alternatives under current law.
- **Requires Earlier Tribal Consultation.** Applicants using Prop 45 must conduct a preliminary consultation with consulting tribes before submitting an application, followed by formal tribal consultation during the CEQA process. The preliminary tribal consultation process concludes when the formal consultation process begins.
- **Modifies Tribal Consultation Requirements.** For essential projects, the initiative establishes a new definition of "Consulting Tribe" that limits mandatory consultation to federally recognized tribes meeting specified eligibility criteria. However, nothing in the proposal prohibits lead agencies from voluntarily consulting with non-federally recognized tribes.
- **Reforms CEQA Litigation and Judicial Remedies.** The initiative requires CEQA lawsuits to generally be resolved within 270 days, limits available judicial remedies, prohibits courts from ordering agencies to rescind project approvals, and prohibits injunctions and future legal challenges to all subsequent project approvals if no CEQA challenge is filed, if challenges are rejected, or once deficiencies in the CEQA review have been corrected. Courts may enjoin portions of essential projects only if the litigant shows by clear and convincing evidence that the portion of the project would have a specific, adverse impact upon public safety, and there is no feasible method to avoid or mitigate the public safety impact.
- **Allows Project Applicant Discretionary Use of the Provisions.** The project applicant may use all, some or none of the provisions in Proposition 45.
- **Provides for Legislative Amendment.** Allows the Legislature to amend the measure by two-thirds-majority vote to further Proposition 45's purposes.

Implementation Concerns

Metropolitan supports efforts to improve the efficiency and predictability of environmental review. However, because Metropolitan serves multiple roles under CEQA, as a project proponent and CEQA lead agency building and maintaining major water infrastructure, a CEQA responsible agency reviewing and approving projects proposed by others, and occasionally as a challenger seeking to protect water supplies and public infrastructure, staff identified several provisions that raise concern for our engagement in these differing roles.

- **Administrative Record:** The initiative narrows the materials that may be considered by a court during CEQA litigation to documents that are publicly circulated and timely public comments. Staff notes that many engineering studies, technical analyses, and supporting documents used to justify project decisions are not always included in those materials, creating uncertainty about whether they could be relied upon if an essential project is challenged.
- **Environmental Review Timelines:** The proposal caps public comment periods for environmental documents to as little as 20 or 45 days for essential projects. While this could accelerate project delivery, it may limit the time available for agencies to evaluate technically complex projects that could affect water supplies, infrastructure, or other public resources before providing comments. Lead agencies often grant extensions of the comment periods under CEQA, especially for major projects. This measure would prevent them from doing so for essential projects unless the applicant opts out of the comment period caps.
- **Permitting Deadlines:** The initiative establishes mandatory deadlines for responsible agencies to issue permits and approvals. Although these timelines may work well for routine permits, staff notes that projects involving extensive engineering review, multiple agencies, or governing board approvals may require additional time to ensure informed decision-making.

- **Project Alternatives:** The proposal limits the range of project alternatives analyzed and approved during environmental review. Staff notes this could reduce flexibility for lead agencies to modify projects or combine elements from multiple alternatives to better balance project objectives with environmental protection.
- **Tribal Consultation:** The proposal to limit mandatory tribal consultation to federally recognized tribes would reduce tribal engagement within the Metropolitan service area in Los Angeles, Orange, and Ventura counties. Staff notes that while there are many California Native American tribes in these counties, none are federally recognized, and they would be excluded from the mandatory consultation for essential projects. Additionally, the 20-day timeframe for lead agencies to obtain and provide confidential records to consulting tribes may not be feasible, as the information access relies on the availability of staff at the California Historic Resources Inventory System.
- **Judicial Review Standards:** The initiative would require legal challenges to demonstrate that projects violate objective standards enacted or adopted before an essential project application was submitted. Staff notes that many environmental issues – such as visual impacts, cultural resources, and certain biological resources – often rely on qualitative analysis or professional judgment rather than numerical or other objective standards. In addition, there are often multiple, conflicting quantified standards for any given resource, raising questions about how courts would adjudicate those issues under the new framework.
- **Judicial Remedies:** The initiative limits the remedies courts may order when a CEQA violation is found, generally allowing projects to proceed while deficiencies are corrected rather than requiring project approvals to be set aside. While this could reduce delays for essential infrastructure projects, staff notes it may also reduce the ability of affected agencies to seek project modifications that protect water supplies and critical infrastructure.

Support

Proposition 45 is sponsored by the Committee to Build an Affordable California and includes a broad coalition of business, housing, clean energy and infrastructure developers. Supporters argue that Proposition 45 would modernize CEQA by limiting prolonged environmental reviews and litigation that they say have delayed essential projects well beyond their intended purpose. They contend CEQA is frequently used as a procedural tool to block or delay housing, water, transportation, clean energy, and other critical infrastructure projects for reasons unrelated to environmental protection. Proponents believe the measure would preserve meaningful environmental review while reducing legal uncertainty, lowering development costs, and helping California address its housing shortage and infrastructure needs more quickly. Polling cited by supporters also suggests many voters believe CEQA reform is needed to improve affordability and accelerate needed projects.

Proponents (partial list):

- American Clean Power – California
- Associated General Contractors of California
- California Building Industry Association
- California Business Roundtable
- California Chamber of Commerce
- California Hospital Association
- California Water Association
- Eastern Municipal Water District
- Housing Action Coalition
- NAACP California/Hawaii State Conference
- Western Municipal Water District

Opposition

Opposition to Proposition 45 is being led by the People Over Polluters coalition, which includes hundreds of environmental, social justice and labor groups. Opponents argue that Proposition 45 would fundamentally weaken California's environmental review system by prioritizing project approval over environmental protection and applying those weakened standards to a broad range of major projects. They contend that the initiative would obstruct meaningful environmental analysis and make it more difficult for agencies to account for evolving science and cumulative environmental impacts. Opponents believe these changes would shift long-term environmental, infrastructure, and public safety costs, including wildfire, water quality, pollution, and public service impacts, from developers to taxpayers and local governments while creating years of legal uncertainty over implementation.

Opponents (partial list):

- American Nurses Association of California
- California Public Interest Research Group
- Center for Environmental Health
- Clean Water Action
- Clean and Healthy California
- Planning and Conservation League
- National Wildlife Federation
- Natural Resources Defense Council Action Fund
- Sierra Club California
- State Building and Construction Trades Council of California

Conclusion

Proposition 45 presents both potential benefits and implementation challenges for Metropolitan. As a project proponent and lead agency, Metropolitan could benefit from using all or some of the streamlined process that provides greater certainty and shorter timelines for the environmental review, permitting, and judicial review of qualifying essential water projects. These provisions could help accelerate the delivery of projects needed to maintain and improve regional water supply reliability. All six Metropolitan-led CEQA documents over the last two years would have been eligible for Proposition 45 streamlining but are currently past their environmental review phase. Sites Reservoir and Pure Water Southern California utilized the existing judicial streamlining provided by SB 149 (2023) for critical infrastructure projects, establishing a 270-day target for resolving litigation. The state has already certified the EIR for the Delta Conveyance Project (DCP), and Proposition 45 contains specific language aimed at excluding the DCP from qualifying as an essential project.

At the same time, Metropolitan also regularly participates in the environmental review and permitting of projects proposed by other entities that may affect its water supplies, facilities, operations, and broader interests. Out of 20 CEQA comments filed over the past two years, 12 of them were for projects that would have been eligible for Proposition 45 streamlining. In these circumstances, the initiative's shortened review timelines, limitations on the administrative record and project alternatives, changes to tribal consultation requirements, and restrictions on judicial review and available remedies could hinder Metropolitan's ability to fully evaluate project impacts and advocate for appropriate protections. These concerns are particularly significant for complex projects where potential impacts to water resources and infrastructure may require substantial technical analysis and coordination among multiple agencies.

In addition, the State Water Contractors (SWC), of which Metropolitan is a member, comments on what would qualify as essential water projects in the Bay-Delta watershed and sometimes files CEQA litigation or water right protests to protect SWP supplies. Proposition 45 could be used by applicants to dramatically diminish leverage otherwise afforded to SWC in CEQA litigation to negotiate water right permit terms or other measures to protect

its member's water supplies. In addition, SWC has filed protests to water right permit applications, and the requirement for the State Water Resources Control Board to issue a permit within 90 days of the application being deemed complete under Proposition 45 could prejudice SWC's ability to make its case in the adjudicatory proceeding for such protests.

The initiative therefore presents competing considerations for Metropolitan. The same provisions that could facilitate more timely delivery of Metropolitan's own infrastructure projects could also limit Metropolitan's and SWC's ability to protect Metropolitan's interests when reviewing or challenging projects proposed by others. Given Metropolitan's multiple and sometimes differing roles under CEQA and given the robust public engagement by proponents and opponents of the measure, staff recommends that the Board take no position on Proposition 45.

9/8/2026
Carolyn Schaffer *Date*
Group Manager, External Affairs

9/8/2026
Shivaji Deshmukh *Date*
General Manager

Attachment 1 – Proposition 45—The Building an Affordable California Act, as submitted to the California Attorney General on November 24, 2025

Ref# ea12715084

Attachment 1 - Prop 45 Letter

NIELSEN MERKSAMER
NIELSEN MERKSAMER PARRINELLO GROSS & LEONI LLP

POLITICAL & GOVERNMENT | LAW ADVOCACY LITIGATION

November 24, 2025

Hon. Rob Bonta
Attorney General of California
1300 I Street, 17th Floor
Sacramento, CA 95814

Attention: Ms. Anabel Renteria, Initiative Coordinator

Re: Request for Title and Summary for Proposed Initiative Statute (A.G. # 25-0023) – *Amended Language*

Dear Mr. Bonta:

We serve as counsel for the proponent of the Building an Affordable California Act (A.G. # 25-0023). On the proponent's behalf, enclosed are amendments to this proposed measure submitted pursuant to subdivision (b) of Section 9002 of the Elections Code. The $2,000 filing fee and required proponent affidavits were included with the original submission.

