

2025 CEQA & REGULATORY UPDATE EVENT



CEQA CASE DEVELOPMENTS – A YEAR IN REVIEW



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CEQA Case Developments – Year in Review

CEQA & Regulatory Update Workshop

***Presented by Jennifer Jeffers,
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November 20, 2025



CEQA TOPICS COVERED (November 19, 2024 –November 18, 2025)

- 1)Adoption of Thresholds for General Use
- 2)Categorical Exemptions
- 3)Mitigated Negative Declarations
- 4)Environmental Impact Reports
- 5)CEQA Equivalent Documents
- 6)Pending Cases at the California Supreme Court
- 7)Non-CEQA Cases of Note



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Adoption of Thresholds for General Use



Cleveland National Forest Found. v. County of San Diego, 109 Cal.App.5th 1257 (2025)*

County adopted two “thresholds of significance”:

- 1) Infill within County’s unincorporated villages (qualitative); and
- 2) Small projects generating no more than 110 vehicle trips per day.

Threshold adopted for general use must be supported by substantial evidence, Guidelines § 15064.7(b).

Fourth Appellate District held:

- 1) CEQA does not prohibit qualitative thresholds for infill construction;
- 2) Without context, infill threshold not supported by substantial evidence; and
- 3) Small project threshold not supported by substantial evidence.

*Petition for review filed May 6, 2025



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Categorical Exemptions



Class 32 Categorical Exemption for In-Fill Development, Guidelines §15332

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- a)The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.**
- b)The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**
- c) The project site has no value, as habitat for endangered, rare or threatened species.
- d)Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**
- e) The site can be adequately served by all required utilities and public services.



West Adams Heritage Assn. v. City of Los Angeles, 106 Cal.App.5th 395 (2024)

City approved housing development near university under Class 32 Infill Exemption, which requires that project satisfy specific conditions, including:

- Project must be consistent with applicable general plan and zoning; and
- Project must not result in significant effects related to “traffic, noise, air quality, or water quality” (Guidelines §§15332(a), (d).)

Petitioners asserted numerous claims, including (a) inconsistency with redevelopment plan; (b) mitigation measures for roof deck noise; (c) traffic safety; and (d) exceptions.



West Adams Heritage Assn. v. City of Los Angeles, 106 Cal.App.5th 395 (2024)

Supreme Court decides ***Make UC a Good Neighbor v. Regents***:

- 1) Legislature adopted AB 1307 for residential projects –noise from residents and guests not a significant effect under CEQA.
- 2) Berkeley student housing not required to conduct noise analysis from student parties.

On transfer from Supreme Court, Court of Appeal in ***West Adams*** reconsiders ruling in light of AB 1307 and ***Make UC a Good Neighbor***:

- 1) Noise from residents (e.g., amplified music) is not a significant effect or unusual circumstance barring use of Class 32 exemption.
- 2) Ordered City to assess consistency with redevelopment plan.



Working Families of Monterey Co. v. King City, 106 Cal.App.5th 833 (2024)

City approved grocery store outlet based on Class 32 Exemption for “in-fill development” meeting two specific conditions (among others):

- Proposed development occurs on project site “substantially surrounded by urban uses”; and
- Project would not result in “significant effects relating to . . . air quality” (Guidelines §15332(b), (d)).

Petitioner asserted Class 32 Exemption did not apply:

- 1) Store located in rural area that did not satisfy definitions of “in-fill site,” “urbanized area,” “qualified urban uses,” and “in-fill development” under Pub. Resources Code §§21061.3, 21071, and 21072 and Guidelines §15387;
- 2) Project would have unanalyzed impacts on air quality from vehicle emissions.



Working Families of Monterey Co. v. King City, 106 Cal.App.5th 833 (2024)

Sixth Appellate District denied writ petition, finding Class 32 Exemption applied:

- 1) Applying rules of statutory construction, no indication that Resources Secretary meant to limit exemption to “infill” satisfying definitions in Pub. Resources Code §§21061.3, 21071, and 21072 and Guidelines §15387.
- 2) Courts may not “broaden or narrow” scope of provision by reading in language that does not appear on its face.
- 3) Need not address Petitioner’s claims about inadequacy of air quality assessment—where a project is categorically exempt, “it may be implemented without any CEQA compliance whatsoever.” (Tension w/ ***West Adams***?)



