

AMENDED IN ASSEMBLY SEPTEMBER 7, 2011

AMENDED IN ASSEMBLY SEPTEMBER 2, 2011

AMENDED IN ASSEMBLY AUGUST 30, 2011

AMENDED IN ASSEMBLY AUGUST 15, 2011

AMENDED IN ASSEMBLY JUNE 28, 2011

AMENDED IN SENATE MARCH 23, 2011

SENATE BILL

No. 292

Introduced by Senator Padilla

(Principal coauthors: Assembly Members John A. Pérez, Bradford, Blumenfield, Campos, Feuer, and Lara)

(Coauthors: Senators Berryhill, Calderon, Correa, Dutton, Gaines, Price, Rubio, Runner, Strickland, Wright, and Wyland)

(Coauthors: Assembly Members Alejo, Allen, Butler, Cedillo, *Beth Gaines*, Roger Hernández, Bonnie Lowenthal, Mitchell, *Pan*, and Smyth)

February 14, 2011

An act to add and repeal Section 21168.6.5 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 292, as amended, Padilla. California Environmental Quality Act: administrative and judicial review procedures: City of Los Angeles: stadium.

(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project

that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA establishes administrative procedures for the review and certification of the EIR for a project and judicial review ~~procedure~~ *procedures* for any action or proceeding brought to ~~challenge~~ *challenge* the lead agency's decision to certify the EIR or to grant project approvals.

This bill would establish specified administrative and judicial review procedures for the administrative and judicial review of the EIR and approvals granted for a project related to the development of a specified stadium in the City of Los Angeles. Because the lead agency would be required to use these alternative procedures for administrative review of the EIR if the project applicant so chooses, this bill would impose a state-mandated local program. The bill would require the lead agency and applicant to implement specified measures, as a condition of approval of the project, to minimize traffic congestion and air quality impacts that may result from spectators driving to the stadium.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would make legislative findings and declarations as to the necessity of a special statute for the development of a stadium in the City of Los Angeles.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

1 (a) The overall unemployment rate in California is 12.0 percent,
2 in Los Angeles County it is 13.3 percent, and in the City of Los
3 Angeles it is 14.6 percent.

4 (b) The California Environmental Quality Act (Division 13
5 (commencing with Section 21000) of the Public Resources Code)
6 requires that the environmental impacts of development projects
7 be identified and mitigated. The act also guarantees the public an
8 opportunity to review and comment on the environmental impacts
9 of a project and to participate meaningfully in the development of
10 mitigation measures for potentially significant environmental
11 impacts.

12 (c) The Los Angeles Convention Center’s West Hall is an old
13 and outmoded facility that is inadequate to serve the city’s visitor
14 and convention needs. It was constructed 40 years ago and must
15 be replaced to provide a modern, expanded, and more efficient
16 convention hall adequate to meet the city’s and region’s needs.

17 (d) The Los Angeles Convention Center, the City of Los
18 Angeles, and the region would greatly benefit from the addition
19 of a multipurpose event center capable of hosting a wide range of
20 events including conventions, exhibitions, and sporting events, as
21 well as artistic and cultural events.

22 (e) The proposed Convention Center Modernization and Farmers
23 Field Project is a public-private partnership that will result in the
24 replacement of West Hall with a new, ~~larger~~ convention hall and
25 the construction of a new state-of-the-art stadium and multipurpose
26 event center. The stadium will be completely privately financed
27 and the convention hall will be financed from revenues generated
28 by the stadium at no risk to the city’s general fund.

29 (f) The project will generate an estimated 12,000 full-time jobs
30 during construction and 11,000 permanent jobs at the Los Angeles
31 Convention Center and in the hospitality and related industries. It
32 is anticipated that the development of additional hotels, restaurants,
33 and retail uses in the vicinity of the project would generate
34 additional jobs in excess of these estimates.

35 (g) The project also presents an unprecedented opportunity to
36 implement innovative measures that will significantly reduce traffic
37 and air quality impacts from the project and fully mitigate the
38 greenhouse gas emissions resulting from passenger vehicle trips
39 attributed to the project, which will result in emission reductions
40 and traffic mitigations that will be the best in the nation compared

1 to other comparable stadiums in the United States. The project is
2 located in downtown Los Angeles near several major rail transit
3 facilities and is situated to maximize opportunities to encourage
4 nonautomobile modes of travel to the stadium and convention
5 center.

