

LEGISLATIVE COUNSEL'S DIGEST

SB 789, as amended, Newman Bradford. California Apprenticeship Council: report. California Environmental Quality Act: Olympic games: sports and entertainment project: eminent domain.

(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 procedures for any action or proceeding brought to 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 sports and entertainment project in the City of Inglewood. 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 exempt from the requirements of CEQA a guideway project intended for development with the specified sports and entertainment project. Because a lead agency would be required to determine the applicability of this exemption, this bill would impose a state-mandated local program. The bill would specify that certain impacts shall not be considered as having significant environmental impacts if certain conditions are met.

(2) CEQA exempts activities or approvals necessary to the bidding for, hosting or staging of, and funding or carrying out of, Olympic games under the authority of the International Olympic Committee, but does not exempt the construction of facilities necessary for the Olympic games.

This bill would exempt from CEQA transportation facilities or activities, as described, necessary to enhance the accessibility of Olympic games if the legislative or governing body of a lead agency determines that certain conditions are met.



(3) This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Los Angeles and the City of Inglewood.

(4) 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.

~~Existing law provides for apprenticeship programs within the Division of Apprenticeship Standards within the Department of Industrial Relations, sponsored by specific entities and employers, and requires the Chief of the Division of Apprenticeship Standards to perform various functions with respect to apprenticeship programs and the welfare of apprentices.~~

~~Existing law also establishes the California Apprenticeship Council within the Division of Apprenticeship Standards, and requires the council to aid the director in formulating policies with respect to apprentice regulation.~~

~~Existing law requires the Chief of the Division of Apprenticeship Standards and the California Apprenticeship Council to report annually through the Director of Industrial Relations on the activities of the division and the council, and further requires that the report include specified information with respect to apprenticeship programs in this state.~~

~~This bill would require the report to include an analysis of any apprenticeship standards or regulations that were proposed or adopted in the previous year.~~

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



AMENDMENTS TO SENATE BILL NO. 789

Amendment 1

In the heading, in line 1, strike out "Senators Newman and Atkins" and insert:

Senator Bradford

Amendment 2

In the title, in line 1, strike out "amend Section 3073.5 of the Labor Code, relating to", strike out line 2 and insert:

amend Section 21080 of, and to add and repeal Section 21168.6.7 of, the Public Resources Code, relating to environmental quality.

Amendment 3

On page 2, before line 1, insert:

SECTION 1. (a) The Legislature finds and declares that with the adoption of Chapter 728 of the Statutes of 2008, popularly known as the Sustainable Communities and Climate Protection Act of 2008, the Legislature signaled its commitment to encouraging land use and transportation planning decisions and investments that reduce vehicle miles traveled and contribute to the reductions in greenhouse gas emissions required in the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code). Similarly, the California Complete Streets Act of 2008 (Chapter 657 of the Statutes of 2008) requires local governments to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel.

(b) It is the intent of the Legislature to do both of the following:

(1) Ensure that the environmental impacts of traffic, such as noise, air pollution, and safety concerns, continue to be properly addressed and mitigated through the California Environmental Quality Act.

(2) More appropriately balance the needs of congestion management with statewide goals related to infill development, the promotion of public health through active transportation, and the reduction of greenhouse gas emissions.

SEC. 2. The Legislature further finds and declares all of the following:

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

(b) The City of Inglewood has embarked on a project that will incorporate sustainable design elements in a new mixed used development that integrates housing, civic, entertainment, and retail amenities to help reduce vehicle miles traveled resulting



from discretionary automobile trips; promotes alternative means of transportation including provisions for nonvehicular travel; encourages higher-density development along established transit corridors; and contributes to air quality improvement through the creation of shade to reduce ambient heat produced by paved surfaces by integrating an urban forest concept into the overall landscape design.

(c) The sports and entertainment project will result in the construction of a new state-of-the-art multipurpose event center and surrounding infill development in the City of Inglewood as described in the City of Champions Revitalization Initiative approved by the City of Inglewood on February 24, 2015, and the agreement entered into by the City of Inglewood with Murphy's Bowl LLC on June 15, 2017.

(d) The project will generate over 30,000 full-time jobs including employees hired both during the construction and operation of the sports and entertainment project. This employment estimate does not include the substantial job generation that will occur with the surrounding development uses, which will generate additional hospitality, office, restaurant, and retail jobs in the City of Inglewood's downtown area.

