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SACHI A. HAMAI
Chief Executive Officer

September 11, 2017

To: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Hilda L. Solis
Supervisor Sheila Kuehl
Supervisor Janice Hahn
Supervisor Kathryn Barger

From: Sachi A. Hamai
Chief Executive Officer

Board of Supervisors
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First District

MARK RIDLEY-THOMAS
Second District

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Third District

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Fourth District

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REVISED MOTION TO SUPPORT SB 789 (BRADFORD) IF AMENDED TO FOCUS ON STREAMLINING THE REVIEW OF THE PROPOSED INGLEWOOD SPORTS AND ENTERTAINMENT PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (ITEM NO. 5, BOARD AGENDA OF SEPTEMBER 12, 2017)

Item No. 5 on the September 12, 2017, Board agenda is a revised motion by Supervisor Ridley-Thomas for the Board of Supervisors to express to the Los Angeles County Legislative Delegation support of SB 789 (Bradford), if amended to focus solely on streamlining the review of the proposed Inglewood Sports and Entertainment Project under the California Environmental Quality Act (CEQA), consistent with other similar State-approved CEQA actions.

Approval of the revised motion to support SB 789, if amended to focus solely on streamlining the review of the proposed Inglewood Sports and Entertainment Project under CEQA, is a matter of Board policy determination.

Existing Law

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.

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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.

The California Environmental Quality Act also 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.

Furthermore, the California Environmental Quality Act sets streamlining procedures under the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 (Act), for projects certified by the Governor. In order to be eligible for streamlining under the Act, a project must be a residential, retail, commercial, sports, cultural, entertainment, or recreational in nature and also: 1) meet certain water, energy, and greenhouse gas emissions requirements (Leadership in Energy and Environmental Design certification); 2) achieve transportation efficiency; 3) pay prevailing wages; and 4) result in a minimum investment of \$100.0 million dollars at the time of completion.

SB 789 (Bradford) – City of Inglewood Sports and Entertainment Project

SB 789 (Bradford), which was related to the California Apprenticeship Council, was significantly amended on September 1, 2017.

As amended, on September 1, 2017, the bill would streamline the CEQA process for the sports and entertainment project in the City of Inglewood by requiring the Judicial Council to establish, by July 1, 2018, administrative and judicial processes to resolve challenges to the certification of the EIR or the granting of any project approvals, including any potential appeals, within 270 days of the certification of the record of proceedings.

The bill would also provide CEQA exemptions for transportation facilities and projects related to the 2028 Olympic Games.

SB 789 would also:

- 1) specify that aesthetic and parking impacts of the sports and entertainment project shall not be considered as having significant environmental impacts;
- 2) specify that the greenhouse gas emissions impacts of the sports and entertainment project shall not be considered as having significant environmental impacts, if certain conditions are met;

- 3) allow the City of Inglewood to prosecute an eminent domain action as to any property (except actions based on a finding of blight or involving lawfully occupied residential housing uses) within the Inglewood Sports and Entertainment project prior to completing the environmental review under the provisions of this bill; and
- 4) exempt from CEQA transportation facilities or activities necessary to enhance the accessibility of Olympic games if the legislative or governing body of a lead agency determines that certain conditions are met.

The bill defines the project in the City of Inglewood to include:

- 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.
- Approvals related to any land uses that are consistent with the current general plan within the boundary of the Inglewood Sports and Entertainment Project.
- Ancillary parking that the City of Inglewood finds will both, help achieve a “park once” strategy where people can park once and then attend events throughout the Inglewood Sports and Entertainment Project, and provide parking to help provide access to the local transportation system.
- Infrastructure construction or relocation, such as water, sewer, and electricity, necessary or convenient for the project.

The bill also defines the following terms for the purposes of the bill:

- **Transportation Facilities or Activities** includes any of the following: 1) one or more new or renovated busway, rail, street car, airport ground access, or monorail, intended to reduce automobile traffic and facilitate access to a venue of the Olympic games; 2) ancillary parking facilities; and 3) infrastructure construction or relocation necessary or convenient for accessing transportation facilities.
- **Guideway Project** means a new 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.

According to the author, SB 789 will streamline the CEQA process for the City of Inglewood Revitalization project, which includes the Los Angeles Forum, the Los Angeles Rams football stadium, and the proposed Los Angeles Clippers arena. The author further

states that the development of the football stadium is currently underway and will include a related new music venue, retail and office space, and housing, and will generate 30,000 construction and permanent jobs throughout the region. The author's office indicates that, based on a similar project in Sacramento, the proposed Clippers arena could create approximately 15,000 jobs (11,000 construction and 4,000 permanent jobs). The author also notes that SB 789 will expedite transit projects to serve Inglewood and the upcoming Olympics, while ensuring the protection of existing community members and their homes.

AB 789 is supported by: California Legislative Black Caucus, California State Association of Electrical Workers, California State Pipe Trades Council, City of Inglewood, Inglewood Police Management Association, Inglewood Police Officers Association, Painters and Allied Trades District Council 36, and Western States Council of Sheet Metal Workers.