6 (h) It is in the interest of the state to expedite judicial review of
7 the Convention Center Modernization and Farmers Field Project
8 as appropriate while protecting the environment and the right of
9 the public to review, comment on, and, if necessary, seek judicial
10 review of, the adequacy of the environmental impact report for
11 the project.

12 SEC. 2. Section 21168.6.5 is added to the Public Resources
13 Code, to read:

14 21168.6.5. (a) For the purposes of this section, the following
15 definitions shall apply:

16 (1) “Applicant” means a private entity or its affiliates that
17 proposes the project and its successors, heirs, and assignees.

18 (2) “Initial project approval” means any actions, activities,
19 ordinances, resolutions, agreements, approvals, determinations,
20 findings, or decisions *taken, adopted, or approved* by the lead
21 agency required to allow the applicant to commence the
22 construction of the project, as determined by the lead agency.

23 (3) “Project” means a project that substantially conforms to the
24 project description for the Convention Center Modernization and
25 Farmers Field Project set forth in the notice of preparation released
26 by the City of Los Angeles on March 17, 2011.

27 (4) “Stadium” means, except as the context indicates otherwise,
28 the stadium built pursuant to the project for football and other
29 spectator events.

30 (5) “Subsequent project approval” means any actions, activities,
31 ordinances, resolutions, agreements, approvals, determinations,
32 findings, or decisions by the lead agency required for, or in
33 furtherance of, the project that are taken, adopted, or approved
34 following the initial project approvals until the project obtains
35 certificates of occupancy.

36 (6) “Trip ratio” means the *total annual* number of private
37 automobiles arriving at the stadium for spectator events divided
38 by the total *annual* number of spectators at the events.

39 (b) (1) This section does not apply to the project and shall
40 become inoperative on the date of the release of the draft

1 environmental impact report and is repealed on January 1 of the
2 following year, if the applicant fails to notify the lead agency prior
3 to the release of the draft environmental impact report for public
4 comment that the applicant is electing to proceed pursuant to this
5 section.

6 (2) The lead agency shall notify the Secretary of State if the
7 applicant fails to notify the lead agency of its election to proceed
8 pursuant to this section.

9 (c) (1) (A) Notwithstanding any other law, the procedures set
10 forth in subdivision (d) shall apply to any action or proceeding
11 brought to attack, review, set aside, void, or annul the certification
12 of the environmental impact report for the project or the granting
13 of any initial project approvals.

14 (B) Notwithstanding any other law, the procedures set forth in
15 subdivision (j) shall apply to any action or proceeding brought to
16 attack, review, set aside, void, or annul any subsequent project
17 approvals.

18 (2) Notwithstanding any other law, the procedure set forth in
19 subdivision (f) shall apply to the certification of the environmental
20 impact report for the project and to any initial project approvals.

21 (d) (1) An action or proceeding to attack, set aside, void, or
22 annul a determination, finding, or decision of the lead agency
23 certifying the environmental impact report or granting one or more
24 initial project approvals shall be commenced by filing a petition
25 for a writ of mandate with the Second District Court of Appeal
26 and shall be served on the respondent and the real party in interest
27 within 30 days of the filing by the lead agency of the notice
28 required by subdivision (a) of Section 21152.

29 (2) The petitioner shall file and serve the opening brief in
30 support of the petition for writ mandate within 40 days of the filing
31 of the petition for a writ of mandate.

32 (3) The respondent and real party in interest shall file and serve
33 any brief in opposition to the petition for writ of mandate within
34 25 days of the filing of the opening brief.

35 (4) The petitioner shall file and serve the reply brief within 20
36 days of the filing of the last opposition brief to the petitioner's
37 opening brief.

38 `

1 (5) Except as provided in paragraph (6), parties to the action
2 shall comply with all applicable California Rules of Court in the
3 filing of the petition for writ of mandate and the briefs.

4 (6) (A) Rule 8.220 of the California Rules of Court shall not
5 apply to the time periods set forth in paragraphs (2) to (4),
6 inclusive.