(e) The project also presents an unprecedented opportunity to implement innovative measures that will significantly reduce traffic and air quality impacts and mitigate the greenhouse gas emissions resulting from the project. The project site is located in downtown Inglewood and situated to maximize opportunities to encourage nonautomobile modes of travel to the sports and entertainment center project, and is consistent with the policies and regional vision included in the Sustainable Communities and Climate Protection Act of 2008 pursuant to Chapter 728 of the Statutes of 2008.

(f) It is in the interest of the state to expedite judicial review of this sports and entertainment project, as appropriate, while protecting the environment and the rights 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. 3. Section 21080 of the Public Resources Code is amended to read:

21080. (a) Except as otherwise provided in this division, this division shall apply to discretionary projects proposed to be carried out or approved by public agencies, including, but not limited to, the enactment and amendment of zoning ordinances, the issuance of zoning variances, the issuance of conditional use permits, and the approval of tentative subdivision maps unless the project is exempt from this division.

(b) This division does not apply to any of the following activities:

(1) Ministerial projects proposed to be carried out or approved by public agencies.
(2) Emergency repairs to public service facilities necessary to maintain service.
(3) Projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

(4) Specific actions necessary to prevent or mitigate an emergency.

(5) Projects which a public agency rejects or disapproves.

(6) Actions undertaken by a public agency relating to any thermal powerplant site or facility, including the expenditure, obligation, or encumbrance of funds by a public agency for planning, engineering, or design purposes, or for the conditional sale or purchase of equipment, fuel, water (except groundwater), steam, or power for a

thermal powerplant, if the powerplant site and related facility will be the subject of an environmental impact report, negative declaration, or other document, prepared pursuant to a regulatory program certified pursuant to Section 21080.5, which will be prepared by the State Energy Resources Conservation and Development Commission, by the Public Utilities Commission, or by the city or county in which the powerplant and related facility would be located if the environmental impact report, negative declaration, or document includes the environmental impact, if any, of the action described in this paragraph.

(7) (A) Activities or approvals necessary to the bidding for, hosting or staging of, and funding or carrying out of, an Olympic games under the authority of the International Olympic Committee, except for the construction of facilities necessary for the Olympic games.

(B) (i) Notwithstanding subparagraph (A), activities or approvals for the construction of transportation facilities or activities necessary to enhance the accessibility of the Olympic games are exempt from this division if a legislative or governing body of a lead agency determines that both of the following are met;

(I) The transportation facilities or activities are in furtherance of the bidding, hosting, funding, or carrying out of Olympic games that have been announced by the International Olympic Committee.

(II) The Olympic games are reasonably expected to occur within 10 years of the approval of the transportation facilities or activities in the County of Los Angeles.

(ii) For purposes of this subparagraph, "transportation facilities or activities" includes any of the following:

(I) One or more new or renovated fixed guideway local transportation systems, such as busway, rail, street car, airport ground access, or monorail, intended to reduce automobile traffic and facilitate access to a regional rail system for a venue of the Olympic games.

(II) Ancillary parking facilities that the lead agency finds will help achieve a "park once" strategy where people can park once and then attend multiple events or activities at nearby facilities or parking to help facilitate access to regional or local public transportation systems or a regional air transport facility.

(III) Infrastructure construction or relocation, such as water, sewer, or electric infrastructure, necessary or convenient for accessing transportation facilities.

(8) The establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of (A) meeting operating expenses, including employee wage rates and fringe benefits, (B) purchasing or leasing supplies, equipment, or materials, (C) meeting financial reserve needs and requirements, (D) obtaining funds for capital projects necessary to maintain service within existing service areas, or (E) obtaining funds necessary to maintain those intracity transfers as are authorized by city charter. The public agency shall incorporate written findings in the record of any proceeding in which an exemption under this paragraph is claimed setting forth with specificity the basis for the claim of exemption.

(9) All classes of projects designated pursuant to Section 21084.

(10) A project for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use, including modernization of existing

stations and parking facilities. For purposes of this paragraph, "highway" shall have the same meaning as defined in Section 360 of the Vehicle Code.

(11) A project for the institution or increase of passenger or commuter service on high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities.

(12) Facility extensions not to exceed four miles in length which are required for the transfer of passengers from or to exclusive public mass transit guideway or busway public transit services.

