



**San Gabriel Valley Council of Governments**  
**REVISED AGENDA AND NOTICE OF THE SPECIAL MEETING**  
**OF THE PLANNING DIRECTORS TECHNICAL ADVISORY**  
**COMMITTEE**

**Thursday, December 5, 2019 – 12:00 PM**  
**Monrovia Community Center: Senior Game Room**  
**119 W. Palm Avenue, Monrovia, CA 91016**

Chair  
**Craig Hensley**  
City of Duarte

Vice-Chair  
**Brad Johnson**  
City of Claremont

**Members**  
*Alhambra*  
*Arcadia*  
*Azusa*  
*Baldwin Park*  
*Claremont*  
*Covina*  
*Diamond Bar*  
*Duarte*  
*El Monte*  
*Glendora*  
*Irwindale*  
*La Verne*  
*Monrovia*  
*Montebello*  
*Monterey Park*  
*Rosemead*  
*San Dimas*  
*San Gabriel*  
*Sierra Madre*  
*South El Monte*  
*South Pasadena*  
*Temple City*  
*West Covina*  
*L.A. County DRP*

Thank you for participating in today's meeting. The Planners' Technical Advisory Committee encourages public participation and invites you to share your views on agenda items.

**MEETINGS:** *Regular Meetings of the Planners' Technical Advisory Committee are held on the fourth Thursday of each month at 12:00 PM at the Monrovia Community Center (119 West Palm Avenue, Monrovia, CA 91016).* The Planners' Technical Advisory Committee agenda packet is available at the San Gabriel Valley Council of Government's (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, [www.sgvkog.org](http://www.sgvkog.org). Copies are available via email upon request ([sgv@sgvcog.org](mailto:sgv@sgvcog.org)). Documents distributed to a majority of the Committee after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

**CITIZEN PARTICIPATION:** Your participation is welcomed and invited at all Planners' Technical Advisory Committee meetings. Time is reserved at each regular meeting for those who wish to address the Board. SGVCOG requests that persons addressing the Committee refrain from making personal, slanderous, profane, or disruptive remarks.

**TO ADDRESS THE PLANNERS' TECHNICAL ADVISORY COMMITTEE:** At a regular meeting, the public may comment on any matter within the jurisdiction of the Committee during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. If several persons wish to address the Committee on a single item, the Chair may impose a time limit on individual remarks at the beginning of discussion. **The Planners' Technical Advisory Committee may not discuss or vote on items not on the agenda.**

**AGENDA ITEMS:** The Agenda contains the regular order of business of the Planners' Technical Advisory Committee. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the Committee can be fully informed about a matter before making its decision.

**CONSENT CALENDAR:** Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Committee member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Planners' Technical Advisory Committee.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.



**PRELIMINARY BUSINESS**

**3 MINUTES**

1. Call to Order
2. Roll Call
3. Public Comment (*If necessary, the Chair may place reasonable time limits on all comments*)
4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting (*It is anticipated that the Committee may take action on the following matters*)

**CONSENT CALENDAR**

**2 MINUTES**

*(It is anticipated that the Committee may take action on the following matters)*

5. Planners TAC Meeting Minutes – 10/24/2019 (**Page 1**)  
*Recommended Action: Approve.*

**UPDATE ITEMS**

**5 MINUTES**

6. Regional Housing Needs Assessment (RHNA) Allocation Methodology Updates – Caitlin Sims, Principal Management Analyst, SGVCOG  
*Recommended Action: For information only.*
7. Regional Housing Trust Fund Updates – Caitlin Sims, Principal Management Analyst, SGVCOG  
*Recommended Action: For information only.*

**PRESENTATIONS**

**25 MINUTES**

8. Housing Legislative Updates – Melinda Coy, Policy Specialist, California Department of Housing and Community Development & Greg Nickless, Housing Policy Analyst, California Department of Housing and Community Development (**Page 5**)  
*Recommended Action: For information only.*

**DISCUSSION ITEMS**

**15 MINUTES**

9. SB 743 Implementation & San Gabriel Valley Regional Transportation Analysis Model – Mark Christoffels, Chief Engineer, SGVCOG (**Page 9**)  
*Recommended Action: Discuss and provide direction to staff.*

**CHAIR'S REPORT**

**5 MINUTES**

10. Solicitation of Presentation Topics  
*Recommended Action: For information only.*

**STAFF ANNOUNCEMENTS**

**5 MINUTES**

11. Next Committee Meeting  
*Recommended Action: For information only.*

**ANNOUNCEMENTS**

**ADJOURN**





## SGVCOG Planners TAC Meeting Minutes

Date: October 24, 2019

Time: 12:00 P.M.

Location: Monrovia Community Center  
119 West Palm Avenue, Monrovia, CA 91016

### PRELIMINARY BUSINESS

1. Call to Order.  
The meeting was called to order at 12:02pm by Chair Craig Hensley.

2. Roll Call

#### Members Present

P. Lam, V. Reynoso, M. Cuevas; Alhambra  
M. Chipres; Baldwin Park  
B. Johnson; Claremont  
B. Lee; Covina  
M. Nakajima; Diamond Bar  
C. Hensley; Duarte  
N. Lee; El Monte  
J. Kugel; Glendora  
E. Arreola; Irwindale  
E. Scherer; La Verne  
T. Santilena; Monrovia  
A. Garcia; San Dimas  
C. Lin; Sierra Madre  
J. Jimenez; South El Monte  
S. Reimers; Temple City  
N. Ornelas, Jr.; L.A. County DRP

#### Members Absent

Arcadia  
Azusa  
Montebello  
Monterey Park  
Rosemead  
San Gabriel  
South Pasadena  
West Covina

#### SGVCOG Staff

M. Creter, Executive Director  
C. Sims, Staff  
A. Fung, Staff

#### Guests

S. Lai; L.A. County DPW  
A. Ross; L.A. County DPW  
E. Stadnicki; City of La Cañada Flintridge  
K. Tai; City of Industry

3. Public Comment  
No public comments were given at this meeting.
4. Changes to the Agenda Order  
Chair Craig Hensley moved item 6, San Gabriel Valley Regional Housing Trust Fund, to be presented after item 7.