All legal inquires or correspondence relative to this initiative should be directed to:

Kurt R. Oneto
Nielsen Merksamer LLP
1415 L Street, Suite 1200
Sacramento, CA 95814
(916) 446-6752
koneto@nmgovlaw.com

RECEIVED
NOV 25 2025
INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Sincerely,

Kurt R. Oneto
Enclosures

November 24, 2025

VIA PERSONAL DELIVERY

Hon. Rob Bonta
Attorney General of California
1300 I Street, 17th Floor
Sacramento, CA 95814

Attention: Ms. Anabel Renteria, Initiative Coordinator

Re: Request for Title and Summary for Proposed Initiative Statute (A.G. No. 25-0023) – *Amended Language*

Dear Mr. Bonta:

Pursuant to Section 9002(b) of the California Elections Code, please find attached hereto amendments to the above-captioned initiative measure. I hereby request that a title and summary be prepared for the initiative measure using the attached amended language. The required proponent affidavit(s) pursuant to Sections 9001 and 9608 of the California Elections Code, and a check for $2,000.00, were included with the original submission.

All inquires or correspondence relative to this initiative should be directed to Kurt R. Oneto at koneto@nmgovlaw.com or 916-446-6752.

Thank you for your assistance.

Sincerely,

Kurt R. Oneto, Proponent

Enclosure: Proposed Initiative Statute – *Amended Language*

SECTION 1. Chapter 1.5 (commencing with Section 21010) is added to Division 13 of the Public Resources Code, to read:

CHAPTER 1.5. BUILDING AN AFFORDABLE CALIFORNIA ACT

ARTICLE 1. Title, Findings and Declarations, Purpose.

21010. Title.

This chapter shall be known and may be cited as the Building an Affordable California Act.

21011. Findings and Declarations.

The People of the State of California hereby find and declare the following:

(a) California's outdated system for approving essential projects is too slow, too bureaucratic, and too costly. Essential projects like clean water, clean energy, hospitals, affordable housing, roads, wildfire prevention, schools, public safety, and other infrastructure improvements are being delayed or blocked by unnecessary red tape, bureaucratic delays, and excessive lawsuits.

(b) These delays substantially increase the cost of living for all Californians. Research shows that permitting delays alone add tens of thousands of dollars to the price of a new home—driving up rents and mortgages for homeowners and renters. Similar red tape adds billions of dollars to the cost of building hospitals, water infrastructure, roads, bridges, clean energy, schools, broadband, and wildfire mitigation projects—costs ultimately passed on to consumers and taxpayers.

(c) California's permitting laws were written more than 50 years ago, before today's modern environmental laws were in place. That outdated system now works against the state's environmental and public health goals by slowing down or blocking essential projects that would reduce air pollution, lower greenhouse gas emissions, safeguard water supplies, protect communities from wildfire, and preserve wildlife and the environment.

(d) The Building an Affordable California Act will modernize and streamline state law to cut bureaucratic red tape and unnecessary delays; limit frivolous lawsuits that block essential

projects while allowing public agencies and essential project applicants to continue sharing the burden of defending against such suits; and speed up delivery of projects Californians rely on every day.

(e) Every year of delay means Californians wait longer and pay more for the things they need most. The Building an Affordable California Act applies to the state's most essential projects, including:

(1) Clean drinking water and secure water supplies for communities across the state.

(2) Safe, modern hospitals and clinics to ensure access to affordable health care.

(3) Clean energy and reliable electricity to reduce energy bills and fight climate change.

(4) Housing of all types in order to make housing more affordable for families struggling with skyrocketing rents and mortgages as well as vulnerable senior populations.

(5) Roads, bridges, and transit to cut traffic congestion and improve public safety.

(6) Wildfire prevention and resilience projects to protect lives, homes, and natural resources.

(7) Safe, modernized public schools and educational facilities for students and educators.

(8) Broadband and telecommunications infrastructure to connect underserved communities and expand opportunity.

(f) By speeding up these essential projects, the Building an Affordable California Act will make California more affordable and lower the cost of housing, energy, electricity, health care, and other necessities, while also reducing taxpayer costs for public works projects.

(g) The Building an Affordable California Act will also jump-start projects that create well-paying jobs and put tens of thousands of Californians to work—especially in construction, clean energy, and infrastructure—helping grow California's economy when it is needed most.

(h) Importantly, the Building an Affordable California Act maintains state and federal clean air, clean water, and environmental protection laws such as the Endangered Species Act, the Safe Drinking Water Act, the Toxic Substances Control Act, the Clean Water Act, the Clean Air Act, the Environmental Quality Improvement Act, the Global Warming Solutions Act, the California Coastal Act, and the Resource Conservation and Recovery Act. This chapter will help build the projects needed to make California more affordable—without repealing these laws that keep families and the environment safe.

(i) We can and must build an affordable California.

21012. Statement of Purpose.

The purpose of this chapter is to make California more affordable by streamlining and speeding approval of essential projects—reducing costs for families and taxpayers, improving quality of life, creating good jobs, and maintaining California's strongest-in-the-world environmental protections.

ARTICLE 2. Application of Chapter and Interaction with Other Laws.

21013. Projects Subject to this Chapter.

This chapter applies only to essential housing projects, essential clean energy projects, essential water projects, essential public health projects, essential public safety projects, essential broadband Internet access projects, essential education facility projects, and essential transportation projects, which the People of California hereby declare to be critical to their quality of life and affordability in this state.

21014. Application of Chapter.

(a) This chapter does not diminish the authority of any public agency to approve or disapprove an essential project. No outcomes on any proposed essential project are preordained by this chapter.

(b) This chapter does not exempt any essential project from environmental review under this division or any other law. Instead, this chapter establishes clear timelines and other procedures for review under this division and administrative permit review for essential projects.

(c) Except as otherwise provided herein, this chapter shall apply to review and processing of any and every application or approval for an essential project and its accompanying land use entitlements, including without limitation, discretionary adjudicative and legislative land use entitlements triggering programmatic, plan-level, or project-level environmental review under this division.

(d) This chapter shall apply to all public agencies.

(e)(1) To the extent a conflict exists between this chapter and any other law, this chapter shall be controlling. Notwithstanding anything to the contrary, this chapter shall not abrogate or limit any otherwise applicable statutory or categorical exemption from this division.

(2) Notwithstanding Section 21100 or any other law, the provisions of this chapter shall control and supersede any conflicting requirement for environmental review of an essential project, and any accompanying permit review. No provision of Section 21100 or any other law shall invalidate or limit the application of this chapter to an essential project.

(f)(1) An application for an essential project that was submitted to a public agency prior to the effective date of this chapter, and that has not yet received final approval prior to that date, may be withdrawn and resubmitted after the effective date of this chapter.

(2) An application for an essential project that is withdrawn and resubmitted as provided in paragraph (1) can be reviewed and approved pursuant to the provisions of this chapter.

(3) Essential housing projects with applications withdrawn and resubmitted as provided in paragraph (1) shall not lose any vested rights or other benefits the applicant acquired through any provisions of law, including without limitation, the Subdivision Map Act, Housing Accountability Act (Section 65589.5 of the Government Code), the Builder's Remedy (Statutes of 2024, chapter 268), and the Housing Crisis Act of 2019 (Statutes of 2019, chapter 654). Vested rights shall relate back to the date any preliminary application under Section 65941.1 of the Government Code was submitted or the date vesting occurs under other applicable law.

(4)(A) If an application for an essential project was deemed or determined complete prior to the effective date of this chapter, the application shall be deemed complete for purposes of this chapter, and a public agency shall not require additional completeness review.

(B) In circumstances where an application has been withdrawn and resubmitted as provided in paragraph (1), any deadlines in this chapter that are triggered by the date an application is determined or deemed to be complete shall be calculated from the time the essential project application is resubmitted by the applicant.

(g) The timelines and deadlines set forth in this chapter shall apply to all essential project applications that are determined or deemed complete, pursuant to Section 21017 or any other law, after the effective date of this chapter irrespective of the date of the application's submission.

(h) Notwithstanding any other provision of law to the contrary:

(1) If an essential project is a portion or component of a larger project, the portion or component that qualifies as an essential project may be processed, reviewed, and approved pursuant to this chapter.

(2) If the whole of a project is an essential project, the essential project may be implemented in multiple phases, and phased applications are not required to individually meet the criteria for an essential project to be processed, reviewed, and approved pursuant to this chapter.

(h) Unless otherwise stated herein, nothing in this chapter shall be construed to eliminate or restrict a lead agency's discretion to determine an appropriate threshold or significance or mitigation measure in preparing environmental review documents.

(i) Nothing in this chapter prohibits a public agency from imposing a fee upon an applicant, consistent with Article XIII A and Article XIII C of the California Constitution, for purposes of covering governmental costs associated with processing and reviewing essential project applications.

(j) An applicant may consent to providing a public agency with additional time to complete environmental review pursuant to Sections 21018 or 21019, or to make a decision on other public agency action sought by the applicant pursuant to Section 21023, by agreeing to withhold a written request that the applicant is otherwise entitled to submit pursuant to subdivision (a) of Section 21020 or subdivision (b) of Section 21023.