(13) A project for the development of a regional transportation improvement program, the state transportation improvement program, or a congestion management program prepared pursuant to Section 65089 of the Government Code.

(14) Any project or portion thereof located in another state which will be subject to environmental impact review pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.) or similar state laws of that state. Any emissions or discharges that would have a significant effect on the environment in this state are subject to this division.

(15) Projects undertaken by a local agency to implement a rule or regulation imposed by a state agency, board, or commission under a certified regulatory program pursuant to Section 21080.5. Any site-specific effect of the project which was not analyzed as a significant effect on the environment in the plan or other written documentation required by Section 21080.5 is subject to this division.

(c) If a lead agency determines that a proposed project, not otherwise exempt from this division, would not have a significant effect on the environment, the lead agency shall adopt a negative declaration to that effect. The negative declaration shall be prepared for the proposed project in either of the following circumstances:

(1) There is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment.

(2) An initial study identifies potentially significant effects on the environment, but (A) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (B) there is no substantial evidence, in light of the whole record before the lead agency, that the project, as revised, may have a significant effect on the environment.

(d) If there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment, an environmental impact report shall be prepared.

(e) (1) For the purposes of this section and this division, substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.

(2) Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.

(f) As a result of the public review process for a mitigated negative declaration, including administrative decisions and public hearings, the lead agency may conclude that certain mitigation measures identified pursuant to paragraph (2) of subdivision (c)

are infeasible or otherwise undesirable. In those circumstances, the lead agency, prior to approving the project, may delete those mitigation measures and substitute for them other mitigation measures that the lead agency finds, after holding a public hearing on the matter, are equivalent or more effective in mitigating significant effects on the environment to a less than significant level and that do not cause any potentially significant effect on the environment. If those new mitigation measures are made conditions of project approval or are otherwise made part of the project approval, the deletion of the former measures and the substitution of the new mitigation measures shall not constitute an action or circumstance requiring recirculation of the mitigated negative declaration.

(g) Nothing in this section shall preclude a project applicant or any other person from challenging, in an administrative or judicial proceeding, the legality of a condition of project approval imposed by the lead agency. If, however, any condition of project approval set aside by either an administrative body or court was necessary to avoid or lessen the likelihood of the occurrence of a significant effect on the environment, the lead agency's approval of the negative declaration and project shall be invalid and a new environmental review process shall be conducted before the project can be reapproved, unless the lead agency substitutes a new condition that the lead agency finds, after holding a public hearing on the matter, is equivalent to, or more effective in, lessening or avoiding significant effects on the environment and that does not cause any potentially significant effect on the environment.

SEC. 4. Section 21168.6.7 is added to the Public Resources Code, to read:

21168.6.7. (a) For the purposes of this section, the following definitions shall apply:

(1) "Applicant" means a private or public entity or its affiliates that proposes to implement and operate all or any portion of the project and its successors, heirs, and assignees.

(2) "Arena" means, except as the context indicates otherwise, the arena built pursuant to the project for basketball and other spectator events.

(3) "Guideway project" means a new fixed guideway local transportation system, such as busway, light rail, street car, or monorail, intended to reduce auto traffic and facilitate access to a regional light rail system for the forum, a National Football League stadium, and other development within the Inglewood Sports and Entertainment Project. This local transportation system may be located partially within the boundaries of the Inglewood Sports and Entertainment Project and partially outside those boundaries.

(4) "Project" means a project located within the City of Inglewood consisting of all of the following:

(A) An 18,000 to 20,000 seat National Basketball Association (NBA) basketball arena plus practice facility and related landscaping, not more than 75,000 square feet of associated office space, and not more than 50,000 square feet of ancillary retail, restaurant, and similar uses.

(B) Approvals related to any land uses that are consistent with the current general plan within the boundary of the Inglewood Sports and Entertainment Project.

(C) Ancillary parking that the City of Inglewood finds will do both of the following:

(i) Help achieve a "park once" strategy where people can park once and then attend events throughout the Inglewood Sports and Entertainment Project.

(ii) Provide parking to help provide access to the local transportation system.

(D) Infrastructure construction or relocation, such as water, sewer, and electricity, necessary or convenient for the facilities described in subparagraphs (A) through (D), inclusive.

(5) "Project approval" means any actions, activities, ordinances, resolutions, agreements, approvals, determinations, findings, or decisions taken, adopted, or approved by the lead agency required to allow the applicant to commence the construction of the project, as determined by the lead agency.

