

ASSEMBLY BILL

No. 81

Introduced by Assembly Member Hall

(Principal coauthor: Assembly Member Lieu)

(Principal coauthor: Senator Price)

(Coauthors: Assembly Members Adams, Bill Berryhill, Tom Berryhill, Charles Calderon, Conway, Cook, Davis, Emmerson, Galgiani, Hagman, Harkey, Hernandez, Logue, Mendoza, Miller, Nestande, Silva, Smyth, Solorio, and Torrico)

(Coauthors: Senators Calderon, Dutton, and Wright)

September 9, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

AB 81, as introduced, 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.

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:

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

6 (b) The unemployment rate in California, as of July 2009, is at
7 the highest level since World War II, with statewide unemployment
8 at 12.1 percent. As of July 2009, unemployment in Los Angeles
9 County is at 12.5 percent, unemployment in San Bernardino County
10 is at 13.9 percent, and unemployment in Riverside County is at
11 14.7 percent.

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

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

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

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

31 (g) The proposed stadium complex and associated development
32 will generate over seven hundred sixty million dollars
33 (\$760,000,000) in annual economic activity and twenty-one million
34 dollars (\$21,000,000) in tax revenues annually for state, county,
35 and local governments.

36 (h) In 2004, the City of Industry certified an environmental
37 impact report and approved a project of approximately 4,800,000
38 square feet on the project site. The 2004 environmental impact

1 report analyzed aesthetics, air quality, biological resources, cultural
2 resources, geology and soils, hazardous materials, hydrology and
3 water, land use and planning, mineral resources, noise, population
4 and housing, public services, utilities, recreation, and transportation
5 and traffic associated with the 2004 project. The environmental
6 impact report determined that there would be a less than significant
7 impact on any biological resources, cultural resources, mineral
8 resources, and recreation. There was no legal challenge to the 2004
9 environmental impact report or associated project approvals.

10 (i) In 2008, the City of Industry prepared a supplemental
11 environmental impact report for a proposed stadium complex and
12 associated development. The supplemental environmental impact
13 report analyzed aesthetics, air quality, geology and soils, hazardous
14 materials, hydrology and water, land use and planning, noise,
15 population and housing, public services, transportation and traffic,
16 and utilities associated with the stadium complex and associated
17 development, and included an analysis of greenhouse gas emissions
18 associated with the stadium complex and associated development.

19 (j) In 2009, the City of Industry certified the supplemental
20 environmental impact report and approved an approximately
21 3,000,000 square foot project on the project site and a new
22 state-of-the-art stadium. The conditions of approval approved by
23 the City of Industry for the stadium restrict the number of events
24 that may be held in the stadium to not more than 45 events in each
25 calendar year, of which a maximum of 30 may be at full stadium
26 capacity, and require compliance with the mitigation measures
27 and project design features listed in the environmental impact
28 report or supplemental environmental impact report for the stadium
29 complex and associated development.

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

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

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

8 (n) Given the economic crisis facing the state, high rates of
9 unemployment in the construction sectors, high rates of
10 unemployment in Los Angeles, Riverside, and San Bernardino
11 Counties, and decreased state and local revenues, the Legislature
12 desires to address the economic crisis affecting the state by
13 providing for the ability of the stadium complex and associated
14 development to proceed if the project complies with all project
15 design features and mitigation measures provided for in the City
16 of Industry's project approvals and the environmental impact report
17 or supplemental environmental impact report.

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

20 65701. Notwithstanding any other provision of law, the City
21 of Industry's approval of, and decisions regarding, the
22 development, planning, design, location, site acquisition, financing,
23 leasing, construction, operation, and maintenance of a stadium
24 complex and associated development included in the same project
25 or approval, for which an application for that stadium complex
26 and associated development was submitted on or before January
27 31, 2009, to the City of Industry, and any accessory improvements
28 to that stadium complex and associated development, including,
29 but not limited to, roadways and utilities that serve the stadium
30 complex or associated development, are exempt from any legal
31 requirement concerning the content of a general plan or consistency
32 with a general plan, and those requirements shall not result in the
33 invalidation of those approvals and decisions. Notwithstanding
34 any other provision of law, a consistency determination is not
35 required by the City of Industry for any decision with respect to
36 the development, planning, design, location, site acquisition,
37 financing, leasing, construction, operation, or maintenance of a
38 stadium complex and associated development included in the same
39 project or approval, for which an application for that stadium
40 complex and associated development was submitted on or before

1 January 31, 2009, to the City of Industry, and any accessory
2 improvements to that stadium complex and associated
3 development, including, but not limited to, roadways and utilities
4 that serve the stadium complex or associated development.

5 SEC. 3. (a) The California Environmental Quality Act
6 (Division 13 (commencing with Section 21000) of the Public
7 Resources Code) does not apply to any activity or approval,
8 necessary for or incidental to, the development, planning, design,
9 site acquisition, subdivision, financing, leasing, construction,
10 operation, or maintenance of a stadium complex and associated
11 development included in the same project or approval together
12 with any accessory roadway, utility, or other infrastructure
13 improvement to that stadium complex and associated development,
14 for which an application for the project or approval was submitted
15 on or before January 31, 2009, to the City of Industry, and that
16 meets all of the following requirements:

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

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

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

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

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

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

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

8 SEC. 5. The Legislature finds and declares that a special law
9 is necessary and that a general law cannot be made applicable
10 within the meaning of Section 16 of Article IV of the California
11 Constitution because the stadium complex and associated
12 development will provide unique and urgently needed economic
13 stimulus to the Los Angeles region, including Los Angeles, Orange,
14 Riverside, and San Bernardino Counties, and including an
15 estimated 18,700 jobs, seven hundred sixty million dollars
16 (\$760,000,000) in annual economic activity, and twenty-one
17 million dollars (\$21,000,000) in estimated annual tax revenues.

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

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

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