

preparation. In other words, a lead agency that opts to prepare the administrative record will not be able to seek any reimbursement from petitioners for record preparation.

AB 3279 also recognizes that providing courts with discretion to issue interlocutory remand orders can promote judicial efficiency by providing courts with more remedies under CEQA. One-size fits all remedies that force housing and other projects back to the very beginning of the CEQA process, even for minor errors often unrelated to environmental concerns, is not only inefficient, but extremely time consuming and costly for housing construction. For desperately needed housing in California, delays and added costs results in less housing that is more expensive. Existing remedies pursuant to CEQA are limited. Under these limited options, a single problem can invalidate the approval of an entire project and force projects back to the beginning of the CEQA land use development process. Too often, this results in either more expensive projects that take longer to get approved, or worse, housing projects that never get built.

Some opponents of **AB 3279** incorrectly argue that interlocutory remand orders prevent petitioners from obtaining final judgment necessary to file an appeal. A very recent case, *Alliance of Concerned Citizens Organized for Responsible Development v. City of San Juan Bautista*, (2018) 29 Cal.App.5th 424, the Sixth District Court of Appeal clearly held that the “substance and effect” of a decision labeled by the trial court as an interlocutory remand order constitutes a final judgment. Nevertheless, the amendments to **AB 3279** remove any doubt. The bill now clearly states, that these proposed changes “shall not prevent a court from entering a final judgment, affect the right of parties to appeal that judgment or affect the appropriate determination of attorney’s fees pursuant to Section 1021.5 of the Code of Civil Procedure.”

CEQA serves an important goal of preventing public agencies from approving projects with potentially significant impacts if there are feasible mitigation measures that would eliminate or substantially reduce those impacts. Notwithstanding these benefits, CEQA can be used by special interest and community groups to delay, scale back, or halt projects altogether for reasons unrelated to the environment. **AB 3279** proposes meaningful but narrowly tailored changes to the CEQA process that maintain all of CEQA’s robust environmental protections. We support efforts to identify thoughtful ways to expedite the development of housing and other projects in California without compromising the statute’s objectives to protect California’s natural environment.

For these reasons, CalChamber and the organization listed **SUPPORT AB 3279 (Friedman)**.

Signed,



Adam Regele, Policy Advocate
California Chamber of Commerce

On behalf of the following organizations:

Auto Care Association, *Aaron Lowe*
Bay Area Council, *Matt Regan*
Bay Area Housing Advocacy Coalition, *Todd David*
Building Owners and Managers Association-CA, *Matthew Hargrove*
California Apartment Association, *Debra Carlton*
California Association of Realtors, *Jelisaveta Gavric*
California Building Industry Association, *Nick Cammarota*
California Business Properties Association, *Matthew Hargrove*
California Business Roundtable, *Kirk Clark*
California Community Builders, *Robert Apodaca*
California Port Authority, *Kelly Hitt*
California YIMBY, *Louis Mirante*
CAWA – Representing the Automotive Parts Industry, *Rodney Perini*
Council of Infill Builders, *Meea Kang*
El Dorado County Chamber of Commerce, *David Butler*
El Dorado Hills Chamber of Commerce, *David Butler*
Elk Grove Chamber of Commerce, *David Butler*
Folsom Chamber of Commerce, *David Butler*

Greater Coachella Valley Chamber of Commerce, *Patrick Swarthout*
Habitat for Humanity-California, *Debbie Arakel*
International Council of Shopping Centers, *Matthew Hargrove*
Mendocino-Humboldt Redwood Companies, *Chris Micheli*
Murrieta/Wildomar Chamber of Commerce, *Patrick Ellis*
NAIOP of California, *Matthew Hargrove*
North Orange County Chamber of Commerce, *Theresa Harvey*
Oceanside Chamber of Commerce, *Scott Ashton*
Official Police Garages Association of Los Angeles, *Chris Micheli*
Orange County Business Council, *Jennifer Ward*
Pleasanton Chamber of Commerce, *Steve Van Doran*
Rancho Cordova Chamber of Commerce, *Diann H. Rogers*
Roseville Area Chamber of Commerce, *David Butler*
San Gabriel Valley Economic Partnership, *Brad Jensen*
San Francisco Bay Area Planning and Urban Research Association (SPUR), *Michael Lane*
Santa Maria Valley Chamber of Commerce, *Glenn Morris*
Silicon Valley @ Home, *Leslye Corsiglia*
Silicon Valley Leadership Group, *Vince Rocha*
The Two Hundred, *Robert Apodaca*
Torrance Area Chamber of Commerce, *Donna Duperron*
United Chamber Advocacy Network, *David Butler*
West Coast Lumber & Building Material Association, *Ken Dunham*
Western Electrical Contractors Association Inc., *Richard Markuson*
Yuba Sutter Chamber of Commerce, *David Butler*

cc: Rachel Wagoner, Office of the Governor
Scott Seekatz, Senate Republican Caucus

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