21015. Interaction with Other Laws.

(a) In order to maximize the ability to streamline and speed up approval of essential projects, an applicant may elect to utilize none, some, or all of the provisions of this chapter, and may do so in combination with, or as alternatives to, other land use and environmental review laws, mechanisms, or procedures. Nothing in this chapter either (A) prohibits an applicant from availing itself of other land use and environmental review laws that would provide for more expeditious or advantageous review and approval of essential projects compared to this chapter; or (B) requires an applicant seeking approval of a project that meets the definition of an essential project to utilize this chapter.

(b) To the extent that an ambiguity arises regarding how this chapter might operate in conjunction with other provisions of law, the policies and intent set forth in Section 21029 shall be controlling.

(c) The following provisions shall apply to an essential housing project:

(1) The prevailing wage provisions of paragraph (8) of subdivision (a) of Section 65913.4 of the Government Code shall apply solely to buildings over 85 feet in height above grade in any essential housing project.

(2) The provisions of paragraph (3) and paragraph (5) of subdivision (d) of Section 21080.66, as added by Section 59 of Chapter 22 of the Statutes of 2025 (Assembly Bill 130), shall apply to an essential housing project that utilizes this chapter.

(3)(A) In addition to a direct contractor or subcontractor, the provisions of Section 218.9 of the Labor Code shall extend to the owner of an essential housing project during construction of the essential housing project that utilizes this chapter.

(B) For purposes of this paragraph, "owner" means an owner as defined in subdivision (e) of Section 8182 of the Civil Code.

(d) Notwithstanding subdivision (a):

(1) All essential projects that utilize this chapter shall comply with the requirements set forth in Section 21016 pertaining to initial screening and tribal consultation.

(2) With the exception of essential housing projects, all essential projects that utilize this chapter shall comply with the requirements set forth in Section 21028 pertaining to applying the labor requirements described in Section 21183.5 to essential projects.

(3)(A) Except as provided in subparagraph (B), all essential housing projects that utilize this chapter shall comply with the requirements set forth in subdivision (c) pertaining to wages and labor standards on essential housing projects.

(B) If an essential housing project applicant chooses to proceed in part pursuant to this chapter, and in part pursuant to another voluntary streamlined environmental review processing law codified outside of this chapter that also requires the use of either prevailing wages or a project labor agreement, the applicant is required to comply with whatever prevailing wage or project labor agreement requirements are mandated by the other streamlining law for essential project components(s) that are processed and approved pursuant to such other streamlining law.

ARTICLE 3. Initial Screening, Tribal Consultation, and Completeness of Essential Project Applications.

21016. Tribal Cultural Resources: Initial Screening and Tribal Consultation on Essential Projects.

(a) Purpose. The People of the State of California hereby declare that this section is necessary in order to provide for early and meaningful tribal consultation as a key element of essential project planning while maintaining protections for tribal cultural resources. Consulting Tribes have knowledge and expertise concerning tribal cultural resources located within essential project areas.

(b) Construction and Interpretation.

(1) Notwithstanding Section 21015 or any other provision of law, the tribal consultation process for essential projects shall follow the provisions set forth in this section.

(2) Nothing in this chapter is intended to alter or conflict with federal government-to-government consultation obligations involving Consulting Tribes.

(3) The timelines established in Article 4 shall not alter the duration of consultation with a Consulting Tribe on an essential project pursuant to Sections 21080.3.1 and 21080.3.2.

(4) If any technical studies are conducted for the essential project that inform analysis, measures and/or treatment of tribal cultural resources, Consulting Tribes shall be afforded the opportunity to review and provide input on those studies.

(5) When provided by a Consulting Tribe, tribal traditional knowledge shall be incorporated in the identification, treatment, and protection measures concerning tribal cultural resources. As tribal cultural resources is a separate category from cultural resources and archaeological resources, some archaeological methods and standards may not be appropriate for tribal cultural resources. If the lead agency elects not to utilize tribal methods and standards or tribal traditional knowledge, it shall explain its decision in the environmental documents for the essential project, supported by substantial evidence.

(6) All information regarding tribal cultural resources and tribal traditional knowledge disclosed by a Consulting Tribe shall remain confidential consistent with subdivision (c) of

Section 21082.3, and such information shall not be disclosed in the administrative record of proceedings without the permission of the Consulting Tribe. Lead agencies shall, in consultation with affected Consulting Tribes, determine appropriate measures to maintain confidentiality of information regarding tribal cultural resources and tribal traditional knowledge, including, but not limited to, redaction of precise locations, restricted mapping, secure data storage, or other protective handling of tribal cultural resources information. Any written explanation under paragraph (5) of subdivision (c) shall not be subject to challenge to the extent the lead agency does not have permission from the Consulting Tribe to disclose supporting information due to the confidentiality requirements of this paragraph.

(7) Completion of the initial screening process pursuant to subdivision (c) operates separately from, and does not modify, pause, or affect, any requirements or timelines set forth in Section 21017 or any other provisions of this division.

(c) Initial screening. Upon the earlier of the applicant's submittal of a preliminary application under any other law, the applicant's written notice under subdivision (b) of Section 21024, or an application for an essential project, an early screening to identify and evaluate tribal cultural resources shall take place. An initial screening means the act of participating in early discussions, prior to an application being determined complete by the lead agency, through a meet and confer process between the Consulting Tribe, lead agency, and applicant regarding the potential effects a proposed essential project could have on tribal cultural resources. As part of the initial screening process, all of the following shall occur:

(1)(A) An applicant shall provide the lead agency with the following existing information:

(i) A description of the proposed essential project.

(ii) A conceptual site map showing the proposed footprint, alignment, or general boundaries of the project area.

(iii) A vicinity map identifying major landmarks, roadways, and natural features.

(iv) Any geotechnical, environmental, and site-specific technical studies previously developed to support meet and confer under paragraph (4) on early design, routing, or feasibility analysis relating to and/or affecting tribal cultural resources.

(v) For linear projects such as electric transmission lines, pipelines, rail lines, aqueducts, communications lines, and roads, applicants must include the general corridor and the location of any starting and ending facilities or substations.

(B) Applicants shall not be required to produce new studies or analyses for the purposes of this subdivision. Any input under this section other than regarding the identification of tribal cultural resources shall be provided during the tribal consultation process under subdivision (d).

(2) Within 20 days of receiving the information described in paragraph (1), the lead agency shall complete a records search for recorded and documented archaeological resources, cultural resources, and tribal cultural resources within the proposed project area and the area of potential effects (APE) (as that term is defined under 36 CFR § 800.16), as determined by the lead agency, through the following:

(A) The Sacred Lands File maintained by the Native American Heritage Commission;

(B) The California Historical Resources Information System (CHRIS) maintained by the Office of Historic Preservation; and

(C) The lead agency's records.

(3) Upon completing the search required by paragraph (2), the lead agency shall provide Consulting Tribes all information obtained pursuant to paragraphs (1) and paragraph (2), as well as an invitation to meet and confer pursuant to paragraph (4).

(4) After receiving the information provided by the lead agency pursuant to paragraph (3) and upon the request of a Consulting Tribe, the Consulting Tribe, lead agency, and applicant shall meet and confer regarding the proposed essential project and any known or recorded tribal cultural resources, and a Consulting Tribe may share any information, including information in tribal government registers. During the meet and confer, the three parties shall identify and evaluate treatment and protection methods, measures, and conditions to address impacts on tribal cultural resources, including avoidance and preservation in place. Unless otherwise agreed upon by all parties, any agreements among all the parties from the meet and confer shall be finalized during the tribal consultation process set forth in subdivision (d). The results of the meet and confer shall be documented and maintained by the lead agency in agreement with the Consulting Tribe.

(5)(A) If a Consulting Tribe does not respond to the initial screening invitation provided by the lead agency pursuant to paragraph (3) within 30 days, then the initial screening process under this subdivision shall be deemed to have concluded and the parties shall move into the tribal consultation process set forth in subdivision (d). A Consulting Tribe's decision not to meet and confer under the initial screening process in this subdivision shall in no way affect the Consulting Tribe's ability or right to participate in the tribal consultation process set forth in subdivision (d).

(B) The initial screening process provided in this subdivision shall end when the tribal consultation process set forth in subdivision (d) begins.

(C) Where the tribal consultation process set forth in subdivision (d) does not apply, the initial screening process under this subdivision shall terminate upon the earlier date of the parties' agreement from the meet and confer pursuant to paragraph (4) or 30 days from the date an application for an essential project is determined complete by the lead agency or deemed complete by operation of law.

(d) Tribal consultation. Tribal consultation for an essential project shall be conducted pursuant to Sections 21074, 21080.3.1, 21080.3.2, 21082.3, 21084.2, and 21084.3, except as modified as follows:

(1) The purpose of tribal consultation is to identify tribal cultural resources and evaluate treatment and protection measures for those tribal cultural resources, including the implementation of treatment and protection measures.

(2) Tribal consultation is not meaningful if the Consulting Tribe is not provided with reasonably requested technical information, including, but not limited to, project information and constraints, data, maps, and information concerning project activities as they relate to treatment and protection of tribal cultural resources. During tribal consultation pursuant to this subdivision, the lead agency shall engage in iterative discussions with the Consulting Tribe regarding the development of mitigation measures related to tribal cultural resources, including preliminary concepts or approaches prior to publication of any draft environmental document. This includes notifying the Consulting Tribe of any existing technical studies or reports in the lead agency's possession that relate to tribal cultural resources on or in the vicinity of the essential project site, to the extent permitted by applicable confidentiality laws, and providing the Consulting Tribe

with access to such studies or reports. To the extent any draft environmental review document is provided to the applicant for review in advance of the public comment period for that environmental review document, such draft shall also be made available to the Consulting Tribe at the time it is provided to the applicant. Nothing in this section shall be construed to require the lead agency to prepare or circulate draft environmental review documents for purposes of tribal consultation.

