

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT SPR22-01

Title

CEQA Actions: New Projects and Fees for Expedited Review

Action Requested

Review and submit comments by May 13, 2022

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rules 3.2200, 3.2220, 3.2221, 3.2223, 3.2240, 8.700, 8.702, 8.703, and 8.705

Proposed Effective Date

January 1, 2023

Contact

Christy Simons, 415-865-7694

christy.simons@jud.ca.gov

James Barolo, 415-865-8928

james.barolo@jud.ca.gov

Proposed by

Appellate Advisory Committee

Hon. Louis R. Mauro, Chair

Civil and Small Claims Advisory Committee

Hon. Tamara L. Wood, Chair

Executive Summary and Origin

As mandated by the Legislature, the Judicial Council previously adopted rules and established procedures that implemented a statutory scheme for the expedited resolution of actions and proceedings brought under the California Environmental Quality Act (CEQA) challenging certain projects that qualified for such streamlined procedures. This proposal will implement additional legislation requiring that the Judicial Council amend these rules to include additional projects for streamlined review. The proposal will also implement new and reenacted statutory provisions requiring that, in cases under two of the statutes, the council, by rule of court, establish fees to be paid by those project applicants to the trial court and Court of Appeal for the costs of streamlined CEQA review.

Background

Since 2011 the Legislature has enacted numerous bills providing expedited judicial review for legal challenges brought under the California Environmental Quality Act (CEQA) for specified projects. Initially, the Legislature enacted the Jobs and Economic Improvement Through Environmental Leadership Act of 2011, which provided that CEQA challenges to so-called environmental leadership projects would be brought directly to the Court of Appeal and that project applicants would pay the costs of adjudicating the case. (See Assem. Bill 900; Stats. 2011, ch. 354.) To implement the required appellate court fees in AB 900, the council adopted the predecessor to rule 8.705.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

In 2013, the Legislature required the Judicial Council to adopt rules¹ requiring that actions or proceedings, including any appeals, be resolved within 270 days of certification of the record of proceedings. (See Sen. Bill 743; Stats. 2013, ch. 386.) SB 743 also provided that CEQA challenges to an additional project (the Sacramento basketball arena) would receive expedited judicial review. To implement SB 743, the council adopted rules 3.2220–3.2231 and 8.700–8.705, which in addition to providing expedited review for the specified projects also set out certain pleading and service requirements and incentives to help streamline judicial review.

In 2016, Senate Bill 836 (Stats. 2016, ch. 31) added another set of projects to receive expedited CEQA review, “capitol building annex projects.” Thereafter, the council amended the trial court and appellate rules governing expedited CEQA review to include such projects.

In 2018 and 2020, the Legislature enacted four bills relating to CEQA review. Each of those bills added additional projects to receive expedited CEQA review: Assembly Bill 734 (Stats. 2018, ch. 959) (Oakland ballpark projects); Assembly Bill 987 (Stats. 2018, ch. 961) (Inglewood arena projects); Assembly Bill 1826 (Stats. 2018, ch. 40) (expanded capitol building annex projects); and Assembly Bill 2731 (Stats. 2020, ch. 291) (San Diego Old Town Center projects). AB 734 and AB 987 also provided that the person or entity that applied for certification of an Oakland ballpark or an Inglewood arena project must pay for “any additional costs incurred by the courts in hearing and deciding any [CEQA] case.” (Pub. Resources Code, §§ 21168.6.7(d)(6), 21168.6.8(b)(6).) Accordingly, earlier this year the council amended rules governing expedited CEQA review to (1) include the four new projects to receive expedited CEQA review, (2) require applicants of Oakland ballpark and Inglewood arena projects to pay trial and appellate court fees based on “additional” court costs, and (3) make other conforming changes.²

