



CEQA: A GOOD LAW IN NEED OF REFORM.

Special Interest Group Uses CEQA in Attempt to Block Reconstruction of Overcrowded and Seismically-Unsafe Hospital

For more than a decade, residents of Tehachapi (Kern County) have been planning a new hospital to replace the current community hospital which is outdated and overcrowded. The current facility, constructed in 1956, was designed to serve a population of 1,600, and is now serving a community of more than 30,000. Along with being overcrowded, the structure itself does not meet current California Seismic Safety Standards and must be retrofitted or rebuilt by January 2015 to continue operating.

The Tehachapi Hospital Project is a two-part effort managed by the Tehachapi Valley Healthcare District to build a new full-service hospital facility to replace the overcrowded, seismically-unsafe 57 year-old structure and repurpose the original building as an outpatient clinic. The proposed new hospital would be built two miles from the current hospital, on a 22.6 acre parcel of land donated to the Healthcare District by a local family in 2008.

Bond funding for this project was approved twice by voters in 2004 and 2009, and is supplemented by charitable donations from the community.

In 2011, a comprehensive CEQA environmental review of the project was completed, finding no significant environmental impacts. On October 19, 2011, the Tehachapi Valley Healthcare District Board unanimously approved the environmental document, a Mitigated Negative Declaration (MND).

The project was expected to break ground in November 2011. But only four weeks after project approval, an opposition group filed a CEQA lawsuit challenging the project's environmental review. The group claimed a full EIR was necessary and that the project violated CEQA on the basis of aesthetics, among other things. The opposition group didn't want a hospital in the planned location, even though the land was donated by the landowner and it was close to the former hospital site.

The following year, on September 21, 2012, Judge Kenneth Twisselman of the Kern County Superior Court denied the opponents' lawsuit and upheld the approved environmental review document. In his ruling, the judge said, "*The rules regulating the environment must not be subverted to an instrument for the oppression and delay of social, economic or recreational development and advancement.*"

COST OF CEQA MISUSE:

- CEQA lawsuit delays seismically-unsafe hospital retrofit project by one year
- \$10 million in increased project costs caused by litigation
- Delay causes budget shortfall and elimination of new obstetrics unit at hospital

About this series:

The California Environmental Quality Act (CEQA) is an important environmental law. However, today's CEQA is too often misused to stop or delay projects that comply with all applicable environmental laws and standards. "CEQA: A Good Law In Need of Reform" will call attention to the many examples of CEQA misuses, and the consequences on vital projects, our environment and our economy. Visit www.CEQAWorkingGroup.com for more case studies or information about efforts to modernize CEQA.



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The litigation set back construction of the hospital for a year and added \$10 million to the project cost. This increase in cost has caused the project to go over the original budget, leaving the Healthcare District unable to complete the obstetrics unit until future funds are available - depriving the community of important women and children's services for an indefinite period of time.

Construction began on March 28, 2013 with a groundbreaking event that welcomed the entire community to join in festivities. The construction is scheduled to be completed in 2015.

To read the complete case study, visit www.CEQAWorkingGroup.com/thospital