7 (B) If a petitioner fails to file the opening brief pursuant to
8 paragraph (2), the Court of Appeal shall dismiss the petition.

9 (C) If the respondents and real party in interest fail to file the
10 brief in opposition pursuant to paragraph (3), the Court of Appeal
11 shall decide the petition for writ of mandate based on the record,
12 the opening brief, and any oral argument by the petitioner.

13 (7) Except upon a showing of extraordinary good cause, the
14 Court of Appeal shall not grant any extensions of time to the
15 deadlines specified in this subdivision. Any extension shall be
16 limited to the minimum amount the Court of Appeal deems to be
17 necessary.

18 (8) The Court of Appeal may, on its motion or upon request
19 from a party, appoint a special master to assist the Court of Appeal
20 in conducting the expedited judicial review required pursuant to
21 this subdivision. If the Court of Appeal appoints a special master,
22 the applicant shall pay all reasonable costs for the special master,
23 not to exceed one hundred fifty thousand dollars (\$150,000). If
24 the Court of Appeal determines that the cost of the special master
25 may exceed one hundred fifty thousand dollars (\$150,000), it may
26 request that additional funds be provided by the applicant and, if
27 the applicant agrees to provide the funding, ~~may~~ shall use the funds
28 to pay the additional costs of the special master.

29 (9) ~~(A)~~—The Court of Appeal shall hold a hearing and issue a
30 decision on all petitions for writ of mandate filed pursuant to this
31 subdivision within 60 days of the filing of the last timely reply
32 brief.

33 ~~(B) If the Court of Appeal has not issued a decision within the~~
34 ~~deadline established in this paragraph, the applicant may elect to~~
35 ~~withdraw, at any time prior to the Court of Appeal's filing of the~~
36 ~~decision, from its election to proceed pursuant to this subdivision~~
37 ~~by filing a notice to withdraw with the Court of Appeal and serving~~
38 ~~the notice to all parties in the petition.~~

1 ~~(C) (i) Upon the timely filing of the notice to withdraw, the~~
2 ~~Court of Appeal shall immediately be deprived of jurisdiction over~~
3 ~~any petition for writ of mandate filed pursuant to this section.~~

4 ~~(ii) Upon the timely filing of the notice to withdraw, the~~
5 ~~applicant shall no longer be subject to the requirements of~~
6 ~~subdivisions (h) and (i).~~

7 ~~(D) Within 15 days after the filing and service of the notice to~~
8 ~~withdraw, a party that filed a petition for writ of mandate in the~~
9 ~~Court of Appeal may file and serve the identical petition for writ~~
10 ~~of mandate in the Superior Court for the County of Los Angeles.~~

11 ~~(E) Within 30 days of the filing of a petition for writ of mandate~~
12 ~~pursuant to subparagraph (D), the court shall hold a case~~
13 ~~management conference pursuant to Rule 3.750 of the California~~
14 ~~Rules of Court.~~

15 (10) (A) A petition for review of the decision rendered by the
16 Court of Appeal shall be filed with the Supreme Court and served
17 on all parties to the petition for writ of mandate within 15 days of
18 the decision.

19 (B) Any opposition to the petition for review shall be filed and
20 served within 15 days of the filing of the petition for review.

21 (C) The Supreme Court shall render a decision on the petition
22 for review within 30 days after the filing of the petition for review
23 or within 15 days after the filing of the opposition to the petition
24 for review, whichever is earlier.

25 (11) All briefs and notices filed pursuant to this subdivision
26 shall be electronically served on parties pursuant to Rule 8.71 of
27 the California Rules of Court. Each ~~parties~~ party to the petition
28 shall provide an electronic service address at which the party agrees
29 to accept the service.

30 (12) (A) *No provision of law that is inconsistent or conflicts*
31 *with this subdivision shall apply to a petition for a writ of mandate*
32 *subject to this subdivision, including, but not limited to, any of the*
33 *following:*

34 *(i) Section 21167.4.*

35 *(ii) Subdivisions (a) through (d), inclusive, and (g) through (i),*
36 *inclusive, of Section 21167.6.*

37 *(iii) Subdivision (f) of Section 21167.8.*

38 *(iv) Section 21167.6.5.*

39 *(v) Sections 66031 through 66035, inclusive, of the Government*
40 *Code.*

1 (B) Except as provided in this section, including subparagraph
 2 (A), the requirements of this division are fully applicable to the
 3 project.