(6) "Inglewood Sports and Entertainment project area" means an approximately one square mile area located within the City of Inglewood consisting of both of the following areas:

(A) Real property consisting of approximately 298 acres that is located within the boundaries of the Hollywood Park Specific Plan, as of July 1, 2017.

(B) Real property consisting of approximately 59 acres, beginning at a point located 540 feet west of the intersection of the centerline of South Prairie Avenue and the northern boundary of West Century Boulevard, then southerly along a straight line to the southern boundary of West 102nd Street, then easterly along West 102nd Street to the western boundary of South Prairie Avenue, then southerly along the western boundary of South Prairie Avenue to the southern boundary of West 103rd Street, then easterly along a straight line to the eastern boundary of South Doty Avenue, then northerly along Doty Avenue to the southern boundary of West 102nd Street, then easterly along West 102nd Street to the eastern boundary of Yukon Avenue, then northerly along Yukon Avenue to the northern boundary of West Century Boulevard, then westerly along West Century Boulevard to the point located 540 feet west of the intersection of the centerline of South Prairie Avenue and the northern boundary of West Century Boulevard.

(b) This division does not apply to the guideway project.

(c) (1) The City of Inglewood may prosecute an eminent domain action as to any property within the Inglewood Sports and Entertainment project area through order of possession pursuant to the Eminent Domain Law (Title 7 (commencing with Section 1230.010) of Part 3 of the Code of Civil Procedure) prior to completing the environmental review under this section.

(2) Paragraph (1) shall not apply to any other eminent domain actions prosecuted by the City of Inglewood or to eminent domain actions based on a finding of blight or involving lawfully occupied residential housing uses.

(d) Notwithstanding any other law, the procedures set forth in subdivision (e) shall apply to any action or proceeding brought to attack, review, set aside, void, or annul the certification of the environmental impact report for the project or the granting of any project approvals.

(e) On or before July 1, 2018, the Judicial Council shall adopt a rule of court to establish procedures applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification of the environmental impact report for the project or granting of any project approvals that require the actions or proceeding, including any potential appeals therefrom, be resolved, to the extent feasible, within 270 days of the certification of the record of proceedings pursuant to subdivision (g).

(f) (1) The draft and final environmental impact report shall include a notice in not less than 12-point type stating the following:

THIS EIR IS SUBJECT TO SECTION 21168.6.7 OF THE PUBLIC RESOURCES CODE, WHICH PROVIDES, AMONG OTHER THINGS, THAT THE LEAD AGENCY NEED NOT CONSIDER CERTAIN COMMENTS FILED AFTER THE CLOSE OF THE PUBLIC COMMENT PERIOD FOR THE DRAFT EIR. ANY JUDICIAL ACTION CHALLENGING THE CERTIFICATION OF THE EIR OR THE APPROVAL OF THE PROJECT DESCRIBED IN THE EIR IS SUBJECT TO THE PROCEDURES SET FORTH IN SECTION 21168.6.7 OF THE PUBLIC RESOURCES CODE. A COPY OF SECTION 21168.6.7 OF THE PUBLIC RESOURCES CODE IS INCLUDED IN THE APPENDIX TO THIS EIR.

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

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

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

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

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

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

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

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

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

(6) The lead agency shall file the notice required by subdivision (a) of Section 21152 within five days after the last project approval.

(g) (1) The lead agency shall prepare and certify the record of the proceedings in accordance with this subdivision and in accordance with Rule 3.1365 of the California Rules of Court. The applicant shall pay the lead agency for all costs of preparing and certifying the record of proceedings.

(2) No later than three business days following the date of the release of the draft environmental impact report, the lead agency shall make available to the public in a readily accessible electronic format the draft environmental impact report and all other documents submitted to or relied on by the lead agency in the preparation of the draft environmental impact report. A document prepared by the lead agency or submitted by the applicant after the date of the release of the draft environmental impact report

that is a part of the record of the proceedings shall be made available to the public in a readily accessible electronic format within five business days after the document is prepared or received by the lead agency.

(3) Notwithstanding paragraph (2), documents submitted to or relied on by the lead agency that were not prepared specifically for the project and are copyright protected are not required to be made readily accessible in an electronic format. For those copyright protected documents, the lead agency shall make an index of these documents available in an electronic format no later than the date of the release of the draft environmental impact report, or within five business days if the document is received or relied on by the lead agency after the release of the draft environmental impact report. The index must specify the libraries or lead agency offices in which hardcopies of the copyrighted materials are available for public review.