The Proposal

This proposal seeks to implement two additional bills enacted by the Legislature related to expedited CEQA review. Senate Bill 7 (Stats. 2021, ch. 19)³ reenacts with certain changes the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 (initially enacted by AB 900), which was repealed by its own terms January 1, 2021. Both the prior and reenacted law provide for certification and expedited CEQA review of certain large projects that replace old facilities, reduce pollution, and generate jobs. (See Pub. Resources Code, § 21178 et seq.) Such projects are referred to as “environmental leadership development projects.” Senate Bill 44 (Stats. 2021, ch. 633)⁴ adds sustainable public transit projects in Los Angeles in preparation for the 2028 Summer Olympic and Paralympic Games to the list of projects to receive expedited CEQA review. (See Pub. Resources Code, § 21168.6.9.) These projects are referred to as “environmental leadership

¹ All rules references are to the California Rules of Court.

² Judicial Council of Cal., Advisory Com. Rep., *CEQA Actions: New Projects and Fees for Expedited Review* (Mar. 2, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=10565631&GUID=6D8B30CC-D416-44C2-A4F0-D857024D2730>.

³ Available at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB7.

⁴ Available at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB44.

transit projects.” Both bills require project applicants to pay trial and appellate court costs for adjudication of CEQA challenges.

Accordingly, the proposed rule amendments would conform the rules to recent legislative changes adding environmental leadership transit projects as a type of project that receives expedited judicial review and setting trial and appellate court fees for both types of projects.

Amendments to add environmental leadership transit projects

Several of the proposed rule amendments simply add statutory citations or add “environmental leadership transit project” to an existing rule to implement SB 44’s provision that such projects receive expedited CEQA review. (See, e.g., proposed rules 3.2200, 3.2220, 8.700.) No amendments are needed to include environmental leadership development projects (SB 7) in the type of projects that receive expedited CEQA review. Such projects were added to the rules in 2012 to implement the original environmental leadership act, AB 900.

New fees for trial and appellate courts

Existing rule 8.705(1) requires the person or entity that applied for certification of a project as an environmental leadership development project to pay a fee to the Court of Appeal. The rule is based on previous Public Resources Code section 21183(e) (in effect until December 31, 2020), which provided that such persons or entities agree to “pay the costs of the Court of Appeal in hearing and deciding any [CEQA] case” and did not provide any such fee for trial courts.

Amended Public Resources Code section 21183(f) now provides that the person or entity that applied for certification of a project as an environmental leadership development must “pay the costs of the *trial court and the court of appeal* in hearing and deciding any case challenging” the project under CEQA (*italics added*). Similarly, newly added section 21168.6.9 provides an identical requirement for environmental leadership transit project applicants.

Accordingly, the proposal amends rule 8.705 to require environmental leadership transit project applicants to pay a fee to the Court of Appeal. This proposal also amends rule 3.2240 to require the payment of a fee to the trial court by the person or entity that applied for certification of a project as an environmental leadership development project and to require the payment of a fee to the trial court by the project applicant of an environmental leadership transit project.

New and amended fee amounts

Existing fee amounts

To implement former Public Resources Code section 21183(e), which required a person or entity that applied for certification of the project as an environmental leadership project “to pay the costs of the Court of Appeal,” rule 8.705(1) requires payment of a fee of \$100,000 to the Court of Appeal for

streamlined review of a CEQA case.⁵ The \$100,000 amount was set in 2012 and was based on an estimate that the amount of time to adjudicate a CEQA case at the Court of Appeal would be 108 hours by the justice assigned to prepare a draft decision, 10 hours by each of the other two justices on the panel, 230 hours by research attorneys, and 31 hours by judicial assistants. In addition to those hours, estimates for other staff time, benefits, and overhead were included in calculating the total fee.⁶

