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- Best Best & Krieger LLP
- Brandt-Hawley Law Group
- Brownstein Hyatt Farber Schreck, LLP
- Chatten-Brown & Carstens LLP
- Corin Kahn, Attorney at Law
- Cox Castle & Nicholson LLP
- Gibson Dunn & Crutcher
- Governor's Office of Planning and Research
- Jenkins & Hogin, LLP
- Latham & Watkins LLP
- Manatt Phelps & Phillips LLP
- Natural Resources Defense Council
- Remy Moose & Manley, LLP
- Sierra Club
- Strumwasser & Woocher LLP

Who Should Attend:

Attorneys, real estate and environmental professionals, corporate managers and governmental representatives

11th Annual Advanced Seminar on the

California Environmental Quality Act (CEQA)

Update on a big year for regulatory developments and court decisions



September 18, 2015

Santa Monica, California

DoubleTree Guest Suites Santa Monica Hotel

Credits: AICP 7 Credits | CA 7.25 CLE (call about others)

Quick when/where: 8:30 a.m., 1707 Fourth Street

California Environmental Quality Act Seminar
September 18, 2015 | Santa Monica, California
DoubleTree Guest Suites Santa Monica Hotel

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- 8:00 Registration Opens**
- 8:30 Introduction & Overview**
James L. Arnone, Esq., Program Co-Chair
 Latham & Watkins LLP ~ Los Angeles, CA
Douglas Carstens, Esq., Program Co-Chair
 Chatten-Brown & Carstens LLP ~ Hermosa Beach, CA
- 8:45 Supreme Court Two-Step: What to Make of Berkeley Hillside's New Tests for Categorical Exemptions?**
 The somewhat confusing test: The two tests' standards of review and whether this will differ from a simple "fair argument" test in practice
Susan Brandt-Hawley, Esq.
 Brandt-Hawley Law Group ~ Glen Ellen, CA
Michelle Ouellette, Esq.
 Best Best & Krieger LLP ~ Riverside, CA
- 9:30 We The People: With Initiatives Exempt From CEQA, Will We See a Lot More Initiatives?**
 Case law on voter-initiated initiatives not requiring CEQA review and upholding exemptions even when a legislative body approves the initiative without putting it on the ballot; opportunities and limitations of using initiatives to approve projects
Amy R. Forbes, Esq.
 Gibson Dunn & Crutcher ~ Los Angeles, CA
Beverly Grossman Palmer, Esq.
 Strumwasser & Woocher LLP ~ Los Angeles, CA
- 10:15 Break**
- 10:30 Touchdowns, Slam-dunks, and CEQA: Should Major Sports Arenas and Stadiums Get Special Treatment?**
 The special legislation for the Downtown Los Angeles NFL proposal, the City of Industry NFL proposal, and the Sacramento Kings arena; whether that legislation was helpful, and whether the policy choices are defensible
Beth Collins-Burgard, Esq.
 Brownstein Hyatt Farber Schreck, LLP ~ Santa Barbara, CA
David Pettit, Esq., Senior Attorney
 Natural Resources Defense Council ~ Santa Monica, CA
- 11:15 Municipal Attorneys and the Public Records Act (PRA): From Texts and Emails on Personal Devices to Legal Bills**
 City of San Jose, et al. v. Superior Court (Smith) and related case law on whether public officials' text messages and emails on personal devices are subject to the PRA when used for something related to their public duties
 County of Los Angeles Board of Supervisors v. Superior Court appellate opinion that legal invoices are privileged and need not be disclosed under the PRA, now going to the Supreme Court
Christi Hogin, Esq.
 Jenkins & Hogin, LLP ~ Manhattan Beach, CA

- 12:00 Lunch (on your own)**
- 1:15 New Developments in CEQA Appellate Case Law**
 The perennially popular appellate case law review
James G. Moose, Esq.
 Remy Moose & Manley, LLP ~ Sacramento, CA
- 2:30 CBIA vs. BAAQMD: Does CEQA Cover the Environment's Impacts on Projects?**
 Case law on whether CEQA requires analysis of how existing environmental conditions may impact future residents or users of a proposed project; the CBIA v. BAAQMD appellate opinion; Parker Shattuck Neighbors v. Berkeley City Council
 Prognostications for the Supreme Court opinion
Corin L. Kahn, Esq.
 Attorney at Law ~ Santa Monica, CA
Andrew B. Sabey, Esq.
 Cox Castle & Nicholson LLP ~ San Francisco, CA
- 3:15 Break**
- 3:30 Climate Change and Significance Thresholds: Break-From-Business-As-Usual (BaU), AB 32, and Gov. Brown's Executive Order**
 Range of practices for GHG emissions significance thresholds across the state and among agencies; judicial support for the Break-from-BAU approach; complexities in light of Gov. Brown's Executive Order B-30-15 and getting close to 2020
Marc T. Campopiano, Esq.
 Latham & Watkins LLP ~ Orange County, CA
Matthew D. Vespa, Esq., Senior Attorney, Environmental Law Program
 Sierra Club ~ San Francisco, CA
- 4:15 SB 743 and Assessing Traffic Impacts: What's Up with the New Guideline?**
 The policy principles in the August 2014 draft Guideline and a status update on the pending regulation
Christopher H. Calfee, Esq., Senior Counsel
 Governor's Office of Planning and Research ~ Sacramento, CA
- 4:45 "Pre-commitment" and the Timing of CEQA Review: Does Save Tara Even Matter?**
 The issue leading to Save Tara; the Supreme Court's ambiguous ruling and the case law that followed seemingly narrowing the scope of the Supreme Court's opinion
Michelle Black, Esq.
 Chatten-Brown & Carstens ~ Hermosa Beach, CA
Susan K. Hori, Esq.
 Manatt Phelps & Phillips LLP ~ Costa Mesa, CA
- 5:30 Evaluations & Adjourn**