The bill is opposed by: Audubon California, California Coastal Protection Network, California League of Conservation Voters, California Native Plant Society, Center for Biological Diversity, Clean Water Action, Coalition for Clean Air, Earthjustice, East Yard Communities for Environmental Justice, Friends of the Earth US, Judicial Council of California, MSG Forum, LLC, Natural Resources Defense Council, Planning and Conservation League, Rodeway Inn & Suites, Safe Routes to School National Partnership, Sierra Club California, Southern California Watershed Alliance, TransForm, Trust for Public Land, and Uplift Inglewood Coalition.

SB 789 was considered in the Assembly Natural Resources Committee on September 8, 2017 and failed passage by a vote of 4 to 5, but was granted reconsideration. During the committee hearing, Senator Bradford proposed amending the bill to remove the provisions that would have exempted transportation facilities or activities related to the 2028 Olympics from CEQA. However, the committee opted not to take the amendments because they were not in print.

After the Assembly Natural Resources Committee hearing, **SB 789 was amended on Friday, September 8, 2017, to remove the language to exempt transportation facilities and projects related to the 2028 Olympics.** (LA 2028 Committee requested that the language be removed, as they do not need CEQA exemptions for any Olympic projects).

SB 789 has also been referred to the Assembly Local Government and Appropriations Committees.

County Analysis

The Department of Regional Planning notes that the bill's provisions related to the relocation of infrastructure, including underground utility replacement projects, would impact projects that are required to have a separate CEQA review process.

County Counsel reports SB 789 exempts from CEQA a guideway project which provides transportation to the proposed Inglewood Sports and Entertainment Project.

County Counsel also indicates that SB 789 also reduces the environmental analysis required and limits the ability to challenge the EIR for the proposed Inglewood NBA Arena project since some environmental areas need not be considered in the EIR, and other environmental areas are predetermined not to be significant impacts, including aesthetics, parking and, subject to conditions, greenhouse gas emissions and transportation and circulation. County Counsel notes that if a court determines that the project violates CEQA, the specified remedy limits a court to enjoin those specific activities associated with the project that present an imminent threat to public health and safety or that affect the unforeseen artifacts, historical, archaeological, or ecological values. County Counsel also indicates that under the bill certain comments to the EIR which are received after the public circulation period closes need not be considered by the lead agency.

County Counsel indicates that it cannot determine which County projects, if any, will fall under the provisions of the bill, including whether the County would be a responsible agency on the proposed NBA arena project.

Prior County Advocacy Positions on CEQA Related Legislation

In recent years, the County has taken the following advocacy positions on CEQA-related bills:

- **County-opposed ABx3 81 (Chapter 30, Statutes of 2009 Third Extraordinary Session): CEQA Exemption for City of Industry Football Stadium** – this bill exempted from CEQA activities associated with the development and operation of a stadium complex in the City of Industry and further exempts actions taken by the City of Industry from any legal requirements concerning a general plan, or consistency with a general plan, as specified.
- **County-supported-and-amend SB 52 of 2012 and County-support-and-amend AB 2163 of 2012: Technical Changes to the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 (AB 900)** – these bills would have clarified that public projects would be eligible for the same expedited judicial review granted to privately-financed projects under the AB 900, which only applies to residential, retail, commercial, sports, cultural, entertainment, or recreational projects which: 1) meet certain water, energy, and greenhouse gas emissions requirements; 2) achieve transportation efficiency; and 3) pay prevailing wages. SB 52 failed passage in the Assembly Jobs, Economic Development and the Economy Committee. AB 2163 failed passage in the Assembly Natural Resources Committee.

- **County-supported AB 1486 (Chapter 690, Statutes of 2012): Los Angeles Regional Interoperable System (LA-RICS)** – this bill provides a limited CEQA exemption for the LA-RICS Project, which was critical to maintaining a \$154.6 million Federal grant for the LA-RICS Project.
- **County-sponsored SB 1008 (Chapter 588, Statutes of 2016): Los Angeles Regional Interoperable System (LA-RICS)** – this bill extended the CEQA exemption deadline provided by AB 1468 from January 1, 2017 to January 1, 2020, in order to complete the build out of the LA-RICS Project and maintain the critical \$154.6 million Federal Grant.
- **County-sponsored AB 239 of 2017: Infill Projects** – this bill would provide urban counties with the same authority that cities have under current law to exempt infill (affordable and other housing) projects from CEQA, as long as those projects meet the additional requirement that they are located within a locally-designated Transit Oriented Development district, or are within one-half mile of a fixed rail transit station. This measure is now a two-year bill.

Conclusion

Approval of the revised motion to support SB 789, if amended to focus solely on streamlining the review of the proposed Inglewood Sports and Entertainment Project under CEQA, is a matter of Board policy determination.

SAH:JJ:MR
OR:AO:dr

c: Executive Office, Board of Supervisors
County Counsel