The fees in current rules 3.2240(1) and 8.705(2) for Oakland ballpark and Inglewood arena projects were adopted by the council this year and require payments of \$120,000 to the trial court and \$140,000 to the Court of Appeal.⁷ The statutes for both such projects require the person or entity that applied for certification to pay a fee for the “additional costs” to the courts providing expedited review. “Additional costs,” as opposed to “costs,” were determined based on the cost to the courts of taking these cases out of normal processing and devoting one full-time judicial officer and one research attorney in each court to reach disposition within the statutorily prescribed time. The council did not include other staff time, other judicial officer time, benefits, or overhead when it used the hours estimate to determine the applicable fees. In setting those amounts, the council considered the 2012 report that adopted the current fee in rule 8.705(1), a report to the Legislature on the amount of time to adjudicate a CEQA challenge to the Warriors’ Mission Bay project,⁸ and anecdotal evidence from a CEQA challenge to the Sunset Boulevard project in Los Angeles.⁹ As described in the March 2022 report to the council, the 2012 estimate of time to adjudicate a CEQA case in the Court of Appeal fell far short of reality. Rather, the data collected regarding the time required to complete expedited review of CEQA challenges to the Warriors’ Mission Bay and Sunset Boulevard projects suggest that a more accurate estimate of the required time for adjudication in both trial court and the Court of Appeals is 91 full-time working days for each of the following positions: trial court judge, trial court research attorney, appellate justice, and appellate court research attorney.¹⁰ The \$120,000 and \$140,000 fee amounts are based on these time estimates.

⁵ Rule 8.705 also requires that the person or entity that applied for certification of a project as an environmental leadership development, an Oakland ballpark, or an Inglewood arena project to pay the costs of any special master or contract personnel retained to work on the case.

⁶ See Judicial Council of Cal., Advisory Com. Rep., *Appellate Procedure: Review of California Environmental Quality Act Cases Under Public Resources Code Sections 21178–21189.3* (Apr. 11, 2012), p. 8, <http://www.courts.ca.gov/documents/jc-20120424-itemA1.pdf>.

⁷ Similar to rule 8.705, rule 3.2240 also requires the payment of the costs of any special master or contract personnel retained to work on the case.

⁸ Judicial Council of Cal., *Jobs and Economic Improvement Through Environmental Leadership Act: Report to the Legislature Under Assembly Bill 900, Public Resources Code Section 21189.2* (Dec. 1, 2016), p. 6, <https://www.courts.ca.gov/documents/lr-2016-jobs-and-economic-improvement.pdf>.

⁹ *L.A. Conservancy v. City of L.A.; Fix the City, Inc. v. City of Los Angeles* (Mar. 23, 2018, B284093) [nonpub. opn.].

¹⁰ Judicial Council of Cal., Advisory Com. Rep., *CEQA Actions: New Projects and Fees for Expedited Review* (Mar. 2, 2022), pp. 7–10, <https://jcc.legistar.com/View.ashx?M=F&ID=10565631&GUID=6D8B30CC-D416-44C2-A4F0-D857024D2730>.

Proposed fees amounts

New Public Resources Code sections 21183(f) and 21168.6.9(b)(3) require the person or entity that applied for certification of an environmental leadership development project and environmental leadership transit project applicants, respectively, to pay the costs of the trial court *and* the Court of Appeal in “a form and manner specified by the Judicial Council, as provided in the California Rules of Court.” To implement these statutory requirements, the committees propose a new fee for trial court costs and an updated fee for appellate court costs.

The committees used the time estimates in the March 2022 council report as the basis for the new and updated fee amounts in this proposal. Specifically, the proposed fee amounts are derived from the estimate that the amount of time to adjudicate expedited CEQA cases is 91 full-time working days of a judicial officer and a research attorney in each of the courts. Additionally, since Public Resources Code sections 21168.6.9(b)(3) and 21183(f) require project applicants to pay the cost to the courts without any limitation of such costs to “additional costs,” estimates for benefits, overhead, clerical time, and the time of other appellate justices assigned to the panel (none of which were included in the fees set for Oakland ballpark and Inglewood arena projects) were included in determining the proposed court fees.

The estimated cost to trial courts for expedited review of a CEQA case is \$180,000, which was calculated with the following components:

- The estimated cost of salary and benefits for 91 full-time working days for a trial court judge;
- The estimated cost of salary and benefits for 91 full-time working days for a trial court research attorney; and
- An estimate for overhead and clerical time in the trial court.

