

LEGAL AID FOUNDATION OF LOS ANGELES

Barbara Schultz (SBN 168766)
Fernando Gaytan (SBN 224712)
1550 West. Eighth St.
Los Angeles, CA 90017
Tel: (213) 640-3831
Fax: (213) 640-3850
bschultz@lafla.org

Attorneys for Plaintiff Play Fair at Farmers Field Coalition

HADSELL STORMER RICHARDSON & RENICK, LLP

Dan Stormer (SBN 101967)
Joshua Piovia-Scott (SBN 222364)
128 N. Fair Oaks Ave, Suite 200
Pasadena, CA 91103
Tel: (626) 585-9600
Fax: (626) 585-9610
dstormer@hadsellstormer.com

ROBERT D. NEWMAN, ATTORNEY AT LAW

Robert D. Newman (SBN 86534)
3701 Wilshire Blvd., Suite 208
Los Angeles, CA 90010-2809
Tel: (213) 487-4727
Fax: (213) 487-0242
rnewman@wclp.org

Attorneys for All Plaintiffs

CONFORMED COPY
ORIGINAL FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

AUG 30 2012

John A. Clarke, Executive Officer/Clerk
BY Mary Flores, Deputy
Mary Flores

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

BC 49 120 0

Play Fair at Farmers Field Coalition, an
unincorporated association; Pete Ares, an
individual; Steve Richardson, an individual;
Karl Manheim, an individual; and Gary
Williams, an individual.

Plaintiffs,

vs.

State of California,

Defendant.

Case No.

COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF

1. Violations of California Constitution, Article VI, §10
2. Violations of California Constitution, Article IV, §16
3. Declaratory Relief under Code of Civil Procedure §1060
4. Declaratory Relief under Code of Civil Procedure §1060
5. Violations of Code of Civil Procedure §526a
6. Violations of Code of Civil Procedure §526a

INTRODUCTORY STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1. This lawsuit challenges the constitutionality of recent amendments to the Public Resources Code wherein the state legislature granted special treatment to a special interest for the potential construction of a new football stadium in downtown Los Angeles (“Proposed Project”). To be known as “Farmer’s Field,” this massive project will greatly affect the lives of people living downtown, in Pico Union, and South Los Angeles as the likely adverse effects include increased traffic congestion, respiratory ailments, and housing displacement. The Farmer’s Field portion of the Proposed Project alone is a 1,700,000 gross square foot “event center” that would primarily function as the home stadium for one or possibly two National Football League teams, as well as a venue to host a variety of other events, such as trade shows, international soccer matches, ESPN X games, rodeos and World Wrestling Entertainment events.

2. Ever since the California Environmental Quality Act (“CEQA”) was enacted in 1970, nearly all challenges to environmental impact reports (“EIR”) for new projects have been filed in and resolved by the superior courts of this State. In 2011, however, the Legislature enacted Senate Bill No. 292 (“SB 292”). Subsection (d)(1) of Public Resources Code §21168.6.5 now specifies that “[a]n action or proceeding to attack, set aside, void, or annul” the EIR for the Proposed Project “shall be commenced by filing a petition for a writ of mandate with the Second District Court of Appeal. . . .”

3. This recent addition to the Public Resources Code violates Article VI, §10 of the California Constitution, which provides, in pertinent part, that “[t]he Supreme Court, courts of appeal, superior courts, and their judges. . . have original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition.” By requiring that any mandamus action to challenge the EIR for the Proposed Project be filed exclusively in the Second District Court of Appeal, Public Resources Code §21168.6.5(d)(1) strips the superior courts (and the Supreme Court) of their original jurisdiction over these proceedings and so should be declared unconstitutional.

4. Public Resources Code §21168.6.5 also violates Article IV, §16(b) of the California Constitution, which provides that “[a]ll laws of a general nature have uniform operation. A local or special statute is invalid in any case if a general statute can be made applicable.” As described in the Legislative Council’s Digest, Public Resources Code §21168.6.5 creates “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 stadium in the City of Los Angeles.**” (emphasis supplied.)

1 5. Subsection(j) of Public Resources Code §21168.6.5 in particular prohibits the court, in any
2 action against subsequent project approvals, from staying or enjoining the construction or operation of
3 the project at the Proposed Project, unless a limited number of criteria are met. However, projects
4 that are subject to CEQA may require subsequent project approvals. Public Resources Code §21168.9
5 is a law of general applicability regarding projects subject to CEQA and it requires a court to mandate
6 that any project found to be out of compliance be suspended until the public agency can bring the
7 project into compliance. Public Resources Code §21168.6.5 (j)(1) denies the court of the power to
8 enjoin a project and plaintiffs of the right to seek the relief they are entitled to under the general CEQA
9 statute. Article IV, §16 of the Constitution does not countenance this attempted enactment of a special
10 or local statute when a general statute can be made applicable.

11 6. Plaintiffs in this lawsuit include a coalition of community based organizations focused on
12 protecting environmental and public health in the communities surrounding the Proposed Project, and
13 individuals who will be impacted by the Proposed Project as they live and/or work less than two miles
14 from the Proposed Project.