(3) Where the lead agency, a Consulting Tribe, and the applicant agree in writing to measures to avoid or mitigate a significant effect on a tribal cultural resource, those measures and any written agreement shall become enforceable conditions of project approval, subject to the confidentiality requirements under paragraph (6) of subdivision (b).

(e) Treatment and protection of tribal cultural resources. When feasible, damaging effects to any tribal cultural resources shall be avoided.

(1) Consistent with subdivision (b) of Section 21014, nothing in this subdivision alters the lead agency's obligation under CEQA to avoid or mitigate significant impacts to tribal cultural resources when feasible. Mitigation and treatment measures adopted in consultation with the Consulting Tribe pursuant to this subdivision to avoid or minimize significant impacts to tribal cultural resources shall be consistent with the following:

(A) Avoidance and preservation in place shall be considered when requested by the Consulting Tribe. A tribal cultural resource may be avoided or preserved in place through project design, buffering, or other protective measures to avoid the tribal cultural resources and protect the cultural and natural context, or planning greenspace, parks, or other open space to incorporate the tribal cultural resources with culturally appropriate protection and management criteria, which are referenced in the project's environmental documents.

(B) If an essential project has the potential to cause a substantial adverse change in the significance of a tribal cultural resource, and avoidance and preservation in place are not feasible, the lead agency shall demonstrate and document the basis for that determination with substantial evidence, and the Consulting Tribe may identify culturally appropriate mitigation measures, which the lead agency shall consider and incorporate, to the extent feasible, in developing mitigation and treatment measures in a manner consistent with paragraph (2) of subdivision (b) of Section 21084.3.

(C) When an essential project proposes construction-related ground disturbance activities and when requested by the Consulting Tribe, the lead agency shall include inadvertent discovery measures to reduce significant impacts to tribal cultural resources. Such measures may include procedures for temporary halts of grading, identification and assessment protocols, timing provisions, and additional treatment methods or protective measures.

(f) Essential project approval. A lead agency may only approve an essential project pursuant to this section when all of the following apply:

(1) Tribal consultation has concluded in good faith;

(2) Where there is agreement among all parties under either paragraph (4) of subdivision (c) or subdivision (d), any agreed-upon mitigation and avoidance measures are included as enforceable project conditions; and

(3) If avoidance and preservation in place is not feasible, the lead agency has demonstrated and documented the basis for that determination with substantial evidence and incorporated other measures to minimize impacts consistent with CEQA.

21017. Determining Completeness of Essential Project Applications.

(a)(1) When a public agency receives an initial application for an essential project, the public agency shall review the application, make a written finding whether the application is complete, and notify the applicant in writing of the determination.

(2) The written determination of completeness for an initial application shall be made within 30 days of the public agency's receipt of the initial application. If the public agency fails to provide a determination of completeness within 30 days, then the initial application shall be deemed complete for the purposes of this chapter and this division.

(3) An application shall not be determined to be incomplete on the basis of (A) informational or analytical studies or documents that were not required by the public agency in a written, publicly available submittal requirement checklist or similar document in existence at the time the initial application was submitted; or (B) statutes, regulations, rules, standards, or ordinances that are not existing laws.

(b) If the public agency's determination of completeness finds that the initial application for an essential project is incomplete, at the time that finding is made the public agency shall also

provide the applicant with an exhaustive written corrections list containing thorough descriptions of the items and specific information, or lack thereof, that led to the finding of incompleteness.

(c)(1)(A) The applicant shall, within 90 days of a notification that its initial application is incomplete, submit additional information and/or a revised application that addresses the matters identified on the written corrections list.

(B) If the applicant cannot comply with the 90-day deadline in subparagraph (A) to submit either additional information or a revised application, the applicant shall notify the public agency in writing why it is unable to do so and include an estimate of when it will be able to do so.

(2) Upon any submission of supplemental information and/or a revised application, the public agency shall determine if the supplemented submittal is complete based only on the written corrections list provided by the agency pursuant to subdivision (b). The public agency shall provide a determination of completeness based upon the supplemented submittal within 30 days of receipt thereof. If the public agency finds that the supplemented submittal is still incomplete, at the time that finding is made the public agency shall provide the applicant with an updated exhaustive written corrections list therefor. The updated written corrections list may only contain items included on the written corrections list provided in response to the applicant's initial application.

(3) If a supplemented submittal is again deemed incomplete, the applicant may submit additional rounds of supplemental information and/or revised applications pursuant to the procedures and timelines set forth in this subdivision.

(4) If the public agency fails to provide a determination of completeness within 30 days of receiving either supplemental information and/or a revised application pursuant to paragraph (2) or paragraph (3), the application shall be deemed complete for purposes of this chapter and this division.

(5) A public agency shall not request or require an applicant to provide any new information unless that information was included on the exhaustive written corrections list for the immediately prior version of the application.

(d)(1) A determination of completeness finding that an initial application, supplemented application, or revised application is incomplete shall be appealable by the applicant to the public

agency's planning commission, planning director, or other official with final authority over application completeness. If the public agency does not have a planning commission, planning director, or other official with final authority over application completeness, then the appeal shall be heard by the highest-ranking elected or appointed decision-making body or official of the agency. There shall be a final written determination on the appeal not later than 60 days after receipt of the applicant's written appeal.

(2) If the final written determination on the appeal is not made within the 60-day period described in paragraph (1), the application shall be deemed complete for the purposes of this chapter and this division.

(e) The applicant may bring a civil action challenging an adverse determination under subdivision (d). Any such action shall be commenced within 90 days of an adverse final written determination issued pursuant to subdivision (d).

ARTICLE 4. Review of Completed Applications for Essential Projects.

21018. Local Agency Timeline for Completing Environmental Review of Essential Projects.

(a) A local agency that is acting as a lead agency ("local lead agency") for an application or approval of an essential project shall decide whether the project is subject to subdivision (b), subdivision (c), or subdivision (d) within 30 days of the earlier of the essential project application being determined or deemed to be complete pursuant to Section 21017, or deemed complete pursuant to any other law.

(b) Essential projects that require an environmental impact report. For essential projects that require an environmental impact report, the local lead agency shall make a final determination whether to certify an environmental impact report no later than 365 days after the earlier of the essential project application being determined or deemed to be complete pursuant to Section 21017, or deemed complete pursuant to any other law.

(c) Essential projects that require a negative declaration or mitigated negative declaration. For essential projects that require a negative declaration or mitigated negative declaration, the local lead agency shall make a final determination whether to adopt a negative declaration or mitigated negative declaration no later than 180 days after the earlier of the essential project

application being determined or deemed to be complete pursuant to Section 21017, or deemed complete pursuant to any other law.

(d) For all other environmental review documentation prepared under this division or this chapter for an application or approval of an essential project, the local lead agency shall, within 90 days after the earlier of the essential project application being determined or deemed to be complete pursuant to Section 21017 or deemed complete pursuant to any other law, make a final determination that the essential project is exempt from this division or that the essential project's impacts were previously evaluated under a prior environmental review document pursuant to, without limitation, Section 21083.3 or Section 21094.5, or an addendum pursuant to Section 15162 or Section 15164 of the State CEQA Guidelines.

(e) The deadlines set forth in subdivision (b), subdivision (c), and subdivision (d) shall be extended upon written request from the applicant.

21019. Timeline for Completing Environmental Review of Essential Projects by Public Agencies that are Not Local Agencies.

(a) A public agency other than a local agency that is acting as a lead agency ("non-local lead agency") for an essential project shall decide whether the project is subject to subdivision (b), subdivision (c), or subdivision (d) within 30 days of the earlier of the essential project application being determined or deemed to be complete pursuant to Section 21017, or deemed complete pursuant to any other law.

(b) Essential projects that require an environmental impact report. For essential projects that require an environmental impact report, the non-local lead agency shall make a final determination whether to certify an environmental impact report no later than 365 days after the earlier of the essential project application being determined or deemed to be complete pursuant to Section 21017, or deemed complete pursuant to any other law.

(c) Essential projects that require a negative declaration or mitigated negative declaration. For essential projects that require a negative declaration or mitigated negative declaration, the non-local lead agency shall make a final determination whether to adopt a negative declaration or mitigated negative declaration no later than 180 days after the earlier of the essential project

application being determined or deemed to be complete pursuant to Section 21017, or deemed complete pursuant to any other law.

(d) For all other environmental review documentation prepared under this division or this chapter for an application or approval of an essential project, the non-local lead agency shall, within 90 days after the earlier of the essential project application being determined or deemed to be complete pursuant to Section 21017 or deemed complete pursuant to any other law, make a final determination that the essential project is exempt from this division or that the essential project's impacts were previously evaluated under a prior environmental review document pursuant to, without limitation, Section 21083.3 or Section 21094.5, or an addendum pursuant to Section 15162 or Section 15164 of the State CEQA Guidelines.

(e) The deadlines set forth in subdivision (b), subdivision (c), and subdivision (d) shall be extended upon written request from the applicant.

21020. Noncompliance with Timelines for Completing Environmental Review of Essential Projects.

(a) When a local lead agency or a non-local lead agency fails to comply with a deadline set forth in subdivision (b) through subdivision (d) of Section 21018, or subdivision (b) through subdivision (d) of Section 21019, the applicant may make a written request for the agency to hold a meeting or hearing on the essential project as provided in this section.

(b) Within 60 days of receipt of a written request pursuant to subdivision (a), the local lead agency or non-local lead agency shall do all of the following:

(1) Complete all environmental review documentation for the essential project; or assemble available environmental review documentation including any applicant-prepared environmental review document as is allowed under subdivision (b) of Section 21082.1 or any other law.

