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A Comprehensive Two-Day Conference on

# Land Use in Northern California

Overcoming regulatory and economic challenges

March 19 & 20, 2009

San Francisco, California

Renaissance Stanford Court Hotel

**Credits:** CA MCLE 13.5 inc 1 Ethics (call about others)

**Quick when/where:** 8:30 a.m., 905 California Street

### Land Use in Northern California Conference

March 19 & 20, 2009 | San Francisco, California  
Renaissance Stanford Court Hotel

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09LUNCA WS



8:00 Registration and Continental Breakfast

8:30 Introduction and Overview

R. Clark Morrison, Esq., *Program Co-Chair*  
Cox Castle & Nicholson LLP • San Francisco, CA

Cecily Talbert Barclay, Esq., *Program Co-Chair*  
Bingham McCutchen LLP • San Francisco, CA

8:45 Opening Address: Land Use and Development in California - Emerging Trends and Issues

Sunne Wright McPeak, *President and CEO*  
California Emerging Technology Fund • San Francisco, CA

9:30 California's Future: Impact of Current Global Economic Crisis on California's Development Patterns

How is the global economic crisis going to affect California's economy, particularly housing, jobs, retail sales and development?

Walter F. Kieser, *Managing Principal*  
Economic & Planning Systems • Berkeley, CA

10:15 Break

10:30 Ballot Initiatives and Referenda for Controlling or Permitting Land Use

Using initiatives and referenda in land use planning, including strategic use of the ballot box to overturn, approve or prevent projects prior to agency approval

Cecily Talbert Barclay, Esq., *Program Co-Chair*

11:30 CEQA as a Decision-Making Tool: How the Legal, Political and Technical Elements of the Process Relate

What's happening with CEQA? What trends are affecting its use to approve and challenge projects? What changes can we expect in the future?

Stephen L. Kostka, Esq.  
Bingham McCutchen LLP • Walnut Creek, CA

12:15 Lunch (on your own)

1:30 State Climate Change Initiatives

Standards for evaluating climate change impacts under CEQA; review of recent case law

Anne E. Mudge, Esq.  
Cox Castle & Nicholson LLP • San Francisco, CA

The brave new world of SB 375; AB 32 review; required actions by state agencies and local government

R. Clark Morrison, Esq., *Program Co-Chair*

3:00 Break

3:15 Implementing Green Building Programs

Use of zoning and other incentives to promote infill development; green building policies and programs; sustainable certification programs, including LEED

Thomas E. Lollini, FAIA, *Associate Vice Chancellor, Physical Planning, Design & Construction; Campus Architect*  
University of California, Merced • Merced, CA

Fahmida Ahmed, *Manager, Sustainability Programs*  
Stanford University • Stanford, CA

4:15 Putting it All Together

Planning new sustainable communities under the new regime

Boris Dramov, FAIA, FAICP, *President*  
ROMA Design Group • San Francisco, CA

5:00 Continue the Exchange of Ideas: Reception for Faculty and Attendees

Sponsored by Bingham McCutchen LLP and Cox Castle & Nicholson LLP



About the Conference

LAW SEMINARS INTERNATIONAL

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2009 brings new areas of concern for land use practitioners with the implications of climate change, gas and water shortages and a weakened national economy weighing heavily on practitioners' minds. To help clarify and address such concerns, policy makers, leading attorneys and professionals will discuss the pertinent issues surrounding the global and local economic crises; ballot initiatives and referenda; CEQA developments; state climate change initiatives; green building programs; planning for sustainable development; water supplies; stormwater permitting; wetlands regulation; habitat and conservation planning; land use litigation; and ethical issues raised in the administrative and political arenas.

Our conference also will shed light on what has come from litigation in the Delta, and how the Bay Delta Conservation Plan, the Delta Vision Strategic Plan and the Governor's Blue Ribbon Task Force are addressing critical environmental and economic functions for the future of California.

Take advantage of this opportunity to meet with our distinguished faculty as they discuss how legislative, court and regulatory decisions are impacting land use; trends incorporating sustainability programs and green building into new development; and the current economy's probable effect on short-term and long-term development decisions.

~ Program Co-Chairs: R. Clark Morrison, Esq. and Cecily Talbert Barclay, Esq.



