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## Fast-track bills increase pressure for CEQA reform

**By Jason W. Armstrong**  
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Environmental and land use lawyers expect a pair of closely watched bills aimed at fast-tracking legal challenges to an NFL stadium in Los Angeles and other state projects to accelerate efforts in Sacramento to retool the California Environmental Quality Act.

State senators Friday voted 32-7 to approve SB 292, which attempts to avoid protracted litigation over Anschutz Entertainment Group's planned downtown Los Angeles stadium by requiring environmental legal challenges to be resolved within 175 days. Senators also passed AB 900, which would grant expedited treatment for big projects on under-utilized properties in developed areas.

The Assembly was set to vote on the latter Friday but hadn't decided by press time.

The legislation comes amid intensifying discussion about CEQA reform in an economy hurting for jobs. Projects often get hit with lawsuits over concerns about environmental impact, but developers charge that opponents wield the law as a tool to halt development. CEQA suits can drag out planning and building for years.

Michelle Ouellette, a partner with Best Best & Krieger LLP in Riverside who fo-

cuses on environmental issues, including CEQA, said the legislation, successful or not, would likely bring about "similar efforts to reform" the statute.

"If we can start passing legislation that will clean up the litigation process and make CEQA a more streamlined process that can't be taken advantage of by project opponents, I think that gives us more hope that we can get some stuff done," Ouellette said Friday.

However, Michael H. Zischke, a partner in Cox Castle & Nicholson LLP's Land Use Group in San Francisco whose practice focuses on CEQA, said the bills could hinder efforts to further rework the statute to reduce hurdles faced by "infill developments" near transit centers and existing infrastructure.

He said that as a result of SB 292 and AB 900, legislators could say, "A-ha, we don't need to talk about CEQA anymore."

"Then the broader issues don't get resolved," Zischke said.

If signed by Gov. Jerry Brown, SB 292, authored by Sen. Alex Padilla, D-Pacoima, would compress litigation against the Los Angeles NFL stadium by mandating that any suits contesting the project's environmental review bypass Los Angeles County Superior Court and go directly to the 2nd District Court of Appeal. The appellate panel would

have 175 days to rule, potentially bypassing years of delays.

AB 900, quickly introduced Thursday by Senate President Pro Tem Darrell Steinberg, D-Sacramento, would enable a variety of \$100 million-plus residential, commercial, sports, cultural, entertainment, recreational and renewable energy projects to apply to the governor for similar fast-tracking.

The bills wouldn't strip developers of any of their duties to comply with extensive environmental reviews mandated by CEQA.

Legal observers expected the legislation to help move ahead other stadium projects on the drawing board, including a new San Francisco 49ers stadium in Santa Clara. Other stadiums under discussion conceptually include a new Chargers facility in San Diego.

William F. Delvac, a partner at Armbruster Goldsmith & Delvac LLP in Los Angeles, represented AEG in its battle to convince Sacramento lawmakers to green-light the law removing hurdles to the company's \$1.2 billion, 72,000-seat stadium in downtown Los Angeles near the Staples Center.

He said legislators ended up viewing SB 292 as a way to "protect CEQA and protect jobs."

"This is great," he said. "It's very gratifying."