### CONSENT CALENDAR

5. Planners TAC Meeting Minutes – 09/26/2019  
**There was a motion made to approve the 09/26/2019 Planners' TAC Meeting Minutes (M/S: J. Kugel/E. Scherer).**

**[Motion Passed]**

|         |   |
|---------|---|
| Ayes    | Alhambra, Baldwin Park, Claremont, Covina, Diamond Bar, Duarte, El Monte, Glendora, Irwindale, La Verne, Monrovia, San Dimas, Sierra Madre, South El Monte, Temple City, Los Angeles County DRP |
| Noes    |   |
| Abstain |   |
| Absent  | Arcadia, Azusa, Montebello, Monterey Park, Rosemead, San Gabriel, South Pasadena, West Covina   |

**UPDATE ITEMS**

6. San Gabriel Valley Regional Housing Trust Fund  
SGVCOG Principal Management Analyst, Caitlin Sims, provided an update regarding the San Gabriel Valley Regional Housing Trust Fund. The SGVCOG will be receiving \$5,625,000 from the State to fund homelessness programs under SB 109, known as the Budget Act of 2019. Recommendations for this funding is currently being considered by the Homelessness Committee and will be presented to the Governing Board at its November meeting. Additionally, SGVCOG will be receiving another \$1,541,876 as part of an innovation fund from Los Angeles County to increase the supply of permanent and interim housing for individuals experiencing homelessness and enhance County service systems for those experiencing and/or at-risk of homelessness. Committee members that are interested in providing comments and ideas regarding specific projects that can benefit from these funds can contact Ms. Sims at [csims@sgvcog.org](mailto:csims@sgvcog.org).

**PRESENTATIONS**

7. Arrow Highway Specific Plan  
City of Glendora’s Community Development Director, Jeff Kugel, provided a presentation on the Arrow Highway Specific Plan. The plan identifies the long-term vision and objectives for land development and public improvement along the 2.73-mile portion of the Arrow Highway in the City of Glendora. The document also establishes site planning, building, parking, architectural, open space standards, and guidelines for developments along the corridor. A copy of the plan can be found on the City of Glendora’s website at <http://www.cityofglendora.org/home/showdocument?id=24649>.

Discussions:

- A member inquired about the impact of comments and suggestions from the Steering Committee that provided technical advices on the plan. Mr. Kugel responded that it was crucial for city staff and the contracted consultant to keep the conversations and discussions of the Steering Committee on task. It can be easy for Steering Committee members to dominate the discussions with their own interests.
- Another committee member inquired about possible pushbacks on bike lanes along the highway. Mr. Kugel responded that there were minor pushbacks on bike lanes and that the City is exploring the possibility of modifying the bike lanes. He also mentioned that the community prefers and enjoys the urban trail system.

**DISCUSSION ITEMS**

8. SB 2 Planning Grant Overview and Discussion  
SGVCOG Management Analyst, Alexander Fung, provided a presentation on SB 2 grant programs. Under the existing SB 2 planning grants program, eligible cities and counties can apply for funding to update their General Plans, Community Plans, Specific Plans, Local

Coastal Plans, and Zoning Ordinances until November 30, 2019. Mr. Fung covered the background and details of the current grants program and solicited feedback from committee members regarding their interests in applying for funding.

Discussions:

- A majority of the committee members indicated that their cities are in the process of submitting applications for funding.
- One of the committee members indicated that new housing bills that were recently signed by Governor Newsom created additional barriers and hindered the cities' progress in submitting applications before the deadline.
- Another committee member expressed that preparing the application materials was extremely labor-intensive and time-consuming for city staff.

**CHAIR'S REPORT**

**9. 2019-2020 Committee Meeting Schedule**

Chair Craig Hensley provided an update on the committee's meeting schedule. The committee will be combining the November and December meetings and scheduling the upcoming meeting on the first Thursday of December. Additionally, the committee will not be meeting in the months of June and August in 2020.

**STAFF ANNOUNCEMENTS**

**10. 626 Golden Streets: Streets and Treats**

SGVCOG staff provided an announcement on the upcoming 626 Golden Streets event in the Cities of El Monte and South El Monte on Saturday, October 26, 2019. South El Monte Community Development Director, Jose Jimenez provided additional information on the details of the event.

**11. San Gabriel Valley Energy Wise Partnership: City Staff Energy Work Group Meeting**

SGVCOG staff announced that the last City Staff Energy Work Group meeting of the year will be held on Tuesday, November 19, 2019 at 1:30pm at the Monrovia Community Center.

**12. Next Committee Meeting**

The upcoming committee meeting is scheduled for Thursday, December 5, 2019 at 12:00pm at the Monrovia Community Center.

**ANNOUNCEMENTS**

There were no additional announcements at this meeting.

**ADJOURN**

The meeting adjourned at 12:50pm.



# REPORT

DATE: December 5, 2019

TO: Planning Directors' Technical Advisory Committee

FROM: Marisa Creter, Executive Director

RE: **HOUSING LEGISLATIVE UPDATES**

## **RECOMMENDED ACTION**

For information only.