**8:00 Registration and Continental Breakfast**

**8:30 Water Supply and Flows in Northern California**

Litigation in the Delta; regulatory efforts; the recently completed Delta Vision Strategic Plan and the Bay Delta Conservation Plan

**Gregory K. Wilkinson, Esq.**  
Best Best & Krieger LLP • Riverside, CA

**Chris Beale, Esq.**  
Resources Law Group LLP • Sacramento, CA

CEQA, Urban Water Management Plans, SB 610 and SB 221: Water supply evaluation requirements under California Law; integrating statutory compliance and developing water supply alternatives

**James G. Moore, Esq.**  
Remy, Thomas, Moose and Manley LLP • Sacramento, CA

**10:00 Break**

**10:15 Stormwater Permitting**

State and Local Developments

**Robert L. Falk, Esq.**  
Morrison & Foerster LLP • San Francisco, CA

**10:45 Wetlands Regulation and Land Use Planning**

Understanding the Corps' new Mitigation Rule and application of the 404(b)(1) Guidelines

**Ella Foley-Gannon, Esq.**  
Sheppard Mullin Richter & Hampton LLP  
San Francisco, CA

**11:30 Habitat Issues and Endangered Species Act: Habitat Conservation Planning, Section 7 Consultations and Endangered Species Planning**

Endangered species and conservation planning; recent trends and perspectives on the ESA and land use

**Brian J. Plant, Esq.**  
Remy, Thomas, Moose and Manley LLP • Sacramento, CA

**12:15 Lunch (on your own)**

**1:30 Permitting and Administrative Appeals Process**

How to make your case before the decision-making agency; building an administrative record in anticipation of litigation

**James L. Meeder, Esq.**  
Allen Matkins Leck Gamble Mallory & Natsis LLP  
San Francisco, CA

**2:15 Litigation in Land Use Matters**

Citizen suits / petitioners

**Stephan C. Volker, Esq.**  
Law Offices of Stephan C. Volker • Oakland, CA

Real parties in interest / defendants

**Anna C. Shimko, Esq.**  
Cassidy Shimko Dawson & Kawakami  
San Francisco, CA

**3:00 Break**

**3:15 Damages Claims**

Recent cases on regulatory takings and tips for bringing and defending regulatory takings actions

**Andrew W. Schwartz, Esq.**  
Shute, Mihaly & Weinberger LLP • San Francisco, CA

**4:00 Ethical Issues in Dealing with Administrative Agencies and Elected Bodies**

Political Reform Act compliance; elections, conflicts of interest, and lobbying; when do lawyers register as lobbyists; what you can say and not say to an elected official; attorney-client privilege; the Brown Act

**Jason D. Kaune, Esq.**  
Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP  
Mill Valley, CA

**5:00 Evaluations and Adjourn**



Registration & Other Conference Information

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Call us at: 800-854-8009 or 206-567-4490

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Walk-ins are welcome, subject to space availability.

Registration is complete when we receive payment or agree to later payment.

**Tuition:** Regular tuition for this program is \$995 with a group rate of \$845 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$695. For students and people in their job for less than a year, our rate is \$497.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International.

**Substitution & Cancellation:** You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Friday, March 13, 2009. After that

time, we will credit your tuition toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

**Seminar Location:** The conference will be held at the Renaissance Stanford Court Hotel at 905 California Street in San Francisco, CA 94108. Call the hotel directly at (415) 989-3500 for reservations at the special negotiated rate of \$229/night and mention that you are attending a Law Seminars International conference. Rooms are on a first come, first served basis.

**Continuing Education Credits:**

Law Seminars International is a State Bar of California approved MCLE provider. This program qualifies for 13.5 California MCLE credits including 1 Ethics. Upon request, we will apply for CLE credits in other states and other types of credits.

**If You Cannot Attend:** Our complete Homestudy Course, consisting of a DVD recording and the written course materials, is available for \$1005. The written course materials alone are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or the date we receive payment (whichever is later).

## Faculty: Land Use in Northern California Conference

**R. Clark Morrison**, *Program Co-Chair*, partner at Cox Castle & Nicholson LLP, Co-Chairs the firm's Land Use and Natural Resources Practice Group. He is experienced in the entitlement and development of large and controversial development projects, and in land use, endangered species, wetlands and water law issues. He is on the advisory board of *California Land Use Law and Policy Reporter*.

**Cecily Talbert Barclay**, *Program Co-Chair*, partner at Bingham McCutchen LLP, Co-Chairs the firm's Land Use and Development Practice Group and focuses her practice on land use, real estate and local government law. She is author of *Curtin's California Land Use and Planning*, is listed in *Chambers USA* and *Legal 500*, and named the "Top East Bay Land Use Attorney" by the *East Bay Business Times*.

**Sunne Wright McPeak**, *Opening Address*, is President and CEO of the California Emerging Technology Fund (CETF). Previously, she was Secretary of the California Business, Transportation and Housing Agency, where she led the development and implementation of infrastructure investments and groundbreaking regional "smart growth" planning.

**Fahmida Ahmed**, Manager of Sustainability Programs at Stanford University, leads the campus sustainability programs at Stanford. She co-chairs the Sustainability Working Group, which connects the teams, coordinates implementation of sustainability projects and supports Stanford's long-term climate and infrastructure planning.

