

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, Roger Hernández, Bonnie Lowenthal, Mitchell, and Smyth)

February 14, 2011

~~An act to amend Section 66746 of the Education Code, relating to public postsecondary education. 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. ~~Public postsecondary education: community colleges: transfers. 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 for any action or proceeding brought to challenging 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.

~~Existing law encourages community colleges to facilitate the acceptance of credits earned at other community colleges toward the associate degree for transfer.~~

~~This bill would instead encourage community colleges to increase the acceptance of credits earned at other community colleges toward the associate degree for transfer.~~

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

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

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

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

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

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

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

(g) *The project also presents an unprecedented opportunity to implement innovative measures that will significantly reduce traffic and air quality impacts from the project and fully mitigate the greenhouse gas emissions resulting from passenger vehicle trips attributed to the project, which will result in emission reductions and traffic mitigations that will be the best in the nation compared to other comparable stadiums in the United States. The project is located in downtown Los Angeles near several major rail transit facilities and is situated to maximize opportunities to encourage nonautomobile modes of travel to the stadium and convention center.*

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

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

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

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

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

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

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

(5) *“Subsequent project approval” means any actions, activities, ordinances, resolutions, agreements, approvals, determinations, findings, or decisions by the lead agency required for, or in furtherance of, the project that are taken, adopted, or approved*

1 following the initial project approvals until the project obtains
2 certificates of occupancy.

3 (6) “Trip ratio” means the number of private automobiles
4 arriving at the stadium for spectator events divided by the total
5 number of spectators at the events.

6 (b) (1) This section does not apply to the project and shall
7 become inoperative on the date of the release of the draft
8 environmental impact report and is repealed on January 1 of the
9 following year, if the applicant fails to notify the lead agency prior
10 to the release of the draft environmental impact report for public
11 comment that the applicant is electing to proceed pursuant to this
12 section.

13 (2) The lead agency shall notify the Secretary of State if the
14 applicant fails to notify the lead agency of its election to proceed
15 pursuant to this section.

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

21 (B) Notwithstanding any other law, the procedures set forth in
22 subdivision (j) shall apply to any action or proceeding brought to
23 attack, review, set aside, void, or annul any subsequent project
24 approvals.

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

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

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

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

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

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

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

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

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

19 (7) *Except upon a showing of extraordinary good cause, the*
20 *Court of Appeal shall not grant any extensions of time to the*
21 *deadlines specified in this subdivision. Any extension shall be*
22 *limited to the minimum amount the Court of Appeal deems to be*
23 *necessary.*

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

35 (9) (A) *The Court of Appeal shall hold a hearing and issue a*
36 *decision on all petitions for writ of mandate filed pursuant to this*
37 *subdivision within 60 days of the filing of the last timely reply*
38 *brief.*

39 (B) *If the Court of Appeal has not issued a decision within the*
40 *deadline established in this paragraph, the applicant may elect to*

1 *withdraw, at any time prior to the Court of Appeal's filing of the*
2 *decision, from its election to proceed pursuant to this subdivision*
3 *by filing a notice to withdraw with the Court of Appeal and serving*
4 *the notice to all parties in the petition.*

5 *(C) (i) Upon the timely filing of the notice to withdraw, the*
6 *Court of Appeal shall immediately be deprived of jurisdiction over*
7 *any petition for writ of mandate filed pursuant to this section.*

8 *(ii) Upon the timely filing of the notice to withdraw, the*
9 *applicant shall no longer be subject to the requirements of*
10 *subdivisions (h) and (i).*

11 *(D) Within 15 days after the filing and service of the notice to*
12 *withdraw, a party that filed a petition for writ of mandate in the*
13 *Court of Appeal may file and serve the identical petition for writ*
14 *of mandate in the Superior Court for the County of Los Angeles.*

15 *(E) Within 30 days of the filing of a petition for writ of mandate*
16 *pursuant to subparagraph (D), the court shall hold a case*
17 *management conference pursuant to Rule 3.750 of the California*
18 *Rules of Court.*

19 *(10) (A) A petition for review of the decision rendered by the*
20 *Court of Appeal shall be filed with the Supreme Court and served*
21 *on all parties to the petition for writ of mandate within 15 days of*
22 *the decision.*

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

25 *(C) The Supreme Court shall render a decision on the petition*
26 *for review within 30 days after the filing of the petition for review*
27 *or within 15 days after the filing of the opposition to the petition*
28 *for review, whichever is earlier.*

29 *(11) All briefs and notices filed pursuant to this subdivision*
30 *shall be electronically served on parties pursuant to Rule 8.71 of*
31 *the California Rules of Court. Each parties to the petition shall*
32 *provide an electronic service address at which the party agrees*
33 *to accept the service.*