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Mitigated Negative Declarations



Koi Nation of Northern California v. City of Clearlake, 109 Cal.App.5th 815 (2025)

Native American tribe challenged MND for hotel construction project alleging City failed to adequately consult with Tribe under Assembly Bill 52.

- Trial Court upheld City's determination that (a) resources did not qualify as tribal cultural resources ("TCR"), and (b) Koi Nation's failure to timely request consultation barred assertion that consultation was inadequate.

AB 52 mandates early consultation with Tribes affiliated with the area to address whether project may significantly affect TCRs (Pub. Res Code §21080.3.1):

- 1) Lead agency must notify representative of any Tribe affiliated with the area **if** the tribe has submitted a written request for such notice;
- 2) If tribe requests consultation in writing within 30 days, the agency must begin consultation within 30 days; and
- 3) Consultation ends when (a) parties agree to measures, or (b) after reasonable effort, either party concludes that mutual agreement cannot be reached.
- 4) Agency may adopt an MND if consultation concludes, tribe failed to request consultation, or tribe requested consultation and failed to engage.



Koi Nation of Northern California v. City of Clearlake, 109 Cal.App.5th 815 (2025)

First Appellate District held that Koi Nation met statutory requirements for requesting consultation:

- 1) Formal AB 52 notification sent via email to Geary, Historic Preservation Officer for HabematolelPomo of Upper Lake (HPUL), which included form listing Koi Nation;
- 2) City was aware via previous emails and informal coordination meetings that HPUL and Koi Nation had Intergovernmental Agreement and that Geary was designated representative for Koi Nation;
- 3) City's consultant was aware that a Koi Nation ancestor resided in the area, further research should be conducted, and the project should "proceed with caution";
- 4) Geary responded to formal notification within 30 days, requesting consultation for HPUL (silent as to Koi);
) Koi Nation members copied on email correspondence related to HPUL consultation.

5)
Court finds that City failed to meaningfully consult, resulting in a prejudicial abuse of discretion:

- 1) Record shows that tribal representative (Geary) requested mitigation and follow up, but City did not engage further, declined to incorporate all measures, and provided no reasons to Koi Nation.
- 2) Despite expert report concluding no impacts on TCRs, City failed to consider the "value and significance" of resources to Koi Nation.



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Environmental Impact Reports



Save Our Access v. City of San Diego (October 17, 2025) ___ Cal.App.5th ___

Citizens group challenged the CEQA compliance of City of San Diego-sponsored ballot measure. Purpose of the measure was to excluded the 800-acre Midway-Pacific Highway Community Planning area from the City's Coastal Height Limit Overlay Zone that limited building heights to 30 feet.

- City prepared a Supplemental EIR ("SEIR"). Trial court denied the writ.

- The Court of Appeal reversed and invalidated the SEIR.The court found that the SEIR violated CEQA because it failed to analyze potential significant environmental impacts of the planning area update beyond views and neighborhood character.

- The SEIR omitted "required analysis" of noise, air quality, biological resources, geological conditions, and other impacts, and improperly deferred analysis to future site-specific projects.





Center for Biological Diversity v. County of Los Angeles (2025) 112 Cal.App.5th 317

Second District Court of Appeal invalidated LA County's 2019 EIR certification and project approvals for the Centennial Specific Plan, covering a 12,323-acre development on the Tejon Ranch located in Antelope Valley. The mixed-use project proposed over 19,000 residential units on 40 percent of the site, along with 15% of the site slated for business, commercial and industrial uses, with open space on the remainder.

- The Court held that the EIR improperly relied on state cap-and-trade regulations for greenhouse gas emissions, and for failure to sufficiently discuss wildfire impacts beyond the project site (only the Court's ruling on GHG was part of the published portion of the opinion).
- Specifically, the Court found that a land use project may not rely on cap-and-trade compliance by upstream energy providers to offset its GHG emissions impacts because reliance on cap-and-trade compliance by covered entities double counts the offsets, and is prejudicially misleading as to the actual impact of a project's emissions.





