

1 RICHARDS, WATSON & GERSHON
A Professional Corporation
2 DAVID M. SNOW, 2162634
3 355 South Grand Avenue, 40th Floor
Los Angeles, California 90071-3101
4 Telephone: (213) 626-8484
Facsimile: (213) 626-0078
5 Email: dsmith@rwglaw.com

6 Attorneys for Amicus Curiae
7 CALIFORNIA CHAPTER OF THE
AMERICAN PLANNING ASSOCIATION

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN DIEGO – CENTRAL DIVISION

11 CLEVELAND NATIONAL FOREST)
12 FOUNDATION; CENTER FOR BIOLOGICAL)
DIVERSITY; and SIERRA CLUB;)

13 Petitioners,)

14 v.)

15 SAN DIEGO ASSOCIATION OF)
GOVERNMENTS; SAN DIEGO)
16 ASSOCIATION OF GOVERNMENTS BOARD)
OF DIRECTORS; and DOES 1 through 20,)
17 inclusive,)

18 Respondents.)

19 PEOPLE OF THE STATE OF CALIFORNIA,)

20 Intervener.)

) Case No.: 37-2011-00101593-CU-TT-CTL
) Consolidated with Case No.:
) 37-2011-00101660-CU-TT-CTL

) **REQUEST FOR LEAVE TO JOIN IN**
) **AMICI CURIAE BRIEF IN SUPPORT OF**
) **RESPONDENTS**

) **ASSIGNED FOR ALL PURPOSES:**
) Hon. Timothy B. Taylor

) Hearing Date: November 30, 2012

) Time: 1:30 PM

) Department C-72

) Filing Date of Action: May 25, 2012

1 TO THIS HONORABLE COURT AND COUNSEL FOR THE PARTIES:

2 The California Chapter of the American Planning Association (“APACA”) respectfully requests
3 permission to join in the *amici curiae* brief filed on behalf of the California Association of Councils of
4 Governments (“CALCOG”), the Southern California Association of Governments (“SCAG”), and the
5 Sacramento Area Council of Governments (“SACOG”), in support of the position of Respondent, the
6 San Diego Association of Governments (“SANDAG”), in this matter.

7 The membership of APACA consists of approximately 4,600 professional planners, planning
8 commissioners and elected officials in California who are committed to urban, suburban, regional, and
9 urban planning issues. The mission of APACA, the largest of the American Planning Association’s 46
10 chapters, is to foster better planning by providing vision and leadership. APACA’s Amicus Curiae
11 Committee, made up of experienced planners and land use attorneys, monitors litigation of concern to
12 California planners and participates in cases of statewide or nationwide significance that may have
13 implications for planning practice in California. The committee has identified this case as having
14 particular significance for its potential effect on long-standing principles of regulating local land use
15 and development, and regional and comprehensive planning that balances environmental and other
16 concerns.

17 Our purpose in filing this request is to urge the Court to accept the *amici* brief filed on
18 September 7, 2012, on behalf of CALCOG, SCAG and SACOG, and if accepted, to express
19 APACA’s concurrence with, and to join in that *amici curiae* brief. The *amici curiae* brief provides the
20 Court with our perspective regarding how the long-range requirements and planning objectives
21 embodied in a Regional Transportation Plan, along with the regulatory structure of greenhouse gas
22 reduction requirements and other smart growth principles embodied in a Sustainable Communities
23 Strategy, interrelate with the environmental review process required by California Environmental
24 Quality Act. This effort necessarily involves striking a balance between complex and sometimes
25 competing goals. Any decision that does not account fully for this complexity could have unintended
26 consequences, cause inefficient environmental review, waste public resources, and deprive lead
27

1 agencies of the discretion they must retain in order to make difficult policy decisions about how their
2 communities should grow and evolve in the coming decades.

3 No party or counsel for a party in this case authored any part of the *amici curiae* brief with
4 which APACA expresses its concurrence. No party or party's counsel and no other person made any
5 monetary contribution to fund the preparation of the brief or of this request.

6 APACA respectfully requests that the Court accept the arguments in the *amici curiae* brief in
7 ruling on the petitions.

8
9 Dated: September 20, 2012

RICHARDS, WATSON & GERSHON

10
11 By:  _____

David M. Snow

12 Counsel for *Amici Curiae*
13 CALIFORNIA CHAPTER OF THE AMERICAN
14 PLANNING ASSOCIATION
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **PROOF OF SERVICE**

2 I, Marcella Sanchez, declare:

3 I am a resident of the state of California and over the age of eighteen years and not a party
4 to the within action. My business address is 355 South Grand Avenue, 40th Floor, Los Angeles,
California 90071-3101. On September 21, 2012, I served the within document(s) described as:

5 **REQUEST FOR LEAVE TO JOIN IN AMICI CURIAE BRIEF IN SUPPORT OF**
6 **RESPONDENTS**

7 on the interested parties in this action as stated on the attached mailing list.

8 (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed
9 envelope addressed as set forth on the attached mailing list. I placed each such
10 envelope for collection and mailing following ordinary business practices. I
11 am readily familiar with this Firm's practice for collection and processing of
12 correspondence for mailing. Under that practice, the correspondence would be
deposited with the United States Postal Service on that same day, with postage
thereon fully prepaid at Los Angeles, California, in the ordinary course of
business. I am aware that on motion of the party served, service is presumed
invalid if postal cancellation date or postage meter date is more than one day
after date of deposit for mailing in affidavit.

