Assembly Bill No. 81

Passed the Assembly September 10, 2009

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Chief Clerk of the Assembly

Passed the Senate October 14, 2009

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Secretary of the Senate

This bill was received by the Governor this _____ day of _____, 2009, at _____ o'clock ____M.

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Private Secretary of the Governor

CHAPTER _____

An act to add Section 65701 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 81, Hall. Land use: City of Industry: stadium complex.

(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 on a project that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect, unless the project is exempt from the act. CEQA provides for various exemptions from its requirements.

Existing law requires cities and counties to prepare, adopt, and amend general plans containing specified elements.

This bill would exempt from CEQA any activity or approval, necessary or incidental to, the development, planning, design, site acquisition, subdivision, financing, leasing, construction, operation, or maintenance of a stadium complex and associated development included in the same project or approval together with any accessory roadway, utility, or other infrastructure improvement to that stadium complex and associated development, for which an application for the project or approval was submitted on or before January 31, 2009, to the City of Industry, if specified requirements are met. The bill would require the city to require the stadium complex and associated development to comply with those mitigation measures that are contained in a mitigation monitoring and reporting program that is adopted by the City of Industry in connection with the stadium complex and associated development. Because a lead agency would be required to determine the applicability of the exemption, the bill would impose a state-mandated local program.

The bill also would exempt from any legal requirement concerning the content of a general plan or consistency with a general plan, and prohibit those requirements from resulting in the invalidation of, the city's approval of, and decisions regarding,

specified actions taken with respect to the stadium complex and associated development included in the same project or approval and any accessory improvements to that stadium complex and associated development. The bill additionally would provide that a consistency determination is not required by the city for any decision with respect to those actions.

(2) The bill would have retroactive application.

(3) 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.

(4) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 19, 2008.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 19, 2008, pursuant to the California Constitution.

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

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

(a) The state is in the midst of one of the most significant economic recessions in the history of the United States, which has dramatically affected the economic health of the state's citizens.

(b) The unemployment rate in California, as of July 2009, is at the highest level since World War II, with statewide unemployment at 12.1 percent. As of July 2009, unemployment in Los Angeles County is at 12.5 percent, unemployment in San Bernardino County is at 13.9 percent, and unemployment in Riverside County is at 14.7 percent.

(c) State and local government revenues have fallen and many local governments are facing significant budget shortfalls requiring reductions in public services, including essential public services, and staff layoffs and furloughs.

(d) The state is addressing the serious economic decline through a number of legislative, programmatic, and budgetary measures in an effort to address the real need for economic stimulus to generate jobs and economic growth for our citizens, the state, and local governments.

(e) The City of Industry has approved a proposed stadium complex and associated development project adjacent to State Route 57 and State Route 60, which will provide much needed economic activity in the Los Angeles region, including Los Angeles, Orange, Riverside, and San Bernardino Counties.

(f) The proposed stadium complex and associated development represents an approximately two billion dollar ($2,000,000,000) investment in the local economy. The proposed stadium complex and associated development will generate over 12,000 construction jobs and 6,700 permanent jobs in the Los Angeles region.

(g) The proposed stadium complex and associated development will generate over seven hundred sixty million dollars ($760,000,000) in annual economic activity and twenty-one million dollars ($21,000,000) in tax revenues annually for state, county, and local governments.

(h) In 2004, the City of Industry certified an environmental impact report and approved a project of approximately 4,800,000 square feet on the project site. The 2004 environmental impact report analyzed aesthetics, air quality, biological resources, cultural resources, geology and soils, hazardous materials, hydrology and water, land use and planning, mineral resources, noise, population and housing, public services, utilities, recreation, and transportation and traffic associated with the 2004 project. The environmental impact report determined that there would be a less than significant impact on any biological resources, cultural resources, mineral resources, and recreation. There was no legal challenge to the 2004 environmental impact report or associated project approvals.

(i) In 2008, the City of Industry prepared a supplemental environmental impact report for a proposed stadium complex and associated development. The supplemental environmental impact report analyzed aesthetics, air quality, geology and soils, hazardous materials, hydrology and water, land use and planning, noise, population and housing, public services, transportation and traffic, and utilities associated with the stadium complex and associated

development, and included an analysis of greenhouse gas emissions associated with the stadium complex and associated development.

(j) In 2009, the City of Industry certified the supplemental environmental impact report and approved an approximately 3,000,000 square foot project on the project site and a new state-of-the-art stadium. The conditions of approval approved by the City of Industry for the stadium restrict the number of events that may be held in the stadium to not more than 45 events in each calendar year, of which a maximum of 30 may be at full stadium capacity, and require compliance with the mitigation measures and project design features listed in the environmental impact report or supplemental environmental impact report for the stadium complex and associated development.