34 *(e) (1) The draft and final EIR shall include a notice in not less*
35 *than 12-point type stating the following:*
36

37 *THIS EIR IS SUBJECT TO SECTION 21168.6.5 OF THE*
38 *PUBLIC RESOURCES CODE, WHICH PROVIDES, AMONG*
39 *OTHER THINGS, THAT THE LEAD AGENCY NEED NOT*
40 *CONSIDER CERTAIN COMMENTS FILED AFTER THE CLOSE*

1 OF THE PUBLIC COMMENT PERIOD FOR THE DRAFT EIR.
2 ANY JUDICIAL ACTION CHALLENGING THE CERTIFICATION
3 OF THE EIR OR THE APPROVAL OF THE PROJECT
4 DESCRIBED IN THE EIR IS SUBJECT TO THE PROCEDURES
5 SET FORTH IN SECTION 21168.6.5 OF THE PUBLIC
6 RESOURCES CODE AND MUST BE FILED WITH THE SECOND
7 DISTRICT COURT OF APPEAL. A COPY OF SECTION
8 21168.6.5 OF THE PUBLIC RESOURCES CODE IS INCLUDED
9 IN THE APPENDIX TO THIS EIR.

10
11 (2) The draft environmental impact report and final
12 environmental impact report shall contain, as an appendix, the
13 full text of this section.

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

18 (2) Within 10 days before the close of the public comment
19 period, the lead agency shall hold a public hearing to receive
20 testimony on the draft environmental impact report. A transcript
21 of the hearing shall be included as an appendix to the final
22 environmental impact report.

23 (3) (A) Within 5 days following the close of the public comment
24 period, a commenter on the draft environmental impact report
25 may submit to the lead agency a written request for nonbinding
26 mediation. The lead agency and applicant shall participate in
27 nonbinding mediation with all commenters who submitted timely
28 comments on the draft environmental impact report and who
29 requested the mediation. Mediation conducted pursuant to this
30 paragraph shall end no later than 35 days after the close of the
31 public comment period.

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

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

1 (D) A mediation session shall be conducted on each area of
2 dispute with the parties requesting mediation on that area of
3 dispute.

4 (E) The lead agency shall adopt, as a condition of approval,
5 any measures agreed upon by the lead agency, the applicant, and
6 any commenter who requested mediation. A commenter who agrees
7 to a measure pursuant to this subparagraph shall not raise the
8 issue addressed by that measure as a basis for a petition for writ
9 of mandate challenging the lead agency's decision to certify the
10 environmental impact report or to grant one or more initial project
11 approvals.

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

15 (A) New issues raised in the response to comments by the lead
16 agency.

17 (B) New information released by the public agency subsequent
18 to the release of the draft environmental impact report, such as
19 new information set forth or embodied in a staff report, proposed
20 permit, proposed resolution, ordinance, or similar legislative
21 document.

22 (C) Changes made to the project after the close of the public
23 comment period.

24 (D) Proposed conditions for approval, mitigation measures, or
25 proposed findings required by Section 21081 or a proposed
26 reporting and monitoring program required by paragraph (1) of
27 subdivision (a) of Section 21081.6, where the lead agency releases
28 those documents subsequent to the release of the draft
29 environmental impact report.

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

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

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

38 (C) In the event this section is repealed pursuant to
39 subparagraph (B), the lead agency shall promptly file with the
40 Secretary of State a letter informing him or her of the same.

1 (g) (1) *For a petition for writ of mandate filed pursuant to this*
2 *section, the lead agency shall prepare and certify the record of*
3 *the proceedings in accordance with this subdivision and in*
4 *accordance with Rule 3.1365 of the California Rules of Court. The*
5 *applicant shall pay the lead agency for all costs of preparing and*
6 *certifying the record of proceedings.*

7 (2) *No later than the date of the release of the draft*
8 *environmental impact report, the lead agency shall make available*
9 *to the public in a readily accessible electronic format the draft*
10 *environmental impact report and all other documents submitted*
11 *to or relied on by the lead agency in the preparation of the draft*
12 *environmental impact report. A document prepared by the lead*
13 *agency or submitted by the applicant after the date of the release*
14 *of the draft environmental impact report that is a part of the record*
15 *of the proceedings shall be made available to the public in a readily*
16 *accessible electronic format within five business days after the*
17 *document is prepared or received by the lead agency.*

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

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

26 (5) *The lead agency shall indicate in the record of the*
27 *proceedings comments received that were not considered by the*
28 *lead agency pursuant to paragraph (4) of subdivision (f) and need*
29 *not include the content of the comments as a part of the record.*

30 (6) *Within five days after the filing of the notice required by*
31 *subdivision (a) of Section 21152, the lead agency shall certify the*
32 *record of the proceedings for the approval or determination and*
33 *shall provide an electronic copy of the record to a party that has*
34 *submitted a written request for a copy. The lead agency may charge*
35 *and collect a reasonable fee for the electronic copy, which shall*
36 *not exceed the reasonable cost of reproducing that copy.*

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

1 (8) Any dispute over the content of the record of the proceedings
2 shall be resolved by the Court of Appeal. Unless the Court of
3 Appeal directs otherwise, a party disputing the content of the
4 record shall file a motion to augment the record at the time it files
5 its initial brief.