4 (e) (1) The draft and final ~~EIR~~ environmental impact report
 5 shall include a notice in not less than 12-point type stating the
 6 following:

7
 8 THIS EIR IS SUBJECT TO SECTION 21168.6.5 OF THE
 9 PUBLIC RESOURCES CODE, WHICH PROVIDES, AMONG
 10 OTHER THINGS, THAT THE LEAD AGENCY NEED NOT
 11 CONSIDER CERTAIN COMMENTS FILED AFTER THE
 12 CLOSE OF THE PUBLIC COMMENT PERIOD FOR THE
 13 DRAFT EIR. ANY JUDICIAL ACTION CHALLENGING THE
 14 CERTIFICATION OF THE EIR OR THE APPROVAL OF THE
 15 PROJECT DESCRIBED IN THE EIR IS SUBJECT TO THE
 16 PROCEDURES SET FORTH IN SECTION 21168.6.5 OF THE
 17 PUBLIC RESOURCES CODE AND MUST BE FILED WITH
 18 THE SECOND DISTRICT COURT OF APPEAL. A COPY OF
 19 SECTION 21168.6.5 OF THE PUBLIC RESOURCES CODE IS
 20 INCLUDED IN THE APPENDIX TO THIS EIR.

21
 22 (2) The draft environmental impact report and final
 23 environmental impact report shall contain, as an appendix, the full
 24 text of this section.

25 (f) (1) Within 10 days after the release of the draft
 26 environmental impact report, the lead agency shall conduct an
 27 informational workshop to inform the public of the key analyses
 28 and conclusions of that report.

29 (2) Within 10 days before the close of the public comment
 30 period, the lead agency shall hold a public hearing to receive
 31 testimony on the draft environmental impact report. A transcript
 32 of the hearing shall be included as an appendix to the final
 33 environmental impact report.

34 (3) (A) Within ~~5~~ five days following the close of the public
 35 comment period, a commenter on the draft environmental impact
 36 report may submit to the lead agency a written request for
 37 nonbinding mediation. The lead agency and applicant shall
 38 participate in nonbinding mediation with all commenters who
 39 submitted timely comments on the draft environmental impact
 40 report and who requested the mediation. Mediation conducted

1 pursuant to this paragraph shall end no later than 35 days after the
2 close of the public comment period.

3 (B) A request for mediation shall identify all areas of dispute
4 raised in the comment submitted by the commenter that are to be
5 mediated.

6 (C) The lead agency shall select one or more mediators who
7 shall be retired judges or recognized experts with at least five years
8 experience in land use and environmental law or science, or
9 mediation. The applicant shall bear the costs of mediation.

10 (D) A mediation session shall be conducted on each area of
11 dispute with the parties requesting mediation on that area of
12 dispute.

13 (E) The lead agency shall adopt, as a condition of approval, any
14 measures agreed upon by the lead agency, the applicant, and any
15 commenter who requested mediation. A commenter who agrees
16 to a measure pursuant to this subparagraph shall not raise the issue
17 addressed by that measure as a basis for a petition for writ of
18 mandate challenging the lead agency's decision to certify the
19 environmental impact report or to grant one or more initial project
20 approvals.

21 (4) The lead agency need not consider written comments
22 submitted after the close of the public comment period, unless
23 those comments address any of the following:

24 (A) New issues raised in the response to comments by the lead
25 agency.

26 (B) New information released by the public agency subsequent
27 to the release of the draft environmental impact report, such as
28 new information set forth or embodied in a staff report, proposed
29 permit, proposed resolution, ordinance, or similar ~~legislative~~
30 ~~document~~ *documents*.

31 (C) Changes made to the project after the close of the public
32 comment period.

33 (D) Proposed conditions for approval, mitigation measures, or
34 proposed findings required by Section 21081 or a proposed
35 reporting and monitoring program required by paragraph (1) of
36 subdivision (a) of Section 21081.6, where the lead agency releases
37 those documents subsequent to the release of the draft
38 environmental impact report.

