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September 08, 2015

California Land Use & Development Law Report

# California Supreme Court Sets Oral Argument in Key CEQA Case

The California Supreme Court has announced that the oral argument in *California Building Industry Association v. Bay Area Air Quality Management District* will take place on October 7, 2015, in San Francisco. The *CBIA* case squarely presents an issue of critical importance under CEQA: is environmental impact analysis under CEQA limited to the effects of a project on the environment or must it also include analysis of the effects of the environment on the project and its occupants? The case involves a challenge to thresholds of significance adopted by BAAQMD to assess air quality impacts of proposed projects. One of the grounds for the challenge to these thresholds was that the Air District had improperly encouraged public agencies to evaluate the impact of existing air quality on future residents of proposed projects, which constituted "CEQA in reverse" and conflicted with several appellate decisions. The Court of Appeal declined to address this argument, but hinted that there were reasons to question the "continued vitality" of cases holding that such "reverse CEQA" analysis was not required. The specific issue the Supreme Court identified for consideration and decision is: *Under what circumstances, if any, does the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) require an analysis of how existing environmental conditions will impact future residents or users (receptors) of a proposed project?* The high court's decision in the case should be issued within 90 days of the oral argument. Our discussion of the background and implications of the case is available [here](#).

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