15 7. On April 5, 2012, the Draft EIR was released for the Proposed Project. On May 21, 2012,
16 Plaintiff Play Fair at Farmers Field Coalition submitted a detailed comment letter outlining its
17 concerns regarding the lack of mitigation measures in the EIR to protect the mostly low-income
18 residents living adjacent to the Proposed Project. On September 13, 2012, the City of Los Angeles
19 Planning Commission is scheduled to hold a hearing on the Final EIR for the Proposed Project.
20 Despite a number of objections by the Play Fair at Farmers Field Coalition, the Final EIR for the
21 Proposed Project is likely to receive approval from the City of Los Angeles Planning Commission at
22 the September 13, 2012 hearing and to receive approval from the Los Angeles City Council shortly
23 thereafter. Under Public Resources Code §21168.6.5(d)(1), any lawsuit challenging the Final EIR
24 must then be filed in the Second District Court of Appeal no later than 30 days after this approval by
25 the City Council.

26 8. Public Resources Code §21168.6.5 greatly impairs the legal rights of aggrieved citizens, such
27 as Plaintiff Play Fair at Farmers Field Coalition, to bring a CEQA challenge to the EIR for the
28 Proposed Project. Plaintiffs have accordingly brought this lawsuit to seek injunctive and declaratory
relief to prohibit Defendant State of California from continuing to implement and enforce the
unconstitutional provisions of Public Resources Code §21168.6.5.

1 **PARTIES AND VENUE**

2 *Plaintiffs*

3 9. Plaintiff Play Fair at Farmers Field Coalition (“Coalition”) is an unincorporated association
4 committed to protecting the environmental and public health of the communities surrounding the
5 proposed downtown Los Angeles Stadium and Convention Center project. The Coalition includes
6 such community based organizations as Los Angeles Community Action Network and Physicians for
7 Social Responsibility- LA. These organizations have members who live in the impacted communities
8 surrounding the Proposed Project and/ or advocate for public policy that affects the impacted residents.
9 These organizations as well as their members also have paid taxes to the State of California within one
10 year of the commencement of this action. The Coalition engages in outreach, training, and
11 mobilization of low-income communities to participate in and give input on the full development
12 process for the proposed downtown stadium. Much of the Coalition’s work has focused on ensuring
13 that SB 292 does not prevent communities from having a voice in shaping a major development – one
14 that could have negative impacts on their health. To that end the Coalition has provided extensive
15 comments regarding deficiencies in the Draft EIR for the Proposed Project and participated in a Health
16 Impact Assessment of the Proposed Project.

17 10. Plaintiff Pete Ares is a 61-year old man who owns the home in South Los Angeles where he
18 was raised. Mr. Ares currently lives with his adult son and daughter in that home, which is about a
19 mile and a half from the Proposed Project. Mr. Ares works part time as a phlebotomist at Kaiser
20 Permanente. He is a member of the Coalition and is concerned about the impacts of the Proposed
21 Project on his family and his neighbors. Mr. Ares has paid taxes to the State of California within one
22 year before the commencement of this action.

23 11. Plaintiff Steve Richardson was born and raised in downtown Los Angeles, and has lived there
24 for the better part of fifty years. He lives just over a mile from the Proposed Project. Mr. Richardson
25 has been employed as a community organizer for the Los Angeles Community Action Network since
26 2005. He is very concerned about the potential impacts of the Proposed Project on his community, and
27 participated on the Resident Panel for the Health Impact Assessment done by the Coalition and
28 researchers. Mr. Richardson is a member of the Coalition and has paid a tax to the State of California
within one year before the commencement of this action.

12. Plaintiff Karl Manheim is a resident of the County of Los Angeles. He is a Professor at Loyola
Law School, which is in the impacted area about a half a mile from the Proposed Project. Professor

1 Manheim has taught courses in constitutional law and has served as counsel on cases involving
2 environmental law, civil rights and liberties, takings, municipal law and federalism. He has also
3 published articles on California Constitutional Law. Professor Manheim believes in ensuring equal
4 access to the courts, especially for those who are not rich and powerful, and in preserving the
5 protections for people under the California and U.S. Constitutions. Professor Manheim has paid a tax
6 to the State of California within one year before the commencement of this action.

7 13. Plaintiff Gary Williams is a resident of the County of Los Angeles. He is a Professor at Loyola
8 Law School, which is in the impacted area about a half a mile from the Proposed Project. Professor
9 Williams has taught the Civil Rights Litigation Seminar and courses in Ethical Lawyering, Evidence,
10 Libel, Slander and the First Amendment, and Privacy and the First Amendment. Professor Williams is
11 the holder of the Johnnie L. Cochran, Jr. Chair in Civil Rights at Loyola. Before joining the faculty at
12 Loyola Law School, he served as staff counsel for the Agricultural Labor Relations Board and as staff
13 attorney and later assistant legal director for the ACLU Foundation of Southern California. Professor
14 Williams believes in the principle of equal justice before the law and is dedicated to ensuring equal
15 access to the courts, especially for those who are not rich and powerful. Professor Williams believes
16 that preserving the protections of the California and U.S. Constitutions for all people is essential.
17 Professor Williams has paid a tax to the State of California within one year before the commencement
18 of this action.

19 *Defendants*

20 14. Defendant State of California acted through the combined acts of its Legislature, in enrolling SB
21 292, and its Governor, in approving the bill.

22 *Venue*

23 15. Plaintiffs reside in the County of Los Angeles. The California Attorney General, representing
24 and defending the State of California and its officers, maintains an office in Los Angeles. The
25 Proposed Project is in the County of Los Angeles. Venue is therefore proper in the Los Angeles
26 County Superior Court, pursuant to Code of Civil Procedure §§395 and 401.

27 **STATEMENT OF FACTS**

28 16. The Legislature enacted CEQA in 1970. The goal behind CEQA is to compel government at
all levels to make decisions with environmental consequences in mind.