The estimated costs to the Court of Appeal for expedited review of a CEQA case is \$215,000, which was calculated with the following components:

- The estimated cost of salary and benefits for 91 full-time working days for the appellate justice primarily assigned to the case;
- The estimated cost of salary and benefits for 20 hours¹¹ for each of the other two appellate justices assigned to the case;
- The estimated cost of salary and benefits for 91 full-time working days for an appellate court research attorney; and
- An estimate for overhead and clerical time in the Court of Appeal.

The committees thus propose that the above amounts be charged for the expedited review by the trial court and the Court of Appeal, respectively. (See proposed rules 3.2240 and 8.705.) As permitted by the statutes, the proposed rules also allow for costs for any special master required for the matter to

¹¹ The fee set in 2012 included an estimate of 10 hours of time for each of the other two justices on the panel. The committees concluded that, in cases of this size and complexity, a more realistic estimate would be 20 hours by each of the non-authoring justices.

be charged directly to the project developer, as is currently provided in the environmental leadership development cases as well as those concerning Oakland ballpark or Inglewood arena projects.

Alternatives Considered

Because the new rules and fees are mandated by the Legislature, the committees did not consider the alternative of no rules.

Fiscal and Operational Impacts

Implementing the new legislation requiring expedited review of CEQA challenges to new project types may generate costs and operational impacts for both the trial court and the Court of Appeal in which the proceedings governed by these statutes are filed. This is a policy decision made by the Legislature, not the result of the proposed rule amendments. The committees do not anticipate that this rule proposal will result in any additional costs to other courts.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committees are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committees also seek comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rules 3.2200, 3.2220, 3.2221, 3.2223, 3.2240, 8.700, 8.702, 8.703, and 8.705, at pages 7–15
2. Link A: Senate Bill 7,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB7
3. Link B: Senate Bill 44,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB44

Rules 3.2200, 3.2220, 3.2221, 3.2223, 3.2240, 8.700, 8.702, 8.703, and 8.705 of the California Rules of Court would be amended, effective January 1, 2023, to read:

1 **Rule 3.2200. Application**

2
3 Except as otherwise provided in chapter 2 of the rules in this division, which govern
4 actions under Public Resources Code sections 21168.6.6–21168.6.89, 21178–21189.3,
5 21189.50–21189.57, and 21189.70–21189.70.10, the rules in this chapter apply to all
6 actions brought under the California Environmental Quality Act (CEQA) as stated in
7 division 13 of the Public Resources Code.
8
9

10 **Chapter 2. California Environmental Quality Act Proceedings Involving**
11 **Streamlined CEQA Projects**

12
13 **Article 1. General Provisions**

14
15 **Rule 3.2220. Definitions and application**

16
17 **(a) Definitions**

18
19 As used in this chapter:

- 20
21 (1) A “streamlined CEQA project” means any project within the definitions
22 stated in (2) through ~~(7)~~(8).
23
24 (2) An “environmental leadership development project” or “leadership project”
25 means a project certified by the Governor under Public Resources Code
26 sections 21182–21184.
27
28 (3) The “Sacramento entertainment and sports center project” or “Sacramento
29 arena project” means an entertainment and sports center project as defined by
30 Public Resources Code section 21168.6.6, for which the proponent provided
31 notice of election to proceed under that statute described in section
32 21168.6.6(j)(1).
33
34 (4) An “Oakland sports and mixed-use project” or “Oakland ballpark project”
35 means a project as defined in Public Resources Code section 21168.6.7 and
36 certified by the Governor under that section.
37
38 (5) An “Inglewood arena project” means a project as defined in Public Resources
39 Code section 21168.6.8 and certified by the Governor under that section.
40
41 (6) An “expanded capitol building annex project” means a state capitol building
42 annex project, annex project–related work, or state office building project as
43 defined by Public Resources Code section 21189.50.

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(7) An “Old Town Center transit and transportation facilities project” or “Old Town Center project” means a project as defined in Public Resources Code section 21189.70.