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

(5) Within 14 business days after the receipt of any comment that is not in an electronic format, the lead agency shall convert that comment into a readily accessible electronic format and make it available to the public in that format.

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

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

(8) Within 10 days after being served with a complaint or a petition for a writ of mandate, the lead agency shall lodge a copy of the certified record of proceedings with the superior court.

(9) Any dispute over the content of the record of the proceedings shall be resolved by the superior court. Unless the superior court directs otherwise, a party disputing the content of the record shall file a motion to augment the record at the time it files its initial brief.

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

(h) (1) In preparing the environmental impact report prepared for the project, the lead agency is not required to consider either of the following:

(A) Alternative locations, densities, and building intensities for the project.

(B) Growth induced impacts of the project.

(2) For purposes of this section, the following shall not be considered as having a significant impact on the environment for the purposes of this division:

(A) Aesthetic impacts.

(B) Parking impacts of the project.

(3) The greenhouse gas emission impacts of the project shall not be considered a significant impact on the environment if all of the following are met:

(A) The greenhouse gas emissions impact analysis in the environmental impact report for the project is consistent with the Southern California Association of Governments' 2016 Regional Transportation Plan/Sustainable Communities Strategy and the State Air Resources Board's scoping plan.

(B) The greenhouse gas emissions impact analysis includes a comparison of projected greenhouse gas emissions against a baseline for longer term emissions through 2050.

(C) The project complies with all applicable legal mandates related to the emissions of greenhouse gases.

(4) (A) Transportation and circulation impacts of the project shall not be considered as having a significant impact on the environment if the analysis of the transportation and circulation impact includes an analysis of vehicle miles traveled that is consistent with the Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA published by the Governor's Office of Planning and Research on January 20, 2016.

(B) The failure to include an analysis related to transportation congestion, including an analysis of level of service impacts, in the environmental impact report shall not be grounds for relief in an action or proceeding brought pursuant to this division.

(i) (1) As a condition of approval of the project subject to this section, the lead agency shall require the applicant, with respect to any measures specific to the operation of the arena, to implement those measures that will meet the requirements of this division by the end of the first NBA regular season or June of the first NBA regular season, whichever is later, during which an NBA team has played at the arena.

(2) To maximize public health, environmental, and employment benefits, the lead agency shall place the highest priority on feasible measures that will reduce the emissions of greenhouse gases in the Inglewood Sports and Entertainment project area and in the neighboring communities of the arena. Mitigation measures that shall be considered and implemented, if feasible and necessary, including, but not limited to:

(A) Temporarily expanding the capacity of a public transit line, as appropriate, to serve arena events.

(B) Providing private charter buses or other similar services, as needed, to serve arena events.

(C) Paying its fair share of the cost of measures that expand the capacity of public transit, if appropriate, that is used by spectators attending arena events.

(3) Offset credits shall be employed by the applicant only after feasible local emission reduction measures have been implemented. The applicant shall, to the extent feasible, place the highest priority on the purchase of offset credits that produce emission reductions within the City of Inglewood or the boundaries of the South Coast Air Quality Management District.

(j) (1) In granting relief in an action or proceeding brought pursuant to this section, the court shall not stay or enjoin the construction or operation of the project unless the court finds either of the following:

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

(B) The project site contains unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values that would be

materially, permanently, and adversely affected by the continued construction or operation of the project unless the court stays or enjoins the construction or operation of the project.

(2) If the court finds that subparagraph (A) or (B) is satisfied, the court shall only enjoin those specific activities associated with the project that present an imminent threat to public health and safety or that materially, permanently, and adversely affect unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values.

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

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

SEC. 5. The Legislature finds and declares that as to Section 3 of this act a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances involving the hosting of the Olympic games in the County of Los Angeles.

SEC. 6. The Legislature finds and declares that as to Section 4 of this act a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances of the construction of a major new sports venue in the City of Inglewood and the relocation of as many as two National Football League teams and one National Basketball Association team to the city with the largest minority population in the United States, which will provide essential economic stimulus.

SEC. 7. 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.

Amendment 4

On page 2, strike out lines 1 to 35, inclusive