39 (E) New information that was not reasonably known and could
40 not have been reasonably known during the public comment period.

1 (5) (A) The lead agency shall file the notice required by
2 subdivision (a) of Section 21152 within five days after the last
3 initial project approval.

4 (B) If the notice required by subdivision (a) of Section 21152
5 is filed after June 1, 2013, this section shall become inoperative
6 as of June 1, 2013, and is repealed as of January 1, 2014.

7 (C) In the event this section is repealed pursuant to subparagraph
8 (B), the lead agency shall ~~promptly file with the Secretary of State~~
9 ~~a letter informing him or her of the same.~~ *notify the Secretary of*
10 *State.*

11 (g) (1) For a petition for writ of mandate filed pursuant to this
12 section, the lead agency shall prepare and certify the record of the
13 proceedings in accordance with this subdivision and in accordance
14 with Rule 3.1365 of the California Rules of Court. The applicant
15 shall pay the lead agency for all costs of preparing and certifying
16 the record of proceedings.

17 (2) No later than the date of the release of the draft
18 environmental impact report, the lead agency shall make available
19 to the public in a readily accessible electronic format the draft
20 environmental impact report and all other documents submitted
21 to or relied on by the lead agency in the preparation of the draft
22 environmental impact report. A document prepared by the lead
23 agency or submitted by the applicant after the date of the release
24 of the draft environmental impact report that is a part of the record
25 of the proceedings shall be made available to the public in a readily
26 accessible electronic format within five business days after the
27 document is prepared or received by the lead agency.

28 (3) The lead agency shall encourage written comments on the
29 project to be submitted in a readily accessible electronic format,
30 and shall make any such comment available to the public in a
31 readily accessible electronic format within five days of its receipt.

32 (4) Within seven business days after the receipt of any comment
33 that is not in an electronic format, the lead agency shall convert
34 that comment into a readily accessible electronic format and make
35 it available to the public in that format.

36 (5) The lead agency shall indicate in the record of the
37 proceedings comments received that were not considered by the
38 lead agency pursuant to paragraph (4) of subdivision (f) and need
39 not include the content of the comments as a part of the record.

1 (6) Within five days after the filing of the notice required by
2 subdivision (a) of Section 21152, the lead agency shall certify the
3 record of the proceedings for the approval or determination and
4 shall provide an electronic copy of the record to a party that has
5 submitted a written request for a copy. The lead agency may charge
6 and collect a reasonable fee for the electronic copy, which shall
7 not exceed the reasonable cost of reproducing that copy.

8 (7) Within 10 days after being served with a petition for a writ
9 of mandate pursuant to paragraph (1) of subdivision (d), the lead
10 agency shall lodge a copy of the certified record of proceedings
11 with the Court of Appeal.

12 (8) Any dispute over the content of the record of the proceedings
13 shall be resolved by the Court of Appeal. Unless the Court of
14 Appeal directs otherwise, a party disputing the content of the record
15 shall file a motion to augment the record at the time it files its
16 initial brief.

17 (9) The contents of the record of proceedings shall be as set
18 forth in subdivision (e) of Section 21167.6.

19 (h) It is the intent of the Legislature that the project minimize
20 traffic congestion and air quality impacts that may result from
21 private automobile trips to the stadium through the requirements
22 of this division as supplemented, pursuant to subdivision (i), by
23 the implementation of measures that will do both of the following:

24 (1) Achieve *and maintain* carbon neutrality by reducing to zero
25 the net emissions of greenhouse gases, as defined in subdivision
26 (g) of Section 38505 of the Health and Safety Code, from private
27 automobile trips to the stadium.

28 (2) Achieve *and maintain* a trip ratio that is no more than 90
29 percent of the trip ratio at any other stadium serving a team in the
30 National Football League.