(8) An “environmental leadership transit project” means a project as defined in Public Resources Code section 21168.6.9.

(b) Proceedings governed

The rules in this chapter govern actions or proceedings brought to attack, review, set aside, void, or annul the certification of the environmental impact report or the grant of any project approvals for a streamlined CEQA project. Except as otherwise provided in Public Resources Code sections 21168.6.6–21168.6.89, 21178–21189.3, 21189.50–21189.57, and 21189.70–21189.70.10 and these rules, the provisions of the Public Resources Code and the CEQA Guidelines adopted by the Natural Resources Agency (Cal. Code Regs., tit. 14, § 15000 et seq.) governing judicial actions or proceedings to attack, review, set aside, void, or annul acts or decisions of a public agency on the grounds of noncompliance with the California Environmental Quality Act and the rules of court generally apply in proceedings governed by this rule.

(c) Complex case rules

* * *

Rule 3.2221. Time

(a) Extensions of time

* * *

(b) Extensions of time by parties

If the parties stipulate to extend the time for performing any acts in actions governed by these rules, they are deemed to have agreed that the statutorily prescribed time for resolving the action may be extended by the stipulated number of days ~~by which the performance of the act has been stipulated to be extended~~ of the extension, and to that extent to have waived any objection to noncompliance with the deadlines for completing review stated in Public Resources Code sections 21168.6.6–21168.6.89, 21185, 21189.51, and 21189.70.3. Any such stipulation must be approved by the court.

1 (c) **Sanctions for failure to comply with rules**

2
3 If a party fails to comply with any time requirements provided in these rules or
4 ordered by the court, the court may issue an order to show cause as to why one of
5 the following sanctions should not be imposed:

6
7 (1)–(2) * * *

8
9 (3) If the failure to comply is by respondent or a real party in interest, removal of
10 the action from the expedited procedures provided under Public Resources
11 Code sections 21168.6.6–21168.6.8~~9~~, 21185, 21189.51, and 21189.70.3, and
12 these rules; or

13
14 (4) * * *

15
16 **Rule 3.2223. Petition**

17
18 In addition to any other applicable requirements, the petition must:

19
20 (1) On the first page, directly below the case number, indicate that the matter is a
21 “Streamlined CEQA Project”;

22
23 (2) State one of the following:

24
25 (A) The proponent of the project at issue provided notice to the lead agency
26 that it was proceeding under Public Resources Code section 21168.6.6,
27 21168.6.7, ~~or~~ 21168.6.8, or 21168.6.9 (whichever is applicable) and is
28 subject to this rule; or

29
30 (B) The project at issue was certified by the Governor as an environmental
31 leadership development project under Public Resources Code sections
32 21182–21184 and is subject to this rule; or

33
34 (C) The project at issue is an expanded capitol building annex project as
35 defined by Public Resources Code section 21189.50 and is subject to
36 this rule; or

37
38 (D) The project at issue is an Old Town Center project as defined by Public
39 Resources Code section 21189.70 and is subject to this rule;

40
41 (3) If an environmental leadership development, Oakland ballpark, or Inglewood
42 arena project, provide notice that the person or entity that applied for
43 certification of the project as such a leadership project must make the

1 payments required by rule 3.2240 and, if the matter goes to the Court of
2 Appeal, make the payments required by rule 8.705;

3
4 (4) ~~If an Oakland ballpark or Inglewood arena project~~ environmental leadership
5 transit project, provide notice that the person or entity that applied for
6 certification of the project as an Oakland ballpark or Inglewood arena project
7 applicant must make the payments required by rule 3.2240 and, if the matter
8 goes to the Court of Appeal, the payments required by rule 8.705; and

9
10 (5) * * *

11
12 **Rule 3.2240. Trial court costs in Oakland Ballpark and Inglewood Arena certain**
13 **streamlined CEQA projects**

14
15 In fulfillment of the provisions in Public Resources Code sections 21168.6.7, and
16 21168.6.8, 21168.6.9, and 21183 regarding payment of trial court costs with respect to
17 cases concerning certain streamlined CEQA environmental leadership development,
18 environmental leadership transit, Oakland ballpark, and Inglewood arena projects:

19
20 (1) Within 10 days after service of the petition or complaint in a case concerning an
21 environmental leadership development project, the person or entity that applied for
22 certification of the project as an environmental leadership development project
23 must pay a fee of \$180,000 to the court.