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

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

13 (1) Achieve carbon neutrality by reducing to zero the net
14 emissions of greenhouse gases, as defined in subdivision (g) of
15 Section 38505 of the Health and Safety Code, from private
16 automobile trips to the stadium.

17 (2) Achieve a trip ratio that is no more than 90 percent of the
18 trip ratio at any other stadium serving a team in the National
19 Football League.

20 (i) (1) As a condition of approval of the project subject to this
21 section, the lead agency shall require the applicant to implement
22 measures that will meet the requirement of paragraph (1) of
23 subdivision (h) by the end of the first season during which a
24 National Football League team has played at the stadium. To
25 maximize public health, environmental, and employment benefits,
26 the lead agency shall place the highest priority on feasible
27 measures that will reduce greenhouse gas emissions on the stadium
28 site and in the neighboring communities of the stadium. Offset
29 credits shall be employed by the applicant only after feasible local
30 emission reduction measures have been implemented.

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

35 (A) Not later than the date of the certification of the
36 environmental impact report for the project, the lead agency shall
37 develop and adopt a protocol to implement this subdivision and
38 subdivision (h) including, but not limited to, criteria and guidelines
39 that will be used to determine the trip ratio.

1 (B) Following the conclusion of the second, third, fourth, and
2 fifth seasons during which a National Football League team has
3 played at the stadium, the applicant shall prepare a report to the
4 lead agency that describes the measures it has undertaken to
5 reduce trips based on the protocol developed and adopted pursuant
6 to subparagraph (A), the trip ratio at the stadium and the results
7 of those measures. The report shall also include a summary of
8 publicly available data and other data gathered by the applicant
9 regarding average vehicle ridership, nonpassenger automobile
10 modes of arrival, and trip reduction measures undertaken at other
11 stadiums serving a team in the National Football League.

12 (C) Following the lead agency's review of the report submitted
13 following the fourth season, the lead agency shall determine
14 whether adequate data is available to determine whether the trip
15 ratio at stadium events is no more than 90 percent of the trip ratio
16 at any other stadiums serving a National Football League team.
17 If the lead agency concludes that adequate data does not exist, the
18 lead agency shall take necessary steps to collect, or cause to be
19 collected, the data reasonably necessary to make the determination.
20 The applicant shall pay the reasonable costs of collecting the data
21 pursuant to subdivision (a) of Section 21089.

22 (D) Following the lead agency's review of the report submitted
23 following the fifth season, the lead agency shall determine the trip
24 ratio at stadium events and the lowest trip ratio at any other
25 stadium serving a National Football League team. If the trip ratio
26 at the stadium is no more than 90 percent of the trip ratio at the
27 other stadium with the lowest trip ratio, the lead agency shall
28 require the applicant to implement additional feasible measures
29 that the lead agency determines pursuant to subparagraph (E) will
30 be sufficient for the stadium to achieve the target specified in
31 paragraph (2) of subdivision (h).

32 (E) Any trip reduction measure used at other stadiums serving
33 a National Football League team shall be presumed to be feasible
34 unless a preponderance of the evidence demonstrates that the
35 measure is infeasible. The lead agency's decision whether to adopt
36 any mitigation measures other than those used at another stadium
37 serving a National Football League team shall be governed by the
38 substantial evidence test. This subparagraph does not require the
39 applicant to bear the cost of improving the capacity or performance
40 of transit facilities other than the following:

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

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

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

8 (F) The lead agency shall determine whether to impose
9 additional mitigation measures pursuant to subparagraph (D),
10 within six months following the receipt of the report by the lead
11 agency following the fifth season. Any action or proceeding to
12 attack, review, set aside, void or annul a determination, finding,
13 or decision of the lead agency regarding the additional mitigation
14 measures shall be commenced within 30 days following the lead
15 agency's filing of the notice required by subdivision (a) of Section
16 21152 and shall be governed by this decision. The procedures set
17 forth in subdivision (d) shall not apply to any such action.
18 Notwithstanding any other law, compliance or non-compliance
19 with this paragraph shall not result in the stadium being required
20 to cease or limit operations.