31 (i) (1) As a condition of approval of the project subject to this
32 section, the lead agency shall require the applicant to implement
33 measures that will meet the ~~requirement of~~ *requirements of this*
34 *division and* paragraph (1) of subdivision (h) by the end of the first
35 season during which a National Football League team has played
36 at the stadium. To maximize public health, environmental, and
37 employment benefits, the lead agency shall place the highest
38 priority on feasible measures that will reduce greenhouse gas
39 emissions on the stadium site and in the neighboring communities
40 of the stadium. Offset credits shall be employed by the applicant

1 only after feasible local emission reduction measures have been
2 implemented. *The applicant shall, to the extent feasible, place the*
3 *highest priority on the purchase of offset credits that produce*
4 *emission reductions within the city or the boundaries of the South*
5 *Coast Air Quality Management District.*

6 (2) To ensure that the stadium achieves a trip ratio that is no
7 more than 90 percent of the trip ratio at any other stadium serving
8 a team in the National Football League, the applicant shall
9 implement the necessary measures as follows:

10 (A) Not later than the date of the certification of the
11 environmental impact report for the project, the lead agency shall
12 develop and adopt a protocol to implement this subdivision
13 *pursuant to this division* and subdivision (h), including, but not
14 limited to, criteria and guidelines that will be used to determine
15 the trip ratio.

16 (B) Following the conclusion of the second, third, fourth, and
17 fifth seasons during which a National Football League team has
18 played at the stadium, the applicant shall prepare a report to the
19 lead agency that describes the measures it has undertaken to reduce
20 trips based on the protocol developed and adopted pursuant to
21 subparagraph (A), the trip ratio at the stadium, and the results of
22 those measures. The report shall also include a summary of publicly
23 available data and other data gathered by the applicant regarding
24 average vehicle ridership, nonpassenger automobile modes of
25 arrival, and trip reduction measures undertaken at other stadiums
26 serving a team in the National Football League.

27 (C) Following the lead agency’s review of the report submitted
28 following the fourth season, the lead agency shall determine
29 whether adequate data is available to determine whether the trip
30 ratio at stadium events is ~~no~~ more than 90 percent of the trip ratio
31 at any other stadiums serving a National Football League team. If
32 the lead agency concludes that adequate data does not exist, the
33 lead agency shall take necessary steps to collect, or cause to be
34 collected, the data reasonably necessary to make the determination.
35 The applicant shall pay the reasonable costs of collecting the data
36 pursuant to subdivision (a) of Section 21089.

37 (D) Following the lead agency’s review of the report submitted
38 following the fifth season, the lead agency shall determine the trip
39 ratio at stadium events and the lowest trip ratio at any other stadium
40 serving a National Football League team. If the trip ratio at the

1 stadium is ~~no~~ more than 90 percent of the trip ratio at the other
2 stadium with the lowest trip ratio, the lead agency shall, *within six*
3 *months following the receipt of the report*, require the applicant
4 to implement additional feasible measures that the lead agency
5 determines pursuant to subparagraph (E) will be sufficient for the
6 stadium to achieve the target specified in paragraph (2) of
7 subdivision (h).

8 (E) Any trip reduction measure used at other stadiums serving
9 a National Football League team shall be presumed to be feasible
10 unless a preponderance of the evidence demonstrates that the
11 measure is infeasible. The lead agency's decision whether to adopt
12 any mitigation measures *pursuant to subparagraph (D)* other than
13 those used at another stadium serving a National Football League
14 team shall be governed by the substantial evidence test. This
15 subparagraph does not require the applicant to bear the cost of
16 improving the capacity or performance of transit facilities other
17 than the following:

18 (i) Temporarily expanding the capacity of a public transit line,
19 as needed, to serve stadium events.

20 (ii) Providing private charter buses or other similar services, as
21 needed, to serve stadium events.

22 (iii) Paying its fair share of the cost of measures that expand
23 the capacity of a public fixed or light rail station that is used by
24 spectators attending stadium events.

25 ~~(F) The lead agency shall determine whether to impose~~
26 ~~additional mitigation measures pursuant to subparagraph (D);~~
27 ~~within six months following the receipt of the report by the lead~~
28 ~~agency following the fifth season. Any action or proceeding to~~

29 *(F) Any action or proceeding to* attack, review, set aside, void,
30 or annul a determination, finding, or decision of the lead agency
31 regarding the additional mitigation measures *pursuant to*
32 *subparagraph (D)* shall be commenced within 30 days following
33 the lead agency's filing of the notice required by subdivision (a)
34 of Section 21152 and shall be governed by this ~~decision~~ *division*.
35 The procedures set forth in subdivision (d) shall not apply to ~~any~~
36 ~~such action that action or proceeding~~. Notwithstanding any other
37 law, compliance or ~~non-compliance~~ *noncompliance* with this
38 paragraph shall not result in the stadium being required to cease
39 or limit operations.