1 17. The EIR is the heart of CEQA and the integrity of the process is dependent on the adequacy of
2 the EIR. Public Resources Code §21151 provides that “[a]ll local agencies shall prepare. . . an
3 environmental impact report on any project that they intend to carry out or approve which may have a
4 significant effect on the environment.” The EIR serves to provide public agencies and the public in
5 general with information about the effect that a proposed project is likely to have on the environment
6 and to “[i]dentify ways that environmental damage can be avoided or significantly reduced.” (Cal.
7 Code Regs., tit. 14, §15002, subd. (a)(2) (“Guidelines”).

8 18. In addition to “provid[ing] public agencies and the public in general with detailed information
9 about the effect which a proposed project is likely to have on the environment” (Public Resources
10 Code §21061), the EIR must “describe feasible measures which could minimize significant adverse
11 impacts” and “describe a range of reasonable alternatives to the project.” Guidelines, §§15126.4, subd.
12 (a)(1), 15126.6, subd. (a). Among the alternatives, the report must evaluate “[t]he specific alternative
13 of ‘no project[.]’ ” (Guidelines, §15126, subd. (e)(1).) These sections reflect the legislative policy “that
14 public agencies should not approve projects as proposed if there are feasible alternatives or feasible
15 mitigation measures available which would substantially lessen the significant environmental effects
16 of such projects. . . .” Public Resources Code §21002.

17 19. To effectuate this policy, Public Resources Code §21081 requires a public agency to make
18 certain specific findings attesting to its consideration of the need for the mitigation measures identified
19 in the EIR. The findings must be supported by substantial evidence on the record. Guidelines, §15091.
20 If the project has a significant effect on the environment, the agency may approve the project only
21 upon finding that it has “[e]liminated or substantially lessened all significant effects on the
22 environment where feasible” and that any unavoidable significant effects on the environment are
23 “acceptable due to overriding concerns” specified in Public Resources Code §21081. (Guidelines,
24 §15092, subd. (b)(2)(A) & (B).)

25 20. Ever since the enactment of CEQA, nearly all challenges to EIRs have been brought as writs of
26 mandate in the superior courts of California. Pursuant to Public Resources Code §21167.1(a), a
27 challenge to an EIR shall be given “preference over all other civil actions, in the matter of setting the
28 action or proceeding for hearing or trial, and in hearing or trying the action or proceeding.” Public
Resources Code §21167.1(b) in turn provides that “the superior courts in all counties with a population
of more than 200,000 shall designate one or more judges to develop expertise in this division and
related land use and environmental laws, so that the judges will be available to hear, and quickly

1 resolve,” these types of actions or proceedings. At all times material herein, Los Angeles Superior
2 Court has designated several judges who have developed expertise in CEQA actions and who are
3 available to hear, and quickly resolve, those actions.

4 21. On September 27, 2011, the Governor approved SB 292. (A true and correct copy of this
5 legislation is attached hereto as Exhibit A.) SB 292 took effect on January 1, 2012. SB 292 added
6 §21168.6.5 to the Public Resources Code.

7 22. SB 292 applies only to a single project in downtown Los Angeles referred to in the statute as the
8 “proposed Convention Center Modernization and Farmers Field Project,” i.e., the Proposed Project.
9 SB 292 does not even encompass other possible sites for the potential stadium within Los Angeles
10 County, but rather targets one site and one developer.

11 23. SB 292 alters various aspects of the CEQA review process for the Proposed Project, including
12 the requirements for pursuing legal action to address certification of the EIR for the Proposed Project
13 and CEQA compliance. SB 292, for example, obligates CEQA petitioners to file their original actions
14 to the Proposed Project only in the Second District Court of Appeal. No provision of the California
15 Constitution delegates authority to the Legislature and the Governor for this jurisdictional limitation.

16 24. The Proposed Project is described in the Draft EIR as located on 68 acres located in downtown
17 Los Angeles adjacent to the STAPLES Center and LA LIVE, generally bounded by the Caltrans right-
18 of-way adjacent to the SR-110 Harbor Freeway to the west; Chick Hearn Court to the north; Figueroa
19 Street to the east; and Venice Boulevard to the south.

20 25. According to the American Community Survey, 38% of individuals within the impacted
21 neighborhoods live below the poverty level compared to 20% in the City of Los Angeles as a whole.
22 Poverty is particularly pronounced for children in the area with an estimated half living under poverty
23 level compared to 28% in the City as a whole.

24 26. In a study by the Economic Roundtable entitled “Economic Study of the Rent Stabilization
25 Ordinance and the Los Angeles Housing Market- 2009” and prepared for the Los Angeles Housing
26 Department, the City of Los Angeles has seen a 65% increase in the price index for rental housing
27 from 1997-2006, compared to 24% for all other consumer costs.

28 27. In a 2006 report, the Los Angeles County Department of Public Health generated an Economic
Hardship Index, which looked at a combination of factors including crowded housing, percent of
persons living below the federal poverty level, unemployment, education, and income. Based on the
Economic Hardship Index, Human Impact Partners recently found that the communities surrounding

1 the Proposed Project -downtown, Pico Union, and the northern portions of South Los Angeles- earned
2 rankings indicating a very high level of economic hardship. According to the Human Impact
3 Partners' "Findings and Recommendations of the Rapid Health Impact Assessment of the Proposed
4 Farmers Field Development" ("HIA"), the high proportion of lower income residents and residents of
5 color indicates that the impacted neighborhoods are currently home to a vulnerable population that
6 faces greater risk of poor health outcomes and are more susceptible to neighborhood conditions such
7 as unaffordable or substandard housing, poor quality schools, lack of appropriate job opportunities,
8 unsafe streets, and inaccessible goods and services, because they lack the resources to improve their
9 living and working conditions. This same population is also more vulnerable to the disruption of
10 services and other negative impacts caused by the type of displacement likely to result from the
11 construction of the proposed project without proper mitigation. The Coalition counts among its
12 membership many low income individuals in these impacted neighborhoods. These members, along
13 with individual plaintiffs, all of whom live and/or work near the Proposed Project, will suffer the
14 environmental and health related ill effects.