Center for Biological Diversity v. County of Los Angeles (2025) 112 Cal.App.5th 317

- While carbon emission offsets outside of cap-and-trade can be used for mitigation under CEQA, they are subject to an “additionality” requirement. Offsets must be beyond what would have happened without the required mitigation. The offsets must be truly additional and represent a net environmental benefit, and not actions that were already going to take place due to existing requirements, financial incentives, or routine practices.
- If mitigation is based on an improper GHG emissions analysis, it is prejudicially misleading. A Statement of Overriding Considerations based on misleading GHG emissions impacts and mitigation is improper.
- The analysis of specific impacts must provide enough detail for the public to be able to meaningfully consider the issues raised by the proposed project. This can include cross-references to information found elsewhere in the document, relevant studies, and explanation of how mitigation measures to offset a related impact will extend to the impact under discussion.



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CEQA Equivalent Documents



Western States Petroleum Assn. v. Cal. Air Resources Bd., 108 Cal.App.5th 938 (2025)

WSPA challenged CARB's Control Measure for Ocean-Going Vessels At Berth regulation limiting emissions from tankers and other ocean-going vessels.

Court rejected WSPA's contention that CARB violated CEQA by insufficiently analyzing safety hazards associated with proposed methods of compliance and indirect cumulative impacts of regulation:

- 1) CARB is not subject to the full scope of CEQA—e.g., no initial studies, negative declarations, or EIRs.
- 2) On review of regulation setting statewide emissions standards, EA subject to streamlined procedures—e.g., general (not project-level).
- 3) CARB's analysis sufficiently analyzed cumulative impacts; however, Court did not decide whether such analysis was required (cf. Public Resources Code §21159; Guidelines §15187).





Camarillo Sanitary District v. State Water Resources Control Board, 113 Cal.App.5th 407 (2025)

Fifth District Court of Appeal partly reversed and partly affirmed a judgment that had upheld the State Water Resources Control Board's adoption of the "State Policy for Water Quality Control: Toxicity Provisions," which required use of a new "Test of Significant Toxicity" ("TST") in analyzing a type of pollution known as "whole effluent toxicity." Court found violation of the Clean Water Act, but otherwise rejected the state law challenges, including those made under CEQA.

- SWRCB's (and regional boards') basin planning process is a Natural Resources Agency-certified regulatory program.(CEQA Guidelines, §15251(g).)The Court held that the SWRCB may substitute a plan or other written documentation with environmental information required by its program for the EIR generally required by CEQA. As such, the Court rejected arguments that the Board was not authorized to use a substitute environmental document for CEQA review of its adoption of the Toxicity Provisions.



Camarillo Sanitary District v. State Water Resources Control Board, 113 Cal.App.5th 407 (2025)

- Court rejected substantive challenge to the Board's consideration of the potentially significant environmental effects of its adoption of the Toxicity Provisions. The Board's environmental review complied with the regulatory requirement that a substitute environmental document include analysis of reasonably foreseeable methods of compliance by regulated entities and of any reasonably foreseeable significant adverse environmental impacts associated with those methods of compliance.
- These requirements complied with CEQA's requirement to analyze foreseeable impacts of an initial project and its prohibition of "piecemealing" to avoid environmental scrutiny.





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Pending Cases at the California Supreme Court