## **BACKGROUND**

In an effort to tackle California's housing affordable crisis, Governor Gavin Newsom signed 19 bills designed to help increase housing production across the state in the recent legislative cycle. These bills will aim to increase housing density by limiting cities' ability to block new construction as early as January 1, 2020. The signed housing bills are as follows:

| Bill    | Title  | Author                                |
|---------|--|---------------------------------------|
| AB 68   | Land Use: Accessory Dwelling Units   | Philip Ting                           |
| AB 116  | Local Government   | Philip Ting                           |
| AB 587  | Accessory Dwelling Units: Sale or Separate Conveyance                            | Laura Friedman                        |
| AB 670  | Common Interest Developments: Accessory Dwelling Units                           | Laura Friedman                        |
| AB 671  | Accessory Dwelling Units: Incentives   | Laura Friedman                        |
| AB 881  | Accessory Dwelling Units   | Richard Bloom                         |
| AB 1010 | Housing Programs: Eligible Entities  | Eduardo Garcia                        |
| AB 1255 | Surplus Public Land: Inventory   | Robert Rivas                          |
| AB 1483 | Housing Data: Collection and Reporting   | Tim Grayson                           |
| AB 1485 | Housing Development: Streamlining  | Buffy Wicks                           |
| AB 1486 | Surplus Land   | Philip Ting                           |
| AB 1743 | Local Government: Properties eligible to claim or receiving a welfare exemption. | Richard Bloom                         |
| AB 1763 | Planning and Zoning: Density Bonuses: Affordable Housing                         | David Chiu                            |
| SB 6    | Residential Development: Available Land  | Jim Beall                             |
| SB 13   | Accessory Dwelling Units   | Bob Wieckowski                        |
| SB 113  | Housing  | Committee on Budget and Fiscal Review |
| SB 196  | Property Taxes: Community Land Trust   | Jim Beall                             |
| SB 330  | Housing Crisis Act of 2019   | Nancy Skinner                         |
| SB 751  | Joint Powers Authorities: San Gabriel Valley Regional Housing Trust              | Susan Rubio                           |

Ordinances listed within the bill languages of AB 68 (Ting), AB 587 (Friedman), AB 670 (Friedman), AB 871 (Friedman), and AB 881 (Bloom) will become effective January 1, 2020 to limit a local jurisdiction's ability to regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). An ADU is identified as a secondary housing unit on a single-family residential lot. Types of ADUs include attached ADUs, detached ADUs, garage conversion ADUs, and interior conversion ADUs.

Specifically, AB 68 (Ting), AB 670 (Friedman), AB 881 (Bloom), and SB 13 (Weickowski) would make the following changes related to ADUs:

- Requires ministerial approval for up to 2 ADUs on a lot with a single-family dwelling, multiple ADUs within an existing multi-family structure, and up to 2 detached ADUs on a lot with multi-family housing;
- Prohibits a local agency from establishing a minimum square footage requirement that would prohibit an efficiency unit and prohibits establishing a maximum square footage requirement of less than 850 square feet, or 1000 if the ADU is more than one bedroom;
- Prohibits a local agency from establishing square footage requirements for an ADU based on the primary dwelling size, lot coverage limits, setback requirements, floor area ratio, open space, or lot size that does not permit an 800 square-foot ADU that is at least 16 feet in height with a 4-foot side and rear-yard setbacks;
- Prohibits requiring a setback for an existing ADU (or ADU constructed in the same location and to the same dimensions as an existing structure) and requires a setback of no more than 4 feet for a new ADU (if not same location);
- Prohibits requiring replacing parking when an ADU replaces a garage, carport, or covered parking structure;
- Prohibits requiring parking when within half-mile of public transit;
- Prohibits a local agency from imposing an owner-occupant requirement for 5 years;
- Prohibits a local agency from imposing an impact fee on any ADU less than 750 square feet and would reduce the allowable impact fees for ADUs larger than 750 square feet;
- Allows an ADU owner that receives a notice of violation to request enforcement of the violation to be delayed 5 years if correcting the violation is not necessary to protect health and safety;
- Prohibits homeowner associations (HOAs) from banning ADUs; and,
- Increases HCD's ability to report jurisdictions whose ordinances are not in compliance with state standards.

Any existing ADU ordinance that does not meet the requirements of the updated state statutes may be null and void as of January 1, 2020. Local governments must permit ADUs and JADUs based on the newly-adopted state standards until they adopt a state-compliant ADU ordinance. Adopted ordinances are required to be submitted to the California Department of Housing and Community Development (HCD) within 60 days of adoption. Ordinances that are submitted to the HCD are posted on the HCD website at [www.hcd.ca.gov](http://www.hcd.ca.gov).

Additionally, AB 1463 (Grayson) would require a local agency to maintain a current schedule of fees, exactions, affordability requirements, impact fee nexus studies, and cost of service studies on its local website. AB 1763 (Chiu) would also require a city or county to award a developer density incentive if 100% of a development's units are restricted to lower-income households, which are defined as households that receive up to 20% of moderate income. Any housing development within a half-mile radius of a major transit stop would be exempt from any maximum density controls. A city or county may not impose minimum parking requirements for a development that consists solely of rental units with affordable housing for lower-income families, special needs housing developments, and supporting housing developments.

Furthermore, SB 330 (Skinner) would ban housing construction moratoriums and density reductions, prohibit imposition or enforcement of new and non-objective design review standards, require relocation assistance to tenants forced to move from affordable rental units and allow them to stay in their homes until six months before construction begins, block local governments from requiring more than 5 hearings for applications that are deemed complete or from changing the rules on pending developments once a permit applicant has submitted preliminary development plans, and allow demolition of affordable and rent-controlled housing only if the demolished units are replaced.