14 28. On April 5, 2012, the City of Los Angeles issued the Draft EIR for the Proposed Project.

15 29. On May 21, 2012, the Coalition submitted a 77- page comment letter on the Draft EIR the
16 Department of Planning for the City of Los Angeles. The Coalition's letter commented on the
17 unconstitutionality of SB 292, the insufficiency and/or inadequacy of the project description,
18 boundaries, objectives and environmental impacts, the inadequacy of the mitigation measures,
19 particularly regarding land use, transportation and traffic, parking, air quality, groundwater, housing
20 and population, aesthetics, noise, and public safety/ services, and finally the inadequate discussion of
21 alternatives.

21 30. Human Impact Partners submitted the draft HIA as public comment. The HIA was finalized and
22 released publically on July 12, 2012.

23 31. On or about August 20, 2012 the City of Los Angeles Planning Commission announced its
24 intention to hold a hearing on the Final EIR for the Proposed Project on September 12, 2012.

25 32. Plaintiffs are informed and believe, and based upon such information and belief allege that the
26 Final EIR for the Proposed Project is likely to be substantially the same as the Draft EIR, the Los
27 Angeles Planning Commission is likely to approve the Final EIR on September 13, 2012, or a few
28 days later, and the Los Angeles City Council is likely to approve the Final EIR soon thereafter.

1 33. Plaintiff Coalition intends to file a petition for writ of mandate to present a CEQA challenge to
2 the Final EIR for the Proposed Project if, as expected, the Final EIR is the same or substantially the
3 same as the Draft EIR. But for SB 292, the Coalition would have filed this petition for writ of
4 mandate in the Los Angeles Superior Court.

5 34. An actual controversy has arisen and now exists between plaintiffs and defendants concerning
6 their respective rights and duties. Plaintiffs contend that SB 292's amendments to the Public Resources
7 Code, in whole or in part, are unconstitutional, while defendants contend otherwise. A judicial
8 determination is necessary and appropriate at this time because the challenged provisions of SB 292
9 are facially unconstitutional.

10 35. Unless the Court grants equitable relief, Defendants' enforcement of SB's 292's amendments to
11 the Public Resources Code will cause irreparable harm to Plaintiffs and others for which they have no
12 adequate remedy at law.

13 **FIRST CAUSE OF ACTION:**

14 **[Violations of California Constitution, Article VI, §10]**

15 36. Plaintiffs re-allege and incorporate paragraphs 1-35.

16 37. Article VI, §10 of the California Constitution ("Constitution") provides, in pertinent part, that:
17 "The Supreme Court, courts of appeal, superior courts, and their judges have original jurisdiction in
18 habeas corpus proceedings. Those courts also have original jurisdiction in proceedings for
19 extraordinary relief in the nature of mandamus, certiorari, and prohibition." (Cal. Const., art. VI, §10.)

20 38. CEQA petitions ordinarily sound in mandamus and most often challenge actions of the
21 administrative agency tasked with lead agency responsibility for approving environmental review
22 documents or exemptions claimed under CEQA. (Pub. Res. Code §21167 *et seq.*) Responsible and
23 trustee agencies have independent CEQA responsibilities but are directed to rely on the lead agency's
24 environmental review, whose final status depends on the outcome of any timely filed CEQA
25 challenges. In bringing CEQA challenges to any of these decision-makers, petitioners in a CEQA
26 action have the choice under the Constitution of pursuing their claims in the superior courts, courts of
27 appeal, or Supreme Court, as proceedings for extraordinary relief in the nature of mandamus. Each of
28 these courts has original but not exclusive jurisdiction over mandamus claims.

39. SB 292 added a new Public Resources Code §21168.6.5(c)(1)(A), which provides that
"Notwithstanding any other law, the procedures set forth in subdivision (d) shall apply to any action or
proceeding brought to attack, review, set aside, void, or annul the certification of the environmental

1 impact report for the project or the granting of any initial project approvals.” Pub. Res. Code
2 §21168.6.5(c)(1)(a).

3 40. SB 292 also added a new Public Resources Code §21168.6.5(d). Subdivision (d)(1) provides:
4 “An action or proceeding to attack, set aside, void, or annul a determination, finding, or decision of the
5 lead agency certifying the environmental impact report or granting one or more initial project
6 approvals **shall** be commenced by filing a petition for a writ of mandate with the Second District Court
7 of Appeal and shall be served on the respondent and the real party in interest within 30 days of the
8 filing by the lead agency of the notice required by subdivision (a) of Section 21152.” Pub. Res. Code
9 §21168.6.5(d)(1) (emphasis added).