13 (BY OVERNIGHT DELIVERY) By placing the document(s) listed above in a
14 sealed envelope and affixing a pre-paid air bill, and causing the envelope to be
15 delivered to a FedEx agent for delivery, or deposited in a FedEx box or other
16 facility regularly maintained by FedEx, in an envelope or package designated
by the express service carrier, with delivery fees paid or provided for,
addressed to the person(s) at the address(es) set forth on the attached mailing
list.

17 (BY FAX) By causing facsimile transmission of the document(s) listed above
18 from 213.626.0078, to the person(s) and facsimile number(s) set forth on the
19 attached mailing list on this date before 5:00 P.M. This transmission was
20 reported as complete and without error. A copy of the transmission report(s),
which was properly issued by the transmitting facsimile machine, is attached.
Service by facsimile has been made pursuant to a prior written agreement
between the parties.

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct.

23 Executed on September 21, 2012, at Los Angeles, California.

24 Marcella Sanchez
(Type or print name)

Marcella Sanchez
(Signature)

SERVICE LIST

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

Rachel B. Hooper
Amy J. Bricker
Erin B. Chalmers
SHUTE, MIHALY & WEINBERGER LLP
396 Hayes Street
San Francisco, CA 94102
Telephone: (415) 552-7272
Facsimile: (415) 552-5816
Hooper@smwlaw.com
Bricker@smwlaw.com
Chalmers@smwlaw.com

**ATTORNEYS FOR PETITIONER
CLEVELAND NATIONAL FOREST
FOUNDATION AND SIERRA CLUB**

Daniel P. Selmi
919 South Albany Street
Los Angeles, CA 90015
Telephone: (213) 736-1098
Facsimile: (949) 675-9861
DSelmi@aol.com

**ATTORNEYS FOR PETITIONER
CLEVELAND NATIONAL FOREST
FOUNDATION AND SIERRA CLUB**

Marco Gonzalez
COAST LAW GROUP LLP
1140 South Coast Highway 101
Encinitas, CA 92024
Telephone: (760) 942-8505
Facsimile: (760) 942-8515
Marco@coastlawgroup.com

**ATTORNEYS FOR PETITIONER
CLEVELAND NATIONAL FOREST
FOUNDATION AND SIERRA CLUB**

Kevin P. Bundy
CENTER FOR BIOLOGICAL DIVERSITY
351 California Street, Suite 600
San Francisco, CA 94104
Telephone: (415) 436-9682
Facsimile: (415) 436-9683
KBundy@biologicaldiversity.org

**ATTORNEYS FOR PETITIONER
CENTER FOR BIOLOGICAL
DIVERSITY**

1 Susan L. Durbin
2 Timothy R. Patterson
3 OFFICE OF THE ATTORNEY GENERAL
4 110 West A Street
5 Suite 1100
6 San Diego, CA 92101
7 P.O. Box 85266
8 San Diego, CA 92186
9 Telephone: (619) 645-2013
10 Tim.Patterson@doj.ca.gov
11 Susan.Durbin@doj.ca.gov

**ATTORNEYS FOR THE STATE OF
CALIFORNIA**

8 Cory J. Briggs
9 Mekaela M. Gladden
10 BRIGGS LAW CORPORATION
11 99 East "C" Street, Suite 111
12 Upland, CA 91786
13 Telephone: (909) 949-7115
14 Facsimile: (909) 949-7121
15 Cory@briggslawcorp.com
16 Mekaela@briggslawcorp.com

**ATTORNEYS FOR PETITIONERS
CREED-21 and AFFORDABLE
HOUSING COALITION OF SAN DIEGO
COUNTY**

14 Julie D. Wiley, Special Counsel
15 SAN DIEGO ASSOCIATION OF
16 GOVERNMENTS
17 401 B Street
18 Suite 800
19 San Diego, CA 92101
20 Telephone: (619) 699-6966
21 Facsimile: (619) 699-1995
22 JWI@sandag.org

**ATTORNEY FOR DEFENDANTS AND
RESPONDENTS SAN DIEGO
ASSOCIATION OF GOVERNMENTS
and SAN DIEGO ASSOCIATION OF
GOVERNMENTS BOARD OF
DIRECTORS**

19 Margaret M. Sohagi
20 Philip A. Seymour
21 Nicole H. Gordon
22 THE SOHAGI LAW GROUP, PLC
23 11999 San Vicente Boulevard
24 Suite 150
25 Los Angeles, CA 90049-5136
26 Telephone: (310) 475-5700
27 Facsimile: (310) 475-5707
28 MSohagi@sohagi.com
PSeymour@sohagi.com
NGordon@sonhagi.com

**ATTORNEY FOR DEFENDANTS AND
RESPONDENTS SAN DIEGO
ASSOCIATION OF GOVERNMENTS
and SAN DIEGO ASSOCIATION OF
GOVERNMENTS BOARD OF
DIRECTORS**

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

Ronald R. Ball, City Attorney
CITY OF CARLSBAD
1200 Carlsbad Village Drive
Carlsbad, CA 92008-1949
Telephone: (760) 434-2891
Facsimile: (760) 434-8367
rball@carlsbadca.gov

COURTESY COPY