Representatives from HCD will provide a detailed presentation regarding the housing bills that were recently signed by Governor Newsom at this meeting. Questions and inquiries can be directed to HCD Policy Specialist Melinda Coy at [melinda.coy@hcd.ca.gov](mailto:melinda.coy@hcd.ca.gov) and HCD Housing Policy Analyst Greg Nickless at [greg.nickless@hcd.ca.gov](mailto:greg.nickless@hcd.ca.gov).

Prepared by:   
Alexander P. Fung  
Management Analyst

Approved by:   
Marisa Creter  
Executive Director



DATE: December 5, 2019

TO: Planning Directors' Technical Advisory Committee

FROM: Marisa Creter, Executive Director

**RE: SB 743 IMPLEMENTATION AND SAN GABRIEL VALLEY REGIONAL  
TRANSPORTATION ANALYSIS MODEL**

## **RECOMMENDED ACTION**

Discuss and provide direction to staff.

## **BACKGROUND**

Former Governor Brown signed SB 743 (Steinberg, 2013), which created a procedure to change the way that transportation impacts are analyzed under the California Environmental Quality Act (CEQA). SB 743 changes the focus of transportation impact analysis in CEQA from measuring impacts to drivers to measuring the impact of driving. The change replaces Level of Service (LOS) with vehicle miles of travel (VMT) and provides an efficient review of land use and transportation projects that will help reduce future VMT growth. This change is expected to better align transportation impact analysis and mitigation results with the State's goals to reduce greenhouse gas (GHG) emissions, improve public health, and encourage infill development.

Local jurisdictions must determine their VMT baseline for comparison. They can use the baselines found within the California Statewide Travel Demand Model or identify their own baselines. For example, local jurisdictions could also accomplish this through the development of a Climate Action Plan (CAP) that identifies GHG and VMT reduction targets for the jurisdiction and takes into account community-specific targets that are tailored to the local conditions. Once a CAP is developed, jurisdictions can develop multimodal transportation plans that meet those targets. Local jurisdictions must also then adopt thresholds.

The Governor's Office of Planning and Research (OPR) recommends a threshold of 15% below the VMT per capita of the surrounding region and/or city. This threshold is consistent with both the California Department of Transportation's statewide target for VMT reductions and the urban regional targets for GHG emissions reductions.

At the recent Transportation Committee meeting on Thursday, October 24, 2019, committee members received a presentation on SB 743 implementation and reviewed the rationale behind the change from LOS to VMT, potential methodologies for calculating VMT, and appropriate VMT impact thresholds. After a thorough discussion, the Transportation Committee directed SGVCOG staff to consult with the Public Works Technical Advisory Committee and the Planning Directors' Technical Advisory Committee on the possibility of developing a regional traffic analysis model for the San Gabriel Valley.

# REPORT

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SGVCOG Chief Engineer, Mark Christoffels, will provide a detailed presentation on this item and solicit feedback from committee members regarding the development of a VMT analysis model for the San Gabriel Valley region.

Prepared by:

  
Alexander P. Fung  
Management Analyst

Approved by:

  
Marisa Creter  
Executive Director

## **ATTACHMENTS**

Attachment A – SB 743 (Steinberg, 2013) Bill Language

**Senate Bill No. 743**

## CHAPTER 386

An act to amend Sections 65088.1 and 65088.4 of the Government Code, and to amend Sections 21181, 21183, 21186, 21187, 21189.1, and 21189.3 of, to add Section 21155.4 to, to add Chapter 2.7 (commencing with Section 21099) to Division 13 of, to add and repeal Section 21168.6.6 of, and to repeal and add Section 21185 of, the Public Resources Code, relating to environmental quality.

[Approved by Governor September 27, 2013. Filed with  
Secretary of State September 27, 2013.]

## LEGISLATIVE COUNSEL'S DIGEST

SB 743, Steinberg. Environmental quality: transit oriented infill projects, judicial review streamlining for environmental leadership development projects, and entertainment and sports center in the City of Sacramento.

(1) The Jobs and Economic Improvement Through Environmental Leadership Act of 2011 requires a party bringing an action or proceeding alleging that a lead agency's approval of a project certified by the Governor as an environmental leadership development project is in violation of the California Environmental Quality Act to file the action or proceeding with the Court of Appeal with geographic jurisdiction over the project and requires the Court of Appeal to issue its decision within 175 days of the filing of the petition. The Jobs and Economic Improvement Through Environmental Leadership Act of 2011 requires the lead agency to concurrently prepare the record of proceeding for the leadership project with the review and consideration of the project. The Jobs and Economic Improvement Through Environmental Leadership Act of 2011 provides that the above provision does not apply to a project for which a lead agency fails to certify an environmental impact report on or before June 1, 2014. The Jobs and Economic Improvement Through Environmental Leadership Act of 2011 is repealed by its own terms on January 1, 2015.

This bill would instead require the Judicial Council, on or before July 1, 2014, to adopt a rule of court to establish procedures applicable to actions or proceedings seeking judicial review of a public agency's action in certifying the environmental impact report and in granting project approval that requires the actions or proceedings, including any appeals therefrom, be resolved, within 270 days of the certification of the record of proceedings. The bill would extend the operation of the judicial review procedures unless the lead agency fails to certify an environmental impact report for an environmental leadership project on or before January 1, 2016. The bill would provide that the above provisions do not apply to a project if the Governor does not certify the project as an environmental leadership

development project prior to January 1, 2016. Because this bill would extend the time period for which a lead agency would be required to concurrently prepare the record of proceeding with the review and consideration of the environmental leadership development projects, this bill would impose a state-mandated local program. The bill would require the lead agency, within 10 days of the Governor's certification, to issue, at the applicant's expense, a specified public notice, thereby imposing a state-mandated local program. The bill would repeal the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 on January 1, 2017.