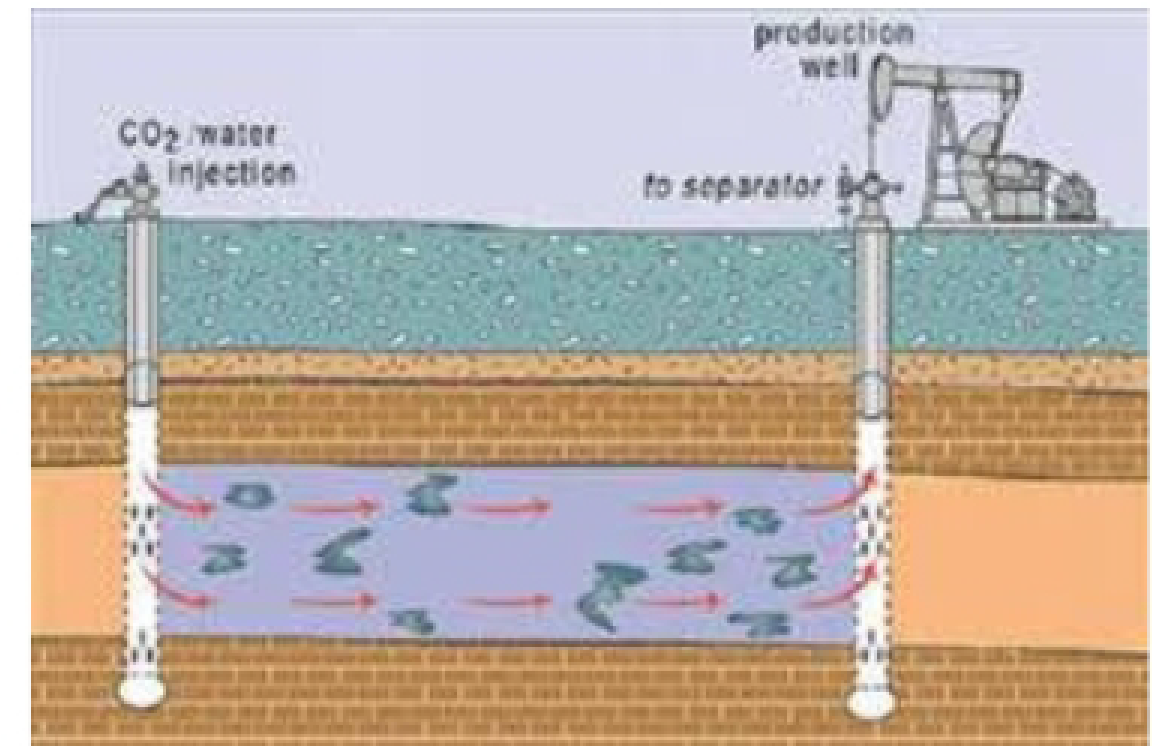
***Sunflower Alliance v. Department of Conservation*, 105 Cal.App.5th 771 (2024)**

California Department of Conservation, Division of Geologic Energy Management (CalGEM) approved conversion of oil well into water injection well under Categorical Exemption for “Existing Facilities” (Class 1):

- Guidelines §15301 covers “minor alterations” of existing facilities involving “negligible or no expansion” of use.
- Petitioner argued that, as a “significantly different use,” the conversion project did not fall within exemption.

Rejecting “different use” argument, Court held that change in use was negligible because environmental risks were “negligible”:

- Injection is a “new use,” but the change in use is “negligible”;
- Aquifer is geologically confined and subject to regulations protecting water quality;
- Only minor changes proposed at site—removal of well plug, installation of injection equipment, and use of existing pad and access road; and
- Measures to protect water quality are legally mandated elements, not CEQA mitigation measures (***SPAWN v. Marin County***).





Sunflower Alliance v. Department of Conservation, 105 Cal.App.5th 771 (2024)

Review Granted by California Supreme Court in December 2024

Issues to be considered:

1. May an agency claim a categorical exemption from environmental review under CEQA while also adopting conditions of approval relating to potential environmental effects?
2. Does the term “negligible” in CEQA’s Class 1 existing facilities exemption (Cal. Code Regs., tit. 14, §15301) pertain to a negligible change in use or to a change that presents a negligible risk of environmental harm?

Case is fully briefed, except for amicus briefs.



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Non-CEQA Case



Casa Mira Homeowners Assn. v. Cal. Coastal Com., 107 Cal.App.5th 370 (2024) (rev. denied)

Under Coastal Act, “new” and “existing” development treated differently:

- 1) Section 30253(b): “***New developments*** shall . . . neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area ***or in any way require the construction of protective devices*** that would substantially alter natural landforms along bluffs and cliffs.”
- 2) Section 30235: “Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes ***shall be permitted when required. . . to protect existing structures. . .***”



Casa Mira Homeowners Assn. v. Cal. Coastal Com., 107 Cal.App.5th 370 (2024) (rev. denied)

Commission denied CDP for construction of seawall to protect condominium and sewer line in Half Moon Bay (built in 1984), determining that Section 30235 does not apply to structures “existing” as of date of permit application.

- Commission granted CDP for smaller seawall for apartment (built in 1972) but ordered setback (and no armoring) for coastal-dependent trail.

Court of Appeal held:

- 1) Commission not entitled to deference; however, when statute viewed as a whole, it is apparent that “existing structures” under Section 30235 refers to structures existing prior to Coastal Act (January 1, 1977).
- 2) Substantial evidence did not support Commission’s finding that armoring was unnecessary to protect coastal-dependent trail; the re-routing was “problematic” for several reasons.