**Chris Beale**, attorney at Resources Law Group, LLP, advises cities, counties, public agencies and private landowners, on complex natural resource management issues. Previously, he was legal counsel to the California Department of Fish and Game.

**Boris Dramov, FAIA, FAICP**, President of ROMA Design Group, received this year's National AIA Urban Design Award of Excellence for his work in the planning and design for the adaptive reuse of urban waterfront lands and infill projects, a model for sustainable growth and development.

**Robert L. Falk**, partner at Morrison & Foerster LLP and Chair

of its Land Use and Environmental Law Group, practices in water quality litigation, environmental compliance counseling and permitting and resolution of government enforcement actions.

**Ella Foley-Gannon**, partner at Sheppard Mullin Richter & Hampton LLP, counsels clients undertaking complex development projects in California. She advises land development companies on federal and state regulatory matters.

**Jason D. Kaune**, partner at Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP, specializes in political and initiative law in California and the ethics, election, lobbying and campaign laws of the fifty states, local and federal governments.

**Walter F. Kieser**, Managing Principal of Economic & Planning Systems, specializes in real estate market analysis, land use planning, local government finance and organization, and public finance. He is a member of the American Association of Planners and California Association of Local Agency Formation Commissions.

**Stephen L. Kostka**, partner at Bingham McCutchen LLP, concentrates on cases involving CEQA, NEPA compliance, the Planning and Zoning Law, and other state and federal environmental and land use statutes. He was named a "Super Lawyer" and is co-author of *Practice Under the California Environmental Quality Act*.

**Thomas E. Lollini, FAIA**, is Associate Vice Chancellor for Physical Planning, Design and Construction at the University of California in Merced. He is also Campus Architect for campus design standards and works with a team revising their long-range environmental and sustainability development plan.

**James L. Meeder**, partner at Allen Matkins Leck Gamble Mallory & Nastis LLP, practices civil and criminal trial and appellate work, including environmental cases involving hazardous waste disposal, soil and groundwater contamination, surface water pollution, water quality, air quality and permitting, Proposition 65, NEPA/CEQA, CERCLA, RCRA, indemnity claims and toxic torts.

**James G. Moose**, senior partner at Remy, Thomas, Moose and Manley LLP, advises public and private clients on the California Environmental Quality Act (CEQA), the Planning and Zoning Law, and other state and federal environmental laws. He has litigated cases resulting in CEQA precedents in the California Supreme Court.

**Anne E. Mudge**, partner at Cox Castle & Nicholson LLP and co-chair of the firm's Renewable Energy and Climate Change Practice Group, focuses on siting and permitting major energy, industrial, commercial, residential and major mixed-use communities, and litigation for CEQA/NEPA, water supply planning, coastal development, wetlands and endangered species.

**Brian J. Plant**, of counsel with Remy, Thomas, Moose and Manley LLP, specializes in natural resource issues, including the Clean Water Act and the Endangered Species Act. He is a former Trial Attorney with the U.S. Department of Justice, Environmental Defense Section in Washington, D.C.

**Anna C. Shimko**, principal with Cassidy Shimko Dawson & Kawakami, represents public agencies and private landowners in land use and environmental law.

**Andrew W. Schwartz**, partner at Shute, Mihaly & Weinberger LLP, specializes in regulatory takings, eminent domain, development impact fees and land use litigation. Previously, he represented the City of San Francisco for 22 years in the Office of City Attorney.

**Stephan C. Volker**, founder of the Law Offices of Stephan C. Volker, practices public interest environmental litigation in California and Alaska state courts and federal courts, including the United States Supreme Court.

**Gregory K. Wilkinson**, partner at Best Best & Krieger LLP, focuses on water rights, water quality, endangered species and environmental impact reporting. Previously, he was Deputy Attorney General for the State of California and Chief of Land and Water Resources Law for the Development Law Service of the United Nations.

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San Francisco, California

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Hotel

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(415) 989-3500

### Who Should Attend:

*Attorneys, local governmental officials, real estate professionals, corporate managers, developers, planners and consultants*

### You Will Learn About:

- Emerging trends and issues in land use and their impact on regulatory decisions
- Use of initiatives and referenda for controlling or permitting land use
- Implementation of state climate change initiatives
- Green building implementation and sustainable development certification
- Litigation and regulatory efforts affecting water supplies
- State and local stormwater permitting developments
- Wetlands regulation, land use planning, and the Corps' new Mitigation Rule
- Endangered species and habitat conservation planning
- How to make your case before decision-making agencies
- Recent cases on regulatory takings
- Compliance with Political Reform Act, the Brown Act and lobbying ordinances

### To Register:

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