(2) The California Environmental Quality Act, commonly known as 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 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 a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA.

This bill would provide that aesthetic and parking impacts of a residential, mixed-use residential, or employment center project, as defined, on an infill site, as defined, within a transit priority area, as defined, shall not be considered significant impacts on the environment. The bill would require the Office of Planning and Research to prepare and submit to the Secretary of the Natural Resources Agency, and the secretary to certify and adopt, revisions to the guidelines for the implementation of CEQA establishing criteria for determining the significance of transportation impacts of projects within transit priority areas.

This bill would, except for specified circumstances, exempt from CEQA residential, employment center, and mixed-use development projects meeting specified criteria. Because a lead agency would be required to determine the applicability of this exemption, this bill would impose a state-mandated local program.

This bill would require the public agency, in certifying the environmental impact report and in granting approvals for a specified entertainment and sports center project located in the City of Sacramento, including the concurrent preparation of the record of proceedings and the certification of the record of proceeding within 5 days of the filing of a specified notice, to comply with specified procedures. Because a public agency would be required to comply with those new procedures, this bill would impose a state-mandated local program. The bill would require the Judicial Council, on or before July 1, 2014, to adopt a rule of court to establish procedures applicable to actions or proceedings seeking judicial review of a public agency's action in certifying the environmental impact report and in granting project approval that requires the actions or proceedings, including any

appeals therefrom, be resolved, to the extent feasible, within 270 days of the certification of the record of proceedings. The bill would provide that the above provisions are inoperative and repealed on January 1 of the following year if the applicant fails to notify the lead agency before the release of the draft environmental impact report for public comment that the applicant is electing to proceed pursuant to the above provisions.

(3) Existing law requires the development, adoption, and updating of a congestion management program for each county that includes an urbanized area, as defined. The plan is required to contain specified elements and to be submitted to regional agencies, as defined, for determination of whether the program is consistent with regional transportation plans. The regional agency is then directed to monitor the implementation of all elements of each congestion management program. The required elements include traffic level of service standards for a system of designated highways and roadways. Existing law defines “infill opportunity zone” for purposes of the above-described provisions and exempts streets and highways in an infill opportunity zone from the level of service standards specified in the above-described provisions and instead requires alternate level of service standards to be applied. Existing law prohibits a city or county from designating an infill opportunity zone after December 31, 2009.

This bill would revise the definition of “infill opportunity zone,” as specified. The bill would authorize the designation of an infill opportunity zone that is a transit priority area within a sustainable communities strategy or alternative planning strategy adopted by an applicable metropolitan planning organization.

(4) Existing law terminates the designation of an infill opportunity zone if no development project is completed within that zone within 4 years from the date of the designation.

This bill would repeal this provision.

This bill would make findings and declarations as to the necessity of a special statute for the City of Sacramento.

(5) 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.

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

SECTION 1. (a) The Legislature finds and declares the following:

(1) 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.

(2) Transportation analyses under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) typically study changes in automobile delay. New methodologies under the California Environmental Quality Act are needed for evaluating transportation impacts that are better able to promote the state's goals of reducing greenhouse gas emissions and traffic-related air pollution, promoting the development of a multimodal transportation system, and providing clean, efficient access to destinations.

(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, promotion of public health through active transportation, and reduction of greenhouse gas emissions.

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

(a) The Federal Reserve has stated that “[m]ost policymakers estimate the longer-run normal rate of unemployment is between 5.2 and 6 percent.” At 7.6 percent, the current United States unemployment rate remains markedly higher than the normal rate and both the unemployment rates in Sacramento County and California are higher than the current national unemployment rate.

(b) 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.

(c) The existing home of the City of Sacramento's National Basketball Association (NBA) team, the Sleep Train Arena, is an old and outmoded facility located outside of the City of Sacramento's downtown area and is not serviced by the region's existing heavy and light rail transportation networks. It was constructed 25 years ago and a new, more efficient entertainment and sports center located in downtown Sacramento is needed to meet the city's and region's needs.

(d) The City of Sacramento and the region would greatly benefit from the addition of a multipurpose event center capable of hosting a wide range of events including exhibitions, conventions, sporting events, as well as musical, artistic, and cultural events in downtown Sacramento.

(e) The proposed entertainment and sports center project is a public-private partnership between the City of Sacramento and the applicant that will result in the construction of a new state-of-the-art multipurpose event center, and surrounding infill development in downtown Sacramento as described in the notice of preparation released by the City of Sacramento on April 12, 2013.

(f) The project will generate over 4,000 full-time jobs including employees hired both during construction and operation of the entertainment and sports center 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 Sacramento's downtown area.

(g) 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 Sacramento near heavy and light rail transit facilities, situated to maximize opportunities to encourage nonautomobile modes of travel to the entertainment and sports center project, and is consistent with the policies and regional vision included in the Sustainable Communities Strategy adopted pursuant to Chapter 728 of the Statutes of 2008 by the Sacramento Area Council of Governments in April of 2012. The project is also located within close proximity to three major infill development areas including projects (The Bridge District, Railyards, and Township Nine) that received infill infrastructure grants from the state pursuant to Proposition 1C.

(h) It is in the interest of the state to expedite judicial review of the entertainment and sports center project, as appropriate, while protecting the environment and the right 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 65088.1 of the Government Code is amended to read:

65088.1. As used in this chapter the following terms have the following meanings:

(a) Unless the context requires otherwise, "agency" means the agency responsible for the preparation and adoption of the congestion management program.

(b) "Bus rapid transit corridor" means a bus service that includes at least four of the following attributes:

- (1) Coordination with land use planning.
- (2) Exclusive right-of-way.
- (3) Improved passenger boarding facilities.
- (4) Limited stops.
- (5) Passenger boarding at the same height as the bus.
- (6) Prepaid fares.
- (7) Real-time passenger information.
- (8) Traffic priority at intersections.
- (9) Signal priority.