10 41. SB 292 added other provisions to the Public Resources Code expanding on the requirement that
11 the petition for writ of mandate must be filed in the Second District Court of Appeal. For example,
12 subdivision (d)(2)-(9) set forth the procedures for the writ petition that must be filed with the Second
13 District Court of Appeal. Pub. Res. Code §21168.6.5(d)(2)-(9). Similarly, subdivision (e)(1)
14 provides, in pertinent part, that “the draft and final environmental impact shall include a notice” that
15 “ANY JUDICIAL ACTION CHALLENGING THE CERTIFICATION OF THE EIR OR THE
16 APPROVAL OF THE PROJECT DESCRIBED IN THE EIR IS SUBJECT TO THE PROCEDURES
17 SET FORTH IN SECTION 21168.6.5 OF THE PUBLIC RESOURCES CODE AND MUST BE
18 FILED WITH THE SECOND DISTRICT COURT OF APPEAL.” Pub. Res. Code §21168.6.5(e)(1)
19 (capital letters in original).

20 42. Through the above-mentioned provisions of SB 292, the State of California has effected an
21 unconstitutional exclusion of original jurisdiction in courts other than the courts of appeal and has
22 deprived CEQA litigants of their rights to pursue a writ of mandate in the superior courts in violation
23 of Article VI, §10, of the Constitution.

24 43. SB 292 included a severability provision. Subdivision (k) states that “The provisions of this
25 section are severable. If any provision of this section or its application is held invalid, that invalidity
26 shall not affect other provisions or applications that can be given effect without the invalid provision
27 or application.” Pub. Res. Code §21168.6.5(k).

28 44. Several provisions in Public Resources Code §21168.6.5 cannot be severed from the proviso in
subdivision (d)(1) that a CEQA challenge the Proposed Project must be commenced in the Second
District Court of Appeal.

1 45. For the aforementioned reasons, the above-mentioned provisions of Public Resources Code
2 §21168.6.5 must be declared facially unconstitutional and should be enjoined from enforcement.

3
4 **SECOND CAUSE OF ACTION**
5 **[Violations of California Constitution, Article IV, §16]**

6 46. Plaintiffs re-allege and incorporate paragraphs 1-45.

7 47. Article IV, §16(b) of the Constitution provides “All laws of a general nature have uniform
8 operation. A local or special statute is invalid in any case if a general statute can be made applicable.”

9 48. Public Resources Code §21167 *et seq.* is a law of general applicability regarding environmental
10 projects subject to CEQA that sets forth the process for challenging such projects. Public Resources
11 Code §21168.9, for instance, requires a court to mandate that any project found to be out of
12 compliance with CEQA be suspended until the public agency can bring the project into compliance.
13 Projects that are subject to CEQA often require numerous subsequent project approvals.

14 49. As described by the Legislative Council Digest, SB 292 establishes “specified administrative
15 and judicial review procedures for the administrative and judicial review of the EIR and approvals
16 granted for a project related to the development of a **specified stadium in the City of Los Angeles.**”
17 (SB 292, leg council digest (1) [emphasis supplied].) SB 292 does not even apply to other possible
18 football stadium projects, but rather specifically applies to the Proposed Project. SB 292 also prohibits
19 the court, in any action against subsequent project approvals, from staying or enjoining the
20 construction or operation of the project, unless certain narrow criteria are met. Pub. Res. Code
21 §21168.6.5(j)(1).

22 50. SB 292 violates Article IV, §16(b) of the Constitution in that it is a special or local statute when
23 a general statute, namely CEQA, can be made applicable.

24 51. The same day that SB 292 was enacted, Assembly Bill No. 900 (“AB 900”) was enacted. AB
25 900 is a more general statute that specifies similar expedited CEQA procedures for a broader class of
26 qualifying projects. AB 900 applies to “environmental leadership development projects” that have
27 similar criteria to SB 292. (AB 900 is, however, currently the subject of a constitutional challenge in
28 Case No. RG 12626904 in the Superior Court of the State of California, County of Alameda).

52. SB 292 further violates Article IV, §16(b) of the Constitution in that it is a special or local
statute when another general statute, namely AB 900, can be made applicable.

1 53. For the aforementioned reasons, Public Resources Code §21168.6.5 in its entirety must be
2 declared facially unconstitutional and should be enjoined from its enforcement.

3 **THIRD CAUSE OF ACTION**
4 **[Declaratory Relief under Code of Civil Procedure §1060]**

5 54. Plaintiffs re-allege and incorporate paragraphs 1-53.

6 55. Under Code of Civil Procedure §1060, plaintiffs are interested persons entitled to declaratory
7 relief, addressing the parties' respective rights and duties and resolving the actual controversy between
8 plaintiffs and defendants as to whether SB 292 violates Article VI, §10 of the Constitution.

9 56. For the aforementioned reasons, the Court should declare that provisions of Public Resources
10 Code §21168.6.5 that violate Article VI, §10 of the Constitution are facially unconstitutional and
11 therefore void.

12 **FOURTH CAUSE OF ACTION**
13 **[Declaratory Relief under Code of Civil Procedure §1060]**

14 57. Plaintiffs re-allege and incorporate paragraphs 1-56.

15 58. Under Code of Civil Procedure §1060, plaintiffs are interested persons entitled to declaratory
16 relief, addressing the parties' respective rights and duties and resolving the actual controversy between
17 plaintiffs and defendants as to whether SB 292 violates Article IV, §16 of the Constitution.

18 59. For the aforementioned reasons, the Court should declare that Public Resources Code
19 §21168.6.5, in its entirety, is facially unconstitutional and therefore void.

20 **FIFTH CAUSE OF ACTION**
21 **[Violations of Code of Civil Procedure §526a]**

22 60. Plaintiffs re-allege and incorporate paragraphs 1-59.

