

Introduced by Senator Kopp

January 22, 1997

An act to add Section 21080.16 to the Public Resources Code, relating to environmental quality, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 181, as introduced, Kopp. Environmental quality: ballpark.

(1) Existing law, the California Environmental Quality Act, 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 the lead agency finds that the project will not have that effect, unless the project is exempt from the act.

This bill would exempt from the act any activity necessary or incidental to the relocation of occupants or uses from real property that is proposed to be used for an open air ballpark for major league baseball, is located in a special zoning district permitting, or conditionally permitting, that use, which was enacted by the voters of the city and county in which the property is located, and the activity, if considered independently of the proposed ballpark use of the property, would be exempt from the act.

The bill would impose a state-mandated local program by imposing new duties on local agencies with regard to

determining the applicability of, and filing and posting notice of, the exemption.

(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.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 21080.16 is added to the Public
2 Resources Code, to read:

3 21080.16. (a) This division does not apply to any
4 activity that is necessary or incidental to the relocation of
5 occupants or uses from real property if both of the
6 following criteria are met:

7 (1) The real property is proposed to be used for an
8 open air ballpark for major league baseball, and is located
9 in a special zoning district permitting, or conditionally
10 permitting, that use, which zoning district was enacted
11 pursuant to a ballot measure approved by the voters of
12 the city and county in which the property is located.

13 (2) That activity, which is necessary or incidental to
14 the relocation of occupants or uses from the real property,
15 if considered independently of the proposed ballpark use
16 of the property, would be exempt from this division.

17 (b) This section shall not affect the application of this
18 division to the construction of such a ballpark.

19 SEC. 2. No reimbursement is required by this act
20 pursuant to Section 6 of Article XIII B of the California
21 Constitution because a local agency or school district has
22 the authority to levy service charges, fees, or assessments
23 sufficient to pay for the program or level of service
24 mandated by this act, within the meaning of Section 17556
25 of the Government Code.



1 Notwithstanding Section 17580 of the Government
2 Code, unless otherwise specified, the provisions of this act
3 shall become operative on the same date that the act
4 takes effect pursuant to the California Constitution.

5 SEC. 3. This act is an urgency statute necessary for the
6 immediate preservation of the public peace, health, or
7 safety within the meaning of Article IV of the
8 Constitution and shall go into immediate effect. The facts
9 constituting the necessity are:

10 In order to ensure that proposed ballpark construction
11 will not be delayed, it is necessary that this act take effect
12 immediately.

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