21 (G) If the lead agency requires the applicant to implement
22 additional measures pursuant to subparagraph (D), the applicant
23 shall submit the report described in subparagraph (B) to the lead
24 agency following the conclusion of each subsequent season until
25 the lead agency determines that the applicant has achieved a trip
26 ratio at the stadium that is not more than 90 percent of the trip
27 ratio at any other stadium serving a National Football League
28 team for two consecutive seasons or until the applicant submits
29 the required report following the conclusion of the tenth season,
30 whichever occurs earlier.

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

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

39 (4) If the applicant timely filed a notice to withdraw pursuant
40 to clause (i) of subparagraph (C) of paragraph (9) of subdivision

1 (d) the obligations imposed pursuant to this subdivision and
2 subdivision (h) upon the applicant become inapplicable.

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

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

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

13 (ii) The project site contains unforeseen important Native
14 American artifacts or unforeseen important historical,
15 archeological, ecological values that would be materially,
16 permanently, and adversely affected by the continued construction
17 or operation of the project.

18 (B) If the court finds that clause (i) or (ii) is satisfied, the court
19 shall only enjoin those specific project activities that present an
20 imminent threat to public health and safety or that materially,
21 permanently, and adversely affect unforeseen important Native
22 American artifacts or unforeseen important historical,
23 archeological, ecological values.

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

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

32 (2) The lead agency shall notify the Secretary of State by July
33 1, 2013, on whether the environmental impact report has been
34 certified on or before June 1, 2013.

35 SEC. 3. No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 a local agency or school district has the authority to levy service
38 charges, fees, or assessments sufficient to pay for the program or
39 level of service mandated by this act, within the meaning of Section
40 17556 of the Government Code.

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

7 ~~SECTION 1. Section 66746 of the Education Code is amended~~
8 ~~to read:~~

9 ~~66746. (a) Commencing with the fall term of the 2011-12~~
10 ~~academic year, a student who earns an associate degree for transfer~~
11 ~~granted pursuant to subdivision (b) shall be deemed eligible for~~
12 ~~transfer into a California State University baccalaureate program~~
13 ~~if the student meets both of the following requirements:~~

14 ~~(1) Completion of 60 semester units or 90 quarter units that are~~
15 ~~eligible for transfer to the California State University, including~~
16 ~~both of the following:~~

17 ~~(A) The Intersegmental General Education Transfer Curriculum~~
18 ~~(IGETC) or the California State University General~~
19 ~~Education-Breadth Requirements.~~

20 ~~(B) A minimum of 18 semester units or 27 quarter units in a~~
21 ~~major or area of emphasis, as determined by the community college~~
22 ~~district.~~

23 ~~(2) Obtainment of a minimum grade point average of 2.0.~~

24 ~~(b) (1) As a condition of receipt of state apportionment funds,~~
25 ~~a community college district shall develop and grant associate~~
26 ~~degrees for transfer that meet the requirements of subdivision (a).~~
27 ~~A community college district shall not impose any requirements~~
28 ~~in addition to the requirements of this section, including any local~~
29 ~~college or district requirements, for a student to be eligible for the~~
30 ~~associate degree for transfer and subsequent admission to the~~
31 ~~California State University pursuant to Section 66747.~~

32 ~~(2) The condition of receipt of state apportionment funding~~
33 ~~contained in paragraph (1) shall become inoperative if, by~~
34 ~~December 31, 2010, each of the state's 72 community college~~
35 ~~districts has submitted to the Chancellor of the California~~
36 ~~Community Colleges, for transmission to the Director of Finance,~~
37 ~~signed certification waiving, as a local agency request within the~~
38 ~~meaning of paragraph (1) of subdivision (a) of Section 6 of Article~~
39 ~~XIII B of the California Constitution, any claim of reimbursement~~
40 ~~related to the implementation of this article.~~

1 ~~(e) A community college district is encouraged to consider the~~
2 ~~local articulation agreements and other work between the respective~~
3 ~~faculties from the affected community college and California State~~
4 ~~University campuses in implementing the requirements of this~~
5 ~~section.~~

6 ~~(d) Community colleges are encouraged to increase the~~
7 ~~acceptance of credits earned at other community colleges toward~~
8 ~~the associate degree for transfer pursuant to this section.~~

9 ~~(e) This section shall not preclude students who are assessed~~
10 ~~below collegiate level from acquiring remedial noncollegiate level~~
11 ~~coursework in preparation for obtaining the associate degree.~~
12 ~~Remedial noncollegiate level coursework shall not be counted as~~
13 ~~part of the transferable units required pursuant to paragraph (1) of~~
14 ~~subdivision (a).~~