About the Seminar

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What Attendees Have Said About The Program:

- "I really appreciate the diversity of perspectives on the panels!"
- "The workshop was exceptional in both content and presentation. Thanks!"
- "Topics chosen were great, good flow of topics, good interconnection of topics."
- "Excellent speakers, timely useful topics, valuable information provided. Bravo!"
- "Always enlightening seminar. Enjoy the perspective of both petitioner and respondent."
- "This was a thorough, comprehensive and very educational seminar regarding CEQA."

This is another big year in CEQA law and policy. Once again this seminar will feature presentations on the most important developments confronting land use and environmental professionals today. With so many CEQA cases making it to the California Supreme Court, this year we will focus several presentations on those cases, including discussing the Supreme Court's new Berkeley Hillside tests for Categorical Exemptions, the pending CBIA v. BAAQMD case on whether CEQA requires analysis of existing environmental conditions' potential impacts on future users, and the pending case on whether public officials' personal email and text accounts are subject to the Public Records Act.

We will also focus on high-profile CEQA controversies, including new developments in avoiding CEQA for major projects through the voter initiative process and high-profile instances of special CEQA legislation to promote specific sports arenas and stadiums. In the important and evolving climate change arena, we discuss the range of practices for GHG emissions significance thresholds across the state, the use of "Break from Business As Usual" to determine CEQA significance, and how Governor Brown's Executive Order B-30-15 adds new complexities. We will also have an SB 743 update on the pending process for shifting transportation assessments from traffic congestion to vehicle miles travelled, and will discuss the Save Tara progeny about when an agency might pre-commit to a project before completing CEQA review. Wrapping up our day with a perennial favorite, we will hear "quick hits" from a leading CEQA treatise author about the many published CEQA decisions over the last twelve months.

We have assembled a panel of leading CEQA professionals and, as always, there will be lively discussion, commentary, and exchanges of opinions. We hope to see you there.

~ Program Co-Chairs: James L. Arnone, Esq., Latham & Watkins LLP, and Douglas Carstens, Esq., Chatten-Brown & Carstens



James L. Arnone, *Program Co-Chair*, Los Angeles Deputy Office Managing Partner, Latham & Watkins LLP, focuses on complex real estate developments and energy and infrastructure projects. He has extensive appellate and trial court experience and was recently named one of “California’s Top 50 Development Lawyers”.

Douglas Carstens, *Program Co-Chair*, Chatten-Brown & Carstens LLP, has extensive experience in environmental, land use, municipal and natural resource matters. He has been involved in all of the firm’s appellate litigation and was lead counsel on the CEQA cases Uphold Our Heritage v. Town of Woodside and Committee to Save the Hollywoodland Specific Plan v. City of Los Angeles. He has been selected as a Super-Lawyer.

Michelle Black focuses on environmental and administrative law at Chatten-Brown & Carstens. Prior to attending law school, Ms. Black worked for the California Integrated Waste Management Board in plastics recycling technology.

Susan Brandt-Hawley, Brandt-Hawley Law Group, represents public-interest groups in preservation issues statewide. Her cases have contributed to precedent in the six districts of the Court of Appeal and in the California Supreme Court. She has been named in Super Lawyers 2010-2015 and also the 30 Top Women Litigators by the *Daily Journal*.

Christopher H. Calfee is Senior Counsel at the Governor’s Office of Planning and Research. His work centers on updating regulations and technical guidance on CEQA and related laws. Previously in private practice he represented both governments and private applicants in CEQA matters and water law.

Marc T. Campopiano, partner in the Environment, Land & Resource Department, Latham & Watkins LLP, parlays his strong technical background with extensive legal experience to deliver specialized representation on energy and infrastructure matters. He previously worked as an environmental consultant evaluating infrastructure projects under CEQA and NEPA.

Beth Collins-Burgard, shareholder, Brownstein Hyatt Farber Schreck, LLP, is a member of the Natural Resources, Real Estate, Land Use and Litigation groups. She assists landowners, public agencies and institutions, energy companies and developers, through all stages of the development process with expertise in CEQA, Coastal Act, Subdivision Map Act, Endangered Species Act, easement, title, and public law issues.