23 61. Plaintiffs bring this cause of action as taxpayers under Code of Civil Procedure §526a. Each
24 Plaintiff has paid a tax within the past year to the State of California.

25 62. Defendant's adoption and enforcement of SB 292, violates Article VI, §10 of the Constitution.
26 Unless the relief prayed for is granted, Defendant will continue to conduct the taxpayer funded
27 activities in an illegal and wasteful manner.

28 **SIXTH CAUSE OF ACTION**
[Violations of Code of Civil Procedure §526a]

63. Plaintiffs re-allege and incorporate paragraphs 1-62.

64. Plaintiffs bring this cause of action as taxpayers under Code of Civil Procedure §526a. Each
Plaintiff has paid a tax within the past year to the State of California.

1 65. Defendant's adoption and enforcement of SB 292, violates Article IV, §16 of the Constitution.
2 Unless the relief prayed for is granted, Defendant will continue to conduct the taxpayer funded
3 activities in an illegal and wasteful manner.

4 WHEREFORE, Plaintiffs pray for a judgment as follows:

5 1. For declaratory relief that SB 292, and the resulting additions to Public Resources Code
6 §21168.6.5, violate Article VI, §10, of the Constitution and all such unconstitutional provisions are
7 therefore void and unenforceable;

8 2. For declaratory relief that SB 292, and the resulting additions to Public Resources Code
9 §21168.6.5, violate Article IV, §16, of the Constitution and all provisions are unconstitutional and
10 therefore void and unenforceable;

11 3. For a preliminary and permanent injunction enjoining Defendant from enforcing: (a) those
12 provisions in Public Resources Code §21168.6.5 that require any CEQA challenge to the Proposed
13 Project to be brought in the Second District Court of Appeal (for violations of Art. VI, §10, of the
14 Constitution),

15 4. For a preliminary and permanent injunction enjoining Defendant from enforcing: the entirety of
16 Public Resources Code §21168.6.5 (for violations of Art. IV, §16, of the Constitution);

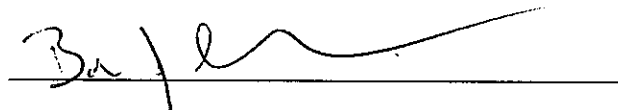
17 5. For the costs of the action herein incurred;

18 6. For attorneys' fees pursuant to Code of Civil Procedure §1021.5; and

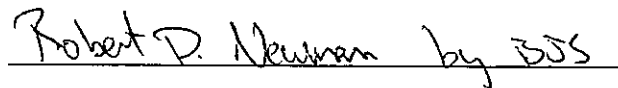
7. For such other and further relief as the Court deems proper.

19 Dated: August 30, 2012

Legal Aid Foundation of Los Angeles
Hadsell Stormer Richardson & Renick, LLP
Robert D. Newman, Attorney at Law

20
21 

22 *By: Barbara J. Schultz*

23
24 

25 *By: Robert D. Newman*

26 Attorneys for Plaintiffs

EXHIBIT A

Senate Bill No. 292

CHAPTER 353

An act to add and repeal Section 21168.6.5 of the Public Resources Code, relating to environmental quality.

[Approved by Governor September 27, 2011. Filed with
Secretary of State September 27, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

SB 292, Padilla. California Environmental Quality Act: administrative and judicial review procedures: City of Los Angeles: stadium.

(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 stadium in the City of Los Angeles. 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 require the lead agency and applicant to implement specified measures, as a condition of approval of the project, to minimize traffic congestion and air quality impacts that may result from spectators driving to the stadium.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

SECTION 1. The Legislature finds and declares all of the following:

(a) The overall unemployment rate in California is 12.0 percent, in Los Angeles County it is 13.3 percent, and in the City of Los Angeles it is 14.6 percent.

(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 Los Angeles Convention Center's West Hall is an old and outmoded facility that is inadequate to serve the city's visitor and convention needs. It was constructed 40 years ago and must be replaced to provide a modern, expanded, and more efficient convention hall adequate to meet the city's and region's needs.

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

(e) The proposed Convention Center Modernization and Farmers Field Project is a public-private partnership that will result in the replacement of West Hall with a new convention hall and the construction of a new state-of-the-art stadium and multipurpose event center. The stadium will be completely privately financed and the convention hall will be financed from revenues generated by the stadium at no risk to the city's general fund.

(f) The project will generate an estimated 12,000 full-time jobs during construction and 11,000 permanent jobs at the Los Angeles Convention Center and in the hospitality and related industries. It is anticipated that the development of additional hotels, restaurants, and retail uses in the vicinity of the project would generate additional jobs in excess of these estimates.

(g) The project also presents an unprecedented opportunity to implement innovative measures that will significantly reduce traffic and air quality impacts from the project and fully mitigate the greenhouse gas emissions resulting from passenger vehicle trips attributed to the project, which will result in emission reductions and traffic mitigations that will be the best in the nation compared to other comparable stadiums in the United States. The project is located in downtown Los Angeles near several major rail transit facilities and is situated to maximize opportunities to encourage nonautomobile modes of travel to the stadium and convention center.

(h) It is in the interest of the state to expedite judicial review of the Convention Center Modernization and Farmers Field 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. 2. Section 21168.6.5 is added to the Public Resources Code, to read:

21168.6.5. (a) For the purposes of this section, the following definitions shall apply:

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

(2) "Initial 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.

(3) "Project" means a project that substantially conforms to the project description for the Convention Center Modernization and Farmers Field Project set forth in the notice of preparation released by the City of Los Angeles on March 17, 2011.