(10) Unique vehicles.

(c) “Commission” means the California Transportation Commission.

(d) “Department” means the Department of Transportation.

(e) “Infill opportunity zone” means a specific area designated by a city or county, pursuant to subdivision (c) of Section 65088.4, that is within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan. A major transit stop is as defined in Section 21064.3 of the Public Resources Code, except that, for purposes of this section, it also includes major transit stops that are included in the applicable regional transportation plan. For purposes of this section, a high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

(f) “Interregional travel” means any trips that originate outside the boundary of the agency. A “trip” means a one-direction vehicle movement. The origin of any trip is the starting point of that trip. A roundtrip consists of two individual trips.

(g) “Level of service standard” is a threshold that defines a deficiency on the congestion management program highway and roadway system which requires the preparation of a deficiency plan. It is the intent of the Legislature that the agency shall use all elements of the program to implement strategies and actions that avoid the creation of deficiencies and to improve multimodal mobility.

(h) “Local jurisdiction” means a city, a county, or a city and county.

(i) “Multimodal” means the utilization of all available modes of travel that enhance the movement of people and goods, including, but not limited to, highway, transit, nonmotorized, and demand management strategies including, but not limited to, telecommuting. The availability and practicality of specific multimodal systems, projects, and strategies may vary by county and region in accordance with the size and complexity of different urbanized areas.

(j) (1) “Parking cash-out program” means an employer-funded program under which an employer offers to provide a cash allowance to an employee equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space. “Parking subsidy” means the difference between the out-of-pocket amount paid by an employer on a regular basis in order to secure the availability of an employee parking space not owned by the employer and the price, if any, charged to an employee for use of that space.

(2) A parking cash-out program may include a requirement that employee participants certify that they will comply with guidelines established by the employer designed to avoid neighborhood parking problems, with a provision that employees not complying with the guidelines will no longer be eligible for the parking cash-out program.

(k) “Performance measure” is an analytical planning tool that is used to quantitatively evaluate transportation improvements and to assist in determining effective implementation actions, considering all modes and

strategies. Use of a performance measure as part of the program does not trigger the requirement for the preparation of deficiency plans.

(l) “Urbanized area” has the same meaning as is defined in the 1990 federal census for urbanized areas of more than 50,000 population.

(m) Unless the context requires otherwise, “regional agency” means the agency responsible for preparation of the regional transportation improvement program.

SEC. 4. Section 65088.4 of the Government Code is amended to read:

65088.4. (a) It is the intent of the Legislature to balance the need for level of service standards for traffic with the need to build infill housing and mixed use commercial developments within walking distance of mass transit facilities, downtowns, and town centers and to provide greater flexibility to local governments to balance these sometimes competing needs.

(b) Notwithstanding any other provision of law, level of service standards described in Section 65089 shall not apply to the streets and highways within an infill opportunity zone.

(c) The city or county may designate an infill opportunity zone by adopting a resolution after determining that the infill opportunity zone is consistent with the general plan and any applicable specific plan, and is a transit priority area within a sustainable communities strategy or alternative planning strategy adopted by the applicable metropolitan planning organization.

SEC. 5. Chapter 2.7 (commencing with Section 21099) is added to Division 13 of the Public Resources Code, to read:

CHAPTER 2.7. MODERNIZATION OF TRANSPORTATION ANALYSIS FOR  
TRANSIT-ORIENTED INFILL PROJECTS

21099. (a) For purposes of this section, the following terms mean the following:

(1) “Employment center project” means a project located on property zoned for commercial uses with a floor area ratio of no less than 0.75 and that is located within a transit priority area.

(2) “Floor area ratio” means the ratio of gross building area of the development, excluding structured parking areas, proposed for the project divided by the net lot area.

(3) “Gross building area” means the sum of all finished areas of all floors of a building included within the outside faces of its exterior walls.

(4) “Infill site” means a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.

(5) “Lot” means all parcels utilized by the project.

(6) “Net lot area” means the area of a lot, excluding publicly dedicated land and private streets that meet local standards, and other public use areas as determined by the local land use authority.

(7) “Transit priority area” means an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.

(b) (1) The Office of Planning and Research shall prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed revisions to the guidelines adopted pursuant to Section 21083 establishing criteria for determining the significance of transportation impacts of projects within transit priority areas. Those criteria shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. In developing the criteria, the office shall recommend potential metrics to measure transportation impacts that may include, but are not limited to, vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated. The office may also establish criteria for models used to analyze transportation impacts to ensure the models are accurate, reliable, and consistent with the intent of this section.

(2) Upon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any.

(3) This subdivision does not relieve a public agency of the requirement to analyze a project’s potentially significant transportation impacts related to air quality, noise, safety, or any other impact associated with transportation. The methodology established by these guidelines shall not create a presumption that a project will not result in significant impacts related to air quality, noise, safety, or any other impact associated with transportation. Notwithstanding the foregoing, the adequacy of parking for a project shall not support a finding of significance pursuant to this section.

(4) This subdivision does not preclude the application of local general plan policies, zoning codes, conditions of approval, thresholds, or any other planning requirements pursuant to the police power or any other authority.

(5) On or before July 1, 2014, the Office of Planning and Research shall circulate a draft revision prepared pursuant to paragraph (1).

(c) (1) The Office of Planning and Research may adopt guidelines pursuant to Section 21083 establishing alternative metrics to the metrics used for traffic levels of service for transportation impacts outside transit priority areas. The alternative metrics may include the retention of traffic levels of service, where appropriate and as determined by the office.