24
25 (2) Within 10 days after service of the petition or complaint in a case concerning an
26 environmental leadership transit project, the project applicant must pay a fee of
27 \$180,000 to the court.

28
29 ~~(1)~~(3) Within 10 days after service of the petition or complaint in a case concerning an
30 Oakland ballpark project or an Inglewood arena project, the person or entity that
31 applied for certification of the project as a streamlined CEQA project must pay a
32 fee of \$120,000 to the court.

33
34 ~~(2)~~(4) If the court incurs the costs of any special master appointed by the court in the case
35 or of any contract personnel retained by the court to work on the case, the person or
36 entity that applied for certification of the project or the project applicant must also
37 pay, within 10 days of being ordered by the court, those incurred or estimated costs.

38
39 ~~(3)~~(5) If the party fails to timely pay the fee or costs specified in this rule, the court may
40 impose sanctions that the court finds appropriate after notifying the party and
41 providing the party with an opportunity to pay the required fee or costs.

42
43 ~~(4)~~(6) Any fee or cost paid under this rule is not recoverable.

1
2
3 **Chapter 1. Review of California Environmental Quality Act Cases Involving**
4 **Streamlined CEQA Projects**

5
6 **Rule 8.700. Definitions and application**

7
8 **(a) Definitions**

9
10 As used in this chapter:

- 11
12 (1) A “streamlined CEQA project” means any project within the definitions
13 stated in (2) through ~~(7)~~(8).
14
15 (2) An “environmental leadership development project” or “leadership project”
16 means a project certified by the Governor under Public Resources Code
17 sections 21182–21184.
18
19 (3) The “Sacramento entertainment and sports center project” or “Sacramento
20 arena project” means an entertainment and sports center project as defined by
21 Public Resources Code section 21168.6.6, for which the proponent provided
22 notice of election to proceed under that statute described in section
23 21168.6.6(j)(1).
24
25 (4) An “Oakland sports and mixed-use project” or “Oakland ballpark project”
26 means a project as defined in Public Resources Code section 21168.6.7 and
27 certified by the Governor under that section.
28
29 (5) An “Inglewood arena project” means a project as defined in Public Resources
30 Code section 21168.6.8 and certified by the Governor under that section.
31
32 (6) An “expanded capitol building annex project” means a state capitol building
33 annex project, annex project–related work, or state office building project as
34 defined by Public Resources Code section 21189.50.
35
36 (7) An “Old Town Center transit and transportation facilities project” or “Old
37 Town Center project” means a project as defined in Public Resources Code
38 section 21189.70.
39
40 (8) An “environmental leadership transit project” means a project as defined in
41 Public Resources Code section 21168.6.9.
42

1 (b) * * *

2
3 **Rule 8.702. Appeals**

4
5 (a) * * *

6
7 (b) **Notice of appeal**

8
9 (1) * * *

10
11 (2) *Contents of notice of appeal*

12
13 The notice of appeal must:

14
15 (A) State that the superior court judgment or order being appealed is
16 governed by the rules in this chapter;

17
18 (B) Indicate whether the judgment or order pertains to a streamlined CEQA
19 project; ~~and~~

20
21 (C) If the judgment or order being appealed pertains to an environmental
22 leadership development project, an Oakland ballpark project, or an
23 Inglewood arena project, provide notice that the person or entity that
24 applied for certification or approval of the project as such a project
25 must make the payments required by rule 8.705-; and

26
27 (D) If the judgment or order being appealed pertains to an environmental
28 leadership transit project, provide notice that the project applicant must
29 make the payments required by rule 8.705.