(k) The stadium complex and associated development, excluding the stadium complex itself, comprises approximately 1,500,000 square feet less building square footage than the previous approved project for substantially the same project area.

(*l*) The supplemental environmental impact report for the stadium complex and associated development found that the traffic generated by the stadium complex and associated development would generate substantially less weekday traffic and less traffic annually than the original proposed project at the same site. In addition, the site is served by an existing Metrolink station that is less than one-half mile from the project site.

(m) Due to the substantial reduction in permitted industrial uses at the project site and significant decrease in overall automobile trips as a result of the stadium complex and associated development, the stadium complex and associated development will result in significantly decreased diesel emissions and reduced annual overall air quality impacts as compared to the previously proposed project.

(n) Given the economic crisis facing the state, high rates of unemployment in the construction sectors, high rates of unemployment in Los Angeles, Riverside, and San Bernardino Counties, and decreased state and local revenues, the Legislature desires to address the economic crisis affecting the state by providing for the ability of the stadium complex and associated development to proceed if the project complies with all project design features and mitigation measures provided for in the City

of Industry's project approvals and the environmental impact report or supplemental environmental impact report.

SEC. 2. Section 65701 is added to the Government Code, to read:

65701. Notwithstanding any other provision of law, the City of Industry's approval of, and decisions regarding, the development, planning, design, location, site acquisition, financing, leasing, construction, operation, and maintenance of a stadium complex and associated development included in the same project or approval, for which an application for that stadium complex and associated development was submitted on or before January 31, 2009, to the City of Industry, and any accessory improvements to that stadium complex and associated development, including, but not limited to, roadways and utilities that serve the stadium complex or associated development, are exempt from any legal requirement concerning the content of a general plan or consistency with a general plan, and those requirements shall not result in the invalidation of those approvals and decisions. Notwithstanding any other provision of law, a consistency determination is not required by the City of Industry for any decision with respect to the development, planning, design, location, site acquisition, financing, leasing, construction, operation, or maintenance of a stadium complex and associated development included in the same project or approval, for which an application for that stadium complex and associated development was submitted on or before January 31, 2009, to the City of Industry, and any accessory improvements to that stadium complex and associated development, including, but not limited to, roadways and utilities that serve the stadium complex or associated development.

SEC. 3. (a) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) does not apply to any activity or approval, necessary for or incidental to, the development, planning, design, site acquisition, subdivision, financing, leasing, construction, operation, or maintenance of a stadium complex and associated development included in the same project or approval together with any accessory roadway, utility, or other infrastructure improvement to that stadium complex and associated development, for which an application for the project or approval was submitted

on or before January 31, 2009, to the City of Industry, and that meets all of the following requirements:

(1) The supplemental environmental impact report for the stadium complex and associated development was prepared and certified by the City of Industry within five years before the effective date of the act adding this section.

(2) A Metrolink station is located, as of the effective date of the act adding this section, within one-half mile from the project site for the stadium complex and associated development.

(3) The supplemental environmental impact report for the stadium complex and associated development included an analysis of greenhouse gas emissions.

(4) The conditions of approval approved by the City of Industry, or the mitigation measures in the supplemental environmental impact report for the stadium complex and associated development, restricts the number of events that may be held in the stadium complex to not more than 45 events in each calendar year.

(b) The City of Industry, upon determining that the requirements of paragraphs (1) to (4), inclusive, of subdivision (a), have been met, shall certify satisfaction of those requirements.

(c) Notwithstanding the exemption provided by this section, the City of Industry shall require the stadium complex and associated development to comply with those mitigation measures that are contained in a mitigation monitoring and reporting program that is adopted by the City of Industry in connection with the stadium complex and associated development.

SEC. 4. This act applies prospectively and retroactively to any approvals by the City of Industry with respect to the stadium complex and associated development, and also applies prospectively and retroactively to any causes of action and claims that are pending as of the effective date of this act and for which no final nonappealable judgment has been entered prior to the effective date of this act.

SEC. 5. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because the stadium complex and associated development will provide unique and urgently needed economic stimulus to the Los Angeles region, including Los Angeles, Orange, Riverside, and San Bernardino Counties, and including an

estimated 18,700 jobs, seven hundred sixty million dollars ($760,000,000) in annual economic activity, and twenty-one million dollars ($21,000,000) in estimated annual tax revenues.

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

SEC. 7. This act addresses the fiscal emergency declared by the Governor by proclamation on December 19, 2008, pursuant to subdivision (f) of Section 10 of Article IV of the California Constitution.

Approved _____, 2009

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Governor