(2) This subdivision shall not affect the standard of review that would apply to the new guidelines adopted pursuant to this section.

(d) (1) Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.

(2) (A) This subdivision does not affect, change, or modify the authority of a lead agency to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers provided by other laws or policies.

(B) For the purposes of this subdivision, aesthetic impacts do not include impacts on historical or cultural resources.

(e) This section does not affect the authority of a public agency to establish or adopt thresholds of significance that are more protective of the environment.

SEC. 6. Section 21155.4 is added to the Public Resources Code, to read:

21155.4. (a) Except as provided in subdivision (b), a residential, employment center, as defined in paragraph (1) of subdivision (a) of Section 21099, or mixed-use development project, including any subdivision, or any zoning, change that meets all of the following criteria is exempt from the requirements of this division:

(1) The project is proposed within a transit priority area, as defined in subdivision (a) of Section 21099.

(2) The project is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified.

(3) The project is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy for which the State Air Resources Board, pursuant to subparagraph (H) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code, has accepted a metropolitan planning organization’s determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emissions reduction targets.

(b) Further environmental review shall be conducted only if any of the events specified in Section 21166 have occurred.

SEC. 7. Section 21168.6.6 is added to the Public Resources Code, to read:

21168.6.6. (a) For the purposes of this section, the following definitions shall have the following meanings:

(1) “Applicant” means a private entity or its affiliates that proposes the project and its successors, heirs, and assignees.

(2) “City” means the City of Sacramento.

(3) “Downtown arena” means the following components of the entertainment and sports center project from demolition and site preparation through operation:

(A) An arena facility that will become the new home to the City of Sacramento’s National Basketball Association (NBA) team that does both of the following:

(i) Receives Leadership in Energy and Environmental Design (LEED) gold certification for new construction within one year of completion of the first NBA season.

(ii) Minimizes operational traffic congestion and air quality impacts through either or both project design and the implementation of feasible mitigation measures that will do all of the following:

(I) Achieve and maintain carbon neutrality or better by reducing to at least zero the net emissions of greenhouse gases, as defined in subdivision (g) of Section 38505 of the Health and Safety Code, from private automobile trips to the downtown arena as compared to the baseline as verified by the Sacramento Metropolitan Air Quality Management District.

(II) Achieve a per attendee reduction in greenhouse gas emissions from automobiles and light trucks compared to per attendee greenhouse gas emissions associated with the existing arena during the 2012–13 NBA season that will exceed the carbon reduction targets for 2020 and 2035 achieved in the sustainable communities strategy prepared by the Sacramento Area Council of Governments for the Sacramento region pursuant to Chapter 728 of the Statutes of 2008.

(III) Achieve and maintain vehicle-miles-traveled per attendee for NBA events at the downtown arena that is no more than 85 percent of the baseline.

(B) Associated public spaces.

(C) Facilities and infrastructure for ingress, egress, and use of the arena facility.

(4) “Entertainment and sports center project” or “project” means a project that substantially conforms to the project description for the entertainment and sports center project set forth in the notice of preparation released by the City of Sacramento on April 12, 2013.

(b) (1) The city may prosecute an eminent domain action for 545 and 600 K Street, Sacramento, California, and surrounding publicly accessible areas and rights-of-way within 200 feet of 600 K Street, Sacramento, California, 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 division.

(2) Paragraph (1) shall not apply to any other eminent domain actions prosecuted by the City of Sacramento or to eminent domain actions based on a finding of blight.

(c) Notwithstanding any other law, the procedures established pursuant to subdivision (d) shall apply to an 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.

(d) On or before July 1, 2014, 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 the granting of any project approvals that require the actions or proceedings, including any potential appeals therefrom, be resolved, to the extent feasible, within 270 days of certification of the record of proceedings pursuant to subdivision (f).

(e) (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 21168.6.6 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 21168.6.6 OF THE PUBLIC RESOURCES CODE. A COPY OF SECTION 21168.6.6 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) (A) Within five days following the close of the public comment period, a commenter on the draft environmental impact report may submit to the lead agency a written request for nonbinding mediation. The lead agency and applicant shall participate in nonbinding mediation with all commenters who submitted timely comments on the draft environmental impact report and who requested the mediation. Mediation conducted pursuant to this paragraph shall end no later than 35 days after the close of the public comment period.

(B) A request for mediation shall identify all areas of dispute raised in the comment submitted by the commenter that are to be mediated.

(C) The lead agency shall select one or more mediators who shall be retired judges or recognized experts with at least five years experience in land use and environmental law or science, or mediation. The applicant shall bear the costs of mediation.

(D) A mediation session shall be conducted on each area of dispute with the parties requesting mediation on that area of dispute.

(E) The lead agency shall adopt, as a condition of approval, any measures agreed upon by the lead agency, the applicant, and any commenter who requested mediation. A commenter who agrees to a measure pursuant to this subparagraph shall not raise the issue addressed by that measure as a basis for an action or proceeding challenging the lead agency's decision to certify the environmental impact report or to grant one or more initial project approvals.

(6) 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.

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

(f) (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 seven 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 (6) of subdivision (e) 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.

(g) (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 downtown 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 downtown arena.

(2) To maximize public health, environmental, and employment benefits, the lead agency shall place the highest priority on feasible measures that will reduce greenhouse gas emissions on the downtown arena site and in the neighboring communities of the downtown arena. Mitigation measures that shall be considered and implemented, if feasible and necessary, to achieve the standards set forth in subclauses (I) to (III), inclusive, of clause (ii) of subparagraph (A) of paragraph (3) of subdivision (a), including, but not limited to:

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

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

(C) Paying its fair share of the cost of measures that expand the capacity of a public fixed or light rail station that is used by spectators attending downtown 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 or the boundaries of the Sacramento Metropolitan Air Quality Management District.