(2) Hold a meeting or hearing on the essential project application as follows:

(A) If the agency has a multi-member decision-making body subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code), the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), or

similar open meeting law, the agency shall place the essential project on its agenda for a regular or special meeting of the agency's highest-ranking decision-making body.

(B) If the agency does not have a multi-member decision-making body subject to the Bagley-Keene Open Meeting Act, the Ralph M. Brown Act, or a similar open meeting law, then the highest-ranking official of the agency, or their designee, shall hold a hearing with the applicant on the essential project.

(3) Notwithstanding any other provision of this division or any other law or legal requirement to the contrary, at the meeting or hearing described in paragraph (2), the agency shall do both of the following:

(A) Make a final written determination on the available environmental review documentation that has been completed as of the date of the meeting or hearing.

(B) Make a final written determination to approve or disapprove the essential project.

(c)(1) If the local lead agency or non-local lead agency has a planning commission or planning director, upon receipt of a written request pursuant to subdivision (a), the planning commission or planning director shall hold a regular or special meeting for the purpose of providing a recommendation on the essential project.

(2) The meeting of the planning commission or planning director described in this subdivision shall occur within 30 days of receipt of a written request pursuant to subdivision (a).

(3) Any environmental review documentation needed for the meeting described in this subdivision shall be completed in advance of the date of the meeting as required by law.

(d) The deadlines set forth in subdivision (b) and subdivision (c) shall only be extended upon a written request made by the applicant.

(e) Except as provided in subdivision (f), a local lead agency and a non-local lead agency have a nondiscretionary ministerial duty to comply with the deadlines set forth in this section or in any written request made pursuant to subdivision (d) and complete the actions described in paragraph (3) of subdivision (b).

(f) If, prior to the expiration of the 60-day period provided in subdivision (b), the agency completes all environmental documentation for the essential project and issues a final written determination to approve the essential project, the agency and the applicant may mutually agree

in writing to cancel the meeting or hearing on the essential project required by paragraph (2) of subdivision (b).

(g)(1) An action under this division may be brought by the applicant challenging the following:

(A) The agency's failure to comply with its nondiscretionary ministerial duties described in subdivision (e).

(B) The agency's denial or imposition of unlawful conditions of approval on an essential project.

(2) The action shall be commenced within 90 days of the agency's failure, denial, or imposition described in paragraph (1).

(h) Notwithstanding any other provision of this section, Section 21018, or Section 21019, where the lead agency for an essential project is also the applicant for that essential project, the lead agency may extend any deadline contained in this section, Section 21018, or Section 21019 through a written notice that specifies the duration of the extension and the reason for it. The notice shall be posted on the lead agency's website and included in the administrative record.

21021. Timeline for Public Comments on Essential Projects.

(a) A public agency shall circulate an environmental review document for an essential project for public comment periods as follows:

(1) 20 days for a negative declaration or mitigated negative declaration or other document requiring public circulation under state law.

(2) 45 days for a draft environmental impact report or subsequent or supplemental environmental impact report.

(b) A public comment period described in subdivision (a) shall not be tolled or extended except by a court of competent jurisdiction.

(c) If a public agency continues any public hearing on an essential project, or the CEQA review of that essential project, the public agency shall continue the hearing to a date certain and, upon approval of the continuance, close the public comment period. The public agency shall not reopen the public comment period at any subsequent hearing on the essential project.

(d)(1) Notwithstanding any other provision of law to the contrary, only the following comments shall be included in the administrative record for an essential project:

(A) Electronic and written comments received during the public comment periods set forth in subdivision (a).

(B) For CEQA determinations with no comment period set forth in subdivision (a), electronic and written comments received at least 48 hours prior to a public hearing or noticed decision on the environmental review documentation for the essential project.

(C)(i) For hearings or appeals of a CEQA determination, electronic and written comments received at least 48 hours prior to a public hearing on issues that could not have been raised during the public comment period set forth in subdivision (a) because of significant changes to the essential project that precluded the issue from being raised during the public comment period, or new information that was not known and could not have been known during the public comment period.

(ii) "Significant changes to the essential project" shall not include any changes to an essential project made in response to public comment, through the CEQA alternatives review process, or through lead agency concerns identified during the CEQA process.

(D) Oral testimony at a noticed and recorded public hearing.

(2) All other public comments shall be disregarded and excluded from the administrative record.

(e) Notwithstanding any other provision of law to the contrary, a response by the lead agency or applicant to a comment described in paragraph (1) of subdivision (d), or comments from the applicant in response to a question from a public agency or to demonstrate the essential project's compliance with this division, shall, without qualification, be included in the administrative record for an essential project.

21022. Determination of Impacts.

Notwithstanding any other provision of law to the contrary:

(a)(1) A public agency considering whether to approve an essential project shall identify, evaluate, determine significance, and mitigate the impacts of an essential project based on compliance with existing laws.

(2) To the extent a public agency has published, adopted, or routinely used thresholds of significance for environmental effects of essential projects on the earlier of the date a preapplication or an application for an essential project is filed, an applicant may elect to vest into any such thresholds of significance, in which case the public agency shall use them in determining the significance of the essential project's environmental effects.

(b) An essential project's compliance with this division and the State CEQA Guidelines shall be based solely upon the project's compliance with subdivision (b) of Section 21029.

(c) An applicant may waive the application of one or both of subdivision (a) or subdivision (b) to an essential project by submitting a written request for a waiver to the public agency.

21023. Other Public Agency Actions for Essential Projects.

(a) If an essential project requires any other public agency action that is not expressly addressed by other provisions of this chapter, the public agency shall make a final written decision thereon based on compliance with existing laws. The final written decision on the other public agency action shall be completed as follows:

(1) Where a public agency is a lead agency for an essential project, the public agency shall make the final decision concurrently with its certification of the environmental impact report, adoption of a negative declaration or mitigated negative declaration, or determination of previous evaluation or exemption from this division, as applicable.

(2) A state lead agency may delay the final decision required by paragraph (1) by up to 90 days if all of the following apply:

(A) Prior to December 31, 2025, the state agency had an established process set forth in state statute or regulation for conducting evidentiary hearings on the type of public agency action being sought for the essential project.

(B) Prior to the deadline set forth in paragraph (1), the state agency provides written notice to the applicant that it will go forward with an evidentiary hearing.

(3) Where an applicant seeks an approval for an essential project from a public agency that was not a lead agency for that essential project during the first instance when the essential project underwent environmental review pursuant to this division, such public agency shall make

a final written decision before the later of: (A) 90 days from the earlier of the date the application for the public agency action was determined or deemed to be complete pursuant to Section 21017, or deemed complete pursuant to any other law; or (B) 1 day has passed from the date the lead agency approved the project.

(b) When a public agency fails to comply with a deadline set forth in subdivision (a), the applicant may make a written request for the public agency to hold a meeting or hearing on the other public agency action sought from the public agency.

(c) Within 45 days of receipt of a written request pursuant to subdivision (b), the public agency shall do all of the following:

(1) Hold a meeting or hearing on the essential project application as follows:

(A) If the public agency has a multi-member decision-making body subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code), the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), or similar open meeting law, the public agency shall place the other agency action sought from the public agency on its agenda for a regular or special meeting of the agency's highest-ranking decision-making body.

(B) If the public agency does not have a multi-member decision-making body subject to the Bagley-Keene Open Meeting Act, the Ralph M. Brown Act, or similar open meeting law, then the highest-ranking official of the public agency, or his or her designee, shall hold a hearing with the applicant on the other public agency action sought by the applicant.

(2) Notwithstanding any other provision of this division or any other law or legal requirement to the contrary, at the meeting or hearing described in paragraph (1), the public agency shall make a final written decision to whether grant or deny the other public agency action sought by the applicant.

(d) The deadlines set forth in subdivision (a) and subdivision (c) shall only be extended upon a written request made by the applicant.

(e) Except as provided in subdivision (f), a public agency has a nondiscretionary ministerial duty to comply with the deadlines set forth in this section or in any written request pursuant to subdivision (d) and make the decision described in paragraph (2) of subdivision (c).

(f) If, prior to the expiration of the 45-day period provided in subdivision (c), the public agency makes a final written determination to grant the other public agency action sought for the essential project, the public agency and the applicant may mutually agree in writing to cancel the meeting or hearing required by paragraph (1) of subdivision (c).

(g)(1) An applicant may bring an action under this division challenging the following:

(A) The agency's failure to comply with its nondiscretionary ministerial duties described in subdivision (e).

(B) The agency's denial or imposition of unlawful conditions of approval on the other public agency action sought from the public agency.

(2) The action shall be commenced within 90 days of the agency's failure, denial, or imposition described in paragraph (1).

ARTICLE 5. Preliminary Scoping Process and Streamlined Alternatives Analysis for Essential Projects.

21024. Preliminary Scoping Process for Essential Projects.

(a) An applicant may, but is not required to, utilize the preliminary scoping process and streamlined alternatives analysis as provided in this article. However, where an applicant voluntarily chooses to utilize this preliminary scoping process and streamlined alternatives analysis, it shall comply with this article.

(b)(1) Prior to submitting an application for an essential project, an applicant that chooses to proceed in accordance with this article shall provide written notice to the lead agency of its intent to complete the scoping process and streamlined alternatives analysis set forth in this article.

(2) The written notice shall present a preliminary overview and description of the proposed essential project sufficient to inform the lead agency and the public of the anticipated features of the project. The written notice is not required to include detailed engineering plans, technical studies, or design-level drawings. The description shall include, to the extent known, the following:

(A) The project's location, size, and boundaries.

(B) The principal components and fundamental purpose of the project.

(C) The general type of land use, facility, or infrastructure proposed.

(D) Any known or reasonably foreseeable resource areas that may be impacted.

(E) Any anticipated permits or approvals required from public agencies.

