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October 22, 2013

Honorable Chief Justice Cantil-Sakauye  
and Associate Justices  
Supreme Court of California  
350 McAllister Street  
San Francisco, CA 94102-4797

Re: *California Building Industry Association v Bay Area Air Quality Management District*,  
S213478. Amicus Curiae Letter in Support of Petition for Review.

Honorable Justices of the California Supreme Court:

Pursuant to California Rule of Court 8.500(g), the Bay Area Council, California Infill Builders Federation, Building Industry Legal Defense Foundation, Bay Planning Coalition and San Mateo County Economic Development Association join in the October 18, 2013 letter submitted on behalf of California Center for Creative Land Recycling and other affordable housing groups urging the Court to grant the petition for review in this case.

The Bay Area Council is a business-sponsored, public policy organization for the nine-county Bay Area, which advocates for a strong economy, a vital business environment and a better quality of life within the Bay Area. More than 275 of the largest employers in the region support the Bay Area Council and offer their CEO or top executive as a member.

The California Infill Builders Federation is a statewide organization of builders, developers and affiliated businesses and professions that build homes, schools and retail space in California's urban areas. Its work focuses on transforming abandoned and neglected urban infill properties and educating industry and civic leaders as well as the public about the economic, environmental and quality-of-life benefits of well-designed infill development.

The Building Industry Legal Defense Foundation is a non-profit mutual benefit corporation and wholly-controlled affiliate of the Building Industry Association of Southern California, Inc. BILD's purposes are, among others, to monitor legal and regulatory developments and to intervene when appropriate to improve the legal climate for BIASC's members and the construction industry.

The Bay Planning Coalition works through a broad coalition of industry, local governments, unions, and associations to ensure fair, reasonable and balanced planning and permitting that minimizes delay, costs and uncertainty in the development process.

The San Mateo County Economic Development Association promotes business issues that enhance and sustain the economic prosperity of our region and its local communities. SAMCEDA utilizes open dialogues, educational campaigns and direct advocacy strategies to engage national, state, regional and local officials on policy issues.

The appellate decision in this case injects substantial uncertainty into a fundamental legal question that had been answered in four prior appellate decisions -- whether CEQA extends beyond a proposed project's impacts on the environment and requires that impacts of the environment on the project also be examined. While not directly expressing it, the decision strongly implies disagreement with settled law, and upholds thresholds and guidelines that effectively expand CEQA review to require analysis and mitigation of impacts of the environment on proposed projects.

This decision, if left unaddressed, will add to the complexity and unpredictability of the CEQA process, the high cost of compliance, and the significant risks of legal challenges designed to impede development. Lack of clarity and predictability in the CEQA process hampers development and adds delay, cost and risk with no countervailing environmental benefit. The expense, delay and economic risk associated with indefinite, open-ended or conflicting CEQA requirements present a significant obstacle to California's ability to provide affordable housing, improved public infrastructure, and new jobs for its citizens. We urge the Court to grant review in this case in order to resolve the uncertainty created by this decision and provide clear direction on the required scope of CEQA review.

Sincerely,



Stephen L. Kostka

1 **PROOF OF SERVICE BY MAIL**

2 I am a citizen of the United States and employed in San Francisco County, California. I  
3 am over the age of eighteen years and not a party to the within-entitled action. My business  
4 address is Four Embarcadero Center, Suite 2400, San Francisco, California 94111-4131. I am  
5 readily familiar with this firm's practice for collection and processing of correspondence for  
6 mailing with the United States Postal Service. On October 23, 2013, I placed with this firm at the  
7 above address for deposit with the United States Postal Service a true and correct copy of the  
8 within document(s):

9 **LETTER IN SUPPORT OF PETITION FOR REVIEW**

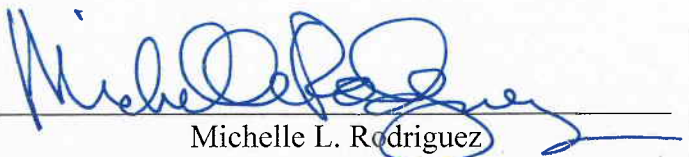
10 in a sealed envelope, postage fully paid, addressed as follows:

11 ***SEE ATTACHED SERVICE LIST***

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13 and mailing on this date, and would, in the ordinary course of business, be deposited with the  
14 United States Postal Service on this date.

15 I declare under penalty of perjury under the laws of the State of California that the above  
16 is true and correct.

17 Executed on October 23, 2013, at San Francisco, California.

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