(h) (1) (A) 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 downtown arena unless the court finds either of the following:

(i) The continued construction or operation of the downtown arena presents an imminent threat to the public health and safety.

(ii) The downtown arena 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 downtown arena unless the court stays or enjoins the construction or operation of the downtown arena.

(B) If the court finds that clause (i) or (ii) is satisfied, the court shall only enjoin those specific activities associated with the downtown arena 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.

(2) An action or proceeding to attack, set aside, void, or annul a determination, finding, or decision of the lead agency granting a subsequent project approval shall be subject to the requirements of Chapter 6 (commencing with Section 21165).

(3) Where an action or proceeding brought pursuant to this section challenges aspects of the project other than the downtown arena and those portions or specific project activities are severable from the downtown arena, the court may enter an order as to aspects of the project other than the downtown arena that includes one or more of the remedies set forth in Section 21168.9.

(i) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(j) (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. 8. Section 21181 of the Public Resources Code is amended to read:

21181. This chapter does not apply to a project if the Governor does not certify a project as an environmental leadership development project eligible for streamlining provided pursuant to this chapter prior to January 1, 2016.

SEC. 9. Section 21183 of the Public Resources Code is amended to read:

21183. The Governor may certify a leadership project for streamlining pursuant to this chapter if all the following conditions are met:

(a) The project will result in a minimum investment of one hundred million dollars (\$100,000,000) in California upon completion of construction.

(b) The project creates high-wage, highly skilled jobs that pay prevailing wages and living wages and provide construction jobs and permanent jobs for Californians, and helps reduce unemployment. For purposes of this subdivision, “jobs that pay prevailing wages” means that all construction workers employed in the execution of the project will receive at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code. If the project is certified for streamlining, the project applicant shall include this requirement in all contracts for the performance of the work.

(c) The project does not result in any net additional emission of greenhouse gases, including greenhouse gas emissions from employee transportation, as determined by the State Air Resources Board pursuant to Division 25.5 (commencing with Section 38500) of the Health and Safety Code.

(d) The project applicant has entered into a binding and enforceable agreement that all mitigation measures required pursuant to this division to certify the project under this chapter shall be conditions of approval of the project, and those conditions will be fully enforceable by the lead agency or another agency designated by the lead agency. In the case of environmental mitigation measures, the applicant agrees, as an ongoing obligation, that those measures will be monitored and enforced by the lead agency for the life of the obligation.

(e) The project applicant agrees to pay the costs of the Court of Appeal in hearing and deciding any case, including payment of the costs for the appointment of a special master if deemed appropriate by the court, in a form and manner specified by the Judicial Council, as provided in the Rules of Court adopted by the Judicial Council pursuant to subdivision (f) of Section 21185.

(f) The project applicant agrees to pay the costs of preparing the administrative record for the project concurrent with review and consideration of the project pursuant to this division, in a form and manner specified by the lead agency for the project.

SEC. 10. Section 21185 of the Public Resources Code is repealed.

SEC. 11. Section 21185 is added to the Public Resources Code, to read:

21185. On or before July 1, 2014, 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 an environmental leadership development

project certified by the Governor pursuant to this chapter or the granting of any project approvals that require the actions or proceedings, including any potential appeals therefrom, be resolved, within 270 days of certification of the record of proceedings pursuant to Section 21186.

SEC. 12. Section 21186 of the Public Resources Code is amended to read:

21186. Notwithstanding any other law, the preparation and certification of the administrative record for a leadership project certified by the Governor shall be performed in the following manner:

(a) The lead agency for the project shall prepare the administrative record pursuant to this division concurrently with the administrative process.

(b) All documents and other materials placed in the administrative record shall be posted on, and be downloadable from, an Internet Web site maintained by the lead agency commencing with the date of the release of the draft environmental impact report.

(c) 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.

(d) 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 released or received by the lead agency.

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

(f) Within seven 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.

(g) Notwithstanding paragraphs (b) to (f), inclusive, 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.

(h) The lead agency shall certify the final administrative record within five days of its approval of the project.

(i) Any dispute arising from the administrative record 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.

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

SEC. 13. Section 21187 of the Public Resources Code is amended to read:

21187. Within 10 days of the Governor certifying an environmental leadership development project pursuant to this section, the lead agency shall, at the applicant's expense, issue a public notice in no less than 12-point type stating the following:

“THE APPLICANT HAS ELECTED TO PROCEED UNDER CHAPTER 6.5 (COMMENCING WITH SECTION 21178) OF THE PUBLIC RESOURCES CODE, WHICH PROVIDES, AMONG OTHER THINGS, THAT 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 SECTIONS 21185 TO 21186, INCLUSIVE, OF THE PUBLIC RESOURCES CODE. A COPY OF CHAPTER 6.5 (COMMENCING WITH SECTION 21178) OF THE PUBLIC RESOURCES CODE IS INCLUDED BELOW.”

The public notice shall be distributed by the lead agency as required for public notices issued pursuant to paragraph (3) of subdivision (b) of Section 21092.

SEC. 14. Section 21189.1 of the Public Resources Code is amended to read:

21189.1. If, prior to January 1, 2016, a lead agency fails to approve a project certified by the Governor pursuant to this chapter, then the certification expires and is no longer valid.

SEC. 15. Section 21189.3 of the Public Resources Code is amended to read:

21189.3. This chapter shall remain in effect until January 1, 2017, and as of that date is repealed unless a later enacted statute extends or repeals that date.

SEC. 16. With respect to certain provisions of this measure, 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 of the unique need for the development of an entertainment and sports center project in the City of Sacramento in an expeditious manner.

SEC. 17. 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.

O