1 (G) If the lead agency requires the applicant to implement
2 additional measures pursuant to subparagraph (D), the applicant
3 shall submit the report described in subparagraph (B) to the lead
4 agency following the conclusion of each subsequent season until
5 the lead agency determines that the applicant has achieved a trip
6 ratio at the stadium that is not more than 90 percent of the trip ratio
7 at any other stadium serving a National Football League team for
8 two consecutive seasons or until the applicant submits the required
9 report following the conclusion of the ~~tenth~~ 10th season, whichever
10 occurs earlier. *Nothing in this subparagraph affects the ongoing*
11 *obligations of the applicant pursuant to subdivision (h) and this*
12 *subdivision.*

13 (H) All obligations of the applicant set forth in this subdivision
14 or imposed upon the applicant by the lead agency pursuant to this
15 subdivision shall run with the land.

16 (3) This subdivision and subdivision (h) shall not serve as a
17 basis for any action or proceeding to attack, set aside, void, or
18 annul a determination, finding, or decision of the lead agency in
19 certifying the environmental impact report for the project or in
20 granting the initial or subsequent project approvals.

21 ~~(4) If the applicant timely filed a notice to withdraw pursuant~~
22 ~~to clause (i) of subparagraph (C) of paragraph (9) of subdivision~~
23 ~~(d) the obligations imposed pursuant to this subdivision and~~
24 ~~subdivision (h) upon the applicant become inapplicable.~~

25 (4) *The obligations imposed pursuant to this subdivision and*
26 *subdivision (h) supplement, and do not replace, mitigation*
27 *measures otherwise imposed on the project pursuant to this*
28 *division.*

29 (j) (1) An action or proceeding to attack, set aside, void, or
30 annul a determination, finding, or decision of the lead agency
31 granting a subsequent project approval shall be subject to the
32 requirements of Chapter 6 (commencing with Section 21165).

33 (2) (A) In granting relief in an action or proceeding brought
34 pursuant to this subdivision, the court shall not stay or enjoin the
35 construction or operation of the project unless the court finds either
36 of the following:

37 (i) The continued construction or operation of the project
38 presents an imminent threat to the public health and safety.

39 (ii) The project site contains unforeseen important Native
40 American artifacts or unforeseen important historical,

1 archeological, *or* ecological values that would be materially,
2 permanently, and adversely affected by the continued construction
3 or operation of the project.

4 (B) If the court finds that clause (i) or (ii) is satisfied, the court
5 shall only enjoin those specific project activities that present an
6 imminent threat to public health and safety or that materially,
7 permanently, and adversely affect unforeseen important Native
8 American artifacts or unforeseen important historical,
9 archeological, *or* ecological values.

10 (k) The provisions of this section are severable. If any provision
11 of this section or its application is held invalid, that invalidity shall
12 not affect other provisions or applications that can be given effect
13 without the invalid provision or application.

14 ~~(l) (1) If the lead agency fails to certify an environmental impact~~
15 ~~report for the project on or before June 1, 2013, this section shall~~
16 ~~be repealed as of that date, unless the Legislature enacts further~~
17 ~~legislation to extend that date.~~

18 ~~(2) The lead agency shall notify the Secretary of State by July~~
19 ~~1, 2013, on whether the environmental impact report has been~~
20 ~~certified on or before June 1, 2013.~~

21 SEC. 3. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 a local agency or school district has the authority to levy service
24 charges, fees, or assessments sufficient to pay for the program or
25 level of service mandated by this act, within the meaning of Section
26 17556 of the Government Code.

27 SEC. 4. The Legislature finds and declares that a special law
28 is necessary and that a general law cannot be made applicable
29 within the meaning of Section 16 of Article IV of the California
30 Constitution because of the unique need for the development of
31 the stadium in the City of Los Angeles, otherwise known as
32 Farmers Field, in an expeditious manner.