(3) The written notice shall also prominently identify an email address for the applicant where the lead agency and the public may submit comments on the proposed essential project.

(c)(1) After receipt by the lead agency of the written notice described in subdivision (b), the applicant and the lead agency shall engage in at least two meetings for the purpose of discussing the proposed essential project, potential alternatives, and identifying potentially impacted resource areas.

(2) The lead agency shall maintain a record of all meeting summaries.

(d)(1) The lead agency shall post the written notice received pursuant to subdivision (b) on its website. The posting shall prominently identify the email address described in paragraph (3) of subdivision (b) in order to facilitate the public's ability to submit comments to the applicant via email.

(2) The applicant shall maintain a record summarizing public input received via email during the preliminary scoping phase.

(3) The applicant shall not be required to respond to any input obtained pursuant to this section.

(e) An applicant may, but shall not be required to, convene one or more public meetings or workshops, including via virtual or online formats, for the purpose of obtaining additional public input on the proposed essential project.

(f) The preliminary scoping process described in this section shall be completed within not more than 60 days from the date that the lead agency received written notice pursuant to subdivision (b).

(g) Where an applicant does not elect to utilize the scoping process provided in this section, other scoping requirements set forth in this division shall continue to apply.

(h) Notwithstanding any provision of this section, with respect to an essential housing project, the preliminary scoping process provided herein shall not be a prerequisite to filing a

preliminary application under the Housing Crisis Act of 2019 as enacted by Chapter 654 of the Statutes of 2019 (Senate Bill 330).

21025. Streamlined Alternatives Analysis for Essential Projects.

(a) Upon completion of the preliminary scoping process set forth in Section 21024, the applicant shall develop one proposed alternative to the essential project. The proposed alternative shall take into consideration input obtained pursuant to Section 21024, and shall comply with all of the following:

(1) The proposed alternative shall be compatible with the proposed essential project's fundamental purpose as described pursuant to Section 21024.

(2) To the extent practicable, the proposed alternative should be designed to be compatible with applicable local zoning and land use policies.

(3) The proposed alternative does not need to be located at a different site from the proposed essential project.

(b) Notwithstanding Section 21100 or any other provision of this division, and except as provided in subdivision (f), an environmental impact report prepared for an essential project that complies with this article shall only analyze the following:

(1) The proposed essential project.

(2)(A) The applicant's proposed alternative developed pursuant to this article.

(B) For purposes of satisfying this article, the applicant's proposed alternative may include an alternative or additional component of the proposed essential project, where such additional or alternative component may include onsite or offsite physical improvements, or alternative or additional operational parameters or programs, designed to lessen impacts.

(C) A proposed alternative developed pursuant to this article shall be presumed to lessen impacts that the alternative is intended to address to a level of insignificance as long as the applicant demonstrates that substantial evidence exists to support the presumption. However, the presumption shall have no bearing or effect on whether the alternative is ultimately feasible or environmentally preferred.

(3) The "no project" alternative. The "no project" alternative shall consider the reasonably foreseeable environmental conditions that would result if the essential project is not

approved, including reasonably foreseeable future alternative uses of the site proposed for the essential project, any environmental impacts from such alternative uses, and benefits resulting from the essential project.

(c) The alternatives described in subdivision (b) for an essential project are sufficient for all purposes under this chapter, this division, and any other law. Except as provided in subdivision (f), all additional alternatives beyond those described in subdivision (b) are unnecessary, and no public agency or other body or entity shall require analysis of unnecessary alternatives.

(d) Within 15 days after the close of the preliminary scoping process in Section 21024, the applicant shall transmit to the lead agency a written submittal that includes:

(1) A description of the proposed essential project.

(2) A description of the single proposed alternative developed pursuant to this article.

(3) A description of the no project alternative described in paragraph (3) of subdivision (b).

(e) The lead agency shall, within 15 days after receiving the proposed alternative, issue a written certification stating whether the applicant has met the requirements of this article. Alternatively, the lead agency may certify that the applicant has met the requirements of this article by taking no affirmative action within 15 days after receiving the proposed alternative. The lead agency's certification shall be final unless an interested party files an administrative appeal within 5 days of the certification's issuance.

(f) Nothing in this article prohibits an applicant from proposing additional project alternatives, at the applicant's discretion.

(g) Subject to the requirements of this chapter and any limitations imposed by other provisions of law, the lead agency retains discretion to approve the proposed essential project, approve the proposed alternative developed pursuant to this article, or select the "no project" alternative.

(h) For purposes of this section, "proposed alternative" means a single potentially feasible alternative to the essential project that is developed by the applicant.

ARTICLE 6. Judicial Review of Essential Project Approvals or Authorizations.

21026. Judicial Review of Essential Project Approvals or Authorizations.

(a)(1) Any action or proceeding to attack, review, set aside, void, or annul any approval or authorization by a public agency with respect to an essential project, on the grounds of noncompliance with this chapter, this division, or the State CEQA Guidelines, shall be conducted and completed in accordance with the requirements of this article.

(2) This article shall apply to any and all actions or proceedings pending on, or commenced after, the effective date of this chapter.

(b)(1) In any action or proceeding brought to attack, review, set aside, void, or annul an approval or authorization of an essential project on the grounds of noncompliance with this chapter, this division, or the State CEQA Guidelines as provided in subdivision (b) of Section 21029, a petitioner's claims shall be limited to a public agency's non-compliance with objective existing laws, and the scope of the court's review shall be limited to whether the approval or authorization complies objective existing laws.

(2) For the purpose of this subdivision, "objective" means involving no personal or subjective judgment and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the applicant and the public agency before the application was submitted.

(c)(1) In any action or proceeding to attack, review, set aside, void, or annul an approval or authorization of an essential project on the grounds of noncompliance with this chapter, this division, or the State CEQA Guidelines as provided in subdivision (b) of Section 21029, the court shall only determine whether the approval or authorization is supported by substantial evidence in light of the whole record.

(2) In any action or proceeding, to attack, review, set aside, void, or annul a public agency's approval or authorization of an essential project on the grounds that it has been made without completing the public participation procedures, the court shall only determine whether the failure to comply with the public participation procedures was arbitrary and capricious and resulted in prejudicial error.

(3) Nothing in this division or the State CEQA Guidelines shall be applied or construed as imposing procedural or substantive requirements beyond those explicitly set forth in this division or the State CEQA Guidelines as modified or limited by the provisions of this chapter.

(d) Nothing in this article shall be construed to supersede Section 1756 and Section 1759 of the Public Utilities Code, or any other provision of law governing judicial review of orders or decisions of the Public Utilities Commission.

21027. Timelines and Processes Applicable to Judicial Review of Essential Project Approvals or Authorizations.

(a) Timelines.

(1)(A) An action or proceeding, to attack, review, set aside, void, or annul a public agency's approval or authorization of an essential project shall be commenced within 30 days from the date the public agency files a notice of determination or notice of exemption pursuant to Section 21152 or Section 21108. The action or proceeding shall be completed within 270 days, inclusive of original and appellate court proceedings, pursuant to the judicial streamlining procedures applicable to environmental leadership development projects under Section 21185.

(B) The court may, in its own discretion, extend the 270-day deadline contained in subparagraph (A) by up to an additional 90 days

(2) Notwithstanding any contrary provision in Section 21185 or any rule adopted by the Judicial Council, and except as provided in subparagraph (B) of paragraph (1), the 270-day deadline in paragraph (1) shall only be extended upon mutual written consent of the plaintiff/petitioner, the public agency, and the applicant.

(b) Administrative Record.

The whole administrative record consists only of notices, studies, and other documents consistent with the following:

(1) Documents required under this division to be sent or distributed to members of the public by the lead agency, made available to the public at a public repository such as a library, or included on the website of the lead agency; and

(2) With respect to public comments, comments described in subdivision (d) of Section 21021, and responses and comments described in subdivision (e) of Section 21021.

(c) Remedies.

(1) If the court finds, as a result of a trial, hearing, or remand from an appellate court, that a public agency's approval or authorization of an essential project is not supported by substantial evidence in the record, the court shall issue an order and peremptory writ of mandate explaining the deficiency with specificity as to which requirement of this division or the State CEQA Guidelines with which the approval or authorization does not comply; and identify what part, phase, or activity of an essential project was affected by the noncompliance.

(2) The remedy shall be limited only to prohibiting commencement of the noncomplying part, phase, or activity until such time that the noncompliance is corrected.

(3) When such required corrective actions have been completed, the public agency shall file a return to the writ affirming compliance, and the court shall thereafter dismiss the action or proceeding. A court may not order or direct via writ or any other form of order, injunction, or decision that a public agency rescind its approval or authorization of the essential project.

(4) Any essential project part, phase, or activity not within the scope of the deficiency identified in the writ shall not be subject to the writ, and is not subject to further challenge in an action or proceeding under this division.

(d) Subsequent Approvals or Authorizations.

(1) No further action or proceeding to challenge the implementation through completion of construction or subsequent approval or authorization of an essential project, or portion of an essential project, may be filed if the public agency's approval or authorization was not subject to a judicial challenge, the public agency approval or authorization was challenged and upheld, or the public agency has filed a return to the writ which has been accepted as satisfactory by the court pursuant to subdivision (c).

(2) Minor modifications to an essential project which do not result in any new significant impacts, or which do not substantially worsen any previously identified significant impacts, of the initially approved essential project, may not be challenged in an action or proceeding under this division.

(e) Injunctive Relief.

(1) Upon a showing by clear and convincing evidence that an essential project would have a specific, adverse impact upon public safety, and there is no feasible method to

satisfactorily mitigate or avoid the specific, adverse impact upon public safety, a court may order that construction or completion of the particular essential project component that would result in the specific, adverse impact upon public safety be halted or prohibited solely by issuing a temporary injunction.