30
31 (c)–(e) * * *

32
33 (f) **Briefing**

34
35 (1)–(3) * * *

36
37 (4) *Extensions of time to file briefs*

38
39 If the parties stipulate to extend the time to file a brief under rule 8.212(b),
40 they are deemed to have agreed that the statutorily prescribed time for
41 resolving the action may be extended by the stipulated number of days ~~by~~
42 ~~which the parties stipulated to extend the time of the extension~~ for filing the
43 brief and, to that extent, to have waived any objection to noncompliance with

1 the deadlines for completing review stated in Public Resources Code sections
2 21168.6.6–21168.6.89, 21185, 21189.51, and 21189.70.3 for the duration of
3 the stipulated extension.
4

5 (5) * * *

6
7 (g) * * *

8
9 **Advisory Committee Comment**

10
11 **Subdivision (b).** It is very important to note that the time period to file a notice of appeal under
12 this rule is the same time period for filing most postjudgment motions in a case regarding the
13 Sacramento arena project, and in a case regarding any other streamlined CEQA project, the
14 deadline for filing a notice of appeal may be earlier than the deadline for filing a motion for a new
15 trial, a motion for reconsideration, or a motion to vacate the judgment.
16

17 **Rule 8.703. Writ proceedings**

18
19 (a) * * *

20
21 (b) **Petition**

22
23 (1) * * *

24
25 (2) *Contents of petition*

26
27 In addition to any other applicable requirements, the petition must:

- 28
29 (A) State that the superior court judgment or order being challenged is
30 governed by the rules in this chapter;
- 31
32 (B) Indicate whether the judgment or order pertains to a streamlined CEQA
33 project; ~~and~~
- 34
35 (C) If the judgment or order pertains to an environmental leadership
36 development project, an Oakland ballpark project, or an Inglewood
37 arena project, provide notice that the person or entity that applied for
38 certification of the project as such a project must make the payments
39 required by rule 8.705; and
- 40
41 (D) If the judgment or order pertains to an environmental leadership transit
42 project, provide notice that the project applicant must make the
43 payments required by rule 8.705.

1
2 **Rule 8.705. Court of Appeal costs in certain streamlined CEQA projects**
3

4 In fulfillment of the provisions in Public Resources Code sections 21168.6.7, 21168.6.8,
5 21168.6.9, and 21183 regarding payment of the Court of Appeal's costs with respect to
6 cases concerning environmental leadership development, environmental leadership
7 transit, Oakland ballpark, and Inglewood arena projects:
8

9 (1) Within 10 days after service of the notice of appeal or petition in a case concerning
10 an environmental leadership development project, the person or entity that applied
11 for certification of the project as an environmental leadership development project
12 must pay a fee of \$215,000 to the Court of Appeal.
13

14 (2) Within 10 days after service of the notice of appeal or petition in a case concerning
15 an environmental leadership transit project, the project applicant must pay a fee of
16 \$215,000 to the Court of Appeal.
17

18 ~~(2)(3)~~ Within 10 days after service of the notice of appeal or petition in a case concerning
19 an Oakland ballpark project or Inglewood arena project, the person or entity that
20 applied for certification of the project as an Oakland ballpark project or Inglewood
21 arena project must pay a fee of \$140,000 to the Court of Appeal.
22

23 ~~(3)(4)~~ If the Court of Appeal incurs the costs of any special master appointed by the Court
24 of Appeal in the case or of any contract personnel retained by the Court of Appeal
25 to work on the case, the person or entity that applied for certification of the project
26 or the project applicant as a leadership project, an Oakland ballpark project, or an
27 Inglewood arena project must also pay, within 10 days of being ordered by the
28 court, those incurred or estimated costs.
29

30 ~~(4)(5)~~ If the party fails to timely pay the fee or costs specified in this rule, the court may
31 impose sanctions that the court finds appropriate after notifying the party and
32 providing the party with an opportunity to pay the required fee or costs.
33

34 ~~(5)(6)~~ Any fee or cost paid under this rule is not a recoverable cost.