Amy R. Forbes is Co-Partner in Charge of the Los Angeles office of Gibson, Dunn & Crutcher. Her practice is concentrated on land use planning, zoning, CEQA and municipal law. She is one of California’s “Top 50 Development Lawyers”, listed in *Super-Lawyers*, *Best Lawyers* and ranked Tier 1 in *Chambers*.

Beverly Grossman Palmer, partner, Strumwasser & Woocher LLP, represents clients in the fields of election law, land use and environmental

law, economic regulation, and education law. Before entering the legal profession, Ms. Grossman Palmer was a Senior Research Associate at the Environmental Law Institute in Washington, DC.

Christi Hogin, Jenkins & Hogin, LLP, specializes in land use, rent control, coastal and election law and serves as City Attorney for Lomita, Malibu, Palos Verdes Estates, and as Assistant City Attorney in West Hollywood. She was named among California’s Top 25 Municipal Lawyers, the Top Women Lawyers in California and a Super-Lawyer.

Susan K. Hori, partner, Manatt Phelps & Phillips LLP, focuses on land use planning, including development entitlements and regulatory permits for real estate development projects and the resolution of environmental issues affecting real property. She has been repeatedly recognized as a distinguished land use practitioner by *Chambers*, listed in *Best Lawyers*, and named a Top 25 Land Use Leader.

Corin L. Kahn, attorney at law, is a solo civil litigation practitioner, focusing on all aspects of land use and administrative hearings. For 25 years, he has represented all sides of the real estate development process utilizing his early background in urban planning.

James G. Moose, senior partner, Remy Moose & Manley, LLP, focuses on land use, water, and environmental matters with an emphasis on CEQA, NEPA, ESA and other relevant land and environmental statutes. He is co-coauthor of *Guide to the California Environmental Quality Act* (Solano Press Books).

Michelle Ouellette, partner, Best Best & Krieger LLP, helps cities, counties, special districts, developers and other clients in the private sector to navigate the requirements of CEQA, NEPA, and state and federal endangered species laws. She is listed in *Super-Lawyers* and *Best Lawyers*.

David Pettit, Senior Attorney, and Director, Southern California Air Program, Natural Resources Defense Council, focuses on litigation, air pollution, oil spills, CEQA, federal natural resource damages assessment process, sustainability, alternative energy, green development, environmental health, environmental justice, reform and policy.

Andrew B. Sabey, partner, Cox Castle & Nicholson LLP, represents project applicants, land owners, and public agencies to resolve disputes arising out of the land use entitlement and permitting process. He was named a Super-Lawyer in Environmental Litigation, Land Use and Zoning.

Matthew D. Vespa, Senior Attorney, Environmental Law Program, Sierra Club, focuses on clean energy in the western U.S. Previously, he worked on climate-related law and policy at the Center for Biological Diversity and practiced environmental and land-use law on behalf of public agencies and citizens groups.



Registration & Other Seminar Information

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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, September 11, 2015. After that time, we will credit your tuition toward attendance at another program or the purchase of a webcast replay.

Seminar Location: The seminar will be held at the DoubleTree Guest Suites Santa Monica Hotel at 1707 Fourth Street in Santa Monica, CA 90401-3310. Call the hotel directly at (800) 222-8733 for reservations at the special negotiated rate of \$251 for a king; and \$278 for double queen, and mention that you are attending a Law Seminars International seminar, or Group Code 60K. Cutoff is August 26th. Rooms are on a first come, first served basis.

Continuing Education Credits:

Live credits: Law Seminars International is a State Bar of California approved MCLE provider. This program qualifies for 7.25 California MCLE credits and 7 AICP credits. Upon request, we will apply for, or help you apply for, CLE credits in other states and other types of credits.

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Our Co-Chairs:



James L. Arnone, Esq.
 Latham & Watkins LLP



Douglas Carstens, Esq.
 Chatten-Brown & Carstens

Watch for our TeleBriefings on major legal developments.

Members of our distinguished faculties will present analyses of major decisions and other developments as soon as they happen in a one-hour telephone conference.

If you wish to receive announcements for TeleBriefings that affect you, please make sure we have your email address—send it to me, H. Kate Johnson, President:

kate@lawseminars.com

Law Seminars International News:

Upcoming Seminars:

Proving Groundwater Contamination Claims	September 14-15, 2015	Seattle, WA
Wetlands in Washington	October 19, 2015	Seattle, WA
New Legislation and Regulation for Groundwater	October 29-30, 2015	Los Angeles, CA
Stormwater Capture and Recycling	November 19-20, 2015	Seattle, WA

On Demand Webcast Replays:

California Environmental Quality Act (CEQA)	September, 2014	Sacramento, CA
Natural Resource Damages	March, 2015	Washington, DC

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