

Stand Up For California!
“Citizens making a difference”

www.standupca.org

P.O. Box 355
Penryn, CA 95663

May 10, 2010

The Honorable Ronald George
Chief Justice
California Supreme Court
350 McAllister Street
San Francisco, CA 94102

Re: Support for Petition for Review in *Parchester Village Neighborhood Council v. City of Richmond, et al.*, Docket No. S163348

Dear Chief Justice George:

I am the Director of Stand Up for California, a statewide organization focusing on gambling issues affecting California. I write in support of the Petition for Review filed by appellant Parchester Village Neighborhood Council in the above matter. Stand Up for California has long been a leader in offering information to local, state and federal policy makers regarding the impacts of Indian casinos. We seek a proper balance between environmental quality and economic growth.

Stand Up for California has observed with growing concern the proliferation of Indian casinos in urban and rural areas throughout California without adequate local oversight and mitigation of their environmental impacts. Often adjacent cities are asked to construct fire or police stations and traffic improvements to accommodate Indian casinos, literally paving the way for substantial increases in traffic and attendant noise, air pollution and congestion. We support the Petition for Review in the *Parchester Village* case because we agree that cities should comply with CEQA when considering approval of municipal service agreements that require physical improvements designed to benefit Indian casinos.

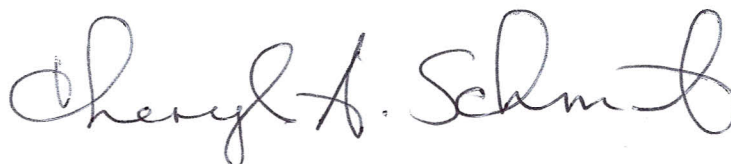
This Court’s review of the Court of Appeal’s Opinion is necessary to secure uniformity of decision and to settle an important question of law. The Opinion’s holding that a city’s municipal services agreement (“MSA”) to provide street and fire station improvements for an Indian casino is not a “project” under CEQA is misguided and conflicts with the Third District Court of Appeal’s ruling in *County of Amador v. City of*

Parchester Village v City of Richmond

Plymouth (2007) 149 Cal.App.4th 1089. In *Amador*, the Court correctly held that a city's entry into an MSA requiring the city to build street and fire station improvements for a casino, and to support the casino's approval by state and federal agencies, is a "project" subject to CEQA review. (*Amador* at 1095). The Court of Appeal's ruling in *Parchester* that such MSA's are exempt from environmental review defeats CEQA's mandate that agencies fully assess a project's impacts – and alternatives and mitigations that would reduce those impacts – *before* deciding whether to approve the MSA.

For the foregoing reasons, I respectfully urge this Court to grant review in the above matter.

Very truly yours,



Cheryl Schmit
Director
Stand Up For California
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www.standupca.org

Encls.: Eight copies

cc: All parties as listed in the attached Proof of Service

PROOF OF SERVICE

I am a citizen of the United States of America; I am over the age of 18 years and not a party to the within entitled action. My address is P.O. Box 355, Penryn, California, CA 95664. On May 10, 2010, I served a true copy of the foregoing.

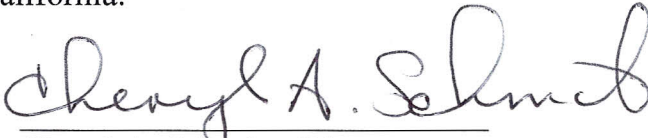
**LETTER IN SUPPORT OF PETITION FOR REVIEW
(California Supreme Court Case No. S163348)**

In the above-captioned matter on each of the persons listed below by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid in the United States mail at Penryn, California, addressed as follows:

George A. Yuhas, Esq.
Sarah Marriott, Esq.
Orrick Harrington & Sutcliffe
405 Howard Street
San Francisco, CA 94105-2669
Hon. James J. Marchiano
Presiding Justice
California Court of Appeal,
First District, Division 1
350 McAllister Street
San Francisco, CA 94102

Honorable Barbara A. Zuniga
Judge, Contra Costa Superior Court
Department 2
725 Court Street
Martinez, CA 94553-1233
Stephan C. Volker
Joshua A.H. Harris
Law Offices of Stephan C. Volker
436 14th Street, Suite 1300
Oakland, CA 94612

I certify under penalty of perjury that the foregoing is true and correct.
Executed on May 10, 2010 at Penryn, California.


Cheryl A. Schmit – Director
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