(4) "Stadium" means, except as the context indicates otherwise, the stadium built pursuant to the project for football and other spectator events.

(5) "Subsequent project approval" means any actions, activities, ordinances, resolutions, agreements, approvals, determinations, findings, or decisions by the lead agency required for, or in furtherance of, the project that are taken, adopted, or approved following the initial project approvals until the project obtains certificates of occupancy.

(6) "Trip ratio" means the total annual number of private automobiles arriving at the stadium for spectator events divided by the total annual number of spectators at the events.

(b) (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.

(c) (1) (A) Notwithstanding any other law, the procedures set forth in subdivision (d) 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 initial project approvals.

(B) Notwithstanding any other law, the procedures set forth in subdivision (j) shall apply to any action or proceeding brought to attack, review, set aside, void, or annul any subsequent project approvals.

(2) Notwithstanding any other law, the procedure set forth in subdivision (f) shall apply to the certification of the environmental impact report for the project and to any initial project approvals.

(d) (1) An action or proceeding to attack, set aside, void, or annul a determination, finding, or decision of the lead agency certifying the environmental impact report or granting one or more initial project approvals

shall be commenced by filing a petition for a writ of mandate with the Second District Court of Appeal and shall be served on the respondent and the real party in interest within 30 days of the filing by the lead agency of the notice required by subdivision (a) of Section 21152.

(2) The petitioner shall file and serve the opening brief in support of the petition for writ of mandate within 40 days of the filing of the petition for a writ of mandate.

(3) The respondent and real party in interest shall file and serve any brief in opposition to the petition for writ of mandate within 25 days of the filing of the opening brief.

(4) The petitioner shall file and serve the reply brief within 20 days of the filing of the last opposition brief to the petitioner's opening brief.

(5) Except as provided in paragraph (6), parties to the action shall comply with all applicable California Rules of Court in the filing of the petition for writ of mandate and the briefs.

(6) (A) Rule 8.220 of the California Rules of Court shall not apply to the time periods set forth in paragraphs (2) to (4), inclusive.

(B) If a petitioner fails to file the opening brief pursuant to paragraph (2), the Court of Appeal shall dismiss the petition.

(C) If the respondents and real party in interest fail to file the brief in opposition pursuant to paragraph (3), the Court of Appeal shall decide the petition for writ of mandate based on the record, the opening brief, and any oral argument by the petitioner.

(7) Except upon a showing of extraordinary good cause, the Court of Appeal shall not grant any extensions of time to the deadlines specified in this subdivision. Any extension shall be limited to the minimum amount the Court of Appeal deems to be necessary.

(8) The Court of Appeal may, on its motion or upon request from a party, appoint a special master to assist the Court of Appeal in conducting the expedited judicial review required pursuant to this subdivision. If the Court of Appeal appoints a special master, the applicant shall pay all reasonable costs for the special master, not to exceed one hundred fifty thousand dollars (\$150,000). If the Court of Appeal determines that the cost of the special master may exceed one hundred fifty thousand dollars (\$150,000), it may request that additional funds be provided by the applicant and, if the applicant agrees to provide the funding, shall use the funds to pay the additional costs of the special master.

(9) The Court of Appeal shall hold a hearing and issue a decision on all petitions for writ of mandate filed pursuant to this subdivision within 60 days of the filing of the last timely reply brief.

(10) (A) A petition for review of the decision rendered by the Court of Appeal shall be filed with the Supreme Court and served on all parties to the petition for writ of mandate within 15 days of the decision.

(B) Any opposition to the petition for review shall be filed and served within 15 days of the filing of the petition for review.

(C) The Supreme Court shall render a decision on the petition for review within 30 days after the filing of the petition for review or within 15 days

after the filing of the opposition to the petition for review, whichever is earlier.

(11) All briefs and notices filed pursuant to this subdivision shall be electronically served on parties pursuant to Rule 8.71 of the California Rules of Court. Each party to the petition shall provide an electronic service address at which the party agrees to accept the service.

(12) (A) No provision of law that is inconsistent or conflicts with this subdivision shall apply to a petition for a writ of mandate subject to this subdivision, including, but not limited to, any of the following:

(i) Section 21167.4.

(ii) Subdivisions (a) through (d), inclusive, and (g) through (i), inclusive, of Section 21167.6.

(iii) Subdivision (f) of Section 21167.8.

(iv) Section 21167.6.5.

(v) Sections 66031 through 66035, inclusive, of the Government Code.

(B) Except as provided in this section, including subparagraph (A), the requirements of this division are fully applicable to the project.

(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 21168.6.5 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 21168.6.5 OF THE PUBLIC RESOURCES CODE AND MUST BE FILED WITH THE SECOND DISTRICT COURT OF APPEAL. A COPY OF SECTION 21168.6.5 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.

(f) (1) 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.

(2) 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.

(3) (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 a petition for writ of mandate challenging the lead agency's decision to certify the environmental impact report or to grant one or more initial project approvals.

(4) 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.

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

(B) If the notice required by subdivision (a) of Section 21152 is filed after June 1, 2013, this section shall become inoperative as of June 1, 2013, and is repealed as of January 1, 2014.

(C) In the event this section is repealed pursuant to subparagraph (B), the lead agency shall notify the Secretary of State.

(g) (1) For a petition for writ of mandate filed pursuant to this section, 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 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) 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.

(4) 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.

(5) The lead agency shall indicate in the record of the proceedings comments received that were not considered by the lead agency pursuant to paragraph (4) of subdivision (f) and need not include the content of the comments as a part of the record.