(2) For purposes of paragraph (1), satisfactory mitigation to avoid the specific, adverse impact upon public safety shall be deemed to exist upon either of the following:

(A) A public agency's subsequent decision to modify the essential project to avoid or mitigate to a less than significant that specific, adverse public safety impact (and which shall not require the agency to take any further action under this division).

(B) A public agency's determination that the specific, adverse impact upon public safety cannot be avoided or mitigated to a less than significant level following preparation of an environmental impact report or supplemental environmental impact report addressing only that specific, adverse public safety impact under the timelines and procedures set forth in this chapter.

ARTICLE 7. Definitions.

21028. Definitions.

For purposes of this chapter, as used in both the singular and plural form, the following definitions shall apply:

(a) "Applicant" means any person, legal entity, public agency, or public utility that proposes an essential project.

(b) "Approval or authorization" means any approval, authorization, determination, finding, financing, real property transaction or contract, or other public agency actions that further the advancement, construction, completion, or realization of an essential project.

(c) "California educational institution" means all of the following: a school district; a county superintendent of schools; a county board of education; a community college district; a state special school; the Board of Governors of the California Community Colleges or the Chancellor of the California Community Colleges; the California State University or the Board of Trustees of the California State University; the University of California or the Regents of the University of California; the University of California Law San Francisco (formerly Hastings College of the Law); a charter school established pursuant to Part 26.8 (commencing with

Section 47600) of Division 4 of Title 2 of the Education Code; and a nonprofit college or university with membership in the Association of Independent California Colleges and Universities.

(d) "CEQA" means the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(e)(1) "Consulting Tribe" means a tribe that appears on the most recent list published by the United States pursuant to the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C § 5131), and is traditionally and culturally affiliated with the geographic area of the proposed essential project.

(2) Notwithstanding Section 21073 or any other provision of law, "California Native American tribe" as used in, or with respect to, Sections 21074, 21080.3.1, 21080.3.2, 21082.3, 21084.2, 21084.3, and this chapter, shall instead mean, and be read as, "Consulting Tribe" when the project is an essential project.

(f) "Day" means the following:

(1) As used in Section 21018 and Section 21019, "day" means any day other than a Saturday, Sunday, or any day designated as a state holiday.

(2) As used in any section of this chapter except for Section 21018 and Section 21019, "day" means a calendar day.

(g) "Educational facility" means any real property, facility, structure, building, or fixture that is owned or operated, or will be owned or operated upon completion, by one or more California educational institutions for educational purposes.

(h) "Environmental review document" or "environmental review documentation" means initial studies; negative declarations; mitigated negative declarations; draft and final environmental impact reports; documents prepared as substitutes for environmental impact reports; negative declaration and mitigated negative declarations under a program certified pursuant to Section 21080.5; documents or documentation used to substantiate the applicability of statutory or categorial exemptions from this division or streamlining provisions that include, without limitation, those under Sections 21083.3 and 21094.4; addenda and other supplemental or subsequent review documents; documents prepared under the National Environmental Policy Act and used by a public agency in the place of any of the foregoing documents or

documentation; and environmental documents as defined in Section 15361 of Title 14 of the California Code of Regulations.

(i)(1) "Essential broadband Internet access project" means a project to provide mass-market retail service by wire service, wireless service, or radio to customers in this state that provides the capability to transmit data to, and receive data from, all or substantially all Internet endpoints, including, but not limited to, any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service.

(2) An "essential broadband Internet access project" shall comply with all labor requirements described in Section 21183.5.

(j)(1) "Essential clean energy project" means a project that supports California's climate, energy efficiency, reliability, electrification, sustainability, or clean energy objectives through one or more of the following:

(A)(i) Producing, generating, or storing electricity derived from renewable or sustainable resources, including, but not limited to, solar, wind, geothermal, fuel cells that comply with the emissions standards adopted by the State Air Resources Board pursuant to the distributed generation certification program requirements of Section 94203 of Title 17 of the California Code of Regulations, small hydroelectric generation of 30 megawatts or less, digester gas, municipal solid waste conversion, landfill gas, ocean wave, ocean thermal, or tidal current, and associated transmission lines.

(ii) "Associated transmission lines" means a transmission line that is required for the interconnection or delivery of electricity from a facility described in clause (i).

(iii) Notwithstanding clause (i), this subparagraph excludes producing or generating electricity from nuclear power.

(B) Producing, generating, storing, transmitting, or distributing clean hydrogen, which is not derived from a fossil fuel feedstock.

(C) Developing, constructing, or installing microgrids and associated infrastructure. For purposes of this subparagraph, "microgrid" means a microgrid as defined in subdivision (d) of Section 8370 of the Public Utilities Code.

(D) Capturing, transporting, and/or storing carbon dioxide emissions for permanent isolation from sources including, but not limited to, energy production, manufacturing, or refining facilities.

(E) Developing, constructing, upgrading, or expanding transmission or distribution system components identified in a transmission planning process approved by the Independent System Operator or in an Integrated Energy Policy Report adopted pursuant to Section 25302, including financing of such facilities, assets, or components through sale, lease, assignment, mortgage, or other disposition or encumbrance requiring state agency approval.

(2) An "essential clean energy project" shall comply with all labor requirements described in Section 21183.5.

(k)(1) "Essential education facility project" means the acquisition, construction, expansion, remodeling, renovation, improvement, furnishing, or equipping of an educational facility.

(2) An essential education facility project shall comply with all labor requirements described in Section 21183.5.

(l) "Essential housing project" means all of the following:

(1) Residential units only.

(2) A mixed-use development.

(3) Transitional housing, emergency shelters, or supportive housing, as defined in subdivisions (g), (n), and (q) of Section 65582 of the Government Code.

(4) Farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.

(5) Group living accommodations, meaning building(s) or portion of any building(s) designed for or accommodating a residential use by persons not living together as a household, typically without separate kitchens or bathroom facilities for each room or unit. This use includes, without limitation, convents, monasteries, and other types of organizational housing.

(6) Student housing units, meaning any residential units or group living accommodation intended for use by students, including, without limitation, dormitory-style student housing and suite-style student housing.

(7)(A) Senior housing units, meaning any residential units or group living accommodation of any size intended for occupation by persons 55 years of age or over, including, without limitation, the following: (i) an intergenerational housing development; (ii) senior congregate housing; (iii) a senior citizen housing development as defined in paragraph (4) of subdivision (b) of Section 51.3 of the Civil Code; (iv) a residential care facility for the elderly as defined in paragraph (1) of subdivision (o) of Section 1569.2 of the Health and Safety Code; and (v) a continuing care retirement community as defined in paragraph (10) of subdivision (a) of Section 1771 of the Health and Safety Code.

(B) This paragraph shall not be construed to limit the authority of a public agency to categorize senior housing land uses as non-residential under its zoning ordinances or other laws, except that senior housing units shall qualify as a "housing development project" under paragraph (2) of subdivision (h) of Section 65589.5 of the Government Code.

(8) A subdivision or common interest development, as defined in Section 4100 of the Civil Code, consisting of residential units or unimproved residential lots.

(9) A conversion of an existing commercial building to residential use.

(m) "Essential project" means a project that meets all of the following requirements:

(1)(A) The project is an essential housing project, essential water project, essential clean energy project, essential public health project, essential public safety project, essential broadband Internet access project, essential education facility project, or essential transportation project.

(B) An essential project includes all related and ancillary public, private, and utility infrastructure and public service facilities required by a utility or public agency, or included in an essential project application as part of the "whole of the project," to serve a project identified in subparagraph (A), such as electric, telecommunication, gas, water, wastewater, stormwater, transit, police, fire, and transportation improvements that provide required public and utility services and infrastructure to the project. Where a particular labor standard is applied to an essential project by other provisions of this chapter, that labor standard shall apply to the components of the essential project described in this subparagraph.

(2) The project does not include a jail or other detention facility, or involve the development of a new oil or natural gas production facility.

(n)(1) "Essential public health project" means a medical treatment facility.

(2) An "essential public health project" shall comply with all labor requirements described in Section 21183.5.

(o)(1) "Essential public safety project" means a first responder facility or a wildfire risk reduction project.

(2)(A) An "essential public safety project" shall comply with all labor requirements described in Section 21183.5.

(B) A wildfire risk reduction project limited to vegetation management, fuel reduction, creating or maintaining fuel breaks, or reducing fuel loading that is undertaken directly by a public agency using its own employees shall be deemed to comply with this paragraph if the public agency's employees working on the project are covered by a collective bargaining agreement or other state civil service laws that provide equivalent wage, training, and safety standards.

(p)(1) "Essential transportation project" means the following:

(A) A project described in subdivision (a) or subdivision (b) of Section 2 of Article XIX of the California Constitution.

(B) Electric vehicle charging and refueling infrastructure.

(2) An "essential transportation project" shall comply with all labor requirements described in Section 21183.5.

(3) An "essential transportation project" does not include a high-speed train, a high-speed train system, a corridor, or a usable segment, as those terms are defined in Section 2704.01 of the Streets and Highways Code, or any other component of the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century (Chapter 20 (commencing with Section 2704) of Division 3 of the Streets and Highways Code).

(q)(1) "Essential water project" means any project or action to construct, expand, repair, replace, improve, or augment any of the following: (A) a "public water system" as defined by subdivision (h) of Section 116275 of the Health and Safety Code; (B) a system that directly or indirectly provides water to a public water system; or (C) a system which is generally described and within the scope of the State's Water Resilience Portfolio.

(2) An "essential water project" shall comply with all labor requirements described in Section 21183.5.