(6) 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 for the electronic copy, which shall not exceed the reasonable cost of reproducing that copy.

(7) Within 10 days after being served with a petition for a writ of mandate pursuant to paragraph (1) of subdivision (d), the lead agency shall lodge a copy of the certified record of proceedings with the Court of Appeal.

(8) Any dispute over the content of the record of the proceedings shall be resolved by the Court of Appeal. Unless the Court of Appeal 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.

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

(h) It is the intent of the Legislature that the project minimize traffic congestion and air quality impacts that may result from private automobile trips to the stadium through the requirements of this division as supplemented, pursuant to subdivision (i), by the implementation of measures that will do both of the following:

(1) Achieve and maintain carbon neutrality by reducing to 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 stadium.

(2) Achieve and maintain a trip ratio that is no more than 90 percent of the trip ratio at any other stadium serving a team in the National Football League.

(i) (1) As a condition of approval of the project subject to this section, the lead agency shall require the applicant to implement measures that will meet the requirements of this division and paragraph (1) of subdivision (h) by the end of the first season during which a National Football League team has played at the stadium. 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 stadium site and in the neighboring communities of the stadium. 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 South Coast Air Quality Management District.

(2) To ensure that the stadium achieves a trip ratio that is no more than 90 percent of the trip ratio at any other stadium serving a team in the National Football League, the applicant shall implement the necessary measures as follows:

(A) Not later than the date of the certification of the environmental impact report for the project, the lead agency shall develop and adopt a protocol to implement this subdivision pursuant to this division and subdivision (h), including, but not limited to, criteria and guidelines that will be used to determine the trip ratio.

(B) Following the conclusion of the second, third, fourth, and fifth seasons during which a National Football League team has played at the stadium, the applicant shall prepare a report to the lead agency that describes the measures it has undertaken to reduce trips based on the protocol developed and adopted pursuant to subparagraph (A), the trip ratio at the stadium, and the results of those measures. The report shall also include a summary of publicly available data and other data gathered by the applicant regarding average vehicle ridership, nonpassenger automobile modes of arrival, and trip reduction measures undertaken at other stadiums serving a team in the National Football League.

(C) Following the lead agency's review of the report submitted following the fourth season, the lead agency shall determine whether adequate data is available to determine whether the trip ratio at stadium events is more than 90 percent of the trip ratio at any other stadiums serving a National Football League team. If the lead agency concludes that adequate data does not exist, the lead agency shall take necessary steps to collect, or cause to be collected, the data reasonably necessary to make the determination. The applicant shall pay the reasonable costs of collecting the data pursuant to subdivision (a) of Section 21089.

(D) Following the lead agency's review of the report submitted following the fifth season, the lead agency shall determine the trip ratio at stadium events and the lowest trip ratio at any other stadium serving a National

Football League team. If the trip ratio at the stadium is more than 90 percent of the trip ratio at the other stadium with the lowest trip ratio, the lead agency shall, within six months following the receipt of the report, require the applicant to implement additional feasible measures that the lead agency determines pursuant to subparagraph (E) will be sufficient for the stadium to achieve the target specified in paragraph (2) of subdivision (h).

(E) Any trip reduction measure used at other stadiums serving a National Football League team shall be presumed to be feasible unless a preponderance of the evidence demonstrates that the measure is infeasible. The lead agency's decision whether to adopt any mitigation measures pursuant to subparagraph (D) other than those used at another stadium serving a National Football League team shall be governed by the substantial evidence test. This subparagraph does not require the applicant to bear the cost of improving the capacity or performance of transit facilities other than the following:

(i) Temporarily expanding the capacity of a public transit line, as needed, to serve stadium events.

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

(iii) 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 stadium events.

(F) Any action or proceeding to attack, review, set aside, void, or annul a determination, finding, or decision of the lead agency regarding the additional mitigation measures pursuant to subparagraph (D) shall be commenced within 30 days following the lead agency's filing of the notice required by subdivision (a) of Section 21152 and shall be governed by this division. The procedures set forth in subdivision (d) shall not apply to that action or proceeding. Notwithstanding any other law, compliance or noncompliance with this paragraph shall not result in the stadium being required to cease or limit operations.

(G) If the lead agency requires the applicant to implement additional measures pursuant to subparagraph (D), the applicant shall submit the report described in subparagraph (B) to the lead agency following the conclusion of each subsequent season until the lead agency determines that the applicant has achieved a trip ratio at the stadium that is not more than 90 percent of the trip ratio at any other stadium serving a National Football League team for two consecutive seasons or until the applicant submits the required report following the conclusion of the 10th season, whichever occurs earlier. Nothing in this subparagraph affects the ongoing obligations of the applicant pursuant to subdivision (h) and this subdivision.

(H) All obligations of the applicant set forth in this subdivision or imposed upon the applicant by the lead agency pursuant to this subdivision shall run with the land.

(3) This subdivision and subdivision (h) shall not serve as a basis for any action or proceeding to attack, set aside, void, or annul a determination, finding, or decision of the lead agency in certifying the environmental impact

report for the project or in granting the initial or subsequent project approvals.

(4) The obligations imposed pursuant to this subdivision and subdivision (h) supplement, and do not replace, mitigation measures otherwise imposed on the project pursuant to this division.

(j) (1) 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).

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

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

(ii) 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.

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

SEC. 3. 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.

SEC. 4. 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 the stadium in the City of Los Angeles, otherwise known as Farmers Field, in an expeditious manner.