(3) "An essential water project" does not include Delta conveyance facilities as defined in subdivision (f) of Section 79702 of the Water Code.

(r) "Existing laws" means the following:

(1) Formally adopted legal requirements contained in statutes, regulations, rules, standards, or ordinances that existed and were in effect on the date an application for an essential project was submitted to a public agency.

(2)(A) A formally adopted legal requirement contained in a statute, regulation, ordinance, standard, or rule that was not in effect on the date an application for an essential project was submitted to a public agency, but the lead agency makes a finding that that compliance with the particular statute, regulation, ordinance, standard, or rule is necessary to mitigate or avoid a specific, adverse life-safety impact, meaning a significant, quantifiable, direct, and unavoidable life-safety impact, including life-safety impacts associated with new or emerging technologies, materials, or grid-integration systems, and that is based on objective, identified and written public safety standards, policies, or conditions. The lead agency shall notify the applicant within 72 hours of making a finding described in this subparagraph

(B) The finding described in subparagraph (A) must be made before the earlier of either (i) environmental review of the essential project pursuant to this chapter has been completed; or (ii) the initial building permit application or plan-review package has been submitted to the authority having jurisdiction thereover.

(3) Any update to the California Building Standards Code, including, without limitation, the California Fire Code that takes effect before the earlier of either (A) environmental review of the essential project pursuant to this chapter has been completed; or (B) the initial building permit application or plan-review package has been submitted to the authority having jurisdiction thereover.

(s) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

(t)(1) "First responder facility" means all of the following:

(A) A fire station owned or operated by the State of California, a city, a county, a city and county, a joint powers authority, a Consulting Tribe, or a special district.

(B) A police station or sheriff's station owned or operated by a city, a county, a city and county, a joint powers authority, or a special district but excluding any portion thereof used as a jail or other detention facility.

(2) "First responder facility" does not include the following:

(A) Any facility owned, operated, or leased by the United States government.

(B) Any facility used as an immigration detention facility or a state prison.

(u) "Lead agency" means a lead agency as defined in Section 21067.

(v) "Local agency" means a public entity that is not a "state agency" as defined in this article.

(w) "Medical office building" means a building whose primary function is to provide office space for health care practitioners licensed, certified, registered, or otherwise authorized to practice pursuant to Division 2 of the Business and Professions Code.

(x) "Medical treatment facility" means all of the following: (1) a health facility as defined in Section 1250 of the Health and Safety Code; (2) a clinic as defined in Section 1200 of the Health and Safety Code; and (3) a medical office building.

(y)(1) "Mixed-use development" means a development consisting of residential and nonresidential uses that meets any of the following conditions:

(A) At least two-thirds of the new or converted square footage is designated for residential use.

(B) At least 50 percent of the new or converted square footage is designated for residential use and the project meets both of the following:

(i) The project includes at least 500 net new residential units.

(ii) No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.

(C) At least 50 percent of the net new or converted square footage is designated for residential use, and the project meets all of the following:

(i) The project includes at least 500 net new residential units.

(ii) The project involves the demolition or conversion of at least 100,000 square feet of nonresidential use to residential use.

(iii) The project demolishes at least 50 percent of the existing nonresidential uses on the site.

(iv) No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.

(2) For purposes of this subdivision, nonresidential uses shall not include any heavy industrial, extractive, port, refinery, or hazardous materials uses or designations.

(3) The minimum distance required between any nonresidential uses included in a mixed-use development and any existing off-site residential use shall be determined by state law.

(z) "Public agency" means a public agency as defined in Section 15379 of Title 14 of the California Code of Regulations; a responsible agency; a local agency; a state agency; a lead agency; a local agency formation commission; a city; a county; a city and county; a special district; a joint powers authority; or any other governmental authority created under state or local law whether statewide, local, or regional in character.

(aa) "Public participation procedures" means the public participation procedures set forth in Sections 21016, 21018, 21020, 20121, 21023, and 20124 of this chapter.

(bb) "Responsible Agency" means a responsible agency as defined in Section 15381 of Title 14 of the California Code of Regulations.

(cc) "State agency" means a state agency as defined in subdivision (a) of Section 8557 of the Government Code and any state body as defined in Section 11121 of the Government Code.

(dd) "State CEQA Guidelines" means Chapter 3 (commencing with Section 15000) of Division 6 of Title 14 of the California Code of Regulations.

(ee) "Substantial evidence" means enough relevant information and reasonable inferences from the available information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.

(ff) "Tribal cultural resource" includes any of the following:

(1) A site, feature, place, cultural landscape, or sacred place, including a sanctified cemetery, Indian cemetery, or burial area of a Consulting Tribe, or an object with cultural value to a Consulting Tribe that is any of the following:

(A) Included or eligible for inclusion in the California Register of Historical Resources or the National Register of Historic Places.

(B) Included in a local register of historical resources as defined in Section 5020.1.

(C) Identified by the Native American Heritage Commission as a sacred place pursuant to Section 5097.94 or 5097.96.

(D) Included in a tribal government register maintained by a Tribal Historic Preservation Officer approved by the Secretary of the Interior pursuant to Section 101 of the federal National Historic Preservation Act (54 U.S.C. Sec. 300101 et seq.).

(2) A cultural landscape that meets the criteria of paragraph (1) to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

(3) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 that conforms with the criteria of paragraph (1).

(gg) "Wildfire risk reduction project" means an activity that reduces wildfire risks to a residential or commercial structure, or both. A "wildfire risk reduction project" includes, but is not limited to, the following: replacing, hardening, or undergrounding electric utility lines, roads, and infrastructure; vegetation management; fuel reduction; home hardening; creating or maintaining fuel breaks and access roads; and reducing fuel loading.

ARTICLE 8. Construction of Chapter and General Provisions.

21029. Construction of Chapter.

(a) It is the policy of the People of the State of California that this chapter should be interpreted and implemented to afford the fullest possible weight to the interest of, and the approval and realization of, essential projects.

(b)(1) It is the intent of the People of the State of California that courts, consistent with generally accepted rules of statutory interpretation, shall not interpret this chapter, this division, or the State CEQA Guidelines in a manner which imposes procedural or substantive requirements upon essential projects beyond those explicitly stated in this chapter, this division, or the State CEQA Guidelines.

(2) It is further the intent of the People of the State of California that this subdivision shall be interpreted and applied by the courts as directed by Section 21083.1, and is *in pari materia* with Section 21083.1 so that, to the maximum extent permitted under the law, this subdivision constrains the authority of the courts to issue a judgement or impose a remedy that is not expressly authorized by this chapter.

21030. Statewide Concern.

The People of the State of California hereby declare that streamlining review and approval of essential projects as provided in this chapter is a matter of statewide concern because the adequacy, availability, and affordability of housing, clean energy, water, transportation, broadband Internet, education facilities, public health infrastructure, and public safety infrastructure is insufficient to serve the needs of California's population and economy. Therefore, the State of California hereby occupies the field in the area of review and approval of essential projects as provided in this chapter.

21031. Statutory References.

(a) Except as provided in subdivision (b), all references to state statutes or regulations codified outside of this chapter refer to those statutes and regulations as they existed on December 31, 2025 regardless of any subsequent amendment, repeal, sunset, or expiration that takes place after that date.

(b) The reference to Section 218.9 of the Labor Code refers to that section as it existed on January 1, 2026.

21032. Severability.

The provisions of this chapter are severable. If any portion, section, subdivision, paragraph, subparagraph, clause, subclause, sentence, phrase, word, or application of this chapter is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this chapter. The People of the State of California hereby declare that they would have adopted this chapter and each and every portion, section, subdivision, paragraph, subparagraph, clause, subclause, sentence, phrase, word,

and application not declared invalid or unconstitutional without regard to whether any component of this chapter or application thereof would be subsequently declared invalid.

21033. Effective Date.

This chapter shall take effect as provided in subdivision (a) of Section 10 of Article II of the California Constitution, and shall be applicable upon such effective date to all pending and future public agency and judicial review and processes for all essential projects.

21034. Amendments.

The Legislature may amend this chapter by a statute passed in each house of the Legislature by rollcall vote entered in the journal, two-thirds of the membership concurring, provided that the statute is consistent with, and furthers the purposes of, this chapter. No bill seeking to amend this chapter may be passed or become a statute unless the bill has been printed and distributed to the Members of the Legislature, and published on the Internet, in its final form, for at least 12 business days prior to its passage in either house of the Legislature.

SECTION 2. Conflicting Measures.

In the event that this initiative measure and another measure or measures pertaining to the review or approval of essential projects, as defined in this Act, shall appear on the same statewide election ballot, the other measure or measures shall be deemed to be in conflict with this measure. In the event that this initiative measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure or measures shall be null and void.

SECTION 3. Liberal Construction.

This Act shall be liberally construed to give effect to its intent and purposes.

SECTION 4. Legal Defense.

The purpose of this section is to ensure that the people's precious right of initiative cannot be improperly annulled by state politicians who refuse to defend the will of the voters.

Therefore, if this Act is approved by the voters of the State of California and thereafter subjected to a legal challenge which attempts to limit the scope or application of this Act in any way, or alleges this Act violates any state or federal law in whole or in part, and both the Governor and Attorney General refuse to defend this Act to the fullest extent possible on behalf of the State of California, then the following actions shall be taken:

(a) Notwithstanding anything to the contrary contained in Chapter 6 (commencing with Section 12500) of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint independent counsel to faithfully and vigorously defend this Act to the fullest extent possible on behalf of the State of California.

(b) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act to the fullest extent possible. The written affirmation shall be made publicly available immediately upon request.

(c) In order to support the defense of this Act in instances where the Governor and Attorney General fail to do so despite the will of the voters, a continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this Act on behalf of the State of California to the fullest extent possible.